

**“Fearful of Being Pursued”: Environmental Problems and Opportunities in Policing the Forests of Pre-Revolutionary France**

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In 1790 Jean Momas was a forest guard based near Saint-Sever in the newly-created department of the Landes. Towards the end of March that year Momas felt compelled to document his disgust at the brazen ways in which people were cutting and stealing timber, or allowing their livestock to graze on young oak trees. He also recorded his reluctance to fulfil his duties, “fearful of being pursued”, as he put it, or even assaulted.<sup>1</sup> There are various ways in which we could try to explain Momas’s decision to document his concerns in an official report, which he then filed (as he was legally obliged to do) with the royal court at Saint-Sever. One seemingly obvious context was the outbreak of revolution in 1789. During the opening phases of the French Revolution various holders of public office were forced to confront popular rejection, anger, and even violence. In woodland areas this animosity could easily focus on the officials of the royal forest service, the Eaux et Forêts, who were widely condemned in rural grievance lists (*cahiers de doléances*), and sometimes became the open targets of popular hostility.<sup>2</sup> The regional forestry chief in Pau, responsible for enforcing government policies on waterways and forests across the south-western province of Béarn, had his personal estate pillaged by local peasants, while one of his senior colleagues was subjected to physical intimidation and a ritualized public humiliation (*charivari*).<sup>3</sup> Even at the lowest levels of the forest administration local guards — men like Jean Momas — could find themselves confronted by rebellious citizens.

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<sup>1</sup> Bordeaux, Archives Départementales de la Gironde (hereafter ADG), 8B 615: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Momas, Bois de Santraille, Mar. 29, 1790).

<sup>2</sup> Cameron, “Forests and the End of the Ancien Régime”; Badré, *Histoire de la forêt française*, 101-7.

<sup>3</sup> Coincy, *La grande-maîtrise de Guyenne*, 25-26; Coincy, *Jean de Laclède*, 63-65, 122-24. Laclède, *maître particulier* of the Eaux et Forêts in Béarn, suffered further property depredations during 1790 and 1791, and was briefly imprisoned in 1794.

Comments like Momas's in 1790 encouraged some later commentators and historians to conclude that the Revolution's outbreak caused French forest guards to abandon their posts, leaving the nation's woodlands open to pillage and destruction.<sup>4</sup> Yet recent scholarship has demonstrated how the widespread damage to French woodlands that so concerned earlier writers was under way long before 1789.<sup>5</sup> Furthermore the conflicts, expressions of distrust, and acts of disobedience were by no means nationwide. The *cahiers de doléances* drawn up in rural parishes on the eve of the Revolution suggest that tensions over timber appropriations and the enforcement of forest laws seemed to be most pronounced in regions where communal woodland property predominated, including Béarn, Franche Comté, and the Pays de l'Adour, which is where Momas worked.<sup>6</sup>

Equally, however, the incidence of popular antagonism towards forestry laws and the officials who enforced them was not uniquely a consequence of the Revolution. Well before 1789 the forest guards and other agents who monitored and regulated the management and exploitation of trees and timber faced a range of significant and pervasive problems in eighteenth-century France, which are well illustrated in the first-hand reports they drew up in the course of their duties. This article highlights some of those issues by considering the environment in which these men operated: not just the legal and organizational environment of the Eaux et Forêts, or the forest guards' social environment, although these were clearly important in shaping the work of implementing the French king's forest laws. Such themes have understandably attracted the attention of historians, although most studies tend to focus on the high-level development of forestry policies rather than day-to-day law enforcement.<sup>7</sup> In addition this article aims to do something rather new, by broadening the focus to consider the natural environment where forestry officials worked — the trees, clearings, coppices, fields, moors and riverbanks of the French countryside. In broad terms our key question is: What was distinctive — perhaps even unique — about policing a woodland environment? Men like Jean Momas probably had good reasons to feel “fearful”, although those anxieties were less a consequence of the Revolution and more a product of the rural setting in which they operated. These settings provided forest guards with policing challenges of a kind that were unknown to the urban police who have been the focus of most historians' attention. A study of rural law enforcement in the eighteenth century can thus contribute to our broader understanding of policing history.

The argument of this article is developed in three stages. At the outset the significance of this topic is justified by highlighting key issues that have generally been lacking from the scholarly literature. From there we move to some contextual information about the work of forestry officials in eighteenth-century France, by considering the institutional and social

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<sup>4</sup> Schama, *Landscape and Memory*, 179-80

<sup>5</sup> McPhee, “The Misguided Greed of Peasants?”; Woronoff, “La ‘dévastation révolutionnaire’.”

<sup>6</sup> Markoff, “Peasant Grievances”, esp. 447-49 and 463-69; Shapiro and Markoff, *Revolutionary Demands*, 410-34. On Franche-Comté see Vion-Delphin, “Forêts et cahiers de doléances”; Matteson, *Forests in Revolutionary France*, esp. 69-105. In the nineteenth century too the persistence of collective use-rights in some upland regions continued to fuel confrontations between local communities and agents of the state who enforced the laws on access to forests and the exploitation of woodland resources. For examples in Savoie and the Pyrenees see Whited, *Forests and Peasant Politics*. In a forthcoming study I consider the nature of forest property and the problems of law enforcement in the pre-revolutionary period.

<sup>7</sup> For example Whited, *Forests and Peasant Politics*; Matteson, *Forests in Revolutionary France*. The organizational development of the Eaux et Forêts under the ancien régime monarchy is surveyed in Bourgenot, “L'administration des Eaux et Forêts”. An initial study of forest guards was based exclusively on published prescriptive sources: Blais, “Contribution à une histoire des gardes”.

environments in which woodland policing was carried out. The importance of the natural environment provides the third and most important theme, drawing on illustrative examples from a database of over 800 reports filed by forest guards and other officials in the south-western provinces of Guyenne and Gascogne, between the 1720s and the Revolution of 1789. My overall conclusion is that while the rural environment offered a number of distinctive challenges to the policing agents who were responsible for enforcing the French king's forest laws, these men's knowledge of the natural world — as revealed uniquely in their first-hand reports — could also help them to detect and solve environmental "crimes".

As a starting point there are some good reasons for pursuing this study. The first is that policing histories continue to focus overwhelmingly on urban settings.<sup>8</sup> In many parts of medieval and early modern Europe the notion of "police" was closely connected with issues arising from municipal administration.<sup>9</sup> By the eighteenth century, as a number of scholars have demonstrated, "police" and "policing" acquired wider connotations than simply the security of persons and property, especially in cities like Paris.<sup>10</sup> At that time, in fact, several "enlightened" commentators were urging rulers and their governments to look beyond the city limits, and do more to bring their "policing" powers to bear on the entire territory and its resources, both human and non-human. The purpose was not simply military or fiscal, but also what would now be regarded as economic. In 1756 the Prussian jurist Joachim von Justi spelled out this view:

To this end the sovereign must have his lands surveyed and mapped, not only indicating the names of cities, towns and hamlets, but also providing annotations that mark out areas [that are] suited to planting forests and vineyards, and can sustain work, [...] grazing, and the like.<sup>11</sup>

This quotation comes in fact from a chapter about "police powers and social disciplining" in Giuseppe Campesi's intellectual history of "public security" and the development of "modern police powers". But, as if to reinforce scholars' preoccupation with towns and cities, Campesi immediately insisted that "urban space... would always take pride of place".<sup>12</sup> Like other historians Campesi noted the significance of the creation in 1667 of the Lieutenant General of Police for the city of Paris, but overlooked the wider efforts undertaken by Colbert at that time to extend the policing powers of Louis XIV's royal government — including (but far from limited to) the 1669 Ordinance on Waterways and Forests.<sup>13</sup>

A second reason for this study is that while modern policing and intelligence services routinely rely on theories of human psychology when profiling possible offenders, both they and the academics who research this field have also done much to elaborate the notion of environments of crime. Like law enforcement agencies themselves, criminal justice scholars have explored prevalent assumptions about the geographical locations of criminal activity — the forms

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<sup>8</sup> In addition there are chronological limitations in much of the work done by historians of policing, who are understandably drawn to the extensive and centralized records of the nineteenth and twentieth centuries. Clive Emsley's overview of police history provided a useful survey of scholarship about the pre-1800 period, but confined these insights to the introduction: Emsley, *Theories and Origins*, xi-xxiv.

<sup>9</sup> Clive Emsley, "History," in Wakefield and Fleming, *Sage Dictionary of Policing*, 140-41.

<sup>10</sup> Garrioch, "The People of Paris and their Police"; Herbert Reinke, "Germany," in Wakefield and Fleming, *Sage Dictionary of Policing*, 146.

<sup>11</sup> Joachim von Justi, *Grundsätze der Policey-Wissenschaft* (Göttingen, 1756), translated and quoted in Campesi, *A Genealogy of Public Security*, 118.

<sup>12</sup> *Ibid.*, 118.

<sup>13</sup> *Ibid.*, 36-38. See also Emsley, *Policing and its Context*, esp. 8-20.

of criminality that seemed more likely to be committed in some settings rather than others. This trend loomed large in the historians' "crime wave" of the 1970s and '80s, which saw the rise to prominence of criminal justice history.<sup>14</sup> Early historical studies were notable for their efforts to identify the prominent kinds of offenses that differentiated urban centers (where authorities documented their efforts to deal with riots, street crimes like robberies and muggings, and problem populations such as sailors, soldiers, and recent immigrants), from rural areas (which were noted especially for the incidence of poaching, arson, thefts of crops, and animal maiming).<sup>15</sup>

But if environments of crime have received attention, much less has been done to investigate environments of policing. Even the famous "broken windows" hypothesis, first put forward in 1982 by James Wilson and George Keeling, had relatively little to say about the physical environment that allowed the crimes of social decay to proliferate, and instead focused on the personal interactions associated with a lack of "neighborhood safety".<sup>16</sup> Perhaps more surprisingly, several recent surveys of environmental law enforcement and "green criminology" seem less concerned with investigating the natural world in which such offenses can be committed — and (one hopes) arrested — than with exploring the organizational and operational challenges faced by today's environmental regulators.<sup>17</sup>

The present article argues that "environments of policing" incorporate those institutional, legal, and social features that have been canvassed by a range of studies, whether by criminologists or historians. But "environments of policing" also include the physical setting, the landscape and its "natural" attributes. This is a theme that has been overlooked by previous scholars, or simply confined to a few preliminary remarks. Policing the surroundings of a small town in outback Australia, or indeed a remote stretch of the Amazon basin, demands environmental knowledge and skills that are completely different from those required in downtown Chicago or the *banlieue* of Marseille. The creators of fictional detectives and police officers recognise the importance of place, and routinely demonstrate their heroes' and heroines' ability to navigate the world of crimes and criminals by using their awareness of their surroundings. Yet historians of policing, perhaps because they lack suitable evidence, have been slow to appreciate these dimensions of their subject.

These two issues — the urban focus of criminal justice histories, and the notion of environments of policing — have a significant bearing on efforts to explore the policing history of France under the ancien régime monarchy. In the first place, the overwhelming majority of the population then lived outside the major towns and cities, so most people's encounters with policing agents were likely to involve the small and scattered "brigades" of the rural constabulary (*maréchaussée*), or — much more frequently — a representative of royal, seigneurial or community authority who was charged with patrolling the forests, woodlands, rivers, and commons.<sup>18</sup> As I have argued, these forest guards, gamekeepers, and officials of the royal Eaux et Forêts should be regarded as equivalent to modern policing agents: their competence was limited to a clearly defined range of offenses (as spelled out in the 1669 Ordinance and subsequent amendments). But their scope of activity extended right across the kingdom, not merely the

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<sup>14</sup> Innes and Styles, "The Crime Wave". An updated version of this important review essay appeared under the same title in Wilson, *Rethinking Social History*, 201-65.

<sup>15</sup> For example Emsley, "Environmental Perceptions". See also Johnson and Monkkonen, *The Civilization of Crime*.

<sup>16</sup> Wilson and Keeling, "Broken Windows". This influential article has been widely discussed and anthologized, including in Newburn, *Policing*, 460-72.

<sup>17</sup> For an introductory example White, "Policing and Environmental Law Enforcement," 196-207.

<sup>18</sup> On the *maréchaussée* see Cameron, *Crime and Repression*, a pioneering study in English.

woodlands of the royal estate, but also to rural properties in the hands of clergymen and Church institutions, private estates of all kinds (from the greatest noble's to the poorest peasants'), and even to resources that were collectively owned and managed by rural communities.<sup>19</sup>

Second, the notion of environments of policing (as distinct from environments of crime) can help us to think more clearly about how policing authorities interacted with offenders (and non-offenders), and re-emphasizes the agency they exercised — the constraints they faced, their uses of discretion, the work culture they fostered, the dangers they confronted. Exploring environments of policing can suggest some of the ways in which their physical surroundings could provide law enforcement agents not only with challenges, but also with opportunities.

This is an area where my thinking has been shaped by some recent studies of the work done by wildlife wardens and conservation officers in the USA and various parts of the developing world (especially in Africa), which have started to shed some light on the distinctive features of enforcing environmental regulations.<sup>20</sup> Several of these studies deal rather cursorily with the physical setting in which environmental offenses are (or are likely to be) committed, but in an early article Stephen L. Eliason summarized some pertinent themes.

Game wardens deal with some unique situations that are alien to their urban law enforcement counterparts, in that they generally work alone and in remote and isolated rural regions, they lack immediate back-up by fellow law enforcement officers, and they routinely deal with individuals that are armed and frequently intoxicated or high from alcohol or drugs.<sup>21</sup>

Clearly not all these circumstances are applicable to the eighteenth century, and the notion or “remote and isolated” requires a good deal of refinement for different settings. But they can provide us with a point of departure.

Present-day conservation officers are directly equivalent to the forest guards, gamekeepers, and similar policing agents who patrolled the countryside of ancien régime France. Like modern game wardens, the eighteenth-century forest guards demonstrated a wide range of capacities and authority. The leading forestry officials in France were representatives of the central state: office-holders in the royal forest service, the Eaux et Forêts, whose terms and conditions of employment were set out in the 1669 Ordinance.<sup>22</sup> Far more numerous were the “private” agents: estate guards and gamekeepers employed by large landowners, especially aristocrats and Church institutions. (Jean Momas in Saint-Sever policed the woodlands of the famous Benedictine abbey, whose church is now a UNESCO world heritage site.) Several of these forest guards men were ex-soldiers. Others were community appointments, usually peasant landholders, artisans or small traders who were empowered by village assemblies to safeguard their communal properties that often included woodlands and trees, but could also extend to other shared-access resources: pasture and rough grazing, ponds and lakes, moors (*landes*), or wetlands. These local guards were often poor, ill-educated men whose main livelihood was earned in other work, and many seemed to patrol the woodlands only periodically, especially during winter when

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<sup>19</sup> Graham, “‘Seeking Information on Who Was Responsible’.”

<sup>20</sup> See for example Eliason, “Throwing the Book versus Cutting Some Slack”; Carter, “Police Use of Discretion”; Eliason, “Patrolling the Peaks and the Plains”; Stretesky and McGarrell, “Wildlife Crime and Enforcement.”

<sup>21</sup> Eliason, “Throwing the Book versus Cutting Some Slack,” 131.

<sup>22</sup> “Ordonnance sur le fait des Eaux et Forêts (août 1669),” Titre X, “Des huissiers audienciers, gardes généraux, sergens et gardes des forêts”, in Baudrillart, *Recueil chronologique*, 51-52.

agricultural employment was scarce.<sup>23</sup> During the course of the eighteenth century there were strenuous efforts to bring local guards under the authority of the Eaux et Forêts, and to encourage closer cooperation between forestry officials and other policing agents of the criminal justice system.<sup>24</sup>

In the south-western provinces of Guyenne and Gascogne the royal government did not set up a regional forest administration until 1689, and it was not until the 1720s that consistent records have survived of their efforts to enforce the requirements of the Ordinance.<sup>25</sup> Following the lead of Philippe Crémieu-Alcan, a Bordeaux-based researcher who has worked extensively on these archives, I created a four-years-per-decade sample of the various reports filed by woodland guards and other forestry officials in these provinces across the eighteenth century.<sup>26</sup> This sampling technique generated a total of just over 800 reports, of which almost 75 per cent were concerned with breaches of the regulations that applied to the management and exploitation of trees and woodlands.<sup>27</sup>

As confirmed by the recent studies of game wardens and conservation officers, the greatest danger faced by eighteenth-century forest guards was to confront one or more hunters. Offenders with firearms obviously need to be approached with caution, and — as highlighted by studies such as John Archer's work on the organized criminal gangs who poached game to supply the urban and socially elite markets of nineteenth-century England — such men could be both desperate and dangerous.<sup>28</sup>

Yet actual incidents of violence were rare in south-western France. Summarizing research projects undertaken by her students at the University of Bordeaux-Montaigne, Anne-Marie Cocula was struck by how infrequently outbreaks of verbal or physical violence were revealed in the documents generated by civil litigation over woodland resources.<sup>29</sup> This is confirmed in many of the forest guards' reports, which led Crémieu-Alcan to suggest that these frontline policing agents adopted deliberate strategies to avoid conflict with offenders who threatened — or inflicted — bodily harm.<sup>30</sup> On the other hand, however, this obviously did not eliminate the likelihood that there were occasions when men like Jean Momas had good reasons to be "fearful".

Of course eighteenth-century forest guards were endowed with some authority. Those whose appointment and qualifications had been approved by the Eaux et Forêts wore a bandolier emblazoned with the royal fleurs-de-lis, and (for their own protection) they were allowed to be armed with pistols. The senior forest guards (*gardes généraux*) routinely patrolled on horseback,

<sup>23</sup> Cameron, "The Policing of Forests in Eighteenth-Century France"; Cameron, "Forests and the End of the Ancien Régime."

<sup>24</sup> Courtois, "La maîtrise des Eaux et Forêts de Bordeaux," 335; Graham, "'Seeking Information on Who Was Responsible'."

<sup>25</sup> Barennes, *Répertoire numérique du fonds des Eaux et Forêts*, 2-3.

<sup>26</sup> This sampling technique — documents from years ending in 0, 3, 5, and 8 — aimed to replicate the method previously used by Crémieu-Alcan in his work on the civil litigation (*procédure*) files: Crémieu-Alcan, "Huissiers et gardes forestiers en Guyenne," 255, n. 46. I am very grateful to M. Crémieu-Alcan for sharing his research with me. For more detail consult his recent dissertation: Crémieu-Alcan, "A l'ombre du Roi."

<sup>27</sup> Samples from ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, 8B 601 (1708-30) through 8B 615 (1788-93). About 8 percent of all sampled reports concerned hunting offenses, 11 percent focused on fishing and waterways offenses, and around 6 per cent were procedural records, most of which showed forest guards acting as process servers.

<sup>28</sup> For example Archer, "Poaching Gangs and Violence." Some examples from south-western France are summarized by Crémieu-Alcan, "Du sang dans les règes," esp. 78-79.

<sup>29</sup> Cocula, "Délits forestiers en Aquitaine." Crémieu-Alcan's examination of about 900 *procédure* files found only about 5 per cent of cases recorded any mention of violence, whether physical or verbal (threats, insults, etc): Crémieu-Alcan, "Du sang dans les règes," 76, n. 42.

<sup>30</sup> Crémieu-Alcan, "Du sang dans les règes," 80-81.

but a host of reports suggest that many local guards carried out their duties on foot.<sup>31</sup> Finally, although the forest guards' reports were written in the formal style of the first person plural (*nous*), it is clear from many of the situations they documented that a good deal of their work was done alone.<sup>32</sup>

The coppiced woodlands (*taillis*) of ancien régime France were areas where deciduous trees like oak and chestnut were cut on a rotational basis, and then allowed to regrow from their stumps. According to the 1669 Ordinance the length of this rotation should never be less than ten years. Private owners of woodlands were also required to leave sixteen reserve trees for every *arpent* of coppice that was cut (roughly half a hectare), so that — over time — these reserve trees (*baliveaux*) would not only grow to full maturity, but become more numerous.<sup>33</sup> Offenses associated with cutting trees too early and/or leaving insufficient reserve trees loom very large among the sample reports by forest guards. One example among many involved the cutting of twenty *arpents* (about ten hectares) of oak trees just to the south of Bordeaux in 1763; trees on about two-thirds of the land area were judged by the forest guard to be only about five or six years old, and none of the reserve trees (*baliveaux*) from previous coupes had been retained.<sup>34</sup> The forest guards of south-western France also carried out periodic campaigns to curb the trimming of young oak trees in summertime, when thin and flexible branches were cut to be used for threshing grain or binding sheaves.<sup>35</sup>

For old-growth trees (*futaie*), the most frequently documented offenses were cutting them without a filing a formal declaration or with dubious authorization. (“Cutting” in this context could mean felling the tree, or simply removing some of its branches.<sup>36</sup>) More serious offenders, however, were the landholders who not only had mature hardwoods felled, but then uprooted the trees to prevent regeneration. This was rightly assumed by forestry officials to signal a major change in land-use, usually from woodland to arable, or from woodland to vines.<sup>37</sup>

<sup>31</sup> One forest guard apparently felt the need to have his official report include the phrase “being this day on horseback” (*étant à cheval ce jourd’hui*). ADG, 8B 603: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Pierre Mannan, Cadaujac, Jan. 24, 1743).

<sup>32</sup> This did not create procedural problems because a formal report by one forest guard, subsequently verified under oath, was legally considered sufficient for a conviction, without additional evidence or witness testimony: “Ordonnance des Eaux et Forêts,” Titre X, Article 8, in Baudrillart, *Recueil chronologique*, 52. See also Blais, “Contribution à une histoire des gardes,” 20.

<sup>33</sup> “Ordonnance des Eaux et Forêts,” Titre XXVI, Article 1, in Baudrillart, *Recueil chronologique*, 78. Church institutions and rural communities had to set apart the best quarter of their woodland to be allowed to grow to full maturity (*quart en réserve*): “Ordonnance des Eaux et Forêts,” Titre XXIV, Article 2 and Titre XXV, Article 2, in Baudrillart, *Recueil chronologique*, 73 and 74.

<sup>34</sup> The landholders, a Benedictine monastic house, were duly issued with a summons. ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, (Jacques Sazy, June 8, Villenave d’Ornon, 1763).

<sup>35</sup> One such campaign against removing young branches to use in binding sheaves yielded ten separate convictions: ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, (Pierre Robert, various parishes around Saint-Macaire, July 26–31 and Aug. 1–2, 1775). Cutting young oak branches in order to thresh grain (*dépiquer*) was another widespread summertime offense, which seems to have been policed particularly in the 1770s: ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, (Pierre Taillarda, jurisdiction of Montaignu de Quercy, Aug. 5–7, 1773); ADG, 8B 609 (Bernard Trenac, jurisdictions of La Ferrusac, Lagarde, Montjoi, Puymirol, and La Sauvetat de Savères, July 23, July 28 and Aug. 3–4, 1773); ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, (Pierre Taillarda, jurisdiction of Penne en Agenais, July 21–22, 1775); ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, (Bernard Trenac, jurisdictions of Agen and Madaillan, July 25–28, 1775).

<sup>36</sup> “Ordonnance des Eaux et Forêts,” Titre XXXII, Article 13, in Baudrillart, *Recueil chronologique*, 91. Burning a tree or stripping its bark were also punishable offenses: “Ordonnance des Eaux et Forêts,” Titre XXVII, Article 22, in Baudrillart, *Recueil chronologique*, 81.

<sup>37</sup> Illegal clearing (*défrichement*) of Church and private woodlands was not targeted specifically by the 1669 Ordinance, but a host of subsequent amendments (Arrêts du Conseil of 1701, 1703, 1713, 1724, 1729, 1735, and 1749) imposed severe penalties for this offense: Henriquez, *Code pénal*, 1:54.

Royal forests were required to be under the regular surveillance of guards and other officers from the Eaux et Forêts. Offenses committed in private woodlands came to the attention of the forestry officials either when they were notified by one of the interested parties, or when the damage to trees was detected during the guards' routine patrols. Forest guards in the South-West were also involved in identifying and prosecuting offenses committed against communal property of various kinds. These cases were documented especially in areas around the Pays de l'Adour and the Agenais where such rights survived into the eighteenth century, but where access to those resources was coming under considerable pressure from the competing demands of urban hearths, vine cultivation, commercial crop-raising, and the state's predation of old-growth construction materials.<sup>38</sup>

The foregoing paragraphs have summarized several features of the institutional and legal environment in which forest policing was carried out in eighteenth-century France. Aspects of the forestry officials' social world are also revealed by a close reading of their first-hand reports and the records of local courts. The generic issues given prominence in modern studies — like “distance” and “isolation” — are well illustrated. Enforcing the laws on woodlands and waterways in ancien régime France could lead to the kind of social exclusion that the US scholar Timothy Carter identified from interviews with game wardens in Virginia:

A feeling of isolation is also common.... As residents in rural communities, game wardens lack anonymity. Often they are the only warden in the county. Seldom does one refer to ‘a’ game warden, rather reference is made to ‘the’ game warden.<sup>39</sup>

Today's conservation officers in North America and elsewhere would no doubt recognize the situation of French forest guards, who often faced disdain and (occasionally) overt resistance, especially from people in authority. Two wealthy “bourgeois” in central Périgord, who took it upon themselves to bring a formal complaint in 1752 about the damage caused to the extensive woodlands belonging to the absentee Marquis de Hautefort, felt no compunction in condemning the local forest guard as a low-life (*gueux*) who spent his day drinking.<sup>40</sup> And enforcing the forest laws could easily give rise to outright ostracism. In 1729 the forest guard at Pouillon (Landes) formally complained that on two occasions he had been subjected to community derision by fellow parishioners who drew an offensive caricature and nailed it to the church door on Sunday morning, where it would be seen by everyone. The guard was well aware that he was the target of this lampoon and its defamatory inscription, because attached to the paper were some partridges' feet — which the guard duly enclosed with his statement of complaint.<sup>41</sup>

Like the present-day conservation officers, French forest guards and gamekeepers were to be found in just about every rural community, but they were rarely considered to be part of the community. One major consequence was the recurrent difficulty that forest guards faced in obtaining timely help from other officials or from community members. In October 1738, Jean Noguères discovered seven cows grazing on the young regrowth in a coppiced section of the Comteau de Blaye, a large but heavily degraded royal forest near Blaye (on the Gironde

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<sup>38</sup> “Ordonnance des Eaux et Forêts,” Titre XXV, in Baudrillart, *Recueil chronologique*, 74-78. For the state's interest in this region's old-growth communal woodlands see Graham, “The Crown and the Community.”

<sup>39</sup> Carter, “Police Use of Discretion,” 622-23.

<sup>40</sup> ADG, 8B 119: Eaux et Forêts de Guyenne. Procédure. Information (Jean Geffard, Apr. 19, 1752)

<sup>41</sup> ADG, 8B 601: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Camin, Pouillon, Nov. 20, 1729). Partridges were game birds whose legal hunting was strictly regulated.

estuary).<sup>42</sup> Noguères had just started to herd the cattle towards a nearby property in order to impound them, when three unknown men armed with iron pitchforks and batons walked across the cows' path, which so frightened the animals that they fled into the thickest part of the undergrowth, where the guard was unable to find them.<sup>43</sup>

This case reminds us that confining ourselves to notions of “distance” or “isolation” does not quite get to the point. Woodlands have distinctive properties that make them challenging to police, and this is where we have useful things to learn by being attentive to the scattered occasions on which forestry officials' reports included some personal reflections on the nature of the wooded landscape and their interactions with it.

One important influence on the policing of woodlands is the nature of the terrain. In October 1743 the regional Grand Master of the Eaux et Forêts, Jean Florimond de Raymond, carried out his first real inspection of the three royal woodlands that were located near the city of Bordeaux. At Cypressat, which occupied an escarpment overlooking the right bank of the River Garonne, parts of the site were so steep and inaccessible that Raymond's report complained about the need to proceed on foot, holding on to branches in order to avoid falling down the hillside.<sup>44</sup>

Another environmental feature that could make life difficult for forest guards was a lack of visibility — a restricted field of vision — which meant that even assiduous forest guards occasionally faced problems locating or orienting themselves by external landmarks. This was especially the case when a woodland had been cut, and then left to regenerate without much attention from foresters: the under-storey proliferated at the expense of the most sought-after hardwood species, and the ground cover could be almost impenetrable. When the Grand Master Raymond visited the royal forest at Créon in the Entre-Deux-Mers, he sought guidance from the two men who were responsible for policing it. They insisted that the woodland was in good shape, and no offenses had been committed there to their knowledge. It quickly became clear to the Grand Master and his entourage, however, that the guards' knowledge was rather limited, and in fact the interior of many sections was so thick that the guards had not inspected these areas for many years. In some places Raymond discovered that access was totally impossible, even on foot, and his official report became almost poetic in describing the profusion of vegetation, “so densely populated that a bird could scarcely get through”.<sup>45</sup>

Trying to carry out their policing duties at night presented forest guards with an even greater challenge. In December 1738, the indefatigable Noguères heard someone chopping timber in the Comteau de Blaye around 8 o'clock in the evening. Despite the dark and cold he ventured out into the royal woodland, and eventually managed to locate an unknown offender, who immediately absconded leaving behind only his billhook (*serpe*). But the guard found he was unable to collect up all seven of the reserve trees that had been cut, so he went to a nearby property for help. By the time he returned to the crime scene, however, all the contraband timber had been carried off.<sup>46</sup>

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<sup>42</sup> On this woodland see the two-part article by Buffault, “La forêt de la Comteau de Blaye.”

<sup>43</sup> ADG, 8B 603: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Noguères, Comteau de Blaye, Oct. 27, 1738).

<sup>44</sup> ADG, 8B 603: Eaux et Forêts de Guyenne, Procès-verbal du Grand-Maître (Jean Florimond de Raymond, Cypressat, Oct. 30, 1743).

<sup>45</sup> “si garni et si fourré qu'à peine un oiseau y passerait” ADG, 8B 603: Eaux et Forêts de Guyenne, Procès-verbal du Grand-Maître (Jean Florimond de Raymond, Créon, Oct. 26-29, 1743).

<sup>46</sup> ADG, 8B 603: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Noguères, Comteau de Blaye, Dec. 9, 1738).

Our sample reports' illustrative examples of the challenges posed by the physical features of the woodland environment could easily be multiplied. But it is now worth turning to consider briefly how knowledge of their natural surroundings could provide forest guards with an opportunity to carry out their policing duties. Several of the reports by forest guards offer interesting demonstrations of their capacity for detective work. In January 1758, Jean Dupuzo found that several large trees had been cut the night before in the communal forest belonging to the town of Saint-Sever. The guard duly examined the stumps and tree rings to estimate their age, and then decided to follow the tracks of some carts, which led him to a group of houses. Having then summoned the assistance of four of the town's constables (*valets de ville*), Dupuzo announced his intention to search these houses for contraband timber. But at two of the dwellings the law enforcement agents were met by enraged householders who had armed themselves with tools (a "*grosse barre*" and an ax) and made threats. The guard reported that "to avoid any violence" (*voie de fait*), he and his associates felt it best to withdraw. Dupuzo nonetheless took the opportunity on departing to observe that each of these two houses had a cart standing under the eaves. And in both cases (as Dupuzo recorded in his official report) the carts were wet, which indicated that they had recently been in use.<sup>47</sup>

More clearly indicative of the insights to be gained by close attention to the natural environment was a case documented by Sieur Jean Condom, a *garde général* who was on horseback patrol around Candresse (Landes) in 1780. Condom was informed that two huge trees alongside the main road from Dax to Clermont had been felled and removed. At the site he found only some woodchips and scattered leaves that were still green. A stump was eventually identified, concealed under some earth, but once it was cleared the guard was able to measure the circumference. He then noticed that when the tree was cut down it had fallen into a ditch, so he used the traces of its impact on the ground and the remaining leaves to estimate its length (25 *pieds* or just over 8 meters).<sup>48</sup>

Investigative initiatives of this kind were especially useful in cases involving coppices, where the age of the cut timber was of most consequence. In the Entre-Deux-Mers a guard was able to date an illegal land clearance by establishing the age of the vines that had been planted subsequently.<sup>49</sup> Judging from his many surviving reports the forest guard from Laroque-Timbaut was very active during the 1770s: in one case of a woodland that had been cleared of young oaks he relied on the age of a neighboring coppice in order to obtain evidence of illegality.<sup>50</sup> And in 1768 Pierre Marquette examined the sap of some young oak trees that had been harvested, but then used his knife to slice a piece of the wood, by which he estimated that this coppice had been cut at only seven years old.<sup>51</sup>

These insights into the environmental skills and awareness of eighteenth-century French forestry officials are available to us only because they chose to include them in a formal report. Mostly, of course, they did not. Jean Momas may have felt "fearful" on a number of occasions,

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<sup>47</sup> ADG, 8B 606: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Dupuzo, Bois d'Augreilh, Jan. 8, 1758).

<sup>48</sup> ADG, 8B 611: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Condom, Clermont, avant midi, Oct. 30, 1780). Condom carried out a similar operation to get the dimensions of the second tree, whose stump was about 200 meters further down the road.

<sup>49</sup> ADG, 8B 604: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jacques Sazy, Pompignac, Oct. 17, 1750).

<sup>50</sup> ADG, 8B 608: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Pierre Taillarda, Fraisse, avant midi, Apr. 5, 1773).

<sup>51</sup> ADG, 8B 607: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Pierre Marquette, Sainte-Foy-la-Longue, Jan. 30, 1768).

but it was in March 1790 that he decided to document his concerns about his personal safety.<sup>52</sup> Rather like the marginalia that provide literary scholars with insights into the processes of understanding and interpretation by individual readers, unprompted and informal revelations like Momas's can be valuable sources.<sup>53</sup> They offer historical evidence of a kind that is rarely recorded elsewhere, above all by allowing us to glimpse some of the day-to-day issues that were involved in woodland policing.<sup>54</sup>

At first glance it may seem obvious that effectively enforcing the laws on forest management necessarily depends not only on the regulatory personnel, their authority, and their ability to negotiate diverse (and potentially conflictual) social encounters, but also on landscape, distance, isolation, and visibility. This article has argued that, from the perspective of historians of criminal justice and environmental management, these issues are by no means self-evident. By highlighting the insights scattered among the first-hand records of woodland policing this study has gone further, by insisting that forestry officials of all kinds could use their environmental knowledge constructively, in order to document offenses, identify offenders, and enforce the law. Being more attentive to the "environments of policing", as outlined in this article, would allow criminal justice scholars in many fields to give due prominence to the specificities of the natural setting in which the various forms of policing occur.

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<sup>52</sup> On the same day Momas was patrolling another of the Benedictines' former woodlands where he encountered the (elected) municipal officers of Saint-Sever. When they questioned him about the widespread damage to recently-planted oakwoods, the forest guard responded with a verbal complaint about the lack of assistance he received from the city's new administration, and then made sure this exchange was included in his report: ADG, 8B 615: Eaux et Forêts de Guyenne, Procès-verbaux des gardes (Jean Momas, Bois de La Saligue, Mar. 29, 1790).

<sup>53</sup> Jackson, "Writing in Books"; Jackson, *Marginalia: Readers Writing Books*.

<sup>54</sup> In this sense there are similarities between these forest guards' reports and the "occurrence books" compiled by British police officers in the late nineteenth century: Churchill, "I am Just the Man", esp. 250-51.

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