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***Décartèlement* or Quartering: an edifying penalty in Modern Age**

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In Modern Age violence has many facets.¹ At this time, the capital punishment was neither simple nor quick or discrete but it was supposed to inflict the condemned atrocious pain and to destroy his body.

French legislation never exactly determined which penalty matched with each case. As to the collection of German laws *Constitution criminelle de Charles-Quint* or *Carolina* (1532), it contained a great number of articles either precise on the penalty or open to any method.² For example, a poisoning was punished by torture on the wheel if the culprit was a man but if a woman, by drowning “ou punie d’une autre peine de mort, suivant ce qui se trouvera en usage” (or another death penalty depending on what was the use) (art. 130). The honourable *pouvoir arbitraire* (arbitrary) of the judges let them decide a death penalty and how to inflict it, in accordance with the use and their preference in the means.

Once death penalty had been publicly announced (see Annex), it was executed in a spectacular way which was part of the judiciary approach. It aimed at turning the condemned into an exemplary execute “afin que la peine d’un seul puisse inspirer de la crainte au plus grand nombre” (so that the penalty of one person could inspire threat to the biggest number).³ According to some lawyers' commentaries, the condemned did not own his own body anymore, and it was justified that Justice use it to the benefits of society. This loss of ownership happened even earlier since it was mentioned to justify the use of torture.

At the end of a trial, everything was done to have an edifying show. Killing by hanging or decapitation were simple means. Hanging used gravity, with a slipknot because the techniques which broke the neck were not in use. Consequently, it provoked suffocation and death. The cost was moderate, there was no blood flow and other flows did not have the same symbolic value. The execute was clearly visible as he was in height. The corpse could remain in place or hung elsewhere to remain exhibited as long as necessary. Decapitation was more technical. It killed clearly and quickly so long as the executioner was qualified, if not, it was a butchery.⁴

Other means put question, why suffocating, decapitating, scalding, torture on the wheel, burning or tearing apart? The diversity of means deserves the following reasonings.

1 Follain, Antoine, et Piant, Hervé, “Conclusions” in *Brutes ou braves gens ? La violence et sa mesure (XVI^e-XVIII^e siècle)*, Strasbourg, Presses Universitaires, 2015 : 521-529.

2 The *Constitution criminelle de Charles-Quint* was begun at the Diet of Augsburg in 1530 and completed at the Regensburg Diet of 1532. The Carolina law is a monument to the philosophy of law and criminal procedure, which is recognized as one of the major historical sources of European criminal law. The Carolina law is not a code for the duchy of Lorraine because the duchy left the Holy Empire in 1542, but it has no collection of laws. Historians use the Carolina law because this text is of the same spirit as the judicial practice in the courts in Lorraine.

3 The formula is used everywhere. It comes from the *Justinian Code* by which the medieval West knew and adopted the so-called *Roman law*.

4 The executioner or *maître des hautes oeuvres* (where *hautes* means superior criminal justice) is a master in his art and craft. He is trained by learning until he is accepted as an office holder. In the Holy Empire passing exam or masterpiece is often a decapitation because it is the most difficult execution to succeed. Recall for proof the execution of the Count of Chalais in France in 1626, entrusted to an amateur shot from the prisons of Nantes who managed to take off the head only after 30 to 34 shots according to the stories.

The more spectacular penalty, the greater effects

The means considered is *décartèlement* or *déquartèlement* (quartering) which is one of the rarest techniques. In France, it was mainly known as *écartèlement* and it used horses but there is no symbolic difference. There is a precise example with an execution that happened at Plombières in the mounts of Vosges in 1573.⁵ Because of his crimes, both professional and private, Blaison Barisel, *lieutenant du prévôt d'Arches à Plombières* (ancillary of the provost) a small officer of Duke of Lorraine deserved banishment, hanging and maybe torture on wheel. However, the judge wanted to make his execution a tremendous example.⁶ This judge was Nicolas Remy, *lieutenant général au bailliage de Vosges*⁷ (1570-1575) and special judge appointed for this trial, he would later become secretary of the Duc (1575), magistrate at *Tribunal du Change*⁸ (1576), member of the Council of Lorraine (1589) and lastly *procureur général de Lorraine* (1599).⁹ Nicolas Remy was one of the best servant of Lorraine, he had studied in French Universities where he had learnt a certain conception of public service which he shared with Duke Charles III, himself educated at the Cour of France (1543-1608). The stake of the trial was to punish an agent of power who thought his authority had given him more rights or even total impunity whereas Remy considered that as an "officier de Monseigneur, il devoit servir d'exemple aux autres" (as an officer of Monseigneur, he should serve as an example to everyone). This particular trial concerned the edification of public service in Lorraine.¹⁰ The case ended with Barisel's quartering.

According to the prosecutor's requisitions and Remy's judgement, Barisel was sentenced to "*faire amende honorable*" (solemnly ask for forgiveness), wearing just a shirt, bare headed, bare footed and with a rope around his neck (although he was not hung). Then, on his knees and holding a big candle, he had to "*crier mercy*" (ask for mercy) to God, to the Duke, to Justice and to all the people he had offended to whom he asked for forgiveness. The scene took place in front of the post of Justice which represented the hand of the Duke in this place. Finally, Barisel was sentenced to get his right hand cut, to be decapitated and his body quartered. The judgement told the precise places where the parts were to be exposed "forever" and in fact, they still could be seen two years later.

The simple means corresponded with common crimes whereas the most atrocious torments were kept to the most severe crimes. This tearing into pieces, « quartering » was a rare and complex penalty. It was applied in the Netherlands in 1543 against Nicolas Le Borgne alias Buz pour "haute trahison" (disloyalty) (ill. N°1).¹¹ It was applied in 1575 against the protestant inhabitants of Besançon who had been expelled from the city and came back with the Swiss to attack their former city. The

5 Plumières or Plumers or Plombers and today Plombières-les-Bains : French department of Vosges, *arrondissement* of Épinal and *canton* of Val d'Ajol. In 16th century the village and especially the bath are under the immediate protection of the Duke. He guarantees the safety of the visitors. Some of Barisel's crimes are more serious, because they were committed in Plombières. Plombières depends of a *prévôté*. The judicature's head is located in the city of Arches.

6 FOLLAIN, Antoine, *Blaison Barisel, le pire officier du duc de Lorraine*, Paris, L'Harmattan, 2017, 288 p.

7 In Lorraine at that time, there is three *bailliages* and several *prévôtés*. A *prévôt* is an investigating judge for the common people. He questions the accused and the witnesses. He reports to the *procureur général au bailliage* and the *échevins* of Nancy. The judgment is pronounced by the aldermen of the justice seat. Usually, the *lieutenant général au bailliage* is not active in the trials. Nicolas Remy had special orders.

8 The court of the "*maistre eschevin et eschevins*" of Nancy (the *échevins* in the plural and their director in the singular) or the Court of the *Change* (established street of *Change*) is the superior court of the States of the duke of Lorraine. In the Barisel case this court was not involved because Nicolas Remy was appointed directly by the duke.

9 The general Attorney of Lorraine is also known as a demonologist author of *Daemonolatrie* ... written in 1592 and published in 1595. The work is in Latin. See a French edition in: BOËS, Jean, *La Démonolâtrie*... 1998. The biographical elements about Nicolas Remy are rare. Historians all repeat the same things and make mistakes. An author previously wrote that Remy probably did his law studies at the University of Paris. The following writes that it is a certain fact! See *Blaison Barisel*... 19-23.

10 See FOLLAIN, Antoine (ed.), *Contrôler et punir les agents du pouvoir XV^e XVIII^e siècle*, Dijon, Editions Universitaires, 2015.

11 *Les actes & dernier supplice de Nicolas le Borgne dict Buz traistre, rédigés en rimes par Josse Lambert, tailleur de lettres, et Robert de La Visscherye*... published in Ghent by Joos Lambrecht in 1543 and published in facsimile by A. Voisin in 1879. The booklet includes the engraved wood reproduced with our article. One of the copies is our property.

parts of their bodies were hung at the five doors of the city with a sign « traitor to the city ». It was also the penalty against Balthazar Girard in 158- for the killing of William I the Taciturn, Prince of Orange. It was also inflicted to Jacques Clément (1589) and Ravailac (1610) for murdering Henri III and Henri IV, kings of France. For Ravailac's execution four horses were used, one for every arm or leg.

First, the amputation of the right fist

Why did they want to turn the body into pieces and not just kill ? In the late Middle Ages and in Modern Age, judges must have had their reasons to take so much pain in executions. These methods of execution were later applied by custom and habit. Indeed, the explanations about what was the right method in this or that case can be found neither in the 17th century, when the means of killing were just repeated nor in the 18th century when they started being questioned. They date from the Middle Ages at least. Simple people like Le Borgne and Barisel are more significant than particular cases like Girard and Ravailac whose penalties had to be extremely painful.

The amputation of the fist was not just something added, it was part of the penalty and it was made in first place because it sent a message to society. In France, in the 16th century, the fist was cut in case of parricide in the broad sense (for example murder between members of a family) but not only. In Lorraine, the amputation could be decided against counterfeiters, for a crime of sacrilege, etc. In Carolina Law, the amputation punished a rape (art 119), a rebellion (127) and a sacrilege robbery (171-172). Barisel was somehow concerned by the three of them because he raped a pregnant woman (but this crime was never punished as severely as the Law predicted), he robbed sacred things (for which he was a receiver) and he was a rebel to his Lord and employer the Duke and that was his worse crime. Amputation was coherent so long as it punished a perjury, a traitor to his family, to his sovereign and even to “foi publique” (public faith) and because the right hand is the symbol of oath and commitment.

Decapitation and quartering

It is known that Ravailac was tripped up until his flesh was torn while horses pulled in four directions. In more common situations, the executor used a butcher's tools. The first cut was the decapitation and it killed the condemned. In Lorraine and for Barisel, it was not a honour, unlike it was in France where the villains were hung and the nobles were killed with the sword. In Germany, decapitation was a usual alternative to hanging. But in case of quartering, the first cut must be considered in relation with the followings.

The word *décartèlement* means “mettre en quartiers, mettre en pièces, fendre” (putting into quarters, into pieces). In France where it was associated with a spectacular execution with four horses, the means (the horses) tended to attract more attention than the result itself (the quarters) which was the object of the execution. As for Barisel, the accounts of the receiver give no doubt on a dismantling with “haches, cousteaux et aultres choses qu’il convint fournir” (axes, knives and other things that could be needed) by the executor. This butcher's work could be considered as accessory in regard to the execution, like when he cut the beheaded body before exhibiting the parts in different places. Yet, the different steps of the execution must be seen as a well-thought whole. Decapitation was the first of the numerous cuts needed to tear the body into pieces. Cutting the head in first was not only a merciful but a practical necessity¹².

¹² One could imagine that justice orders purposely to make suffer. But the sentence of scalding is not a cooking judgment. The hanging is not prolonged expressly. The hanged man must suffocate in a few minutes under his own weight, otherwise an assistant of the executioner can cling to him to kill him. The only death penalty that is lengthened on purpose is the wheel. The condemned is the face turned towards the Creator. The agony must last a long time. The convict must expiate for his fault. Yet the pain of the wheel often has a quick blow and it is therefore a corpse that is exposed.

Indeed, the judges and the executioner were anxious to have a good, decent show, with no uncontrolled trouble from the main actor ; thus, the recourse to alcohol or drugs¹³ and a specific order to make things right.

After the head, there came the rest of the body. The iconography is not always accurate¹⁴. When it is, it shows that it is not necessary to cut the torso and portion it into four quarters. Sometimes, the executor dislocated the shoulders and hips like a butcher would do with the carcass of an animal (picture 1, execution of Nicolas Le Borgne, 1543). So, doing, if the body was dismantled at the joints, a big part of the body remained but this part was never mentioned and it was not exhibited. Same for the organs or viscera which fell down and were probably burnt or thrown away. On a Swiss picture dating from 1587 and showing the execution of Prince Auguste of Saxe's murderer, the body does not seem to be decapitated and the executioner can be seen, cutting the arms and legs.¹⁵ It looks as though the condemned was still alive, if ever the picture is reliable¹⁶. Sometimes the body was cut in the middle with an ax, like in the engraving by Jan Luyken (1649-1712) that shows the execution of a certain Thomas Armstrong, convicted for high treason¹⁷. Same in 1660-1662 after the restoration of Charles II of England, twelve people were condemned for the regicide of Charles I, they were quartered with an ax. The corpses of Oliver Cromwell and two others were unearthed and submitted to the same penalty.

Destroying and exhibiting the corpses to show the all-powerfulness of the authorities

If the modern Age perpetuated rather than invented the penalties defined at the end of the Middle Ages, it is the time when the significance of the penalties can be found. English historians have treated the subject. In England, the penalty *Hanged, drawn and quartered* was rather frequent until the modern Age whereas torture on the wheel did not exist. The punishment of Hugh the Despenser gave rise to much cogitation about the symbolism in his particular penalty.

The cutting of Hugh the Despenser into four parts was not an end in itself because it had been decided to exhibit the quarters in different English cities. The unity of the body at the time of death was very important in these times because at the last Judgement, the soul needed to reintegrate the physical remains of the body before the resurrection of the dead. Consequently, dismantling and scattering parts of the body meant refusing any chance of redemption. Death penalty was not hard enough for State criminals like The Despenser, they had to be spiritually destroyed and their corrupt influence too.

The body was not scattered in thousand unrecognizable pieces but it was cut, following a religious and learned logic in regard to the remaining pieces. Knowing that man is the reflexion of the universe, quartering broke the indignant reflexion into recognizable pieces. The symbolic charge of numbers can be considered. Like number three and number nine, number five have an eminent Christian significance. It represents the perfect order sought by God and in the pentagram that symbolizes man,

13 According to the law, the convict must be aware. But getting drunk is a practice revealed in the book *The Faithful Executioner* based on the case of a Nuremberg executioner who left a journal of activity. This unique source was published in 1801 and only recently found its historian: Joel F. Harrington.

14 For example, an illustration where the draftsman shows an executioner who cuts with a knife a thigh in the middle, instead of detaching the head from the humerus of the hip, is it a real illustration? In a general way, the images show the intention but not necessarily the true way of doing things.

15 SCHILD, Wolfgang, *Folter, Pranger, Scheiterhaufen...* 128-129.

16 The iconography and the stories of the executions pose problems. Especially among writers who write for the edification of the public and who can replace an accurate story with a story worse than the facts. Thus, according to the simplest version of the execution of Balthazar Girard, he was amputated fist, decapitated and quartered. According to the worst story, he had his hand cut off, pieces of flesh torn off in six parts of the body, his heart torn from his chest and thrown to his face during his last moments, then he was beheaded and quartered. According to another story he was quartered. In the end he was beheaded. The judges and the executioner had more practical sense than the writers.

17 See the engraving in LEWIS, Mary E., "A traitor's death?" 121. It's a paper in Archeology about of a set of bones redeposited in a medieval abbey graveyard. The individual had been chopped up.

the head and the end of arms and legs draw the figure. Such a penalty destroyed this unity by the division of these five parts of the body. The whole process was conceived so that the execute lost his existence both physically and spiritually. Yet, the treacherous acts must not be forgotten too fast. Thus, the exhibition, because the penalty could have a lasting effect if the remains were kept at the sight of all. An opposite will be prevailed at the stake which ended with ashes blown in the wind.

The execution annihilated the convict's body and exposed the consequences of his crimes after the penalty and in this case of high treason, the authorities showed the expanse of their power. When Nicolas Remy, the superintendent of the Duke, sentenced Barisel to maybe an excessive penalty for a scoundrel, it was not without good reasons. The cutting of the fist and the quartering told that Barisel's major crime was treason, even though he did not made crimes so serious as giving the city to an enemy or attacking his Lord's life. The penalty decided by Remy was related to Barisel's status as officer and to the formula "avoir faussé son serment contre son prince naturel et induit plusieurs autres à méfaire" (for failing an oath to his prince and leading others to do bad). It is the addition of his private crimes rather than his concussions that made Barisel guilty of "crime d'État et même de lèse-Majesté" (crime of State and lese-majesty offences) according to the words of the Carolina law (art 124). In fact, Law was "sévère contre tout citoyen qui commet le crime de trahison" (harsh against any citizen who committed treason) and all the more "contre ceux qui sont dévoués à l'État ou à un souverain" (against people devoted to the State or to a sovereign), thus the exemplarity in Remy's judgement.

Barisel had not anticipated the risk, after his escape from prison in October 1573, he remained not far from Lorraine planning to come back as soon as the authorities would forget his wrongs. Arrested and brought back to the Justice of the Duke in November, Barisel declared in his first interrogation that he was "proches des pays pour savoir et apprendre plus facilement nouvelles" (not far so that he could easily know and get some news) about what he called "ses affaires" (his business), after he had sent one of his brother to negotiate a possible agreement or fine. So, this officer who trespassed his status neither understood that his position increased his guilt nor imagined that Nicolas Remy wanted to demonstrate his judicial gifts in the trial and to use Barisel to make an example and a step forward his promotion.

Was the message understood ?

Did the scholars and the judges succeeded in impressing the people with dreadful exemplary penalties? It can be assumed that the specific penalty for high treason was understood by the officers of Lorraine even though no sources can attest that this execution was known and discussed among them.

As for the common people, there is a proof that they may not have understood. Two years later, a Swiss coming to Plombières for its baths, told in his diary that he had seen the remains of a certain execution and this attests that Barisel's remains were still there!¹⁸ He had asked for explanation and had been told about a man and his mistress who had plot their partners' death. He himself commented the execution as a punishment against "orgueil et libertinage" (pride and profligacy or debauchery). The inhabitants of Plombières who were not given explanation from Justice on the main crime and the symbolism of the penalty, did not retain the good message. Or else, the scholars did not intend to give the same message to everyone, but that of a significant death to the officers and just the show of a terrifying death to common people.

¹⁸ Brief and summary description of the bath Blumers... in 1576, booklet cited in PARISOT, Jean, *Plombières ancien et moderne...* published in 1905.

Annex

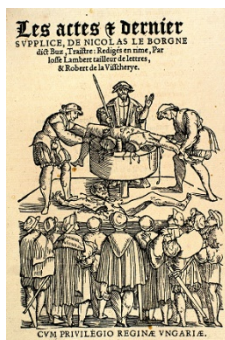
Final judgment pronounced by the ducal commissioner Nicolas Remy against Blaison Barisel, followed by the report of the execution:

Prononcé aud[ic]t Blaison Barisel sur ung eschaulfault éminent [...] en p[rése]nce du peuple y assemblez en grand nombre et affluence [...] Pour répara[ti]on et satisfaction dequoy avons condamné et condamnons led[ic]t Blaison Barisel d'estre prins, mené et conduit par l'exécuteur de justice la corde au col, teste nue et tenant en ses mains une torche ardante du poid d'une livre, alentour du grand baing dud[ic]t Plumières et iceluy circoncyre et environner en tel estat ; et à l'endroit de la saulvegarde y plantée, demander pardon à Dieu, à n[ost]re souverain seigneur, à justice et aux p[ar]ties par luy offencées et intéressées [...] puis de là estre mené par led[ic]t exécuteur sur ung eschaulfault construit et eslevé en la place dud[ic]t Plumières proche led[ic]t baing où le poingt dextre luy sera copé et abatu premièrement, puis la teste et finalement son corps et tronc mis en quatre quartiers pour puis après estre sad[ic]te teste posée et clouée sur ung poteau hault et éminent qui sera planté à cest effect joingnant le chemin tirant à Remiremont proche la croix dite La croix de Remiremont ; et le poingt aussy en une aultre colonne de bois qui sera semblablement plantée proche dud[ic]t grand baing au lieu que plus co[m]modément pourra estre ; et lesd[ic]ts quatre quartiers de son corps penduz et attachez de chaines ch[ac]un à une potence qui seront mises sur les advenues des chemins dud[ic]t Plumières les plus communs et fréquentez, pour le tout y demeurer à tousjours exemplairement et à la terreur des meschans [...] Et estant led[ic]t Blaison Barisel au lieu et proche de son suplice ung peu après la prononcia[ti]on de la sentence cy dessus, luy avons remonstré qu'à la descharge de sa conscience il nous devoit librement confesser la vérité, laquelle auparavant ou par craincte de mort ou pour aultre occasion, il nous auroit pheu celer [...] lequel nous a déclaré sesd[ic]tes confessions contenir vérité en tout et p[ou]r tout [...] et là-dessus s'est p[rése]nté à la mort et a icelle receue.

Archives départementales of Meurthe-et-Moselle B 2673.¹⁹

Picture 1, execution of Nicolas Le Borgne, 1543.

Engraving in *Actes & dernier supplice de Nicolas le Borgne dict Buz, traistre, rédigés en rimes par Josse Lambert, tailleur de lettres, et Robert de La Visscherye*, published in Ghent by Joos Lambrecht en 1556. Facsimile of 1879, copy Follain n°25.



* * *

¹⁹ The trial done to Barisel is not in an archive of the *prévôté d'Arches*. He is in the papers of the control of the forests of Arches, because the trial was not made by the provost and Plombières was in the Domain.

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