

H-France Review Vol. 8 (November 2008), No. 149

Julie Claustre, *Dans les geôles du roi: L'emprisonnement pour dette à Paris à la fin du Moyen Âge*. Paris: Publications de la Sorbonne, 2007. 495 pp. Notes, bibliography, and index. €33.00 E.U. (pb). ISBN 978-2-85944-582-9.

Review by Jotham Parsons, Duquesne University.

“Que vous semble de mon appel/Garnier? Feis-je sens ou folie?”[1] Those two lines, the beginning of the poem that—by design or by hazard—was the last one François Villon left to posterity, represent the sum total of what even most specialists know about the *guichet* of the Châtelet of Paris in the fifteenth century. The “Garnier” to whom Villon addressed his question (a question that could apply as well to the poet’s entire literary enterprise as to his appeal to the Parlement of a death sentence handed down by the *Prévot*) was Estienne Garnier, *clerc du guichet* in the prisons of the Châtelet, who would have recorded Villon’s entry into and exit from the prison during his trial and apparently had taunted him with the supposed uselessness of an appeal.[2] None of the records that Garnier produced survive, but there is a reasonably complete register of the *écrous* (as the records of prisoners were called) of the Châtelet from 1488-89 and a very partial one from 1412. This documentation forms the heart of Julie Claustre’s meticulous study of imprisonment for debt and its legal and institutional context. The result is an exceedingly detailed explication of debt and its enforcement in late medieval Paris, but more importantly, it provides an exceptionally useful window into the process of state-formation at its most basic and most essential level. For, as Claustre shows, by creating and refining strong and popular procedures for securing and renegotiating debts, the monarchy and the Châtelet not only provided a valuable—and highly valued—service to the public, but also began to reorganize elements of civil society around royal sovereignty in ways both practical and ideological.

The story Claustre tells is both complex and only spottily documented: for that reason, and because of her own culture and formation (this study began its life at the École des Chartes), she keeps the sources constantly in the foreground. One of the most striking things about them—which she is too modest to mention but which her thesis director, Claude Gauvard, points out in a preface—is the simple fact that they are *civil* court records. Scholars have been being urged for a while to exploit such records, which survive in abundance from the medieval and early modern period, but few have as yet heeded the call.[3] In part, this is because the sheer profusion of such records is intimidating, but Claustre makes it clear that there is another and probably deeper difficulty. Making sense of civil court records means mastering the arcana of civil procedure; and as untold generations of first-year law students have testified, there are apparently few things to which the human mind is less naturally suited. Much of this book therefore ends up being a study in legal history, and a very good one. Claustre shows how royal legislation and jurisprudence developed a system of imprisonment for debt over the course of the late thirteenth and fourteenth centuries, despite initial ethical reluctance. This was largely driven by a desire to compete with ecclesiastical and municipal jurisdictions, which had their own ways of constraining debtors (excommunication, banishment, and other forms of imprisonment), but it also played a role in extending the jurisdiction attached to the royal seal, laying the foundation for the dominance eventually exercised by the notaries of the Châtelet. In theory, at least, the seal of the Châtelet exercised a certain pre-eminence in France, in that its instruments could be executed anywhere in the kingdom without the prior approval of local jurisdictions; this suggests, as would seem logical, that Paris served as a pioneer

in extending the civil role of the royal courts.

The practical functioning of imprisonment for debt was even more complex than its legal foundations. Medieval and early modern historians have made great strides recently in understanding and appreciating the complex webs of credit that supported preindustrial European economies and societies, compensating at least in part for their volatility and lack of cash, financial institutions, and social security.[4] Given the nature of her data, Claustre can only examine a small part of the late-medieval Parisian credit network, but a crucial one (as any mortgage lender will be happy to tell you), namely the management of default. Sealed letters from a notary of the Châtelet were an only moderately expensive form of insurance that a lender could take out, either at the time of the original loan or when a default appeared immanent (less formal agreements could often be sealed at that point): the crown extended this privilege for free to itself, and to certain merchants involved in the vital and, because of the long distances involved, risky business of provisioning the capital. Imprisoning a debtor did not, of course, magically produce the money to pay off a loan, but it did enforce intensive negotiations under conditions favorable to the creditor, whether a partial payment, rescheduling, transfer to another creditor, or some form of (what we call) bankruptcy, through the procedure of “cession de biens” or royal letters of respite. This reader, at least, was left wanting to know a bit more than Claustre says about these last, most extreme solutions, but in general she reconstructs the experience and strategic implications of default with a subtlety and level of detail that will be very valuable to anyone trying to understand the social and economic life of late-medieval France.

Claustre draws a number of broad conclusions from her study. As far as legal developments go, she suggests not only successful royal initiative, but also a broader cultural change, where tactics like imprisonment once associated with pitiless (and quite probably Jewish) usurers became the lawful behavior of legitimate creditors. Growing economic sophistication no doubt played a role in that change but so, probably, did an improved legal system and judicial safeguards. The endpoint of this process was making the possibility of imprisonment the default for all commercial debts, which was finally implemented by the 1561 Edict of Orleans.[5] At the same time, Claustre detects in the procedure of imprisonment for debt a kind of “pédagogie de l’obligation,” aiding the formation of a (more Weberian than Foucaultian) “discipline du crédit” (pp. 425-26). Moreover, simply by taking the leading role in this process, the royal courts, while leaving almost all of the initiative and details of individual cases to the parties concerned, publicized and accustomed an important swath of the public to their own authority—a process that quite possibly played a significant role in the broader enterprise of medieval state-building.

As plausible and important as these conclusions are, they are not supported by much direct evidence. In part this is in the nature of the enterprise: the sparse medieval sources are often more suggestive than definitive on such matters. It is also, however, symptomatic of the one serious weakness of this generally excellent study, namely, a sometimes rather narrowly technical character. Claustre is by no means oblivious to the wider cultural context of imprisonment for debt, but, as the absence of the colorful M. Garnier from her study illustrates, she passes up some opportunities to explore it more broadly or more systematically. Literature, art, political theory, and other such sources might have found a larger place in an ideal book—and more rigorous editing, eliminating a certain amount of infelicitous repetition, might have made room for them. To ask for this, though, comes perilously close to asking for a different book entirely, and the world would certainly not benefit from exchanging this excellent if rather technical study for yet another woolly piece of cultural history.

NOTES

[1] François Villon, *Les œuvres complètes*, ed. Pierre Janet (Paris: A. Lemerre, 1873), p. 104 (“Ballade de l’appel de Villon,” ll. 1-2).

[2] See Pierre Champion, *François Villon: sa vie et son temps*, 2nd ed., 2 vols. (Paris: Honoré Champion, 1967), 2:382-84. Garnier, a picaresque figure in his own right, had spent a fair amount of time on the wrong side of the jails of the Conciergerie, including being held for non-payment of his debts to the jailer there. He does not, however, make an appearance in Claustre's study.

[3] James R. Farr, for example, made such a call at a roundtable at the 2007 Sixteenth Century Studies Conference; on the other side of the Atlantic, one may be found in a research manual by Benoît Garnot, *Justice et société en France aux XVIe, XVIIe et XVIIIe siècles* (Paris: Ophrys, 2000), pp. 225-26. To the best of my knowledge, nobody has yet suggested turning to the records of administrative-law jurisdictions, though they did exist (if not under that name) in old-regime France; if the *minutes des règlements* of the Cour des Monnaies are representative, they are absolutely unparalleled in their sheer tediousness.

[4] *The literature on the early modern period, with which this reviewer is more familiar, centers on the pioneering study of Craig Muldrew, The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England (London: MacMillan, 1998). For the French case, see Philip T. Hoffman, Growth in a Traditional Society: The French Countryside, 1450-1815 (Princeton, N.J.: Princeton University Press, 1996), pp. 69-80, and various subsequent work by the same author.*

[5] *Article 144: see M. Isambert, et al., eds., Recueil général des anciennes lois françaises, depuis l'an 420 jusqu'à la révolution de 1789, 29 vols. (Paris: Belin-Leprieur, 1826-33), 14: 96-97. The explicit model was the Fair of Lyons, however, not Parisian practice.*

Jotham Parsons
Duquesne University
parsonsj@duq.edu

Copyright © 2008 by the Society for French Historical Studies, all rights reserved. The Society for French Historical Studies permits the electronic distribution of individual reviews for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and the location of the review on the H-France website. The Society for French Historical Studies reserves the right to withdraw the license for redistribution/republication of individual reviews at any time and for any specific case. Neither bulk redistribution/republication in electronic form of more than five percent of the contents of H-France Review nor re-publication of any amount in print form will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of H-France. The views posted on H-France Review are not necessarily the views of the Society for French Historical Studies.

ISSN 1553-9172