



VERBUM E IUS

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Preaching and legal Frameworks in the Middle Ages

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The «Justification» of Johannes Parvus: when preaching makes itself the advocate of tyrannicide

by Catherine Royer-Hemet

The murder of Louis, duke of Orléans, in November 1407 was the starting point of a bitter feud between the two great rival houses of the kingdom of France, the Armagnacs and the Burgundians. This was no random killing and had been engineered by John, duke of Burgundy. Once the deed was done, this mighty vassal of Charles VI, the mad king of France, had to find someone good enough for his defence. Master Jean Petit, a member of the University of Paris, devised and delivered the *Justification* of the Duke of Burgundy, a well-known speech, with all the attributes and technical characteristics of a medieval sermon, which barely, even at that time, managed to justify the unjustifiable.

Middle Ages; 15th Century; Law and Religion; Kingdom of France; *Justification*; tyrannicide; preaching; civil war; political murder; sermon; Holy Bible; *ius*; law; usurpation; Valois; Hundred Years War.

To my beloved Gérard

If, at the onset of the XVth century, France had any real pretension to peace – at least on the home front – it was doomed to be shattered by the harsh reality of facts. On 23 September 1407, Louis d'Orléans, brother to King Charles VI of France, was brutally murdered in a dark Parisian alleyway. This was to be the starting point of a merciless struggle that divided fifteenth-century France opposing the two great rival houses of the kingdom, the Armagnacs and the Burgundians.

Within the framework of that bitter feud, many so-called agreements were reached, many speeches were made, many sermons were preached and, more generally speaking, many documents were written. Among them, we find what came to be called the *Justification of the duke of Burgundy*. The purpose of this paper is to show that the text of the *Justification* can be

deemed a sermon, to determine what sort of sermon, eventually to show how this sermon managed to justify the unjustifiable and more precisely, how the violation of divine law came to be pardoned.

The murder of Louis d'Orléans has traditionally been acknowledged to have been a terrible deed, as shown in contemporary chronicles and the name of his perpetrator, John, duke of Burgundy, nicknamed the Fearless, became synonymous with the notions of deceit, treachery, hypocrisy and murder, just to name a few. To sum it up, John the Fearless has the reputation of a bad man¹. He is often called «tyrannicide», since the word designates both «the killing of a tyrant» and «the person who kills a tyrant»².

Before we actually deal with the text itself, let us try to clarify a number of elements since, as it very often happens but particularly here, the text cannot be dissociated from the context. We shall see how intricately woven the text is with the events it refers to.

1. *The historical context*

In 1407, King Charles VI of France has been reigning for twenty-seven years, fifteen of which blighted by his mental illness, his “disorder” as the contemporary chroniclers tactfully refer to it³. As a consequence of his frequent inability to rule the kingdom, the enmity between the two dukes, Orléans and Burgundy, has evolved and deteriorated to such an extent as to convince the latter that he had no other choice but to eliminate his rival if he wanted to have his way. Which he did, hiring henchmen to do the deed and we have the event profusely related in several chronicles, especially in that by Enguerran de Monstrelet.

This murder was indeed no random killing but a planned assassination. Again, we know of the details thanks to the account in Monstrelet's chronicle, which reads: «So many rushed on him that he was struck off his mule, and his skull was split that his brains were dashed on the pavement. They turned him over and over, and massacred him that he was very soon completely dead»⁴. Those somewhat gory details of the deed are worth mentioning for two reasons: the first one is that they are a contrast to the reactions to the duke's death. His enemies are known to have said: «A blessing on him who struck this blow (...) for had Orléans lived the whole kingdom would have been ru-

¹ Schnerb, *Jean Sans Peur*. As for many historical villeins or people who earned much criticism, John the Fearless had to wait until 2005 for a historian, Bertrand Schnerb, who undertook to explore the unknown aspects of the duke's personality and the hidden motives of his political action.

² *Oxford English Dictionary*, p. 794.

³ «A disorder which deprived him of his reason»: *The Chronicles of Enguerrand de Monstrelet* (hereafter, *Monstrelet*).

⁴ *Ibidem*, p. 96.

ined»⁵. On the one hand, we learn from Monstrelet that the duke was attacked by no less than eighteen men so this was a lost battle for him; the initiator of the murder had made sure that he would not come out alive. Furthermore, if we bear in mind the reputation of Louis d'Orléans as a profligator, who had taken from the royal coffers a big share for himself, the whole thing hardly comes as a surprise. The second reason is that the murder itself is never mentioned in the *Justification*.

We only have very subtle allusions to «what has happened to the duke of Orléans»; furthermore, the orator uses the adjective «criminal» to qualify the victim, not the perpetrator⁶. Now, we come to the *Justification* itself, or more exactly, the *Justifications* in the plural.

The particular speech, which posterity chose to call «the *Justification* of the duke of Burgundy», was delivered on 8 March 1408 by a Master Jean Petit. It was in fact one in several texts of the same sort; it is so to say “the tip of the iceberg”. The duke of Burgundy acknowledged his responsibility as early as two days after the duke's death. He did so privately, to his uncles Berri and Sicily, who were more than surprised. Then, the following day, he was not allowed to attend the meeting of the Royal Council and he made his decision to leave Paris and retreat to his northern territories, for fear of arrest⁷. Once he was in Flanders, he decided to acknowledge the deed in a more public manner. He did not wish to express regret or seek forgiveness; he wanted to justify the act as necessary for the welfare of the king and the kingdom. The etymology of the verb «justify» tells us that it originally means (c. 1300), «to administer justice»; (late 14th c.), «to show (something) to be just or right», «act justly toward; make just»⁸. So, there is this pervasive idea of righteousness, of making things right and this is exactly what the defensor of John of Burgundy undertakes:

My lord of Burgundy therefore supplicates the king to withdraw from him any hatred he may have conceived against him, and he would show him that benignity and grace due to his loyal vassal and subject, and to one nearly related to him as he is by blood, while I shall explain the causes of justification for my lord of Burgundy⁹.

Prior to that, the duke had appeared in front of his subjects at Ghent and had a ducal councilor read a justification aloud. Unfortunately, the text has not been preserved but we know that it was largely broadcast¹⁰. The next step is often called the Conferences of Amiens; they took place in January 1408. They were attended by the royal princes, Berri and Sicily and royal councilors.

⁵ Cartellieri, *The Court of Burgundy*, p. 37.

⁶ *Monstrelet*, p. 148.

⁷ Coville, *Jean Petit*, p. 91.

⁸ «Justify», in Online Etymology Dictionary <<https://www.etymonline.com/search?q=justify>> (consulted on 15/03/2018).

⁹ *Monstrelet*, p. 110.

¹⁰ Cartellieri, *The Court of Burgundy*, p. 37.

They all advised John of Burgundy to petition the king for pardon and mercy for, after all, a crime had been committed. But the obstinate duke declined to do so. Instead, he demanded that the crime should be ascribed to him as merit¹¹. A second justification which has likewise disappeared, was written and at that point, the duke had made sure to be represented by a team of skilled advocates, among whom we find Master John Petit.

The two main royal princes were flabbergasted by the duke's arrogance but they wanted to avoid conflict at any rate; they did not want civil war. They tried to explain to the duke that it was not such a good idea to go to the capital and justify in front of the sovereign the murder of his brother. John the Fearless was true to his nickname and, eventually, the princes vaguely assented to his return to Paris.

In late February, John of Burgundy was in Paris with his soldiers; the greeting from the Parisians was most warm-hearted. But this was not the duke's objective; what he wanted was the official justification of his deed so that, afterwards, he could take over, unhindered, the governance of the realm.

Parallel to that, we also know of a kind of third justification, an unofficial one, unpublished as well, a sort of *manifesto*, a proclamation of the Duke of Burgundy's glorious action when he had the duke of Orléans killed. The pamphlet contains such assertions as «We are mindful that the Greeks decreed divine honours to tyrannicides, that tyrannicides, as we read in the chronicles, have filled the whole world with their glory»¹². But no matter how many bombastic scholarly authorities were inserted in the text, it was not to satisfy the duke who, according to his will, appeared in front of the King, on 8 March 1408, and was represented by Master John Petit.

Except that he did not appear in front of the king because Charles VI was unwell. Actually, it is a shame that the meeting was not scheduled for the day after because on 9 March, the king was better and he received his nephew; he even granted him a full and complete pardon¹³. Anyway, on the eighth, Charles VI was represented by his son, the duke of Guyenne, a nine-year-old child and we can truly sympathize with the boy who had to remain seated and put for four long hours, which was the duration of the speech.

2. *The «Justification», a proper sermon?*

One important question concerning that speech is: is the *Justification* being worthy of being called a sermon. The appellation may indeed seem a bit far-fetched in the sense that the text is nowhere to be found called a «sermon». In the contemporary chronicles, it is either designated by the term

¹¹ *Ibidem*.

¹² Cartellieri, *The Court of Burgundy*, p. 39.

¹³ *Ibidem*, p. 47.

«justification» or, more plainly, «speech». But, on the one hand, we know that a sermon is a multi-faceted genre and can appear under different names and on the other hand, preaching was one of the most powerful, if not the mightiest, means of spreading a message, and not only a Christian one¹⁴.

If we start with the primary meaning of the word «sermon» in the sense of «discourse», speech, talk, “originally” a «stringing together of words»¹⁵, it is indeed a very long «stringing together of words» since the text is approximately 16,000 words long. The text that has reached us is in macaronic form, that is interspersed with Latin quotations, some of them very long, up to ninety-two words in one go for the longest. There is however little doubt that the oral delivery was very close to the version we have, since we know from contemporary chronicles that Jean Petit spoke for as long as four hours.

So the text definitely meets the requirements of a sermon in the sense that it is an oral discourse, spoken in the voice of a preacher who addresses an audience. The purpose of the *Justification* was, like a sermon, to instruct and exhort the audience: it is a communicative discourse with a view to persuading the audience of the worthiness of a certain message contained.

Last but not least, the sermon is supposed to deal with a topic concerned with faith and morals and usually based on a sacred text. Here again, the *Justification* meets the requirements of a proper sermon: Jean Petit took as his theme the words of St Paul, the Apostle, in 1Tim 6,10, «radix omnium malorum est cupiditas» (Covetousness is the root to all evils) and very skillfully emphasized the nefarious importance of the sin of covetousness. Petit said that *cupiditas* was in fierce competition with *superbia* for precedence. Which is exactly the reason why he chose Eccli 10,15: «initium omnis peccati est superbia» as his exordium, according to the rules of medieval preaching.

If we go back to a basic definition of preaching, it is public, open instruction in faith and morals or good conduct. The *Justification* was certainly a public event, even a momentous day during which there was, prior to the speech, a solemn procession led by Duke John of Burgundy from his Hôtel d'Artois, which was his Parisian residence, to the Hôtel St Pol where the meeting was to take place¹⁶. And we know that it was attended by many people. The aim was to instruct people, to tell them how they should understand, interpret the death of Louis d'Orléans. As a sermon is supposed to edify the audience, the *Justification* seeks to direct people's way of regarding Burgundy's responsibility in the murder of his cousin.

If we adopt the principle that the *Justification* is indeed a sermon, then, the next question is: what sort of sermon? We know that, traditionally, sermons were not supposed to deal with current events since their primary pur-

¹⁴ Coletti, *L'éloquence de la chaire*, p. 56.

¹⁵ «serm-, sermo-», in English-Word Information < <http://wordinfo.info/unit/1944> > (consulted on 15/03/2018).

¹⁶ Cartellieri, *The Court of Burgundy*, p. 39.

pose was the teaching of the Sacred Word¹⁷. But we also know that there was a particular category of sermons, called *sermones de occasionibus*, circumstantial sermons, that were preached on particular occasions so as to meet the requirements of the day. This is definitely the case of the *Justification*.

3. *The orator*

Let us turn to the man who spoke on behalf of John the Fearless. The question that comes to one's mind is: why him? John Petit was a theologian and a professor at the University of Paris. He did not belong to any particular religious order and obviously owed his education to the generosity of the Duke of Burgundy who granted him a pension as he very explicitly says in the introduction to his *Justification*.

The reason for the *Justification* by John Petit is clearly enunciated: he was in the paid service of the duke and as such, could not refuse the task he had been given: «I am bound by my oath, given to him three years ago, to serve him»¹⁸. As to why he had been chosen among other clerks, by John the Fearless, that was presumably because he had been made a doctor of theology a few years before. We also know that he was an active member of the faculty of theology, known to have played a role in the attempts to find a solution to the Great Schism. A short time before the *Justification*, he had been a member of an embassy sent by the king of France to urge the two rival popes to abdicate for the sake of Western Christendom. It is true that the embassy had been fruitless but it had certainly earned a reputation of some sort to John Petit¹⁹. Thus, John of Burgundy picked this particular individual because he met his requirements: he belonged to his retinue and he could not be refuted by anyone as not fitting the frame: he was an acknowledged theologian even though he endeavours to assert the contrary: «were I a theologian»²⁰; «I am no theologian», as though he wanted to demonstrate that the duke of Burgundy had picked the wrong man.

In spite of a few established drawbacks such as the pedantic characteristics of his orations, John Parvus had begun to acquire some fame in the University circles of Paris. However, the *Justification* was going to give him definite notoriety. It was known later (1413) that his colleagues had actively tried to deter him from speaking on behalf of the duke of Burgundy, the college to which he belonged (the college of the Treasurer) having no particular connection or antagonism with the duke of Burgundy. They simply did not wish to see one of them involved in a most doubtful business. The least that

¹⁷ Spencer, *Middle English Sermons*, p. 634.

¹⁸ *Monstrelet*, p. 110.

¹⁹ All the information concerning Jean Petit come from: Dégert, *John Parvus* <<http://www.newadvent.org/cathen/08482b.htm>>.

²⁰ *Monstrelet*, p. 113.

can be said is that, obviously, John Petit was not comfortable in his role of justifier of the murder of Louis of Orléans since, both at the beginning and at the end of his address, he takes many precautions so as to avoid antagonism: «should I utter anything improper»; «I therefore very humbly entreat you»; «I now protest that I intend no injury whatever to any person»²¹; in fact, to put it plainly, John Petit, the justifier of the duke of Burgundy, makes his own justification in the introduction.

Of course, this is only a fragmentary interpretation of the title. The essential part of the *Justification* is not about John Petit but about the duke of Burgundy, what he did to the duke of Orleans and the fact that he should not be condemned for it. To the former's credit, the reactions to his demise were ambiguous and far from unanimous; the royal princes, for example, did not present a united front: some wanted to react, others wanted to compromise with John of Burgundy. The truth is that they were afraid of taking steps against him. John was popular in Paris, particularly with the people; they expected him to make reforms in the administration and there was no regret for the murdered duke who had heavily taxed the Parisians to line his purse. Also, in university circles, he was not mourned for he had supported the Avignonese pope and this had angered university circles²².

4. *The tyrannicide*

Now, let's have a look at the *Justification* from a different angle: if the murder of the duke of Orléans was a tyrannicide, which category did it belong to? We know that there are 3 different opinions on the ethical questions:

- a) Those who hold that the sixth commandment («non occides»: Ex 20,13) is to be interpreted as forbidding killing in any form, naturally believe tyrannicide to be included in the prohibition.
- b) Those who (on the basis of Rom 13,1²³) hold that force is by Divine authority invested in the *de facto* civil government also believe tyrannicide to be morally unjustifiable.
- c) Those who hold that rebellion, including tyrannicide, is defensible and right in circumstances where, if the oppressor were an alien, war would be justified, and provided that the grievance is considerable, that the circumstances offer no milder means of redress, and that the killing is not simply an act of revenge²⁴.

It goes without saying that John Petit was the sort of theologian who went for the third kind of opinion. He was going to demonstrate that the killing had

²¹ *Monstrelet*, p. 112.

²² Cartellieri, *The Court of Burgundy*, p. 87.

²³ «Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God» (King James Version).

²⁴ *The Oxford Dictionary of the Christian Church*, p. 1649.

not been a simple act of revenge and that the grievance had been so considerable as to endanger the welfare of the king and his kingdom. John Petit maintains that the duke had no other solution than to rid the kingdom of Louis d'Orléans's tyranny. But then, if Louis had been a tyrant, what sort of tyrant?

There are two classes of tyrants whose circumstances are widely apart: tyrants by usurpation and tyrants by oppression. A tyrant by usurpation (*tyrannus in titulo*) is one who unjustly displaces or attempts to displace the legitimate supreme ruler. A tyrant by oppression (*tyrannus in regimine*) is a supreme ruler who uses his power arbitrarily and oppressively.

The question is of course: was Louis d'Orléans a proper tyrant? It is true that the king's young brother was not exactly popular, particularly with the Parisians, whom he harassed with taxes; just before his death for example, a new tax had been levied, apparently on the instigation of the duke of Orléans and the opposition of the new duke of Burgundy, John the Fearless. Thus, «(...) the duke of Burgundy received the favour of the people, while Louis of Orléans received their scorn and hatred»²⁵.

To the question: «can Louis d'Orléans, be deemed a tyrant?», the answer is yes and no. On the one hand, he certainly tended to act like a tyrant; for example, he walked out of the Crusade to Hungary; he was in favour of the renewal of the war against England. He had worked hard to enlarge his territorial possessions and to strengthen his influence on the king's government²⁶. He had done his best to evict his uncle of Burgundy from the royal council. He didn't approve of the government's attitude towards the Avignonese pope, Benedict XIII. He wanted to support him for his own interests. He placed his supporters at every level of the French administration so as to have people, everywhere, at his beck and call²⁷. He used to levy heavy taxes to finance his offensive policies (particularly against England and also to fight his uncle). Last but not least, he had notoriously acquired much land and thus extended his power thanks to his brother's generosity and weakness. In one word, he had lined his purse.

On the other hand, and as far as elements in his favour were concerned, he had a more legitimate claim to the throne (or to power, at least) than John the Fearless. He was the king's next-of-kin. In case of the king's death and because the heir to the throne was underage, it would have been normal and accepted that he should become regent. Such lawyers as Bartolus *de Saxoferato* and Jean de Terre Vermeille have argued that a legitimate prince (which, again, Louis d'Orléans was) cannot become a tyrant. They take into account that tyranny is the violent usurpation of power by a man who separates himself from law and the life of the mystical body of the king. In that sense, tyrannicide cannot really exist and, in any case, places itself at the limit of the political and the religious²⁸.

²⁵ Famiglietti, *Royal Intrigue*, p. 39.

²⁶ Schnerb, *Armagnacs et Bourguignons*, p. 60.

²⁷ *Ibidem*, p. 62.

²⁸ Vauchez, *Dictionnaire encyclopédique du Moyen-Âge*, p. 1545.

Going back to 8 March 1408, John Petit delivered a pedantic address, bristling with propositions, syllogisms, Scriptural texts, and examples from Holy Writ. His argument may be expressed in the following syllogism: Whosoever is guilty of high treason and becomes a tyrant, deserves to be punished with death, all the more so when he is a near relative of the king; and in that case the natural, moral, and Divine laws allow any subject whatever, without any command or public authorization, to kill him or to have him killed openly, or by stealth; and the more closely the author of the slaying is related to the king the more meritorious the act. Now, the Duke of Orléans — so ran the minor proposition — a slave to the passion of greed, the source of all evil, was guilty of high treason, and was a tyrant; which was proved by holding him guilty of all the pretended crimes which popular imagination and the partisans of the Duke of Burgundy laid to his charge. The conclusion was therefore that the Duke of Burgundy not only should not be punished or blamed for what had been done to the Duke of Orléans, but rather should be rewarded. This thesis seemed preposterous to the more rational members of the assembly; but the Duke of Burgundy was present with his troops, ready to suppress any attempt at reply and, additionally, he was in the good graces of the university; so he had no difficulty in winning his case, if we use modern terminology.

Now, how did the *Justification* manage to justify the unjustifiable? Or did it?

No matter how often and fervently the duke repeated that he had accomplished a meritorious act by killing his rival of Orléans, the bottom line was that blood had been shed, in a most horrific manner and that went against the sixth commandment contained in Ex 20,13, «non occides», thou shalt not kill. How did John Petit go about demonstrating that this was not to be condemned? It was violation of the divine law in the first degree.

Obviously, he did not bother with the subtle distinction between tyrannicide and political murder. Oscar Jaszi, in his article written in 1944, entitled *The Stream of Political Murder*, distinguishes between no less than six different types of political murder. It appears that which the duke d'Orléans was a victim of was a mixture of two of them: first, «assassination committed for personal motives» since the deed was done against a prominent person connected with the State and was motivated by hatred, revenge and jealousy.

Secondly, it was also «assassination for power» with the aim to eliminate «dangerous or hated political opponents»²⁹.

It is widely acknowledged by all the authors who have been working on the *Justification* of the duke of Burgundy, that the text, the event, the orator, the circumstances, everything remotely connected with the event, are notorious. All the more so as the *Justification* gave rise to numerous consequences, its refutation and condemnation by Jean Gerson among them. In 1415, the Council of Constance was to regulate the concept of tyrannicide and expressly condemn some of Jean Petit's propositions such as:

²⁹ Jaszi, *The Stream of Political Murder*, p. 359.

Any vassal or subject can lawfully and meritoriously kill, and ought to kill, any tyrant. He may even, for this purpose, avail himself of ambushes, and wily expressions of affection or of adulation, notwithstanding any oath or pact imposed upon him by the tyrant, and without waiting for the sentence or order of any judge³⁰.

5. Conclusion

It is often said that sermons are in a sense representative of the contemporary societies in which they were preached. This is particularly true of the *Justification*. The speech was delivered at a key-moment of the political life in fifteenth-century France. It is certainly representative of the chaotic situation that prevailed at the time in the kingdom due to rivalries and the inability of Charles VI to rule his kingdom. It is representative of the capacity of orators to twist the legal frameworks in which they evolved, as did Jean Petit, but up to a point because, as a matter of fact, the *Justification* is also representative of the versatility of both politics and men. In 1407, the duke of Orléans is murdered and barely a year later, the *Justification* is delivered. The point is apparently made by the orator. The following day, the duke of Burgundy is officially pardoned by the king.

As for Jean Petit who, in his address was not ashamed to admit that he was receiving, and expected still to receive, a pension from the Duke of Burgundy, he found it more prudent to withdraw from Paris and retire to the estate of the Duke of Burgundy in Artois, where he died shortly afterwards in a house of his protector, regretting, it is said, that he had ever allowed himself to defend such a proposition.

Historical hindsight allows us to add that as long as the Duke of Burgundy was all-powerful in Paris, the argument could not be attacked publicly, but when things turned sour for him and he was expelled, another scholar, Jean Gerson, in a sermon delivered before the king, strongly denounced several of Jean Petit's propositions as heretical and scandalous. That was in 1413. There followed a lengthy dispute involving the bishop of Paris as well as sixty doctors into what was called the «Council of the Faith» which ended in the formal condemnation of Jean Petit's *Justification*.

The council had no intention of lending its authority to any political party, and in its fifteenth session, 6 July, 1415, contented itself with a general condemnation of tyrannicide as upheld in the following proposition:

A tyrant may be licitly and meritoriously, and rightly put to death by any vassal or subject, even by resorting to secret plots, adulation, and feigned friendship, notwithstanding any oath of fealty to him or treaty concluded with him, without any judicial decree or order.

³⁰ *Monstrelet*, p. 137.

But Johannes Parvus was not mentioned and the council avoided saying that any such proposition was contained in his address, and no further decision was pronounced by the council on the particular case of John Petit.

As for the versatility of men, after securing the condemnation of John Petit in August, 1416, King Charles VI two years later disavowed Gerson and his supporters in October, 1418, and in November, 1418, he rehabilitated Petit and annulled the sentences pronounced against him. By then, John Petit had been dead several years and a year later, John the Fearless, who had obviously and ostentatiously defied divine law, met his death on the Pont de Montereau in November 1419, by being, in his turn, brutally murdered. Historians are still discussing the responsibility of the Dauphin, the future Charles VII, in this other very violent deed of fifteenth-century France, as to whether this was another tyrannicide.

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