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Jonathan Patterson. *Villainy in France, 1463-1610: A Transcultural Study of Law & Literature*. Oxford: Oxford University Press, 2021. viii + 326 pp. Illustrations, notes, bibliography, and index. \$90.00 U.S./£70.00 U.K. (hb). ISBN 9780198840015.

Response essay by Jonathan Patterson, University of Oxford

My experience of academic publishing is one that will doubtless resonate with many H-France readers: elation (and relief!) that after nine years there is now an "output" (a term so beloved of UK research councils), and that nagging feeling that the published item always misses some things that had to be included. If a book's work can never be fully done by the author, it begs the question, when is the book?[1] The best answer, I think, is when it starts to generate debate. The H-France Forum offers an excellent space for facilitating such debate and thereby nurturing new publications. So I was delighted when Helen Solterer approached me to take part, and I am deeply grateful to the four scholars—Juliette Cherbuliez, Virginia Krause, Christopher Lucken, and Karen Sullivan—who have read Villainy in France so assiduously. In reading their review essays I have learned a good deal about how my book is—more than I dared to hope—inviting others to wrestle with the problem of social and moral evil, not just in the pre-modern era but also today. I was also humbled by the willingness of my readers to grapple with the methodology I adopted, that is, to go with villainy's flow. This is, I am convinced, what makes Villainy in France "a disturbing book" in Sullivan's words, and one that gives us reason to reconsider the critical tendency to praise the jubilation in disruption that can be seen in pre-modern sources (Sullivan, p. 7).

Each of my reviewers has made insightful observations on *Villainy in France*, showing how it connects with their own research specialisms and wider scholarly agendas. As well as commenting on particular details, all four reviewers have eloquently analysed the broader vision of pre-modern culture that the book presents. I shall focus my response on what strikes me as three key areas of debate around *Villainy in France*: methodology, legal history, and adjacent scholarship in literary-historical fields. The unorthodox way I handled the subject of villainy was warmly received by three reviewers, but it was not to everyone's taste, and has drawn some criticism from Lucken. Krause helpfully showed that there were some areas in which my dialogue with other scholars could have gone further; so I shall attempt to engage further with the work of George Hoffmann on Reformation satire, and with Dominique Brancher on *(im)pudeur*. Finally, there is the intriguing question of masculinity that appears obliquely in parts of my book, and which, at Cherbuliez's invitation, I shall probe a little further.

A question of method. Both Cherbuliez and Krause noted the methodological self-consciousness that characterises my approach: "witnessing, chronicling villainy is always ambiguously participatory rather than neutral" (Krause, p. 2). For me, it was important to make that self-consciousness manifest, although it entailed the risk of not always clearly demarcating the language of source and my own analytical vocabulary. This was a fair criticism noted by Cherbuliez; and it was problematic for Lucken, whose objections I will address first. For Lucken, the "flou conceptuel" of my writing came at the cost of a certain analytical rigour: it would have been preferable to focus my analysis "de façon précise" on the usage of the key term *vilain* in my

corpus of texts. At stake here, I think, is the understanding of precision. I find myself in complete agreement with Lucken on the importance of grounding one's analysis in close readings of the texts so that one becomes alert to the nuances in the way terms are used, and their differing implications from one text to another. This kind of close reading is what informs my analysis throughout the book. Yet my readings do not lead me, ultimately, to frame villainy as Lucken would prefer: as a systematic study of verbal insult, its lexical tracers and its objects. In the early drafts of the book, this was indeed the kind of study I was writing; but over time I felt I had become stuck in a rather one-dimensional understanding of what an insult is and does. In successive redrafts I changed tack and became more interested in what lies beyond the immediate act of discrediting an opponent, foregrounding as sharply as I could the less visible, yet vital, legal (or quasi-legal) aspects of villainy that persist in literary forms—both vilifying speech-acts and malicious, non-verbal actions. Furthermore, in the series of examples Lucken cites on p. 3 of his essay, I would draw attention to one of the key shifts in emphasis in my book's argument: from villainy as essentially farcical, affording ambivalent laughter in the execution of particular ruses, to villainy as non-humorous—a sign of religious and political danger, of the sort that finds expression in vehement satirical and tragic genres. In particular, as the arc of my argument tends towards the tragic, it makes manifest that which is uncontrollable, that which eludes a final act of retribution, that which is never fully "contained" by the agents of justice and by the upholders of morality. And this leads me to a question of method that I would put to Lucken: should we, in academic discourse or elsewhere, approach the subject of villainy in the hope that we will be led to construct a reassuringly familiar "opposition binaire entre les forces antagonistes du bien et du mal" (Lucken, p. 5)? The material I have examined leads me to think that such an opposition is too tidy, too reductive, and liable to give a misleading sense of analytical precision. Where premodern vocabularies and representations of villainy suggest "l'existence de valeurs bénéfiques susceptibles de s'y opposer" (Lucken, p. 5), they do so, I would argue, by undermining binary thinking, by causing us to question the historical contingency of whatever is beneficial—especially (as Cherbuliez noted), when it is presented as *noble*, or *vaillant*.

Revisiting the vilain cas. Lucken's essay caused me to reconsider how precisely the notion of villainy relates to criminal acts and categories, and what to make of vilain cas in legal discourse. Having read Lucken's essay, I concur that vilain cas is not a proper legal concept—more a residual judicial idiom that eventually peters out. In the late sixteenth-century, it lingers on in some local jurisdictions, as the work of Diane Roussel suggests.[2] On its own, the term vilain cas does not readily confirm that a particular instance of criminality has indeed taken place: as Lucken says, "impossible de savoir si le cas incriminé tombe sous le coup de la loi ou s'il relève de la seule morale" (p. 5). What does seem significant, however, is the moral emphasis in legal discourse when vilain cas is negatively articulated. I could have made more of this in my study. In Lucken's example, the defendant under interrogation—a chambermaid—affirms her blamelessness (and thereby her judicial credibility) by swearing under oath that no-one has ever charged her with "aucun cas villain ou reprouche." So this, we might say, constitutes a performative utterance that does more than it shows: hence the emphasis shifts from the specific offence of which she stands accused, to a general attestation of innocence that covers not only this accusation, but any other allegation as well (criminal trials often revolved around multiple allegations made against an individual over a period of time). This example is from the Registre criminel du Châtelet; it illustrates, moreover, the same defence mechanism that one finds elsewhere, especially in letters of royal pardon, where the supplicant's blamelessness is legally reinstated.[3] Most tellingly for

my study, a certain "Maistre François des Loges" (aka "Villon") is eventually cleared of homicide and declared not guilty of any "villain cas, blasme ou reprouche." [4]

So where do these examples in law stand in relation to the notion of villainy? In each case, what matters most, it seems, is not that the accused is judged guilty or is acquitted of a serious crime that could be construed as "villainous" (although, the pardoning of François des Loges does have significant implications for the way we see villainy in Villon). What matters most, in a legal-historical sense, is that the individual in question is seeking a legal vindication of their moral character as anything other than reproachable. This need not imply a particular virtue—just that they are unremarkably honest, upright persons who are trustworthy enough to go about their business in the community again without further legal intervention in their lives. To ascertain how far these attestations of innocence counted towards individuals' reintegration into their communities would require further comparative study of different jurisdictions and their attendant social logics, possibly best done a team of experts (cf., Krause's allusion to her work on witchcraft trials).[5]

Dialogue with Dominique Brancher. Having revisited one of the legal aspects of villainy, I shall now open up dialogue with other scholars working on morality and culture in pre-modern France. In her essay, Krause wonders whether the wider shift from impiety to obscenity traced by Dominique Brancher in Équivoques de la pudeur has a distinct bearing on the modes of villainy examined in Villainy in France. The short answer is yes (!), and I regret that in my efforts to foreground the legal I overlooked Brancher's work on the medico-scientific. I can see several affinities with Brancher's work. Firstly, we are both dealing with a slippery concept that connotes shocking departures from décence. We have several authors in common: Calvin, Dupuyherbault, Garasse, Marot, and Rabelais. Moreover, Brancher's approach, like my own, is methodologically eclectic; she is not fazed by the 'flous sémantiques' that arise when one discovers that "la spécificité de la notion se dérobe," in other words, when pudeur frequently takes on an impudique, even obscene, colouring, all the more so as its performative, polemical, and accusatory hues are sketched in.[6] If Brancher's work places a stronger emphasis on the gendered body than does mine, then we nevertheless reach similar conclusions about the functioning of obscenity in religious polemic: here, the Franco-Latin word cluster deshonneste-villain-ord-turpisobscenus supports numerous accusations levelled by polemicists against their "obscene" religious opponents.

As we both note, vehement allegations of this sort were all too-reversible. Take Father Garasse, that notorious scourge of early seventeenth-century *libertins*, whose leading opponent (François Ogier) Brancher mentions as an example of how to counter a self-righteous censor. For Ogier, the very *pudeur* Garasse purportedly championed in his *Doctrine curieuse* is undone on every page of the work, where Garasse has amassed impious slanders against many people and, moreover, has been overindulgent in the obscene details of *libertinage*.[7] Garasse can thus be read as exemplifying the inverse of *pudeur*; and I would add that he is more than prepared to be *impudique* if it suits his polemical ends. For Garasse, writing impiously is the mode of proper engagement with an enemy, although I wonder whether he always intends us to take him at his word; indeed he can be read as self-consciously invested in the ludic arts of vilification via his imitation of Rabelais. As I argue in chapter 7 of *Villainy in France* (building on the work of Anne Lake Prescott and Peter Frei),[8] Garasse is a key figure in the battle to own the "railing" style of Rabelais—an

enterprise that courted legal reprisals as it went beyond the threshold of public *décence*. As Emily Butterworth has shown, there was a dangerous border zone between legitimate and illegitimate criticism in early seventeenth-century France, and there is more work to be done to ascertain Garasse's position within that liminal space.[9]

There is, however, another sort of *impudeur*—that which is erotically stimulated, especially in the medico-scientific discourses that Brancher examines. Here, there is much less overlap with my work, with the possible exception of one notable incident: the involuntary spectacle of postpartum bleeding in Rosset's account of the execution of Marguerite de Ravalet. According to Rosset's *histoire tragique*, this was caused by an inept valet attempting to remove her body from the scaffold (see *Villainy in France*, chapter 17). Revisiting this incident in Rosset, one could detect therein the same dynamics of unveiling that Brancher takes towards erotic *impudeur*; yet Rosset presents the valet's actions as grossly detracting from rather than enhancing Marguerite's bodily appeal. Do we then want to take this insistence on the unerotic *à contre sens*? The equivocation comes at the complex intersection of literary style and readerly desire—a contingency, Brancher would argue, that ambivalently shapes our *regard critique*.

Dialogue with George Hoffmann. The possibility and parameters of critical distance are key factors, not only in Brancher's study, but also in George Hoffmann's Reforming French Culture.[10] Re-reading this work, I can now see both convergences with Villainy in France and significant differences in our approach to satire. Looking back, I suspect I gravitated away from Hoffmann's work as I became more and more interested in France's legal (and predominantly Catholic) institutions. Setting aside the clear difference in confessional orientation, there are important similarities in our two studies that deserve comment here. Firstly, our respective analyses flow from considerations of geographical dissemination. The principal objects of Hoffmann's study are the mass printed satirical works that were bundled, then transported by river and road from the Swiss highlands into France.[11] My work traces another transcultural movement of objects: the movement of semi-fictional villain personae across texts, some of which crossed the Channel. Comparing these two movements, we see that although the direction of travel may be different, there is a shared interest in what gives a particular style of communication the impetus it requires to reach a dispersed public: namely, a forensic exposure of the enemy's devices, a quickly comprehensible argument, and large doses of earthy humour. Here, Hoffmann and I intersect on particular aspects of Reformation satirical writing: on Calvin's excoriation of Rabelais, but also to a lesser extent on Bèze and Gentillet.

Hoffmann furthermore speaks of reformers living in an "interim" time and space as they sought imaginative ways of fulfilling the Pauline injunction to live in the world but not conforming to its pattern (Romans 12:2). This imaginative awareness of estrangement, of living as spiritual aliens, is a particular feature of Reformation satire, but it can be found in other kinds of reformed writings as well. For instance, it forms the *sine qua non* of what I framed as epistemic vigilance in Anne Dowriche's tragical poem, the *French Historie* (*Villainy in France*, chapter 12). In terms of estrangement, ironically, the key bridge between our two studies is offered by the outsider we share: the humanist scholar-printer, Henri Estienne. Both Hoffmann and I have grappled with the difficulty of placing Estienne, one of the great loners of the pre-modern intelligentsia. He did not sit comfortably on either my twin axes (law–literature; French–English), and he occupies a somewhat marginal position in *Reforming French Culture*, exhibiting a "far less religiously

motivated repugnance for his contemporaries" than other Geneva-based reformers.[12] Whilst I would want to nuance this view of Estienne's religious motivations, I broadly agree with Hoffmann concerning the significance of Estienne's work as an instance of satiric nonconformity. Crucial to Estienne's engagement in satire is his articulation of a temporal malaise, whereby every degrading event he chronicles becomes part of a much larger pattern of moral decline. I agree with Hoffmann that this made Estienne the odd man out in Geneva. His willingness to counteract moral turpitude through "the restorative powers of textual criticism" shows ongoing commitments to Renaissance humanism that one does not find in likes of Calvin, Conrad Badius, and Bèze.[13] I would suggest that Estienne's sense of estrangement is Janus-like, in that his philological method is paradoxically open to a more secular future as it remains focused on the religious past. Estienne wished to cultivate an older, pre-Lutheran form of spiritual alienation than that of his peers. This emerges when we turn to his Apologie pour Hérodote: a satirical text which bristles with "vilenies." [14] Across the Apologie, Estienne's chastising owes much to fifteenth-century preaching (Gabriel Barletta, Olivier Maillard, Michel Menot), the auditory aspect of which he repeatedly stresses ("oyons Menot...", "oyons Maillard...") as he articulates France's ongoing moral debasement. Intellectually, Estienne may have been a lone figure in Geneva, but he is adamant that he never speaks alone: his voice is an amplification of longstanding Franciscan and Dominican outcries against the high and mighty, and it is this vocal proximity with his fifteenth-century predecessors that gives the *Apologie pour Hérodote* a prophetic bite.

So when we read Estienne's *Apologie*, we should do so bearing in mind its oratorical strategies of urgency that draw the reader (and critic) in. And Estienne is not alone among pre-modern writers, I would argue, who elicit our participation in the world of villainies they set forth before us. In this respect, Estienne, fellow satirist John Marston, and Pierre de L'Estoile, a compulsive compiler of satirical verses, all adopt a conspicuous posture of *pudeur* that they are unable to maintain. All three are confronted with material that is so utterly *vilain* that it *has* to be put before the reader so that we can see for ourselves just how vehement their disgust is and, by the same token, question the authenticity of their elaborate disavowals. They seem to anticipate that we, too, will be inescapably curieux: that we will choose not to distance ourselves from the vile things they so amply supply (and tell us where to find more).[15] For Hoffmann, the satirist always keeps his distance from his object, assessing, passing judgement, then standing back to shake his head in knowing disapproval.[16] To which I respond, yes, knowing disapproval—but despite his apparent aloofness, the satirist cannot keep his distance, he cannot stop himself coming back for another look at the filthy stuff he denounces. Moreover, he knows that likeminded (male) readers are doing the same – and it is this anticipation that creates a sense of affiliation with absent fellows, even when large gatherings are legally prohibited.

Villainy and masculinities. The question of absent fellows leads to wider questions about masculinity in the homosocial activity I traced in *Villainy in France*. A full treatment of the subject of masculinity is, as Cherbuliez noted, beyond the purview of my study; but she puts forward some important broader questions that I shall now briefly address. First is the question of whether our approach to rhetorics of masculinity needs to put more emphasis on different sorts of debasement. Yes, I think it does. In late sixteenth-century France, two figures of immoderate masculinity (to borrow Todd Reeser's term) come into conflict as they trouble the stability of Henri III's court: the favoured courtier (*mignon*) and the malcontent courtier (or *miles gloriosus*). These two figures arouse literary interest inasmuch as they both exhibit uncontrolled male aggression—yet the

former does so under a façade of effete refinement which the latter conspicuously lacks. Both are nonetheless subject to spectacular falls from grace (see *Villainy in France*, Part V). It is therefore important to stress the competitiveness of these two forms of immoderate masculinity, but also to interrogate their place in a proliferating series of immoderate figures identified by Reeser (Persians, Turks, Amerindians, Protestants, sodomites, hermaphrodites).[17] Further study might be productively framed in terms of intersectionality, i.e., looking at the processes which advance some forms of pre-modern masculinity at the expense of others.[18] The role of law in such processes merits further attention: if the law is inherently masculinist, as David LaGuardia suggests,[19] then which forms of masculinity profit most from it? Which forms are disadvantaged? Such questions, I feel, deserve more attention, speaking as they do to a longer historical narrative of masculinities in which the warrior elites clash conspicuously with the *parlementaires*.

Returning (as ever) to villainy's flow, I think that Cherbuliez is right to note that the question of masculinity overflows its limits in Rabelais. Rabelais is, as Reeser has shown, fascinated by the anthropological affordances of pairing the demasculinized Panurge with the hypermasculine Frère Jean. [20] But Rabelais is no less interested, I would argue, in the activities that make men beastly; he wants us to beguile us with male creatures whose humanity shades off into something grotesque and menacingly distorted. See for instance the litigious "chicanoux" of Procuration, who are hairy, beast-like villains (Quart Livre 12-16). More menacing still are the magistrate villains of Condemnation in the shape of "chats-fourrez," against whom Frère Jean's physical potency counts for nothing (Cinquiesme Livre, 11-15). In both cases the beasts eventually succumb to an all too familiar shortcoming of the immoderate male: a dogged appetite for money. So have they been reinscribed within the familiar bounds of cynical satire? Perhaps; yet we would do well not to take the dog out of Rabelais's cynicism. The dog is a key figure in the Rabelaisian bestiary of meaningful, instructive creatures.[21] And lest we ever forget, Panurge needed 600,014 dogs to orchestrate "la plus grande villanie du monde" (Pantagruel 21-22), the trick on a Haughty Lady that nonetheless resists masculine complicity (according to Carla Freccero, who has reflected on the episode more than anyone else).[22] That villainy continues to divide Rabelaisian scholars more than any other, and will doubtless continue to do so.

To conclude. Whilst villainy by its nature sows division and provokes offence, it also offers food for constructive dialogue as this H-France forum has shown. There is of course, always more that could be said, not least on the question of villainy as sin. I echo Cherbuliez's hopes that historians of religion will take my invitation to reconsider how the representation of sin and retribution in various pre-modern literary genres stood in relation to theological treatises. More generally, a way forward here might be suggested by Yoann Malinge's recent dossier for *Implications philosophiques*, "Le méchant: de la compréhension à la fascination."[23] Maligne notes that since Socrates and the Church Fathers, the question of whether evil is willed or predetermined has provoked heated debate—and that debate now informs the search for a genetic causation, an "evil gene" so to speak. Malinge by no means wishes to peddle a deterministic agenda. My hope is that many will respond to his call for further, interdisciplinary research on what happens to villains and villainous actions: "mettre en parallèle et croiser les réflexions anthropologiques, de philosophie morale, juridique et sociale avec les réflexions esthétiques sur les fictions."

And finally, I am delighted that *Villainy in France* might have a bearing on future teaching syllabi. Krause found herself "fantasizing about offering some future course on 'premodern French villains' that would include Villon, Rabelais, and Pierre de L'Estoile while chronicling the period's political and religious turmoil" (Krause, pp. 5-6). What a wonderful course in the making... I hope it becomes a reality. In recent years, I've attempted something like this at Oxford, and it is indeed becoming a villainously fine legacy!

NOTES

- [1] For a range of stimulating answers to this question, see Alexandra Gillespie and Deidre Lynch, eds., *The Unfinished Book* (Oxford: Oxford University Press, 2021), part III: 'When is a book?
- [2] Diane Roussel, *Violences et passions dans le Paris de la Renaissance* (Seyssel: Champ Vallon, 2012), p. 108, where the distinction between pardonable homicide and "le meurtre" or "l'assassinat," between a "beau geste" and a "villain cas," is established around notions of aggravating/extenuating circumstances.
- [3] See Natalie Zemon Davis, Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France (Stanford: Stanford University Press, 1987).
- [4] Villainy in France, p. 81.
- [5] To unpack further the social logics informing the accusation/denial of *vilains cas*, one would need to consider various factors, including the following: the ideological biases of the judges (e.g. towards upholding the authority of the *paterfamilias*, and *some* forms of female honour); the judiciary's links to other powerholders (prominent nobles and ecclesiastics); the role of bribery; the role of out-of-court settlements; and pressure exerted on each side by supporters of the other.
- [6] Dominique Brancher, Équivoques de la pudeur: fabrique d'une passion à la Renaissance (Geneva: Droz, 2015), p. 173.
- [7] Brancher, Équivoques de la pudeur, p. 212. On this boomerang effect of vilification, see Marc Fumaroli, L'Âge de l'Éloquence (Geneva: Droz, 2002), pp. 329-34. Adam Horsley has recently argued that "the term *libertin* as an accusation became so vague (yet no less potent) that it was perhaps unfit for purpose in a legal arena which sought to clarify truth." Libertines and the Law: Subversive Authors and Criminal Justice in Early Seventeenth-Century France (Oxford: Oxford University Press, 2021), p. 353.
- [8] Anne Lake Prescott, *Imagining Rabelais in Renaissance England* (New Haven: Yale University Press, 1998), pp. 79-80; Peter Frei, *François Rabelais et le scandale de la modernité: pour une herméneutique de l'obscène renaissant* (Geneva: Droz, 2015), pp. 157-158.
- [9] Emily Butterworth, *Poisoned Words: Slander and Satire in Early Modern France* (London: Legenda, 2006).

- [10] George Hoffmann, Reforming French Culture: Satire, Spiritual Alienation, and Connection to Strangers (Oxford: Oxford University Press, 2017).
- [11] Hoffmann, p. 2.
- [12] Hoffmann, p. 91.
- [13] Hoffmann, p. 91.
- [14] Henri Estienne, *Apologie pour Hérodote*, ed. by Bénédicte Boudou, 2 vols. (Geneva: Droz, 2007). Estienne is particularly irked by Italians displaying statues of Priapus in the fashionable St Germain district: an example of what makes "la vilenie de nostre siècle si superlative", vol. I, p. 271.
- [15] See *Villainy in France*, chapter 15, and my earlier article, "Obscenity and Censorship in the Reign of Henri III," *Renaissance Quarterly*, 70 (2017): 1321-1365.
- [16] Hoffmann, p. 100.
- [17] Todd Reeser, *Moderating Masculinity in Early Modern Culture* (Chapel Hill: University of North Carolina Press, 2006).
- [18] For orientation, see Anne-Dorte Christensen and Sune Qvotrup Jensen, "Intersectionality," in *Routledge International Handbook of Masculinity Studies*, ed. by Lucas Gottzén, Ulf Mellström, and Tamara Shefer (Abingdon: Routledge, 2019).
- [19] David LaGuardia, Intertextual Masculinity in French Renaissance Literature: Rabelais, Brantôme, and the Cent Nouvelles Nouvelles (Aldershot: Ashgate, 2008).
- [20] See Reeser, *Moderating Masculinity*, especially pp. 162-164.
- [21] Wes Williams, "Histories natural and unnatural," in *The Cambridge Companion to Rabelais*, ed. by John O'Brien (Cambridge: Cambridge University Press, 2011), pp. 125-140 (130); more generally, Hugh Roberts, *Dogs' Tales: Representations of Ancient Cynicism in French Renaissance Texts* (Amsterdam: Rodopi, 2006).
- [22] See notably Carla Freccero, "Queer Rabelais?" in *Approaches to Teaching the Works of François Rabelais*, ed. by Todd Reeser and Floyd Gray (New York: Modern Language Association of America, 2011), pp. 182-91.
- [23] Appel à contributions, "Le méchant. De la compréhension à la fascination," *Implications philosophiques*, https://www.implications-philosophiques.org/appel-a-contributions-le-mechant-de-la-comprehension-a-la-fascination/ (accessed September 12, 2022).

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