



When Private Speech Goes Public: Libertinage, Crypto-Judaic Conversations, and the Private Literary World of Jean Fontanier 1621

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In 1619, René Descartes meditated on his impending steps into an ambiguously public space described as the world: “so far, I have been a spectator in this theatre which is the world, but I am now about to mount the stage, and I come forward masked”.¹ Fundamentally, he alludes here to a transition from a space of unscrutinised safety to one of performative exposure. The passive spectator observes from the viewpoint of a homogenising audience, offering a certain degree of privacy to its composite members who direct their scrutinising gaze outwards towards

¹ “Sic ego, hoc mundi theatrum consensurus, in quo hactenus spectator exstiti, larvatus prodeo”. René Descartes, ‘Cogitationes privatae’ (January 1619), in *Œuvres de Descartes*, ed. by Charles Adam and Paul Tannery, 12 Vols (Paris: Cerf, 1897–1910), X (1908), 213. The English translation is taken from René Descartes, “Early Writings”, in *The Philosophical Writings of Descartes*, 3 Vols, trans. by John Cottingham, Robert Stoothoff and Duglad Murdoch (Cambridge: Cambridge University Press, 1984–91), I (1985), 2.

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the performer rather than towards each other. The actor, conversely, is distinguished from the spectator not only by his conscious decision to tread the boards, but also by the wearing of a mask in order to hide his inner identity and character. In early modern libertine literature, the motif of the mask recalls the writing strategies of *simulatio* and *dissimulatio*; of pretending to hold views conforming to Catholicism or criticising it in ways that are only detectable by a privileged, clear-sighted few.² Perhaps inevitably, such writing strategies are played out in a public literary sphere. Unlike the preparation of a text for reading aloud or for critical comment within an epistolary network of trusted readers, the decision to publish a text brings with it the risk of controversial ideas being exposed to eyes whose number, identity, and potential to persecute are beyond the author's control.

This chapter explores a rare exception to these habitual practices of speaking privately, writing covertly, and disseminating publicly within the field of libertine literature. Instead, the trial of Jean Fontanier (1588–1621) scrutinised the defendant's activities which were more strongly anchored—though not entirely restricted—to private spaces of talking and writing.³ A Protestant who claimed to have converted to Catholicism, Fontanier was arrested in 1621 for authoring and teaching from a Jewish manuscript entitled *Le Trésor inestimable* (*The Inestimable Treasure*) which was burned along with Fontanier at his execution. This study begins by outlining the means through which Fontanier became interested in Judaism and how he subsequently attracted students to read from and reproduce his text at his home. In doing so, I wish to argue for a tension between the legal identification of a literary crime and the considerable degree to which Fontanier's actions were influenced by private

² The most frequently cited study of early-modern French simulation and dissimulation is Jean-Pierre Cavaillé, *Dis/simulations: Jules-César Vanini, François la Mothe le Vayer, Gabriel Naudé, Louis Machon et Torquato Accetto: Religion, morale et politique au XVII^e siècle* (Paris: Champion, 2002). See also Jean-Pierre Cavaillé, *Les Déniaisés: Irréligion et libertinage au début de l'époque moderne* (Paris: Classiques Garnier, 2013).

³ I have recently provided the first dedicated study of Fontanier's trial to draw from all of the known surviving material on his case. See Adam Horsley, *Libertines and the Law: Subversive Authors and Criminal Justice in Early Seventeenth-Century France* (Oxford: Oxford University Press, 2021), 177–250 (Chapter 4). While the present chapter will draw from the findings in my book, my aim here is to use the lens of privacy studies to propose new readings of Fontanier's authorial enterprise, his interactions with others, and his subsequent trial.

conversations, which were largely ignored by the judges assigned to his case.

A PRIVATE SPHERE CREATED AND SHARED

Fontanier's case has left relatively few reliable sources. The records of his first trial at the Paris Châtelet have not survived, whereas those of his appeal against his death sentence before the Parlement de Paris are limited to two hearings.⁴ The judge in charge of hearing the latter, Nicolas de Bellièvre (1583–1650), helpfully left an account of the Fontanier affair in his private memoirs which lay undiscovered until the twentieth century, and which elucidate the official records held at the French National Archives.⁵ Fontanier's path to the stake apparently began while travelling home from a trip abroad. On an unknown day during his journey, he had a chance encounter with a Jew named Daniel Montalto who was the son of the royal family's former doctor, Elijah Montalto (1567–1616).⁶ Fontanier was a restless spirit whose various journeys to Italy, Amsterdam, and Constantinople appear to have been motivated by his desire to lay his doubts regarding certain aspects of Roman Catholic orthodoxy to rest. Although the precise subjects of their private conversations remain unknown, it would seem that Montalto's words made a strong impression, for in June 1621 the two men arrived together in Paris. Fontanier's recollection of the beginning of their project places strong emphasis on their private talk:

⁴ For these records, see Frédéric Lachèvre, *Mélanges sur le libertinage au XVIIe siècle* (Paris: Honoré Champion, 1920), 60–81.

⁵ BNF MS Fr 18,319: Nicolas de Bellièvre, *Remarques de monsieur le président de Bellièvre, sur ce qui s'est passé au Parlement de Paris (1607–1627)*, vol. I, fols. 220 v–230 r. (henceforth 'Bellièvre'). Wherever possible, this study will also reference the partial transcription of Bellièvre's remarks by its discoverers: Elisabeth Labrousse and Alfred Soman, "Un bûcher pour un judaïsant: Jean Fontanier (1621)", *XVIIe siècle* 39:2 (1987), 113–132. Fontanier's case is touched upon briefly in Alain Mothu, "Pierre Petit à l'école antichrétienne de Jean Fontanier (1621)", *La Lettre clandestine* 23 (2015), 261–270, which centres on one of Fontanier's students.

⁶ On Elijah Montalto, see Harry Friedenwald, "Montalto: A Jewish Physician at the Court of Marie de Médicis and Louis XIII", *Bulletin of the Institute of the History of Medicine* 3:2 (1935), 129–158 and Jean-Marc Pelorson, "Le docteur Carlos García et la colonie hispano-portugaise de Paris (1613–1619)", *Bulletin Hispanique* 71:3–4 (1969), 518–576.

Six months ago, returning from the Netherlands via Cambrai, he found Montalto, brother of the doctor, with whom he conversed for two hours. [...] Montalto told him that they would talk with each other further in Paris. Three or four days after his arrival in Paris, they met up and spent two months conversing. During this time, over a twelve-day period, Fontanier had copied out this book that Montalto dictated to him or sometimes lent to him.⁷

Thanks to the star piece of evidence at Fontanier's trial (the *Trésor inestimable*), it is clear that the subject of the two men's extensive conversations was Judaism, whereas the key question during the trial was to determine whether Fontanier or Montalto had written this text. It seems likely that Fontanier had already been tempted towards Jewish conversion, or had at least been curious to hear its arguments, much earlier in life. He recalled at trial how he had travelled to Constantinople in 1610 "in a galley alongside Frenchmen, that he had Jews as translators, and [that he] asked them nothing about their beliefs".⁸ It comes as no surprise that these discussions had taken place in private, since the casual criticism of Catholic doctrine in favour of another faith could hardly have taken place openly within a policed public arena at this time.⁹ Furthermore, the phenomenon of practising and spreading Judaism in secret—*crypto-judaïsant*—was established, known, and hyperbolically demonised at this

⁷ "Depuis 6 mois revenant des pais bas passant par Cambrey il y trouva Montalte frere du Medecin, avec lequel il eust conference 2 heures [...] lequel luy dit qu'ils s'entretiendroient davantage a Paris. 3 ou 4 jours apres son arrivée a Paris le rencontrerent, ont communiqué 2 mois ensemble, pendant lequel temps il avoit en douze jours coppié ce livre Montalte dictant ou quelques fois luy prestant son livre". Bellièvre, fol. 218 v. The brother in question was Daniel Montalto's brother Isaac, who had followed in his father's footsteps as a doctor.

⁸ "en une gallère avec des françois, qu'il avoit des juifs pour truchement, ne leur a rien demandé de leur croyance". AN X 2A 985, interrogation of 10 December 1621, quoted in Lachèvre, *Mélanges*, 69. See also Bellièvre, fol. 222 v; Labrousse and Soman, "Fontanier", 118.

⁹ There is a perhaps surprising discrepancy here with the early modern speech crime of blasphemy. Owing probably to the difficulty of finding witnesses or even detecting this crime within private spheres such as the home, the majority of blasphemy cases heard by the Parlement de Paris in the seventeenth century took place in the street. For corresponding statistics, see Alain Cabantous, *Histoire du blasphème en Occident: XVIe–XIXe siècle* (Paris: Albin Michel, 2015), 143.

time.¹⁰ Originating from a complex history of Jewish migration from the Iberian Peninsula and marked by an increasingly oral culture of practice and teaching within repressive Catholic states, the practice of Judaism in early seventeenth-century France was associated with secrecy and private gatherings.

The result of these conversations—the writing of the *Trésor inestimable*—was thus a relatively unusual strategy. So too was the means by which Fontanier acquired his students. Fontanier advertised his ‘lessons’ through a cryptic placard in the streets of Paris, which may have been co-written with Montalto. Given the apparent aims of the *Trésor inestimable* to convert its readers to Judaism through critiques of Catholic beliefs, the placard was a misleading advertisement to say the least:

Instead of taking a little money from you (which would not be pleasing to God for me to ask of you), on the contrary it is to give you the means to acquire riches in abundance and to spend them liberally. As such, in a short space of time you will become very rich, and do you know how? In such a way that it will no longer be necessary to go off in search of Peru in a new world, nor cross the seas, nor mountains, deserts, or countryside to acquire treasures. Your riches are right here, there is no need to go looking for them elsewhere.¹¹

¹⁰ There is a considerable body of literature on early modern Crypto-Judaism. For examples within the French context, see Anne Zink, “Une niche juridique: L’installation des Juifs à Saint-Esprit-lès-Bayonne au XVII^e siècle”, *Annales. Histoire, Sciences Sociales* 49:3 (1994), 639–669 and Esther Benbassa, *The Jews of France: A History from Antiquity to the Present* (Princeton: Princeton University Press, 1999). For cross-European vistas, see Jonathan I. Israel, *Diasporas within a Diaspora: Jews, Crypto-Jews, and the World of Maritime Empires (1540–1740)* (Leiden: Brill, 2002); Evelyne Oliel-Grausz, “Juifs, judaïsme et affrontements religieux (XVI^e siècle—milieu XVII^e siècle)”, in *L’Europe en conflits: Les affrontements religieux et la genèse de l’Europe moderne vers 1500—vers 1650*, ed. by Wolfgang Kaiser (Rennes: Presses Universitaires de Rennes, 2008), 363–409; Natalia Muchnik, “La conversion en héritage. Crypto-judaïsants dans l’Europe des XVI^e et XVII^e siècles (Espagne, France, Angleterre)”, *Histoire, économie & société* 4:33 (2014), 10–24; and Gary K. Waite, *Jews and Muslims in Seventeenth-Century Discourse: From Religious Enemies to Allies and Friends* (London and New York: Routledge, 2019).

¹¹ “Au lieu de prendre de vous quelque peu d’argent (ce que à Dieu ne plaise seulement que je vous en demande) qu’au contraire c’est pour vous bailler les moyens pour en acquérir avec abondance et en user avec largesse, et ainsi dans peu de temps vous faire devenir trestous riches: et sçavez-vous comment? d’une telle façon qu’il ne sera plus nécessaire de rechercher le Perou dans un nouveau monde, ny traverser les mers, ny les montagnes, les deserts ny les campagnes pour acquérir des trésors, vostre richesse est icy presente, il ne la faudra point chercher ailleurs”. Quoted in Lachèvre, *Mélanges*, 63. A

This strategy for reaching a readership was the first stage of Fontanier's unusual method of textual creation and engagement, in which we see a deconstruction of the traditional binary between the *private* authorship of a text and the subsequent *public* acquisition of printed copies from a bookshop or street seller. The five students who were enticed into Fontanier's home were offered lessons via dictation after they had first signed an oath of secrecy. Beginning as his conversation partners, they would subsequently become readers and (co)writers of copies of the *Trésor inestimable*, before finally serving as the text's publishers in the broader sense of the term. Significantly, Fontanier's arcane knowledge was not what was offered in the placards. Rather, somewhat cyclically, they invited the reader back into their author's private domestic sphere.

In this cross-pollination of ideas, his students were enticed by the placards with their colourful descriptions of exotics lands, overflowing hordes of treasure, and the satisfaction of material needs. However, they did not obtain their reward after the seeds of Fontanier's ideas had been cast out from his private domestic sphere and into a public space of acquisition such as a bookshop. Rather, the nectar was to be enjoyed by abandoning the public space of the street where the placards appeared, in favour of the locus in which Fontanier's seeds of doubt had been produced—his private home—with the intention that his visitors should then carry his ideas out into the world in seditious imitation of the Apostles. Thus, it was only in a private space that they could obtain the *Trésor inestimable*, both as a form of gnosis and as a physical text, after having sworn before God that their discussions would remain private. This editorial strategy is quite exceptional for a text intended to spread subversive ideas, not least when we compare this to the more traditional journey of a subversive text across privacy thresholds.

An author's initial thinking and writing would typically take place within a mental or domestic space of privacy such as the mind, the home, or the *cabinet*. Once the text was published, however, it entered the

complete copy of Fontanier's placard and the oath of secrecy he asked his students to swear to can be found in *Histoire véritable de la vie de Jean Fontanier* (Paris: Melchior Mondiere, 1621), 7–10 and François Garasse, *La Doctrine curieuse des beaux esprits de ce temps* (Paris: Sebastien Chappelet, 1623), 149–152. A manuscript copy can also be found in BNF MS Baluze 212, fol. 167 v.

public spheres of the bookseller, the hawker, or the tavern.¹² In doing so, such texts also escaped the author's control over who would read, own, or share them as material objects and potentially as ideological weapons. Indeed, the very use of *simulatio* and *dissimulatio* in subversive literature stems from a similar concern regarding the potential readers of a text and the consequences of their critical (and potentially hostile) reactions for the author.¹³ In turn, from the perspective of the defenders of orthodoxy, as an author's private views became public knowledge via the publication and commercialisation of a text, the 'libertine menace' was that subversive ideas became visible or even audible entities, circulating among the fast-flowing human traffic of public spheres.¹⁴

Fontanier's case is quite different, since the reading *public* received an invitation to become *private* guests; to engage with Fontanier's esoteric teaching within the private space in which the text had originally been conceived rather than following the traditional textual "movement from a private realm of creativity to a public realm of consumption".¹⁵ Having entered the author's personal and private spheres, both domestic and intellectual, Fontanier's readers were both conversation partners and disseminators of text via a primary oral engagement with their source through dictation. To return to Descartes' metaphor: if most libertine texts wear their masks of *dissimulatio* publicly on stage, then in

¹² As Harold Love reminds us, the act of 'publishing' a text in the early modern period could also include circulation (i.e. the making public) of hand-written manuscripts and letters, without the absence of a printed page necessarily detracting from a text's literary value. See Harold Love, *Scribal Publication in Seventeenth-Century England* (Oxford: Clarendon Press, 1993), 36.

¹³ I have explored this anxiety towards the potential readership of controversial texts passing from private to public spheres through the lens of the poet François Maynard. See Adam Horsley, "'Mon livre, je ne peux m'empescher de te plaindre': Reflections on the compilation of François Maynard's 1646 Œuvres", in *"A qui lira": Littérature, livre et librairie en France au XVIIe siècle*, ed. by Mathilde Bombart and others (Tübingen: Nar—Biblio 17, 2020), 633–642 and Adam Horsley, "Secret Cabinets, Scribal Publication and the Satyrique: François Maynard and Libertine Poetry in Public and Private Spaces", *The Sixteenth Century Journal* 51:1 (2020), 55–78.

¹⁴ Stéphane Van Damme, *L'Épreuve libertine: Morale, soupçon et pouvoirs dans la France baroque* (Paris: CNRS Editions, 2008), 44: "la menace libertine". On the difficulties of policing subversive speech acts born from reading texts aloud or reciting them from memory, see Nicholas Hammond, *The Powers of Sound and Song in Early Modern Paris* (University Park, PA: Pennsylvania State University Press, 2019).

¹⁵ Love, *Scribal Publication*, 36.

Fontanier's case, the reader was invited backstage to where the lines of public performance were learned and rehearsed. His home can thus be likened to the backroom of a shop proposed by Michel de Montaigne—that private space so propitious for free-thinking without fear of reprisal, the “room, just for ourselves, at the back of the shop”.¹⁶ Thus, the private space for the teaching of Judaism was also one where the agency of teacher and student, as well as of reader and writer, was both strikingly fluid and quite exceptional for the habitual relationship between the producer and consumer of a text.

The crucial distinction between authoring and producing a text is also visible in the law. Let us take as points of comparison the sentences (*arrêts*) read against Roberto Bellarmino on 26 November 1610 for proposing limits on the authority of kings in his *Tractatus de potestate summi pontifices in rebus temporalibus* (1610) and against Théophile de Viau and other poets for authoring pornographic and obscene poetry (1623):

[It is a crime] to receive the book, keep hold of it, pass it on, print, have it printed, or display it for sale.¹⁷

They have written the book, had it printed, and displayed it for sale.¹⁸

As these examples demonstrate, sentences against subversive authors typically list their crimes as writing (*composer*), printing (*faire imprimer*), and displaying for sale (*exposer en vente*), or variations of these terms. In censoring Bellarmino's text, the magistrates first identified the private acquisition and possession of the work (since any public procurement of

¹⁶ “Une arriereboutique toute nostre”. See Michel de Montaigne, *Les Essais*, ed. by Pierre Villey and V. L. Saulnier (Paris: Quadrige/PUF, 2004), I, xxxix, 241. The English translation is taken from Michel de Montaigne, *The Complete Essays*, trans. by M.A. Screech (London: Penguin, 2003), 270.

¹⁷ “[Il est un crime de] recevoir, retenir, communiquer, imprimer, faire imprimer, ou exposer en vente ledict livre”. BNF MS Dupuy 90, fol. 193 r: Condemnation of Robert Bellarmine's *Tractatus de potestate summi pontifices in rebus temporalibus* (1610), 26 November 1610.

¹⁸ “Ilz ont composé, fait imprimer et exposé en vente le livre”. AN X 2B 342: sentence against Théophile de Viau and other authors of *Le Parnasse satyrique* (1622), 29 August 1623, 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, 143.

the text, such as through a bookshop, would necessarily become impossible due to this legislation being passed) before referring to the chain of material and commercial production of subsequent copies. Similarly, in the case of Théophile and other prosecuted contributors to *Le Parnasse satyrique* (1622), poetic composition is the sole private activity included in the charges against them, with all other activities pertaining to the public activities of printing and commercial display. It is striking and by no means accidental that in doing so, sentences handed down by the law courts recognised the dangerous progression of seditious ideas from private spaces of conception to public commercial spaces of inspection. Once again, the private literary world of Jean Fontanier is an exception to the rule in more ways than one:

He has produced, written, composed, taught and dictated the book entitled *Trésor inestimable*.¹⁹

Fontanier's death sentence bears no trace of public activity and does not even go as far as to accuse him of advertising his text in the public sphere, which would be a reasonable charge to level against him given his use of placards to garner students. Yet his mission to lead his listeners from the Catholic faith through a combination of discussion and dictation—endeavours that one would usually associate with personal conversations between the converter and the listener—is not couched within oral culture. Instead, his libertinism is described as textual, with four of the five composite verbs pertaining to textual rather than spoken transgressions of the law and the Catholic faith. As such, the dichotomy between public readership and private speech and thought is inverted. This in turn led the magistrates to adopt the logical strategy of prosecuting Fontanier for the authorship and material production of a physical text, as opposed to the spoken blasphemies and anti-Catholic teachings which constituted his pedagogical method of instruction.²⁰ Fontanier's case was more unusual still. First, during Fontanier's discussions with

¹⁹ “Il a fait, écrit, composé, enseigné et dicté le livre intitulé *Trésor inestimable*”. *Arrêt* against Jean Fontanier, 26 November 1621, quoted in Lachèvre, *Mélanges*, 66.

²⁰ This said, the privacy in which the text was produced nonetheless posed a problem for the authorities, for as Hélène Duccini notes, “Il est plus facile de poursuivre ceux qui fabriquent les livres, et qui ont pignon sur rue, que ceux qui les écrivent dans l'espace privée de leur logis” (“it is easier to pursue those who print books, and who are established in the trade, than those who write them in the private space of their lodgings”). See

both Montalto and his subsequent students, the private spheres of conversation and of literary production are as one. As such, discussion fed directly into authorship which, in the field of libertine studies, was an unusual example of multiple individuals working together in person to write a text. Second, in keeping with the function of the text as a tool for conversion to Judaism, Fontanier's interlocutors were first converted into co-authors, with the potential aim to transform them a second time into co-publishers of daring, illegal blasphemy. I want to argue that these beginnings, methods, and intended outcomes of subversive ideological and literary production are distinctive in the history of French literature and libertinism. Fontanier's early conversations with Montalto, his tripartite relationship with his students and the texts that were produced within his private home, the fact that a textual trace remains of these private discussions, and the unusual wording of his death sentence, all lead us to conclude that Fontanier's authorial and editorial practices were clearly—and exceptionally—a private affair.

PRIVATE SPHERES INVADED

Fontanier's highly regulated private arena for anti-Catholic teaching sought to control the outward emanation of his text into the public sphere through his students. Unfortunately for our would-be rabbi, his plans would not remain private for long. Instead, they were subjected to a number of invasive and violent analyses by the legal agents of Catholic hegemony embodied by the magistrates. Two of Fontanier's four students denounced him to the authorities, claiming "that people were practising Judaism in that house".²¹ Just a few days later, his residence was raided, the students interrogated, and Fontanier arrested. The invasion of this private literary and conversational space was not a premeditated action, but was impelled by a second betrayal of Fontanier's trust by his two denouncers, as Bellièvre's account makes abundantly clear:

The two who lived at the Golden Feather on the rue des Mathurins [Pierre Petit and Jean Gaultier] informed Mr Fouquet, Councillor of State, previously *président* in Rennes, who in turn alerted the Chancellor and the

Hélène Duccini, *Faire voir, faire croire: L'opinion publique sous Louis XIII* (Seysssel: Champ Vallon, 2003), 35.

²¹ "Que l'on Judaïsoit en ceste maison-la". Bellièvre, fol. 218 r.

Governor of Paris, after which the Governor gave his orders. In fact, these two students waited all morning inside the house for the *lieutenant criminel* to arrive in order to help him surprise this Jewish proselyte. This is why he allowed them to go free on bail.²²

Once they had become the eyes and ears of the magistrates, Fontanier's two denouncers became participants in a dual dialogue. Communicating back and forth between Fontanier and the magistrates, they caused the boundaries between private conversation and public interest (that is to say, the rule of law) to be eroded, as if by the ebb and flow of a tide of incriminating information or the proverbial sawing of the wooden bolt securing the door of their private domestic space. Thus, Fontanier's domestic and pedagogical private sphere began as something of a 'safe space' for the airing of doubts regarding Catholic dogma, the oral presentation of Jewish beliefs and practices, and the weaponising of this rhetoric through the production of dictated copies of conversation. Upon the revelation of their subversive conversations, this space then found itself delineated by increasingly porous privacy boundaries, in terms of both the transmission of information and the physical invasion by the arresting parties.

It might be assumed that the act of teaching with a view to convert one's audience from Catholicism would, in early modern France, be a sufficient cause to instigate an arrest and pass a deterring sentence against the accused. The magistrates, however, drew a striking distinction between talking and writing. According to Bellière, the two denouncers were adamant "that they had only written things down on that occasion [the day of the arrest], but that they had followed three lessons after they had already started".²³ The surviving records reveal that engaging in anti-Catholic discussions was not deemed to be worthy of pursuit by the authorities. Admittedly, the difficulty of finding evidence

²² "Les deux logés rue des Mathurins [Pierre Petit et Jean Gaultier], à la plume d'or, en avoient donné l'advis à monsieur Fouquet, conseiller d'Etat, cy-devant président à Rennes, lequel en ayant adverty monsieur le chancelier et monsieur le gouverneur, ledict sieur gouverneur luy avoit fait donner [ordre]. Et d'effect, ces 2 escoliers-là attendoient dedans la maison toute la matinée que luy lieutenant criminel vint pour luy ayder à surprendre ce judaïsant. Raison pourquoy il les auroit laissé aller à leur caution". Bellière, fol. 228 v; Labrousse and Soman, "Fontanier", 125–126.

²³ "Ils n'avaient écrit que cette-fois, mais qu'ils avaient pris trois leçons commencées". Bellière, fol. 219 r.

of oral infractions of the law—particularly within this private space of collective discussion where bearing witness was synonymous with self-incrimination—may have been a more practical reason for the judges’ seemingly lenient approach. What was of apparently greater significance was the act of recording those conversations in manuscript form and the potential harm that these copies could cause if they made their way into further groups of readers or, worse still, a clandestine printing press.

One of Fontanier’s defences was that he had written the text to satisfy his theological doubts—one of his many counterintuitive strategies, given that he also repeatedly denied writing the text at all. As seen earlier, those doubts probably date back to 1610 when he first conversed with Jewish translators during his travels. On multiple occasions in his short life, Fontanier’s faith had given way to doubts. There were no correspondences with Jews elsewhere in Europe found in Fontanier’s possession when his home was searched, no personal words of encouragement penned by Montalto, and no private diaries or reflections in which the accused recorded his inner thoughts for the sake of his own spiritual exploration or salvation. Instead, the trial records repeatedly indicate that Fontanier’s doubts were expressed and addressed in private conversations—from those initial admissions of uncertainty while sailing alongside Jewish translators, to conversations with Montalto while travelling, and to their subsequent preparation of a holographic account of their discussions at Fontanier’s home. These Jews were not the only ones to contribute to Fontanier’s eventual crimes through the medium of orality. Dutifully seeking to assuage his doubts by approaching Catholic theologians, he found himself prohibited even from articulating them, all of which would likely have contributed to his interest in conversing with Montalto:

[He] confesses that he has had a few doubts about his faith. He sought instruction from his confessor and other Catholic doctors who were not willing to hear his doubts.²⁴

²⁴ “Confesse qu’il a eü quelques doute [sic] de la foy, pour s’instruire a affiché son Confesseur et autres Docteurs Catholiques n’ayant voulu ouyr ses doubtes”. Bellièvre, fols. 218 r–218 v.

He looked for doctors from the Sorbonne whom he was unable to name. They told him that he should not speak about it. This was to find greater certainty about the things that he doubted.²⁵

We might understandably question the extent to which the writing of a text played a role in what was otherwise so obviously a case of Fontanier fulfilling his wish to *talk* in private. He even defended the advertising of his ‘lessons’ through placards not as a means to acquire scribes for his teaching, but to engage in more informal and perhaps egalitarian private conversations pertaining to his doubts. In these discussions, the students could become either affirming allies or corrective advocates for Catholic doctrine: “what he had advertised was only to resolve a few doubts he had with those who would come to see him, who could only be men of spirit and learning”.²⁶ Furthermore, Fontanier’s defence appears to claim that his students’ previous level of education permitted them access to unorthodox ideas that might otherwise be dangerous for the wider populace, who would lack the intellectual skills to fully understand his lessons. Thus, his students’ prior education was used as evidence that Fontanier’s text was unworthy of condemnation for irreligious ideas with which such men of learning would not deign to engage. Notwithstanding the extent to which Fontanier’s crimes were associated with orality, from the perspective of the magistrates it was only natural that their lines of questioning should instead pertain to the sizeable piece of damning evidence seized during the raid: the *Trésor inestimable*.

Whereas an analysis of Fontanier’s text (as far as can be ascertained from the extant records) would go beyond the scope of this chapter, the judges’ interest in his education and the books in his possession

²⁵ “Il a recherché des docteurs de Sorbonne et ne les a peu nommer qui luy dirent qu’il ne devoit parler de cela et que estoit [sic] pour avoir plus grande certitude de ce qu’il doutait”. AN X 2A 985, interrogation of 10 December 1621, quoted in Lachèvre, *Mélanges*, 69.

²⁶ “Ce qu’il avoit affiché n’estoit que pour se resoudre de quelques doubttes qu’il avoit avec ceux qui le viendroient voir qui ne pouvoient estre que gens d’esprit et de sçavoir”. *Histoire véritable de la vie de Jean Fontanier*, 13. Taken as a whole, Fontanier’s situation exemplifies Benedetta Craveri’s assertion that “conversation was not only a means of escape. It was also an education in the world—for many, the only one available”. See Benedetta Craveri, *The Age of Conversation*, trans. by Teresa Waugh (New York: New York Review Books, 2005 [2001]), 343.

shed more light on their strategies for finding him guilty.²⁷ In addition to the *Trésor*, Fontanier's learning and collection of writings were also potentially incriminating:

His chests and *cabinets* were immediately searched. A few Hebrew books were found [as well as] Hebrew prayers translated into Latin, confesses that he has some knowledge of the Hebrew tongue.²⁸

A search of the accused's premises was a common part of carrying out due legal diligence in compiling a case against the accused in this early stage of the investigation, as was the recording of the students' oral interrogations as textual transcripts.²⁹ Nevertheless, it is striking that Bellièvre returned to Fontanier's education in his interrogation at the Parlement, to which the latter responded that:

[He has] studied philosophy and logic, does not understand the Greek language and was taught it by a Scotsman of the so-called reformed faith. [...] Has not learnt Hebrew and had gained some knowledge of it through grammar.³⁰

The language of the Jews was thus seen as synonymous with the subversive, anti-Catholic message of the *Trésor inestimable* (which was nevertheless written in French) despite the fact that there existed a healthy body of literature on Hebrew scholarship and language at this time.³¹

²⁷ No copies of this text have survived, though Bellièvre's manuscript does provide a summary of its contents. I have proposed a reconstruction of the *Trésor inestimable*, as well as a hypothesis about how Fontanier and his students potentially engaged with it in the days leading up to his arrest, in Horsley, *Libertines and the Law*, 212–220.

²⁸ "A l'instant visitation faite des coffres et cabinets quelques livres Hebreux trouvés, prières des Hebreux traduictes en Latin, confesse qu'il scait quelque chose de la langue Hebraique". Bellièvre, fol. 218 v.

²⁹ On the strong culture of orality in the Parlement de Paris, see Marie Houlemare, *Politiques de la parole: le Parlement de Paris au XVIe siècle* (Geneva: Droz, 2011), 131.

³⁰ "A fait son cours de philosophie et sa logique, n'entend la langue grecque et l'a apprise d'un écossois de la religion prétendue réformée. [...] N'a appris l'ébreu et en a eu quelque cognoissance par la grammaire". AN X 2A 985, interrogation of 10 December 1621, quoted in Lachèvre, *Mélanges*, 69.

³¹ On this point, see in particular Lyse Schwarzfuchs, *Le Livre hébreu à Paris au XVIe siècle* (Paris: Editions Bibliothèque Nationale de France, 2004) and Lyse Schwarzfuchs, *L'Hébreu dans le livre lyonnais au XVIe siècle* (Lyon: ENS Editions, 2008). On the

The weaponising of the defendant's use and knowledge of Hebrew was a double-edged sword, for not only was Fontanier reproached for the physical evidence attesting to his knowledge of the language of Judaism, but Bellièvre also claimed, somewhat paradoxically, that the *Trésor inestimable* could only have been written by him precisely because of its *lack* of Hebrew learning! The text was devoid of:

[A]ll the languages and sciences that Montalto knew very well: Hebrew, Greek, Latin, Spanish, Italian; [there was] not a word on the humanities, antiquity, history, philosophy, medicine, all of which Montalto excelled in. [There was] not a single conception of a Portuguese national or a pleasant spirit or even a story from the countries in which he had lived.³²

It is possible (though not explicitly stated) that the magistrate's focus on Fontanier's linguistic abilities intended to paint a picture of the defendant and Montalto conversing in Hebrew while compiling their text. A more likely explanation, however, is that in debating Fontanier's ability to understand Hebrew, both judge and defendant were engaging in a subtle rhetorical game in which the unspoken yet mutually understood stakes were that speaking this language and spreading the Jewish faith were considered to be one and the same.

Fontanier was to suffer one further examination of an altogether different kind before being condemned to burning at the stake. Bellièvre had previously asked for surgeons to be made ready to examine Fontanier in order to determine whether he had been circumcised. He recalls the revelation of his plans to the accused with chilling satisfaction:

[Asked] if he was circumcised.

differently perceived relationship between Jewish scholarship and Christian theology, see Theodor Dunkelgrün, "The Christian Study of Judaism in Early Modern Europe", in *The Cambridge History of Judaism*, ed. by Jonathan Karp and Adam Sutcliffe (Cambridge: Cambridge University Press, 2017), 316–348 (322–329). On medical texts, see also in the same volume Adam Shear, "Science, Medicine, and Jewish Philosophy", 522–549.

³² "Toutes les langues et sciences que sçavoit excellement Montalte: hebreu, grec, latin, espagnol, italien; un seul traict d'humanité, d'antiquité, d'histoire, de philosophie, de médecine, en quoy excelloit Montalte, mais pas une seule conception d'un Portugais ou gentil esprit, ny pas mesmes une histoire des pais qu'il avoit habités". Bellièvre, fol. 223 v; Labrousse and Soman, "Fontanier", 120. For more on Bellièvre's forensic linguistic analysis of the *Trésor inestimable* for the purposes of author attribution, see Horsley, *Libertines and the Law*, 220–232.

Said that he was not, very quietly.
Was warned that they were about to find out.³³

The surgeons' report, summarised briefly in the trial records, was but further evidence of the defendant's guilt:

[He] was visited by the surgeons La Noue and Guibert in order to determine if he were circumcised. After they had been sworn in, the surgeons said that there was a white scar and that it was difficult to cover the head of the penis; and that the scar had been there for some time, at least ten years, and was now no more than a soft white mark.³⁴

Fontanier's freedom of thought and his resulting textual enterprise were all confined to private and largely domestic spheres from both oral and textual perspectives. There was no mention of blasphemies spoken on the road, of lips loosened by wine in the tavern, nor was any significance even afforded to the publicly displayed placards. Fontanier's medical examination reveals that on a confessional level too, his deviance remained private. He did not wear clothes or symbols indicative of his faith, a fact which Bellière was sure to emphasise in his memoir as if to insist upon the danger of hiding in plain sight within Catholic society.³⁵ He did not convey his faith through dietary choices; nor move to one of the cities in the south of France with Jewish communities; nor did he even change his name as Elijah Montalto did after his own conversion. Rather, Fontanier's break with Catholicism was grafted on to his body—a physical and private manifestation of his Judaic beliefs, mirroring the hidden

³³ “[Enquis] s’il est prépuccié.

A dict que non, fort bas.

Remonstré qu’on le verra maintenant”.

AN X 2A 985, 10 December 1621, quoted in Lachèvre, *Mélanges*, 71.

³⁴ “Fut visité, sçavoir s’il estoit prépuccié, par La Noue et Guibert, chirurgiens juréz, et après serment ont dit qu’il y a une cicatrice blanche et que mal aisément on a pu couvrir le gland, et qu’il y a longtemps pour le moins dix ans et ne reste qu’une blancheur sans dureté”. AN X 2A 985, 10 December 1621, quoted in Lachèvre, *Mélanges*, 71.

³⁵ “He was more of a short man than a tall one, shapely, with very black hair, tanned skin, his beard in a point as was popular at court and in Paris, which I say to show that he looked like any other man” [“C’estoit un homme plustost petit que grand, bien fait, de poil fort noir, de couleur bazané, la barbe en pointe comme la portoit le monde de la Cour et de Paris: ce que je remarque pour monstrier qu’il estoit fait comme un autre”]. Bellière, fol. 222 r; Labrousse and Soman, “Fontanier”, 118.

environments in which his crypto-Jewish activities took place. In invading that private bodily space (as it had done with Fontanier's space of oral and domestic privacy), the Parlement had, in its eyes, flooded the murky corners of dangerous private spaces for freespeaking and thinking with the light of Catholic orthodoxy. In doing so, they had found Fontanier to be something legally worse than a Jew: a lying pseudo-Catholic.

Ultimately, Fontanier's fate was sealed by the same unrestrained tongue that had led the legal authorities to his door. Desperate for his life to be spared, he made the fatal mistake of proposing something of a verbal plea-bargain which, in reality, may as well have been a signed confession:

The sincere declaration he will make of his Catholic religion will do more good than the death he will suffer, and he invokes the mercy of God who said that he did not wish for the death of the sinner but that he should convert, and places his hope in death in the Passion of our saviour Jesus Christ, that by your will he will have a gentle death so that no one will fail to be aware of the true profession that he would make.³⁶

The promise to instrumentalise his language and oral confessional identity for the good of the Catholic faith of his persecutors paradoxically provided the magistrates with an admission—made in court, no less—that his long-claimed conversion to Catholicism had in fact yet to take place. Whether this was yet another unfortunate slip of the tongue under the pressure of a criminal trial or a revelation of his true Catholic scepticism was of little consequence. Fontanier was burned at the stake the very same day, while the pages of his *Trésor inestimable* were consigned to the flames alongside their author.³⁷ Ironically, the sole fragments of this text have survived within another space conceived as private: the personal memoirs of Nicolas de Bellière.

³⁶ “La déclaration de l’onnête [sic] profession qu’il fera en la religion catholique fera plus de proffict que la mort qu’il souffrira et a recours à la miséricorde de Dieu qui a dict qu’il ne veult la mort du pescheur mais qu’il se convertisse et espère en la mort de la passion de nostre sauveur Jesus-Christ que par vostre volonté luy sera procuré une mort douce affin qu’on ne méconnoisse la vraye profession qu’il fera”. AN X 2A 985, 10 December 1621, quoted in Lachèvre, *Mélanges*, 71.

³⁷ Though there are a number of author trials and executions that have formed the subject of modern studies, it is nonetheless the case that death sentences for subversive authors were relatively rare. See *Histoire de l’édition française*, ed. by Henri-Jean Martin and Roger Chartier, 4 Vols (Paris: Promodis, 1982–1985), I: Le livre conquérant (1982), 372.

CONCLUDING REMARKS

In the case of Jean Fontanier, we are repeatedly confronted with a duality between talking and writing in private. From his initial conversations with Jews abroad, to his house-guest Daniel Montalto, to his ‘lessons’ with students, Fontanier sought to air his doubts on Catholic doctrine, and subsequently to teach his newfound and presumably more solid Jewish faith, in the intimacy of private conversation. As Roger Chartier notes, this was entirely in keeping with the early modern period’s “new modes of engaging with writing [that] constructed a sphere of intimacy, which was at the same time a retreat and a refuge for the individual subjected to the controls of the community”.³⁸ Indeed, for libertine writers in particular, this retreat in the face of certain persecution was an essential condition for autonomous reflection.³⁹ This study has shown how Fontanier’s writing strategy was exceptional. Rather than allowing his text to speak for him within a reading public, he allowed the security afforded by his private home to become porous by inviting his readers to become conversation partners and co-writers of his text prescribing Judaism. However, as his students penetrated his domestic and intellectual private sphere, they left behind them a proverbial point of entry through which information could be communicated orally and reciprocally between the agents of the law and two of his students who betrayed Fontanier’s trust. The magistrates would soon step physically into this breach of the private in order to extract Fontanier violently into the public arena of legal examination and exemplary death. A pamphlet written in 1621 makes a Socratic criticism of Fontanier’s loose lips:

Socrates used to say that there were only two instances when one should speak and two things about which it was permitted to write: either about things that one understood clearly or about things that it was necessary

³⁸ “Des modalités neuves du rapport à l’écrit construisent une sphère de l’intimité, à la fois retraite et refuge pour l’individu soustrait aux contrôles de la communauté”. See Roger Chartier, *Histoire de la vie privée. III. De la Renaissance aux Lumières* (Paris: Seuil, 1986), 113.

³⁹ Such is the view expressed in Laurence Tricoche-Rauline, *Identité(s) libertine(s): L’écriture personnelle ou la création de soi* (Paris: Honoré Champion, 2009), 661, 712.

to know, assuring that any other theme and subject could not form the subject of wise discourse.⁴⁰

Ironically, of course, for Fontanier it really *was* necessary to assuage his doubts by knowing the truth, in order to gain either instruction or affirmation from those with whom he conversed, and to find a purpose in life founded on a solid belief system forged in the spirit of private free-thinking and speaking. Tragically, his private speech was made public not by the dissemination of his text at the hands of his students but by an invasion of his private domestic, scribal, and pedagogical spheres by the legal authorities. As such, his case offers the modern historian a relatively rare glimpse into how subversive conversations were conducted, regulated, and pursued by the authorities at a time when transient verbal infractions of the law were notoriously difficult to transpose (and, ironically, immortalise) into written legal record.

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⁴⁰ “[Socrate] avoit costume de dire qu’il n’y avoit que deux temps de parler, et deux choses desquelles il fut permis d’écrire, sçavoir est ou de ce qu’on sçavoit et cognoissoit clairement, ou de ce qui estoit necessaire d’estre sçeu, assurant que toute autre matiere et sujet ne pouvoit estre le sujet d’un sage discours”. *Histoire de la vie de Jean Fontanier*, 2.

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