

Strategies of Accusation and Self-Defence at the Trial of Théophile de Viau (1623-25)

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Tu sçais bien que l'Imprimerie est un fascheux tribunal, & qu'elle punit souvent ce qu'elle devrait recompenser; que le siecle n'est pas seulement delicat, mais qu'il est encore injuste.

[*Lettres de François Maynard*]¹

The trial of the poet Théophile de Viau for having composed irreligious and obscene poetry was one of the most sensational trials of early seventeenth-century France, and attracted an extraordinary level of public interest during its two year duration from 4th October 1623 to 1st September 1625.² The trial centred on accusations of *libertinage* made against the poet immediately prior to and during his trial, as well as on Théophile's supposed contribution to an audacious poetic anthology. An obscure term that could denote free-thinking, immorality, disorder, or irreligion, the definition of *libertin* remains notoriously problematic; a difficulty which, I will argue, can be seen in the records of Théophile's trial. Beginning with the distinction between *libertinage érudit* and *libertinage des mœurs* coined by

¹ 'Au lecteur' in François Maynard, *Lettres du Président Maynard* (Paris: Toussaint Quinet, 1652), E^r – E^v (E^r).

² 'Fait extraordinaire pour l'époque, l'ouverture du procès entraîne une mobilisation sans précédent dans Paris pour défendre ou condamner le poète libertin. Pas moins de soixante-quatorze pamphlets sont publiés et témoignent de cet engouement pour l'affaire Théophile de Viau' (Stéphane Van Damme, *L'Épreuve libertine: Morale, soupçon et pouvoirs dans la France baroque* (Paris: CNRS Éditions, 2008), p. 7). For a full bibliography of these pamphlets, see Guido Saba, *Fortunes et infortunes de Théophile de Viau* (Paris: Klincksieck, 1997), pp. 314-18.

René Pintard,³ several scholars have proposed their own definitions and categories of *libertinage*.⁴ The aim of the present study, however, is not to decide whether Théophile merited this term of opprobrium, or what this appeared to mean in the minds of his persecutors. Rather, I wish to discern the ways in which the acts connoted by the term *libertin* were addressed and attributed to the poet during his trial; be it through literature or witness testimony, or through the poet's subversive behaviour and speech acts. The term *libertin* in the present study will therefore be limited to refer to anti-*libertin* texts and the accusations they contained against Théophile, rather than being used as a cogently defined term.

Although an earlier conviction handed down *in absentia* on 18th August 1623 had found Théophile guilty of *lèze-majesté divine*, in his second and most important trial he was acquitted of charges brought against him in the first trial of 1623. The outcome of this trial has predominantly been seen as a victory for the Catholic cause. For Antoine Adam, 'le libertinage, en 1625, est vaincu.'⁵ Joan DeJean posits that the fictional, literary Théophile, emphasised by the prosecution in early interrogations, eclipsed the memory of Théophile the man⁶ who was ultimately eliminated by his persecutors.⁷ Jacqueline Marchand, whilst conceding that Théophile escaped his trial

³ René Pintard, *Le Libertinage érudit dans la première moitié du XVII^e siècle* (Paris: Boivin, 1943; repr. Geneva: Slatkine, 2000).

⁴ Antoine Adam proposes *le libertinage scandaleux, érudit and subtil et secret* (Antoine Adam, *Les Libertins au XVII^e siècle* (Paris: Buchet-Chastel, 1964), p. 7), whereas Louise Godard de Donville uses the categories of *libertin positif* (an *affranchi*) and *libertin négatif* – 'insoumis à l'égard de la religion' (Louise Godard de Donville, 'Le Libertin des origines à 1665: un produit des apologètes', *Papers on French Seventeenth-Century Literature*, 51 (1989), p. 27). More recently, Françoise Charles-Daubert has made the distinction between *le libertinage des mœurs* and *le libertinage littéraire* (Françoise Charles-Daubert, *Les Libertins érudits en France au XVII^e siècle* (Paris: Presses Universitaires de France, 1998), p. 11), and Pierre Caye has distinguished a *courant de libertinisme politique* and a *courant de libertinisme spéculatif* (Pierre Caye, 'Libertinisme et théologie: considérations sur une expérience de pensée singulière et perdue' in *La Question de l'athéisme au dix-septième siècle*, ed. by Pierre Lurbe and Sylvie Taussig (Turnhout: Brepols, 2004), pp. 11-29 (pp. 17-18)).

⁵ Antoine Adam, *Théophile de Viau et la libre pensée française en 1620* (Paris: E. Droz, 1935; repr. Geneva: Slatkine Reprints, 1966), p. 404.

⁶ Joan DeJean, 'Une autobiographie en procès: l'affaire Théophile de Viau', *Poétique*, 48 (November 1981), 431-448 (p. 431).

⁷ 'In the end, the state eliminated the man widely considered the leading freethinker of his generation' (Joan DeJean, *The Reinvention of Obscenity. Sex, Lies, and Tabloids in Early Modern France* (Chicago and London: The University of Chicago Press, 2002), p. 30).

with his life, nonetheless claims that one of Théophile's main persecutors – the Jesuit priest François Garasse – emerged victorious from the trial.⁸ More recently, Laurence Tricoche-Rauline has described Théophile's defence at his trial as 'maladroite, tardive et inefficace',⁹ whereas Laurence Giavarini has claimed that Garasse's anti-*libertin* diatribe – *La Doctrine curieuse* (1623) – and its invention of Théophile de Viau as a seditious social deviant were victories for the Jesuit's cause.¹⁰ The outcome of the trial, then, has largely been considered in relation to Théophile's persecutors and accusers rather than in terms of the poet's own self-defence.

The strategies of interrogation and self-defence adopted over the course of the trial have also received critical attention. DeJean has analysed in depth the notions of autobiographical writing and the poetic *je* at Théophile's trial.¹¹ This fictionalization of the defendant has also been studied by Stéphane Van Damme, who proposes a more favourable account of the poet's defence within the public literary sphere.¹² For Van Damme, Théophile's trial demonstrates the shifting political landscape in the early days of absolutism under Louis XIII's personal rule. Focussing on the perceived need to expose Théophile's *libertinage* to the public in order to justify its persecution,¹³ and to define a collective *libertin* menace through the fictitious *porte-parole* embodied by Théophile, Van Damme highlights that the increased persecution of writers such as Théophile and Giulio Cesare Vanini coincides with an increased repression of witchcraft, Protestantism

⁸ 'Ce qui est tragique encore, c'est que, finalement, Garasse a gagné' (Jacqueline Marchand, 'Apologie du Père Garasse (1585-1631): Le Jésuite et les Libertins', *Cahiers laïques*, 173 (1980), 92-106 (p. 105)).

⁹ Laurence Tricoche-Rauline, *Identité(s) libertine(s): L'écriture personnelle ou la création de soi* (Paris: Honoré Champion, 2009), p. 54.

¹⁰ Laurence Giavarini, 'Le libertin et la fiction-sorcière à l'âge classique: Remarques sur Dom Juan et Théophile' in *Usages et théories de la fiction: le débat contemporain à l'épreuve des textes anciens (XVI^e-XVIII^e siècles)*, ed. by Françoise Lavocat (Rennes: Presses Universitaires de Rennes, 2004), pp. 185-218 (pp. 188, 200).

¹¹ DeJean, 'Autobiographie.' The question of identity and intent in a small corpus of Théophile's poems is also addressed in Leonard Hinds, "'Honni soit qui mal y pense" I: Avowals, Accusations, and Witnessing in the Trial of Théophile de Viau', *Papers on French Seventeenth-Century Literature*, 27: 53 (2000), 435-44.

¹² Van Damme speaks of 'la réussite finale de Théophile en 1625' (Van Damme, *L'Épreuve*, p. 141).

¹³ Van Damme, *L'Épreuve*, pp. 10-16. This view appears to be in contrast to that of DeJean, for whom the rendering public of previously-private immoralities and subversions was the cause, rather than the tool, of persecution. See DeJean, *Obscenity*, pp. 3-4, 14-15, 37, 46.

and blasphemy.¹⁴ Similarly, Christian Jouhaud and Marc Fumaroli have both identified Théophile's trial as a symptom of wider divisions in French society between men of letters as well as between the Church and state for political and judicial dominance.¹⁵ Again, the agency of the poet himself during his trial appears to have been relatively neglected in favour of studies of his persecutors, the accusations made against him, and the wider implications of these for contemporary literature.

This article offers an evaluation both of Théophile's defence and the strategies of the prosecution at Théophile's trial through a close reading of the surviving trial records.¹⁶ In particular, the consistency and apparent effectiveness of Théophile's defence will be contrasted with the varied strategies of the prosecution, and its failure to use the incriminating evidence at its disposal to full effect. Théophile's self-defence at trial will thus be evaluated from the perspective of the trial itself, and with a greater emphasis on the effective agency of the accused, rather than adopting a wider retrospective angle informed by the subsequent self-censorship and strategies of dissimulation that were adopted by free-thinking authors.¹⁷

¹⁴ On these points, see also Jean Delumeau, *La peur en occident: XIV^e-XVII^e siècles* (Paris: Fayard, 1978), pp. 390-91; Daniel Christiaens, 'Nouvelles considérations sur la disgrâce de Théophile de Viau', *Revue de l'Agenais* 139: 3 (2012), 507-18 and Alain Cabantous, *Histoire du blasphème en Occident: XVI^e-XIX^e siècle* (Paris: Albin Michel, 1998; repr. 2015), pp. 67-69, 94-95. On the trial of Vanini see Didier Foucault, *Un Philosophe libertin dans l'Europe baroque: Giulio Cesare Vanini (1585 – 1619)* (Paris: Honoré Champion, 2003), pp. 467- 82 and Adam Horsley, 'Remarks on subversive performance at the trial of Giulio Cesare Vanini (1618-1619)', *Modern Language Review*, 110:1 (2015), 85-103.

¹⁵ Christian Jouhaud, *Les Pouvoirs de la littérature, histoire d'un paradoxe* (Paris: Gallimard, 2000), pp. 27-95; Marc Fumaroli, *L'Age de l'éloquence: – Rhétorique et « res literaria » de la Renaissance au seuil de l'époque classique* (Genève: Droz, 1980; repr. 2002), pp. 233-46. For a history of the Church and state's control of the book trade in sixteenth and seventeenth-century France and their shortcomings, see Roger Chartier et Henri-Jean Martin, *Histoire de l'édition française*, 4 vols (Paris: Fayard, 1989) I – 'Le livre conquérant', pp. 330-72; DeJean, *Obscenity*, pp. 12-13, 39 and Van Damme, *Épreuve*, pp. 134-5.

¹⁶ The present study does not therefore discuss Théophile's considerable body of literary self-defence written over the course of his trial.

¹⁷ On this subject, see in particular Jean-Pierre Cavaillé, *Dis/simulations. Jules-César Vanini, François La Mothe Le Vayer, Gabriel Naudé, Louis Manchon et Torquato Accetto: Religion, morale et politique au XVII^e siècle* (Paris: Honoré Champion, 2002); Sophie Gouverneur, *Prudence et Subversions Libertines: La Critique de la raison d'État chez François de la Mothe le Vayer, Gabriel Naudé et Samuel Sorbière* (Paris: Honoré Champion, 2005) and Isabelle Moreau, «Guérir du sot»: *Les Stratégies d'écriture des libertins à l'âge classique* (Paris: Honoré Champion, 2007).

In 1622, a poem describing the final stages of syphilis appeared under Théophile's name in an anthology of obscene and irreligious poetry, *Le Parnasse satyrique*. Ending with what could be interpreted as a vow to commit sodomy,¹⁸ this poem provoked François Garasse to write his anti-libertin text – *La Doctrine curieuse*, in which Théophile's name figures prominently – and to disseminate sections of his text as and when he completed his chapter drafts. Although Théophile denied having written this poem,¹⁹ he was ordered by his protector, the Duc de Montmorency, to leave for France's northern border on 26th August. However, Théophile lingered in France until mid-September. The authorities became aware of Théophile's location, and on 15th September the poet was arrested and taken to Paris to stand trial in person on 4th October 1623.

Seventeen witnesses, as well as seventy-five texts were selected to incriminate Théophile, including at least five texts that were attributed to him falsely. Of the seventy texts used over the course of the trial, sixty five were poetic verse. These included thirty-two poems taken from the *première* and *seconde partie* of Théophile's *Œuvres*, and twenty that were found hidden at his lodgings.²⁰ The proceedings of Théophile's trial can be roughly divided into interrogations of the accused and witness testimonies. In the latter case, we can also distinguish between instances in which the trial heard a witness' statement, and those in which Théophile was made to confront his accusers directly.

¹⁸ *Le Parnasse des poètes satyriques* ([n.p.]: [n. pub.], 1622), p. 1. The last line of the poem – 'Je fais veu desormais de ne ...tre qu'en cu' was described by Garasse as a 'vœu à Dieu d'estre SODOMITE tout le reste de ses jours' (François Garasse, *La Doctrine curieuse des beaux esprits de ce temps* (Paris: Sebastien Chappelet, 1623, p. 782) and a 'vœu de Sodomie' (Anon. [François Garasse], *Apologie du père François Garassus, de la Compagnie de Jésus, pour son Livre contre les Athéistes & Libertins de notre siècle* (Paris: Sebastien Chappelet, 1624), p. 252).

¹⁹ '[Théophile a dit qu'] il n'a faict fayre ladite composition ny composé ledit sonnet et que au contraire ayant veu ledit livre entre les mains d'un librayre qui tient boutticque devant le Pallays et leu ledit sonnet, il deschira le feuillet où il estoit escript, pour raison de quoy il eut querelle contre le librayre' (22nd March 1624 quoted in Frédéric Lachèvre, *Le Libertinage devant le parlement de Paris: Le Procès du poète Théophile de Viau*, 2 vols (Paris: Honoré Champion, 1909), I, p. 373).

²⁰ Some clarification seems necessary here. Five of the seventy-five texts selected as evidence for the trial hearings were not in fact used. I use the phrase 'poetic verse' to include lines of poetry that appeared in Théophile's prose *Traité de l'immortalité de l'âme* (counted as six separate poems), as well as verse from the *Vers pour le ballet des Bacchanales* (1623) and *Pyrame et Thisbée* (1623). These texts are provided in Lachèvre, *Procès*, II, pp. 307-419.

The prosecution and literature

It is clear from the chronology of events and the trial transcripts that the *Parnasse satyrique* played a major role in the authorities' decision to bring Théophile to trial. The opening hearings, however, do not reflect this. The two initial depositions do not refer to the *Parnasse* or to Théophile's literary output, but to the poet's admission to his lack of Christian faith in private conversations.²¹ The next two depositions attribute to Théophile an anonymous *Chanson* ('Approche, approche ma Dryade') in which the poet encourages his lady to grant him a sexual favour, and a modified version of François Maynard's *Fureur d'Amour*, in which the poet describes his desire to make love to a woman in church. It was only after a four month period of inactivity following these first four hearings that Théophile was interrogated on his authorship of a large corpus of poetry, as well as the intended meaning of some of his compositions in prose, after he had been on hunger strike.²²

By this time, a decision had clearly been made to condemn Théophile by associating him with the most subversive poems of the *Parnasse satyrique* and his early prose compositions, thereby capitalizing on the scandal that these had caused.²³ The opening hearing of 22nd March 1624 proved pivotal for the trial. On this date, Théophile was repeatedly asked to confirm his authorship of a large corpus of texts, in what appears to have been an attempt to link the poet to as many subversive lines of poetry as possible. The *Procureur général*, Mathieu Molé, thus hoped to consolidate Théophile's reputation as a composer of impious verse and to cement his links to the *Parnasse satyrique* that had been highlighted in Garasse's

²¹ See the depositions of Jacques Troussel and René Le Blanc in Lachèvre, *Procès*, I, pp. 211-17.

²² 'Cette tentative de suicide [...] décida le Procureur général à presser les commissaires du Parlement de commencer les interrogatoires' (Lachèvre, *Procès*, I, p. 362). These interrogations took place on 22nd, 26th and 27th March 1624 (see Lachèvre, *Procès*, I, pp. 363-401). It is noteworthy that Théophile's actions dictated the prosecution's strategy in this instance.

²³ This decision had, to an extent, been made collectively, as the correspondence between Garasse and Mathieu Molé – the *procureur général* – demonstrates. See Frédéric Lachèvre, 'Un mémoire inédit de François Garassus adressé à Mathieu Molé, procureur général, pendant le procès de Théophile', *Revue d'Histoire Littéraire de la France*, 18 (1912), 900-40, in which Garasse advised Molé on how to conduct his interrogations of the poet. As early as 1588 the Etats de Blois had stated plainly that 'ni le Clergé, ni le Tiers ne s'occupèrent de l'instruction criminelle' (A. Esmein, *Histoire de la procédure criminelle en France, et spécialement de la procédure inquisitoire* [Paris: L. Larose et Forcel, 1882], p. 171).

Doctrine curieuse.²⁴ Yet of the twenty-four texts mentioned on 22nd March, only one would be used against Théophile in a subsequent hearing during the trial, which would suggest a perceived failure to incriminate the accused by such means.²⁵ The short-lived strategy of attributing a large body of poetry to Théophile suggests a certain disorganization, or perhaps even uncertainty, on the part of the prosecution. It also attests to the uncertain nature of Théophile's supposed crimes as a *libertin*, also seen in Garasse's own definition of this accusation:

Par le mot de libertin je n'entens ny un Huguenot, ny un Athée, ny un Catholique, ny un Hérétique, ny un Politique, mais un certain composé de toutes ces qualités.²⁶

This apparent disorganisation is further demonstrated by the ways in which different texts were used at the trial, in which a clear distinction can be observed. Théophile's non-poetic works – his prose compositions and his tragedy *Pyrame et Thisbé* – were used to expose the weakness, or even the nonexistence, of the poet's Catholic faith, whereas the majority of his poetry was used to suggest his sexual immorality. Théophile therefore appears to have been tried for two reasons: for religious and social dissidence; a duality that aptly demonstrates the vague nature of the accusation of *libertinage* made against Théophile in *La Doctrine curieuse*. On 26th March 1624 the following scene from *Pyrame et Thisbe* was alluded to by the prosecution:

Mais mon Pyrame est mort sans espoir qu'il retourne
De ces pasles manoirs où son esprit séjourne.
Depuis que le Soleil nous void naistre, et finir,
Le premier des deffuncts est encore à venir.²⁷

According to the prosecution, in this passage Théophile 'veult fayre croyre qu'il n'y a aucune résurrection des mortz, ayant dict par mocquerye que le premier des hommes deceddez est encore à venyr, dont il a voulu inférer

²⁴ As Lachèvre demonstrates throughout his *Procès* (I), the *commissaires* who interprorogated the poet – Jacques Pinon and François de Verthamon – followed the line of questioning outlined in Molé's *projet d'interrogatoire*. This project is given in Mathieu Molé, *Mémoires de Mathieu Molé*, ed. by Aimé Champollion-Figeac, 4 vols (Paris: Jules Renouard, 1855), I, pp. 295-315.

²⁵ *Ode* – 'Heureux, tandis qu'il est vivant.'

²⁶ François Garasse, *Les Recherches des Recherches et autres œuvres de M^e Etienne Pasquier* (Paris: Sébastien Chappelet, 1622), p. 681. Garasse's *Doctrine curieuse* would add other meanings to this term connoting various pleasures of the flesh.

²⁷ *Pyrame et Thisbé*, Act V Scene 2 quoted in Lachèvre, *Procès*, I, p. 391.

que n'y ayant point d'espérance de retourner il ne falloit point attendre de résurrection.'²⁸

Similar objections were made to Théophile's *Traité de l'immortalité de l'âme* and his semi-autobiographical *Fragments d'une histoire comique*.²⁹ On 27th March 1624, for example, the trial focussed on chapter III of the *Histoire comique*, in which Théophile describes visiting a girl believed by the locals to be possessed:

A ceste feinte posture un peu grossière, je ne me sceus tenir de rire, ce que la vieille me trouva très mauvais, et me dit que Dieu pourroit punir ma moquerie. [...] Je luy parlay latin le plus distinctement qu'il m'estoit possible, mais je ne vis jamais aucune apparence qu'elle l'entendit; je luy dis du grec, de l'anglois, de l'espagnol et de l'italien, mais à tout cela le diable ne trouva jamais à respondre un son articulé; pour du gascon, elle ne manqua point d'injures à me repartir. [...] je ne pouvois me tenir de me moquer, protestant que ce diable estoit ignorant pour les langues et qu'il n'avoit point voyagé.³⁰

Théophile was asked whether he had visited the girl 'pour aler veoyr les diables', and 's'il n'a pas dit publiquement que c'estoit risée et sottise de croire qu'il y eut des diables et que ce que l'on disoit n'estoit que pour abuser le monde' in order to suggest his irreligion and *libertinage*.³¹ Théophile's prose fiction was therefore selected as a means of condemning the poet for blasphemy and atheism through an autobiographical reading, despite the fact, as DeJean notes, that 'l'accusation n'a jamais demandé à Théophile s'il entendait que la première personne renvoyât à lui-même.'³² It

²⁸ Lachèvre, *Procès*, I, p. 391.

²⁹ For an analysis of autobiographical readings of this text, see DeJean, 'Autobiographie.'

³⁰ Quoted in Lachèvre, *Procès*, I, pp. 49-50. I believe that the *Fragments d'une histoire comique* serves to date the composition of part of the *Doctrine curieuse*. Sections seven to eleven of book VII of this text speak at length of *libertin* unbelief in the devil, demons and their powers, without alluding to Théophile's *Fragments* at all. Considering the strength of Théophile's criticism of demonic possession given above, it is unlikely that Garasse had read this text at the time of writing book VII. As the *Fragments* were first published in the *Seconde partie* of Théophile's *Œuvres* in late June 1623, Garasse is likely to have written book VII of the *Doctrine* prior to this date. This would be in accordance with Adam's estimated time of writing of this book, derived from another piece of textual evidence, of late April 1623 (see Adam, *Pensée*, p. 333).

³¹ Lachèvre, *Procès*, I, p. 397. For Garasse, 'dire qu'il n'y a point de Diabes au monde, c'est une proposition qui a son passe-port parmy les Libertins' (Garasse, *Doctrine curieuse*, p. 843).

³² DeJean, 'Autobiographie', 436.

is difficult to explain why the prosecution should have abandoned attempts to prove Théophile's lack of Christian faith through his poetry, given that the prosecution's objections to Théophile's texts were not, by contemporary standards, entirely unfounded. Théophile's poetry offers a wealth of potential evidence of his materialist, unorthodox views on Nature and the human condition, as attested by his subsequent reputation in literary criticism as a daring, subversive and modern poet. Despite affirming his innocence, it is clear that Théophile held many of the irreligious views of which he was accused through quotations from his poetry at trial. The prosecution's logic in its choice of poetic quotations throughout the trial is also unclear, as these were almost exclusively used to attack the poet's moral and social character in both interrogations and witness statements. Once again, the first hearing of 22nd March 1624 stands apart from the others. This interrogation – unique in terms of the large number of poems cited – is the only instance in which the prosecution tried to use Théophile's poetry to discredit his image as a reformed Catholic, thereby demonstrating a shift in the prosecution's strategic objectives after this time. The very first question posed to Théophile regarding a specific poem during this hearing was framed as follows:

Sy, sachant qu'il y a plusieurs espèces d'atéismes, il n'a pas cru le pouvoyr establyr plus aysément par sa poysie afin que, soubz couleur de cette lisance poétique, il peust publier plus hardiment et faire couler plus facilement dans les espritz les maximes qui le peuvent porter à cette créance.³³

All of the twenty-two poems examined in this hearing pertain to Théophile's deviations from the Catholic faith. Three claim that Man should pursue an epicurean obedience to his natural impulses,³⁴ five present either a God indifferent to human suffering and supplication or a predeterminism over which Man is powerless,³⁵ and five replace God with a woman as the object of the poet's adoration.³⁶ Yet after this hearing, the prosecution would only make one further significant attempt to use Théophile's poetry to incriminate him on a theological level, and this with only a single poem.³⁷

³³ Lachèvre, *Procès*, I, p. 375.

³⁴ *Ode* – 'Heureux tandis qu'il est vivant,' *Satire première*, *Stances* – 'Donne un peu de relâche.'

³⁵ *Élégie* – 'Si votre doux accueil,' *Seconde Satire*, *Epigramme* – 'Mon frère, je me porte bien,' *Élégie* – 'Aussi souvent qu'Amour,' *Sonnet* – 'Chère Iris tes beautés.'

³⁶ *Sonnet* – 'Si j'étais dans un bois poursuivi d'un lion,' *Désespoirs amoureux*, *Stances* – 'Dans ce temple où ma passion,' *Élégie* – 'Enfin guéri d'une amitié funeste,' *Sonnet* – 'L'autre jour inspiré d'une divine flamme.'

³⁷ Interrogation of 26th March 1624. In this hearing, the prosecution used twenty-six lines from *Elegie* – 'Cloris, lorsque je songe' to suggest Théophile's belief that 'les

Subsequent references to Théophile's poetry instead sought to cast his sexual morality in a poor light. There is no obvious reason for this clear shift in the trial's focus. Although the hearing of 22nd March had not yielded any conclusive evidence of Théophile's culpability, there would still have been ample poetic material with which the prosecution could have interrogated the poet further.³⁸

The decision to use Théophile's poetry in order to seek his condemnation for sexual licence becomes all the more peculiar when compared to the wider corpus used in the trial as a whole. Of the fifty-nine poems used by the prosecution over the course of the trial, at least seven include lines of an overtly sexual nature, and a further three refer to sodomy. Yet compared to these ten 'sexual' poems, the prosecution's corpus of incriminating poems also included thirty-three religious poems, five which prescribe obedience to the law of Nature,³⁹ and twenty-eight of overtly irreligious content. Once again, the prosecution's division between the types of accusations made against the poet, and the texts used to support their claims, appears to have been largely ineffective and illogical. The authorities thus found it difficult to define the terms of their interrogations between its irreligion and sexual immorality, both of which had been alluded to in Garasse's diatribe against the *libertins*. Yet this may also have been due at least in part to the poet's own defence in the early interrogations.

Théophile's defence of his texts

Despite the limited and largely negative evaluations of Théophile's defence in modern scholarship, Théophile remained, unlike his persecutors, relatively steadfast in both the simplicity and consistency of his approach during the early interrogations. In these, as in later confrontations with witnesses, Théophile simply denied authorship of forty-five of the texts quoted to him by the prosecution, even though seventeen of these had already been published in his *Œuvres* in 1621 and two in the *Seconde partie* of 1623. As Guillaume Peureux has recently remarked, even if one is to assume that Théophile really was the author of the numerous texts used against him at

hommes peuvent impunément pescher sans craincte d'aucune peyne, qui est à dire sans craincte ny de la divinitté ny de l'enffer' (See Lachèvre, *Procès*, I, pp. 392-95).

³⁸ As DeJean notes, 'Had the prosecution stuck to its alleged mission and concentrated on presenting evidence of impiety and blasphemy, the magistrates could have had a field day with Théophile, whose poetry is at times as dangerously irreverent as they could have wished' (DeJean, *Obscenity*, p. 50).

³⁹ A phrase I take from Théophile's *Ode* (I/XVII) – 'Heureux tandis qu'il est vivant / Celui qui va toujours suivant / La règle de la nature'.

trial, an autobiographical reading of these fails to allow critical scope for the numerous alternative uses of the poetic *je*. Instead, a biased literal reading is privileged according to which ‘l’accusateur croit ou feint de croire que l’univers satyrique est une réalité que reflèteraient les poèmes.’⁴⁰ On 22nd March 1624, as the prosecution made its greatest and apparently final serious attempt to condemn the accused primarily as a subversive writer, Théophile claimed that the printer Pierre Billaine had added additional poems to the third edition of his *Œuvres* that were not of his composition, and that the officers who had arrested him had planted incriminating texts amongst his possessions.⁴¹ Théophile was therefore able to deny authorship of explicit or subversive poems subsequently attributed to him at trial – even those printed in his *Œuvres* – whilst acknowledging his authorship of other works, as the following exchange plainly demonstrates:

Demandé: Luy avons remonstré que puisqu’il recognoist avoyr composé et fait imprimer la pluspart desditz livres, il ne peult desnyer le surplus.

Répondu: A dit que puisqu’il n’en recognoist qu’une partye on ne luy doit pas attribuer le surplus.⁴²

Occasionally adding assurances of his Christian faith to these denials,⁴³ Théophile’s early self-defence provided him with a solid strategic base upon which he could subsequently deny authorship of incriminating works attributed to him. Combined with the ambiguity of his crimes derived from his association with *libertinage*, Théophile’s successful self-defence led the prosecution to turn its attention to his prose on 26th and 27th March. On the subject matter of these texts, the poet denied any intention to disseminate either theological or philosophical teachings. On 26th March, for example, he made it perfectly clear that his wider literary production was not intended to be interpreted in a theological sense:

⁴⁰ Guillaume Peureux, *La Muse satyrique (1600-1622)* (Geneva: Droz, 2015), p. 119. On the problematics of the first person, intentionality and selfhood in early modern poetry, see James Helgeson, *The Lying Mirror: The First-Person Stance and Sixteenth-Century Writing* (Geneva: Droz, 2012).

⁴¹ See Lachèvre, *Procès*, I, pp. 371-76. Neither Billaine nor any of the other printers implicated in the publication of the *Parnasse satyrique* were tried by the authorities.

⁴² Lachèvre, *Procès*, I, p. 372. On the status of earlier *brouillons* of poems as valid evidence, see Van Damme, *L’Épreuve*, p. 80.

⁴³ Such as his affirmation of his conversion to Catholicism at the hands of the personal confessor of Louis XIII, the Jesuit Séguiran: ‘A dit qu’il a pris instruction [de se convertir], premièrement du Père Atanase capuchin et depuis du Père Arnoux et finalement a fait abjuration de la [religion] prétendue, es mains du Père Séguirant’ (Lachèvre, *Procès*, I, p. 370).

A dit qu'il n'a jamais pris prétexte soubz la lissance poétique d'escrire quelque chose en dérison de Dieu et que jamais, ny en vers, ny en prose, il n'a rien traicté théologiquement et que ses accusateurs n'alèguent ny en vers ny en prose que des passages tronqués dont ilz prennent le sens à leur fentaysie et par des subtilittés sccolasticques esuelles il n'est poinct versé.⁴⁴

The poet also relied on the contemporary taste for texts from Antiquity to distance himself from any unchristian interpretations of both his poetic and prose works:

Quand il avoit parlé de dieux en pluriel se a esté à la façon des poettes et que quand il a parlé de Dieu au singulyer il n'en a jamais parlé qu'au terme d'un bon chrestien.⁴⁵

Théophile's repeated assertions that he wrote within the mind-set of the ancient writers he was translating or imitating – thereby denying ownership of their often unorthodox views – were also combined with further assurances of his faith, in order to stress the separate identities of Théophile the writer and Théophile the man. On his *De l'immortalité de l'âme*, for example, he assures the court that

Pour tesmoigner sa créance il n'a fait autres actions que d'aller à la messe et fayre profession de croyre ce que l'Esglise croyt, communyer et confesser, et que c'est un discours qu'il a fait en parafrasant le *Phédon* de Platon et estoit bien ayse de monstrier qu'en l'esprit d'un payen il y avoit des sentimentz d'un homme qui croyoit en Dieu et l'immortallité [sic] de l'Ame.⁴⁶

By denigrating his philosophical capabilities, by depicting himself as a translator rather than a disciple of pagan values, and by denying authorship of many of the poems quoted to him, Théophile was able to thwart the prosecution's attempts to present him as an impious philosopher poet with considerable success. Perhaps sensing that Théophile had defended himself successfully, the prosecution no longer attempted to incriminate him through direct quotations from his supposedly irreligious texts. Instead, it focussed on incriminating the poet's character through licentious poetry as

⁴⁴ Lachèvre, *Procès*, I, p. 389. Théophile had adopted this stance as early as the first interrogation of 22nd March on his translation of Plato: 'A dit qu'il n'a jamais entrepris de traicter des mattières de théollogye et ne s'est esloigné du sens de l'auteur' (Lachèvre, *Procès*, I, p. 374).

⁴⁵ Lachèvre, *Procès*, I, p. 380. On the influence of Antiquity on Théophile's writing, see Alain Lanavère, 'Théophile de Viau, imitateur des anciens', *Dix-Septième Siècle*, 251 (2011), 397-422.

⁴⁶ Lachèvre, *Procès*, I, p. 373.

well as witness depositions attesting to his blasphemous speech and his homosexuality.⁴⁷

The five most frequently-mentioned poems across the trial are all of a sexual rather than irreligious nature, and feature far more prominently in witness testimonies than in interrogations.⁴⁸ Significantly, none of the poems pertaining to Théophile's religious beliefs or supposed verbal professions of unbelief are mentioned by any of those called to testify against him. If we leave to one side the initial depositions made by Dange and Le Blanc – who had both come into contact with Théophile during his arrest – the project of incrimination by witness testimony was uniquely concerned with denouncing Théophile as a sexual deviant.⁴⁹ Many of the most frequently-mentioned poems, however, can be attributed to other poets. The sonnet 'Multiplier le monde en votre accouplement' was almost certainly written by Malherbe at some point prior to 1611. *La chambre du débauché* and *la débauche* were in fact written by Saint-Amant. *Fureur d'amour* was written by Maynard and had even appeared under his name in the *Cabinet satyrique* of 1618 and its 1621 reprint. Furthermore, one of the most frequently cited poems – *A un marquis* – had appeared in the *Délices satyriques* of 1620 without attracting condemnation. The use of poetry to condemn Théophile as a sexual deviant was therefore a flawed strategy on two levels. Firstly, it depended on a limited corpus of sexually obscene texts used against the poet, whilst neglecting a comparatively rich corpus of irreligious poems. Secondly, it represented an unprecedented condemnation

⁴⁷ I am therefore of a different opinion to DeJean on this point, for whom Théophile's persecutors 'se bornèrent à faire état de faits qu'on pourrait qualifier de « littéraires »: faits tirés de ses écrits ou liés à leur effet. Ils se servirent de ses œuvres littéraires comme uniques pièces à conviction, et déchaînèrent toute l'autorité de leur discours judiciaire pour soumettre à la question les intentions que Théophile y avait mis' (DeJean, 'Autobiographie', p. 431). Many of the witnesses did indeed quote Théophile's texts in their depositions in order to question both his Christian faith and his sexuality. Yet they also recounted events that they had witnessed and rumours they had heard about the poet, and the general focus of the trial shifted towards the poet's private life rather than his ideas expressed in literature over time.

⁴⁸ These are, in descending order of frequency, 'Philis, tout est foutu, je meurs de la vérole', *Chanson* – 'Approche, approche ma dryade', *A un Marquis*, *Fureur d'Amour* and 'Multiplier le monde en votre accouplement'.

⁴⁹ Théophile would later allude to his arrest by these 'deux méchants prévôts, / Fort grands voleurs, et très dévots' in his 'Requête de Théophile au Roi' in 1625 (See Théophile de Viau, *Œuvres poétiques*, ed. by Guido Saba (Paris: Classiques Garnier, 1990), p. 266).

of a genre of poetry which had appeared for some time in the *recueils satyriques* anthologies of salacious and bawdy poetry.

The prosecution and witness testimony

It had long been the case in France that witnesses were interrogated, and their depositions recorded, outside of the courtroom prior to trial. A defendant would typically be unaware of the content of the witness's deposition before it was read to them in court. They could only object to the credibility of the testimonial evidence before this reading, and any subsequent *reproches* would not be entertained. There would then be an opportunity for the accused to 'confront' the witness. The witnesses themselves, though faced with harsh punishment for false testimony, were permitted to make limited alterations to their testimony over the course of the trial, and could also be granted a *salvation* in which they could justify contradictions in their statements that emerged during the hearings.⁵⁰

Witness depositions and confrontations were heard throughout Théophile's trial from clerics, officials and people working within the book trade, although few of these appear to have known him personally.⁵¹ The prosecution thus hoped to complete the revelation of Théophile's vices through his lewd poetry in the *recueils satyriques*, so as to leave little doubt as to the poet's true character and conduct as evidenced through testimony. As stated earlier, the initial depositions of René Le Blanc and Gabriel Dange con-

⁵⁰ On the presentation of witness testimony, the legal restrictions on the witness and the accused before and during confrontations, and the possible objections the defendant could make against witnesses, see Esmein, *Histoire de la procédure criminelle*, pp. 139-51. For discussions of these points in early modern legal texts, see Jean Imbert, *La Pratique Judiciaire, tant civile que criminelle*, enrichie par M. Pierre Guénois et M. Bernard Automn (Paris: Robert Foüet, 1616), pp. 284-85, 638-46 and Claude Le Brun de la Rochette, *Le Procès civil, et criminel, contenant la methodique liaison du droit, et de la pratique judiciaire, civile et criminelle* (Lyon: Pierre Rigaud, 1622), I – *Le Procès Civil*, pp. 84-89, II – *Le Procès criminel*, pp. 81-141.

⁵¹ Imbert notes that '[si] le tesmoing persistera & fera à la charge de l'accusé, il luy sera confronté, & à ce moyen semble que si le tesmoing ne charge l'accusé, il ne luy doit estre confronté. [...] Toutefois plusieurs Juges de grande experience confrontent tous tesmoins, tant ceux qui chargent, que ceux qui ne chargent point, afin que le demandeur partie civile ne puisse cognoistre si les tesmoins chargent ou non, & que voyant que ces tesmoins ne chargent point il face son effort d'en suborner' (Imbert, *Pratique judiciaire*, pp. 644-45).

cerned Théophile's religious unbelief. Le Blanc, for example, recalls an encounter in which he witnessed the poet:

Tenyr pluzieurs discours d'impieitez contre Dieu, la Vierge et les saintz: luy a veu prendre une bible pluzieurs foys de laquelle il rechercheoit les motz les plus sacrosaintz, lesquelz ledit Theophille tournoyt en risée et impieitez.⁵²

Dange's deposition attempts to link Théophile to the *Parnasse satyrique* via a quotation from the anonymous 'Approche, approche ma Dryade', in which the poet supposedly expresses his extraordinary powers of masturbation:

[Dange] avoit des vers dudit Theophille escriptz de la main dudit Theophille sur le sujet du branlement de pique et qu'il avoit des vers dudit Theophille par lesquelz il disoit que en branlant la pique il feroit resussitter les mortz.⁵³

This strategy of using poetry to cast Théophile's sexual conduct in an unfavourable light remained present throughout all subsequent depositions. It was at this point that, for DeJean, Théophile affirmed his social identity as Théophile de Viau by signing his full name, thus abandoning his earlier strategy of insisting on the vague and unstable nature of 'Théophile' as a literary *je* in his corpus.⁵⁴ Though a notable lapse in the consistency of the poet's defence, this might also suggest that Théophile realised that the mask of literary abstraction was no longer sufficient to disprove accusations pertaining to his sexual identity.

On 29th April 1624, Pierre Guibert recalled eighteen lines of poetry, from four separate poems, that Théophile had supposedly recited to him 'il y a sept ou huict ans.'⁵⁵ Though Guibert's supposedly incredible powers of recollection would surely have been unlikely to convince those who listened to his testimony, it is worth noting that this may not have appeared as suspect at the time as it might to a modern reader. As Bruce Lenman and Geoffrey Parker note, the high costs of trials, and the uncertainty of their outcome in early modern Europe often led people to avoid settling their grievances through the legal system for many years, leading to a backlog of

⁵² Lachèvre, *Procès*, I, p. 215.

⁵³ Lachèvre, *Procès*, I, p. 251. The act of masturbation may in itself have strengthened the argument that Théophile had committed sodomy. Le Brun de la Rochette lists 'corruption de soi-même' as one of four forms of sodomy in his legal treatise (*Le Procès civil*, p. 8).

⁵⁴ DeJean notes that after his confrontation with Pierre Galtier on 18th August 1625, Théophile no longer signs as 'Théophile' but as 'Théophile Viau.' (DeJean, 'Autobiographie', p. 438).

⁵⁵ Lachèvre, *Procès*, I, p. 413.

incriminating evidence and testimonies.⁵⁶ Théophile's reaction to Guibert's testimony also reveals much about both his strategy of defence and his readership. As DeJean observes, Théophile corrected Guibert's initial claim to be a bourgeois, and informs the court that he was in fact the son of a butcher, thereby evidencing the non-elite readership of Théophile's poetry.⁵⁷ Yet this also demonstrates how Théophile wished to denigrate the social position of those who testified against him, during a historical period in which the validity of testimony was dependent on the witness's social rank. Danty's translation and commentary of Jean Boiceau's 1582 *Ad Legem regiam Molinaeis habitam de abrogata testium a libra centena probatione commentarius* states that

...il est fort aisé aux Juges par leur prudence, de juger quelle distinction ils doivent mettre entre les dépositions de plusieurs témoins, soit par la consideration qu'ils sont élevez en dignité, ou qu'ils sont riches, ou qu'au contraire ce sont personnes pauvres & viles; car il doit ajoûter plus de foy à la déposition d'un homme noble, sage, riche & puissant [...] qui sont d'une probité reconnuë, ou qui sont élevez en dignité, qu'à ceux qui sont du menu peuple, qu'Aulugelle appelle *Proletarios*, c'est-à-dire qui sont vils & reprochables. Il fera plus de cas même du témoignage d'un homme du commun du people que de celui des personnes les plus viles.⁵⁸

Similarly, Le Brun de la Rochette notes under the subheading 'prudentes remarques du Juge' that 'Cependant remarquera à part soy prudemment la qualité & condition des tesmoins, & leur contenance.'⁵⁹

As well as casting doubt on the social standing of witnesses, Théophile's strategy of defence during witness confrontations are strikingly consistent compared to that of his accusers. First, as with the authorship of many of the poems quoted to him, Théophile denied knowing eleven of the witnesses

⁵⁶ 'This explains the curious fact that, when the case was eventually tried, aggravations and incidents from years – even decades before – were adduced as evidence' (Bruce Lenman and Geoffrey Parker, 'The State, the Community and the Criminal Law in Early Modern Europe' in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. by V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (London: Europa Publications, 1980), pp. 11-48 (p. 19)).

⁵⁷ DeJean, *Obscenity*, pp. 51-52.

⁵⁸ Jean Boiceau, *Traité de la preuve par témoins en matière civile*, ed. by M Danty (Paris: Guillaume Cavelier, 1697), pp. 18-19.

⁵⁹ *Les procès civil*, p. 136. For an analysis of Montaigne's views on witnesses in *Des Cannibales*, according to which simple men are preferable witnesses to men of intelligence in order to obtain unaltered testimony, see Andrea Frisch, *The Invention of the Eyewitness: Witnessing & Testimony in Early Modern France* (Chapel Hill: The University of North Carolina Press, 2004), pp. 102-07.

with whom he was confronted at trial. By denying that these witnesses had met him, Théophile was able to cast doubt upon their testimony by suggesting that these were merely based on 'ouy dire';⁶⁰ a shrewd move considering that rumour and gossip were valid objections to testimony at the time.⁶¹ The witnesses themselves often debased the authenticity of their depositions by situating these within the context of gossip. On 22nd August 1625, for example, Jehan Raveneau told the court that

Dimanche dernyer il ouyt dire à François Hervé [...] que, s'estant trouvé en la compaignie d'un nommé Gastelyer à présent Capuchin, ledict Gastelyer avoit dict audit Hervé qu'en sa présence [...] Theophille avoit dict que ceux qui prenoyent le corps de Jesus Christ le vendredy estoyent pires que les bougres parce qu'ilz ne sçavoient s'ilz menjoient de la chayr ou du poysson.⁶²

With statements such as these calling the reliability of the witness into question, the testimonies to Théophile's impiety or sexual immorality became increasingly dubious and desperate as the trial progressed. The final witness to be called, Jehan Sepaus, had been called from his cell at the Conciergerie on 29th August 1625. His testimony, surely a culmination of the prosecution's failure to procure effective witnesses, again demonstrates the extent to which Théophile's objections to rumour were well-founded:

A dit ne congoistre Theophille, et dit avoir entendu parler de luy. [...] estant aux Carmes, il y eut ung homme qui parla à luy qui luy recitta ung sonnet, et dit lors qu'il croyoit que c'estoit Theophille, mais, l'ayant veu à cette heure, croit que ce n'est luy, mais ung nommé Amanuelli. [...] ledit tesmoin a dit ne congoistre l'accusé et ne croit pas que ce soit luy. [...] Ledit tesmoin a dit qu'un jour Amanuelli au faulxbourg Saint Germain avec La Taille, Amanuelli luy monstra des vers qu'il disoit que Theophille avoit faitz.⁶³

⁶⁰ A claim the poet made against the testimony of Antoine Vitré on 21st October 1624 (Lachèvre, *Procès*, I, p. 467). On 22nd November 1624, the poet also claimed that Etienne Delagarde 'se trompe de ce qu'il dit avoir ouy dire les impietez et atéismes' (Lachèvre, *Procès*, I, p. 472).

⁶¹ The accused was permitted to make *reproches de droit* and *reproches de fait* against the witness. One such *reproche de droit* was that the testimony 'n'est fondé que sur ouyr dire', whereas a valid *reproche de fait* was that the witness 'n'a cognoissance du fait, ny des personnes' (*Le Procès civil*, p. 85).

⁶² Lachèvre, *Procès*, I, p. 494.

⁶³ Lachèvre, *Procès*, I, pp. 503-04. The credibility of the prosecution was further damaged on 22nd August 1625. As the court assembled to judge Théophile, one of the judges presented the court with the memoirs of Voisin, who had apparently entrusted them to the judge in question. These memoirs are now lost, but even

Furthermore, Théophile's self-defence against witnesses also consisted in him seeking to invalidate testimonies by suggesting that they were coloured by hatred or other personal motives. As well as highlighting throughout the trial the personal hatred and machinations of Garasse and Voisin, Théophile also made similar accusations against three witnesses. In literary and intellectual debate, personal interest and slander were often used to deride the arguments and even the credibility of a given party, as Garasse's literary polemic amply demonstrates.⁶⁴ Théophile's objections show that he was well aware of this. He accused Louis Forest Sageot of 's'en voulant prendre à luy accusé',⁶⁵ Pierre Guibert was accused of continuing his brother's vendetta against Théophile,⁶⁶ and he claimed that Jean Millot 'a déposé par animosité et passion'.⁶⁷ When this is considered alongside accusations of rumour-mongering, which were well founded by witness depositions, it becomes clear that Théophile consistently maintained the upper hand during confrontations with witnesses, who were unable to cast reasonable doubt over the poet's religious or sexual conduct.

Having considered the strategies of the prosecution and the accused with regards to both literary quotation and witness testimony, it is clear that Théophile's interrogators committed a crucial error in shifting their focus from Théophile's impiety to his sexuality, thereby neglecting the majority of the poems selected (in part by Garasse, as demonstrated by his correspondence with Molé), to condemn him. The inconsistency of their line of questioning, and the desperation with which they relied upon unconvincing depositions late in the trial, suggest a frustration and fear of losing control of proceedings. This would explain why, having failed to incriminate the poet as a thinker, witness testimonies became increasingly important to the authorities in presenting Théophile as a sexually deviant author of the *Parnasse satyrique*. Yet Théophile's consistent and convincing tactics

Garasse was forced to acknowledge in his own memoirs the devastating effect of this revelation on the prosecution: 'A la lecture de ces écrits il y eut deux présidents qui s'alarmèrent fort, et dirent avec grande colère que le Père Voisin méritait mieux la mort que Théophile' (François Garasse, *Mémoires de Garasse (François) De la Compagnie de Jésus*, ed. by Charles Nisard (Paris: Amyot, 1860), p. 72).

⁶⁴ On gossip, slander and reputation in polemics of this period, see Mathilde Bombart, 'When writers gossip: authorial reputation in the literary polemics of the French 1620s', *Renaissance Studies*, 30: 1 (2016), 137-51.

⁶⁵ 21st October 1624 (Lachèvre, *Procès*, I, p. 464).

⁶⁶ '[Théophile] a dit qu'il est son ennemy à cause que luy accusé a eu souvent querelle contre le frère du tesmoin' (18th January 1625 in Lachèvre, *Procès*, I, p. 478).

⁶⁷ 22nd August 1625 (Lachèvre, *Procès*, I, p. 499).

during witness confrontations were sufficiently effective to secure his freedom. The scant evidence from Sepaus' deposition marked the end of Théophile's trial. The verdict, given on 1st September 1625, quashed the poet's previous convictions from 19th August 1623, and replaced them with a lifelong banishment from France.⁶⁸

Conclusion: a victory for Catholic orthodoxy?

The question of who emerged victorious in Théophile's fight against his persecutors is a complex one. On the one hand, before his trial Théophile had initially been condemned and burned in effigy on 18th August 1623 for having contributed to the authoring of 'des sonnets et vers contenant les impietez et blasphèmes et abominations mentionnez au livre très pernitieux intitulé le *Pernasse satirique*.'⁶⁹ Following his final trial, Théophile complained of his need to hide from his fame and, perhaps, the potential gaze of the authorities.⁷⁰ Having been released from the miserable conditions of his prison cell 'avec des incommoditez et de corps et de fortune',⁷¹ he remained in poor health and died roughly one year after his release. Together with the abrupt end to the trend of *recueils satyriques* following the trial, it is clear that from a literary perspective at least, the defenders of Catholic orthodoxy had been successful in vanquishing their perceived enemies at Théophile's trial.

On the other hand, after two years of intense interrogation, public interest, and collusion between Jesuit conspirators and perhaps even printers, Théophile was acquitted of the crime of *lèze-majesté divine* for which he had been convicted *in absentia* in August 1623. His accusers had failed to prove

⁶⁸ 'Tout considéré, il sera dict que ladicte Cour a mis et met les deffaux, contumances et jugemens donnez contre ledict Théophile au néant, et, pour réparation des cas mentionnez audict procès, a banny et bannist ledict Théophile de Viau à perpétuité du royaume de France, et lui enjoinct garder son ban à peyne d'estre pendu et estranglé' (Lachèvre, *Procès*, I, p. 505). Théophile was finally pardoned and permitted to return to Paris in August 1626 (Adam, *Pensée*, p. 410).

⁶⁹ Lachèvre, *Procès*, I, p. 142. This quotation is taken from a second, longer *arrêt* from 19th August.

⁷⁰ 'Vous desirez me voir en un temps où le Soleil mesme n'a pas cette liberté. Une reputation de bon esprit qui fait aujourd'hui tant promener mon nom par les ruës, contraint ma personne de se cacher' ('Lettre XVI – A Monsieur le Comte de Rieux' in Théophile de Viau, *Œuvres complètes*, ed. by Guido Saba, 4 vols (Paris: Nizet, 1987), IV – Lettres françaises et latines, p. 44). This letter offers further support to Van Damme's depiction of the trial as a public affair.

⁷¹ 'Lettre XII – A Monseigneur Le Président de Bellièvre' in Théophile, *Lettres*, p. 37.

the poet's irreligious or sexually immoral nature through textual analysis. Coupled with increasingly dubious witness testimonies, this failure allowed the poet to maintain the upper hand in a performative struggle for dominance in the construction of authoritative reality within the courtroom setting. As Peter Rushton notes in his study of witch trials, 'Judicial decisions resulted from public performances of narrative accounts, which, by being accepted, became authoritative versions of reality. In this sense, truth was 'constructed' in what was called courts of record, those with final authority.'⁷²

It is also worth stressing that Théophile's success at trial was not entirely down to the failings of his accusers. As this article has demonstrated, the poet actively responded to the prosecution's tactics in an adroit and intelligent manner, and maintained his strategies of self-defence throughout the trial proceedings, in contrast with the shifting focus of his interrogators. Théophile saw his banishment as an act of appeasement towards his enemies.⁷³ His poetry, much of which is today recognised for its irreligious and daring sexual content for which it was condemned by Théophile's accusers, continued to be reprinted at an average rate of more than one new edition per year for the remainder of the century.⁷⁴ Yet his enemies had unquestionably suffered a less triumphant fate. Joseph Voisin, who also played a key role in procuring false witnesses to testify against the poet, was banished permanently from France following the verdict against Théophile, 'sans délais et sans réplique.'⁷⁵ Garasse's anti-*libertin* texts had

⁷² Peter Rushton, 'Texts of Authority: Witchcraft Accusations and the Demonstration of Truth in Early Modern England' in *Languages of Witchcraft: Narrative, Ideology and Meaning in Early Modern Culture*, ed. by Stuart Clark (Hampshire and London: Macmillan, 2001), pp. 21-39 (p. 24).

⁷³ In a letter to the Duc de Montmorency, Théophile considers himself victorious: 'Après avoir rendu mon innocence claire à tout le monde, encore a-il fallu donner à la fureur publique un arrest de banissement contre moy' ('Lettre VI' in Théophile, *Lettres*, p. 19).

⁷⁴ Ninety-three editions of Théophile's poetry were printed in the seventeenth century according to Antoine Adam (*Histoire de la littérature française au XVII^e siècle*, 5 vols (Paris: Duca, 1948-56; repr. Paris: Albin Michel, 1997), I, p. 88), eighty-eight editions according to Jean-Pierre Chauveau ('Situation de Théophile' in *Lectures de Théophile de Viau*, ed. by Guillaume Peureux [Rennes: Presses Universitaires de Rennes, 2008], pp. 27-41, p. 27), and seventy-nine according to Van Damme (*Epreuve*, p. 7), compared with just sixteen editions of Malherbe's poetry.

⁷⁵ Lachèvre, *Procès*, I, p. 506. Upon hearing of an accusation of sodomy against Voisin by Des Barreaux, Louis XIII is reported to have called Voisin 'le plus méchant homme de mon royaume' (See Garasse, *Mémoires*, pp. 77-80).

embroiled him in several rhetorical and theological battles against men of letters, the Church and the Sorbonne. Disgraced, he retired from the literary world to Poitiers, where he cared for plague victims before succumbing to the illness himself in 1631. As Garasse himself had almost prophetically remarked in 1624 on the subject of his literary polemic, ‘ce qui devait servir de remède, se convertit en peste.’⁷⁶

The multiple connotations of the term *libertin* – so amply demonstrated in the works of Garasse which, along with their author, had an undeniable influence on the trial proceedings – are clearly present in the prosecution’s interrogation strategy, and seem to have brought inconsistency and confusion to its wider approach in condemning the poet. The authorities succeeded, with hindsight, in curbing literary and religious licence in France.⁷⁷ Yet they were unsuccessful in condemning the accused who emerged as the dominant rhetorical force at his trial. Still only in his mid-thirties, in the months between his release and his death Théophile still had many more years ahead of him in the eyes of his contemporaries. Had his health not been ruined by the poor conditions of his cell, by other natural causes, and ultimately by the medical care of his time, the relatively negative judgements made on Théophile’s performance at trial may well have been quite different.⁷⁸

⁷⁶ [Garasse], *Apologie*, p. 37.

⁷⁷ See DeJean, *Obscenity*, pp. 29, 46, 53, 55.

⁷⁸ Though Théophile is traditionally said to have died as a result of his captivity, *Le Mercure françois* presents the conditions of his cell as but one of several contributing factors to his death. Not only does it state that ‘il mourut d’une fièvre tierce, qui commença de le tourmenter quelque temps apres son eslargissement,’ but it also attributes Théophile’s death to the poor treatment of his fever at the hands of an incompetent surgeon: ‘Mais le malheur voulut qu’un Chimiste eut le premier le soin de Theophile en ceste maladie, lequel luy donna d’une pouldre pour luy faire perdre ceste fièvre tierce, laquelle se tourna en quarte [sic], & se communiqua apres au cerueau. [...] Voylà le dernier estat de Theophile, & la fin de ses iours’ (*Le Mercure françois, ou suite de l’histoire de notre temps*, 25 vols [Paris: Jean Richer, 1613-43] 12, pp. 474-75).