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A Canon of Crime:

The rise and development of the *causes célèbres* in
Europe, 1734-1890

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Acknowledgements

How are you getting along with your PhD? Over the course of the last four years my girlfriend, family, friends, supervisor, co-supervisor and colleagues have all taken a sincere interest in my job and asked me this question on many occasions. My answer usually consisted of explaining my research topic, elaborating on what I was working on at the time and situating this within the broader plan of my PhD. As much as this answer suited a professional environment, I have never felt completely satisfied with it. Instead of establishing my accomplishments and tracking the steady progress I was making with my research, talking about my work only left me wondering whether I was actually doing a good job. I could not help but ask myself if my answer gave other people a good sense of the seriousness of the work I was doing, the enthusiasm which I was doing it with, the relevance and interest of my project, my competence as a researcher, etc. I have come to realize, however, that these doubts are also a part of the answer to this question and that doing a PhD is not only about conducting a research project but also about getting to know yourself. 'Getting along' can relate to professional and intellectual progress as well as to personal and emotional well-being.

How are you getting along with my PhD? As I have often been taken aback by this question and failed to answer it to my own satisfaction, I would like to revisit it here. I have not always been getting along with my research. Despite hearing a lot about the ups-and-downs that accompany the conduct of a PhD project from my supervisor, colleagues and friends, I was surprised to learn by experience that this alternation of professional and personal highs and lows actually occurs. Like many, if not all, PhD students, being able to discuss my research with colleagues and to write and publish about it has not only given me great boosts but also led to moments of serious self-doubt and, at one specific point, to a true identity crisis. Looking back at the last four years, however, I can only be grateful for the opportunity that has been given to me. In the end, I feel that my PhD constituted not only a captivating intellectual study of eighteenth- and nineteenth-century literature and culture but also a rewarding exploration of my own character, during which I have had the pleasure to get to know many interesting people and make new friends.

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Introduction

François Gayot de Pitaval's *Causes Célèbres et Intéressantes* (20 vols, 1734-1741): the genesis of a genre?

The term *cause célèbre* has two meanings. Most commonly, it signifies an event so extraordinary, controversial and sensational that it becomes an object of general public attention and debate. In this sense, the phrase is widely used in order to refer to individual anecdotes that are of particular (historical, legal, political, medical or literary) interest. In its plural form, however, the term *causes célèbres* also points to a genre of writing that collects and edits, i.e. relates and clarifies, a number of these incidents. The tradition of the *causes célèbres* consists of a number of compilations that not only bring together famous and remarkable legal cases but through their representation and interpretation of the events also draw on a multitude of social and cultural fields, including the law, history writing, human sciences such as psychology and criminology, and literature. This means that the genre is strongly intertwined with modern Western culture and its reflection on the past. What is more, as these works enjoyed great popularity over the course of the eighteenth and nineteenth centuries, the *causes célèbres* both prefigures and epitomizes our (contemporary) interest in true stories about sensational crimes and trials.

Although its singular and plural form were already in use in the seventeenth century, the term *cause(s) célèbre(s)* and the genre that it signifies gained currency in French culture in the wake of the work of François Gayot de Pitaval, a writer and advocate at the *Parlement* of Paris, one of the most important legal institutions in France at that time. He published a case collection entitled *Causes Célèbres et Intéressantes, avec les jugemens qui les ont décidées* in 20 volumes between 1734 and 1741. Although Gayot de Pitaval probably did not coin the term, an inquiry into its first attestation demonstrates

a significant increase in the usage of both *cause célèbre* and *causes célèbres* from the early 1730s onwards. According to *Frantext*, an online database of French literary texts ranging from the tenth century to the present, the phrase only came into common use after 1734.¹ An identical search on *Gallica* confirms this insight and, moreover, suggests that the *Causes Célèbres et Intéressantes* was the first work to use the term in its title.² Finally, a comparison of different editions of the *Dictionnaire de l'Académie française* shows that the phrase was 'officially' introduced into the French language in its plural form sometime between 1718 and 1740, i.e. between the second and third edition of the dictionary.³ Despite the occasional instances of the term that can be found in seventeenth-century French texts, it is Gayot de Pitaval's work that seems to have given it popular currency.

Although the common usage of the phrase *causes célèbres* was relatively new in French at that time, the idea of bringing together and editing a number of famous and remarkable legal cases was far from novel. Prior to Gayot de Pitaval's work, collections of legal proceedings and verdicts with a more distinct legal focus had been published throughout Europe. In France, these works were manifold and soon developed into a separate form of writing on the law, called *recueils d'arrêts*. Among the most notable examples there are not only collections that transmit the verdicts of a specific tribunal, such as Géraud de Maynard's *Notables et singulieres Questions du Droit Escrit: Decidees et Iugees par Arrests Memorables de la Cour souveraine du Parlement de Tholose* (1628) and *Abrégé du Recueil des arrests notables de la Cour de Parlement de Tolose* (1666), both published after his death in 1607, but also works that offer a more general overview of important legal decisions, which are often presented in alphabetical order (Halpérin 29–30). These include Jean Papon's *Recueils d'Arrests Notables des Courts Souveraines de France* (1565) and Barthélemy-Joseph Bretonnier's *Recueil par ordre alphabétique des principales Questions de*

¹ A search for the usage of the singular form of the phrase preceding 1734 yielded no results, whereas it was used once in its plural form, in Jean de la Bruyère's *Les Caractères* (1696). Following the publication of the first volume of Gayot de Pitaval's collection, however, *cause célèbre* and *causes célèbres* appear more regularly (i.e. 10 and 11 times respectively), in works by famous authors such as Voltaire, Stendhal, George Sand and Gustave Flaubert.

² A search for the use of the singular and plural forms of the term preceding 1734 yielded 11 and 4 results respectively. When the criteria were narrowed down to the usage of *cause(s) célèbre(s)* in the title of a work *Gallica* gave no results. This contrasts sharply with the numbers for the use of the term in the wake of the *Causes Célèbres et Intéressantes*. The singular form of the term was found 61 times, one of which occurred in the title of a work, whereas a search for the plural form yielded 220 results, 17 of which involved a title.

³ In order to come to this conclusion, I consulted the entry for *cause* in the first and third edition of the *Dictionnaire de l'Académie française*, both of which are available online. As the second edition is "generally perceived as a bare alphabetical re-arrangement of the first edition" (Pouteaux and Dagenais 1175), the phrase *causes célèbres* would not have appeared in this 1718 re-structuring of the dictionary and, thus, was not officially introduced into the French language before 1740.

Droit, qui se jugent diversement dans les différens Tribunaux du Royaume (2 vols, 1718). However, the significance of the *recueils d'arrêts* extends well beyond its role as a source of inspiration for Gayot de Pitaval and his followers. As a form of specialist literature for legal scholars, the genre continued to be published alongside the *causes célèbres* throughout the eighteenth century, up until the French Revolution.

In German culture, these collections of famous and important legal records were much rarer. Still, one can find several examples such as the *Decisiones electorales Saxonicae oder Erledigung derer zweifelhafften Rechtsfälle* (1661), which brings together a number of verdicts by Saxon courts in problematic trials, and Christian Thomasius' *Gedanken und Erinnerungen über allerhand auserlesene Juristische Händel* (4 vols, 1723-1725), which memorializes a more general corpus of cases on all kinds of subjects and legal questions. One of the most important and most elaborate English collections of verdicts is the *Select Trials* from the Old Bailey, London's central criminal court, which appeared in four different versions (1718-20, 1734-35, 1742-43, and 1764). This work, which focuses primarily on publishing the legal documents of the trials rather than integrating them into a narrative account, laid the foundation for the English tradition of collecting famous and remarkable legal cases. This pre-existing tradition may have competed with and limited the development of the *causes célèbres* in England in the eighteenth and nineteenth centuries, especially since the Anglo-Saxon common law system endows every verdict with the status of a legal precedent. In the rest of Europe, which relied more heavily on statutory law, however, these case collections with a more distinct legal focus existed and developed alongside the works of Gayot de Pitaval and his followers.

The genre of the *histoire(s) tragique(s)*, which emerged in the second half of the sixteenth century and enjoyed great popularity over the course of the seventeenth century, is another important predecessor of the *causes célèbres*.⁴ It originated from an Italian collection of 214 *Novelle* (4 vols, 1554-73) by Matteo Bandello, of which a selection of stories was translated and introduced into French culture by Pierre Boaisteanu and François de Belleforest under the title *Histoires Tragiques* (7 vols, 1567-1595). The most important and influential exponent of the genre, however, was François de Rosset, whose collection *Histoires Tragiques de Nostre Temps* was published in more than 40 editions between 1614 and 1758, with a number of stories added by anonymous editors after his death in 1621 (Ferrari 18-19). With a similar focus on passing on narrative accounts of a number of sensational crimes and legal cases, the *histoire tragique* is

⁴ For a detailed overview of the history of the genre of the *histoire tragique*, see: Sergio Poli. *Histoire(s) tragique(s): anthologie/typologie d'un genre littéraire*. Schena, 1991, and Stéphan Ferrari. "Histoire tragique et grande histoire: rencontre de deux genres", in: *Dalhousie French Studies* (65, Littérature et histoire au XVIIe siècle, Winter 2003), pp. 18-35.

commonly considered the most significant precursor to and influence on the *cause célèbre*. What is more, a closer look at the publication history of both genres demonstrates that Gayot de Pitaval's work would replace Rosset's oeuvre as an authority on collecting and editing famous and remarkable legal cases.

Like the seventeenth-century *Histoires Tragiques de Nostre Temps*, the eighteenth-century *Causes Célèbres et Intéressantes* was reprinted on multiple occasions. In his article "La littérature des causes célèbres", Jean Sgard identifies eight (partial, identical or extended) editions of Gayot de Pitaval's collection by different publishers (460–461). Hans-Jürgen Lüsebrink, who devotes the second chapter of his book on *Kriminalität und Literatur im Frankreich des 18. Jahrhunderts* to the *causes célèbres*, speaks of nine different versions of the *Causes Célèbres et Intéressantes*, which between 1734 and 1789 appeared in twenty-five editions with eighteen publishing houses and totaled up to a corpus of two hundred and fifty-three volumes (104). Both Rosset's and Gayot de Pitaval's works, thus, were among the most popular and widespread books of their time. From 1734 onwards, the *Causes Célèbres et Intéressantes* gradually overtook the *Histoires Tragiques de Nostre Temps*, of which the last edition was published in 1758, as the most significant collection of sensational legal cases. In contrast to Rosset's work, moreover, Gayot de Pitaval's collection not only enjoyed huge success in and of itself but it also inspired many adaptations and imitations by editors across Europe. Sgard points to at least twenty eighteenth- and nineteenth-century collections that were based on the *Causes Célèbres et Intéressantes* (460–461), and Lüsebrink draws particular attention to its influence on German culture, and not least on Friedrich Schiller (112). There are, however, numerous other works that drew and built on Gayot de Pitaval's work, including many eighteenth- and nineteenth-century compilations of *causes célèbres* in French, German, Dutch, English and Spanish as well as texts that belong to a variety of other genres and continue to be published to this day.

Catering to the popular taste for sensational crimes and trials: A taxonomy of eighteenth- and nineteenth-century collections of *causes célèbres*

In the wake of the *Causes Célèbres et Intéressantes*, the genre developed into a profoundly transnational, interdisciplinary and dynamic tradition of collecting, editing and transmitting sensational legal cases. Based on the way in which they relate to Gayot de Pitaval's work, we may divide the vast corpus of eighteenth- and nineteenth-century *causes célèbres* into three categories:

(1) A number of editors, which I will refer to as ‘continualists’, explicitly draw on the program and the contents of the *Causes Célèbres et Intéressantes*. Not only do they aim to publish a collection with a generalizing scope, but they also base their selection of cases, albeit to a varying extent, on the original *causes célèbres*.

(2) Other editors, which will be called ‘new generalists’, are particularly drawn to Gayot de Pitaval’s concept of building a canon of legal cases characterized by its general interest and scope. When it comes to the corpus that they are bringing together, however, these editors ‘make’ their own *causes célèbres*, by including mainly cases that had not yet been memorialized as such in their works.

(3) Still other editors, which fall under the category of ‘(new) specialists’, moved away from the program and often also the contents of Gayot de Pitaval’s work. These collections, which were mostly published after the turn of the eighteenth century, were conceived as a response to the multiplication and diversification of the *causes célèbres* that were being memorialized. In order to make sense of this vast corpus of cases, their editors put forward compilations that displayed a more detailed focus on *causes célèbres* from a specific time or place or dedicated to a specific type of crime or social field.

Among the continualist collections one can find both translations and new, extended editions of the *Causes Célèbres et Intéressantes*. Less than a decade after the publication of the collection, the anonymous *Gallick Reports* (1737) and *A select collection of singular and interesting histories* (2 vols, 1744), Pieter Le Clercq’s *Beroemde en Gedenkwaardige Rechts-Zaaken* (2 vols, 1737-1738) and Gottfried Kiesewetter’s *Erzählung sonderbarer Rechtshändel* (9 vols, 1747-1767) had already offered their readers English, Dutch and German versions of a selection of Gayot de Pitaval’s cases. The second half of the eighteenth century saw a proliferation of (particularly French and German) collections of *causes célèbres*, most of them building directly on the original work from the 1730s. They do so in very different ways. Some editors, such as François Alexandre Garsault (*Faits des Causes Célèbres et Intéressantes*, 1757) and P.F. Besdel (*Abrégé des Causes Célèbres et Intéressantes*, 3 vols, 1783-1784), tried to elucidate and simplify Gayot de Pitaval’s more elaborate and detailed accounts by focusing only on the facts (*Faits*) and/or giving a summary (*Abrégé*) of these cases. Others, including Jean-Claude De La Ville (*Continuation des Causes Célèbres et Intéressantes*, 4 vols, 1766-1770), aimed at extending the original collection. Most of them, however, combined these two approaches to Gayot de Pitaval’s work. Initiating the boom in the genre from the 1770s onwards, François Richer published a new edition of the *Causes Célèbres et Intéressantes* (18 vols, 1771-1781), which comprised rewritings of many of Gayot de Pitaval’s cases as well as a number of new, more recent *causes célèbres*. A selection of cases from both versions of the *Causes Célèbres et Intéressantes* was subsequently translated into German and published by Friedrich Schiller under the title *Merkwürdige Rechtsfälle als ein Beitrag zur Geschichte der Menschheit* (4 vols, 1792-1795). In keeping with the general tendency of expanding the corpus of *causes célèbres*, the editor also added a series of short accounts of eight new cases,

entitled “Beispiele von Unzuverlässigkeit der Aussagen, welche durch die Tortur erhalten werden” (3: 357), to the third volume of the collection.

Over the course of the nineteenth century many editors followed Richer’s example and put together their own compilations of famous and remarkable legal cases, which combined a rewriting of a number of Gayot de Pitaval’s cases with the memorialization of a number of new *causes célèbres*. There are many French examples of this approach to the genre, including Maurice Méjan’s *Recueil des causes célèbres, et des arrêts qui les ont décidées* (20 vols, 1808-1815), Pierre Joseph Alexis Roussel’s *Annales du Crime et de l’Innocence* (20 vols, 1813), Saint-Edme’s *Répertoire général des causes célèbres françaises, anciennes et modernes* (13 vols, 1834-1835) and Armand Fouquier’s *Causes Célèbres de Tous Les Peuples* (9 vols, 1858-1862).

In German culture, however, the continualist tradition of collecting and editing *causes célèbres* after the turn of the eighteenth century was dominated by a single work: *Der neue Pitaval* (60 vols, 1842-1890). The collection was first edited by the legal scholar Julius Eduard Hitzig and the author Georg Wilhelm Heinrich Häring (Willibald Alexis) and taken over by Anton Vollert in 1866, with regular installments appearing throughout the second half of the nineteenth century. In forty-eight years and sixty volumes the editors brought together an enormous corpus of *causes célèbres* from all times and places, which built on a relatively limited selection of cases from the *Causes Célèbres et Intéressantes*. (A Dutch translation of the first two volumes of *Der neue Pitaval*, entitled *Schuld en Onschuld*, appeared in 1852.) The title of the German collection not only testified to the enormous, continuing popularity of Gayot de Pitaval and his legacy, but also endowed his name with a new enhanced status as a synonym for the entire genre. In the wake of *Der neue Pitaval*, the term ‘Pitaval’ became widely used in German culture as a shorthand for the tradition, with many later nineteenth-, twentieth- and twentieth-first-century compilations of *causes célèbres* identifying themselves as *Pitavale* or *neue Pitavale*.⁵

In a similar fashion to *Der neue Pitaval*, the *Coleccion de las causas mas célebres, los mejores modelos de alegatos, acusaciones fiscales, interrogatorios y defensas, en lo civil y criminal, del foro francés, inglés y español* (7 vols, 1834-1836) set the tone for the transmission of Gayot de Pitaval’s legacy in nineteenth-century Spanish culture. The work was edited by a

⁵ Examples of this use of the name *Pitaval* as a synonym for the French *causes célèbres* can be found throughout the second half of the nineteenth and the twentieth centuries up until the present and include (among many others) *Der Sächsische Pitaval. Sammlung merkwürdiger Criminalfälle* (3 vols, 1861-1862); Gustav Roscher, Heinrich Schmidt and Reinhard Frank, *Der Pitaval der Gegenwart. Almanach interessantes Straffälle* (8 vols, 1904-1914); Egon Erwin Kisch, *Prager Pitaval* (1931); Gerhart Herrmann Mostar and Robert A. Stemmler, *Der neue Pitaval* (6 vols, 1963-1964); Walter Fellman, *Leipziger Pitaval* (1980); and Hugo Friedländer, *Interessante Kriminal-Prozesse: ein Pitaval des Kaiserreichs* (2001).

literary society of anonymous contributors and included a “Parte francesa”, a selection of French *causes célèbres*, which was expanded by a “Parte inglesa” and a “Parte española” that consisted of a number of English and Spanish cases. By the middle of the nineteenth century another edition of this collection was published in Mexico. This new *Colección de las causas mas célebres, los mejores modelos de alegatos, acusaciones fiscales, interrogatorios y defensas, en lo civil y criminal, del foro francés, inglés, español y mexicano* reduced the previous work to a two-volume corpus of *causes célèbres*, which (as the title already indicates) also included a number of Mexican cases.

In the English and American context, where editors focused in particular on publishing series of verdicts and legal precedents (see page 3), there were very few nineteenth-century compilations that drew on Gayot de Pitaval’s work. Those that did, moreover, included only one or two of the original *causes célèbres* and (like most French, German and Spanish collections) centered on cases from their own culture, despite their claim to give an overview the most remarkable trials of all times and countries. The most notable examples of this approach are George Henry Borrow’s *Celebrated Trials, and Remarkable Cases of Criminal Jurisprudence* (6 vols, 1825), Jon Jay Smith’s *Celebrated trials of all countries and remarkable cases of criminal jurisprudence* (1835) and Thomas Dunphy’s and Thomas J. Cummins’ *Remarkable Trials of all Countries* (1867), which was continued in a second volume by George W. Cole in 1882.

In addition to this central tradition of publishing collections that draw on Gayot de Pitaval’s *causes célèbres* and build on his program, the new generalist and (new) specialist categories of eighteenth- and nineteenth-century case collections display a more fundamental deviation from the original *Causes Célèbres et Intéressantes*. Among the works that were only inspired by its generalizing concept or model, there were many that explicitly inscribed themselves in the genre by using the term *causes célèbres* (or, in a German context, *Pitaval*) to describe their project.⁶ Although this approach was

⁶ One of the most notable examples of this attempt to build on and continue Gayot de Pitaval’s project of bringing together and editing accounts of some of the most sensational legal trials is the work of Nicolas Toussaint Le Moyne des Essarts. Between 1772 and 1789 he undertook the publication of a *Journal des Causes célèbres, curieuses & intéressantes de toutes les Cours Souveraines du Royaume, avec les Jugemens qui les ont décidées* (179 vols), which aimed at compiling the most famous and remarkable cases of the very recent past and the present. In the wake of this ‘journalistic’ project, the editor composed an anthology of his own work, entitled *Choix de nouvelles Causes célèbres avec les jugemens qui les ont décidées* (15 vols, 1785-87). Outside of France, a number of other editors imitated Gayot de Pitaval’s project. In 1752 Henry Fielding published a volume of *Examples of the Interposition of Providence in the Detection and Punishment of Murder: Containing Above thirty Cases, in which this dreadful Crime has been brought to Light, in the most extraordinary and miraculous Manner; collected from various authors, ancient and modern*. As the subtitle indicates, the editor turns to collecting *causes célèbres* in order to illustrate a specific point about the workings of Providence as an aid to human justice. Other examples include August Gottlieb Meißner’s *Skizzen* (14 vols, 1778-1796), which includes a significant number

particularly predominant over the course of the second half of the eighteenth century, the collections published after 1800, more often than not, deviated from the comprehensive scope of the continualist and new generalist traditions and limited the focus of their selection to a specific time, place, or topic. As the body of *causes célèbres* that were documented and transmitted continuously grew and became more complex, many editors seem to have felt the need to focus on publishing more specialized compilations.⁷ This tendency ultimately led to the demise of the continualist and new generalist traditions within the genre by the end of the nineteenth century.

As this overview of the eighteenth- and nineteenth-century collections of *causes célèbres* suggests, the genre was a very popular and widespread type of writing, especially in French and German culture, which gave voice to and catered to a public interest in true stories about sensational legal cases. At the origin of this tradition stood Gayot de Pitaval's *Causes Célèbres et Intéressantes*. The work influenced many of these collections of *causes célèbres*, both through its contents, which included accounts of some of the most famous and interesting trials of the previous centuries, and through its popular success, which inspired later editors to venture the publication of their own (general or more specialized) compilations. Not only did Gayot de Pitaval's work give rise to a large number of adaptations and imitations that fall under the genre of the *causes célèbres*, but his cases also became the subject of numerous other types of texts. Although the publication of sensational legal cases in large multi-volume compilations gradually fell into disuse towards the end of the nineteenth and the beginning of the twentieth century, the genre continued to be a source of inspiration for novels, short stories, plays, operas and movies as well as cultural-historical, psychological, criminological, political and legal studies.⁸ As the publication dates of these texts range

of historical crime cases and which is, moreover, explicitly related to Fielding's work, and Karl Friedrich Möchler's one-volume compilation, *Kriminalgeschichten, aus den gerichtlichen Akten gezogen* (1792).

⁷ Examples of this approach to the genre include Paul Johann Anselm Feuerbach's *Merkwürdige Kriminalrechtsfälle* (2 vols, 1808-1811) and *Aktenmäßige Darstellung merkwürdiger Verbrechen* (2 vols, 1828-1829), which focus in particular on German cases and elucidate them from a psychological perspective. Further, there are a number of collections of *causes célèbres* that center on different European countries, regions and colonies and that became very popular in the second half of the nineteenth century, such as the *Causes célèbres des colonies* (3 vols, 1850), J.D. Lewis' *Les causes célèbres de l'Angleterre* (1884), *Les causes célèbres de la Russie* (1888), P. Darras' *Causes célèbres de la Belgique* (1888), Jules Hoche's *Causes célèbres de l'Allemagne*, (1888) and the series of 'Pitavale' that were discussed in footnote 5. Finally, one can identify a large number of French collections that display a restricted focus on a specific type of case and/or a specific epoch. These include the anonymously published *Causes célèbres politiques du dix-neuvième siècle* (4 vols, 1826-1828) and *Causes criminelles célèbres du XIXe siècle* (4 vols, 1827-1828), M. Godefroid's *Causes célèbres, intéressantes et peu connues, concernant les ecclésiastiques et les matières religieuses* (1828) and Karl von Martens' two-volume *Nouvelles Causes célèbres du droit des gens* (1843).

⁸ This claim is confirmed by the Appendix to this study, which contains overviews of the publication history of three of Gayot de Pitaval's most popular *causes célèbres*: the cases of the wrongful conviction of the Sieur

from the 1730s to the present, the general interest in true accounts of sensational crimes and legal trials that underpins the works of Gayot de Pitaval and his continualist, new generalist and (new) specialist followers emerges as a central feature of modern Western thought.

State of the art: Toward diversifying and deepening the study of the *causes célèbres*

In spite of its enormous popularity throughout the eighteenth and nineteenth centuries, the *causes célèbres* remains an understudied genre. After 1800, a number of individual cases in these collections became (and still are) the subject of literary representations as well as socio-cultural and historical studies. It was not until the microhistorians gave a boost to the academic interest in the works of Gayot de Pitaval and his followers, however, that these collections gradually began to be examined as part of a specific genre: i.e. as a tradition of collecting and editing *causes célèbres* that influenced and related to other types of writing and cultural movements. From the 1970s onwards, scholars such as Carlo Ginzburg (*The Cheese and the Worms*, 1976), Natalie Zemon Davis (*The Return of Martin Guerre*, 1983) and Robert Darnton (*The Great Cat Massacre and Other Episodes in French Cultural History*, 1984) published cultural-historical analyses of a number of sensational and remarkable cases in order to gain deeper insight into the period in which they took place. Although these studies draw attention to important authors and works within the genre, they generally focus on individual *causes célèbres*, not on the collections in their entirety. Their main interest, moreover, lies in analyzing the historical facts and events rather than their narrative representation and interpretation by the editors that passed them on over the course of the eighteenth and nineteenth centuries. The microhistorians, thus, approach these works primarily as source materials for understanding the cases and the culture in which they took place, not as texts that form part of a specific genre.

In recent years, a few historians have continued to draw attention to these cases and started to focus more on the tradition to which they belong. Sarah Maza (*Private Lives and Public Affairs*, 1993) and Tracey Rizzo (*A Certain Emancipation of Women*, 2004), for

d'Anglade, the poisonings of the Marchioness of Brinvilliers and the curious attempted identity theft by Arnaud du Tilh, better-known as the false Martin Guerre (see pages 203-210). These *causes célèbres* will be discussed in greater detail in chapters 2-4.

example, have examined the *causes célèbres* of prerevolutionary France in order to draw conclusions about the popular views of that time. Whereas Maza examines the *mémoires judiciaires* and the publicity surrounding a number of sensational trials in order to assess their revolutionary potential, Rizzo's work focuses on des Essarts' *Journal des Causes célèbres* to understand the position of women before the law. With regard to German literature and culture, Inge Weiler (*Giftmordwissen und Giftmörderinnen: Eine diskursgeschichtliche Studie*, 1998) and Susanne Kord (*Murderesses in German writing, 1720-1860: heroines of horror*, 2009) have analyzed the *causes célèbres* from a similar perspective, drawing on the representation of female poisoners in *Der neue Pitaval* in order to discuss nineteenth-century stereotypes about this type of criminal. All of these historical studies, thus, tend to examine the representation of individual historical cases or collections, rather than the tradition of compiling and editing *causes célèbres* in its entirety: a focus that seems to be characteristic of almost all historical studies that deal with these cases.⁹ Nevertheless, they display a strong interest in how the representation of the *causes célèbres* reflects cultural and social insights that are characteristic of the *period in which it was published*, whereas their microhistorical predecessors sought to derive the same type of historical knowledge about *the time and culture in which the events took place* by focusing on the factual basis of these cases.

During the 1970s and 1980s, these cases also came to the attention of (especially French and German) literary studies, which led to the publication of a number of articles and book chapters that offered (cursory) studies of the *causes célèbres* as a genre. The most notable of these are the above-mentioned article by Jean Sgard ("La littérature des causes célèbres", 1974) and a book chapter by Hans-Jürgen Lüsebrink ("Kriminalitätsdarstellung und enzyklopädische Wissensvermittlung: Die Literatur der Causes Célèbres im 18. Jahrhundert", 1983). Both studies give an introduction to the French *causes célèbres* and focus in particular on the programs of these collections. Whereas Sgard discusses Gayot de Pitaval's editorial project and influence on later eighteenth- and nineteenth-century works, Lüsebrink examines the prefaces, topics, intertextual references and reception history of the genre. By comparing and contrasting a number of compilations, Lüsebrink gives an overview of the development of the genre over the course of the second half of the eighteenth century. Up until today, these two (very short) studies of the French *causes célèbres* remain the most comprehensive considerations of the genre.

⁹ The predominant focus of history on the individual case or collection, rather than on the genre of the *causes célèbres*, seems to be confirmed by the appendices that trace the publication history of some of Gayot de Pitaval's most popular cases, as these also comprise a considerable number of historical studies (see footnote 8).

They are joined by the third chapter of Edgar Marsch's study of the German crime story (*Die Kriminalerzählung: Theorie - Geschichte - Analyse*, 1972), which includes a historical overview of the *Pitaval-Tradition* from the *Causes Célèbres et Intéressantes* to *Der neue Pitaval*, i.e. from the 1730s to the second half of the nineteenth century. Discussing the programmatic statements of a number of French and German editors of *causes célèbres*, Marsch traces the development of the genre and demonstrates how the late eighteenth- and nineteenth-century German *causes célèbres* in particular underpin the crime fiction of that time. Like Marsch, Jörg Schönert examines the genre in relation to nineteenth-century crime literature. His analyses not only brought the *causes célèbres* to the attention of German literary studies but also helped to determine the direction and scope of most later research into the genre. In two articles from 1983, Schönert identifies Gayot de Pitaval as the originator of a specific type of legal *Fallgeschichte* (i.e. case study or case history), which was refined by authors such as Gottlieb August Meißner and Friedrich Schiller at the end of the eighteenth century.¹⁰ As these editors focused their compilations of *causes célèbres* on the moral and social discussion of the development of crime, the genre becomes a major influence on the representation and discussion of delinquent characters in nineteenth-century crime fiction. As Schönert's interest in the genre is limited to its influence on crime fiction, however, he does not venture into a broader assessment of the collections and the genre as a whole.

More recently, a number of studies have been published that seem to be strongly influenced by the German scholarship and its focus on the programs of the *causes célèbres* (cf. Lüsebrink and Marsch) and the relation between the genre and nineteenth-century crime fiction and criminology (cf. Marsch and Schönert). Some scholars, such as Holger Dainat and Marianne Willems, continue to conceive of the *Pitaval-Tradition* merely as an important predecessor to the morally and socially focused discussion of the criminal in nineteenth-century literature.¹¹ More recently, Todd Herzog (*Crime Stories. Criminalistic Fantasy and the Culture of Crisis in Weimar Germany*, 2009) has pointed

¹⁰ See: Jörg Schönert. "Kriminalgeschichten in der deutschen Literatur zwischen 1770 und 1890. Zur Entwicklung des Genres in sozialgeschichtlicher Perspektive." *Geschichte Und Gesellschaft*, vol. 9, no. 1, 1983, pp. 49–68 and Jörg Schönert. "Zur Ausdifferenzierung des Genres 'Kriminalgeschichten' in der deutschen Literatur vom Ende des 18. bis zum Beginn des 20. Jahrhunderts." *Literatur Und Kriminalität. Die Gesellschaftliche Erfahrung von Verbrechen Und Strafverfolgung Als Gegenstand Des Erzählens*, edited by Jörg Schönert et al., Niemeyer, 1983, pp. 96–125.

¹¹ See: Holger Dainat. "Wie wenig irgend ein Mensch für die Unsträflichkeit seiner nächsten Stunde sichere Bürgschaft leisten könne!': Kriminalgeschichten in der deutschen Spätaufklärung." *Erzählte Kriminalität. Zur Typologie Und Funktion von Narrativen Darstellungen in Strafrechtspflege, Publizistik Und Literatur Zwischen 1770 Und 1920*, edited by Jörg Schönert, Niemeyer, 1991, pp. 193–204 and Marianne Willems. "Der Verbecher als Mensch. Zur Herkunft 'anthropologischer' Deutungsmuster der Kriminalgeschichte des 18. Jahrhunderts." *Jahrbuch Der Aufklärung*, vol. 14, 2002, pp. 23–48.

to the influence of the *causes célèbres* on twentieth-century series of true crime stories, such as *Außenseiter der Gesellschaft. Die Verbrechen der Gegenwart* (14 vols, 1924-1925). All of these studies, however, offer only very short considerations of Gayot de Pitaval's work and the tradition that originated from it. Other explorations of the genre put forward a more elaborate analysis of the programs of these collections of sensational legal cases and the narrative representation and interpretation of crime that they outline. The majority of them, including articles by Alexander Košenina and Harald Neumeyer, draw attention to the contrast between the strong legal focus of the eighteenth-century French *causes célèbres* by Gayot de Pitaval and the psychological and criminological approach to these cases by late eighteenth- and early nineteenth-century German writers, such as Friedrich Schiller, Karl Philipp Moritz, Gottlieb August Meißner, Christian Heinrich Spieß and Paul Johann Anselm Feuerbach.¹² Whereas many scholars approach the programmatic introductions to a number of individual collections of *causes célèbres* from a distinctly comparative perspective, Frank Wessels considers only the prefaces to the different volumes of *Der neue Pitaval* and, thus, demonstrates how this particular work developed from a historical overview of crime to a chronicle of contemporary criminality.¹³ Still other studies examine a number of individual *causes célèbres* in order to gain deeper insight into its different conceptions and representations of crime and the criminal. Most of them, however, focus on comparing and contrasting the representation (of specific types) of criminality in different eighteenth- and nineteenth-century *causes célèbres* or within a specific collection.¹⁴

¹² See: Alexander Košenina. "Schiller und die Tradition der (kriminal)psychologischen Fallgeschichte bei Goethe, Meißner, Moritz und Spieß." *Friedrich Schiller Und Europa: Ästhetik, Politik, Geschichte*, edited by Alice Staskova, Winter, 2007, pp. 119-139; Alexander Košenina. "'Tiefere Blicke in das Menschenherz': Schiller und Pitaval." *Germanisch-Romanische Monatsschrift*, vol. 55, 2005, pp. 383-395 and Harald Neumeyer. "'Schwarze Seelen'. Rechts-Fall-Geschichten bei Pitaval, Schiller, Niethammer und Feuerbach." *IASL*, vol. 31, no. 1, 2006, pp. 101-132.

¹³ See: Frank Wessels. "'Bausteine zur Geschichte des Humanismus von der Kehrseite'. Die Redaktionelle Konzeption des 'Neuen Pitaval' 1842-1890." *Zeitschrift Für Germanistik*, vol. 16, no. 3, 2006, pp. 525-536.

¹⁴ In this respect, Hans-Jürgen Lüsebrink has examined different types of sexual crimes in a number of eighteenth-century French collections of *causes célèbres*. (See: Hans-Jürgen Lüsebrink. "Les Crimes sexuels dans les 'Causes Célèbres.'" *Dix-Huitième Siècle*, vol. 12, 1980, pp. 153-162.) Joachim Linder, Carsten Zelle and Amélie Richeux have done so with regard to nineteenth-century representations of the assessment of crime in general, female poisoners, infanticides, and the (anti-)heroic aspect of the criminal respectively. (See: Joachim Linder. "Deutsche Pitavalgeschichten in der Mitte des 19. Jahrhunderts. Konkurrierende Formen der Wissensvermittlung und der Verbrechensdeutung bei W. Häring und W. L. Demme." *Erzählte Kriminalität. Zur Typologie Und Funktion von Narrativen Darstellungen in Strafrechtspflege, Publizistik Und Literatur Zwischen 1770 Und 1920*, edited by Jörg Schönert, Niemeyer, 1991, pp. 313-348; Carsten Zelle. "Vom 'Beweggrund' zum 'Gehirn'. Tötungsart und Detektion in den Fällen Zwanziger und Schlörr (1811/1871-1875)." *Tötungsarten Und Ermittlungspraktiken: Zum Literarischen Und Kriminalistischen Wissen von Mord Und Detektion*, edited by Maximilian Bergengruen et al., Rombach, 2015, pp. 205-226; Amélie Richeux. "La Mère monstrueuse et la Représentation

Only a few scholars who have dealt with the *causes célèbres* have deviated from these dominant lines of inquiry. Although Amélie Chabrier also focuses on the description of crime in the genre, she approaches it from the point of view of journalism, situating the eighteenth- and nineteenth-century French *causes célèbres* between the press coverage of cases at the time of their occurrence and the serialized legal or crime novel, both of which were published in newspapers such as the *Gazette des tribunaux*.¹⁵ Rainer Maria Kiesow (*Das Alphabet des Rechts*, 2004), furthermore, focuses on the legal aspect of the *causes célèbres*. Under the heading “Pitaval” he offers a short discussion of the development of the genre as a source of legal knowledge during the second half of the eighteenth century.

As this overview suggests, the existing studies on the *causes célèbres* remain very limited both with regard to their number and their scope. Whereas historians tend to focus on specific cases or collections in order to gain deeper insight into the culture in which the crimes and trials occurred or into the period in which they were published, literary studies focuses almost solely on the representation of crime in the genre and relates it either to nineteenth-century criminology and psychology or to crime fiction. Moreover, there is a strong tendency to see the eighteenth-century French *causes célèbres* simply as predecessors to the German collections of famous and remarkable (legal) cases. These literary studies, finally, often contrast the strong emphasis on the legal aspects of the case of the former to the moral and social focus on the criminal of the latter.¹⁶

de L'infanticide dans les Causes Célèbres de la France du 19ème Siècle.” *Sextant. Revue Du Groupe Interdisciplinaire d'Étude Sur Les Femmes. Special issue: “M Comme Mère, M Comme Monstre,”* edited by Muriel Andrin et al., 2016, pp. 13–28 and Amélie Richeux. “Kriminalität und Heroismus. Die Darstellung und (Anti-)Heroisierung des Kriminellen in den ‘Causes Célèbres’ im Frankreich des 19. Jahrhunderts.” *Helden – Heroisierungen – Heroismen*, edited by Ann-Christin Bolay and Andreas Schlüter, vol. 3.1 “Faszinosum Antiheld, pp. 47–62.) Michael J. Divine and Michael Niehaus, finally, have both examined *Der Neue Pitaval*, and more specifically, the theories of psychology and deviance that are involved in its representation of crime and its description of a number of famous female poisoners. (See: Michael J. Divine. *The Crime of the Century: The Psychology and Politics of Deviance in “Der Neue Pitaval.”* Washington University Press, 2004 and Michael Niehaus. “Schicksal sein. Giftmischerinnen in Falldarstellungen vom ‘Pitaval’ bis zum ‘Neuen Pitaval.’” *IASL*, edited by Norbert Bachleitner et al., vol. 31, no. 1, 2006, pp. 133–149.)

¹⁵ See: Amélie Chabrier. “De la Chronique au Feuilleton Judiciaire: Itinéraires des ‘Causes Célèbres.’” *ConTEXTES*, Sept. 2015.

¹⁶ For the sake of brevity, this overview of the state of the art focuses solely on studies that offer in-depth analyses of specific *causes célèbres*, collections, or the genre as a whole. This means that it does not take into account numerous studies on subjects that are related to the genre, such as law and literature, nineteenth-century criminal psychology and criminology, and socio-cultural or historical works on the time and culture in which a specific case took place (and which the *causes célèbres* help to elucidate).

Gayot de Pitaval and the continualists: Rewriting the eighteenth- and nineteenth-century canon of crime

This thesis seeks to broaden the scope of research on the genre, and more particularly on the continualist tradition of collecting and editing *causes célèbres* that emerged in the wake of Gayot de Pitaval's work. As the previous taxonomy of eighteenth- and nineteenth-century compilations of sensational legal cases has shown, a significant number of editors drew on the program and concept as well as the contents of the original *Causes Célèbres et Intéressantes* (see pages 5-7). Over the course of more than 150 years the collection was regularly revised and expanded by and for people all across Europe (and later also the Americas). The works of Gayot de Pitaval and his 'followers', thus, emerge as a central mode of shaping and editing compilations of *causes célèbres* within the genre, which remained popular from its inception in the 1730s until the gradual disuse of the form of the multi-volume collection in favor of more specialized types of writing at the end of the nineteenth century. The continuity of this core corpus of collections becomes all the more interesting and significant in the light of the fundamental cultural changes that characterized eighteenth- and nineteenth-century Western culture. These include political revolutions in France, Germany and the Netherlands as well as a number of reforms in the administration of justice, a new conception of and interest in the human individual and his/her inner life and the development of human sciences such as psychology, sociology, criminology and history. All these cultural transformations, which begin to coalesce around 1800, emanate from the growing influence of Enlightenment thinking during the eighteenth century.

This study focuses in particular on the question of why (a number of) Gayot de Pitaval's cases and his model of collecting and editing *causes célèbres* exerted such a strong and sustained influence on the genre. In what ways did subsequent editors of compilations of sensational legal cases draw on and relate to the *Causes Célèbres et Intéressantes* and how did they adapt the conception, representation and interpretation of the cases to the social and cultural differences that characterized the countries and periods in which they wrote? Also, why did Gayot de Pitaval's model of publishing multi-volume collections of the most famous and interesting (i.e. canonical) *causes célèbres* fall into disuse by the end of the nineteenth century, although his corpus of cases continues to be passed on to date?

In order to answer these questions and, thus, gain deeper insight into the continuity as well as the transformation of the genre of the *causes célèbres* across the eighteenth and nineteenth centuries, the thesis compares and contrasts a number of collections by Gayot de Pitaval and his continualist followers. By considering the role and meaning of

each of these works as a constitutive part of a broader popular tradition of compiling and editing sensational legal cases, it will move beyond the conventional research focus on a particular collection of *causes célèbres* or a specific stage in the development of the genre. What is more, the broad comparative approach of this study also involves a shift away from the focus on either psychology and criminology or crime fiction. As the genre elucidates sensational legal cases through a variety of perspectives and cultural fields, these collections will be considered from various angles:

(1) as anthologies that present a selection of the most famous and remarkable *causes célèbres* and, thus, seek to (re-)construct a canon of crime,

(2) as a commentary on the legal system and the administration of justice in a specific period,

(3) as a study of the thoughts and motivations of the (criminal) individual and the origins of crime in the context of emerging human sciences, such as psychology and criminology, and

(4) as a form of history writing that seeks to combine factual narration with the critical assessment of extraordinary past events.

By taking into account the prefaces to these collections of *causes célèbres* as well as the relation between their editorial programs and their actual representation and interpretation of a number of individual cases, the thesis proposes a comparative, transcultural and interdisciplinary approach to the eighteenth- and nineteenth-century development of the genre.

The theoretical and methodological foundation of my study of the *causes célèbres* hinges on two observations. First, the relation of the genre to a number of cultural fields and forms of writing as well as its popularity and widespread publication, made the *causes célèbres* a suitable vehicle for conveying knowledge about a number of different aspects of society. Indeed, these collections of sensational legal cases aimed in particular at appealing to a broad middle-class (i.e. bourgeois) readership.¹⁷ Second, one can identify a limited number of cases in the original *Causes Célèbres et Intéressantes* that feature in many subsequent (French, German, English and Dutch) collections of famous and remarkable legal cases. Within the larger genre, thus, we may identify a small core corpus of texts that are continuously rewritten and passed on by a group of between ten

¹⁷ In his book chapter on the eighteenth-century French *causes célèbres* Hans-Jürgen Lüsebrink indicates that the genre put forward a very clear outline of its intended readership, as it focused in particular on meeting the “Erwartungshorizont der roman- und zeitunglesenden *gens du monde*, der wohlhabenden, gebildeten Schichten” (110).

and fifteen editors over the course of the eighteenth and nineteenth centuries.¹⁸ Furthermore, a large number of Gayot de Pitaval's cases enjoyed a more moderate popularity and appeared in at least five later editions in different compilations of *causes célèbres*. Together, these observations give rise to the following conception of the continualist tradition within the genre: As each subsequent editor not only takes over and expands the program of Gayot de Pitaval's work, but also passes on a number of original *causes célèbres*, the collections that explicitly claim to build on the *Causes Célèbres et Intéressantes* are involved in the memorialization and re-construction of a canon of crime. Thus, they present updated selections of sensational legal cases to their respective, culturally and historically diverse, readerships. What is more, in their rewriting of many of Gayot de Pitaval's cases these editors often opt for a new mode of representation and give a new interpretation to these stories in order to adapt them to the views and convictions of the time and culture in which their collections are published. Over the course of its publication history the genre offers various commentaries on a number of periods and social fields (including the political, legal and cultural-historical background of the *cause célèbre*) as well as on the social (ab-)normality of the individuals and behaviors that are related in these cases.

Therefore, this study of the eighteenth- and nineteenth-century *causes célèbres* focuses on tracing the development of the cultural memory that each subsequent editor passes on through the cases included in his collection. It does so by drawing on the concept of rewriting. In their article "Rewriting, a Literary Concept for the Study of Cultural Memory: Towards a Transhistorical Approach to Cultural Remembrance" (2013), Liedeke Plate and H.G. Els Rose elaborate on this notion, which

encompasses a variety of activities, including the copying of a manuscript, the retelling of a story, the re-narration of an event, and the re-editing of a text. As an act of transfer enabling cultural remembrance, rewriting inscribes time and difference. It is an act of repetition that re-members, re-collects, and re-calls, for it puts the memory together again, gathers it anew, and calls or names it again. (613)

As the central tradition within the genre of the *causes célèbres* comprises all of these activities, rewriting is an interpretative notion that can enhance the comparative study of the continuous adaptation and memorialization of Gayot de Pitaval's work by his eighteenth- and nineteenth-century followers. In relation to this point, Plate and Rose further draw attention to the fact that the concept is both conservative, in that its reproduction of previous texts means that it is involved in the perpetuation of tradition,

¹⁸ This central corpus of *causes célèbres* comprises the following cases: (1) Martin Guerre, (2) Le Gueux de Vernon, (3) Saint-Géran, (4) la Marquise de Brinvilliers, (5) le Sieur d'Anglade, (6) Urbain Grandier, (7) le Sieur de la Pivardière, (8) Le Brun, (9) Madame Tiquet, and (10) la Marquise de Ganges.

and progressive, as rewriting is also a transformative process that can reshape the cultural value and vision of the stories that it passes on (613). As Astrid Erll and Ann Rigney point out in the introduction to their study *Mediation, Remediation, and the Dynamics of Cultural Memory* (2009), cultural memory is conceived “as an ongoing process of remembrance and forgetting in which individuals and groups continue to reconfigure their relationship to the past and hence reposition themselves in relation to established and emergent memory sites” (2). In a similar fashion, the works of Gayot de Pitaval and his followers are characterized by a simultaneous transmission and transformation of a number of canonical *causes célèbres* as well as by the omission of a number of their predecessors’ sensational legal cases and the addition of new ones. Although there is a certain continuity with regard to the corpus that constitutes each subsequent eighteenth- and nineteenth-century compilation of *causes célèbres*, these continualist works are primarily involved in perpetuating the memory of and adapting the canon of crime to the time and culture in which they are published. Gayot de Pitaval and his followers, thus, simultaneously continue and alter a central tradition within the genre, adapting it to different historical and national contexts.¹⁹

The same features apply to rewriting, which Plate and Rose describe as

a particular literary and cultural practice that performs memory. It engages in the labour of remembering and forgetting, involving people in it as an active process of production and repression in relation to institutionalized discourses and cultural and social practices and, as such, it is implicated in power dynamics. (613)

This notion can help us to understand the continuous (literary) recuperation of Gayot de Pitaval’s *causes célèbres* and the narratives with which they are associated. The relevance of rewriting for this study, however, goes beyond enabling a comparative study of the continuation and transformation of cultural memory over time and across different cultures. The theoretical considerations that underpin the concept, and in particular its performative potential to confirm or erode power, means that rewriting can be closely related to the Foucauldian discourse analysis. By discussing the development of the genre in relation to different types of writing and a number of social and cultural fields (see page 15), the thesis in fact engages in a critical and historical

¹⁹ For a further introduction to the concept of cultural memory and its cross-temporal and -cultural aspects, see among others: Jan Assmann. “Communicative and Cultural Memory.” *Cultural Memory Studies. An International and Interdisciplinary Handbook*, edited by Astrid Erll and Ansgar Nünning, Walter de Gruyter, 2008, pp. 109–118; Astrid Erll. “Cultural Memory Studies: An Introduction.” *Cultural Memory Studies. An International and Interdisciplinary Handbook*, edited by Astrid Erll and Ansgar Nünning, Walter de Gruyter, 2008, pp. 1–15; Ann Rigney. *Imperfect Histories. The Elusive Past and the Legacy of Romantic Historicism*. Cornell University Press, 2001 (which gives a good applied overview of the field of cultural memory studies); and Aleida Assmann. “Transnational Memories.” *European Review*, vol. 22, no. 4, Oct. 2014, pp. 546–556.

discourse analysis of the works of Gayot de Pitaval and the continualists.²⁰ In this regard, it will focus in particular on how each subsequent editor who drew and built on the *Causes Célèbres et Intéressantes* rewrote the program of the genre as well as a number of cases and, by so doing, altered the cultural memory of the *causes célèbres* and adapted it to the continuously changing social institutions of the eighteenth- and nineteenth-century cultural context(s) in which these works were published.

The first chapter focuses on the self-conception of the genre. It examines in particular the questions of how Gayot de Pitaval's followers envision the innovation of the original *Causes Célèbres et Intéressantes* and how they relate their own work to his project. By comparing and contrasting the prefaces to a number of eighteenth- and nineteenth-century collections of *causes célèbres*, I will explore the development and continuous redefinition of the program of the genre. Although editors use different selection criteria and structures as well as representational and interpretative strategies, all of these compilations emerge as a form of Enlightenment literature that aims to bring together *causes célèbres* that are conceived of as at once exceptional events – and hence entertaining for the reader – and also as typical cases, examples of a specific social or cultural insight – and hence a source of instruction.

The case studies in the following three chapters elaborate on this central feature of the *causes célèbres*. By comparing and contrasting different eighteenth- and nineteenth-century rewritings of a number of individual cases from Gayot de Pitaval's work and focusing on their relation to specific cultural fields or discourses, these analyses will provide deeper insight into the public interest and the exceptional-typical value that the genre tends to attribute to itself.

The second chapter considers the legal aspect of the *causes célèbres*: a perspective that seems to be inherent to the conception and subject matter of these collections of famous and remarkable trials. It does so by examining different versions of the case of the Sieur d'Anglade, who (together with his wife) became one of the most famous victims of judicial error to feature in the *causes célèbres*. Although each editor comments primarily on the flaws in the administration of justice, both at the time in which the events took place and in the present society in which the rewriting is published, all of these works attribute the wrongful conviction to the lack of insight into a number of

²⁰ For an introduction to the theories of critical discourse analysis and historical discourse analysis, see among others: K.-M. Bogdal. *Historische Diskursanalyse Der Literatur. Theorie, Arbeitsfelder, Analysen, Vermittlung*. 1999; Achim Landwehr. *Historische Diskursanalyse*. Campus, 2008; and Ruth Wodak and Michael Meyer, editors. *Methods of Critical Discourse Studies*. 3rd edition, SAGE, 2016.

specific events, circumstances and motivations: a flaw that is deemed characteristic of human nature in general.

Therefore, the third chapter approaches the genre as a form of writing that seeks to study the inner life of the (criminal) individual through a comparison of the different eighteenth- and nineteenth-century accounts of the Marchioness of Brinvilliers, a ruthless female poisoner who murdered her father and two brothers. By considering the representation and interpretation of criminality in each rewriting of the *cause célèbre*, it explores the (entertaining and) instructive potential of the genre in relation to the different conceptions of the self that it puts forward. As each subsequent editor gives a new assessment of the Marchioness and her behavior, the transformation of the *causes célèbres* can be closely related to contemporary developments in the understanding of the thoughts and motivations of human individuals, and more particularly, to the influence of Enlightenment thinking and the emerging human science of psychology. The significance of the genre, thus, seems to derive from the knowledge it conveys about the essence of human nature.

The final chapter of the thesis compares and contrasts a number of rewritings of the case of the false Martin Guerre, an impostor who successfully impersonated another man for three years before he was exposed by the return of the real Martin Guerre. It particularly aims to shed light on how the genre sparked the interest of its readership and kept appealing to the public over the course of the eighteenth and nineteenth centuries. By relating these versions of the case to different conceptions of the past and theories of historiography, the chapter demonstrates how the representation and interpretation of the *causes célèbres* combined a reliable, factual reconstruction of events from earlier times with an entertaining narrative that focused on the extraordinariness and peculiarity of these cases.

1 Re-constructing and re-presenting the canon of crime: The program(s) of the *causes célèbres*

1.1 The prefaces to the *causes célèbres*: Continuing and challenging Gayot de Pitaval's work

In order to gain a deeper insight into the central tradition within the genre of the *causes célèbres*, this chapter starts by considering the collections that explicitly build on Gayot de Pitaval's *Causes Célèbres et Intéressantes* (20 vols, 1734-1741) from a birds-eye perspective. These continualist works are generally similar in their titles and their selection of cases. A closer look at the title pages and tables of contents of a number of these compilations of sensational legal cases from the eighteenth and nineteenth centuries demonstrates that many editors closely followed the topics and scope outlined by Gayot de Pitaval.

The Dutch and German versions of the *Causes Célèbres et Intéressantes*, in fact, take over its title almost verbatim and are, thus, clearly conceived and presented as translations of the French original.¹ What is more, by including and magnifying Gayot de Pitaval's name on their front pages, these translated collections acknowledge his crucial role as the originator of the work, whose authority they seem to derive from his legal training and his profession as an attorney in the *Parlement* of Paris. In contrast, the title page of the first English translation of the *Causes Célèbres et Intéressantes* withholds all

¹ *Beroemde en Gedenkwaardige Rechts-Zaaken, Met de Vonnissen die'er over gegeven zyn: Verzameld door den Heere Gayot de Pitaval, Advocaat voor 't Parlement van Parys. Uit het Fransch vertaald Door P. Le Clercq* (2 vols, 1737-38). *Gayot von Pitaval, Parlamentsadvoc. zu Paris, Causes Célèbres, oder Erzählung sonderbarer Rechtshändel, sammt deren gerichtlichen Entscheidung. Aus dem Französischen übersetzt* (9 vols, 1747-1767).

information about its source text, as it merely indicates that the cases that it includes were *Adjudged in the Supreme Courts of Judicature in France*.² By leaving out the adjectives *célèbres* and *intéressantes* and replacing them with a direct reference to the entertaining and instructive value of his collection, the editor seems to deviate even further from Gayot de Pitaval's work. Nevertheless, the tables of contents of these English, Dutch and German translations demonstrate that they consist entirely of cases from the French original. Whereas the *Gallick Reports* and the *Beroemde en Gedenkwaardige Rechts-Zaaken* make concise selections of seven and eleven *causes célèbres* respectively, the *Erzählung sonderbarer Rechtshändel* has a much broader scope. The first eight volumes of the collection are a literal translation of Gayot de Pitaval's work. The ninth and last volume, however, adopts the same approach as the other (English and Dutch) translations, as it includes a selection of only four more cases from the last fourteen volumes of the original *Causes Célèbres et Intéressantes*. The *Erzählung sonderbarer Rechtshändel*, thus, acquainted the German reading public with 56 of the 120 French *causes célèbres*, a considerably greater number than its English and Dutch counterparts.

During the final decades of the eighteenth century, a number of collections of sensational legal cases appeared that were not conceived of as translations but that still continued to rely heavily on Gayot de Pitaval's work.³ Although François Richer leaves Gayot de Pitaval's name off the front page of the collection, he clearly characterizes it as a new edition of the *Causes Célèbres et Intéressantes*. In contrast, Friedrich Schiller makes significant alterations in the title of his work, which places less emphasis on the fame or interest of the cases than on the historical approach that he adopts toward them. Nevertheless, the editor indicates that the *Merkwürdige Rechtsfälle* is composed "*Nach dem Französischen Werk des Pitaval*"⁴. Both collections, thus, explicitly place themselves within the tradition initiated by Gayot de Pitaval. A closer look at their tables of contents, moreover, demonstrates the continuing influence of his work. Of the 99 cases that he included in his new edition of the *Causes Célèbres et Intéressantes*, Richer drew 57 from the original collection. The remaining 42 cases consist primarily of more recent *causes célèbres*. Like Richer, Schiller also selects from Gayot de Pitaval's work and adds

² *Gallick Reports, or An Historical Collection of Criminal Cases, Adjudged in the Supreme Courts of Judicature in France. A Work Equally Instructive and Entertaining* (1737)

³ *Causes Célèbres et Intéressantes, avec les jugemens qui les ont décidées. Rédigées de nouveau par M. Richer, ancien Avocat au Parlement*. (18 vols, 1771-81)

Merkwürdige Rechtsfälle als ein Beitrag zur Geschichte der Menschheit. Nach dem Französischen Werk des Pitaval durch mehrere Verfasser ausgearbeitet und mit einer Vorrede begleitet herausgegeben von Schiller. (4 vols, 1792-95)

⁴ **English translations of all French, Dutch and German citations are included in the footnotes. For the sake of clarity, the footnotes that contain translations have a different format:**

"After the French work of Pitaval"

new cases to his collection, although on a more limited scale. All but one of the *causes célèbres* that he includes in the *Merkwürdige Rechtsfälle* derive from one of the editions of the *Causes Célèbres et Intéressantes*. As fifteen of the sixteen French cases can be traced back to Gayot de Pitaval's work (and only one of them was introduced later by Richer), the original collection seems to have a particularly strong influence on Schiller's work.

At first sight, the compilations of *causes célèbres* that were published after the turn of the eighteenth century seem to deviate more notably from the title and the contents of Gayot de Pitaval's work.⁵ By adding a number of new elements to their front pages, the editors of these collections try to enhance the general scope of their publications. Roussel, who conceives of his work as the annals of crime and innocence particularly draws attention to its historical perspective: he points out that the cases that he includes are "*Réduites aux Faits Historiques*"⁶. He further indicates that his collection consists of a selection of both ancient and modern *causes célèbres*. Julius Eduard Hitzig and Georg Wilhelm Heinrich Häring describe *Der neue Pitaval*, as "*Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit*"⁷. Their topic and scope seem to be very similar to that of Roussel's work. Together with Fouquier's *Causes Célèbres de Tous Les Peuples*, these collections, thus, claim to offer a general overview of the most important famous and remarkable legal cases of all times and places. Although they deviate from Gayot de Pitaval's collection, all of these editors relate their compilations to the genre of the *causes célèbres*. Roussel and Fouquier explicitly refer to it in their titles; Hitzig and Häring draw on the concept of the *Pitaval*, an eponym that came to be used as a synonym for the genre in German culture, as a designation of their work.

This increasing distance from the *Causes Célèbres et Intéressantes* also characterizes the selection of cases that underpins these nineteenth-century collections. Although all of them draw on Gayot de Pitaval's work, they also considerably extend the original corpus of *causes célèbres*. In the *Annales du Crime et de l'Innocence*, which comprises a total of 187 cases, Roussel incorporates twenty-five that were first published in the *Causes Célèbres et Intéressantes*. The remainder of his selection consists of material derived from other predecessors' collections as well as a number of new *causes célèbres*. Of the 107 cases that Hitzig and Häring include in the first series of *Der neue Pitaval*, fourteen derive from

⁵ *Annales du Crime et de l'Innocence, ou Choix de Causes Célèbres Anciennes et Modernes, Réduites aux Faits Historiques; Par MM. R*** et P. V**** (20 vols, 1813)

Der neue Pitaval. Eine Sammlung der interessantesten Criminalgeschichten aller Länder aus älterer und neuerer Zeit. Herausgegeben vom Criminaldirector Dr. J. E. Hitzig und Dr. W. Häring (W. Alexis). (60 vols, 1842-1890)

Causes Célèbres de Tous Les Peuples (9 vols, 1858-67)

⁶ "Traced back to the historical facts"

⁷ "A collection of the most interesting crime stories from all countries from the older and newer times."

Gayot de Pitaval's collection, whereas a fifteenth case can be traced back to Richer's later edition of the work. To this corpus, the editors add a large number of *causes célèbres* that they either derived from other important French, English and German collections or composed themselves on the basis of other kinds of sources. Finally, Fouquier's *Causes Célèbres de Tous Les Peuples* comprises 99 cases, eleven of which were passed on from the original *Causes Célèbres et Intéressantes*. In some instances, however, the editor groups together a number of cases under a single heading, which identifies the topic (i.e. a specific type of crime or legal question) that constitutes the main issue in all of them.

All in all, Gayot de Pitaval's *Causes Célèbres et Intéressantes* exerts a considerable and durable influence on a number of eighteenth- and nineteenth-century collections of famous and remarkable legal cases. Not only do the titles of these continualist compilations almost invariably establish a direct relation to the genre, by referring to (Gayot de) Pitaval as its originator or pointing out that they are bringing together a number of *causes célèbres*, but their selection of cases also demonstrates that the *Causes Célèbres et Intéressantes* serves as the basis of their work. Their editors all begin with a very similar corpus of cases drawn from Gayot de Pitaval's work, which may or may not be supplemented by other cases that either derive from other predecessor's collections or that are new.

But how exactly did the editors of these eighteenth- and nineteenth-century compilations relate to the *Causes Célèbres et Intéressantes* and how do they conceive of its influence on their own works? How do their rewritings simultaneously perpetuate Gayot de Pitaval's legacy and convince the reader of the urgency and innovation of their adaptation of his model for collecting and editing *causes célèbres*? Through their prefaces, the continualists try to answer these questions themselves. This chapter, therefore, compares and contrasts the editorial programs that are developed in these introductory statements, in order to gain deeper insight into how each subsequent collection of *causes célèbres* defines itself in relation to the genre. It argues that the *causes célèbres* can and should be considered as an anthological genre, which is founded on the general conception that it brings together a selection of the most important famous and remarkable legal cases.

In their study, entitled *Die deutschsprachige Anthologie* (1970) Joachim Bark and Dietger Pforte identify the "Auswahlcharakter"⁸ (1: XL) as one of the primary features of an anthology. This type of writing is meant to bring together and preserve "*das Beste, Schönste oder Charakteristischste*"⁹ (1: XLVIII), i.e. those texts that are most representative of the topic of the collection, in order to pass its contents on to future generations. By

⁸ "selective character"

⁹ "the best, most beautiful and most characteristic"

deliberately selecting a limited and very specific body of texts from a much broader corpus and presenting them as part of an anthology, the editor of this type of literature invests his material with a sense of importance, interest and memorability. Furthermore, Bark and Pforte indicate that these works result from a “Verwirklichung der jeweiligen Gesamtkonzeption des Anthologisten”¹⁰ (1: XXV). The general conception that the editor holds of his work, thus, constitutes the context according to which the contents of the anthology are interpreted and given a new meaning. Seruya et al. highlight the same characteristics in their study on *Translation in Anthologies and Collections (19th and 20th Centuries)*:

the definitions for anthology and collection seem to share the same notions of **deliberate selection** of (especially literary) texts or extracts from longer works, based on quality or representativeness of a wider corpus, and **deliberate recontextualization** in a “configured corpus”, which creates a new global meaning different from the mere sum of the meanings of its parts (Frank 1998: 13; Baubeta 2007: 14, 34). (4)

Given their inclusion of a number of famous and remarkable legal cases in an extensive compilation that labels them as *causes célèbres*, the works of Gayot de Pitaval and his eighteenth- and nineteenth-century followers can be closely connected to the anthology.

Bark and Pforte, moreover, place a strong emphasis on the prefaces and epilogues of these collections as an important feature of the genre, which allows a deeper insight into the general conception of the work. Their primary goal is precisely to indicate the topic and scope of the anthology:

Denn beider Funktion ist es, eine möglichst kurze und persönlich gehaltene Darlegung über Sinn, Aufgabe, Anlage und Entstehung der Anthologie, Rechtfertigung des oder der Herausgeber, Erwiderung früherer Kritiken und ähnliches für den Leser Wissenswertes zu sein.¹¹ (1: LX)

These introductory or concluding remarks, however, not only represent the anthology as an isolated and individual entity but also focus on its continuity: i.e. its relation to a broader tradition, in which the present work functions as a timely effort towards preserving and passing on the texts and insights that the anthology conveys to its readership. In a similar fashion, this chapter considers the prefaces of the *causes célèbres*

¹⁰ “realization of the anthologist’s overall conception of his work”

¹¹ “Because both of them [i.e. the preface and the epilogue] are meant to function as a concise and personal statement about the use, mission, arrangement and genesis of the anthology, a justification for the editor(s), a reply to previous criticism and a source of similar information that is worth knowing for the reader.”

as a source of knowledge on the general conception of these collections of famous and remarkable legal cases. By comparing and contrasting these introductory statements, it will draw attention both to the way in which each subsequent editor deals with topics such as the scope, the goal, the representation and the analytical approach of his own work and to the way in which the work is situated within the genre (or tradition) of the *causes célèbres*. In doing so, it demonstrates that the eighteenth- and nineteenth-century compilations that build on Gayot de Pitaval's work invariably aim at establishing a corpus of cases that are considered to be of 'general relevance' for the reader. By creating an anthology based on the *Causes Célèbres et Intéressantes* and/or extending its selection of cases, the continualists ultimately try to redefine and update the canon of *causes célèbres* on a number of (problematic) topics relating to crime and the administration of justice.

The 'general relevance' of the *causes célèbres*, moreover, emerges as the primary motive for each subsequent editor to rewrite Gayot de Pitaval's work. More particularly, the eighteenth- and nineteenth-century development of the continualist tradition is characterized by a continuous attempt to improve upon the genre as a form of exemplary history. These anthologies of sensational legal cases, thus, seem to depend heavily on the humanist notions of the *exemplum* and the *historia magistra vitae*. In *The Birth of the Past* (2011), a study on the development of our modern conception of the past from Classical Antiquity to the Enlightenment, Zachary Sayre Schiffman elaborates on the (often underestimated) influence of humanism on this notion. He particularly seeks to demonstrate how the emergence of a feeling of temporal distance (or anachronism) in the sixteenth-century thinking about events from earlier times did not mean the 'end' of the humanist approach to history. Instead, "the birth of anachronism coextensive with humanism engendered a long period of creative interplay between alterity and exemplarity" (152). The idea of the *exemplum*, which derived its importance from its "ability to move the human will toward responsible action in a complex world" (151), thus, was invested with a sense of alterity. In a similar fashion, the *historia magistra vitae*, a form of recording and elucidating history, which conceived of the past as a collection of noteworthy examples that confirmed a number of commonplace truths (179), was blended with a sense of exceptionality. The sixteenth- and seventeenth-century humanist thinking about the past, thus, conceives of events from earlier times as having an exceptional-typical value.

Although the concept of the *exceptional typical* is commonly associated with the microhistories of the 1970s and 1980s, this stage in the development of humanism seems to prefigure their approach to history. In his article "Clues, Margins, and Monads: The Micro-Marco Link in Historical Research" Matti Peltonen points out that the concept of the *exceptional typical* encompasses a temporal and a spatial aspect. Whereas the temporal is used to point to the "relationship of a particular or peculiar event to a larger context", the spatial draws attention to the fact that it "brings together in a single event

or object the deeper, inner structural elements of a larger social whole” (349). As this chapter will show, Gayot de Pitaval and his followers conceived of the cases that they included in their anthologies as narrative examples that enabled the reader to derive general truths about broader aspects of society from the particularity and otherness of these sensational legal trials. The exceptional-typical value that the *causes célèbres* attribute to the past, thus, displays some significant and fundamental similarities with the microhistorical conception of the *exceptional typical*.

Although previous studies of the genre of the *causes célèbres* have paid considerable attention to the prefaces of a number of different collections, none has compared and contrasted the editorial programs that they outline in their entirety. In a book chapter on “Die Literatur der *Causes Célèbres* im 18. Jahrhundert”, Hans-Jürgen Lüsebrink includes a short discussion of the *Programmatik* of the genre (106–112). By examining a number of eighteenth-century collections of *causes célèbres* by French editors, including Gayot de Pitaval, Richer and des Essarts, he identifies four characteristics that relate to the overall conception of these works. For Lüsebrink, all these collections were conceived as (1) a form of instructive entertainment, (2) a distinctly non-fictional or truthful genre, (3) part of a broader moral history of crime, and (4) a literature for the upper-middle and higher classes, and female readers in particular. His analysis of the general program of the eighteenth-century *causes célèbres*, however, fails to acknowledge the very different ways in which these collections define their scope and approach and select their cases. More recently, a number of scholars have started to differentiate among the prefaces and programs of specific compilations of famous and remarkable legal cases. Rather than considering their *Gesamtkonzeption*, these studies particularly focus on the analytical approaches that the editors of these collections put forward. In this regard, Harald Neumeyer has drawn attention to the gradually increasing attention to the moral-psychological aspect of crime and the inner life of the criminal in a number of late eighteenth- and early nineteenth-century collections of *causes célèbres* by Gayot de Pitaval, Schiller, Niethammer and Feuerbach. Alexander Košenina has approached the genre from a similar perspective in his article, “Schiller und die Tradition der (kriminal)psychologischen Fallgeschichte bei Goethe, Meißner, Moritz und Spieß”, which studies these editors’ understanding of the psychological case study in some of the prefaces to their works. Finally, Frank Wessels has studied the editorial program of *Der neue Pitaval*. Although his article discusses several aspects of its general conception, including its gradual development from a historical overview of crime to a chronicle of contemporary criminality as well as the increasing focus of its representation on the perspective of the criminal, the relation of the collection to other works within the genre is largely neglected. Through its comparative focus, this chapter seeks to offer a new perspective on the *causes célèbres*, as it draws attention to the long-term development of the editorial project of the continualist tradition. Thus, it sheds

light on how editors both perpetuated and redefined Gayot de Pitaval's program across different times and cultures.

1.2 Gayot de Pitaval: A new model for collecting and editing *causes célèbres*

The preface to the first volume of the *Causes Célèbres et Intéressantes* (1734) constitutes a clear innovation with regard to the memorialization and representation of famous and remarkable legal cases, as Gayot de Pitaval was the first to develop a comprehensive editorial program to underpin his work. A closer look at the genre of the *histoires tragiques*, which is widely recognized as the most important predecessor to the *causes célèbres*, confirms this, as it demonstrates that these sixteenth- and seventeenth-century collections had a much more limited scope. Pierre Boaisteau's and François de Belleforest's *Histoires Tragiques* (7 vols, 1567-95), which selected and translated a number of stories from Matteo Bandello's *Novelle* (1554, 1573), a popular series of tales that belonged to the same genre as Boccaccio's *Decamerone* (1470), includes only a one-page "Aduertissement au Lecteur [sic]"¹². Its main focus lies on discussing the stylistic superiority of the French translation, which contrasts sharply with the vulgarity, inappropriateness and meagerness of the Italian source text.

The publisher's note and the preface to one of the latest editions of François de Rosset's *Histoires Tragiques de Nostre Temps*, which appeared in 1707, are similarly quite limited, occupying less than a page each and discussing the work only in very general terms. The publisher's note claims that the new edition improves on previous versions of Rosset's work by correcting a number of mistakes that have slipped into it over the course of its continuous re-publication throughout the seventeenth century. The critical assessment of his predecessors' works, moreover, seems to be conceived of as a response to Rosset's original preface to the collection, which is included following this comment. From the start, Rosset had emphasized not only that "[c]e sont des Histoires autant veritables, que tristes et funestes", but also that their aim is to "faire paroître les défauts, afin que les Hommes les corrigent, & que par ce moyen l'exercice de la vertu, les rende dignes d'honneur & de loüange"¹³. By pointing out the veracity of the *histoires*

¹² "Preface to the reader"

¹³ "these are stories that are as true as they are sad and dreadful"

tragiques as well as its goal of bringing about the moral improvement of the readership, Rosset introduces a number of new aspects to Boaistean's and Belleforest's restricted and concise programmatic outline of the genre. Nevertheless, these collections demonstrate that there was little change in the editorial program(s) of the *histoires tragiques* over the course of almost 150 years and that the prefaces remained very limited.

In contrast, the introduction to *Causes Célèbres et Intéressantes* includes an extensive discussion of the work that not only includes an outline of its topic, which elucidates the concept of the *causes célèbres* as well as its instructive value and its contribution to the common good, but also elaborates on the selection criteria and the analytical approach to the cases that it includes. By dealing with so many different aspects of his collection, Gayot de Pitaval develops an extensive and clear-cut editorial program, which effectively puts forward a new form of case-based, popular writing about the law and the administration of justice. What is more, the impact of his preface goes beyond laying down the standards of a genre that would build on his work. As the term *cause(s) célèbre(s)* was relatively new and uncommon in the French language and culture at the time of the publication of Gayot de Pitaval's collection (see pages 1-2), the editorial program also establishes (or popularizes) a novel conceptual category, which endows famous and remarkable legal cases with a number of additional features and qualities that are successively discussed in the preface to the *Causes Célèbres et Intéressantes*.

Throughout the outline of his collection Gayot de Pitaval closely connects its contents, i.e. the *causes célèbres*, with their instructive value as well as with the representational strategies that help to convey the knowledge that they impart to his readership. The opening sentence of the preface, thus, simultaneously illuminates the topic of the collection and includes an initial indication of its double aim:

L'Histoire des Procès singuliers où il entre du merveilleux, & les Jugements qui ont été rendus sur ces célèbres controverses du Barreau, en satisfaisant parfaitement la curiosité, instruit en même-temps l'esprit des regles de la Jurisprudence dans des cas importants.¹⁴ (1: 1)

By simultaneously emphasizing the singularity of the *causes célèbres* and the general legal knowledge that can be derived from them and relating these two aspects to the

“make the faults appear, so that man can correct them and the exercise of virtue would, thus, render them worthy of honor and praise”

¹⁴ **“The (hi)story of singular Trials where the marvelous comes into play, & the Judgements that have been pronounced on these famous controversies of the Bar do not only perfectly satisfy curiosity, but also teach the spirit of the rules of the Administration of Justice in important cases.”**

entertainment and instruction of the reader, Gayot de Pitaval focuses on bringing together two different perspectives on these famous and controversial cases within one genre. His work seems to build on the idea of the humanist *exemplum* that peculiar historical events or phenomena (i.e. the particularity and otherness of the past) are a sign of and give a deeper insight into a number of general truths about broader social features. What is more, as Gayot de Pitaval indicates that the *Causes Célèbres et Intéressantes* are meant to satisfy the curiosity of its readers as well as to ‘enlighten’ them about the administration of justice, the collection is also claiming to pursue the typical goal of Enlightenment literature: i.e. *prodesse et delectare*, or a combination of instruction and entertainment. Following this revealing opening statement, the editor elaborates on this ambitious program, which tries to incorporate the existing conception of the exceptional-typical value of the past into an Enlightenment form of writing, and fleshes out each separate aspect of his work.

Gayot de Pitaval starts by pointing out why the *causes célèbres* are superior to other literary genres. In contrast to the ‘poisonous pleasure’ and the ‘fake beauty’ of interesting stories that are fictional, his work brings together a number of accounts in which “le vrai se rencontre avec le merveilleux, & ... la nature nous les offre dans un tissu de faits”¹⁵ (1: I). According to Gayot de Pitaval, these elements constitute one of the main assets of this new genre, as “alors notre esprit & notre cœur goûtent un plaisir pur & exquis”¹⁶ (1: I). By defining the entertaining aspect of his collection in terms of a superior, pure form of pleasure that is both intellectual and affective, the editor clearly reflects the Enlightenment approach to representing the past, which is characterized by an interplay between rationalism and sentimentalism. Further on Gayot de Pitaval goes deeper into the instructive function of the *Causes Célèbres et Intéressantes*, which is even more important than his readers’ pleasure: “Qu’on ne croie pas que mon principal motif ait été de plaire à l’imagination, en lui présentant des images agréables. Ma première vue a été d’instruire en révélant les mystères de la Jurisprudence, dans la décision de ces Causes singulieres & importantes”¹⁷ (1: II-III). By repeating that his collection is meant to ‘enlighten’ the reader by uncovering the mysteries of the administration of justice through the discussion of a number of individual famous and remarkable legal cases, the editor continues to draw attention to his conflation of exceptionality and alterity with pleasure and of typicality and exemplariness with instruction. Gayot de Pitaval’s elaboration on the intended effect of his work, thus, drives home his attempt to put

¹⁵ “the truth meets with the marvelous, & ... nature offers them to us in a web of facts”

¹⁶ “then our mind & our heart taste a pure and exquisite pleasure”

¹⁷ “Let it not be believed that my main motive is to appeal to the imagination by presenting the reader with pleasant images. My first design is to instruct by revealing the mysteries of the Administration of Justice in the decision of these singular and important Cases.”

forward a model for collecting and editing cases that combines the humanist approach to the past with a number of eighteenth-century Enlightenment perspectives on literature and historiography.¹⁸

As the editor first characterizes the knowledge that the *Causes Célèbres et Intéressantes* conveys in terms of nature displaying itself in a tissue of facts, but then identifies it as the key that unlocks the secrets of the administration of justice, the instructive potential of the work clearly needs some further elucidation. Sure enough, Gayot de Pitaval continues his preface by elaborately discussing not only the exact nature of this knowledge, but also the representational approach that will help him to disclose it. He claims to be primarily concerned with making the cases more comprehensible and appealing to a broad readership: “Je me suis proposé de me faire lire, & j’ai craint de rebuter la plupart des Lecteurs, en hérissant mon Livre des épines du Palais”¹⁹ (1: III). In order to explain the (sometimes annoyingly) pedantic and technical world of the administration of the law to his readers and to popularize the *Causes Célèbres et Intéressantes*, Gayot de Pitaval promises to purify his account of all procedural muddle (“fatras”) and all unnecessary circumstantial information. After giving a short overview of the cases that are included in the first two volumes of the collection, the editor returns to the features of his broadly appealing representation. The simplification of the details and the enigmatic legal language results in an account that traces “avec une exactitude religieuse l’Histoire de ces Causes célèbres”²⁰ (1: VII). Gayot de Pitaval, thus, seems to conceive of his collection as a historical work in the sense that he promises to reconstruct a complete and consistent story about the past events of these cases on the basis of a number of *mémoires*, which put forward the arguments of both parties in the trials.

The outline of the representation of the *Causes Célèbres et Intéressantes* finally leads Gayot de Pitaval to elaborate on the knowledge that these cases are meant to convey. In this respect, he continues his discussion of the historical form of the collection by pointing out that he will include a number of explicit editorial comments that will elucidate the *causes célèbres*: “Et j’ai cru que les réflexions que l’on regarde comme l’ame de l’Histoire, doivent d’autant plus animer ma narration, qu’elles mettoient sur les voies de la vérité que l’on cherche avec ardeur dans ces grandes Causes”²¹ (1: VII).

¹⁸ For a more elaborate discussion of these perspectives, see chapter 4.

¹⁹ “I made the effort to make myself read, & and I have feared to put off the majority of the Readers by bristling my Book with the thorns of the Palais.”

²⁰ “with a conscientious precision the History of these Causes célèbres”

²¹ “And I have believed that the thoughts that one regards as the soul of the History have to animate my story, all the more so as they lead the way towards the truth that one searches ardently in these great Cases.”

Although the editor does not immediately elaborate on the exact nature of the truth to which he will point, he does comment on what his collection is not. As he comes to the end of the programmatic preface, Gayot de Pitaval includes a critical discussion of the “caractere de la Jurisprudence des Arrêts” (1: VIII), or case law. By indicating that “[l]a moindre circonstance dans le fait, produit une grande différence dans le droit”²² (1: IX), the editor not only excludes the possibility of using (his interpretation of) the *causes célèbres* as legal precedents, but also invites a comparison of his collection to the work of the French *arrêtistes*: seventeenth- and eighteenth-century legal scholars who focused on publishing law reports that attempted to elucidate the reasons for a judgment, in particular on the basis of the pleadings of the winning lawyer. As Gayot de Pitaval subsequently emphasizes that there are no identical cases and, thus, draws attention to the difficulties that the *jurisprudence des arrêts* involves, his work clearly reflects the contemporary legal debate about this type of case law, which focused in particular on “whether the reasons (*motifs*) of one judgment could be applied to another similar case” (Halpérin 30–31). Like the work of the *arrêtistes*, the *Causes Célèbres et Intéressantes* is meant to ‘enlighten’ its readership about “les véritables motifs qui ont déterminé les Juges” and consequently, about “les véritables regles qui doivent conduire le Jurisconsulte”²³ (1: IX). In any case, the profound interest in the reasoning behind the verdict clearly demonstrates that the work was conceived as a form of Enlightenment literature, which aims to instruct its readers about the laws and rules that underpin society.

Throughout the preface Gayot de Pitaval repeatedly returns to the concept of the *cause célèbre*. In order to tie the entertaining and the instructive function of the collection together, the editor offers a more detailed definition of the term:

Lorsqu’elles ont été en mouvement, elles ont excité la curiosité universelle, elles ont fait l’empressement du Public, & le sujet de l’entretien des honnêtes gens & du Peuple ; elles ont attiré la foule aux Audiences, & ont laissé les esprits en suspens dans l’attente des Jugements que les Magistrats devoient prononcer ; & cette suspension les a occupés & intéressés.

D’ailleurs dans ces grandes Causes on choisit ordinairement les plus célèbres Avocats, leurs Ouvrages sont les plus précieux monuments de l’éloquence du Barreau. ...

²² “the slightest circumstance in the fact produces a great difference in the law”

²³ “the real motives that have made up the minds of the Judges”

“the real rules that have to guide the Jurist”

Avec quel plaisir ne voit-on pas les Avocats qui trouvent dans les sources les plus cachées de la persuasion, des raisons qui remuent les passions, intéressent les Juges & le Public ?²⁴ (1: I-II)

This comprehensive characterization of the type of cases that are included in the *Causes Célèbres et Intéressantes*, which constitutes only a part of Gayot de Pitaval's full outline of the topic of his work, identifies two central features. The editor first draws attention to the immense public interest in these trials at the time of their occurrence. As he highlights such elements as the lively debate that they provoked across all social classes and the suspense that accompanied their unfolding, the *cause célèbre* is clearly conceived as a sensational case. What is more, Gayot de Pitaval continues by defining its general significance from a legal perspective and, thus, tries to ensure the interest of his eighteenth-century readership. Whereas the events themselves aroused the curiosity of the people who witnessed or heard about these cases, the quality and eloquence of the legal speeches that were recorded during the trial and subsequently preserved in legal archives means that a similar emotional participation can be passed on to the later generations that merely read about them. This insight ultimately underpins the following discussion of the representational approach of the *Causes Célèbres et Intéressantes* and the knowledge that it conveys.

As a final comment to his editorial program, Gayot de Pitaval considers the concept of the *cause(s) célèbre(s)* from a linguistic perspective, focusing in particular on the appropriateness of his choice to use the term *Cause* instead of *Procès*. The editor concedes that, had exactitude been his primary concern, he would have entitled his work *Procès célèbres et intéressants*, for *Cause* technically refers to a legal defense speech and not a written report of a trial (1: IX). In general usage, however, the term had come to describe all sorts of legal proceedings. According to Gayot de Pitaval, “[i]l faut donc préférer le gros des savants & les ignorants, à quelques doctes qui font bande à part.”²⁵ (1: X) By favoring the popular meaning of the word *Cause* as a concept that unites learned and uneducated people, the linguistic discussion clearly reflects the editor's

²⁴ “When they have been in motion, they have aroused a universal curiosity, they have made the eagerness of the Public, & the subject of discussion of the decent and the common People; they have drawn the crowd to the Hearings, & have left the spirits in suspense in anticipation of the Judgments that the Magistrates had to pronounce; and this suspense has kept them occupied and interested.

Moreover, in these great Cases one usually chose the most famous Lawyers, their Works are the most precious monuments of the eloquence of the Bar. ...

With what pleasure does one see the Lawyers that find in the best hidden sources of persuasion, reasons that stir the passions and are of interest to the Judges & the Public?”

²⁵ “so one has to prefer the majority of the learned and the ignorant people, to a few scholars who make a separate group”

strong focus on attracting as many readers as possible, regardless of their social class, gender or education. What is more, as Gayot de Pitaval's editorial program further outlines this new (or at least very recent) phrase, its specification of the topic of the collection exerts a great influence on the development of the meaning of the term *cause célèbre*. Over the course of the eighteenth and nineteenth centuries, the *cause(s) célèbre(s)*, thus, come to signify not only a specific type of famous and remarkable legal case that is characterized by their continuous public interest across different generations, their appeal to a broad popular readership and their promise of being exceptional and entertaining as well as typical and instructive, but also a literary genre that focuses on bringing together such cases.

In this regard, the project of the *Causes Célèbres et Intéressantes* displays a number of significant parallels with the compilation of an anthology. According to the editorial program of his work, which Bark and Pforte would describe as its *Gesamtkonzeption* or general concept (see page 25), Gayot de Pitaval deliberately selects a number of sensational legal cases. By recontextualizing them as *causes célèbres*, the editor invests them with a new sense of memorability. Their inclusion in the collection means that these cases are (expected to be) of general interest to the contemporary eighteenth-century reader, because they simultaneously spark his curiosity and convey knowledge that will help him to understand the mysteries of the administration of justice. As Gayot de Pitaval indicates in his preface, he intends to continue the collection as a "*résumé des Causes singulieres*": a work that, regardless of chronology, brings together a number of separate exceptional and sensational cases that are considered to be most representative in relation to its topic, i.e. the concept of the *causes célèbres* (1: VII-VIII). The *Causes Célèbres et Intéressantes* are, thus, also involved in creating a canon of famous and remarkable legal cases. In her article, entitled "Canon and Archive", Aleida Assmann elaborates on the process of canonization and contrasts it to archiving as a more passive form of remembering: "I will refer to the actively circulated memory that keeps the past present as the *canon* and the passively stored memory that preserves the past as the *archive*" (98). By framing and memorializing a number of legal cases as *causes célèbres*, which have a continuous general relevance as well as a simultaneously entertaining and instructive value, the *Causes Célèbres et Intéressantes* clearly complies with the qualities of "selection, value and duration" (100) that underpin the concept of the canon. What is more, a closer look at the prefaces and programs of the collections that built on Gayot de Pitaval's work demonstrates that their editors not only acknowledged its canonical status, but also attempted to improve upon its (anthological) method and approach.

1.3 Gayot de Pitaval's translators: Restricting the canon and adapting its exceptional-typical relevance

Based on their opening statements, the first English, Dutch and German translations of the *Causes Célèbres et Intéressantes* focused in particular on acquainting their respective readerships with a number of Gayot de Pitaval's cases and making them more widely available. As these collections are, thus, conceived as mediating and passing on his work, their editors do not venture an elaborate outline and positioning of their program against the French original. Instead they primarily elucidate their reasons for circulating these *causes célèbres*. There are, however, a number of differences among the English, Dutch and German translations with regard to the way in which they relate to and memorialize Gayot de Pitaval's work.

The Gallick Reports: The French *causes célèbres* as proof of the moral and legal superiority of the English nation

The preface to the *Gallick Reports* (1737) deviates most notably from Gayot de Pitaval's editorial project, as it recontextualizes its selection of cases from the *Causes Célèbres et Intéressantes* as part of a comparative study of the English and French legal system. From the start of his programmatic outline the editor points out the particular value of this new approach to the *causes célèbres*:

Of all the various Kinds of useful Knowledge, which the Mind of Man is framed to comprise, there is none more laudable in itself, or more beneficial in its Nature, than the considering the Laws of other Countries, and comparing them with our own. The Law in every Country is the Civil Prudence of that Country, and according as it is well or ill contrived, a Nation is esteemed wise, or otherwise. (XIII)

Whereas the legal focus of Gayot de Pitaval's work is restricted to an elucidation of the 'real', most fundamental motives and rules of the administration of justice, the *Gallick Reports* expands its scope to include a consideration of the wisdom of nations as a whole. The collection, thus, builds on the instructive aspect of the *Causes Célèbres et Intéressantes* in an attempt to derive a more general form of knowledge from it. The editor, however, does not treat all systems equally. He goes on to point out that his selection and translation of a number of the French *causes célèbres* are meant to demonstrate the clear superiority of the English legal system in Europe:

It is a common, and I believe a very just Notion that no Country in Europe has better Laws than Ours; but in order to say this like a Man, and not like a Parrot, it is necessary that we should know, at least in general Terms, what the Laws of other Countries are. (XIV)

In order to underpin its glorification of the English nation and its laws, the *Gallick Reports* conceives of Gayot de Pitaval's cases as examples that will not only elucidate the French legal system, but also lead the reader to acknowledge its inferiority by comparison with his own culture.

After giving a short overview of the administration of justice in France, however, the editor adds some nuance to the general message of the work by emphasizing that his selection of *causes célèbres* will also lead his readership “to admire the Wisdom of the Gallick Laws, and that Equity and Patience, which is so remarkably visible in the following Memoirs of Criminal Prosecutions” (XLII–XLIII). By pointing out that the cases in his collection demonstrate the admirable wisdom and equity that the French legal system (sometimes) displays, the editor of the *Gallick Reports* discusses the instructive aim of identifying the rules and motives that should actually drive the administration of justice in greater detail than Gayot de Pitaval did. What is more, as the translation of the *Causes Célèbres et Intéressantes* will “inform and enlarge his [i.e. the reader's] Mind, and ... cure him of those Errors, which have Ignorance for their Parent, and whose Offspring are Contempt and Ridicule” (XLIII) and, thus, draw his attention to the merits of the French legal system, the superiority of the English nation and its laws will only shine out more brightly.

As the preface to the *Gallick Reports* further demonstrates, however, this comparative study of the law constitutes only a part of the knowledge that the collection is meant to convey. Again the editor elaborates on Gayot de Pitaval's program and establishes a more explicit and detailed connection between the Enlightenment aim of entertainment and instruction, or “Pleasure and Improvement” (XVI) and the concept of (human) nature:

The Heart of Man is the same in all Countries, and if we consider Histories of this sort in a Moral Light, in order to discover the Connection between Causes and Effects, in the Conduct of such unhappy People, as mistaking Wickedness for Wisdom, seek Happiness in a Road where it is never to be found[.] (XV–XVI)

By focusing more strongly on the moral aspect of the representation and interpretation of the *causes célèbres*, the *Gallick Reports* endows Gayot de Pitaval's work with a new kind of general interest. For the editor, thus, the collection will provide a deeper insight not only into the wisdom of French justice and the superiority of the English law, but also into the inner life of the criminal, the origins of crime and, finally, “the Wisdom of Providence in adapting Punishments suitable to all Offences” (XVI). As this selection of *causes célèbres* is recontextualized as a work of universal and durable value because of the knowledge it conveys on human nature and the workings of Providence, the *Gallick Reports* endows the sensational legal trials that it includes with a canonical status (see

page 34). The editor emphasizes the advantage of considering these cases ‘in a moral light’ and points out that this approach puts the English translation of Gayot de Pitaval’s work on a par with the *State Trials* (4 vols, 1719) (XV), a popular collection of accounts of a number of important trials that was continuously reprinted and extended over the course of the eighteenth and nineteenth centuries. In contrast to the *State Trials* (and to the English tradition of publishing legal case collections as a whole), the *Gallick Reports* is not conceived of as a simple record of precedents. The collection rather focuses on bringing together some of the most interesting and peculiar *causes célèbres* from the first volumes of Gayot de Pitaval’s work and representing them from the new perspective of analyzing (criminal) human nature and Providence. Thus, the *Gallick Reports* both constitutes an anthology of the *Causes Célèbres et Intéressantes* and passes a new and more restricted canon of cases on to the English readership.

The *Beroemde en Gedenkwaardige Rechts-Zaaken* and the *Erzählung sonderbarer Rechtshändel*: The French *causes célèbres* as an example for the Dutch and German elucidation of the law

In contrast to the *Gallick Reports*, the Dutch *Beroemde en Gedenkwaardige Rechts-Zaaken* (2 vols, 1737-38) and the German *Erzählung sonderbarer Rechtshändel* (9 vols, 1747-67) seem to follow Gayot de Pitaval’s program much more conscientiously. A closer look at the opening sentences of the prefaces to both of these works demonstrates that their editors focused in particular on serving the public interest by making the *Causes Célèbres et Intéressantes* more widely available:

Ik hebbe geoordeeld mynen Landgenooten geen ondiens te doen met de vertaling van dit werk[.]²⁶ (*Beroemde en Gedenkwaardige Rechts-Zaaken* 1: n. pag.)

Der deutsche Verleger glaubt sich die Welt verbindlich zu machen, wenn er dieses Werk auch in Deutschland durch die Uebersetzung desselben bekannter zu machen sucht.²⁷ (*Erzählung sonderbarer Rechtshändel* 1: n. pag.)

Both editors, moreover, put forward a number of arguments that are very similar to those of Gayot de Pitaval. Rather than passing on a number of *causes célèbres* as the basis

²⁶ “I have deemed that I do not do my Countrymen a disservice with the translation of this work[.]”

²⁷ “The German publisher believes that he obliges the world, if his translation makes this work better-known in Germany as well.”

of a comparative study of the law that alters their meaning and conveys a new, more universal kind of knowledge, the Dutch and English translations seem to preserve (part of) the *Causes Célèbres et Intéressantes* based on its own merit.

In this regard, the *Beroemde en Gedenkwaardige Rechts-Zaaken* and the *Erzählung sonderbarer Rechtshändel* are characterized not only by their typical Enlightenment combination of entertainment and instruction, but also by their attempt to give deeper insight into and improve the administration of justice. Like Gayot de Pitaval, the Dutch and German editors initially highlight the superior form of pleasure that derives from the truthfulness of the *causes célèbres*, and then draw attention to the international appraisal of the French legal system:

Hoe weetenswaardig de zaaken zyn die het begrypt, zou ik echter de vertaling daar van mogelyk niet ondernomen hebben, 't en ware ik bespeurd hadde dat de Hollanders alsints veele achting voor de werken der Fransche Rechtsgeleerden hebben.²⁸ (*Beroemde en Gedenkwaardige Rechts-Zaaken* 1: n. pag.)

Man übergiebt deutschen Lesern das Werk eines Ausländers, welches berühmte Entscheidungen sonderbarer Rechtshändel von den erleuchteten französischen Parlamenten enthält[.] ... Denn die französischen Sachwalter halten es nicht für eine Schande, in schweren und dunklen Sachen deutlich, und zu gleicher Zeit witzig und angenehm zu schreiben. Es wäre nur zu wünschen, daß man die deutschen Prozesse mit eben dem Vergnügen lesen könnte, als man diese französischen Rechtssachen lesen wird.²⁹ (*Erzählung sonderbarer Rechtshändel* 1: n. pag.)

In contrast to the *Gallick Reports*, these translations of the *Causes Célèbres et Intéressantes* display a feeling of awe for the enlightened French legal system. The *Erzählung sonderbarer Rechtshändel* elaborates on the nature of the exemplariness of the *causes célèbres*, as it points out that the German administration of justice has much to learn from the wit, clarity and simplicity with which French lawyers tend to elucidate (famous and extraordinary) trials. Gayot de Pitaval's work and, more particularly, the representation and interpretation of the cases that it includes are, thus, recontextualized as examples that are meant to lay the foundation for a more accessible

²⁸ "However interesting the cases that it includes, I would possibly not have undertaken its translation, if I had not noticed that the Dutch have a high regard for the works of the French Jurists."

²⁹ "We hand the German readers the work of a foreigner, which contains famous decisions in curious trials by the most enlightened French courts[.] ... Because the French solicitors do not consider it a disgrace to write clearly, and at the same time witty and pleasantly in difficult and obscure cases. We can only wish that people could read about German trials with the same pleasure as they will read about these French lawsuits."

and generally comprehensible way of enlightening the actual motives and rules of justice in Dutch and German culture.

To this end, their editors pass on a new, more restricted canon of *causes célèbres* to their readerships, by putting forward a number of cases from Gayot de Pitaval's work that have a durable and guiding value with regard to the improvement, i.e. the Enlightenment, of the Dutch and German administration and elucidation of justice. There are, however, a number of differences between these translations when it comes to the actual selection and ordering of their contents. The *Beroemde en Gedenkwaardige Rechts-Zaaken* brings together eleven cases from the *Causes Célèbres et Intéressantes*, which had already reached eight volumes by then, and presents them in random order. By characterizing them as “de weetenswaardigste, vreemdste, zeldzaamste, en daarom vermaardste Rechts-zaaken die oit in Europa uitgewezen zyn”³⁰ (1: n. pag.), moreover, the editor endows these cases with a status of special importance and canonical value. In contrast, the *Erzählung sonderbarer Rechtshändel* consists almost entirely of a literal translation of the first eight volumes of Gayot de Pitaval's work and even takes over the preface to the French original. Throughout this German version of the *Causes Célèbres et Intéressantes*, the editor includes a number of footnotes that are meant to give critical comments on specific ideas, statements and representations that are deemed controversial or questionable. For example, the translator discusses Gayot de Pitaval's insistence on the pure form of pleasure that derives from the truthfulness of the *causes célèbres*. By indicating not only that the *causes célèbres* can convey a form of entertainment similar to fictional stories, but also that the cases in the collection, such as that of the Marchioness of Brinvilliers, can inspire the reader with horror instead of pleasure (1: n. pag.), he questions this particular aspect of the preface to the *Causes Célèbres et Intéressantes*. The *Erzählung sonderbarer Rechtshändel*, thus, seems to be conceived as a critical edition of Gayot de Pitaval's work. Only when Kiesewetter's publishing house, which initiated the collection, was taken over by the Heinstufige Buchhandlung, was this project abandoned in favor of establishing a more restricted canon of *causes célèbres*. Accordingly, the ninth and last volume of the work claims to include “aus den übrigen französischen Theilen dieser Rechtshändel die wichtigsten Geschichte”³¹ (9: n. pag.). Despite these obvious differences, the *Beroemde en Gedenkwaardige Rechts-Zaaken* and the *Erzählung sonderbarer Rechtshändel* both claim to bring together the most important cases from, i.e. to create an anthology of, the *Causes Célèbres et Intéressantes*.

³⁰ “the most interesting, unusual, peculiar, and therefore the most renowned Lawsuits that have ever been litigated in Europe”

³¹ “the most important stories from the remaining French volumes of these trials”

Moreover, their editors also both indicate that they will attempt to improve on the mode of representation and the style of Gayot de Pitaval's work. Although they acknowledge its general popularity, they criticize the verbosity of the French original and resolve to correct this shortcoming in their translations:

Het [i.e. Gayot de Pitaval's work] is echter, zoo wel als ontelbaare andere Schriften, niet vry van gebreken. De Kenners zeggen, dat het jammer is dat een Werk, andersints zoo fraai, ontcierd is door veele stukken en aanmerkingen die weinig ter zaake dienen, en het verhaal buiten noodzaak verlengen. In deeze Vertaling hebbe ik getracht die gebreken te verbeteren, niets hebbende doen overzetten dan het gene uitnemend goed is, zonder echter iets wezendlyks te verwerpen[.]³² (*Beroemde en Gedenkwaardige Rechts-Zaaken* 2: n. pag.)

Was seine Schreibart betrifft, so ist sie zuweilen sehr lang, und daher kömmt es, daß sie an einigen Orten einigermåßen dunkel und schwer wird. Man hat gesucht, diesem Fehler in der Uebersetzung so gut als möglich gewesen, abzuhelfen.³³ (*Erzählung sonderbarer Rechtshändel* 1: n. pag.)

As the preface to the Dutch version of the *Causes Célèbres et Intéressantes* indicates most clearly, the stylistic alteration will primarily be a matter of reduction: i.e. an exclusion of those facts, events and information that are deemed non-essential to the Enlightenment goal of entertaining and instructing the reader. This combination of attempting to improve on the work of predecessors and passing on an updated canon of *causes célèbres* that encompasses a more restricted selection of cases turns out to be a central feature of the editorial projects of all of Gayot de Pitaval's eighteenth- and nineteenth-century followers.

³² “But like countless other texts, it [Gayot de Pitaval's work] is not free of shortcomings. The Connoisseurs say, that it is a pity that a Work, that is otherwise so fine, is flawed by many pieces and remarks that have little relevance, and unnecessarily prolong the story. In this Translation I have attempted to correct these flaws, by having only that which is exceptionally good rendered, but without dismissing anything essential[.]”

³³ “When it comes to his writing style, it is at times very long, and that makes, that in some places it becomes obscure and difficult. We have tried to remedy these faults as best as possible in the translation.”

1.4 The late eighteenth-century continualists: Supplementing the canon and adapting its model of representation

The international boom of the genre of the *causes célèbres* from the 1770s onwards led many editors to put together their own compilations of famous and remarkable legal cases. These new collections were generally based on a redefined version of Gayot de Pitaval's program, which still drew to a large extent on the *Causes Célèbres et Intéressantes*, but ultimately proposed more fundamental critiques of and alterations to the original editorial project. Not only did the editors of these works claim to make a number of stylistic improvements to Gayot de Pitaval's work, but they also developed new criteria with regard to the selection, representation and analysis of the cases that they brought together. What is more, in contrast to the English, Dutch and German translations published between the 1730s and 1760s, these later eighteenth-century collections moved beyond a mere anthological reduction of the work(s) of their predecessor(s) and focused on supplementing a more restricted canon of original French *causes célèbres* with a number of new cases.

Richer's *Causes Célèbres et Intéressantes*: Toward an improved version of Gayot de Pitaval's program and collection

In accordance with previous versions of the collection, the preface to François Richer's new edition of the *Causes Célèbres et Intéressantes* (1771) clearly draws and builds on Gayot de Pitaval's work. Following the initial acknowledgement of the celebrity and popularity of this fundamental text, however, the editor almost immediately draws attention to its highly critical (domestic) reception:

Peu d'ouvrages ont eu plus de vogue, que les *Causes célèbres & intéressantes* de M. Gayot de Pitaval ; peu d'ouvrages aussi ont été plus censurés. Tout le monde a lu celui-ci, & tout le monde s'est plaint que l'auteur n'y avoit suivi aucune méthode ; que les faits y sont jettés sans ordre ; qu'ils y sont noyés dans un tas de réflexions triviales ; qu'on est enfin réduit le plus souvent à la peine de les deviner ; que les moyens y sont exposés avec une prolixité qui leur fait perdre tout l'intérêt qu'ils pourroient avoir par eux-mêmes. Je ne finirois pas, si je voulois faire la liste de

tous les reproches qu'a éprouvés, & qu'éprouve encore journellement ce livre.³⁴ (1: III)

Richer's opening paragraph gives a perfect summary of the dual reception of Gayot de Pitaval's work that characterizes the eighteenth- and nineteenth-century development of the genre. By drawing attention to the great popular success and general interest of the collection, the editor characterizes the original *causes célèbres* as cases that should continue to be remembered and passed on to later generations. The way in which they are memorialized, i.e. their representation and interpretation, in the *Causes Célèbres et Intéressantes*, however, desperately cries out for improvement. Apart from its stylistic flaws and its verbosity, which were already brought up by some of the earlier translations of the collection (see page 40), Richer identifies a number of other issues, including such elementary aspects as its method, structure and the elucidation of the *causes célèbres* that it relates. This elaborate and profound critique of the *Causes Célèbres et Intéressantes* paves the way for a fundamental transformation of Gayot de Pitaval's editorial project.

Richer goes on to outline his own approach to the genre and to the work that he is re-editing. As with the previous (English, Dutch and German) translations of the *Causes Célèbres et Intéressantes*, he first resolves to improve the style of the original collection. As his extensive critique of Gayot de Pitaval in the opening sentences of the preface suggests, however, Richer aims at a much more profound rewriting of the work. Instead of just reducing Gayot de Pitaval's verbosity, he claims to overhaul the entire narrative and rhetorical form of the work in order to develop a new method of relating and interpreting these cases that draws more strongly on the reader's curiosity and, thus, augments their general interest:

J'ai osé entreprendre de lui donner une nouvelle forme. J'ai essayé de tirer les faits du chaos dans lequel on prétend qu'ils sont engloutis. J'ai tâché, autant que les espèces l'ont permis, d'arranger la narration de manière que le lecteur ne prévît point le jugement, & que le sien restât incertain jusqu'au dénouement. J'ai cru que cette méthode rendroit chaque cause plus intéressante, en tenant l'esprit du

³⁴ "Few works have had more popularity, than the *Causes célèbres & intéressantes* of M. Gayot de Pitaval; few works have been criticized more. Everyone has read it, and everyone has complained that the author has not followed any method; that the facts are thrown down without order; that they are drowned in a pile of trivial remarks; that one is ultimately forced to guess at them; that the legal grounds are explained with a verbosity that makes them lose all of the interest they could have had for themselves. I would not finish, if I would want to list all the criticism this book has provoked and still provokes on a daily basis."

lecteur suspendu, & piquant jusqu'à la fin la curiosité par le balancement des raisons, des intérêts & des passions.³⁵ (1: III-IV)

The first goal of Richer's new mode of representation is to establish the factual account of these cases from the chaos of Gayot de Pitaval's accounts. This clearly echoes the stylistic improvement that the earlier translations of the work (in particular, the Dutch one) put forward. In addition to reducing the vast amount of detailed and often superfluous information, the editor aims at restructuring these facts in order to produce a specific rhetorical effect on his readership. By making sure that the reader cannot foresee the verdict or form a clear judgment of his own, Richer's new edition of Gayot de Pitaval's work heightens the narrative tension of the *causes célèbres*. What is more, this approach rouses the curiosity of his readership about the truth and the correct assessment of these cases and, thus, enhances both the entertaining and the instructive value of the collection. Through this approach, Richer's rewriting of the *Causes Célèbres et Intéressantes* conforms more to the standards of Enlightenment literature than the work of his predecessor(s).

As this new form of representation gradually discloses the information that will lead the reader to a deeper insight into the *causes célèbres* at the end of their factual reconstruction, Richer is able to do away with all of the explicit commentaries that Gayot de Pitaval introduced to point out the truth of these cases. Indeed, in the continuation of his preface, he rejects such direct intervention: "Au reste j'ai fait main-basse sur tout ce qui, dans cette collection, étoit du cru de M. Gayot. J'ose dire que cet écrivain n'avoit, ni gout, ni critique, ni philosophie; il ne pouvoit donc rien produire de lui-même qui ne fût au-dessous du médiocre"³⁶ (1: V). By emphasizing the stylistic as well as the critical and philosophical weakness of Gayot de Pitaval's running commentary on the *causes célèbres*, Richer questions not only the approach of the original *Causes Célèbres et Intéressantes* but also its representation and interpretation of the cases that it relates. Instead of combining a detailed reconstruction of these trials with a number of explicit remarks that point out a specific insight or piece of knowledge to the reader, Richer's new edition of Gayot de Pitaval's work uses another method to

³⁵ "I have dared to undertake to give it a new form. I have tried to pull the facts out of the chaos in which one claims that they are swallowed. I have tried, as much as the cases have allowed it, to arrange the narrative in a manner that the reader does not foresee the Judgment, & that his own [judgment] remains uncertain until the conclusion. I have thought that this method would make each case more interesting, by keeping the mind of the reader in suspense and rousing the curiosity until the end through the counterbalancing of the reasons, interests & passions."

³⁶ "For the rest I have pinched everything that, in this collection, stems from the mind of M. Gayot. I dare to say that this writer did not have any taste, nor criticism, nor philosophy; thus, he could not produce anything for himself that would not be below mediocrity."

enlighten its readership. The editor claims that this rewriting according to a more suspenseful and exciting narrative form is superior not only because of the stronger (emotional) effect of its entertainment and instruction but also because of the intellectual interest of the critical insights into the human inner life that this method helps to derive from the *causes célèbres* and convey to the reader.

As a final point of criticism, Richer points to the discrepancy between Gayot de Pitaval's outline of the topic of his collection and his actual selection of cases and resolves to bring together a corpus that corresponds better with the overarching concept of '*cause(s) célèbre(s)*':

Pour donner à cette édition un degré de supériorité sur la précédente, j'y ai intercallé des causes que M. Gayot n'avoit point données au public. ... J'ai été, & je suis encore bien tenté de retrancher les morceaux purement historiques que Monsieur Gayot avoit jugé à propos de transformer en *causes* ; ... Je crois que ces histoires ne doivent point être comprises sous le titre de *causes*. Ce titre ne renferme que les affaires qui se traitent en particulier devant les tribunaux de la justice contentieuse.³⁷ (1: VI-VII)

The resolution to filter out the purely historical cases not covered by the term *cause* (i.e. a legal affair between private individuals that was settled before the court), however, is only part of Richer's selection criteria. In order for the new edition of the *Causes Célèbres et Intéressantes* to adhere to its own general concept, the editor will not only select those cases by Gayot de Pitaval that actually fit in with the anthology but will also expand the current canon of *causes célèbres*. As he does not reject Gayot de Pitaval's program altogether but rather focuses on identifying a better, more effective and more representative method of selecting, relating and elucidating the *causes célèbres*, Richer is making the collection his own and setting a new and refined benchmark for the entire genre: "D'après cet exposé, on voit que je me suis totalement rendu maître de l'ouvrage, & que j'en ai disposé comme de mon propre fonds"³⁸ (1: V) Following Richer's new edition of Gayot de Pitaval's work, this concern with updating and improving the canon of the most important *causes célèbres* as well as their entertaining and instructive value, becomes a typical feature of the editorial projects of these collections.

³⁷ "In order to give to this edition a degree of superiority over the previous one, I have inserted a number of cases that M. Gayot has not presented to the public. ... I have been, & I still am very tempted to take out the purely historical passages that Monsieur Gayot has deemed relevant of transforming into *causes*; ... I believe that these histories should not be included under the title of *Causes*. This title contains only affairs that are treated between private individuals before the courts of contentious jurisdiction."

³⁸ "According to this overview, one can see that I have completely made myself master of the Work, & that I have arranged it as if it were my own collection."

Schiller's *Merkwürdige Rechtsfälle*: Toward an instructive innovation in Gayot de Pitaval's program and mode of collecting

Although the *Merkwürdige Rechtsfälle* (1792), which was edited and published by Friedrich Schiller, seem to be conceived as a translation of some of the most important *causes célèbres* by Gayot de Pitaval and Richer, its preface demonstrates that the editor actually set out to make more fundamental alterations to the programs of his predecessors than did the mid-eighteenth-century translators of the original *Causes Célèbres et Intéressantes*. Upon closer inspection, this tension between the mere transmission of the French *causes célèbres* to the German readership and the development of an individual editorial project that builds and improves on the genre can be seen in almost every aspect of the collection. With regard to the corpus of cases that constitutes the *Merkwürdige Rechtsfälle*, the vast majority (i.e. sixteen on a total of seventeen) derives from Gayot de Pitaval's and Richer's works. This restricted selection of *causes célèbres*, however, is extended by a series of new cases with shorter accounts of eight "Beispiele von Unzuverlässigkeit der Aussagen, welche durch die Tortur erhalten werden"³⁹ (3: 357-414). What is more, Schiller makes this goal of selectively reducing the *Causes Célèbres et Intéressantes* and expanding the canon with a number of other cases that correspond with his overarching concept of the *cause(s) célèbre(s)* a central feature of his editorial project:

Eine Auswahl der Pitavalischen Rechtsfälle dürfte durch drei bis vier Bände fortlaufen, alsdann aber ist man gesonnen, auch von andern Schriftstellern und aus andern Nationen, (besonders wo es sein kann, aus unserm Vaterland) wichtige Rechtsfälle aufzunehmen, und dadurch allmählig diese Sammlung zu einem vollständigen Magazin für diese Gattung zu erheben.⁴⁰ (1: n. pag.)

By indicating that the *Merkwürdige Rechtsfälle* are meant to function as the basis for a magazine, i.e. a serial and potentially infinite journal, for the genre of the *causes célèbres*, Schiller adopts an approach similar to that of the prefaces of previous compilations of famous and remarkable legal cases. He simultaneously acknowledges the merits of his predecessors' works and indicates that his own collection will try to improve on them.

³⁹ "examples of the unreliability of the testimonies that are obtained through judicial torture"

⁴⁰ "A selection from the legal cases of [Gayot de] Pitaval may continue for three or four volumes, but thereupon we are disposed to include important legal cases from other authors and nations (in particular where it is possible, from our home country), and, thus, to gradually elevate this collection to a complete magazine for this genre."

As he proposes to expand the *Merkwürdige Rechtsfälle* with a number of cases by different authors and from different nations, Schiller explicitly points to the transnational focus as one of his most important selection criteria. Although Gayot de Pitaval's and Richer's collections did include some non-French cases, these *causes célèbres* are so limited in number that the international character of their corpus does not seem to have been one of their primary concerns. In the series of shorter examples in the third volume of his anthology of the *Causes Célèbres et Intéressantes*, Schiller demonstrates how this transformation of his selection of cases into a magazine might work. Whereas these accounts, which come from a wide variety of periods, ranging from the sixteenth to the late eighteenth century, and places, since they encompass cases from Italy, Flanders and the South of France, still correspond with the notion of the *cause(s) célèbre(s)*, the main reason for their selection seems to be their status as *Beispiele* or examples. Schiller, thus, introduces an additional selection criterion to the genre. The new cases must not only fit in with Gayot de Pitaval's definition of the concept of the *cause(s) célèbre(s)*, but also confirm some specific insight that is already conveyed by the current canon of *causes célèbres*. Rather than broadening or differentiating the knowledge that it encompasses, the *Merkwürdige Rechtsfälle* aims at accumulating a number of similar *Beispiele* that are strung together and, as a consequence, repeatedly confirm the knowledge that they convey. As all of these cases are deemed equally strong and typical examples of a specific insight, their accumulation points the reader to the general relevance of these truth(s). Schiller's selection criteria can, thus, be seen as an intensification of Gayot de Pitaval's conflation of the humanist emphasis on the simultaneous alterity and exemplariness (i.e. the exceptional-typical value) of the past with the Enlightenment focus on the entertainment and instruction of the reader, on which the genre and the very concept of the *cause(s) célèbre(s)* was founded. Schiffman indicates that the *historia magistra vitae* of the sixteenth and seventeenth centuries was based on a very similar approach of identifying one specific insight or piece of knowledge in a multitude of sources:

Regardless of whether one actually went through all this trouble [i.e. of bringing together a commonplace and the examples that confirm it in a *liber locorum rerum*], one undoubtedly registered the commonplace whenever one encountered a noteworthy example. In effect, the humanist habit of note taking served to confirm the truth of the commonplace – again, and again, and again. (179)

As the heading under which the editor brings together the cases that he adds to his collection (i.e. “Beispiele von Unzuverlässigkeit der Aussagen, welche durch die Tortur

erhalten werden”⁴¹ (3: 357)) suggests, the accumulation of new *causes célèbres* in the *Merkwürdige Rechtsfälle* also functions as a repeated confirmation of a number of general truths that can be derived from each separate example. Whereas their interest lies in the different extraordinary and exceptional events that constitute each separate story, their instructive potential clearly derives from the repeated confirmation of the insights that they convey.

Like Richer, Schiller in his preface sets out to improve the Enlightenment function of the genre. In his discussion of the literary merits of his project, he displays a much greater nuance than his predecessors and seeks to correct their tendency to privilege factual stories over fictional works. According to Schiller, the *causes célèbres* are a good alternative to contemporary popular literature, and in particular to “geistlose, Geschmack- und Sittenverderbende Romane, dramatisierte Geschichten, sogenannte Schriften für Damen und dergleichen”⁴² (1: n. pag.): works that lead to the moral corruption of the (female) readership. His description of the literary merits of the *Merkwürdige Rechtsfälle*, however, demonstrates that, unlike Richer and Gayot de Pitaval, he does not conceive of the genre as an ideal combination of fact and fiction, of the exceptional and the typical and of entertainment and instruction. Schiller rather points out that this collection of *causes célèbres* suffices until either greater and more skilled authors turn to writing popular literature, or the readership is cultivated enough to resist the moral corruption inherent to this type of fiction:

Es verdrängt wenigstens, so lang es gelesen wird, ein schlimmeres, und, enthält es dann irgend noch einige Realität für den Verstand, streut es den Saamen nützlicher Kenntnisse aus, dient es dazu, das Nachdenken des Lesers auf würdige Zwecke zu richten, so kann ihm, unter der Gattung, wozu es gehört, der Werth nicht abgesprochen werden.⁴³ (1: n. pag.)

Although the *Merkwürdige Rechtsfälle* only suppresses the greater evil of popular fiction, the editor still believes that the collection will make a useful contribution to the intellectual and emotional education not only of the bourgeois “Lesegesellschaften”, in which these texts circulated, but also of the “Volksklassen” (the populace) (1: n. pag.): i.e. its broad intended readership. Apart from legal scholars, to whom the collection is

⁴¹ “examples of the unreliability of the testimonies that are obtained through judicial torture”

⁴² “spiritless novels that corrupt good taste and morals, dramatized stories, so-called writings for ladies and the like”

⁴³ “It suppresses at least, as long as it is read, something worse, and, if it then contains some truth for the mind as well, if it disseminates the seeds of useful knowledge, if it serves to direct the thought of the reader to dignified purposes, then one cannot deny its value, within the genre to which it belongs.”

said to have at least some instructive value, it particularly includes lower- and middle-class men and women. In the end, this combination of entertainment and instruction suggests that the *causes célèbres* constitutes a valuable form of Enlightenment literature.

Schiller goes on to elaborate on the sort of knowledge that his representation will convey. In contrast to Richer, who focuses in particular on the narrative and rhetorical strategies that shape his collection, Schiller locates the instructive potential of his work in its elucidation of the real motives and rules of the administration of justice. The German translation of the *causes célèbres*, he claims, not only explains specific laws and legal customs but also, more importantly, provides a deeper insight into human nature and the appropriate treatment of the (criminal) individual. In this regard, the *Merkwürdige Rechtsfälle* is particularly praised because of the “wichtige[n] Gewinn[s] für Menschenkenntniß und Menschenbehandlung”⁴⁴ (1: n. pag.) that it yields. As Yvonne Nilges has emphasized in her study *Schiller und das Recht*, the knowledge about the individual human being and his inner life that Schiller as an author and editor develops in his oeuvre is strongly influenced by Enlightenment critiques of the legal system: “In den Spuren der auf der Karlsschule ungelesenen Schriften von Montesquieu und Beccaria richtet sich Schiller’s Augenmerk ... auf eine humane Rechtskultur, welche die Würde des Menschen auch in dem Verbrecher ... achtet”⁴⁵ (10). Thus, at the same time that the *Merkwürdige Rechtsfälle* seems to follow Gayot de Pitaval’s work in its aim of enlightening and instructing its readership about the administration of justice, it also seeks to convey a deeper understanding of human nature and the inner life.

Moreover, Schiller considers this insight into the thoughts and motivations of the criminal as the primary instructive value of the *causes célèbres*:

Man erblickt hier den Menschen in den verwickeltesten Lagen, welche die ganze Erwartung spannen, und deren Auflösung der Divinationsgabe des Lesers eine angenehme Beschäftigung gibt. Das geheime Spiel der Leidenschaft entfaltet sich hier vor unsern Augen ... Triebfedern, welche sich im gewöhnlichen Leben dem Auge des Beobachters verstecken, treten bei solchen Anlässen, wo Leben, Freiheit und Eigenthum auf dem Spiele steht, sichtbar hervor, und so ist der Kriminalrichter im Stande, tiefere Blicke in das Menschen-Herz zu thun.⁴⁶ (1: n. pag.)

⁴⁴ “important benefit for the knowledge about and treatment of people”

⁴⁵ “In the tracks of the writings of Montesquieu and Beccaria, which he did not read in the Karlsschule Schiller’s attention turns to ... a humane legal culture, which pays attention to the human dignity of the criminal as well.”

⁴⁶ “Here one sees man in the most entangled situations, which evokes a tense anticipation, the resolution of which gives the reader’s talent of divination a pleasant engagement. Here the secret play of passion unfolds before our eyes ... Incitements, which hide themselves

As the editor indicates that these cases give pleasure to the reader by challenging his ability to understand them and predict the course that they will take, the instructive potential of the *Merkwürdige Rechtsfälle* is closely related to the more entertaining and gripping representation that Richer put forward in his new edition of the *Causes Célèbres et Intéressantes*. Indeed, Schiller also includes a discussion of the representational aspect of his work, which not only endorses Richer's narrative and rhetorical approach to the *causes célèbres* but also claims to improve on his French predecessors by reducing their often too technical legal language (1: n. pag.). Moreover, the strong focus on the knowledge on the (criminal) individual and his/her inner life invites a reconsideration of Schiller's accumulation of examples. Instead of viewing it as a continuation of the humanist *historia magistra vitae*, we might consider this feature as an attempt to analyze people. As Ian Hacking has demonstrated in his study *The Taming of Chance* (1990), the deterministic view of human nature characteristic of the Enlightenment gradually eroded over the course of the nineteenth-century with the development of a new social science that relied heavily on statistics and numbers. In accordance with the editorial projects of contemporary magazines, such as Karl Philipp Moritz's *Magazin zur Erfahrungsseelenkunde* (10 vols, 1783-1793), Schiller's focus on increasing the number of *causes célèbres* that deal with a specific topic or piece of knowledge could be interpreted as part of an attempt to develop a real science of man: i.e. a form of *Erfahrungsseelenkunde* that prefigured nineteenth-century psychology and its assessment of the human individual according to his/her normalcy or deviation from the social norm.

In this regard, the project of the *Merkwürdige Rechtsfälle* can be situated at a fundamental crossroads within the development of the genre over the course of the eighteenth and nineteenth centuries. The collection continues to build on Gayot de Pitaval's and Richer's *Causes Célèbres et Intéressantes* by taking over the Enlightenment function of entertaining and instructing the reader. At the same time, however, Schiller also opens up the possibility of adopting a more modern accumulative approach to the crimes that are related. What is more, by shifting the focus towards gaining a deeper insight into the nature of the criminal and his/her inner life, the *Merkwürdige Rechtsfälle* anticipates the scientific study of the human psychology that would become increasingly influential over the course of the nineteenth century. This tension between tradition, i.e. the interaction between the alterity and the exemplarity of past events, and innovation, i.e. the emergence and development of the human sciences by the end

from the eye of the beholder in ordinary life, emerge more visibly in such occasions, where life, freedom and property are at stake, and, thus, the judge of crimes is able to have a better look into the human heart."

of the eighteenth century, would continue to influence and shape the editorial programs of collections of *causes célèbres* throughout the nineteenth century.

1.5 The nineteenth-century continualists: Multiplying the canon and diversifying its instructive potential

Roussel's *Annales du Crime et de l'Innocence*: The canon as the basis for a critical assessment of prerevolutionary justice

As one of the first collections of *causes célèbres* published in postrevolutionary France, Pierre Joseph Alexis Roussel's *Annales du Crime et de l'Innocence* (1813) is heavily influenced by the Enlightenment discussion and critique of the administration of justice that grew increasingly dominant over the course of the eighteenth century. His elaborate, fifty-page "Introduction", which focuses in particular on the instructive function of the collection, recalls Schiller's preface to the *Merkwürdige Rechtsfälle*. By including the title of Cesare Beccaria's 1764 treatise *Des Délits et des Peines* as a subtitle to his project outline, however, Roussel establishes a more explicit relation between his own work and the program of Beccaria and other Enlightenment thinkers, such as Montesquieu and Voltaire. In keeping with their ideas about legal reform, and particularly their critique of the use of torture and their call for the abolishment of capital punishment, the *Annales du Crime et de l'Innocence* seems to advocate for the transformation of the administration of justice that was carried through following the French Revolution. In order to do so, the editor devotes forty-eight pages of the introduction to giving a detailed outline of the development of the prerevolutionary legal system, including a discussion of its features and the types of crimes and punishments that it defined. Whereas Richer's and Schiller's collections focus on the Enlightenment reform of the law and on the humanity and the inner life of the criminal, the *Annales du Crime et de l'Innocence* shares with Gayot de Pitaval and Richer a strong emphasis on the elucidation of the motives and rules of the legal system.

The opening two paragraphs of the preface, which discuss Roussel's approach to and representation of the *causes célèbres*, seek to justify the extensive explanations of the prerevolutionary legal system. First, Roussel follows his predecessors in characterizing his editorial project as a form of Enlightenment literature:

En dépouillant ces causes de la partie judiciaire, en écartant les dissertations, les plaidoyers, les citations de lois, en nous bornant enfin au simple récit des faits, nous avons cru fournir au plus grand nombre des lecteurs un moyen de s'instruire et de s'amuser en même temps ; puisqu'à l'avantage de n'offrir que des faits vrais qui ont donné lieu aux jugemens des Cours souveraines, ces causes réunissent presque toujours l'intérêt du roman.⁴⁷ (1: 1-2)

In a single sentence, the editor not only indicates that his work focuses on the entertainment and instruction of his readership but also outlines his narrative and stylistic improvements on the genre. Like many of his predecessors and most notably Richer, the editor claims to reduce the technical legal discussions, including all formal discourse, legal speeches and citations of the law, and to focus instead on reconstructing the factual account of the events and the verdict. According to Roussel, this approach means that his collection will appeal to the broadest popular readership and function as a form of 'factual fiction', which combines a true storyline with (almost) novelistic qualities.

The second paragraph of the introduction goes on to specify the kind of knowledge that the *Annales du Crime et de l'Innocence* is meant to convey. According to Roussel, his (entertaining) accounts have a very specific instructive goal:

On saura apprécier, en lisant cet Ouvrage, les bienfaits de la nouvelle législation, qui, en corrigeant les abus de l'ancienne ; ... en proportionnant les peines aux délits, a réduit le supplice du criminel à la perte de la vie sans tortures.⁴⁸ (1: 2)

By emphasizing that his collection will focus primarily on demonstrating the merits of the modern nineteenth-century administration of the law and, thus, on confirming its authority, the editor recontextualizes his selection of cases as examples of the backwardness and the flaws of the prerevolutionary legislative traditions and customs. The elaborate outline of the *Délits* and the *Peines* of the Sovereign's justice administration, which underpins most *causes célèbres* in the *Annales du Crime et de l'Innocence*, is meant to draw attention to a contrast between past and present that

⁴⁷ "By stripping these cases of the legal part, by removing the dissertations, defense speeches and citations of the law, by finally limiting ourselves to a simple narrative of the facts, we have thought to provide a means of simultaneous instruction and amusement to the greatest possible number of readers; because with the benefit of giving only true facts that have given rise to verdicts in sovereign courts, these cases almost always combine the interest of the novel."

⁴⁸ "One will appreciate, when reading this Work, the benefits of the new legislation that, by correcting the abuses of the older one; ... by making the punishments proportional to the crimes, have reduced the torture of the criminal to the loss of his life without judicial torture."

legitimizes the (late) eighteenth-century Enlightenment reform of the law and, more importantly, the current legal system.

Whereas Roussel's "Introduction" characterizes the collection simply as an effective form of Enlightenment literature that is of general interest to his broad popular readership, the publisher of the *Annales du Crime et de l'Innocence* includes a preface of his own, in which he comments on a number of other aspects of the work. First, the editorial project is explicitly positioned within the genre of the *causes célèbres*. By the time the collection was published in 1813, the publisher and editor could draw on a long and rich tradition of collecting and editing famous and remarkable legal cases. As in Richer's new edition of the *Causes Célèbres et Intéressantes*, thus, the preface starts by both acknowledging the widespread popularity of previous works within the genre and highlighting their flaws:

La collection des *Causes Célèbres et Intéressantes*, que MM. Garnier, Gayot de Pitaval, Desessarts et Richer ont publiée, et qui forme plus de deux cent cinquante volumes, imprimés successivement depuis un siècle environ, et terminés vers l'année 1790, renferme non seulement beaucoup de procès criminels qui se ressemblent, et qui n'offrent d'autre différence que celle des noms des malfaiteurs et du lieu où ils ont exercé leurs brigandages ; mais on y trouve aussi un grand nombre d'affaires qui n'offrent aujourd'hui ni intérêt, ni curiosité[.]⁴⁹ (1: V)

By listing some of the most important collections of *causes célèbres* published in France over the course of the eighteenth century, the publisher initially draws attention to the vastness of the tradition that the *Annales du Crime et de l'Innocence* is continuing in nineteenth-century culture. At the same time, however, the enormous corpus of cases is also one of the greatest flaws of the genre. Not only are the *causes célèbres* that were memorialized before the French Revolution highly redundant in their topics and storylines, but the canon also includes a large number of cases that have lost their relevance for the nineteenth-century readers. By falling back on the criteria of curiosity and interest in order to describe the outdatedness of the prerevolutionary canon of *causes célèbres*, the publisher clearly continues to conceive of the genre as a form of collecting and editing sensational legal cases that is based on a conflation of the

⁴⁹ "The collection of *Causes Célèbres et Intéressantes*, that MM. Garnier, Gayot de Pitaval, Desessarts and Richer have published, and that add up to more than two hundred and fifty volumes, printed continuously since approximately a century ago, and brought to an end by the year 1790, include not only many criminal trials that resemble one another, and that offer no other difference than that of the names of the criminals and the place where they have exercised their crimes; but one can also find a great number of affairs that today have no interest, nor curiosity[.]"

interplay between the alterity and exemplarity of the past with the entertainment and instruction of the reader that becomes the main goal of Enlightenment literature.

To remedy this vast, redundant and obsolete canon of *causes célèbres*, the publisher of the *Annales du Crime et de l'Innocence* proposes to construct a new corpus of cases. Once again, the selection includes some of the most important, long-established *causes célèbres* as well as a number of new cases:

On a pensé qu'en laissant de côté les unes, et en rapportant un ou deux exemples, au plus, des différens genres de crimes qui ont occupé les tribunaux, on pouvait présenter au Public un Recueil curieux et peu volumineux.

Afin de mieux remplir ce but, on a fait entrer dans ce Recueil des causes puisées, soit dans l'histoire de France ..., soit dans la jurisprudence et les tribunaux d'Angleterre, d'Allemagne, d'Espagne, etc. Enfin, on n'a rien négligé pour rendre ce recueil amusant et intéressant.⁵⁰ (1: V-VI)

As the subtitle to the collection, *Choix de causes célèbres, anciennes et modernes*, also suggests, the organization of the *Annales du Crime et de l'Innocence* is similar to Schiller's accumulative approach to the genre. The publisher indicates that the work brings together additional examples of the topics featured in its new canon of eighteenth-century *causes célèbres*. As in the *Merkwürdige Rechtsfälle*, this stringing together of exemplary cases in the *Annales du Crime et de l'Innocence* remains very limited. By aiming to include only two or three *causes célèbres* on a specific topic, the collection seems to be conceived as an orderly and less voluminous overview of the whole spectrum of (criminal) offences: i.e. an anthology, rather than a quantitative study of crime. This focus on bringing together a selection of cases representative of each separate topic, social phenomenon or type of offence is further reinforced by its aim of including a number of new historical and foreign *causes célèbres*, which give the work a more general relevance and interest.

⁵⁰ "One has thought that by leaving aside these ones, and by reporting one or two examples at most, of different types of crimes that have occupied the courts, one could present a curious and less voluminous Collection to the Public.

In order to better fullfill this goal, one has inserted cases into this Collection that are drawn either from the history of France ... or from the administration of justice and the courts of England, Germany, Spain, etc. In a word, one has neglected nothing that could render this collection pleasant and interesting."

Hitzig and Häring's *Der neue Pitaval*: The canon as the basis for a psychological exploration of crime in modern times

At first sight, the preface to the first series of *Der neue Pitaval* (12 vols, 1842-1847) puts forward an editorial project that is very similar to the program of the *Annales du Crime et de l'Innocence*. Like Roussel's publisher, Julius Eduard Hitzig and Georg Wilhelm Heinrich Häring, who edited and published the collection, seem set on putting together an anthology that includes representative examples of different types of crimes. Their discussion of the relevance of *Der neue Pitaval*, moreover, emphasizes the general interest of the *causes célèbres* and critiques the overly narrow local, temporal and/or analytical focus of the corpus transmitted by earlier collections:

Des allgemeinen Interesse an merkwürdigen Criminalfällen ungeachtet, gibt es doch zur Zeit noch keine Sammlung, welche die berühmtesten aller Länder und Zeiten umfaßte. ... Auffällige Criminalgeschichten gehören aber jetzt nicht mehr dem Lande allein an, wo sie vorgefallen, auch nicht der Wissenschaft allein; sie haben das traurige Vorrecht, ein großes Gemeingut zu sein.⁵¹ (1: XI)

By drawing attention to the fact that the genre has gained an international, almost universal interest and has, thus, become 'public property', the editors identify a gap in the existing canon of *causes célèbres*. As these collections tended to focus on cases from a specific country or approached them from a 'scientific' or scholarly perspective, the German reading public needs a collection that will bring together *causes célèbres* from all times and places in an accessible form. According to Hitzig and Häring, *Der neue Pitaval* is therefore a timely project: "Eine neue Sammlung der merkwürdigsten Criminalfälle aller Länder und Zeiten bis auf die neueste herab, erschien daher als eine zeitgemäße Aufgabe"⁵² (1: XII). The editors clearly conceive of their collection as an anthology, a historical and transnational selection of the most peculiar *causes célèbres*. Following this justification of their publishing project, Hitzig and Häring give a very detailed outline of the program of *Der neue Pitaval*.

First, the editors elaborate on their selection criteria, which closely resemble those put forward by Roussel's publisher in the preface to the *Annales du Crime et de l'Innocence*. Like most collections of *causes célèbres* published after the boom of the genre in the

⁵¹ "Despite the general interest in remarkable crime cases, there is currently not yet a collection, that comprises the most famous of all countries and times. ... But now peculiar crime stories do no longer belong only to the country, where they occurred, nor solely to the sciences; they have the sad privilege, of being public property."

⁵² "A new collection of the most remarkable crime cases of all countries and times down to the newest ones, therefore, seemed to be a timely duty."

1770s, *Der neue Pitaval* consists of an anthology of well-established historical cases from older compilations, which is extended by new accounts of controversial trials from the recent past that would otherwise be forgotten. Hitzig and Häring describe the work as

eine Sammlung, welche alle Fälle in sich aufnahm, die den Stempel historischer Berühmtheit an sich tragen; die aus den ältern Compilationen die gehaltreichern, so belehrenden als interessanten Inhalts, hervorsuchte, und diesen classischen Criminalfällen die viel besprochenen Prozesse der nächsten Vergangenheit und Gegenwart anreihete, Prozesse, welche einer vom andern verdrängt, so schnell wieder vergessen werden, als der Ruf derselben ihrer Zeit groß war.⁵³ (1: XII)

In order to illustrate their approach and selection procedure, the editors look for a model within the genre of the *causes célèbres*. Despite the successive attempts to improve on the works of Gayot de Pitaval and other predecessors, *Der neue Pitaval* (as the title already suggests) initially turns to the original *Causes Célèbres et Intéressantes* for inspiration. Before elaborating on its merits, however, the editors emphasize that Gayot de Pitaval “sammelte nur für Franzosen und fast durchgängig nur französische Fälle”⁵⁴ (1: XVI): a critique of the local focus of the collection. Furthermore, they regret the lack of an authoritative, *international* corpus of *causes célèbres*. Like the *Causes Célèbres et Intéressantes*, most French and English collections tend to include primarily cases from their own nation and previous German collections have generally had a much too narrow focus (1: XVII).

Despite this criticism of their predecessors, Hitzig and Häring endow Gayot de Pitaval’s work with a unique and crucially important status, which derives not only from its European fame but also (and more importantly) from its

reichen Schatz der allermerkwürdigsten, psychologisch interessantesten und juridisch verwickelten Criminalfälle, dergestalt, daß ein neuerer Sammler ihn nicht allein nicht übergehen darf, sondern von selbst darauf hingewiesen ist, seine Ausbeute zum Grunde zu legen.⁵⁵ (1: XVI)

⁵³ “a collection, which includes all cases, that bear the imprint of historical fame; which picks out the richer ones, of instructive as well as interesting content, from the older compilations, and those classical crime cases from the widely discussed trials of the recent past and the present, which one suppressed by the other, are as quickly forgotten, as their fame was great in their own time.”

⁵⁴ “collected only for French people and almost consistently French cases”

⁵⁵ “rich treasure of the most remarkable, psychologically most interesting and legally most complicated crime cases, in such a way, that a new collector cannot only not pass over him but is automatically referred to it, in order to take it as the basis of his output.”

As Gayot de Pitaval's *Causes Célèbres et Intéressantes* is said to include many of the most curious and interesting cases that have been transmitted to different generations and cultures, its contents cannot be ignored by later editors of collections of *causes célèbres*. Accordingly, Hitzig and Häring point out that it will serve as a basis for their own selection of famous and remarkable legal cases:

Aus seinen mehren zwanzig Bänden werden wir nicht viel über ein Dutzend interessanter und belehrender Fälle für unsere Sammlung brauchen. Aber in seiner Auswahl zeigt er besser als sein Verbesserer, daß er wußte, was das allgemein menschliche Interesse erregt, und zugleich dient er uns als Markscheide, bis zu welchem Zeitpunkte zurück unsere Sammlung einstweilen gehen darf.⁵⁶ (1: XVII-XVIII)

Der neue Pitaval will, thus, select a dozen of entertaining and instructive cases from Gayot de Pitaval's work. Although this number is small, Hitzig and Häring stress that the chosen cases are highly significant because of their general human interest. What is more, this feature makes the corpus of cases in the *Causes Célèbres et Intéressantes* superior to any later attempt to improve upon the work. Finally, Gayot de Pitaval's collection, which does not go back further than the late sixteenth century, also gives *Der neue Pitaval* a guideline with regard to the temporal scope of its selection of *causes célèbres*. As the editors see the period between the 1650s and the 1840s as a transitional epoch between the "Criminalistik ... einer andern gesellschaftlichen Zeit, mit anderen Gefühlen und Sitten"⁵⁷ (1: XVIII) and the new, contemporary way of interpreting crime and administering justice, they conceive of their collection as an anthology of the most important *causes célèbres* of modern times. The Enlightenment function of *Der neue Pitaval*, with its special focus on the modern conception of the human individual and his/her inner life, feelings and morality, is already shaped by its selection criteria.

This central feature of the editorial project of the collection is further developed in the preface, as Hitzig and Häring elaborate on a number of other aspects of their work, including its intended readership as well as the features and instructive function of the representation of the *causes célèbres*. They point out that *Der neue Pitaval* not only tries to reach the type of readers that the genre traditionally addresses, i.e. legal scholars ("Juristen") and the broad middle classes ("der größern Leserclasse"), but also seeks to appeal to psychologists ("Psychologen") (1: XII). In order to do so, the editors again look

⁵⁶ "From his more than twenty volumes we will not use much more than a dozen of interesting and instructive case for our collection. But in his selection he shows more than his followers, that he knew what arouses the general human interest, and at the same time does he serve as the boundary, to which point in time our collection can go back for the time being."

⁵⁷ "criminalistics of another social time, with other feelings and morals"

for a model for their representational and interpretative approach. This time they find an authoritative example in Paul Johann Anselm Feuerbach's *Merkwürdige Criminal-Rechtsfälle* (2 vols, 1808-1811), which was re-edited and re-printed as *Aktenmäßige Darstellung merkwürdiger Verbrechen* (2 vols, 1828-1829). Building on his psychological assessment of a number of famous and remarkable German crime cases from the recent past and the present, Hitzig and Häring claim to develop their own style of representing and interpreting the *causes célèbres*, which focuses on "die historische Auffassung, die lebendige Darstellung der Handlung, der That und ihrer Motive"⁵⁸ (1: XIII). This historical approach, which is meant to revive the past events of the case, has a double aim. Not only is it conceived as a way to achieve the same psychological depth as do Feuerbach's collections, despite the lack of legal records normally necessary to study the motives of the criminal, but it also constitutes a significant improvement on the eighteenth-century editions of the *Causes Célèbres et Intéressantes*. Like most editors of previous collections within the genre, Hitzig and Häring highlight their own contribution to the *causes célèbres* by pointing out its current flaws. In this regard, their rewriting of Gayot de Pitaval's and Richer's works seeks to rectify the excessive focus on the legal aspects of these cases, which is said to draw attention away from their real, i.e. psychological, interest (1: XV).

What is more, *Der neue Pitaval* is the first collection that tries to enhance its representation and interpretation of the *causes célèbres* by including a discussion of its structure in the preface. After rejecting an arrangement "nach wissenschaftlichen Grundsätzen" or "nach Zeit und Ort"⁵⁹, the editors put forward a different form of organization:

Es wird demnach in den einzelnen Bänden nur Aufgabe sein, eine möglichste Mannichfaltigkeit der Criminalfälle zur Auswahl für das Publicum herzustellen, aus verschiedenen Gebieten, Zeiten und Ländern. Wo es aber jene Rücksichten erlauben, werden wir die Fälle, welche verwandt aus psychologischen oder juridischen Gründen, zur Vergleichung auffodern, zusammenstellen.⁶⁰ (1: XIX-XX)

As the different volumes of *Der neue Pitaval* will focus on putting together a number of cases that are simultaneously characterized by a similar legal and/or psychological topic and by a great local and temporal variety, the collection enables a thorough

⁵⁸ "the historical conception, the lively representation of the story line, the act and its motives"

⁵⁹ "according to scientific principles or according to time and place"

⁶⁰ "Thus, it will be the task of each separate volume, to establish the greatest possible diversity of crime cases as a selection for the public, from different areas, times and countries. But where these considerations allow it, we will bring together those cases, which are related because of psychological or legal reasons and invite a comparison."

comparison of different *causes célèbres*. In a similar fashion to Schiller, thus, Hitzig and Häring divide their selection from Gayot de Pitaval's work into different series of cases that allow for a comparative study of the different types of crimes or legal issues that are at their center. This approach becomes increasingly dominant over the course of the publication history of *Der neue Pitaval*. In the preface to its third volume, the editors multiply the connections among the *causes célèbres* and intensifying their interpretative stringing together by inviting "der geneigte Leser die parallelen Fälle, wenn auch nicht immer nach Anleitung der äußern Aneinanderreihung, sich selbst zusammen[zu]stellen"⁶¹ (3: VII). By attributing an active interpretative role to its readers and elaborating on the function of its accumulation of cases, *Der neue Pitaval* demonstrates the increasing influence of the analytic and accumulative method of the nineteenth-century human sciences on the genre. From the late eighteenth century onwards, thus, a new perspective on the *causes célèbres* gradually emerges and expands the conflation between the exceptional-typical value of the past and the Enlightenment entertainment and instruction of the reader that laid at its foundation. Following Schiller's introduction of the accumulation of cases as one of its central selection criteria, the genre comes to be characterized by a quantitative approach to the canon of *causes célèbres*. Over the course of the nineteenth century, the continualists increasingly use their collections to derive knowledge on various human sciences, by accumulating and stringing together a number of cases and, thus, extending the body of information on which these insights are based.

Fouquier's *Causes Célèbres de Tous Les Peuples*: The canon as the basis for the moral education of the reader

Armand Fouquier's concise preface to the *Causes Célèbres de Tous Les Peuples* (1858) confirms this development. Although it consists of just a few paragraphs, it covers all of the aspects that are commonly discussed in the programs of collections of *causes célèbres*. Fouquier starts by distinguishing between the *causes célèbres* and the fictional genres of drama and the novel: "De tout temps, les drames réels ont excité une curiosité tout autrement avide que les plus ingénieuses inventions du dramaturge et du romancier"⁶² (1: n. pag.). Following this opening statement Fouquier gives an overview of the publication history of the *causes célèbres* in France. Through this highly detailed

⁶¹ "the inclined reader to bring together the parallel cases together himself, even when he is not guided by their explicit stringing together"

⁶² "At all times, the real dramas have aroused a curiosity that is eager in a totally different manner than the most ingenious inventions of the playwright and the novelist."

account, which includes references to the works of Gayot de Pitaval, de la Ville, Richer, Etienne, Des Essarts, Méjan, Roussel, Pauchet de Valcour and Saint-Edme (1: n. pag.), the editor demonstrates the immense popularity and richness of the genre.

To clarify his contribution to this tradition, Fouquier offers a critical assessment of these works. In his view, they are of interest only because of the historical cases that they memorialize and transmit: “S’il nous est permis, maintenant, de juger nos devanciers, nous dirons que l’intérêt de ces publications nombreuses nous paraît être beaucoup plus dans la matière que dans l’œuvre”⁶³ (1: n. pag.). Their interpretation and representation of the *causes célèbres*, however, has no practical value for him. Although Fouquier acknowledges the honest intentions of Gayot de Pitaval and Des Essarts, he criticizes their lack of *jugement*, *critique* and *style*. His appraisal of the work of Saint-Edme is even harsher, as the author is characterized as “un Trublet [i.e. Nicolas-Charles-Joseph Trublet, a French cleric and moralist] sans conscience”⁶⁴: a moralist without morals (1: n. pag.). Saint-Edme’s collection offers only poor analyses and abominable representations of the *causes célèbres*, which are traced back to the editor’s tendency to copy from the work of predecessors rather than using his own imagination. According to Fouquier, the other collections are even worse, not even worthy of being discussed in his preface, which leads him to conclude: “Il n’y a donc pas un seul recueil de Causes célèbres qui réponde, soit par sa date, soit par son exécution, à la légitime curiosité des lecteurs. Nous avons conçu l’espérance de créer ce repertoire”⁶⁵ (1: n. pag.). Given these deficiencies, Fouquier sets out to construct a contemporary canon (or *répertoire*) of *causes célèbres*. He will capitalize on the merits of previous collections and draw on their material in order to compose a new anthology of the eighteenth- and nineteenth-century *causes célèbres*.

As in *Der neue Pitaval*, Fouquier’s method consists of an attempt to revive these past events. Fouquier claims to do so, however, not by studying the psychological motives of the criminal but rather by adopting an “esprit de recherche, d’exactitude et de moralité”⁶⁶ (1: n. pag.). As he outlines this approach further, he reiterates the importance of going beyond the simple satisfaction of the reader’s sordid interest in scandalous affairs. Fouquier’s representation, therefore, aims both at a tasteful entertainment of his readership and at its moral instruction:

⁶³ “If it is permitted to us, now, to judge our predecessors, we would say that the interest of these numerous publications seems to be in the subject matter, rather than the work.”

⁶⁴ “a Trublet without a conscience”

⁶⁵ “So there is not a single collection of Causes célèbres that meets, either by its period or by its execution, the legitimate curiosity of the readers. We have conceived the hope of creating this directory.”

⁶⁶ “spirit of research, precision and morality”

Nous n'avons donc pu penser à commencer ces études, qu'en nous donnant pour but l'éducation morale des lecteurs, qu'en nous imposant les lois les plus sévères de bon goût et de bien dire. Plus l'émotion est facilement éveillée, plus le récit doit être sincère et prudent à la fois.⁶⁷ (1: n. pag.)

Fouquier, however, does not elaborate on such general terms as 'moral education', 'the laws of good taste and eloquence' and 'a genuine and sensible story'. Still, his description suggests that the collection is conceived as a form of Enlightenment literature that focuses strongly on morality and civil prudence.

Although Fouquier does not explicitly comment on the structure of his collection, a closer look at the work demonstrates that he groups together cases on similar topics in order to derive knowledge from them. In contrast to the editors of *Der neue Pitaval*, who convey deeper insight into the *causes célèbres* by explicitly drawing connections among them over the course of their accounts, Fouquier tends to group (especially older) cases together under a single subject heading, such as "Erreurs judiciaires" (7: 1; pt. 26), "La chambre ardente" (4: 1; pt. 20), or "Questions d'état" (7: 1; pt. 33), and discusses their meaning in overarching introductory and concluding statements. In keeping with his analytical and exact 'spirit', thus, Fouquier offers his readership a new canon of *causes célèbres*, which is derived from the works of his predecessors and structured into different series that allow for a comparative study of a specific type of crime or legal issue. Whereas *Der neue Pitaval* invites the reader to reflect upon these cases and string together related ones by himself, Fouquier's preface expresses a stronger skepticism about the reader's moral integrity, drawing particular attention to the public's "recherche éhontée du scandale"⁶⁸ (1: n. pag.). Therefore, the editor acts as the sole interpretative instance who is able to convey the moral education that underpins the project of the *Causes Célèbres de Tous Les Peuples*.

⁶⁷ "We could not have thought about beginning these studies, without taking the moral education of the readers as our goal, without imposing the strictest laws of good taste and eloquence upon ourselves. The more emotion is easily aroused, the more the narrative must be genuine and cautious at the same time."

⁶⁸ "shameless search for scandal"

1.6 Conclusion: Re-building, re-writing and re-interpreting the canon of *causes célèbres*

This overview of the prefaces of a number of eighteenth- and nineteenth-century collections of *causes célèbres* has demonstrated that the genre is primarily conceived as the transmission of a canon of the most significant and memorable legal cases. Therefore, the works of predecessors, and Gayot de Pitaval's founding collection of *Causes Célèbres et Intéressantes* in particular, form a constitutive part of each subsequent editor's publishing project. Not only do they help to justify the general interest and importance of new compilations by situating them within a tradition of long-lasting international fame, but their selection of cases also establishes a corpus, from which later editors can derive their own anthology of famous and remarkable legal cases. The genre, thus, consists of a number of successive reconstructions of the canon of *causes célèbres*: i.e. a continuous update on the selection of cases that, according to the general conception (*Gesamtkonzeption*) of the collection, should be memorialized and transmitted because of its exceptional-typical, entertaining and instructive value. The prefaces also function as a tradition, with each editor building on and adapting the previous ones' programs.

As the introductory statements to these eighteenth- and nineteenth-century collections have shown, each subsequent editor develops a new vision of the *cause célèbre*. All of these projects, however, draw on a number of aspects that were first outlined by Gayot de Pitaval. The opening statement to the *Causes Célèbres et Intéressantes* defines the *cause célèbre* as a sensational legal trial that was the subject of great public attention and lively popular debate at the time of its occurrence. The case is also of particular interest to later generations, including the readers of the *causes célèbres*, as it conflates the humanist idea of the simultaneous alterity and exemplarity of the past with the Enlightenment focus on combining entertainment and instruction. Gayot de Pitaval's work, thus, enhances the status of the sixteenth- and seventeenth-century *exemplum* by indicating that the canonical cases that it is bringing together will satisfy the curiosity of the reader, by offering him the pleasure of fiction as well as a deeper insight into the nature of the administration of the law and the motives that underpin it.

The first English, Dutch and German translations focus not only on transmitting an anthology of the most famous and interesting of Gayot de Pitaval's cases to their respective readerships but also attribute a new meaning to their selection of *causes célèbres*. Whereas the *Gallick Reports* interprets them as examples both of the superiority of the English legal system and of the criminal human nature and the workings of Providence that rectify it, the *Beroemde en Gedenkwaardige Rechts-Zaaken* and the

Erzählung sonderbarer Rechtshändel conceive of French justice as a model for the Dutch and German elucidation of specific legal trials and of the law in general. The improvements that these translations claim to make on Gayot de Pitaval's work are primarily stylistic.

Later eighteenth-century collections, such as Richer's new edition of the *Causes Célèbres et Intéressantes* and Schiller's *Merkwürdige Rechtsfälle*, however, start to make more fundamental alterations to the original program and its conception of the *causes célèbres*. Their editors not only build a new canon of cases that consists of an anthology based on Gayot de Pitaval's collection, expanded by a number of new (more recent) *causes célèbres*, but also propose a number of alterations to their representation and interpretation. While still emphasizing the exceptional-typical status of the cases and their combination of entertainment and instruction, Richer develops a more exciting, factual account of these cases, which leaves out Gayot de Pitaval's explicit commentary and puts the reader into the active interpretative role of a judge. Schiller takes over this representational form but shifts the focus to the Enlightenment ideas on a more humane treatment of the criminal and the study of the inner life. The *Merkwürdige Rechtsfälle*, moreover, is the first collection to group cases on a similar topic together in order to derive more reliable knowledge from them.

The prefaces to the nineteenth-century compilations of *causes célèbres* continue this attempt to improve on the canon of cases and to enhance its Enlightenment function of combining entertainment with instruction. Roussel's *Annales du Crime et de l'Innocence*, first series of *Der neue Pitaval* and Fouquier's *Causes Célèbres de Tous Les Peuples* all combine an anthological selection of cases from the works of their predecessors with an attempt to accumulate and string together a number of *causes célèbres* in order to respond to the changing interests of their respective readerships. Their approaches to the genre, however, are fundamentally different. With regard to the instructive aspects of these works, Roussel aims at justifying the late eighteenth-century Enlightenment reform of the legal system by using the *causes célèbres* as examples of the flaws of prerevolutionary justice. In contrast, *Der neue Pitaval* invites the reader to engage in a more profound comparative study of similar cases in order to gain deeper insight into the psychology and motives behind different types of crimes and criminals. Fouquier, finally, elucidates the *causes célèbres* and derives knowledge from them himself, as he groups together a number of cases, which form the basis of the moral instruction of his readership. Furthermore, these nineteenth-century editors also put forward different representational strategies, which range from attempting to revivify the past (in Roussel's collection and *Der neue Pitaval*) to giving a respectable, precise and analytic account of the *causes célèbres* (in Fouquier's work).

Despite the fundamental differences among these prefaces, a number of features seem to characterize the genre as a whole. First, all editors conceive of the *cause(s) célèbre(s)* as legal *exempla* that have an exceptional-typical value. Building on their

simultaneous singularity or alterity and general interest or exemplariness, these eighteenth- and nineteenth-century compilations of sensational legal cases develop into a form of Enlightenment literature that combines the entertainment of fiction with instructive factual legal accounts. The genre also focuses on gaining deeper insight into (human) nature and motivations, first regarding the administration of the law and later concerning criminal behaviors. Finally, each subsequent preface highlights the crucial importance of the representation of *causes célèbres* as an instructive tool. Improving on the way in which previous editors made sense of and derived knowledge from the past events of these cases, thus, came to be a central feature of the eighteenth- and nineteenth-century development of the genre.

2 The exceptional-typical value of the *causes célèbres* (1): Enlightening the administration of justice

2.1 The wrongful conviction of the Sieur d'Anglade: An objection to the authority of the legal system?

If there is one popular type of case within the genre of the *causes célèbres* that invites editors to reflect on the administration of the law and compels them to comment on (the authority of) the judicial system, it is the account of judicial error(s). The wrongful conviction of the Sieur d'Anglade and his wife constitutes one of the most famous and most frequently rewritten cases of this kind. It relates the story of a number of successive trials regarding a theft from a Parisian nobleman, of which d'Anglade and his wife were initially found guilty. Following the discovery and conviction of the real culprits, the couple was eventually exonerated, but unfortunately only after the husband had died in captivity.

On Thursday evening, 25 September 1687 the Count of Mongommery approached M. Dessita, Lieutenant-Criminel of the Châtelet of Paris, in order to report a theft. During a three-day stay at his country estate, a large sum of money as well as some jewelry had been stolen from his apartment in Paris. Both the Count and the Lieutenant-Criminel immediately suspected M. d'Anglade and his wife, who occupied the remaining rooms of the house. Despite there being only circumstantial evidence against the couple, and, although M. d'Anglade bore the test of judicial torture, the Lieutenant-Criminel convicted them of the theft on 16 February 1688. After a year of harsh imprisonment, M. d'Anglade died in Marseille on 4 March 1689, on his way to serve in the galleys for the rest of his life.

Soon after his death, a number of letters circulated through Paris, attesting to the innocence and the wrongful conviction of M. d'Anglade and his wife and identifying the Count's housekeeper, François Gagnard, and a friend of his, Vincent Belestre, as the real culprits. Upon hearing this, Madame d'Anglade initiated legal proceedings against them. After a short and straightforward investigation, Gagnard and Belestre were unmasked and sentenced to be hanged, and the Sieur d'Anglade was posthumously acquitted. Madame d'Anglade then filed a lawsuit against the Count accusing him of calumny and demanding damages. This initiated a fierce legal battle between Mongommery and d'Anglade, which the court finally settled on 17 June 1693 by convicting the Count to pay back the sums he had claimed as a reparation for the theft, thus granting Madame d'Anglade a part of her demands.

The story of this wrongful conviction brings up a number of issues that challenge the authority of the legal system. These include the blatant misinterpretation of the evidence against the suspects, the harsh torture during the questioning of the husband, the conviction of the couple without any conclusive proof of their guilt, and finally, the fiercely debated petition by Mme d'Anglade to obtain damages from the Count of Mongommery, who had accused them of the theft. Although many *causes célèbres* deal with some kind of challenge to justice¹, the memorialization and transmission of this particular case by Gayot de Pitaval and his continualist followers brings the (im)proper functioning of the legal system and, thus, the relation of the genre to the administration of justice to the fore.

As the publication history of the case demonstrates, many eighteenth- and nineteenth-century editors recognized the significance of the *cause célèbre*.² Following its appearance in the first volume of the *Causes Célèbres et Intéressantes*, new versions of the story of d'Anglade's wrongful conviction featured in at least twelve later collections of famous and remarkable legal cases published between 1734 and 1867. Unlike most of the principal *causes célèbres* that emerged from Gayot de Pitaval's work, however, the case has a very limited circulation outside the genre. It was taken up into popular culture on only one occasion, in *La Famille D'Anglade, ou Le Vol*: a melodrama that was first performed in the Parisian Théâtre de la Porte St.-Martin in 1816 and translated into English, Dutch, German and Italian by 1820. This striking contrast between the

¹ If one looks, for example, at the other *causes célèbres* that are discussed in this study, the case of the Marchioness of Brinvilliers deals with the question whether a confidential religious confession can be used as evidence in court and the story of Martin Guerre focuses on the difficulty for the legal system to establish the truth when there are only contesting testimonies and no conclusive evidence available. The legal aspect of both of these *causes célèbres*, however, is secondary to their focus on the crimes themselves.

² A detailed overview of the publication history of the *cause célèbre* of the Sieur d'Anglade can be found in appendix 1.

popularity of the story of the *Sieur d'Anglade* within and outside the genre of the *causes célèbres* suggests that despite a lack of narrative potential, the eighteenth- and nineteenth-century continualists clearly took a special interest in the case. Rather than from the entertaining curiosity of the trial, the memorialization and transmission of this *cause célèbre* seems to draw particularly on its instructive potential with regard to the administration of the law. How did Gayot de Pitaval and his followers reshape the account of such a famous judicial error into a typical example that conveys general knowledge on the workings of justice? How did the genre of the *causes célèbres* establish and continue to redefine its relation to the law?

In order to gain a deeper insight into its legal aspects, this chapter compares and contrasts a number of eighteenth- and nineteenth-century rewritings of the *cause célèbre* of the *Sieur d'Anglade*. It will focus in particular on the different ways in which editors represent and interpret the wrongful conviction as well as the legal system that committed the mistake. The chapter, thus, explores how the genre relates the exceptional-typical relevance of the *cause célèbre* to its strong legal focus. By demonstrating how each editor who builds on Gayot de Pitaval's work alters the details of the representation and interpretation of the judicial error, it will also shed light on how the genre continuously reconsidered and reshaped the connection between the singularity of the events it relates and the generality of the knowledge (concerning the administration of the law) that is conveyed through their description.

In his study of the various interrelations between legal and literary texts, *Law and Literature*, Richard A. Posner emphasizes that the law often becomes a source of inspiration for literature, precisely because of its status as “a universal subject” (Posner 30). Not every legal text, however, has this general interest. In order for stories about the law and justice to survive the ravages of time and retain their significance, one needs to

distinguish between concrete legal problems, which lawyers are expert at solving, and broader issues of legality, governance, and justice. The latter are grist for moral, political, and literary reflection and so might attract an audience not limited to legal professionals. (32)

Posner goes on to specify these broader legal issues, which may relate either to the rules of the law and the (im)possibility of their correct application or to the corruption and injustice that may come to permeate a legal system (32–33). The law, for Posner, is particularly viable as a literary subject when it exposes flaws in the administration of justice. Both types of flaws seem to be at stake in the *cause célèbre* of the *Sieur d'Anglade*, as the (incorrect) application of a number of specific legal rules – in particular the legal possibility of convicting a suspect without conclusive proof – leads to a form of injustice that evokes the corruption of an entire legal tradition – the flagrant misinterpretation of the facts as incriminating evidence, due to the Lieutenant-Criminel's prejudice

against him, and the consequent judicial error. This chapter, thus, argues that Gayot de Pitaval and his followers continue to memorialize and transmit the wrongful conviction of the Sieur d'Anglade and rewrite his story because of its potential of being such a 'universal subject', which entails a critical assessment of and commentary on the administration of justice in general.

Legal discussions of the *causes célèbres* tend to approach the genre primarily in relation to the work of the seventeenth- and eighteenth-century *arrêtistes*, who aimed at clarifying the reasoning behind individual verdicts in order to demonstrate the rights of the winning party, and consequently, the authority of the legal system. Moreover, the assessments of these collections from a legal point of view tend to have a limited scope. Both Jean-Louis Halpérin and Rainer Maria Kiesow contrast the *causes célèbres* to the genre of the *recueils d'arrêts*, although they arrive at very different conclusions about the legal interest of the genre. In a book chapter on "Legal Interpretation in France Under the Reign of Louis XIV: A Review of the *Gazette des tribunaux*", Halpérin includes a concise discussion of the works of Gayot de Pitaval and his eighteenth-century French followers, in particular Des Essarts. Despite the promise of conveying deeper insight into the reasoning behind the administration of justice, these collections "instead chose to focus upon the sensational facts of cases, rather than publishing legal arguments" (Halpérin 31). Halpérin sees no value in the genre as a form of instruction about the legal system: the *causes célèbres* draws on the curiosity and exceptionality of the cases rather than on their instructive potential with regard to the workings of justice. In contrast, Rainer Maria Kiesow, in a discussion of the headword "Pitaval" in *Das Alphabet des Rechts* does acknowledge the instructive merits of the genre. For him, the *Causes Célèbres et Intéressantes* fulfilled its promise of elucidating the proceedings and the reasoning of the legal system:

Und der Umstand, dass Pitaval „einen anderen Weg genommen hat als den, den die nehmen, die uns Urteile gegeben haben“ – also als die zeitgenössischen Arretisten oder Arrestographen, wie etwa Brillon –, diese Aberration führe keineswegs dazu, dass die *causes* für den professionellen Juristen unbrauchbar würden.³ (197)

Although it relies on a method that is different from the works of the *arrêtistes*, Gayot de Pitaval's collection still conveys a better understanding of the administration of justice to its readership, which includes both legal scholars and a broader middle-class

³ "And the circumstance, that Pitaval "has taken another road than those people, who gave us verdicts" – i.e. the contemporary 'Arretists' and 'Arrestographs', such as Brillon –, this aberration by no means leads to these *causes* becoming unusable for the professional legal scholar."

audience. According to Kiesow, it did so by relating the story of the cases in their entirety, rather than breaking them down in a number of ‘lemmata’, as the *arrêtistes* did (198). By considering the genre in relation to the *recueils d’arrêts*, both Halpérin and Kiesow focus in particular on a specialist form of legal instruction, which aims at providing deeper insight into the individual *cause célèbre*. Further, both legal scholars draw attention to the literary features of the genre. Where Halpérin reduces the *causes célèbres* to sensational stories about legal trials, Kiesow indicates that over the course of the eighteenth century its focus on the literary, i.e. singular and spectacular, aspects of these cases grew increasingly dominant and in the end cancelled out their legal interest almost entirely. As the genre develops “[v]om Gerichtsfall zum Fallroman”⁴ (199), the administration of justice ultimately disappears from its interpretative scope. In contrast, this chapter will demonstrate that the administration of justice continues to be one of the central focuses of the *causes célèbres* throughout the eighteenth and nineteenth centuries, albeit there are great differences between the ways in which different collections relate to the topic. Nevertheless, the law can be seen as one of the enduring subject(s) of the genre.

2.2 Gayot de Pitaval: The judicial error as a divine example of human weakness

As François Gayot de Pitaval pointed out in the preface to the *Causes Célèbres et Intéressantes* (1734), the reader should look for the universal meaning of the case — “la vérité que l’on cherche avec ardeur dans ces grandes Causes” — in the editorial reflections that punctuate the narrative and that constitute “l’ame de l’Histoire”⁵ (1: VII). In the *cause célèbre* of the Sieur d’Anglade most of these comments relate to the legal system. What is more, they all seem to support the same general argument concerning the administration of justice, which the editor already outlines in the first sentence of his account:

⁴ “from legal case to case novel”

⁵ “the truth that one searches with ardor in these great Cases”
“the soul of the Story”

Quoi de plus propre à désabuser les Juges de la maxime de juger sur des conjectures, que le triste exemple de la condamnation du Sieur d'Anglade & de sa femme ?⁶ (1: 328)

This initial reflection immediately characterizes the wrongful conviction of the Sieur d'Anglade as an exceptional-typical case. Although the individual judicial error is deemed a deplorable exception, Gayot de Pitaval simultaneously attributes a positive exemplary function to the *cause célèbre*, as it can ultimately lead to the correction of a general flaw in the administration of the law. The editor clearly represents the story of d'Anglade and his wife as a warning to other judges against rendering verdicts based on conjectures. In keeping with the aim that Gayot de Pitaval outlined in the preface, this *cause célèbre* will help him to establish “les véritables regles qui doivent conduire le Jurisconsulte”⁷ (1: IX). As it draws attention to the flaws and pitfalls of relying on conjecture as the basis of a correct and just verdict, the sad example of the wrongful conviction of the Sieur d'Anglade and his wife should lead to the eradication of this legal practice.

The editorial comments that Gayot de Pitaval inserts throughout his account of the *cause célèbre* elaborate on these general observations about the legal system. By commenting on different aspects of the investigation of the theft by the Lieutenant-Criminel and the subsequent legal proceedings against d'Anglade, the editor brings up a number of arguments that complement his initial warning against judging on the basis of conjecture. These remarks, which take the form of generalizing conclusions on the individual events that constitute the *cause célèbre*, relate both to the freedom that agents of the legal system have to make sense of the body of evidence and to the actual administration of the law on the basis of this interpretation.

A first strand of editorial comments aims at exposing how the bias of the Lieutenant-Criminel against the Sieur d'Anglade and his wife led him to misinterpret the proof that he collected during his investigation of the theft. Gayot de Pitaval consistently indicates which evidence would be used wrongfully to incriminate the suspected couple and concludes that personal prejudice and animosity can have a detrimental effect on legal procedure: “La premiere idée que prend un Juge dans l'instruction d'un Procès ne s'efface guères, elle est le mobile de toute sa conduite, il ramene tout à cette opinion”⁸ (1: 332). Following this general insight into the consequences of a partial starting point for the rest of the investigation, the editor then considers every piece of ‘incriminating’

⁶ “What is better to disenchant Judges of the maxim of judging on the basis of conjectures, than the sad example of the conviction of the Sieur d'Anglade and his wife?”

⁷ “the real rules that have to lead the Jurist”

⁸ “The first idea that a Judge gets in the investigation of a case is rarely erased, it is the motive of his whole conduct, he reduces everything to this opinion.”

evidence against d'Anglade and points out how it is 'poisoned' by the Lieutenant-Criminel's prejudice.

For example, the nervous reaction of the couple during their sudden interrogation as chief suspects, which the Lieutenant-Criminel considers almost conclusive proof of their guilt, is revealed to be pure conjecture: "Voilà le jeu de l'imagination prévenue contre des Accusés, elle croit trouver des indices partout, un rien fortifie l'opinion où elle est"⁹ (1: 333). Further on in the account, Gayot de Pitaval shows how even a telling observation by Mme d'Anglade, which should have cast suspicion on the Count's *valet-de-chambre*, one of the real culprits, is grossly misinterpreted. According to the editor, "[c]et avis", Mme d'Anglade's suggestion to inspect the rooms of the Count's domestics, where part of the loot is indeed discovered, "fut tellement empoisonné, qu'on l'envisagea comme un indice très-fort contre ces deux accusés"¹⁰ (1: 334). This demonstration of the blinding effect of legal prejudice, which can make meaningless facts appear to be convincingly incriminating evidence, ultimately supports Gayot de Pitaval's general warning against arriving at a verdict based on conjectures and without conclusive proof.

The second legal issue that Gayot de Pitaval addresses in his reflections on the *cause célèbre* of the Sieur d'Anglade relates to the law itself and, more specifically, to the rules for its administration. In a comment on the verdict that found d'Anglade and his wife guilty of the theft, Gayot de Pitaval points out that the lack of evidence that led the judges to merely "adoucir la peine"¹¹ should actually have made them exonerate the couple altogether. Through a series of critical questions, he seeks to draw attention to the illogical nature of legal tradition:

Que veulent dire les Criminalistes, quand ils disent que dans ces cas-là les peines adoucies sont prononcées *per modum probationis*? Comprend-on comment elles peuvent suppléer au défaut des preuves? On ne peut répondre à l'objection, qu'en disant que c'est l'usage. Quelle réponse!¹² (1: 338)

With the exclamation at the end of the remark, Gayot de Pitaval expresses his disbelief about the fact that the law allows suspects to be punished even when there is no

⁹ "Here is the play of the imagination that is prejudiced against the accused, it believes to find clues everywhere, a mere hint strenghtens the opinion that it holds."

¹⁰ "[t]his opinion was poisoned so badly, that one considered it as a very strong clue against these two accused."

¹¹ "to soften the punishment"

¹² "What do the Criminalists mean, when they say that in those cases the softened penalties are pronounced *per modum probationis*? Can we understand how they can compensate for the flaws of the evidence? One cannot answer otherwise to this objection than by saying that this is customary. What an answer!"

conclusive evidence of their guilt. This (questionable) custom is called the conviction *per modum probationis*, i.e. conviction ‘by way of proof’. In his discussion of judicial torture in *Discipline and Punish*, Michel Foucault suggests that this legal tradition can be seen as a consequence of the common pre-Enlightenment conception of the relation between investigation and punishment:

penal demonstration did not obey a dualistic system: true or false; but a principle of continuous gradation; a degree reached in the demonstration already formed a degree of guilt and consequently involved a degree of punishment. The suspect, as such, always deserved a certain punishment; one could not be the object of suspicion and be completely innocent. (*Discipline and Punish* 42)

Thus, the legal tradition that continued to dominate the French courts until the late eighteenth century would have considered d’Anglade rightfully punished for the degree of guilt that followed from the body of evidence that the Lieutenant-Criminel established against him. Although Gayot de Pitaval does not criticize the torture of d’Anglade, which at that time was deemed a crucial part of the interrogation of a suspect, he rejects the rationale that underpins the conviction *per modum probationis*. In so doing, he seems to side with a number of contemporaries who advocated an Enlightenment reform of justice. His condemnation of the wrongful conviction of d’Anglade as well as his indictment of the legal custom that enabled it recalls Voltaire’s openly critical stance towards the Sovereign’s justice administration in relation to a number of other victims of such *erreurs judiciaires*, including Calas, Sirven, La Barre, Montbailli and Lally-Tollendal.

Although Gayot de Pitaval’s denouncement of the underlying reasoning of the conviction *per modum probationis* might appear to be a call for an Enlightenment reform of the legal system, his failure to criticize the practice of judicial torture suggests a more moderate approach to eighteenth-century justice. Although he questions the custom that enabled the judicial error, he goes on to exonerate the judges responsible for it:

Cet Arrêt, rendu par des Juges intègres & éclairés, est le plus triste effet de la surprise que puisse faire un amas de conjectures équivoques, sur la foiblesse de l’esprit humain. Le danger où est l’innocent de succomber après une semblable expérience, fait frémir tous les honnêtes gens, & est une des plus fortes preuves qu’on puisse apporter pour établir qu’il y a un autre monde, où règne une justice incapable d’être surprise et trompée, & qui répare tous les préjudices que la justice humaine avec les meilleures intentions a fait quelquefois dans celui-ci.¹³ (1: 339)

¹³ “This judgment, brought in by upright & enlightened Judges, is the saddest effect of the surprise that a pile of ambiguous conjectures can cause on the weakness of the human

The wrongful conviction of the Sieur d'Anglade is interpreted as a deplorable effect of the weakness of the human mind rather than as a grave mistake that subverts the authority of the legal system. Even the most honorable and enlightened judges can arrive at an incorrect verdict with the best of intentions, especially in the face of a large body of equivocal and conjectural evidence. The court's willingness to accept the Lieutenant-Criminel's prejudiced and incorrect interpretation of the evidence, however, is a direct consequence of the custom of convicting and punishing suspects even when their guilt has not been conclusively established: a practice that Gayot de Pitaval harshly criticizes and warns against. So how then can the same editor claim that these judges are not to blame for the wrongful conviction of d'Anglade and his wife? Gayot de Pitaval solves this contradiction by identifying a higher level of legal authority. Even when the proceedings of the human legal system can at times be illogical and, thus, unjust, the editor emphasizes that there will always be a divine form of justice that will rectify these unfortunate judicial errors in the afterlife.

In this regard, Gayot de Pitaval's final conclusion on the *cause célèbre* of the Sieur d'Anglade elaborates on the role of divine justice in this case and ultimately interprets the wrongful conviction as the consequence of an instructive interference by God in the administration of the law:

Dieu, qui nous veut donner de temps en temps des témoignages éclatants de la foiblesse des lumieres des personnes les plus éclairées, leur voile la vérité lorsqu'ils la cherchent avec le plus d'empressements, & permet qu'ils s'abusent, & que leur zele pour la Justice leur serve même de piege. Nous serions très-injustes de les blâmer ; leur erreur est l'apanage de l'humanité, & ces méprises sont si rares, qu'au-lieu de nous attacher à les condamner, nous devons alors faire un retour sur les Jugements si pleins de sagesse & d'équité, qu'ils prononcent tous les jours solennellement.¹⁴ (1: 426)

spirit. The danger of succumbing after a similar experience, in which the innocent finds himself, makes all honest people shudder, & is one of the strongest proofs that one can give to establish that there is another world, where there reigns a form of justice that is incapable of being surprised and deceived, & that puts right all harm that human justice sometimes does with the best intentions in this world."

¹⁴ "God, who from time to time wants to give us sensational evidence of the weakness of the insight of the most enlightened men, hides the truth from them, while they search for it with the greatest eagerness, & allows them to be mistaken, & that their zeal for Justice even serves as a trap for them. We would be very unjust to blame them; their error is the prerogative of humanity, and these misconceptions are so rare, that instead of condemning them, we should look back at the judgments that are full of wisdom and equity, which they solemnly pronounce each day."

Again, the editor indicates that the judges themselves bear no blame for the judicial error. On the contrary, the public should appreciate the large number of wise and fair verdicts that the court solemnly renders every day. What is more, the wrongful conviction occurs despite the undeniably laudable qualities of these judges: As God himself wants to remind them of the weakness of the human mind that can obscure the judgment of the legal system, he deliberately blunts their wisdom as well as their eagerness and zeal for getting at the truth in their administration of justice. Gayot de Pitaval, thus, conceives of the exceptional wrongful conviction of the *Sieur d'Anglade* as a rare divine reminder of the human lack of insight that typifies the 'earthly' legal system. As the case is an exceptional-typical example of a judicial error that derives from God himself, the general competence and authority of human justice is not called into question.

Although the general legal knowledge that Gayot de Pitaval conveys to his readership through the *cause célèbre* of the *Sieur d'Anglade* might seem ambivalent, his subjection of the legal system to the higher authority of divine justice is meant to bring unity to this exemplary history. By presenting the wrongful conviction as a lesson from God, the editor can combine his critique of legal custom, which recalls the program of the eighteenth-century Enlightenment reformers of justice, with a confirmation of the general authority of the legal system. As he consistently emphasizes how the prejudice of the *Lieutenant-Criminel* led to the misinterpretation of the evidence that ultimately caused the judicial error, moreover, his defense of the legal system relates in particular to the French legal elite, to which Gayot de Pitaval as an *avocat* at the *Parlement* of Paris happened to belong. Divine justice, thus, allows him to condemn the legal tradition of the conviction *per modum probationis* as well as the corruption of the agents of lower legal institutions, without having to throw the practice of judicial torture or the authority of the legal elite that authorizes the mistakes of their subordinates out of the window as well.

2.3 Gayot de Pitaval's translators: One *recueil d'arrêt*, multiple opinions on the administration of justice

When it comes to the reconstruction of the individual case, the English (1737), Dutch (1737) and German (1747) translations that appeared in the first fifteen years following the publication of the *Causes Célèbres et Intéressantes* follow the French original very closely. All of these versions take over the general chronology and body of factual

information from Gayot de Pitaval's account. They also come to the same conclusion about the verdict that attempts to rectify the wrongful conviction by awarding partial damages to Mme d'Anglade. In keeping with their French predecessor, all editors emphasize the impartiality, equity and/or humanity of the decision to award damages. Gayot de Pitaval's comment that "[i]l faut remarquer sur cet Arrêt, les tempéraments d'équité & d'humanité que la Cour a pris"¹⁵ (1: 425) is translated almost literally by the Dutch and German versions of the *cause célèbre*, whereas the English one seems to be characterized by a slightly greater editorial freedom:

The Court ... made the following Edict, wherein the Reader will observe the plainest Language mixed with the most impartial Justice[.] (*Gallick Reports* 210)

Men moet in dit Vonnis de billyke en goedertierende matiging en verzachting van het Hof aanmerken.¹⁶ (*Beroemde en Gedenkwaardige Rechts-Zaaken* 1: 427)

Man muß in diesem Urtheile die getroffene Mäßigung des Parlamentes in Ansehung der Billigkeit und Menschlichkeit bewundern.¹⁷ (*Erzählung Sonderbarer Rechtshändel* 1: 506)

This positive appraisal of the verdict, which both rectifies the judicial error and tries to do justice to the Count of Mongommery by not convicting him of calumny, clearly recalls the seventeenth- and eighteenth-century *recueils d'arrêts*. In accordance with Rainer Maria Kiesow's observations on the eighteenth-century development of the *causes célèbres*, the rewritings of the case of the Sieur d'Anglade include a more extensive narrative discussion of the legal investigation of the crime and, thus, go beyond the sole focus of the *recueils* on the trial, i.e. on the lawyer's speeches and the final decision by the judges. What is more, both the English and Dutch translations of Gayot de Pitaval's work seriously reduce this part of the *cause célèbre* in an attempt to grasp the 'essence', i.e. "the principal Things alledged on each Side" (*Gallick Reports* 177) or "de voornaamste punten"¹⁸ (*Beroemde en Gedenkwaardige Rechts-Zaaken* 1: 410) of the legal dispute between Mme d'Anglade and the Count of Mongommery.¹⁹ Nevertheless, all editors seem to

¹⁵ "one has to observe on this verdict the temperaments of equity and humanity that the court has taken"

¹⁶ "One has to regard the fair and merciful moderation en mitigation of the court in this verdict."

¹⁷ "One has to admire the moderation of the court in this judgment in view of equity and humanity"

¹⁸ "the main points"

¹⁹ To give an idea of the extent of the condensation of Gayot de Pitaval's work: the *Gallick Reports* bring the seventy-two-page detailed discussion of the trial back to a thirty-three-page; the *Beroemde en Gedenkwaardige Rechts-Zaaken* to an eighteen-page account of its principal points. Both translations achieve this reduction by

follow the *arrêstistes* in their aim to demonstrate the fairness of the verdict in favor of Mme d'Anglade and, consequently, to confirm the authority of the court.

Despite their consensus about the impartiality and equity of the verdict that sought to rectify the particular wrongful conviction of d'Anglade, the translations do not come to the same conclusions about justice as a whole. A closer look at their editorial comments on the case demonstrates that the editors hold very different opinions on the flaws in the administration of the law as well as on the general authority of the legal system. Notably, both the *Gallick Reports* and the *Beroemde en Gedenkwaardige Rechts-Zaaken* omit Gayot de Pitaval's generalizing conclusions about the usual wisdom and competence of the legal elite that occupies the *Parlements*. The English and Dutch editors, moreover, make a number of alterations to Gayot de Pitaval's editorial comments on the investigation of the theft by the Lieutenant-Criminel and his wrongful conviction of d'Anglade and his wife, though they do so in very different ways.

The *Gallick Reports*: D'Anglade as a victim of the social bias of justice

The *Gallick Reports* gives a much more critical and ironic account than Gayot de Pitaval of the mistakes that were made during the investigation of the theft. One of the clearest examples of this editorial strategy can be found in the discussion of the fact that the Sieur d'Anglade and his wife turned down the Count's invitation to spend a few days at his country estate: Following Gayot de Pitaval, the English translation states that the couple declined the invitation "by suggesting a very trivial Excuse, which afterwards was urged as the strongest Circumstance against them" (153). The translator, however, goes on to slip in a highly critical afterthought on the legal interpretation of the evidence in favor of the Count, i.e. the party with the highest social status: "Hard indeed, that a Man may not have Leave to consult his own Affairs, as to staying in or going out of Town, but must be thought a Thief, merely for not being ready to run when his Betters called." (153) Through this remark, the editor of the *Gallick Reports* identifies the influence of social class as another flaw in the administration of justice.

This new interpretative perspective underpins the entire discussion of the investigation of the theft by the Lieutenant-Criminel in the *Gallick Reports*. The editor, moreover, goes on to include the domestics of the Count into his criticism of the social bias of the legal system, as their testimonies on the behavior of d'Anglade and his wife played a crucial role in the wrongful conviction. Gayot de Pitaval indicates that these

leaving out a considerable number of references to and quotations of specific legal authorities and precedents, which both lawyers include into their speeches.

lower-class witnesses mistakenly read guilt into the couple's surprise at the Count's early return from his country estate. The English translation treats this detail with an irony that is clearly meant to discredit them:

We may see from hence, how ready some People's Mind are, especially those of the Vulgar, to receive odd Impressions; these two People were absolutely innocent, and yet, the Servants either not minding what they saw, or being resolved to remember any thing, which might wipe off Suspicion from themselves, readily deposed too strong Signs of Guilt in the Faces of this Gentleman and his Lady, though the Truth was at that Time, they knew nothing of the Robbery, and could not therefore look so much as surprized. (155)

Although the Count's domestics should be considered as unreliable witnesses because of their vulgarity, the editor of the *Gallick Reports* points out that the Count of Mongommery gave legal force to their testimonies by declaring that he answered for their sincerity. The Lieutenant Criminel's regard for the Count ultimately leads him to misinterpret their statements as convincing incriminating proof against the *Sieur d'Anglade*. The body of evidence that is collected and used against *d'Anglade* and his wife, thus, is influenced not only by the crude selfishness of the Count's servants but also by the credibility that is given to them by the Count's aristocratic status. According to the editor of the *Gallick Reports*, the legal system demonstrates a clear partiality when it comes to the social class of the parties that are involved. He finally concludes that "in Point both of *Judge* and *Witnesses*, no poor Man was ever in a worse Condition than the *Sieur d'Anglade*." (160)

This highly ironic and critical stance towards the social bias in the administration of the law is continued in a number of cursory remarks that point more generally to the flaws of the legal system. Most notably, the *cause célèbre* demonstrates that French justice turns out to be "so blind as to attempt to take any Victim, without minding which ought to suffer" (159). This claim clearly accords with the editorial program of demonstrating the superiority of the English legal system over the French one, which was outlined in the preface to the *Gallick Reports*. The more general focus of the collection on the incompetence of the legal system that convicted *d'Anglade*, moreover, is intensified by the omission of Gayot de Pitaval's references to the interference of divine justice, which is made responsible for the judicial error, and consequently, helps to exonerate the blind judges who made this mistake. In keeping with his lack of interest in the specific flaws of the French legal system, the editor of the *Gallick Reports* reduces Gayot de Pitaval's critique of the conviction *per modum probationis* to a single summary remark, which leaves the assessment of this custom up to the reader: "How just the Reader will think this, I know not; but such is the Custom" (162). Rather than interpreting the case as a divine reminder of the human lack of insight, and a case in point of a number of particular flaws in the administration of justice, the editor of the

Gallick Reports rewrites the *cause célèbre* as a typical example of the blindness and social bias and, thus, of the inferiority of the French legal system.

The *Beroemde en Gedenkwaardige Rechts-Zaaken*: D'Anglade as a martyr for justice

In contrast to the English version of the *Causes Célèbres et Intéressantes*, the *Beroemde en Gedenkwaardige Rechts-Zaaken* offers a more nuanced discussion of the wrongful conviction of the *Sieur d'Anglade*. Rather than including critical and ironic editorial comments on the flaws in the investigation of the theft, which are meant to demonstrate the inferiority and incompetence of the French legal system, the Dutch translation tries to redefine the significance of the *cause célèbre* by altering Gayot de Pitaval's characterization of *d'Anglade*. In order to do so, the editor leaves out information that might cast a shadow over the almost saintly innocence of the victim. For example, he omits the *Sieur d'Anglade's* arrogance, his attempt to live beyond his means and his “fausse grandeur”, which is “une vraie petitesse”²⁰ (Gayot de Pitaval 1: 329). By concealing *d'Anglade's* proud and haughty nature, he strengthens his portrayal as “een martelaar”, a martyr (*Beroemde en Gedenkwaardige Rechts-Zaaken* 1: 388). Although Gayot de Pitaval uses the same term to describe *d'Anglade*, the impeccable character of the *Sieur d'Anglade* is far more convincing in the Dutch translation, which makes his treatment by the legal system seem all the more unjust.

This stronger emphasis on the outrage of the wrongful conviction of a completely innocent person, however, does not lead the editor to discredit French justice in general. Although the Dutch translation leaves out Gayot de Pitaval's positive general assessment of the legal system as well as his interpretation of the judicial error as a lesson from God, it takes over most of the insights in his account of the flawed investigation of the theft and the consequent conviction of *d'Anglade* and his wife. In contrast to the *Gallick Reports*, which rejects the French legal system entirely because of its blind zeal to find a guilty person and punish him, the *Beroemde en Gedenkwaardige Rechts-Zaaken* limits itself to identifying a number of lessons to be learned from this *cause célèbre*. These include the human lack of insight and the prejudice of the Lieutenant-Criminel as impediments to the correct interpretation of evidence as well as the condemnation of the legal custom of convicting suspects *per modum probationis*. In keeping with the preface to the collection, which represents the *Causes Célèbres et Intéressantes* as a source of instruction and examples for the elucidation of the Dutch

²⁰ “false greatness” / “real meanness”

administration of justice, the translation follows Gayot de Pitaval in identifying and drawing lessons from number of particular flaws in the legal proceedings.

The *Erzählung sonderbarer Rechtshändel*: D'Anglade as a model for the elucidation of justice

This conception of the *cause célèbre* as an example that can help to improve the explanation of the legal system of a particular nation to the public is even clearer in the German version of the wrongful conviction of the Sieur d'Anglade, which was published in the first volume of the *Erzählung sonderbarer Rechtshändel*. Although the editor follows his Dutch predecessor in omitting all references to the flaws in d'Anglade's character and, thus, emphasizing his role as an innocent victim and martyr of the French administration of justice, he generally follows Gayot de Pitaval's account of the case almost to the letter. This means that the German translation of the *cause célèbre* of the Sieur d'Anglade takes over not only the critical comments on the investigation of the theft and the wrongful conviction, but also those remarks that exonerate the judges and confirm their authority by identifying the judicial error as a divine reminder of the human lack of insight. Because of its (almost) exact copy of Gayot de Pitaval's version of the wrongful conviction of the Sieur d'Anglade, the *Erzählung sonderbarer Rechtshändel* conveys the same general legal knowledge to its readership as the original *Causes Célèbres et Intéressantes*. In his outline of the program of the German version of Gayot de Pitaval's work the editor indeed highlights the exemplary role of his accessible representation and interpretation of French justice even more strongly than his Dutch predecessor did. As the *Erzählung sonderbarer Rechtshändel* includes a literal translation of the case of the Sieur d'Anglade, both the way in which the French original elucidated the workings of justice and the actual insights into the legal system that it conveys are taken as a model for the explanation of the administration of the law to the German public.

Given that their editors attribute a varying degree of authority and competence to the legal system that was responsible for the wrongful conviction of the Sieur d'Anglade and his wife, the English, Dutch and German translations of the *Causes Célèbres et Intéressantes* either do or do not make a number of adaptations to the French original. The *Gallick Reports* clearly alters the legal knowledge that this *cause célèbre* conveys, as it omits Gayot de Pitaval's apology for the lack of insight of the judges as an example of God and instead interprets the case as a demonstration of the blindness and social bias and, thus, of the inferiority of the French legal system to the English administration of the law. In contrast, the *Beroemde en Gedenkwaardige Rechts-Zaaken* and the *Erzählung sonderbarer Rechtshändel* generally take over the assessment of the administration of

justice from the French original and use it as a model for the representation of sensational legal trials to the broad public in their own culture. These rewritings and consequent redefinitions of the legal knowledge that is conveyed to the readership clearly reflect the development of the administration of justice in these three nations over the course of the eighteenth century. Whereas the English legal system with its strong reliance on common law and precedents remained separated from the continental tradition, both Dutch and German justice would increasingly look to the example of France, especially to its Enlightenment reform of justice, for which Gayot de Pitaval's account of the *cause célèbre* of the Sieur d'Anglade cautiously advocates.

2.4 The late eighteenth-century continualists: Advocates for the (r)evolutionary reform of the legal system

With the publication of François Richer's new edition of the *Causes Célèbres et Intéressantes* (1771) and its subsequent German translation in the *Merkwürdige Rechtsfälle* (1792), edited by Friedrich Schiller, the relation between the genres of the *causes célèbres* and the *recueils d'arrêts* breaks down entirely. According to Rainer Maria Kiesow, the gradual disappearance of the law from the works of Gayot de Pitaval's followers over the course of the eighteenth century may be related to an increasing tendency to view the genre as a form of literature about the thoughts and motivations of the criminal (198–199). While this may be true, a closer look at Richer's and Schiller's collections demonstrates that they had another important reason for distancing themselves from a detailed explanation of the reasoning of the court and the attempt to confirm the authority, equity and justness of the verdict. According to Richer, the decision to focus only on the most important arguments of both parties in the trial between Mme d'Anglade and the Count of Mongommery as well as to leave out Gayot de Pitaval's positive assessment of the final decision of the judges of the *Parlement* stems from an attempt to filter out those parts of the *cause célèbre* that “ne serviroient, ni à l'amusement, ni à l'instruction du lecteur”²¹ (3: 106). Although Schiller does not state this explicitly, his account relies on the same selection criteria. Indeed, both editors seem to move away from the elucidation of the legal reasoning behind the final verdict

²¹ “do not serve the amusement, nor the instruction of the reader”

(i.e. the passages in Gayot de Pitaval that recall the work of the *arrêtistes*) in order to enhance their representation of the *cause célèbre* as a form of exemplary history writing, designed to instruct and delight its readership at the same time. Both Richer and Schiller seriously reduce Gayot de Pitaval's account of the trial between Mme d'Anglade and the Count of Mongommery. Their primary interest seems to shift from the competent rectification of the wrongful conviction through the allocation of damages to the discussion of the judicial error that precedes it.

Richer's revolution in the administration of justice

The new edition of the *Causes Célèbres et Intéressantes* (1771) completely inverts Gayot de Pitaval's 'conservative' assessment of the *cause célèbre* of the Sieur d'Anglade as a divine lesson about the human lack of insight with no implications for the general authority and wisdom of justice, and especially of the legal elite that occupies the *Parlements*. Richer attempts to demonstrate the fundamentally flawed nature and incompetence of the legal system in its entirety. In order to convey this 'revolutionary' message to his readership, he relies on an editorial strategy in which the representation of the investigation of the theft and the wrongful conviction of d'Anglade and his wife is used to reinforce the impact of his subsequent general critique on the French administration of the law.

In this regard, Richer makes a number of subtle alterations to the original account of the judicial error. These, however, turn out to have a great impact on the way in which the reader learns and thinks about the misinterpretation of the proof by the Lieutenant-Criminel. Not only does the editor leave out all of Gayot de Pitaval's explicit comments on how prejudice 'poisons' the legal investigation against the Sieur d'Anglade and his wife, but he also presents the evidence from the perspective of the judges who authorized the wrongful conviction. Instead of indicating why and how specific facts and events were interpreted to the disadvantage of the innocent suspects, Richer presents these conjectures as they were observed by the Lieutenant-Criminel. This editorial strategy becomes clear when one compares Gayot de Pitaval's and Richer's representations of d'Anglade's initial acceptance and later rejection of the Count's invitation to his country estate:

Le Comte & son épouse ayant projeté d'aller à leur Terre de Villebousin, y inviterent le Sieur d'Anglade & sa femme. Ceux-ci ne s'en défendirent point

d'abord, mais ils s'en excuserent ensuite; cette excuse, qu'on jugea frivole, a été l'un des indices qu'on a employés contre eux.²² (Gayot de Pitaval 1: 330)

Le comte de Montgomery possédoit la terre de Villebousin proche Montlheri. Il invita un jour le sieur d'Anglade & sa femme d'y aller passer quelque tems avec lui & la Comtesse. Ils acceptèrent d'abord; mais ensuite ils s'en excusèrent, sur un prétexte assez frivole.²³ (Richer 3: 5)

In his rewriting of Gayot de Pitaval's account, Richer makes two important alterations. First, whereas the original version of the *cause célèbre* suggests that the frivolity of the excuse is an interpretation of the events by an observer, the late eighteenth-century one presents it as a given. Second, Richer omits Gayot de Pitaval's anticipation of the later use of that fact as incriminating evidence against d'Anglade and his wife and, thus, makes sure that the reader remains unaware of the fact that he is presented with a conjecture.

Similar remarks can be found throughout Richer's rewriting of the *cause célèbre* of the Sieur d'Anglade. The editor seems to derive most of them from the Count of Montgomery's defense against Mme d'Anglade's claim for damages, where they were used to demonstrate the appropriateness and the logic of his (and the Lieutenant Criminel's) certainty about the guilt of the couple. By refraining from mentioning the source of this wrongful interpretation of the events, Richer endows them with an almost factual status. In this regard, the editor clearly seeks to conflate the point of view of his readership with that of the Lieutenant-Criminel who investigated the theft and identified and convicted d'Anglade and his wife as the culprits. As for the goal of this change of perspective in the representation of the judicial error, Richer tries to guide the reader to the conclusion that "il existoit, contre Anglade & sa femme, un corps de présomptions tellement cimenté, qu'il n'étoit pas possible à la justice humaine de ne pas les reconnoître pour les vrais coupables"²⁴ (3: 22). Judging by the rewriting of Gayot de Pitaval's account of the investigation against the Sieur d'Anglade, one could read Richer's version of the *cause célèbre* as an apology for the legal system, which lets the readership experience for itself the difficulties that a correct and just administration of

²² "The Count & his wife having decided to go to their Estate in Villebousin, invited the Sieur d'Anglade and his wife there. They did not defend themselves against it at first, but they excused themselves later; this excuse, which was judged frivolous, has been one of the clues that has been used against them."

²³ "The count of Montgomery possessed the estate of Villebousin near Montlheri. One day he invited the sieur d'Anglade and his wife to pass some time there with him & the Countess. They accepted at first, but excused themselves, with a pretty frivolous pretext."

²⁴ "there existed, against Anglade and his wife, a body of presumptions that well-founded, that it was not possible for human justice to not recognize them as the real culprits."

the law entails. It is also possible, however, that the editor is adopting a new rhetorical strategy in order to convey the same general lesson about the law more effectively (and more radically).

The concluding editorial remarks, which follow the discussion of the wrongful conviction of the Sieur d'Anglade and give a more general assessment of the French legal system, demonstrate that this is indeed the case. As the editor goes on to observe the flaws in the administration of justice with the same 'cold' distance with which he pointed out the certain guilt of d'Anglade and his wife, he creates a sharp contrast between the initial perspective of his readers and the sudden discovery of the wrongfulness of this perspective. Instead of vehemently condemning the tradition of convicting suspects *per modum probationis*, Richer in his conclusion to the first part of the case of the Sieur d'Anglade, offers a detailed description of this legal custom:

Mais quand les preuves, tout insuffisantes qu'elles sont, paroissent néanmoins trop fortes pour qu'on puisse laisser l'accusé arbitre de son sort, alors on ordonne qu'elles subsisteront. Cette réserve donne au juge la faculté de condamner l'accusé, quoiqu'il n'avoue pas, à des peines pécuniaires, même à des peines afflictives, de quelque nature qu'elles soient, excepté à la mort[.]²⁵ (3: 28-29)

These observations on the conviction *per modum probationis* are part of a more elaborate discussion of prerevolutionary justice in France, which also includes an outline of the different types of judicial torture that were available to the Lieutenant-Criminel (3: 27-28). Richer, thus, draws attention to the legal methods that can help to force a confession or convict suspects, even when there is no conclusive evidence against them. The cold observation of these legal customs must have come as a shock to the reader, who was just starting to realize the wrongfulness of his suspicion against d'Anglade and his wife. As Richer begins his discussion of the methods of the Sovereign's justice administration by indicating that the Lieutenant-Criminel's harsh treatment of and bias against the couple "ne sembloient pas compatibles avec l'impartialité si nécessaire au magistrat qui veut trouver la vérité, & qui doit être exempt de tout ce qui la peut offusquer"²⁶ (3: 26), he is slowly but surely turning his readers against the French administration of the law.

²⁵ "But if the evidence, as insufficient as it is, nevertheless seems too strong so that one could leave the accused to be the judge of his own fate, then one orders that it remains. This reservation gives the judge the power of convicting the accused, even though he does not confess, to a monetary penalty, even to afflictive punishments, of whatever nature, except death[.]"

²⁶ "did not seem compatible with the impartiality that is so necessary for the magistrate who want to find the truth, & who has to be exempt to everything than can offend it"

The editor's critical stance towards the legal system, which depends on his establishment of the fundamental incompetence of its methods, culminates in the explicit assessment of the final verdict in the trial between Mme d'Anglade and the Count of Mongommery. Again, Richer uses a cold observational style to convey legal knowledge to the reader. Although the editor repeats a number of comments that Gayot de Pitaval already made in his earlier version of the collection, including his emphasis on "l'équité même"²⁷ of this particular verdict (3: 110), he ultimately comes to a conclusion that differs significantly from his predecessor's. Whereas the original version of the *cause célèbre* briefly points to the fact that the judges have let themselves be misled by the accuser, only to return immediately to the equity of their decision to award damages to Mme d'Anglade as well as to mitigate the gravity of their error by characterizing it as a divine reminder of their human lack of insight, Richer takes over only Gayot de Pitaval's initial point and elaborates on it:

Mais des juges qui s'étoient laissé tromper par les impulsions d'un particulier aveuglé par ses intérêts, qui, séduits par de simples indices, & sans aucune preuve *de visu*, avoient adopté & canonisé son erreur, pouvoient-ils faire supporter des peines pécuniaires à ce particulier ? Les auteurs cités en faveur de la dame d'Anglade, ne soumettent l'accusateur aux dommages & intérêts résultant d'une fausse accusation, que dans le cas où l'innocence a été découverte & prononcée par le juge ; & n'ont point prévu celui où l'impartialité qui doit éclairer ses recherches & ses oracles, ne l'a pas empêché de devenir, en quelque sorte, complice d'une erreur inspirée & alimentée par la passion de l'accusateur.²⁸ (3: 111)

Continuing his cold observations, the editor observes that the legal elite of the *Parlements* had been deceived both by the self-interest of a private individual who wanted to retrieve his stolen capital (i.e. the Count) and by the passion of a prejudiced accuser who sought to get his initial suspects convicted at any cost (i.e. the Lieutenant-Criminel). This ultimately leads him to question the authority of these judges, and by extension, of French justice in general. By showing how the judges, who Gayot de

²⁷ "equity itself"

²⁸ "But judges who let themselves be fooled at the instigation of a private individual who is blinded by his self-interest; who, won over by mere clues, and without any proof *de visu*, have taken over and canonized his error, can they enforce monetary penalties to this private individual? The authors that were cited in favor of Mme d'Anglade do not subject the plaintiff to damages resulting from a false accusation, but for the case when the innocence has been discovered and pronounced by the judge; & they have not foreseen the case in which the impartiality that has to enlighten their search and their oracles does not prevent them from becoming, in one way or another, an accomplice to the error inspired & fed by the passion of the plaintiff."

Pitaval characterized as the wisest and most enlightened men, were so blind as to commit a blatant judicial error, Richer highlights the limits of their human insight and, thus, of their authority.

In this regard, Richer does not locate the overarching unity of the *cause célèbre* in a form of divine justice that corrects the flaws of the administration of the law on earth. His rewriting is rather conceived as a typical example of the fundamental incompetence of the human legal system, an institution that should have an undeniable authority in society. The editor's rhetorical strategy, moreover, only reinforces the transmission of this insight to his readership. By conflating the perspective of the reader with that of the judges who authorized the wrongful conviction, Richer effectively creates a sense of shock about the sovereign power of the administration of the law and about the flaws to which its methods lend themselves. The reader experiences how, through legal customs such as judicial torture or the punishment *per modum probationis*, the persuasiveness of a prejudiced accuser can lead not only to the misinterpretation of conjectural evidence but also to the conviction of an innocent suspect. The new edition of the *Causes Célèbres et Intéressantes*, thus, advocates for a more fundamental Enlightenment reform of the legal system. In contrast to Gayot de Pitaval, who merely proposed a number of specific alterations to the law and greater care when it comes to the interpretation of evidence, Richer demonstrates the inadequacy of the Sovereign's justice administration.

The general legal knowledge that this new version of the *cause célèbre* of the Sieur d'Anglade conveys clearly recalls the thought of the eighteenth-century Enlightenment reformers. The basis of their program was a reconceptualization of the law as a social contract rather than as an extension of divine justice (Monballyu 45), an idea that can be closely related to the editor's critical assessment of the legal system in his rewriting of Gayot de Pitaval's conclusion to the case. Not only does Richer's demonstration of the fundamental blindness of the legal system and the far-reaching consequences of a misinterpretation of conjectural evidence reflect the emphasis of the reformers on the restriction of the interpretative freedom and power of judges, but his observations on a number of specific legal customs that can lead to such a judicial error also underpins their proposal for a reform of the law that ensures a better protection of suspects. In this regard, the editor clearly associates his new edition of the *Causes Célèbres et Intéressantes* with the legal critique that would ultimately influence the reform of the law during the French Revolution.

Schiller's evolution in the treatment of the criminal

At first sight the German translation of this new version of the *cause célèbre* of the Sieur d'Anglade, which was published in the second volume of Friedrich Schiller's *Merkwürdige Rechtsfälle* (1792), seems to convey the same general legal knowledge as its French

source text. The editor takes over almost entirely Richer's observations on the questionable impartiality of the Lieutenant-Criminel, on the legal customs of judicial torture, the conviction *per modum probationis*, and on the limits of the competence and authority of the administration of justice. Only with regard to the second of the three aspects, i.e. the discussion of French legal tradition, does Schiller make a number of slight alterations, which are meant to reinforce and highlight its general relevance and public interest. By omitting specifically French terminology, in particular the references to the "question préalable" and the "question ... provisoire"²⁹ (3: 28) from Richer's explanation of the different types of judicial torture, Schiller makes clearer its importance for German culture.

What is more, Schiller extends the discussion of this legal custom by explicitly connecting the *cause célèbre* of the Sieur d'Anglade to a series of "Beispiele von Unzuverlässigkeit der Aussagen, welche durch die Tortur erhalten werden"³⁰ (3: 357-414), which were included in the third volume of the *Merkwürdige Rechtsfälle* (1793). In this regard, the *causes célèbres* that Schiller brings together are clearly conceived as a form of exemplary history that demonstrates a number of general truths relating to the administration of the law. By drawing connections among a number of cases, the editor tries to characterize them as equally representative examples of a specific legal insight. Through their multiplicity and, more importantly, their diversity in period and place, they are meant to gain a more universal relevance. As the previous chapter has revealed, the idea of accumulating examples constitutes an important part of the editorial program of the *Merkwürdige Rechtsfälle*. Apart from the series of cases demonstrating the unreliability of evidence that is gained through torture, however, Schiller never extended his selection of French *causes célèbres* further. The fact that the collection did not continue the accumulative project that its editor set out might derive from the sense of typicality that is characteristic of each individual *cause célèbre*. As every extension of the *Merkwürdige Rechtsfälle* would only repeat and reinforce the general truths that it already set forth, the completion of the collection may have ultimately been seen as unnecessary.

As Schiller locates the public interest of the work in its "wichtige[n] Gewinn für Menschenkenntniß und Menschenbehandlung"³¹ (1: n. pag.), moreover, his aim of contributing to a better assessment of human beings, in particular in relation to criminal behavior, clearly recalls Richer's appeal for an Enlightenment reform of the legal system. By drawing attention to the dangers that prejudice, judicial torture and

²⁹ "preliminary questioning" / "provisional questioning"

³⁰ "examples of the unreliability of the testimonies that are obtained through judicial torture"

³¹ "important gain for the knowledge about and treatment of human beings"

the conviction *per modum probationis* pose to a correct and equitable administration of justice, the editor puts forward the same program of legal reform as the new edition of the *Causes Célèbres et Intéressantes*, in accordance with thinkers such as Voltaire and Beccaria. The *cause célèbre* of the Sieur d'Anglade, thus, demonstrates the need for a new law (or legal tradition) that ensures a better protection and treatment of suspects and that limits the interpretative freedom of its agents during the investigation and punishment of crime. In his overview of the development of modern criminal law in Germany, entitled *Einführung in die moderne Strafrechtslehre*, the legal historian Thomas Vormbaum acknowledges the decisive influence of French and Italian Enlightenment thinking on the secularization, rationalization, individualization and humanization of the administration of justice in German culture over the course of the second half of the eighteenth century (25–26). Both Richer's and Schiller's versions of the *cause célèbre* of the Sieur d'Anglade, thus, advocate for an (almost) identical Enlightenment reform of justice.

There is, however, an important difference between these collections when it comes to the way in which this message is conveyed to the reader. In contrast to Richer, Schiller does not try to 'trick' his readers into arriving at the same conclusion as the Lieutenant-Criminel and the judges. By leaving out all interpretations of the facts and events, the editor 'neutralizes' the rhetorical strategy of his French predecessor. This does not mean, however, that Schiller abandons Richer's conflation of the perspectives of the reader and the legal authorities. On the contrary, the German rewriting of the *cause célèbre* involves its readership even more strongly in the interpretation of the evidence, and by extension, of the entire story of the judicial error. Instead of including bold incriminating statements against the suspects, which encourage an incorrect interpretation of the evidence against d'Anglade, Schiller resorts to a more nuanced presentation of facts and events. He draws attention to the uncertainty and lack of insight that is involved in the legal investigation of a crime, where Richer tried to conceal these aspects of the administration of justice. It is interesting, for example, to contrast Richer's and Schiller's treatment of the fact that d'Anglade declined the Count's invitation to accompany him to his country estate. Whereas Richer uses this detail to cast blame on the suspects, Schiller offers a more prudent assessment:

Ayant accepté la partie de campagne qui leur avoit été proposée, ils s'en excusent sur un prétexte frivole, afin de rester seuls maîtres de la maison pendant l'absence du Comte & de la Comtesse; &, pour en disposer plus facilement, ils se font

remettre la clef de la porte de la rue, dont les gens du Comte étoient ordinairement chargés[.]³² (Richer 3: 11-12)

Ferner was konnten sie für einen Grund haben, die Einladung auf das Landgut des Grafen, die sie schon angenommen hatten, unter einem ganz unwichtigen Vorwand wieder abzulehnen, wenn es nicht die Hoffnung war, während dieser Zeit ihren Plan um so ungehinderter auszuführen? – Wahrscheinlich war es aus demselben Grunde, daß Herr von Anglade sich den Hausschlüssel übergeben ließ, den sonst immer einer von den Leuten des Grafen in Verwahrung hatte[.]³³ (Schiller 2: 293-294)

The German version of the *cause célèbre* of the Sieur d'Anglade relies on a number of different methods in order to draw attention to the fact that, although the incrimination of the suspects on the basis of this observation might be probable, this does not entail that there is absolute certainty about this interpretation of the evidence. Schiller resorts to questions as well as to a number of phrases (such as “Wahrscheinlich”), which highlight the probability of Richer’s bold statements about the criminal motives of d’Anglade and his wife, but simultaneously suggest that there might be other possible explanations for the events. In this regard, the editor still leaves some room for the readers to arrive at an interpretation different from the Lieutenant-Criminel’s and the judges’. What is more, he even seems to invite them to do so. Hence also the dash, which Schiller includes after every incriminating observation that he has rewritten as a question and which incites the reader to pause and ponder Richer’s assessment of the evidence.

In a rare explicit comment on the *cause célèbre*, which is relegated to a footnote, Schiller indicates the correct interpretation of the body of proof against d’Anglade. After explaining the Lieutenant-Criminel’s decision to convict d’Anglade and his wife because they are most likely to have committed the theft, the editor makes a sharp critique of his argumentation: “In der That ein merkwürdiges Beispiel einer furchtbaren

³² “Having accepted the trip to the country that had been proposed to them, they excused themselves on a frivolous pretext, in order to remain as sole masters of the house during the absence of the Count & the Countess; &, in order to dispose of it more easily, they had the key to the door to the street, which the people of the Count were ordinarily in charge of, handed over to them[.]”

³³ “Further, what reason could they have for declining the invitation to the estate of the Count, which they had already accepted, if it was not the hope to execute their plan so much more unobstructedly during this time? – It was probably for the same reason, that the Sieur d’Anglade obtained the house key, which was otherwise always kept safe by one of the people of the Count[.]”

Argumentation!”³⁴ (2: 303) By pointing to the dreadfulness and peculiarity of the Lieutenant-Criminel’s reasoning, Schiller demonstrates the incompetence of the Sovereign’s justice administration, although he makes a less fundamental critique of the legal system than does Richer. Like Gayot de Pitaval, Schiller represents the event of the judicial error as something exceptional. Nevertheless, a careful consideration of this wrongful conviction reveals that the case can also be considered as a typical example of the shortcomings of the (French) administration of the law, which are so great in number and scope that an Enlightenment reform of the legal system was clearly in order. Schiller’s rewriting of the investigation of the theft suggests that these improvements can be achieved by building in mechanisms that ensure a better protection of suspects and that limit the possibility of a conviction on the basis of conjectures. Richer, in contrast, encourages his readers to arrive at an incorrect interpretation of the evidence. In this regard, his edition of the *Causes Célèbres et Intéressantes* conveys a more revolutionary message, which lets the reader experience the fundamental incompetence of the Sovereign’s justice administration, and thus convinces him of the need to overthrow the entire legal system and replace it with a more Enlightened form of justice. The divergent rhetorical strategies of Richer’s and Schiller’s collections, thus, have a strong impact on the legal knowledge that they convey.

2.5 The nineteenth-century continualists: The administration of justice as a thing from the past

Roussel: The outdatedness of prerevolutionary justice and the merits of Enlightenment reform

This is true as well of Pierre Joseph Alexis Roussel’s version of the case of the Sieur d’Anglade, which was published in the fifth volume of the *Annales du Crime et de l’Innocence* (1813). Although Roussel maintains the Enlightenment message of Richer’s and Schiller’s late eighteenth-century collections of *causes célèbres*, his rewriting approaches the wrongful conviction from a totally different perspective. Whereas his

³⁴ “Indeed a curious example of a dreadful reasoning!”

predecessors' versions of the case are shaped as a comment on the existing legal system, Roussel discusses the prerevolutionary administration of justice as a thing from the past. In this respect, his conclusion about the ultimate rectification of the judicial error by the court at first sight seems to be an exact copy of Richer's statements, but for a subtle alteration that serves as a case in point for his entire rhetorical strategy:

Des juges qui s'étaient laissé tromper par les impulsions d'un particulier aveuglé par ses intérêts ; qui, séduits par de simples indices, et sans aucune preuve *de visu*, avaient adopté et sanctionné son erreur, sentirent qu'ils ne pouvaient faire supporter des peines pécuniaires à ce particulier.³⁵ (5: 32)

As the editor transforms Richer's questioning of the legal system (see page 84) into a simple observation of the limits of its authority, he does not display any caution in rejecting the prerevolutionary administration of justice. This way of rewriting the conclusion to the *cause célèbre*, moreover, implies that Roussel does not see the need to convince his readership of the correctness of this assessment, as the late eighteenth-century transformation of the legal system that was responsible for the wrongful conviction of the *Sieur d'Anglade* already proves his point.

Indeed, the reform of justice in the decades following the start of the French Revolution in 1789 meant that the prerevolutionary legal system had become obsolete. In his overview of the historical development of criminal law in Belgium (and France), entitled *Zes Eeuwen Strafrecht*, Jos Monballyu indicates that the *Code pénal* (1791), the *Code des délits et des peines* (1795), the *Code d'instruction criminelle* (1808) and, finally, the *Code pénal* (1810) had led to the implementation of the legal reforms for which the late eighteenth-century *causes célèbres* were advocating. Roussel's rewriting of the case of the *Sieur d'Anglade*, therefore, is able to assess the legal system as part of a past that is becoming increasingly different and distant from the present, but still has a specific relevance for the contemporary, nineteenth-century reader. In this regard, he resorts to presenting his readership with a number of concrete observations regarding the Sovereign's justice administration.

From the very beginning of his version of the wrongful conviction of *d'Anglade* and his wife, the editor clearly characterizes the *cause célèbre* as an example that is meant to convey a number of general legal insights. The nature of this knowledge is already outlined in the title of the account: By renaming the case "D'Anglade, ou Les Indices

³⁵ "Judges who let themselves be fooled at the instigation of a private individual who is blinded by his self-interest; who, won over by mere clues, and without any proof *de visu*, have taken over and punished his error, feel that they cannot enforce monetary penalties to this private individual."

Trompeurs”³⁶ (5: 1), Roussel draws attention to the fact that ‘deceitful’ or misinterpreted evidence posed a serious challenge to the prerevolutionary legal system. This message is further developed in a number of introductory remarks to the case, which present the readership with the only correct interpretation of the facts and events:

Quelque nombreux, quelque concluans que parussent aux yeux du lieutenant-criminel des indices d’autant plus suspects, qu’ils ne se prouvaient que l’un par l’autre, (1) comment, dès le premier instant, au moment même de l’accusation, ce magistrat osa-t-il porter un jugement aussi précipité ! Ces mots volèrent de bouche en bouche. On vit, à ce funeste signal, l’hydra de la calomnie dresser ses têtes hideuses, poursuivre de ses longs sifflemens l’innocent injustement accusé ; et l’opinion publique flétrir cette victime des indices, avant même que des juges, également prévenus, eussent ordonné son supplice.³⁷ (5: 1-3)

In a few sentences, Roussel clearly indicates how the reader should assess the story that will follow. The judicial error is presented as a consequence of the prejudice of the Lieutenant-Criminel and of his reliance on conjectural evidence. In order to elaborate on the flaws of this approach, the editor includes a footnote that conveys a number of general legal insights concerning the correct interpretation of the reliability of evidence. This knowledge is explicitly derived from Cesare Beccaria’s treatise *On Crimes and Punishments* (1764), one of the most influential works in the Enlightenment reform of the legal system during the second half of the eighteenth century. With Beccaria, Roussel points out that a series of conjectures that derive their weight from one another decreases their reliability. In the case of d’Anglade, the circumstances that he knew his neighbor had money, that he had declined the Count’s invitation to join him at his country estate and that he, contrary to his habit, had dined at home the evening of the theft are wrongly interpreted by the judges as reinforcing one another. Although they should have been rejected as unreliable evidence, these facts were taken together and used against him. In contrast, independent evidence, which can be linked directly to the crime, heightens the probability of guilt. No such evidence had been found against d’Anglade, but some imaginary examples of it include eyewitness accounts of d’Anglade breaking into the apartment of the Count or the discovery of part of the loot on him. By

³⁶ “D’Anglade, or The Deceitful Clues”

³⁷ “However numerous, however conclusive the clues, all the more suspect as they only proved each other, seemed to the eyes of the lieutenant-criminel, (1) how, from the first moment, from the moment of the accusation, could this magistrate pass such a hasty judgment! His words went from mouth to mouth. One sees, in this dreadful sign, the hydra of calumny putting up its hideous heads, chasing by its long hissing the innocent man unjustly accused; and public opinion branding this victim of the clues, even before the judges, who were equally biased, could order his punishment.”

indicating that agents of the prerevolutionary legal system (such as the Lieutenant-Criminel) often rendered verdicts on the basis of conjectures, Roussel's introductory remark clearly points to the fundamental incompetence of this form of justice.

Roussel, however, criticizes not only the blindness of individual actors but also the flaws of the legal system itself. The second part of Roussel's assessment of the *cause célèbre* highlights that the Lieutenant-Criminel's misinterpretation of the evidence was adopted not only by public opinion but also by the judges of the *Parlement*. The postrevolutionary rewriting of the case, thus, draws attention to and questions the blind faith in the sovereign power of justice at the time of the wrongful conviction of the *Sieur d'Anglade*, i.e. the late seventeenth century. Roussel elaborates on this point in the following paragraphs, which contrast the omniscient, 'Enlightened' perspective of his own day with the prerevolutionary lack of insight. In this regard, he explicitly points out the ineffectiveness of an approach such as Richer's, which attempts to place the reader in the heads of the judges:

Cet horrible procès est devenu si fameux, le nom de l'infortuné d'Anglade est tellement lié aux noms des Calas, des Sirven, des Monbailly, que nous sommes dispensés de présenter d'abord les faits sous les couleurs qui pourraient le faire présumer coupable ; nous ne parviendrions point à ménager à nos lecteurs le plaisir de la surprise : tout le monde sait que d'Anglade était innocent.³⁸ (5: 3)

Because of the *Sieur d'Anglade's* fame alongside other victims of judicial errors, which had led Enlightenment reformers such as Beccaria and Voltaire to criticize the Sovereign's justice administration, Roussel sees no point in withholding any information that will keep his readers in suspense about the outcome of the *cause célèbre*. In contrast to Richer, Roussel not only presents "la série des faits tel qu'ils se sont passés"³⁹, but also indicates immediately how the evidence could have easily led the Lieutenant-Criminel to the real culprits, had it been interpreted in a correct and unbiased manner (5: 3). The editor accordingly restructures his predecessor's work, by inserting into the account of the investigation all evidence that was later collected against the real culprits Belestre and Gagnard as well as all details about how the theft was actually committed. Roussel, thus, seems to suggest that had the nineteenth-century, perspective on justice been applied, there would have been no doubt about the

³⁸ "This horrible trial has become so famous, the name of the unfortunate d'Anglade is so strongly connected to the names of Calas, Sirven and Monbailly that we are exempt to first present the facts under the image that could lead to presuming he was guilty; we will not manage to give our readers the pleasure of surprise: everyone knows that d'Anglade was innocent."

³⁹ "the series of facts as they have occurred"

correct interpretation of the evidence and the consequent innocence of d'Anglade and his wife.

In the final part of his introductory assessment of the *cause célèbre*, Roussel emphasizes that the judges (and the late seventeenth-century public) could not rely on this superior form of legal insight:

Les lecteurs impartiaux réfléchiront que les juges n'eurent point cet avantage ; que les vrais coupables leur furent inconnus, et l'on ne peut leur faire un crime de cette ignorance. Mais il n'en est pas moins vrai que la funeste précipitation du lieutenant-criminel et sa prévention mal fondée lui firent négliger des formalités indispensables, des précautions sages, qui, sur-le-champ, auraient conduit à la découverte de la vérité : cette découverte aurait sauvé l'innocence.⁴⁰ (5: 3)

According to Roussel, readers should not see the blind faith of the judges in the Lieutenant-Criminel's investigation as a crime or as a malicious attempt by the legal system to harm d'Anglade. The *cause célèbre* rather seems to serve as a typical example of the fundamental incompetence of the prerevolutionary legal system, which derives both from the lack of critical insight in the administration of justice by the *Parlements* and from human prejudice, which causes obvious pieces of evidence to be misinterpreted against d'Anglade and his wife. By contrasting the lack of knowledge of the seventeenth-century judges with the omniscient position of the impartial nineteenth-century reader, Roussel highlights the inevitability of these flaws in the prerevolutionary legal system. In this regard, the general legal knowledge that is conveyed by the *cause célèbre* focuses in particular on demonstrating the inferiority and incompetence of the Sovereign's justice administration. At the same time, however, the editor seems to conceive of the case as an example that celebrates and justifies the legal reforms that underpin contemporary, nineteenth-century justice, as he contextualizes these insights by referring to important Enlightenment thinkers such as Beccaria.

⁴⁰ "The impartial readers will realize that the judges did not have this advantage; that the real culprits were unknown to them, and that one cannot make a crime out of this ignorance. But it is not less true that the dreadful haste of the lieutenant-criminel and his ill-founded bias made him neglect a number of indispensable formalities, wise precautions that, at once, would have led to the discovery of the truth; this discovery would have saved innocence."

Der neue Pitaval: A historical study of seventeenth-century French justice

The German translation of the *cause célèbre* of the Sieur d'Anglade that appeared in the third volume of *Der neue Pitaval* (1843) assesses the wrongful conviction from a greater distance than its (French and German) predecessors. According to the introduction to the third and fourth parts of the collection, the legal interest of the case derives primarily from the general knowledge that it conveys on the administration of justice of a particular epoch. Julius Eduard Hitzig and Georg Wilhelm Heinrich Häring, the editors of *Der neue Pitaval*, establish a connection between a number of *causes célèbres* that are spread across multiple volumes and that include the wrongful convictions of the Sieur d'Anglade, Jacques Lebrun, Jean Calas, the Sieur de la Pivardière and the brick maker Vallet. The individual cases in this complex are conceived as “wunderbare Begebenheiten” or extraordinary examples but also as cases that provide a deeper insight into the typical “ältern Praxis der französischen Parlamente”, i.e. the prerevolutionary French administration of the law (3: IX). In contrast to Roussel's work, the discussion of the public interest of the *cause célèbre* in *Der neue Pitaval* gives less weight to its function as a testimony to the merits of contemporary, nineteenth-century justice. The German translation of the case of the Sieur d'Anglade clearly deviates from the editorial strategy of its predecessor, which aimed at confirming the authority of the postrevolutionary administration of justice by pointing out the general and fundamental incompetence of the legal system that wrongfully convicted d'Anglade and his wife. Nevertheless, Hitzig and Häring do contrast the past and the present, highlighting the ‘otherness’ of the seventeenth-century events in order to derive a number of general legal insights from the case.

As the explicit editorial comments on the wrongful conviction of the Sieur d'Anglade in *Der neue Pitaval* indicate, this knowledge particularly consists of a recognition of the difference between the seventeenth- and eighteenth-century French legal system and nineteenth-century German justice. In order to express this strong historicist interest in the *cause célèbre*, the editors use a number of specific phrases, as the rewriting of their predecessors' discussions of the evidence against and the punishment of d'Anglade clearly demonstrates. For example, Hitzig and Häring add an important afterthought to Gayot de Pitaval's apology for one of the Count's domestics:

Dieser Umstand diente auch, wie Pitaval bemerkt, für die Kammerfrau Formanie zur Rechtfertigung, auf der allerdings ein Verdacht ruhte, weil sie die Schlüssel zum Haupteingange in die obere herrschaftliche Wohnung erhalten hatte. Nach unsern Begriffen konnte aber dieser Umstand nur von Wichtigkeit sein, wenn das

Haus auch den Tag über verschlossen blieb und Herr von Anglade, als bestellter Haushüter, jedem Ein- und Ausgehenden selbst öffnen mußte.⁴¹ (3: 128)

Where Roussel's account focuses especially on the blatant misinterpretation of the evidence in order to demonstrate the incompetence of the legal system that convicted d'Anglade and his wife, *Der neue Pitaval* puts forward a more general comparison between pre- and postrevolutionary legal thinking. By drawing attention to their consideration of the administration of law that committed the judicial error "nach unsern Begriffen", the editors rather point out how Gayot de Pitaval's agreement with the assessment of a specific circumstance by the Lieutenant-Criminel and the judges deviates from the more cautious consideration of facts and events that characterizes their 'modern' nineteenth-century ideas about justice. By including additional conditions for the validity of the interpretation of the evidence as an apology for the Count's lady-in-waiting, they characterize the difference between both legal cultures in relation to the extent of their rational and impartial reflection during the investigation of a crime.

A similar contrast between past and present underpins the editors' discussion of the attempt to intimidate the Sieur d'Anglade and his wife into a confession:

Ganz besonders aber wurde die barbarische Härte angeführt, mit der er beide Ehegatten behandelt habe, um sie zum Geständnis zu bringen. Diese Härte erscheint allerdings, nach unsern Begriffen, mehr als grausam und zumal gegen Verbrecher, die der That noch nicht überwiesen waren.⁴² (3: 135)

Although Gayot de Pitaval points out the harsh treatment of the suspects by the Lieutenant-Criminel, he refrains from denouncing this legal custom. Again, Hitzig and Häring compare the prerevolutionary view of the administration of the law to their and their readership's contemporary conception of justice. They observe that the nineteenth-century emphasis on the barbarism and cruelty of the treatment of innocent suspects such as the Sieur d'Anglade and his wife, which was customary in the Sovereign's justice administration, constitutes another important difference between

⁴¹ "This circumstance was also, as Pitaval indicates, used as a vindication for the lady-in-waiting Formanie, who was also under suspicion, because she had received the key to the main entrance to the upper apartment of the Count. According to our understanding this circumstance could only be important, if the house was left locked throughout the day and the Sieur d'Anglade, as the assigned guardian of the house, had to open the door for everyone who entered and left it himself."

⁴² "They especially mentioned the barbaric harshness, with which he had treated both the husband and the wife, in order to bring them to confess. This harshness certainly seems, according to our understanding, more than cruel and even more so against criminals, who have not yet been proven guilty."

these legal traditions. As the further discussion of the questioning of the couple indicates, *Der neue Pitaval* clearly approaches the administration of the law in seventeenth- and eighteenth-century France from the perspective of a strong historicism, which conceives of this legal tradition as being fundamentally different from contemporary, nineteenth-century justice. Indeed, the editors draw special attention to the ‘pastness’ of judicial torture at the start of their discussion of this inquisitorial practice:

Die Folter, erst ein Jahrhundert später durch die königliche Declaration vom Monat September 1780 in Frankreich abgeschafft, war damals nicht allein ein rechtsgültiges, sondern ein ganz übliches Beweismittel.⁴³ (3: 137)

By simultaneously pointing to the abolition of torture in the decade leading up to the French Revolution and to its status as a common and integral part of the prerevolutionary administration of the law, Hitzig and Häring again focus on observing differences between the sovereign, French and Enlightened, German forms of justice.

The complete lack of any value judgment on the customs of the prerevolutionary legal system in *Der neue Pitaval* stands out even more in the description of the conviction of d’Anglade and his wife: “Ein directer Beweis gegen den Thäter fehlte, aber die Anzeichen waren so dringend, daß die Richter die moralische Ueberzeugung von der Schuld der beiden Gefangenen gewannen”⁴⁴ (3: 134). Instead of denouncing the blatant wrongfulness of the verdict, the editors merely observe that the judges sincerely believed that the suspects were guilty of the theft. The prerevolutionary administration of justice is not deemed fundamentally incompetent, but rather different from nineteenth-century legal practice. There is, however, one flaw for which Hitzig and Alexis seem to reproach the judges:

Für unser Rechtsgefühl ist es verletzend, daß die Ehrenrettung zweier unschuldiger Menschen nicht allein von Gerichts wegen betrieben ward, sondern daß die Witwe und Tochter Anglade gezwungen waren, als Kläger gegen die neuermittelten Thäter aufzutreten. Noch empörender aber ist es, daß wir aus Gründen der Klugheit und des Eigennutzes auch den Grafen von Montgomery, wenn nicht offenbar beide Bösewichter vertheidigen, doch den Schritten der

⁴³ “Back then judicial torture, which was abolished in France only a century later by the royal Declaration of the month September 1780, was not only a legally valid, but also a very common piece of evidence.”

⁴⁴ “A direct proof against the culprits was missing, but the clues were so pressing, that the judges gained the moral conviction of the guilt of both prisoners.”

beiden unglücklichen Frauen alle möglichen Schwierigkeiten in den Weg legen sehen.⁴⁵ (3: 145-146)

Although the wrongful conviction itself primarily seems to derive from the ‘otherness’ of the prerevolutionary legal system, the editors are less ‘forgiving’ when it comes to its reticence to do justice to the victims of this judicial error. The fact that Mme d’Anglade had to file a claim for damages herself and was, moreover, hindered in her endeavor by the cleverness and selfishness of the Count, is sharply criticized as an outrageous violation of the editors’ nineteenth-century sense of justice, or “Rechtsgefühl”.

Despite its strong historicist approach to the legal system of seventeenth-century France, *Der neue Pitaval* identifies an aspect of the *cause célèbre* of the Sieur d’Anglade that has direct, contemporary relevance, as Hitzig and Häring draw attention to the insight it conveys into the most fundamental feeling of justice (or the lack thereof). The general legal knowledge of the case, thus, relates to a legal principle that seems to transcend cultural and historical boundaries and that every past and present legal system should exhibit: i.e. the zeal for doing justice at all times. When it comes to the more specific aspects of the Sovereign’s justice administration, however, the German editors simply point to its difference or ‘otherness’. This editorial strategy might be related to the legal tradition of that period. As Vormbaum indicates, the administration of justice in nineteenth-century German culture became increasingly independent from the French Napoleonic Code. Not only did German philosophers such as Immanuel Kant, Johann Gottlieb Fichte and Friedrich Hegel develop new conceptions of crime and punishment, but the legal proceedings themselves were a unique mixture of the French inquisitorial and the Anglo-Saxon accusatory traditions (49–111). Therefore, the direct relation to the legal system of prerevolutionary France and the consequent need to justify nineteenth-century justice, which constituted the central focus of Roussel’s version of the *cause célèbre*, seem to be missing from the German translation of the case in *Der neue Pitaval*. Due to their greater feeling of distance from this legal tradition, the editors rather historicize it and attempt to identify its differences in comparison to the administration of justice with which their readers are familiar.

⁴⁵ “For our feeling of justice it is offending, that the rehabilitation of two innocent people was not only pursued by the court, but that Anglade’s widow and daughter were forced to act as plaintiffs against the newly identified culprits. It is even more scandalous, however, that we also see the Count of Montgomery for reasons of cunningness and self-interest if not publicly defending both villains, still barring the steps of both unfortunate women through all sorts of challenges.”

Fouquier: A consideration of the historical progress of justice

At first sight, Armand Fouquier's version of this *cause célèbre*, which was published in the seventh volume of his *Causes Célèbres de Tous Les Peuples* (1865-67), demonstrates a number of significant similarities with the representation of and interpretative approach to the case in *Der neue Pitaval*. As the story of the wrongful conviction of d'Anglade and his wife is made an integral part of a series of similar cases, entitled "Les Erreurs Judiciaires"⁴⁶, the editor seems to follow Hitzig and Häring in establishing a meaningful connection between a number of victims of judicial errors. In a short introduction to this complex of *causes célèbres*, Fouquier elaborates on the general insights into (the administration of) justice that these examples are meant to demonstrate:

La mémoire des générations a choisi certains noms, qui resteront éternellement en France, comme les déplorables types de ces défaillances de la Justice. ... [P]armi ceux dont les malheurs immérités accusent la mauvaise foi des Juges ou les défauts de la Loi, nous prendrons ces noms à jamais célèbres : *D'Anglade, Lebrun, Montbailli, Victoire Salmon, Verdure*.⁴⁷ (7: 1; pt. 26)

Although Fouquier seems to share with the editors of *Der neue Pitaval* his conception of these cases as a form of exemplary history, which will lead to general knowledge by accumulating a number of exceptional-typical *causes célèbres*, the actual insights that he derives from them rather recall Roussel's version of the wrongful conviction of the Sieur d'Anglade. As deplorable examples of the flaws of justice, these victims are meant to demonstrate the incompetence of the prerevolutionary legal system. By bringing together a series of *causes célèbres* that span the period between 1687 and 1780, the editor clearly aims at presenting a more general overview and assessment of the Sovereign's justice administration, which will focus on the consequences of its agents' dishonesty as well as of the shortcomings of the law.

In order to convey this general legal knowledge to his readership, Fouquier resorts to a new rhetorical strategy. The discussion of the investigation is characterized by a sharp ironic perspective. Fouquier not only questions the biased investigation of the theft by the Lieutenant-Criminel – "L'enquête ouverte, les indices furent fortifiés par des

⁴⁶ "The Miscarriages of Justice"

⁴⁷ "The memory of generations has chosen certain names that stay for ever in France, as deplorable prototypes of the flaws of Justice. ... [A]mong those, whose undeserved misfortunes accuse the dishonesty of the Judges or the defects of the Law, we take these names that are for always famous: *D'Anglade, Lebrun, Montbailli, Victoire Salmon, Verdure*."

preuves nombreuses. Ne s'en trouve-t-il pas toujours contre un accusé déclaré coupable à l'avance ?"⁴⁸ (7: 3; pt. 26) – but he also displays a clearly ironic language use in his description of the testimonies against d'Anglade and his wife by the Count's domestics. The editor seems to aim at discrediting these witnesses, as he indicates that "[l]'un d'eux se rappela parfaitement que d'Anglade, en voyant les Montgomery revenus avant le jour fixé, n'avait pu dissimuler son trouble", whereas "[c]elui-là avait entendu dire que d'Anglade n'en était pas à son coup d'essai"⁴⁹ (7: 3; pt. 26). As Fouquier's observations on these testimonies appear in the context of a blatant misinterpretation of the evidence and the wrongful conviction of an innocent suspect, the emphasis on the contrast between the 'perfect' memory of one of the witnesses and the other's reliance on hearsay takes on an ironic tone. Thus, the editor clearly exposes their unreliability. In so doing, the editor also ridicules the great weight that the Lieutenant-Criminel attached to these conjectures. The ironic approach to the *cause célèbre*, thus, contributes significantly to the persuasiveness of his critique of the prerevolutionary administration of justice.

Fouquier also includes a number of explicit editorial comments on the case. These seem to focus primarily on contrasting the investigation of the theft by the Lieutenant-Criminel to the requirements of a universally valid administration of justice:

L'information, ici, quels que soient d'ailleurs les coupables, est entachée d'un premier vice : elle est incomplète. Elle accepte comme preuve définitive et sans réplique un indice grave, sans doute, mais un indice. Que restait-il à faire ? Le comte répondait de ses gens ; mais la Justice ne doit pas admettre ces excès de confiance ; elle-même est, de sa nature, personne essentiellement, systématiquement incrédule. Il fallait donc, tout en serrant de près les d'Anglade, tout en fouillant leur vie privée, scruter celle des gens du comte[.]⁵⁰ (7: 3; pt. 26)

As the editor refrains from elaborating on the concept of "la Justice", according to which the investigation should have been conducted in a much more thorough and

⁴⁸ "The investigation being opened, the clues were reinforced by numerous pieces of evidence. Does one not always find them against an accused person who has been declared guilty in advance?"

⁴⁹ "one of them remembered perfectly that d'Anglade, when he saw the Montgomery's return before the fixed date, could not conceal his distress"

"that one there *had heard someone say* that d'Anglade was not new to this game"

⁵⁰ "The investigation, here, whoever besides are the culprits, is tainted by a first fault: it is incomplete. It accepts as definitive proof without reply a grave clue, without doubt, but only a clue. What remained to be done? The Count answered for his people; but Justice should not accept this excess of trust; she is, by nature, systematically incredulous. Thus, one should, while keeping d'Anglade close and searching his private live, also examine that of the people of the Count[.]"

objective (i.e. incredulous) manner, the legal knowledge that is conveyed to the reader seems to have a distinctly general character. Like *Der neue Pitaval*, Fouquier's collection particularly aims at providing a deeper insight into the characteristics of a universal "Rechtsgefühl". Like Roussel, however, the editor also emphasizes the incompetence of the prerevolutionary legal system and the superiority of the contemporary, nineteenth-century administration of justice.

This ambivalent conception of the *cause célèbre* as an exceptional-typical example of the flaws of a specific legal tradition as well as its failure to abide by a more universal form of justice also underpins Fouquier's introductory and concluding comments on the case of the Sieur d'Anglade. The editor initially acknowledges that major improvements have been made to the modern administration of the law in France:

Il est juste de dire, à l'honneur des temps modernes, que le nombre des causes d'erreur a notablement diminué de nos jours. Des lois plus douces, une procédure plus régulière et plus protectrice de l'accusé, l'apaisement des passions intolérantes, l'abolition des privilèges, ont sensiblement atténué, s'ils ne les ont pas fait entièrement disparaître.⁵¹ (7: 1; pt. 26)

By indicating that the Enlightenment reform of the legal system has seriously reduced the amount of judicial errors and wrongful convictions, Fouquier clearly points out the superiority of the nineteenth-century administration of justice over its prerevolutionary predecessor. In his conclusion, however, he adopts a much more negative tone. Fouquier now reinterprets these improvements to the legal system as superficial modifications, incapable of correcting a much more general flaw in the administration of justice:

A quelques variantes près, la torture abolie, la réhabilitation du mort devenue impossible, cette erreur qui frappe toute une famille trouverait facilement son pendant dans les annales judiciaires du dix-neuvième siècle. ... Ces erreurs-là sont de celles qui n'appartiennent en propre à aucun temps, et qui ont leur racine dans la nature humaine.⁵² (7: 5; pt. 26)

⁵¹ "It is right to say, in the honor of modern times, that the number of cases of error have notably diminished in our days. Softer laws, a procedure that is more regular and more protective of the accused, the appeasement of intolerant passions, the abolition of privileges, have noticeably reduced them, even if they don't have made them disappear entirely."

⁵² "Save some differences, the abolition of torture and the impossibility of the rehabilitation after death, this error, which hits a whole family, easily finds a counterpart in the *annales judiciaires* of the nineteenth century. ... These errors aren't specific to a certain time, but have their origin in human nature itself."

Fouquier, thus, conveys a double message to his readership. Although the comparison of the legal system that convicted the Sieur d'Anglade and his wife with the nineteenth-century administration of the law does point to a certain progress in the legal tradition, Justice as the universal concept that underpins all legal systems, past, present and future, remains elusive. As Fouquier indicates that one can still find many similar examples of judicial error in postrevolutionary times, he demonstrates that the human nature of the agents of justice will always leave the door open to biased investigations, wrongful convictions and personal prejudice.

2.6 Conclusion: Re-considering the administration of justice, the *cause(s) célèbre(s)* as a study of the law

Fouquier's introductory and concluding comments on the case of the Sieur d'Anglade give us an indication of a general legal insight that runs through the eighteenth- and nineteenth-century rewritings of Gayot de Pitaval's work and their different representations and interpretations of the wrongful conviction. His ambivalent assessment of the implications of the judicial errors, which draws attention to the undeniable progress of the administration of justice as well as to its fundamental liability to human flaws, suggests that the relation of the genre to the law has a double scope.

As this comparison of a number of eighteenth- and nineteenth-century versions of the *cause célèbre* has shown, each subsequent editor rewrites his predecessors' work in order to elucidate the judicial error better and/or from a different perspective. Whereas Gayot de Pitaval interprets the wrongful conviction as an unfortunate mistake that serves as a divine reminder of the lack of insight of even the most enlightened judges, his English and Dutch translators give greater weight to the judicial error. The *Gallick Reports* indicates that the case serves as an example of the social bias that characterizes French justice and shows its inadequacy. The *Beroemde en Gedenkwaardige Rechts-Zaaken* draws attention to d'Anglade's role as a martyr for (the improvement of) the administration of the law. In contrast, the *Erzählung sonderbarer Rechtshändel* follows Gayot de Pitaval's representation and interpretation of the *cause célèbre* to the letter.

From the 1770s onwards, Richer new edition of the *Causes Célèbres et Intéressantes* sets the tone for a stronger condemnation of the legal system. Whereas his rewriting of Gayot de Pitaval's work seeks to let the reader experience the fundamental incompetence of the Sovereign's justice administration for himself in order to convince

him of the need to replace it with a more 'Enlightened' form of justice, Schiller's German translation of the case conveys the same message with greater nuance. The *Merkwürdige Rechtsfälle*, thus, draws attention to a number of specific flaws, the rectification of which could contribute to a correct interpretation of (criminal) human behavior and a more humane treatment of suspects by the legal system.

After the turn of the eighteenth century and the actual reform of justice according to the principles of a number of important Enlightenment reformers, the editors who built on Gayot de Pitaval's work started to represent the legal system that wrongfully convicted d'Anglade and his wife as a thing of the past. Although these rewritings of the *cause célèbre* all point out the outdatedness of the prerevolutionary legal system and highlight the merits of nineteenth-century justice, they adopt very different approaches to the judicial error. Whereas Roussel discredits the judges who convicted d'Anglade and his wife, *Der neue Pitaval* adopts a more neutral approach, which conceives of them as part of a fundamentally different past. Fouquier, finally, recognizes that some flaws of prerevolutionary justice have not been eradicated by the late eighteenth- and early nineteenth-century reforms.

As has been shown throughout this analysis, these different representations and interpretations of the wrongful conviction of the Sieur d'Anglade and his wife can be closely related to the legal tradition of the time and culture of the editor who is rewriting the case. Despite the sometimes fundamental differences among their assessments of the role and authority of the administration of justice in this judicial error, all of these eighteenth- and nineteenth-century editors follow Gayot de Pitaval's work in its aim of elucidating the workings of the legal system in a way that is accessible and comprehensible to the broad middle-class readership of the genre.

This focus on explaining the individual *cause célèbre* from a legal perspective puts the genre in close connection with the seventeenth- and eighteenth-century *recueils d'arrêts*, at least with regard to their shared aim of demonstrating the reasoning behind specific verdicts by the *Parlements*. The two genres, however, differ significantly in the way in which they go about this. Whereas the *arrêtistes* focus primarily on a detailed discussion of the trial in order to justify and authorize the decisions by the court for fellow legal specialists (including judges, lawyers and legal scholars), the editors of collections of *causes célèbres* clearly write for a popular readership. By giving a narrative overview of the facts and events preceding the trial, they make the legal speeches more comprehensible for lay readers. In this regard, the eighteenth-century *causes célèbres* can be seen as a popular counterpart to the *recueils d'arrêts*. Whereas the former elucidates the rules of the law and helps to motivate the verdict for a broad and diverse public, the latter specifically does so for a readership of legal specialists.

In contrast to the *recueils d'arrêts*, the eighteenth- and nineteenth-century rewritings of the *cause célèbre* are characterized by a much greater variation with regard to the assessment of the final verdict. This observation might relate to the fact that these

collections of famous and remarkable legal cases remained popular throughout the eighteenth and nineteenth centuries, a period of great legal reforms throughout Europe under the influence of the Enlightenment. The *recueils d'arrêts*, which clearly focused on confirming the authority of the legal system, however, became obsolete at the outbreak of the French Revolution. At the same time, the attempt to motivate and legitimize the verdict – the area of functional overlap between the works of the *arrêtistes* and those of Gayot de Pitaval and his eighteenth-century followers – also disappeared from the *causes célèbres*. This breakdown of the relation between both genres clearly derives from the Enlightenment reform of the legal system between 1789 and 1810. As the postrevolutionary administration of justice required judges to motivate their verdicts, the need for and public interest in separate forms of writing that served this purpose quickly withered.

Fouquier's conclusion to the *cause célèbre* of the Sieur d'Anglade also draws attention to a second aspect of the relation of the genre to the law. By pointing out that any legal system will always be liable to errors that derive from the human flaws of its agents, the editor identifies a general truth about the administration of justice that runs through the entire publication history of the case. Through its elucidation of the *cause célèbre* from a legal perspective, thus, the genre uncovers “la vérité que l'on cherche avec ardeur dans ces grandes Causes”⁵³ (Gayot de Pitaval 1: VII). As this knowledge relates to the human influence (through prejudice or lack of insight) on the administration of the law, however, the genre is as much about the essence of being human as it is discussing legal issues. The following case study, which deals with the Marchioness of Brinvilliers, one of the most famous female poisoners in (French) history, will therefore focus on how the *causes célèbres* make sense of the individual human being and his/her inner life.

⁵³ “the truth that one searches with ardor in these great Cases”

3 The exceptional-typical value of the *causes célèbres* (2): fathoming human nature

3.1 The Marchioness of Brinvilliers: An antipode to human nature?

What better place to start an exploration of the relation between the genre of *causes célèbres* and its attempt to elucidate human nature than with the history of one of its most monstrous criminals: Marie-Marguerite d'Aubray, better known as the Marchioness of Brinvilliers¹, a beautiful and respected Lady who was responsible for the poisoning of her father and her two brothers as well as for the attempted poisoning of her sister?

This ruthless attempt to eliminate her closest relatives resulted from an extramarital relationship that she was having with Sainte-Croix, an army friend of her husband. Although the Marchioness of Brinvilliers had already managed to get a divorce, which should have allowed her to pursue this affair freely, M. d'Aubray, the Marchioness's father, was eager to avoid public scandal and to keep up the reputation of the family. In order to do so, he obtained a royal order or *lettre de cachet* from the French court, which allowed him to imprison Sainte-Croix without any kind of lawsuit. The forced separation, however, reinforced not only the love between Brinvilliers and Sainte-Croix but also their hate for her relatives. This ultimately led the couple to devise a plan to allow them to pursue their relationship and at the same time to get their hands on the entire family fortune. With the help of La Chaussée, a servant of Sainte-Croix, the Marchioness quietly disposed of most family members who formed an obstacle to her affair.

¹ Most accounts of the Marchioness of Brinvilliers spell her name with an 's'. Both 'Brinvilliers' and 'Brinvillier', however, are correct and frequently occurring historical variants.

As the deaths of her father and her brothers and the illness of her sister seemed natural, the poisonings went unnoticed, until one day Sainte-Croix was found dead after one of his experiments with poison. As this was considered a suspicious death, the legal authorities were called in. Among Sainte-Croix's possessions the investigators discovered documents, which suggested that Brinvilliers' relatives were actually poisoned and that the Marchioness herself had a hand in their deaths. What is more, La Chaussée, who was arrested and put to trial shortly after these discoveries, immediately confessed to being an accomplice to the Marchioness in the murders and, thus, provided even more incriminating evidence against her. Upon hearing this Brinvilliers immediately fled abroad to a convent in Liège, where she was finally arrested by an officer who pretended to be a secret admirer. The authorities searched her personal belongings and discovered a written confession of all her wrongdoings to her father confessor. Despite this conclusive piece of evidence, the Marchioness obstinately denied the poisonings during the interrogation. As soon as she was convicted, however, her character seemed to transform. All of a sudden, Brinvilliers not only displayed an extreme devoutness, which led her to confess to and regret the (attempted) murders, but also a remarkable haughtiness towards everyone who wanted to see her punished for them. She kept up this peculiar mixture of piety and disdain on her way to the scaffold, right up to her ultimate beheading and burning at the stake.

The history of Brinvilliers' crimes and punishment clearly demonstrates her exceptional status. The idea of an esteemed aristocratic beauty becoming a licentious temptress and a monstrous poisoner with an extremely volatile character brings the issue of human nature to the center of attention. How should (or can) one make sense of a person who appears absolutely lovely but who is actually ruthlessly vengeful; who seems at times modest and devout and at times haughty and condescending? This question not only touches upon the issue of understanding the workings of human nature but also poses a challenge to it. The exceptional contradictions in the character of the Marchioness, thus, create a sense of fascination and call into question the possibility of coming to a clear-cut image of her human nature. A closer look at a number of different eighteenth- and nineteenth-century rewritings of this *cause célèbre* by Gayot de Pitaval's followers demonstrates that this problem has indeed occupied almost every editor who included it in his anthology of sensational legal trials.² Following its publication in the first volume of the *Causes Célèbres et Intéressantes* (1734), the story became a crucial part of almost every collection that continued Gayot de Pitaval's work. Between 1734 and 1867 the case featured in more than fifteen French,

² For a more elaborate overview of the publication history of the case of the Marchioness of Brinvilliers within and outside the genre of the *causes célèbres*, see Appendix 2.

English (both British and American), Dutch and German collections of *causes célèbres*. In their attempt to make sense of the figure of the Marchioness of Brinvilliers as well as of her criminal nature, however, these accounts convey remarkably divergent representations of the facts and events concerning her crimes and punishment.

In this regard, some editors follow Gayot de Pitaval's characterization of the Marchioness as an innate dark soul, while others portray her as a good soul turned bad or as a bad soul turned good and repentant after her conviction. In some versions Brinvilliers is a willing accomplice in a revenge plot that has been devised by Sainte-Croix, while in others she is a victim of her love for him or, on the contrary, the instigator of the plan to murder her relatives. The figure of the Marchioness is sometimes situated in a historical line of famous female poisoners dating back to Roman times, and sometimes connected with similar poisoning cases that took place in the time and culture of the editor who is rewriting the *cause célèbre*. At times the story is integrated within a wave of poisonings that held late seventeenth-century Paris in its grip; at other times it is not contextualized at all. In sum, the *causes célèbres* seem to offer as many different versions of the story and visions on the character of Marchioness of Brinvilliers as there have been rewritings of the case. How do these eighteenth- and nineteenth-century editors come to such different representations of the personality, the inner life and the broader (socio-cultural) relevance of the criminal? On which conceptions of human nature and/or criminality do Gayot de Pitaval and his followers draw in order to elucidate this *cause célèbre*? And how did the genre (re-)define its relation to these topics over the course of the eighteenth and nineteenth centuries?

In order to answer these questions, this chapter compares and contrasts a number of eighteenth- and nineteenth-century rewritings of the *cause célèbre* of the Marchioness of Brinvilliers. By focusing on each subsequent editor's depiction of the crimes and character of this famous female poisoner, it will try to gain a better understanding of the theories and visions of human nature that underpin their various explanations of the case. As Charles Taylor has demonstrated in his study of the shaping of the modern conception of the human individual, *Sources of the Self: The Making of the Modern Identity* (1990), the period in which the genre of the *causes célèbres* enjoyed its greatest popularity coincides with a number of significant developments in the thinking about human nature. Taylor points out three major aspects of the modern human identity: "first, modern inwardness, the sense of ourselves as beings with inner depths ... ; second, the affirmation of ordinary life", which shifts the focus from living a devote life with an eye to happiness in the afterlife to achieving happiness on earth through production (labor) and reproduction (family); "third, the expressivist notion of nature as an inner moral source" (X). Taylor's work, moreover, identifies numerous approaches to these constitutive parts of the modern concept of human nature, which coexisted and cross-fertilized each other over the course of the eighteenth and nineteenth centuries.

This chapter will focus primarily on relating the different representations and interpretations of the figure of the Marchioness of Brinvilliers to these various stages in the development of modern human identity. This means that it will start by examining the genre in the context of a shift that occurred around 1800 and that entails the replacement of a civic humanist and aristocratic ethic, which was based on a number of universal values such as honor and glory, by a bourgeois conception of human nature and morality. This bourgeois theory relied on a form of rational Christianity, which emphasized the innate wickedness and passion of man, but also gave him a way out. By abiding by the 'Natural Law', which God himself has laid down and enforced through the threat of divine punishment, people were able to follow their morally good sentiments and achieve an industrious and productive life. Over the course of the eighteenth century, however, this reductive view of human nature and ethics was increasingly challenged by a profane Enlightenment interest in the individual. By emphasizing the highly personal character of individual souls, the late eighteenth-century conception of human nature and morality sought to distinguish between the inner development of each individual and to assess his or her character through his or her actions.

Around the turn of the eighteenth century, as the Enlightenment conception of human nature became generally accepted, the scope of the discussion shifted to exploring deviant (i.e. criminal) behavior. In order to elucidate the relation of the *causes célèbres* to this field of the study of human nature, the chapter will draw on Michel Foucault's theories on monstrosity. In his lectures at the Collège de France in 1974-75 on the development of our modern concept of the abnormal, Michel Foucault elaborated on this topic, observing how around 1800 the category of the juridico-moral came to transform the seventeenth- and eighteenth-century notion of the juridico-natural monster. Whereas monstrosity used to be conceived as a physical breach of the laws of nature (i.e. some kind of deformity) that formed a juridical problem, Foucault demonstrates how the concept gradually came to be seen as the result of an accumulation of slight aberrations from the social norm that can ultimately lead individuals to highly deviant, criminal behavior. Thus, the concept of the juridico-moral monster comes to imply the idea of crime as a danger to society. What is more, over the course of the nineteenth-century this type of monstrosity is increasingly described with medical language and results in the conception of crime as a social disease.

Literary and cultural studies have paid considerable attention to the way in which editors of anthologies of famous and remarkable legal cases approach the topic of human nature, both in the programmatic prefaces to their works and in their actual representation of the *causes célèbres*. This research, however, has focused mainly on the relation of a number of German collections to the fields of study of *Anthropologie* and *Seelenkunde*, i.e. the study of the (deviant) human individual and his/her inner life, which developed over the course of the late eighteenth and nineteenth centuries. Alexander Košenina has published two articles that are typical of this approach. In

“‘Tiefere Blicke in das Menschenherz’: Schiller und Pitaval”, he points to the impact of the French traditions of the *histoires tragiques* in the seventeenth and the *causes célèbres* in the eighteenth century on Schiller’s crime literature. In “Schiller und die Tradition der (kriminal)psychologischen Fallgeschichte bei Goethe, Meißner, Moritz und Spieß”, he considers a number of German works that focused either on the depiction of crime, or on human nature and the human inner life. In both articles, however, Schiller is identified as one of the first authors who in his writings conflated the public interest in crime with the emerging human sciences of *Anthropologie* and *Seelenkunde* (which would later become known as psychology) and who, thus, introduced the topic of human nature into the genre of the *causes célèbres*. In a similar fashion, Holger Dainat’s essay “Der unglückliche Mörder. Zur Kriminalgeschichte der deutschen Spätaufklärung” indicates that in the late eighteenth century a number of writers, including Schiller, Meißner and Moritz replaced the legal focus of earlier literary representations of crime, such as the works of Gayot de Pitaval and Richer, with a conception of the criminal as a human being who gradually strays from the right path under the influence of emotions as well as of social circumstances. Although Harald Neumeyer is one of the only scholars who has traced the interest in the character of the criminal back to the work of Gayot de Pitaval, his article “‘Schwarze Seelen’: Rechts-Fall-Geschichten bei Pitaval, Schiller, Niethammer und Feuerbach” also looks at a number of late eighteenth-century German case collections. Neumeyer, thus, shows how the concept of the dark soul and the figure of the criminal monster became increasingly influenced by the fields of the non-conscious and the human inner life.

A similar restriction with regard to the works that are being studied can also be seen in the current state of research on the *cause célèbre* of the Marchioness of Brinvilliers. Those studies that deal with the case tend to focus very strongly on Hitzig and Häring’s rewriting, which was published in *Der neue Pitaval* (1842). According to Inge Weiler’s study *Giftmordwissen und Giftmörderinnen*, this particular depiction of the Marchioness, which connects her to three nineteenth-century German female poisoners, is “[v]on entscheidender Bedeutung für die Festschreibung des Giftmord-Stereotyps”³ (21). Both Michael Niehaus and Susanne Kord confirm and elaborate on this claim. Niehaus’s article “Schicksal sein. Giftmischerinnen in Falldarstellungen vom ‘Pitaval’ bis zum ‘Neuen Pitaval’” interprets Hitzig and Häring’s’ version of the Brinvilliers-case as the culmination of a series of stereotyped representations of the female poisoner that runs from Gayot de Pitaval to *Der neue Pitaval*. Like other scholars that have dealt with the topic of human nature in the representation of crime, he discusses the development of the portrayal of Brinvilliers in terms of a gradual move away from the dry legal aspects

³ “[o]f crucial importance for the establishment of the stereotype of the poisoning”

towards the sensational psychological characteristics of the poisonings. In her study *Murderesses in German writing, 1720-1860: heroines of horror* Kord devotes a chapter to the female poisoner, which focuses in particular on the crucial role of *Der neue Pitaval* in maintaining and spreading the stereotypical connection between women and poisoning that would last until the late twentieth century.

As the influence of a number of eighteenth- and nineteenth-century representations of the Marchioness of Brinvilliers on the stereotype of the female poisoner has been well-documented by these scholars, I will indicate the instances where editors of collections of *causes célèbres* specifically contributed to this gendering of crime only briefly. The main focus of this chapter lies on identifying the ideas concerning human nature that shape the way in which the genre represents and elucidates criminal behavior in general. By exploring the memorialization and transmission of the figure of the Marchioness and her crimes across different times and cultures, it will demonstrate that the interest in fathoming human nature was no late eighteenth-century innovation of the genre. Instead, the *causes célèbres* has been dealing with the inner life of the criminal and the origins of crime in various ways from its inception in the 1730s. Thus, the genre anticipated the exploration of the deviant individual's psychology, which is commonly seen as a novelty that came to replace the legal focus of the genre by the end of the eighteenth century.

3.2 The *histoires tragiques*: The criminal's passions as proof of the horror of the crime

As the publication history of the story of the Marchioness of Brinvilliers demonstrates, the case caused quite a stir at the time of the trial. In 1676, the year of her conviction and execution, a number of documents circulated through France, and quickly reached London. Among those are a number of official legal sources that were published in the margins of the trial, including a *mémoire* against the Marchioness in the name of Mme Marie-Therese Mangot, her sister-in-law, the *factum* that M. Nivelles, Brinvilliers' lawyer, published in response to these accusations and the full text of the verdict, which was made public following the conclusion of the legal proceedings. The rest of these documents consists of popular (poetic, epistolary and pictorial) testimonies by contemporaries who either witnessed or heard about the events of the investigation against the Marchioness, her trial and/or her conviction. In addition to the correspondence of Madame de Sévigné, which discusses almost every aspect of the case and, thus, gives a voice to the fascination with and the debate and rumors about the

Brinvilliers-case, the public at the time could also have encountered the testimony of M. Pirot, the Marchioness's confessor, a poem by M. Turgaut de Saint-Clair on her artfulness as a poisoner and a famous portrait by Charles Le Brun, which depicts her on her way to the scaffold. Moreover, the variety with regard to the type of documents that contributed to the memorialization of the case is continued in the opinions that the authors of these texts hold on it. As they include contrasting visions of the Marchioness, which focus on her criminal monstrosity, her innocence as a victim of her love for Sainte-Croix, her modest and repentant acceptance of her punishment, or her mortal fear on the way to the scaffold, the contemporary debate about the Brinvilliers-case displays a similar interpretative diversity to the one that has been shown to characterize the eighteenth- and nineteenth-century memorialization and transmission of the story within the genre of the *causes célèbres* (see page 107).

In the almost sixty years between the conclusion of the trial in 1676 and Gayot de Pitaval's rewriting of the events as a *cause célèbre* in 1734, there appeared only one new account of the case. Shortly after the events, in 1679, it was included in one of the many revised and augmented editions of François de Rosset's *Les Histoires Tragiques de Nostre Temps*, which was published after the death of the author in 1619. In contrast to the characteristic approach of the genre of the *histoires tragiques*, which Stéphan Ferrari describes as "une forme narrative brève proche de la nouvelle mais qui s'en démarque par l'esthétique hyperbolique de la violence et de l'horreur qui la caractérise"⁴ (18), this version of the case does not consist of a narrative reconstruction of the events by the editor. On the contrary, the account simply brings together copies of the accusatory *mémoire* against the Marchioness as well as of the subsequent verdict that found her guilty and condemned her to death. Whereas the form of this memorialization of the Marchioness of Brinvilliers and her crimes, which would be continued through various later editions of Rosset's work up to the late 1750s, might be divergent, the actual description of the poisonings is not.

In fact, the principal aim of the *mémoire*, which is taken over by the publisher of the *Histoires Tragiques de Nostre Temps*, is to transmit a hyperbolic vision of the violence and horror of the crime to the readership. In his cultural-historical study of the eighteenth-century development of the French legal system, *Les Parlements et les Lumières* (2012), Olivier Chaline points out that *mémoires* became a matter of increasing public interest around the turn of the seventeenth century:

[L]e factum n'est plus seulement glissé dans le sac de procédure, mais circule dans la ville, au-delà des cercles juridiques habituellement attentifs aux affaires. Il se

⁴ "a brief narrative form similar to the short story but which stands out because of the hyperbolic aesthetics with regard to the violence and horror that characterize it"

distribuée ou se vend bien plus largement qu'au siècle précédent, démontrant l'intérêt du public pour les affaires judiciaires ainsi qu'un changement de nature de certains procès, dont l'issue, désormais, se joue en partie dans la cité. La publication de recueils de causes célèbres, d'ailleurs, confirme cet intérêt croissant du public pour les textes d'avocats et cette métamorphose du procès.⁵ (214–215)

As the *mémoire* or *factum* went from being the only means by which a lawyer could argue his case according to the secret and written legal procedures of that time to a rhetorical weapon in the battle for public opinion during highly publicized trials, writers were compelled to put forward a representation of crime (and the criminal) that convinced not only the judges but also the general public of the innocence or guilt of the accused.⁶

In this regard, the *mémoire* against the Marchioness and, consequently, also the account of Brinvilliers' crimes and subsequent conviction in the *Histoires Tragiques de Notre Temps* have a double focus: they simultaneously seek to explain and document the actual commitment and motivation of the poisonings and to inspire both the judges and the public with horror. As the reconstruction of the facts and events surrounding the poisonings is supported by all kinds of evidence, including testimonies, accounts of the legal investigation and the written confession of the Marchioness herself, the *mémoire* is in any case successful in firmly and convincingly establishing her complicity in the murder of her close relatives. In addition to this, the document includes a number of comments that are dispersed throughout the text and that, despite discussing the criminal character of the Marchioness, focus on drawing attention to the wicked nature of the crime. These seem to be founded on a conception of human nature that combines a (civic) humanist view on morality with a rationalist approach to the human passions. The *Histoires Tragiques* initially point to the Marchioness's aristocratic education, which amply prepared her for a good, honest and orderly life:

La Dame de Brinvilliers étoit de qualité, elle avoit été élevée avec grand soin : du bien & de l'esprit, elle en avoit au delà de ce qui lui en falloit pour être heureuse, l'on ne lui donnoit dans toute sa famille que des exemples d'un honneur tres-

⁵ “[T]he *factum* is no longer only slipped into the bag of procedure, but circulates through town, beyond the legal circles that are usually attentive to affairs. It is distributed or sold much more widely than in the previous century, which shows the public interest in legal affairs as well as a change in the nature of certain trials, of which the outcome from now on partly takes place in the city. The publication of *receuil de causes célèbres*, moreover, confirms this growing public interest in texts by lawyers and this transformation of the trial.”

⁶ For more information on the relation of these *mémoires judiciaires* to public opinion, see: Sarah Maza. “Le Tribunal de La Nation: Les Mémoires Judiciaires et L’opinion Publique À La Fin de l’Ancien Régime.” *Annales. Economies, Sociétés, Civilisations*, vol. 42, no. 1, 1987, pp. 73–90.

delicat, & d'une vertu irréprochable, enfin toutes choses promettoient d'elle une vie douce, honnête & régulière, & qui répondroit au mérite de ses Ancêtres, & de ses Parens.⁷ (581–582)

As it raises such values as spirit, honor and virtue to a standard of good life, the discussion of the Marchioness's character is clearly informed by the citizen ethic that emerged in the wake of humanism. In his study on the development of our contemporary conception of human identity Charles Taylor points out the pre-modern character of this form of morality. At its core lies a combination of the doctrines of civic humanism that emphasized the freedom of citizens, and the aristocratic ideals of honor, virtue and glory. Both perspectives (or theories) on the essence of humanity rejected the acquisition and possession of riches as the greatest impediment to their values (213–214).

This humanist conception of human nature, moreover, extends to the representation and interpretation of Brinvilliers' lapse from virtue, as the *Histoires Tragiques* point to the Marchioness's self-interest as the incentive for the murder plot that she devised with Sainte-Croix:

Mais l'amour & l'intérêt corrompent étrangement un esprit, quelque teinture qu'il ait & d'honneur & de vertu, des passions aussi violentes, secondées & d'occasions & de moyens, en deviennent enfin Maîtresse, l'on s'habitue à concevoir les choses à les souhaiter & à les exécuter suivant leurs mouvemens ; les impressions d'une éducation rigoureuse s'effacent peu-à-peu, l'on se fait insensiblement au désordre qu'elles causent, & l'on devient capable des plus grands crimes.⁸ (582)

By identifying romantic love and the pursuit of personal gain as the passions that corrupted Brinvilliers' character, canceled out the values that her education passed on to her and, thus, led her to the greatest crimes, this version of the case clearly conceives of her criminal nature as a deviation from the civic and aristocratic morality of that time. Where the *Histoires Tragiques* is underpinned by a pre-modern ethics, its description of the Marchioness's corruption in terms of a failure to control her passions

⁷ "Mme de Brinvilliers was of nobility, she has been brought up with great care: of goodness & spirit, she had more than she needed of it in order to be happy, in her whole family one gave her nothing but examples of a very delicate honor, & an irreproachable virtue, in a word, everything promised a gentle, honest & regular life for her, which answers to the merit of her Ancestors, & of her Relatives."

⁸ "But love & self-interest strangely corrupt a spirit, of whichever tincture its honor and virtue, equally violent passions, backed by both opportunities and resources, ultimately become its Mistress, one lets it get used to conceiving things as wishing for them & executing them according to their fits; the impressions of a rigorous education gradually fade, & one becomes capable of the greatest crimes."

points to a more modern, rationalist view of the inner life. In his discussion of the increasing internalization of human nature over the course of the seventeenth and eighteenth centuries Taylor links this reassessment of the importance of the passions to Descartes. According to his rationalist theory of human nature, reason is meant to master and control the passions, which are conceived as possibly violent emotions in the soul (149–150). By emphasizing that love and self-interest took possession of the Marchioness's spirit and inspired her to murder, the characterization of the criminal in the *Histoires Tragiques* clearly relies on this “new model of rational mastery” (149), which was at the basis of the Enlightenment acknowledgement of the inwardness of human nature.

Nevertheless, this account of the Brinvilliers-case focuses on the explanation of the crimes rather than on the exploration of the inner life of the criminal. According to the collectivist doctrines of civic humanism and the aristocratic ethic as well as to the rationalist conception of the instrumental control of the passions, both the good life and its opposite are defined in terms of a number of universal categories and values. One either is rational, controlled, honorable and virtuous, or one loses control and gives way to the violence of romantic love and self-interest. Although the *Histoires Tragiques* does identify a certain development in Brinvilliers' character, its actual representation conceptualizes her as an example of a universal conception of crime. In this regard, the observations on the Marchioness are not meant to emphasize and explore her human individuality but rather to enhance the main point of the argumentation of her accusers, which seeks to inspire the reader with horror and indignation about “un crime si noir, commis sous la faveur de l'amitié la plus naturelle”⁹ (Rosset 581).

3.3 Gayot de Pitaval: Towards a focus on the whole character of the criminal

The *Causes Célèbres et Intéressantes* (1734), which featured the story of the Marchioness of Brinvilliers in its first volume, sought to develop the growing public interest in legal affairs. As the title (“Marie-Marguerite d'Aubray, Marquise de Brinvilliers, Convaincue d'avoir empoisonné son pere & ses deux frères, & d'avoir attenté à la vie de sa sœur”) and the subtitle (“Histoire d'une célèbre empoisonneuse”) of Gayot de Pitaval's rewriting of the case suggest, its focus shifts from the facts and elucidation of the

⁹ “a crime so dark, committed under the pretext of the most natural friendship”

poisonings to a more thorough exploration of her criminal personality. In contrast to the emphasis of the *Histoires Tragiques* on the *mémoire* and, consequently, on the trial, the title of Gayot de Pitaval's rewriting identifies the Marchioness as the person of interest in this *cause célèbre*. Gayot de Pitaval relegates the legal aspect of the case to a footnote, suggesting that the actual trial, which centered on the question whether the Marchioness's written confession to her confessor could be used as conclusive evidence against her, is only of secondary interest. What really arouses the curiosity of the reader and, therefore, is considered to be the central topic of this *cause célèbre* is the figure of Brinvilliers and her ruthless crimes, not the question whether or not she should have been convicted.

As Gayot de Pitaval's introductory statement to his rewriting of the case demonstrates, the focus is indeed redirected towards (the spectacular and gruesome deeds of) the criminal:

La Justice nous offre de temps en temps des personnes coupables des crimes les plus noirs, de ces crimes qui font frémir la nature ; & tel est le spectacle qu'elle nous a donné dans la Marquise de Brinvillier.¹⁰ (1: 268)

What follows is a biographical account of the Marchioness's lapse from virtue, rather than an argument that is only meant to prove her guilt. In a section titled "Histoire de la Marquise de Brinvillier"¹¹ (1: 268), Gayot de Pitaval draws on many of the sources that were published at the time of the trial. These include not only the *mémoire* against the Marchioness and the text of the verdict that convicted her to death, but also the *factum* published in her defense, the letters by Madame de Sévigné that discussed a number of public rumors about the crimes as well as the trial, the favorable testimony by M. Pirot, her confessor, and a discussion of the portrait by Le Brun. In this way, the readership of the *Causes Célèbres et Intéressantes* receives a more diversified picture of the Marchioness of Brinvilliers and gets a better sense of the lively debate surrounding her figure. As these representations do not merge into a clear and consistent character sketch, Gayot de Pitaval's account seems an attempt to revive the public fascination with the case.

This view of the rewriting of the case as a *cause célèbre* is confirmed by a number of explicit editorial comments, which deal not only with the Marchioness but also with Sainte-Croix, her main accomplice in the murder plot against her relatives. Unlike the *Histoires Tragiques*, Gayot de Pitaval does not use his observations on their character traits merely to enhance the horror of the poisonings. The editor rather discusses them

¹⁰ "From time to time Justice presents us with personnes that are guilty of the darkest crimes, of those crimes that make nature shudder; & of this kind is the spectacle that it has given us with the Marchioness of Brinvilliers."

¹¹ "History of the Marchioness of Brinvilliers"

as features that form the seeds of Brinvilliers' and Sainte-Croix's later evil actions and that suggest that the nature of these criminals is the result of some kind of inner development. The discussion of Sainte-Croix's and Brinvilliers' character clearly demonstrates this new conception of the foundation of crime and, by extension, of human nature in general:

C'étoit [i.e. Sainte-Croix] une de ces ames qui sont nées avec les semences des plus grands crimes, & qui étant douées d'un génie artificieux, ont l'art de couvrir leurs mauvais caracteres sous des dehors imposants.¹² (1: 269)

Ce bel extérieur [i.e. Brinvilliers' beauty] voiloit une ame extrêmement noire. Rien ne prouve mieux que la métoposcopie ou la science de la physionomie, est fausse ; car cette Dame avoit cet air serein & tranquille qui annonce la vertu. Ce n'est pas la seule femme vicieuse qui en porte sur le front les aimables caracteres[.]¹³ (1: 269-270)

In contrast to previous accounts of the case, Gayot de Pitaval's rewriting of the story of the Marchioness of Brinvilliers displays a greater and more profound interest in the soul of the criminal(s), which accords with the growing attention to the individual human being and his/her inner life introduced by the Enlightenment. Rather than conceiving of the human character as shaped by a number of exemplary and typical values passed on by both education and tradition, the *Causes Célèbres et Intéressantes* considers that man is born carrying the seeds of evil within himself. This focus on the innate wickedness of mankind can be linked to the bourgeois ethic of ordinary life that gradually replaced the idealistic (civic humanist and/or aristocratic) morality. According to Taylor, who traces this idea back to John Locke,

[m]en are diverted from this path [i.e. the path of leading an industrious and rational life] by sloth, covetousness, passion, ambition. Not only do they fail to live up to this ideal; they frequently fail to recognize it, misled as they are by their superstitions, by bad education, and customs, by partisan spirit, and by their own bad passions. Locke had certainly shed the belief in original sin in its orthodox sense that he had inherited from his Puritan background. But he had substituted a

¹² "He [i.e. Sainte-Croix] was one of those souls who are born with the seeds of the greatest crimes, & who are gifted with a deceitful genius, have the skill of covering their nasty characters under imposing appearances."

¹³ "Her [i.e. Brinvilliers'] beautiful exterior veiled an extremely dark soul. Nothing proves better that metoposcopy or the science of physiognomy are false; because this Lady had that serene and quiet air that announces virtue. She is not the only vicious woman who bears amiable traits on her front[.]"

naturalized variant, an inherent penchant of human beings to egocentricity and personal power. This was innate[.] (240)

Whereas the representation of Sainte-Croix explicitly characterizes him as such a fundamentally sinful human being, the origins of Brinvilliers' black soul remain unclear. What makes them both true criminals, however, is the fact that they have a genius for hiding their depraved character under a beautiful and respectable appearance. The resulting discrepancy between the appearance and the nature of a person, which leads Gayot de Pitaval to discredit the 'sciences' of metoposcopy and physiognomy — the assessment of somebody's personality on the basis of facial features — also reinforces the Enlightenment interest in the individual human being and his/her inner life.

Due to their very similar, or even identical character, Gayot de Pitaval's subsequent discussion of their development into ruthless poisoners tends to consider them together. With regard to Sainte-Croix's imprisonment, which the Marchioness's father arranged to preserve the reputation of the family, Gayot de Pitaval emphasizes the desperation of these passionate lovers: “[o]n se figurera sans peine quel fut le désespoir de ces deux amants, livrés entièrement à leur passion”¹⁴ (1: 270). After his release, this passion only leads them further astray from the bourgeois path of industriousness and rationality:

La vengeance & la cupidité les animant tous deux, il lui fit étouffer tous les sentiments de la nature, pour la déterminer à empoisonner son pere & toute sa famille. Pour être capable de ces crimes horribles, il fait avoir l'ame d'une trempe différente de celle des autres hommes. Ces deux caracteres, rares par leur méchanceté, sembloient être faits l'un pour l'autre, & pour la ruine des hommes.¹⁵
(1: 270-271)

Gayot de Pitaval clearly endows the Marchioness and Sainte-Croix with an identical but rare malice, which derives from the fundamental divergence of their souls from the ordinary human nature. Their criminal character is, thus, traced back to a number of strong passions, such as vengeance and greed, which the couple allows to overpower the sentiments that man is meant to rely on in order not to deviate from the right path. Interestingly, the editor also describes these positive feelings, which contradict

¹⁴ “[o]ne can easily imagine what despair these two lovers, completely delivered to their passion, must have felt”

¹⁵ “With vengeance and cupidity driving both of them, he made her suppress all natural feelings, in order to make her decide to poison her father & her whole family. In order to be capable of these horrible crimes, one has to have a soul of a different caliber of that of other people. These two characters, rare because of their wickedness, seem to have been made for one another, and for the ruin of people.”

Brinvilliers' and Sainte-Croix's innate evil passions, in terms of nature. Taylor's further discussion of the bourgeois ethic that becomes increasingly dominant over the course of the eighteenth century and that sparks the Enlightenment interest in the individual human being and his/her inner life, however, traces this seeming contradiction between man's innate wickedness and his good natural sentiments back to a differentiation between human nature and the divine 'Natural Law' that serves as a guideline for a morally good life. According to this view, people, despite their inherent sinfulness,

should follow the law laid down by God, which he [i.e. Locke] also calls at times the Natural Law. This is not only what we ought to do morally, but it is also what conduces to our greatest happiness, as it is evident when we think of the "unspeakable" joys and equally terrible pains that God holds out as rewards and punishments. (171)

As morality derives from a rational incentive to follow a divine law and live according to the natural sentiments that it advocates, the Marchioness of Brinvilliers and Sainte-Croix are considered extremely rare exceptions for completely and utterly neglecting this 'Natural Law'. In accordance with the bourgeois ethic and its approach to human nature, God does not leave this neglect unpunished. Therefore, Gayot de Pitaval turns to the concept of divine Providence to introduce Sainte-Croix's accidental death and the discovery of the poisonings: "Voici comment la Providence permit que les auteurs de ces crimes abominables fussent découverts"¹⁶ (1: 276). The rewriting of the Brinvilliers-case as a *cause célèbre* clearly introduces a new conception of human nature and morality into the memorialization of the Marchioness. The text, thus, moves away from the rejection of bourgeois values of love and labor as a danger to society, which characterized the traditional aristocratic and humanist doctrines of honor and glory. These universal virtues, which are imposed by one's education and environment, are replaced by a conception of sentiments and passions as features of the inner life, which can influence the development of the human character in a positive or negative sense. The analysis of the Marchioness's nature and her crimes ultimately leads Gayot de Pitaval to draw a generalizing conclusion, which conveys a deeper insight into this type of crime:

¹⁶ "Here is how Providence allowed the authors of these appalling crimes to be discovered."

L'empoisonnement est plutôt le crime des femmes que des hommes, parce que n'ayant pas le courage de se venger ouvertement, & par la voie des armes, elles embrassent ce parti, qui favorise leur timidité, & qui cache leur malice.¹⁷ (1: 315)

As with the legal focus of the *causes célèbres*, its exploration of the topic of the human individual and his/her inner life leads to a form of knowledge that seems to have a general relevance and public interest. What is more, Gayot de Pitaval's attempt to fathom the criminal nature that underpins the crime of poisoning leads him to gender this type of offence and relate it to the typically feminine traits of timidity and lack of courage. In order to illustrate this insight, the editor relates Brinvilliers' crimes to two other famous historical poisoning cases, one from Roman times involving no fewer than 170 Patrician women and the other from early eighteenth-century Naples. By referring to these cases and by assessing the figure of the Marchioness of Brinvilliers from the perspective of human nature, the editor introduces a connection between poisoning and femininity. The story of Brinvilliers' crimes and punishment, thus, constitutes an exceptional-typical example, in which the stereotype of the female poisoner coincides with the Enlightenment interest in the criminal human nature.

3.4 Gayot de Pitaval's translators: Consolidating the interest in the inner depth of the criminal

Gayot de Pitaval's translators made a number of alterations to the French original, often making a new selection from the source material and testimonies. The *Beroemde en Gedenkwaardige Rechts-Zaaken* (1738), for example, omits not only the elaborate quotations from the legal speeches, which Gayot de Pitaval cited from the *mémoire* and the *factum* published in the margins of the trial, but also the references to the testimony by M. Pirot and the portrait by Le Brun. The *Gallick Reports* (1737) and the *Erzählung sonderbarer Rechtshändel* (1747) in their turn leave out Mme de Sévigné's letters.

Although the interpretation of the character of the Marchioness is generally similar to Gayot de Pitaval's in these texts, each rewriting makes a few small changes to the discussion of her personality. The English translation of the case, which was published in the *Gallick Reports*, alters the French original most radically, as the editor rewrites

¹⁷ "Poisoning is a crime of women rather than men, because lacking the courage of openly taking revenge, & as a weapon, they embrace those that favor their timidity, & that hide their malice."

both the introduction and conclusion to the case. Whereas Gayot de Pitaval characterizes Brinvilliers' actions as "crimes qui font frémir la Nature"¹⁸ (1: 268), the English translator describes them as

extravagant Offences, such as are repugnant not only to the Laws of Man and the Duty of Religion, but to the common Sentiments of Humanity, and that Sense of Tenderness and Shame implanted in the human Soul, as soon as it is capable of comprehending and comparing *Ideas*[.] (94)

This considerable expansion of the introduction to the *cause célèbre* of the Marchioness of Brinvilliers, however, does not alter but rather reinforces the message of the *Causes Célèbres et Intéressantes*, by giving the reader a more explicit overview of the bourgeois conception of human nature and morality that underpins Gayot de Pitaval's representation of the criminal. In order to do so, the editor emphasizes that the Marchioness's poisonings clearly go against the natural sentiments, which bind humanity to God and which man generally starts to live by as soon as he is capable of rational thinking.

The *Gallick Reports* also adds references in the introduction and conclusion to the international stir that the case provoked "throughout all *Europe*" (95). In his translation of the discussion of poisoning as a typically feminine crime he, moreover, expands Gayot de Pitaval's selection of exemplary cases and mentions "one or two extraordinary Instances of this Sort, which have happened in *England*" (139). By adding a number of domestic anecdotes on famous poisoners to the Brinvilliers-case, the *Gallick Reports* enhances the general relevance of Gayot de Pitaval's conclusion on the nature and causes of this type of crime. What catches the eye, however, is that the poisoning cases that the English editor adds to his account deal exclusively with male culprits. In this regard, the *Gallick Reports* does make a slight, but significant alteration to Gayot de Pitaval's account, as it traces the crime of poisoning back to specific character traits, i.e. secrecy and a lack of courage, rather than gendering these features and the crime they give rise to as predominantly and typically female.

In contrast to the *Gallick Reports*, the most significant alteration that the *Beroemde en Gedenkwaardige Rechts-Zaaken* makes to its French source text consists of an omission. As it leaves out the entire general conclusion to the case, the Dutch translation seems to strip the figure of the Marchioness of her general relevance for the nature of crime and the criminal. The actual representation and interpretation of Brinvilliers' character and the poisonings remains identical. The *Beroemde en Gedenkwaardige Rechts-Zaaken*, thus, shifts the focus of the *cause célèbre* from general knowledge on human nature to the

¹⁸ "crimes that make Nature shudder"

individuality of the criminal. This can be linked to the emphatic, ‘sentimentalist’ side of Enlightenment thinking about the past, which will be discussed more elaborately in the next chapter.

The *Erzählung sonderbarer Rechtshändel*, finally, preserves Gayot de Pitaval’s characterization of the figure of the Marchioness and her moral degeneration as well as his general discussion of the nature of poisoning. The German editor, however, decides to leave out Gayot de Pitaval’s insistence on the extraordinary darkness and corruption of Brinvilliers’ character. This means that the German translation of the case directs the attention of its readership more towards the typicality of the female poisoner and the general knowledge on the criminal human nature that the *cause célèbre* conveys and, consequently, away from Brinvilliers’ exceptionality. Nevertheless, like the *Gallick Reports* and the *Beroemde en Gedenkwaardige Rechts-Zaaken*, the *Erzählung sonderbarer Rechtshändel* does not alter Gayot de Pitaval’s representation and interpretation of the figure of the Marchioness fundamentally, but rather displaces the emphasis of his account by focusing more strongly either on her singularity and individuality or on her typicality and general relevance.

3.5 The late eighteenth-century continualists: The popularization of Enlightenment conceptions of human individuality and criminality

Although Gayot de Pitaval’s rewriting of the Brinvilliers case as a *cause célèbre* demonstrates an increasing interest in the individual human being and his/her inner life, the editor still traces the Marchioness’s and Sainte-Croix’s characters back to one general image of criminal nature. Their lapse from virtue is said to derive from a neglect of the divine law of nature, which is meant to subdue the fundamentally human penchant for sin, and from a submission to their passions rather than to reason. Richer’s and Schiller’s late eighteenth-century adaptations of Gayot de Pitaval’s account, which appeared in the first volume of the new edition of the *Causes Célèbres et Intéressantes* (1771) and the third volume of the *Merkwürdige Rechtsfälle* (1793) respectively, move away from this form of rational Christianity towards a more profane and stronger Enlightenment interest in human nature.

Differentiating among criminals and individualizing their inner development

The shift in focus in favor of the individual is made clear from the start of their rewritings, as both editors leave out Gayot de Pitaval's introduction to the case and, consequently, the emphasis on the darkness of the Marchioness's crimes. Instead, Richer and Schiller begin with a portrait of the protagonists. In their representation of the Marchioness of Brinvilliers and Sainte-Croix, the editors not only differentiate between their appearances and characters, but also elaborate on their role in the poisonings. Instead of conceiving of them as a criminal couple, who have an equal part in the murders of Brinvilliers' relatives, Richer and Schiller identify Sainte-Croix as the instigator of the plot and a decisive influence in the Marchioness's lapse from virtue. Accordingly, the editors include separate discussions of the nature of these culprits and expand Gayot de Pitaval's character sketches in order to bring their roles into sharper focus. As Richer's and Schiller's more elaborate characterizations attribute a separate role to the figure of Sainte-Croix in Brinvilliers' moral development, the natures of these criminals are no longer seen as the result of an identical inner development. Instead both editors bring her transformation from an innocent human being into a ruthless criminal under the influence of her lover to the center of attention.

Despite their attempt to differentiate between the personality and development of Sainte-Croix and the Marchioness, Richer and Schiller begin their rewritings of Gayot de Pitaval's work by establishing a parallel between the couple with regard to their physiognomy. Both draw attention to Brinvilliers' beauty and charm and demonstrate how her appearance clouded the judgment of the people in her environment:

La nature avoit concouru avec la fortune pour parer la marquise de tout l'éclat extérieur. ... Si sa beauté lui gagnoit les cœurs ; les charmes de cette sérénité qui annoncent une ame bienfaisante, une ame pure & qu'aucun remords n'agite, lui captivoient la confiance de tous ceux qui l'approchoient.¹⁹ (Richer 1: 320-321)

Sie war von der Natur nicht weniger als von dem Glück begünstiget. ... Diese in allen ihren Zügen herrschende Ruhe, der ächte Widerschein eines unbefangnen

¹⁹ "Nature has competed with fortune in order to dress the Marchioness with the greatest outward splendor. ... If her beauty gained her hearts; the charms of this serenity that announces a beneficial soul, a pure soul that is not moved by any remorse, caught her the trust of everyone who approached her."

arglosen Gemüthes, gewann ihr das Zutrauen aller, mit welchen sie umgieng, während ihre Schönheit die Herzen aller fesselte.²⁰ (Schiller 3: 4)

But instead of pointing out that the Marchioness's good looks concealed a black soul, Richer and Schiller include a more elaborate discussion of the impression she made on her acquaintances. In these accounts, general truths such as the idea of the innate wickedness of the human soul seem to disappear. At the same time, the descriptions of her appearance identify physiognomy as one of the most common ways in which people sought to deduce character at that time: i.e. around 1700. In contrast to Gayot de Pitaval, Richer and Schiller do not explicitly denounce this theory by highlighting its shortcomings and its essential uselessness for the assessment of character. Rather, they convey this insight subtly over the course of their account by describing the Marchioness's gradual lapse from virtue.

Whereas Brinvilliers' beauty gives her an air of serenity that suggests goodness, light-heartedness and purity, the confidence that Sainte-Croix inspires in his environment derives from the sympathy and wisdom that radiate from his facial features. Because of his instrumental role in the Marchioness's transformation into a ruthless criminal, Richer's and Schiller's portraits of him offer an elaborate assessment of his inner life. In this respect, both editors follow Gayot de Pitaval in pointing out how his physiognomy obscures his bad character:

Sa [i.e. Sainte-Croix's] physionomie étoit heureuse & annonçoit de l'esprit. Il faisoit son plaisir du plaisir des autres ; il entroit dans un dessein de piété avec autant de joie qu'il acceptoit la proposition du crime : délicat sur les injures, sensible à l'amour, & dans son amour, jaloux jusqu'à la fureur, même des personnes sur qui la débauche publique donne des droits qui ne lui étoient pas inconnus ; d'une prodigalité incroyable ; mais ce goût n'étant soutenu par aucun revenu, ni par le produit d'aucun emploi, son ame étoit prostituée à tous les crimes.²¹ (Richer 1: 321-322)

²⁰ "She was no less favored by nature as by fortune. ... This tranquility that dominates all of her features, the real reverberation of an unselfconscious innocent mind, gained her the trust of everyone with whom she interacted, while her beauty captivated everyone's hearts."

²¹ "His [i.e. Sainte-Croix's] physiognomy was happy and announced spirit. He made his own pleasure of the pleasure of others; he entered into a pious design with as much joy as he accepted the proposition of crime: delicate when it comes to insults, sensitive to love, & in his love, passionately jealous, even of people public to which debauchery gave rights that were not unknown to him; of an unbelievable extravagance; but this taste was not supported by any revenue, nor by the income of any employment, his soul was prostituted to all crimes."

Er hatte ein einnehmendes geistvolles Gesicht, das ihm leicht Vertrauen und Zuneigung verschaffte, und besaß diejenige glückliche Geschmeidigkeit des Geistes, die jede Gestalt mit gleicher Leichtigkeit annimmt, und mit eben der Fertigkeit die Rolle des Andächtigen spielt, mit der sie ein Bubenstück ausführt. Er war empfindlich gegen Beleidigungen, reizbar gegen das andere Geschlecht bis zur Leidenschaft, und eifersüchtig in der Liebe bis zur Raserei[.]²² (Schiller 3: 5)

Like the description of the Marchioness's appearance, Sainte-Croix's characterization initially has a positive tone. Nevertheless, the editors' subsequent elaboration on the character traits that actually drive him ultimately paint a much more negative image of his personality. The Marchioness's lover, thus, becomes a typical example, or prototype, for the criminal human nature. Richer and Schiller, however, do not reduce his character to an innate form of wickedness but rather demonstrate that his criminality derives from a number of different passions. In contrast to Gayot de Pitaval, the editors not only differentiate among affects and name each one separately but also refrain from characterizing them as innate qualities. With the description of Sainte-Croix and his criminal nature, Richer and Schiller set the stage for the discussion of the character of the Marchioness, i.e. the actual object of interest of the *cause célèbre*, whose lapse from virtue also occurs under the influence of a number of different passions. The portrait of the Marchioness is developed over the course of and through the observational description and assessment of her behavior. Thus, it reflects the increasing differentiation of the inner development that characterizes the criminals' moral degeneration. This development can be traced back to the growing importance of the Enlightenment emphasis on the individuality of the human inner life.

As Taylor has pointed out, the increasing internalization of human nature over the course of the eighteenth century ultimately results in an exclusive localization of thoughts and feelings in the mind. As a consequence, the exploration of this human nature is "entirely dependent on the existence of particulars which exemplify it" (190). One can only gain knowledge about the human being and his/her inner life by looking at actual individuals. Using the rise of the modern novel as a case in point, Taylor indicates that "the general or typical now emerges out of the description of the particular, situated people in their particularity, people with first names and surnames" (287). Richer's and Schiller's rewritings of the *cause célèbre* indeed seem to move away from characterizing the Marchioness and Sainte-Croix in terms of a number of general truths that can be asserted without referring to the individual human beings to whom

²² "He had a charming face, which easily gave him trust and sympathy, and possessed the fortunate flexibility of the mind, that takes any shape with the same ease, and plays the role of the devout with the same skill, with which it performs knavery. He was sensitive to insults, excitable up to passion against the other sex, and jealous up to fury in love[.]"

they apply. The editors, thus, not only display a more profound interest in identifying and naming the individual thoughts, emotions and motivations of the protagonists, but also attempt to shape and elucidate the figure of the Marchioness by deriving these thoughts, emotions and motivations from a description of her actions. A closer look at Richer's and Schiller's representations of the Marchioness's lapse from virtue demonstrates that, although the editors agree on the impetus that led Brinvilliers astray, there are a number of fundamental differences between their further discussion of her inner development towards criminality.

Both start by drawing attention to Sainte-Croix's successful attempt to inspire the Marchioness with his own wicked passion(s). Whereas Richer points out that "il ne tarda pas à inspirer les sentimens qu'il éprouvoit"²³ (1: 322), Schiller indicates that "seine Grundsätze ... Eingang [fanden] mit der Neigung, die er einzuflößen wußte"²⁴ (3: 6). Like previous accounts of the case, these late eighteenth-century rewritings of the *cause célèbre* of the Marchioness of Brinvilliers still identify passions, i.e. *sentimens* or *Neigungen*, as the basis of criminal behavior. These, however, are not considered innate. Taylor connects this new vision of human morality to the influence of Enlightenment thinking, which came to "understand human psychology not in terms of its supposed inherent bends to good or bad, but through a neutral, causal-genetic examination" (321). This internalization and objectification of human nature also comes with a rejection of the providential order, which was still dominant in Gayot de Pitaval's account of the *cause célèbre*. Both Richer and Schiller reject the intervention of Providence, which according to their predecessors caused Sainte-Croix's accidental death and ultimately led to the discovery of the poisonings. Instead, they attach no special importance to the revelation of these crimes and merely point out their accidental nature:

Voici comment enfin cette trame infernale fut découverte.²⁵ (Richer 1: 338)

Ein Zufall entdeckte endlich das ganze infernalische Komplot.²⁶ (Schiller 3: 23)

Richer: The monstrosity of the criminal

This more neutral, profane and observational description of the events is reinforced by Richer's and Schiller's further explanation of the development of the Marchioness's

²³ "he did not hesitate to inspire the feelings he felt"

²⁴ "his objectives ... penetrated with the affection that he managed to instill"

²⁵ "Here is how this infernal plot was finally discovered."

²⁶ "A coincidence finally uncovered the whole infernal complot."

character. Both editors adopt a clear Enlightenment focus on the case and identify a number of causal explanations for Brinvilliers' lapse from virtue, albeit very different ones. Richer clearly conceives of the Marchioness's surrender to her passions as the turning point in her criminal development. With regard to the imprisonment of Sainte-Croix, the editor indicates that "[l]'absence, loin de ralentir la passion de la marquise, n'avoit fait que l'irriter"²⁷ (1: 323). The Marchioness is, thus, gradually and increasingly driven by love, which allows Sainte-Croix to transmit to her his own feelings of greed and revenge towards her family:

Sainte-Croix profita du pouvoir que l'amour lui donnoit sur sa maîtresse, pour en faire un monstre composé de tous les crimes. La marquise de Brinvillier devint, à l'école de ce scélérat, l'horreur & le fléau du genre humain. Il résolut d'assouvir sa vengeance sur toute la famille d'Aubray ; & d'en faire en même-tems passer tous les biens sur la tête de la marquise, pour les dissiper tranquillement avec elle, dans le faste & dans la débauche.²⁸ (1: 324)

By indicating that Sainte-Croix schooled Brinvilliers and, thus, gradually transformed her into a monster, Richer draws attention to the fact that monstrosity cannot be seen as a fixed general character trait but rather constitutes a composite of different types of criminal behavior. The figure of the Marchioness can only be correctly assessed if one considers all of her faults and offenses and brings them together in a comprehensive account of her inner life and her individual development. Surprisingly, it turns out that Brinvilliers is even more of a monster than Sainte-Croix, once she is completely delivered to her passions:

Mais l'abominable Sainte-Croix trouve une femme encore plus abominable que lui. Elle se charge de la fonction de bourreau de son propre père, sans autre motif, que de lui arracher la vie, parce que cette vie est un obstacle aux désordres dans lesquels elle veut continuer de se plonger.²⁹ (1: 327-328)

²⁷ "[T]he separation, far from reducing the Marchioness's passion, did not do anything but inflame it."

²⁸ "Sainte-Croix took advantage of the power that love gave him over his mistress, in order to make a monster composed of all crimes out of her. The marchioness of Brinvillier became, in the school of this villain, the horror and scourge of mankind. He determined to satisfy his vengeance on the whole d'Aubray family; & at the same time let all possessions pass on to the Marchioness, in order to quietly squander them with her, in splendor and debauchery."

²⁹ "But the abominable Sainte-Croix found an even more abominable woman. She assumed the function of executioner of her own father, without other motive, than snatching his life from him, because this life is an obstacle to the mess in which she wanted to continue to be absorbed."

Although Richer does identify a causal pattern in the Marchioness's moral degeneration, which consists of a growing influence of her passions on her behavior and is provoked by a number of arbitrary events as well as Sainte-Croix's incitements, his recurrent reference to her monstrosity conveys a sense of astonishment and fascination with the sudden turn in her character from a seemingly good and serene individual to 'the horror and the scourge of mankind'.

What is more, by drawing attention to the exceptionally atrocious and almost inhuman character and actions of the Marchioness, Richer seems to conceive of her in terms of what Michel Foucault has called the juridico-moral monster. Under the influence of Enlightenment thinking, monstrosity was no longer seen as a physical transgression of nature that posed a challenge to civil or canonical law but rather as the result of "eccentricities, kinds of imperfection, errors of nature" (*Abnormal* 72) that needed to be established by assessing the behavior of the individual. Foucault observes that this juridico-moral monstrosity, which became dominant over the course of the nineteenth century, is a gradual phenomenon. It starts out as "an irregularity, a slight deviation, but one that makes possible something that really will be a monstrosity, that is to say, the monstrosity of character" (*Abnormal* 73). Richer's representation of the Marchioness's lapse from virtue as an increasing reliance on her passions as the motivation of her behavior, which ultimately lead to the outrageous poisoning of her close relatives, seems a clear example of this conception of juridico-moral monstrosity.

The vision of monstrosity also underpins the editor's conclusion to the case. In contrast to Gayot de Pitaval's account of the *cause célèbre*, Richer's rewriting does not highlight the universal and predominantly female character of poisoning but rather identifies poisoning as typical of a specific cultural period. In order to do so, Richer replaces the historical and foreign anecdotes that feature in the original *Causes Célèbres et Intéressantes* with an elaborate discussion of the crimes of La Voisin, another famous female poisoner who terrorized French (or rather: Parisian) society around the time of the Marchioness's trial and conviction. This alteration to Gayot de Pitaval's version of the *cause célèbre* is clearly meant to transform the cultural memory associated with the Brinvilliers-case. By demonstrating that "[c]ette époque étoit celle du règne des empoisonneuses"³⁰ (1: 423), Richer tries to convey a sense of the public fear that this *affaire des poisons*³¹ must have spread across late seventeenth-century French culture

³⁰ "[t]his epoch was that of the reign of the female poisoners"

³¹ The Affair of the Poisons (or *affaire des poisons*) is the name of the broader public scandal that held Paris in its grip between 1677 and 1682 and that encompasses, among many others, the cases of the Marchioness of Brinvilliers and La Voisin. This period in French history has been the subject of many historical studies, such as: Arlette Lebigre. *L'Affaire Des Poisons, 1679-1682*. Complexe, 2001; Jean-Christian Petitfils. *L'Affaire Des Poisons:*

and that ultimately led Louis XIV, to issue “l’édit de juillet 1682, pour la punition des maléfices, empoisonnements, & autres crimes de cette nature”³² (1: 432). Poisoning was particularly fearful not only because there were many victims but also because it could be discovered only accidentally. Richer, thus, draws attention to the fact that these crimes posed a great danger to the administration of justice and, moreover, often went unpunished. As the people of late seventeenth-century Paris had no reliable way of discovering the poisonings nor of fathoming the thoughts and motivation of the poisoners, they were faced with a seemingly irrational deed. By describing this period in French history as the epoch of the female poisoners, moreover, Richer is ultimately also gendering this type of crime, albeit in a (slightly) less explicit way than Gayot de Pitaval did.

Schiller: The moral disease of the criminal

In contrast to Richer, Schiller does not bring up the concept of monstrosity in his representation of the Marchioness’s lapse from virtue. Rather than focusing on the highly exceptional status of the monstrous female poisoner, his rewriting of the *cause célèbre* adopts a more ‘scientific’ approach to the case, which can be related to the emerging human sciences of *Anthropologie* and *Seelenkunde*, which developed under the influence of Enlightenment thinking and became the dominant perspective on inner life in German culture by the 1790s. It is founded on the idea that cases of not only criminal but also medical deviancy can yield a unique insight into the inner life of man.³³ As

Crimes et Sorcellerie Au Temps Du Roi-Soleil. Perrin, 2009; and Claude Quétel. *Une Ombre Sur Le Roi-Soleil: L’Affaire Des Poisons*. Larousse, 2007.

³² “the Edict of July 1682, for the punishment of evil spells, poisonings, & other crimes of that nature”

³³ By the end of the eighteenth century several case collections that dealt with a different forms of deviancy circulated in German culture. One of the most notable examples of this publishing tradition is Karl Philipp Moritz’s *Magazin zur Erfahrungsseelenkunde* (10 vols, 1783-1793). The collection, which was actually conceived as a periodical, brought together exceptional cases on all sorts of social deviation (including murder, suicide, madness, phantasm, etc.) and, thus, laid the foundation for the development of the *Erfahrungsseelenkunde*: an early human science that focused on penetrating the deepest thoughts and motivations of the human individual and that underpinned the development of psychology and psychoanalysis over the course of the nineteenth century. For more information on Moritz’s work and its influence on late eighteenth- and nineteenth-century culture, see: Sybille Frickmann. “Jeder Mensch Nach Dem Ihm Eignen Maaß’. Karl Philipp Moritz’ Konzept einer ‘Seelenkrankheitskunde.’” *The German Quarterly*, vol. 61, no. 3, 1988, pp. 387-402; Andreas Gailus. “A Case of Individuality: Karl Philipp Moritz and the Magazine for Empirical Psychology.” *New German Critique*, vol. 79, no. Special Issue on Eighteenth-Century Literature and Thought, 2000, pp. 67-105; and Sheila Dickson et al., editors. “Fakta, Und Kein Moralisches Geschwätz”: Zu Den Fallgeschichten im “Magazin Zur Erfahrungsseelenkunde” (1783-1793). Wallstein, 2011.

Schiller indicates in his programmatic preface to the *Merkwürdige Rechtsfälle*, his collection was intended to allow the reader a similar insight in the most subtle and evasive human thoughts, feelings and motivations, which only become observable in exceptional (legal) cases such as the *causes célèbres*. In this regard, Schiller's account draws attention to the origins of criminal behavior rather than highlighting its most exceptional expression: i.e. monstrosity. Whereas Richer seems to be concerned with the most extreme end of the spectrum of social transgression and, thus, conceives of the Marchioness as a juridico-moral monster, Schiller focuses on the smaller imperfections in human nature that can ultimately lead to transgressions and criminal behaviors. The German rewriting of the *cause célèbre*, therefore, shifts the emphasis of the Marchioness's memorialization from her extraordinariness and singularity to the typical aspects of her criminal human nature. This move away from the topic of exceptionality and monstrosity is also demonstrated by the editor's omission of Richer's conclusion, which drew on Brinvilliers' and La Voisin's monstrous nature in order to give the reader a sense of the fear and uncertainty that occupied Parisian culture at the time of the poisonings.

Schiller's representation of the Marchioness's lapse from virtue consists primarily of a study of the individual and her inner life. Under the influence of the theories of *Anthropologie* and *Seelenkunde*, which suggested that the deepest human thoughts and motivations become observable in exceptional (legal) cases, Schiller tries to elucidate the criminal development of Brinvilliers' character by simply relating the *cause célèbre*. Whereas Richer tends to indicate explicitly how passions or motives either derived from specific facts or events, or influenced later ones, Schiller lets the story speak for itself. In contrast to the new edition of the *Causes Célèbres et Intéressantes*, for example, the *Merkwürdige Rechtsfälle* does not mention how Sainte-Croix abused the Marchioness's love and, thus, made a monster of her. Rather, it gradually develops the entire revenge plot against Brinvilliers' family members by relating all of the coincidental circumstances that ultimately led to the poisonings. The editor, thus, identifies as the first step in the Marchioness's criminal development her father's attempt to end her affair by employing a *lettre de cachet* to imprison her lover. As Sainte Croix shares a prison cell with Exili, an Italian poisoner who not only reinforces his desire for revenge but also teaches him the art of poisoning, the father's tactic accidentally teaches the couple an ideal method to achieve vengeance. As the introductory sentence to his description of this circumstance shows, Schiller clearly sees it as an unfortunate coincidence: "Unglücklicherweise gab ihm diese Gefangenschaft selbst das schrecklichste Mittel zur Rache in die Hand"³⁴ (3: 7). When he observes that the

³⁴ "Unfortunately this imprisonment handed him the most awful means for revenge."

imprisonment not only constituted “[e]ine so erwünschte Gelegenheit, sich mit unsichtbaren Werkzeugen der Rache zu bewaffnen” but also made Sainte-Croix “von Liebe und Rache und Raubgier gleich stark angefeuert”³⁵ (3: 8-9), Schiller reinforces the idea that number of accidental opportunities can lead people with violent passions to criminal behavior. In the end, Schiller seems to follow Richer in tracing Brinwilliers’ transformation into a ruthless parricide back to her violent, uncontrolled passions. But where the French version draws attention to the monstrosity of her principal motive of simply eliminating the obstacle to her desires, the German rewriting of the *cause célèbre* dwells upon the thoughts and feelings that underpin her criminal actions:

Es ist unglaublich, bis zu welchem Grad von Lasterhaftigkeit eine einzige herrschend gewordene Leidenschaft einen Menschen führen kann. Aus wollüstigem Hang zu einem schändlichen Bösewicht unterdrückt die Tochter das stärkste Gefühl, das die Natur in uns gelegt hat, und beschließt ihres Vaters Mörderin zu werden.³⁶ (3: 10)

Instead of simply acknowledging the exceptionality of the case, thus, Schiller tries to derive a number of general insights with regard to the functioning of the inner life of man from his observation of the events leading up to the poisonings. In keeping with the interest of *Anthropologie* and *Seelenkunde* in specific thoughts, feelings and motivations, the knowledge that the *Merkwürdige Rechtsfälle* conveys aims at rationalizing and elucidating every aspect of the criminal’s moral degeneration, which includes an examination of the origins of and inner development towards what came to be considered as the Marchioness’s monstrosity.

³⁵ “[a] most welcome opportunity, to arm oneself with the invisible tools of revenge”
“urged on equally strongly by love, vengeance and predaciousness”

³⁶ “It is unbelievable, to which degree of vice one single passion that has become dominant can lead a human being. Out of the lustful inclination towards a disgraceful villain, the daughter suppresses the strongest feeling, that nature has placed in us, and decides to become the murderess of her father.”

3.6 The nineteenth-century continualists: Re-interpreting the social implications and monstrosity of crime

This contrast between the French focus on the social implications of the criminal human nature and the German focus on the individual, which constituted the main difference between Richer's and Schiller's rewritings of the case of the Marchioness of Brinvilliers, continues into the nineteenth-century *causes célèbres*. As our discussion of Richer's edition of the *Causes Célèbres et Intéressantes* and Schiller's *Merkwürdige Rechtsfälle* has already demonstrated, the diversity in the representations of these collections no longer relates to a fundamentally different conception of human nature and the origins of crime, but rather derives from their distinct perspective on the figure of the offender as well as on the thoughts, feelings and motives that underpin criminal behavior. In this regard, there are a number of significant differences among the interpretations of the case. Unlike the eighteenth-century *causes célèbres*, which documented first a radical shift from a civic humanist and aristocratic to a bourgeois ethic and later a fundamental 'individualization' of the inner development of the criminal, these rewritings all consider the socio-cultural context of Brinvilliers' poisonings, but ultimately draw attention to a number of different visions on criminal behavior and the deviant human individual.

Roussel: The social dangers and monstrosity of the criminal

Pierre Joseph Alexis Roussel included an account of these famous poisonings in the second volume of the *Annales du Crime et de l'Innocence* (1813). By bringing together the socio-cultural considerations of the female poisoner from both editions of the *Causes Célèbres et Intéressantes*, Roussel's analysis of the figure of the Marchioness is characterized by an expansion of the social impact of her crimes. The editor, thus, begins his rewriting of the *cause célèbre* by recalling the historical poisoning case from Roman times that laid the foundation for Gayot de Pitaval's assessment of this type of crime, and ends with a discussion of the figure of La Voisin that was mentioned by Richer.

The generalizing focus of Roussel's account is already clear in his rewriting of the title: "L'Ecole des Poisons, ou La Marquise de Brinvillier"³⁷ (2: 105). By relegating the

³⁷ "The School of Poisons, or The Marchioness of Brinvillier"

criminal individual whose crimes are at the center of the *cause célèbre* to the subtitle of the case, the editor suggests that the figure of Brinvilliers is only of secondary importance. Instead, the *Annales du Crime et de l'Innocence* will pay special attention to the 'School of Poisons' to which the Marchioness belonged. In his discussion of the Roman poisoning case, Roussel offers a more extensive discussion of the cultural and historical context than does Gayot de Pitaval. After discussing the Roman case in which "la vertu des dames romaines se démentit étrangement en l'an 423 de la fondation de Rome, trois cent vingt-neuf ans avant l'ère vulgaire"³⁸ (2: 105), Roussel goes through Roman history in search of "exemples des ravages terribles exercés par la peste"³⁹ (2: 106). Although the inclusion of these new examples may at first sight seem strange, it allows the editor not only to emphasize the unlikeliness and incredibility of such an extensive series of murders, especially in the well-mannered and virtuous period in which the events took place, but also to compare these mass poisonings to a plague. By treating these crimes as a disease, the *Annales du Crime et de l'Innocence* draws attention to the medical metaphor that came to influence the nineteenth-century representation of monstrosity.

As Roussel subsequently points out a number of important parallels between the poisonings in Roman times and in late seventeenth-century Paris, he explicitly transposes this sense of unexpectedness and exceptionality as well as the conception of these invisible and widespread crimes as an insidious disease onto the Brinvilliers-case:

Si cette histoire dont on suspecte à juste titre l'authenticité était vraie, il serait constant que les dames romaines tinrent école de poisons, comme le firent en France, vers la fin du dix-septième siècle, un Italien nommé *Exili*, quelques femmes dont les plus connues sont la *Voisin* et la *Vigoureuse*, un prêtre nommé *Lesage*, et quelques autres scélérats.

Parmi les disciples de ces monstres, figure, en première ligne, une femme dont le nom est devenu horriblement fameux, la marquise de Brinvillier.⁴⁰ (2: 110)

In keeping with the notion of a plague, the editor clearly conceives of the figure of the Marchioness as (an important) part of a group of poisoners that almost imperceptibly

³⁸ "the virtue of the Roman women strangely contradicted itself around the year 423 after the foundation of Rome, three hundred and twenty-nine years after the vulgar era"

³⁹ "examples of terrible devastations due to the plague"

⁴⁰ "If this story which we rightfully suspect to be authentic was true, it would also be true that the Roman women took school in poisons, as did in France, by the end of the seventeenth century, an Italian named *Exili*, a number of women of which the most well-known are la *Voisin* and la *Vigoureuse*, a priest named *Lesage*, and a number of other villains. Among the disciples of these monsters, appears, in first instance, a woman whose name has become horrible famous, the Marchioness of Brinvillier."

spread death and destruction through Parisian society around the end of the seventeenth century. In his representation of the Marchioness's lapse from virtue, Roussel will continue to situate the female poisoner in a broader socio-cultural context. Although the editor almost entirely takes over Richer's assessment of her exceptionally ruthless criminal human nature and makes various references to her monstrosity, the information that he adds emphasizes that Brinvilliers was only one monster among many others.

Roussel does this by continuously drawing attention to the Marchioness's accomplices and elucidating their contribution to the poisonings. Most notably, the editor underscores the role of Exili who now not only instigates Sainte-Croix's feelings of revenge and teaches him the art of poisoning but also is a central (though always absent) force in the 'School of Poisons'. Among other remarks, the nineteenth-century rewriting of the *cause célèbre* includes a section on Exili in the discussion of the verdict against Brinvilliers: "[i]l ne fut point question dans ce procès de ce fameux Exili, premier auteur de ces empoisonnemens. Sans doute il quitta la France, et porta ailleurs sa funeste industrie"⁴¹ (2: 163). By elaborating on Richer's anecdotal discussion of the La Voisin-case in the conclusion to the *cause célèbre*, Roussel further expands the network of people who were associated with the 'School of Poisons' and, thus, establishes the relevance of the case of the Marchioness of Brinvilliers as an exceptional-typical example that illustrates the social impact of this poisoning plague in the seventeenth century. By also including an extensive account of the *chambre ardente*, which Louis XIV established in order to put a stop to the drastic increase of poisonings and diminish the creeping influence of Exili and his followers, the editor draws attention to the socio-cultural implications of these crimes.

Although Roussel follows Richer's version of the *cause célèbre* in identifying passions as the catalyst of her criminal human nature, he clearly moves away from the latter's account of her transformation into a monster. Instead of showing how the Marchioness gradually abandoned her innocence under the influence of her love for Sainte-Croix, Roussel represents Brinvilliers' criminal spirit as a given: "Les mouvemens convulsifs du crime agitaient son cœur ; le calme pur de l'innocence se peignait sur son front et dans ses yeux"⁴² (2: 111). By identifying the Marchioness's convulsive, criminal passions as the foundation of all her later behavior, Roussel echoes the late eighteenth- and early nineteenth-century conception of monstrosity. Foucault indicates that

⁴¹ "[t]here is no talk in this trial of the famous Exili, the first perpetrator in these poisonings. Without doubt he left France, and took his dreadful industry elsewhere."

⁴² "The convulsive movements of crime troubled her heart; the pure calmness of innocence reflected on her face and in her eyes."

[u]ntil the seventeenth or eighteenth century ... we can say that monstrosity as the natural manifestation of the unnatural brought with it an indication of criminality. ... Then, starting in the nineteenth century, the relationship is reversed and monstrosity is systematically suspected of being behind all criminality. (*Abnormal* 81)

Although Richer's version of the *cause célèbre* drew on the emerging concept of moral monstrosity in its assessment of Brinvilliers' character on the basis of her behavior, it still followed the older notion of the natural monster in representing her monstrosity as a result of her unnatural actions. In contrast, Roussel's extensive discussion of the Marchioness's development into a criminal (see below) is clearly inspired by the modern conception of monstrosity as the basis of all crime. What is more, his description of the Marchioness's fundamental degeneration in terms of convulsive movements in the heart also suggests the pathological nature of criminality, an idea that developed in the wake of the concept of the moral monster over the course of the nineteenth century. Within the larger socio-cultural framework, Roussel aims to demonstrate that "it is not crime that is a disease of the social body but rather the criminal who as such is someone who may well be ill" (*Abnormal* 91). The editor represents the poisonings as a plague that infected late seventeenth-century Parisian culture through a number of ill individuals, rather than thinking of it as a sickness of society as a whole.

As the Marchioness's monstrous eccentricities are conceived as a given that underpins all of her later criminal actions, Roussel pays no attention to her development into a criminal. Instead, he expands his predecessors' discussions of her character, focusing in particular on the exceptional horror of her criminal nature. Most notably, he rewrites Richer's comment about Sainte-Croix's influence in such a way as to transform her into a monster:

Bientôt cette épouse criminelle deviendra l'effroi, l'horreur de la nature ; furie impitoyable, elle fera passer la mort dans le sein de celui qui lui donna l'être ; ... elle jouira de le voir en proie à des douleurs aiguës ; couverte du masque de l'hypocrisie, elle feindra de lui administrer des secours ; elle fera éclater tous les mouvemens de la sensibilité, de la piété filiale ; une joie infernale fera palpiter son cœur, tandis que la douleur siégera sur son front ; elle scrutera d'un œil impie, les angoisses, les convulsions de l'auteur de son existence ; elle calculera les heures, les momens qui restent encore à sa victime ! ... Et la foudre ne frappa pas sa tête criminelle ! ... Non ! elle est réservée au supplice des monstres, des parricides.⁴³ (2: 117-118)

⁴³ "Soon this criminal wife became the dismay, the horror of nature, a merciless fury, she made death pass through the breast of the person who had given her life; ... she enjoyed

Rather than explicitly drawing attention to her monstrosity, Roussel is painting a detailed picture of what this conception of the criminal human nature exactly entails. By drawing attention to the contrast between the Marchioness's ruthless hatred of her father and her hypocritical mask of piety as well as to the fright and horror that her actions inspire, Roussel demonstrates her clear lack of moral integrity and humanity. What is more, Roussel continues his discussion by expressing amazement about the fact that Brinvilliers' monstrous crimes did not bring down a divine punishment upon her. Although he does point out that "les ciels" (2: 127), i.e. the heavens, were responsible for Sainte-Croix's accidental death and the discovery of the poisonings, the Marchioness in his account is punished by human rather than divine law. This insight clearly reflects Roussel's reference to the *chambre ardente* in the conclusion. By expanding the historical context of the case, the *Annales du Crime et de l'Innocence* draws attention to the social and moral implications of monstrosity, which is conceived as the basis of all crime, and indicates that it is up to human justice to root out all behaviors that transgress social norms.

Der neue Pitaval: The history and psychological development of the criminal

Julius Eduard Hitzig and Georg Wilhelm Heinrich Häring, who included a rewriting of the *cause célèbre* of the Marchioness of Brinvilliers in the second volume of *Der neue Pitaval* (1842), also elaborate on the socio-cultural context of the poisonings, adopting an approach that seems at first similar to Roussel's. Upon closer inspection, however, the German version of the case focuses in particular on the psychological development of the abnormal individual. Instead of drawing attention to the broader social and moral implications of the Marchioness's monstrosity, *Der neue Pitaval* adds contextual information to explain the thoughts, feelings and motivations that ultimately made Brinvilliers into a criminal. Like Roussel, Hitzig and Häring use the case to convey knowledge of general relevance. In the introduction to their rewriting, the editors represent the Marchioness as one of the most gruesome and inhuman criminals and, thus, a prototype of the (female) poisoner:

seeing him in the grip of acute pains; covered by a mask of hypocrisy, she pretended to gave him help; she made all the movements of sensibility, of filial piety stand out; an infernal joy made her heart quiver, whereas pain sat on her front; she examined with a godless eye, the fears, the convulsions of the author of her existence; she calculated the hours, the moments that still rested to her victim! ... And the lighting did not strike her criminal head! ... No! she is saved for the punishment of monsters, of parricides."

Ein Gestirn des Tages, bewundert und gefeiert bei ihren Lebzeiten, wurde sie auch nach ihrem Tode zu einem, aber einem Meteor, vor dem die ganze Menschlichkeit erschrickt. Ihr fürchterlicher Name bezeichnet noch jetzt, nach hundert und siebenzig Jahren, ein eigenes schauderhaftes Verbrechen, oder vielmehr eine ausgebildete Verbrecherkrankheit, die man gern für eine Abnormität der weiblichen Natur erklärte, wenn die Brinvillier nicht leider in letzter Zeit und in Deutschland Nachfolgerinnen gehabt hätte, welche, ohne von ihrem französischen Vorbilde zu wissen, dasselbe noch an moralischer Scheußlichkeit und Furchtbarkeit in der Wirkung übertreffen.⁴⁴ (2: 104)

This short elucidation of the exceptional-typical status of the Marchioness clearly reflects the editors' conception of crime as a form of moral monstrosity: i.e. a disease that affects the character of an individual, manifesting itself initially in small transgressive actions and eccentricities, but possibly leading to violent criminal behavior. By describing Brinvilliers as a meteor – i.e. as an exceptional natural phenomenon – Hitzig and Häring evoke a sense of subversiveness and uncontrollability, which Enlightenment thinking often associated with the idea of wild nature. Following these medical and natural metaphors, *Der neue Pitaval* relates the *cause célèbre* to a number of nineteenth-century German poisoning cases, which surpass the Marchioness not only in moral depravity but also in the horror of the crimes. By placing the case in this context, Hitzig and Häring suggest that mass poisonings by women are not as highly exceptional as they had been represented in the past.

By pointing out the large number of similar crimes that help to 'normalize' Brinvilliers' actions, Hitzig and Häring seem to draw on the accumulative method that came to dominate the human sciences over the course of the nineteenth century, albeit to a very limited extent. In his study *The Taming of Chance* (1990), Ian Hacking elaborates on this development, indicating that the causal laws of human nature – “[t]he cardinal concept of the psychology of the Enlightenment” – were replaced by laws of probability, which “carried with them the connotations of normalcy and of deviations from the norm” (1). With regard to the consequences of this normalization of society for the conception of crime, both Hacking and Foucault point out that its singular monstrosity came to be split up into a number of social problems (Hacking 76) or smaller instances of abnormality (*Abnormal* 110). In a similar fashion, the editors of *Der*

⁴⁴ “A star by day, admired and celebrated during her lifetime, she became one after her death, but a meteor, which startles the whole of humanity. Her dreadful name today, after hundred and seventy years, still designates a particular horrible crime, or rather a cultivated disease of the criminal, which people like to explain as a abnormality of the female nature, were it not that Brinvillier unfortunately has lately had followers in Germany, who, without knowing about their French example, surpass it in moral atrocity and fearfulness in their effect.”

neue Pitaval use the figure of the Marchioness of Brinvilliers as the basis for a comparative study of four female poisoners. Hitzig and Häring, thus, expand the canon of *causes célèbres* on this type of crime and add three contemporary cases to their rewriting of “Die Marquise von Brinvillier (1676)”: “Die Geheimrätthin Ursinus (1803)”, “Anna Margaretha Zwanziger (1811)” and “Gesche Margaretha Gottfried (1831)”. According to the preface to the first two volumes of the collection, their organization of the cases aims primarily at differentiating among the psychologies of these criminals and, thus, identifying various stages in the “Steigerung der grauenhaften Verbrecherlust”⁴⁵ (1: XVI).

Hitzig and Häring’s discussion of the socio-cultural context of the case seeks to break Brinvilliers’ poisonings down into a number of ‘abnormal’ circumstances and developments in her inner life that lead to these crimes. They start their account by considering Brinvilliers’ environment. Following an extensive historical discussion of aristocratic decadence at that time, which was characterized by a “wüster Sittenlosigkeit”⁴⁶ (2: 105) and a great idleness, they explain how these social conditions might have paved the way for her transformation into a criminal:

[D]a wird zwar die Verirrung eines Weibes, wie die Brinvillier, nicht gerechtfertigt; aber wir blicken in einen bodenlosen Zustand von Unsitte, wo es große Kraft für ein Weib bedarf, sich aufrecht zu erhalten, und wo große Fehlritte, wo Verirrungen einer außerordentlichen Natur zur entsetzlichsten Unnatur erklärlich werden.⁴⁷ (2: 106)

Although *Der neue Pitaval* initially emphasizes that the social circumstances of her living environment do not justify her crimes, they do help to elucidate the exceptional nature of her aberration. The editors suggest that the lack of morality, which the Marchioness observed on a daily basis, must have had some imprint on her character and made her more susceptible to moral degradation. Considering the socio-cultural context of the *cause célèbre*, thus, is the first step towards understanding the inner life of the poisoner.

This closer and more careful assessment of the development of criminal human nature according to a new ‘normalizing’ method of analysis also leads Hitzig and Häring to correct a number of points not only in their predecessors’ representations of the case but also in the legal records on which these versions drew. For example, they point out

⁴⁵ “increase in the atrocious lust for crime”

⁴⁶ “deserted immorality”

⁴⁷ “[T]his does not justify the aberration of a woman, like Brinvillier; but we look into a abysmal condition of immorality, where it requires great strength from a woman, to hold up, and where great missteps, where aberrations of an exceptional nature become the most horrible ‘Unnature’.”

that Brinvilliers' constant exposure from an early age to the decadence of the aristocracy means that she was not the victim of Sainte-Croix's seduction:

Die Marquise von Brinvillier ist von Niemandem verführt worden. ... Die Sündhaftigkeit, welche, kaum bedeckt vom Mantel der Religion, in den höhern Ständen grassirte, hatte schon die Jungfrau, vielleicht schon das Kind ergriffen. ... Aber in den Acten erscheint als ihr Verführer ein männliches Scheusal, unter dem Namen: Sainte-Croix.⁴⁸ (2: 107-108)

Hitzig and Häring's rewriting, thus, draws attention to the individual offender. Like the socio-cultural context in which she grew up, the role of Sainte-Croix in her lapse from virtue is considerably downplayed. It is but one of the many events and circumstances that led to Brinvilliers' exceptional abnormality.

In order to explore the psychological development of the criminal in greater depth, the editors of *Der neue Pitaval* break down Brinvilliers' moral degeneration into a number of individual thoughts, feelings and motivations, which are in turn related to specific circumstances. Whereas previous versions of the *cause célèbre* simply observed that Sainte-Croix's imprisonment caused her love for him to grow, Hitzig and Häring discuss this event in much greater detail:

Die Entfernung von dem gefangenen Geliebten steigerte vielmehr ihre Leidenschaft, und die öffentliche ihm und ihr angethane Schmach empörte sie und rief die in ihrem Busen noch schlummernden Rachegeister wach. ... Ja dieses unglückliche Mittel verwandelte zuerst die liebeglühende, aber unschädliche Sünderin zu einer gefährlichen Verbrecherin. Es lehrte sie, ihre Gefühle und Gedanken bei sich zu bewahren, und die teuflischen Entschlüsse, die allmähig zur That und zu einer Saat und Ernte gräßlicher Thaten wurden, unter der Maske einer feinen anständigen Aufführung zu verbergen.⁴⁹ (2: 111)

By pointing out exactly how specific events and thoughts brought about specific aspects of her criminal nature, the editors try to deepen their readership's understanding of the

⁴⁸ "The Marchioness of Brinvillier is seduced by no one. ... The sinfulness, which, hardly covered by the coat of religion, was rampant in the higher classes, had already taken the young girl, and maybe even already the child. ... But in the records a male monster, under the name: Sainte-Croix, appears as her seducer."

⁴⁹ "The separation from her imprisoned lover rather increased her passion, and the public dishonor that was done to him and her outraged her and awakened the slumbering spirits of vengeance in her breast. ... This unfortunate means transformed the sinner who was initially burning with love, but harmless into a dangerous criminal. It taught her, to keep her feelings and thoughts to herself, and to hide the devilish decisions, that gradually became an act and the sowing and harvesting of terrible deeds, under the mask of a dignified respectable performance."

Marchioness's path from harmless sin towards extremely violent criminality. In order to do so, they not only attribute her turn towards amoral behavior to the increase of her passion due to the forced separation from her lover and to a desire for revenge for the insult of Sainte-Croix's imprisonment but also elaborate on the specifics of her criminal nature, drawing particular attention to her ability to conceal her real thoughts and emotions under a mask of honesty and respectability.

In the end, however, this deconstruction of the inner life of the Marchioness does not lead to a satisfactory explanation for the poisonings. According to Hitzig and Häring, Gayot de Pitaval and his followers are to blame for this, as the many accounts of the *cause célèbre* over the course of the eighteenth and nineteenth centuries had blurred the factual basis of the case and made it difficult to trace the psychological development of the criminal. Even the legal records themselves, they claim, would not have sufficed to understand the Marchioness's crimes, as the seventeenth-century criminal procedures showed little interest in the "Vorgeschichte der Verbrecher, die für unsere Richter oft so wichtig zur Beurtheilung der Frage ist, ob dem Angeschuldigten die bezüchtigte That beigemessen werden darf"⁵⁰ (2: 114). The editors, thus, clearly build on the theory of the *Erfahrungsseelenkunde*, which already influenced Schiller's late eighteenth-century rewriting of the case and would become the basis for nineteenth-century criminal psychology. Influenced by the works of Paul Johann Anselm Feuerbach, which Hitzig and Häring identify as the most important example for the psychological approach of their work, thus, *Der neue Pitaval* seeks to break down crime and look at the history of the offender. Ultimately, they arrive at the following conclusion:

Freilich ist es in der Verbrechergeschichte ein genügendes Motiv: sie wollte Vater, Brüder und Schwester allein und so bald als möglich beerben. Aber viel, sehr viel mußte vorangegangen sein, in ihr und außer ihr, furchtbare Aufregungen, traurige Familienscenen, das moralische Gift mußte systematisch ihre Adern durchdrungen, ihre Natur erfüllt und verändert haben, daß sie so im gräßlichen Willen und in der entsetzlichen Ausdauer fertig dastehen konnte, als wir sie bei der ersten Giftmischung erblicken.⁵¹ (2: 115)

⁵⁰ "the previous history of the criminal, which for our judges often is important for the assessment of the question, if one can ascribe the offense to the accused"

⁵¹ "In fact there is a sufficient motive in the history of the criminal: she wanted to inherit from her father, borthers and sister solely and as soon as possible. But much, very much must have happened before, in and around her, terrible disconcertments, sad family scenes, the moral poison must have penetrated her veins systematically, pervaded and changed her nature, in order for her to stand there with such a dreadful willpower and such horrible endurance, as we see her at the first poisoning."

Although Hitzig and Häring concede that the story of the Marchioness of Brinvilliers reveals a satisfactory motive for her crimes, they do not consider that her hatred towards her family and her greed are sufficient to account for the psychological transformation that led to her exceptionally ruthless and abnormal actions. In contrast to previous versions of the *cause célèbre*, the editors want to understand how exactly this ‘moral poison’ penetrated her character, became part of her nature and, thus, gave her the mental and emotional tenacity to execute the poisonings. Unfortunately, a careful and more detailed study of the development of the criminal’s inner life seems to be impossible in the case of the Marchioness.

By making the *cause célèbre* part of a comparative study of a number of female poisoners, however, the editors of *Der neue Pitaval* attempt to resolve this issue, identifying the individual circumstances and social parameters that can influence this type of criminal behavior. In contrast to public opinion on the nineteenth-century poisoning cases included in their collection, Hitzig and Alexis refuse to recognize “eine Nachfolgerin der Brinvillier”⁵² (2: 162) in each of these criminals. Accordingly, their accounts of the nineteenth-century German poisoners highlight the singularity of each one, identifying a unique set of motivations, character traits and circumstances that led to the crime. The psychological breakdown of each of these poisoning cases, moreover, is discussed in relation and contrast to the other *causes célèbres*. The collection, thus, demonstrates that female poisoners can belong to all social classes; that they can be driven by economic need, by selfishness or by diabolical lust; and that they can be evil from childhood or driven to crime over the course of their life. By differentiating among the *causes célèbres* of Brinvilliers, Ursinus, Zwanziger and Gottfried, *Der neue Pitaval* manages to define a number of universal analytic categories by which to make sense of the offender (of this type of crime). These include his/her social class and status, his/her economic and familial circumstances, his/her character and life story, all of which should be considered together as a psychological explanation for the poisoning. In this regard, the editors of *Der neue Pitaval* seem to be involved in establishing a more complex typology of the inner development of the female poisoner.⁵³

⁵² “a follower of Brinvillier”

⁵³ For a more elaborate discussion and comparison of these four female poisoners in *Der Neue Pitaval*, see Jules De Doncker. “Collecting Criminal (Stereo-)Types: Eighteenth- and Nineteenth-Century ‘Causes Célèbres’ as Anthologies.” *German Life and Letters: Special Issue on “Das Erblühen Der Blumenlesen. German Anthologies, 1700-1850,”* edited by Nora Ramtke and Sean M Williams, vol. 70 (1), 2017, pp. 115–136.

Fouquier: Dispelling the monstrosity of the criminal individual

As the opening remarks of the rewriting of the *cause célèbre* of the Marchioness of Brinvilliers that was published in the fourth volume of the *Causes Célèbres de Tous Les Peuples* (1861) demonstrates, Armand Fouquier locates the general relevance and public interest of the genre in its unique insight into human civilization. Following a quotation from Voltaire on this matter, Fouquier states that

[d]eux puissances se partagent le monde : la force et la justice ; l'histoire judiciaire est le récit de leur lutte éternelle. C'est aux pieds d'un tribunal qu'aboutissent tous les intérêts, toutes les passions, tous les droits, tous les devoirs. C'est dans la maison de la loi qu'il faut chercher la vérité vraie sur l'homme.⁵⁴ (4: 1; pt. 19)

For Fouquier, sensational legal cases offer a unique insight not only into the feelings and motivations but also into the social rights and responsibilities that can influence the inner life. Although this statement at first sight seems to bear on the psychology of the individual, the editor immediately points out the broader socio-cultural and historical relevance of the knowledge that the *causes célèbres* conveys. Bringing up another famous case – the trial of Jeanne d'Arc – Fouquier tries to convince his readership of the superiority of the genre over a more general form of history writing, because it allows for a better understanding of a specific period, nation and culture.

Fouquier then shifts the focus towards the late seventeenth-century Parisian culture in which the *cause célèbre* of the Marchioness of Brinvilliers took place, and praises his contemporary, Jules Michelet, one of the first historians who elucidated the historical and socio-cultural context of the case. Although he applauds Michelet's approach, which overcame the individualizing view on the case and considered it as a "fait symptomatique de tout un état social"⁵⁵ (4: 1; pt. 19), Fouquier criticizes his 'diagnosis':

M. Michelet a très-bien deviné la maladie sous l'apparente vigueur du sujet ; seulement, selon nous, il s'est trompé dans le diagnostic. Là où il n'y avait qu'une crise climatérique, il a vu la phtisie, le mal incurable, la langueur mortelle. L'ingénieux et systématique médecin a condamné la France d'alors.⁵⁶ (4: 2; pt. 19)

⁵⁴ "[t]he world is divided into two forces: human strength and justice; the history of the judiciary is the story of their eternal battle. It is before the feet of a court that all interests, all passions, all rights, all duties end up. It is in the house of the law that one should search the real truth about man."

⁵⁵ "fact that is symptomatic for a whole social state"

⁵⁶ "M. Michelet has distinguished the disease underneath the apparent vigor of the subject very well; only, according to us, he has made a mistake with regard to his diagnose. Where

As the assessment of Michelet's socio-cultural analysis of late seventeenth-century Parisian society demonstrates, Fouquier applied the medical metaphor that his predecessors associated with the criminal's monstrosity to crime in general. His work, thus, reflects the conception of the offense in terms of a social disease, which became increasingly important as the nineteenth century progressed. Foucault describes this development as a double codification of madness as an illness and as a danger to society. Over the course of the nineteenth century psychiatry tried to shed the perception that it was a form of public hygiene and to gain the status of a branch of medicine, by taking an interest in motiveless crimes and inexplicable monstrosity (*Abnormal* 118–119). In contrast to previous accounts of the *cause célèbre*, which still characterized the Marchioness of Brinvilliers as a monster (or at least as an exception), Fouquier follows Michelet in abandoning this view of the criminal in favor of a conception of crime and its social implications as a disease. His criticism is primarily directed at Michelet's overestimation of the gravity of Brinvilliers' illness. According to Fouquier, the poisonings should not be seen as a disease that could lead to the death of French culture at that time, but rather as a climacteric crisis: i.e. a transitory moment of social trouble that is but a transitional stage in the development of the French nation.

In order to support this representation of the figure of the Marchioness, the editor continually returns to the work of Michelet and attempts to derive the correct historical interpretation of the events. Fouquier's rewriting of the *cause célèbre* focuses in particular on refuting the thesis that Brinvilliers was the scapegoat of a number of public figures who had commissioned political assassinations. The story of the Marchioness of Brinvilliers rather draws attention to the potentially dangerous social implications of the prerevolutionary legal system, which functioned differently and lacked the medical and forensic knowledge necessary to unveil seemingly natural deaths as murders by poisoning. Over the course of his rewriting of the *cause célèbre*, Fouquier aims to confirm this perspective on the case by dispelling the Marchioness's exceptional and/or monstrous status.

In order to do so, Fouquier completely overhauls the narrative structure of the story. Instead of trying to reconstruct the development of the Marchioness's character from her extramarital relationship with Sainte-Croix to her ultimate conviction and execution, he follows the chronology of the legal investigation after the unexpected death of Brinvilliers' lover. His description and interpretation of the events, moreover, clearly seek to enhance this new perspective on the case. Fouquier's rewriting starts with the sealing of Sainte-Croix's rooms and the examination of his possessions. In

there was one a climacteric crisis, he has seen total consumption, an incurable sickness, mortal languidness. The ingenious and systematic doctor has condemned the whole of France at that time."

contrast to his predecessors, who quickly pass over these events and focus only on the subsequent discovery of the poisonings, Fouquier elaborately discusses how this part of the legal investigation unfolded in order to demonstrate the disorder and confusion that characterized the administration of justice at that time. After pointing out that there were many people present at the sealing who should not have been allowed to witness it, the editor arrives at the following conclusion:

Nous nous ferions difficilement, de nos jours, une idée exacte de la façon dont se passaient alors les opérations judiciaires les plus importantes. Nos habitudes de légalité scrupuleuse, d'attributions rigoureusement définies et distinctes, nous permettent à peine de comprendre le désordre, les ingérences arbitraires, les confusions de pouvoirs, qui signalaient les actes les plus graves, comme les plus insignifiants, de l'autorité.⁵⁷ (4: 2-3; pt. 19)

Fouquier completes his image of the disorder and laboriousness of the legal system that investigated the poisonings by drawing attention to the fact that the judicial system 'slept' for approximately two and a half years (from the autumn of 1673 to the spring of 1676) before finally deciding to go after Brinvilliers (4: 13; pt. 19). By retracing and elaborately discussing every step in the legal investigation, his rewriting of the *cause célèbre* reflects its sluggishness and uses it to reinforce his image of the Marchioness. Thus, he demonstrates that, because of the defects of seventeenth-century legal proceedings, the Marchioness came into the picture only in a very roundabout and indirect manner. By changing the narrative structure of the story, Fouquier diverts attention from the diabolical figure of the Marchioness, who was at the center from the start of all previous versions of the *cause célèbre*, and enhances his interpretation of the story, which seeks to downplay Brinvilliers' exceptional status.

Fouquier continues his account by highlighting the lack of toxicological and forensic knowledge that characterized seventeenth-century medicine and impeded the immediate discovery of the real cause of death of the Marchioness's relatives. The sudden illnesses and quick deaths of her victims were attributed to "*une humeur maligne* ; un de ces mots vagues qui, de tout temps, ont servi à déguiser l'ignorance des savants"⁵⁸ (4: 5; pt. 19). If Brinvilliers passed as an incredibly skilled and famous poisoner, it was mainly because of the incompetence of the medical specialists at that time. The case is,

⁵⁷ "We can only with difficulty, in our times, come to an exact idea of the way in which the most important judiciary proceedings went back then. Our habits of scrupulous lawfulness, of rigorously defined and distinct attributions, hardly allows us to understand the disorder, the arbitrary interferences, the confusions of power, that distinguish the most serious records of authority, as well as the most insignificant ones."

⁵⁸ "*a malignant temper*: one of those vague terms that, in all times, has served as a disguise for the ignorance of learned people"

thus, conceived as an example of “où en étaient, en fait de toxicologie, l’analyse chimique et l’anatomie, à la fin du XVIIe siècle. Le poison de Sainte-Croix avait résisté à l’ignorance des experts ; ils le déclarèrent terrible, insaisissable, diabolique”⁵⁹ (4: 7; pt. 19). According to Fouquier, the idea of the Marchioness’s exceptional monstrosity can be traced back to late seventeenth-century doctors’ opinions of her work. Fouquier, thus, argues that it was the combination of the slow administration of justice, its admission of unauthorized outsiders to its procedures and its lack of medical knowledge that created the ‘myth’ of the Marchioness of Brinvilliers, which would inform later interpretations of her character and her inner life in the eighteenth- and nineteenth-century collections of *causes célèbres*. This view of the Marchioness is reinforced during the representation of her trial, as the editor not only discredits many of the testimonies against her as inventions of people who wanted to make themselves interesting and were forced to repeat their testimony before the court (4: 17; pt. 19), but also rejects Sévigné’s letters as mere rumors about the case (4: 39; pt. 19).

After his elaborate discussion of the legal investigation of the poisonings, which focused in particular on dispelling the image of the Marchioness’s hyperbolic monstrosity, the editor offers his own representation and interpretation of her character and her inner life. Fouquier’s image of the criminal is primarily based on an assessment of her written confession to God, which was generally seen as a document that proved her exceptional viciousness. In contrast to this common conception, Fouquier indicates that

[C]e qu’il nous faut chercher dans la confession de M^{me} de Brinvilliers, ce n’est pas la glorification de quelque doctrine passionnée, c’est la vérité sur cette pauvre âme aveugle et gâtée. ... Cette âme ignorante est entraînée par une imagination perverse. L’habitude du luxe, l’oisiveté, les tristes exemples d’un mari débauché comme elle, ont jeté dans tous les désordres cette femme qu’aucun contre-poids ne retient dans la vie réglée. ... Cet amour pour Sainte-Croix n’est pas même une passion romanesque, qu’excuse en quelque façon l’ivresse du cœur. C’est un amour de tempérament, une chaleur de sens, une passion bestiale, qui n’exclut pas le partage. ... Il y a encore une passion d’âme faible et emportée, qui éclate dans cette confession : c’est la haine jalouse, l’esprit de vengeance. ... Les âmes inférieures ont de ces contradictions inouïes ; ... En somme, tout n’est pas gâté

⁵⁹ “in which state was, by way of toxicology, chemical analysis and anatomy, at the end of the seventeenth century. The poison of Sainte-Croix had resisted the ignorance of the experts; they declared it terrible, elusive, diabolical.”

dans cette âme, et cette femme tant de fois criminelle n'est pas un monstre.⁶⁰ (4: 14-15; pt. 19)

Like the works of his predecessors, and especially the German rewriting that was published in *Der neue Pitaval*, Fouquier's version of the *cause célèbre* attributes Brinvilliers' lapse from virtue to a combination of passions – including her naïve and bestial love for Sainte-Croix, her jealousy and her vindictive spirit – and of the social circumstance of having a debauched aristocratic husband. In contrast to previous representations within the genre, however, the editor highlights that these thoughts, feelings and motivations do not transform her into a monster. On the contrary, the contradictions within her character point to an extremely weak, impressionable and inferior soul, who seems to have committed these monstrous crimes in a frenzy. In order to support this characterization of the inner life of the Marchioness, Fouquier's discussion of her behavior during the interrogation includes an elaborate refutation of Michelet's representation of her as a willing martyr who sacrificed herself in order to protect a number of important aristocrats and clerics who were somehow involved in her poisonings. Whereas Michelet suspects that her pious conduct during and after her trial was a mere sham that was meant to cover up the truth, Fouquier draws attention to the seventeenth-century socio-cultural context in order to demonstrate that her reaction was typical of the kind of weak and impressionable soul that she was:

C'est là un écho vague, un souvenir confus des discussions théologiques sur la grâce ; il n'y faut point attacher d'importance, ni, comme M. Michelet, faire de la Brinvilliers une criminelle par fatalisme religieux. Il y a de ces mots qui courent dans une époque, et qui sont mis en usage au hasard, sans pour cela témoigner de dogmes bien définis. Prédestination est un de ces mots au XVIIe siècle, et n'emporte pas, ailleurs que dans la langue de certains docteurs, l'idée de volonté absente et de non-responsabilité.⁶¹ (4: 28; pt. 19)

⁶⁰ “[T]hat which makes us search into the confession of Mme de Brinvilliers, it is not the glorification of some kind of passionate doctrine, it is the truth about this poor blind and spoiled soul. ... This ignorant soul is dragged along by a perverse imagination. The accustoming to luxury, the idleness, the sad examples of a husband who is debauched like her, have thrown this woman, whom no counterbalance held back in a regulated life, into disorder. ... This love for Sainte-Croix was not even a romantic passion, that in some way excuses the intoxication of the heart. It was a hot-blooded love, a heating of the senses, a bestial passion, which does not exclude sharing. ... There is also the passion of a weak and fiery soul, which comes out in this confessions; it is jealous hate, the spirit of vengeance. ... Inferior souls have these extraordinary contradictions; ... In a word, not everything is spoiled in this soul, and this woman some many times a criminal is not a monster.”

⁶¹ “There is a vague echo, a confuse memory of theological discussion on grace; one does not have to attach importance to it, nor, like M. Michelet, make Brinvilliers a criminal through

Rather than a sign of her monstrous cynicism or her will to sacrifice herself in order to protect her accomplices, Fouquier attributes the peculiar and sudden change in Brinvilliers' character to an ordinary complacency, which can be related to the religious fatalism common at that time. Among many other comments, this remark seeks to demonstrate that the Marchioness was no more than a weak soul who committed a number of crimes in a fit of insanity. This interpretation leads the editor to the following conclusion:

Voilà la vérité sur ce procès. Nous y trouvons de quoi nous faire une idée exacte de cette malheureuse femme, trop célèbre par ses crimes, dont la perversité ne répond pas à l'idée qu'on s'en fait d'ordinaire. Si la marquise de Brinvilliers a vécu en scélérate, elle est morte en chrétienne.⁶² (4: 40; pt. 19)

By observing the contradictions in the figure of the Marchioness, Fouquier ultimately conveys an image of the human nature and the inner life of the criminal as an abnormal but ordinary phenomenon. Rather than deriving from a form of exceptional monstrosity, crime is conceived as the result of the impressions that specific social circumstances and passions make on the human spirit. Fouquier's rewriting, thus, elaborates on the socio-cultural context of the *cause célèbre* in order to dispel the social dangers that the concept of monstrosity implies and reveal the vicious criminal to be nothing more than an ordinary weak soul.

3.7 Conclusion: Re-examining the character of the criminal, the *cause(s) célèbre(s)* as a study of human nature

As this comparison of a number of eighteenth- and nineteenth-century versions of the *cause célèbre* of the Marchioness of Brinvilliers has shown, the genre not only elucidates

religious fatalism. There are words like that that run through an epoch, and that come into use by accident, without bearing witness of these well-defined dogmas. Predestination is one of the words in the seventeenth century, and does not entail, elsewhere than in the language of certain doctors, the idea of an absent will and non-responsibility."

⁶² "Here is the truth on this trial. We find enough in it to come to an exact idea about this unlucky woman, too famous because of her crimes, the perversity of which does not respond to the idea we normally come to. If the marchioness of Brinvilliers has lived as a villain, she has died as a Christian."

the administration of justice of a specific country and epoch but also explores in detail the (criminal) individual and his/her inner life. What is more, each subsequent rewriting of this case seems to confirm that the genre, despite its close relation to the legal system because of its subject matter, has shown a fundamental interest in the topics of human nature and morality from its inception in the 1730s. Drawing on the exceptional-typical nature of the *causes célèbres*, Gayot de Pitaval and his followers believed that the singularity of the events meant that they exposed the deepest thoughts, feelings and motivations of the protagonists of these cases and, thus, used their anthology to study the inner depth and development of the human individual.

As in the *cause célèbre* of the Sieur d'Anglade, the representation and interpretation of the figure of the Marchioness and her ruthless poisonings is subject to a number of changes over the course of the eighteenth and nineteenth centuries. Whereas the seventeenth-century genre of the *histoires tragiques* put forward a universalist and idealistic notion of crime and morality, which is closely related to the civic humanist and aristocratic values of virtue and honor, and focuses in particular on inspiring the reader with an exaggerated horror towards the criminal and her actions, Gayot de Pitaval's *Causes Célèbres et Intéressantes* rewrote Brinvilliers' story, drawing on an Enlightenment conception of human nature. Basing his account on the bourgeois ethic of rational Christianity, which became dominant over the course of the eighteenth century, Gayot de Pitaval argues that both Sainte-Croix and the Marchioness of Brinvilliers were born carrying the root of evil within their souls and failed to abide by the divine 'Natural Law', which led them to ignore their morally good sentiments and allowed them to be led astray by their passions. Their lapse from virtue was ultimately punished by divine Providence. The editors of the English, Dutch and German translations that appeared in the decades following the publication of the *Causes Célèbres et Intéressantes* deviate from the French original only with regard to the degree of exceptionality or typicality that they attribute to the figure of the Marchioness. Whereas the *Gallick Reports* and the *Erzählung sonderbarer Rechtshändel* clearly follow Gayot de Pitaval in conceiving of Brinvilliers as a stereotypical example of the (female) poisoner, the *Beroemde en Gedenkwaardige Rechts-Zaaken* focuses on the singularity of her crimes.

Richer's and Schiller's late eighteenth-century rewritings of the *cause célèbre* draw on the profane Enlightenment interest in human nature and, thus, display a clear shift towards the individualization of the criminal. Their accounts differentiate between the character and development of the Marchioness and Sainte-Croix. Although both editors still attribute their moral degeneration to the influence of their passions, their focus on the figure of the female poisoner is completely opposite. Richer's new edition of the *Causes Célèbres et Intéressantes* draws particular attention to the transformation of her character and the monstrosity of the criminal. By relating the case to the plague of poisonings in seventeenth-century Paris, Richer moreover examines the social

implications of crime. In contrast, Schiller's *Merkwürdige Rechtsfälle* focuses only on the figure of the criminal, and more particularly, on Brinvilliers' gradual lapse from virtue under the influence of various circumstances, feelings and motivations.

This contrast between a focus on monstrosity and its socio-cultural consequences and the transformation of a human being into a criminal is continued in the nineteenth-century rewritings of the *causes célèbres*. Nevertheless, each subsequent editor relies on a very similar conception of human nature, which traces the monstrous offense back to the influence of specific thoughts, feelings, motivations and (social) circumstances on the psychology of an individual, and tries to elucidate the *cause célèbre* by considering the socio-cultural context of Brinvilliers' poisonings. This approach, however, leads them to fundamentally different conclusions about the figure of the Marchioness. Roussel examines the socio-cultural and historical context of the *cause célèbre* in order to convey knowledge about the implications of such monstrous crimes to his readership. Figures such as the Marchioness of Brinvilliers are, thus, conceived as a serious threat to society, which require a radical reaction by the legal system and government. *Der neue Pitaval* also draws attention to this context but for very different reasons. As Hitzig and Häring conceive of their rewriting as a study of Brinvilliers' psychological development towards monstrosity, the references to the socio-cultural circumstances of her lapse from virtue are assessed according to their influence on her thoughts, feelings and motivations, i.e. on her character. By relating the *cause célèbre* to a number of other cases that deal with famous and exceptional female poisoners, *Der neue Pitaval* seeks to create a typology for this type of crime, which puts forward a number of factors that can lead to this form of abnormal behavior. Fouquier's *Causes Célèbres de Tous Les Peuples*, finally, seeks to strip the Marchioness of her singular status. He suggests that Brinvilliers is not the exceptionally ruthless or monstrous criminal that previous memorializations of her personality have made her out to be. Rather, she should be seen as an ordinary weak soul, who committed these crimes in a fit of insanity. Fouquier draws on the socio-cultural and historical context of the case in order to 'normalize' her seemingly abnormal criminal behavior.

Although these rewritings of the *cause célèbre* of the Marchioness of Brinvilliers invariably focus on fathoming human nature and conveying a deeper insight into its workings to the reader, each subsequent editor makes a number of fundamental alterations with regard to the representation of the figure of the Marchioness and the story of her poisonings. Indeed, there are as many different accounts of the events that constitute this *cause célèbre* as there are interpretations of Brinvilliers' character. In this regard, this chapter has shown that the genre entered into dialogue with a number of eighteenth- and nineteenth-century conceptions of human nature and morality and, thus, served as a source of popular instruction about the human inner life and the origins of criminality throughout its publication history.

4 The exceptional-typical value of the *causes célèbres* (3): Bridging historical distance

4.1 Arnauld du Tilh, or the false Martin Guerre: A challenge to historical understanding?

By including “Le faux Martin Guerre” as the very first case in the *Causes Célèbres et Intéressantes* (1734), Gayot de Pitaval immediately confronted his readership with one of the most enigmatic and extraordinary stories of the entire collection.

It relates a peculiar imposture and identity theft that took place in the southern French village of Artigat in the late sixteenth century. One of the villagers, a peasant named Martin Guerre, was married to Bertrande de Rols, who was only eleven at the time. After eight years, the marriage was finally consummated, and the couple, which the villagers until then had believed to be cursed, had a son named Sanxi. Shortly after his birth, however, Martin all of a sudden disappeared, apparently fleeing from his father from whom he had stolen some grain. After an absence of several years and the death of his father, Martin unexpectedly returned home. He was welcomed back by the entire village and soon picked up the thread of his ordinary life.

Three years later, some of the villagers, including his uncle Pierre, accused Martin of being an impostor named Arnaud du Tilh, and brought him to court. There Martin defended himself by arguing that his uncle was trying to settle a personal feud over the inheritance of his father, which he had taken possession of on his return. The judges investigated Pierre’s allegation, but the physical comparison of Martin with his sisters and with his son did not give a decisive answer. This unleashed a lively public debate on the real identity of Martin. The court heard a large number of witnesses and found just as many people who claimed to recognize Arnaud du Tilh as fierce defenders of Martin Guerre. This left the judges puzzled and unable to convict the defendant because of a lack of proof and the convincing testimony of Martin himself. Just as they were about to acquit him, however, the real Martin Guerre suddenly presented himself in court. As his

sisters and later also his wife recognized him, Arnaud Du Tilh was finally exposed and executed on 16 September 1560.

With his inclusion of the case in the *Causes Célèbres et Intéressantes* Gayot de Pitaval reignited interest in the story of the false Martin Guerre. A closer look at the publication history of this curiously successful imposture, of which Nathalie Zemon Davis gives a detailed overview at the end of her micro-historical study *The Return of Martin Guerre* (1983), demonstrates that it had enjoyed a great popularity and was circulated throughout France in the first decades following the events (127–131). The initial public attention mainly derived from a number of reprints of an *Arrest Memorable* of the case that was written by Jean de Coras, one of du Tilh's judges, as well as from successive French translations of a pamphlet in Latin by Guillaume Le Sueur. Both texts were first published during the final stages of the trial against the false Martin Guerre in 1561. Over the course of the second half of the sixteenth and the seventeenth centuries, however, interest in the case diminished. Although it was still occasionally taken up by historians, including Michel de Montaigne (*Essais*, 1588) and Estienne Pasquier (*Les Recherches de la France*, 1621), and legal scholars, such as Jean Papon (*Recueils d'Arrests Notables des Courts Souveraines de France*, 1565) and Géraud de Maynard (*Notables et singulieres Questions du Droit Escrit*, 1628) as well as included in other case collections, most notably François de Belleforest's *Histoires prodigieuses* (1571) and Jean Baptiste de Rocoles' *Les imposteurs insignes* (1683), these works seemed to conceive of the case primarily as an interesting anecdote.

By presenting the story of the false Martin Guerre as a *cause célèbre*, Gayot de Pitaval invests it with a more general relevance and redefines its public interest. In keeping with the conception of the genre as a canon of exceptional-typical cases, the editor attaches a new significance to the extraordinary events of du Tilh's imposture. After almost two centuries, the case ceased to be seen merely as an interesting anecdote and instead became an object of general knowledge on (an aspect of) humanity. In a short discussion of Gayot de Pitaval's *cause célèbre* Zemon Davis seems to acknowledge the enhanced interest of the case, as she describes it as “[o]ne of the most interesting retellings of the case of Martin Guerre, and the only one to speculate freely on the possibility that Bertrande was the accomplice of Arnaud du Tilh” (130). What is more, the *Causes Célèbres et Intéressantes* not only constitutes a conceptual break with previous accounts of the false Martin Guerre but also would become the basis for the rich representation history of the case in the centuries following the publication of Gayot de Pitaval's work.¹

¹ For a detailed overview of the representation history of the *cause célèbre* of the false Martin Guerre, see Appendix 3.

Since the second half of the eighteenth century, the story has proved a fruitful and enduring topic and has inspired numerous literary adaptations, which often involve a psychological or historical study of the case. Examples of this kind of rewriting include: Charlotte Smith's *The Romance of Real Life* (1787) and Alexandre Dumas' *Les Crimes célèbres* (1840), two collections of short stories based on the *causes célèbres*; Janet Lewis' novella *The Wife of Martin Guerre* (1941), which was turned into an opera by William Bergsma in 1956 and has been continuously republished until today; and Nathalie Zemon Davis' 'microhistorical' study *The Return of Martin Guerre* (1983). Furthermore, du Tilh's imposture has also been the subject of a number of other cinematic and dramatic adaptations, such as *Le faux Martin-guerre, ou la famille d'Artiques*, a melodrama that was first performed in the Parisian Théâtre de la Gaïeté on 23 August 1808; *Le Retour de Martin Guerre* (1982), a movie by Daniel Vigne, on which Zemon Davis worked as a consultant and which inspired her to write her microhistory; *Sommersby* (1993), a Hollywood production starring Richard Gere and Jodie Foster; and the musical *Martin Guerre*, which premiered in 1996 in London's West End. Gayot de Pitaval's work, thus, initiated a series of adaptations, which have been memorializing the story of the false Martin Guerre for almost three centuries now. These rewritings testify to the strong fascination and curiosity that the peculiar events of the imposture continue to arouse in people from all different backgrounds.

The case, moreover, has also enjoyed great popularity within the genre of the *causes célèbres*. Between 1734 and 1867 as many as fifteen (especially French and German, but also some English and Dutch) editors included their own version of the events in their anthologies of famous and remarkable legal cases. Despite being one of the oldest *causes célèbres* that Gayot de Pitaval aimed to transmit, the case still continued to appeal to his followers. Unlike most of the cases in the *Causes Célèbres et Intéressantes*, which mostly date back to the late seventeenth and early eighteenth century, the story of Martin Guerre was set in a more fundamentally different time and culture. This means that Gayot de Pitaval and the editors who built on his work had to find a way to bridge this historical gap. As the case continued to be rewritten over the course of the eighteenth and nineteenth century, the genre not only exhibited a strong fascination with the peculiar events of the story but also found ways to make sense of them and, thus, to bridge the (temporal and cultural) divide between the rural Southern French society of the late sixteenth century and the contemporary perspective of its readers. But how exactly did Gayot de Pitaval and his followers deal with the 'historical distance' between these more fundamentally different cultures? And, more importantly, how did they conceive of this distance? What conceptions of history and historiography underpinned the different representations and interpretations of the case that appeared within the genre of the *causes célèbres* over the course of the eighteenth and nineteenth centuries?

This chapter tries to answer these questions, by comparing and contrasting a number of the most important eighteenth- and nineteenth-century versions of the *cause célèbre*

of the false Martin Guerre. In so doing, it will give special attention to the editors' relation to the past, which (like their conceptions of the general, legal or moral relevance of the genre) can be derived from the changes they make to the narrative account and their comments on the case. As Hayden White points out in *Metahistory* (1973), a study of nineteenth-century historiography, the representation and interpretation of past events is generally informed by the metahistorical presuppositions of the historian, i.e. by his relation to and conception of the past:

[H]istorical explanations are bound to be based on different metahistorical presuppositions about the nature of the historical field, presuppositions that generate different conceptions of the *kind of explanations* that can be used in historiographical analysis. (13)

In this respect, the continuous rewriting and reassessment of the *cause célèbre* of the false Martin Guerre offers us a glimpse of the more general conception of history of each subsequent editor.

This chapter argues, however, that the representational and interpretative differences among these versions of the case especially derive from the way in which these accounts are shaped according to divergent ideas about the distance between past and present. Thus, it will draw on the concept of 're-distancing'. The concept was first introduced by Mark Salber Phillips, who used it to draw attention to the "variety of ways in which we are placed in relation to the past" (12). In his study of the different conceptions of distance in historical writing from the Renaissance until today, *On Historical Distance* (2013), Phillips presents it as an alternative and correction to the conventional historical approach, which elevates "distancing and detachment to a privileged position with respect to knowledge of the past" (1). In contrast, Phillips emphasizes the complexity of historical representations and identifies four 'dimensions' of historical distance:

Every representation of history, whatever its genre, incorporates elements of *making, feeling, acting, and understanding* – or (to alter the terms) questions of formal structure and vocabulary, affective impact, moral or ideological interpellation, and underlying intelligibility. Consequently, a more ramified analysis of historical representation needs to consider the problem of mediation as it relates to four fundamental dimensions of distance that shape our experience of historical time. (6)

Drawing on Phillips' idea that the conceptions of (historical) distance and distancing encompass multiple layers, I will interpret the different representations and interpretations of the *cause célèbre* of the false Martin Guerre as a complex set of relations to the past. Gayot de Pitaval and his continualist followers base their adaptations of the case on a number of separate ideas about the distance that needs to

be observed in the narration and assessment of past events. As Phillips has indicated, these ideas can relate to the form, the emotional impact, the moral or ideological aim and the intelligibility and interpretation of the *cause célèbre*. Considered together, these views constitute the genre's conception(s) of history and will, thus, allow a deeper insight into its development as a form of history writing that is characterized by a repeated re-distancing of the editors' relation to the case.

The evolution of the genre over the course of the eighteenth and nineteenth centuries, thus, is influenced by a number of fundamental shifts in the way people were thinking about (the representation of) the past. In *The Birth of the Past*, Zachary Sayre Schiffman demonstrates how over the course of the seventeenth and eighteenth centuries the modern conception of the past as being both prior to and different from the present came to replace the humanist notion of the living past. The humanist idea that events from earlier times had a universal relevance and were therefore part of the present was gradually eroded by a sense of alienation, which only grew stronger as the Renaissance and the invention of printing allowed scholars access to a growing body of disparate and contradictory stories about the past. By the end of the seventeenth century people were becoming aware of the historical distance that separated past and present and, thus, had to find new ways of representing and making sense of events from earlier times.

Salber Phillips' study of historical distance gives a good sense of the variety that characterized the eighteenth- and nineteenth-century responses to this epistemological crisis. He starts by showing how Enlightenment thinking changed the common conception of the relevance of the past. The erosion of the living past meant that it was no longer idealized and seen as having universal value. From 1700 onwards, events from earlier times were rather considered important because of their representativeness and typicality or their singularity and intensification of (the relation to) the past. Salber Phillips indicates that this tension between a detached observational and an empathic identificatory approach, i.e. between rationalism and sentimentalism, is characteristic of the Enlightenment conception of the past. His study, moreover, focuses in particular on demonstrating that this relation to events from earlier times can take many different forms. This chapter will explore the dynamic and versatile relation to the past by studying the different rewritings of the *cause célèbre* of the false Martin Guerre and the conceptions of history, historiography and historical distance that shape these accounts.

In this way, I will draw attention to another understudied perspective on the genre. As has been shown in the introduction to this study, there are a number of historians as well as literary scholars who have considered the genre in relation to history (see page 25). These scholars, however, have generally not examined *the causes célèbres* as a form of history writing, but rather focused on deriving historical knowledge from the events or the representation of specific *causes célèbres*. By considering the eighteenth- and

nineteenth-century changes in the (self-)conception of the genre as a form of history writing, this chapter also introduces a new perspective on the study of this particular case. Studies that deal with du Tilh's peculiar identity theft, such as Nathalie Zemon Davis' 'microhistory' *The Return of Martin Guerre* (1983), Barbara T. Cooper's article 'The return of Martin Guerre in an early nineteenth-century French melodrama' (1996), or Joanne Finkelstein's study *The art of self invention: image and identity in popular visual culture* (2007), generally do not take into account the different versions of the story that appeared in collections of famous and remarkable legal cases. In this regard, the present chapter not only contributes to the examination of the genre of the *causes célèbres* by considering it as a form of history writing, but also draws attention to new source material in the study of the case itself.

4.2 Gayot de Pitaval's predecessors: The erosion of humanist exemplary history

As my short overview of the publication history of the case has shown, François Gayot de Pitaval's version of "Le faux Martin Guerre", the very first of the *Causes Célèbres et Intéressantes* (1734), was by no means the first rewriting of the case after the events took place. Over the course of the late sixteenth and seventeenth centuries a number of legal and/or historical works included an account of the famous imposture. At first sight the editors of these texts generally use the case as an anecdote to exemplify some larger point that they seek to make. The *cause célèbre*, that is, is not considered and elucidated in and of itself, but is rather used as an illustration of the main argument of these works. Although they use the case in an anecdotal way, their assessment of it is clearly based on its exceptional-typical relevance, a feature that is of central importance to the later genre of the *causes célèbres* as well.

Michel de Montaigne's *Essais* (1588), for instance, uses Martin Guerre as an example to prove a more general philosophical point. The case, however, is not used because of its unique typical value. Instead Montaigne connects the story to a number of other anecdotes that all point to the same insight: i.e. that human beings cannot attain certainty about the things they perceive and that, consequently, the remarkable similarity between two people (such as Martin Guerre and du Tilh) might deceive us. Therefore, his discussion of the trial against du Tilh particularly focuses on the sorcery that the court appeals to in order to justify their previous uncertainty about the identity of (the false) Martin Guerre. Montaigne uses this observation to document the superstition of sixteenth-century justice. In his article, "Montaigne et le procès Martin

Guerre”, Emile V. Telle indicates that Montaigne’s account consists primarily of a critique of Jean de Coras, one of the judges and the author of the *arrêt* that became an important source in the memorialization of the false Martin Guerre. According to Telle, the *Essais* focuses in particular on discrediting this report of the case, which elevates the imposture to something marvelous, and even to an act of sorcery. In contrast, Montaigne characterizes the similarity between Martin Guerre and du Tilh as something remarkable, but thoroughly human. Nathalie Zemon Davis sums up this focus on the exceptional-typical relevance of the case, by indicating that “in fact the issues that Montaigne raises are not confined to sorcery” and that “Montaigne insists how difficult it is to know the truth about things and how uncertain an instrument is human reason” (119). The events (or rather, Coras’ interpretation of the incredibly successful imposture as a work of sorcery) are (or is) conceived as part of a series of extraordinary anecdotes that are meant to demonstrate the superior value of the philosophical truth that Montaigne’s work is putting forward.

Many other late sixteenth- and seventeenth-century editors took up this conception of the case, drawing attention simultaneously to the exceptionality of the events and their typicality as an example of some kind of general insight. In contrast to Montaigne’s *Essais*, however, these works demonstrate a more limited focus on specific aspects of the legal system. In her discussion of a number of sources that retold and commented on the story of the false Martin Guerre Nathalie Zemon Davis indicates that

Jean Papon ... was especially struck by the “multiplication of crimes” of Arnaud du Tilh ... and considered that almost anyone of them might deserve the death penalty. For Géraud de Maynard, ... it was Bertrande du Tilh’s legitimacy and her right to inherit the goods of her condemned father which made up the *Notables* ... *Questions du Droit*. Etienne Pasquier ... thought – and was sure that all women would agree – that Martin Guerre ought to have been punished for having abandoned his wife in the first place. (115–116)

Like Montaigne, who started from an observation of the superstition that influenced the legal procedures at that time, each of these editors singles out a specific aspect of the law as his primary object of interest. Whereas Etienne Pasquier’s *Les Recherches de la France* (1621) follows the approach of the *Essais* in criticizing the fact that Martin was not punished for leaving his wife and child, Jean Papon’s *Recueils d’Arrests Notables des Courts Souveraines de France* (1565) and Géraud de Maynard’s *Notables et singulieres Questions du Droict Escrit* (1628) consider the events an illustration of a common and accepted feature of the administration of justice. All of these accounts, however, differ from Montaigne’s work when it comes to the typical value that they attribute to the case. Rather than pointing to a general truth that the judicial inquiry of du Tilh’s imposture exemplifies, they limit their analysis to a number of specific legal customs or rules.

Finally, Zemon Davis also identifies a number of sources that do not focus on the law but rather on “the marvelous, the “prodigious” features of the story” (116). These include not only Gilbert Cousin’s *Narrationum sylva qua Magna Rerum, partim à casu fortunaque, partim à divina humanaque mente evenientium* (1567) and Antoine Du Verdier’s *Les Diverses leçons d'Antoine Du Verdier ... Contenant plusieurs histoires, discours, et faits memorables* (1577), but also the *Histoires prodigieuses* (1571) by Jean de Belleforest, who was one of the central figures of the genre of the *histoires tragiques*, an important predecessor to the eighteenth- and nineteenth-century *causes célèbres*. As these texts demonstrate a strong fascination with the extraordinary, almost sublime qualities of the imposture, and with the impostor as “the inventive figure in the tale, to be admired and feared, envied and rejected” (Zemon Davis 118), they refrain from commenting on a topic as banal as the legal proceedings against du Tilh. Their hyperbolic focus on the awe-inspiring and discomfiting aspects of the case brings them into close connection with the *histoires tragiques*, which tended to emphasize the horror and violence of the crimes they related. In this regard, Cousin’s, Du Verdier’s and Belleforest’s accounts of the false Martin Guerre seem to conceive of the case as a sensational anecdote from earlier times, rather than as an exceptional example that conveyed some kind of general insight or knowledge.

Despite their different approaches to and interpretations of the story of the false Martin Guerre, all of these versions of the case are a response to contemporary developments in the conception of the past, and in particular to the gradual erosion of the predominant humanist idea about its exceptional-typical value. In his study *The Birth of the Past* (2011) Zachary Sayre Schiffman points out that the Renaissance and the invention of printing led to an enormous and unremitting discovery and accumulation of historical source material over the course of the sixteenth and seventeenth centuries. This posed an increasingly serious challenge to the humanist thinking about (the representation of) the living past (183–184). The humanist scholars who brought together this information about the past tended to make sense of these events by organizing and classifying them according to a number of commonplace, universal truths that they were believed to exemplify. Schiffman turns to the *historia magistra vitae* as an illustration of “the fate of the living past as it became bound up with the commonplace view of the world” (178). This conception of history as ‘the teacher of life’ encouraged the imitation (*imitatio*) of examples from earlier times, which were considered a part of the present because of their exceptional-typical value. As the facts, events and stories that were passed on became increasingly diverse and inconsistent, however, they started to undermine the universal validity of the insights that the living past conveyed and to increase the sense of anachronism and complexity that it invoked.

One response to this epistemological crisis in the humanist conception of history writing and the past was to deal with seemingly disparate events from earlier times by introducing a higher conceptual level and relating them to a number of universal

metanorms. This approach is clear in Montaigne's work, which traces the case of the false Martin Guerre back to a single philosophical commonplace. Schiffman indicates that "Montaigne's *Essays* dramatize an exceptional thinker's awareness of the effect of information overload on the commonplace view of the world" (185). The other late sixteenth- and seventeenth-century representations of du Tilh's imposture are clearly inspired by an attempt to make sense of the increasing feeling of distance and alienation from the living past. Pasquier's, Papon's and Maynard's decision to narrow down the interpretative scope of the case and focus on confirming or criticizing an individual feature of the administration of justice helps to maintain the exceptional-typical relevance of the past, but abandons the idea that the knowledge that it conveys has the status of a universal truth. To deal with the diversity and inconsistency of past events, Cousin's, Du Verdier's and Belleforest's rewritings of the story of the false Martin Guerre reject its typicality altogether. The focus of these editors on the marvelous and sensational aspects of du Tilh's imposture suggests that they see only the exceptional qualities of the past. In very different ways all of these works, thus, reflect upon and attempt to cope with or even counteract the erosion of the humanist project of imitating the universal, commonplace truths that can be derived from the living past.

4.3 Gayot de Pitaval: The Enlightenment resuscitation of exemplary history

Although Gayot de Pitaval was certainly not the first editor to publish an account of the case of the false Martin Guerre, his work clearly constitutes a new stage in its memorialization. By rewriting it as a *cause célèbre*, he invests the past events of du Tilh's imposture with a new kind of exceptional-typical relevance. In contrast to his late sixteenth- and seventeenth-century predecessors, the editor does not bring together a number of cases as examples of a specific commonplace insight, be it universal or typical of one specific aspect of the administration of justice. Conversely, the *Causes Célèbres et Intéressantes* (1734) start from the singularity and peculiarity of the past and draw on a number of general insights in order to elucidate the case. Gayot de Pitaval's work breaks with the humanist tendency to categorize past events according to the truths and insights they exemplify and instead focuses on simultaneously narrating and explaining them. The collection, thus, constitutes an attempt to revive exemplary history by inverting its approach to the past. In so doing, Gayot de Pitaval seeks to align this older historiographical genre, from which the *causes célèbres* developed, with the Enlightenment conception of history writing that became increasingly dominant over

the course of the eighteenth century. His rewriting of the case of the false Martin Guerre is characterized by elements from both the humanist vision of the universally relevant living past and the detached generalizing spirit of the Enlightenment.

As Gayot de Pitaval's opening remarks to this *cause célèbre* indicate, the starting point of his representation and interpretation of the story consists of an acknowledgement of the exceptionality and particularity of these events from earlier times. Through two specific observations, which together constitute his introduction to the case, the editor attempts to give a precise definition of its singular aspects. The first sentence emphasizes the astonishing physical similarity that will lead to the confusion between Martin Guerre and Arnaud du Tilh: "Rien n'est plus admirable que cette variété prodigieuse, que Dieu a mise dans les visages des hommes, dans l'air qui résulte de l'assemblage des mêmes traits"² (1: 1). By tracing this case of mistaken identities back to a remarkable deviation from the variety that God has built into his Creation of mankind, Gayot de Pitaval clearly characterizes the case as an exception in nature. His second observation describes Arnaud du Tilh's imposture, which takes advantage of this remarkable resemblance, as a historical exception:

L'Histoire qui nous présente plusieurs célèbres imposteurs, qui ont abusé de la ressemblance qu'ils avoient avec les personnes dont ils vouloient usurper le nom, les biens, & l'état, ne nous en offre point qui ait poussé l'impudence & l'effronterie plus loin que le faux Martin Guerre.³ (1: 2)

Although there have been multiple famous impostors throughout the past, the editor does not count the false Martin Guerre among them. Instead he emphasizes that du Tilh will go down in history as the most shameless and bold, i.e. the most extraordinary, of them all. By conceiving of the *cause célèbre* as a "procès si curieux & si singulier"⁴ (1: 40) from a natural as well as historical perspective, Gayot de Pitaval brings together the humanist interest in the exceptional-typical relevance of past events with the Enlightenment curiosity about the individual human being. According to Salber Phillips, the increasing focus on human nature that has been discussed in the previous chapter is closely related to the eighteenth-century "tendency to approach history as a laboratory for establishing a naturalistic science of man" (89). In this respect, the interest of the *cause célèbre* seems to be directed at elucidating the entire history of the case: i.e. both

² "Nothing is more admirable than that prodigious variety, that God has put in the faces of men, in the air that results from the assembly of the same features."

³ "History, which presents us with multiple famous impostors, who have abused their resemblance to the people whose name, property, & civil state they wanted to usurp, does not offer any to us who have driven the impudence and insolence farther than the false Martin Guerre."

⁴ "so curious and so singular trial"

the physical similarity between Martin Guerre and du Tilh and the successful maintenance of the imposture before the assembled judges and the villagers of Artigat, even after the return of the real Martin Guerre.

In discussing du Tilh's imposture and its legal investigation, Gayot de Pitaval comments on specific facts and events throughout his rewriting of the case. These attempts to elucidate the story also show how the editor takes over the humanist idea of the exceptional-typical value of the past and relates it to the new Enlightenment interest in human nature. In contrast to his predecessors, who tended to reduce the case to one specific commonplace piece of knowledge, Gayot de Pitaval discusses and elucidates multiple aspects of du Tilh's identity theft and draws on different theories and insights to do so. Thus, the editor seeks to make sense of the entire course of the case and, more particularly, of the main topic that runs through the entire case: the remarkable and durable success of the imposture. What is more, the thoughts and insights that Gayot de Pitaval relies on in order to elucidate the story are characterized by different conceptions of the distance between past and present as well.

In the introduction to his rewriting of the false Martin Guerre, Gayot de Pitaval first seems to convey a universal truth with regard to human nature and appearance to his readership. After emphasizing the exceptionality of the physical similarity that underpins du Tilh's imposture in the opening sentence of his account, he turns to the Spanish writer Lope de Vega in order to demonstrate that this is a common flaw in nature: "Un Auteur * [whom Gayot de Pitaval identifies as Lopez de Vegua in a side note] a dit que la Nature, lasse quelquefois de diversifier ses portraits, fait des copies où elle imite parfaitement ceux qu'elle a tracés"⁵ (1: 1). In his study of the development of our modern conception of the past, Schiffman points out that humanist history writing tried to make sense of events from earlier times by categorizing them as examples of a specific *locus communis*, i.e. an insight that is believed to have a universal validity and value (178–179). In his attempt to clarify the case based on a pattern identified by Lope de Vega, Gayot de Pitaval initially seems to be continuing the humanist conception of a living past with a universal, i.e. ever-present, relevance and status. In this respect, the remarkable similarity between Martin Guerre and Arnaud du Tilh is identified as one particular remarkable expression of a commonplace in human history.

Alongside this humanist conception of the case as an exceptional-typical example, however, Gayot de Pitaval also includes a number of other comments on the story, which seem to be characterized by different Enlightenment approaches to history. As Salber Phillips indicates, eighteenth-century historiography involved an "interplay of

⁵ "An Author * has said that Nature, sometimes tired of diversifying its portraits, makes copies where it perfectly imitates those that she has already drawn."

opposing distances” (90), which was constituted by the coexistence of the detached generalizing spirit of rationalism and the sentimentalist identification with the past. Gayot de Pitaval’s version of the *cause célèbre* of the false Martin Guerre includes both of these historical perspectives.

In one of his comments, the editor elucidates the reaction of Martin’s environment to the fact that his marriage to Bertrande did not immediately lead to the birth of a child by referring to the superstition of earlier times. The conviction of the sixteenth-century Southern French peasants that the couple was enchanted is, thus, traced back to “[l]a crédulité, qui regnoit davantage en ce temps-là que dans celui-ci”⁶ (1: 3). This remark seems to be underpinned by a distanced and detached observation of the events, which are seen as belonging to a different time and culture. This assessment of the past according to its varying degree of superstition can be closely connected with the Enlightenment conception of historical development as a gradual opening of the eyes of the people to a rational and generalizing view on the world.

In another comment, however, Gayot de Pitaval turns to the other, sentimentalist side of the Enlightenment approach to history. As a conclusion to his careful consideration of Bertrande’s role in the imposture, he expresses sympathy for her and rules out the possibility that she was a willing accomplice of the false Martin Guerre. In this regard, the fact that she initially refused to believe Pierre Guerre, then supported his accusation against du Tilh and finally changed her mind and defended the impostor during the actual trial is traced back to the weakness of her mind:

Mais comme je ne suis point naturellement malin, j’aime mieux en conservant la vertu de Bertrande de Rols, lui attribuer une grande facilité, & même plutôt une grande foiblesse d’esprit. Sur ce principe, je croirai qu’elle a pu être abusée par l’imposteur ; qu’ayant douté ensuite, elle n’a pas eu la force d’éclaircir son doute, & qu’elle a mieux aimé y persévérer que de faire un éclat. Je croirai que la vérité lui envoyoit de temps en temps des éclairs, qu’elle retomboit après cela dans des ténèbres qu’elle n’avoit pas le courage de dissiper : voilà l’état où elle fut pendant le regne de l’imposteur. Enfin cette même facilité qu’elle a eue à croire le faux Martin Guerre, l’a entraînée à croire Pierre Guerre & à poursuivre l’imposteur. Les gens faciles agissent ordinairement par les impressions d’autrui.⁷ (1: 7-8)

⁶ “[t]he credulity, which ruled more strongly in that time than in this one”

⁷ “But because I am not malignant by nature, I would rather preserve the virtue of Bertrande de Rols and attribute a great ease, & even rather a great weakness of spirit to her. On this principle, I believe that she could have been abused by the impostor; that having doubted afterwards, she has not had the strength of clearing up her doubt, & that she has rather wanted to continue it than to cause a stir. I believe that from time to time the truth sent her flashes of lightning, that she afterwards fell back in the darkness, which

Initially the editor seems to adopt a sentimentalist approach, which leads him to identify with Bertrande. Upon closer inspection, however, Gayot de Pitaval's remark constitutes a perfect summary of his complex relation to the historical events of the *cause célèbre*. By conceiving of Bertrande's weakness of mind as a principle that elucidates the story, he quickly moves from a personal and sympathetic engagement with the past to a more distanced and detached generalization. The further description of her doubtful and impressionable nature, moreover, points out the lack of Enlightenment (or rather: the lack of courage to enlighten herself) as an important factor in her impressionability and indecisiveness. This insight clearly recalls the editor's earlier reference to the higher degree of superstition that characterized rural society in the South of France in the late sixteenth century. Gayot de Pitaval concludes his discussion of Bertrande's behavior with a remark that seems to be a mixture of Enlightenment generalization about human nature and a humanist commonplace.

Gayot de Pitaval's rewriting of the story of the false Martin Guerre as a *cause célèbre*, thus, is an attempt to overcome the epistemological crisis that undermined exemplary history over the course of the sixteenth and seventeenth centuries and to find a way to restore the exceptional-typical status of the case. The editor seems to be torn between different approaches to the past, as his interpretation of the events alternates between the older universalist commonplace that characterized the humanist conception of the living present on the one hand, and the sentimentalist identification and the rationalist generalization of Enlightenment thinking about history and historiography on the other. Although the introduction to the *cause célèbre* highlighted the natural and historical exceptionality of the imposture and suggested the introduction of a new focus on human nature in exemplary history, Gayot de Pitaval's attempt to merge the humanist and Enlightenment approaches to the past remains incomplete. This is shown in particular by the editor's continuous re-distancing: i.e. the tendency to constantly redefine his relation to the events and his interpretation of the story.

she did not have the courage to clear; this is the state in which she was during the reign of the impostor. Finally this same ease that she has had in believing the false Martin Guerre, has lead her to believe Pierre Guerre & to sue the impostor. Easy-going people normally act on the impressions of another."

4.4 Gayot de Pitaval's translators: Consolidating the Enlightenment approach(es) to the past

The first (English, Dutch and German) translations of the *Causes Célèbres et Intéressantes*, which were published from the late 1730s onwards, clearly demonstrate the appeal of Gayot de Pitaval's attempt to reinvigorate and 'enlighten' the humanist exceptional-typical example. Although their editors closely follow the French original, they do make a number of alterations that increasingly shift the perspective of the *causes célèbres* towards an Enlightenment approach to the past. At the basis of all of these rewritings, however, remains the acknowledgement of the exceptionality of the case. In this respect, Gayot de Pitaval's reference to "ce procès si curieux & si singulier" (1: 40) is taken over by each subsequent editor and translated as "dit vreemd en merkwaardig pleit" (*Beroemde en Gedenkwaardige Rechts-Zaaken* 2: 59), "this Case, so curious and so extraordinary" (*Gallick Reports* 25) and "diesem so merkwürdigen und besondern Proceß" (*Erzählung Sonderbarer Rechtshändel* 1: 51) respectively. Like the French original, the English, Dutch and German versions of the *cause célèbre* of the false Martin Guerre engage the interest of their readership, by establishing it as a curious and singular, and hence, as a memorable event. When it comes to the subsequent elucidation of the remarkable imposture, the editors of these translations of Gayot de Pitaval's work seem to be drawn to one of the predominant, rationalist or sentimentalist, approaches to history (writing) of that time.

In his rewriting of the introduction to the case, the anonymous editor of the *Gallick Reports* (1737) clearly attempts to adopt an Enlightenment perspective on the events. He immediately raises Gayot de Pitaval's emphasis on the remarkable physical similarity that sometimes occurs in God's Creation to a clear Enlightenment generalization about the variety that is typical of human nature:

It is a just, though a general Observation, that nothing is more wonderful than that Variety which appears in the Faces, Voices and Airs of Men, whereby they are distinguished one from another, and that prodigious Confusion avoided, which were it otherwise, would abound throughout the World. Sometimes indeed Nature seems to digress from this general Rule, and as *Lopez de Vega* observes, being weary of designing new Faces, she now and then copies with admirable Exactness, some of those which she had formed before. (1-2)

Although there is no clear difference between the contents of Gayot de Pitaval's account and its English translation, the *Gallick Reports* draws on a number of new concepts in order to shape the opening remark. By presenting the information as a (general) observation rather than simply stating it, the first sentence of this passage immediately points to the rationalist approach that dominates the English translation of Gayot de

Pitaval's work. The story that follows abounds in similar generalizations and observations about the laws of nature. After pointing out that there are occasional exceptions to the general rule of variety in the physical appearance of human beings, the editor of the *Gallick Reports* follows Gayot de Pitaval in bringing up Lope de Vega as an authority that confirms this claim. Rather than presenting it as a universal truth, i.e. a commonplace, however, this insight into human nature is characterized as yet another scientific observation about man.

The treatment of Bertrande further illustrates this shift towards the rationalist side of the Enlightenment approach to history. Whereas the French original points to her weakness of mind and defends her against the accusation that she was an accomplice of du Tilh and took him to court because she simply grew tired of him, the *Gallick Reports* puts both assessments of Bertrande's behavior on a par. In order to do so, the editor presents them as two anonymous opinions:

Many were of Opinion, that this Prosecution sprung from some Distaste the Woman had taken to the Man she Prosecuted; or that it was a Piece of Revenge on Account of some Quarrel that had happened between them; others regarded the good Character which hitherto she had born, and observing that she was naturally of a mild complying Temper, they imagined that she was at first easily prevailed on to believe this *Impostor*; and again, as easily engaged to give Credit to the Suggestions of *Peter Guerre* her Husband's Uncle, because it is no uncommon Thing for Persons of an indolent Disposition, to act like mere Machines, according as they are influenced by others. (5)

Not only does the editor emphasize that the second, more favorable opinion on Bertrande results from an observation of her mild character, but he also rephrases Gayot de Pitaval's statement of the impressionability of human beings, presenting it instead as an Enlightenment generalization on human nature. The *Gallick Reports*, thus, clearly picks up on and extends the aim of the *causes célèbres* to recover and 'enlighten' the exceptional-typical value that the humanist genre of exemplary history tended to attribute to the past.⁸

In contrast to the English translation of the *cause célèbre* of the false Martin Guerre, the Dutch and German versions of the case, which appeared in the second volume of Le Clercq's *Beroemde en Gedenkwaardige Rechts-Zaaken* (1738) and the first volume of the *Erzählung sonderbarer Rechtshändel* (1747) respectively, follow Gayot de Pitaval's work

⁸ This transformation of the Martin Guerre story is reinforced by the description of Bertrande in terms of a machine that is governed and determined by her surroundings – a metaphor that clearly recalls the theories of Mechanism, which reacted against seventeenth-century scholasticism and epitomized the dominance of reason in Enlightenment thinking.

much more closely. Both editors, however, make a number of small changes that point to the growing interest in Enlightenment approaches to history (writing).

Le Clercq omits the introduction to the *cause célèbre*, and consequently, leaves out both the original emphasis on the natural and historical exceptionality of the case and the reference to Lope de Vega. Whereas this typically humanist, universalizing approach to the events remains completely absent from the Dutch translation of the *Causes Célèbres et Intéressantes*, the editor does focus on the singularity of the case. Throughout the account, he consistently takes over Gayot de Pitaval's references to the remarkable success of the imposture and the exceptional skill of the impostor, and expresses wonder that these almost impossible events actually took place:

Zoo dat de bedrieger alle bedenkelijke gelegenheid gehad hadt om zyne rol wonderlyk wel te leeren: men kan ook zeggen dat hy volmaaktelyk voor Marten Guerre speelde, jaa beter dan Marten Guerre zelf.⁹ (2: 5)

Het is bynaa, jaa ik durve zeggen geheel onmogelyk, dat een bedrieger dit byzonderlyke en onderscheidendlyke [i.e. the character traits of the real Martin Guerre] hebbe[.]¹⁰ (2: 6-7)

With this emphasis on the exceptionality of the *cause célèbre*, Le Clercq seems to aim at the emotional engagement of his readership with the past, rather than at conveying knowledge based on generalizing observations. The fact that he omits Gayot de Pitaval's distancing reference to the superstition that characterized late sixteenth-century culture in the South of France, but does take over his attempt to identify with Bertrande's character only reinforces the sentimentalist focus of the Dutch rewriting of the case.

In contrast, the German translation of the story seems to pay special attention to the general remarks that convey a deeper insight into (the history of) human nature. Throughout the entire account, which is clearly conceived as a literal translation of Gayot de Pitaval's work, the editor makes only a few alterations, of which only one, his rewriting of the introduction, invites a closer inspection:

Nichts ist mehr zu bewundern, als die erstaunliche Abwechslung, welche von der Natur in das Gesicht des Menschen, und in das Ansehen, welches aus der Vermischung von einerley Gesichtszügen entsteht, gebracht worden ist.¹¹ (1: 3)

⁹ "So as the fraud had every conceivable opportunity to study his role extraordinarily well: one could also say that he perfectly played Martin Guerre, even better than Martin Guerre himself."

¹⁰ "It is almost, I dare even say completely impossible, that a fraud has these particular and distinguishing characteristics[.]"

By replacing the divine variety in the physical appearance of mankind by a natural one, the editor displays a stronger interest in nature and, thus, echoes the Enlightenment approach to history.

Although the *Beroemde en Gedenkwaardige Rechts-Zaaken* and the *Erzählung sonderbarer Rechtshändel* differ only slightly from Gayot de Pitaval's work, these translations do adopt a stronger Enlightenment perspective. With their alterations their editors sought to reduce the variety of interpretative distances that characterized the *Causes Célèbres et Intéressantes*. Instead, these translations focus on one specific conception of the past, which involves an acknowledgement of its temporal and cultural distance to the present. The Dutch and German rewritings of the *cause célèbre*, thus, either approach the events through a form of affective engagement with their extraordinariness or present them from a detached and generalizing point of view.

4.5 The late eighteenth-century continualists: The *causes célèbres* as a form of Enlightenment historiography

Over the course of the second half of the eighteenth century, the explicit references to the singularity of the case, i.e. the starting point of the humanist exemplary approach, disappear. In François Richer's und Friedrich Schiller's adaptations of the story of the false Martin Guerre, which appeared in the new edition of the *Causes Célèbres et Intéressantes* (1771) and the *Merkwürdige Rechtsfälle* (1795), the editors seem (almost) entirely absent from their accounts. As the German version of the case is conceived as part of a translation of the "Pitavalischen Rechtsfälle"¹² (1: n. pag.), and in particular those that were published by Richer, its approach to the history of du Tilh's imposture is generally identical to that of its French predecessor. In keeping with the general eighteenth-century conception of historiography as "a branch of literature" (Gossman 3), both rewritings focus especially on the narrative aspect in their attempt to improve on Gayot de Pitaval's work.

¹¹ "Nothing is to be admired more, than the amazing variety, which is put into the face of man, and in the look, which derives from the mixture of all the same facial features, by nature."

¹² "the legal cases of [Gayot de] Pitaval"

A historical experience (1): The emotional engagement of the reader

In comparison to the original version of the *cause célèbre*, Richer and Schiller leave out all explicit editorial remarks and instead aim at giving a chronological and distanced account of the peculiar imposture and its subsequent legal settlement. At the same time, they try to ensure a strong sympathetic engagement by the reader. Therefore, the events that constitute the case are rewritten and restructured in such a way that they grant the reader a ‘historical experience’. In so doing, both the French and the German version of the *cause célèbre* seek to conflate the perspective of the contemporary, eighteenth-century reader with that of the sixteenth-century Southern French public that heard about and/or witnessed the actual events. This re-distancing of the point of view of the reader from a distant observer who can make sense of the case through a number of comments by the author to the closest possible perspective — a position almost of witnessing the imposture — is immediately made clear in the alterations that Richer and Schiller make to the title of the case. By replacing Gayot de Pitaval’s caption “Le faux Martin Guerre” (1: 1) with the simple name “Martin Guerre” (Richer 1: 1; Schiller 4: 1), they seek to eliminate all explicit references to the deception. From the start of their rewritings, thus, the reader is completely unaware of the mistaken identities and the subsequent identity theft by du Tilh. Their representation of the case, moreover, makes sure that he remains in the dark. By omitting Gayot de Pitaval’s comments on the story as well as re-ordering and re-presenting the events, Richer and Schiller continue the systematic limitation of the insight of the readership into the deceit throughout their accounts.

What is more, the editors achieve this new representation of the case by simply following the criteria of Enlightenment historiography. As Lionel Gossman has emphasized in his essay “History and Literature”, before 1800 writing historiography was primarily a matter of meeting a number of rhetorical criteria. The historian should not only give an impartial, factual and chronological account of his subject but also attempt to “render his narration interesting” (Blair 274 qtd. in Gossman 4), i.e. insert the facts into a story that brings pleasure to the reader. Indeed, Richer’s and Schiller’s versions of the *cause célèbre* of the false Martin Guerre mainly consist of a sequence that brings together the facts and events of the case. Both editors, moreover, try to appear as impartial as possible. They do so not only by including very few explicit comments on the story but also by refraining from imposing an interpretation of the facts onto their readership in the occasional explicit comments that they do include into their rewriting of the *cause célèbre*. Finally, Richer and Schiller adopt a strictly chronological order, as they do not disclose any information before its actual discovery. In this regard, the readership in a sense discovers the truth of du Tilh’s deception along with the villagers of late sixteenth-century Artigat. The real identity of the false Martin Guerre is, thus,

firmly established only at the end of the story, at the moment when the sisters of the real Martin Guerre publicly recognize their brother in front of the judges. In order to delay this moment of certainty about the imposture, Richer and Schiller leave out Gayot de Pitaval's explicit references to the topics of mistaken identities and imposture, and consequently, his reference to the exceptionality of the case. Moreover, they also refrain from mentioning the name of Arnaud du Tilh until the accusation of deceit is brought against him. Throughout the entire account, the editors leave the truth about the identity of the 'false' Martin Guerre in doubt. Even the return of the real Martin Guerre does not lead them to resolve the mystery. Instead, Richer and Schiller keep their readership in a state of suspense, by describing the newcomer as "un autre Martin Guerre" or "[c]e nouveau venu"¹³ (Richer 1: 29) and "ein neuer Martin Guerre" or "[d]ieser neue Ankömmling"¹⁴ (Schiller 4: 32). In this regard, their re-ordering and rewriting of the information from Gayot de Pitaval's account keeps the truth about the case carefully hidden from the reader. In accordance with the Enlightenment conception of historiography, Richer's and Schiller's distancing (impartial, factual and chronological) approach produces a primarily literary effect, as it heightens the suspense and makes the *cause célèbre* more interesting and exciting. By complying with the standards of eighteenth-century history writing, the editors ensure the emotional and intellectual participation of the readership, as it experiences the exceptionality or extraordinariness of the *cause célèbre* for itself.

As Salber Phillips indicates, this complex relation between the distance of the author and the close participation and engagement of the reader can be seen as a typical feature of the way in which the Enlightenment tries to resolve the tension between the rationalist generalizing approach that is used to identify the typicality of the past and the sentimentalist focus on its engaging singularity:

[F]or eighteenth-century writers the search for immediacy centered on the psychology of reading, rather than the quality of knowing. Their program called for strategies to involve the reader as closely as possible in the narrative, so that he (and sometimes, especially for symbolic purposes, she) would respond as a witness rather than as a detached observer. (95)

This outline of the rhetoric that characterizes Enlightenment historiography seems to fit in perfectly with Richer's and Schiller's rewritings of Gayot de Pitaval's work, which indeed display two different conceptions of distancing. On the one hand, the editors

¹³ "another Martin Guerre"

"[t]his newly arrived person"

¹⁴ "a new Martin Guerre"

"[t]his newly arrived person"

respect a cold observational distance in their representation and their (moral and ideological) interpretation of the history of this peculiar imposture, which primarily derives from their observation of the criteria of impartiality, factuality and chronology. On the other, their accounts aim at a strong emotional effect, which consists of suspending the historical distance between the perspective of the reader and that of the historical public. By simultaneously taking up the role of (seemingly) neutral observers and making their readership almost eye witnesses of du Tilh's deceit, Richer and Schiller clearly draw on the Enlightenment approach to the past. The editors put forward an 'enlightened' approach to the exceptional-typical value of the *cause célèbre*.

A historical experience (2): The interpretative involvement of the reader

The feeling of confusion and uncertainty, and consequently, fascination about the mysterious and exceptional mistaken identity that their representation of the case evokes also underpins the historical knowledge that the editors try to convey. The 'historical experience' that follows from their rhetorical strategy gives the reader a better understanding of the moment in which the events took place. This means that it brings him as close as possible to the reaction of the public and the judges who witnessed the actual case at the time of its occurrence in late sixteenth-century Southern France and, thus, elucidates the difficulty they experienced in finding out the truth about the false Martin Guerre. In accordance with the Enlightenment approach to the past, the exceptional-typical value of the *causes célèbres*, thus, depends on its (emotional) effect on the reader.

This general historical insight into the case, which uses the extraordinary success of the imposture in order to point to the difficulty of attaining absolute certainty about the truth of events when the evidence is inconclusive, is also precisely the point where the *Merkwürdige Rechtsfälle* differs most notably from its French source text in the *Causes Célèbres et Intéressantes*. Where Richer indicates that he will give an observational overview of the evidence in favor and against the false Martin Guerre, Schiller explicitly elucidates the goal of this rhetorical strategy:

Balançons ces raisons de part & d'autre.¹⁵ (Richer 1: 15)

¹⁵ "Let us consider the reasons of one side and the other."

Wir wollen diese gegenseitige Gründe etwas ausführlicher erwägen, um uns zu überzeugen, wie schwer es die Richter finden mußten, etwas in der Sache zu entscheiden.¹⁶ (Schiller 4: 17)

In contrast to Richer's version of the *cause célèbre*, which invites the reader to ponder the arguments that both parties presented to the court and come to his own conclusion about them, the German translation seems to be imposing a specific interpretation of the events on him. By pointing out that his presentation of the evidence will demonstrate the doubt and hesitation of du Tilh's judges, Schiller explicitly influences and guides his readers in forming the historically correct opinion on the case. This specific alteration to Richer's account of the false Martin Guerre could be seen as interfering with the individual engagement with the past that characterizes the sentimentalist side of Enlightenment historiography. Nevertheless, the editor also makes a number of other additions to his French source text, which enhance the involvement of the reader. With regard to Bertrande's reaction to the accusations against her 'husband', Richer points to either a feeling of shame or the actual success of the imposture as the only two explanations of why she continues to treat du Tilh as the real Martin Guerre. Schiller, however, adds an explicit comment that heightens his presence as a narrator interpreting the events, but simultaneously invites his readers to actively speculate on other possible motivations for Bertrande's behavior:

Allein – es sei nun Schaam über die Folgen, die ihr Irrthum schon gehabt hatte, oder wirkliche Täuschung durch die Aehnlichkeit der Züge, oder irgend eine andre Ursache gewesen, wodurch sie von der weiteren Untersuchung abgehalten wurde: sie fuhr fort, ihn öffentlich als ihren Ehemann zu behandeln.¹⁷ (4: 6-7)

With this remark, Schiller draws attention to the fact that, even though the reasons that Richer puts forward (and that reflect the reasoning of the judges on this matter) are plausible, there are numerous other potential explanations for and interpretations of Bertrande's failure to denounce the impostor. The editor, thus, seems to indicate to the reader that he is free to draw his own conclusions about her passivity in the face of the accusations made against du Tilh. As he intervenes in the factual account of the *cause célèbre* and explicitly comments on it, Schiller tries to ensure a stronger engagement of his readership in the story, by emphasizing their role as witnesses to the events who can

¹⁶ "We want to consider these reciprocal reasons more elaborately, in order to convince ourselves, of how difficult the judges must have found it, to decide anything in this matter."

¹⁷ "Only – be it shame about the consequences, that her mistake had already had, or real deception by the similarity of the features, or whatever other reason, by which she was held off of a further investigation: she continued, to publicly treat him as her husband."

form their own opinion of them. Therefore, these explicit editorial comments do not detract from the factuality, impartiality or chronology of the account.

What they do demonstrate, however, is the growing need for the editor to act as an instance that helps his readership to make sense of the past events that he relates. This reevaluation of the role of the historical writer reflects our modern conception of the past as being both prior to and different from the present, which is traditionally situated around the French Revolution: i.e. after the publication of Richer's *Causes Célèbres et Intéressantes*, but before its German translation by Schiller. As Salber Phillips points out, "the 1790s have been accepted as a watershed in modern historical thought. All across the Continent, the revolutionary years shattered inherited assumptions and left behind a lasting sense of alienation and unease" (97). Especially for French and German culture, this epoch marked the start of a new historical consciousness based on an acknowledgement of the alterity of the past. As events from earlier times are increasingly conceived as fundamentally different from the present and strange from a modern perspective, the writer of historical texts is endowed with the status of a genius who has to represent the past in such a way that it becomes comprehensible again.

This is precisely what Schiller, albeit to a limited extent, is trying to do with the alterations that he makes to Richer's version of the *cause célèbre*. By pointing his readership towards the right questions and the right aspects of the story, the editor clearly assumes the role of an intermediary between past and present. In this regard, Schiller's explicit comments on the case are nothing like those that Gayot de Pitaval included in the 'original' *cause célèbre* of the false Martin Guerre. Whereas Gayot de Pitaval tried to impose a specific interpretation on his readership and, thus, recalls a humanist commentator who focuses on prescribing a general knowledge that can be derived from the events, Schiller acts as a guide to the past, who helps the reader to overcome the historical difference and find his way in the culture of the South of France in the sixteenth century.

4.6 The nineteenth-century continualists: Interpreting the past and bridging historical distance

The modern conception of the past, which acknowledges both its temporal distance and its alienating (seeming) incomprehensibility, grows increasingly dominant over the course of the nineteenth century. In keeping with this re-distancing, which draws particular attention to the alterity of earlier times, the direct historical experience that

Richer's and (to a slightly lesser extent) Schiller's collections of *causes célèbres* tried to convey to their readership becomes conceptually untenable. Salber Phillips elaborates on this development in historical thought and refers to Burckhardt in order to demonstrate that

[t]he nineteenth century linked history to the alienation that results from modernity's rupture with tradition. As a result of this distancing, historical perspective is always cross-temporal: a record (to cite Burckhardt once again) "of what one age finds worthy of note in another." (115)

Due to the break between past and present in the final decade of the eighteenth century, the nineteenth-century rewritings of the *cause célèbre* of the false Martin Guerre all display a strong editorial presence that not only draws the attention of the reader to the historical distance from the events but also tries to bridge this gap. In order to do so, Roussel (*Annales du Crime et de l'Innocence*, 1813), Hitzig and Alexis (*Der neue Pitaval*, 1842) and Fouquier (*Causes Célèbres de Tous Les Peuples*, 1865-67) all single out and discuss a number of aspects of the case that they believe are of special interest to their readership. Each version of the case, moreover, is characterized by a different approach to the past, as it draws on a unique set of methods and conceptions of distance that helps to elucidate the elements of the *cause célèbre* that are 'worthy of note', and by extension, to overcome the alienation that the modern idea of the past entails.

Roussel: Continuing the generalizing historical thought of Enlightenment rationalism

Pierre Joseph Alexis Roussel included a rewriting of the story of the false Martin Guerre in the third volume of his *Annales du Crime et de l'Innocence* (1813). Throughout his version of du Tilh's imposture, Roussel clearly focuses on extending and intensifying the explicit analytical focus of the *causes célèbres* that developed towards the end of the eighteenth century. The editor elaborately comments on the story in an attempt to deal with the alterity of the past and make its most alienating aspects comprehensible to his nineteenth-century readership. In this regard, Roussel aims at re-distancing the accounts of his predecessors, as he shifts the focus of his rewriting towards the clarification of a number of historical peculiarities of the case. In attempting to bridge the historical distance from the rural culture of late sixteenth-century Southern France, Roussel makes a number of general observations. In keeping with his role as an intermediary between past and present, he includes explicit comments that draw attention to the cultural differences between the epoch in which the events took place and nineteenth-century French society. In so doing, Roussel clearly points to the

historical or contemporary (ab)normality of the peculiar aspects of the *cause célèbre* that he chooses to highlight.

In this regard, the representation and discussion of Martin Guerre's early marriage with Bertrande, at the age of only eleven, focuses especially on pointing out the sense of alienation that the fellow-villagers of Artigat would have felt and contrasting it to the contemporary nineteenth-century public opinion:

[C]ette union prématurée a lieu de surprendre, dans un siècle où la jeunesse n'était pas, à beaucoup près, aussi précoce qu'elle l'est aujourd'hui. Ces mariages entre enfans n'avaient lieu que pour les têtes couronnées, ou destinées à l'être.¹⁸
(3: 196)

By bringing together elements of surprise and expectation, i.e. of reactions of abnormality and normality, into one single remark, Roussel attributes an exceptional-typical value to the aspects that he identifies as being of special interest. His elucidation of Martin's marriage, thus, conveys a double insight to the reader: The editor starts by drawing attention to the historical perspective of the lower-class people of sixteenth-century France on the events and points out that they would have considered it as an exception from their customs and traditions. The second part of the sentence, however, indicates that such an early marriage is more normal in the light of the natural precociousness that is typical of the nineteenth-century culture. Roussel's argument is particularly interesting because of its focus on 'denormalizing' the past event. Rather than looking for a perspective of normality on Martin's early marriage, the editor is trying to show how it was strange in its time. By, thus, helping the reader to overcome the temporal and cultural distance from the period in which du Tilh's imposture took place, Roussel seems to conceive of historical understanding in terms of a simultaneous reflection on and identification with the past. The editor returns to the perspective of sixteenth-century French culture and attempts to give a more elaborate assessment of the tradition of marrying at a very young age and establish the context, in which it would have been considered normal. In order to do so, he brings together a number of examples of royal marriages that support his representation of this phenomenon as a typically aristocratic custom.

Roussel continues by elaborating on the failed consummation of Martin Guerre and Bertrande's marriage and the villagers' reaction to it. This time, however, the event is presented as highly exceptional from the point of view of the nineteenth-century readership:

¹⁸ "[T]his premature union has good reason to cause surprise, in an age in which the youth was not, even almost, as precocious as it is today. These marriages between children did only take place for crowned heads, or those that were destined to be."

L'enfance de Martin Guerre et de Bertrande de Rols fut également un obstacle à la consommation de leur mariage ; mais ce qu'il y a de singulier, c'est que les jeunes époux, et mêmes leurs parents, au lieu d'attribuer cette disgrâce à cette cause toute naturelle, trouvèrent plus simple de s'en prendre aux sortilèges.¹⁹ (3: 197)

By pointing out the peculiarity of the fact that the peasants of Artigat conceived of the delay in the consummation of the marriage as the result of an enchantment, Roussel heightens the reader's sense of historical distance from the late sixteenth-century Southern French society. The characterization of the superstition of that time as a singular cultural-historical feature clearly results from considering this cultural phenomenon from the contemporary nineteenth-century perspective of the editor (and his readership). Once again Roussel then counterbalances the abnormality of the interesting fact or event by introducing a new perspective that establishes its typicality. In order to do so, the editor includes an elaborate generalizing discussion of the superstition relating to the consummation of a marriage. It includes a number of references both to popular beliefs and theories by casuists on how to lift the enchantment of newlywed couples. As Roussel emphasizes both the peculiarity of these convictions and their historical typicality, the reaction of Martin's environment to the failing consummation of his marriage is presented as a normal and general phenomenon of that time and culture.

Throughout his representation and interpretation of du Tilh's imposture, Roussel seems to intermingle elements of a simultaneously personal and generalizing, or identifying and distancing, approach to the past. His account, thus, recalls the Enlightenment conception(s) of history that influenced Richer's and Schiller's versions of the *cause célèbre*. Whereas his readership comes to a better understanding of Martin's exceptional early marriage by understanding its typicality from the point of view of the aristocracy of that time, the elucidation of the superstitious reaction to its failed consummation rather focuses on the exceptionality of this historical custom. Sometimes the reader can identify with and grasp the story through a number of general observations by the editor that emphasize the typicality of a particular fact or event; sometimes he does so by acknowledging the exceptionality of these circumstances. In contrast to its late eighteenth-century predecessors, whose approach presupposed the editor's generalizing distance and the reader's emotional and instructive identification, Roussel's representation of the case puts forward a more dynamic form of Enlightenment historiography. In the *Annales du Crime et de l'Innocence*, both the editor

¹⁹ "The childhood of Martin Guerre and Bertrande de Rols formed an obstacle to the consummation of their marriage as well; but what is singular, is that the newly-weds, and even their relatives, instead of ascribing this disgrace to this totally natural cause, found it simpler to put the blame on magic spells."

and the reader at times sympathize with the late sixteenth-century public, but at other times assess the events from a more distant perspective.

The introduction to this rewriting of the case, which focuses on elucidating the singular mistaken identities as well as the remarkable success of the imposture that follows from them, offers a further demonstration of this insight. As in the works of his predecessors, Roussel once again acknowledges the exceptionality of the *cause célèbre*:

Cette ressemblance des enfans à leur père, ou à quelqu'un de leur famille, est bien moins étonnante que celle qui se rencontre quelquefois entre deux individus qui, loin d'être parens, sont nés à une très-grande distance l'un de l'autre. On vit, dans tous les temps, des exemples de ces ressemblances.²⁰ (3: 193)

Whereas the first sentence focuses on highlighting the singularity of the extraordinary physical similarity that sometimes occurs between absolute strangers and that allows for du Tilh's imposture, the second indicates that similar examples can be found throughout history. In this regard, Roussel presents the *cause célèbre* as an exceptional-typical incident and combines an emphasis on the extraordinariness of the case with a detached and generalizing approach to history. Roussel's discussion, moreover, demonstrates another recurrent feature of his rewriting of the *causes célèbres*, as he includes a series of examples that help to identify the typicality of Martin Guerre's and Arnaud du Tilh's remarkably similar appearances.

In this regard, the editor includes a number of classical (Ancient Roman) as well as modern (Italian and Spanish) anecdotes on mistaken identities, which offer his readers a generalizing perspective on the exceptionality of the case. This juxtaposition of examples ultimately leads Roussel to the following observation on the fact that people often try to exploit such instances of extraordinary physical similarity between strangers:

Plusieurs fois nos tribunaux ont retenti de réclamations en supposition d'état, tentée à l'aide de cette ressemblance. De ce nombre est celle de Martin Guerre, dont Arnauld Duthil prit le nom, l'état et la fortune.²¹ (3: 195)

By representing du Tilh's deceit as one among many historical examples of attempted identity theft and, thus, as part of a more general historical phenomenon, Roussel's

²⁰ "This resemblance of children to their father, or to someone of their family, is much less astonishing than that which meets, sometimes between two individuals who, far from being relatives, are born a great distance one from the other. One sees, in all times, examples of these resemblances."

²¹ "Multiple times our courts have held back from complaints concerning the assumption of a civil state, that have been attempted with the help of this resemblance. Of this type is the case of Martin Guerre, whose name, civil state and fortune was taken by Arnauld Duthil."

version of the *cause célèbre* of the false Martin Guerre clearly draws on the Enlightenment conception of the past in order to explain the case. Salber Phillips indicates that the competing individualizing and generalizing relation to the distance between past and present continued well into nineteenth-century historical thought, as “this period combined a conception of historical knowledge that emphasized generality with a view of narrative that stressed the aesthetic and ethical value of immediacy” (95). This means that Roussel’s rewriting of the eighteenth-century *causes célèbres* is not based on an entirely new and fundamentally different conception of history. As his account involves a shift in focus from a combination of narrative detachment and immediacy (see Richer’s and Schiller’s versions of the *cause célèbre*) to a more detached analytical perspective that draws on a number of generalizing observations on the events, the *Annales du Crime et de l’Innocence* is rather characterized by a re-distancing with regard to the representation of the past. In keeping with the development of a feeling of historical distance around 1800 and the reassessment of the function of the author as an interpretative instance between past and present, Roussel explicitly assumes the role of commentator on and interpreter of the *cause célèbre*. Thus, he uses his discussion of specific facts and events to manage the reader’s identification with or detachment from the past.

Der neue Pitaval: The imaginative identification of historicism

At first sight, Julius Eduard Hitzig and Georg Wilhelm Heinrich Häring, who included a German translation of the *cause célèbre* in the first volume of *Der neue Pitaval* (1842), adopt a very similar approach to the history of the false Martin Guerre. Like Roussel, they not only explicitly comment on du Tilh’s remarkably successful imposture, but also draw attention to the same facts and events that are considered unusual from a modern perspective. Hitzig and Häring’s rewriting of the case, however, is based on a fundamentally different relation to the past.

Instead of moving from an acknowledgement of the alterity of the events that constitute the *cause célèbre* to making a number of generalizing historical observations that provide a deeper insight into the case, the rewriting in *Der neue Pitaval* seems to focus solely on emphasizing historical distance. What is more, the editors do not explicitly point out the singularity of the aspects of the story that they highlight. Their alienating and distancing perspective on the past is rather implied in the representation and interpretation of the events. On several occasions, Hitzig and Häring draw attention to traditions and customs that were typical of the period in which du Tilh’s imposture took place, and that consequently can help elucidate the story. For example, their discussion of the marriage between Martin Guerre and Bertrande emphasizes that “Bertrande von Rols ... nach dortiger Sitte schon sehr früh, etwa in ihrem zehnten Jahre,

mit dem nicht viel ältern Martin Guerre verheirathet worden [war]”²² (1: 320). With regard to the wedding night, in which the circle of acquaintances of the newlywed couple unsuccessfully encouraged them to sexual intercourse in a charivari-style ritual, the editors again refer to “d[ie] rohen Sitte jener Zeit”²³ (1: 327). Both of these remarks display a strong focus on the cultural and temporal gap between past and present. By pointing out the barbarism and the obsolete nature of these customs to the reader, the elucidation of the *cause célèbre* in *Der neue Pitaval* seems to be based on an acknowledgement of the historical distance between sixteenth-century Southern French society and the contemporary nineteenth-century German culture. The historical setting of the story “[i]m Städtchen Artigues, im Gerichtssprengel von Rieux, ... um die Mitte des 16. Jahrhundert”²⁴ (1: 320), which the editors include at the very start of their rewriting of the case, only makes the reader more aware of the fundamental difference of the period in which the events took place. In contrast to Roussel’s version of the case, which tries to overcome this distance and elucidate the *cause célèbre* by making a number of individualizing and generalizing observations, Hitzig and Häring seem to focus primarily on the problematic relation between the present and a barbaric and alienating past.

Although the German translation in *Der neue Pitaval* draws on a strong historical distancing of its readership from the events that it relates, the gap that it establishes between past and present is not conceived of as fundamentally unbridgeable. The editors point out that direct access to the trial records would enable a full understanding of du Tilh’s imposture:

Es ist zu bedauern, daß uns die Acten dieses merkwürdigen und interessanten Processes nur in Verarbeitungen zugekommen sind. Zwar vermessen wir, bei der Umständlichkeit in der Pitaval’schen Darstellung, wenig, was über den factischen Hergang der Sache Licht gäbe, ... aber für das psychologische Interesse wäre es wünschenswerth, die Protokolle über die directen Aussagen Bertrandens selbst einzusehen.²⁵ (1: 340)

²² “according to the customs of that time Bertrande de Rols was married already very early, approximately at the age of ten, with the not much older Martin Guerre”

²³ “the barbarous morals of that time”

²⁴ “[i]n the town of Artigues, in the legal district of Rieux, ... around the middle of the sixteenth century”

²⁵ “It is regrettable, that the records of this peculiar and interesting trial has only been passed on to us in rewritings. We miss, with the detail of the representation by Pitaval, little, that sheds light on the factual course of events in this matter, ... but for the psychological interest it would be desirable, to look into the records of the direct statement of Bertrande herself.”

With this remark, the editors not only point out that the task of the (nineteenth-century) historian exceeds the mere factual reconstruction of the events but also elaborate on the actual goal of historiography: i.e. gaining a deeper insight into the 'psychology' of the past. In this regard, they express disappointment about the number of adaptations of the case that stand between them and the historical reality of sixteenth-century Southern France. Although the elaborate accounts of du Tilh's imposture in a number of "Pitaval'schen" collections allow them to reconstruct a factual history of the false Martin Guerre, they cannot pass on the information that is necessary to understand the thoughts and motivations of its protagonists. According to Hitzig and Häring, the psychological interest of the *cause célèbre* can only be addressed through direct statements, which can be found in the trial records on the case, but which have been rephrased and/or summarized by the writers who related the story over the course of the late sixteenth, seventeenth and eighteenth centuries.

In this regard, the editors of *Der neue Pitaval* indicate that the key to understanding the *cause célèbre* and, consequently, to bridging the historical distance between sixteenth-century Southern France and nineteenth-century German culture lies in the inner life of the protagonists, and especially of Martin's wife. By drawing the attention to the lack of information on Bertrande's statements in court, they clearly highlight her central role in the mystery of du Tilh's identity theft. Gaining a deeper insight into Bertrande's thoughts would help to establish whether she had chosen to collaborate with the false Martin Guerre or whether the remarkable and durable success of the imposture should be conceived as truly miraculous and inexplicable. With this observation, the editors present the psychological focus as the actual basis of the historical interest and the historiographical approach of the *causes célèbres*.

This discussion of the potential historical knowledge that could be derived from the case, if the editors had the right source material at their disposal, can be connected to the conception of the past that underpins nineteenth-century historicist thinking. Like the German translation of the case that was published in *Der neue Pitaval*, historicism relies on a tension between the alienating distance of the past and its elucidation by the historian. Salber Phillips elaborates on this, by pointing out

the characteristically historicist principle that equates historical understanding with the quality of insight by which the historian penetrates the alterity of the past. ... The key feature of this way of thinking is the opposition it establishes between distance and insight. On this view, historical understanding is not a matter of simple identification with the past. ... Rather, genuine historical understanding begins with a recognition of difference, but strives to overcome the opacity of the past through acts of imaginative identification. (95–96)

As in the nineteenth-century historicist approach to the past, the editors of *Der neue Pitaval* (like most of their predecessors) take the acknowledgement of the alterity of the

past events as the starting point of their representation of the *cause célèbre*. What is more, their discussion and assessment of the source material at their disposal demonstrates that their attempt to bridge the gap that separates them from the sixteenth-century historical reality clearly depends on an act of imaginative identification. The editors, thus, indicate that the thoughts and feelings of Bertrande hold the key to gaining a deeper understanding of du Tilh's imposture. As Hitzig and Häring's account suggests, it is up to them to use this key to open up and elucidate the *cause célèbre*. The editors, being interpreters of the past, hold the power to engage with the story imaginatively and transmit their insights to the reader. As the limitations of the available source material hinder a psychological study of Bertrande's thoughts and motivations, however, the historical distance in this particular case turns out to be unbridgeable. The history of du Tilh's imposture, thus, remains part of a distancing, alienating and inexplicable past.

Fouquier: The Enlightenment focus on historical progress

Like *Der neue Pitaval*, Armand Fouquier's rewriting of the *cause célèbre* of the false Martin Guerre, which was included in the seventh volume of the *Causes Célèbres de Tous Les Peuples* (1858), at first sight seems to be closely connected to Roussel's earlier nineteenth-century version of the case. The editor not only identifies and elucidates the same aspects of the story but he also relates du Tilh's peculiar imposture to another similar example — the *cause célèbre* of the false Caille — in order to come to a better understanding of these exceptional events. Fouquier's account is also similar to the German version in *Der neue Pitaval*, in that it draws attention to the problem of gaining deeper insight into the past. By bringing together elements from previous versions of the *cause célèbre*, which were based on different conceptions of the past and historical distance, Fouquier puts forward a different vision on the relation to the past. Thus, he bases his rewriting of the case of the false Martin Guerre on the idea of historical progress, which also developed from the Enlightenment thinking that underpinned the *causes célèbres* of many of his predecessors.

Like Roussel, Fouquier considers Martin's marriage to Bertrande at a very young age to be atypical of the rural French society of the sixteenth century, although it was a typically aristocratic custom at that time. In contrast to Roussel, however, he does not support this general observation with illustrative anecdotes. Instead, he explains this tradition by pointing to its alienating alterity and to its historical development:

Nos anciennes lois françaises permettaient, on le sait, ces unions contre-nature, dont l'issue n'était que trop souvent misérable. Cette honorable et sainte chose, le mariage, ainsi parodiée entre deux enfants, aboutissait d'ordinaire au dégoût mutuel, à la stérilité, aux séparations éclatantes ou à l'adultère honteusement

consenti. Les familles royales et les grandes maisons avaient, par raisons d'ambition ou de convenance, donné cet exemple, bientôt suivi par la bourgeoisie et par le peuple lui-même.²⁶ (7: 2; pt. 33)

This remark conveys a double message. The first part of the passage presents tradition as barbaric and contrary to human nature and draws attention to its social consequences. Fouquier criticizes the ancient law that permitted it. In this regard, the editor strongly distances himself and his readership from the late sixteenth-century culture of rural Southern France. The second part, however, offers a more detached vision of this custom, which is meant to provide a deeper insight into its origin and, thus, to bridge the historical gap between the alienating past and the nineteenth-century present. By tracing the history of the aristocratic tradition of marrying at a young age and its later adoption by the bourgeoisie and the lower classes, Fouquier displays a more profound interest in the historical development of specific cultural features of sixteenth-century French society.

This tension between the alienating barbarism of the past and its explanation, which draws on a discussion of the historical development towards the present, can be seen as a characteristic feature of Fouquier's rewriting of the *cause célèbre* of the false Martin Guerre. Throughout his introduction to the case, Fouquier focuses in particular on distancing his readers from the period in which the events took place. In order to do so, he establishes a connection between the sixteenth-century case of "Le faux Martin Guerre" and the seventeenth-century case of "Le faux Caille". Both cases are presented as typical examples of "questions d'état" (7: 1; pt. 33): i.e. legal disputes regarding the identity and legal situation of a person. As he elaborates on these *causes célèbres*, however, the editor draws attention primarily to their exceptional barbarism and backwardness, especially in comparison with the contemporary 'enlightened' French society:

Que la personnalité d'un homme soit l'objet d'aussi audacieuses tentatives, que l'imposture triomphe, même momentanément, en des contestations de ce genre ; ... cela nous paraît aujourd'hui une pure curiosité de bibliophile, et nous ne pouvons croire que de semblables débats fussent autre chose que des exceptions bizarres. Eh bien ! non. Avant la Révolution française ... les erreurs et les

²⁶ "Our old French laws allow, as one knows, these counternatural unions, the outcome of which is much too often miserable. This honorable and holy thing, marriage, parodied in this way between two children, normally ends up in mutual disgust, in infertility, in devastating separations or in shamefully consented adultery. The royal families and great houses have, for reasons of ambition or suitability, given this example, which was soon followed by the bourgeoisie and by the crowd."

impostures étaient fréquentes, et le succès d'un imposteur habile était possible.²⁷
(7: 2; pt. 33)

Whereas Fouquier first indicates that, according to the general nineteenth-century perspective, these cases of mistaken identities and attempted identity theft can only be seen as bizarre exceptions, he goes on to point out how frequent they were in the period preceding the French Revolution. By imposing a feeling of wonder as well as outrage about the exceptional barbarism of earlier times, the editor first deepens the gap between past and present. The subsequent insight that the *causes célèbres* can actually be seen as a general and typical feature of prerevolutionary France, thus, makes the historical distance between sixteenth- and nineteenth-century culture in general all the more compelling.

Fouquier's attempt to elucidate the cases of the false Martin Guerre and the false Caille again demonstrates an interest in historical development, and more particularly, historical progress, as a concept that helps to explain (the alterity of) specific customs and social phenomena:

Voilà notre passé, un passé de cent cinquante ans à peine. Qu'on le compare à notre présent, qu'on ajoute à l'admirable certitude de notre état civil moderne la magnifique unité de nos lois, les progrès de notre procédure, le zèle éclairé, l'incorruptible honneur de nos magistrats, et on comprendra ce que représente pour nous, citoyens du dix-neuvième siècle, ce mot un peu vague et trop souvent contesté de *Progrès*.²⁸ (7: 2; pt. 33)

With this remark the editor expands on the previous distancing of his readership from these peculiar impostures. As he emphasizes that the barbaric and alienating time in which these *causes célèbres* took place lies only 150 years back, Fouquier's elucidation of these cases focuses in particular on their role as indirect testimonies to the social progress of the nineteenth century. According to Salber Phillips, this thinking in terms of historical progress can be seen as another feature of the Enlightenment approach to

²⁷ "That the personality of a man becomes the object of such daring attempts, that the imposture triumphs, even for a moment, in the face of contestations of this kind; ... that seems to us today a pure bibliophile curiosity, and we cannot believe that similar discussions are something other than bizarre exceptions. And still! no. Before the French Revolution ... errors and impostures were common, and the success of a handy impostor was possible."

²⁸ "This is our past, a past of only one hundred and fifty years ago. If one compares it to our present, if one adds to the admirable certainty of our modern civil state the magnificent unity of our laws, the progress of our procedure, the enlightened zeal, the incorruptible honor of our magistrates, and one understands what represents for us, citizens of the nineteenth century, this somewhat vague and too often contested word of *Progress*."

and representation of the past, which developed and gained increasing importance in the wake of the French Revolution. He identifies it as part of an empirical conception of historiography, which takes the contrast between past and present as the basis of a history of gradual social development: “[T]hese then/now contrasts accumulate with powerful effect [and] the device serves as a sturdy vehicle for describing the framework of social development” (106). This discussion of nineteenth-century Enlightenment historiography demonstrates a strong similarity to Fouquier’s work. As he also uses the contrast between the barbaric and alienating morality of the sixteenth and seventeenth centuries and the ‘enlightened’ society of nineteenth-century France as the basis of his elucidation of the *cause célèbre* of the false Martin Guerre, he ultimately aims to draw the attention of his readership to the “*progrès dans nos mœurs et dans nos lois*”²⁹ (7: 2, pt. 33).

4.7 Conclusion: Re-distancing exemplary history, the *cause(s) célèbre(s)* as a study of the past

As in the previous chapters, the comparison of a number of sixteenth-, seventeenth-, eighteenth- and nineteenth-century versions of the case of the false Martin Guerre has brought out one of the central features of the genre of the *causes célèbres*. Although each subsequent editor puts forward his own representation and interpretation of du Tilh’s imposture, all of these rewritings draw on the tension between the exceptional singularity of the events and the typical knowledge that they give access to. The genre, thus, continues to present itself as a form of exemplary history and to conceive of the *causes célèbres* as humanist *exempla*:

The idea of the *exemplum* ... when attached to historical writing ... serves as a mediating concept that reconciles history’s particularity with philosophy’s elevated vision. Thus history finds a means to raise itself above the mere confusion of passing events (“one damn thing after another”) and to orient its narratives toward more general truths. (Salber Phillips 44)

Like previous sixteenth- and seventeenth-century versions of the *cause célèbre* of the false Martin Guerre, the accounts of Gayot de Pitaval and his followers elucidate their narrative reconstruction of the case by identifying and drawing attention to a number

²⁹ “progress in our morals and in our laws”

of general insights. In keeping with the fundamental developments that characterized the eighteenth- and nineteenth-century conception(s) of history and historiography, however, they do so in very different ways. In particular, the shift from the humanist notion of the living past towards the modern conception of the past as being “not simply *prior* to the present but *different* from it” (Schiffman 2) significantly influenced the different metahistorical presuppositions that underpin these rewritings of the *cause célèbre*.

Gayot de Pitaval’s *Causes Célèbres et Intéressantes* is the first work that started (though hesitantly) to represent du Tilh’s peculiar imposture as belonging to a fundamentally different time and culture. His rewriting of the *cause célèbre* includes not only explanations of the past that reduce it to an example of universally valid (i.e. commonplace) insights but also a number of observations on the events that derive from the increasingly dominant Enlightenment conception of history. This new approach to the case presupposes a gap between sixteenth- and eighteenth-century French culture, which the editor can bridge either by sympathizing and identifying with the protagonists or by assessing their actions from a detached and generalizing point of view. Gayot de Pitaval, thus, alternates between neglecting, reducing and increasing the temporal and cultural distance between past and present. Nevertheless, his work shows how the genre of the *causes célèbres* sought to revivify exemplary history. The editor does so by replacing the humanist idea of the living past, which was increasingly eroded over the course of the seventeenth century, by a more modern Enlightenment conception of the past.

Gayot de Pitaval’s eighteenth-century followers carried this fundamental shift through. The English, Dutch and German translations of the *Causes Célèbres et Intéressantes* take over the Enlightenment aspects of the French original. The *Gallick Reports* and the *Erzählung sonderbarer Rechtshändel* adopt a detached perspective and rewrite Gayot de Pitaval’s comments on the *cause célèbre* as rationalist generalizing observations. In contrast, the *Beroemde en Gedenkwaardige Rechts-Zaaken* draw attention to a sentimentalist identification with the past, and in particular with Martin’s wife, Bertrande, in order to make sense of the case. Richer’s new edition of the *Causes Célèbres et Intéressantes* and Schiller’s *Merkwürdige Rechtsfälle* go even further in shaping their accounts according to the Enlightenment conception(s) of the past. Their rewritings of the *cause célèbre* can be seen as typical examples of eighteenth-century Enlightenment historiography. Both editors combine the rationalist distancing from and sentimentalist identification with the past. Their detached, factual, impartial and chronological reconstruction of the events gives the reader the illusion of being an eye witness to the *cause célèbre* and makes him feel the insecurity and confusion created by du Tilh’s imposture and its subsequent legal investigation. Richer and Schiller, thus, ensure the emotional and instructive involvement of the reader.

After the turn of the eighteenth century and the firm establishment of our modern conception of the past, the editors who continued to transmit and memorialize the *cause célèbre* of the false Martin Guerre assumed a new, more explicit role. Due to the fundamental gap, which now gaped between past and present, the nineteenth-century continualists had to act as interpretative mediators between sixteenth-century Southern French culture and the contemporary perspective of their readership. In this respect, Roussel tries to bridge this historical distance, by identifying those aspects of the story that are of special interest to his readers and connecting them to a number of similar (anecdotal) examples. By assessing these specific cultural features, he tries to shed light on their historical (ab-)normality and on the reader's feeling of distance. Where this Enlightenment approach to the *cause célèbre* tries to bring the alienating history of the false Martin Guerre closer to the perspective of the nineteenth-century public, the rewriting of the case in *Der neue Pitaval* insists on the inexplicability and alterity of the case. Hitzig and Häring indicate that their historiographical approach particularly aims at gaining deeper insight into the psychology of the protagonists. Interestingly, it is precisely their attempt to achieve an imaginative identification with Bertrande de Rols that leads to the reader's acknowledgement of the alienating difference and distance of the past. In contrast to *Der neue Pitaval*, Fouquier presents the historical distance between sixteenth-century and nineteenth-century French culture as fundamentally unbridgeable. This gap, however, is taken as the basis for the historical knowledge that his rewriting of the case conveys. By making the reader acknowledge the barbarism and alterity of the period in which du Tilh's imposture took place, he enhances his interpretation of the *cause célèbre* as indirect evidence of the social and cultural progress of the 'enlightened' nineteenth century.

Throughout its history, the genre of the *causes célèbres* has drawn on a number of different ways of representing and interpreting the past, all of which are influenced by the idea of historical distance that grew increasingly dominant over the course of the eighteenth century. By continuously re-distancing their reconstructions and interpretations of du Tilh's imposture and redefining their relation to the events, Gayot de Pitaval and his followers were able to maintain the status of the *cause célèbre* as an exceptional-typical example. Over the course of the eighteenth and nineteenth centuries, thus, the genre continued to function as a form of exemplary history, although it incorporated a number of fundamentally different approaches to and ideas about the past.

Conclusion

The rise and fall of the *causes célèbres* (1734-1890)

With the publication of the first volume of his *Causes Célèbres et Intéressantes* in 1734, François Gayot de Pitaval laid the foundation for a new approach to collecting and editing sensational legal cases. The work inspired many literary, legal and historical writers to follow his example and publish their own collections of *causes célèbres*. Over the course of the eighteenth and nineteenth centuries these followers of Gayot de Pitaval helped to develop a new popular genre, which acquainted European (and at a later stage also American) readers with stories of the most famous and extraordinary trials from different times and places and on a variety of topics. Some editors (i.e. the continualists) rewrote and expanded the original *Causes Célèbres et Intéressantes* in an attempt to modernize and improve Gayot de Pitaval's work. Others (i.e. the new generalists) adopted his concept of bringing together the most famous and important *causes célèbres* but chose to include only cases that had not yet been memorialized. Still others (i.e. the (new) specialists) abandoned the generalizing approach of the genre and published collections that focused on a specific time, place and/or topic.

In particular for the first category of collectors, the *Causes Célèbres et Intéressantes* served as a model, which not only set a number of standards for representing and interpreting these sensational legal cases but also invited editors to improve on their predecessors' works. In the wake of Gayot de Pitaval's work, a large number of collections in French, German, English and Dutch were published that claimed to modernize the continualist tradition within the genre, with regard to its concept and program as well as its selection of cases. What is more, their editors also focused on rewriting a number of canonical *causes célèbres* and, by so doing, changed the representation and interpretation of these cases. Throughout the eighteenth and nineteenth centuries, during a period of great social, political, religious, legal, economical, scientific and literary changes in Western culture, Gayot de Pitaval's work continued to serve as a model for the genre. His continualist followers, thus, constantly

revised the narrative and interpretative approach to the *causes célèbres* in order to appeal to and instruct readers all across Europe (and America).

By comparing and contrasting a number of successive rewritings, i.e. translations and adaptations, of the *Causes Célèbres et Intéressantes*, this study has been able to identify the central features of Gayot de Pitaval's model. Moreover, it has also shed light on the most important changes in the editorial programs of these collections as well as in the representation and interpretation of specific *causes célèbres*. This approach allows us to get a better understanding not only of the innovation of Gayot de Pitaval's conception of collecting and editing sensational legal cases that supported the popularity of his model over a period of more than 150 years but also of the reason for its gradual demise over the course of the second half of the nineteenth century.

The rise of the *causes célèbres*: The model function of Gayot de Pitaval's *Causes Célèbres et Intéressantes*

This study has explored four aspects that are central to (the continualist tradition within) the genre of the *causes célèbres*. Gayot de Pitaval and his followers immediately stand out because of the extensive programs that they develop in the prefaces to their works. In these editorial statements they draw attention to three fields of knowledge that are fundamental to their conception of the *causes célèbres*, including the relation of the genre to the administration of the law, the study of human nature, and history (writing). Although the combination of these four features into a popular form of writing on sensational legal cases can be seen as a novelty in itself, the comparative study of their eighteenth- and nineteenth-century development helps to identify a number of specific ideas that were introduced by Gayot de Pitaval and eagerly taken over and redefined by his followers. The innovation and appeal of the *Causes Célèbres et Intéressantes* can, thus, be situated in its model function for collecting and editing famous and remarkable legal cases, which influenced the continualists, new generalists and (new) specialists, albeit to a varying degree.

As we have seen, Gayot de Pitaval's work drew on two genres that focused on collecting and editing legal cases. Both are generally conceived as important predecessors to the *causes célèbres*. The *Causes Célèbres et Intéressantes* can, thus, be related to the *recueils d'arrêts*, a specialized form of writing on the law that aimed to explain the administration of justice, and the *histoires tragiques*, a literary mode that narrated sensational crimes and drew particular attention to their hyperbolic violence and horror. In his work Gayot de Pitaval sought to bring together the divergent

perspectives of these traditions towards their subject matter. Under the influence of Enlightenment thinking, moreover, the editor introduced and implemented a number of new perspectives on the representation and interpretation of the *causes célèbres*. Thus, Gayot de Pitaval developed the model of compiling and relating sensational legal cases that would go on to shape the genre over the course of the eighteenth and nineteenth centuries. There are two crucial components to his formula for success.

First, Gayot de Pitaval is among the first authors who use the term *cause(s) célèbre(s)* in order to describe the topic of his work. This puts him in a unique position: Gayot de Pitaval's pioneering role consists not only of giving currency to the phrase but also of acquainting the reading public with the concept of the *cause célèbre*. His collection, thus, was able to exert a strong influence on the delineation and the meaning of the notion. As has been shown throughout this study, the *Causes Célèbres et Intéressantes* was founded on a conflation of the existing idea of the simultaneous exceptionality (alterity) and typicality (exemplariness) of the past with the Enlightenment emphasis on the fact that literature should both entertain and instruct the reader. Whereas Gayot de Pitaval's predecessors tended to focus either on the singularity and extraordinariness of the sensational legal case (see the *histoires tragiques*), or on the general relevance and universal validity of the knowledge that it conveys (see the *recueils d'arrêts*), the eighteenth-century public came to conceive of the *cause célèbre* as a type of case that encompasses both of these perspectives. In sum, Gayot de Pitaval's work laid the foundation for the popular modern conception of the *cause célèbre*, which emphasized the exceptional-typical value of the case and represents and explains it in such a way that it both arouses the reader's curiosity, i.e. entertains him, and conveys knowledge on different aspects of society, i.e. instructs him.

Although Gayot de Pitaval's continualist followers adopted the idea of the *cause célèbre*, the comparison of their collections has shown that they implemented it in totally different ways. Each subsequent editor made a number of alterations to the representation and interpretation of the cases that his work was bringing together. These changes particularly relate to the knowledge that the *causes célèbres* conveys on the administration of justice, the human inner life, and the past. The sensational legal trials that form the subject matter of the genre, thus, continued to be memorialized as a curious and interesting way to transmit and popularize a number of social, legal, moral, psychological and historical insights. These were passed on through the narration and elucidation of the exceptional events of these cases. As this study has shown, the story and explanation of a number of *causes célèbres* was subject to fundamental transformations over the course of the eighteenth and nineteenth centuries. The different rewritings of the cases of the Sieur d'Anglade, the Marchioness of Brinvilliers and Martin Guerre demonstrate how one and the same *cause célèbre* could become an exceptional-typical example of various and often contradictory insights into the law, human nature and/or the past.

In an attempt to make their works more entertaining and more instructive, Gayot de Pitaval and his followers adapted their rewritings of the *causes célèbres* to the cultural-historical context of the time and place in which they published their works. This means that each new collection of sensational legal cases was shaped according to the dominant contemporary ideas about

- (1) the administration of justice, (criminal) human nature, and the past;
- (2) historiographical and literary conventions, and
- (3) the level of learning as well as the convictions and beliefs of its middle-class readership.

The continualist editors not only explain these cases in relation to the period in which the events took place but also familiarize their readers with a number of contemporary legal, moral and historical theories and insights. Gayot de Pitaval's conception of the *cause célèbre*, thus, is characterized by a great representational and explanatory flexibility. As each of his followers was able to simultaneously draw on and transform his work, the *cause célèbre* quickly became (and still is) a popular concept for narrating and interpreting sensational legal cases across different times and cultures.

Second, Gayot de Pitaval's work introduced a new approach to collecting and relating *causes célèbres*. The predecessors of the genre, the *recueils d'arrêts* and the *histoires tragiques*, did not comment on their selection of cases and, thus, made no claim to canonicity. These works, therefore, simply appear as collections of exemplary legal trials or horrific crime stories. In contrast, the *Causes Célèbres et Intéressantes* draws strong attention to its aim of bringing together the most famous and interesting legal cases. By describing his selection of cases in terms of "*das Beste, Schönste oder Charakteristischste*"¹ (1: XLVIII), Gayot de Pitaval clearly conceived of his work as an anthology. The editor, thus, further develops his model for collecting and editing sensational trials by drawing on a form of writing that, under the influence of the Enlightenment, gained increasing importance over the course of the eighteenth century. The *causes célèbres*, thus, narrowed down the scope of previous genres that focused on collecting legal and/or crime cases. Its status as a type of anthology suggests that the genre considers only the best or most characteristic examples of the entertainment and instruction that it aims to give to its readership, i.e. the *causes célèbres* that are most '*célèbres et intéressantes*'. This new Enlightenment conception of compiling an anthology of sensational trials also implies that the *Causes Célèbres et Intéressantes* is building a canon. By bringing together a number of cases that stand out because of the exceptionality of their events and the typicality of the knowledge that they convey, Gayot de Pitaval attributes a canonical value to the *causes célèbres*. These

¹ "the best, most beautiful and most characteristic"

cases are the best not only at arousing the reader's curiosity but also at instructing him about the administration of the law, human nature, and the past.

Again, the eighteenth- and nineteenth-century development of the genre testifies to the success and the flexibility of Gayot de Pitaval's approach to collecting and relating famous and remarkable legal cases. His continualist followers invariably took over the concept of the anthology, claiming that their works would improve and contemporize the canon of *causes célèbres*. Between the inception of the genre in the 1730s and the late nineteenth century, each subsequent editor redefined the selections of cases that his predecessors had memorialized and transmitted. To do so, the continualists narrowed down the existing body of the most famous and important *causes célèbres* and/or expanded it by adding a number of new cases, thus putting forward a new canon for the genre.

These new anthologies of sensational legal cases, however, invariably included a number of *causes célèbres* from Gayot de Pitaval's foundational work. As this study has shown, it are precisely these cases that can best illustrate the flexibility and success of Gayot de Pitaval's model. The comparison of a number of different rewritings of the cases of the Sieur d'Anglade, the Marchioness of Brinvilliers and the false Martin Guerre, thus, exemplify the narrative and interpretative adaptability of the *cause célèbre*. Over the course of the eighteenth and nineteenth centuries, moreover, these canonical stories are repeatedly related to new, and often more recent cases, a development that draws attention to the openness of the anthological form to redefining and rebuilding the canon of *causes célèbres*.

The fall of Gayot de Pitaval's model and the legacy of the *cause(s) célèbre(s)*

By the end of the nineteenth century there is a conspicuous decline in the publication of new anthologies of *causes célèbres* that explicitly related to and built on Gayot de Pitaval's work. Of the collections of sensational trials that appeared between 1850 and 1900, some (new generalist) works tried to establish corpora of new, and often more recent cases. The vast majority of these compilations, however, adopted a specialist focus and narrower selection criteria, focusing on cases that shared the same topic or belonged to the same time, place and/or culture. Following more than a century of great popularity, thus, Gayot de Pitaval's model gradually disappeared from the genre in favor of more specialized forms of collecting and editing *causes célèbres*. Moreover, the publication history of the *causes célèbres* that this study has explored in more depth (see

Appendix) draws attention to another development in relation to the genre. From 1800 onwards, these cases were also considered separately and became the topic of individual legal, psychological, political and cultural-historical studies as well as literary and dramatic representations. Over the course of the nineteenth century, thus, Gayot de Pitaval's highly adaptable approach to collecting and editing sensational legal cases seems to have lost some of its popular appeal.

Upon closer inspection, the demise of the model that the *Causes Célèbres et Intéressantes* initiated particularly relates to the anthological form that it put forward. As has been shown, Gayot de Pitaval conceived of his work as a canon of *causes célèbres*. The editor claimed to bring together a number of exceptional-typical cases that both entertained the reader and exemplified specific insights into the administration of justice, human nature, and the past. This approach to collecting and relating sensational trials was invariably taken over by his continualist followers. Around 1800, however, there is a significant shift with regard to the selection criteria of the compilations that built on Gayot de Pitaval's work.

The English, Dutch and German translators of the *Causes Célèbres et Intéressantes* focused on transmitting and 'anthologizing' the collection by narrowing down its canon of *causes célèbres*. Furthermore, Richer's new edition of Gayot de Pitaval's work also sought to continue the original project of bringing together only the most famous and interesting cases. Richer, thus, claims to improve on Gayot de Pitaval's selection of *causes célèbres* by leaving out those stories that do not correspond to the criteria of the canon and replacing them by a number of new cases. By the turn of the eighteenth century, however, the publication of Schiller's *Merkwürdige Rechtsfälle* introduces a new strategy of collecting *causes célèbres*, which expands Gayot de Pitaval's anthological model. In contrast to his predecessors, who drew attention only to the canonical status of their selection of *causes célèbres*, Schiller enters into a more extensive discussion of the types of cases that his collection should include. The *Merkwürdige Rechtsfälle* shifts the focus of the genre from transmitting a canon of *causes célèbres* to building a canon of crime. The collection, which constituted an anthology of Gayot de Pitaval's and Richer's cases, put forward a number of (legal, moral and historical) topics, on which more *causes célèbres* from different times and places were meant to be accumulated and strung together.

As this study has shown, the nineteenth-century continualists eagerly adopted this accumulative approach to collecting *causes célèbres*. At the same time, however, these editors continued to conceive of their works as anthologies of a number of sensational trials that have an exceptional-typical and canonical value. Thus, they hoped to enhance the knowledge that their collections were conveying. Roussel's *Annales du Crime et de l'Innocence* illustrates this development to a lesser extent, as his publisher claims to include only a limited number of examples of each separate type of crime or legal issue. In contrast, the editors of *Der neue Pitaval* bring together greater numbers of *causes*

célèbres on similar topics. These are explicitly strung together and published next to each other in individual volumes. What is more, its editors even invite the reader to connect those cases that do not appear next to each other but are still related for himself. Fouquier, finally, does not comment on the selection criteria of his *Causes Célèbres de Tous Les Peuples*. He does, however, group together multiple *causes célèbres* under headings that indicate the type of offense that they will help to elucidate.

The nineteenth-century continualists, thus, developed their anthologies of *causes célèbres* in close relation with the quantitative approach that characterized the nineteenth-century development of the human sciences. As Ian Hacking indicates in *The Taming of Chance*, the laws of probability and normalcy started to replace causality and determinism around the end of the eighteenth century. This led to a great boom in and diversification of the human sciences, which was accompanied by an increase in the numbers and data on which these fields of study were building their knowledge on society. Thus, it was precisely the influence of nineteenth-century developments within the study of the law, human nature, and the past (i.e. the same topics that the genre of the *causes célèbres* aimed to elucidate) that caused the demise of Gayot de Pitaval's anthological model. From 1800 onwards, the idea of compiling an anthology, which includes only the most famous and interesting (i.e. canonical) *causes célèbres*, was gradually replaced by a more 'scientific', accumulative approach to the genre.

Gayot de Pitaval's conception of the *cause célèbre*, however, continued to exist and even flourished as the nineteenth century progressed. The idea that sensational legal cases have an exceptional-typical value and combine curious and entertaining events with a number of instructive insights in multiple fields of study, thus, continued to appeal to writers from many different backgrounds. Despite their transformation of the anthological form of the genre, the nineteenth-century continualists invariably relied on the concept of the *cause célèbre* in order to define their works. From 1800 onwards, moreover, the *causes célèbres* are increasingly represented and interpreted individually. The works of Gayot de Pitaval and his followers are, thus, subject to a gradual 'specialization' and 'differentiation' of the genre. Over the course of the nineteenth century writers rewrote these sensational legal cases and adapted them to their literary and dramatic representations or their legal, moral, psychological, social and historical studies.²

Among the examples of the literary recuperation of the *causes célèbres*, there are a number of melodramas and operas, some of which achieved European fame and which

² For specific examples of these different types of adaptations of the *causes célèbres*, see the publication history of the cases of the Sieur d'Anglade, the Marchioness of Brinvilliers and the false Martin Guerre in Appendices 1-3.

were especially popular during the first half of the nineteenth century. Furthermore, many sensational legal trials were taken up by literary writers, who were particularly interested in the exceptional facts and events and turned their histories into novel(la)s. Alexandre Dumas' *Crimes célèbres* (8 vols, 1839-1840) constitutes one of the most famous examples of this approach to the genre. Between 1750 and 1850 there also developed a small-scale English spin-off tradition of the *causes célèbres*, which built on Charlotte Smith's literary translation of a number of Gayot de Pitaval's and Richer's cases *The Romance of Real Life* (3 vols, 1787) and was continued in works such as the anonymous *Romances of Real Life* (3 vols, 1829) and Leigh Hunt's *One Hundred Romances of Real Life* (1843).

Further, numerous examples can be found of more elaborate and detailed studies of individual *causes célèbres* by legal scholars, psychologists and historians. What is more, this tendency towards representing and interpreting *causes célèbres* from a more specialized and restricted analytical perspective went on to replace Gayot de Pitaval's anthological model as the dominant way of memorializing and transmitting sensational legal cases around 1900. The lecture *Zur Psychologie der cause célèbre*, which the renowned legal scholar Erich Sello gave to a psychological society in 1909 and which was published in 1910, serves as a case in point. As the title already suggests, the singular form of the *cause célèbre* had replaced Gayot de Pitaval's plural form around the turn of the nineteenth century. Sello, thus, starts his consideration of this conceptual category by observing that the early twentieth century can be seen as the age of the *cause célèbre*, or "das Zeitalter der *cause célèbre*" (5). His subsequent description of the notion displays a number of significant similarities with Gayot de Pitaval's discussion of the term in his preface to the *Causes Célèbres et Intéressantes* (see page 32):

Für uns soll sich heute der Begriff der *cause célèbre* mit dem eines Strafrechtsfalles decken, der aus irgendeinem Grunde die öffentliche Aufmerksamkeit in erheblichem Maße auf sich lenkt, und während einer gewissen Zeit den Gegenstand lebhafter öffentlicher Teilnahme und Erörterung bildet.

Ich sagte: aus irgendeinem Grunde. Denn auf die Art des Grundes kommt es dabei nicht an.

Mag der Grund dieses Interesses in dem Grauen liegen, das die Einzelheiten einer Mordtat erregen, in dem lüsternen Reize womit die Schilderung geschlechtlicher Verirrungen die Sinne kitzelt, in der gemeinen Freude am Skandal oder in edleren religiösen oder politischen Motiven – allen hierher gehörigen Erscheinungen

gemeinsam ist das formale Moment der Allgemeinheit und der Energie des von ihnen ausgehenden Interesses.³ (5–6)

Sello's initial description of the *cause célèbre* as a sensational crime case that becomes the object of lively popular debate is similar to Gayot de Pitaval's definition of the concept. His subsequent elaboration on the reason for the public interest of these trials, however, differs significantly from that of the *Causes Célèbres et Intéressantes*. Nevertheless, Sello's discussion of the appeal of the *cause célèbre* comes down to the same point: these cases combine the curiosity and pleasure of their scandalous nature and events with the general relevance of the social insights and cultural knowledge they potentially disclose. Gayot de Pitaval's conception of the *cause célèbre*, thus, went on to inform many other forms of writing over the course of the twentieth century and continues to do so until today.

In this regard, the age of the *cause célèbre* that Sello is talking about seems to have been prepared by the continualist tradition that built on the *Causes Célèbres et Intéressantes*. Over the course of the eighteenth and nineteenth centuries these collections acquainted their broad middle-class readership with a vast number (hundreds, if not thousands) of sensational legal trials. The *causes célèbres*, thus, memorialized and transmitted a huge corpus of cases to be narrated and analyzed by later generations. What is more, the continualists also demonstrated how one could mobilize the exceptional-typical value of these cases and both entertain the reader with their singular events and instruct him by elucidating these cases as examples of specific legal, psychological or cultural-historical insights. The works of Gayot de Pitaval and his followers, thus, can be said to have shaped the modern Western interest in sensational legal cases and the way in which we are representing and making sense of these *causes célèbres*.

³ For us today the term *cause célèbre* covers a criminal legal case, which for some reason or another draws a significant public attention and becomes the object of lively public participation and debate for a considerable period of time.

I said: for some reason or another. Because it does not depend on the type of reason. Whether the reason for the interest lies in the terror, which the details of a murder inspire, in the sensual appeal with which the representation of sexual aberrations tickles the senses, in the base delight in spectacle or in nobler religious or political motives – all of these phenomena share the formal moment of generality and the energy of the interest they arouse.

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Appendix

This appendix contains chronological overviews of the publication history of the *causes célèbres* that were discussed in chapters two to four of this study. Each overview has been compiled on the basis of a search in a number of important digital libraries and archives, and online library catalogues. These include WorldCat, Gallica, Internet Archive, HathiTrust, Google Books as well as the catalogues of the Bibliothèque nationale de France (BNF), the Deutsche Nationalbibliothek (DNB) and the Staatsbibliothek zu Berlin (StaBi). For each *cause célèbre*, I have entered multiple search terms, which take into account the variants of the name of its protagonist: i.e. “Sieur d’Anglade” and “Anglade”, “Brinvillier” and “Brinvilliers”, and “Martin Guerre” and “Arnaud du Tilh” respectively.

From the results of these searches I have made a selection of the most important rewritings and adaptations of these *causes célèbres*, which were finally supplemented by a number of texts that were mentioned in the secondary literature that I have consulted on these cases.

Appendix 1: Chronological overview of the publication history of the *cause célèbre* of the Sieur d’Anglade

Requête Présentée À Nosseigneurs de Parlement Par Messire François, Comte de Montgomery, Contre La Dame Veuve Du Sieur de Langlade (Laurent Guillemot). Veuve Pepingué, n.d.

Mémoire Pour M. de Langlade (Laurent Guillemot, Sieur d’Anglade), Accusé, Contre Le Sieur de Montgomery, Accusateur. S.I., 1688.

Mémoire Pour Me François Gaignard, Prêtre, et Pierre Vincent, Sieur de Belestre, Défendeurs et Demandeurs En Opposition et Prise À Partie, Contre Le Substitut de M. Le Procureur Général En La Prévôté de l’Hôtel ... et Jean Gastineau, Se Disant Subrogé Tuteur de Constance de Guillemot,

- Fille Mineure de Feu Laurent de Guillemot d'Anglade et de Marguerite de Saint-Martin, Sa Femme.* S.I., 1688.
- Justification de Laurent de Guillemot, ... Sieur d'Anglade, Mort Aux Galères, et de Dame Marguerite de Saint-Martin, Sa Femme, Prisonnière Dans La Conciergerie Du Palais, Ou Moyens D'intervention Pour Me Jean Gatineau, Au Nom et Comme Subrogé Tuteur de Demoiselle Constance de Guillemot d'Anglade, Fille de Laurent de Guillemot, ... Sieur d'Anglade, ... Contre Le Nommé Pierre Vincent, Dit Belestre, et François Gaignard, Prêtre, Ci-Devant Aumônier Du Sieur Comte de Montgommery.* S.I., 1690.
- Réponse de Maître Jean Gastineau, Au Nom et Comme Subrogé Tuteur de Damoiselle Constance de Guillemot d'Anglade, Fille de Laurent de Guillemot, ... Sieur d'Anglade, et de Dame Marguerite de Saint-Martin, Sa Femme, Au Factum Imprimé, Tant Sous Le Nom Du Nommé Vincent, Dit Belestre, Accusé ... de Filouteries, D'assassinats, de Vol de Grands Chemins, et Du Vol Du Sieur de Montgommery, Que Sous Le Nom de Gagnard, Prêtre, ... Accusé de Complicité.* A. Fournot, 1690.
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- Mémoire Pour Messire François Lunel Des Essarts, ... Seigneur de Mondragon, et Dame Constance de Guillemot d'Anglade, Son Épouse, ... Contre Antoine Nicolas et Consorts.* J. Bouillerot, 1714.
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Appendix 2: Chronological overview of the publication history of the cause célèbre of the Marchioness of Brinvilliers

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Appendix 3: Chronological overview of the publication history of the *cause célèbre* of the false Martin Guerre

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Synopsis (EN)

The study examines the *causes célèbres*, a genre of writing that collects and edits legal cases so extraordinary, controversial and sensational that they became an object of public interest and debate. With the publication of his *Causes Célèbres et Intéressantes, avec les jugemens qui les ont décidées* (20 vols, 1734-1741) the French lawyer François Gayot de Pitaval laid the foundation for this tradition. The work achieved an immense international success and inspired writers across Europe (and later also America) to publish their own collections of *causes célèbres*.

These compilations, which developed the immense popularity of the *causes célèbres* with a broad middle-class readership over the course of the eighteenth and nineteenth centuries, can be divided into three categories. Some ('continualist') works rewrote and expanded the original *Causes Célèbres et Intéressantes*. Other ('new generalist') collections took over the concept of bringing together the most famous and important *causes célèbres* but included only cases that had not yet been memorialized. Still other ('new specialist') works abandoned the generalizing approach of the genre and focused on a specific time, place and/or topic.

This study focuses in particular on the works of Gayot de Pitaval's 'continualist' followers. These include the *Gallick Reports* (1737), the *Beroemde en Gedenkwaardige Rechts-Zaaken* (2 vols, 1737-38) and the *Erzählung sonderbarer Rechtshändel* (9 vols, 1747-67): English, Dutch and German translations of Gayot de Pitaval's work. Furthermore, there are François Richer's late eighteenth-century edition of the *Causes Célèbres et Intéressantes* (18 vols, 1771-81) and Friedrich Schiller's *Merkwürdige Rechtsfälle* (4 vols, 1792-95). Among the nineteenth-century 'continualist' collections, there are Pierre Joseph Alexis Roussel's *Annales du Crime et de l'Innocence* (20 vols, 1813), Julius Eduard Hitzig's and Georg Wilhelm Heinrich Häring's *Der neue Pitaval* (60 vols, 1842-90), and Armand Fouquier's *Causes Célèbres de Tous Les Peuples* (9 vols, 1858-62).

By comparing these works, this study sheds light on the enduring success of Gayot de Pitaval's cases and his model for collecting and editing *causes célèbres* over the course of the eighteenth and nineteenth centuries. More particularly, it explores the

development of four main features of the *Causes Célèbres et Intéressantes*, which the ‘continualists’ invariably took over and transformed in an attempt to improve and modernize the genre. These include

- 1) their extensive editorial programs;
- 2) their commentary on the legal system and the administration of justice;
- 3) their assessment of the thoughts, motivations and nature of the criminal; and
- 4) their reconstruction and elucidation of the past.

Whereas the first aspect is considered through the prefaces to these collections, the remaining three are studied by contrasting eighteenth- and nineteenth-century rewritings of a number of Gayot de Pitaval’s most popular *causes célèbres*.

The first chapter conveys deeper insight into the self-conception of the genre. It demonstrates how each editor related his collection to Gayot de Pitaval’s and other predecessors’ works and claimed to improve on some of the central characteristics that were outlined in the original *Causes Célèbres et Intéressantes*. These include the conception of the genre as an anthological form of writing, which builds a canon of the most famous and interesting *causes célèbres*, as well as the idea of the *cause célèbre* as an example that entertains the reader through its peculiar events and instructs him about a number of social or cultural insights. The prefaces show that each of Gayot de Pitaval’s ‘continualist’ followers redefines the program of the genre in terms of revising the selection (criteria) of cases, rebuilding the canon of *causes célèbres* and adopting new representational and interpretative strategies that make the collection more entertaining and instructive.

The case studies in the following three chapters further explore this conflation between the humanist notion of the exceptional-typical value of the past and the Enlightenment focus on the entertainment and instruction of the reader. More particularly, they show how over the course of the eighteenth and nineteenth centuries editors rewrote Gayot de Pitaval’s *causes célèbres* and adapted their representation and explanation of these cases to contemporary conceptions of the administration of justice, the criminal human nature, and the past.

The second chapter considers the legal aspect of the genre. It compares Gayot de Pitaval’s and his ‘continualist’ followers’ discussions and explanations of the wrongful conviction of the Sieur d’Anglade, one of the most famous victims of judicial error to feature in the *causes célèbres*. In so doing, it demonstrates that each editor makes sense of the judicial error in relation to contemporary developments in the administration of justice. Thus, the wrongful conviction is successively seen as a divine reminder of the flaws of the legal system, an occasion to advocate for an Enlightenment reform of the law, and a testimony to the faults in the prerevolutionary judicial system and the merits of the postrevolutionary one. Nevertheless, all of these works ultimately attribute the judicial error to a lack of insight that is deemed characteristic of human nature in general.

Building on the topic of human nature, the third chapter approaches the genre as a form of writing that seeks to study the inner life of the criminal through a comparison of a number of rewritings of the *cause célèbre* of the Marchioness of Brinvilliers, a ruthless female poisoner who murdered her father and two brothers. It demonstrates how each editor redefines and reassesses the figure of the Marchioness in relation to the conception(s) of human nature of his own time and culture. In this regard, Brinvilliers is increasingly 'individualized' over the course of the eighteenth century. Whereas her crimes initially were said to derive from the wickedness and the passion that form the essence of human nature, later rewritings of the case show how specific thoughts and circumstances gradually transformed her into a criminal monster. Over the course of the nineteenth century the focus of the Marchioness's representation shifts to a successive discussion of the social implications, the psychological basis and the illusion of her monstrosity.

The final chapter considers a number of rewritings of the case of the false Martin Guerre, an impostor who successfully impersonated another man for three years, before being exposed by the return of the real Martin Guerre. It particularly aims to shed light on how these accounts were shaped by each editor's conception of and relation to the past. In keeping with the establishment of our modern conception of the past as both prior to and different from the present over the course of the eighteenth century, Gayot de Pitaval's 'continualist' followers constantly reconsider their historical distance from the time in which the events took place and represent the *cause célèbre* from a detached generalizing and/or empathic individualizing perspective. Throughout its publication history, however, the genre continues to be seen as a form of exemplary history writing.

These observations on the eighteenth- and nineteenth-century development of the *causes célèbres* leads to the conclusion that the success of Gayot de Pitaval's model depended on its flexibility. The conception of the *Causes Célèbres et Intéressantes* as an anthology invited later editors to reconsider its selection of cases and rebuild the canon of *causes célèbres*. What is more, Gayot de Pitaval's idea of the *cause célèbre* as an exceptional-typical example that both entertained the reader and could instruct him about the law, human nature, and the past turned out to be a hugely popular concept for representing and interpreting sensational legal cases. Under the influence of the quantitative approach, which dominated the human sciences over the course of the nineteenth century, the idea of compiling an anthology gradually disappeared from the genre. The concept of the *cause célèbre*, however, flourished and gave rise to numerous literary and dramatic representations as well as legal, psychological, and historical studies of individual *causes célèbres*, which continue to be published to this day.

Synopsis (NL)

De studie onderzoekt de *causes célèbres*: een literair en historisch genre dat zich richt op het verzamelen en verhalen van buitengewone, controversiële en sensationele rechtszaken, die het voorwerp van maatschappelijke discussie werden. Met de publicatie van de *Causes Célèbres et Intéressantes, avec les jugemens qui les ont décidées* (20 vols, 1734-1741) legde de Franse advocaat François Gayot de Pitaval de basis voor deze traditie. Zijn werk werd een groot internationaal succes en inspireerde schrijvers over heel Europa (en later ook Amerika) tot het publiceren van hun eigen collecties van *causes célèbres*.

Deze verzamelwerken, die verantwoordelijk zijn voor de immense populariteit van de *causes célèbres* bij de brede middenklasse tijdens de achttiende en negentiende eeuw, kunnen worden onderverdeeld in drie categorieën. Sommige ('continualistische') werken herschreven de originele *Causes Célèbres et Intéressantes* en breidden ze uit. Andere ('nieuw-generalistische') collecties namen het idee over om de beroemdste en belangrijkste *causes célèbres* samen te brengen maar brachten enkel zaken samen die nog niet eerder waren overgeleverd. Nog andere ('nieuw-specialistische') werken lieten de generaliserende methode van het genre varen en richtten zich op een bepaalde tijd of plaats of een bepaald thema.

Deze studie concentreert zich in het bijzonder op de werken van Gayot de Pitavals 'continualistische' navolgers. Daaronder vallen de *Gallick Reports* (1737), de *Beroemde en Gedenkwaardige Rechts-Zaaken* (2 vols, 1737-38) en de *Erzählung sonderbarer Rechtshändel* (9 vols, 1747-67): Engelse, Nederlandse en Duitse vertalingen van het werk van Gayot de Pitaval. Verder ook François Richers laat achttiende-eeuwse editie van de *Causes Célèbres et Intéressantes* (18 vols, 1771-81) en Friedrich Schillers *Merkwürdige Rechtsfälle* (4 vols, 1792-95). Onder de negentiende-eeuwse 'continualistische' collecties vallen Pierre Joseph Alexis Roussels *Annales du Crime et de l'Innocence* (20 vols, 1813), Julius Eduard Hitzigs en Georg Wilhelm Heinrich Härings *Der neue Pitaval* (60 vols, 1842-90) en Armand Fouquiers *Causes Célèbres de Tous Les Peuples* (9 vols, 1858-62).

Door deze werken te vergelijken, werpt deze studie licht op het blijvende succes doorheen de gehele achttiende en negentiende eeuw van Gayot de Pitavals rechtszaken

en van zijn model voor het verzamelen en verhalen van *causes célèbres*. In het bijzonder wordt de evolutie van vier hoofdkenmerken van de *Causes Célèbres et Intéressantes* onderzocht, die door alle ‘continualisten’ overgenomen en omgevormd werden in een poging om het genre te verbeteren en te moderniseren. Daaronder vallen

- 1) hun uitgebreide redactionele programma’s;
- 2) hun commentaar op (de werking van) het rechtssysteem;
- 3) hun analyse van de gedachten, motivaties en natuur van de misdadiger; en
- 4) hun reconstructie en verduidelijking van het verleden.

Waar het eerste aspect aan de hand van de inleidingen tot deze collecties wordt overwogen, worden de overige drie onderzocht door achttiende- en negentiende-eeuwse bewerkingen van een aantal van Gayot de Pitavals populairste *causes célèbres* te vergelijken.

Het eerste hoofdstuk verduidelijkt het ‘zelfbeeld’ van het genre. Het toont aan hoe iedere schrijver zijn collectie aan die van Gayot de Pitaval en andere voorgangers spiegelde en beweerde een aantal van de centrale kenmerken die de *Causes Célèbres et Intéressantes* uitzette te verbeteren. Daaronder vallen de opvatting van het genre als anthologie, die een canon van de beroemdste en interessantste *causes célèbres* samenstelt, en de invulling van het begrip *cause célèbre* als een voorbeeld dat de lezer vermaakt met zijn ongewone verhaal en hem over een aantal sociale of culturele inzichten onderricht. De voorwoorden tonen dat elk van Gayot de Pitavals ‘continualistische’ navolgers het programma van het genre herdefinieert met betrekking tot de selectie(criteria), het canon van *causes célèbres*, en de representatie en interpretatie die het genre aantrekkelijker en leerzamer maken.

De case studies in de volgende drie hoofdstukken gaan dieper in op deze versmelting van het humanistische idee dat het verleden een uitzonderlijk-typische waarde heeft met de nadruk van de Verlichting op het vermaak en onderricht van de lezer. Ze tonen aan hoe schrijvers in de loop van de achttiende en negentiende eeuw Gayot de Pitavals *causes célèbres* herschreven en hun voorstelling en uitleg van deze zaken aanpasten aan contemporaine denkbeelden met betrekking tot de rechtspraak, de menselijke natuur, en het verleden.

Het tweede hoofdstuk neemt de rechtskundige zijde van het genre in overweging. Het vergelijkt de bespreking door Gayot de Pitaval en zijn ‘continualistische’ navolgers van de onterechte veroordeling van de Heer van Anglade, een van de beroemdste slachtoffers van een juridische fout in de *causes célèbres*. Op deze manier wordt aangetoond dat elke schrijver de fout in relatie tot gelijktijdige ontwikkelingen in de rechtspraak interpreteert. Zo wordt de onterechte veroordeling achtereenvolgens als een goddelijke herinnering aan de gebreken van het rechtssysteem, als een aanleiding tot het bepleiten van een Verlichte hervorming van de wet, en als een bevestiging van de fouten van het prerevolutionaire en de verdiensten van het postrevolutionaire rechtssysteem voorgesteld. Niettemin wijzen al deze werken de juridische fout

uiteindelijk toe aan een gebrek aan inzicht dat als typisch voor de menselijke natuur wordt beschouwd.

Verderbouwend op het thema van de menselijke natuur benadert het derde hoofdstuk het genre als een studie van het gemoedsleven van de misdadiger, door een aantal bewerkingen te vergelijken van de *cause célèbre* van de Markiezin van Brinvilliers, een wrede gifmengster die haar vader en twee broers vermoordde. Het toont aan hoe iedere schrijver de figuur van de Markiezin, in overeenstemming met de opvatting(en) over de menselijke natuur van zijn eigen tijd en cultuur, herdefinieert en analyseert. In dit opzicht wordt Brinvilliers in de loop van de achttiende eeuw meer en meer 'geïndividualiseerd'. Waar haar misdaden eerst teruggevoerd werden tot de aangeboren zondigheid en passie, die als de essentie van de menselijke natuur gezien werden, tonen latere bewerkingen hoe ze onder invloed van specifieke gedachten en omstandigheden geleidelijk aan in een misdadig monster veranderde. In de loop van de negentiende eeuw verschuift de klemtoon van de voorstelling van de Markiezin achtereenvolgens naar een bespreking van de sociale gevolgen, de psychologische basis en de illusie van haar monstrositeit.

Het laatste hoofdstuk overweegt een aantal bewerkingen van de zaak van de valse Martin Guerre, een oplichter die drie jaar lang met succes de identiteit van een andere man overneemt om uiteindelijk ontmaskerd te worden door de terugkeer van de echte Martin Guerre. In het bijzonder werpt het een licht op hoe deze verschillende versies beïnvloed worden door de opvatting die de schrijver van het verleden heeft. In overeenstemming met de achttiende-eeuwse ontwikkeling van ons moderne idee van het verleden als voorafgaand aan en verschillend van het heden, herdefiniëren Gayot de Pitavals 'continualistische' navolgers voortdurend hun historische afstand tot het verleden en benaderen ze de *cause célèbre* vanuit een afstandelijk en generaliserend dan wel empathisch en individualiserend perspectief. Doorheen de hele publicatiegeschiedenis blijft het genre echter als een vorm van exemplarische geschiedschrijving worden opgevat.

Deze inzichten in de achttiende- en negentiende-eeuwse ontwikkeling van de *causes célèbres* leiden tot de conclusie dat het succes van Gayot de Pitavals model van zijn flexibiliteit afhing. De opvatting van de *Causes Célèbres et Intéressantes* als anthologie nodigde schrijvers uit om de selectie van cases te herzien en het canon van *causes célèbres* te herdefiniëren. Bovendien bleek Gayot de Pitavals definitie van de *cause célèbre* als een uitzonderlijk-typisch voorbeeld dat de lezer vermaakte en hem kon onderrichten over het recht, de menselijke natuur en het verleden, een enorm populair concept voor het verhalen en interpreteren van sensationele rechtszaken. Onder invloed van de kwantitatieve methode van de negentiende-eeuwse humane wetenschappen verdween het idee van de anthologie uit het genre. Het concept van de *cause célèbre* floreerde echter en gaf aanleiding tot ontelbare literaire en dramatische

voorstellingen alsook rechtskundige, psychologische en historische studies van individuele *causes célèbres*, die tot op vandaag gepubliceerd worden.