

saboteurs' case, discusses the import of the three 2004 opinions of the Supreme Court in cases involving suspected terrorists (*Rasul*, *Padilla*, and *Hamdi*), and issues a stirring call for "robust debate" over the proper and lawful means to fight terrorism and for congressional action in defense of civil liberties (361–62). Although his book lacks either the authority of Fisher's or the color of Dobbs's, O'Donnell reveals great passion for the rule of law and attention to scholarly detail.

This collection of well-crafted books should satisfy readers seeking insight into the high politics of World War II, the practical and legal complexities of spying and sabotage, and the compromises that war forces upon systems of justice.

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James R. Farr, *A Tale of Two Murders: Passion and Power in Seventeenth-Century France*, Durham: Duke University Press, 2005. Pp. 226. \$74.95 cloth (ISBN 0-8223-3459-3); \$21.95 paper (ISBN 0-8223-3471-2).

A double murder occurred in Dijon on the evening of September 6, 1638. Pierre Baillet and his valet, Philibert Neugot, entered the house of Pierre's first cousin, Philippe Giroux, and were never seen alive again. Both men were high court judges. Baillet was a presiding judge or president of the sovereign financial court of Burgundy, the *Chambre des Comptes*, and Giroux was a president of the sovereign judicial court, the *Parlement*. Giroux had invited Baillet to visit him to resolve the bad feeling between them. It was widely rumored that Baillet's wife, Marie Fryot, was Giroux's mistress. She was the passion of the book's subtitle, and Giroux was presumed to have murdered Baillet so they could marry. Helped by two servants, he allegedly stabbed the men to death and buried them in the courtyard privy. Two other servants were implicated as eyewitnesses, but not as participants. Giroux was convicted of the murders on May 8, 1643, and beheaded. The book does not comment on his guilt or innocence, leaving that to the reader, but analyzes the lengthy investigation of the murders to summarize seventeenth-century French criminal law and procedure.

Six months passed before an investigation began, only after a request by Baillet's mother and wife. The victims' bodies had to be recovered before the crime of murder could be declared, and conviction required two unimpeachable witnesses or the confession of the accused. There were no bodies, so the investigation, conducted by a friend of Giroux, proceeded slowly. He was replaced in March 1640 by two other commissioners, Antoine Jacquot and Michel Millière, who did the investigating, supervised and assisted by fourteen *Parlement* judges. They issued numerous *monitoires*, urging witnesses with information about the men's disappearance to come forward and give sworn testimony. Witnesses close to Giroux gave depositions, and the commissioners began constructing a case against him.

This was possible because Giroux had recently lost the protection of a powerful patron, Henri II de Bourbon, prince de Condé, governor of Burgundy. Condé was the "power" in the subtitle, and his abandonment of Giroux allowed the investiga-

tion to proceed. Giroux was placed under house arrest in March and imprisoned in July 1640. His interrogation began that August, and he used depositions to defend himself and undermine the prosecution's case. The circumstantial evidence against him mounted, so he attacked the integrity and impartiality of the investigators, especially royal attorney Pierre de Xaintonge and commissioner Michel Millière. They were kinsmen of Pierre Saumaise de Chassans, another *Parlement* judge who was Giroux's bitter enemy. Their families had been feuding for decades, and Saumaise had sought to become Condé's client. Giroux accused Saumaise of suborning witnesses. In fact, Saumaise was a *parti instigant* in the case, someone who had joined the prosecution as a private party, assuming much of the legal costs, ostensibly to see justice done, but more often to use public law for private vengeance. This device saved the crown money.

Early in 1643, Giroux sought to sway public opinion by publishing *factums* or pamphlets defending himself and damaging the prosecution's case. Saumaise responded with his own *factums*, refuting those of Giroux. The king now authorized the *Parlement* "to put to the question" key witnesses in order to obtain the truth, a euphemism for legal torture used to ensure honesty in capital cases. In Burgundy, this was the leg boot, which crushed victims' legs and feet. Giroux expected to be tortured, but was not. The leg boot, however, was used on two of his servants, who were his alleged accomplices. They did not incriminate him, but others did.

In April 1643, acting on information received by Xaintonge, two sets of bones were found in a trunk in the storage shed of Giroux's godmother. Giroux had allegedly left the trunk with her. He was evasive, giving a confused account, and then denied all knowledge of the trunk. The remains were positively identified as the victims from clothing remnants by the tailor, shoemaker, and cloth merchant who had made or sold the clothing. With the bodies discovered, the crime of murder was declared, and the trial took place a month later, lasting only a morning with Giroux's guilt and conviction a foregone conclusion. There was no jury. Giroux maintained his innocence and never confessed. The Giroux affair illustrates the strengths and weaknesses of the French system. The lengthy investigation by the prosecution builds a strong case, so conviction is likely. Although other scenarios may be ignored, the court's time is seldom wasted on frivolous prosecutions.

I enjoyed this book immensely. Beautifully written and carefully structured, it uses the narration of a murder mystery to demonstrate how the early modern French legal system worked, in particular how the informal system of patronage and influence was used to manipulate the legal system. Based almost entirely on archival sources, the book is meticulously researched and exhibits exemplary scholarship. It was written for non-specialists and specialists alike, so it has numerous explanations, a terminology translated into English, and an unobtrusive scholarly apparatus. It is a tour de force, combining popular and scholarly history, and highly recommended to everyone.

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