Priest as Criminal:
Community Regulation of Priests in the Archdeaconry of Paris, 1483-1505

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Introduction

On 10 May 1499, the priest Laurent Colas appeared before the court of the archdeacon of Paris, for many crimes. Firstly, Colas was accused of having had carnal knowledge of the local curate's servant, Marion, and of having celebrated mass in the archdeaconry without permission or a license. He was also alleged to have fought with a man named Jean Hornet and, during this disagreement, having disparaged Hornet's marriage. Colas' insults seem to have prompted a disagreement between the two men. Hornet testified that, to retaliate for injurious things he had said to Colas during this dispute, Colas deliberately unmoored boats belonging to Hornet and a man named Bertrand Rogaret, letting them drift from the shores and float freely in the foamy waters of the Seine. Hornet further testified that Colas damaged his fishing basket as well, prompting the court to fine Colas for a third of the basket's value. [1]

To historians of the medieval church, this list of accusations likely comes as no surprise. Late medieval priests have long had a reputation as a troublesome bunch. The types of crimes cited against Colas –contumacy and sexual and professional misconduct – were perhaps the most common complaints against priests and are certainly the most

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[1] Paris, Archives Nationales, Z^{10} 21, Registre de Causes, 1497-1505, Archidiaconat de Paris, fol. 86v. Fishing baskets were typically funnel-shaped wicker or webbed containers that would be baited and placed in a weir, sluice or some other eddy. Fish that entered the basket would be prevented from escaping by its small opening. Richard C. Hoffmann, "Fishing," in *Medieval Science, Technology, and Medicine: An Encyclopedia*, ed. Thomas F. Glick et al. (New York: Routledge, 2005), 175.

studied among modern scholars. For instance, legal historians include priests who committed violence and theft into studies of institutional and social responses to crime while gender historians study priests' sexual transgressions and violent conflicts to tease out medieval models of masculinity.

The most established historiographical tradition related to priests' crimes, however, was initiated by church historians who have traditionally identified priests' personal and professional failings as a significant contributing factor to the success of the Reformation throughout Europe. Disillusioned with their priests, historians have argued, parishioners turned away from the Catholic church and to the new religious leadership offered by nascent Protestant churches. Initially this historiography relied heavily on medieval narrative sources critiquing contemporary clergy. In these sources, preachers and theologians railed against contemporary priests whom they accused of enjoying luxurious clothing, fine foods, and the company of women, all while letting their parishioners languish without strong religious leadership. Later Protestant historians appropriated these documents and added their own critiques of the Catholic Church to vindicate and galvanize their movements. These early documents established a foundation for a subsequent historiography which portrayed the late medieval church as headed by a corrupt and complacent clergy who inspired their most vehement critics to launch a theological and institutional revolution, resulting in the formation of Protestantism.

From the 1980s, however, scholars have begun to look more critically at depictions of late medieval priests. The current study seeks to contribute to this growing body of scholarship by contextualizing priests' criminal behavior within its legal and

social context. Examining court registers from the archdeaconry of Paris from 1484-1505, I emphasize that late medieval indictments of priests were not accurate descriptions of priests' general behavior. Rather, they were polemical exaggerations intended to initiate and justify ecclesiastical reform measures. This reform was propagated through episcopal statutes and legal proceedings that regulated priests' professional and personal comportment. The ecclesiastical administration developed and enforced standardized laws intended to be applicable throughout France. However, priests and parishioners often acted independently of ecclesiastical law to regulate parish life. The confluence of official statutes and local enforcement produced a diversity of models for correct sacerdotal behavior. Before the Reformation, these models coexisted under the aegis of a single church and enabled parish communities to shape their priests' personal and professional behavior to suit local needs. This dissertation therefore demonstrates an agency among community members that has hitherto been unexplored and advances explorations of the diversity and flexibility of the late medieval church.

I. The Court

Community regulation of priests was enabled by a court system that operated largely at the community's behest. The court operated without a centralized police force; court actions were initiated primarily through accusations and denunciations. The court registers record some instances in which priests were taken into custody by members of the royal sergeancy and court officials could initiate legal actions *ex officio*, meaning upon their own authority. Even so, sergeants and officials acted primarily against crimes that were "notorious," meaning that they had been committed in public view, were

widely rumored among the populace to have been committed, or had been confessed to by their perpetrator.[2]

The ecclesiastical court also employed an inquisitorial procedure called the visitation. This was a regular itinerary that the archdeacon, or more likely his vicar, made to ascertain the state of each parish.[3] The visitor would ensure that the parish church and its sacramental instruments were well maintained and confirm that each parish was supplied with at least one correctly appointed priest and midwife, as well as two or more churchwardens, depending on the population of the parish.[4] The visitor would assess the quality of these appointees on the basis of local testimonies.[5] During the visitation, parishioners and any priest working in the parish would also have the opportunity to report crimes that fell under the church's purview. Priests were always, at least in theory, subject to ecclesiastical jurisdiction. Laypeople could also find themselves reported to ecclesiastical authorities for breaking church law by blaspheming, entering into clandestine marriages, or committing adultery, for example.

Priests and parishioners did not have to wait for visitations to report unsatisfactory behavior, however. They could denounce offenders directly to the archidiaconal court or

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[2] Trevor Dean, *Crime in Medieval Europe, 1200-1550* (New York: Longman Publishing Group, 2001), 6; James A. Brundage, *Medieval Canon Law* (New York: Longman Publishing Group, 1995), 95; 145-151.

[3] The exact regularity of these visits cannot be known for certain. Timbal and Auzary infer that visitations took place annually because many records note parish revenues for the preceding year during the current visitation. However, this information may have been given by the priest, his churchwardens, or other parishioners rather than ascertained through an actual visitation. Timbal and Auzary analyze visitations of two deaneries within the archdeaconry of Paris: Chelle and Montmorency. The dean of Chelle made his visitation in one year (1468) and the dean of Montmorency made his in two (1469-70). Thus we know for certain that visitations could have been, but were not always, made annually. Pierre-Clément Timbal and Bernadette Auzary, "Visites décanales faites dans l'archidiaconé de Paris en 1468–1470," *Revue d'histoire de l'église de France* 62 (1976): 363; 365.

[4] Léon Pommeray, *L'Officialité archidiaconale de Paris aux XVe-XVIe siècles: sa composition et sa compétence criminelle* (Paris: Librairie du Recueil Sirey, 1933), 46-52; Timbal and Auzary 365-374.

[5] Pommeray, *L'Officialité archidiaconale de Paris*, 43; Catherine D. Brown, *Pastor and Laity in the Theology of Jean Gerson* (Cambridge: Cambridge University Press, 2007), 72-73; For visitations in England, see Robert N. Swanson, "...e*t examinatus dicit...*": Oral and Personal History in the Records of English Ecclesiastical Courts," in *Voices from the Bench: the Narratives of Lesser Folk in Medieval Trials* (New York: Pelgrave Macmillan, 2006), 205.

to one of the court's *promotors*, who investigated accusations and, if appropriate, brought suit against the defendant.[6] The court registers also indicate that many defendants came to court of their own volition. The reasons for self-indictments are not indicated in these records.[7] There is no evidence that the court issued lesser sentences to those who turned themselves in. In fact, in many of these cases the punishment given was more severe than average. Defendants may have come to court to make reparations for crimes they had committed as a preliminary action in the process of bringing suit against someone else.[8] Such defendants would have made a cost-benefit analysis, deciding that it was worth paying the penalty for their own crimes in order to make their enemies pay for theirs. It is also possible that defendants came to court of their own accord as an act of reconciliation. They may have been persuaded by their superiors, confessors or moved by their own contrition to have their sins judged by the court and, if applicable, expiated by a legal penalty. Perhaps some were even pressured by their communities, their victims, or victims' friends and families to make public reparations for their wrongs. Notwithstanding its use of inquisitorial procedure, therefore, the archidiaconal court continued to rely principally upon informants, denunciators, and confessing criminals to bring cases to the attention of its officials.

Although mobilized primarily by complainants, the court could be difficult for litigants to reach. The archidiaconal court had jurisdiction over a significant territory bordered by the Seine, the Oise, and the Marne that encompassed two deaneries and

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[6] Pommeray, *L'Officialité archidiaconale de Paris*, 126-7.
[7] See Jean-Georges Vondrus-Reissner, "Présence réelle et juridiction ecclésiastique dans le diocèse de Paris (fin XVème-1530)," *Histoire, économie et société* 7:1 (1988): 46.
[8] Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 153.

approximately 180 rural and urban parishes. Due to the size of the archdeaconry and the administrative difficulty of organizing visitations, parishes were infrequently audited. Theoretically, archidiaconal visitations took place once a year but in reality, they might take place as infrequently as once every two years. The irregularity of these visits ensured that many slights would have been forgotten and tempers cooled by the time legal recourse became available.

Complainants not wanting to wait an indeterminate time for a visitation to arrive at their parish might face difficulty initiating an action themselves. At any time there were typically only between one and five *promotors* appointed to the court to investigate reported crimes and prepare cases for trial.[9] The court itself was located on the eastern tip of the Île de la Cité, roughly 20 miles away from its most remote parishes. Those who wanted to bring a case to court, therefore, might have to significantly disrupt their lives to do so. According to Marjorie Nice Boyer's study of travel in France, pedestrians moving quickly could cover roughly 30 miles a day. Traveling to court from the farthest reaches of the archdeaconry might take two-thirds of a day or longer.[10] To appear before the archidiaconal court, therefore, complainants and plaintiffs on the periphery would have to leave their work and families for at least three days accounting for round-trip travel and a day spent at court. In reality, their absence would be much longer, however, as litigants prepared their cases with advocates or *promotors*, underwent investigations, and gathered

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[9] Pommeray, *L'Officialité archidiaconale de Paris*, 138.
[10] Marjorie Nice Boyer, "A Day's Journey in Mediaeval France," *Speculum* 26:4 (1951): 597-608.

evidence and testimonies; all this in addition to the time the actual court proceedings took to be completed, which could be months after an accuser initiated the action.[11]

Because of the challenges of bringing a case to court, parishioners found other ways to solve their problems. Those with a complaint against a priest could go to the priest's immediate superior, such as the curate, the archpriest, or the dean before needing to go the archidiaconal court.[12] There is some evidence in the court registers that those who lived in the city could denounce priests to royal guards.[13] Parishioners could also circumvent the ecclesiastical hierarchy altogether and settle their problems extralegally. Perhaps counter-intuitively, evidence for extralegal community regulation can be found in the archidiaconal court registers. The case of Laurent Colas described above provides an example. The record suggests that Colas was engaged in an ongoing quarrel with Jean Hornet. The two had fought and slandered one another, Colas by maligning Hornet's marriage and Hornet by directing unspecified insults at Colas. Either one of these men could have sued the other for slander.[14] The record indicates, however, that Colas selected an extralegal method of conflict resolution. Rather than seek satisfaction in court for Hornet's insults, Colas avenged himself on his adversary by destroying his fishing equipment. Colas' actions bore some similarity to the actions the court might have taken against Hornet should Colas have chosen to take his case to court. The overwhelming majority of cases brought to court resulted in a fine being levied against the guilty party. Without recourse to the court, Colas caused Hornet financial harm by damaging the

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[11] See Brundage, *Canon Law*, 127-153.
[12] Ibid. 122-126.
[13] "*Vigiles*" AN, Z[10] 21, Fols. 140v, 318r, 318v, 377r. For more on the royal sergeancy see Simone Roux, *Paris in the Middle Ages*, trans. Jo Ann McNamara (Philadelphia: University of Pennsylvania Press, 2009), 41.
[14] See Chapter 3, "Malevolent Men," 119-125.

means by which he earned a living and by compelling him to pay for repairs. On his own authority, therefore, Colas wielded the same punitive technique the court normally did by decreasing his adversary's capital.

The archidiaconal court registers can be used to examine both legal and extralegal methods of conflict resolution because the two systems were deeply intertwined. Legal action was only one among many tactics people could employ to regularize their relationships with others. This multiplicity of options is demonstrated in a second register entry related to Colas' case, recorded on 24 May 1499. In this entry, Hornet's wife (who is never named in the register) was bringing suit against Colas' father, Jean Colas. According to Hornet's wife, Jean had accused her of inventing the accusations for which his son was cited before the archidiaconal court. Jean testified that his son "thinks not of speaking evil," in contrast to Hornet's wife who was driven to slander Laurent Colas out of jealousy.[15] In the records of this case, we see four people paired against each other, using a variety of strategies to regulate the relationship between two families. We enter the conflict *in medias res*, with Hornet insulting Laurent Colas and Colas responding in kind against Hornet and his wife. Following this conflict, the two parties chose different paths to attempt a resolution. Colas opted for extralegal means, seeking to repay the damage Hornet did to his honor by damaging Hornet's fishing equipment. Alternately, the Hornets opted to repair both their honor and their fishing equipment through the legal system.

Colas' father objected to the court case, interpreting it as further imputation of his son's character. Like his son, he resorted to extralegal means for retribution, hoping to

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[15] "ipsa esset zelotypa de eodem suo filio, non putans maledicere," AN, Z[10] 21 fol. 88v

restore his son's reputation by impugning the reputation of Hornet's wife, thereby casting doubt on her accusations. Hornet's wife again opted for a legal solution, seeking and finding retribution for Jean's slander in the form of a fine paid to the court. The court, therefore, was one tool among many that priests and parishioners employed to gain the upper hand in a conflict. As this study will show, insults, physical harm, slander, and court cases were all interconnected methods that people in late medieval Paris could use to obtain retribution for perceived wrongs.

The case of Hornet v. Colas also serves as a valuable reminder that no single one of these methods was necessarily effective and that there was no guarantee a conflict would end after the court passed judgment. Nevertheless, that people continually turned to the court to address perceived wrongs indicates that many priests and parishioners found it useful. This was most likely because the archidiaconal court was particularly sympathetic to complainants' concerns. For instance, Colas was punished for having intercourse with a woman and celebrating mass in the archdeaconry without permission on top of the actions he committed during his disagreement with the Hornets including slander and damaging property. This judgment is representative of a larger pattern in which priests who were brought before the archidiaconal court were likely to be punished for a litany of offenses.

The court was inclined to issue strict judgments against its priests because one of its primary functions was to maintain the dignity of the priesthood. The ecclesiastical court's concern with priests' public personae was rooted in an ecclesiological formulation that designated priests as living exemplars of right living. This formulation appeared

periodically throughout the middle ages.[16] For example, in 789, Charlemagne issued the *Admonitio Generalis*, a collection of canon laws intended to be enforced throughout the kingdom to bring about religious reform through all ranks of Frankish society. In the *Admonitio*, Charlemagne decreed that clergy should be educated and live according to a *regula*, or established rule of conduct, so that they could teach the laity correct behavior through instruction and example.[17]

In the early tenth century, the Carolingian infrastructure decayed and ecclesiastical reformers worked to restructure the church in a way that facilitated top-down instruction of the laity by the clergy. [18] For roughly the next century, the primary goal of reformers was to free the clergy from temporal obligations arising from simony and marriage. Simony, or the purchase of ecclesiastical offices, had the potential to make clergy beholden to lay patrons whereas marriage tempted clergy to alienate their ecclesiastical holdings for the benefit of their heirs.[19] Reformers reasoned that simony and marriage were a threat to clerical autonomy and spiritual integrity. By ending these

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[16] For overview see František Graus, "The Church and Its Critics in Time of Crisis," ed. and trans. Dorothea A. Christ, in *Anticlericalism in Late Medieval and Early Modern Europe*, eds. Peter A. Dykema and Heiko A. Oberman (Leiden: E.J. Brill, 1994), 68-77.

[17] F.L. Ganshof, *The Carolingians and the Frankish Monarchy: Studies in Carolingian History*, trans. Janet Sondheimer (Ithaca: Cornell University Press, 1971). See also M.A. Claussen, *The Reform of the Frankish Church: Chrodegang of Metz and the* Regula canonicorum *in the Eighth Century* (Cambridge: Cambridge University Press, 2004), 53; Rosamond McKitterick, *The Frankish Church and the Carolingian Reforms, 789-895* (London: Royal Historical Society, 1977), xviii-xix; J.M. Wallace-Hadrill, *The Frankish Church* (Oxford: Clarendon Press, 1983), 17-36; Ian Wood, *The Missionary Life: Saints and the Evangelisation of Europe, 400-1050* (London: Longman, 2001).

[18] Augustine Fliche, *La Réforme grégorienne* (Louvain: "Spicilegium sacrum lovaniense" bureaux, 1924-1937).

[19] Gerd Tellenbach, *The Church in Western Europe from the Tenth to the Early Eleventh Century*, trans. Timothy Reuter (Cambridge: Cambridge University Press, 1993). Tellenbach attributes the eleventh-century papal campaign against simony and nicolaitism to Gregory VII's curia. For eleventh-century precedents to Gregory's measures see Uta-Renate Blumenthal, "Pope Gregory VII and the Prohibition of Nicolaitism," in *Medieval Purity and Piety: Essays on Medieval Clerical Celibacy and Religious Reform*, ed. Michael Frassetto (New York: Garland Publishing, Inc., 1998), 239-267.

practices, reformers argued, clergy would become more equipped and worthy to act as religious leaders and exemplars.[20]

The thirteenth century also witnessed an emphasis on clergy as the instrument of reform. The famous fourth Lateran Council, convened by Pope Innocent III in 1215, ratified seventy canons aimed at stabilizing the institution of the church. Among these canons, almost half were related in some way to the reformation of clerical behavior. At same time, clergy were aided in their pastoral duties by the proliferation of pastoral tools such as handbooks for priests and confessors as well as sermon collections.[21] These measures were all put in place, as Christoph Maier says, to "reform the religious life of the laity by making the word of God more directly relevant to people generally, and to apply moral theology as it was studied in the academic circles of the schools to society at large."[22] Echoing previous reforms, thirteenth-century administrators restructured the church to facilitate changes that would radiate through the sacerdotal hierarchy to bring about change through society at large.

Fifteenth-century reformers also envisioned clergy as both the "agent and object of reform".[23] Late medieval theologians stressed that priests were responsible for their parishioners' salvation. In Paris, Jean Gerson (1363-1429), chancellor of the university of Paris and prolific theologian, described the ecclesiastical institution as a hierarchy of

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[20] H.E.J. Cowdrey, "The Papacy, the Patarenes, and the Church of Milan," *Transactions of the Royal Historical Society* 18 (1968): 25-48; ibid. "Pope Gregory VII and the Chastity of the Clergy," in *Medieval Purity and Piety: Essays on Medieval Clerical Celibacy and Religious Reform*, ed. Michael Frassetto (New York: Garland Publishing, Inc., 1998), 269-302. For the use of familial imagery in high medieval reforms see Megan McLaughlin, *Sex, Gender, and Episcopal Authority in an Age of Reform*, 1000-1122 (New York: Cambridge University Press, 2010).
[21] Jessalynn Lea Bird, "Heresy, Crusade and Reform in the Circle of Peter the Chanter" (Ph.D. diss., University of Oxford, 2001), 26-7.
[22] Christoph T. Maier, *Crusade Propaganda and Ideology: Model Sermons for the Preaching of the Cross* (Cambridge: Cambridge University Press, 2000), 5.
[23] Scott H. Hendrix, *Recultivating the Vineyard: The Reformation Agendas of Christianization* (Westminster: John Knox Press, 2004), 120; see also John Van Engen, "Multiple Options: The World of the Fifteenth-Century Church," *Church History* 77:2 (2008): 265.

salvation in which, as he quoting Pseudo-Dionysius, he says "the lowest are led back to the highest by means of the intermediate."[24] In agreement with his predecessors and contemporaries, Gerson emphasized that one of the principal ways priests could lead their parishioners to God was to model salvific behavior for them.[25] This method was based on an assumption that the laity would mimic their priests regardless of how they behaved. Priests who behaved well would engender good behavior in their parishioners and those who behaved badly would cause their parishioners to do the same.

One of the ways the church attempted to ensure that its priests modeled proper behavior was to prosecute scandals. "Scandal" was a multivalent legal charge developed by theologians and ecclesiastical administrators in the thirteenth century that criminalized any action that could cause another person to sin. Because the prevailing theology maintained that parishioners mimicked priests' behavior, any offense that priests committed publically had the potential to prompt others to sin. For example, Gerson supposed that laypeople justified their own gambling with the excuse that, if their priests gambled, certainly they could too.[26] Ecclesiastical authorities expressed an interest in mitigating the damage done by blameworthy priests and so priests were particularly vulnerable to charges of scandal.

Scandal also had the potential to alienate laypeople from the church. In the courts, priests were charged with scandal for being involved in incidents that "that gave the church a bad name" by sparking gossip and otherwise undermining ecclesiastical

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[24] Qtd. in Brown, *Pastor and Laity*, 45.
[25] Ibid. 52.
[26] Jean-Michel Mehl, *Les Jeux au royaume de France* (Paris: Librairie Artheme Fayard, 1990), 214-5

authority.[27] Therefore, scandalous actions endangered parishioners' salvation not only because parishioners mimicked their priests but also because sacerdotal scandal compromised parishioners' respect for the church, and drove them away from the only institution, according to contemporary theologians, that offered them true sacraments and doctrine, sacerdotal misbehavior notwithstanding.

Because of the danger scandals posed to the church and its adherents, ecclesiastical administrators prioritized keeping scandals quiet. Dyan Elliott has shown how this impulse instantiated a long tradition of covering up clerical crimes rather than making them widely known by taking disciplinary measures. This policy, rooted in the middle ages, continues to victimize laypeople shepherded by criminous clergymen who are too often allowed to abide in their offices in the name of allaying scandal. In the middle ages, however, the charge of scandal shifted the balance of power from priests to their accusers when crimes were known. The charge of scandal enabled the court to punish priests for any action that denigrated a priest's dignity and, by extension, the reputation of the church. Most charges for scandal were levied at priests who were discovered with women. However, priests also appeared before the archidiaconal court charged with scandal for, among other things, drinking too much in taverns, having loud or violent arguments, celebrating mass with a shaved head, wearing a beard, and wearing a fool's cap.[28]

Not only did the charge of scandal allow the court to punish priests for a wide variety of misdeeds, but the court gave lay and clerical community members considerable

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[27] Karras, *Unmarriages*, 160.
[28] See for example Paris, Archives Nationales, Z^{10} 19, Registre de Causes, 1487-93, Archidiaconat de Paris, fol. 161v, 233v.

freedom to seek out scandals for prosecution. For instance, in 1492, a group of men used a ladder to look through the window of Nicolas Paoul, chaplain of Épiais-lès-Louvres, and discovered in his home a "woman of ill repute"[29] The chaplain quickly spirited the woman out of his house through the back door. However, the damage had already been done and the court required Paoul to pay a fine for the scandal caused by the woman's discovery and furtive removal. The men who had discovered her were not punished for their invasion of the priest's privacy, suggesting that the court considered them to be within their rights to investigate the goings-on in the priest's house.[30]

Therefore, the apparatus of the archidiaconal court allowed for significant input from the community in the administration of the parish. There was little centralized oversight of sacerdotal behavior whereas the court allowed lay and clerical community members wide latitude to discover and object to any sort of inappropriate behavior. Aggrieved parties could select from a variety of strategies to redress their wrongs including slander, personal violence, property damage, and legal action. Each of these strategies coexisted in an interconnected and, as this study will demonstrate, symbiotic system of conflict resolution that enabled creative, though sometimes arbitrary, interpretation and application of universal church law in local contexts.

II. Historiography

This dissertation, therefore, is a study of community self-regulation that challenges the persistent identification of clerical inadequacy as a primary catalyst for the

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[29] AN, Z[10] 19, fol. 237v; Karras *Unmarriages* 162.
[30] For more on parishioners' authority to investigate their priest and enforce church law see Chapter 4, "Wayward Women".

Reformation. The ecclesiastical court registers which form the evidentiary basis of this study provide a glimpse of quotidian problem solving techniques employed by those in the parish and suggest that traditional histories have taken medieval critiques of contemporary clergy too much at face value. In the fifteenth century, prominent theologians and preachers lambasted the clergy. For instance, in a polemical tract entitled *De corrupto ecclesiae statu*, Nicolas de Clamanges (c. 1360 – c. 1440) accused men of being attracted to the priesthood because of the possibility for financial gain, rather than a pious desire to carry out the care of souls. He further accused priests of being corrupt and ignorant, of frequenting taverns, gambling, eating and drinking to excess, fighting and blaspheming while drunk, and of going to the divine altar in the arms of prostitutes.[31] Even the minority of men who entered the priesthood with good intentions, Clamanges asserted, could not but help be perverted by the corrupt majority.[32] All priests, in his estimation, were crooked.

Clamanges wrote his screed during a time of vigorous church reform in France, a movement in which many notable churchmen were involved, including Pierre d'Ailly (1351-1420) and Jean Gerson. These men sought to purify the church of corruption through a total transformation of its institutions and adherents, again with an eye to total social transformation. Reformers used polemic like Clamanges' to inspire or, as Jacques Rossiaud might argue, to terrorize people into changing their behavior.[33] Reformers' advocacy for pastoral reform was consistent with past church reform movements. It also fit well with later Protestant aims. The arguments of men who sought to preserve the

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[31] Nicolas de Clamanges, *De Corrupto ecclesiae statu* (Schlettstadt: Lazarus Schürer, 1520), unpaginated.
[32] Ibid.
[33] Jacques Rossiaud, *Medieval Prostitution*, trans. Lydia G. Cochrane (New York: Barnes & Noble Books, 1996), 152.

medieval church by identifying and correcting its faults were later appropriated by

Protestant reformers who shared with their Catholic predecessors a vision for a virtuous

clergy. This appropriation of Catholic rhetoric for Protestant aims was made explicit by J.

Lydius who christened Clamanges, d'Ailly, and Gerson proto-Protestants.[34]

Early Protestant historians were complicit in what Carol Symes and others have

identified as a colonization of the middle ages. Protestants decontextualized late medieval

reformist rhetoric to invent a primitive past characterized by the corruption of its

religious leaders.[35] Portraying Catholics as clinging to a barbaric past enabled Protestant

historians to both discredit their religious rivals and define themselves over and against

them as embodying progress. For instance, Simon Fish's influential 1529 tract, *The

Supplication of the Beggars*, blamed Catholic clergy's extortion, incontinence, and

criminality for the ruination of England. Published in 1563, John Foxe's *Book of Martyrs*

portrayed the Catholic Church as actively hostile to competent ministry.[36] Providing

some contrast to such vitriolic polemic, Jean Sleiden's *Commentaries on Religion and the

State in the reign of Emperor Charles* V (1555) provided the most balanced and

influential of the early modern histories of the Reformation. Sleiden's stated purpose in

composing the *Commentaries* was to provide a truthful narrative of the Reformation by

reporting key events "as they were particularly acted".[37] However, as Alexandra Kess has

shown, Sleiden's *Commentaries* was an explicitly Protestant project. Sleiden was hired

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[34] Christopher M. Bellitto, *Nicolas De Clamanges: Spirituality, Personal Reform, and Pastoral Renewal on the Eve of the Reformations* (Washington, D.C.: Catholic University of America Press, 2001), 6.
[35] Carol Symes, "When We Talk about Modernity," *The American Historical Review* 116:3 (2011): 717; see also Alexandra Kess, *Johann Sleidan and the Protestant Vision of History* (Aldershot: Ashgate Publishing, Ltd., 2008), 1.
[36] Simon Fish, *A Supplicacyon for the Beggers* (Antwerp: J. Grapheus, 1529); John Foxe, *Acts and Monuments* (London: John Day, 1563).
[37] Translation from Kess, *Johann Sleidan*, 104.

by the Schmalkaldic League to tell the story of the Protestant ascension. As a result of his own position within the movement, Sleiden had liberal access to Protestant sources and little to those representing Catholic points of view. His narrative reports complaints about clerical misbehavior uncritically and is generally unfavorable toward the Catholic hierarchy.

Despite its one-sided viewpoint, Sleiden's history exercised considerable influence on the historiography of the Reformation until the mid-twentieth century, lending the narrative a lasting Protestant viewpoint.[38] Whereas scholars have long identified early and central medieval polemic aimed at correcting sacerdotal behavior as a component of contemporary ecclesiastical reform movements, researchers more commonly identify similar rhetoric from the late middle ages, not as belonging to contemporary reform movements, but as inspiring later sectarian movements. For instance, in 1964, A. G. Dickens argued that the English Reformation was a reaction on the part of the people and the government against a dissolute and complacent Church.[39] In 1977, Jean Delumeau cited Clamanges, d'Ally, and Gerson to argue that late medieval priests were incontinent and incompetent. He took the extreme position that medieval priests could have violated their vows of chastity with impunity but that, if only they had been more conscientious of their professional duties, "there is every chance that the Protestant Reformation would never have happened."[40] Delumeau therefore represents

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[38] A. G. Dickens et. al., *The Reformation in Historical Thought* (Cambridge, MA: Harvard University Press, 1985), 10-16; C. Scott Dixon, *Contesting the Reformation* (Malden, MA: Wiley-Blackwell, 2012), 37-43; Christopher Haigh, "Introduction," in *The English Reformation Revised*, ed. Christopher Haigh (New York: Cambridge University Press, 1987) 1-3; Hans Joachim Hillerbrand, *The Division of Christendom: Christianity in the Sixteenth Century* (Louisville: Westminster John Knox Press, 2007), 3; Kess, *Johann Sleidan*, 1-2, 89-106.
[39] A. G. Dickens, *The English Reformation* (University Park: Pennsylvania State University Press, 1993).
[40] "Si les prêtres avaient eu femme et enfants, mais avaient célébré dévotement la messe, avaient été des confesseur éclairés, et surtout avaient enseigné le catéchisme, il y a bien des chances que la Réforme protestantene se serait jamais

the extreme end of a historiography which lays responsibility for the fracturing of the early modern church squarely at the feet of the late medieval clergy.

For several years, scholars continued to take clerical misbehavior for granted and advance the claim, although less forceful than Delumeau, that such misbehavior was a cause of the Reformation. In 1983, Christopher Haigh published an article on the English Reformation which argued that there is little evidence of rampant bad behavior among clergy or prevalent anticlericalism among the laity. During the late middle ages, he asserted, parishioners sometimes complained about individual priests, but it was not until the Reformation was in full swing that the laity critiqued the priesthood as an institution.[41] Haigh's reappraisal of the late medieval clergy did not gain immediate acceptance. For instance, in 1984, Philip T. Hoffman constructed his narrative of the Counter Reformation in France on the premise that the bad behavior of late medieval clergy "repelled laymen and women" and that enmity against clergy "was widespread".[42]

Other scholars interested in the late middle ages as a precursor to the Reformation have focused on the issue of anticlericalism. Anticlerical sentiment appears in contemporary literature and, some scholars argue, forms the basis for many well-known reform movements. For instance, Anne Hudson portrays late medieval England as a generally anticlerical environment that facilitated the development and survival of Lollardy, a sect that was critical of the clergy and deemed heretical by the ecclesiastical

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produite," Jean Delumeau, *Le Catholicisme entre Luther et Voltaire* (Paris: Presses Universitaires de France, 1996), 320.

[41] Christopher Haigh, "Anticlericalism and the English Reformation," in *The English Reformation Revisited*, ed. Christopher Haigh (Cambridge: Cambridge University Press, 1987), 56-74.

[42] Philip T. Hoffman, *Church and Community in the Diocese of Lyon, 1500-1789* (New Haven: Yale, 1984), 19, 21.

hierarchy.[43] John Van Engen argues that, in the Low Countries, the Modern Devotion began in reaction to clerical decadence and T. A. Fudge argues that, in Bohemia, the Hussites challenged clerical control of the Eucharist and called for the secularization of church property.[44] Even so, Haigh's book compelled scholars to look more critically at medieval clergy's reputation for bad behavior. In 1984, for instance, Scarisbrick showed that laypeople actively sought out priests' services and collaborated with them in parish life, belying the vision of antagonism between laypeople and clergy historians had long proposed.[45]

Similarly, scholars focusing on France have revived a thesis first advanced in 1929 by Lucien Febvre who highlighted the proliferation of religious art, architecture, and rituals as a demonstration that the laity were not losing interest in the late medieval church but rather were invested in, and actively propagating, its practices. Febvre's thesis lay dormant, however, until 1985 when Henry Heller argued that economic factors, more than disillusionment with the clergy, lead to the widespread popularity of Protestant ideas in France.

In 1992, Eamon Duffy published his seminal book, *The Stripping of the Altars*, which was, in his words, "an attempt to contribute a shovelful of history to the burial of the venerable historiographical consensus" that the English Reformation rid the laity of an inadequate church hierarchy.[46] Duffy argued that the Reformation was not embraced by a disillusioned laity, but was imposed by the English government on a lay and clerical

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[43] Anne Hudson, *The Premature Reformation: Wycliffite Texts and Lollard History* (Oxford: Clarendon Press, 1988).
[44] John Van Engen, trans., *Devotio Moderna: Basic Writings* (Mahwah, New Jersey: Paulist Press, 1988); T. A. Fudge, *The Magnificent Ride. The First Reformation in Hussite Bohemia* (Aldershot: Ashgate, 1998).
[45] J. J., Scarisbrick. *The Reformation and the English People* (Oxford: Blackwell, 1984).
[46]Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, 1400-1580* (New Haven: Yale University Press, 2005), xiv.

population reluctant to give up their traditional practices. Duffy's work encouraged scholars, first in the field of English religious history, then those focusing on other countries in Europe, to look more critically at the long-standing assumption that medieval clergy were dissolute. For instance, in 2000, Virginia Davis argued against scholars who identified a strain of "cynical careerism" amongst late medieval English priests. She demonstrated that, in late medieval England, men sought to be ordained in numbers that outstripped the supply of jobs. Partially due to the low demand for priests, most sacerdotal positions were low paying and unstable. Therefore, Davis suggests, it is unlikely that men sought out positions as priests for financial gain. It is more likely, she argues, that men became priests because "they had a calling -- a concept of service in, and to, the church which they were keen to fulfill, even if wealth, riches, and security were not to follow."[47]

Other scholars have demonstrated the ways in which clergy have contributed to, rather than detracted from, their parish communities. For example, the work of Katherine French depicts the late medieval parish in England as the product of communal collaboration between clergy and laity.[48] More generally, John Van Engen has highlighted the ways in which late medieval laypeople and clergy collaboratively cultivated "multiple options" for religious expression throughout Europe.[49]

The current scholarly consensus takes into account this new strain of scholarship that questions the criminality and general inadequacy of late medieval priests. Yet,

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[47] Virginia Davis, "Preparation for Service in the Late Medieval English Church," in *The Fifteenth Century, I: Concepts and Patterns of Service in the Later Middle Age,* eds. Anne Curry and Elizabeth Matthew (Woodbridge: Boydell & Brewer, 2000), 51.
[48] Katherine L. French, *The People of the Parish: Community Life in a Late Medieval English Diocese* (Philadelphia: University of Pennsylvania Press, 2001).
[49] Van Engen, "Multiple Options," 257-84.

scholars are reluctant to wholly reject the premise that priests were generally dissolute

without further evidence. The prevailing trend in current historiography, therefore, is to

strike a *via media* which accepts that priests were generally degenerate but which

rationalizes their misbehavior. For instance, in 1997, William J. Dohar substantiated

claims the priests did not live up to the educational requirements of their professions.

However, he suggests priests did not need to be well educated to carry out their religious

duties. Because education was not necessary for the care of souls, therefore, uneducated

men could be competent priests.[50] A model of this centrism can also be found in a 2004

article on pre-Reformation clergy in England by Robert Swanson who writes,

> many clerics had failings; some were disasters; but most were apparently
> good enough for their parishioners....most pre-Reformation parish clergy
> were satisfactory pastors, good enough even if not excellent...To expect
> more may be to fall into the inherent trap of medieval priesthood and demand
> angels rather than men, to require priests to live up to standards which were
> unattainable, and whose unattainability was possibly one stimulus to

Reformation.[51]

Thus, Swanson revives Dickens' thesis: that the English Reformation was brought about

by clerical failings. Unlike Dickens, however, Swanson provides compassionate

explanations for why priests may have fallen short. He suggests, for example, that old age

or low pay may have caused priests to do poorly at their jobs.[52]

A similar impulse to offer explanations for bad sacerdotal behavior taken for

granted is evident in the field of gender studies. The methodology of these scholars is

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[50] William J. Dohar, "*Sufficienter Litteratus*: Clerical Examination and Instruction for the Cure of Souls," in *A Distinct Voice : Medieval Studies in Honor of Leonard E. Boyle, O.P.,* eds. Jacqueline Brown and William P. Stoneman (Notre Dame, Indiana: University of Notre Dame Press, 1997), 317.

[51] Robert N. Swanson, "Pastoralia in Practice: Clergy and Ministry in pre-Reformation England," in *The Pastor Bonus: Papers Read at the British-Dutch Colloquium at Utrecht, 18-21 September 2002*, eds. Theo Clemens and Wim Janse (Leiden: BRILL, 2004), 127.

[52] Ibid., "Pastoralia in Practice," 123.

typically influenced by the argument that sex and violence were key markers of medieval masculinity.[53] Building on this hypothesis, scholars such as R.N. Swanson, Jo Ann McNamara, and Patricia Cullum have extrapolated that priests, who were legally barred from sex and violence by the mandates of their profession, were likewise excluded from hegemonic masculinity.[54] In an article published in 1999, Cullum made the influential argument that, because medieval English clergy could not licitly engage in sex or violence, they had to decide either "to keep their vows and risk their masculinity; or to confirm their masculinity at the expense of their vows."[55] In short, Cullum argued that clergy committed crimes – specifically of a sexual and violent nature – to recuperate masculinity lost through the constrictions of ecclesiastical statutes.

Scholars have objected to Cullum's paradigm in which clergy were either failed men or failed clergy because they could not licitly have sex or fight. Ruth Mazo Karras argues that, throughout the middle ages, a variety of texts were produced, such as monastic rules, hagiographies, and theological tracts, which constructed a model of masculinity founded on self-control. Whereas having sex was an expression of lay masculinity, the act was reframed for clergy as a loss of control and therefore a failure of masculinity. Conversely, clergy could successfully express their masculinity through the

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[53] Vern L. Bullough is one of the earliest scholars to argue that the primary markers of medieval masculinity were protecting and providing for one's dependents and impregnating women, "On Being Male in the Middle Ages," in *Medieval Masculinities: Regarding Men in the Middle Ages*, ed. Clare A. Lees (Minneapolis, Minnesota: University of Minnesota Press, 1994), 31. See also Jennifer D. Thibodeaux, "Introduction: Rethinking the Medieval Clergy and Masculinity," in *Negotiating Clerical Identities:Priests, Monks and Masculinity in the Middle Ages*, ed. Jennifer D. Thibodeaux (Basingstoke, Hampshire: Pelgrave 2010), 3.
[54] For hegemonic masculinity see R. W. Connell *Gender and Power: Society, the Person, and Sexual Politics* (Sydney, Australia: Allen and Unwin, 1987); ibid. and James W. Messerschmidt, "Hegemonic Masculinity: Rethinking the Concept," *Gender and Society* 19:6 (2005): 829-859.
[55] Patricia H. Cullum, "Clergy, Masculinity and Transgression in Late Medieval England," in *Masculinity in Medieval Europe*, ed. Dawn M. Hadley (Essex: Longman, 1999), 183.

struggle to dampen their sexual urges.[56] Derek Neal has similarly argued that laymen and

clergy shared a masculinity founded on self-control.[57] He proposes that clerics, like

laymen, could build and maintain a strong masculine identity by being "true," or

dependable in carrying out their occupational and social responsibilities. Although some

clergy did engage in illicit sex and violence, neither was a prerequisite for maintaining

their masculinity.

Two recent publications on clerical violence, however, return to a paradigm in

which clergy are presumed to have fallen short of professional expectations. In a 2010

article on clergy in Normandy, Jennifer Thibodeaux builds on a suggestion, advanced by

Vern Bullough, that maintaining leadership positions within families and professions was

a key indicator of medieval masculinity. Thibodeaux argues that both these forms of

leadership evaded clergy because of low employment rates and because their vows of

chastity prevented them from having legitimate families. Disaffected by their inability to

attain full masculinity, clergy rebelled against the institution of the church by committing

sexual and violent crimes. Their crimes, therefore, were both acts of rebellion and

adolescent expressions of their arrested development.[58]

In an article published in the same year on conflicts between clerics and

parishioners in Girona and Barcelona, Michelle Armstrong-Partida also advanced the

notion that clerics were unable to live up to the stringent standards imposed upon them by

the church. Suggesting that their positions of power inclined priests to commit acts of

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[56] Ruth Mazo Karras, "Thomas Aquinas's Chastity Belt: Clerical Masculinity in Medieval Europe," in *Gender & Christianity*, eds. Lisa M. Bitel and Felice Lifshitz (Philadelphia: University of Pennsylvania Press, 2008), 52-67.
[57] Derek G. Neal, *The Masculine Self in Late Medieval England* (Chicago: University of Chicago Press, 2007), 101.
[58] Jennifer D. Thibodeaux, "From Boys to Priests: Adolescence, Masculinity and the Parish Clergy in Medieval Normandy," in *Negotiating Clerical Identities: Priests, Monks and Masculinity in the Middle Ages*, ed. Jennifer D. Thibodeaux (Basingstoke, Hampshire: Pelgrave 2010), 136-158.

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petty tyranny within their parish, she asserts that clerical failings fostered "intense feelings of resentment" among their parishioners.[59]

III. The Sources

Scholars examining late medieval clergy are caught between a historiographical Scylla and Charybdis. Those who question the longstanding claim that late medieval clergy were generally dissolute are faced with the task of trying to prove a negative. Lacking the evidence to refute earlier scholars' claims of widespread clerical misbehavior, more recent works are likely to reify late medieval and early modern polemical complaints. The task of accurately assessing the prevalence of clerical misbehavior is made more difficult by a lack of resources, especially for those who specialize in French history. Whereas historians of the late medieval English parish benefit from the survival of a variety of sources including wills, pastoral manuals, visitation records and churchwarden accounts, documentary sources for French parishes are limited primarily to visitation and court registers. Furthermore, there are no reliable population estimates for Paris at the turn of the sixteenth century and we lack ordination rolls which would allow us to estimate exactly how many clergy there were.[60] Therefore,

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[59] Michelle Armstrong-Partida, "Conflict in the Parish: Antagonistic Relations between Clerics and Parishioners," in *A Companion to Pastoral Care in the Late Middle Ages (1200-1500)*, ed. Ronald J. Stansbury (Leiden: Brill, 2010), 173-212.

[60] Jean Favier provides the most reliable population estimates for late medieval Paris on the basis of tax registers. However, his estimates are for the years 1421, 1423, and 1438. Because the tax registers only record heads of household subject to taxation, his estimates are necessarily imprecise, ranging from 100,000 to 140,000 people. Scholars describe the population of Paris from 1420 – 1500 in relative terms. For instance, Charbonnier and Roux describe the population of Paris declining through the rest of the Hundred Years' War and rising again in peacetime. More precise estimations for these years have yet to be calculated. Jean Favier, *Les Contribuables parisiens à la fin de la Guerre de Cent Ans: Les rôles d'impôt de 1421, 1423 et 1438* (Droz: Geneva, 1970), 10; Pierre Charbonnier, "Society and the Economy: The Crisis and Its Aftermath," in *France in the Later Middle Ages 1200-1500*, ed. David Potter (Oxford: Oxford University Press, 2003), 129; Roux *Paris in the Middle Ages* 22; Jacques Dupâquier, *Histoire de la population française, vol. 1, Des origines à la Renaissance* (Paris: Presses universitaires de France, 1988), 388,

it is not possible to ascertain per capita instances of clerical crime in late medieval Paris. Even if this were possible, however, such statistics would only tell us about the prevalence of accusations against clergy, rather than actual instances of clerical crime. Some priests who came before the court were surely innocent and others who were guilty would have escaped detection.

Because it is impossible, due to the nature of the sources, to determine how rampant clerical misbehavior was and thus to ascertain the real effect of clerical crime on the late medieval religious landscape, this dissertation takes a different perspective on the socio-religious role of priests in their parishes. This study does not take clerical shortcomings for granted to determine their social cause and effect. Rather, it explores the legal system that regulated priests' behavior to determine how the enforcement of church laws shaped the discourse of clerical criminality and how this discourse, rather than the presumed crimes it regulated, shaped parish life. My research demonstrates that there were two systems of regulation at work in the parish. Priests were governed by an ecclesiastical legal framework that issued and enforced laws as well as by lay and clerical parish residents who enforced social mores through extralegal means such as slander, violence, and negotiation. These two systems of governance were sometimes at odds and sometimes interdependent. The overarching project of this dissertation is to explore the complex relationships between formal and informal regulation and to highlight the structural tensions that arose when universal church laws were applied in the local parish.

The evidentiary foundation for this study is archidiaconal court registers from Paris. The archdeaconry of Paris was located in the bishopric of the same name, along

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406-407; David Nicholas, *Urban Europe, 1100-1700* (New York: Palgrave Macmillan, 2003), p.15-18.

with two other archdeaconries: Brie and Josas. No registers survive from Josas and only one survives from Brie. Four, however, exist from the archdeaconry of Paris from 1483-1505. The survival of these registers, which record a generation of court cases, make them an invaluable resource for the study of parish life in the capital. However, these registers have received little attention from scholars. In 1933, Léon Pommeray used the records to reconstruct the daily operations of the court itself and in 1973 Anne Lefebvre-Teillard incorporated these registers into her more general study of French church courts on the eve of the Reformation.[61] Ruth Mazo Karras utilized these records in an examination of parishioners' reactions to their priests' concubinary relationships and Jean-George Vondrus-Reissner has found in them evidence for active Eucharistic piety at the parish level.[62] The present study will build upon these works by examining how the infrastructure of the church court shaped priests' relationships with their parishioners.

This study focuses on priests, rather than clergy more generally, because of priests' particular religious and legal status. Priests were ordained to administer sacraments and were designated by the ecclesiastical hierarchy as representatives of the church and purveyors of its doctrine. Because of their socio-religious status, priests more directly represented the institution of the church and more directly affected religious life in the parish. The designation of priests as ecclesiastical representatives was not merely theoretical. Because of ecclesiastical administrators' concern with the public image of the church, the court more actively controlled priests' behavior. Whereas men in lower orders primarily appeared before the court when accused of engaging in violence, the

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[61] Pommeray, *L'Officialité Archidiaconale de Paris*; Anne Lefebvre-Teillard, *Les officialités à la veille du Concile de Trente* (Paris: Librairie générale de droit et de jurisprudence, 1973).
[62] Karras, *Unmarriages*; Vondrus-Reissner, "Présence réelle et juridiction ecclésiastique," 41-51.

archidiaconal court cited priests for a remarkable array of offenses and punished them more severely than it did lower clergy.[63]

Priests sometimes appear before the archidiaconal court for crimes as severe as murder, regardless of ecclesiastical regulations that dictated these crimes should be reserved for the bishop's court. For the most part, however, the sacerdotal crimes tried by the archidiaconal court were less severe. Because they record the business of a trial court, the archdeacon's registers serve as a valuable window into quotidian concerns, conflicts, and cooperation. These documents, therefore, offer a unique perspective on the landscape of Christianity in the late medieval French parish.

Focusing on the archdeaconry of Paris in particular allows for breadth and depth of analysis. The archdeaconry encompassed both rural and urban parishes, thus its court registers enable comparisons of religious practices adapted to different lifestyles. At the same time, the scope of the study is naturally limited which facilitates in-depth analyses of the cases heard within its boundaries. Contextualized within extant studies of religious administration in other areas of France, these analyses indicate that the capital's reach was limited and that France as a whole was characterized by a diversity of religious practices.

In part because the history of the late medieval church has traditionally been conceived of as the beginning of the history of the Reformation, scholars have focused their attention more on countries considered to have participated in a trans-national Protestant movement, such as Germany and England. This focus has subsumed the

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[63] See Charles Donahue, ed., *The Records of the Medieval Ecclesiastical Courts, Part 1: The Continent, Reports of the Working Group on Church Court Records* (Berlin: Duncker & Humbolt, 1989), 106-108; Pommeray, *L'Officialité Archidiaconale de Paris*, 239.

history of European religion to the history of Protestantism and has the effect of portraying the rise of Protestantism as the main characteristic of early modern religion. Scholars have begun to correct this imbalance by enriching the historiography of late medieval and early modern French religion with regional microhistories that focus on religion as it was practiced locally. This dissertation contributes to a vital regional study of the French capital, and thus adds nuance to the growing historiography of late medieval parish life.

IV. Chapter Outline

This dissertation consists of four chapters, each of which examines one of the most common citations levied against priests at the archidiaconal court in Paris: employing unfair business practices; drinking and gambling; engaging in violence; and having inappropriate contact with women. It is worth noting that this list of common accusations is regionally specific. For instance, in Girona and Barcelona, clergy were most often accused of usury, defrauding the church, sexual misconduct, and violence.[64] This variation indicates that accusations against clergy are context-specific and thus can be analyzed to illuminate the role that specific church courts played in shaping particular communities.

The first chapter of this dissertation explores the regulation of sacerdotal work, focusing on the common practice of hiring freelancing priests to perform piecework such as baptisms, weddings, and last rites. The church outlawed such freelancing, frowning on

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[64]Armstrong-Partida, "Conflict in the Parish," 180.

what was tantamount to a free market of priestly work operating outside the ecclesiastical

hierarchy. Priests and parishioners both reported freelancing priests to the authorities,

collaborating with the ecclesiastical administration to regulate the work priests did.

However, from these citations we can also discern that priests' freelance work was in

high demand. While some in the parish objected to priests working outside established

parameters, others sought out freelancing priests and hired them to perform illegal work.

The selective enforcement or disregard of the church's regulations demonstrates, firstly,

that there was a demand for priests that outstripped the licit supply provided by the

ecclesiastical institution. Secondly, it shows how members of a particular community

selectively enforced the law to protect the status quo, or contravened the law to ensure the

fulfillment of their ritual needs.

   As a counterpoint to the first chapter's focus on work, the second chapter analyzes

the regulation of priests' leisure time. In particular, it examines citations against priests

for gambling, drinking, and attending religious feasts. These crimes received little

attention from contemporary ecclesiastical legislators, such as bishops. Lacking

legislative prompting, community members nevertheless actively reported those who

engaged in such behaviors. These community members enforced stricter behavioral

standards than required by the episcopacy which regarded sacerdotal gambling and

drinking with relative apathy and other community members who largely tolerated and

sometime invited priests to engage in such illicit activities. This chapter demonstrates that

in any given community there was a diversity of expectations that governed the life of the

priest. Parish priests, therefore, occupied a precarious position where activities accepted

by some could prompt legal reprisals from others.

Chapter 3 is intended as a complement to chapter 2. Whereas chapter 2 demonstrates that some members of the parish utilized church courts to enforce laws more strictly than required by ecclesiastical legislators, chapter 3 demonstrates how community members circumvented the courts to enforce ecclesiastical law. In particular, it reexamines the theme, often discussed by modern scholars, of sacerdotal violence. It suggests that, while the frequency and intensity of such conflicts has been exaggerated, priests did engage in violent conflicts with their parishioners or other priests. However, when priests fought, they typically limited themselves to exchanging a small number of slaps and blows, actions that were generally accepted as legitimate methods of conflict resolution. Although illegal, sacerdotal violence was not socially unacceptable. Moreover, priests often employed low-grade violence to protect their professional reputations, to challenge other priests' qualifications, and to establish jurisdictional boundaries. Therefore, priests paradoxically broke the law to maintain the status quo and their place in the ecclesiastical hierarchy.

In chapter 4, I examine priests, not as perpetrators, but as victims of violence and demonstrate that the church court tacitly sanctioned lay violence against priests. More specifically, laypeople frequently attacked priests who allowed women in their homes. These attacks were punishable by law, but the court rarely prosecuted priests' attackers. Instead, the court punished the priests who were the victims of these attacks for the crime of allowing a woman into their homes. Thus, the court implicitly granted laypeople immunity from the law in exchange for enforcing another part of the law. The second half of the dissertation argues, therefore, that when laypeople and priests committed violence, they participated in a common method of extralegal conflict resolution. However, the

court punished priests who did so while sanctioning similar or worse actions amongst laypeople. In this way, the court upended the idealized ecclesiastical hierarchy by giving laypeople regulatory power over their titular shepherd.

As a whole, this dissertation contributes to an emerging vein of scholarship which suggests that late medieval Christianity encompassed a variety of practices and religious behaviors. I argue that, in late medieval Paris, this plurality was enabled by an inefficient justice system that did not have the power to impose universal church laws locally and that, indeed, gave community members considerable regulatory power. Through collaboration and conflict, priests and parishioners established norms for local religious practices. The character of the church changed, however, as the royal government gained more control over the church in France from the mid-fifteenth century onward. By the mid-sixteenth century, successful attempts by the secular administration to intervene in the administration of the church had changed how priests and parishioners interacted. As the king increasingly took on the task of defining right belief and practice, he polarized religious ideals into what would soon be categorized as Catholic and Protestant churches. The creation of these categories provided an additional way for parishioners to assert their religious agency. In addition to being able to regulate their priests' behavior through legal and extralegal means, parishioners now had the option of leaving their church to attend another more suitable to their needs. While certainly the decision to attend a Catholic or Protestant church might be made on the basis of theological ideology, parishioners may have also decided to attend one church over another for personal reasons, such as affection for a particular congregation or trust in a particular priest or minister. This dissertation suggests that, while ecclesiastical and secular powers

circumscribed and defined the institution of the church, parishioners exercised their own

agency within and outside of administrative guidelines to fulfill their personal religious

needs and desires.

Chapter One:

The Case of the Vying Vicars: Black Market Ministry

One of the largest categories of infraction in the archidiaconal court registers pertains to priests who failed to conform to ecclesiastical licensing procedures. In order to be able to administer the sacraments, priests in late medieval Paris had to obtain a license from the archdeacon or the bishop that would entitle them practice their profession but only within a specific jurisdiction. Men seeking a license had to pass an examination that assessed whether they had the proper comportment and adequate training to be a priest. The ecclesiastical administration intended licensing to benefit priests by mitigating ambiguity, and therefore conflict, regarding who could properly practice in a given area. Licensing was also intended to benefit laypeople by ensuring that they were provided with qualified practitioners. However, this chapter will demonstrate that licensing also had drawbacks for laypeople and priests. Licensing reduced the amount of work available for priests because it necessarily limited the number of positions priests could legally hold in any given parish. Licensing also restricted laypeople's access to priests and decreased their options when selecting a man they could trust to lead them through their sacramental life. Both priests and laypeople could find themselves in a difficult position if no licensed priests could be found to administer the sacraments at crucial times.

Laypeople had to consider whether they should contravene church law and ask an unlicensed priest for assistance while priests had to decide whether they should assent to perform this illegal labor.

The archidiaconal court registers demonstrate that priests did frequently administer sacraments which they were unlicensed to provide. The most common form of unlicensed work represented in the court registers was piecework. Priests could be hired on an ad hoc basis to perform weddings and last rites, for example. Priests who engaged in such labor occupied an ambivalent place in their communities. Ecclesiastical officials regarded priests who worked on a piecemeal basis with suspicion and accused them wholesale of being disorderly and engaging in scandalous behavior. Nevertheless, ecclesiastical officials acknowledged the necessity of piecework for providing the laity with ample access to the sacraments, even while decrying its use. At the parish level, laypeople actively sought out these men's services which were readily provided.

Operating under official censure, unlicensed sacerdotal labor was offered to the laity through what was tantamount to a black market. The existence of this market indicates that there was a strong desire on the part of the laity and the priesthood to engage in the rites of the contemporary church. The ecclesiastical administration attempted to meet this demand by supplying sacraments performed by reliable men with protected professional rights. The inadvertent result was a shortage of sacraments which the laity rectified by engaging unlicensed priests. These records indicate that, when faced with a choice between conforming to church law or church doctrine, many priests and parishioners opted to conform to church doctrine. This study, therefore, contradicts scholarship which depicts late medieval parishioners as disillusioned by complacent

priests. Rather, these cases indicate that priests and parishioners often worked together to ensure the fulfillment of ritual needs in the parish, even when they might face legal reprisals for so doing.

I. Adam Smith in the Middle Ages

This chapter examines sacerdotal labor as a commodity offered in a consumer market. The middle ages has long been defined as a pre-consumer era in which the majority of people lived at or near subsistence level.[1] However, Maryanne Kowaleski argues that the beginning of the "consumer revolution" in England, normally dated to the late sixteenth century, should actually be placed in the late middle ages. She states:

> many of the key factors of the early modern consumer revolution – the appearance of new consumer goods, the attraction of novelties, changes in attitudes toward spending, increases in the amount and diversity of possessions, and the penetration of consumer demand further down the social ladder – can all be identified in the late middle ages.[2]

In the wake of the plague, Kowaleski argues, there was a general increase in disposable income which medieval consumers spent on goods such as food, drink, jewelry, clothing and, most importantly for the current investigation, religious items and practices. For

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[1] For the quintessential formulation of this argument see Karl Marx, *Capital*, vol. 1 ed. Friedrich Engels, trans. Samuel Moore and Edward Aveling (Mineola, New York: Dover Publications Inc., 2011), 785-805; for a brief historiography see also Maryanne Kowaleski, "A Consumer Economy," in *A Social History of England, 1200-1500*, eds. Rosemary Horrox and W. Mark Ormrod (Cambridge: Cambridge University Press, 2006), 238-239.

[2] Kowaleski, "A Consumer Economy," 239.

example, parishioners increasingly invested in opulent funerals and post-mortem masses and prayers, which were all sources of revenue for priests.[3]

In Paris, as in England, the late middle ages was a time of economic expansion in which those with means invested in luxury goods such as clothing, jewelry, and provisions for lavish celebrations.[4] Scholars have also argued that late medieval France was characterized by lively religious devotion evidenced in particular by the foundation of chapels, churches and donations of religious objects.[5] Following Kowaleski, this chapter links lively religious practice with contemporary prosperity and regards priests as participants in a commercial market as producers of services such as masses and prayers. Priests offered these services to laypeople with the expectation that they would be paid to perform them. These parishioners used, to borrow from Kowaleski, "surplus income to increase their range of choices about where, when and on what to spend."[6] In other words, priests and parishioners participated in a commercial economy in which consumers made choices about which religious services they would pay to receive from which provider.

This consideration of priests' role as participants in a market economy is not meant to deny any dedication to their spiritual vocation. This chapter takes as its starting point John Stewart Mill's basic definition of the field of economics which

> does not treat the whole of man's nature as modified by the social state,
> nor of the whole conduct of man in society. It is concerned with him
> solely as a being who desires to possess wealth, and who is capable of

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[3] Ibid. 255
[4] Roux, *Paris in the Middle Ages*, 22, 71-73.
[5] See Conclusion 164-167.
[6] Ibid. 239.

judging the comparative efficacy of means for obtaining that end.[7]
Economics does not deny that human actions are shaped by myriad factors, it simply focuses its analysis on actions taken for the purposes of accruing wealth. Thus, when employing an economic lens of analysis, the subject of study becomes a theoretical type which Mill calls *homo economicus*. *Homo economicus* employs a variety of strategies to accrue wealth, such as adopting expedients to increase the productiveness of labor and adopting methods for the distribution of the product of that labor.[8] The ecclesiastical court registers demonstrate that priests took similar actions to earn money, finding ways to make sacraments more available to parishioners and to administer more sacraments within certain periods of time.

This chapter employs the term "labor" to refer to the sacramental services that priests provided as a way of emphasizing and examining their participation in the consumer economy. It does not argue that people in the middle ages would have considered priests' work "labor". Indeed, medieval thinkers emphatically stressed the difference between laborers and clergymen. Most famously, Bishop Adalbero of Laon (d. 1030/1031) conceived of society in the eleventh century as comprised of "those who fight, those who pray, and those who work". Other medieval thinkers offered alternate models of medieval society but all seemed to have drawn a distinction between the social function of priests and of laborers.[9]

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[7] John Stuart Mill, *Essays on Some Unsettled Questions of Political Economy* (London: Longmans, Green and Co., 1877), 137.
[8] Ibid. 128.
[9] Constance Brittain Bouchard, *Strong of Body, Brave and Noble: Chivalry and Society in Medieval France* (Ithaca: Cornell University Press, 1998), 29.

This chapter uses the term labor, not as people in the middle ages would, which is to say, as a native term, but as an analytical category.[10] It takes as its starting point Marx's definition: "In the labour-process . . . man's activity, with the help of the instruments of labour, effects an alteration, designed from the commencement, in the material worked upon."[11] Sean Sayers asserts that Marx, influenced by Hegel, defined labor broadly. The result of labor "need not be the creation of a material product, it may also be intended to conserve an object, to change the character of animals or people, to transform social relations, etc."[12] The goal of Sayers' article is to counter the common assumption that Marx's paradigm applies solely to the production of tangible commodities and thus is inapplicable to economic exchanges involving ephemera such as customer service and information technology. His reading is also useful for the present study which examines priests' labor as providing religious services that affected a profound spiritual alteration in the recipient and shaped individuals' relationships to their communities.

Despite the theoretical groundwork of Mill and Marx, scholars were reluctant to apply economic theory to religious operations until the 1980s when researchers began to examine churches' participation in free market economies. Particularly relevant to the current study are two articles. The first, by Becky Roselius Haney, examines the compensation structure of several Protestant denominations in 2001. She argues that, in some denominations, clergy and parishioners negotiate labor contracts in a free market,

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[10] For a brief explanation of this distinction see Rogers Brubaker and Frederick Cooper, "Beyond 'Identity'," *Theory and Society* 29:1 (2000), 4-6.

[11] Marx, *Capital*, 201.

[12] Sean Sayers, "The Concept of Labor: Marx and His Critics," *Science & Society* 71:4 (2009): 435.

whereas the ecclesiastical administrators of other denominations regulated the clerical labor market to increase ministers' compensation and benefits.[13]

The second relevant article, co-authored in 2010 by Jay C. Hartzell, Christopher A. Parson, and David L. Yermack builds on previous scholarship that argues Protestant ministers' work can be considered "labor" to examine a phenomenon they call "sheep stealing" among Methodist denominations in the American Midwest from 1961-2003. "Sheep stealing" refers to the practice among ministers of attracting parishioners from other Methodist churches to join their own congregations. The article's authors demonstrate that ministers employed "sheep stealing" to maximize earnings which, in the Methodist church, are calculated in part by the size of one's congregation during one's tenure.[14] As this chapter will demonstrate, late medieval priests in Paris also engaged in "sheep stealing" to maximize their earnings. Furthermore, the Parisian ecclesiastical administration forbade "sheep stealing" and regulated the clerical labor market in an effort maintain fair pay for priests and to safeguard parishioners' access to priests' labor.

It is necessary to stress that although this study focuses on priests' labor and the strategies they employed to increase their earnings, it is not meant to suggest that priests viewed their positions as a job like any other. Although they were not beneficiaries of the type of formal theological education provided to post-Tridentine priests, it seems going too far to assert, as Eamon Duffy does, that the medieval "priest was to be to the Church what the local blacksmith or carpenter was to the secular community, a conscientious

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[13] For a historiography of the application of economic theory to religious organizations and an examination of clergy labor markets among Protestant congregations see Becky Roselius Haney, "The Relationship Between Labor Market Structure and Clergy Compensation in Protestant Denominations," *Atlantic Economic Journal* 36 (2008): 65-75.

[14] Jay C. Hartzell, Christopher A. Parsons, and David L. Yermack, "Is a Higher Calling Enough? Incentive Compensation in the Church" *Journal of Labor Economics* 28:3 (2010): 509-539. For the use of the term labor in reference to ministers' work see ibid., 515.

workman providing essential services" or to label "the humble massing-priest of the Middle Ages, a sort of spiritual plumber called in only to do a job and paid off at the servant's entrance."[15] Medieval priests did indeed have much in common with their lay contemporaries, as Duffy highlights. They often lived with women, raised families, ate too much, drank to excess, gambled and fought. Reading of these behaviors, many modern scholars have come to the conclusion that medieval priests were holy only in theory but in practice led chiefly profane lives.[16]

However, priests were demarcated from the laity by their religio-legal status which designated them as holy persons, set apart from the laity to be living exemplars of righteous conduct to the laity. Moreover, Virginia Davis has shown that many men in late medieval England entered the priesthood despite the poor economic prospects of this occupation. Lack of earning potential is strong evidence, Davis argues, that these men chose to become priests because they felt a genuine spiritual calling.[17] This study is not intended to imply the opposite by assuming an inverse relationship between a man's desire to increase his earnings and his piety. As Mill stressed, economic analysis assumes that people are motivated by the desire for wealth, not that people are *only* motivated by a desire for wealth.[18] More specifically, Adam Smith writes that "the pay of the curate or chaplain...may very properly be considered as of the same nature with the wages of a journeyman. They are, all three, paid for their work according to the contract which they

[15] Eamon Duffy, *Faith of Our Fathers: Reflections on Catholic Tradition* (London: Continuum, 2004), 105-106.
[16] See for example Paul Adam, *La Vie Paroissiale En France Au XIVe Siecle* (Paris: Sirey, 1964); Jean Delumeau, *Catholicism between Luther and Voltaire*; Steven Ozment, *The Age of Reform, 1250-1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven: Yale University Press, 1981); Denis Crouzet, *La Genèse de la Réforme Française, 1520-1562* (Paris: SEDES, 1996); Scott Dixon, *Contesting the Reformation*; Euan Cameron, *The European Reformation* (Oxford: Oxford University Press, 2012).
[17] Davis, "Preparation for Service," 38–51.
[18] Mill, *Questions of Political Economy*, 127-128.

may happen to make with their respective superiors."[19] However, he opined that, even though the chaplain and the journeyman are remunerated in the same fashion, that it would be "indecent, no doubt" to compare the two qualitatively.[20] This chapter maintains that a similar outlook is possible when examining sacerdotal practice in late medieval Paris. Adopting Smith's perspective that a sacerdotal vocation need not preclude economic motivations, this chapter highlights some of the ways that priests maximized their earnings outside of a benefice but within their sacerdotal purview.

II: The Unruly Multitude: Opportunities for Sacerdotal Work

In *The Wealth of Nations*, Adam Smith identified the overproduction of workers in a particular profession as one of the causative factors contributing to economic inequality.[21] This was precisely the problem faced by priests in his own time, he argued. Bursaries funded by public and private donors increased opportunities for men to be educated as priests with the result that the church was "crowded with people who, in order to get employment, [were] willing to accept of a much smaller recompense than what such an education would otherwise have entitled them to."[22] Scholarship on the middle ages has tended to examine the broader category of clergy, rather than priests, but suggests that medieval clergy faced a shortage of work similar to that faced by priests in the eighteenth century, according to Smith.

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[19] Adam Smith, *The Wealth of Nations*, Books I-III, ed. Andrew Skinner (London: Penguin Books, 1999, 234.
[20] Ibid., 234.
[21] Ibid., 222.
[22] Ibid., 234.

In 1878, Siméon Luce argued that, in late medieval Paris, the availability of benefices was decreasing due to pluralism whereas ordinations were increasing due to the proliferation of new universities. The result was that the church was training more clergy than it could employ. Lacking secure incomes, Luce argued, clergy turned to criminal ventures to support themselves. As his source for the moral turpitude of fifteenth-century clergy, Luce cited Clamanges' polemical work *De corrupto ecclesiae statu* and three letters of remission involving clerics who had been found guilty of participating in counterfeiting, theft, and rape. On the strength of just these four sources, Luce imagined a vivid tableau of rebellious clergy. He described an ecclesiastical hierarchy headed by corrupt prelates who were "necessarily more or less restrained" in their behavior. Luce gives no reason for prelates' restraint though he seems to imply that it is related to their elevated social status. "Below this caste" of prelates, he writes,

> swarms this scrawny crowd of clerks of the second half of the fifteenth century, of which Villon was the accomplice and also the poet; gangster and beggar clerks, when they were not thieves; masters of arts who make themselves itinerant masters of forged documents, or even counterfeiters, to have something to live on; mercenary chaplains who procure money by selling sacred vessels entrusted to their care, hanging about immoral houses during the night; finally, priests gone from masters of arts to picking locks and frequenting women of ill repute.[23]

For Luce, clerics on the lower end of the social scale occupied a precarious position. Not able to depend on secure income, they eschewed the ecclesiastical hierarchy and turned to crime for material and sexual comfort.

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[23] "Au-dessous de cette caste, forcément plus ou moins restreinte, de privilégiés gorgés de faveurs, grouille cette tourbe famélique des clercs de la seconde moitié du quinzième siècle dont Villon a été le complice et aussi le poète, clercs truands et mendiants, quand ils ne sont pas voleurs, maîtres ès arts qui se font maîtres d''écriture ambulants ou même fabricants de fausse monnaie pour avoir de quoi vivre, chapelains mercenaires qui se procurent de l''argent en vendant les vases sacrés confiés à leur garde, chanoines rôdant la nuit dans les mauvaises maisons, enfin prêtres passés maîtres dans l'art de crocheter les serrures et d''exploiter les femmes de mauviase vie," Siméon Luce, *Les Clercs Vagabonds à Paris et Dans l'Île de France Sous Louis XI*, plaquetter In-8. (Nogent-le-Rotrou: Daupeley, 1878), 2.

Although it was supported with dubious evidence, Luce's work provided the sole support for Bronisław Geremek's description of Parisian clergy in his important work from 1976, *Les Marginaux parisiens aux XIVe et XVe siècles*. Geremek took up Luce's argument that late medieval clerical delinquency was rampant and that this misconduct was due in part to the "university 'labour market'" that produced more clerics than benefices.[24] Both Luce and Geremek, therefore, suggested that clergy broke the law as a reaction to, and way of rectifying, economic insecurity.

Luce's argument continues to resonate in contemporary scholarship. Scholars cite poor employment opportunities as the underlying cause of a range of criminal clerical behavior from theft to violence. For example, in her 2006 work on theft and brigandage, Valérie Toureille cited Luce as a source to support her suggestion that Parisian university students were generally depraved and that this was because they despaired of work.[25] Jennifer Thibodeaux's article "From Boys to Priests: Adolescence, Masculinity and the Parish Clergy in Medieval Normandy" begins from the premise that masculine identity was largely predicated on a man's ability have a family and a career. Clergy were prevented from attaining the former because of their vows of chastity and the latter because of inadequate employment opportunities. This paradigm, Thibodeaux argues, induced clergy to rebel against the institution of the church by committing sexual and violent crimes.[26]

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[24] Bronisław Geremek, *The Margins of Society in Late Medieval Paris* (Cambridge: Cambridge University Press, 2006), 159.
[25] Valérie Toureille, *Vol et brigandage au Moyen Âge* (Paris: Presses Universitaires de France, 2006), 82.
[26] Thibodeaux, "From Boys to Priests," 136-158.

Although focused on the thirteenth century, Thibodeaux's article reflects a central problem also present in current research on anticlericalism in the late medieval church which tends to equate priests and clergy. Not all clergy were professionally obligated to take vows of celibacy. Furthermore, many clergy were employed outside of the ecclesiastical hierarchy and would not have been affected by the relative availability of benefices. Nevertheless, scholars continue to examine the behavior of clergy more generally within the socio-economic paradigm that governed priests' relationships with their parishioners and superiors.

When looking at priests' employment opportunities specifically, it does seem that there was a shortage of work although this is difficult to prove definitively. Moreover no scholar has satisfactorily shown that there were higher rates of either poverty or unemployment among priests than among other workers during the late middle ages. Scholars have been able to show that in many places ordinations outstripped benefices, which were positions that provided priests with fixed incomes. This scholarship is particularly strong in England, where ordination registers survive in greater numbers than in France.[27] Anne Bonzon provides the only recent study relevant to France and attempts to provide an exact estimation of the ratio of clergy to benefices. She finds that, in the dioceses of Beauvais from 1521 to 1523, 258 clergy were ordained to serve fewer than 400 parishes, a ratio in excess, she argues, of the diocese's needs.[28]

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[27] See for example Davis, "Preparation for Service," 38–51; Haigh, "Anticlericalism and the English Reformation," 70-7.

[28] Anne Bonzon, *L'Esprit de Clocher. Prêtres et Paroisses Dans Le Diocèse de Beauvais. 1535-1650* (Paris: Les Éditions du Cerf, 1999), 127.

Bonzon's findings are exclusive to Beauvais, a more provincial diocese than Paris. The Parisian archidiaconal account book, which records fees paid by priests for their ordination, indicates that only six men paid to be ordained in the year 1493-1494 in a territory containing approximately 180 parishes. This low number is mostly likely due to the inadequacy of the surviving records to provide a complete record of ordinations before the sixteenth century. One could imagine that ordinations in Paris were even more common than they were in Beauvais, since Paris had a university where many priests would be trained. Furthermore, ordination records do not account for priests who immigrated into the archdeaconry from elsewhere which Bonzon and Roux both argue contributed significantly to the population of priests in Paris.[29]

Roux provides an estimate from real estate records for the left bank that "church people" made up about 15% of the population in fifteenth-century Paris. From this, Roux concludes that "the population of Paris is distinguished for its high proportion of clergy".[30] However, this conclusion is problematic since, as Roux points out, the number of "church people" living on the left bank would be higher than elsewhere in Paris because of the presence of the university where all students had clerical status. Her estimate stands, she argues, because the high number of clergy detected in left bank real estate records compensated for the number of clergy only temporarily living in Paris and who, therefore, would not appear in the real estate records.[31] Nevertheless, estimates of how many clergy lived in Paris cannot tell us how many would have been competing for sacerdotal positions since many men trained as clergy to pursue secular careers. Indeed,

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[29] Ibid., 101-102, n.2; Roux, *Paris in the Middle Ages*, 48, 102-103.
[30] Roux, *Paris in the Middle Ages*, 217-218, n.8.
[31] Ibid.

in her a study of archidiaconal visitation records from Josas, one of the archdeaconries

that trisected the city of Paris, Genevieve Hoëttick-Gadbois discovered that the Hundred

Years' War left many parishes without a curate, a situation not fully rectified until the

middle of the sixteenth century.[32] Faced with incomplete records, scholars continue to

debate exactly how many ordained priests competed for benefices in late medieval Paris.

Even if the exact number of priests and benefices in late medieval Paris were

known, this would not give us an accurate estimate of the amount of work available to

priests. Obtaining a benefice was not the only way a priest could earn money. For

example, benefices attached to a particular parish could support several priests. The

principal priest of the parish was the curate, who could farm out his responsibilities, and

share his salary, with substitute priests called vicars and assistants called *firmarii* or

chaplains.[33] Michelle Armstrong-Partida indicates that parishes in Gerona and Barcelona

could be served by as many as seven priests at one time.[34]

In addition to any salary they might earn, all priests could expect piecemeal

payment for the services they provided. Étienne Poncher, bishop of Paris from 1503-

1519, listed the types and amounts of payments that priests could licitly accept. For

baptism, priests should charge two *deniers parisis* for maintaining the baptismal register

and could also accept any monetary gift freely given by the attendant godparents. For

confession or visiting the sick, priests could accept monetary gifts given by the penitent

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[32] Geneviève Hoëttick-Gadbois, "Les Marguilliers, 'Chevilles Ouvrières' de La Vie Paroissiale D'après Les Visites Archidiaconales de Josas, 1458-1470," *Revue D'histoire de L'église de France* 92:228 (2006): 25–46.

[33] Joseph Avril, "Parish Priest," in *Encyclopedia of the Middle Ages*, ed. André Vauchez (New York: Oxford University Press, 2005), 1086-1087; Thibodeaux, "From Boys to Priests," 145.

[34] Armstrong-Partida, "Conflict in the Parish," 179.

or the patient's family, respectively. Priests were also due two sous *parisis* for saying low

mass or for holding a marriage mass outside of high mass.[35]

The wording of Poncher's statutes reveals that priests' right to charge for their

services was not uncontested. His statutes revised high medieval canons which branded

as heretics priests who accepted money for baptisms or gifts (*munera*) for performing the

duties of their office[36]. However, Poncher aligned his statutes rhetorically with the severe

stance against simony of his predecessors. He explicitly forbade, not only the act of

simony, but also "mental" simony, which he defined as "coming to the divine service

with the hopes of being paid." [37] At the same time, however, Poncher defended priests'

right to be paid for the services they rendered. He writes, "you who consider, according

to the Apostle, that we are those who sow spiritual goods, will not marvel if we reap

material goods. [38] In this passage, Poncher quotes Paul's first letter to the Corinthians in

which the apostle asserts his right to be paid for his spiritual leadership.[39] Poncher does

not mention that Paul goes on to say that he "would rather die" than accept his due

payment, however.[40] Instead, Poncher interprets Paul's words in the context of Jesus'

instructions to his apostles. In the gospels of Matthew and Luke, Jesus tells the apostles

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[35] François de Harlay de Champvallon, *Synodicon ecclesiae parisiensis* (Paris: F. Muguet, 1674), 144-148.
[36] See Hanz-Werner Goetz "Protection of the Church, Defense of the Law, and Reform: On the Purposes and Character of the Peace of God, 989-1038," in *Peace of God: Social Violence and Religious Response in France around the Year 1000*, eds. Thomas Head and Richard Landes (New York: Cornell University Press, 1992), 275; Amy G. Remensnyder, "Pollution, Purity, and Peace: An Aspect of Social Reform between the Late Tenth Century and 1076," in *Peace of God: Social Violence and Religious Response in France around the Year 1000*, eds. Thomas Head and Richard Landes (New York: Cornell University Press, 1992), 283; 287.
[37] "Prohibemus vobis omnibus ne committatis Simoniam etiam mentalem adeundo ad divinum servitium sub spe materialium distributionum," de Chapvallon, *Synodicon ecclesiae parisiensis*, 144.
[38] "Considerantes juxta Apostolum quod *qui spiritualia seminamus* non mireris si *temporalia metimus*," de Chapvallon, *Synodicon ecclesiae parisiensis*, 148.
[39] 1 Cor. 9:11 NRSV
[40] 1 Cor. 9:15

to accept food and lodging from those whom they evangelize because "the laborer deserves to be paid".[41]

Poncher's interpretation is consistent with traditional medieval exegesis of the gospels of Matthew and Luke. Since the fifth century, theologians debated fair wage practice by drawing on these passages along with the Parable of the Vineyard Owner, in which a vigneron paid identical wages to laborers who worked for different lengths of time. Theologians generally agreed that fair payment was a matter of justice and a just wage was one that enabled workers to live at subsistence level.[42] Poncher's statutes echo this tradition, implying that priests' fees were necessary for their subsistence and so justly charged. Through a synthetic reading of New Testament texts, Poncher was able to reconcile his novel definition of simony with scriptural precedents in a way that allowed priests to accept money for each service they provided.

Pocher's redefinition of simony also addressed priests' unfair business practices. His statutes employed a language of limitation that suggested priests were collecting more than they were due for each service. For example, he ordered priests to "accept nothing other than that which is given as a free gift by the godparents" for baptisms.[43] For writing and sealing wills, Poncher instructed priests to charge four sous "and no more". [44] Priests must accept only that "which is ordered by laudable custom" which corresponded to the list of standard payments Poncher provided. [45] In addition, Poncher forbade priests

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[41] "*Dignus sit operarius mercede sua*," de Chapvallon, *Synodicon ecclesiae parisiensis*, 86; Luke 10:7; Matt 10:10; see also 1 Tim 5:18.

[42] Steven Epstein, "The Theory and Practice of the Just Wage," *Journal of Medieval History* 17 (1991): 53–57.

[43] "nisi gratis ex voluntate patrinorum datum fuerit," de Chapvallon, *Synodicon ecclesiae parisiensis*, 145.

[44] "et non plus," ibid., 147. This passage quotes a decree from Parlement which is written in French rather than Latin.

[45] "Praecipimus tamen vobis accipere gratis quod laudabilis ordinavit consuetudo," ibid., 144.

from withholding masses from parishioners who were unable to pay for them.[46] While

Poncher's definition of simony permitted priest to accept money in more situations than

canon law allowed, therefore, it was intended to limit sacerdotal excesses and protect the

laity from priests who overcharged or extorted them.

Poncher's statutes decreased priests' options for maximizing their income when

compared to the strategies that would have been available to contemporary workers in

other occupations. Medieval law institutionalized bargaining as an acceptable way to

establish fair wages.[47] As James A. Brundage has shown in the context of lawyers' fees,

establishing the terms of payment before services were rendered was often recommended

as a way to avoid later conflict or litigation.[48] Employers deliberated wages with their

employees on the basis of the worker's experience, the nature and length of employment,

and the relative wealth of the employer. A wage was deemed just, and its terms legally

defensible, when it was agreed upon by both parties.[49] Thus, "bargaining over pay

levels...produced a continuum of wages with fine gradations and distinctions."[50]

Poncher's statutes imply that priests may have been employing similar strategies when

collecting fees from parishioners, namely negotiating remuneration before rendering

services. Poncher explicitly forbade priests from engaging in this sort of commerce.

Specifically, he criticized curates who preyed upon their poorer colleagues by

undercutting their prices. Admonishing them not to make a "fair or market out of their

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[46] Ibid., 85.
[47] Epstein, "The Theory and Practice of the Just Wage," 58.
[48] James A. Brundage, "Contingent Fees and the Ius Commune," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 118 (2001): 125-137.
[49] Epstein "The Theory and Practice of the Just Wage," 59-67; Brundage, "Contingent Fees and the Ius Commune," 6.
[50] Epstein "The Theory and Practice of the Just Wage," 65.

craft," Poncher ordered all priests to charge exactly two sous for saying mass, on pain of excommunication and a fine.[51].

Poncher's statutes demonstrate an impulse on the part of the ecclesiastical administration to protect the laity from unfair pricing and priests from unfair competition. These statutes were part of a wider push for quality control within the church that sought to oust unqualified and unscrupulous priests from the ecclesiastical hierarchy. Quality control began with restrictive ordination procedures. According to canon law sacerdotal candidates had to have already secured a steady income in order to be ordained. The ecclesiastical administration presumably put this regulation in place to mitigate the problem of unemployed priests. It also had the effect of screening candidates because a potential priest had to gain the attention of a patron in order to secure a position. A variety of individuals could provide sacerdotal candidates with an income.[52] Laypeople were particularly important to this appointment procedure. Anne Bonzon's study of early modern France shows that most priests were given their posts by lay patrons and the ecclesiastical administration held churchwardens partially responsible for filling sacerdotal positions endowed by the parish.[53]

Although laypeople could endow candidates with benefices, they could not install them independently of the ecclesiastical administration. The fourth Lateran Council ordered "bishops carefully to prepare those who are to be promoted to the priesthood and to instruct them, either by themselves or through other suitable persons, in the divine

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[51] De Chapvallon, *Synodicon ecclesiae parisiensis*, 86; 143.
[52] Marc Venard, "Pour une sociologie de clergé au XVIe siècle : recherche sur le recrutement sacerdotal dans la province d'Avignon," *Annales. Économies, Sociétés, Civilisations.* 23: 5 (1968): 989.
[53] Bonzon, *L'Esprit de Clocher*, 118; Hoëttick-Gadbois, "Les Marguilliers," 35-36.

services and the sacraments of the church, so that they may be able to celebrate them correctly."[54] In Cambrai, Bishop Guiard de Laon (1238-48) required that priests take an exam before their ordination. This statute provided the template for similar legislation in Cambrai and neighboring dioceses through the remainder of the middle ages.[55]

Statutes dictating an exam pertaining specifically to the diocese of Paris have not been found. However, the archidiaconal court registers suggest the use of a rigorous vetting process. Every priest who obtained a new appointment was required to present himself before the archdeacon to receive a license to practice the duties of his office such as hearing confessions, saying mass, and conducting funerals in his new capacity.[56] There are four cases in which the court fined priests for celebrating mass without having been examined by the archdeacon indicating that each priest, even if already ordained, needed to undergo such an examination each time he took a new position.[57]

Parish curates also had a responsibility to evaluate priests working under their supervision. According to episcopal mandate, a curate could contract with a vicar to take charge of his parochial responsibilities for one or two years.[58] The vicar would collect a portion of the revenues of the office and pay the appropriate rents.[59] It was up to the curate to ensure the quality of the vicar he appointed. Jean Simon, bishop of Paris from 1494-1502, instructed curates to appoint vicars only once they had been assured of their

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[54] Charles M.A. Caspers, "Requirements for Becoming and Remaining a Pastor: An Impression from the Late Medieval Synodal Statutes of the Diocese of Cambrai, 1308-1500" in *The* Pastor Bonus*: Papers Read at the British-Dutch Colloquium at Utrecht, 18-21 September 2002*, eds. Theo Clemens & Wim Janse (Leiden: Brill, 2004), 89.
[55] Ibid., 87-89.
[56] Pommeray, *L'Officialité archidiaconale de Paris*, 263-267.
[57] Paris, Archives Nationales, Z[10] 18, Registre de Causes, 1484-7, Archidiaconat de Paris, fols. 48v, 123r; Paris, Archives Nationales, Z[10] 20, Registre de Causes, 1493-7, Archidiaconat de Paris, fols. 128v, 164v.
[58] Pommeray, *L'Officialité archidiaconale de Paris*, 261.
[59] Vincent Tabbagh, "Vicar," in *Encyclopedia of the Middle Ages*, ed. by André Vauchez (New York: Oxford University Press, 2005), 1511.

education, morals, and proper ordination. Like all new appointees, the vicar then had to

be authorized for practice by the bishop or archdeacon. If the vicar did not undergo this

procedure, the curate who appointed him could face unspecified legal consequences.[60]

Theoretically, therefore, priests supported by benefices, either directly or indirectly, had

to go through a rigorous vetting process. Each had to prove his suitability to any patron or

curate who hired him, the bishop who ordained him, and the archdeacon who licensed

him.

Priests who did not work for steady incomes but relied on piecework, called

habituati, were subject to similar regulations. In his statutes, Poncher passionately

endorsed evaluation and licensing for these workers:

> because we have learned of the many and diverse scandals born
> from the great and truly disorderly multitude of *habituati*, or those
> to whom you give surplices[61] in your churches: we instruct you to
> no longer give the surplice to men for conducting burials of the dead,
> hearing confession, or administering other sacraments, unless it be
> to men who are good, honest, and properly and canonically promoted
> by us, or who have already been approved by us, our official, or vicar
> on the basis of their letters of release, or recommendations from their
> curates and bishops,[and that you give the surplice] in moderate numbers.[62]

Although Poncher rebuked *habituati* for perceived bad behavior, he grudgingly

acknowledged that their labor was beneficial to parish life because they helped resident

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[60] "Prohibemus omnibus & singlis Curatis nostrae civitatis & Diœcesis Parisiensis residentiam in suis parrochialibus Ecclesiis non facientibus , ne aliquos Capellanos ad deserviendum vice sua in divinis in hujusmodi suis ecclesiis instituant , nisi de eorum scientia, vitæ ac morum honestate , ac quod fuerint & sint rite & canonicè ad sacerdotalem ordinem promoti, eius priùs legitimè constituerit: eisdem Curatis præcipiendo , quatenus suos dictos Capellanos pro licentia curæ animarum exercenda nobis infra tempus in antiquis Statuis Synodalibus designatum præsentent ; alioquin contra eos procedemus pro ut jus & justitia suadebunt," de Champvallon, *Synodicon ecclesiae parisiensis*, 68.
[61] white knee- or ankle-length vestments.
[62] "Item , cum multa et diversa scandala orta compererimus ex magna seu verius effrenata multitudine Habituatorum , quibus Superlicia in ecclesiis vestris conceditis : praecipimus vobis , ne de caetero hujusmodi superlicia concedatis , sive pro conductu inhumationum defunctorum , sive Confessionibus audientdis , & aliis sacramentis ministrandis , nisi viris probis, honestis , ac rite & et canonice promotis per Nos , vel qui prius , cum litteris eorum dimissoriis , vel commandatitiis suorum Curatorum , & Episcoporum , per Nos , vel Officialem , aut Vicarios fuerint approbati , & cum ipsis dispensatum ; & in numero moderato," de Champvallon, *Synodicon ecclesiae parisiensis*, 83.

priests manage their workloads.[63] Because of their necessity, he allowed them to continue

to practice on a piecemeal basis. However, he ordered parish priests to ensure that the

habituati they employed were reputable, properly ordained, and licensed by a superior to

work in the jurisdiction. Thus *habituati* had to meet the approval of their employers and

be accredited by the ecclesiastical institution in much the same way that beneficed priests

were evaluated by their supervisors.

Poncher asserted that it was necessary to regulate *habituati* because of their

suspect character. He alleged that they engaged in unruly behavior that caused scandals, a

situation made worse by the great number of these men he believed there to be. Poncher

does not specify what unruly behavior he hoped to mitigate through licensing but the

archidiaconal court registers from 1483-1505 suggest that priests seeking piecemeal work

could disrupt the order of the parish by poaching business from others. Seventy-three

cases in the registers addressed various professional transgressions. In twelve cases,

priests provided sacerdotal services in particular churches either without the permission,

or against the express will, of the resident curate or vicar. In six of these cases, priests

said unapproved masses, in four they heard confessions, one collected the tithe and one

executed a will. In thirty cases, priests were cited for providing services outside of their

own parish. Priests also augmented their income by saying up to three masses in one day,

which was prohibited and cited twenty-two times in the registers.[64] *Habituati* were a

threat to social stability because they sometimes disregarded the chain of command and

circumvented ecclesiastical quality control.

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[63] See also Pommeray, *L'Officialité archidiaconale de Paris*, 261.
[64] De Champvallon, *Synodicon ecclesiae parisiensis*, 58; Jean-Georges Vondrus-Reissner, "Présence réelle et juridiction ecclésiastique dans le diocèse de Paris (fin XVème-1530)," Histoire, économie et société 7:1 (1988): 42.

Court cases against poaching *habituati* helped protect the livelihood of resident priests. Sacraments were a limited resource because of theology developed in the fourth century. In the wake of imperial persecutions of Christians in Rome, a sect of Christians emerged who believed that the professional and moral failings of apostate and otherwise unworthy priests invalidated the sacraments they performed. People who received sacraments from such priests, they believed, would need to have the rite administered again by a worthy priest to benefit from its efficacy. This belief was labeled Donatism after one of its chief proponents, Donatus Magnus (d. c. 355). Emperor Constantine rejected this theology at the Council of Arles (314), making it official church policy that sacraments were valid and indelible if performed correctly by an ordained priest, regardless of the priest's professional or moral standing.[65] Orthodox doctrine dictated that sacraments should not be repeated because, as Augustine of Hippo argued, performing them more than once was at best futile and at worst a sacrilegious degradation of the rite.[66] Because sacraments could only be performed once, there was a limited amount of piecework available for priests in late medieval Paris. Therefore, priests who performed unapproved rites deprived licensed priests of piecemeal earnings.

Preserving licensed priests' livelihood necessarily restricted the earning potential of *habituati*. The archidiaconal court registers show that some priests depended on piecework for their sustenance and could be motivated by poverty to contravene labor restrictions instituted by the church administration. For instance, the priest Jean Pichon testified that the reason he broke canon law to say mass in two different churches on the

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[65] For an introduction to the Donatist debate see Henry Chadwick, *The Early Church* (London: Penguin Books, 1993), 219-225; Peter Brown *Augustine of Hippo: A Biography* (Berkeley: University of California Press, 1969) 215-25.
[66] Chadwick, *Early Church*, 118-21; Brown, *Augustine of Hippo*, 219.

same day was because he was poor. [67] Another priest, Jean de Gino, was fined for saying

mass and begging alms, neither of which he had permission to do.[68] In much the same

way that the church regulated piecemeal sacerdotal labor, national and city governments

treated begging as a potential threat to social order.[69] Secular and ecclesiastical officials

reasoned that only the poor who were physically unable to work should be given alms. In

sermons and decrees, social leaders ordered their constituents not to give alms to the

able-bodied. In 1351, a royal pronouncement threatened able-bodied beggars with prison

and banishment, a decree which was renewed numerous times in the fourteenth and

fifteenth centuries.[70] Like limitations on *habituati*, restrictions on begging were meant to

prevent funds being siphoned from those legitimated by the government. Driven by

poverty, de Gino impinged on others' sanctioned earnings in two ways: by providing

unapproved sacerdotal labor and engaging in unlicensed begging. Because of this

infringement, his labor was criminalized even though it was not altogether contrary to his

sacerdotal calling.

III. Criminal Piety: Overcoming Legal Sanctions to Provide the Sacraments

The goal of ecclesiastical labor regulations was to reserve opportunities to work

for vetted priests, reduce professional competition among priests, and protect laypeople

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[67] AN, Z^{10} 18, fol. 143v.

[68] Ibid., fol. 122v.

[69] Michel Mollat, *The Poor in the Middle Ages: An Essay in Social History* (New Haven: Yale University Press, 1986), 290.

[70] *Ordonnances royaux sur le fait et juridiction de la prévôté des marchands et eschevins de la ville de Paris*, (Paris 1595), 236; See also André Gueslin and Henri-Jacques Stiker, *Handicaps, pauvreté et exclusion dans la France du XIXe siècle* (Paris: Editions de l'Atelier, 2003), 149-50. See also Geremek, *Margins of Society*, 80; Nicole Gonthier, *Le châtiment du crime au Moyen Âge, XIIe – XVIe siècles* (Rennes: Presses Universitaires de Rennes, 1998), 63; Mollat, *The Poor in the Middle Ages*, 290-292; Edward Wheatley, *Stumbling Blocks before the Blind* (Ann Arbor: University of Michigan Press, 2010), 234.

from being overcharged for sacerdotal services. However, these regulations may have also exacerbated the poverty of *habituati* by depriving them of work and contributed to their bad reputation by criminalizing their labor. The court's strict adjudication against unlicensed sacerdotal labor also had the potential to endanger the care of souls in the parish. For instance, on 13 June 1485, Guillaume Fousse was brought before the court because he had said mass twice in one day in two different locations. Fousse testified that he had said mass in his own church in Chauvry, then said mass in a church in Bethemont at the request of that parish's curate, who was too ill to perform his duties. Fousse portrayed himself as having acted in good faith to provide the parishioners of Bethemont with a necessary service without neglecting his own parishioners. Regardless, the court fined Fousse for two infractions: saying mass twice in one day and practicing outside of his own parish without a license.[71] Ecclesiastical licensing procedures had the potential to create a catch-22 for priests who were obligated to provide the sacraments to parishioners who needed them but forbidden from administering the sacraments outside their parishes on pain of excommunication.[72] Should a priest lack either the time or the money to obtain a license, he could opt to perform the sacraments against church law and face the legal consequences. Should he, however, conform to church law and refuse to administer the sacraments without a license, he fell short of his spiritual duties. Ecclesiastical laws intended to ensure the quality of sacerdotal workers, in part for the benefit of parishioners, also had the potential to impede parishioners' access to the sacraments.

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[71] AN, Z[10] 18, fol. 118r.
[72] De Champvallon, *Synodicon ecclesiae parisiensis*, 199.

Out of the 1,003 cases involving priests examined in this dissertation, 315, or more than a third, relate to jurisdictional transgressions.[73] The only type of infraction more frequently cited by the archidiaconal court was priests' illicit contact with women, which totals 378 cases. This relatively high number of cases betrays a tension between ecclesiological ideals and the way the care of souls was administered in the parish. Poncher's statute quoted above indicated that piecework, though heavily restricted, was an important aspect of the care of souls in late medieval Paris.

Scholars have tended to emphasize conflict among priests, particularly between friars and secular priests. For instance, Martin Hervé finds that most Parisian preachers were mendicants and, in particular, Franciscans. At the same time, he states that there

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[73] Out of these cases, 139 either exclusively aimed to verify a priest's license or included the verification of licenses as a part of more complex trial

Table 1: Categories of Accusations against Priests:

Administrative confusion	6
No license	39
Practicing without showing a license	33
Changing jobs without permission	7
Celebrating without permission from the curate	11
Celebrating against the express will of the curate	2
False license	1
Celebrating without being presented before the archdeacon or bishop	15
Celebrating without permission from the archdeacon or bishop	9
Celebrating even though excommunicated	1
Celebrating without having been examined	5
Has come to court to show license	6
The lord is giving permission to practice	1
Witnesses attesting to legitimacy	2
Total	**139**

was a "veritable army of 'potential' preachers" among the secular clergy.[74] This glut of labor, he argues, resulted in a great rivalry between priests and mendicants for use of parish churches for preaching. However, the large supply of spiritual workers facilitated cooperation as well as competition. For instance, Larissa Taylor points out that seculars did not expect to preach as much as mendicants did and probably welcomed mendicants' assistance in the care of souls.[75] The statutes of Eustace du Bellay, bishop of Paris from 1551-1563, support this reading. He forbade parish priests, on pain of excommunication, from allowing regular or secular clergy to preach unless they had been approved by the bishop, indicating that parish priests welcomed these workers.[76] Despite the negative tone of du Bellay's statutes, like Poncher, he acknowledged the need for piecework and allowed for its continuation within certain restrictions. Although these bishops portrayed pieceworkers as suspect, their labor was necessary enough for the spiritual welfare of the community that bishops regulated it to ensure quality, rather than banning it as an inherently corrupt practice.

Like priests, many laypeople sought out unlicensed sacerdotal labor. For instance, in the majority of cases in which priests were cited for celebrating mass in profane places, they were specifically charged with practicing in peoples' homes without a license. Many scholars have noted the preponderance of private devotional practices amongst the laity in late medieval Europe. Laypeople invested their money and time in masses, sermons,

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[74] Quote from Larissa Taylor, *Soldiers of Christ: Preaching in Late Medieval and Reformation France* (New York: Oxford University Press, 1992), 21; see also Hervé Martin, *Le Métier de Prédicateur En France Septentrionale à La Fin Du Moyen Age, 1350-1520* (Paris: Les Éditions du Cerf, 1988), 73-77; Robert N. Swanson, "The 'Mendicant Problem' in the Later Middle Ages," in *The Medieval Church: Universities, Heresy, and the Religious Life: Essays in Honour of Gordon Leff*, eds. Peter Biller and Barrie Dobson (Woodbridge: Boydell Press, 1999), 217–238.
[75] Taylor, *Soldiers of Christ*, 37.
[76] De Champvallon, *Synodicon ecclesiae parisiensis*, 304.

pilgrimages, books of hours, and so on.[77] Laypeople also installed private chapels or portable altars in their homes so that they could hear mass if they were prevented from attending church because of old age, infirmity, demanding work schedules, or a long and dangerous journeys to their designated parish church. Laypeople were required to obtain a license for such installations which, the archidiaconal court registers indicate, they did not always do.[78] Late medieval evidence for private devotion has alternately been interpreted as the continuation of long-lasting religious practices or as indicating laypeople's increased alienation from the institution of the church leading up to the Reformation.[79] The court registers suggest that parishioners valued sacerdotal labor and sometimes contracted it in ways that contravened ecclesiastical statutes but that allowed them to overcome boundaries hindering their participation in religious customs.

In addition to inviting priests into their homes, laypeople implicated themselves in illegal jurisdictional crossing by acting on their preferences for one priest over another. Priests were often cited for practicing outside of their parish boundaries or for administering the sacraments to people who were not their parishioners. Laypeople were also punished for obtaining sacraments outside their own parish or from a priest who was not their own.[80] For instance, on 6 November 1483, Gilles Lounet was given a standard fine of four sous plus half the fee of the court sealer for receiving the Eucharist outside of his parish of Domont.[81] Two months later, one Pierre Lounet, possibly a relation of

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[77] See Ozment *The Age of Reform*, 205-209

[78] Diana Webb, "Domestic Space and Devotion in the Middle Ages," in *Defining the Holy: Sacred Space in Medieval and Early Modern Europe*, eds. Sarah Hamilton and Andrew Spicer (Aldershot: Ashgate, 2005), 37-39.

[79] See Robert N. Swanson, *Religion and Devotion in Europe, c.1215-c.1515* (New York: Cambridge University Press, 1995), 123-4.

[80] Pommeray, *L'Officialité archidiaconale de Paris*, 402.

[81] AN, Z^{1o} 18, fol. 34v.

Gilles, was fined four sous for taking the Eucharist at the priory of Domont rather than at his parish church.[82] Perhaps the Lounets harbored a familial enmity against the curate of Domont, although the laconic records of these cases do not specify that this was the case. What the records do show is that both laypeople and clergy were sometimes willing to risk legal reprisals to transgress jurisdictional boundaries.

Laypeople may have sought out priests other than their own for any number of reasons. Swanson shows how mendicants in England actively promoted their own services in direct competition with secular clergy. Some laypeople were receptive to mendicants' criticisms of the secular clergy, preferring friars' confessions and funerals to those performed by their own parish priests.[83] Some parishioners might not need to be prodded by friars to seek out priests whom they felt were better qualified or in some way more desirable than their own. This seems to have been the case with Jean Harni whose curate denounced him on 4 May 1489 for confessing and taking Eucharist at Easter outside of the parish without his permission. If convicted, Jean faced a fine and payment of legal expenses. Jean admitted that he had traveled outside the diocese to confess and take communion, explaining that he had come to his own church on Holy Sunday, but that the curate had refused to hear his confession.[84] Jean's testimony suggests that he had an earnest desire to obtain the sacraments. When denied them in his own parish, he sought them elsewhere, despite standing ecclesiastical injunctions against such action.

Whereas Harni was cited for taking the Eucharist outside of his parish, the priest who had given it to him did not appear before the court. This suggests that Harni's curate

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[82] Ibid., fol. 47r; see also Pommeray 402.
[83] Swanson, "The 'Mendicant Problem'" see especially 227-9.
[84] AN, Z[10] 19, fols. 101v-102r.

was more interested in punishing his own parishioner than denouncing the priest who had stolen his business. This case, therefore, may be indicative of a personal feud between Harni and his curate, who is unnamed in the registers. It is possible that Harni's curate refused to administer the sacrament to Harni in order to punish him for a previous insult. Furthermore, Harni may have traveled to a different parish to obtain the sacrament out of a concern for his own spiritual welfare but also to spite his curate by obtaining services the priest had attempted to deny him. The curate attempted to reassert his authority over Harni and his control over his parishioner's access to the sacraments by taking Harni to court. The priest who ultimately administered the sacraments to Harni was perhaps motivated by monetary gain or by a sense of spiritual obligation to provide sacraments to a man who could not get them through the appropriate channels. Regardless of these possible motivations, this case demonstrates how a parishioner could take advantage of the availability of piecemeal sacerdotal labor to obtain the sacraments despite a recalcitrant priest and, conversely, how a parish priest could enforce ecclesiastical bans on the same to assert his own authority.

Laypeople, too, took advantage of ecclesiastical bans on unlicensed sacerdotal labor to assert their spiritual rights and perhaps also to play out personal feuds. Both impulses may be detected in a notable case that was heard on 16 April 1496. The defendant was Robert de Villenor who was a *clericus fabricus* at the church of Saint-Nicolas-des-Champs, meaning that he monitored the churchwarden's storeroom there. He stood accused of administering extreme unction to several sick parishioners even though he was not ordained. Villenor explained that, on the night of 9 April, the curate, Pierre Picard, was summoned to the bedside of two parishioners at the same time. Both were

dying of the plague which Villenor emphasized was particularly virulent in that paris that year. Unable to attend to both parishioners, Picard instructed Villenor to administer extreme unction to one of them named Pierre Noneau. Picard assured Villenor that there would be "no danger" in performing this rite because Picard would supply the *clericus fabricus* with unconsecrated bread, rather than the true Host.[85] Villenor complied with Picard's orders. Picard told the court that he "did not believe he had done evil, but that he had done good, and if he had believed he was doing evil, he would not have gone" to the other parishioner.[86] Providentially, Noneau survived the night and Picard was able to administer true last rites the following day. Two days later, Noneau died in the appropriate spiritual state.

Villenor's case demonstrates the grave difficulty that could arise if a parish suffered a shortage of priests. Picard was unable to attend both death beds and did not seem to have a viable assistant who could administer extreme unction to one of the parishioners. As much as he could, however, Picard attempted to fulfill his spiritual obligations. He delegated the task of administering extreme unction to the next most appropriate person to himself: a cleric who worked for the church but who was not a priest. Picard gave Villenor a proxy Host, enabling him to avoid profaning the sacrament. The register does not explain what motivated Picard to do this, but it seems likely that he hoped performing an ersatz rite of extreme unction would comfort the dying man and his family, and perhaps exonerate him for not supplying any rite at all in the absence of a viable practitioner. Knowing, however, that this rite was salvifically insufficient, Picard

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[85] "nya point de danger pius que ce nest pas le corpus," AN, Z^{1o} 20, fol. 129v.
[86] "dominum nec credebat ipse malo sed bene facere et si credidisset malo facere non ivisset," ibid.

returned the next day to administer extreme unction with a genuine Host. Although the strategy was less than ideal, Picard and Villenor's actions demonstrate their willingness to contravene ecclesiastical regulations concerning sacerdotal quality and ritual standardization to attempt to reconcile the irreconcilable spiritual needs of parishioners.

The record does not state who brought this case to court, but it seems highly likely that Noneau's family initiated the action. Whether or not they knew that Villenor was not qualified to perform last rites, or that he did so with a counterfeit Host is not indicated in the records. If they did not already know, they must have been made aware of the ruse when Picard returned the following day to administer a valid sacrament. It seems most likely that they brought the case to court to punish Villenor either for having tried to fool them or for having assumed that they would be satisfied with a false sacrament. They may have also resented that it was Noneau who receive the false sacrament and another parishioner who received the true sacrament from an ordained priest. Indeed, that this situation had the potential to cause conflict between the two families involved is hinted at by Villenor's testimony. He told the court that he could not remember anything about the person who had called the vicar away to the bedside of the other parishioner, not even if this person was a man or a woman. Perhaps Villenor lost sight of this simple detail during the commotion that had arisen that night. Or perhaps he was trying to protect the identity of the parishioner who called the priest away so that he or she would not have to suffer reprisals from Noneau's slighted family members. The court sided with the complainant, whatever the party's identity and motivation. Villenor was given a large fine of four gold ecus for having acted like a priest, having administered false sacraments.

The fine levied against Villenor also absolved him of having created a scandal by his administration of a false extreme unction. Scandal was a formal charge that criminalized any sort of action that created an outrage. Priests who gambled, wore inappropriate clothing, and engaged in public fights could all be subject to charges of scandal.[87] Scandal could also pertain to licensing infractions like those explored here. For example, on 28 February 1502, the court instructed the priest Guillaume le Jeneux to no longer administer the sacraments without a license from his vicar. The court commonly forbade priests from continuing a prohibited practice, but this record is unusual in that it provides a justification for this injunction. The record states that le Jeneux should no longer practice to avoid a scandal and that, by avoiding scandal, he could prevent additional cases arising from the issue.[88] The explanation of the court's judgment indicates that parishioners had a stake in whether or not their priests were licensed and that the church was responsive to those concerns. So long as the priest practiced without a license, he was vulnerable to criticisms and lawsuits from his parishioners as well as censure from the court.

Parishioners did not only cast aspersions on unlicensed priests, however. As Léon Pommeray noted, all community members also played a role in validating their priests before the court when the priests' right to practice was in question. Counterfeit priests have received some attention from scholars who express particular interest in criminals posing as clergy. In 1971, Bronisław Geremek famously described how both clergy, and laity posing as clergy, exploited clerical legal protections to commit crimes with relative

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[87] See Introduction, 10-12.
[88] AN, Z[10] 21, fol. 231v.

impunity.[89] However, priests and clerics appeared before the archidiaconal court less for posing as clerics than they did for obscuring their clerical status to bring a case before the secular court. Presumably these men ascertained that they would achieve more favorable results in particular suits in secular court than in the ecclesiastical court.

In cases in which laymen did pose as priests, it was more likely that they did so to act as priests rather than to escape criminal prosecution. For example, on 22 October 1483, Henri Vincent made reparations for having received a priest's license, and having used this license to practice, without ever having been ordained.[90] This case suggests that the priesthood was more valuable as a way to earn money through the administration of spiritual services than as a way to escape prosecution for criminal activity. Such cases support Claude Gauvard's challenge to the commonly supposed causal relationship between poverty and crime, made particularly popular by Geremek's research. In her examination of a register listing prisoners held at le Châtelet in 1412, Gauvard finds that each prisoner had a profession listed after his or her name, except for three who were designated as vagabonds. The overwhelming majority of people accused of criminal activity by secular authorities in 1412 Paris, therefore, were not from "marginal populations situated at the limit of exclusion, but ... populations having both a home and a profession."[91] That most of the individuals who stood accused of crimes before the court were not homeless and jobless leads us to question the assumption that criminal

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[89] Geremek, *Margins of Society*, 37.

[90] AN, Z^{1o} 18, fol. 33r

[91] "Le crime n'est pas seulement le fait de populations marginales situées à la limite de l'exclusion, mais de populations ayant à la fois un domicile et un métiers," Claude Gauvard, *Violence et Ordre Public Au Moyen Âge* (Paris: Picard, 2005), 232-3; see also ibid., "Le concept de marginalité au Moyen Âge: criminels et marginaux en France aux XIVe et XVe siècles," in *Histoire et criminalité de l'antiquité au XXe siècles: novelles approaches: actes du colloque de Dijon-Chenove, 3, 4, et 5 octobre 1991*, eds. Benoît Garnot and Rosine Fry (Dijon: Éditions Universitaires de Dijon, 1992), 232, 356.

behavior was a natural result of destitution. More specific to this study, these cases help to emphasize that poor priests, and some desperate laymen, generally attempted to earn a living through the priesthood, taking advantage of piecework, rather than turning to more nefarious means to support themselves.

Not all priests who practiced without licenses, however, were frauds, a fact which the ecclesiastical court acknowledged through its juridical practice. To determine whether a man without a license was practicing the priesthood legitimately, the court applied a myriad of tests. M.R. Genestal ascertained that the Parisian court judged whether a man was a priest first by appearance.[92] Specifically, court officials investigated the purported priest's tonsure and vestments. Priests posing as laymen sometimes obscured their tonsure by shaving their head completely or by growing out their hair.[93] To ensure that priests maintained visible tonsures, Poncher ordered them to trim their hair every one or two weeks.[94] Priests who let their hair grow too long could be brought before the court where they would typically be ordered to cut it within a certain amount of time, usually one week.[95] If a suspected priest had a full head of hair, the court might launched an investigation to determine if he had ever been tonsured. In one case, the court called in a barber as an expert witness.[96]

Like the tonsure, clothing was visual proof of a priest's socio-religious status. Priests were supplied with vestments at their ordination or, as seen above, given surplices when hired to assist curates with particular rituals, such as burials or confessions. When a

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[92] M.R. Génestal, *Le Procès Sur L'état de Clerc Aux XIIIe et XIVe Siècles* (Paris: Imprimerie Nationale, 1909), 9, 12.
[93] AN, Z^{1o} 18, fol. 173r; Pommeray, *L'Officialité archidiaconale de Paris*, 252
[94] De Champvallon, *Synodicon ecclesiae parisiensis*, 77; Pommeray, *L'Officialité archidiaconale de Paris*, 250-251.
[95] AN, Z^{1o} 19, fol. 228v; Pommeray, *L'Officialité archidiaconale de Paris*, 251.
[96] Génestal, *Le Procès Sur L'état de Clerc*, 12.

priest wore vestments, therefore, it was a visual claim to the right to practice in a particular position. For example, on 18 November 1499, the priest Gilles Marrey came before the court to defend his jurisdictional rights against a sacerdotal pretender. Marrey insisted that he was the "sole vicar in the parish of the church of St. Sauveur in Paris."[97] To emphasize his exclusive authority in the parish, he stated that no other person was allowed to **"**bear church vestments or wear the habit, or administer the sacraments, without his license."[98] "Nevertheless," the record continued, the defendant Pierre Hervieu "wore and wears every day ... the vestments and habit of the church against the said Marrey's will and against the inhibitions made by [Marrey] against him and presumes to administer the ecclesiastical sacraments in the parish.**"** [99] To make matters worse, Hervieu had collected several wills from parishioners which Marrey felt were due to him. In Marrey's testimony, clerical vestments stood synecdochically for the priests' profession. Hervieu's usurpation of several sources of income for sacerdotal labor was symbolically encapsulated by his wearing vestments against Marrey's will and express prohibitions.

Another indicator of a priest's right to practice was his personal virtue, which could be verified in part by his clothing. Jean Simon wrote in his statutes that "decency and propriety of comportment are suitable to ecclesiastics more than to others" and

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[97] "Promotor proposuit contra reum quod ipse Marrey est vicarius unicus parrochialis ecclesie Sancti Salvatoris parisiensis" Pommeray, *L'Officialité archidiaconale de Paris*, 525; AN, Z^{1o} 21, fol. 123r. See also Pommeray, *L'Officialité archidiaconale de Paris*, 261.

[98] "nec licuit alicui pannos ecclesie feri habitum deffere aut sacramenta ecclesiastica administrare sine sua licentia (inserted: ejusdem dicti Marrey)," Pommeray, *L'Officialité archidiaconale de Paris*, 525; AN, Z^{1o} 21, fol. 123r.

[99] "Nichilominus reus contra voluntatem dicti Marrey et contra inhibitiones per eum eidem reo factas hujusmodi pannos et habitum ecclesie portavit et portat in dies ac sacramenta ecclesiastica parrochianis administrare presumpsit," ibid.

"propriety of exterior dress indicates the interior decency of morals".[100] Because priests'

clothing indicated their elevated professional and personal status, it had to be treated with

special care. Bishop Poncher stipulated that clerical vestments should be washed two

times a year: once at Easter and once at All Saints, which was presumably an increase on

what was already done. In addition, ecclesiastical linens had to be washed separately

from other linens and could only be cleaned by "honest" laymen or women.[101] The court

took the necessity of keeping clerical clothing clean seriously enough that it was a finable

offence. For example, on 29 November 1503, the vicar Robert LeCoq was fined an

unspecified amount for wearing a dirty shirt.[102] The criminalization of sartorial

negligence was a circular affirmation of Poncher's pronouncement that dress reflected a

priest's interior state. Priests who neglected their clothing were subject to prosecution and

the attendant humiliation of being called to court. Priests who kept their clothing in good

condition avoided prosecution in that regard and protected their reputations. Clothing was

indeed an indication of a man's interiority because the court judged men according to the

state of their clothes.

Being able to ascertain the interior state of a man was important because the court

used a man's character as another legal proof of his right to practice as a priest. When a

priest's legitimacy was in question, he could call character witnesses to testify that he

acted in a priestly manner and thus was rightfully practicing as a priest. For example, on

16 June 1490, two masters of arts confirmed Jean Mahiet's legitimacy as a priest. They

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[100] "Quia decentia et honestas habitus viris ecclesiasticis prae ceteris multum convenire noscitur, cum decentia habitus extrinseci morum intrinsecant honestatem ostendat," de Champvallon, *Synodicon ecclesiae parisiensis* 68.
[101] "honestas personas aut mulieres," ibid., 91.
[102] Pommeray, *L'Officialité archidiaconale de Paris*, 254; AN, Z[1o] 21, fol. 286v.

testified that they had known him for more than six years, having worked as school teachers in the same parish where he was made vicar to the curate. They also told the court that Mahiet long had the reputation for living honorably, adding that there were several university graduates who would attest similarly to his character.[103] Mahiet also showed the court his license but it seems that in other cases, priests could be legitimated by the testimony of character witnesses alone. For example, ten days after the court approved of Mahiet's right to practice, Jean Charles was brought before the court to determine his legitimacy as a priest. Two priests testified that they had known Charles for twenty-five years. They listed each parish he had worked in, for how long and testified that they had seen Charles say several masses and in other ways perform the duties of a priest. Finally, they said that Charles was widely held to be priest in that area and they believed that the archdeacon had given him permission to work in the archdeaconry. In this case, having worked as a priest and being recognized as a priest by the community was validation enough. There is no record of Charles ever having shown a license before the court.[104]

Character witnesses did not have to be priests or schoolmasters to vouch for parish priests. For instance, two men vouched that Jean Tessier was a priest on the basis of his respectable way of life and the fact that he had celebrated several masses in his parish. The register does not provide information about the rank of one witness but the other was a royal cleric, implying simply that he was educated, not that he was ordained

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[103] Pommeray, *L'Officialité archidiaconale de Paris*, 527; AN, Z^{1o} 19, fol. 153r.
[104] AN, Z^{1o} 19, fol. 156r.

or worked in any religious function.[105] The ecclesiastical administration directed priests to obtain licenses and ordered priests to show them when their right to practice came into question. However, should a priest not have a license, his practice was not necessarily illegitimate. Priests could muster lay and clerical witnesses to validate their practice by testifying that they habitually fulfilled their sacerdotal obligations to live respectably and perform their ritual duties. Thus, priests' legitimacy relied heavily on whether or not members of their community accepted them as their priests.

IV. Conclusion

Employment opportunities for late medieval Parisian priests were in some ways very limited. It seems that there were not enough benefices to support the sacerdotal population of Paris and the lack of viable employment was exacerbated by the court's attempt to maintain the quality of the sacerdotal office through licensing, standardizing appointment procedures, and detailing rules of comportment and dress. Nevertheless, both laypeople and priests often sought out the services of unlicensed priests. Beneficed priests might hire assistants to aid them in their care of souls and parishioners might seek out illicit sacerdotal labor to obtain necessary sacraments. Established priests and laypeople could even legitimate unlicensed priests by testifying to their qualifications. The court depended on all members of the parish, lay and clergy alike, to ascertain and solidify priests' appropriate positions within the ecclesiastical hierarchy.

The court also depended on members of the parish to rid the ecclesiastical hierarchy of undesirable priests. Courts sometimes initiated their own investigations into

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[105] AN, Z^{1o} 18, fol. 60r.

priests but also relied on coercion to maintain order. Priests were compelled to vet their assistants because they could be held liable for allowing falsely appointed or unqualified priests to practice in their parish. The laity, too, were held responsible for helping to maintain ecclesiastical standards. They were expected to withhold their patronage from a priest practicing outside his own parish and were encouraged to report behavioral irregularities to church officials in the course of regular visitations. Priests and laity did not report unlicensed priests only because they feared legal reprisals, however. Priests often initiated actions against other priests to halt professional competition and the laity expressed genuine concern that their priests undergo proper vetting procedures. In addition, it seems that both priests and laypeople sometimes took advantage of ecclesiastical regulations to pursue private feuds publically in the courts.

Priests, therefore, stood at a crossroads of judgment. The ecclesiastical courts, the laity, and priests themselves formed a web that constantly checked and defined in various ways what was valid for priests to do at the level of jurisdiction and practice. In so doing, they defined these priests' morality. Juridically, those who conformed to ecclesiastical statutes of professional conduct were deemed righteous and holy. Those who operated outside of ecclesiastical limitations were vulnerable to charges of laziness or criminality. Indeed, some priests did engage in illegal business practices for financial gain, to the detriment of parishioners and other priests. However, priests also performed unlicensed labor at the behest of parishioners or other priests, driven by a desire to earn money, their own sense of spiritual duty, or some combination of the two. Regardless of their motivations, however, all priests who performed unlicensed labor were vulnerable to legal penalties.

When priests were brought before the archidiaconal court for illicit gain, therefore, it was because they were practicing their sacerdotal duties in a way that ran counter to ecclesiastical standards not, as Geremek suggested, in joining "criminal associations and bands" or "instigat[ing] robberies and pillage".[106]Although these men had failed to conform to ecclesiastical statutes , they had not rejected their place within the ecclesiastical hierarchy completely. Thus, unlicensed priests were not typically antisocial outsiders, but were those who had chosen to practice their profession in a way that eschewed ecclesiastical labor regulations to conform to market demands within the parish.

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[106] Geremek, *The Margins of Society*, 146.

Chapter Two:

The Case of the Playing Priests:
Gambling, Drinking, Partying and Late Medieval Religious Order

The previous chapter demonstrated the ways in which priests and parishioners selectively conformed to, or contravened, ecclesiastical law in order to ensure an adequate administration of sacraments within the parish. This chapter provides a complementary study that shows how people in the parish regulated priests' leisure time rather than their labor. Specifically, it examines cases that pertain to priests' relationships to games and alcohol. Since at least the high middle ages, ecclesiastical law forbade priests from getting drunk and from playing games typically associated with gambling. These laws were renewed by ecclesiastical legislative bodies, such as synods, councils, and bishoprics through the thirteenth and fourteenth centuries. However, there was negligible legislation related to drinking and gambling in France in the fifteenth century. Nevertheless, there are 116 citations against priests involved in games and drinking culture in the archidiaconal court registers for the years 1483-1505. Although this number constitutes an average of only 5.5 cases a year, these types of cases constitute one of the largest categories of citations found in the registers. That there was a relatively high percentage of these types of citations, despite the absence of an administrative program

against such behaviors, suggests that pressure for priests to refrain from playing games and engaging in drinking culture came from outside the ecclesiastical legislative body. Rather, this pressure came primarily from mendicant preachers and select parishioners. Thus, this chapter demonstrates that members of the community could constitute a legal mechanism alternate to ecclesiastical legislative bodies. By insisting on stringent enforcement of laws without legislative prompting, community members realized their own visions for local religious practice through the courts.

There is a long history of ecclesiastical condemnation regulating priests' involvement with alcohol and game playing. In France, Eudes de Sully, bishop of Paris from 1197-1208, forbade priests in his jurisdiction from playing dice and "entering taverns for the purpose of drinking".[1] In the same century, King Louis IX (1214 – 1270) held both laypeople and clergy to the same standards of behavior, at least in regards to gambling. In 1256, Louis unilaterally outlawed gambling, gaming houses, and the fabrication of dice throughout France.[2] The Fourth Lateran Council (1215) forbade priests from playing dice, games of chance and games in which players competed to drink the most.[3] The canons of this council sustained the ecclesiastical administration's attempt to establish and maintain behavioral distinctions between clergy and the laity. This council also ratified canons meant to remove priests culturally from the lay sphere by instituting differentiations in behavior and dress between the two groups. For instance,

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[1] "Prohibetur penitùs universis Secerdotibus ludere cum deciis... & intrare tabernas causâ potandi," François de Harlay de Champvallon, *Synodicon ecclesiae parisiensis*, 13.

[2] *Recueil général des anciennes lois Françaises, depuis l'an 420 jusqu'à la révolution de 1789* (Paris : Belin-le-Prieur, 1822-1833), 276. See also Gherardo Ortalli, "From Ban to Business: The Absorption of Gambling into the Economic System (XIII-XVI Centuries)," *Ludica: annali di storia e civilta del gioco* 12 (2009): 49 and Jean Michel Mehl, *Les Jeux au royaume de France*, 345.

[3] Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, 2 vols. (Washington DC: Georgetown University Press, 1990), 242-243.

the council also instructed priests to distinguish themselves from the laity by wearing the tonsure and forbidding them from having secular occupations, from watching mimes, jesters, and actors, and from wearing opulent clothing.[4]

A perceptible increase in legislation against gaming and drinking took place in the wake of the Plague. In 1347, the first epidemic of the Black Death spread across Europe, instigating demographic shifts that, among many wide-ranging effects, caused a shortage of labor. This labor shortage empowered workers to be more selective about the jobs they took and to negotiate for higher wages, to the general dismay of employers.[5] Attempting to restore the pre-Plague status quo, King Jean II (1319 – 1364) issued ordinances in 1350, 1352, and 1354 that targeted the able-bodied unemployed whom Jean portrayed as lazy vagabonds and truants who would rather play dice, sing in the street and spend their time in taverns and brothels than work.[6] For Jean, game playing and drinking was a misappropriation of workers' time that rightfully belonged to employers. In 1369, King Charles V also issued a law against gambling and in 1372 he established a curfew past which taverns and minstrels could not operate on the grounds that nighttime noise fostered burglary, presumably by providing cover for nefarious activities. Legislation in fourteenth-century France regarding drinking and gambling, therefore, was exclusively secular and was aimed to maintaining economic equilibrium. Jean II meant to protect employers against a rise in labor costs and Charles V intended to protect the French from the loss of personal property.

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[4] Tanner *Decrees of the Ecumenical Councils*, 243; Friedberg, *Corpus Iuris Canonici*, titl. 1 Cap. XV
[5] Charbonnier, "Society and the Economy," 122-124; Mollat, *The Poor in the Middle Ages*, 198; Roux, *Paris in the Middle Ages*, 140.
[6] René de Lespinasse, *Les métiers et corporations de la ville de Paris : XIVe-XVIIIe siècles. Ordonnances générales, métiers de l'alimentation* (Paris: Imprimerie nationale, 1886-1897), 2; See also Roux, *Paris in the Middle Ages*, 80.

After the devastation of the initial Plague pandemic, the population of Paris began to recover.[7] By the end of the sixteenth century, growth in the population and inflation negated most of the gains in negotiating and purchasing power made by workers in the fourteenth and early fifteenth centuries.[8] The restoration of the economic status quo correlated with a decrease in legislative action regarding gambling and drinking. What little legislation there was in France in this regard reflected a general belief, also evidenced in England at this time, that taverns were primarily frequented by non elites whose fraternization was a potential threat to the established social order.[9] For example, after the Armagnacs quelled the Cabochien uprising in 1413, members of the *chambres des enquêtes* suggested that the provost of Paris send sergeants to "walk often around the city and in the taverns and other places to listen, inquire, search and hear if they find or know anybody murmuring, plotting betrayal, saying or doing anything that could be a cause of the disruption of peace".[10] In contrast to thirteenth- and fourteenth-century legislation, which sought to curb drinking and gambling, the proposal advanced by the *chambres des enquêtes* indicates that its members saw opportunity in gatherings around alcohol. Because taverns were places where plots were born, they could also be places where plots were discovered. It was in the interest of the Armagnacs, therefore, to allow taverns to continue to operate because taverns provided a space for effective surveillance.

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[7] Roux, *Paris in the Middle Ages*, 48.

[8] Charbonnier "Society and the Economy: The Crisis and Its Aftermath," 129.

[9] For England see Judith Hunter, "English Inns, Taverns, Alehouses, and Brandy Shops: The Legislative Framework, 1495-1797," in *The World of the Tavern: Public Houses in Early Modern Europe*, eds. Beat Kümin and B. Ann Tlusty (Aldershot: Ashgate Publishing Limited, 2002), 66-67.

[10] Qtd. in Michael Alan Sizer, "Making Revolution Medieval: Revolt and Political Culture in Late Medieval Paris," (Ph.D. diss., University of Minnesota, 2008), 332.

The 1413 proposal to eavesdrop in Parisian taverns is the only fifteenth-century

statute related to drinking I have found in French records of secular or ecclesiastical

legislation. Statutes related to gambling were similarly sparse in the fifteenth century. In

response to recent riots, lawmakers in Angers issued statutes in 1478 that forbade the

operation of any establishment favorable to gambling, along with mandating severe

punishments for blasphemy, debauchery, rape, and against armed students who engaged

in breaking and entering as well as mercenaries without proper employment.[11] In 1495,

King Charles VIII (1470 – 1498) issued an ordinance to the officers of the Châtelet that

forbade gambling for all prisoners who did not belong to "an honorable estate".[12]

Presumably this statute was meant to prevent prisoners with few means from exhausting

their funds and therefore not being able to pay the expenses required to secure their

release. These two statutes suggest that, in the fifteenth century, the root motivation for

what little legislation there was against gambling had shifted from protecting the

economic status quo to a more general attempt to protect social order. Lawmakers

intended surveillance and regulation of drinking and gambling to mitigate riots and

optimize the reintegration of prisoners into their communities. More importantly for the

current study, that only two localized statutes regarding gambling and drinking were

issued in the fifteenth century suggests that legislators did not consider the culture around

games and drink to be a significant problem. In fact, Charles VIII's ordinances to the

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[11] *Recueil général des anciennes lois Françaises,* 808.

[12] "Nous défendons d'oresnavant aucun prisonnier, ny autre personne ne soit si hardy de jouer au jeu de dez sur le quarreaux ne ès prisons dudit Chastelet, sauf tant pour ce que aucunes fois il y a des prisoniers qui sont d'estat et d'honneur, qui ne sont prins que pour autres legiers cas civils, iceux pouvoient jouer aux tables et aux eschez seulement," ibid. 151.

officers of the Châtelet allowed prisoners to indulge in drink with their unincarcerated friends, provided visitors did not enter the prison proper.[13]

Since the legislative bodies of late medieval Paris did not seem overly concerned with the use or abuse of alcohol and games, one must look elsewhere for the impetus behind the relatively high number of citations in the archidiaconal court registers against priests who engaged in these behaviors or associated with those who did. This chapter demonstrates that public intellectuals and members of the public themselves were behind these efforts against priests. As Daniel Hobbins has noted, the use of the word "public" in medieval studies has been fraught since the publication of Habermas' *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* in 1962.[14] Habermas defined the public as a literate class of capitalist bourgeois who took an active interest in governmental regulation of commerce. He emphasized that, according to his own definition, the "public" did not, indeed could not, exist in pre-capitalist, pre-modern, economic paradigms.[15] However, Habermas noted that medieval German society did have a concept of "public" which was defined in opposition to the "particular". For example, public fountains and public markets were intended for the use of the "commons" rather than the private use of the individual. Consistent both with Habermas' conception of the medieval use of the word and with how the word is used in the source documents analyzed below, "public" is used throughout this chapter in its

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[13] "Sil aduient qu'aucunes personnes veulent parler à aucuns prisonniers pour cas ciuil, ou leur veulent apporter à boire et à manger, il ne pourront passer l'huis des degrez : mais sera tenu le geolier ou ses gens d'appeller les prisonniers sur les quarreaux, pour parler à leurs amis, et boire auec eux, s'il leur plaist," ibid., 148.

[14] Daniel Hobbins, "The Schoolman as Public Intellectual: Jean Gerson and the Late Medieval Tract," *The American Historical Review* 108:5 (2003): 1308-1337; See also Sizer, "Making Revolution Medieval," 321.

[15] Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (Cambridge, MA: MIT Press, 1991), 1-26.

general sense of meaning that which is accessible to all, as opposed to the private, which is available to only a few. In particular, the source documents note when priests committed certain transgressions publically (*publice)*, meaning in plain sight. Therefore, this chapter will also use the word "public" to refer to those community members who witnessed, and sometimes condemned, such public actions.

Similarities of opinion can be detected between members of the public who sought to staunch sacerdotal association with games and drinking and contemporary theologians who made their living in part by publically condemning these acts. Theologians such as Clamanges, Menot, Maillard, and of course Jean Gerson, were educated authorities on morality who shared their expertise with the public and who therefore fit Hobbins' definition of the medieval public intellectual. These men conveyed religious instruction to private and public audiences through a variety of generic forms including poetry, tracts, and, especially important for this chapter, sermons. David d'Avray has argued that, in the thirteenth century, sermons were a form of mass communication.[16] This designation can also be applied to sermons in the fifteenth century because of the large audiences they reached.[17] For instance, Olivier Maillard (c. 1430-1502) Franciscan preacher, Charles VIII's confessor, and diplomat, is reputed to have preached every day, and sometimes twice a day, during his entire 42 year career.[18] Jean Vitrier (c. 1456 – c. 1500) supposedly outdid Maillard by preaching seven times a day.[19] Even allowing for the type of exaggeration typical of medieval sources, reports suggest

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[16] David L. D'Avray, *Medieval Marriage Sermons: Mass Communication in a Culture without Print* (Oxford: Oxford University Press, 2001), 15-30.

[17] For sermon audiences see Martin, *Le Métier de prédicateur en France septentrionale*, 349-611.

[18] Alexandre Samouillian, *Olivier Maillard, sa prédication et son temps* (Toulouse: É. Privat, 1891), 16

[19] Taylor, *Soldiers of Christ*, 30.

that there was a significant demand for religious moralizing. Larissa Taylor notes that sermons often attracted audiences too large to fit into churches, which helped to develop the norm of preaching outdoors.[20] Therefore, preaching was a public event in the sense that it was open to all and preachers were public intellectuals in the sense that they disseminated their specialized expertise through a public form of mass communication.

Preachers were paid for their sermons and received gratuities for especially impressive work. Conversely, preachers could lose their pay by delivering sermons that did not live up to their patrons' expectations.[21] The commercialization of sermons most likely led preachers to tailor their delivery and subject matter to draw in and satisfy their audiences. As much as a preacher influenced the thought and behavior of his audience, therefore, his audience influenced the content and the presentation of the message he delivered. The reciprocity of the sermon genre enables historians to examine sermons both as an influence on, and a reflection of, public opinion rather than a means by which opinions were "forced upon the faithful".[22]

This chapter examines archidiaconal court cases against priests engaged in illicit drinking and game playing in the context of commodified religious works and, in particular, sermons. This methodology demonstrates that, despite relative apathy from secular and ecclesiastical legislators, certain members of the public actively restricted sacerdotal contact with dubious games and drinks. However, reactions to priests' engagement in these activities was not uniform. Public intellectuals and those who took priests to court demonstrated a concern that priests who played games and engaged in

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[20] Ibid., 28
[21] Taylor, *Soldiers of Christ*, 26. See also Sizer, "Making Revolution Medieval," 319-324.
[22] David Nicholls, "Looking for the Origins of the French Reformation," in *Power, Culture, and Religion in France c. 1350-c. 1550,* ed. Christopher Allmand (Woodbridge: The Boydell Press, 1989), 136.

drinking culture endangered the public good. However, court registers demonstrate that many of these priests engaged in these activities with, and even at the behest of, members of their communities, indicating that not all parishioners condemned drinking and game-playing priests. This observation complicates the more traditional narrative of the Reformation which is most often presented in dualistic terms. Histories of the Reformation tend to portray the church and the laity as two homogenous entities with either complementary or conflicting visions of correct sacerdotal behavior. This study shows, on the contrary, that expectations of what defined a good priest cut across the imagined ecclesiastical/secular divide. Ecclesiastical and secular legislators largely tolerated drinking and game playing among priests but preachers condemned these activities and the archidiaconal court actively enforced centuries-old laws against both infractions. Likewise, the archidiaconal court registers demonstrate that priests played games with other ecclesiastics as well as laypeople, a conviviality only in evidence because other parishioners objected to these same activities enough to bring legal action against the participants. A study of the public perception and regulation of sacerdotal drinking and gambling, therefore, demonstrates that in late medieval Paris, there was no general consensus as to the proper role of the priest in his parish community.

I. The Games Priests Played

The French engaged in a variety of games from dice, cards and ball games to archery and swordplay.[23] From a detailed study of letters of remission issued by the kings of France from the thirteenth to the late sixteenth centuries, Jean-Michel Mehl deduces that those who played games, or at least those most often accused of playing games, were overwhelmingly men between the ages of 20 and 24. [24] The most represented professions in the letters of remission were laborers, winegrowers, and fishers who together constituted just over thirty percent of all those who received letters of remission for playing games.[25] In his study, Mehl groups clerks, priest, and chaplains together, finding that that only 7.9% of game players represented in the letters of remission were clergy. Mehl states that the percentage of clergymen reported for playing games was larger than the percentage of society they constituted without indicating how he determined the population of France and the number of clergy who lived there. Mehl goes on to state that the proportion of clergy represented in the letters of remission is

> large and takes on a greater significance when one knows that
> ecclesiastical prohibitions struck first of all its members. One
> look at the weakness of clergy for game playing shows that these
> measures are justified.[26]

Mehl's incrimination of the clergy as particularly prone to game playing, however, is based on a tenuous evidentiary foundation. It has proven difficult for scholars to determine the precise population of late medieval France generally and, more

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[23] For detailed descriptions of many of the most popular games see Mehl, *Les Jeux au Royaume de France*, 31-176
[24] Ibid., 187.
[25] Ibid., 192.
[26] "La place du clergé est forte et prend une signification plus importante quand on sait que les prohibitions ecclesiatiques en matière ludique frappaient d'abord ses membres. Au seul regard des faiblesses du clergé pour le jeu, ces mesures sont justifiées," ibid., 193.

specifically, the French clerical population.[27] Furthermore, letters of remission, as Mehl himself emphasizes, provide the historian only with the number of crimes forgiven by the issuing body, in this case, the French crown. Letters of remission, therefore, are not an accurate indicator of either the total number of crimes reported within France, nor, more importantly, the number of crimes committed. Therefore, it is impossible to conclude with any certainty from a study of letters of remission whether members of the clergy possessed a particular weakness for playing forbidden games.[28]

Contrasting with Mehl to some degree, this dissertation focuses only on priests, rather than clergy more generally. This methodology allows us to better examine the effect of ecclesiastical statutes and their enforcement on the religious fabric of the Parisian parish and on contemporary perceptions of the institution of the church. Since not all clergy were priests, we might expect to find fewer infractions than Mehl does although this is offset somewhat because the archidiaconal court registers record all citations rather than only cases in which the defendant was pardoned. The archidiaconal court registers contain 59 cases in which priests were cited for some association with games, including engaging in competitive archery, boules, and even coin flipping. These cases only constitute 5.59% of the total cases examined in this dissertation and amount to an average of 2.8 cases of priests throughout 180 parishes involved in citations against game playing per annum for the years 1483-1505. Nevertheless, the figure of the gambling priest loomed large in the contemporary imagination and, as a result, in modern historiography. This chapter suggests, however, that pervasive objections against gaming

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[27] See Introduction, 21.
[28] Mehl, *Les Jeux au Royaume de France*, 192.

priests was not a result of the pervasiveness of the crime, but an indication of the great offense it caused certain parishioners.

The great majority of citations against priests were for three types of games: *paume*, dice and cards. *Paume* was a general term referring to several variations on a game similar to modern-day handball, racquetball or tennis.[29] Neither the game of *paume* nor the arenas in which the game was played were standardized. A small number of players, usually two but sometimes as many as eight, used rackets or their hands to volley a ball back and forth. *Paume* courts could be open or closed and, if closed, might have irregularly shaped walls to make returns more unpredictable. Players typically scored by hitting the wall behind the opposing team and, in certain courts, could earn extra points by hitting recesses or targets built into the surrounding walls.[30]

Points in *paume* were counted by multiples of 15, with 60 points being the winning count, similar, but not identical, to the scoring of tennis today. [31] Heiner Gillmeister suggests that this unusual system of scoring emerged because *paume* was a game for gamblers. The typical bet, he argues, was one *gros tournois* per point. According to Schrötter, the *gros tournois* was equivalent to 15 *deniers* during the fourteenth century, when *paume* was supposed to have emerged as a game. [32] Points were therefore counted according to the *deniers* they earned the winner, in other words, by multiples of 15, although why it would have become convention to stop playing when

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[29] See Mehl, *Les Jeux au Royaume de France*, 31-48; Ibid., "Le jeu de paume: un élément de la sociabilité aristocratique à la fin du Moyen Âge et au debut de la renaissance." *Sport Histoire* 1 (1988): 19-30; Heiner Gillmeister, *Tennis: A Cultural History* (London: Leicester University Press, 1998), 35-83.
[30] For a further description of the possible variations in game of *paume* see Gillmeister, *Tennis*, 35-42.
[31] Ibid., 123-4.
[32] Gillmeister, *Tennis*, 124. For a similar assertion see Franz Irsigler, "Fünfzehnerzählung, love und deuce: Zur Lösung einiger Tennisrätsel," in *"Vom rechten Mass der Dinge": Beiträge zur Wirtschafts- und Sozialgeschichte: Festschrift für Harald Witthöft zum 65. Geburtstag*, ed. Rainer S. Elkar (St. Katharinen: Scripta Mercaturae, 1996), 182-189.

one player reached 60 points is a question that has yet to be answered.[33] Furthermore,

Gillmeister acknowledges that there is no evidence to corroborate his supposition that one

gros tounois was always at stake for each point in *paume*.[34] Mehl agrees that *paume* was

a gamblers' game but emphasizes that there is no evidence to suggest gains were accrued

progressively during the course of the game. He proposes that the stakes would have been

different in each game, depending on the means and whims of the participants.[35]

Citations for *paume* were found in more than half the overall cases against game

playing priests. Card games were the next most cited infraction, making up a little over

15% of this category.[36] Most often the court did not specify which card games priests

played but there are mentions of *glic*, *sequence* and 31. *Glic* was a game akin to poker in

which bets were raised in rounds with players dropping out when the stakes became too

high. When only two players remained in the game, the hand would end and cards would

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[33] Gillmeister, *Tennis* 124.

[34] Mehl, *Les Jeux au Royaume de France*, 47.

[35] Ibid., 42.

[36] The court sometimes cited priests for multiple infractions during a single appearance at court. For instance, on October 4, 1485, Robert du Chesne was cited for wearing his *pileus* in his village and church, for playing dice, and for playing *palma* in his undershirt, AN, Z^{10} 18, fol. 138v. For the infraction of wearing a *pileus* see Chapter 2, "Malevolent Men," 108.

Table 2: Games Priests Were Cited for Playing

Palma	30
Cards (pila, cartas, quentus a trente et une (?),glic, sequens,)	11
Dice (including Tremarel (?)	8
Ball games (bullas, boules, franc du carreau (throwing object at board with targets)	4
Board games (tabulas, merelles)	4
Heads/tails	2
Talking about playing games	2
Talking about hunting	1
Procuring players	1
"Ludisse"	1
Archery	1
Cupabus (?)	1
Total (some priests cited for playing more than one of these games)	66

be shown. The player with the best hand, ideally four face cards, would take the pot.

Priests were also cited for playing 31, a game similar to today's 21, or blackjack. In this game, cards were assigned a numerical value and the player whose total was closest to 31 won. The gains were double for any player lucky enough to obtain exactly 31 points. Unlike *paume* and *glic*, gambling was not a given when playing 31. There is one citation in the archidiaconal records against a priest who played *sequence*. The object of this game was to be the first to obtain a run of cards, not necessarily belonging to the same suit.[37] Mehl finds only one mention of *sequence* – in a list of games given by Rabelais in his *Gargantua* – in the large body of primary sources gathered for his examination of late medieval games. The almost complete lack of evidence for this game leads Mehl to question whether *sequence* was a game in itself or simply an aspect of a more complex game. However, the citation in the archidiaconal court registers against a priest for specifically playing this game suggests that *sequence* was indeed a game in itself. Unfortunately no evidence has been found that indicates whether people would have gambled while playing *sequence*.[38]

Citations for dice playing were found in eight, or a little over 10% of the citations against game playing priests found in the archidiaconal court registers, which rarely specify which particular types of dice games priests were playing. However, Mehl shows that dice games were generally played with three dice and, although evidence for the rules of particular games is sparse, a common object of these games seems to have been to obtain more points than one's opponents. For instance, the goal of the game most often

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[37] Mehl, *Les Jeux au Royaume de France*, 170-173.
[38] *Séquence* in France today is primarily devised as a children's game.

cited in letters of remission, *raffle*, was either to get the most points possible or to roll a three of a kind. The name of this game, according to Mehl, derives from the French word for a raid or a roundup, referring to the gains obtained by the winner. Another popular dice game discussed by Mehl is *la griesche*, a simpler version of *raffle* in which the goal was simply to obtain the most points possible. *Hazard* was a more complex game resembling today's craps. It was generally played by teams represented by a single thrower and a player called the banker. Players won by rolling specific totals which were typically the most difficult to roll with three dice, such as 3, 4, 5, 6, and so on.[39]

II. The Problem with Priests' Games

Officially, the church objected most strenuously to priests playing the game of dice, suggesting that it was particularly popular game amongst these men. The statutes of Eudes de Sully specifically include injunctions against this game and the Fourth Lateran Council states that priests "should not play at games of chance or of dice, nor be present at such games".[40] Forbidding, not only dice specifically, but games of chance more generally suggests that these statements sought to keep priests from gambling or appearing to sanction gambling by attending games.

While no legislation on the matter of game playing priests was issued in the fourteenth or fifteenth centuries, moralists perpetuated rhetoric implicating priests in gambling and condemning them for it. For instance, in a Lenten sermon delivered in

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[39] Mehl, *Les Jeux au Royaume de France*, 86-95.
[40] Tanner *Decrees of the Ecumenical Councils*, 243; de Champvallon, *Synodicon ecclesiae parisiensis*, 13.

Paris, Michel Menot (d. c. 1522) stated that any priest who participated in games for any other reason than simple recreation committed a mortal sin and warned that a "bishop, priest, or deacon who devotes himself to dice or drinking, will either stop, or certainly be dammed."[41] Olivier Maillard likewise told his audience that, according to canon law, playing games out of the covetous desire to win money was a mortal sin for everyone. He conceded that laypeople could play games for simple recreation, however, while condemning these pastimes entirely for priests and religious.[42]

Interestingly, the archidiaconal court registers never explicitly cited priests for gambling on the games they played. This omission is notable given that Mehl asserts "there was nary a game, except collective diversions, like [ballgames such as] *barres* and *soule*, that did not give rise to bets."[43] If gambling was indeed a *sine qua non* for most medieval games, scribes may not have mentioned that players were gambling simply because it went without saying. It may also indicate gambling was not the primary infraction these priests committed when they played games. Indeed, the wording of cases in the archidiaconal court registers indicates that one of the foremost offenses priests committed when playing games was to play them either with laypeople or where laypeople could see them.

In 64% of the cases in which priests were cited for playing games that they did so either publicly[44] or with laypeople was mentioned as an aggravating factor. The prevalence of citations against priests for being involved in games in the presence of

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[41] "Episcopus aut presbyter aut diaconus alee aut ebrietati deserviens, au desinat, aut certe damnetur," Michel Menot, *Sermons choisis de Michel Menot: 1508-1518* (Paris: E. Champion, 1924)*,* 481.
[42] Samouillian, *Olivier Maillard*, 297.
[43] L'argent est à peu près omniprésent et il n'est guère de jeux, sauf des divertissements collectifs comme les barres et la soule, qui ne donnent lieu à des enjeux monétaires. Mehl, *Les Jeux au Royaume de France*, 278.
[44] *publice*

laypeople can be partially attributed to the mechanism of the court which relied on

accusations and denunciations to bring infractions into its purview. In the absence of a

police force, a crime was most likely to come to the attention of the court only if it was

either committed publicly or was widely rumored to have taken place.[45] The danger a

priest faced by playing games in public may explain the belatedly prudent behavior of

Nicolas Lome, an avid gambler as well as a friar and priest of the house of St.

Magdalene. Lome first appeared in the court registers on 23 July 1488, for playing

paume. From this entry, we learn that Lome had already been warned by the court to

abstain from playing this game.[46] On this, his second warning, the court told Lome that

he faced the severe punishment of both a jail sentence and excommunication should he

play *paume* again.[47] Less than a month later, however, Lome appeared before the court,

again for playing *paume*. The court did not follow through with its threat of

excommunication, but Lome was sentenced to spend eight days in jail where he was fed

what the court registers commonly refer to as "the bread of pain and water of sadness" as

coerced penance.[48] He was also fined a large fee of one gold *ecu*.

Upon his release, Lome continued to play *paume* and was cited on 14 October

1490 for having played on several occasions.[49] The court again forbade him from playing

paume on pain of excommunication and a prison sentence. Facing the possibility of

another eight days in jail subsisting on bread and water, Lome changed his tactics. On 7

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[45] See Introduction, 3.
[46] AN, Z^{10} 19, fol. 58r.
[47] On the severity of being sentenced to jail see Dean, *Crime in Medieval Europe*, 122.
[48] "pane dolore et aqua tristitie," AN, Z^{10} 19, fol. 64v.
[49] Ibid., fol. 174v.

February 1491 Lome was cited for playing *sequens*.[50] It seems that Lome finally thought

better of playing the high profile game of *paume* in favor of a card game that could be

played out of sight of possible denouncers. This strategy did not allow Lome to escape

citation entirely, but the court rewarded his discretion. Rather than spending another

week in jail, Lome was simply fined for his participation in the card game.

Certainly games played openly were easier to denounce, to prove, and to secure a

judgment against from the court. However, the publicness of priests' crimes was an

aggravating factor in its own right. Late medieval polemicists stressed that priests who

behaved well would engender good behavior in their parishioners and those who behaved

badly would cause their parishioners to do the same.[51] For instance, Menot preached that

when people witnessed their prelates committing crimes such as adultery and blasphemy,

they themselves were less likely to fear punishment for the same activities and more

likely to go astray.[52] He preached to priests:

> we see that when the sun rises higher, it is so much stronger and
> makes the earth and trees bear fruit. But when the sun descends and
> falls, everything dies. You are like the sun in the church ; you should
> lead others to paradise by your example. Take care that the sun not
> turn to shadows.[53]

Similarly, Gerson expressed explicit concern that laypeople who witnessed their priests

playing games with impunity would feel freer to engage in illicit gaming themselves.[54]

Therefore by playing games with laypeople or even simply where laypeople could see

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[50] Ibid., fol. 186v.

[51] See Introduction, 8-11.

[52] "heri diximus quod causa impediens ne peccator timeat judicium rigorosum Domini, est peccatorum impunitas. Quando scilicet *les petis* [sic] vident vitam maiorum ecclesiasticorum et iustitiarorum et vident eos blasphemare, adulteria committere, etc., faciliter parvus populus *se desvoye*," Menot, *Sermons choisis*, 64.

[53] "Videmus quod quanto sol plus ascendit, tanto fortior est et facit fructificare terram et arbores. Sed quando descendit et declinat, omnia deficiunt. Vos estis sicut sol in Ecclesia ; ad paradisum exemplo vestro alios ducere debetis. Cavete ne sol vertatur in tenebras." Menot, *Sermons choisis*, 354.

[54] Mehl, *Les Jeux au Royaume de France*, 214-5.

them, priests theoretically contributed to a general apathy amongst the laity toward the immorality of playing games. This hierarchy of influence, in which bad sacerdotal behavior could inspire or vindicate bad lay behavior, led Menot to caution the sacerdotal members of his audience: "the road to hell is paved with the tonsures of priests."[55]

The archidiaconal court registers demonstrate that certain people in the parish shared Menot and Gerson's concern that priests might lead their parishioners to gamble. Indeed, on 21 August 1488, the court cited the priest Guillaume de la Croix for "bringing together players" for public games held by a layman named Marqueate de Poitier. The court registers do not specify the nature of the games held by de Poitier but, since being involved in games was forbidden priests and discouraged among laypeople, Guillaume de la Croix committed a double fault. First, he transgressed canon law by being involved in game playing himself and, second, he betrayed his sacerdotal mission to lead his parishioners to salvation by procuring players for these games and therefore literally leading others to sin.[56]

The impulse to enforce good sacerdotal behavior for the benefit of parishioners may also explain a citation found in the court registers on 26 September 1500. The record indicates that two men denounced the vicar Pierre Boidore for saying, during mass and grand vespers, "there is a street in this parish ....where they never stop playing ... dice and cards."[57] Interestingly, the name of the parish Boidore was accused of mentioning was omitted in the records. Perhaps this is a scribal error or perhaps the court officials were attempting to avoid maligning the parish or providing information to their parishioners

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[55] "des corones des prestres seront pavees les rues d'enfer," Menot *Sermons choisis*, 354.
[56] AN, Z^{10} 19, fol. 64v.
[57] AN, Z^{10} 21, fol. 172v.

about where they might access illicit games. In either case, this citation indicates that people in the community could strictly enforce priests' relationship to gaming. Not only could they report them for playing games and encouraging others to play games, but they could also report priests simply for mentioning the existence of games.

The blame that preachers and the public placed on priests for leading the laity to sin did not exculpate the laity of responsibility for their own participation in games, however. In a more direct address of the conditional justification feared by Gerson, Menot preached,

> perhaps those who belong to an inferior state might say: "O father, if the king, my bishop, the curate, or another of my prelates do it," then you would say, "I am free to do it". But you find me someone who would do that. O friend, what kind of logic do you invent which says that an argument from the greater to the lesser is valid? The king does it, the bishop does it, therefore you can do it? Does it follow: my prelate and prince go to damnation to all devils, thus I should follow? It is not well argued.[58]

According to Menot, laypeople could not expect to be excused from any wrongdoing they committed in blindly imitating their social betters, including their priests. Therefore, he called upon the laity to be discerning observers of their priests' behavior. In the same sermon he preached:

> they are the worst who, seeing a certain priest stray, shout after him like a dog after a wolf. Don't act like that. Don't you know that in the company of Christ there was one who betrayed his master who, nevertheless, the devoted Lord allowed to be with him until his death? The rose grows among thorns, gold in the earth, and precious stones in the sea. Thus the good live among the evil, but nevertheless, do not lose their sanctity.[59]

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[58] "Dicet forte aliquis inferioris status, *de bas estat*: O. Pater, si rex, episcopus meus, curatus, vel alius prelatus meus id faceret quod dicitis, libenter facerem. Sed inveniatis qui faciat, *trouvés qui le face*. O, Amice, quem logicum invenisti qui dixerit quod valet argumentum a maiori ad minus affirmative? Rex facit, episcopus facit, ergo tu potes facere? An sequitur: Prelatus et princeps meus vadit ad damnationem, *s'en vat le grant gallot* ad omnes diabolos, ergo debeo eum sequi? Non bene arguitur, *ce n'est pas bien argué*," Menot, *Sermons choisis*, 353.

Although he has harsh words for contemporary priests, Menot preaches forbearance of their faults. He calls on laypeople to maintain a respect for the priesthood despite the flaws of individual priests. Further, he admonishes parishioners to ignore bad sacerdotal behavior, rather than use it as an excuse to sin, and instructs them to descry good behaviors in their priests to imitate.

According to contemporary polemicists, priests and their parishioners had a mutual responsibility to make good models of their priests. Gerson, Maillard, and Menot all instructed priests to refrain from bad behavior lest their parishioners mimic it. Menot further instructed parishioners to make good models of their priests by managing their own perceptions. By ignoring the bad their priests did, parishioners could draw on the good they did for their own spiritual benefit. Ultimately, therefore, Menot mandated a critical but passive role for parishioners in the parish by instructing them to take no action to correct their priest's behavior and instead to strive to benefit from their priest's leadership insofar as his behavior was beneficial.

Many parishioners were not content to remain passive in the face of bad sacerdotal behavior, however, and actively enforced good behavior among their priests through the courts. As demonstrated in the previous chapter, a consumer culture thrived in the late middle ages that allowed unbeneficed priests to earn money through religious piecework. The availability of piecework allowed parishioners to make decisions about which priest to hire for the particular service needed, such as baptisms, confession, and

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[59] "Sunt aliqui pessimi qui videntes aliquem sacerdotem deviare, clamant post eum sicut canis post lupum. Non sic agendum est. Nonne scitis quod in societate Christi fuit unus proditor Magistri sui, quem tamen pius Dominus usque ad mortem passus est secum ? Rosa crescit inter spinas, aurum in terra, lapis preciosus in mari. Sic boni vivunt inter malos, nec tamen sanctitatem suam perdunt," ibid., 354.

funerals. Asserting their agency as consumers, parishioners could reward priest whose behavior they approved of with their patronage, while withholding their business from others. Furthermore, the archidiaconal court allowed the public to enforce a standard of behavior among their priests and to ensure a certain quality of the services they provided by relying on parishioners' testimonies when licensing priests to practice.

Priests' personal behavior was not only of import because of the effect that it could have on parishioners' behavior but also because there was a persistent belief that priests' bad behavior negatively affected the quality of the sacraments they provided. The most famous formulation of this belief is attributed to Donatists, who asserted that the apostasy and sin invalidated priests'' sacraments. Since the Council of Arles (314), the ecclesiastical hierarchy has considered Donatism heretical.[60] Nevertheless, the belief that an unworthy priest provided less efficacious services persisted throughout the middle ages. Important theologians such as Albert the Great and Bonaventure reasoned that the mass had both substantial and additional aspects. The substantial aspect of the mass, the transformation of bread and wine into the body and blood of Christ, was equally efficacious whether performed by sinful or virtuous priests. But, additional aspects of the mass, such as petitions and prayers, were of a lesser quality when performed by a sinful priest who was also generally less able than worthy priests to inspire devotion in others.[61]

The idea that a sinless priests provided better services persisted throughout the middle ages, as evidenced by the statutes of Étienne Poncher, bishop of Paris from 1503 to 1519. He instructs his priests to confess before celebrating mass lest their unshriven sin

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[60] For more on Donatism see Chapter 1, "Vying Vicars," 47-48.
[61] Alastair J. Minnis, *Fallible Authors: Chaucer's Pardoner and Wife of Bath*)Philadelphia University of Pennsylvania Press, 2008), 57.

pollute "the holy things," by which he presumably means the instruments of the mass.[62]

Elsewhere he admonishes his priests with a dramatic axiom: "if you are in mortal sin, your blessings turn to curses".[63] Nowhere does Poncher espouse the Donatist belief that sacraments administered by a sinful priest are inefficacious. However, he perpetuates what Elliot calls "emotional Donatism" or a sort of double consciousness she detects in the work of Peter Damian who simultaneously denies that sacerdotal sin invalidates sacraments and yet seems to fear just that. [64]

Citations in the archidiaconal court registers against to priests who engaged in games suggest that parishioners may have been motivated by a similar fear to enforce behavioral purity among their priests. The gambling that so often accompanied game playing was a mortal sin which, as Menot preached, removed one from the communion of the church. In the particular case of a priest, gambling damned him to hell and, in the meantime, dictated that he be removed from his office. In addition to gambling, game playing had the potential to compound the players' sins by leading them to commit related acts of profanation. Maillard decried those who played games on feast days and in holy spaces, preaching that the great danger of playing games was that it often lead to blasphemy, cheating, despoilment and, above all, perjury.[65]

Those who denounced priests to the archidiaconal court may have shared with Maillard a goal of arresting the multiplication of sins set in motion by game playing. While the court registers never mention that priests gambled on games, a little over a

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[62] "Les choses saintes," Marie-Dominique-Auguste Sibour, *Actes de L'eglise Touchant La Discipline et L'administration* (Paris: Imprimerie de J.-P. Migne, 1854), 118.
[63] De Champvallon, *Synodicon ecclesiae parisiensis*, 149.
[64] Dyan Elliott, *Fallen Bodies: Pollution, Sexuality, and Demonology in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 1998), 105.
[65] Samouillian, *Olivier Maillard*, 297.

third list aggravating circumstances that fall under the rubric of profanation. For instance, two cases are recorded in which priests violated the sanctity of feast days by playing *paume* and several priests who were cited for playing *paume* were also cited for swearing. Priests also exchanged insults, engaged in acts of violence, and dirtied their vestments, or removed them entirely while playing *paume* or other games. Each of these acts were violations of the holiness conferred upon priests at the time of consecration and thus illegal acts of profanation.[66] While it may have been assumed that priests committed a sin by gambling while playing games, lists of aggravating factors from these cases indicate that another important concern from the point of view of those who denounced priests, and the court which cited them, was that games were often accompanied by acts of profanation.

Legal enforcement of ecclesiastical laws against sacerdotal game playing, therefore, reflect an interest in the community for religious public welfare. The game-playing priest denigrated the sacred integrity of the parish through myriad acts of profanation of his person; of holy spaces and times; and of holy persons through blasphemy. The priest who gambled undermined the parish hierarchy by committing a mortal sin, thereby removing himself from ecclesiastical communion and making himself vulnerable to removal from office. Game-playing priests also threatened the fabric of the parish by modeling sinful behavior which could lead others to be excluded from the Christian community on earth and unity with the saved after the Last Judgment. Although parishioners could be moved by any number of motivations to denounce their priests for

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[66] See Chapter 3, "Malevolent Men".

playing games, theologically speaking, such a denunciation was an act of preservation

that prevented a rift in the Christian community.

III. Drinking

Late medieval polemicists often drew connections between game playing and

drinking.[67] Games other than *paume* were often played in taverns and the most common

type of wager, along with money and clothing, was wine.[68] Citations for playing games

appear in four out of the 28 cases in which the court also cited priests for drinking. As

with game playing, citations against drinking priests indicate a concern with the

publicness of their sin. In eight of the cases under consideration, the court cited priests for

creating a scandal. "Scandal" was a legal charge that criminalized any action that

reflected poorly on the institution of the church.[69] For drink-related crimes, the court

levied charges of scandal against priests who, for example, engaged in alcohol-fueled

arguments or fights, who were "drunk every day," and one who was too drunk to say the

baptismal formula.[70] As with priests who played games in public or with laypeople,

committing a scandalous action while drinking endangered parishioners' salvation

because it compromised their respect for the institution of the church and its laws.

A concern with sacerdotal propriety is also evident in citations against priests for

entering taverns. In the thirteenth century, statements found in the statutes of Eudes de

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[67] Samouillian, *Olivier Maillard*, 297; Menot, *Sermons choisis*, 117, 481.
[68] Mehl, *Les Jeux au Royaume de France*, 88, 278-84; Jean Verdon, *Boire Au Moyen Age* (Paris: Perrin, 2002), 239-40.
[69] See Introduction, 10-12.
[70] For the priest who is drunk every day see AN, Z^{10} 21, fol. 361v; Pommeray, *L'Officialité archidiaconale de Paris*, 246; for the priest unable to say the baptismal formula see AN, Z^{10} 18, fol. 63v.

Sully and the canons of the Fourth Lateran Council forbade priests from going into taverns "with the intent to drink". [71] No similar statute was issued again in France until the sixteenth century, when Poncher ordered priests to "avoid taverns completely unless compelled by strong necessity during a journey."[72] Nevertheless, 14 of the 28 citations against sacerdotal drinking note being in a tavern as one of, or the sole, infraction committed by the cited priest. Half the citations against priests for alcohol-related infractions emphasized their entry into taverns despite a lack of noticeable prompting from ecclesiastical legislators for such enforcement. The ecclesiastical court records suggest, therefore, that there was a push from the community itself to punish priests who compromised their sacerdotal dignity, and therefore the spiritual welfare of the parish, by entering taverns.

However, avoiding taverns could, in some cases, be difficult. Taverns provided travelers with ale, beer, wine, food, and lodging. In addition, permanent residents without kitchens, which in a densely populated city such as Paris must have been a significant portion of the population, could also buy ready-made food and drink at taverns. [73] Priests attempting to select licit spaces to sleep, eat, and drink could also face difficulty given the tavern's ambiguous commercial status. The first medieval evidence for taverns appears in the twelfth century. The tavern was still a developing establishment at the end of the middle ages. Barbara Hanawalt's study of taverns in England has shown that these businesses occupied an interstitial space between the public and private, which was also

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[71] "Prohibetur penitus universis secerdotibus...intrare tabernas causa potandi," de Champvallon, *Synodicon ecclesiae parisiensis*, 14.
[72] "Et tabernas ipsas prorsus evitent, nisi forte causa necessitatis, in itinere constituti," ibid., 80.
[73] Roux, *Paris in the Middle Ages*, 178-9.

true in late medieval France.[74] For instance, some families used their homes to provide food and lodging to travelers or long-term renters. Some women who counted brewing ale or beer among their domestic responsibilities might sell whatever their family did not consume.[75] In Paris, drink, food, and lodging might also be sold in a more professionalized atmosphere. Already by the thirteenth century taverners formed associations, hired employees, and invested in advertising in the form of errant street criers.[76] Nevertheless, taverns retained a domestic element. Proprietors were typically married couples who operated taverns in the same building where their families lived.[77]

Because of the ill-defined nature of the tavern, priests as well as the court itself could have difficulty making a decisive judgment as to whether a priest had been in a tavern or not. For example, on 7 July 1505, the priest Robert Bomery was fined for playing *paume* and fighting with Jean Preau, a cleric of "ill-repute," on a Sunday in a "home or tavern" behind the church of Saint Anthony.[78] The court launched an investigation into the "scandal" of Bomery's night out but the outcome of this case was not recorded. [79] However, the court's use of equivocal language to describe where Bomeray was playing *paume* brings into relief the difficulty that priests themselves may have had in discerning the difference between a home where they could licitly be and a tavern where they could not.

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[74] Barbara A. Hanawalt, "The Host, the Law, and the Ambiguous Space of Medieval London Taverns," in *Medieval Crime and Social Control*, eds. Barbara A. Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1998), 204-223.
[75] Hanawalt, "The Host, the Law, and the Ambiguous Space of Medieval London Taverns," 206-207; For France see Roux, *Paris in the Middle Ages*, 188.
[76] Roux, *Paris in the Middle Ages*, 157; Verdon, *Boire Au Moyen Age*, 228-9, 231-3
[77] Hanawalt, "The Host, the Law, and the Ambiguous Space of Medieval London Taverns," 206; see also Verdon, *Boire Au Moyen Age*, 228-231.
[78] "male famato," "domo seu taberna," AN, Z^{10} 21, fol. 376v.
[79] Ibid.

One criterion that the court used to determine whether a priest had in fact entered a tavern or not was the reputability of the establishment. For instance, on 27 May 1496 the court cited the Roman friar Philippe Canelier for selecting as his temporary lodging in Paris a "dishonest place, like a tavern".[80] This case demonstrates that, in so far as the archidiaconal court was concerned, a tavern was by definition disreputable. Canelier engaged with the court on its own terms, objecting that the place where he had chosen to lodge was in fact "reputable"[81] and, furthermore, that he had a license from his superior to stay there. Taking his rebuttal into consideration, the court ordered Canelier to provide proof of his superior's license within a month. Unfortunately, the register provides no further information about this case and we do not know whether the court deemed Canelier's lodging appropriate. However, the wording of the cases suggests that the court was less likely to allow a priest to stay somewhere with a bad reputation. Given the ambiguous nature of taverns and hostelries, priest might find themselves at the mercy of rather subjective judgments about where they chose to eat, drink, and sleep on the part of potential denouncers and the court.

Not only were priests required to avoid disreputable establishments but they were also expected to avoid the company of disreputable people. Legislation regulating alehouses in early modern England was largely the result of a widespread belief that these establishments were breeding grounds for social disorder.[82] A similar vague mistrust of tavern clientele governed ecclesiastical law enforcement in late medieval France. The record of the case against Bomery, cited above, includes his association with a cleric of

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[80] "se tenet in loco inhonesto ut in taberna," AN, Z^{10} 21, fol. 136v.
[81] "Honesta," ibid.
[82] Hunter, "English Inns, Taverns, Alehouses, and Brandy Shops," 66-67.

ill-repute as an aggravating factor in his citation for entering a tavern. In another citation recorded on 20 April 1491, the court fined Pierre Guycueti for committing numerous offenses while at a tavern including drinking in the company of male and female "evildoers" who were also suspected sorcerers.[83] The priest who left his home for food, drink, or lodging, therefore, had to be well informed of the reputation of the establishments he entered and the reputations of those who patronized them since his actions could either be sanctioned or condemned by public opinion.

The court registers rarely make a special note of the presence of women in taverns, which is remarkable given the strong associations in the late middle ages between alcohol and sex.[84] In England, women who worked in, or patronized, taverns were often suspected of sexual promiscuity.[85] In France, when men and women ate and drank together it was commonly assumed that the two also maintained a sexual relationship.[86] The court cited priests for eating and drinking with women in private homes, but not in taverns. Perhaps, as with gambling and game-playing, there was an assumed connection between taverns and the presence of sexually available women which was not mentioned but which aggravated the malfeasance of priests who entered drinking establishments.

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[83] "Malefactor et malefactrices," AN, Z[10] 19, fol. 196r.
[84] See Chapter 4, "Wayward Women," 148-149.
[85] Hanawalt, "The Host, the Law, and the Ambiguous Space of Medieval London Taverns," 208-11.
[86] Karras, *Unmarriages*, 160

IV. Partying

The strong association between drinking and sex does, however, seem to have led to tension within the community regarding priests' proper role in local religious practices. Priests often participated in religious celebrations organized by laypeople which mixed profane and sacred elements. Particularly problematic were saint's day celebrations held by confraternities.[87] These events, which grew in popularity in the late middle ages, were an elaborate mix of ostentatious festivities and devotional rituals.[88] Typically confraternities began these celebrations by gathering at the home of the organization's master. From there, members would process to the parish church.[89] During the procession, an honored member of the confraternity carried the *baculum*, a staff atop of which was perched a small statue of the confraternity's patron saint. This object was a treasured symbol of the confraternity and the person who carried it, called the *bâtonnier* or *bâtonnière*, paid a fee for the privilege.[90] The *baculum* was so emblematic of the confraternity that, in the archidiaconal court registers, the word was used synecdochically to refer to the whole of the saint's day celebrations.

Depending on the confraternity, *bacula* celebrations could be elaborate, expensive affairs. Upon arriving at the parish church, members would hear mass and the day's events might be punctuated with sermons and prayers, some dedicated to deceased members. Celebrations could also include music, plays, tableaux vivants, and literary

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[87] Catherine Vincent, *Les Confréries Médiévales Dans Le Royaume de France, XIIIᵉ - XVᵉ Siècle* (Paris: Editions Albin Michel S.A., 1994), 24.

[88] Kowaleski, "A Consumer Economy," 256

[89] Vincent, *Les Confréries Médiévales*, 2

[90] Richard H. Rouse, "Pierre le Portier and the Makers of the Antiphonals of Saint-Jacques," in *Patrons, Authors And Workshops: Books And Book Production in Paris Around 1400*, eds. Godfried Croenen and Peter Aisnworth (Louvain, Belgium: Peeters Publishers, 2006), 67.

pieces commissioned especially for the event. Members would hear reports on the years'

activities and expenditures from standing officers. During this time, they would also elect

new officers and induct new members. An essential part of the celebration was a

communal meal that was both a celebration and a charitable act. All members of the

confraternity were required to attend and to pay for their meal. Members would only be

excused from this obligation if they could not possibly attend because they were ill or out

of town.[91] Even with a valid excuse, absent members had to pay a large fine, which was

put to charitable ends. Poor men and women who had been carefully vetted and deemed

deserving by the confraternity would be invited to take the place of the absent member at

the meal. Confraternities typically invited poor clergy and laypeople in equal numbers to

benefit from this charity.[92] It is possible that the priests cited in the archidiaconal court

registers for attending *bacula* had been invited as a charitable act. As shown in the

previous chapter, many priests lived in dire financial straits and confraternities may have

invited priests to eat with them, or perhaps even hired them to provide masses, sermons,

and prayers, as a form of pious financial assistance.[93]

However, not all parishioners sanctioned priests' participation in *bacula* in part

because these events often included women. The court noted the simple presence of

women as an aggravating factor in citations against priests attending *bacula*. Given that

heavy drinking was an important aspect of *bacula*, it is possible that onlookers perceived

these celebrations as having the potential to cause a priest to violate his vows of chastity,

the mere suspicion of which was enough to denigrate his sacerdotal dignity. Notably, in

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[91] Vincent, *Les Confréries Médiévales*, 20.
[92] Ibid. 20.
[93] See Chapter 1, "Vying Vicars".

each of the cases that specifically mention women the register also noted that these women participated in the *bacula* either as *bâtonnières* or as organizers of the festival. For instance, on 9 December 1493, the court levied a fine against the priests Pierre Picart and "several others" because they had participated in a *baculum* "where there was a woman *bâtonnière* and other women".[94] While some may have frowned upon priests participating in *bacula* where there were women generally present, the court registers indicate female leadership was a particularly objectionable feature of some *bacula* that priests should not condone with their presence.

Like taverns, *bacula* and other lay celebrations were problematic sites for priests because they occupied an interstitial space. Whereas the definition of a tavern was ambiguously defined as business and home, lay celebrations often mixed both religious and profane activities. For instance, there are two citations in the archidiaconal court registers against priests for allowing wedding feasts to take place in consecrated ecclesiastical spaces. In one case, the feast was held in a church choir, in the other, the celebration took place in the church's cemetery. In the high and late middle ages, cemeteries hosted a range of profane activities, including celebrations, markets, games, and legal trials, in part because cemeteries were centrally located open spaces, a rarity in medieval cities and densely cultivated rural areas. David Dymond has shown that the ecclesiastical administration in England consistently attempted to prevent such activities from taking place in sacred spaces because they profaned hallowed ground.[95] The archidiaconal court registers indicate that similar efforts in Paris could be aided by

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[94] "Omnius aliis," "ubi erat una mulier Batonniere ... et quod alie mulieres," AN, Z[10] 21, fol. 6v.
[95] David Dymond, "God's Disputed Acre," *Journal of Ecclesiastical History* 50, no. 3 (1999): 467, 470.

parishioners who denounced these activities. However, they could also be stymied by parish priests who allowed these activities to take place, participated in them and sometimes sponsored them. For instance, in a case recorded on 5 March 1487, the priest Jean le Rouge paid the legal fines his parishioners had incurred by holding their wedding feast in his church's cemetery.[96] Le Rouge undermined the court's intent to punish the couple by freeing them from the onus of financial sanction. By paying the fine himself, le Rouge took responsibility for allowing the celebration to take place in the cemetery and tacitly sanctioned parishioners' use of this space for profane behaviors.

Citations against lay celebrations serve as a reminder that priests could at times be faced with the choice of either serving their local communities or upholding ecclesiastical statutes. As seen in the previous chapter, priests sometimes contravened ecclesiastical dictates to ensure an adequate supply of sacramental services to their parishioners. Priests also participated in lay celebrations to facilitate local religious participation. For instance, in all but two of the citations against priests who participated in *bacula*, the court register includes singing as an aggravating factor. In three of these cases, the court charged the priests with singing in the street (*vico*) and in five more the court noted more generally that the priests were singing in profane places. Unfortunately, only one of the records mentions what the cited priest was singing, but this single mention is suggestive. In this case, the accused priest was singing the *te deum*.[97] Whereas some parishioners had presumably invited these priests to participate in their *bacula*, others seem to have

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[96] AN, Z[10] 18, fol. 218r.
[97] AN, Z[10] 21, fol. 203r.

objected to what they perceived as inappropriate sacerdotal behavior – denigrating holy music by singing it in profane places.

In addition to preventing priests from committing holy acts in profane places, parishioners used the archidiaconal court to keep priests from participating in lay celebrations in ways that profaned their own person. Along with *bacula* and weddings, plays and processions were occasions during which priests ran the danger of being cited for compromising their status as holy men. For instance, the court cited the chaplain of Garges because, while traveling from town to town to announce a play, he wore an overlarge head covering, covered with a *pileus*, a hat priests were expressly forbidden to wear. Clothing was particularly important to sacerdotal dignity. The court considered any assault on sacerdotal clothing as seriously as if it were an attack on the man himself as well as an attack on his socio-religious station.[98] Further, any priest who elected to deviate from standard sacerdotal dress, by adding buckles or brooches to his vestments, for example, could face legal sanction. By wearing inappropriate headwear in the context of announcing a play, the chaplain of Garges, who is unnamed in the register, illegally violated his own sacerdotal dignity and made himself vulnerable to legal sanction.

People in the community also raised objections when priests denigrated their social status in a way that symbolically inverted the church's idealized social hierarchy in which priests stood above laypeople as examples and incarnations of holiness. For instance, on two occasions, priests were brought before the archidiaconal court for

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[98] See Chapter 3, "Malevolent Men," 106-110.

processing into their churches dressed as fools, one while riding a donkey.[99] The latter

citation, against a priest named Martin Pranlon, might seem ironic given the reverence

due to Jesus' humble entrance into Jerusalem on the back of a donkey as described in all

four gospels.[100] Likely the court and select parishioners objected to Pranlon's irreverent

approach to worship. Not only was he wearing a fool's cap during the procession but he

faced the additional charge of having gone to vespers the previous Sunday with his tunic

on backwards. The impertinent dress adopted by Pranlon and the other priests

compromised their sacerdotal dignity and, by extension, made a mockery of ecclesiastical

rituals. This behavior may have struck some as playful but prompted others to take legal

action against irreverent priests.

Priests also found themselves in court for participating in celebrations during

which laypeople assumed an inappropriately high status. For example, on 28 September

1500, the priest Jean Pesant was fined for participating in a wedding procession that

included laypeople dressed as ecclesiastics.[101] A citation such as this provides interesting

nuance to Roux's assertion that "authorities more or less admitted the practices of social

inversion for a very brief moment. When the beggar became king and the ass a bishop,

the customary order was refounded and rejuvenated."[102] Whereas some members of the

public tolerated, or even invited, priests' inversion of the social hierarchy others enforced

ecclesiastical laws against such activities by denouncing priests to the court.

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[99] AN, Z[10] 18, fol. 41r, Pommeray, *L'Officialité archidiaconale de Paris*, 521; AN, Z[10] 18, fol. 210v, Pommeray, *L'Officialité archidiaconale de Paris*, 248.
[100] Matthew 21:1-11; Mark 11:1-10; Luke 19:28-40; John 12:12-19 (NRSV)
[101] AN, Z[10] 20, fol. 153r.
[102] Roux, *Paris in the Middle Ages*, 193.

Conclusion

The previous chapter examined how both priests and laypeople took advantage of the archdeaconry's lack of a strong enforcement arm to circumvent ecclesiastical laws which had the effect of restricting parishioners' access to the sacraments. This chapter similarly demonstrates that priests and laypeople frequently contravened church dictates to mingle in taverns, play games together, and participate in censured religious festivities. In addition to highlighting another way that communities established relationships with priests outside of the law, this chapter also argues that there was disagreement at the parish level about how priests should properly comport themselves in relation to the laity. While some members of the community welcomed priests' company in their leisure time and festivities, others condemned it enough to denounce offenders to the archidiaconal court. It is impossible to discern with any certainty from the court registers the motivation behind any particular denunciation. Certainly some denouncers were motived to exact legal revenge for personal feuds or frustrations. However, the pattern that emerges from an examination of aggravating factors listed in citations against priest for drinking, game playing, and carousing offers a compelling suggestion that many members of the public were concerned with priests' ritual purity. The priest who gambled, swore, drank to excess, and consorted with women denigrated his priestly status, abandoned his role of exemplar, and compromised the efficacy of the religious services he provided. In short, he became a source of sin rather than salvation.

There were few contemporary legislative acts that regulated priests' leisure or participation in lay religious celebrations. The relatively significant number of cases regarding such activities shows, therefore, that the sternness of enforcement was

determined on a more local level. Some members of the public and *promotors*, working on their own or at the behest of community members, insisted on a stricter circumscription of sacerdotal behavior than that called for by other parishioners and by ecclesiastical legislators. Stricter control over priests' leisure and celebratory activities was echoed, or influenced, by contemporary preachers who emphatically and repeatedly decried the types of behaviors cited in the cases analyzed above. Contemporary, legislation, rhetoric and patterns of enforcement, therefore, show that the proper role of the priest in his parish was not at all standardized in late medieval Paris. High ranking preachers, ecclesiastical legislators, and individual community members promoted different models of the priesthood through a variety of legal, social, and discursive means. This chapter suggests, therefore, that a redefinition of the priesthood was not unique to the Reformation since, in late medieval Paris, this process occurred each time a priest interacted with other members of his parish and with representatives of the ecclesiastical hierarchy.

Chapter Three:

The Case of the Malevolent Men: Violence in Defense of the Priesthood

The archidiaconal court of late medieval Paris was characterized by a strong reliance on community enforcement of ecclesiastical laws. As demonstrated in Chapters 1 and 2, priests and parishioners selectively enforced or ignored ecclesiastical laws to shape their relationships to each other as well as the religious character of their parishes. Both these chapters operated from the premise that the court was the primary mechanism of community enforcement. Should community members want to enforce a law, they would call upon the court to do so; should they want to operate outside of the law, they would do so in the hopes that their infraction would go unreported. The binary of either reporting or not reporting an infraction, however, is only one aspect of a more complicated system of community enforcement. Chapters 3 and 4 will explore another aspect of this system: violence. The use of violence by or against priests was against canon law. However, both priests and laypeople sometimes used violence, paradoxically, in ways that upheld ecclesiastical statutes.

This chapter examines 174 cases in which priests were cited for having committed violence, with a focus on inter-sacerdotal violence. It demonstrates that violence was not always an antisocial act. Rather priests were invested in maintaining the social and

professional hierarchies of which they were a part and one of the ways they did this was

through the illicit use of violence. The archidiaconal court registers show how priests

employed low-grade violence in response to chaotic behavior with the goal of reinstating

order and to defend their professional rights and integrity.

The historiography relevant to this project usually focuses on clerics, rather than

priests more specifically, and tends to take the prevalence of clerical violence as a given.

The assumed premise that clergy were commonly violent follows the historiographical

trend which portrays the late medieval church as rife with abuses.[1] In support of this

narrative, gender historians have argued that priests committed forbidden acts of violence

to conform to a medieval paradigm of masculinity that judged the worth of man by his

ability to dominate women through sex and other men through violence.[2]

Within the last decade, however, scholars have challenged the assumption that

medieval masculinity was universally assessed by a man's sexual and violent activities.

For instance, Ruth Mazo Karras has argued that, while sexual activity was a viable

expression of masculinity for laymen, clerical masculinity was demonstrated by a man's

struggle to dampen his sexual urges.[3] Alternately, Derek Neal has argued that both

clerical and lay masculinity was measured, not at all by his relationship to sex and

violence, but by his trustworthiness.[4]

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[1] See Introduction, 13-21.

[2] Scholars rarely cite the source for this foundational theory but Jennifer D. Thibodeaux attributes it to Vern Bullough who argues that the primary markers of medieval masculinity were protecting and providing for one's dependents and impregnating women, "Introduction," 3. Bullough develops this theory in "On Being Male in the Middle Ages," esp. p. 31; see also Robert N. Swanson, "Angels Incarnate: Clergy and Masculinity from Gregorian Reform to Reformation," in *Masculinity in Medieval Europe*, ed. Dawn M. Hadley (London: Addison Wesley Longman, 1999), 160-77; Jo Ann McNamara, "Chastity as a Third Gender in the History and Hagiography of Gregory of Tours" in *The World of Gregory of Tours*, eds. Kathleen Mitchell and Ian Wood (Leiden: Brill, 2002), 199-210.

[3] Karras, "Thomas Aquinas's Chastity Belt," 52-67.

[4] Neal, *The Masculine Self*, 101; see also Roux, *Paris in the Middle Ages*, 137.

In response to the work of Karras and Neal, more recent publications have shifted slightly away from the idea that men who did not engage in sex and violence would be perceived as emasculate. For instance, Jennifer Thibodeaux builds on a suggestion advanced by Vern Bullough that masculinity was judged by a man's ability to maintain leadership positions within his family and his profession. Clerics, she argues, were prevented from attaining professional leadership because of low employment and from attaining familial leadership because of their vows of chastity. Disaffected by their inability to attain full masculinity, clergy rebelled against the institution of the church by committing sexual and violent crimes.[5] Taking a different approach, Michelle Armstrong-Partida avoids seeking a cause behind clerical violence, concentrating instead on its effect. She argues that clergymen's general failure to meet the high standards of behavior set for them by ecclesiastical statutes, in part because they regularly employed violence, exacerbated already strained relationships between clergy and their parishioners and caused laypeople to become disillusioned with the clerical caste as a whole.[6]

However, some scholars have questioned the prevalence of clerical violence altogether. For instance, A.J. Finch found that reports of clerical violence appeared infrequently in the registers for the officiality of Cerisy-la-Forêt from 1314 to 1458 and that sacerdotal violence in particular was rarely cited by the court. Furthermore, violence employed by clerics, including priests, was "generally of a mild nature" and "unlikely to have placed the social fabric in jeopardy."[7] A recent collection of essays edited by Gerhard Jaritz examines the records of the Apostolic Penitentiary. In this collection,

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[5] Thibodeaux, "From Boys to Priests," 136-158.
[6] Armstrong-Partida, "Conflict in the Parish," 173-212.
[7] A. J. Finch, "The Nature of Violence in the Middle Ages: An Alternative Perspective," *Historical Research* 70:173 (1997): 255-6, 267.

Jaritz and Kirsi Salonen demonstrate that clerical violence was both less prevalent and less severe than is generally presumed.[8]

This chapter contributes to the ongoing conversation about clerical violence by examining accusations of violence against priests. The analysis focuses on priests, rather than clergy more generally, because priests were held to higher standards of nonviolence than clergy from lower orders. For example, at the beginning of the sixteenth century, Étienne Poncher, bishop of Paris from 1503 to 1519, followed in the footsteps of his predecessors and issued a qualified ban on carrying arms that applied only to beneficed clergy in sacred orders and students. Lower clergy who did not earn their living from the church were not subject to the ban.[9]

The chapter will describe the types of violence in which priests engaged and will show how their professional status was at stake in their violent interactions. Priests could both damage and defend their professional reputations by engaging in violence. Whatever the result in individual cases, this analysis demonstrates that priests believed their professional status was worth fighting for. It argues against the antisocial model of clerical violence by showing that priests were invested in being perceived as worthy of their sacerdotal positions. The effect, and sometimes the explicit goal, of violence was not to rebel, but to reassert the status quo. Although illicit, sacerdotal violence was not as transgressive as it might first appear.

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[8] Gerhard Jaritz, "The Bread-Knife," in *Violence and the Medieval Clergy*, eds. Gerhard Jaritz and Ana Marinković (Budapest: Central European University Press, 2011), 55-66; Kirsi Salonen, "The Apostolic Penitentiary and Violence in the Roman Curia," in ibid., 17-28.
[9] De Champvallon, *Synodicon ecclesiae parisiensis*, 78-9.

I: Out of Bounds: Violence as Destabilizer

        Although medieval sources and subsequent scholarship give the impression that sacerdotal aggression was rampant, the archidiaconal court did not deal with a rash of violence cases involving priests. Out of the 1,003 cases involving priests gathered from the court registers only 229 address violence and in only 174 of these cases were the defendants clearly priests. The court registers span twenty-three years (1483-1505) and include cases from roughly 180 parishes. On average, therefore, the registers contain only .055 accusations of violence against priests per parish per year. The registers cannot be used to argue definitively that incidents of sacerdotal violence were infrequent. The registers only reflect reported incidents and cases of fatal violence theoretically should have been reserved for the episcopal court. Unfortunately, episcopal records from the time period under consideration no longer exist. However, a survey of extant episcopal records from 1384-1387 show that priests were most often involved in cases regarding benefices, ecclesiastical jurisdiction, and upkeep of the parish church and its goods.[10] Only rarely were priests involved in violence reported to the episcopal court. Furthermore, the archidiaconal court registers from the fifteenth century include reports of quite serious violence, implying that not many cases would have been reserved for the episcopal courts in practice. While no conclusive statements about the incidents of sacerdotal crime can be made from a combination of fourteenth-century episcopal court registers and fifteenth-century archidiaconal court registers, the fact that neither court heard a large number of violence cases in their respective periods should lead us to

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[10] Joseph Petit, *Registre des causes civiles de l'Officialité épiscopale de Paris, 1384-1387* (Paris: Imprimerie Nationale, 1919).

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question the assumption that there was an epidemic of violence amongst priests in late medieval Paris.

The archidiaconal court registers are laconic but they provide valuable detail about the number and nature of blows exchanged in violence cases. The types of assaults reported in the registers range widely from simple slaps or a single punch, to multiple stabs. Most of the crimes found in these documents, however, fall toward the less aggressive end of the spectrum of violence. Priests in the archdeaconry of Paris tended not to make use of weapons, preferring to assail their victims with their bare hands. This is consistent with Finch's findings for Cerisy-la-Forêt, where clergy of lower and higher orders most often attacked one another without weapons.[11]

The court registers from Paris noted with methodical detail how priests used their hands against their victims. A priest might give his victim a slap (*alapa*, *souffletus*), a blow (*ictum*), or he might strike with the back of the hand (*manus aperta reversa*), an open hand (*manus aperta*), a closed hand (*manus clausa*) – which presumably was the same as a closed fist (*pugnus clausus*) – or, evocatively, a "violent hand" (*manus violenta*). When priests slapped or punched their victims, the court usually noted how many times, typically giving a range from "two or three" times or "three or four times".[12] When things escalated, the court recorded that priests beat (*percutere*, *verbere*) their victims or became involved in a brawl (*rixa*). The registers also record where aggressors landed their blows. Priests aimed principally for their victims' heads and faces although

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[11] Finch, "The Nature of Violence in the Middle Ages," 256.
[12] See for example AN, Z^{10} 18, fol. 112r; ibid, Z^{10} 19, fols. 269v, 295v.

blows to the body (*corpus*, *persona*) are recorded as well as instances in which the register simply says that a priest seized (*capere*) his victim.

What priests hoped to gain by hitting their victims is less easy to discern from the court registers than how they hit them, although scholars are generally of the opinion that honor was often at stake in violent interactions. Alexandra Shepherd provides a description of male honor in early modern England that is also useful for understanding the interconnectedness of social status and violence suggested by the archidiaconal court registers:

> male status and authority in early modern England were primarily gauged competitively. Competition between men was often expressed violently; such violence was not simply an untamed overspill of latent aggression, but contained precise meanings and was governed by elaborate rules of play, serving simultaneously to confer authority on its perpetrators and to degrade its victims.[13]

Shepherd describes conflict amongst men as a violent competition over social signifiers. It was a zero-sum game in which one party gained or preserved honor, while the other lost it.

Stuart Carroll demonstrates that men engaged in violent conflict to regulate honor in early modern France in much the same way described by Shepherd for England. For example, Carroll cites a secular court case related to a conflict that arose between two laymen in 1546. In a confrontation between the two, Pierre de Lubersac had slapped Maixent Bertrand. When Bertrand spoke of this event later, however, he claimed he had returned Lubersac's slap with a punch. Lubersac denied Bertrand's claim because it damaged his honor by "inferring that Lubersac was in debt and [Bertrand's] challenge

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[13] Alexandra Shepard, *Meanings of Manhood in Early Modern England* (Oxford: Oxford University Press, 2003), 140.

unreturned."[14] Each man claimed to have inflicted more violence on the other in a bid to publicly preserve their own honor while impugning that of their alleged victim. Carroll's anecdote demonstrates that, while slaps and punches were undoubtedly meant to harm victims physically, the paramount damage was done to their personal integrity.

In the archidiaconal court registers, the word "honor" is used only once in a violence case involving a priest. In this case, a drunken layman beat a priest for perceived slights against him and his master.[15] Although the word honor is not used in any other cases, it is evident that personal integrity and social status were at play in the majority of violence cases involving priests. Most often priests assaulted their victims as payback for insults or earlier blows. In 41 of the 174 cases in which priests were on trial for violence, words – sometimes qualified as numerous, harsh, insulting, or hostile (*plura*, *durosa*, *iniuriosa*, *hotara*) – preceded the violent act. In 87 of the 174 cases, priests were provoked by prior acts of violence. In cases such as these, violence was employed to rectify a perceived social disequilibrium . For instance, in a case heard on 21 June 1499, the priest Jean Gaultier was fined an unspecified amount for beating Lord de Boutmillier's maid, Tassina, because she had beaten him first.[16] In this case, Gaultier may have been using violence not only to repay Tassina's blows but also to stave off any potential damage his reputation might have suffered had he let a woman who was his social inferior hit him without retribution.

Although priests were prosecuted at the archidiaconal court most often for slaps and punches, they employed many other methods of attack to maintain their reputations.

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[14] Stuart Carroll, *Blood and Violence in Early Modern France* (Oxford: Oxford University Press, 2006), 51.
[15] AN, Z^{10} 18, fol. 126v.
[16] AN, Z^{10} 21, fol. 97r.

Priests sometimes grabbed and pulled hair (*accipere*, *trahere*) which was a prosecutable offense in itself or an aggravating offense in more extensive confrontations. For instance on, 19 April 1487 the register cites the priest, François de Bussel, for having "given three or four blows with an open hand on the head and neck of a certain Henri Caillard and for having grasped [Caillard] by the hair after the same Caillard had called him a thief."[17] Even in the absence of rancor, touching the hair and head of another could be taken quite seriously. On 8 November 1501, the priest Pierre Rueil, "joking and playing, placed his hand on the head and hair of Lord Jean Quatremares".[18] For taking this liberty, Rueil was fined four sous, half the cost of the trial and half the cost of the investigation that brought him to court.

Robert Bartlett has shown that hair was an important extension of one's personal and social identity. Hair indicated gender, age, and social status. Because "hair treatment expresses social ordering," hair pulling was a challenge to and denigration of the victim's place in the social hierarchy, much like slaps and punches were.[19] Both priests and laymen pulled hair during fights and no matter the clerical status of the victim, these actions would have constituted an affront to his or her social status. However, if the victim was a priest, an attack on his hair would have taken on an added dimension of offense. Priests possessed a demarcated social and legal status which was indicated, and in some ways affected, by their hair. Bishop Poncher ordered priests to trim their tonsures at least twice a month because "this crown is the seal by which those who are called are

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[17] AN, Z[10] 18, fol. 235r
[18] AN, Z[10] 21, fol. 224v
[19] Robert Bartlett, "Symbolic Meanings of Hair in the Middle Ages," *Transactions of the Royal Historical Society* 4 (1994): 56.

sealed to the predestined duty of the divine ministry and royal glory."[20] The tonsure,

therefore, effectuated priests' calling to the care of souls and was a visual reminder of

their differentiation from the laity.[21]

Furthermore, the tonsure was a practical legal proof of priests' professional status

which defined them as inviolable sites of nonviolence.[22] At the second Lateran Council

(1139) legislators passed the canon *si quis suadente* which declared anathema anyone

who laid "violent hands" on a cleric or monk. Also in the high middle ages, the church

increasingly enforced the *privilegium fori* which stipulated that, because clerical bodies

were inviolable, they could not be subject to the secular legal system that counted

maiming and killing among its punishments.[23] The tonsure indicated the priest's

affiliation with the ecclesiastical institution and so assaulting a priest's head or pulling his

hair was tantamount to issuing a challenge to his religious, professional and legal status.[24]

For example, on 10 June 1487, the registers record that Jean Bourguet, whose job title is

not given in the records, pulled the hair of the priest Thomas Havart to prevent him from

playing *paume* with laypeople.[25] Although Bourguet's personal motivations for pulling

Havart's hair cannot be known, his actions enforced ecclesiastical statutes. It was illegal

for priests to gamble and they committed a worse offense if they did so with laypeople.[26]

The ecclesiastical administration expected priests to be living moral exemplars for their

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[20] "cum ipsa corona sit signaculum quo signantur vocati in partem sortis divini ministerii et decus regale," de Champvallon, *Synodicon ecclesiae parisiensis*, 77.
[21] For an analysis of the multivalent meanings of the tonsure, see Robert Mills, "The Signification of the Tonsure," in *Holiness and Masculinity in the Middle Ages*, eds. P.H. Cullum and Katherine J. Lewis (Cardiff: University of Wales Press, 2006), 109-124.
[22] Peter Clarke, "The Medieval Clergy and Violence: an Historiographical Introduction," in *Violence and the Medieval Clergy*, eds. Gerhard Jaritz and Ana Marinković (Budapest: Central European University Press, 2011), 13.
[23] Ibid., 11.
[24] Andrew G. Miller, "To 'Frock' a Cleric: The Gendered Implications of Mutilating Ecclesiastical Vestments in Medieval England," *Gender & History* 24:2 (2012): 273.
[25] AN, Z[10] 19, fol. 5v.
[26] See Chapter 2, "Playing Priests," 78-80.

flock. By presuming to correct the behavior of his nominal moral exemplar, Bourguet

violated Havart's exemption from violence, and impugned his professional prestige.

Bourguet's attack on Havart's tonsure also emphasized that Havart betrayed his own

professional status since his gambling left him open to the violent correction of a layman.

Like any attack against a priest, therefore, assaults to the head and hair showed contempt

for the priest's protected state and issued an implied negation of his professional status.

Clothing, like hair, also ideally denoted one's occupation and social class in the

middle ages, although transgressions were frequent enough that municipalities throughout

Europe enacted sumptuary laws to attempt to enforce consistency.[27] Like the tonsure,

clothing was a visual proof of a priest's socio-religious status. Priests were supplied with

vestments at their ordination or given surplices – white knee- or ankle-length vestments –

when hired to assist curates with particular rituals, such as burials or confessions.[28]

Furthermore, clothing was an important indicator of the elevated social position priests

enjoyed due to their professional status. Jean Simon, bishop of Paris from 1494-1502,

wrote in his statutes that "decency and propriety of comportment are suitable to

ecclesiastics more than to others" and "propriety of exterior dress indicates the interior

decency of morals."[29] A priest wore vestments as a symbol of his personal virtue.

Because priests' clothing indicated their elevated professional and personal status,

it had to be treated with special care. Bishop Poncher stipulated that clerical vestments

should be washed two times a year: once at Easter and once at All Saints, which was

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[27] Carlo Marco Belfanti and Fabio Giusberti, "Clothing and social inequality in early modern Europe: introductory remarks," *Continuity and Change* 15: 3 (2000): 359-365; see also Roux, *Paris in the Middle Ages*, 181.

[28] See Chapter 1, "Vying Vicars," 34-7.

[29] "Quia decentia et honestas habitus viris ecclesiasticis prae ceteris multum convenire noscitur, cum decentia habitus extrinseci morum intrinsecant honestatem ostendat," de Champvallon, *Synodicon ecclesiae parisiensis* 68.

presumably an increase on what was already done. In addition, ecclesiastical linens had

to be washed separately from other linens and could only be cleaned by "honest" laymen

or women.[30] The court took the necessity of keeping clerical clothing clean seriously

enough that it was a finable offence. For example, on 29 November 1503, the vicar

Robert LeCoq was fined an unspecified amount for wearing a dirty shirt.[31]

Ruined clothing impugned priests' professional standing and was therefore a way

for an assailant to defame a sacerdotal opponent. A favorite target was the priest's alb, a

white floor-length tunic priests wore while carrying out their ritual obligations. For

instance, the priest Pierre Sandrin was fined for grabbing Jean Anetin by the collar and

tearing his alb after they had exchanged insults.[32] Like hair pulling, tearing vestments

was an offense in itself but could also be an aggravating act in a more severe quarrel. For

example, the priest and chaplain of Chauvry, Robert du Quesne, was fined for hitting

Thomas du Quesne, pulling his hair, grabbing his collar and tearing his alb after Thomas

had thrown a pot and candelabrum at him.[33]

Andrew Miller likens assaults on sacerdotal clothing and hair to ritual defrocking

which he describes in the following manner:

> just as a disgraced knight was publicly deprived of his spurs in the
> Middle Ages, a disobedient cleric unceremoniously lost his frock:
> as a result both men were defamed and emasculated. While the
> ritual divestment of churchmen has a long history, around 1300 a
> formal rite for deprivation arose. In the same manner that a cleric
> donned his garments – layer upon layer – to perform his spiritual
> functions, a cleric deprived of his orders was ritually stripped
> of the same vestments – layer by layer – to negate his spiritual
> potency. The cleric's hands were then scraped with a piece of

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[30] "honestas personas aut mulieres," ibid., 91.
[31] AN, Z¹⁰ 21, fol. 286v; see also Pommeray, *L'Officialité archidiaconale de Paris*, 254.
[32] AN, Z¹⁰ 19, fol. 23r.
[33] Ibid., fol. 79r.

glass or a blade to eliminate his holy unction; finally, his tonsure was ignominiously shaved off.[34]

When a priests' superiors deprived him of his office, they marked this transition by depriving him of the physical symbols this office. Similarly, when parishioners perpetrated violent acts on priests' hair and clothing, they compromised his symbols of sacerdotal exceptionalism. Thus, attacks on priests' hair, clothing, and indeed their person, were informal challenges to their social, religious, and professional positions.

Aggressors also combined attacks on priests' heads and clothing by attacking their headwear. These attacks had the potential to draw attention to priests' own transgressions of professional expectations. Specifically, the ecclesiastical administration objected to priests wearing the *pileus*, a skull cap, and the *biretum*, a four cornered hat. At the turn of the sixteenth century, Bishop Simon forbade priests from wearing the *pileus* while publicly administering sacraments and Bishop Eustace du Bellay reiterated the injunction in the mid-sixteenth century.[35] Du Bellay reproached *pileus*-wearing clergy saying "they forget their ecclesiastic propriety and imitate the laity in their dress, placing themselves in unison with them" which was "in opposition to ecclesiastical modesty".[36] These injunctions were meant to socially segregate the clergy from the laity and demarcate them as a protected caste. The court interpreted these injunctions strictly and fined priests for wearing forbidden hats, not only while performing the sacraments, but at all times. For instance, the court fined a priest referred to in the registers simply as Fabrice for wearing his *pileus* throughout the village, even though he did not wear it in

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[34] Miller, "To 'Frock' a Cleric," 276
[35] De Champvallon, *Synodicon ecclesiae parisiensis,* 68-9, 297.
[36] "Quia cognitum est quosdam presbyteros in sacris ordinibus constitutos honestatem ecclesiasticam negligere, ac laicos in vestibus imitari, et cum eis convenire;" "modestiae ecclesiasticae repugnantem," ibid, 297.

the parish church.[37] The court's punishments indicate that it rigidly enforced ideals of sartorial segregation outlined in the episcopal statutes.

Priests also sometimes targeted each others' forbidden hats during physical confrontations. For instance, Pierre, the cleric of St. Merri was fined four sous solely for removing the cleric Pierre Gaillard's *pileus* and *biretum*.[38] In assaulting the *pileus*, aggressors were in fact attacking a forbidden mode of dress. Nevertheless, the court upheld cases brought by priests against those who assaulted their forbidden headwear. Although the four sous Pierre was fined was not a large amount of money, the amount was a standard fine and indicated that the court took this affront as seriously as any other case. For a point of comparison, the court fined the priest Jean Brigault four sous for slapping his cleric, Gilles Lory, in the face in the church's cemetery because the cleric had beaten "a certain young boy". In turn, Lory was fined four sous for having hit the young boy and pulled him by his ear.[39] That the court fined the cleric of St. Merri four sous for removing Gaillard's headwear indicates that the court considered this to be an offense equivalent to slapping a man in the face or hitting a young boy. Although priests who wore forbidden hats contravened church statutes, the court upheld their right to be protected from such physical aggression rather than validate the actions of anyone who incidentally enforced ecclesiastical sumptuary laws.[40]

Attacks on priests' clothing reflect a much more widespread tradition of attacking a person's character or comportment by attacking his or her clothing. For instance, in an

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[37] AN, Z[10] 18, fol. 91r.

[38] AN, Z[10] 21, fol. 267v.

[39] AN, Z[10] 19, fol. 51v.

[40] This stands in significant contrast to cases in which the court sanctioned lay enforcement of ecclesiastical injunctions on sacerdotal contact with women as will be shown in Chapter 4, "Wayward Women".

essay on what he calls "sartorial mutilation," or attacks on priests' clothing, in twelfth-century England, Miller suggests that when attackers targeted clothing priests wore in violation of ecclesiastical statutes, they "symbolically compelled their clerical victims to abide by the canonical rules and regulations to which they were bound."[41] In other words, by attacking a forbidden mode of dress, priests' aggressors drew attention to their transgressions and highlighted priests' degradation of their own professional status. In addition, removing another's cap was a widely recognized technique of humiliation. Michael Rocke indicates that, in Florence, "losing one's hat meant being sexually and publicly compromised."[42] Prostitutes sometimes took advantage of this symbolism to extort business from male partners, stealing their targets' hats and returning them only after their victims had consented to do business with them. Removing a man's cap was a serious degradation of his status, no matter where he stood in the social hierarchy. A priest whose *pileus* was removed, however, was doubly humiliated. By wearing a pileus, he had already degraded his station in the eyes of the church and any layperson who objected to him adopting lay fashion. He would have been further degraded in the eyes of his community by having the hat taken off. By pulling on their hair and clothing, and doffing their caps, therefore priests' aggressors corrected, by emphasizing, their victim's degradation of his own status as elevated above the laity by their professional and personal dignity.

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[41] Miller, "To 'Frock' a Cleric," 283.
[42] Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* (New York: Oxford University Press, 1996), 155.

II: Within Limits: Violence as Stabilizer

Although violence endangered victims' social status, when priests perpetrated

violence, they tended to do so within parameters consistent with their socio-religious

station. This is especially noticeable in regard to ecclesiastical injunctions on priests

carrying weapons. Priests in late medieval France occupied an ambiguous position with

regard to violence in general and carrying weapons in particular. Ecclesiastical statutes

forbade priests from carrying weapons.[43] However, in the wake of the Guerre du Bien

Public, during which French nobles rebelled against Louis XI, the king issued a decree in

1467

> to the people of the church, of the Parlement and of the chamber of
> accounts, to all his officers as well as to the provosts of merchants,
> aldermen, burgesses, merchants and tradesmen, "remaining and living,
> and having a hearth and place in Paris" that, in the following two
> months, each and every one of them "become well and honestly armed
> and dressed in every accoutrement of war to do service to the king and
> to guard the city of Paris."[44]

Louis XI's decree was most likely a symbolic show of power. Louis' armed citizenry

staged processions in Paris, visually emphasizing his authority to command the people

within his kingdom against aristocratic threats to his power. By issuing the decree to

churchmen as well as to secular citizens, Louis also asserted his power over the church at

a time when the Pragmatic Sanction of Bourges was in effect and the leadership of the

French church was at stake. French clergy, therefore, were subject to two contradictory

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[43] "Ex concilio Pictaviensi. Clerici arma portantes et usurarii excommunicentur," Friedberg, *Corpus iuris canonici*, lib. III, titl. 1, cap. II.

[44] "Aux gens d'Église, du Parlement et de la Chambre des comptes, à tous ses officiers ainsi qu'aux prévôts des marchands, échevins, bourgeois, marchands et gens de métier, « *manans et habitans et tenans feu et leu a Paris* », que, dans les deux mos qui suivraient, tous et chacun d'eux « *fussent bein et honnestement armez et habilliez de tout hernois de guerre pour faire service au roy et pour la garde de la ville de Paris* »," Philippe Contamine, "L'armement des populations urbaines à la fin du Moyen Âge : l'exemple de Troyes (1474)," in *Guerre et Gens*, vol. 2 of *La guerre, la violence et les gens au Moyen Âge*," eds. Philippe Contamine and Olivier Guyotjeannin (Paris: Editions du CTHS, 1996), 6.

bodies of legislation regarding weaponry. The church forbade them from carrying

weapons, while the king mandated it.

In 1474, Louis followed up his decree that citizens arm themselves by ordering

municipalities to take inventories of the weapons their citizens owned, either for use of

for sale. In a full analysis of an inventory taken at Troyes, Philippe Contamine found that

the majority of clergy were armed. However, clergy also made up a significant portion of

the Troyens who reported not owning any weapons, along with widows and some

tradespeople.[45] On the basis of this evidence, Contamine suggests that the reason some

clergy did not own weapons was either because they chose to comply with ecclesiastical

statutes or because they could not afford to buy them.[46] Faced with contradictory

legislation, it seems that clergy let their pocketbooks and their principles guide their

decisions about owning weapons.

Whether they owned them or not, the majority of priests tried for violence in the

archidiaconal court registers did not use weapons. Most assaulted their victims with their

bare hands. When they attacked with an instrument, they regularly employed quotidian

objects that were close at hand, such as a book, a candelabrum, a clump of earth and

frequently sticks and stones.[47] In all the other violence cases in which priests used an

instrument other than their hand, they attacked with a kind of blade. Armstrong-Partida

has argued that

> armed clerics were common-place in medieval society for the simple
> reason that a weapon was a practical item to have in a tumultuous world.
> Studies of crime and violence have found that medieval men routinely

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[45] Ibid., 65, 68-9.
[46] Ibid., 68.
[47] For assault with a book see AN, Z^{10} 21, fol. 321r; for a candelabrum see AN, Z^{10} 19, fol. 79r; for a clump of earth see Paris, AN, Z^{10} 20, fol. 94v. See also Finch, "The Nature of Violence in the Middle Ages," 267.

carried a knife or dagger because they were an all-purpose instrument that could be used for eating or self-defense.[48]

Her statement is somewhat misleading, however, because ecclesiastical authorities did not consider all blades to be arms. Ecclesiastical statutes forbade priests from carrying knives as weapons but expressly permitted them to carry knives to eat with. [49] Blades classified as breadknives, from a legal perspective, would have been "arms" no more than other quotidian objects, such as books and candlesticks, even if they were used to wound another.

Even still, priests rarely employed blades in violent conflicts. Out of the 174 cases in which a priest was the defendant, only 17 report the use of a blade. In eleven of these 17 cases, the priest wielded a *cultellus*, in three, the priest wielded a *gladius*, in two, priests wielded *dagues*, and in the final case, a curate brandished a *stubella*. Latin and old French terms for blades lend themselves to ambiguity. *Cultellus* most often referred to a small breadknife and a *stubella* was a sword. *Gladius* was a more ambiguous term. It retained its classical meaning of "sword" in the middle ages, but could also be used to refer to a simple breadknife. [50] The same is true of *dague*, which meant dagger but could also denote a breadknife.[51] The exact classification of a blade used may indeed have been something that was debated in court. Evidence of such debate is suggested by the records of the Apostolic Penitentiary. These records clarified when blades were carried as eating utensils, rather than as weapons, with explanatory statements such as: "his small knife (*cultellus*), which he used to cut bread" or "a knife (*gladius*) which he carried with him

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[48] Armstrong-Partida, "Conflict in the Parish," 194.
[49] Jartiz, "The Bread-Knife," 57.
[50] Ibid., 59.
[51] Randle Cotgrave, *A Dictionarie of the French and English Tongues* (London: Adam Islip, 1611).

for cutting bread."[52] Priests coming before the archidiaconal court presumably would have been similarly inclined to stress that they carried their blades for eating and therefore carried them licitly.

Without being able to tell for certain if priests were carrying breadknives or more deadly weapons, it is still striking that so few priests represented in the archidiaconal court registers wielded blades of any sort. Arms were mandated by secular powers who claimed, at this time, authority over the church and carrying knives was allowed by both secular and ecclesiastical authorities. Nevertheless, it seems that most priests, even when committing acts of violence, chose to comply with ecclesiastical dictates and eschew the use of weapons, or so they claimed at court. Even while undermining their own sacerdotal authority by committing violence, these priests sought to preserve a portion of their professional dignity by not admitting to violating the ecclesiastical ban on weapons.

Priests also complied with ecclesiastical statutes, even within the context of violent conflict, by emphasizing when they acted in self-defense. Although violence generally was forbidden to priests, they could employ violence to protect themselves.[53] To make a successful plea for self-defense, defendants had to demonstrate that they had employed less violence to repel an attack than their attacker had used against them.[54] Narratives that comply with this stipulation are found often in the archidiaconal court registers. For instance, on 7 June 1488, a priest attempted to defend himself with a stick from a cleric (*clericus non coniugatus*) who nevertheless stabbed him two or three times

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[52] "parvus cultellus suus, cum quo panes scindere usus fuit;" "gladius (cultellus), quem ipse ad scindendum panem secum deferebat," Jaritz "The Bread-Knife," 59.
[53] Torstein Jørgensen, "'Killings, Unfortunately, Take Place More Often Here than Anywhere Else:' Civil and Clerical Homicide in Late Medieval Norway," in *Violence and the Medieval Clergy*, eds. Gerhard Jaritz and Ana Marinković (Budapest: Central European University Press, 2011), 39.
[54] Ibid., 40.

with a blade (*gladius*) resulting in a "violent effusion of blood".[55] Thus the register describes the priest's actions conforming to the law in two respects: one, the priest employed an object not technically classified as a weapon; and, two, he used it against a greater show of force in self-defense.

In his examination of clerical supplications for absolution to the papal curia, Jaritz suggests that priests attempted to increase the likelihood of receiving absolution by constructing narratives downplaying their aggression. Because of this rhetorical strategy, supplications to the papacy would have underrepresented the severity of violence employed by priests.[56] Narratives of violence cases found in the archidiaconal court registers seem to conform to legal expectations in much the same way. However, as a genre, the court registers are constructed differently than supplications to the papal curia. Supplications were written from a single viewpoint with the intention of releasing a person convicted of a crime from temporal or spiritual punishment.[57] Therefore, these records tell only one side of the story for the express purpose of proving either one's innocence or contrition. The entries in the court registers, however, are records of what priests were convicted of or confessed to. The represent the outcome of court cases that might have called for testimony from several parities including the complainant, the defendant, whatever witnesses these parties mustered, lawyers they might have employed, and, if he was involved, the *promotor*, an official who investigated offenses and, if appropriate, brought them to court either of his own accord or as a joint party with

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[55] AN, Z¹⁰ 20, fol. 56r.

[56] Jaritz, "The Bread-Knife," 61.

[57] For a description of supplications to the Apostolic Penitentiary as a genre, see Salonen, "The Apostolic Penitentiary and Violence in the Roman Curia," 17-8.

the complainant.[58] During the proceedings a priest's violent actions may have been

exaggerated or downplayed by hostile or sympathetic participants.

Rather than reflecting only one person's strategy to escape punishment, therefore,

the archidiaconal court registers record an agreed-upon narrative. Certainly no historical

document is a disinterested reportage, but the entries in the archidiaconal court registers

are more likely to include details that could have been verified by more than one source.

This suggests that when priests described their confrontations with others as motivated by

self-defense, this may indeed have been the case. Thus, we can tentatively conclude that

in some cases, priests shaped, not just their testimonies, but also their actions, to conform

to ecclesiastical dictates. Even in the heat of the moment, some priests practiced restraint,

breaking the law in one respect but obeying the law in other ways.

Even when not claiming self-defense, some priests claim to have circumscribed

their violent interactions to conform to legal limitations. When priests wielded blades

offensively, it seems they sometimes did so to intimidate, rather than physically harm

their victims, a phenomenon Finch also detects in the violence cases he analyzes from

Cerisy-la-Forêt.[59] The archidiaconal court registers tend to be explicit when priests

actually attacked their victims with a brandished blade. For example, in a case recorded

on 5 August 1488, the record clearly states that the priest Nicolas Morestel stabbed

Guillaume Saintandre in the stomach until blood flowed (*tradidit eidem Saintandre de

uno cultello in ventre sic quod fuit effusio sanguis*).[60] However, in several cases an actual

attack is not made explicit and we can infer that the priest was not cited for having

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[58] For a thorough explanation of the *promotor*'s rights and responsibilities, see Pommeray, *L'Officialité archidiaconale de Paris*, 125-38

[59] Finch, "The Nature of Violence in the Middle Ages," 257.

[60] AN, Z[10] 19, fol. 62r.

actually wounded his victim with the blade. For example, on 20 May 1493 the register

indicates that the priest Arnaud Biset knocked over his fellow priest Andreas Molereau

and pulled (*evaginisse*) a knife (*cultellum*) on him.[61] There is no indication that Biset

wounded Molereau with his blade. The wording of this case suggests that Biset was

merely using his knife to threaten Molereau. When priests used weapons, therefore, they

may have done so within certain legal constraints by using licit objects for either self-

defense or intimidation, rather than inflicting physical harm.

In addition to eschewing the offensive use of weapons, the archidiaconal court

registers depict priests as tending to avoid spilling blood, something that church law

explicitly forbade.[62] Thirty-four of the 174 cases of violence examined here record the

effects of sacerdotal blows. In three cases, the register notes simply that the aggressor

wounded or injured his victim (*volneravit*, *iniuriavit*); in seven, the sole effect was that

the victim fell to the ground (*cedit in terram*). In the remaining twenty-four cases, blood

was spilt. In some of these cases, the court simply noted that blood had flowed from the

victim, using generic phrasing such as *effusione sanguinis* or *fluxit sanguis* for a range of

injuries resulting from punches on the body or head to one case where a stabbing

consigned the victim to three months' bed rest.[63] In many entries, the court was more

specific, employing modifiers for the amount of blood spilt. These modifiers ranged from

"moderate (*modica*)," which might describe a nosebleed or some other wound from a

blow in the face, to "maximum (*maxima*) blood flow" which resulted when a priest

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[61] Ibid., fol. 293v.
[62] Pommeray, *L'Officialité archidiaconale de Paris*, 281.
[63] AN, Z^{10} 21, fol. 275v.

stabbed (*percutere*) a cleric with a blade (*gladium*) in the arm.[64] In less than 14 percent of

the cases in which priests were defendants in violence cases, therefore, did the record

indicate that blood was spilt from slight injuries such as nosebleeds as well as more

serious, though less frequent, stab wounds.

In the majority of cases having to do with violence in the archidiaconal court

registers, priests are not described as demonstrating a tendency to extreme violence. This

mirrors what Kirsi Salonen found in her examination of the supplications for absolution

to the papal curia having to do with violence that took place in the curia itself. Almost all

of the cases she examined involved clergy, as opposed to priests more specifically, either

as perpetrator or victim. Out of the 48 cases she examined, Salonen discovered only two

which involved murder: one perpetrated by a layman against a priest and one perpetrated

by a cleric against a cleric, neither or whom were presumably priests since the record did

not specify them as such. The remainder of the cases mostly dealt with "relatively mild

forms of violence, often even without bloodshed."[65] When weapons were employed, they

were usually quotidian objects, such as sticks and small knives, as we have found in the

archidiaconal court records.[66]

Salonen's sources, of course, do not give us a complete picture of the violent acts

perpetrated by and against clergy. The Apostolic Penitentiary records are especially

problematic because they only include cases for which a pardon was issued. So

particularly heinous crimes for which no pardon could be issued would not be included in

these records. What this does tell us, however, is that either clergy were not committing

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[64] AN, Z[10] 20, fol. 56r.
[65] Salonen, "The Apostolic Penitentiary and Violence in the Roman Curia," 22.
[66] Ibid.

seriously violent crimes in the papal curia for which they needed to seek absolution, or they were committing seriously violent acts for which they could not be pardoned. Either conclusion leads us to question Bronisław Geremek's influential theory that clerics led dissolute lives in part because the ecclesiastical legal system was too soft on crime.[67]

It is also difficult to draw definitive conclusions about the level of violence generally found among priests from the archidiaconal court registers. No murder cases appear in the registers because those cases should have been reserved for the bishop.[68] However, the archidiaconal court did try cases involving fairly severe violence. For example, in a case cited above, the priest Nicolas Morestel stabbed Guillaume Saintandre in the stomach in retaliation for an insult.[69] Other cases, too, indicate that the archidiaconal court dealt with incidents of severe violence. On 20 February 1494, Jean Vaugonne denounced a priest, referred to only as Gauffride in the register, for punching him on the head until blood flowed from his nose and eyes.[70] In another case entered on 6 August 1494, the priest Rodolphe Quinoye drew blood when he hit the curate of Vaucelles on the head with a rock.[71] Cases such as these indicate that the archidiaconal court did deal with severe violent crimes. Therefore, the low incidents of such infractions was not simply due to jurisdictional requirements shunting these cases to higher courts. The two more likely explanations are either that such crimes were rarely reported or that priests were actually infrequently involved in violent conflicts.

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[67] Geremek, *Margins of Society*, 137.
[68] Pommeray, *L'Officialité archidiaconale de Paris*, 204-5, 224.
[69] AN, Z^{10} 19, fol. 62r.
[70] AN, Z^{10} 21, fol. 70r
[71] AN, Z^{10} 20, fol. 62v.

From the archidiaconal court registers, it seems priests rarely did great physical harm and that an important effect of their violent acts was the social and professional harm it inflicted. Priests who perpetrated acts of violence temporarily waived their exemption from social rituals of violence but it seems that they attempted to avoid further damage done to their own professional status by adhering to ecclesiastical statutes in other ways. Although they committed violence, they usually did so without using weapons or spilling blood. When priests committed violence, therefore, they did so in such a way as to maximize the damage to their victims' status while minimizing the damage to their own. These cases demonstrate that violent priests were not necessarily rebelling against or opting out of their position in the ecclesiastical hierarchy. Rather, they viewed their sacerdotal status as something of worth that could be damaged or, paradoxically, protected, by the strategic use of violence. Thus, violent priests engaged in slight social disruptions but in the service of supporting the ecclesiastical order in the long term.

III: The Goal of Violence: Defense of the Profession

How priests employed violence to protect their professional positions is especially well illuminated in cases that describe how violent conflicts began. Unfortunately, the court was less diligent in recording what prompted violent conflicts than it was in recording the types of blows landed. In just under half the cases, the registers give no hint as to what provoked priests to violence. For instance, an entry recorded on 5 September 1491 says only that a vicar named Ricard Vaubien paid the eight sous that Claude le

Clerc was fined for punching the cleric Simon Cordier once in the face.[72] This is also true of the cases of violence that took place in the Roman curia that appear in the registers of the Apostolic Penitentiary. Out of the 48 cases examined by Salonen, only three supplicants gave reasons for their violent actions. That this pattern of omitting motivations exists in the lowest and the highest ecclesiastical court registers suggests that the causes of violent conflicts were not legally relevant, only the acts of violence themselves concerned the court. However, the archidiaconal court was very interested in recording insults that preceded fights because, like hair pulling and disheveling clothing, insults could be tried alone as criminal acts. Records of insults are useful because they hint at the reasons behind personal animosities and violence.

There are 53 cases recorded in the court registers in which priests were tried for insults alone from which no subsequent violent action resulted. In addition, in 41 of the 174 cases in which priests were on trial for violence, insults preceded the violent act.[73] That almost half of the cases that involved insults resulted in violence helps to underscore that the medieval economy of violence was an economy of slights. A man who was wounded by an insult was likely to reply with at least low-grade violence, an insult in itself. Carroll, in his study of early modern French duels, has noted the cultural association between verbal and physical attacks. He writes, "the French word for affront, *injure*, captures the sense of aggression and violence inherent in the impugning of honour".[74] Carroll's work focuses primarily on lay violence but the archidiaconal court

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[72] AN, Z^{10} 19, fol. 217v.

[73] For verbal insults as a prelude to physical violence see Jaritz "The Bread-Knife," 61; Armstrong-Partida, "Conflict in the Parish," 191; Carroll, *Blood and Violence in Early Modern France* 93; and Claude Gauvard, *Violence et ordre public au Moyen Age*, 218.

[74] Carroll, *Blood and Violence in Early Modern France* 51; see also Gonthier, *Le châtiment du crime*, 12, 15.

registers demonstrate that the two categories of assault were ritually linked in sacerdotal interactions as well; physical conflicts were often sparked by an exchange of insults.

The types of insults found in the registers mirror patterns that Neal detected in his study of masculinity in late medieval England. He found that both laymen and clergy were vulnerable to attacks on their trustworthiness or responsibility. Specifically, men from both groups impugned each other's sexual constancy and honesty.[75] The archidiaconal court registers show that priests in late medieval Paris were subject to the same vein of insults. For instance, they insulted one another's sexual morality with insults such as "paillard," "maquereau," "ribault," "ruffian," "putier," and "concubinarius," listed here in order of most to least used.[76] Such insults were directed at

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[75] Neal, *The Masculine Self*, 97.

[76] Providing definitions of these insults is difficult in part because of their multilayered meanings. For instance, "paillard" refers to a good-for-nothing, morally bankrupt sexually promiscuous man. The English word "rascal" is a rough equivalent in English though this is often used as a term of endearment for a mischievous boy or man. Translating these words is further complicated because English insults regarding sexual promiscuity are typically gendered feminine. In the feminine, "paillard" translates easily into "slut" or "tramp," terms that capture the offensive tone of the French insult. Another example can be made of the term "maquerelle" which would be translated as procuress or madam, a word with neutral or negative connotations. The male equivalent, "maquerau," is best translated as pimp which, in both American and French modern day slang is generally complimentary (for instance, rappers from both countries, such as IAM, Jay-Z, and 50 Cent have written songs in which they boastfully self-identify as pimps). Rather than provide direct translations for these insults, therefore, the below table gives possible synonyms in English as well as the frequency with which they were reportedly used. For thorough explanations of common medieval insults see Nicole Gonthier, *Sanglant coupaul, orde ribaude: les injures au moyen âge*, (Rennes: Presses universitaires de Rennes, 2007), 122, 135-6, 145, 148-9, 153-4.

Table 3: Insults and their Meanings

Insults	English Definitions	Frequency
Paillard	Good-for nothing, peasant, debaucher	12
Maquereau	Pimp	3
Ribault	Fornicator, adulterer, rogue	2
Ruffian	Whoremonger, pimp, one who lives with prostitutes	2
Putier	A base, contemptible, vulgar man	1
Concubinarius	A man who keeps a concubine	1
Specific accusations of sexual misconduct		7
Total		28

laymen too, but directed at priests, intimations of sexual misconduct would have taken on an extra dimension of meaning.[77] Neal writes,

> the vow of celibacy was a primary feature distinguishing priests in their professions from laymen, and so to break that vow was to cast doubt on one's own social identity: to become a "false priest". This is the negative side of the question. Its positive counterpart was that a reputation for being "clean" – that is, free of licentious tendencies – could be very helpful in a priest's career.[78]

Sexual insults were personal attacks on priests' moral rectitude as well as attacks on their professional conduct. Such attacks could affect priests' ability to earn a living as Neal demonstrates with the counterexample of Richard Page, who recommended two priests to the Stonor family on the basis of their chastity, morality, good professional conduct.[79] As in England, attacks on a French priests' sexual purity would have called into question his ability to abide by the oaths of his office and thus could have damaged, not only his honor, but also his career.

Generic insults such as these were often preludes to physical confrontations. For instance, on 4 September 1495, a fight broke out between a hat maker named Jean Marye and a priest named Guillaume, son of Fenine, when the latter accused the former of calling all priests "infames et paillardi," or notorious and bawdy men. Marye denied the charge prompting Guillaume and others who were present to accuse him of being a liar. Marye responded by advancing on Guillaume with a cudgel and Guillaume pulled a blade (*unum parvum eusem*). The record states that, although both men were moved to violent postures by the insults they had allegedly exchanged, neither party attacked the other and

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[77] Neal, *The Masculine Self,* 97.
[78] Ibid., 100.
[79] Ibid., 100-1.

a neighbor was able to make peace between the two. The case perhaps would not have come before the court had it ended there. However, still incensed at the accusations Guillaume had raised against him, Marye sought him out later and stabbed the priest between the shoulder blades.[80]

When accusations of sexual misconduct were more specific, priests generally addressed the accusation in court rather than through violence. For instance, when a parishioner, Marius Reguart, spread the rumor that his curate, Jean Dieudonné, had been "caught in a carnal act" with a married woman, Dieudonné took his parishioner to court rather than engage him physically.[81] Priests were probably more inclined to address specific accusations such as these in court because they were tantamount to denunciations. Allegations of inappropriate conduct could result in legal action against both the priest and his partner. Furthermore, rumors of sexual misconduct could subject both the priest and his partner to parishioners' informal and violent enforcement of ecclesiastical laws, as will be demonstrated in chapter 4. While a priest might be content settling generic insults with a slap or punch, therefore, it would be more important for him to formally and publicly put to rest any specific rumors impugning his chastity that might damage his career or even incite parishioners to harm his alleged partner, his person, and his home.

Even more popular than charges of sexual misconduct were insults that impugned priests' honesty and trustworthiness. The preferred insult in this category was "larron," or thief. Like sexual misconduct, theft was a crime for which priests could be prosecuted.

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[80] AN, Z[10] 20, fol. 109v.
[81] AN, Z[10] 19, fol. 138v.

As an insult it was also an accusation of social delinquency. Toureille's exhaustive study on theft and brigandage in late medieval France shows that theft was conceptually associated with dissimulation, spying, treason, and a general betrayal of trust and social ties.[82] The thief endangered social harmony and stability. The term "larron," therefore, could be particularly damaging when applied to a priest who was specifically tasked with helping to maintain social harmony.[83] Calling a priest a thief would have implied that he disrupted the social cohesion that was his responsibility to maintain. This insult would have also have implied that the priest jeopardized wholesale his place in society. Convicted thieves could not be buried in consecrated ground, a restriction that substantiated their exclusion from society and, for priests, their expulsion from the ecclesiastical hierarchy.

Along with "larron" other slights that implied rebellion or defiance of social order were popular amongst priests. They called their targets, in rough order of frequency, thief (*larron*), fraud (*chicaneur*), deceiver (*trompeur*), and related terms such as derelict (*villain*), drunk (*ivroin*), notorious (*infame*), and excommunicate (*excommunicatus*) which could have the more general meaning of "delinquent".[84] As with insults of a sexual

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[82] Valérie Toureille, *Vol et brigandage*, 13-14.

[83] John Bossy, "Blood and Baptism: Kinship, Community and Christianity in Western Europe from the Fourteenth to the Seventeenth Centuries," *Studies in Church History* 19 (1973): 139.

[84] Gonthier, *Sanglant coupaul, orde ribaude*, 73-4, 99, 179.

Table 4: Insults Implying Social Deviance

Insults	Frequency of use
Larron	10
Chicaneur	5
Trompeur	2
Villain	2
Ivroin	2
Infame	1
Excommunicatus	1
Total	23

nature, these affronts to priests' honesty could cause them social and professional damage. Carroll notes that the French word *credit* could refer both to financial solvency and to a good reputation.[85] As with laymen, it was incumbent upon priests to maintain a reputation for honest dealings.[86] If they were reputed to hold social conventions in contempt, their business – ecclesiastical or secular – could be endangered.[87]

Charges of dishonesty and sexual misconduct could have an immediate effect on a priest's professional authority, as demonstrated by the following case. On 18 July 1485, a verbal fight broke out between two priests named Jean de Paris and Jean Louet. The record begins *in medias res*. It says Louet "assailed [de Paris] with rude words" and reminded him of a time when de Paris entered his church and paced during the service. De Paris' ambulation had annoyed Louet who threatened that, if de Paris repeated his actions, Louet would bring the service to a stand-still. The two bickered about this incident until de Paris said to Louet that the latter was not his superior and could not tell him what to do. Rather that order him about, de Paris suggested that Louet control his own chaplains who, he claimed, solicited women for sexual favors when they heard them in confession. One chaplain in particular, de Paris continued, "maintained" a woman, meaning most likely that he was in a long term relationship with her and possibly that he supported her financially.[88] De Paris threatened to name this chaplain, prompting Louet to threaten to name the woman with whom the chaplain was involved, who happened to be a relative of de Paris. In a desperate attempt to maintain control of the conflict, de Paris named his relative himself, depriving Louet of the opportunity to shame him but

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[85] Carroll, *Blood and Violence in Early Modern France*, 28.
[86] Neal, *The Masculine Self*, 97.
[87] Ibid., 99-100.
[88] Karras, *Unmarriages*, 151.

shaming himself and his relative in the process. In addition, de Paris' own sexual incontinence was made public, evidenced by the fine he paid the court for his three-year concubinary relationship with a woman named Jeanne la Bondise, whose fine he also paid.[89]

The charges of sexual misconduct, untrustworthiness, and unprofessionalism were tightly woven in this case. When Louet attempted to correct de Paris' behavior, de Paris not only denied Louet's authority over him but also questioned Louet's ability to exert authority over his subordinates. De Paris' accusations backfired, however, as his own hypocrisy and sexual misconduct were revealed and publicly punished through the court system. This case demonstrates that priests could negotiate their professional identities through conflict. This technique was dangerous, however, because priests risked harming their own reputations in their attempts to censure their opponents.

Priests fought over many things, such as debts, lawsuits, and women. Because their personal conduct affected their professional reputations, priests' socio-religious status was at stake in each conflict. Often, their professional status was an explicit concern when priests fought about their occupational responsibilities. For example, priests argued about how and when certain tasks should be performed and how much priests should be paid for performing each task. Priests represented in these registers took pride in the ability to carry out their jobs. For example, Guillaume Guerard was fined for laughing when another priest made a mistake while saying the mass and François de Larchant pulled the hair of the troublemaker Guillaume, son of Fenine when the latter

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[89] AN, Z[10] 18, fol., 124r.

said that he sung better than François. [90] As with accusations of dishonesty or sexual misconduct, such slights could be both personally and professionally harmful. Guerard and Guillaume insulted their victims' conduct and also undermined their professional authority by pointing out failings in their professional comportment.

Priests may have fought more about their professional status than anything else because of fierce occupational competition. Scholars tend to agree that priests suffered from unemployment in England and in France because there were more priests than there were benefices. [91] However, the amount of available benefices is difficult to gauge and, moreover, does not indicate the amount of work available to priests. Benefices associated with a particular parish might support several priests who assisted or substituted for the beneficed priest. Furthermore, obtaining a benefice was not the only way a priest could make a living.[92] All priests could expect piecemeal payment for each service they provided and, as I argue in Chapter 2, many relied on this piecework for support or to supplement other incomes. Violent conflict among priests may have been exacerbated, not because so many despaired of work as Thibodeaux has argued, but because so many of them worked. In Paris, it seems that priests were sometimes not given sufficient space or supplies to perform their duties properly. For example, Jean Pichon created a scandal by asking the cleric of Sts. Innocents to borrow a chalice. He delivered his request so loudly that he disturbed Michel Bolin who was at the time performing his role as a deacon during a mass. Bolin asked Pichon to speak more quietly which, the record states,

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[90] AN, Z[10] 21, fol. 38v; AN, Z[10] 19, fol. 232r.
[91] Siméon Luce, *Les Clercs Vagabonds à Paris et Dans l'Île de France Sous Louis XI*. (Nogent-le-Rotrou: Daupeley, 1878), 2; Geremek, *Margins of Society*, 147; Bonzon, *L'Esprit de clocher*, 127; See also Chapter 1, "Vying Vicars," 37-41.
[92] See Chapter 1, "Vying Vicars".

created a "moderate scandal".[93] This case illuminates many potential sources for conflict in each church. Several masses were often said at the same time and sacramental resources could be rare, in high demand, or not well inventoried. Indeed, the archidiaconal registers suggest that conflicts sometimes arose when priests needed to use the same sacramental items at the same time.[94] Furthermore, both Bolin and Pichon wronged each other in their attempts to ensure the correct administration of masses at Sts. Innocents, Pichon by interrupting Bolin and Bolin by correcting the behavior of his superior. Contrary to the strain of scholarship that argues that clerics circumvented or rebelled against the ecclesiastical institution because it could not employ them adequately, the archidiaconal court registers suggest that priests often came into conflict precisely because they were employed and were attempting to carry out their professional duties correctly.[95]

IV: Conclusion

The court does not seem to have dealt with sacerdotal violence as if it were a great social disruption. The violence that appears in the registers was mostly minor and the court tended to levy fairly light fines as punishment. Unfortunately, as with many other details of the juridical process, the registers are vague about the punishments given. However, we do know that the court issued a fine in about 80% of the cases examined in this chapter. In about 13% of the cases there is no result recorded which does not necessarily mean that the defendant necessarily went unpunished but could simply mean

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[93] "modicum scandalum," AN, Z^{10} 18, fol. 194r.
[94] For examples, see AN, Z^{10} 21, fol. 36v; Ibid., fol. 43r.
[95] For further discussion of professional conflict on priests' socio-religious status, see Chapter 3, "Malevolent Men".

that a punishment went unrecorded. In two percent of the cases, the judge issued a simple

warning (*inhibuit*) or called for an investigation and only in the remaining five percent of

cases did the judge hand down a more serious punishment such as suspension, prison, or

excommunication.

The fines that judges issued tended not to be large. In cases where the amount of

the fine is listed – about a quarter of the cases – the most common amount is also the

smallest amount assessed: four sous.[96] The next most common amount is eight sous and

the third is six sous. In the remaining third of the cases in which the amount is listed,

fines vary widely between 10 and 60 sous, the latter amount paid by a canon priest who

used a blade (*gladius*) to threaten a man called Little John with whom he was feuding.[97]

But these higher fines are exceptional and for the most part guilty parties were fined four

sous for a variety of crimes including insulting someone, pulling someone's hair, being

involved in a brawl, and stabbing someone. Four sous probably would not have been a

particularly onerous fine since, according to Poncher's statutes, priests could licitly

charge two sous for saying mass and could have earned more illicitly, sometimes by

saying more than one mass a day. The tendency of ecclesiastical courts to give light

punishments has prompted scholars who follow Geremek to argue that priests effectively

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[96] **Table 5: Fines Issued for Violence and Insults**

Amount	Number of cases
4 s.p.	14
6 s.p.	5
8 s.p.	9
10 s.p.	1
14 s.p.	1
20 s.p.	1
1 ecu	1
32 s.p.	1
60 s.p.	1
Total	34

[97] AN, Z[10] 19, fol. 57v.

escaped punishment for the crimes they committed.[98] This assertion raises a rarely asked question, however. If the punishments handed down by ecclesiastical courts were tantamount to exonerations, what was the purpose of bringing a priest to court?

To advance a theory about the utility of the church courts, it is first necessary to determine who was using them. Unfortunately, the record gives no indication of how the cases came to court in about half of those in which priests were defendants. However, in a little over 40% of the cases, the records show that defendants came to court of their own accord. Priests may have turned themselves in because they were pressured to do so by their superiors or confessors, because they were prompted to do so by social pressures, or because they first had to make restitution for their own crimes before bringing a suit against someone else.[99] In about 11% of the cases, the defendants came to court through a denunciation by another community member or by the *promotor*. The *promotor* could, of his own volition, initiate actions but also worked as a joint party with a complainant.[100] Without being able to quantify with precision, we can see that the court was organized to operate largely at the behest of individuals. That individuals sought out the court's services is an important reminder that people were invested in the ecclesiastical court system and found it useful.

The registers indicate that complainants who hoped to impose harsh punishments against their opponents would most likely have been disappointed. However, many scholars have argued that medieval courts functioned as public fora that meted out social

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[98] See Geremek, *Margins of Society*, 137; Armstrong-Partida "Conflict in the Parish," 181-3; Brundage, *Medieval Canon Law*, 144; Jaritz "The Bread-Knife," 88.
[99] Karras, *Unmarriages*, 153. See Introduction, 4-5.
[100] Pommeray, *L'Officialité archidiaconale de Paris*, 128.

retribution.[101] In many ways, the court was an extension of the informal economy of violence.[102] Outside of court, aggressors dealt slaps and punches to deprecate their victims' social standing, to challenge their authority, and to rectify social order. In court, testimonies often served the same purpose. By recounting the objectionable behavior of their opponents in court, complainants publicly impugned defendants' rectitude and challenged their social standing. Complainants also hoped to gain public recognition of the wrongs they suffered, which was a way of preserving their own social standing against extralegal challenges. The fine, like the slap, was not meant to debilitate the recipient, but served as a symbolic acknowledgement of the wrong suffered.

Priests who engaged in violence had to calculate whether the benefits derived from their actions would outweigh any negative consequences. Engaging in violence could, as scholars such as Cullum, Thibodeaux and Armstrong-Partida have emphasized, damage priests' reputations *qua* priests. This would have been especially true if priests were brought before a court and publicly reprimanded for their actions. Neal points out that conflict could expose priests to defamation and the ruination of their character but could also lead to vindication and buoy their social status.[103] The archidiaconal court registers show that violence was not always destructive but could be a means for priests to protect their professional standing. It was not competition for jobs, but the proximity within which priests worked, and the imprecision of their quotidian responsibilities, that were likely to cause or exacerbate tensions and conflict amongst priests. Priests attempted

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[101] Carroll, *Blood and Violence in Early Modern France*, 185, 212; Daniel Lord Smail, "Witness Programs in Medieval Marseille," in *Voices from the Bench: The Narratives of Lesser Folk in Medieval Trials*, ed. Michael Goodich (New York: Pelgrave Macmillan, 2006), 232, 238; Brundage, *Medieval Canon Law*, 232.
[102] Carroll, *Blood and Violence in Early Modern France*, 185.
[103] Neal, *The Masculine Self*, 97

to negotiate their positions and establish order in myriad ways, some of which can be detected in the court registers because they were illicit, such as verbal insults and physical conflict.

However, physical violence amongst priests does not seem to have been rampant or at least not of paramount concern to those who brought cases to court. Violence cases in which priests were defendants account for only 11% of the total number of cases involving priests found in the court registers. Even when priests did exercise violence, they showed some deference for the law. For the most part, priests committed low-grade violence, eschewing the use of weapons and avoiding bloodshed. Not only did priests fight to assert their professional rights and ensure the proper working of their churches, but they also upheld facets of ecclesiastical law though disregarding others.

Sacerdotal violence supported the institution of the church in much the same way that it reinforced priests' individual rights and reputations. As Dyan Elliott wrote, "according to the church's corporate logic, each cleric was not just an individual, but a symbol for the entire church"[104] Because priests used violence to defend themselves *qua* priests, they validated the institution that helped to shape their socio-religious identities through employment, regulation, legal defense and discipline. Furthermore, when priests brought their cases to court for resolution, they conceded to the church's claim to have the authority to settle their disputes. Thus, when priests committed violence outside of the court in the service of establishing professional rights and duties, they paradoxically

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[104] Dyan Elliott, "Sexual Scandal and the Clergy: A Medieval Blueprint for Disaster," in *Why the Middle Ages Matter: Medieval Light on Modern Injustice*, eds. Celia Chazelle et al. (London and New York: Routledge, 2012), 100.

supported the institution they disobeyed; when they brought their violence cases to court, they reinforced the institution that their squabbles challenged.

Rather than demonstrating a social rebellion against the institution of the church, therefore, cases of violence perpetrated by priests demonstrate how deeply they were invested in it. Priests squabbled to streamline their quotidian ritual obligations, to test their opponents' rights to act as social and religious leaders, and to protect their own. Even in the midst of fights they complied in some ways with ecclesiastical limitations on violence and they legitimated the ecclesiastical institution by appealing to its courts for public retribution. Priests committed violence, therefore, not to rebel against the ecclesiastical hierarchy, but to further integrate themselves into it.

Chapter Four:

The Case of the Wayward Women: Laypeople as Parapolice

According to canon law, priests were exempt from the medieval economy of violence. Nevertheless, as the previous chapter demonstrated, priests sometimes contravened church law and employed violence to protect their professional rights and legitimate the ecclesiastical hierarchy. This chapter is intended to complement the previous by examining cases of violence perpetrated, not by, but against priests. Specifically, this chapter examines violence committed against priests who allowed women into their homes. It argues that the archidiaconal court appropriated illegal lay violence against priests as a way of expanding its ability to enforce ecclesiastically mandated segregation between priests and women. The result of this tacit arrangement was that the domestic stability of priests and the women with whom they had contact was exposed to the vagaries of parishioners' judgments.

Early ecclesiastical jurisprudence reflected a belief that domestic proximity between a priest and a woman was a potential threat to the priest's chastity. As early as the Council of Nicea (325), theologians and legislators advocated to make priests' homes strictly masculine spaces. The third canon ratified at this momentous meeting "absolutely forbids a bishop, presbyter, deacon or any of the clergy to keep a woman who has been brought in to live with him, with the exception of course of his mother or sister or aunt, or

of any person who is above suspicion."[1] This statute is worded in a precise and pragmatic

fashion. It allowed clergy to establish households that mirrored the homes of married

laypeople, where both women and men contributed to domestic subsistence. At the same

time, the council intended to prevent clergy from breaking their vows of chastity, or more

precisely, to forestall any rumors that they had, by allowing clergy to live only with

women not deemed likely to be sexual partners.

Before long, however, ecclesiastical intellectuals tightened restrictions on women

in priests' homes. These ecclesiastics were heavily influenced by Augustine of Hippo.

Intellectuals such as John Cassian, Pope Gregory I, Hincmar of Reims, Gregory VII and,

perhaps ironically, Peter Abelard made allusions to Augustine's refusal to live with his

sister which Augustine purportedly did because, in his words, "the people who are with

my sister, are not my sisters".[2] With this observation, Augustine widened the perceived

threat to men's chastity from viable sexual partners to include anyone who associated

with women considered to be viable sexual partners. In other words, Augustine perceived

women's homosocial communities as a danger. Chaste men should not bring female

relations into their homes because they might be accompanied by other women who

could tempt him.

Augustine's *bon mot* appears in the *Decretum* as an excerpt from a letter written

by Pope Gregory VII (c. 1020-1085).[3] The canons included in the *Dectreum* are generally

hostile toward any sort of contact between priests and women. For example, Pope

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[1] Tanner, *Decrees of the Ecumenical Councils*, 7; on the history of clerical celibacy also see Blumenthal, "Pope Gregory VII and the Prohibition of Nicolaitism," 240.

[2] "Quae cum sorore mea sunt sorores meae non sunt," John Cassian, *Collationes*, in J. P Migne, *Patrologia Latina* (Ann Arbor, MI: ProQuest Information and Learning Co., 1996), 1145; Gregory I, *Epistolae*, ibid., 996; Hincmar of Reims, *Capitula synodica*, ibid., 780, 1097; Gregory VII, *Acta*, 764; Peter Abelard, *Epistolae*, 343.

[3] Friedberg, *Corpus Iuris Canonici*, dist. LXXXI, c. XXV

Symmachus (d. 514) is quoted in the *Decretum* as forbidding priests from consorting with any woman unless she was the man's mother, sister, or wife who was "governed by chastity".[4] The most vitriolic passages regarding contact between priests and women in the *Decretum* condemned cohabitation. For instance, canon twenty-three, again quoted from Gregory, reads:

> It is not licit for priests to live with women...It is proper for priests, to whom the people of the Lord are entrusted, to watch over the Lord's sheep with great constancy of the soul, to not be torn by the wolf's teeth, that is, the snares of the devil. Therefore, I cannot be silent on this, which I say with grave sadness of the soul, having seen priests living with women; which is abominable to say or hear and against the sanction of the holy canons.[5]

Although this passage unambiguously condemns, not only the practice of priests living with women but also the mere mention of it, the *Decretum* ultimately allowed for numerous exceptions. For instance, the *Decretum* includes an excerpt from the canons of the third Council of Carthage (397) which forbade all clerics, including priests, from living with any women excepting mothers, grandmothers, aunts, sisters, nieces, as well as any family members the priest had lived with for "domestic necessity" prior to ordination. A priest could also live with his son's wife and their female servants, provided his son was recently married and had not yet lived elsewhere.[6] Presumably, if later in life a priest's son could no longer maintain an independent household, he would

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[4] Volumus, ut sacerdotes prohiberi debeant, ne cum mulieribus conuersentur: excepta dumtaxat matre, uel sorore, uel uxore, quae caste regenda est," ibid., dist. LXXI, c. XXIV. Some priests were ordained after marriage. For more on the relationship of husband and wife after the adoption of vows of chastity, see Dyan Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton, N.J.: Princeton University Press, 1993).

[5] Simul cum mulieribus sacerdotes habitare non licet. Item Gregorius. Pars. Oportet sacerdotes, quibus populus Domini commissus est, cum magna constantia vigilare desuper dominicas oues, ne lupinis morsibus, id est diaboli stimulis lanietur. Neque enim hoc silere debeo, quod cum graui animi tristitia dico: sacerdotes cum feminis habitare conspicio; quod nefarium est dicere vel audire, et contra sanctorum canonum sancita," Friedberg, *Corpus Iuris Canonici*, dist. LXXXI, c. XXIII.

[6] "domestica necessitate," ibid., dist. LXXXI, c. XXVII

have to find an alternate solution to moving his family into his father's house. Although

rhetoric against priests living with women from the fifth to the twelfth century advocated

strict separation, therefore, laws also made allowances for the continuation of established

domestic practices which presumably mirrored lay social practice.

The council of Mainz had taken a harder line in 813 and the *Decretals* of Gregory

IX, compiled in the mid thirteenth century, brought this to people's attention:

> It is forbidden – in all ways ferociously forbidden – for any priest to
> keep in his house any woman about whom there can be suspicion, just
> as it is stated in the canon. But [the priest] also cannot [keep] those,
> whom the canons allow – a mother, aunt, or sister – because, instigated
> by the devil, even in these, or in their female attendants, a crime is
> frequently discovered.[7]

The *Decretals* provided a basis on which to eliminate allowances for domestic

cohabitation made through previous ecclesiastical legislation. This could be done on the

grounds that such allowances could prompt the priest to commit worse sexual crimes than

sleeping with his servants, namely incest. However, by citing this canon, the *Decretals*

also preserved an awareness that that strict legislation such as this could deprive women

of the domestic support priests provided. The council of Mainz allowed priests to keep

houses where their female dependents could live, but stipulated that these houses must be

maintained publicly to allay any suspicion of wrongdoing. Conversely, the canon did not

provide guidance for priests who now had to fare without the domestic labor,

companionship, and income that women typically contributed to medieval households.

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[7] "Inhibendum est et modis omnibus interminandum, ut nullus sacerdos feminas, sicut [et] in canone insertum continetur, de quibus suspicio potest esse, in domo sua retineat, Sed neque illas, quas canones concedunt, [scilicet] matrem, amitam et sororem, quia instigante diabolo et in illis scelus frequenter perpetratum reperitur, aut etiam in pedissequis earundem. Sed si qua de his talem patientem necessitatem habuerit, presbyteri habeant in vico aut in villa domum longe a sua conversatione, et ibi eis quae sunt necessaria subministrent. Sed secundum auctoritatem canonum modis omnibus Prohibendum quoque est, ut nulla femina ad altare praesumat accedere, aut presbytero ministrare, aut infra cancellos stare sive sedere," ibid., lib. III, titl. II, cap. I.

Left without a new model of domestic subsistence, many priests perpetuated the old by continuing to live with women.

In France, statutes issued by the episcopacy reflected the constraints on domestic contact between priests and women outlined by canons included in the *Decretum* and the *Decretals*. Eudes de Sully, bishop of Paris from 1198 to 1208, said that no woman, except for mothers or sisters, could be allowed in a priests' home. Statutes issued by an unidentified bishop in the fourteenth century ordered priests to be rid of all their concubines within a fortnight.[8] In the early sixteenth century, Étienne Poncher insisted on more strict segregation, expressly forbidding priests from living with female family members on the basis of Augustine's popular aphorism:

> we make known to all clerks, of whichever order, state, dignity, or
> condition they may be, that they should not admit into their houses
> young women who can give rise to suspicions, even those whom the
> canons authorize, their mother, their sister, and other relatives; because
> as St. Augustine said: "the people who are with my sister, are not my
> sisters": we exhort them to be attentive on this point".[9]

Through international and national ecclesiastical legislation, therefore, there is a consistent trend towards placing restrictions on the cohabitation of priests with women with only occasional regard for any domestic or social disruption such legislation might cause.

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[8] "Monemus, primo, secundo, et tertio ac peremptorie omnes personas Ecclesiasticas, concubinas notorie tenentes ; ut ipsi infra quindecim dies, quorum dierum quinque pro primo, quinque pro secundo et quinque pro tertio ac peremptorio termino ac monitione canonica assignamus, fatuas mulieres suas et concubinas a se totaliter amoveant et dimittant, et ab eorum domo et consorio expellant omnino; alioquin, dicto termino elapso, ipsos, si fuerint infra sacros constituti, suspendimus a divinis; et alios excommunicamus : illos vero qui infra fuerint constituti, si per octo dies huiusmodi suspensionem sustinuerint, praefata canonica monitione praemissa sententia excommunicationis innodamus, eos autem qui huiusmodi sententiam incurrerint seu incurrerunt, faciemus publice nuntiari," de Champvallon, *Synodicon ecclesiae parisiensis*, 35-6.

[9] "Nous faisons savoir sux Clercs, de quelqu'ordres, état, dignité ou condition qu'ils soient, qu'ils ne doivent pas admettre dans leur maisons de jeunes femmes qui puissent faire naître des soupçons, pas même celles que les Canons autorisent, leur mère, leur sœur et autres parentes ; parce qu'ainsi que le disait saint Augustine : *Les personnes qui sont avec ma sœur, ne sont point mes sœurs* : nous les exhortons à être attentifs sur ce point," Sibour, *Actes de l'église touchant la discipline et l'administration*, 116.

Perhaps it was in part because parish residents recognized priests' reliance on women for certain forms of domestic support that they generally tolerated illegal cohabitation. Scholars have demonstrated that parishioners generally overlooked it when a priest lived with a woman if the priest otherwise fulfilled his personal and professional obligations. Indeed, the Parisian court registers demonstrate that many priests lived with women for decades, sometimes raising children with them, before their crime ever came to the attention of the court. It was usually not until the priest or his partner did something to make someone in the parish angry that anyone brought their infraction to the attention of the court.[10]

The current study suggests that priests' relationships with women did not often come to court, not only because many priests and women maintained positive relationships with parishioners, but also because it could be difficult for accusers to access the ecclesiastical legal apparatus, especially those living in rural parishes. The church lacked a centralized enforcement agency, such as a police force, and relied heavily upon informants and denunciators to bring parish delinquents into its purview. The main investigatory mechanism of the court was the visitation, a tour taken by the archdeacon, or more likely his vicar, of all the parishes in the archdeaconry. Visitors of the archdeaconry of Paris monitored a significant territory which encompassed approximately 180 rural and urban parishes. During visitations, parishioners would have the opportunity to report any crimes that fell under ecclesiastical jurisdiction and which had taken place since the previous visitation. But parishes were visited infrequently.

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[10] Karras, *Unmarriages*, 149-151.

Theoretically, each parish was visited once a year but in reality, visitations sometimes took place as seldom as once every two years.

Community members did not have to wait for visitations to report illegal behavior, however. There is some evidence in the court registers that those who lived in the city could denounce priests to royal guards. Residents of any parish could denounce wrongdoers to the priest's immediate superior, the archpriest or dean. It may be that some priests who are reported to have come to court of their volition had been ordered to do so by their superiors, although this procedure is not explicitly described in the records. Parishioners could also have reported their grievances with their priests directly to the court, or its representatives, at any time. Those who chose to do so, however, could face difficulties. Traveling to court, located on the eastern tip of the Île de la Cité, could take two-thirds of a day or longer from the farthest reaches of the archdeaconry. To appear before the archidiaconal court, therefore, complainants and plaintiffs on the periphery would have to leave their work and families for at least three days accounting for round-trip travel and a day spent at court. In reality, their absence would be much longer, as court cases could last months from the time an accuser initiated an action. [11]

I. *Socii* : Lay Enforcement of Domestic Segregation

Parishioners sometimes found it easier or more efficacious to solve their problems extralegally rather than through the ecclesiastical court system. Perhaps counter-intuitively, evidence of such extralegal problem-solving techniques can be found in the court registers. For example, on 23 September 1484, the court's *promotor* accused a

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[11] For a more thorough explanation of the archidiaconal court's oversight of its parishes see Introduction, 5-6.

woman named Jeanne de Laurence of allowing herself to be deflowered and kept as a

concubine by Pierre de la Renert, priest and *firmarius* of Le Plessis-Bouchard, a village

roughly 20 kilometers northwest of the Île de la Cité.[12] Jeanne's relationship with de la

Renert raised the ire of a group of people the court register referred to as "*socii villae*."[13]

These *socii* first appear in the register's narrative arriving at their parish priest's house

and beating on his door. Inside the house were the resident chaplain, de la Renert; Michel

Bonissent, curate of Aquabona; and three women including Jeanne, who was the only one

of these woman named in the register. To elude the *socii*, the two priests disguised Jeanne

in men's clothing – the record says nothing of the two other women in this regard – then

spirited all the women out of the house. With the *socii* in pursuit, the priests and women

fled from the parish priests' house to Ermont, a village just under three kilometers from

Le Plessis-Bouchard. Once there, the fugitives doubled back to Le Plessis-Bouchard

where Jeanne took shelter in the house of a woman, referred to in the records simply as

Chenat. Nothing is mentioned of the other women from this point on. Of Jeanne we learn

that, once installed in Chenat's home, the *socii* left her and continued their pursuit of the

two priests.[14]

The *socii*'s attack on the group in the presbytery seems to have been prompted by

multiple infractions of church law committed by the identified parties. Regarding Jeanne,

the registers indicate that she was a regular at de la Renert's house. Two years prior to the

case cited above, Jeanne had lived with de la Renert for either six weeks or three months,

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[12] *Promotors* were court officials who, on their own authority, could investigate accusations and bring suits before the court. See Pommeray, *L'Officialité archidiaconale de Paris*, 126-7; Introduction, 4. A *firmarius* was a priest working under or substituting for a beneficed priest. See Chapter 1, "Vying Vicars," 40-41.
[13] "associates of the village," AN, Z[10] 18, fol. 82v.
[14] Ibid., fols. 82v, 84r.

depending on whether her claim or the *promotor*'s is to be believed. After this time, Jeanne left de la Renert's house, but, according to the *promotor*, returned several times thereafter, a detail which Jeanne denied. De la Renert, too, had violated church law more than once. Less than 10 months prior to the case cited above, de la Renert and the chaplain of Ermonte, Ricard de Balle, had been accused of entering the home of a man named Jean du Cloux with "many other ecclesiastical men" where they attempted to rape two women who were there.[15] In addition, Michel Bonissent, the priest who abetted Jeanne's escape from the presbytery was simultaneously involved in an extended case in which he and three other priests, "*suis sociis,*" stood accused of stealing a full bottle of wine and a cooked leg of mutton from the priest of Franconville.[16] The *socii* of Le Plessis-Bouchard seemed to have reached the limits of their tolerance at the moment when de la Renert and Bonissent welcomed Jeanne back into the presbytery. It was at this moment that the group of hostile parishioners knocked on his door.

The *socii*'s attack has some similarities with the "punitive expeditions" described by Claude Gauvard in her 2001 article on female honor.[17] Women's honor, she argues, was contingent on their virginity, if unmarried, or their fidelity, if married. Should a woman's sexual purity be impugned or assaulted, a woman's most immediate male family members were responsible for avenging the damage done to her honor. Any man who did not follow through on his duty to defend his kin would have likewise suffered damage to his honor. Therefore, it was not uncommon for a woman's immediate male family members to organize violent attacks or "punitive expeditions" against men who

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[15] Ibid., fol. 69r.
[16] Ibid., fols. 77v, 79v, 84r, 84r.
[17] Gauvard, Claude, "Honneur de femme et femme d'honneur en France à la fin du Moyen Âge," *Francia (Paris): Forschungen Zur Westeuropäischen Geschichte* 28:1 (2001):164

damaged a woman's reputation for sexual purity. The goal of these attacks, much like the violent attacks described in the previous chapter, was to reassert the personal integrity of the woman and her family.

Applying the model of Gauvard's "punitive expeditions" to the case of Jeanne de Laurence helps to reveal the regulatory effects of the *socii*'s attack on the presbytery at Le Plessis-Bouchard even though this incident diverges in key ways from Gauvard's model. First, it seems unlikely that the *socii* felt any responsibility for Jeanne's honor. What little personal information is recorded about her in the court registers implied that she had no familial support. The register states that she was a single woman residing five kilometers from Le Plessis-Bouchard in the village of Sannois where she lived in the house of a woman named Jeanne de Clou. Jeanne de Clou had been summoned to the court, perhaps as a witness to Jeanne's actions or character, but did not appear because she was deceased. A picture begins to emerge from the records of Jeanne de Laurence as unmoored from family and, perhaps at the recent death of her landlady, deprived of reliable room and board. The narrative of the court record does not allow for definite inferences, but it is possible that the death of Jeanne de Clou prompted Jeanne de Laurence to return to Le Plessis-Bouchard and seek room and board with de la Renert. Presumably the *socii* who launched the punitive expedition in Le Plessis-Bouchard were not related to Jeanne de Laurence and therefore, according to Gauvard's model, would not have been obligated to protect her sexual purity or her reputation. Indeed, not having the support of a family or a steady home likely made Jeanne vulnerable to the *socii*'s humiliating attack.

That the objective of the punitive expedition was to further harm, rather than protect, Jeanne's honor, suggests that she was perceived as the threat to de la Renert's sexual purity. Understanding Jeanne as a sexual threat imposes a gender reversal on Gauvard's model of the punitive expedition which implies that de la Renert was the victim of a sexual offense. This reversal would be consistent with medieval models of sacerdotal sexuality which portrayed clergy as vulnerable to the advances of rapacious women.[18] Further applying Gauvard's model would suggest that the *socii* perceived themselves as invested in protecting de la Renert's sexual purity for the sake of preserving their own honor. Scholars have suggested that parishioners were selective when reporting priests' illegal relationships with women. Current research tends to portray denunciations resulting, not from the discovery of illegal relationships, but from some other catalyst such as a personal feud between the priest and his denouncer; a priest's neglect of his sacerdotal duties; or a public scandal created by the priest and his partner.[19] It seems likely that de la Renert's repeated misbehavior, his association with a disreputable element, and Jeanne's most recent return had reached the outer limits of what the *socii* of Le Plessis-Bouchard could tolerate. Viewed through the lens of the punitive expedition, it seems likely that the *socii* took it upon themselves or were driven by local expectations to act on behalf of the parish. The punitive expedition may have been meant to, first, put a stop to de la Renert's scandalous actions and, second, to expiate the damage his misbehavior was doing to the honor of the residents of Le Plessis-Bouchard.

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[18] See for example Dyan Elliott, *Fallen Bodies*.
[19] For a brief summary of relevant research see Karras, *Unmarriages*, 150-151.

While the *socii* were attempting, possibly, to protect their own honor or the reputation of the parish, their punitive expedition reinforced the authority of the church. Their actions punished a delinquent priest according to church laws in ways similar to official ecclesiastical enforcement procedures. The *Decretals* include a selection of a letter from Pope Alexander III (c. 1100 – 1181) to the archbishop of Salerno in which he states that concubines whom clerics in sacred orders keep publicly in their homes should be removed to avoid "sinister suspicion".[20] Similarly, the archidiaconal court most commonly dealt with breaches of domestic segregation of priests and women by fining the offending priest and ordering him to oust the woman in question from his home. The parishioners' punitive expedition, therefore, echoed the regular course of action taken by the archidiaconal court by coercing de la Renert to oust Jeanne.

The punitive expedition also mirrored ecclesiastical enforcement in its procedure and tenor. The *Decretum* includes a statement from Pope Eugene II (d. 827) that priests should be warned three times to remove any women from their homes and, should they not comply, they should then be excommunicated.[21] As seen in the court register, Jeanne had been to de la Renert's home two or more times. Only after multiple infractions of the same law did the *socii* take the extreme measure of launching a punitive expedition. Excommunicating de la Renert was obviously beyond the powers of the *socii* but the purpose of excommunicating priests who had inappropriate contact with women was, as Eugene wrote, "so that others would be terrified by their example."[22] Thus, through the punitive expedition, the *socii* were able to conform to ecclesiastical juridical intent even

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[20] "sinistra suspicio," Friedberg, *Corpus Iuris Canonici*, lib. III, titl. II., cap. III.
[21] Ibid., dist. LXXXI, c. XXII
[22] "ut alii eorum exemplo perterriti," ibid., lib. III, titl. II., cap. III.

if not by utilizing the same methods. The humiliation of being chased from one village to the next with at least one woman disguised as a man would not only have been punitive, but would have also served as a deterrent for like-minded priests. Therefore, without the power to levy fines and issue excommunications, the punitive expedition nevertheless upheld ecclesiastical law and punished those found in de la Renert's house in ways that were consistent with punishments dictated by the ecclesiastical infrastructure.

The *socii*'s actions conformed to a long tradition of lay regulation of priests. In 1059, the Lateran Council forbade openly married priests from singing the mass, reading the gospels and epistles, being in the choir room during the divine office, and from obtaining a benefice. To ensure enforcement of these decrees, the council called on laypeople to boycott masses said by priests whom they knew to have a concubine or "unlawful woman" until the matter could be adjudicated by the pope.[23] From this point, the boycott became an integral, albeit contentious, element of the eleventh-century reforms.[24] These reforms outlawed lay appointments through simony but also enshrined a limited means by which laypeople could control sacerdotal conduct. Church regulations called upon laypeople to render informal verdicts and enact punishments by assessing which priests had inappropriate contact with women and refusing their services. In this way, laypeople exercised some control over parish administration as enforcers of ecclesiastical dictates.

In the late middle ages, both ecclesiastics and laity throughout Europe expressed a diversity of opinions regarding lay enforcement of ecclesiastical statutes. For instance, in

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[23] It should be noted that boycotting masses said by concubinary priests was a coercive measure and in no way reflected the Donatist belief, deemed heretical at the Council of Arles in 314, that masses said by sinful priests were invalid. See Chapter 1, "Vying Vicars," 47-48.

[24] Blumenthal "Pope Gregory VII and the Prohibition of Nicolaitism," 242-53.

England, Lollards advocated for priests to be appointed through election and in Germany and Switzerland some parishes successfully instituted this change. Lay incursions into ecclesiastical regulation were not always successful, however. In the Low Countries, Geert Grote was suspended for criticizing priests who lived with women and for calling upon members of the Modern Day Devout to boycott sinful priests.[25] Katherine French relates an incident in which English parishioners refused to provide Pax bread in order to gain leverage in a dispute regarding the expansion of rights for their chapel. Their protest did not have the desired effect, however. The parish churchwardens reported the recalcitrant parishioners to the bishop who sided with the curate in his judgment.[26] The boycott was not always effective and was opposed by important theologians such as Thomas Aquinas. However, it was a strategy enshrined in canon law and promoted by thinkers as divergent as Albert the Great and the anonymous Lollard author of *De precationis sacris*.[27]

In late medieval France specifically, some prominent theologians suggested that laypeople were partially responsible for judging and amending priests' behavior. For instance, Jean Gerson proposed that a woman who believed her confession might sexually arouse her priest should confess to another, even if her own priest had not given her license to do so. Gerson's imaginary woman was accountable for any mental contamination the priest might suffer from his own "inadvertently truant imagination".[28] The solution proposed by Gerson was rather extreme because it necessitated the woman contravene church law to protect her priest's mental chastity. Confessing to someone

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[25] Van Engen, "Multiple Options," 264-276.
[26] French, *The People of the Parish*, 25.
[27] Minnis, *Fallible Authors*, 59-60.
[28] Elliott *Fallen Bodies* 24.

other than one's own priest without license was an offense that could result in a fine for both the parishioner and the parishioner's designated priest.[29] Gerson considered transgressing jurisdictional boundaries a lesser wrong than risking the purity of a priest's soul in unburdening one's own. Although only in the hypothetical, Gerson supported the notion that parishioners had a responsibility to take sometimes difficult measures to monitor their priest and to protect him from sin.

Olivier Maillard brought the hypothetical to life in his sermons, admonishing his audience through melodramatic rhetoric to actively regulate priests' lives. On the subject of "ecclesiastical whores," he gives his audience the following provocative instructions: "you must not tolerate them, but expel them from your houses, and today is even better than tomorrow."[30] Rossiaud argues that Maillard's inflammatory sermons were meant to terrorize women into changing their behavior, advocating attacks on priests' partners and recruiting parishioners as his instrument of terror.[31] Not content with ordering their expulsion from priests' homes, he decreed that women who had sexual relations with priests must be shunned completely.

However, Maillard's histrionics were met with skepticism. Contemporary transcriptions of his sermons include rebukes he made to his audience for chatting and sometimes laughing while he was speaking; hardly the reaction of an audience transfixed with terror.[32] Even Maillard himself preached caution when assessing priests' relationships with women. In several sermons he instructed his audience to give priests

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[29] See Chapter 1, "Vying Vicars," 52-53.
[30] Qtd. in Rossiaud, *Medieval Prostitution*, 146.
[31] Rossiaud, *Medieval Prostitution*, 152.
[32] Arthur le Moyne de la Borderie, *Oeuvres Français d'Olivier Maillard: Sermons et Poésies* (Nantes: Société des Bibliophiles Bretons, 1877), 7.

the benefit of the doubt. "If you see a priest kissing a woman," he says, "you should assume that he is giving her a blessing."[33] Maillard, therefore, simultaneously called upon his listeners to take action against priests' concubines while encouraging them to be slow to identify women as priests' sexual partners.

In a broader context, clerical celibacy was not universally accepted even within the church hierarchy. The policy came under attack at the Councils of Constance (1414-18) and Basel (1431-45) on the grounds that it was simply too rarely achieved in practice to be insisted upon in theory. Even Jean Gerson, who supported the ideal of clerical celibacy, argued for tolerance of priests' concubines as a viable, albeit undesirable, outlet for priests' sexual energy.[34] Although there was a diversity of views on clerical celibacy and women in priests' homes, official church doctrine continued to mandate strict segregation between the two sexes.

Perhaps as a result of this diversity within the ecclesiastical structure itself, the archidiaconal court maintained what Nella Lonza called in an analysis of a thirteenth-century court case against a priest who assaulted a nun, "a consensual approach to public opinion."[35] Just as parishioners generally seem to have been tolerant of priests' relationships with women, the archidiaconal court does not seem to have insisted on greater enforcement than parishioners were willing to provide, perhaps because it did not have the ability to enact stricter enforcement itself. At the same time, as the court's

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[33] "si videas sacerdotem mulierem osculari debes interptari quod dat ei benedictionem," *Sermones de Adventu*, Paris: Antoine Caillaut, 1497, fol. 15r.
[34] Karras *Unmarriages* 123; Brown, *Pastor and Laity in the Theology of Jean Gerson*, 55.
[35] Nella Lonza, "The Priest Barbius and His Crime before the State and Church Authorities of Medieval Dubrovnik," in *Violence and the Medieval Clergy*, eds. Gerhard Jaritz and and Ana Marinković (Budapest: Central European University Press, 2011), 85.

judgments related to the incident at Le Plessis-Bouchard indicates, the court tacitly

sanctioned parishioners' punitive expeditions as a regulatory measure.

First, the court levied a fine against Jeanne de Laurence. Jeanne was the only

woman of the three found in de la Renert's house who was punished. Her punishment

was unusual. The archidiaconal court most often, though not exclusively, levied

judgments only against priests involved with women and not against the women

themselves.[36] Indeed, the court reduced Jeanne's fine from an unspecified amount to four

sous explicitly because of her womanly "simplicity and frailty," exacerbated, as the

record states, by the fact that she was not married.[37] Although seeming to consider Jeanne

in need of mercy, the court was not able to avoid giving Jeanne any punishment,

presumably because of the outrage her repeated criminal activity caused in the parish.

Likewise, the court fined de la Renert an unspecified amount for having had carnal

knowledge of Jeanne de Laurence and for spiriting her and the two other women out of

his house when the angry parishioners arrived. Interestingly, the court did not specifically

punish Bonissent for his involvement with the women in the presbytery but he was fined

an unspecified amount for his role in the mutton theft mentioned above. Perhaps the court

felt this punishment provided enough atonement for both crimes.

Notably, the court also fined a man named Ondius Fiselin, the chaplain of

Andilly, a town located a little under seven kilometers from Le Plessis-Bouchard. The

record states that, having heard of the *socii*'s attack on Bonissent, Fiselin armed himself

with "a staff, called *de vouge* in French," and traveled in disguise from Ermonte to Le

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[36] Karras *Unmarriages* 156
[37] "simplicitate et fragilitate mulieris maxime cum non sit coniugata," AN, Z[10] 18, fol. 82v.

Plessis-Bouchard "so that he might help" Bonissent.[38] Bouchard had perhaps seen the

punitive expedition as an attack on his fellow priest and associate which he was obligated

to avenge, in much the same way that the *socii* might have seen de la Renert and

Bonissent's bad behavior as their own call to action. The court likely fined Fiselin in an

attempt to stop a feud from erupting or to end a longstanding feud. In this judgment we

see a similarity with the application of the law in the *Parlement* of Paris which, according

to Gauvard, issued judgments less to apply a universal standard of justice than to staunch

the recursive damage of vendettas.[39] The court judgments make it clear that Jeanne and

the priests were wrong to congregate at the presbytery and, moreover, that Ondius had no

right to stand up for a man who had been informally punished by the community for

attending this gathering. In other words, the actions of Jeanne and the priests were

indefensible both in and outside of the courts.

  Conversely, there is no evidence that the court issued any judgments against the

socii even though such a judgment might have been more effective in ending a feud by

cutting it off at an earlier overture. That there was no judgment against the *socii* is even

more striking because the court had a right and responsibility to punish those who

assaulted priests or assailed their homes.[40] The court's judgments suggest that, because

the priests had broken church laws that mandated domestic segregation, these priests had

no right to appeal to ecclesiastical law for their own protection. If the judgment against

Jeanne and the priests can be interpreted as a declaration of their wrongdoing, the lack of

a court judgment against the *socii* can be interpreted as a tacit exoneration of their

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[38] "uno baculo de vouge galice," "iuvaret," AN, Z[10] 18, fol. 84r.

[39] Claude Gauvard, *Violence et ordre public au Moyen Age*, (Paris: Picard, 2005), 44-47.

[40] Pommeray, *L'Officialité archidiaconale de Paris*, 222, 232.

actions. Therefore, in this case, we see that the archidiaconal court appropriated lay violence against priests and women as a means of enforcement. The punitive expedition was a form of punishment through violence and humiliation that mirrored ecclesiastical juridical procedure and that could be committed with impunity provided that the court found the priest guilty of inappropriate domestic contact.

Indeed, as the following case will demonstrate, parishioners could employ an asymmetrical response in instances when priests did not uphold strict domestic segregation. On 19 August 1493 the court scribe entered an incident into the registers which took place in Dampmart, a village roughly 30 kilometers from the Île de la Cité. A woman referred to in the registers only as the wife of Jean Crosecte was dining in the home of her local priest, Henri Bondeau and the priest Jean de la Grouche.[41] By dining together, Crosecte's wife and the priests were running a risk. Sharing food and drink brought priests and women into close domestic contact. In addition, food and drink were considered gateway luxuries that led one to greater temptation. As Eustace du Bellay wrote in his statutes, "without Ceres and Bacchus, Venus remains cold" and, therefore, advocated fasting as an effective technique for quieting concupiscence.[42]

Theoretical links among sex, eating, and drinking associated all three with marital life, as reflected in the court registers. On 20 January 1493 the court cited Jean Cibart, a priest, because he kept "Jacqueline la Puissanne in his house 'as though she were his

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[41] The register refers to Jean de la Grouche as Henri Bondeau's "master". Perhaps Bondeau was a priest in training or a priest de la Grouche hired to assist him with his job duties. For more on the phenomenon of subcontracted sacerdotal labor see Chapter 1, 40-41, 45-47; AN, Z[10] 20, fol. 14v.

[42] "quia sine Cerere & Baccho friget Vinus," de Champvallon, *Synodicon ecclesiae parisiensis*, 357. For more on the association between food and sex in the middle ages see April Harper, "'The Food of Love': Illicit Feasting, Food Imagery and Adultery in Old French Literature," in *Medieval Sexuality: A Casebook*, ed. April Harper and Caroline Proctor (New York: Routledge, 2008), 81-97.

wife, drinking, eating, and spending the night, knowing her carnally and committing adultery'."[43] The wording of this case indicates that eating with a man was one aspect of a spousal relationship. In eating and drinking together, therefore, Crosecte's wife and the priests created a domestic scene that flouted the church's ban on domestic contact and gave the impression that they might be engaging in other aspects of marital life together.

The transgression of this dinner and its suggestive implications created an opportunity for scandal to arise in Dampmart. At nine in the evening, Denis Pasquier, Andreas Chomas, "and many other *socii*", arrived at Bondeau's house and beat on his door. When he heard the knocking, Bondeau spirited Crosecte's wife out his back door, just as de la Renert had done nine years earlier with Jeanne. However, in this instance, the parishioners were able to capture Crosecte's wife. They seized her and, in the middle of the street, stole her purse, some of her rings, and her tunic.

Although the court launched an investigation into the incident, there is no record that the parishioners were ever punished for their violent intrusion into the priest's home or for stripping and robbing Crosecte's wife. In Dampmart, as in Le Plessis-Bouchard, the *socii* were able to apply with impunity an extralegal punishment on those who contravened the church's ban on domestic contact between priests and women. In addition, these punitive expeditions were effective methods for bringing infractions to the attention of the court because of their public nature. For example, in Dampmart, the spectacle of a woman being spirited out of a priest's home, captured, and robbed would have ensured, first, that there were many witnesses who could later testify to the fact that the priests had a woman in Bondeau's home; and second, that this infraction would either

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[43] Karras *Unmarriages* 160; AN, Z[10] 19, fol. 282v.

be remembered well enough to be reported at the next visitation or that someone might take it upon themselves, because the incident was so scandalous, to report the incident to the court immediately. Unfortunately, we are left with only speculation as the court registers do not specify exactly how these crimes came to the court's attention.

In addition to being useful for initiating a legal action, creating a scandal would go far in securing a judgment against offending priests, though not necessarily the woman involved. A "scandal" was not only a social uproar, but was also a legal charge developed by theologians and ecclesiastical administrators in the thirteenth century. Under the charge of scandal, the church courts could prosecute a priest for committing any action that reflected poorly on him and, by extension, the church.[44] This charge allowed the court to punish priests for a wide variety of improprieties including drinking too much in taverns, having loud or violent arguments, celebrating mass with a shaved head, wearing a beard, and wearing a fool's cap.[45] Most charges for scandal, though, were levied at priests who were discovered with women.

By creating an uproar, parishioners who embarked on punitive expeditions took advantage of the court's strong stance against scandal to prompt its officials to take action. The pressure that a punitive expedition could exert on the ecclesiastical court is evident in the record of the incident at Dampmart. The register includes language that comes to the diners' defense, stating that Crosecte's wife had obtained her husband's permission to dine with the priests and that Jean had de la Grouche's permission to host Crosecte's wife. The record also includes the unusual editorial note that, aside from

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[44] For a more thorough discussion of scandal see Introduction, 10-12.
[45] See for example AN, Z[10] 19, fol. 161v, 233v.

dining with the priests, Crosecte's wife committed "no other wrongdoing," perhaps implying that the court believed there was no sexual impropriety committed at this meeting.[46] Although the register emphasized that the dinner was approved by the diners' social superiors and that no additional misconduct took place, nevertheless, the court charged the priests because they had created a scandal. By allowing Crosecte's wife into Bondeau's home they, according to the court, had prompted the punitive expedition.

Crosecte's wife, unlike Jeanne de Laurence, was not cited by the court for her part in the scandal. This lack of punishment suggests a difference in perceptions of guilt between officials of the court and members of the community. In the two cases examined above, the punitive expeditions removed women from priests' homes and subjected them to public humiliation: in Le Plessis-Bouchard, parishioners involved Jeanne in a three mile chase; in Dampmart, parishioners publicly robbed and partially undressed Crosecte's wife. In both of these cases, the parishioners directed their punishments at the women involved as much, if not more than, the priests who allowed them into their homes. The court, however, typically shifted the blame for these incidents from the women to the priests who housed them. In the court, the public humiliation of the woman involved was primarily regarded as a revelation of, and evidence for, the *priests'* wrongdoing.

The evidence from these cases suggests a symbiotic relationship between the court and members of the parish predicated on the victimization of priests' female companions. Women were rarely punished by the court in cases of mixing with priests but the court registers provide evidence of an informal system of justice that punished

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[46] "aliquo malo," AN, Z[10] 20, fol. 14v.

women through personal violence. The court does not seem to have tried to restrict parishioners' excursions to priests' homes and their attacks on those inside if it could be proved a woman was among them. Thus, the court implicitly granted laypeople immunity from laws that forbade personal violence in exchange for their enforcement of another part of the law – the ban on women in priests' homes. Moreover, laypeople's punitive expeditions were incorporated into the legal process as a physical means of demonstrating evidence, generating witnesses, and implicating priests in the crime of creating a scandal. Therefore, rather than designating punitive expeditions as "extralegal," as this chapter has done thus far, it seems more correct to label them "prelegal". Punitive expeditions were a viable method of bringing priests to court and ensuring their punishment. Through prelegal punitive expeditions, therefore, members of the community were incorporated into the ecclesiastical juridical system as a sort of para-police who had a role in the legal regulation of priests' behavior. Although the court's primary target was priests, through this arrangement the legal apparatus of the church appropriated violence against women as an instrument of surveillance and enforcement of its laws.

II. *Malivoli*: the Dangers of Vigilantism

Immunity from punishment was not a guarantee, however, and parishioners did not exercise their authority without limits. For instance, on 17 October 1491, the court cited "a certain man named Claude" and "several others" of Pierrefitte-sur-Seine, a village roughly thirteen kilometers from the Île de la Cité, for entering a chaplain's house without permission. The record indicates that they had entered the chaplain's house

believing they would "discover a reputed prostitute" inside. The wording of the record implies that the punitive expedition of Pierrefitte-sur-Seine was unsuccessful. Indeed, the registers record no associated citation against the priest for violating the ban on women in priests' homes. It is most likely because they discovered no woman that the parishioners of Pierrefitte-sur-Seine were punished while those of Le Plessis-Bouchard were not. The parishioners of Le Plessis-Bouchard had punished guilty parties whereas Claude and the others had victimized an innocent man. From this instance, it would seem that the court tolerated lay enforcement of ecclesiastical laws insofar as punitive expeditions were grounded in sound suspicion. Or to put it another way, the laity were more successful in justifying punitive expeditions against priests if their expedition provided evidence of sacerdotal wrongdoing

This example suggests that the ecclesiastical court treated punitive expeditions as a part of the legal process. Specifically, the court adjudicated upon them in the same way that it adjudicated upon formal accusations. The law dictated that if an accused person were found guilty, the accused would be punished. However, if the accused person were found innocent, that person's accuser would be found guilty of, and punished for, levying a false accusation. Indeed, this correlates exactly to the cases outlined above. Claude and the other parishioners of Pierrefitte-sur-Seine were punished by the court whereas their chaplain escaped punishment because they found no woman in his home. Conversely, the parishioners of Le Plessis-Bouchard and Dampart escaped legal action whereas the court punished the priests and Jeanne de Laurence for contravening the church's ban on women in priests' homes.

Although the court accepted, or even relied upon, punitive expeditions as an extension of its enforcement arm, there were boundaries that parishioners could not cross in their surveillance of their priests. For instance, on 14 June1491 Jacques Pol, a priest living in Épiais-lès-Louvres came to court of his own volition to pay a fine. He was prompted to do so because he had come home one day to discover a girl – unnamed in the record – on the steps of his presbytery. The girl had been discovered in the priest's home by a group of parishioners referred to in the record as *malivoli* – "people of ill will" – who had entered the priest's home while he was gone and extracted her.[47] Jacques traveled the 30 kilometers to the archidiaconal court the following day to pay a fine for having a woman in his home. It is possible that Jacques took this action because the *malivoli* had made his criminal association with the girl manifest and therefore he felt he was likely to be prosecuted with or without his complicity. Perhaps Jacques felt that willingly submitting to the court's judgment would serve as a public act of contrition and thus help to repair any damage he might have done to his reputation or relationships in his community.

Additionally, it seems that Jacques was bent on reprisal. On 10 December the court register indicates that Amaury Rolant was fined for being among those who extracted the girl from the presbytery.[48] It seems that part of the reason, and perhaps the main reason, that Jacques appeared before the court was to expiate his own crime before denouncing Rolant for his.[49] The register gives no indication why Rolant was the only of the *malivoli* to be prosecuted for participating in the punitive expedition against Jacques.

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[47] AN, Z¹⁰ 19, fol. 202r.
[48] Ibid., fol. 202v.
[49] For the suggestion that this was proper procedure see Karras, *Unmarriages*, 153.

Perhaps these charges were part of an ongoing feud between the two men which may have also played some part in prompting the punitive expedition in the first place.

Whatever the impetus for Jacques' appeal to the court, the register clearly indicates that the court found Rolant to have committed a grave fault. This first indication of this is the court's reference to to Rolant and the other members of the punitive expedition as "*malivoli*" which suggests that, unlike those referred to as "*socii*" in Le Plessis-Bouchard and Dampmart, the court did not sanction their activities and, indeed, censured them quite strongly as evil. Second, the court levied a rather large fine of eight sous against Rolant for participating in the punitive expedition against Jacques.

What can account for the court's different judgment in such similar cases? It may be simply be that the priests of Le Plessis-Bouchard and Dampmart decided not to press charges against their attackers out of fear for further reprisals, social pressure to not pursue a case against those who had exposed their wrongdoings, or true contrition for their crimes. Indeed, it could be that the priests of Le Plessis-Bouchard and Dampmart did not take action against their attackers for any number of personal motivations not evidenced by the court records. However, the registers do record an important detail that may explain the difference in judgments. In both Épiais-lès-Louvres and Pierrefitte-sur-Seine, those participating in the punitive expeditions entered the priests' homes, whereas in Le Plessis-Bouchard and Dampmart, the punitive expeditions goaded the priests into ejecting the women from their homes and, in the case of Le Plessis-Bouchard, coerced the priests into leaving as well. Although the court incorporated the violent and humiliating techniques of punitive expeditions into its juridical apparatus, therefore, it did not abide parishioners invading the homes of its priests. It should be noted that Rolant

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and his associates may have taken a calculated risk when they entered Jacques' home. They may have known that this action was punishable by law and either gambled that Jacques would not press charges or felt that exposing Jacques' crime and humiliating the girl in his home was worth having to pay a fine to the court.

The events in Épiais-lès-Louvres and Pierrefitte-sur-Seine indicate that parishioners could not embark on punitive expeditions without carefully considering their actions. Although in some cases they operated without repercussions, participants could be prosecuted if their expeditions were groundless, if the priest opted to prosecute, or if their methods of enforcement went beyond accepted boundaries. However, the court was generally more inclined to prosecute priests than parishioners. If members of a community were certain that a priest had a woman in his home and could expose this forbidden domestic contact, they could be assured that the court would punish the priest even if, in some cases, they might but punished as well. Engaging in punitive expeditions was risky, therefore, but it was a gamble whose odds favored parishioners.

III. Conclusion

The cases examined above are among only nine that appear in the registers in which parishioners launched punitive expeditions to expose their priest's inappropriate contact.[50] Although there are not many, there are enough of these cases to raise the question of whether a tacitly sanctioned system, in which communities enforced ecclesiastical laws, was more prevalent than the records suggest. It is reasonable to

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[50] AN, Z^{10} 18, fol. 107r; AN, Z^{10} 19, fol. 21v, 116v, 226v, 237v, 241r; AN, Z^{10} 20, fol. 60v, 168v; AN, Z^{10} 21, 360v; see also Karras, *Unmarraiges*, 162.

believe that most incidents of informal community regulation went unreported for many reasons. A priest would have been reluctant to seek justice for being the victim of a punitive expedition since he was sure to be prosecuted if there had indeed been a woman in his home. His female companion likewise would not have sought restitution since the court would not have granted it and bringing the case to court would have likely exacerbated whatever damage to her reputation she had suffered as a result of the punitive expedition. Those who took part in or witnessed the punitive expedition were the most likely to bring the priest's transgression to court because they were likely to secure additional punishment against him. However, if the punitive expedition transgressed the boundaries set by the archidiaconal court, the participants themselves would have been subject to legal punishments. Moreover, parishioners may have seen no need to seek further action against a disorderly priest at the court, considering the punitive expedition to be punishment enough. Personal motivations and the remoteness of the court from its farthest parishes would have ensured that many punitive expeditions would have never resulted in legal action and therefore would not have been recorded in the court registers.

The relative inaccessibility of the court by inhabitants of the archdeaconry's farthest parishes also would have contributed to the prevalence of punitive expeditions in rural areas especially. There are four cases in the court registers that indicate royal officials, rather than groups of *socii* or *malivoli*, discovered or took into custody priests who had women in their homes.[51] Although one case does not specify the location of the incident, the remaining three all took place within the city limits of Paris. In the city, therefore, we see something more akin to a modern-day police force. However, the

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[51] "Vigiles," AN, Z^{10} 21, fol. 140v, 318r, 318v, 377.

presence of city guards did not negate community enforcement. In at least one of these cases, the royal officers were prompted by a denunciation to take the offending priest into custody. In the city, parishioners still played an active role in enforcing ecclesiastical statutes even if royal officers sometimes executed its more coercive aspects.

The archidiaconal court registers indicate that, outside of the city, parishioners were left much more to their own devices. Rather than royal officers, groups of parishioners regulated domestic contact between priests and women. These groups utilized intimidation, terror, and humiliation to enforce ecclesiastical laws. If their methods were too harsh or invasive, the court was likely to punish these groups and perhaps stigmatize them as "*malivoli*". However, those who engaged in punitive expeditions, stayed within acceptable boundaries and secured hard evidence of sacerdotal misconduct, were more likely to be identified with the more neutral term *socii* and to escape being punished for their intrusions into priests' lives.[52] In rural parishes, therefore, laws against domestic contact between priests and women seem to have been enforced by groups of parishioners that in some ways resembled the posses prevalent in the American frontier.

The presence of these enforcement groups adds dimension to research regarding priests' legal relationships with their parishioners. Scholars have suggested that parochial law enforcement depended in part on ancillary behaviors. For instance, if priests and the women with whom they associated were generally able to maintain positive relationships within their community and if priests performed their sacramental duties to the

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[52] In addition to the two cases described above, see for example AN, Z[10] 21, 102v in which the cleric of Sts. Innocents was discovered by a group of *socii* to have led a young woman described as "suspecta et incontinentia" to his room.

community's satisfaction, parishioners were less likely to denounce the couple to the ecclesiastical court. Conversely, parishioners sometimes utilized ecclesiastical laws requiring strict domestic segregation in priests' homes to reprimand priests for professional failings and personal slights.[53]

Our understanding of how parishioners used ecclesiastical law to reward well-liked priests and reprimand unpopular ones is complicated by the conceivable presence of enforcement groups in rural parishes. It would have been possible for priests and the women with whom they associated to maintain positive relationships with enforcers and to take advantage of this relationship to engage in behaviors that were unpopular with the wider village population. Conversely, priests and women who ran afoul of these enforcers might have been subject to greater controls than the community at large deemed desirable.

Whether or not posses played a strong role in parochial law enforcement in rural France, the cases examined in this and the preceding chapters do indicate that ecclesiastical justice throughout the archdeaconry was nebulous, informal, and dependent on community enforcement. Although parishioners may not have exercised their authority without limit, ecclesiastical jurisprudence as it operated in rural areas would have been useful to them. Parishioners acted as para-police and, as such, contributed to the determination of how the law was applied in their community.

The court registers demonstrate that some parishioners sought justice through direct appeals to the court, others indirectly by creating scandal, and the evidence examined above suggest that some were probably willing to regulate priests' actions with

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[53] Karras, *Unmarriages*, 163.

no formal intervention. Moreover, the officers of the court seemed content to support a mixture of informal and formal regulation by generally implementing a policy of censuring its priests even when their crimes were revealed through questionable or even explicitly illegal methods. The charge of scandal placed even more power in the hands of the priests' communities because it criminalized any of his actions which caused embarrassment. The court reinforced parishioners' subjective assessments of acceptable priestly behavior by administering formal punishments and by tacitly sanctioning vigilante punishment against priests who scandalized their parishioners.

As a result, the regulation of priests' relationships with women would have been inconsistent and localized. In this, the application of ecclesiastical justice in rural areas conforms to a larger trend of decentralization that John Van Engen detects in late medieval ecclesiastical administration as well as theology and ritual practice.[54] As it suited their needs, parishioners upheld ecclesiastical regulations and turned to the centralized institution for support. Conversely, when it was possible and desirable, parishioners directed their own affairs according to local needs. Across Europe, the result was a diverse set of practices and policies united under the imprimatur of the church though sometimes only nominally beholden to the centralized institution. This system enabled priests to challenge ecclesiastical expectations, although doing so in regards to their relationships with women made them vulnerable to the judgment of their parishioners, who were empowered by the ecclesiastical bureaucracy to employ extreme measures to regulate the behavior of priests and women in their parish. While this was a

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[54] Van Engen "Multiple Options," especially 264-269, 273-5, 278; for the resurgence of centralization in the Early Modern Period see 284.

system that allowed flexibility of practice it was also built on the potential use of intimidation and fear to enforce arbitrary standards among priests and women who came into priests' homes.

Conclusion

The immediate purpose of this dissertation is to examine the criminality of which late medieval parish priests are so often accused by their contemporaries and later historians. More broadly, this dissertation contributes to the historiography of the Reformation which is often described as arising from parishioners' exasperation with the supposed delinquency of late medieval clergy. Against this tenacious historiographical assumption, David Nicholls argued that the origins of the Reformation were not uniform throughout France, let alone Europe. He suggests that myriad factors dependent on the interaction between local civil and ecclesiastical institutions contributed to the popularity of Protestantism which fluctuated from place to place. "The Reformation is revealed as comprehensible" argues Nicholls, "only when the events of the early sixteenth century are placed in the context of a localised history going back at least into the fifteenth."[1] Rather than constructing, or depending on, pan-European explanations for a movement which varied in intensity and nature throughout Europe, therefore, scholars must ask the fundamental questions of whether or not a Reformation took place in any given area and what local factors contributed to the rise of Protestantism or the persistence of Catholicism.

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[1] Nicholls, "Looking for the Origins of the French Reformation," 131–144.

The present work contributes a close study of one aspect of parish life in the late medieval archdeaconry of Paris which can be helpful in beginning to answer these questions: interactions between priests and parishioners. This study suggests that the diversity which has been identified by several scholars as the hallmark of the late medieval church on a macro level, also extends to individuals in the parish.[2] Parish churches in Paris were ostensibly regulated by the archdeacon, his officials and court. However, as this study has shown, the court operated largely at the behest of the public.[3] Lacking a police force or any other standing enforcement arm, the court was prompted to action most frequently when an infraction was brought to its attention through a denunciation or confession. People in the parish used the court selectively to regulate their priests' behavior and to ensure their ritual purity. They denounced priests who gambled, drank, fought, had inappropriate relationships with women, and who profaned sacred rituals and spaces.

Legal action was only one strategy that the public employed to regulate their priests' behavior. Priests and parishioners also used extralegal means to enforce social and religious norms, the most noticeable extralegal method represented in the court registers being the use of violence. Priests engaged in violence primarily to solve professional disputes arising from cramped workspaces, shortages of sacramental items, and a lack of work, although they also came to blows over debts, lawsuits, and women. Laypeople also employed violence, most strikingly evident in the mob justice select parishioners inflicted on priests and women found together in domestic spaces. Through the use of violence, mobs enforced ecclesiastical laws dictating strict domestic

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[2] Van Engen, "Multiple Options," 257-284.
[3] For the application of this term in a study of the late middle ages see Chapter 2, "Playing Priests," esp. 68-71.

segregation, doing so in ways that inflicted physical harm, public humiliation, and legal sanction. The examination of mob violence in Chapter 4 reveals the potential for brutality in a system that relies on community regulation. Priests and women could spend a short amount of time in a home together or live together for years before being targeted by mob justice inflicted on the whims of the attackers.

However, community regulation also afforded priests and their parishioners a considerable amount of freedom in their interactions and behavior. For example, clerical concubinage, in which priests engaged in long term relationships with women, was widely tolerated in France and throughout Europe. It seems that parishioners generally inflicted punishments against concubinary priests primarily when priests had committed some other fault, such as neglecting their sacramental duties or offending a parishioner in a business or personal interaction.[4] Moreover, both priests and laypeople willfully contravened church law when it suited their purposes. For instance, laypeople transgressed jurisdictional boundaries to receive the sacraments from a favored priest or when their own priest was not available. Priests were also complicit in transgressing jurisdictional boundaries. Motivated by monetary and spiritual inducements, they provided sacraments to those without a suitable priest or to those who had no priest.

The cases under examination in this dissertation demonstrate that people in each parish held different opinions about proper sacerdotal behavior. For instance, as Chapter 2 demonstrated, many priests and parishioners contravened church law to enjoy leisure time together by playing games, gambling and drinking together, sometimes in the context of religious festivals. However, these instances of camaraderie come to our attention because they were reported, presumably, by someone in the parish. It may be, as

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[4] Karras, *Unmarriages*, 163.

always, that the denouncer was driven to report the infraction by personal hostility toward any of those violating ecclesiastical law. It could also be that the denouncer hoped to engender more righteous behavior in his or her priests, and perhaps lay neighbors, out of a sense of personal piety or communal honor as discussed in Chapter 4.

Reports of jurisdictional transgressions, examined in Chapter 1, suggest that there was disagreement in the parish about the administration of ecclesiastical services. While priests and parishioners were willing to cross jurisdictional boundaries to facilitate full access to sacraments, other priests and parishioners objected to this ad hoc restructuring. Priests were likely to have been objecting to the infringement on their revenue streams. Laypeople may have wanted to keep their own priests from being distracted by work outside their jurisdiction and to be sure that only qualified priests charging approved prices worked in their parish.

Examining the regulatory mechanism of parish priests and understanding its flexibility helps us to better understand the religious landscape of late medieval and early modern France. The primary finding of this dissertation is that members of the parish community were more empowered to regulate religious practice and sacerdotal behavior than is generally assumed. This finding controverts the ideas that sacerdotal abuses were prevalent in the late medieval church and that members of the parish community needed an institutional revolution in the form of the Reformation to be freed from these abuses. Instead, this study has shown that the principal wrongdoings attributed to priests were not often reported to the archidiaconal court. This dissertation examines 1,003 cases pertaining to the four most common types of citations levied against priests: employing unfair business practices; drinking and gambling; engaging in violence; and having

inappropriate contact with women. These infractions were reported over the course of 23 years throughout the archidiaconal court's jurisdiction which encompassed approximately 180 parishes. On average, therefore, members of each parish community reported one of the most common sacerdotal infractions to the archidiaconal court only once every four years. This low rate of reporting invites three possible conclusions that are not necessarily mutually exclusive. Infractions may indeed have happened infrequently in each parish or they happened more frequently than the records suggest but were infrequently reported. If infractions were frequent, this suggests that members of the parish either tolerated known violations or regulated them extralegally. All of these possibilities support an important conclusion: that members of the parish community were not at the mercy of sacerdotal abuses and therefore in need of an ecclesiological shift because either abuses were not prevalent, were tolerated, or were regulated by the community.

The community's involvement in ecclesiological regulation at the parish level detected by this study contributes to a historiographical trend that perceives the late medieval French church as characterized by lively participation rather than disillusioned apathy or resentment. This characterization can be traced to Lucien Febvre's seminal article, published in 1929, in which he traces the imputation of clerical abuses to early Protestant rhetoric. Febvre argued that the late medieval church was not decadent, in the sense employed by Huizinga, but that it was defined by a "moving piety, rich in expression."[5] Pointing to the proliferation of religious art, architecture, and rituals in late medieval France, Febvre argued that the laypeople were not losing interest in the church but were invested in, and actively propagating, its practices. He writes:

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[5] "piété émouvante et féconde en manifestations," Lucien Febvre, "Une question mal posée: les origines de la Réforme française et le problème général des causes de la réforme," *Revue Historique* 161:1 (1929): 30.

in a country like France, not only did loyalty to old beliefs remain intact, but traditional devotion manifested with a particular fervor. It was not only travelers who noticed it. There was also the witness of stone, planted solidly on our soil: the multitude of new churches, side chapels, isolated oratories which were constructed everywhere, in the cities or the countryside, and which permit us to know all the varieties and the prestige of the Flamboyant Style.[6]

A fecund and beloved institution, the late medieval church could not have been undone in the way suggested by the traditional narrative: suffering the loss of parishioners' loyalty and faith by way of its own sins. Instead, Febvre offered the suggestion that the Protestant Reformation in France was spurred by economic factors. Specifically, he argued that a rising class of bourgeois yearned for a new theology that spoke to their unique socio-economic position. The rising bourgeois, unmoored by mercantile travel, rising in the ranks of government, practicing trades that required the mastery of minute techniques, Febvre argued, desired a religion that was "clear, reasonably humane and gently fraternal; that was for them a light and, at the same time, a support."[7]

Febvre's work presents community involvement in the late medieval church as limited to support and propagation of an extant institution. The current study argues that members of the parish community did not uncritically adopt a homogeneous set of practices, but that they helped to shape the institution of the church by selectively conforming to or ignoring ecclesiastical dictates. This argument nuances the dominant historiographical trend which tends to portray late medieval and early modern parishioners as one of two types: those who were devoted to the church or those who

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[6] "dans un pays comme la France, non seulement la fidélité aux vieilles croyances demeurait intacte, mais que la dévotion traditionnelle se manifestait avec une ferveur toute spéciale. Ce ne sont pas seulement des voyageurs qui le notent2. Ce sont des témoins de pierre, solidement campés sur notre sol : la multitude d'églises neuves, de chapelles latérales, d'oratoires isolés qui se sont élevés alors un peu partout, dans les villes ou les campagnes, et qui nous permettent de connaître toutes les variétés et tous les prestiges du style flamboyant," ibid., 29-30.
[7] il fallait, pareillement, une religion claire, rai- sonnablement humaine et doucement fraternelle qui leur fût lumière en même temps qu'appui," ibid., 40

repudiated it. The majority of scholars have focused on the latter type, attributing parishioners' rejection of the church to their disillusionment with late medieval clergy.

This explanation frequently appears in research pertaining to all of Europe but perhaps the most influential study of France to advance this thesis is Paul Adam's 1964 book *La vie paroissiale en France au XIVe siècle*.[8] Scott Dixon wrote that "classic works" such as Adam's "amply documented [that] there was a high degree of absence, a low standard of education, and a multitude of sins (ranging from sexual to financial) among the medieval clergy."[9] Adam's book was derived from his dissertation, edited, published, and perhaps given a positive review, by his advisor, Gabriel le Bras.[10] The resultant book is a litany of wrongdoings drawn from hostile sources such as court documents, visitation records, and reformist sermons. Where Febvre perceived a "moving piety, rich in expression," Adam described churches as encumbered by the abundance of devotional objects they housed and argued that people awaited a more up-to-date church.[11] Although Adam periodically noted that criminal clergy were in the minority, he does not give the non-criminal element equal time. He ignored well-behaved clergy entirely in his conclusion to make the overall argument that the late medieval church was so broken from the Hundred Years' War and so thoroughly abandoned by absentee clergy that the laity became apathetic and habituated to live without religion until these defects were repaired by the Tridentine reformation.

For the remainder of the twentieth century, Adam's idea that late medieval clergy neglected their parishioners has found more traction with historians than Febvre's

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[8] For historiography pertinent to Europe more widely, see Introduction, 13-21; Adam, *La Vie Paroissiale*.

[9] Dixon, *Contesting the Reformation*, 164.

[10] The review is signed only G. L. B., "Review: La Vie paroissiale en France au XIVe siècle by P. Adam," *Archives de sociologie des religions* 9:18 (1964): 171.

[11] "piété émouvante et féconde en manifestations," "style flamboyant," "magnifique anarchie religieuse," Febvre, "Une question mal posée," 29-30, 70. Adam, *La Vie Paroissiale*, 125.

assertion that it was intoxicated by piety. Examining the transformations of the late

medieval church from a macro perspective has led historians to argue that parishioners

who were disaffected with their priests left the church, rather than, as this study suggests,

solving their problems interpersonally. For instance, in 1971, Jean Delumeau argued that,

before the Reformation, priests were woefully inadequate.[12] Using evidence from the late

sixteenth century, the seventeenth century, and sometimes no evidence at all, he argues

that pre-Reformation priests, because they were led by an apathetic episcopate, were

ignorant, poorly distributed, too numerous and, at the same time, too absent from their

parishes. While Delumeau acknowledged the diversity of late medieval religious culture,

what Febvre called "moving piety," and Adam called an "obstruction," Delumeau

identified as "irrefutable evidence of the masses' religious thirst" which could not be

quenched by an inadequate priesthood.[13] Rather than demand more of their current

priests, parishioners sought religious leadership elsewhere, resulting in the formation of

new Protestant churches.

The dualistic division of late medieval and early modern parishioners into the

categories of those who supported and those who left the church has provided scholars a

foundation on which to perpetuate the argument that parishioners were driven to new

churches by negligent clergy. For instance, Seven Ozment argued that the late medieval

church was staffed by poorly trained priests and administrators "preoccupied with secular

gain" who drove parishioners to adopt Protestant theologies and practices.[14] Henry Heller

and David Nicholls ostensibly rejected clerical abuses as a causal explanation for the

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[12] Delumeau, *Catholicism between Luther and Voltaire*.

[13] "encombrement," Adam, *La Vie Paroissiale*, 125; "irrécusables témoignages sur la soif religieuse," Delumeau, *Catholicism between Luther and Voltaire*, 236.

[14] Ozment, *The Age of Reform*, 208-209

Reformation. However, both argued that members of the lower classes took to Protestantism as a way of freeing themselves from clerical intermediaries and, therefore, ecclesiastical supervision and control. Thus, while rejecting the premise of clerical abuses, both scholars nevertheless perpetuate the assertion that parishioners remedied their dissatisfaction with the church by leaving it.[15]

In the twenty-first century, scholars have attempted to eschew discussion of clerical abuses to examine institutional responses to the changing religious landscape of late medieval France. For example, in 2007, Hans Joachim Hillerbrand recanted his previous view that pre-Reformation Europe was a "powderkeg with a lit fuse" to paint a more balanced portrait of the religious landscape around the turn of the sixteenth century. He writes,

> the picture of the church on the eve of the Reformation presents
> an intriguing mixture of tensions and tranquility. There were
> weaknesses, even abuses, in the church; but even as the demand for
> reform was raised, many people were loyal to the church and as pious
> as they had always been.[16]

Hillerbrand argues that it is only through the benefit of hindsight that historians can detect the causes of the Reformation in pre-Reformation *mentalités*. While the church's administration suffered shortcomings, its theology fulfilled the vital need people had to find meaning in their lives. Ultimately he argues that the Reformation depended on the coalescing of a nearly incalculable number of contingencies, implying that the question "what caused the Reformation?" cannot be definitively answered.

Scholars of the twenty-first century tend to strive for a *via media* in which they both acknowledge the presence of sacerdotal abuses in the church but look for other

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[15] Ibid., 143; Henry Heller, *The Conquest of Poverty: The Calvinist Revolt in Sixteenth Century France* (Leiden: Brill, 1986), esp. 51.
[16] Hillerbrand, *The Division of Christendom*, 24.

conditions that explain the rise of Protestantism. Paradoxically, the effort to downplay clerical abuses has had the effect of more firmly entrenching this concept in the historiography. For instance, Dixon argues that structural changes contributed to the breakdown of the late medieval church. Weakened by the Western Schism and Conciliarism, he suggests, secular governments were able to usurp papal power and direct ecclesiastical affairs according to their own polities. The church was losing its hold on the parish as well, he argues. Its priests were increasingly mired in temporal business, absent from their parishes, and replaced by poorly trained substitutes. Although he provides no evidence for such change over time, Dixon asserts that the weakening of the church and the resultant abuses contributed to a mass exodus of parishioners from their churches and that "the stage was set for the Luther Affair."

Euan Cameron makes a similar argument in his book *The European Reformation*. Like Dixon, he argues that the church had taken on too many temporal responsibilities, draining its resources and distracting talented men from their spiritual responsibilities. Cameron thus arrives at a conclusion similar to Dixon's: disillusioned by ill-trained priests and their rapacious superiors, parishioners left the church. Cameron adds that Protestantism flourished only where it was actively supported by secular rulers. Cameron's thesis, therefore, has the benefit of acknowledging the agency of both elite and non-elite actors. However, his analysis tends to skew toward a model in which there is push from below for Protestantism while rulers were free to accept or reject new religious beliefs as was expedient. Thus, the desire among parishioners to preserve tradition so noticeable in France, for example, tends to receive less attention.[17]

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[17] Cameron, *The European Reformation*.

The historiography of the Reformation, therefore, continues to be hindered by the supposition that members of the pre-Reformation populace either supported the church or wanted something new in its place. Scholars presume that the voices of those who argued for innovation grew strong enough in the early modern period that they were able to coalesce into a movement that situated itself apart from the traditional church. The close study presented in this dissertation, however, helps us to reframe how we examine the religious character of pre-Reformation Paris and how we might differently approach studies of Protestant movements in other locales. By examining the way that laypeople and clergy enforced, or neglected to enforce, ecclesiastical laws in the parish we can extrapolate the role people expected the church and its priests to have in quotidian parish life. What this methodology suggests is that there was no uniform set of expectations among the laity. People made calculated decisions about what services they wanted from their priests and what behavior they would welcome or tolerate. In addition, delayed denunciations of long-time offenders indicate that parishioners could, and did, change their expectations at any given time.

Most obviously represented in the archidiaconal court registers are those who were dissatisfied with their priests on a personal, professional, or ideological basis. Less obvious, but still present in the records are those who were tolerant or even happy with priests' behavior, even when it contravened ecclesiastical statutes. This latter category included those who tolerated their priests' relationships with women, who drank and played games with their priests, and those who invited them to *bacula* and wedding feasts, for example. Because the archidiaconal court was flexible and responsive to the complaints of community members, and because it did not often prosecute when there

was no complaint, people in the community were able to some degree to regulate their priests' lives in accordance with their own expectations. The law enabled community members, but did not require them, to seek punishment for unprofessional or misbehaving priests.

But these modes of administration that enabled such flexibility in the parish were changing already in the late middle ages. For a long time, secular governments had been gaining an amount of control over the administration of ecclesiastical hierarchies within their polities that had not existed since before the papacy reached the height of its power under Innocent III. The most important moment for the French government in this regard was the introduction of the Pragmatic Sanction of Bourges (1438) through which the king explicitly subsumed papal authority in France. This act was ostensibly repealed in 1515 with the Concordat of Bologna, but the kings of France retained control over appointments to high ecclesiastical offices which had been granted in the Pragmatic Sanction.[18] Like other secular leaders, the kings of France increased their propriety hold over the church even if, in the long term, they maintained their religio-political connections with Rome.

Scholars have argued that, even as the French kings increased their involvement with the ecclesiastical administration in France, they do not seem to have been concerned with placing restrictions on quotidian belief and practice in the time period under consideration. Even François I initially welcomed reformist ideas. He and his sister, Marguerite de Navarre, read Erasmus and gave financial and political support to humanist scholars, such as those referred to as the Meaux reformers, through the 1520s

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[18] Potter, *A History of France*, 225.

and 1530s.[19] The openness of these royal siblings to reformist ideas mirrored the general

religious tenor of early modern France. Like the late medieval church, the church under

François' rule was initially characterized by diversity and flexibility.[20] Flexibility was

possible because, at least in France, there was as yet no agreed-upon definition of heresy

that precluded many of the beliefs that we now consider to be Protestant.[21] In 1521, the

theology faculty at the Sorbonne condemned Luther but evangelical ideas continued to

circulate throughout France in the form of books, sermons and plays.[22] People adopted

reformist beliefs without rejecting their extant belief systems.[23] However, historians of

late medieval and early modern religion tend to deemphasize continuities and depict

Protestantism as growing out of, but quickly becoming something wholly apart from,

Catholicism.

Most scholars date the sea change moment in France to the Affaire des Placards in

1534.[24] The Affaire des Placards was an incident analogous to Luther's posting of his 95

theses. Placards authored by Antoine Marcourt were simultaneously posted in several

cities throughout France. Marcourt was a vocal critic of the church. In 1533, he published

Le Livre de marchans, in which he denounced the practice of exchanging money for

services that relieved divine punishments on the grounds that one could not purchase

spiritual goods.[25] In the placards he publically, widely, and directly denounced the "papal

mass" as an innovation which flouted the "holy supper of Jesus Christ."[26]

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[19] Holt *Renaissance and Reformation France*, 134-136.

[20] Potter, *A History of France*, 242-3; Larissa Taylor, *Heresy and Orthodoxy in Sixteenth-century Paris* (Leiden: Brill, 1999), 42.

[21] Taylor, *Heresy and Orthodoxy*, 42

[22] Ibid.; Holt *Renaissance and Reformation France*, 137-8.

[23] Potter, *A History of France*, 242.

[24] Cameron, *The European Reformation*, 291

[25] Antoine Marcourt, *Le Livre des marchans* (Neuchatel: Corinthe, 1533); Mack P. Holt, ed., *Renaissance and Reformation France* (Oxford: Oxford University Press, 2002), 137-138.

[26] Qtd in Holt *Renaissance and Reformation France*, 138.

Marcourt's writings went beyond an intent to reform the church. He asserted that the mass was a papal invention thereby impugning the pontiff's theological credibility and ritual authority. This accusation forced François' hand. No matter his own confessional stance, a public and direct attack on the pope's theology was an affront to François' religio-political ally and thus a threat to the French political status quo. François' response to the Affaire des Placards may have contributed more to the growth of Protestantism in France than parishioners' reactions to sacerdotal abuses. After Marcourt's placards had been posted, François placed strict controls on publishers in France and, in 1534 and 1535, ordered that anyone who challenged the validity of the mass be burned.[27] In 1543, perhaps in response to the publication of Calvin's *Institutes* which were first published in French in 1542, François ordered the Sorbonne to draft a set of articles of the faith that reaffirmed the validity of mass, pilgrimage, purgatory and intercessory prayer.[28] The following year, the Paris theology faculty issued a list of prohibited books which included works by, not only Calvin and Luther, but also Lefèvre, a humanist who had explicitly advocated for reform rather than a break with the traditional church.

In response to the Affaire des Placards, therefore, the government delineated two distinct confessions within France: Protestant and Catholic. François' articles of faith ushered in a new era of intolerance. Executions of heretics tripled within a decade and the entire village of Mérindol was put under arrest for heresy. These executions strengthened the resolve of many Protestants. After the arrests at Mérindol, inhabitants who had fled returned and, according to critics, made more of a show of their reformist leanings than

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[27] Cameron, *The European Reformation*, 291.
[28] Potter, *A History of France*, 233, 242; Holt *Renaissance and Reformation France*, 139.

they had before. Heller describes the rapid proliferation of independent Protestant churches during the years 1454-1546 in towns such as Senlis, Orléans, Soissons, Langres, Sainte Menehould, and Tours. In 1555, Calvin urged those with reformist sentiments to start organizing separate churches with their own administrative structures.[29]

The timeline above suggests that the infrastructural division between Catholic and Protestant in France was constructed in the mid-sixteenth century after the Affaire des Placards. The present study provides a model for subsequent investigations that could clarify what was happening in the parish before this key moment. In the late medieval church, parishioners with a variety of ideas could live and worship together under the aegis of the same church. Due to the relatively unobtrusive and compliant enforcement policies of the archidiaconal court in Paris, community members were, to a large degree, able to regulate how the church operated in their own communities on a daily basis. Studies focusing on later periods may demonstrate that this dynamic persisted until the Affaire des Placards. It could be that François' division of the French population into members of two distinct churches effected the growth of Protestantism in France more than a push from the people for a new ecclesiological formulation.

In his seminal 1987 book, *The Formation of a Persecuting Society*, R.I. Moore questioned the prevailing assumption that, in the central middle ages, persecutions of heretics increased because heresy increased. Rather, he suggests that the fourth Lateran council streamlined the administration of the church in such a way that made it possible for the institution to increase its identification and prosecution of heretics.[30] He suggested that what scholars traditionally identified as heretical movements were instead an

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[29] Holt, *Renaissance and Reformation France*, 139-140.
[30] R. I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe, 950-1250* (Malden, MA: Blackwell Publishing, 2007), 1.

institutional fiction invented by the ecclesiastical administration as a means of asserting, and thereby increasing, its power.[31] Mark Pegg took up this notion in 2001 to advance the thesis that the Cathar church was nothing but a fiction upon which the Catholic Church justified what Pegg identifies as the first act of genocide in western history: the Albigensian Crusade.[32]

Both of these works have come under fire. In particular, Bernard Hamilton asserts that Pegg's denial of the existence of the Cathar church is only possible because his argument is based on partial research, lending itself to an incomplete understanding of the infrastructure of the Cathar religion.[33] Nevertheless, the Foucauldian framework that Moore and Pegg adopt to examine the regulation of heresy in the central middle ages can be useful for an examination of the transformation which took place in the late medieval and early modern church in France. In the late middle ages, parishioners had latitude regarding their participation in the church. The archidiaconal court did not govern belief and limited its punishments almost exclusively to behaviors reported by members of the parish community. The mechanism of the court, therefore, created an environment that was potentially dangerous for those who contravened church dictates but which was also responsive to community needs and tolerated a wider array of practices.

It remains for evidence to be collected on the church's regulation of religious culture at the parish level for the first half of the sixteenth century. However, if the laxity of enforcement characteristic of the late medieval church could be shown to have persisted until the Affaire des Placards it could be argued that institutional shifts in the

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[31] Ibid., 18
[32] Mark Gregory Pegg *A Most Holy War: The Albigensian Crusade and the Battle for Christendom* (Oxford: Oxford University Press, 2008), 190-191.
[33] Bernard Hamilton, "Review: Mark Gregory Pegg. *The Corruption of Angles: The Great Inquisition of 1245-1246*," *The American Historical Review* 107:3 (2002): 925-926.

secular government were more instrumental in bringing about the Reformation than parishioners' interactions with their priests. Indeed, the secular government initially adopted a policy of non-interference as it gained power over the French church. However, when François began to perceive certain beliefs and practices as a threat to the French socio-political order, he outlawed them. This action created a body of believers separate from what François defined as the orthodox church and, from this moment, the infrastructure of a distinct Protestant church grew in France. It may not have been sacerdotal abuses that sparked the Reformation, therefore, but an institutionalized fear, and subsequent definition, of dangerous beliefs and practices that created the historic split between Protestants and Catholics in France.

The methodology adopted in this dissertation opens new avenues for research on the growth of Protestantism in sixteenth-century France. It proposes that the creation of the categories "Catholic" and "Protestant" provided parishioners with an additional way to regulate their quotidian religious lives. Late medieval parishioners registered their satisfaction with their priests through camaraderie, social acceptance, and professional patronage. Conversely, they expressed dissatisfaction through violence, legal action, and by withdrawing their patronage. In the sixteenth century, Parisians unhappy with their priests' behavior could also opt to attend a Protestant church in the hopes of obtaining more satisfactory religious services.

The historiography of the sixteenth-century church tends to portray Protestantism as the fulfillment of certain parishioners' ideological and religious needs and desires. Focusing on the advent of Protestantism, historians highlight large-scale conflicts between large groups of adherents to new and traditional beliefs, such as the St.

Bartholomew's Day massacre. This dissertation suggests an additional perspective that can add nuance to current inquiries into the religious landscape of sixteenth-century Paris by examining smaller scale interactions between believers. While parishioners certainly adopted religious affiliations based on belief, they also may have attended particular churches for more pragmatic reasons. Perhaps parishioners chose churches based on personnel, electing to attend, for example, a Protestant church because the local Catholic priest was incompetent, rude, or absent. Perhaps parishioners continued to attend a particular Catholic church because the resident priest was talented or sympathetic, or because they had developed personal relationships with the priests and parishioners. These possibilities are consistent with research on the late medieval period that questions the long-standing assertion that Protestantism grew from large-scale anticlericalism. While parishioners often expressed their discontentment with particular priests, there is no evidence for widespread anticlericalism until after a Protestant theology had become fairly well developed.[34]

The methodology employed in this dissertation also raises the possibility that, rather than adhering fully to Catholic or Protestant affiliations, parishioners may have chosen to avail themselves of either institution on an as-needed basis. Parishioners may have attended Catholic or Protestant churches according to whichever they perceived most suitable to their immediate spiritual needs. Furthermore, examining the administration of religious services on a local level may reveal cooperation between Protestant ministers and Catholic priests similar to that practiced by beneficed priests, *habituati*, and mendicant preachers.[35] Examining the pragmatic aspect of local religion,

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[34] Hillerbrand, *The Division of Christendom*, 18.
[35] See Chapter 1, "Vying Vicars," 46-50.

therefore, has the potential to contribute to recent studies that characterize the division between sixteenth-century Protestantism and Catholicism as ill-defined. By examining more closely interpersonal religious engagement, therefore, historians of the sixteenth century can move away from the centuries-old formulation of Protestantism as a reaction against sacerdotal abuses and focus instead on the contribution that members of local communities made to the construction of sixteenth-century churches.

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