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Caroline Callard, *Le temps des fantômes. Spectralités de l'âge moderne (XVI^e^–XVII^e^ siècle)*. Collection "L'épreuve de l'histoire." Paris: Fayard, 2019. 366 pp. Tableaux, notes, et index. 23€ (pb). ISBN 9782213712789.

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Review Essay by Tyler Lange, University of Washington

This clever book, now available in the French original and English translation, investigates the cultural function of revenants between c. 1550 and c. 1650. Callard aligns herself with recent trends toward questioning easy assertions of transition from an enchanted Middle Ages to a disenchanted early modernity by arguing for a "humanist parenthesis" (p. 232) in attitudes to spectres. This "spectral moment" was "defined by two major elements: first and foremost the constitution of ghosts as "commonplace," autonomous, unconnected to theology or devotional literature, notably due to the advent of printing; secondly, the period is marked by the epistemological promotion of spectres as objects of a knowledge that was seeking legitimacy in the context of the rise of natural philosophy" (p. 13).

Chapter 1 clarifies what Callard means by spectral moment by drawing parallels with modern belief in ghosts and witchcraft to suggest that "increased presence of ghosts in certain sections of mass culture intensified, and even generated a belief in their existence. […] the source is here the site of the production of the phenomenon, a matrix with the power to stimulate support for its propositions among an ever-growing audience" (p. 26). In other words, "these anecdotes [of haunting] acquired the status of proof in treatises on demonology, theology, natural philosophy, and medicine" (p. 39). This incredibly apposite observation puts Callard's spectral moment in conversation with the roughly contemporaneous phenomenon of the European witch panics, fed by multiple editions of Johannes Nider's *Formicarius* (first printed in 1475) and Heinrich Kramer's *Malleus maleficarum* (1486), which similarly compiled anecdotes into proof of the diabolical sect of witches, and potentially with present-day episodes of social contagion fed by media representations.

Chapter 2 frames a very interesting discussion of whether one can break a lease for reason of haunting with Denis Crouzet's portrayal of the sixteenth century as an age of panic and crisis. Because the Digest of Justinian (19.2.27) provides that "someone [who]…moved out due to fear [*timoris causa*]…if there were grounds for his fearing danger, then although there was in fact no danger, he nevertheless owes no rent," jurists had to identify "just" or "legally acceptable grounds for fear."[1] Jurisprudence accordingly provides the chronological bounds of Callard's work:

opening the "parenthesis," Arnoul Le Ferron's addition to his commentaries on the customs of Bordeaux of "*timor pestis* (fear of the plague)" in 1540 and "fear of spirits" in 1546 as legitimate causes for breaking a lease (pp. 86–87); and, closing it, the Parlement of Paris' refusal to terminate a lease for this cause in 1647, cited as a precedent in 1688 (discussed in the English conclusion and Chapter 9 of the French version). Chapter 3 expands upon this sense of an age of panic and crisis to propose that ghosts manifest irruptions of events of the Wars of Religion into homes, as a "symptom of the cataclysm that gave rise to early modern societies" and a place where "the law" creates a space "for fear to be voiced so as to, in some sense, do it justice" (p. 67).

In Chapter 4, Callard argues that ghosts "promot[ed] French law," "marked the boundary between the jurisdictions of State and Church and affirmed the solidity of contracts" (p. 94), and even "helped sacralise property law" (p. 102)! She brings together posthumous trials, trial by cruentation, and the maxim *le mort saisit le vif* to argue that "juridical doctrine under the Ancien Régime" had "'haunted' foundations (p. 109). This is a plausible assertion that rests partly on solid grounds and partly on shaky grounds: "*The dead seize the living*, as medieval law put it to describe the way that a corpse continues to act on the living by leaving a will [*testament*]. This adage remains valid in modern law" (p. 109). This interpretation of the maxim *le mort saisit le vif* is quite simply wrong and represents a missed opportunity to deepen the chapter's insight. The article by Jacques Krynen cited here demonstrates how a maxim of customary law governing the transmission of patrimonial property—through customary succession and *not* by testament!—was applied to the royal dignity to justify instantaneous succession—without testament.[2] The underlying maxim—as in the 1583 custom of Paris (art. 318), "le mort saisit le vif son hoir plus proche et habile à lui succéder"—referred to how the customary heir to a complex of properties "was seized (or invested) with" those properties immediately upon the previous incumbent's demise. As Paul Ourliac and Jehan de Malafosse explain, the formula "exprime une idée coutumière : la propriété virtuelle du lignage sur les biens familiaux."[3] One can thus use Marie-France Renoux-Zagamé's claims about the origin of jusnaturalist, individualist, absolute personal property rights in sixteenth-century moral theologians to make sense of the puzzling claim that ghosts "sacralise[d] property law" at the same time as they enabled courts "to place a boundary between things that related to civil law (respect for contracts) and those that no longer related to Church law but to theology (confirmation of the existence of spectres)" (p. 101). Callard describes the confluence of the slow movement toward individuals rather than lineages as the ultimate bearers of property rights, a goal attained only with the Revolution and incompletely in practice, and the encroachment of secular law into the subject areas of canon law, whose energies were channeled into moral theology, which became, over the sixteenth century, a "second" canon law.[4]

Chapter 5 explores gendered and domestic experiences of revenants. Departing from Natalie Zemon Davis's proposal to treat the dead as an age group of the Catholic family, it treats zombified widows chastised by revenant husbands and women cared for by revenant relatives. Consideration of how both customary and testamentary regimes of transmitting family property, allowed the spectres of dead relatives to serve as enforcers of widows' duties to the lineage and even of families' duties to those who perpetuate the lineage. Ghosts can as well frustrate as fulfill the desires of the living.

Chapter 6 explores ghosts as "geographers, tracers of borders that appear the moment they are crossed" (p. 143). It concludes with a story that again raises problems of lineage property, gender, and religion: Guillaume Olivier substituted his wife, Marie Garrigues, for his daughter Gauside, should she die without issue. This created a perverse incentive for Marie to seek property from her husband beyond the dower, paraphernalia, personal property, and *augment de dot* guaranteed her by the custom of Toulouse (if that was indeed the legal regime of Olivier's testament). In order to succeed to her husband as if she were her daughter, Marie chose not to murder her but to send her away and hold a funeral and burial as if she had died. The Parlement of Toulouse sentenced Marie to the usual *amende honorable* for her double crime, which perhaps contained "a nod to Protestant iconoclasm and the tools of the devil" (p. 160). The case of Martin Guerre, which Callard then takes up, underscores the dangers women, and in particular mothers, could pose to the transfer of those patrimonial lands and goods which Ourliac and de Malafosse describe as the "virtual property of the lineage." [5] Discussion of royal effigies in this chapter would have benefitted from the research not just of Ralph Giesey but also of Elizabeth A. R. Brown [6].

Chapter 7 examines the Church's attempt "to preserve an independent space in which to exercise sovereignty over the supernatural" through the cult of the souls in Purgatory (p. 177). This chapter moves beyond France and backward in time to deal with fraudulent cases of haunting, in the Dominican convent of Bern in 1507-1508 and the Franciscan church of Orléans in 1534-1535. The chapter then compares the fates of Maria Maddalena de' Pazzi (†1607), canonized in 1669, and Giulio Mancinelli (†1618), whose canonization was abandoned, to argue that ghosts were "cast out of works of theology" and into "devotional literature" (p. 199). What Callard seems to mean is that, as elites ceased to believe in spectres, ghost stories served only to cow the uneducated.

Chapter 8 expands upon the discussion of royal effigies in Chapter 6, treating the king as "a phantom…a manifestation of the hereditary principle that legitimates his position in society" (p. 200). To demonstrate that "[p]ower was not strictly confined to the sphere of theology and politics; it did battle with ghosts, starting with its own" (p. 229), Callard reviews a cavalcade of details. She begins with a primer of Charles VIII in which Charles's face was scraped off and replaced with Louis XII, the successor who married his widow, and concludes with analysis of a strange text by Théophraste Renaudot criticizing Richelieu's government. Krynen's discussion of the application of the maxim *le mort saisit le vif* could have structured examination of how a king was haunted by predecessors who were, in a sense, ever-present in his own body.

The English conclusion, Chapter 9 plus the epilogue of the French version, takes a 1647 precedent of the Parlement of Paris to show that "casting doubt on the reality of apparitions no longer raised any religious anxieties" as it did in the 1576 case treated in Chapter 2. Callard argues that this judgment, cited by the Parlement of Bordeaux in 1688, shows that "religion was losing its grip on the rulings of magistrates; trials were presented in technical terms and the long dissertations on the nature of ghosts diappeared. The law closed its humanist parenthesis: from now on it would take authority only from itself. In the process, the authority of ghosts and their actions disappeared" (p. 232), which Callard connects to the revolution in scientific procedure. These are probably surer claims with respect to the 1688 decision than to the 1647 one, in which the issue was more the insufficiency and not the impossibility of witness testimony in this case, an evidentiary rather than epistemological problem. Indeed, the convincing argument was apparently that, because the presence of spirits in the house in question "n'en estant rien precisément verifié par la déposition

des témoins ouïs en l'Enqueste," the case must be one of "la foiblesse d'esprit de l'Intimé, ou du déplaisir qu'il avoit de s'estre engagé en un bail qu ne réussissoit point selon son dessein, après y avoir demeuré trois ans sans se plaindre."[7] It was not that witness testimony could not establish haunting, but that it had not in this case. Even if the magistrates of 1688 were more skeptical of the possibility of ghosts than those of 1647, it seems hard to imagine religion losing its grip on magistrates' rulings in the age of Domat. Just as early modern science coexisted with continued belief in the omnipotent Deity's ability to vary from the laws of nature, early modern law rested on borrowed divine or regal authority. It could well be that the "humanist parenthesis" closed on account of jurists' success at defining a multiform French law on the basis of a *droit commun coutumier*, a jurisprudence of the king's ordinances and the parlements' arrêts, and the partial legal codifications of Louis XIV and Louis XV, all of which focused forensic argument on questions of proof and fact rather than of law.

Two main areas of criticism convey the fecundity of Callard's subject. First, her framing may be self-limiting:

> This study deals primarily with *individuals who return* [*personnes revenants*], the better to step back from a reading influenced by normative and repressive Church sources. Studies ensnared by this corpus have too often conflated the spectral with the diabolical. One of the first aims of the present study is to "dediabolise" ghosts, to give them back the ambiguity and ambivalence they had for their contemporaries and that the authorities so feared. (p. 12)

Callard is trying to reverse-engineer the operations of early modern clerical authorities such as Ginzburg's inquisitors, who convinced *benandanti* that they were indeed diabolical witches, or the French judges who convinced Nicole Obry that her grandfather's apparition was diabolical. Yet her book includes such ghost stories as that of Las Casas's revenant colonists, or of the ghost who returns to ask his confessor and his parents to pay his debt, which are obviously moral tales analogous to late medieval sermon exempla. It may be fine to bracket "divine apparitions and those of the Virgin Mary" from the study, but perhaps not because "[s]uch phenomena involve actors of the Catholic Reformation engaged in a project of reconquest and control that is beyond the scope of our analysis" (p. 12). The issue is less the type of apparition than which apparitions resulted in legal inquiries. As in the case of witchcraft, complex community dynamics determined which accusations came to the notice of the authorities. Callard's conceptual frame seems at least thirty years out of date: references to Jacques Le Goff and Jean Delumeau imply the internalization of attitudes to medieval and early modern Catholicism reflecting Le Goff's and Delumeau's visceral reaction against the Catholicism of their youth. The model of "authorities" doggedly suppressing popular culture through the repressive enforcement of clerical norms fails to account for the complex dynamics suggested by examples such as the "war of the saints" between devotees of François Pâris and Marguerite-Marie Alacoque.[8]

The second area of discussion might be summarized by one pregnant word: *finto* (p. 119). I went back to the cited passage of Carlo Ginzburg's *I benandanti* where donna Florida admits: "ho finto che questo Valentin mi dicesse…."[9] This "imagining" is a fiction to encourage the restitution of ill-gotten gains that imperiled Valentin's salvation, just as donna Florida encouraged Valentin's widow "not [to] quarrel with a baker in Aquileia, with whom [he] had accounts to settle," (p. 119)

an injunction that could have come from bidding prayers, texts of general confession and absolution, or sermon exempla anywhere in Catholic Europe. For an author who cites Yan Thomas, it is no stretch to invoke legal fictions, because these are everywhere in Callard's text, if unremarked as such.[10] From *le mort saisit le vif*, to substitution as a device of property law, zombified widows, the supposition of status, name, or child, we find fictions, those artifices of law that allowed successions and other legal acts to occur as if something were the case, which was not in fact the case (the child is the same person as his father, etc.). Ghosts, especially the revenants that are the avowed subject of Callard's study, make sense in a legal environment in which fictions were, in a way, out of control. It made sense that leased, inherited, or marital property came with ghosts when the possessor or beneficiary was never absolute master of his or her property, only their administrator for a time. The two *retraits*, *lignager* and *féodal*, symbolized the way that real property was always haunted by lineage and lord. Even credit came with moral obligations that burdened the soul, such that heirs could inherit their ancestors' ghostly obligations. Ghosts could be found everywhere because, whichever way individuals turned, they were wrapped in a web of ghostly obligations (recalling that this adjective rendered *spiritualis* into Middle English), whether legal obligations in court or moral obligations in the confessional and on Judgment Day.

The translation and the original are quite close in format, with the French version's introduction followed by 9 chapters and a brief epilogue over 366 pages compressed into an introduction followed by 8 chapters and a conclusion compounded of the French version's Chapter 9, shorn of a long exploration of the putative apparitions of Nicholas Culpeper in mid-seventeenth century England, and epilogue, over 248 pages. While both the French and English versions lack bibliographies, leaving the reader seeking the first reference to many works, the English version's footnotes are easier on the reader than the French version's endnotes. With respect to language, Trista Selous's translation is good, with only a few questionable choices (*moderne* means "early modern") and with any lack of clarity or errors stemming from the original (the puzzling reference to the "tierra di Lavoro" in the English translation [p. 100] reflects reference to "terre de Labour" in the French edition [p. 118], presumably a slip of the pen for Labourd, because the reference is to Gustav Henningsen's studies of witchcraft in the Basque country, not Campania). However, given the range of sources covered (and the reality of published *lapsus calami* in one's own works), these are very few and none impair understanding.

This is a fine work that provides much food for thought. Some further rumination on legal sources in their legal rather than literary context might have given the reader still more to chew on. Callard's goal of "understand[ing] what ghosts made it possible to *do* in Ancien Régime societies, and what was done with them" (p. 9) is admirable. I would venture to extend her concluding observation that "[t]he social energy of spectres…draws on the desire of the living for the dead and of the dead for the living" (p. 239) in the following way: revenants manifest the ambivalences, latent and open hatreds, perverse motivations, and uncertainties consequent upon the weight of family expectations and customary succession in an epoch of religious warfare, high mortality, and in which political and social power rested on complexes of landed wealth that mainly passed with little regard to the will of individuals. In some sense, Old Regime property law made all individuals zombies by as many titles as they held lineage property, whether by customary succession, substitution, or other legal fiction. It is likely that irruption of ghosts into print, especially in classical tales that made ghosts less those being punished for their misdeeds than

those punishing or admonishing whomever saw them, provided a language for speaking of the ghostly obligations that directed individual lives.

NOTES

[1] Dig. 19.2.27.1. This is distinct from the *exceptio metus causa* (Dig. 44.4.4.33) concerning contracts ratified under duress.

[2] Jacques Krynen, "'Le mort saisit le vif'. Genèse médiévale du principe d'instantanéité de la succession royale française," *Journal des Savants* 3-4 (1984): 187-221 (https://www.persee.fr/doc/jds_0021-8103_1984_num_3_1_1482). Krynen naturally focuses on this maxim's operation in "public" law, which is something of an anachronism in the fourteenth century, with the following note taking up what is now considered the domain of private law. The maxim's operation with respect to the royal succession was at issue not just in fifteenth century, when it could be used to argue against Charles VI's exheredation of his son in favor of Henry V of England, but in the very period studied by Callard, when the failure of the Valois line made the Protestant Henry of Navarre heir to Henry III.

[3] Paul Ourliac and Jehan de Malafosse, *Histoire du droit privé,* tome III, *Le droit familial* (Paris: Presses universitaires de France, 1968), pp. 418–419, quoting the custom of Paris. The version "le serf mort saisit le vif son seigneur" also quoted by Ourliac and Malafosse indicates the maxim's origin in servile tenure, which reverted to the lord upon the tenant's death; any heirs needed to be reinvested, reseized of the tenement: Pierre Petot, "L'origine de la mainmorte servile," *Revue historique de droit français et étranger* 4e série 19 (1940–1941): 275-310 (https://www.jstor.org/stable/43844094).

[4] Marie-France Renoux-Zagamé, *Origines théologiques du concept moderne de propriété* (Geneva: Droz, 1987); Peter Landau, "Pacta sunt servanda. Zu den kanonistischen Grundlagen der Privatautonomie," in *'Ins Wasser geworfen und Ozeane durchquert'. Festschrift für Knut Wolfgang Nörr*, ed. M. Ascheri et al. (Cologne/Weimar/Vienna: Böhlau, 2003); Wim Decock, *Theologians and Contract Law: The Moral Transformation of the Ius Commune (ca. 1500-1650)* (Leiden: Martinus Nijhoff, 2013); and, Pierre Legendre, "L'inscription du droit canon dans la théologie: Remarques sur la Seconde Scolastique," in *Proceedings of the Fifth International Congress of Medieval Canon Law, Salamanca, 21–25 September 1976*, ed. Stephan Kuttner and Kenneth Pennington, Monumenta Iuris Canonici, Series C: Subsidia, Vol. 6 (Vatican City: Biblioteca Apostolica Vaticana, 1980): 443–454.

[5] Ourliac and Malafosse, *Histoire du droit privé,* tome III, p. 418.

[6] Elizabeth A. R. Brown, "The French Royal Funeral Ceremony and the King's Two Bodies: Ernst H. Kantorowicz, Ralph E. Giesey, and the Construction of a Paradigm," *Micrologus* 22 (2014): 1-32; a contribution summed up by Murielle Gaude-Ferragu, "'Le corps du roi': Autour des travaux d'Elizabeth Brown sur la mort et les funérailles royales (France, XIVe–XVe siècle)," *Cahiers de Recherches Médiévales et Humanistes* 31 (2016): 69–80 (https://journals.openedition.org/crm/14007).

[7] Jean du Fresne, *Journal des Principales Audiences du Parlement*, tome I (Paris, 1692), pp. 511-512, c. XXIII.

[8] Olivier Andurand, "La guerre des saints: François de Pâris contre Marguerite-Marie Alacoque," *Chroniques de Port-Royal* 69 (2019): 169-189.

[9] Carlo Ginzburg, *I benandanti: Ricerche sulla stregoneria e culti agrari tra Cinquecento e Seicento* (Torino: Einaudi, 1966), p. 71.

[10] See the studies collected in Yan Thomas, *Les opérations du droit* (Paris: Seuil, 2011), especially "Fictio legis: l'empire de la fiction romaine et ses limites médiévales"; and, Marta Madero's appraisal of Thomas' œuvre: "Penser la tradition juridique occidentale," *Annales. Histoire, Sciences Sociales* 67 (2012): 103-133 (https://www.cairn.info/revue-annales-2012-1-page-103.htm).

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