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MURDER, JUSTICE, AND HARMONY IN AN EIGHTEENTH-CENTURY FRENCH VILLAGE

Nancy Locklin



Murder, Justice, and Harmony in an Eighteenth-Century French Village

In 1718, a young woman named Moricette Nayl fought with her brother's mother-in-law and accidentally killed her. Ruled a homicide, the incident set in motion an investigation; a trial; Moricette's flight from justice; an execution in effigy; and, ultimately, the pardon of the killer and her reintegration into the community. Based on the detailed records of the court dossier, this microhistory reveals the social networks of a small town, the history of interpersonal violence, the complex criminal justice system at work, and the power of restoring harmony after a tragedy of this magnitude. An enduring mystery is the reluctance of those closest to the crime to participate in the legal process. An explanation for their silence sheds light on the turmoil of the criminal justice system in France in the decades leading up to the French Revolution. Neither independent feudal lords nor an elite tamed by an absolutist king, the gentlemen overseeing justice in this place maintained a delicate balance between their personal power and the rule of law. The incident and its aftermath also reveal the bonds that make community possible, even in the face of senseless violence.

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Preface

I had a decision to make. On June 2, 2017, I stepped off the bus in Plouha, France, and prepared to finally visit the place that had occupied my thoughts ever since I first opened the court dossier on Moricette Nayl. Plouha is a beautiful town, close to the coast, and favored by families on holiday. It was a glorious summer day. I had planned to use one of the town's car services to drive me the rest of the way to Pléguien, just 5 kilometers to the south. However, the town's few car services were booked solid, and there was no public transportation between the two small towns. I was alone. I knew no one. The staff at the tourism office were kind and sympathetic but had no idea how I might get to Pléguien. So, I thought, will I really give up my quest when I am so close? I couldn't do that, of course, so I made the only logical choice. I set off on foot.

Understand that my lived experience in France had been urban and convenient to trains and buses. I was faced for the first time with a rural world in which everyone either had a sturdy truck or a comfortable car. The roads were fine, but there were certainly no sidewalks and precious little frontage along the country way that lead from Plouha to Pléguien. Along the way, I flushed more than a few pheasant out of the brush and startled a good number of sheep and horses. I must have been a strange sight. A lone woman in her forties, out for a hike, going who knows where. I always try to dress like a professional while in France and my shoes were sensible enough but not meant for tramping through the countryside. It was hotter than I thought it would be, and I had my jacket draped over one arm. Drivers nodded at me curiously but without judgment as far as I could tell. On occasion, I passed a family relaxing on a patio, and they raised their hands in greeting and stared while I walked by.

At last, I saw the sign signaling my arrival in Pléguien. I knew what to expect of the town ahead of me. I had studied the maps, both modern ones and those from the eighteenth century. Though very few buildings from that era have survived, the layout of the streets remains unchanged by time. I reached the town center, with the *Mairie* on one side of me and the church on the other, just as I expected. I kept on, saving the church

for later. Continuing on, I saw the crossroads with the route toward Lanvallon on my right and the route toward Plourhan to my left. I knew the creek must pass beneath the roads near the intersection and the village of Kergallet rested just south of the town center.

This visit was about more than reverence for the lives of those in the past who had grappled with an unthinkable disruption in their community and managed to make their peace with it. Since none of the homes from the eighteenth century had survived, and none of the historical maps indicated where the families in my sources had lived, I had tried in vain to re-create everyone's movements based entirely on witness testimony. I had to see the lay of the land with my own eyes to understand the choices everyone had made. Just beyond the road toward Lanvallon, today known as route D9, there was a small clearing next to Kerguidoué Creek that offered a picnic table. I stopped at a bakery at the intersection for a soda and a pastry and settled myself next to the gently bubbling stream. I watched the road, imagining the day that two women confronted one another and one of them ended up dead. Everything was suddenly very clear.

I had always assumed the Nayl family would have lived in the center of Pléguen, where the official buildings and finer homes would have stood. But, as you will see in the depositions from the court dossier, Moricette herself and members of her household had to have come from the road toward Lanvallon because they note crossing the bridge over the creek. Moricette's father encountered her on the road as he returned home from official business in the town center, so he must have been coming from the north. And the fight? It took place in the tiny village of Kergallet. Then, as now, the village consists of a simple handful of houses near the road.

While my country stroll up to this point was peaceful enough, route D9 past the southern end of Pléguen becomes a truck route. Even less space existed between the brush on the edges of the field and the roadway where traffic whizzed by at top speed. But I was so close! So, having refreshed myself, I carefully made my way the last few hundred yards so that I might stand in the tiny center of Kergallet village. I snapped a few pictures and then made my way back. Nothing very dramatic, to be honest, but that physical space has contained the weight of violence and despair for centuries. I spent very little time there, but I took a moment to pay my respects to the woman who lost control and the woman who lost her life. May they both rest in peace.

Acknowledgments

I would like to express my gratitude to the archivists and reading room staff at the Departmental Archives of Côtes d'Armor at Saint-Brieuc, the Departmental Archives of Ille-et-Vilaine in Rennes, the Departmental Archives of Morbihan in Vannes, the Departmental Archives of Finistère in Quimper, and the Departmental Archives of Loire-Atlantique in Nantes. The reading room in Saint-Brieuc was particularly welcoming during my last visit in the summer of 2017, and it made my long work days a pleasure.

During my sabbatical semester, I had the honor of attending multiple meetings with other scholars of French history who read my work and offered guidance. In particular, I am grateful to Rafe Blaufarb and Cathy McClive, organizers of the Third Annual Wieder Conference: Gender and Sexuality in Eighteenth and Nineteenth Century France, hosted by the Institute on Napoleon and the French Revolution at Florida State University. Though Julie Hardwick made formal comments on my chapters, I am equally grateful to other participants at the conference for the lively exchange of ideas: Nina Kushner, Jeffrey Merrick, Denise Davidson, Jennifer Davis, Jennifer Palmer, Meghan Roberts, Anne Verjus, Jessie Hewitt, Amy Richter, Sarah Horowitz, Andrew Israel Ross, Jillian Slaughter, Deirdre Lyons, and Caroline Séquin. Only a few days after that event, many of us reconvened at the annual meeting of the Society for French Historical Studies, where Nina Kushner and my co-panelist Denise Davidson offered additional insight. My work would not be half as good without the guidance of these scholars.

Though my mentor, William Beik, is no longer with us, his work continues to inspire me. At a session in Bill's honor at the 2018 annual meeting of the Society for French Historical Studies, conversations with many of those who had also worked closely with Beik clarified my thinking on this project. James B. Collins, who has always offered support, made suggestions for further study. My fellow Emory University graduates also offered support and suggestions: Darryl Dee, Jeff Houghtby, and Michael Breen. Michael, in particular, offered commentary on a key chapter, and I am extremely grateful that he took the time to do that.

I would like to extend special thanks to my cousin and friend, Dennis Roy, an avid reader who read the entire manuscript and offered a nonacademic take on the project. I am equally grateful for his thoughtful comments on my work and for his witty banter over dinner in Reno.

I am fortunate to have spent nearly 20 years at Maryville College in Maryville, TN. While the strength of the college lies in its focus on undergraduate liberal arts education, I have never been expected to neglect my own scholarship. Instead, the school has offered professional development funds as well as less tangible support in terms of time and encouragement, making this project possible. I was able to share my work with colleagues across campus in such forums as the Community of Scholars program. Phillip Sherman and Dan Klingensmith, both colleagues in the Humanities Division, along with former colleague Brian Pennington, now at Elon University, made suggestions that permitted me to flesh out the manuscript in new ways. Newly emerged artist Evan Gambill, a design major at the college, prepared my maps. I wish him a long and lively career.

My final and greatest debts, as always, are to Doug Sofer—my friend, colleague, and husband—and our beloved son, Edison. Doug listened to my rambling commentary over dinner at every step in the writing process, from angst-ridden laments over mental blocks and technical problems to flights of fancy and pride when things fell into place. Now that it is complete, my guys may look forward to more peaceful dinners.

Introduction

This is the story of one woman's death at the hands of another in the early years of the eighteenth century. It was not a famous murder. It did not involve nobility or literary figures. It was not remembered in song or story, romanticized in great works of art, or debated by historians over the eras. The story did not even appear in a newspaper, as it would be 30 years or more before periodicals were part of this particular landscape. The printed sheets and pamphlets of the era were largely reserved for the bigger towns and cities. In many ways, then, the violent death went unnoticed by contemporaries and historians alike. However, for one little parish, the killing threatened to pull apart the most prominent local families and upset the delicate balance of the community. For that reason, the murder, the investigation, and the eventual resolution open a window on lives that would have otherwise been lost to us.

For generations, the study of history in the West was dominated by what elites considered important—kings and generals, politics and war, the stuff of public life. Occasionally, a celebrated artist or writer would make an appearance, but the point was always to highlight the lives of great individuals and major political developments. It was always understood that those histories did not fully explain life in the past, but that did not matter. Whatever did not make the cut as “real history” was left to the antiquarians and folklorists, treated as a curiosity and little more. Beginning in the 1960s, however, some historians turned their attention to what was known as “social history,” or the study of non-elites. On one level, the new approach was simply a way to tell the stories of people who had been left out—the poor, the workers, the commoners, and the soldiers on the ground. But more than that, social history also permitted us to make sense out of certain historical events. If one only studies kings, for example, then a revolution against a king will not make much sense. It is not as if peasants and merchants suddenly appear, overthrow society, and then disappear again.

By the 1970s and 1980s, some approaches to historical study became even more specialized. Once social history had opened the floodgates on the lost stories of people in the past, it became possible to tease out

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the different experiences of various groups of people. Energized by the political movements taking shape in the world, scholars eagerly sought the histories of women and of racial and religious minorities. Each new round of stories shed light on a previously darkened corner of the past. In time, as each new field established itself, it allowed for more specialized and more sophisticated studies. What had been “women’s studies” became “gender studies,” for example, reflecting the inclusion of transgendered and intersexed people as well as a deeper contemplation of men and masculinity.

It is now possible to study the history of almost any category of human being in the past. I applaud the blossoming of historical research that has allowed us to recover so many lost voices. A drawback to this series of developments, however, is how disconnected each field of study is from the next. One approach that helps resolve this difficulty, also dating to the 1970s, is that of microhistory. A microhistory is an intense study of a very small-scale topic—the events of a single day, for example, or the life of an individual person. Though microhistories tend to involve the study of non-elites, the approach came about partly as a reaction *against* social history. Social historians tend to rely on the technical methods used by other social sciences, such as sociology and anthropology, and their conclusions often include generalizations: “Peasant communities are like X” or “Revolutions happen because of Y.” Microhistorians preferred to demonstrate that a close study of particular events and individuals reveals how often generalizations do not hold up: “*These* peasants are not like X” and “*This* revolution was not caused by Y.”

Since microhistory seems to focus on subjects that defy generalization, some scholars have debated to what extent microhistories can teach us something valuable about the past that goes beyond whatever peculiar example a microhistorian has chosen to study. However, microhistorical approaches are especially useful in allowing the student of history to examine an event or a community in depth. A close study permits us to see the context for the subject and the interplay between large-scale developments and local action or reaction. It allows us to consider the interaction of people from different social groups, so it is neither an old-fashioned elite story nor a radically personal tale from below. Microhistories can be simply narratives that illustrate life in a historical moment and create an opportunity to bridge the distance between very different and very specialized studies.

This book tells the story of a dispute between two women that turned into a criminal homicide investigation. Since it is not a famous or legendary event, I had to rely on a combination of sources to bring it to light. The bulk of the material comes from the dossier filed when the killer sought to appeal her death sentence. That dossier includes the official investigation, witness testimony, coroner’s reports, and related documents. The dispute took place in a small rural parish in the French region of

Brittany. Many of the witnesses were illiterate farmers who spoke only the local Breton language, so their words, like those of many common folk of the era, are only preserved as demanded, translated, and filtered by judicial authorities who sometimes had their own agendas. The social network of the village is preserved in the parish registers of births, marriages, and burials. These amazing sources allowed me to trace who was related, who was invited to what weddings, and who served as godparents to whom. Tax rolls, too, show wealth and status for the whole village, while contracts archived by notaries spell out land ownership, rental relationships, terms of marriage agreements, gifts, and wills. In a bureaucratic and legalistic society like France in the eighteenth century, even the humblest person left a record for the determined historian to find.

Though it might seem odd to the modern mind, the crime of homicide has never been universally recognized. Around the globe and throughout history, cultures have developed distinct definitions of killing and crafted their own legal and social responses to it. Every aspect of a killing is important to consider—the motives and circumstances of the killer, for example, will be shaped by the culture in which he or she lives. The existence of a formal criminal justice system or a reliance on local personal vengeance will shape how matters proceed after the killing. Finally, social and religious traditions help resolve conflict and restore harmony in the wake of a violent tragedy. Thus, a homicide and its aftermath offer a unique portrait of a particular moment in history.

This is especially so when a homicide case involves a woman. In England, for example, the eighteenth century was an age in which stories about murderesses gained a particular popularity. Notorious true tales of women who killed became the source material for countless news stories and commentaries, as well as the inspiration for fictional works. However, the infamous murderesses of eighteenth-century England tended to be portrayed as women who had transgressed the very image of womanhood—nurturing, gentle, and submissive. Such women therefore were mesmerizing because of their deviance. They committed a sort of treason when they murdered spouses, parents, or employers, and they betrayed their domestic calling when they harmed those under their care. This might have been the case in France as well, especially when one considers the scandals of court society in Paris and other centers of power. However, in the far reaches of the Breton countryside, there was nothing scandalous about the murder we consider in this book. It was just one more example of everyday violence.

Violence in the West was seen as something to tame, and Westerners do tend to view history as a “story of the progress of humanity.” That is to say, humanity is always improving and evolving. For many scholars, violence has been long associated with past less “civilized” cultures that lacked emotional control or sufficient powers of reason.

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Norbert Elias is credited with introducing the idea that there was a civilizing process in which modern peoples became more controlled and less emotional. Evidence suggests there was, indeed, a dramatic reduction in the occurrence of interpersonal violence in European societies from the eighteenth to the twentieth centuries. For Elias, the reduction in violence was due to the growth of state power. Centralized authorities had the power to control and curtail violence through an efficient system of police and criminal courts. Other explanations for the reduction in violence refer to the industrial economy, a shift in mentalities, or some combination of these things. Pieter Spierenburg points to a trend in more restrained emotional response in elite society in the seventeenth century that gradually trickled down to commoners. To many scholars, that might explain why social elites seemed to let go of interpersonal violence long before the masses. In Alain Corbin's study of a very public murder in 1870, in which a noble was tortured and executed by a mob in the midst of a country fair, many bystanders either ignored the incident or casually observed it. Corbin concludes that the peasants who participated or watched the murder were merely the last social group to let go of the violent culture that had been renounced by more enlightened and educated classes of people during the preceding century. Of course, elites were the ones who maintained a culture of dueling up to the nineteenth century, and it was sometimes left to lower-class bystanders to stop them.

Another view of violence is tied to cultural factors, meaning violence is less a product of social order than it is a product of the "backwardness" of certain peoples. Malcolm Greenshields, studying the Haute Auvergne, noted a long-held notion that identified the inhabitants of this region as isolated, crude, and having "a propensity for interpersonal violence." His own work and the work of several scholars before him, notably Arlette Lebigre, Iain Cameron, and Abel Poitrineau, suggest that life in this mountainous region was particularly brutal in the early modern era. This view of violence is relevant to my case study because Brittany, too, was regarded as backward in comparison to other regions in France. Bretons were, and are, fiercely independent. The province had only been added formally to the French kingdom in 1532, and much of the population spoke only Breton, not French, into the nineteenth century. Only the large cities in Brittany adopted the trappings of French sophistication. Rural people worked with their hands—in agriculture, at sea, or in light industry—and often only earned enough money to put food on the table on a week-to-week basis. The textile industry, a crucial source of what little prosperity the Bretons enjoyed, was late to adopt even mechanized spinning and relied upon hand-spinning by women and children in weaving households. Eighteenth-century observers, such as Arthur Young, expressed some sympathy and admiration for the Bretons but considered the rural population to be barely better off than beasts. This perspective,

similar to the view of the Haute Auvergne outlined previously, might suggest that the Bretons were particularly prone to violent acts.

However, violence is very difficult to quantify and track. Evidence is incomplete and contradictory, and cultural definitions of what constitutes violence change over time. Other studies suggest that interpersonal violence always had an aspect of ritual or rules that controlled its extent. After all, if a ritual display of conflict resolved an issue without a fatality, it would not have been recorded. Julius R. Ruff has shown how a midday confrontation, usually in front of an audience, allowed aggrieved parties to display their conflict for public consideration. Villagers would usually intervene to prevent real damage, but occasionally the display went too far, and someone died. To the modern glance, such a death might look like the product of a brutal and out-of-control populace, when in fact it was very controlled and often worked to limit violence. The members of a community have the right to decide what kind and how much violence to allow or excuse. The potential to restore harmony often depended on whether violence fit into permitted range and whether the perpetrator was willing to defer to judgment of community. This is why it pays to make a close study of a case of murder. As Stuart Carroll put it, "Understanding the relations between performer, victim and witness will tell us a lot about the political and social environment in which the act occurs."

The death of Marie Dufrost at the hands of Moricette Nayl in 1718 is the heart of this study. However, a separate case involving a capital theft investigation in 1717 against Julienne Evennou also features heavily. Evennou and Nayl were not personally connected in any way, but Evennou's case involves all of the same officials in this small jurisdiction and many of the local elite. If possible, the entire process surrounding Julienne Evennou was just as conflicted and even more chaotic than the procedure against Nayl would turn out to be. Thus, a close study of both cases as they unfolded reveals quite a bit about the criminal justice system in one corner of France at the opening of the eighteenth century.

This was an important moment in the evolution of criminal justice. Coming off centuries in which justice was in the hands of elites who viewed their offices as personal possessions, the early eighteenth-century judicial system was inconsistent, ineffective, and often arbitrary. The judicial system was complex, and there were many overlapping jurisdictions that operated on multiple levels. At this same time, legal theorists were busy outlining the standards of rational justice. Legal treatises and commentaries appeared quite regularly throughout the late sixteenth and seventeenth centuries, resulting in great tomes of legal genius available to judges in the eighteenth century. Legal dictionaries and encyclopedias exploring royal law alongside every conceivable provincial code were printed and distributed. The authors of these works were committed to making sure the systems at work were reasonable and fair. Their work was both precursor to and part of the Enlightenment. There were forces

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at work to centralize and standardize the judicial system, but that process was far from complete in the eighteenth century.

According to a view first introduced by Alexis De Toqueville in 1856 and accepted without question for generations, the crown had overtaken the seigneurial courts by the eighteenth century and had rendered them irrelevant. Thus, the powerful monarchy had successfully centralized judicial power long before the French Revolution. In contrast, many modern scholars have postulated that the French judicial system was still feudal in nature in the late eighteenth century, dominated by local lords who were at odds with royal authority. This is the view put forth by Anthony Crubaugh in his book, *Balancing the Scales of Justice: Local Courts and Rural Society in Southwestern France 1750–1800*. Crubaugh finds that seigneurial courts far from Paris were often controlled by local lords who employed corrupt and unqualified justices to uphold their exclusive power. The king might have wanted to bring these abusive courts in line, yet lacked the resources or the widespread support to do so. Other scholars suggest that local jurisdictions were, indeed, still independent of the crown but that the judges in these courts were deeply connected to the community and therefore offered the only place where locals, even humble peasants, had access to justice. A key example of this thesis is Jeremy Hayhoe's *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy*. Hayhoe finds that local courts were central to the daily lives of eighteenth-century rural people—thus, still feudal but benign rather than abusive.

Other scholars have used in-depth analysis of remote jurisdictions to complicate the idea that there was a neat distinction between royal and local courts, and that one inevitably replaced the other. Zoë A. Schneider, in her study of courts in Normandy from 1670 to 1740, found that magistrates often accumulated titles and served multiple jurisdictions, sometimes working in royal and seigneurial courts simultaneously. There were definitely changes in the judicial system during this period, but those changes did not necessarily reflect the growing power of the central state. The same local elites remained in place as the official titles shifted in form. Steven G. Reinhardt, analyzing Périgord in the eighteenth century, undermines the idea that the development of a modern and standardized legal system was imposed from above on a resistant rural populace. He found that peasant communities increasingly sought out official legal solutions to conflicts that had traditionally been handled through local mediation. The court systems offered solutions that were “more formal, anonymous, and predictable.”

Schneider and Reinhardt's work has the advantage of a microhistorical approach, as a close look at a few jurisdictions can reveal realities that are more complex than large theoretical models would suggest. However, they are still looking at judicial systems that involve hundreds of cases and allow them to employ some statistical analysis of the incidence of

crime, the range of civil complaints that might be brought before the bench, and the types of decisions and sentences magistrates handed down in the course of their duties. Thus, they can test the big theoretical models with detailed examples.

My study is even more “micro” than the previous studies in that I am looking at a handful of cases in a few jurisdictions. Nevertheless, I can hopefully contribute to an ongoing conversation about the state of the criminal justice system in the decades leading up to the French Revolution. As André Giffard’s classic work on Brittany shows, justice here was historically tied to a fief, and every sale of a title subdivided a territory and created a new set of magistrates. This led to a confused and tangled system of competing jurisdictions. Further complicating the situation was the fact that local and royal legal representatives were difficult to distinguish because overlapping jurisdictions sometimes led to overlapping official titles. Mirroring what Zoë Schneider found among magistrates in Normandy, I have found that an individual might hold a seigneurial office alongside a royal post at a different level. Indeed, Hervé Piant suggests that this may have been the only way by which a legal professional could make a living in an isolated rural area.

In the cases that make up the heart of my study, it was technically representatives of the royal system who challenged the abuses and neglect of local elites and helped introduce some standards of justice. However, there were numerous irregularities in the judicial courts of Lanvollon and Pléguien, and some of the men upholding royal justice were, in other cases, just as self-serving as those they criticized. Centralizing the state may have served to curtail the abusive and self-serving judicial practices at work in far-flung provinces, albeit in a very limited way. The real work should be credited to those legal theorists and professionals who saw the value of a rational and fair system. It is possible that a standard rule of law across the kingdom, whatever its source, may have helped make the construction of modern republics possible. It was nevertheless a messy business. The cases pursued against two different women in a tiny corner of the kingdom illustrate these growing pains.

Bibliography

- Cameron, Iain. *Crime and Repression in the Auvergne and the Guyenne, 1720–1790*. Cambridge: Cambridge University Press, 1981.
- Carrol, Stuart. “Introduction.” In *Cultures of Violence: Interpersonal Violence in Historical Perspective*, edited by Stuart Carrol, 1–43. London: Palgrave MacMillan, 2007.
- Corbin, Alain. *The Village of Cannibals: Rage and Murder in France, 1870*. Translated by Arthur Goldhammer. Cambridge, MA: Harvard University Press, 1992.
- Crubaght, Anthony. *Balancing the Scales of Justice: Local Courts and Rural Society in Southwestern France, 1750–1800*. University Park: Penn State University Press, 2001.

8 Introduction

- Elias, Norbert. *The Civilizing Process*. Vol. 1, *The History of Manners*. First published in German in 1939. Oxford: Blackwell, 1969.
- Giffard, André. *Les Justices Seigneuriales en Bretagne aux XVIIe et XVIIIe Siècles, 1661–1791*. Paris: Rousseau, 1903.
- Greenshields, Malcolm. *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587–1664*. University Park: Penn State University Press, 1994.
- Hayhoe, Jeremy. “Illegitimacy, Inter-Generational Conflict and Legal Practice in Eighteenth-Century Northern Burgundy.” *Journal of Social History* 38, no. 3 (Spring 2005): 673–684.
- Lebigre, Arlette. *Les Grands Jours d’Auvergne: désordres et répression au XVIIIe siècle*. Paris: Hachette, 1976.
- Mc Mahon, Richard, Joachim Eibach, and Randolph Roth. “Making Sense of Violence? Reflections on the History of Interpersonal Violence in Europe.” *Crime, Histoire & Sociétés/Crime, History & Societies* 17, no. 2 (2013). <http://chs.revues.org/1423>; DOI:10.4000/chs.1423
- Piant, Hervé. *Une Justice Ordinaire: Justice Civile et criminelle dans la prévôté royale de Vaucouleurs sous l’Ancien Régime*. Rennes: Presses Universitaires de Rennes, 2006.
- Poitrineau, Abel. *La Vie rurale en Basse-Auvergne au XVIIIe siècle (1726–1789)*. Paris: Presses Universitaires de France, 1965.
- Reinhardt, Steven G. *Violence and Honor in Prerevolutionary Périgord*. Rochester, NY: University of Rochester Press, 2018.
- Ruff, Julius. “Popular Violence and Its Prosecution in Seventeenth- and Eighteenth-Century France.” In *Crime, Law and Popular Culture in Europe, 1500–1900*, edited by Richard McMahon, 32–51. London and New York: Routledge, 2008.
- Saxton, Kirsten T. *Narratives of Women and Murder in England, 1680–1760: Deadly Plots*. Farnham: Ashgate, 2009.
- Schneider, Zoë A. *The King’s Bench: Bailiwick Magistrates and Local Governance in Normandy, 1670–1740*. Rochester, NY: University of Rochester Press, 2008.
- Shoemaker, Robert B. “The Taming of the Duel: Masculinity, Honor, and Ritual Violence in London, 1660–1800.” *The Historical Journal* 45, no. 3 (September 2003): 525–545.
- Spierenburg, Pieter. *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present*. Cambridge: Polity Press, 2008.
- . “Faces of Violence: Homicide Trends and Cultural Meanings: Amsterdam 1431–1816.” *Journal of Social History* 27, no. 4 (Summer 1994): 701–716.
- Young, Arthur. *Arthur Young’s Travels in France during the Years 1787, 1788, & 1789*, edited by Matilda Betham-Edwards. London: George Bell and Sons, 1909. Library of Economics and Liberty (Website). www.econlib.org/library/YPDBooks/Young/ynTF3.html

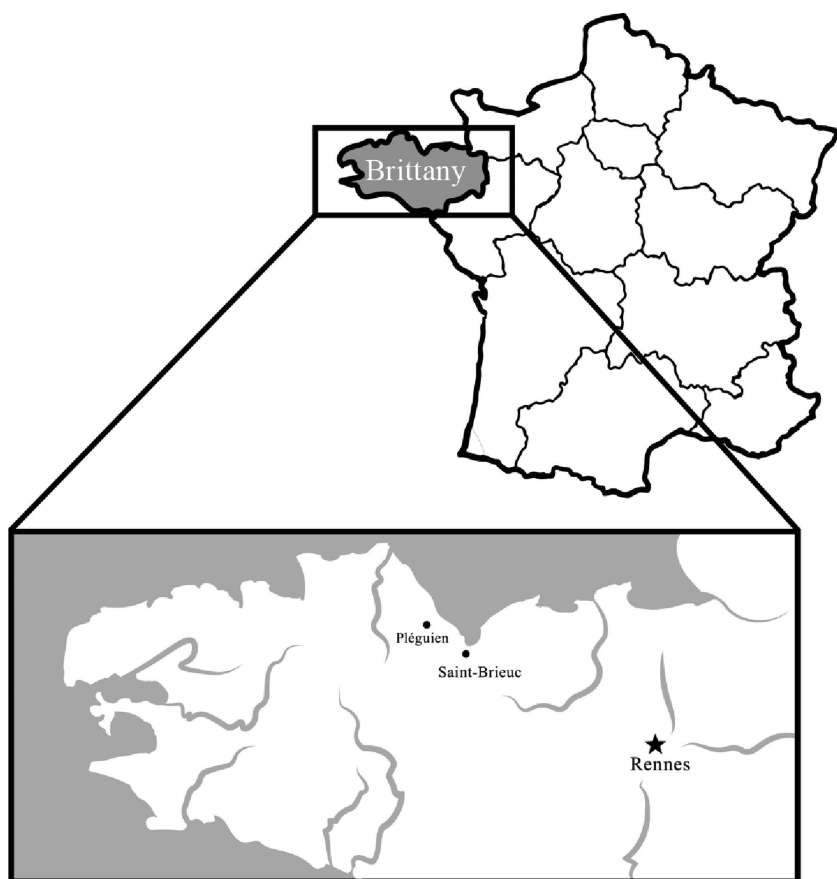


Figure 1.1 Brittany, France.

Source: Drawing by Evan Gambill.

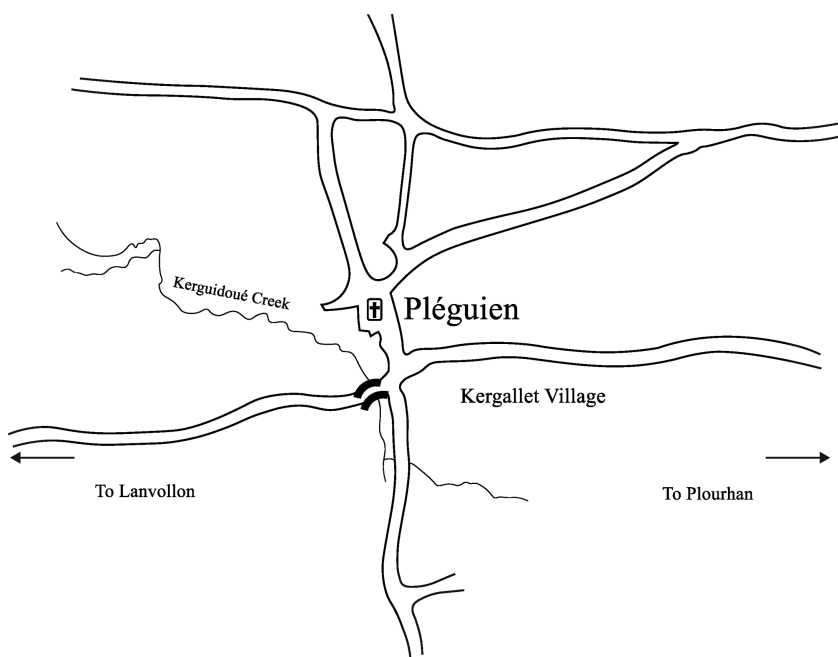


Figure 1.2 Pléguien.

Source: Drawing by Evan Gambill.

1 Murder

It was June 23, 1718, on the last day of the fair at Lanvollon, around 4 o'clock in the afternoon. A number of people traveled the road out of Lanvollon, some to the small town of Pléguien or the village of Kergallet, and some heading on toward the parish of Plourhan. It would have been a mild—perhaps even hot—day near the northern coastline of Brittany in France. The summer of 1718 was unusually hot and dry, a precursor to a devastating drought the next year. Tensions were high as crops wilted, drinking water ran dry, and flies multiplied. Moricette Nayl walked the road from Lanvollon, leading a cow to visit a bull owned by Jan Rivoal. She was accompanied by her young cousin, François Dauloudet, and as they approached Rivoal's home in Kergallet they passed the courtyard of Marie Dufrost, who was out hanging some linens with the help of her son.

Upon seeing Dufrost and her son, Moricette began yelling out to them, calling them “thieves” and making other insults. She cursed at them and accused them of stealing from her parents, her task at Rivoal's house all but forgotten. The stillness of the late afternoon was shattered by this unexpected outburst. Marie Dufrost answered in anger, denying the accusation and challenging Moricette to come into the house and look for anything that had belonged to her parents. Dufrost went so far as to grab Moricette by the shoulders and push her toward the front door. As Moricette turned to face her, the two began to grapple, and things escalated quickly.

Women in this era always kept their hair covered with a *coif*, a cap or kerchief, and Brittany was and still is famous for the beautiful nature of the women's coifs, the style of which often identified what part of the region a woman inhabited. No respectable woman would have gone out without her coif, and tearing the cap off a woman's head was often the equivalent of calling her a whore. Women who fought each other made a point of grabbing at the opponent's coif as soon as possible. Marie Dufrost and Moricette Nayl “decoiffed” one another as they struggled, signaling to all those present that things were getting serious.

Louis Martin, Marie Dufrost's son, ran to his mother's aid just as Moricette shoved her to the ground. Louis pushed Moricette away from his prostrate mother, who was reaching for her coif as she struggled to stand on the road outside their home. Furious at having been pushed by Louis, Moricette grabbed a large stone off the ground and heaved it toward the pair. Jan Rivoal, the neighbor, tried to restrain Moricette, but it was too late. The stone flew through the air and hit Marie Dufrost in the forehead. She fell back again; this time not moving at all.

Marie Dufrost did not die right away. She was still breathing, so Louis carried her inside and then went to get his older sisters, who had both married and moved out of their mother's home. One lived nearby, and the other was living in town. The three siblings cared for their mother as best they could, but even in the best of circumstances, she might not have stood a chance. In July 1718, with the dry heat, poor water, and rampant fevers all around them, Dufrost never recovered from the injury. She died 15 days later.

The death of Marie Dufrost triggered a homicide investigation, and from this point on, accounts differed dramatically. François Dauloudet, Moricette's young cousin, had run home with the cow that day as soon as the two women began to fight. François said he and Moricette were in the courtyard of Rivoal, waiting to go to the bull's pasture, when the yelling started. He said Louis Martin crossed the road, entered Rivoal's court, and slapped Moricette for having insulted his mother. He did not understand what they were arguing about, but he left to get help as soon as he could. He never saw what happened out on the road.

Jan Rivoal, the neighbor waiting that day for a visit from Moricette and her cow, said in his deposition that Moricette did indeed start yelling insults at Marie Dufrost and her son, Louis Martin, as soon as she saw them. However, Rivoal said it was Louis who got physical first, crossing the road to grab Moricette and pull her into their house, challenging her to prove her accusations of theft. Moricette tried to get away from Louis by punching him in the face. Rivoal said he went to separate the two, pulling Moricette out of Louis' grasp. As she stumbled away, according to Rivoal, Moricette picked up the stone and threw it wildly, hitting Dufrost in the forehead. As Dufrost lay bloodied in the dirt, Moricette continued shouting insults and threats. Jan Rivoal said he had to force Moricette to leave his courtyard and head home.

Pauline Lariviere, a teenage servant and cowherd in Dufrost's home, heard Moricette's accusations and Dufrost's challenge. She saw the women decoif each other and said Louis Martin only tried to get his mother away from Moricette. Pauline stated that Moricette threw two stones, both at Louis after he pushed her away from his mother but that the second stone hit Dufrost instead. Pauline then confirmed that Rivoal sent Moricette away because she kept up her yelling despite Dufrost lying unconscious in the road. Finally, Pauline introduced a new element, declaring that

Moricette's mother, having heard from young François that Moricette and Dufrost were fighting, was marching toward the scene with a club in her hands and calling out for reinforcements. Moricette's mother was heard to say that Marie Dufrost was attacking her daughter and she was on her way to stop the fight.

This last bit was corroborated by three other witnesses: Marie Herry, a 17-year-old spinner; Marie's mother, Catherine Le Meur, wife of Guillaume Herry; and Janne Nicolas, the wife of a neighbor. All three were doing laundry at the riverside when they saw François Dauloudet leading the cow home alone and, soon after that, Marie Dauloudet, Moricette's mother, setting out in anger and at great speed, brandishing a club. Marie Dauloudet invited the other women to join her to save Moricette from an attack at the hands of Marie Dufrost and her son Louis Martin. The three women were too stunned by the encounter to even respond. It did not matter. In just a few minutes, they saw Marie Dauloudet return with a disheveled Moricette, and they assumed all the commotion had been for nothing. It was not until much later that any of these witnesses heard what had happened.

Pierre Courquin and his widowed mother, Noelle Becouarn, were among those returning from the fair at Lanvallon to their home in Plourhan parish. They happened to be passing by the homes of Rivoal and Dufrost in Kergallet during the fight. Both Courquin and his mother knew Marie Dufrost and saw that she and another woman were fighting. They noticed that both of the women had been decoiffed and then saw the second woman pick up a rock and throw it "with all her force" at Marie Dufrost. However, that is all the two saw because they continued on their way and only heard later that Dufrost had died from her injuries.

Not surprisingly, Moricette's parents and brother told a very different story. Marie Dauloudet, Moricette's mother, denied that she had set out, swinging a club, to fight Marie Dufrost for having attacked her daughter. She said that she did not have a club, only her walking stick, which she needed to get around in her old age. Marie Dauloudet did call out to the women washing sheets on the riverbank, but she did so only because she feared for her daughter and hoped they would help. As it happened, however, Marie Dauloudet never got to Dufrost's house. She encountered Moricette en route, bloody and disheveled, and immediately returned home with her.

Moricette's father and brother, Nicolas and Jan Nayl, had little to say about the fight that occurred on June 23. Nicolas was on his way back to the house from the town center of Pléguien when he met up with his wife and daughter. Moricette was "bloody and disheveled," as his wife had testified, and he heard all about the quarrel as they led their injured daughter back to the house. Jan Nayl, for his part, said he never even left the house that day and only saw his sister return with their parents after having been attacked by Dufrost and her son. Moricette's family

members stated that they were mystified by the attack on Moricette. There had never been any ill will between their families, and they could not imagine what would have brought on such maltreatment.

The story becomes fairly complicated here, however, due to the status of Nicolas Nayl and his whole family. Nicolas Nayl was also known as *Sieur Desnos*, seneschal of nearby Plessix, and was therefore the ranking judge in the jurisdiction in which the fight and death had taken place. Furthermore, he and his sons worked as *procureurs* and notaries in Lanvallon and Pléguen. *Procureurs* acted as a sort of legal counselor or representative, and notaries, of course, wrote and certified statements and contracts. The whole family was thus firmly entwined in the judicial class, and most people in the area would have done business with them or gone to them for help at one time or another. They would have been in many ways a class apart from the farmers and laborers who had been called to testify against Moricette. Their defense of Moricette, and proclaimed bewilderment at the quarrel, might have ended the whole affair before it had gotten started.

Enter Guillaume Raoul, *Sieur de Kerbellec* and *procureur* in Lanvallon. He appealed to the local advocate of the royal court, Jan Damart, for appointment as substitute *procureur* in Plessix to pursue charges against Moricette in light of the conflict of interest inherent in Nayl's position. Raoul was easily granted this status and proceeded with interrogations, only to be stalled by an appeal filed by Jan Nayl. The appeal claimed that Raoul was out of his jurisdiction, that the *procureur* in Lanvallon had no legal right to enter the territory of Plessix on official business, and that Raoul was assisted by his son, who was not yet 25 and therefore a minor. The charges in the appeal were serious enough that the court had to consider them, leading to a delay of several weeks. Finally, the court agreed that Nayl could not be allowed to interfere with the investigation of his daughter and formally extended royal protection for Guillaume Raoul in the execution of his duties.

It was not until the end of October that sergeants were sent to arrest Moricette Nayl for the murder of Marie Dufrost. By that time, there had been the "public ban and cry of charges" in the parishes of Pléguen and Plourhan and along the streets and popular spaces of the villages. Testimony had been gathered and confirmed from far and wide. On October 27, 1718, at 11 o'clock in the morning, three officers arrived at the Nayl home to arrest Moricette and confiscate her goods. At the house, they found only a little boy named François Courouge, a servant to the Nayl family. He stated that he had no idea where Moricette or her parents had gone or when they would return. He had not seen any of them in some time. The officers then approached the nearest neighbors, Yves le Trocquer and Guillaume Peridou, and asked them to witness and assist in a search of the entire Nayl property. They refused. The sergeants

left in frustration, warning the others that the Nayl family was under strict order to present themselves for an audience in Lanvollon.

Moricette remained hidden despite the continued public calls for her arrest. In November 1718, Marie Dauloudet, Nicolas Nayl, and Jan Nayl were summoned to court, and they had no choice but to comply. In December, they were interrogated one last time, and on January 16, 1719, a definitive sentence was handed down by Jan Damart, *avocat* of the royal court. Moricette Nayl was declared guilty of the homicide of Marie Dufrost. She was to be arrested and led, bareheaded and bare footed, from the site of her crime to a public space in Pléguien, where she would be hung until dead.

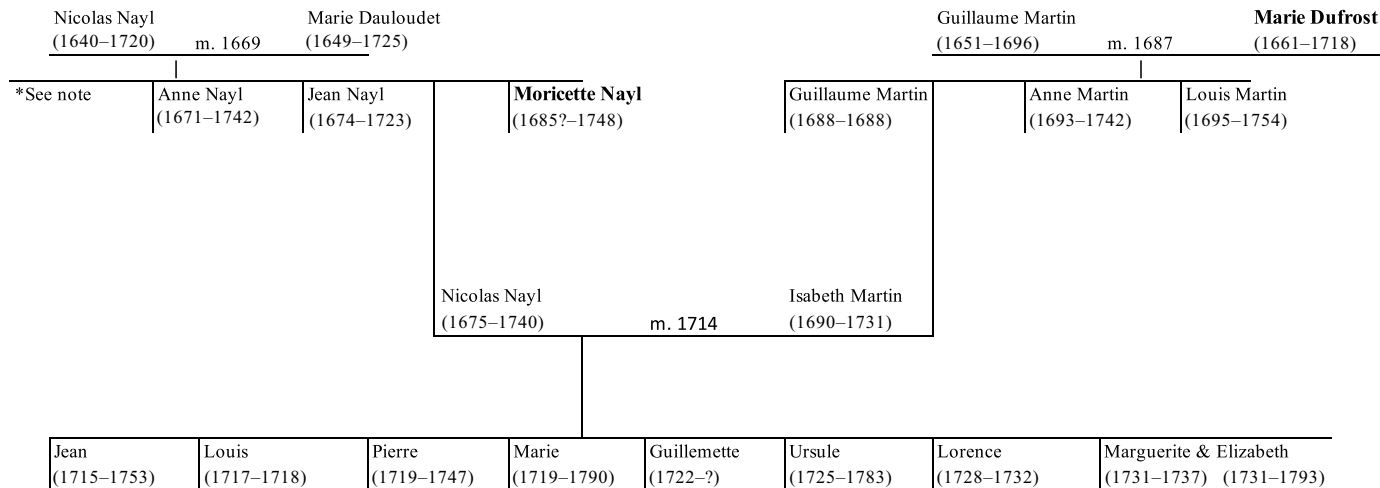
As Moricette was still at large in January 1719, the sentence was carried out in effigy so the crown could be assured of an impressive public spectacle that affirmed the king's power to punish violent criminals. In the meantime, Moricette's family would pay for their part in her crime and for their attempts to thwart the pursuit of justice. Marie Dauloudet, Nicolas Nayl, and Jan Nayl were stripped of all their goods and property to pay for the criminal proceedings and furthermore charged 30 *livres tournois* to pay for prayers for the soul of the deceased.

Oddly enough, in all the time that had passed, there were some who had refused to participate in the criminal procedure. This list included Marie Dufrost's three children—Anne, Elizabeth, and Louis Martin—who claimed that they were in mourning and would do no more than identify the cadaver. Louis Martin was expected to confirm the basic events of the dispute since he had been present and involved. Beyond that, he refused to cooperate. The husbands of the Martin sisters also declared their refusal to participate in the process. This makes some sense as it would have been a family decision. But, of course, Elizabeth's husband had an even more compelling reason to remain uninvolved. He was Nicolas Nayl the younger, Moricette's brother. His sister had just killed his mother-in-law, and he had nothing to say on the topic.

Thus, by the date of her formal sentencing, Moricette was a fugitive, her parents and oldest brother had been charged with a crime, the community was divided on what had happened and why, and some of those most central to the conflict refused to even speak of it. So, what was going on?

Bibliography

Archives Départementales d'Ille-et-Vilaine, code 1 BN 1269, dossier of homicide case against Moricette Nayl, July 1718–August 1720.



* The Nayls had 11 additional children who did not survive: Jacques (1670–74), Guillaume (1672–83), Barnaby (1676–?), Françoise (1678–1714), Catherine and Marguerite (1680–?), Catherine (1681–?),Marguerite (1683–?), Louis Jerome (1685–85), Marie (1687–1701), and François (1690–94).

Figure 2.1 Family Tree of the Nayls and Martins.

Source: Figure by author.

2 Community

Pléguen, like most rural communities in eighteenth-century France, was a fairly small district in which everyone was connected and where outsiders were suspect. The exact population is not recorded for this era, but the capitation tax rolls for 1739 and 1741 list about 300 heads of household within the town proper.¹ By the Revolution of 1789, the total population was 1,165 people. Parish registers provide a more detailed portrait of the inhabitants as each baptism, marriage, and burial listed names not only of the participants but also of godparents and witnesses of note. It should come as no surprise that the same names appear repeatedly throughout the sources. The Nayls, Dauloudets, Dufrosts, and Martins were all central to the social network of Pléguen and the surrounding towns and villages.

As noted previously, Nicolas Nayl the elder was a man of some standing, holding the minor title of Sieur Desnos (sometimes Denoë) and serving as seneschal or primary judge to the seigneurie, or lordship, of Plessix under the Dowager Dame de Carcaradec Rogon.² Nayl and his sons served as notaries in Pléguen and in nearby Lanvollon, where Nicolas' brother Olivier Nayl and nephew Barnaby Nayl also worked as notaries and *procureurs*. Notaries, generally speaking, did not count among the elite. They tended to be in the "middling rank," especially in prominent cities such as Nantes. *Procureurs* tended to be more highly regarded as they served as legal representatives or guides, but they still did not rank as highly as an *avocat* or a judge in the courts of Parlement in a city such as Rennes. In rural communities, however, where most people labored hard to make ends meet, a notary, *procureur*, or judge would have been well respected and would have enjoyed an elevated status. This was true even if, in the big picture, the seigneurial courts and some of the magistrates who controlled them were near the bottom of the judicial system. Notaries and judges were so well respected in rural communities that they were often called upon to mediate in local disputes as men who were "at once within and outside of the community." A seneschal and his lieutenants would have been university educated and would have had

a thorough knowledge of local custom, especially as it pertained to property law.

The rector at the parish of Pléguen in the mid seventeenth century was Julien Dauloudet, uncle and godfather of Marie Dauloudet, Moricette's mother. After he died, the rector of Pléguen was Louis Dufrost, cousin to the victim, Marie Dufrost. Parish priests were not always elite, but they had to have come from families with the means to educate at least one of their own. So, the Dauloudets and Dufrosts must have both fit into that category. This would not be the only link between Moricette's mother and her victim. The Martins, though a farming family, owned quite a bit of land and had several tenants in the area, earning them status and recognition among the local families.

Because they were connected in so many ways and present at so many parish celebrations, it makes sense that young Nicolas chose one of the Martin girls as his bride as they would have been together on a regular basis. They had even served together as godparents to one of Jan Rivoals' nieces 6 years before they were married in 1714. Furthermore, as active notaries in Lanvollon and Pléguen, the Nayls were the ones who handled all the livestock sales and rental contracts for the Martins and Dufrosts.³ In fact, the elder Nicolas Nayl handled a sizeable sale of property for Marie Dufrost the same month that their children wed. The families were intertwined in business as well as in the social life of the parish.

Just as much separated these families, however. Connected as he was to the judicial system, Nayl, his wife Marie Dauloudet, and most of their children were literate and spoke French. They clearly did some level of farming, as evidenced by Moricette's having to bring the cow to Rivoal's bull after a fair. But Nayl's responsibilities as a judge sometimes took him away from this little parish, and, in fact, Nayl resided in Lanvollon for years before settling in the burg of Pléguen. Though Marie Dauloudet was born and baptized in Pléguen, she and Nicolas Nayl were married in Lanvollon, and their first seven children were baptized there. They may not have been fully integrated into rural life in the same way that parish natives like the Martins and Dufrosts were. Those families were farmers still firmly tied to the land, even if they were wealthy. Furthermore, the Martins claimed to speak Breton almost exclusively. When asked to give testimony about what had happened on June 23, Louis Martin and his two sisters claimed to speak not a word of French. It was through an interpreter that they declared their refusal to participate in the investigation.

However, once again, witness testimony pertaining to the day of the fight introduces some confusing details. On that fateful day, Moricette had passed by Dufrost's house in the company of her little cousin François. The boy, when asked what had happened, said he had no idea what Marie Dufrost and Louis Martin were arguing about with his cousin because they were arguing in French and *he* only understood Breton. It

is possible, then, that Louis and his sisters were only stalling when they claimed they could not speak French. Another possibility concerns their place in this community. Yves Castan, in *Honnêteté et relations sociales en Languedoc*, found that non-elites in that region made a point of speaking Occitan instead of French to proclaim their unity with peers and to avoid “putting on airs.” Such a stance did not mean they did not speak French, but they would refuse to do so as a matter of principle.

Pléguien is not unique for the region in this era, when so many people spoke Breton, but all official business had to be conducted in French. However, later studies place Pléguien on a special boundary—the *exact* border between Breton-speaking lands and Gallic lands. To do business with one another and the other inhabitants of Pléguien, members of both the Nayl and Martin families had to have spoken at least a little of one another’s languages. In fact, in a suggestive sign of their ability to cross this linguistic boundary, Elizabeth Martin, the wife of Nicolas Nayl the younger and daughter to the victim, was identified as “Isabeau” in all early parish records. Isabeau was a common name among the rural inhabitants of the region. However, after about 1720, she is identified only as Elizabeth. Though the names were largely interchangeable—Isabeau and Isabeth were sometimes regarded as nicknames for Elizabeth—it is possible she switched to a more elite-sounding name as she became the Dame Desnos. Regardless, the court records establish a linguistic, and therefore a possible cultural, distinction between the judge’s French-speaking family and the victim’s Breton-speaking children.

How do we unravel this complex network of people? Most of the literature about communities in the eighteenth century reflects clear divides between people of different ranks, known as “estates.” France was and still is a largely collective culture, meaning that people tend to associate with their own group and make decisions based upon how their actions will impact the collective. Chasms often separated peasants from bourgeois and clergy and nobles. In fact, these groups would turn on one another repeatedly up to the Revolution of 1789 and beyond. A vast literature tells us that people tended to belong to distinct groups, that “villagers,” “bourgeois,” “clergy,” and “nobles” operated in a complex negotiation with one another. The various elites would alternatively have worked together or strategized against one another, while the least powerful groups like peasants and manual laborers almost always suffered for it. That is, of course, unless they had powerful allies who could protect them against powerful enemies. Based on this careful distinction of rank, one might expect the Nayls and the Martins to have done business with one another, and been cordial at social and religious celebrations, but not to have united their families through marriage.

The parish of Pléguien defies much of this accepted pattern. There were alliances between peasants and elites alongside disputes between social equals. This is not a clearly defined or predictable narrative. The Nayls

may have been notaries and judges, connected to a traditional seigneurial French regime, but they still tended their own livestock and conformed to a rural lifestyle. Their home included both a barn and a granary. Though François Dauloudet, Moricette's cousin, was illiterate and ignorant of the French language, he was nevertheless part of the Nayl household, taken in as a cowherd and servant. Rural households usually included a variety of relatives, servants, and farmhands.

For their part, the Martins were identified as *laboureurs*, or farmers, like many of their neighbors. We have seen that they, too, were Breton speaking and mostly illiterate. As a widow with grown and married children, as well as a good deal of property and a few servants, Marie Dufrost automatically commanded a certain respect. Her family also kept cows, worked their own land, and personally brought goods to market. On the day of the fight, Louis Martin and his mother were gathering up linens in the courtyard—linens identified specifically as *linges des halles*, or the type of sheets used in the marketplace when displaying merchandise or produce. They had probably come from the Lanvollon fair that day, like everyone else. Marie Dufrost and her children were active in the full range of peasant activities.

There is much to suggest that the families involved in this tragic dispute were part of a more fluid social hierarchy than scholars imagined in the past. Recent work shows that a French village consisted of everyone who lived and worked there—"those who had a place, who were known." The community thus included everyone who shared in the daily life of the place. An unrelated criminal case in Lanvollon, concerning allegations of theft by a young woman named Julienne Evennou in 1717, reveals a social world in which all were well known to one another. Evennou was accused of stealing from an elite man through familiarity with some of his servants. Her defenders came from every walk of life, from spinners and porters to members of the local judicial system. She was even related to Gilles Jegu, the court clerk for Lanvollon and, through Jegu's sister, to Barnaby Nayl, notary and *procureur*. The accusers in her case were similarly wide ranging, and the two sides faced off in a number of ways. In one instance, the wife of the man Evennou had supposedly robbed happened to be touring a noble manor house in the area when she encountered some spinners working before a hearth. She recognized one of them as Evennou's primary defender and harassed the young woman as she tried to work. They argued, and afterward the spinner filed a formal complaint.

This regular interaction of people of different statuses would explain why the inhabitants of Pléguien blurred the lines dividing social classes in so many ways. It should be noted that some would scoff at the idea that this village was a typical rural community because of Brittany's peculiar place in the French kingdom. Every region of France was distinct, of course, and few of them mirrored the strict order of Paris and its

environs. But Brittany was often dismissed as a backward province, isolated and impoverished. That even a respected magistrate, the *Sieur Desnos*, would tend his own cows while his illiterate daughter brawled in the streets—well, that might have been greeted with derision at a Parisian salon if anyone even took note of the news.

The only sign that both families might have been considered outsiders by the villagers of the parish comes from some of the depositions given by witnesses. The peasants of France rarely left us records of their own thoughts and attitudes, except as recorded by and filtered through the elites, and the parishioners of Pléguen are no exception. If we look at the testimony of the witnesses, we see a marked indifference toward everyone involved in the dispute. Pierre Courquin and his mother, Noelle Bechouarn, the witnesses passing on the road to Plourhan, both testified that they saw the fight right up until Moricette threw the rock and Marie Dufrost fell onto the ground, bleeding from her forehead . . . at which point Courquin and his mother continued on their way home. Similarly, Marie Herry, Catherine Le Meur, and Janne Nicolas, the three women doing laundry at the river when Marie Dauloudet set out to save her daughter from Marie Dufrost, testified that Dauloudet called for them to help her as she stomped past them in a rage. They further testified that they then went back to their work and were still occupied when Dauloudet returned with her disheveled daughter.

Perhaps the peasants and workers of the community saw the dispute as a curious spectacle playing out among the local elites that had no bearing on the lives of ordinary people. The Nayls and Martins were all elites of one sort or another. As notary and judge, Nicolas Nayl had private knowledge about everyone in the community and the authority to make decisions about their lives. It was Nayl, for example, who could approve weddings for minors, something noted more than once in the parish register of marriages. As parish rectors, at least one man of the Dauloudet clan and one from the Dufrosts would have enjoyed similar authority in the community. Finally, as landowners with tenants, ties to the church, and much business with the notarial families, the Martins also occupied a position of influence. In fact, the tax roll of 1741 was signed and authorized by Louis Martin, “notable” of the town and one of those assessed at a slightly higher tax bracket in the roll compared to his neighbors.

That said, the indifference of the witnesses might not indicate that the peasants were unconcerned about the fate of the Nayls and Martins. It might simply be a demonstration of what many scholars have described as an early modern culture comfortable with regular and occasionally brutal violence. Violence was an accepted part of everyday interpersonal relationships. As Julius Ruff puts it, quotidian violence was “a common part of the fabric of popular society.” In fact, the violence of the early modern era had a ritualistic component that almost made it an expectation of the community. Fights between rivals, especially on festival or

fair days, was a typical occurrence that highlighted social relations and gave everyone a chance to proclaim or reinforce their standing in the community. Grievances were aired, amplified, and then settled, in one way or another. However, there was always a limit on what violence the community would tolerate in these confrontations.

If someone approached the limit of permitted violence, bystanders would usually intervene if they felt it was necessary. Other cases in the archives demonstrate this sort of action within a small community. In early March 1760, Vincent Penverne and his wife, Perrine Jacob, spent the evening drinking in a tavern in the village of Kercadio in the Diocese of Vannes. Though both were quite drunk, Vincent told his wife to go ahead home to take care of the livestock while he finished drinking and paid up. She left, but Vincent later found her passed out on the road and started “maltreating” her, kicking her body while she lay there. Witnesses stopped him, pulled him away from his wife, and told him to leave her alone. “She will come home when she wants to,” one witness remembered telling Vincent. “You do not want to kill her,” said another, “so just go on home.” This is significant because people rarely intervened in disputes between spouses. Everyone agreed she was alive when they left and Vincent was stumbling toward his house. However, the neighbors found her dead in the road the next morning, gathered her up, and laid her body on her bed at home. The coroner’s report said her head was covered with contusions, possibly from a rock or from Vincent’s wooden shoes. Vincent Penverne tried to hide from the authorities but was quickly found and sentenced to death.

There is some debate about the extent to which rural culture in this era promoted the local settling of disputes to avoid involving the authorities. The use of “*infrajustice*,” or internal practices that resolved disputes, will be explored further in the next chapter. For now, it is enough to say that there was a distrust of outside intervention, especially by authorities, when communities were so small and tightly knit. If there was any hope of negotiating a truce, perhaps with the aid of a mediator, then there was no need to involve authorities. If Marie Dufrost had survived her injuries, there would have been no criminal charges pursued, and therefore no need for bystanders to get involved. The principle of minding one’s own business might have also played a part in the seeming indifference of witnesses to the episode as it played out. It might be occasionally entertaining to watch a fight and share gossip about it, but no one wanted to get tangled up in anything complicated. Finally, though there may have been great loyalty within a community and a willingness to rush to the defense of an injured party, people might stay aloof if they thought the victim deserved what was coming. It is entirely possible that the witnesses were not actually indifferent to the dispute that had taken place in their midst. Perhaps by not interfering, they were simply taking sides.

The only time it was clearly worth the effort to involve outside intervention was if a public insult threatened to destroy someone’s reputation.

Violent blows might be ignored, but an insult could not be allowed to pass unnoticed. In a small community of any kind, reputation was everything, and a public insult might forever tarnish how one was viewed by others. The victim of an insult would take steps to fight the loss of reputation. They might even notarize a formal complaint to establish a record. Though this cost money, of course, the complaint would help establish fault in case things worsened later. This was a kind of halfway step, as using a notary to record a concern was not exactly the same as calling in the authorities, but it could be useful if things ever got to that point. Honor was essential to survival in terms of the ability to both work and eventually marry. A woman called a “whore,” for example, would want to register a complaint and proclaim her innocence lest the casual insult put off potential suitors. Thus, even a woman of modest means might pursue an official complaint in the hopes of getting some satisfaction. In most cases, registering a complaint was meant to safeguard against escalation of the problem, and, clearly, this strategy alone produced results at least some of the time. For example, in Nantes in 1755, Marguerite Grollier filed a “transaction due to injuries” after she publicly insulted a local cook named Judith Guiberg. In making amends, Grollier stated openly in her declaration that Guiberg was “an honorable woman” not deserving of her insults. In recognition of her fault in the matter, Grollier agreed to make her statement of guilt public in the place where she hurled the insults and to pay the fees that Guiberg had incurred in trying to clear her name.

At times, one might have to push things a bit farther to get some satisfaction. In 1730 in the city of Vannes, Françoise Jego went so far as to file a complaint before a criminal court against the wife of a porter who had publicly insulted her. The original complaint has been lost, but the resolution has been preserved. In it, Renée Gaudin admitted her fault in inflicting “injuries, damages and slander” against Jego, her neighbor. In the act of reparation, Gaudin admitted her fault, recognized Jego and her husband as “people of honor,” and promised to pay for “the washing of three coifs” apparently soiled in their dispute.

Honor was an essential element of one’s standing in a community, and therefore, it was recognized as essential to the maintenance of balance within the community. In every dispute or potential conflict, those involved made a careful cost–benefit analysis to decide whether the situation called for indifference or proactive measures. The wrong move could actually lower one’s standing, and everyone was paying attention to the choices other people made.

Marriage is a powerful social institution. A community is built upon layers of relationship, and the connection of families by marriage was central to the social network. In fact, members of a small rural community might even act to prevent unions that were likely to introduce disorder into the area. They might voice objections or steer families toward more suitable matches. No one wanted to deal with the mess if a known

drunkard or a slacker brought down a member of a hardworking and respected family.

Generally speaking, marriage is used to reproduce a class structure, but it can also sometimes alter it. People tended to marry locally, and so both members of a couple in the eighteenth century should have had at least some familiarity with one another before their marriage. If a community was small enough, there might have only been a few eligible partners to choose from anyway. If all other factors were equal, parents might approve an adult child's choice of partner, but romantic matches were rare. In fact, parents had the right to disinherit a son or daughter who married against their wishes. The law did offer the possibility that individuals who had chosen a suitable partner could request a judge to override parental objections. More often than not, however, adults under the age of 25 made matches approved by their parents when choosing a spouse.

The matter of selecting a spouse was complicated by an ongoing struggle between the Church and royal authorities over the nature of marriage and the importance of family approval. This struggle, known as the "Family State Pact" after the work of Sarah Hanley, permitted the elites who shaped French law to ensure parents of a certain rank had the power to prevent or even dissolve what they deemed unsuitable marriages by their children. They did this at the expense of the personal wishes of their children and in direct defiance of church, tradition, and communal mores. Examples of the Family State Pact include the Ordinance of Blois in 1578 and the Marly Declaration of 1730. The Ordinance of Blois made marriages a civil affair that required multiple witnesses and proof of parental consent; it further defined any marriage performed without these elements as a variety of rape, which sometimes carried the death penalty. The Marly Declaration of 1730 confirmed the earlier ordinance but prohibited using marriage as an alternative to death in cases of *rapt*, especially when the evidence of rape or seduction was simply the word of the injured woman. The purpose was to make the threat of death so clear that no one would dare use seduction accusations as a way to force the approval of an inappropriate marriage. Control of adult children was essential if a family hoped to advance or even simply maintain status in this society; it is clear that some families supported the use of death or disinheritance threats against their own children if doing so resulted in compliance.

The Catholic Church, however, had a different view. Following medieval tradition, marriage was a sacred union between two people whose mutual consent to be married was enough to make the marriage a reality in most cases. This approach to marriage is neatly demonstrated by an appeal to the death sentence of Pierre Meheu, who was accused of the rape and seduction of Gillette Periaux in the parish of Plestan in 1720. Meheu declared that he had sought Gillette in marriage, with the consent of her parents, and that the bans had been read out in the Church for 3 weeks with

no challenge. Gillette Periaux, in her support of Pierre's appeal, declared that she and Pierre, having received her parents' blessing and the support of the parish, proceeded to live together as man and wife in advance of the wedding.

Rural communities, along with the Church, tended to be very tolerant of prenuptial sex by betrothed couples once the bans had been read. It is not entirely clear why Meheu and Periaux postponed the wedding when all else was in order, but a wedding could be costly. In addition, rural families tended to wed in times of the year when they could ensure there would be no conflict with holy days or agricultural work. That meant most weddings took place in November, January, and February. Local parish registries confirm this pattern for Brittany. For whatever reason, Gillette and Pierre had not yet officially wed, and she was pregnant with their child when, in an "irregular procedure," the local seneschal opposed their marriage and had Pierre arrested. This version of events was affirmed by the parish priest, who certified that he was prevented from marrying the young couple when Pierre was arrested. Subsequently, Gillette was forced to give birth alone, and the priest had to baptize the child as a bastard. Happily, the pardon was granted, and the two got married in January 1721.

Marriages in this era were cemented in advance by a contract. Marriage contracts tend to be formulaic in nature, in that certain elements are always present, but a survey of contracts reveals a great deal about the specific concerns of families at every level of society. For example, the marriage contract of Jan LeCam, farmer and carpenter, and Janne Guyonneach simply states that the bride would bring a certain amount of money into their household that she would reclaim if her husband died before they had children. The fact that Jan LeCam lists two occupations suggests that this was a couple who worked hard to make ends meet. The fact that neither lists parents reinforces the idea that they were largely on their own. Nevertheless, they spelled out their plans as expected by a civic culture concerned with property matters.

By contrast, a highly detailed marriage contract from Morlaix in 1731 reveals the precision required by more elite families. Sieur Maurice le Servaer, master knife and scissor maker, and Jacques Plot, master carpenter, along with their respective wives, approved the marriage of their children Yves Servaer and Marie Genevieve Plot. Plot promised to give his daughter 200 *livres* on the eve of her wedding plus a pension for 2 years while she and her new husband set up their own residence. After they were settled, Plot promised to give the newlyweds a table, beds, and other furniture up to the value of 100 *livres*, as well as another 100 *livres* 4 years after that. For their part, Servaer's parents would support their son's complete training in his father's trade of blade cutting and pay for all required fees, tools, and clothing up to the value of 400 *livres*. Note that this elaborate contract was for a family of artisans.

Noble marriage contracts could easily fill a dozen pages as every aspect was spelled out.

Marriage contracts often included special considerations of the families involved. For whatever reason, *Sieur Jean Dupart* and *Marie Anne Quinnerit*, both the children of merchants in *Lorient*, agreed from the start that they would never enter into a “community of goods” in their marriage. That meant that they would keep their property, debts, and goods separate even as they set up house and raised a family together. The only expression of shared property was the promise that *Marie Anne Quinnerit* would be permitted to keep using their household goods for the rest of her life if her husband should die before they had children.

In some cases, the absence of marital community is clear from the circumstances of the couple. *Gilles Provost* was not yet a master weaver when he promised to marry the widow *Louise Le Goff* in *Quimper* in 1733. They each came into the marriage with personal debts, for very different reasons, so they agreed that they would each face their respective obligations without involving the other. The marriage contract also included a list of all *Gilles Provost*’s worldly goods—which were few enough—and a simple note that *Louise LeGoff* had no property but her own clothing. In this case, it seems that the couple was cognizant of protecting related heirs and their own interests, as well as one another, from the claims of outside parties.

The marriage contract was a required step in the process and, along with the reading of the bans in church, might have sometimes indicated that the marriage was a done deal. Nevertheless, sometimes things did not work out as planned and weddings were canceled. When that happened, the couple was forced to file a statement revoking the marriage and clarifying the obligations of each party as they went their separate ways. These statements, like the marriage contracts themselves, were pretty standard in format. For example, *Allain Carer* and *Marguerite Messenger* had gotten as far as having the bans read out for 3 consecutive weeks in their parish when one or both of them, or their families, changed their minds about the union. The “revocation of marriage” statement simply states in their case that *Carer* and his father would cover the costs of the documents and that both parties were freed from any obligation to the other. The case of *Pierre le Boubennec* and *Jaquette Gueguen* was only slightly more complicated, in that they came from different parishes. So, it was decided that *le Boubennec* would pay for the fees in his parish and *Gueguen* would pay for the fees in hers. Either way, they agreed that each was free to marry someone else.

Occasionally, the decision to move on was not mutual. In such cases, one party (often the bride) was forced to file charges of abandonment against the runaway partner. *Jeanne Langles* of *Lorient* filed charges against *Julien Pied de Vach Greniere* in 1742. He had sought her in marriage, and they had the bans read in church without opposition

for 3 weeks. Then Greniere disappeared. Langles tried to find him after 3 months of silence because, if they were not going to be married right away, they would have to renew the reading of the bans. Langles stated in her complaint that she was an honorable woman who deserved, at the very least, an explanation for the delay. She had started working for a local baker to raise money for her wedding clothes and rings but was not sure whether to renounce the marriage or continue to pursue it. Officers investigated Greniere's disappearance and found him working on a farm outside the city. He explained he had lost his trade and was ashamed that he could not meet his obligations, but he still wanted to be married. He agreed to return to town in the near future.

Bigamy was a worse offense than breach of contract. In fact, it was a capital crime. It was difficult to prosecute, however, because those who were most likely to attempt it were quite mobile. No one in a tiny village could have dreamed of getting away with marrying a second spouse, but a long-distance trader might spend years in one port before moving on to another. Someone who changed occupations was even more likely to escape detection. Thus, it is difficult to imagine how François Guynard was brought to the attention of authorities in 1750. Originally from the tiny shoreline village of Planguenoual, Guynard was working as a locksmith at a forge in L'Orient, near the port city of Nantes, in 1742. There, he said he had almost married, but the arrangements fell through and so he considered the matter long closed. By 1748, Guynard had married a woman in Lamballe and worked as a cloth merchant in Saint Malo, voyaging often to Marseille. Eventually, he left that wife behind and assumed she had died because his letters were returned. He was reportedly seeking a third young woman in marriage when that girl's mother heard rumors that he already had two wives, and thus she hid her daughter in a convent to prevent their union. Both previous wives were interrogated and confirmed that they had married Guynard and that they had heard he had other wives. Thus, it is apparent that news traveled even great distances, allowing the mother in Saint Malo to save her daughter from a disastrous marriage. Guynard was sentenced to row in the royal galleys for the rest of his life.

People married within their own rank to preserve property and to maintain or even advance the standing of the family. That was as true among peasants as it was among elites. Thus, while it remains a bit of a mystery whether the Nayls and Martins were considered to be of the same status, the alliance would have served the interests of both families. The Nayls and Martins were reaching across a line that divided the professional and judicial families from the landowning farmers, perhaps exchanging status and wealth in the process. Isabeau Martin, daughter of a *laboureur*, became Elizabeth Martin, Dame Desnos, wife of Nicolas Nayl the younger, and in the process both families solidified their place in the community.

Marriage served another role in small communities, apart from the opportunity to forge alliances between kin groups, and that was through the wedding itself. Life in a small rural community was measured in seasons and punctuated with the celebration of certain life events. Weddings and baptismal feasts were occasions in which social obligations could be repaid and favors could be sought. A family was sure to include anyone they hoped to impress, or at least not to offend. Think about how often in fairy tales a family is cursed for having left the wrong individual off the guest list. This was based on the reality of life in such a small network. Families included kin and neighbors of all ranks at their celebrations, served them all generously in food and drink, and in doing so cemented relationships with each.

The central place of the Nayls in Pléguen is made clear by their regular attendance at weddings and baptisms, outlined in parish registers. There were ten or fewer weddings per year in Pléguen between 1680 and 1730. One or more members of the Nayl family served as witnesses to about 9% of the weddings listed in the registry during this period. That might not seem like a high level of attendance, but consider that the Martins—another popular and well-off family—were present for less than 2% of recorded weddings. Similarly, for that same period, Pléguen records between 30 and 40 baptisms per year. A member of the Nayl family served as witness or godparent an average of one or two times per year, with a high of three or four times per year between 1695 and 1715. It certainly makes sense to curry favor with the local magistrate and his children, and to include the notary who has helped prepare the marriage contract if he is also a neighbor. So, it is not surprising at all that the Nayls and their kin were sought after for social events in the community.

Godparentage was as central to alliances and communal life as marriage was. More so, in fact, because unlike marriage, the relationship with a godparent could unite families across significant social divisions. There was an expectation that people of high status in a rural community would serve as godparents, but the choice of godparents could also reaffirm existing kin and social relationships among peers. For example, among the godparents listed in the parish register, there are times when a teenager would serve as a godparent to a newborn sibling. Such a relationship would not serve the interests of social mobility, but it would help ensure a lifelong commitment.

Sometimes godparents and witnesses were chosen simply because they were on hand. For example, on November 9, 1719, the godfather for newborn Jean Michel Le Troquer was none other than Jean Michel de Méhérenc, the Marquis de Saint Pierre, who kept a manor house in Pléguen. Nicolas Nayl the younger was present for that baptism. Later that same day, Nicolas and Elizabeth Martin's son, Pierre, was baptized and the Marquis stayed on as witness. Similarly, foundlings baptized in the church always have godparents listed even though the family of the

infant might be unknown. Sometimes the godparent is a notable member of the community, but others seem almost random as if any willing person present could stand as the spiritual kin of the baby. Christian Desplat, in his description of the baptism of foundlings in the Pyrenees, uses the term “secondhand” godparents (*parrains et marraines d’occasion*) in reference to those who serve in that role. These “unfortunate” babies ended up named by the priest, who simply used the same local names for all infants who lacked known family connections. At least in the registers for Brittany, foundlings took the name of the godparent of the same sex.

One early tradition practiced in Europe was to choose the first two poor people one met on the way to the church to be the godparents for an infant. This was meant to prioritize humility and spiritual values over material considerations. At the same time, the practice raised very real fears about the godparents’ ability to fulfill their roles in the life of the child. In the first century of Christianity, godparents were specifically chosen to serve as guides for newly converted Christian adults. In the second generation of Christians, communities supported infant baptism out of concern that children might die without having joined the faith. Of course, baptizing an infant requires someone to speak on behalf of the child and to take responsibility for the child’s education and support. The biological parents would, of course, raise their children, but spiritual parents were called for to help them in the process. Spiritual parents, or godparents, were distant from the carnal nature of procreation, and moreover, they could commit to adopting the child in case something happened to the biological parents. The ideal of this relationship was even expressed in folklore in tales in which a “fairy godmother” comes to the aid of a girl oppressed by a stepparent.

The godparent–godchild relationship is meant to be one defined by affection, generosity, and support. The relationship could expand the family network and was thought to create bonds as deep and meaningful as biological kinship. In fact, spiritual kinship was so similar to blood ties that marriage between co-godparents was long thought to be a form of incest. By that measure, Nicolas Nayl the younger and Elizabeth Martin, having already served as co-godparents when they were each single, should not have been allowed to marry. Some traditions permitted godparents to marry one another if the priest stood between them during the wedding ceremony. Of course, a married couple would be a great choice as godparents because they would be united in their support of the child and able to respond quickly if there was a need.

Foundlings did have godparents, of course, if they were baptized, but there would have no doubt been many obstacles that kept the godparent of a foundling from meeting the lifelong obligations they committed to upon accepting the role. Chances were that a foundling would be sent off to a poorhouse or taken in by strangers. Sometimes, children born out of wedlock faced similar circumstances. However, baptismal certificates

served as a sort of identification in this era, and the godparents were recorded there. This meant that, in theory, even a foundling or “illegitimate” child could call on their godparents for help. For example, Jan Villebron was 30 years old in 1728 when he apparently lost his baptismal certificate and needed to have a new one issued. His mother was elderly and still unwed, and he had no other family. However, his godmother, Juliette Janne, was willing to officially declare her role in his baptism so a new document could be issued. Janne said she still knew Villebron and his mother, though she had little contact with them over the years, and was not well off herself. Nevertheless, she took her responsibility to him seriously.

Generally speaking, spiritual kinship worked best when it was maintained by regular cultivation of the relationship. Thus, it was a key feature of communal life and surely contributed to alliances and sympathies in a small town such as Pléguien. A social network analysis of the parish registers in both Pléguien and Lanvollon reveals the extent to which all of the families touched by the dispute between Moricette Nayl and Marie Dufrost were bound by blood, marriage, or spiritual kinship, or all three. It was not unusual, for example, for a witness at a wedding to be invited to serve as a godparent when the newlyweds had their first child. Unfortunately, high infant mortality meant that many spiritual relationships ended any opportunities for regular cultivation. If this was the case, then many potentially valuable relationships were cut short. For example, the priest Louis Dufrost, cousin to Marie Dufrost, was godfather to Louis Nayl, who lived only 6 weeks. Moricette Nayl was co-godparent with Guillaume Le Meur, husband of Anne Martin, to the baby Moricette Moniaret, who lived only a few months. And Guillaume Raoul, the relentless *procureur* who launched the homicide investigation, had been godfather to one of Nicolas Nayl the elder’s twin girls who had lived only a year. In theory, all of these parties should have been deeply bound to one another on multiple levels if the children had lived.

That weddings and baptismal feasts were opportunities to unite the community does not mean that they were not also places where conflict was possible. In fact, a good deal of violence happened at fairs, processions, and banquets. Take, for example, a baptismal feast in Saint Aubin-du-Cormier in 1737 that abruptly turned into a street brawl. Etienne Tourneaux was returning home from vespers when he passed by the home of Georges Dibou, who was hosting the feast. Tourneaux entered to eat and drink and then got up to leave, at which point the host and another man named Pierre Hamon followed him into the street and attacked him. Dibou and Hamon yelled that Tourneaux owed money to Hamon’s father and was a thief for not repaying it. Hamon was in a rage, according to witnesses. One woman even tried to block the door so Hamon could not follow Tourneaux into the street, and it took several people to pull him off Tourneaux. As mentioned previously, there was a limit to the violence

villagers would accept, and they would intervene when it was appropriate to do so. Dibou, the host of the feast, claimed he only hit Tourneaux a few times, and that was just to help separate him from Hamon. But it is possible he resented the fact that a man owing his friend money would take advantage of the feast to eat and drink for free. Clearly, the festive air, and the likely flow of alcohol, helped fuel the shift from resentment to violence.

Like feasts, fairs were also notorious opportunities for conflict. The fair at Lanvallon was pretty typical for the era. It had been founded in 1659, though it was said to have existed since “time immemorial,” and its official weights and measures dated back to the thirteenth century. The fair was renowned for its livestock trade as well as a thriving market in linen and hemp yarn, all locally spun. More than once, the fair at Lanvallon was the scene of some mischief, as when two noblemen clashed in 1588 during the livestock market. A servant of Guillaume Berthou, the *Sieur de Kervaudry*, attacked the servant of Gilles Rocquel, the *Sieur de Leslec’h*. When the latter demanded an explanation, Guillaume Berthou simply drew his sword and stabbed Rocquel in the side and in the arm. The injured man was taken to a nearby house, where people gathered to pray, question witnesses, and await the man’s demise. Rocquel’s kin demanded justice and obtained an arrest warrant against Berthou. However, they willingly ceded to certain allies of Berthou when they offered 1,000 *écus* in silver to let the matter drop. None of this affair prevented Guillaume Berthou from eventually serving as seneschal of Pléhédel and eventually being buried in the church. This matter might be interpreted as a case in which an elite, and a magistrate to boot, manipulated the law to suit himself in the sixteenth century. But it is worth noting that Hervé Piant and Marie-Sylvie Dupont-Bouchat, in separate studies, remind us that earlier forms of justice often included the practice of settling a homicide through negotiated reparations. Such a settlement became increasingly rare in the eighteenth century as the judicial system was standardized and modernized. Whatever the case, that the original dispute and resulting homicide took place at the fair only highlights the ease of violent conflict in that setting.

A fair was an opportunity for trade, but it was just as good an opportunity for gossip, boasting, and joking. It was a break from routine, and the holiday-like atmosphere, usually coupled with warm weather and a bit of competition, could easily lead to aggression. Perhaps, then, it was no coincidence that Moricette Nayl was on her way back from the fair when she decided to challenge Marie Dufrost. Moricette had relatives and other contacts at Lanvallon. Though she had gone to the fair to fetch a cow to lead home, it is possible she had spent some time rehashing her resentment of Dufrost with a sympathetic audience. Worked up about their dispute, she gave into her angry impulses as soon as she spotted the woman she considered an adversary.

A community is a complex organism involving people not only connected in multiple ways but also distinct as individuals and potentially at odds with one another. What we know about communities of the past is based upon the available records, and each type of source privileges a different kind of relationship. Parish registers can reveal marriages, births, and spiritual kinship created via godparenthood. Tax rolls record occupations and economic status. Contracts and business logbooks can tell us who was renting land to whom, who was owed money, and who was due to inherit or begin training in a trade. Complaints and lawsuits show who was insulted and who was injured. The combination of these sources can offer a portrait of a community—what binds people together and what has the potential to pull them apart. For a community to survive, there must be strategies in place to deal with conflict. This is the subject of the next chapter.

Notes

1. Note that towns and parishes do not always coincide as they do in Pléguen.
2. The fief of Plessix was part of the seigneurie of Goëlle, which included Plessix (roughly parallel to the parish of Pléguen) along with Kermartin, Ville-Mario, Kergollot and Loursière. S. Ropartz, “Pléguen”, *Annuaire Côtes-du-Nord* (1866).
3. The notarial documents of the notaries in the Nayl family have not survived but a register of acts for Lanvallon is housed at the Archives départementales du Côte D’Armor in Saint Brieuc, France.

Bibliography

- Archives départementales du Côte d’Armor. Code 2 C 3615, Insinuation of Acts, 1700–1750.
- . Parish registers for Plestan (online). 1556–1792. <http://sallevirtuelle.cotesdarmor.fr/EC/ecx/plage.aspx?id=050406746143224>
- . Parish registers for Pléguen (online). 1607–1792. <http://sallevirtuelle.cotesdarmor.fr/EC/ecx/plage.aspx?id=050406746089339>
- Archives départementales d’Ille-et-Vilaine. Code 3 B 1039, complaint to police by Etienne Tourneaux, October 8, 1737.
- . 1 B G 259. Letter of pardon for Pierre Meheu. January 18, 1721.
- . 1 B G 459. Dossier concerning appeal of Pierre Meheu, January 26, 1720.
- . 1 B N 1207, Dossier against Julienne Evennou for theft, 1717.
- . 1 B N 2003, Bigamy case against Francois Guynard, March 20, 1750.
- . 1 B N 2177. Death of Perrine Jacob. March 19, 1760.
- Archives départementales du Finistère. Code 4 E 133 article 147, revocation of marriage between Allain Le Carer and Marguerite Messenger. January 15, 1724.
- . 4 E 134 article 4, revocation of marriage between Pierre le Boubannec and Jaquette Gueguen. October 26, 1728.
- . 4 E 135 article 146, marriage contract of Yves le Servaer and Marie Genevieve Plot. September 28, 1731.
- . 4 E 221 article 119, marriage contract of Gilles Provost and Louise Le Goff. April 15, 1733.

- Archives départementales de la Loire-Atlantique. Code B 3585. Capitation tax rolls for Pléguien, 1739.
- . B3589. Capitation tax rolls for Pléguien. 1741.
- . 4 E 2 article 520. Transaction of Marguerite Grollier. June 4, 1755.
- . 6 E article 5244. Abandonment of marriage, filed by Jeanne Langles against Julien Pied de Vach Greniere. August 7 and 8, 1742.
- . 6 E article 8089. Marriage contract of Jean Dupart and Marie Anne Quinneret. March 3, 1726.
- Archives départementales de Morbihan. Code 6 E article 694. Jego conflict of April 25, 1730.
- . 6 E 694. Declaration of Juliette Jannes. November 15, 1728.
- . 6 E 15046. Marriage contract of Jan LeCam and Janne Guyonneach. October 1, 1733.
- Beik, William. *A Social and Cultural History of Early Modern France*. Cambridge: Cambridge University Press, 2009.
- Castan, Yves. *Honnêteté et relations sociales en Languedoc, 1715–1780*. Paris: Plon, 1974.
- Collins, James. *Classes, Estates and Order in Early Modern Brittany*. Cambridge: Cambridge University Press, 1994.
- Couriol, Étienne. “Godparenthood and Social Relationships in France under the *Ancien Régime*: Lyons as a Case Study.” In *Spiritual Kinship in Europe, 1500–1900*, edited by Guido Alfani & Vincent Gourdon. London: Palgrave Macmillan, 2012.
- Dalsorg, Émeline. “Réflexions sur les grands abus des officiers des seigneurs au XVIIIe siècle.” In *Les Justices Locales dans les Villes et Villages du XVe au XIXe Siècle*, edited by Antoine Follan, 191–221. Rennes: Presses Universitaires de Rennes, 2006.
- Darsel, Joseph. *Notes Historiques sur la Paroisse de Lanvollon des origines à la Révolution*. Volume 1. Châtelaudren-Plouagat: L’Imprimerie de Châtelaudren, 1970.
- Declaration du roi, concernant le rapt de Séduction*. Delivered at Marly, November 22, 1730. Printed in Michel Sauvageau. *Coutume de Bretagne: Nouvelle édition, augmentée considérablement*. Rennes: Vatar, 1742.
- Desplat, Christian. *La Vie, L’Amour, La Mort: Rites et Coutumes XVIe–XVIIIe siècles*. Biarritz: J & D Éditions, 1995.
- Dupont-Bouchat, Marie-Sylvie. “Le crime pardonné: la justice réparatrice sous l’Ancien Régime (XVIe–XVIIe siècles).” *Criminologie* 32, no. 1 (Spring 1999): 31–56.
- Fertig, Christine. “Rural Society and Social Networks in Nineteenth-Century Westphalia: The Role of Godparenting in Social Mobility.” *The Journal of Interdisciplinary History* 39, no. 4 (Spring 2009): 497–522.
- Fine, Agnès. *Parrains, Marraines: La parenté spirituelle en Europe*. Paris: Éditions Fayard, 1994.
- Flandrin, Jean-Louis. *Les Amours Paysannes (XVIe—XIXe siècle)*. Paris: Editions Gallimard/Julliard, 1975.
- Garrioch, David. *Neighborhood and Community in Paris, 1740–1790*. Cambridge: Cambridge University Press, 1986.
- Goubert, Pierre. *French Peasantry in the Seventeenth Century*. Cambridge: Cambridge University Press, 1986.

- Hanley, Sarah. "Family and State in Early Modern France: The Marriage Pact." In *Connecting Spheres: Women in the Western World, 1500 to the Present*, edited by Marilyn J. Boxer and Jean H. Quataert. Oxford: Oxford University Press, 1987.
- Hardwick, Julie. *The Practice of Patriarchy: Gender and the Politics of Household Authority in Early Modern France*. University Park: Penn State University Press, 1998.
- Jussen, Bernard. *Spiritual Kinship as Social Practice: Godparenthood and Adoption in Early Middle Ages*. Newark: University of Delaware Press, 2000.
- Le Douget, Annick. *Violence au Village: La société rurale finistérienne face à la justice (1815–1914)*. Rennes: Presses Universitaires de Rennes, 2014.
- Le Mézec, Jeanne. *L'Histoire de ma Commune, Pléguen (Côtes-d'Armor)*. Les Aïnés Ruraux des Côtes-d'Armor, 1991.
- Lynch, Joseph H. *Godparents and Kinship in Early Medieval Europe*. Princeton, NJ: Princeton University Press, 1986.
- Miller, Stephen. *Peasant Economy, the Seigneurial Regime, and the State*. Washington, DC: Catholic University of America Press, 2008.
- Piant, Hervé. *Une Justice Ordinaire: Justice Civile et criminelle dans la prévôté royale de Vaucouleurs sous l'Ancien Régime*. Rennes: Presses Universitaires de Rennes, 2006.
- Ruff, Julius. "Popular Violence and Its Prosecution in Seventeenth- and Eighteenth-Century France." In *Crime, Law and Popular Culture in Europe, 1500–1900*, edited by Richard McMahon, 32–51. London and New York: Routledge, 2008.
- . *Violence in Early Modern Europe, 1500–1800*. Cambridge: Cambridge University Press, 2001.
- Spierenburg, Pieter. "Faces of Violence: Homicide Trends and Cultural Meanings: Amsterdam 1431–1816." *Journal of Social History* 27, no. 4 (Summer 1994): 701–716.
- Tackett, Timothy. *Priest and Parish in Eighteenth-Century France*. Princeton, NJ: Princeton University Press, 1977.
- Van Leeuwen, Marco, Ineke Maas, and Andrew Miles, eds. *Marriage Choices and Class Boundaries: Social Endogamy in History*. Cambridge: Cambridge University Press, 2005.

3 Disputes

According to court records, Moricette was, at the age of 35, still living, “non-emancipated,” with her parents. Presumably, her ideas about Marie Dufrost’s illegal claim on family goods came at least in part from her parents themselves. In the absence of the marriage contract of Nicolas Nayl and Elizabeth Martin, which has not survived, we do not know the terms of their property settlement.¹ Yet, such a contract must have existed and been signed by all parties. Nicolas the elder may have insisted that there was no bad blood between the families, but Moricette’s eagerness to hurl the insults that started the fight, and her mother’s willingness to set out with a stick and a posse to defend her daughter from Dufrost, certainly imply otherwise.

Conflict is a part of life, and there is no question that the fight at the heart of this story was connected to a longstanding disagreement between Marie Dufrost and members of the Nayl family. Disputes might arise for any number of reasons, but conflicts within families were most commonly motivated by a quarrel over property or goods. These quarrels could easily lead to violence and even murder, so families and their broader communities relied on a number of informal strategies to resolve disputes before that happened. In rural areas, such strategies might involve the use of impartial local mediators or it may, if necessary, involve formal legal authorities. In either case, all those involved hoped for a resolution that would avoid further violence and, ideally, maintain a sense of honor for all parties. Moricette repeatedly called Marie Dufrost a “thief” and that was a serious charge. A solid resolution to their dispute would have had to maintain Marie Dufrost’s reputation as an honest person and also appease Moricette’s concern for her parents’ goods. That would have been a tall order, and it is not clear that any attempts were made to head off trouble before the day of the fight. It is a bit puzzling that the elder Nayl claimed to have no idea that Moricette harbored ill will toward Marie Dufrost. Though, of course, they might say such a thing because they wanted to portray themselves in the best light possible.

Of all the mysteries in this case, Moricette herself represents the most frustrating one. For one thing, her parents and siblings were all literate to at least some extent. Her father and brothers had legal careers, of course, and had to have been able to read and write. But even her mother and sisters had elegant and practiced signatures in the documents while Moricette could not sign her name at all. One of her few appearances in the Pléguen parish registers is as the godmother to a distant cousin in 1709; the rector noted simply that Moricette could not sign her name. Another minor mystery is the very fact that she *is* absent elsewhere in the parish registers—she may have been baptized elsewhere or during a period for which the parish registers have been lost or damaged—so her birth date cannot be established, and the court documents provide varying reports of her age at the time of the incident. There just seems to be very little about her in the records, even though she is the center of this inquiry.

One reason for Moricette's near invisibility, of course, is her single status. Many people of the premodern era appear in the historical record only at life-changing events—records of birth, marriage, and death being the prime examples. Moricette is not on record as having been baptized in Pléguen, in Lanvollon, or in the surrounding area. She never married. Moricette, sadly, appears primarily in the records as a godmother for a baby who died 8 days later, as an attendee at a relative's funeral, and in the court documents for her murder trial.

As the court documents state, she was in her thirties and “living, non-emancipated, at the home of her parents.” Breton and French law placed the age of majority at 25, but Moricette was still with her parents well beyond the age at which many adult children left home. Legal texts describe the wide range of practices connected to the emancipation of a child by his or her parents, but most jurists focused their attention on the various implications of emancipating a child *before* their twenty-fifth birthday. A person was considered emancipated by parental permission if confirmed by a judge, by having been married, or by residence and work apart from the parental residence for at least 10 years. Otherwise, emancipation was automatic at the age of 25. No legal experts discuss keeping a child unemancipated beyond that age, unless the adult child was “out of his senses” and still required a caregiver. That Moricette was not emancipated in her thirties suggests that there was something unusual about her.

Moricette, in contrast to many of the women around her, neither married nor lived independently. There is a growing body of literature on the history of single women in European history, including some specific work on the property rights and occupational opportunities available to women in Brittany. Breton custom dictated a system of partible inheritance, meaning that sons and daughters inherited equally. Women in Brittany often inherited homes, shops, and even guild memberships in certain trades in some cities. Thus, urban women in Brittany enjoyed

some unique opportunities for independence relative to women elsewhere in Europe. Even rural women in Brittany, however, seem to have been unusually self-sufficient. The *fouâge* and capitation were a hearth tax and a head tax, respectively, and so they preserve household and individual information for every community in the kingdom during this era. According to those tax rolls for the region, unmarried women headed up to 15 percent of the households in some small towns and villages. That figure does not include women identified as widows. Given the lack of wage-earning opportunities in these settings, the high number of single female homeownership may be due to inheritance practices that guaranteed most women at least some property. A woman who had inherited a home and land to rent out to farmers did not have to marry to survive. She could wait and choose. Moricette did not seem to have been able to take advantage of any such options. She did not marry, and she did not live independently.

According to one witness in the homicide investigation, Moricette was briefly staying in a room in the home of Guillaume Herry and Catherine Lemeur several days before the argument. Once the fight had taken place, however, Moricette was back in the home of her parents. Of course, there were women across the social spectrum who served the domestic needs of their parents and unmarried brothers rather than marry. This was as true of bourgeois and professional families as it was of peasant families. Like those women, Moricette was still primarily at home well into her thirties, possibly because her parents needed her there. While she still may have had some hope of future marriage, a more likely possibility is that she intended to stay with her parents as long as they needed her. Perhaps we may even speculate that her expected reward for having stayed, and for never having married, was some portion of the property that she shared with her parents in their old age. If that was the case, then she may have honestly felt violated by any arrangement that threatened or diminished that property, which could explain her anger toward her brother's in-laws.

Of course, the conflict might have been more immediate than concern for her hypothetical future inheritance. The very fact that Moricette had been staying at Herry's house raises the question of "why"? It is true that early modern households were not the stable and orderly social unit that we used to think of. People often moved about within a community, depending on the season and the needs of neighbors. Perhaps Moricette was helping Herry and his wife with some task. Another possibility was that it had simply become too crowded at the Nayl household. Moricette was one of the five Nayl children to have lived to adulthood, only one of whom had married. We know from witness testimony in the investigation of Marie Dufrost's death that the home also included two children, a cowherd, and a servant. And, though we do not know for sure that Elizabeth Martin had moved into the household upon her marriage to Nicolas

the younger, it was a fairly typical arrangement for the wife of the heir apparent to join the family. Thus, Nicolas and his wife, along with the three children they had by 1718, may have all been under the same roof. Such conditions would have only worsened any simmering tensions.

Parents were required by law to support their children, and the legal codes and customs at work in this era were strict on the matter. Inheritance law spelled out in excruciating detail who could inherit what and when. The law did not permit the privileging of one heir over the others without some compelling reason, such as the criminal conviction of an adult child or an unsuitable romance and secret marriage—the kind of thing that permitted the disinheritance of a child—or in the case of some special service or personal debt. “Donations,” or gifts beyond the usual portion of inheritance, were possible only in response to special considerations. It was expected that every parent would leave a legacy for every child to the extent that their means made possible. Painsstaking laws were drafted to avoid disputes and explain discrepancies. That does not mean that law always succeeded in preventing conflict.

A key term in making sense of disputes within families in pre-Revolutionary France was *amitié*. It is usually translated as “friendship,” but in the eighteenth century it seems to have meant everything from barely cordial neighborhood relations to the warmest affection between spouses and kin. For siblings or stepsiblings in particular, it sometimes represented the true affection of a shared home and childhood that could just as easily turn into rivalry when it came time to split the inheritance. The threat was real enough that elderly parents of adult children wrote it into their wills and contracts. Family is meant to be basic unit of social order and therefore *amitié* in family is central. However, while “fraternity” and “sisterhood” were terms often used as metaphors for unity or solidarity, sibling relations were often rife with rivalry.

The study of sibling relations in the past is still relatively new. It has long been noted that siblings could count on one another for support in sickness or other emergencies. Brothers stood by unmarried sisters, taking the place of deceased fathers or hypothetical husbands as needed. In David Garrioch’s study of eighteenth-century Paris, he found that brothers and brothers-in-law also tended to be very close, as did sisters to one another. However, not all sibling relations were equal. Sisters-in-law, for example, figured much less prominently in the sources, possibly because many women remained closer to their birth families than they did to kin gained via marriage ties. Women may have even seen their sisters-in-law as interlopers or rivals, as one can speculate Moricette saw Elizabeth Martin.

More recent scholarship further develops some of this nuance. Naomi J. Miller and Naomi Yavneh, for example, suggest that “early modern sibling relations not only coexist with other familial bonds, but often precede, underlie and sometimes even outlast those alternative familial

constructs.” On some level, blood ties truly do matter more than marital, adoptive, or spiritual kinship. At the same time, the relationship with a sibling can be “the basis both of loving familiarity *and* of violent hostility.” When it came time to take sides, whether in defense of parents or to preserve one’s future stability, siblings could easily turn on one another. If it was easy to turn on one’s own sibling, how much easier would it have been to turn on stepsiblings and in-laws.

In resolving conflicts, most people in this era, especially in rural areas, relied on internal and informal mediators to settle disputes. Often called “infrajustice,” it referred to the preference for local solutions to problems as opposed to the intervention of formal authorities from the state justice system. There were many factors leading to this reluctance to call upon formal authorities, including the inefficiency of the criminal justice system as it operated in this era. There was also the priority given to preservation of communal solidarity and family honor, both requiring the avoidance of scandal and resistance against a growing state power. The first line of defense was always local mediation and reparation. Nevertheless, it is easy to overstate the functions of infrajustice, which also missed opportunities and failed to address every conflict. In such cases, if formal authorities were not given an opportunity to intervene, the local response to conflict might involve vengeance as a form of justice or, for better or worse, no justice at all. For that reason, it seems best to see judicial and infrajudicial solutions as complementary. When infrajustice failed, the formal justice system stepped in, and the combination of approaches kept conflict from developing into an endless cycle of retaliation.

French jurists had to balance property law with the realities of family life and that meant minimizing the impact of disputes in certain circumstances. Property law itself served, in large part, to ensure no one’s legitimate heirs would be left a burden on society. But many common circumstances would have led to burdens on society if left unaddressed by the law. Therefore, jurists created a series of accommodations to deal with these atypical or less-than-ideal situations. The first such accommodations dealt with practical matters. Married women of absent husbands, for example, could be empowered by a *procuration*, or a “power of attorney,” over all family-related matters. Law codes across France in the eighteenth century were very clear on the need for a husband’s authorization and his control of all household property during his lifetime. However, it was so common for a man to be absent at sea, in the royal army, or elsewhere on business that the law had to recognize this possibility. A man could file a *procuration* for his wife and trust she would operate in his name even if he was to be gone for years at a time. It was a common enough problem that several contracts and tax rolls in the sources simply note that a man is “absent” and let the woman conduct her business unimpeded, regardless of whether there was a *procuration* on file.

There was some disagreement on how to treat the wife of an absent man if there was doubt of his status and she may have been abandoned. The jurists understood the need to balance the absent man's rights and those of his heirs with the need to keep the wife and her children from falling into ruin. Technically, a man's goods were to be kept intact for his expected lifetime—up to 75 years—to make sure all was in order if he returned. Even so, the wife of an absent man had the right to petition a judge to release goods if it was necessary for her survival. If a long-absent man returned after his wife and children had made use of his property, some compromise was in order so that his property rights balanced out with the provision he owed to his dependents.

Another practical matter in the eighteenth century dealt with the high mortality rate and the relatively high rate of remarriage. Many provinces required an inventory of goods at death in case the widowed spouse remarried. In the Breton customary law code, Article 213 requires an inventory of goods at time of death if there were children, in case the survivor remarried. It was all well and good to have clear and strict inheritance laws, but families in any age are bound to get complex when second or third spouses and their attendant stepchildren are added to the mix. The law ensured measures were in place to keep track of everyone's rights when things got messy. The notarial archives are full of such inventories, revealing just how complicated things could get. For example, Sebastien Cavellier, master shoemaker in Quimper, declared formally in 1745 that before embarking on a third marriage with Françoise Brelivet, the widow of a master wigmaker, he proceeded with a thorough inventory to estimate the value of the goods and property resulting from his first and second marriages. He did this to preserve the rights of a child from his first marriage to Jeanne Mezanot and the three children from his second marriage to Catherine Perru. Cavellier's inventory was paired with one by his new wife, Brelivet, who declared that to preserve the rights of her two children from her first marriage and before embarking on her second marriage, she too had made an inventory.

While it makes sense for the law to accommodate practical matters, French jurists also made a point of acknowledging emotional considerations. Emotions are difficult to study historically, or handle in legal terms, but both conflict and resolution are grounded in emotions and need to be acknowledged. "The will of the testator is the soul of his testament," according to Claude-Joseph de Ferriere, the author of the *Dictionnaire de droit et de pratique* of 1758. To the extent a person's wishes were understood, they were respected as much as possible. De Ferriere continued,

It is just to leave to man the satisfaction of favoring those who are dear to him and who merit his friendship, since the sole consolation left us is to quit the things of this world and leave them to our friends, especially when one dies without children.

Customary codes spell out in more detail the limitations on such gifts. For example, in Brittany, Article 199 of the *Coutume* states that

one cannot give more than one third part of immovable property by heritage, or half by usufruct, either by patrimony or acquisition by donation simple or by cause. Donations that do not exceed these amounts, and are not made out of hate or in an attempt to defraud rightful heirs will be honored.

In other words, one may give a gift to anyone as long as one's obligations to one's heirs have been fulfilled. Article 217 of the same code states that bourgeois and commoners cannot give special gifts to their heirs except when there is reasonable cause, such as particular service. The anonymous commentator on the customary code stated that these limitations exist to prevent the unlawful disinheritance of a child or the privilege of one child or heir over another. Laws exist to ensure fair inheritance, but they can also recognize special care. As examples, he cites the case of an unjustified gift to a daughter being nullified in 1655 but a gift to a granddaughter for having performed special services during an illness being confirmed in 1677. Many jurists sought to balance necessity and affection.

Granted, these allowances for gifts may still be called "practical" considerations because they involve recognition of service. But the law codes here and elsewhere in this era invoke the principle of *amitié* to justify why some individuals might merit extra recognition. *Amitié* is not just "friendship" but any kind of positive relation. Spouses used the term to describe their relationship in their mutual donations and other contracts. Siblings and friends used the term when describing why they were favoring some individuals over all others. Neighbors and more distant kin used the word to refer to the cordial regard that kept conflict at bay. The word seems to have covered everything from passion and affection to basic civility. It is in these cases that we begin to see the legal principle of friendship at work. It is an ambiguous concept, both legally and historically, but it is worth exploring. The law did not permit someone to give a gift purely out of *amitié*, but *amitié* could be used to describe special care, shared risk, generosity, or some other kind of "service" and thus justify monetary compensation.

A mutual donation is a gift made between spouses that permits the survivor to enjoy the goods of the marital community for life without legal heirs laying claim to it. The laws explicitly state that the spouses are signing the contract out of "free will" and *bonne amitié* (good friendship), recognizing warm regard as a basis for gift giving. For this reason, the only circumstance in which a donation could be revoked once given was "ingratitude." Between spouses, the use of the word *amitié* suggests great affection and, by the eighteenth century, begins to approach the level of romantic love. The practice of mutual gift-giving went well beyond

traditional spouses, however, and could have been enacted by any partners or groups of people. Legal dictionaries define the mutual donation as “that which is made by mutual affection” between two or more people. Again, law explicitly recognized that affection might still define a relationship worthy of special protection, one in which property given or in use could not be touched by claims of heirs. In this sort of arrangement, where the partners were siblings or friends, the word still connotes great affection perhaps on par with what most spouses would have felt toward one another.

Not all donations were mutual arrangements between partners or equals. Often, someone could choose to give a gift and the law permitted this in most cases. A donation had to be freely given and the donor unconstrained by any obligation. Donations as defined by law do not include gifts made for services rendered. Any person, “even foreigners or strangers, could make a gift out of the great *amitié* that they hold for the recipient.” By definition, a gift was not the payment of debts or wages but recognition of a special relationship or an expression of gratitude for care and companionship.

Some uses of the word clearly refer to a kind of social harmony or, simply speaking, a basic lack of conflict. For example, a contract from my sample states that “to preserve their ancient *amitié*,” a cloth dealer and his wife and son offered to pay all medical expenses and damages to the wife of their assistant who was injured when the assistant and the master’s son began to fight. The assistant’s wife had tried to get into the middle of the conflict, possibly to break it up, when she was struck by the master’s son. Perhaps fearing a lawsuit, the master and his family took the preemptive step of covering all her needs. Nevertheless, they called on *amitié* to appeal to the other family’s sense of order. In this sense, the word was used in settling disputes between individuals the same way it was used in settling disputes between nations. As Eva Österberg tells us, friendship

constitutes a central element in the political language of the day. In high politics, friendship signifies peaceful contacts, mutual trust, and the absence of conflict. . . . For the populace, talk of friends and friendship was intelligible, and for the educated conjured up classical teaching and centuries of ethical and philosophical reflection. The language of friendship could roam freely across the boundaries between private and public.

Amitié, as a philosophical and ethical concept, had to be applicable in the law governing families because it was and had been applicable in public life for centuries. Where *amitié* was preserved or restored, disputes could be avoided.

Within families, even at the level of natural born siblings, some people preferred one or more relative over the others. It should not have been

possible under the law to privilege one heir over the others, or for some siblings to cut out the others, but there were legal ways of doing just that under the system of gift-giving outlined previously. The archives include numerous mutual donations between siblings that mention other siblings who were not to be included. Presumably, it was a simple matter for siblings to pool their resources and take care of one another until death or marriage separated them. Some parental wills even stipulated that sisters would share a house or a shop until one of them married, at which point they would divide the value of the property evenly. However, sisters, and occasionally sister–brother groups, could sign mutual donations with one another, keeping other heirs from claiming anything as long as one of the donors was still alive. It is possible that this was simply to prevent other heirs from claiming goods and leaving the survivor without enough to live on. Most of the contracts, however, expressed great affection and a desire to recognize many happy years together. Others made it clear that they had worked long and hard together, and that they each deserved to enjoy the fruits of their labor. The Voisin sisters of Saint Brieuc, for example, wrote that they were filing a mutual donation to one another because they “expected contestation from their brothers and sisters over the partition of their merchandise.” Julianne and Thomasse Voisin had shared a small business for years, shared a particular *amitié* as well, and owed each other greatly for a multitude of “little services.”

Affection also motivated savvy individuals to draw up contracts outlining when heirs had no claim at all, knowing that disputes were bound to arise in the absence of clear information. The Conan sisters of Quimper had been together 15 years. Marie-Olive Conan, a mistress *lingere*, or seamstress, filed a formal declaration to explain that her sister, Janne-Françoise, a tailor, had brought a number of goods to the household out of her own management and profession. These effects, carefully inventoried, were earmarked as separate from Marie-Olive’s goods, though they at that time intermingled in the apartment they shared. This was done in case Marie-Olive died first and heirs tried to take what was not legitimately theirs to claim. These sisters knew very well that money and property were a common source of conflict, and they wanted to protect one another. Invoking affection allowed them to head off disputes with relatives who might try to take advantage of a vulnerable person. Again, expressions of affection might have been authentic, but they also had very practical motives.

Parents sometimes had to protect an adult child’s rightful personal earnings from other heirs, especially if, in doing so, they recognized special services or affection in a way that seemed to privilege one heir over the others. The law permitted this, of course, but it had to be done with care. Some of the contracts in the archives are simply sad: Jeanne Prigent, an elderly widow, lived with her son Jean and Jeanne Le Marrec, his wife. They “gave her refuge to keep an eye on her and out of *amitié* for her,”

Prigent stated in her legal declaration. "In order to avoid all discussions between her children after her death, Jeanne Prigent declares that she sold everything after the death of her husband and nothing in her son's house is hers." In a similar statement, Nicolas Piriou, a master tailor of Quimper declared he had not worked for years due to advanced age and poor health; he had lived with his two daughters Marie Magdelaine and Yvonne Piriou, bonnet makers, who gave him his pension and paid the rent on the house; Piriou had no movable goods where he lived besides a covered bed, a little armoire, two chairs, and a table. The rest belonged to his daughters, coming from their own hard work and good management. Sometimes, the only way to avoid disputes among one's own children was to say, "Everything is gone."

The inventories described here were often required by law, but the documents spelling out who gets what in a complicated family network usually made direct reference to the potential for conflict and a wish to avoid it. Gillette Le Pisquaire took care of her grandchildren and daughter for 18 years, having taken them in when her son-in-law died. Her declaration of 1735 outlined what she owed each of her grandchildren for their labor on her farm calculated from their respective sixteenth birthdays. Le Pisquaire clearly stated in the document that her other three adult children had already gotten their portions from the succession of their father when he died many years ago, and that her daughter was getting similar goods in this settlement, simply delayed by several years' time. None of her heirs was able to claim anything else from the house beyond what they had already received.

Marie Baraban, a widow and newly remarried, called for a formal inventory of the goods she had brought into her new marriage from out the marital community she had shared with her first husband. She did this to care for the children of her first marriage and also to avoid disputes that could upset the "society" between the children of her first marriage and any that might come from her new one. Additionally, she and her new husband vowed that the inventory of goods to be held for the two minor children did not replace their responsibility to raise, house, and feed the kids. They meant to formalize what was held in legacy from the past without renouncing their clear duty toward the family going into the future.

René Bohic of Morlaix sought to correct an error on his part when he filed a late inventory in 1733. He had been widowed in his first marriage to Marie Bocher and then again in his second marriage to Yvonne Le Castel. He had sons by both women and stated it was time to create an official inventory, "wanting to maintain the peace and union between them and to avoid any conflict or dispute that might arise when he dies." Once the goods were totaled, the terms of the inventory spelled out the distribution: half of the property inherited from the two deceased women went to René himself, as heir to two spouses as well as to a child

from each marriage who had died after their mothers; a sixth went to the older son, named François, just under a sixth went to the younger son, also named François and to his brother Hervé. Older François accepted movable goods and promised to care for René for rest of life and not to seek out or disturb other heirs for assistance; younger François offered a portion of his succession to assist in this. Thus, the peace was preserved, and the sons reciprocated by promising to care for their father in his last years.

Finally, there are examples of families going beyond the usual declarations and inventories to stake out what was already owed. Thomas Creu sold a piece of property in 1746 that had belonged to his first wife. The sales contract outlined that this sale was meant to settle what was owed to his children by that marriage, and how the property was to be shared by his son and son-in-law, presumably the husband of his daughter. Though it is a simple document selling a piece of property, Creu used it to explicitly state that the two younger men, for his sake, were to “conserve always, for however long it pleases the Lord to give them days, recognition of the *amitié* and respect that Divine Law obliges them to observe,” both to his memory and to one another. Such careful and caring language suggests that the potential for conflict was very real and perhaps very near. One can only hope the father’s gesture accomplished his aim.

Individuals and families will find a way to use or to circumnavigate the law to meet their own needs. However, a family’s “needs” are not limited to material goods. The long-term survival of any family, indeed of society itself, depends on the preservation of goodwill. It seems that even the average eighteenth-century French subject saw the power of clearly stating a situation, heading off any possible trouble, and getting it all notarized just for good measure. If Moricette and her mother had publicly called Marie Dufrost a thief, then something had clearly gone wrong. And if there had been any attempts to use informal strategies to settle disputes, those measures failed as well.

Old Regime French law required that parents support *all* their children and that is why special gifts warranted such careful management. In the name of “social order,” the law further made a distinction between legitimate and illegitimate offspring, and gave the clear advantage to children born into a legitimate marriage. Law codes and parish registers alike used a variety of terms to refer to children born outside of wedlock, from “bastard” and “illegitimate” to the somewhat more sympathetic term “natural child.” A bizarre case of bigamy from Fougères in 1774 reveals the depth of feeling toward children born out of wedlock. In late June of that year, Anne Echard presented herself at the hospital in Rennes on the verge of labor. She was unmarried but had been living with a man named Julien Muziau, a widower of one marriage who had also been abandoned by a second wife. All would have gone well if Muziau had simply claimed

the child as his own natural child, born out of wedlock, but instead he tried to pass it off as the offspring of his estranged second wife. A parish register entry from Toussaint parish showed the infant had been baptized on June 25 under the name of his father and a woman named Marie Seigneur, "his true wife," who had long ago departed for Paris. The lawyer reporting on the case noted that Muziau had lived an exemplary life until this point but that now he was a criminal. As he put it, the accused "wanted to give an adulterine a legitimacy that he could never achieve and an inheritance he should not receive." The lawyer even called for a process to nullify the baptismal entry that had granted the infant an undeserved status. His distaste for the situation is palpable.

Muziau had good reason to believe his plan could have worked. Under Catholic doctrine and common practice of the day, the mother of a newborn was never present for the baptism. She was probably tired and ill, but more importantly she still carried the taint of original sin. Baptism was a process by which a new soul entered the Christian community, and it required some distance from original sin, represented in this case as sex between the father and mother in procreation. Godparents were the "spiritual parents" of the child, utterly unconnected to the carnal nature of procreation, and the biological mother required at least 3 weeks of recovery before she could visit the church discreetly for a purification and rebaptism of her own. Only after that had happened could she rejoin the Christian community. Thus, it was perfectly normal for a man to arrive alone at a church seeking baptism for his newborn child. The priest in attendance merely recorded the name of the mother as offered by the father. In Muziau's case, he could have gotten away with it except the manager of the hospital was suspicious of his behavior and had him followed.

A hospital in eighteenth-century France was less a medical establishment and more a poorhouse or even temporary jail for vagrants. The pregnant Anne Echard had been picked up for begging when she revealed that she and her lover had just arrived from Fougères and that the father of her baby was estranged from his second wife. After Anne gave birth, the manager reported the couple to the police, and it was not long before they discovered Muziau's attempt to conceal the status of his child. Nevertheless, all the witnesses interrogated in Fougères affirmed that the couple was respectable and that Muziau's wife had abandoned him without cause while he was ill. In fact, Muziau's neighbors took great pains to point out that he and his concubine were hardworking and honest, highly valued characteristics in a rural culture. Clearly, there was some sympathy for the little family, but it did not change the fact that a crime had taken place. Muziau was officially charged with bigamy, a capital crime, but all the sources connected to this case focus on the illegitimate nature of the child.

Even when jurists acknowledge that a natural child had no part in the crime that produced him or her, they maintain that it would not be fair

to legitimate heirs if the two sorts of children were regarded as equal. Inheritance laws therefore limited what people could give their natural children, especially if there were other heirs to be considered. Legal codes and dictionaries made a further distinction between “simple bastards” and “criminal bastards,” that is, between children born to people who could, in theory, get married and those born to people who could not. For example, as we have seen, a couple engaged in premarital sex might one day marry, but those engaged in incest or adultery never could. Children born to the first sort of couple were “simple,” and those born to the second sort were “criminal.” Simple bastards could receive certain bequests and gifts that criminal bastards could not.

Inheritance disputes were nasty, no matter who the players were. As described previously, mutual donations between spouses were necessary because, without that extra level of protection, a widow or widower might be stripped of everything by the claims of other heirs, including their own legitimate adult children. Thus, it is not necessarily the case that legitimate heirs were hell-bent on disowning bastards but that many heirs were generally quick to disown *anyone* for *any* reason. Conflict between heirs could get downright evil—like the person who challenged the rights of an “adulterine” older sibling though they shared both parents. In this case, a man had donated property to a child he fathered with his servant while his wife was still alive; his wife later died, and the man married his servant and they had a second child together. In 1692, after the man’s death, the younger son challenged the gift made to his older brother and won. The two men were brothers who shared both parents and yet one was willing to denounce the other as illegitimate to inherit everything.

A number of competing issues mess up this apparently neat distinction between legitimate and illegitimate children; however, the most striking being the concept of “good faith,” and the other being existence of foundlings. As early as 1597, children born to parents “in good faith,” such as those who remarried in false belief that a long absent spouse was dead, were considered legitimate even if the marriage of their parents was nullified at a later date. Some jurists and church authorities extended the concept of good faith to include couples who had engaged in premarital sex and fully intended to later marry. If the marriage did ultimately take place, any children born were normally considered legitimized retroactively. The Church, community, and family could be quite forgiving of premarital sex as long as the couple eventually married. Parish registers list a number of children born out of wedlock but legitimized later by the marriage of their parents. For example, in Pléguien, the baby boy born to Clement Baliber in September 1672 was recognized and later legitimized by Baliber’s marriage to Raul Poullain. A little girl born to Guillemette Querou in March 1729 was recognized by Joseph Laley, and the couple was married in September 1730. As we saw in the previous chapter, such

arrangements were not that unusual. In sum, if two people had a child together in the firm belief that they *were* or *would be* married, both the Church and the state were content to accept the child as legitimate.

The “good faith” concept certainly paved the way for the later enlightened defense of natural children as being free of moral stain due to their own personal innocence of any wrongdoing. At the same time, it called for some legalistic acrobatics on the part of jurists as they had to pinpoint the moment at which a child became legitimate or illegitimate in the eyes of the law. For example, if a man committed adultery and his lover became pregnant, and then his wife died before that baby was born, the child was not considered “adulterine” and could inherit if there were no other heirs. Similarly, if a married man or woman committed an act of adultery resulting in pregnancy, but then the adulterer’s marriage was annulled due to the impotence of the non-offending partner, the child was not adulterine. However, a child born in an adulterous union could never be considered legitimate even by eventual marriage of his parents. The status of the parents at the moment of a child’s birth, not at conception, was what made the difference.

The existence of foundlings also undermines the second-class status of children born out of wedlock. Foundlings were taken in by the church or raised by charitable foster parents. They were trained in a trade or otherwise educated, and their status did not necessarily follow them through life. Since the birth status of a foundling is unknown, he or she did not carry the explicit stigma of bastardy, even if such a person did not retain the full benefits of children raised by legitimate biological families. Legal dictionaries spell out that an abandoned or exposed child was technically reputed to be “legitimate” but was not connected to any particular family. More often than not, the hospital or local authorities served both as guardians and heirs of foundlings. The hospitals at Lyons, for example, “adopted” orphans in their care and actually benefited as heirs of anything these orphans had acquired through labor if they died before the age of 25. Nevertheless, such children were not overtly stigmatized. Thus, just as Muziau in the preceding discussion might have gotten away with the fraudulent baptism of his natural child, some people might have chosen to abandon a child in the hopes that an ambiguous status was better than the label “bastard.”

Many large cities had dedicated institutions, or a portion of the hospital, reserved for the care of foundlings. In fact, as the eighteenth century saw an increase in illegitimate births, several smaller cities sought to create their own homes for found children. In the 1770s, for example, a midwife in Fougères was cited for having set up a system of sending babies to the hospital in Paris by carriage. On one occasion, the carriage went off the road into a pond and two children almost drowned. By 1773, she was forbidden to send children to Paris. By this time, the Breton cities of Rennes and Nantes were seeking permission to establish

orphanages of their own, but the response from the king was not promising. The response from Versailles in 1775 states clearly that the king would not even hear of the idea—"Institution for these children is not recommended."

So, without a dedicated institution, what was the fate of abandoned children? The church and local authorities were obliged to feed and educate such children, according a letter from Yvon de la Brettrye, the *subdelegué* of Tréguier in 1740. Tréguier was the bishopric neighboring Pléguen and Lanvollon, and the *subdelegué* was a provincial administrator who answered to an agent of the king. Brettrye explained that the Church and the local seigneur might pay a wet nurse to care for small infants who had been found. Ideally, however, some resident of the parish would agree to take in the child as an unpaid servant and member of the household until that child reached their twentieth birthday. In rural areas, such boys could tend livestock and girls could spin yarn, and the families who hosted them would receive a small stipend from the seigneur or the crown to help feed the family. Usually, by the age of 20, young people would have learned a trade or found some other independent work. The system worked well enough that Brettrye said there had not been many vagrants of any kind in 40 years. Eventually everyone found a place. At the same time, Brettrye, along with the *subdelegué* in Brest, expressed concern that enforced unpaid work was a kind of "slavery," and they hoped there would be a better situation for all in the near future.

The Pléguen parish registers point to an intriguing possible explanation for Moricette's unique status in her family. Moricette Nayl's baptism is not included in the parish registers for either Lanvollon or Pléguen. The record may have been lost, or she may have been baptized elsewhere. Her age is difficult to assess, especially since the court documents from Lanvollon in 1720 describe Moricette as "around thirty-two years old," but the documents out of Rennes in that same year describe her as "about thirty-five." That puts her likely birthdate in the mid-1680s.

In 1682, a foundling girl was baptized Moricette in Lanvollon. Her godmother was Moricette Guiard, Dame de Kergallet and Ville-Neuve, a noblewoman who did a good deal of business with the Nayls. Madame Guiard was godmother to several members of the professional classes in Lanvollon. She was godmother to her niece, Moricette Sallou, who had as her godfather Olivier Nayl. Olivier's wife, Louise Jacob, was godmother to Moricette Guiard's daughter. The families were deeply intertwined. Madame Guiard was also godmother to many foundlings and "bastard" children. It was a great honor to serve as a godparent. In fact, tradition viewed someone lacking if they had died without having ever served as a godparent. Those who had never served as godparent were buried in uncomfortable, unsanctified postures. It was almost unheard of to refuse to serve as a godparent if asked. In the case of foundlings, the priests had to recruit godparents "by chance" and give such infants the name of a

stranger. Since it was most common in this region for a little girl to carry the name of her godmother, the female foundling of 1682 was named Moricette in honor of her notable godmother. Nicolas Nayl the elder and Marie Dauloudet, his wife, lost five infants between 1680 and 1685, and it is not difficult to imagine they would have been open to the charitable adoption of a foundling sometime during that period.

Adoption was not common in Old Regime French society or even acceptable in the eyes of most French jurists. Though French law took ancient Roman practice as a model, and legal texts for the era noted that the Romans practiced and even encouraged adoption, lawyers in eighteenth-century France generally agreed that adoption went against both God and nature. It opened the risk that an illegitimate child would be elevated as equal to or above a legitimate child, and it also risked the possibility of future incest if siblings married, unaware that they were biologically related. In rare cases, if a couple had no children of their own, they might be permitted to adopt with royal permission. However, even then, adopted children were not permitted to inherit except what was given as a gift and as long as no lineage property was at stake.

At the same time, popular practice included instances of adoption despite laws against it. Just as law codes strictly spelled out who could inherit and the use of donations allowed people to recognize and protect those they loved, those who wished to adopt were able to do so. Adoptions were made through donations, or gifts, and operate the same way as the donations for particular service described previously. It was just another form of kin building, like marriage or serving as godparents. Spiritual kinship and affection were important considerations for a lot of people no matter how many lawyers insisted that blood was the only thing that created kinship.

Sadly, very few of the notarial archives for Lanvollon and Pléguen have survived. Even if there is a possibility that Moricette was an adopted foundling, the contract has been lost. Furthermore, if she was an adopted foundling, then she would not have had an equal share in the legacy of the Nayls. Assuming they would have honored the laws in place at the time, they could have left her some kind of gift but no more. Thus, the intriguing possibility that she was the foundling baptized in 1682, just after the Nayls had lost so many children, might explain her unique position in the family but it would likely remove a loss of inheritance as a motive for her attack on Marie Dufrost.

Competition for resources was a frequent cause of conflict within families and within the broader community, especially in times of great need. In 1720, Pierre Roux of the parish of Pierric, northeast of Nantes, was accused of murder after a dispute he had with Janne Niget in August 1719. In his appeal, Roux freely admitted what had led to their fight. August 1719 was a time of terrible drought, and all the local streams and fountains had dried up. In fact, several historical sources cite that this

particular drought was one of the worst in French history, especially for the northeast and western regions of the kingdom. The year 1719 saw starvation exacerbated by a dysentery epidemic that claimed the lives of 450,000 people nationwide, or 2 percent of the French population. Tensions were high as resources dwindled. As he had sometimes done in the past during droughts, Roux led his cows to a pond owned by Monsieur de Brignac, to whom Roux was a tenant. Janne Niget lived in a cottage near that pond.

On August 10 of that year, as Roux led his cows to drink, Janne Niget rushed out of her house in a rage, telling him he could not graze his cows there as she had leased the land by the pond and planted grass there. He replied that his cows would drink and not graze but that, at any rate, no one among the tenants of de Brignac leased the land next to the pond. Niget would not be mollified, however, so she pursued him barefoot and bareheaded, screaming threats and insults, all the way to the pond. Roux continued on his way and found his brother-in-law, Julien Potreul, already watering livestock at the pond. Potreul commented that Niget had no right to yell insults at someone who had done her no harm and that she deserved a kick in the rear. Niget asked who would deliver such a kick and then launched herself at Roux, grabbing him by the hair. He beat her off with kicks and a few punches.

Janne Niget died 10 days after their encounter, but it was not due to the beating by Roux. Witnesses agreed that Roux's blows were not enough to have caused death. The coroner's report confirms that Niget had died of dysentery, as had 120 other parish residents in a 3-month period. So, while Pierre Roux was not responsible for the woman's death, the episode reveals quite a bit about life on the edges of subsistence. Roux's quest for water, driving his cows far from his own home, and Niget's apparent desperation at the competition for that precious resource, expose a ready trigger for violence in a small community.

So far, we have addressed competition for property or resources as a major source of conflict, but of course there were many other sorts of disputes. Some of those related to marriage were discussed in the previous chapters—in those cases, we considered breach of a marital contract or bigamy as extreme cases, but adultery, drunkenness, mismanagement, and neglect were all sources of conflict within the home. A man's drunkenness and mismanagement might excuse his wife's request for a separation from him, while a woman's drunkenness or laziness might excuse her husband's violence toward her. Neighbors were very reluctant to interfere in disputes between spouses, but they would do so to prevent extraordinary violence or dishonor.

Sexual violence was a problem both within and outside the household and could be exacerbated by differences in wealth and social status. Women who were left pregnant by seduction or rape could pursue charges, of course, often hoping for no more than paternal support for

their children. The rape or seduction of a minor was a capital crime, but achieving a conviction was particularly difficult if the man's status was higher than the woman's. A telling example may be found in the case against Vincent Pillet, the municipal treasurer of Goven, who was convicted of rape in 1719 but successfully appealed his death sentence. The complaint was filed by Anne Piel, mother to the victim, Jane Ruffault. According to Piel and several witnesses, Pillet found out that the teenage Ruffault "had a weakness for him" and, even though she was a minor and kin to his wife, he made plans to take advantage of her. He arranged for her and several other farm workers to help him break up a piece of land for planting and he paid them in alcohol. Once everyone was extremely drunk, Pillet "enjoyed" Ruffault in the presence of her brother and two servants. He denied it, of course, and paid for a 40-page rebuttal of every charge and systematically destroyed Ruffault's reputation. He made bizarre claims such as her relation to his wife would have made her equally guilty to his adultery and insisted he could not be the father of her unborn child because she gave birth 19 days shy of 9 months. Apparently, his appeal won the day, and he lived another 30 years.

Sadly, the success and return of Pillet made the lives of Piel and her children even worse. An accuser who loses a formal judicial case is responsible for paying court costs, but Piel was not able to do so. Matters came to a head in 1720 when sergeants were sent to the Piel home to collect the debt, at which point Piel and her children attacked the sergeants. In their struggle, the family strangled and killed one of the sergeants. The sergeant's widow, Marie Benoit, filed a complaint in February 1721 because, since the loss of her husband, she and their two children had been reduced to begging to survive. Benoit said she had no idea if Pillet had really been guilty of raping Janne Ruffault but that she doubts the sincerity of Piel and her family because they had refused to own up to their own violence.

Sometimes there is no clear reason for a violent dispute. In 1721, outside Fougères, Julien Morin was savagely beaten while he guarded livestock in a pasture. He claimed it was François Bertrand who had beaten him, and he died of his injuries 21 days later. There were no witnesses to the attack, however, and for his part Bertrand insisted that he had seen unguarded beasts in the pasture and an unknown person in the area, but never had any quarrel with Morin. He was not convicted of the homicide, but nevertheless Bertrand's brother paid 55 *livres* to Morin's widowed mother in the name of "civil interest" as long as she agreed to drop all pursuit of François. She accepted the payment, and the process was abandoned. This is yet another instance in which the age-old practice of reparation settled matters in a way a formal judicial process was not always able to.

In Dinan in 1723, a high-ranking merchant and her son accused another merchant of assault. According to their complaint, François Aubey

knocked at their door and, once they had opened the door, proceeded to hit Guillaume Dubois in the head with a club. Witnesses up and down the street agreed on a few basic details. Around 8 o'clock in the evening, various artisans and merchants in the neighborhood were still at work when cries rang out from the home of Guillaume Dubois. Each witness said something like they "were obliged to put their work down" to investigate what was going on in the street. Most of them did not see the actual attack but did see blood on Dubois' head and heard Aubey state he "had his reasons" for attacking them. Regardless, there was nothing concrete enough to act on so the case went nowhere.

Finally, while the age of witch hunts was long passed, some people continued to suggest for lack of a better explanation that "demons" had inspired people to break the law. In some cases, this led to actual charges of sorcery, though by the eighteenth century that was rarely a cause for a death sentence. The matter largely depended upon what suspects did with their diabolical intentions. In 1716 in Vannes, Perrine Tranchaud was accused of sorcery because she and certain accomplices were said to have conjured demons to find treasure to steal. In 1721 in Morlaix, Constance Menard was accused of sacrilege and theft after a demon tempted her to steal the linens off the church altar and hide them when she was challenged. In both those cases, the women denied everything, and their cases were eventually abandoned. It is clear that at least some people still believed in the power of the devil to lead others to sin. By contrast, Renée Guillou was convicted for theft in Rennes in 1748 for having stolen "under the pretext of divining" for clients. She had sold wax figures for conjuring and even an abortifacient, leading gullible people to pay her for her questionable services. In this case, the authorities quickly dismissed the notion that supernatural forces were at work. However, she was convicted, forced to pay amends, and banished from the city. What ties all these cases together is the fact that impoverished and desperate people were still willing to take extreme measures when faced with a lack of resources.

Cases throughout this book display a wide range of disputes arising from debts, insults, theft, love triangles, and more. This chapter has explored inheritance disputes in depth since they seemed the most likely explanation for Moricette's claim that Marie Dufrost had stolen the goods of her parents in the aftermath of her brother's marriage to Dufrost's daughter. But matters of inheritance also offer us a route to better understand the lives of ordinary people in pre-Revolutionary France. In this legalistic culture, in which even the humblest people often left wills, contracts are a rich source for the histories of common people. The same can be said of testimony given to police and complaints registered with the local magistrates. While literature and other elite sources can offer one perspective on human relations, the sources in this study can show us what mattered to the rest of society. What mattered, more often than not,

was the maintenance of a peaceful existence and warm relationships with others. When harmony could not be maintained and informal strategies to settle conflict failed, there was little choice but to turn to the formal justice system.

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Note

1. The Nayl–Martin marriage contract was the “Holy Grail” of my project. The Archives départementales du Côte d’Armor in Saint-Brieuc houses all that remains from the relevant towns for this period. No family papers from any of the families involved in this case have survived. There are some surviving notarial collections from Pléguen and Lanvollon, but none from any of the Nayls who served as notaries in those towns. The “Insinuation of Acts,” a register of all contracts signed in the town, survives, and it shows that Nayls handled quite a bit of business (Archives départementales du Côte d’Armor. Code 2 C 3615).

Bibliography

- Ågren, Maria. “Introduction.” In *Making a Living, Making a Difference: Gender and Work in Early Modern Europe*. Oxford: Oxford University Press, 2017.
- Archives départementales du Côte d’Armor. Code B 1299, Royal registers of *donations entre vifs*, Donation between Voisin sisters, February 26, 1750.
- Archives départementales du Finistère. Code 4 e 133/153, Sale of land by Thomas Creu, February 9, 1746.
- . 4 e 134/7, Declaration of Jeanne Prigent, May 14, 1737.
- . 4 E 149, Inventory of René Bohic, April 25, 1733.
- . 4 e 221/54, Declaration of Conan sisters, October 5, 1738.
- . 4 E 221/131, Declaration and inventory of Sebastien Cavellier, May 8, 1745.
- . 4 e 221/134, Declaration of Nicolas Piriou, April 16, 1748.
- Archives départementales d’Ille-et-Vilaine. Code 1 B G 459, Dossier of case against Pierre Roux, accused of homicide, September 23, 1720.
- . 1 B G 459, Documents pertaining to case against Pillet for rape of a minor, May–July 1720.
- . 1 B F 1222, procedure against Renée Guillou, May 26, 1748.
- . 1 B N 1133, procedure against Perrine Tranchaud, 1716.
- . 1 B N 1294, procedure against Constance Menard, May 14, 1721.
- . 1 BN 1269, dossier of homicide case against Moricette Nayl, July 1718–August 1720.

- . 1 B N 2548, Bigamy case against Julien Muziau, June–August 1774.
- . 2 B 1219, complaint of Jacquemaine Le Serff, Dame de Letang, against François Aubey.
- . 3 B 1000, case against François Bertrand, May 1721–August 1722.
- . C 1286, various documents sent to intendant concerning *enfants trouvée*, 1740–1775.
- Archives départementales de Morbihan. Code 6 e 695, Declaration of Marie Baraban, April 10, 1734.
- . 6 E 4371, Declaration of Gillete de Pisquaire, November 10, 1735.
- . 6 e 4369, Declaration of René Martin, July 12, 1732.
- Brillon, Pierre Jacques. *Dictionnaire des arrêts ou jurisprudence universelle des parlements de France et autres tribunaux*. Paris. 1727.
- de Ferrière, Claude-Joseph de Ferrière. “Testaments.” In *Dictionnaire de droit et de pratique*., Fourth 4th edition. Paris: Saugrain, 1758.
- de Motays, M. Motays. *Coutume de Bretagne et usances particulières de quelques villes et territoires de la même province*. Nantes: Verger, 1725.
- Denisart, Jean Baptiste. *Collection de décisions nouvelles et de notions relatives à la jurisprudence, Tome Troisième*. Paris. 1784.
- Desplat, Christian. *La Vie, L'Amour, La Mort: Rites et Coutumes XVIe-XVIIIe siècles*. Biarritz: J & D Éditions, 1995.
- Fine, Agnès. *Parrains, Marraines: La parenté spirituelle en Europe*. Paris: Éditions Fayard, 1994.
- Gager, Kristin Elizabeth. *Blood Ties and Fictive Ties: Adoption and Family Life in Early Modern France*. Princeton, NJ: Princeton University Press, 1996.
- Garnot, Benoît. “Justice, infrajustice, parajustice et extrajustice dans la France de l’Ancien Règime.” *Crime, Histoire et Sociétés/Crime, History and Societies* 4, no. 1 (2000).
- Garrioch, David. *Neighborhood and Community in Paris, 1740–1790*. Cambridge: Cambridge University Press, 1986.
- Le Douget, Annick. *Violence au Village: La société rurale finistérienne face à la justice (1815–1914)*. Rennes: Presses Universitaires de Rennes, 2014.
- Encyclopédie méthodique de jurisprudence*. Paris: Panckoucke, 1784.
- Lachiver, Marcel. *Les années de misère: La Famine au temps du Grand Roi, 1680–1720*. Paris: Éditions Fayard, 1991.
- Locklin, Nancy. “Women’s Wills and Donations.” In “For the Salvation of my Soul”: *Women and Wills in Medieval and Early Modern France*, edited by Joëlle Rollo-Koster and Kathryn L. Reyerson, 80–97. St. Andrew’s, UK: St. Andrew’s Studies in French History and Culture, 2012.
- . “‘Til Death Parts Us’: Women’s Domestic Partnerships in Eighteenth-Century Brittany.” *Journal of Women’s History* 23, no. 4 (Winter 2011): 36–58.
- Miller, Naomi J. and Naomi Yavneh. “Introduction: Thicker than Water: Evaluating Sibling Relations in the Early Modern Period.” In *Sibling Relations and Gender in the Early Modern World: Sisters, Brothers and Others*. Aldershot: Ashgate, 2006.
- Österberg, Eva. *Friendship and Love, Ethics and Politics: Studies in Medieval and Early Modern History*. Budapest: Central European University Press, 2010.
- Ruff, Julius. “Popular Violence and Its Prosecution in Seventeenth- and Eighteenth-Century France.” In *Crime, Law and Popular Culture in Europe, 1500–1900*,

56 *Disputes*

edited by Richard McMahon, 32–51. London and New York: Routledge, 2008.

Sauvageau, Michel. *Coutume de Bretagne: Nouvelle édition, augmentée considérablement*. Rennes: Vatar, 1742.

Spang, Rebecca. “Sister, Brother, Other, Same.” *History Workshop Journal* 80 (Autumn 2015).

4 Justice

It cannot have been easy for the retired judge of the local seigneurial court to have seen his daughter charged with homicide in his own jurisdiction, especially when the victim was also connected to his family. The days after the fight, during which Marie Dufrost hung onto life by a thread, were surely tense ones for both families. One of the witnesses who came forward in October 1718 testified that on June 26, 3 days after the fight, he overheard a conversation between Jan Rivoal and Nicolas Nayl the younger. The witness was François Burlot, a cobbler from the neighboring parish of Plourhan, who was working “at his trade” in Rivoal’s home when the younger Nicolas Nayl arrived. The conversation was hushed, and all Burlot overheard was Nayl remarking that “if Marie Dufrost dies his sister will be hung.” The Nayls had to know that they could not long delay the prosecution of Moricette. Naturally, it would fall to someone else to see the charges filed against a member of the Nayl family. That person was Guillaume Raoul, Sieur de Kerbellec, fiscal *procureur* of Villemario, serving as a kind of substitute judicial official for Plessix, empowered by permission of Jan Damart, advocate and superior judge of the royal court at Lanvollon.

While it is true that communities had their own internal strategies to avoid or resolve conflict, sometimes those strategies failed. When that happened, people turned to legal professionals to file complaints and lawsuits, keep records, and seek legal advice. In the case of something as serious as violent death, the community usually had no choice but to accept the interference of outside authorities. We say “usually had no choice” because homicide charges were still somewhat inconsistently prosecuted in the early eighteenth century. Though Marie Dufrost’s death led to a formal homicide investigation, that process still depended upon someone filing a complaint. Thus, even homicide prosecutions were a bit haphazard as they relied upon the existence of people willing to report and file charges. Louis Martin and his sisters filed no such complaint and expressed a desire to be left out of the process. Guillaume Raoul, however,

filed a complaint which he claimed was “on behalf of” the Martin family and proceeded to take over the case at the local level.

A key feature of this homicide investigation was the fact that the judicial systems in pre-Revolutionary France overlapped at multiple levels and that was because political authority in this era overlapped at multiple levels. There were at least three overlapping communities just in the confines of a typical village: the parish; the seigneurie; and the economic, social, and political unit of the village itself. Beyond that, of course, were the wider market forces, the cultural identity of the region and, not least by any means, the royal court centered at Paris. The seigneurie, or lordship, had roots in the medieval manors that nobles occupied. These lords, at least in theory, offered protection and the maintenance of social order in exchange for labor, crops, and simple manufactured goods. Over time, as the economic and political landscape evolved, seigneurs held fast to their traditional privileges but had to support the trappings of social superiority with cash, which they raised in part by selling off pieces of their holdings.

That was what had happened in Brittany, as in every other region of France. The fief of Plessix had been carved out of a larger seigneurie owned at its creation in the thirteenth century by the Comté de Goëlle. Over several generations, the seigneurie was fragmented, and its many pieces were handed down or sold to a variety of players. Sometime in the seventeenth century, Plessix passed to Rogon de Carcaradec from its sixteenth-century owner and Rogon sold it in 1732 to the Marquis de Saint-Pierre, who held it until the Revolution in 1789. The seigneurie was under a noble, at least in title, and was thus separate from the court located at Lanvollon, which answered directly to the Parlement at Rennes. In earlier eras, the distinction between royal courts and those owned by the seigneurs would have been respected—lords had their own rights and jurisdictions, distinct from those of the king. However, by the end of the seventeenth century and into the eighteenth century, seignorial judicial courts in several regions lost ground to royal ones as a more centralized system developed. As Michael Breen reminds us, the administrative agents of the crown did not eliminate or even displace the existing judicial system but did “superimpose” itself on top of it. In either case, the seignorial court in this locality was quickly becoming irrelevant, or at least the distinctions between them were erased. Nicolas Nayl could not be trusted to oversee an inquiry concerning his relations; therefore, the court at Lanvollon was forced to take over. Local histories note that the court at Lanvollon had jurisdiction over marriages in Pléguen in the 1770s, just before the Revolution. Since this had been a feature of Nayl’s authority during his lifetime, it seems that Nayl was never replaced by another seneschal in Plessix after his retirement and death. The court at Lanvollon became the only court for the area between the time of Nayl’s

death and the Revolution, but decisions out of Lanvollon were still designated as coming from the jurisdiction and *châtellerie* of Plessix.

Nicolas Nayl the elder and his family might seem like something of an anomaly in the judicial system as it is typically understood for pre-Revolutionary France. Generally speaking, a single family did not produce so many individuals who operated at so many levels of legal authority. A *procureur* was someone who had some legal training and could prepare papers, leading clients through the judicial system. *Procureurs* could not argue before court, a role reserved for the *avocat*, but they could represent clients in numerous ways. Thus, unlike a prosecutor, a *procureur* might help shape a defense instead of leading the charge against the accused. Notaries, for their part, usually did not advance much in society. *Greffiers*, or court clerks, needed only to be literate and did not require a formal university education. The Nayls of Pléguen and Lanvollon, however, operated as notaries, *greffiers*, *procureurs*, and even magistrates, depending on the time and jurisdiction involved. Nicolas Nayl himself was a notary even while serving as *seneschal*, or chief magistrate, in the seigneurial court. Olivier and Barnabé Nayl of Lanvollon even held the titles of *procureur* and *avocat* there in the 1690s. Nicolas Nayl the younger was listed in the 1730s as notary in Pléguen, *procureur* in Lanvollon and Kermartin, and *greffier* of Villemario. It seems that, just as the Nayls occupied multiple rungs of the social ladder in the community, they occupied multiple rungs of the judicial system as well.

This multiplication of judicial titles makes a certain sense in the context of Brittany. As previously noted, each time a lord's territory was subdivided and sold, it created new jurisdictions. There were so many courts in operation at the same time that each advocate and judge could not possibly have gotten enough work to provide a viable livelihood. That fact has been used by some scholars to justify the assumption that legal professionals were corrupt and bleeding the populace for every cent. It has also been used as a basis for assuming that judges must have been unqualified since there could not possibly have been enough trained and thoughtful professionals to fill all of the required roles. However, other scholars have highlighted that the proliferation of courts often simply meant that the same people held multiple titles. This extended the reach of certain judges and other legal professionals, but it also meant that a qualified individual could live off their work without sacrificing their integrity. Studies authored by Zoë A. Schneider and Hervé Piant detail how common it was, especially in remote jurisdictions, for judicial officials to "accumulate" titles.

The Nayl family is also unique due to their brief appearance in the historical record. It was not uncommon in pre-Revolutionary France for a family to achieve high status and remain in that status for many generations. Jan Damart, for example, was the *avocat* at the royal court at

Lanvallon in 1718, when Moricette fought with Marie Dufrost. A Damart remained in that role or one of equal status until 1787. Damart or Damar remained a notable family name in Lanvallon into the twentieth century. The war memorial outside the church of Pléguien today, honoring those who lost their lives in the world wars of the twentieth century, lists a number of families who would have been familiar in the eighteenth century: the Estiennes, the LeMeurs, the LeTroquers, and even the Martins. The Nayls enjoyed no such longevity. In fact, it seems almost as if they appeared on the scene, achieved a certain status in one generation, suffered a setback, and then disappeared for good.

In 1664, in response to a demand by the minister Jean-Baptiste Colbert on behalf of the king, Lanvallon officially listed every *avocat*, *procureur*, notary, and sergeant. There were no Nayls anywhere in that list. The Nayls *were* recorded in Lanvallon in the “Corps politique,” similar to a town council, of the commune for 1660 but not 1691. That is odd because it means Julien Nayl, father to Nicolas the elder, had standing in 1660 but escaped royal notice in 1664 and later. Only Barnabé Nayl, nephew of Nicolas the elder, was included in the *corps politique* for 1711. In the years after that, no Nayls were recorded in Lanvallon among either the judicial professions or the bourgeois. Nicolas Nayl the younger took over his father’s title of Sieur Desnos in 1720 and continued to work as a notary, a *procureur*, and a *greffier*, but never served as seneschal. However, his own sons did not even serve as notaries or in any legal profession. Thus, the professional status of the Nayls died out even before the family name did. Only the daughters of Nicolas Nayl the younger survived to start families of their own, and they married into farming families.

In addition to the complex and overlapping judicial systems at work in the region around Pléguien, there were several other factors complicating the courts at work there. One was simply the stage of evolution in the development of legal standards. Several jurists in the seventeenth and eighteenth centuries wrote eloquently about the law and helped usher in some of the rational and compassionate arguments that shaped Enlightenment philosophy. In previous generations, legal professionals had held their offices like personal possessions that they could leave to their children. At times, such office holders openly served their own interests. For example, James R. Farr’s *A Tale of Two Murders* demonstrates the ways in which men at every level of the seventeenth-century judicial system pursued power and influence for themselves and their families, casually prioritizing their self-interest over considerations of justice. Hervé Piant tells of a case as late as 1784 in which an *avocat* who had killed a man got his case dismissed by his father, the magistrate, in exchange for payment to the victim’s family. That happened less and less as the legal professions evolved. Just as the monarchy was attempting to centralize political power and judicial procedures, legal theorists were fine-tuning a set of laws they hoped would stand up to scrutiny and the test of time.

The struggle among judicial players in Lanvallon, Pléguien, and Rennes would be apparent throughout the pursuit of Moricette Nayl. The conflicts of interest were intensified by the small size of the community and the extent of interconnectedness of the locals. However, the problems in this jurisdiction were most clearly demonstrated by an earlier case involving many of the same individuals. In 1717, in Lanvallon, the *avocat* Jan Damart pursued charges of capital theft against a young merchant named Julienne Evennou. The initial interrogation of the accused was presented by Nicolas Nayl, “former *procureur* of this jurisdiction who is serving in the role of public minister (*procureur d’office*) due to the recent death of the *procureur fiscal*.” Damart goes on to say that the *greffier*, or court clerk, in this case would be Guy Morin of nearby Coëtmen because Gilles Jegu, the *greffier* of Lanvallon was closely related to the accused. Finally, the sergeant Nicolas Guillaume was on loan from Châtelaudren because Lanvallon did not have a jail. In this case, Damart was having a difficult time covering all of the necessities of a proper investigation.

To make matters worse for Damart, a number of other local *procureurs* and their relatives opposed the prosecution of Julienne Evennou and avoided involving themselves in any step of the process. Damart was forced to file a formal complaint with the “order of *procureurs*” in May 1717. He did not want to go forward with the elderly Nayl acting as *procureur d’office*, but each of the other possible lawyers had offered “frivolous and childish exceptions” to exempt themselves from the case. Damart appointed someone and demanded that the Parlement in Rennes confirm his choice, regardless of whether the appointee wanted the job. Thus, a full year before the fight between Moricette Nayl and Marie Dufrost, the local judicial scene was in chaos. There were not enough officers of the law to complete the work, and those on hand sometimes simply refused to do so. Nicolas Nayl the elder had made himself available to Jan Damart, but Damart had decided he would rather not employ the retired judge. Instead, he appointed Denis Courson, who was also advanced in years and would himself retire before the year was out.

A closer look at the case against Julienne Evennou will shed light on the struggle between the various judicial officials as well as the irregular nature of criminal justice in this instance. Evennou was a 30-year-old petty merchant who had been charged with larceny back in 1712 but pardoned on the condition she cease her “evil ways.” In March 1717, Pierre Le Bigot, Sieur de Porsemeur, charged Evennou with grand larceny. He dragged some sergeants to her house and showed them some linens, a fine blouse, some money, and some eau-de-vie that he claimed she had stolen from his house. He had all the goods confiscated and Evennou taken into custody. Beyond that, however, he refused to submit to interrogation or offer further evidence. He wanted her punished without his participation. The elderly Nicolas Nayl, the first appointed *procureur*, apparently accepted this without challenge and signed off on the paperwork.

In her first interrogation, on March 30, the day of her arrest, Evennou claimed that she was close friends with Louise Girault, a servant of Porsemeur and her own partner in the distilling and sale of eau-de-vie. She stated that Girault had asked Porsemeur for cash for the alcohol and that he had offered goods out of his household instead. The two merchants were supposed to sell the goods to earn the cash they needed. Evennou's testimony in her second interrogation, on September 18, is dramatically different. In this version, Evennou claims that the linens, clothing, and eau-de-vie were gifts from Porsemeur. After her initial pardon for theft, Evennou had embarked on a love affair with Porsemeur, and, in 1715, she had even had a child by him out of wedlock. For some reason, the relationship soured. She stated that Porsemeur had come to stay with her while his wife was out of town and had brought the bed linens from his home because her humble sheets were not good enough for him to sleep on. She further stated that during that visit he became rough with her and even held a pistol to her throat, warning her to never steal from him. When Porsemeur's wife came home a few days after that, she discovered that items were missing from her home. That is when Porsemeur returned to Evennou's house and demanded the goods, according to her testimony, and even beat her when she said she no longer had all that he asked for. That is when he charged her with theft.

Between her first and second interrogations, 6 months apart, the struggle over jurisdictions referenced previously had played out. Nayl had permitted Porsemeur to bow out of the procedure, and that is when Damart insisted on a new *procureur* to pursue the case. Denis Courson, though he was serving as *procureur* under duress, took his responsibility quite seriously. In June 1717, Coursson demanded that Porsemeur produce proof that the goods in Evennou's home were stolen from him. Porsemeur replied that his denunciation of the young woman was enough and had been accepted by Nayl. Courson insisted and, by August, had lost all patience. Courson demanded that Porsemeur return the cash he had confiscated from Evennou's house at the time of her arrest and furthermore pursued the publication of a *monitoire* calling for witnesses.

The *monitoire* was a call for witnesses read by the parish priest from the pulpit on three consecutive Sundays. It was a document that actually threatened excommunication of those who knowingly withheld information about the crime or criminals. Though the Church was effectively independent from the Crown, clergy had an interest in keeping order and urged submission to authority. The success of the *monitoire* depended in part on the level of regard the community had for the priest. At least for the Revolutionary era, when republican pressure in opposition of the traditional Catholic Church ran high, many of the local parishioners were noted for their great devotion to the Church. According to one source for the diocese of Saint Brieuc, the revolutionaries encountered in Pléguen "a heroic resistance that recalls the first Christians before their persecutors."

The priest, for his part, had to support the use of this method because a *monitoire* was not without controversy. Iain Cameron has found that peasants in the Auvergne and Guyenne regions of France stated they opposed any *monitoire* due to a belief that the reading of a *monitoire* would bring crop-destroying hailstorms. Regardless of whether everyone truly believed that, there is no question that the call for witnesses had the potential to deeply divide members of the community. The *monitoire* was so hated that many priests found reasons to avoid reading them. Members of the congregation might rebel, even become violent and try to snatch away the document before it could be read. More importantly, the *monitoire* seemed to contradict the very purpose of the priest in his parish. According to Anne Bonzon, the priest was essential in maintaining honor, respect, anonymity, and community; he was normally in a position to quietly mediate and settle disputes without punishing anyone. The *monitoire* forced the priest to publicly call people out and motivated them to defend themselves. In the case against Evennou in Lanvollon, there was no violent rebellion. There was, however, widespread formal opposition that threatened to divide the community.

More than 50 witnesses came forth to offer evidence in the case against Evennou but stated their opposition for the record. Those who declared their opposition included members of the local elite, even some of the legal professionals who had refused to work on the case. Other elites eagerly sided with Porsemeur. Merchants and peasants were just as divided. In a number of cases, spouses found themselves on opposite sides of the issue. Evidence that the community was at odds appears in the testimony given by the merchant Françoise Le Tanneau. She stated that she had been approached by Mr. René Regouin, Sieur de la Gauterie, who wanted to know why she did not oppose the *monitoire*. She replied that Evennou had stolen something from her at a fair 8 years earlier. Sieur de la Gauterie assured her that did not matter; a *monitoire* only concerned evidence from the previous 5 years, so her testimony would not matter. She gave it anyway.

The range of testimony in response to the *monitoire* reveals the madness of the local justice scene. As stated previously, the *greffier* in Lanvollon was related to the accused by marriage, so Evennou had to be taken to the home of a *greffier* in a neighboring town after her arrest. There, she was to await a sergeant, Nicolas Guillaume, to escort her to the closest jail, which was in Châtaudren. The event of the arrest turned out to be the most excitement anyone had seen in years, and more than half of the witness statements were from locals who heard the commotion and ran to see Evennou in custody. People described straining to see over the crowd and to hear what was said over the noise. The resulting testimony is a jumble of confusing statements. Some people reported hearing Evennou admit the money was Porsemeur's, some said they were sure she had said it was all from her own commerce as a merchant, and some said she kept changing her story as different people offered advice.

Not only was Evennou on display in front of the mob but Porsemeur himself, accompanied by his wife, was allowed to confront her and browbeat her in front of the audience. He was heard to yell menacingly that Evennou would admit she had stolen from him or hang for it. After he got no satisfaction from the accused, he left, and Evennou began to banter with her host and the audience. The next morning, Porsemeur came to get a confession again, he was confronted by Sergeant Guillaume who asked him for a few coins to feed and transport the prisoner. Porsemeur balked at the request, at which point Evennou stuck her head out of the window and told him to keep his money.

The rest of the witness testimony centered on Evennou's past history of theft and on her poor reputation. People reported rumors as if they were facts, and all of it was dutifully recorded for the case against her. In some cases, they even proudly described how they had confronted Evennou about items that she had probably never stolen. For example, Jaques Rolland, *Sieur du Tertre*, a *procureur* and notary in several jurisdictions, claimed that earlier that year he had been drinking all night in a tavern. On the way home, he found he had lost 27 *livres* in cash so he went to Evennou's house "since she was suspected often of this sort of larceny." He was overheard yelling at her and threatening her. The next morning, he found the cash on his table at home. He stated she had probably snuck in his house and secretly returned the money. du Tertre's wife casts doubt on this scenario. She stated that Evennou's sister came to offer them some money to head off any rumors that would hurt their family. Madame du Tertre refused the money, knowing the cash had been found and was in her husband's pocket.

Some people said they had heard Evennou had seduced Porsemeur's valet on the road back from the fair one day and stolen the keys to Porsemeur's cabinets while the man slept. To this charge, Evennou countered that she had walked back from the fair in the company of other female merchants and had never even encountered Porsemeur's valet. Louise Girault, Evennou's business partner, supported this version of events. It was after Girault's testimony that Porsemeur's wife and sister encountered Girault working alongside some other women and tried to intimidate her into changing her story. Somehow, Girault, the humble spinner, servant, and petty merchant had the courage to file a complaint against Porsemeur's wife and sister. Denis Courson and Jan Damart took the charges seriously enough that they interrogated the two elite women.

Evennou did have a number of supporters among elite families. One of her most consistent supporters was Janne Jegu, sister to the court clerk who had recused himself from the case. Janne Jegu also happened to be married to Barnabé Nayl, notary and nephew of Nicolas Nayl the elder. This is yet another indication that people of all ranks took sides, sometimes even against their own kin. It may be possible that Nicolas Nayl was trying to let an elite man like Porsemeur get away with disposing of

a lowly mistress by having her hung for theft. If so, that may be precisely why the advocate at Lanvollon removed him from the case. But even legal professionals and their spouses who were related to Nayl sided with Evennou against Porsemeur. And Damart, the man who pushed for judicial officials to do their jobs with an ounce of professionalism, clearly had social and personal connections to Porsemeur, judging from his presence at the burial of Porsemeur's sister and the baptism of his son.

It may be that a serious weakness of local control was the extent to which personal rivalries interfered with the pursuit of justice and that the ongoing attempt at judicial centralization solved the problem of local personal rivalries. But in Lanvollon and Pléguen, it is clear that there was no neat dichotomy between seigneurial and royal courts, or even between elite and common. Damart, on behalf of the royal court, sought a *procureur* he could trust to find the truth and seek justice in the case against Julianne Evennou. He found that *procureur* in Denis Courson, someone also very intimately connect to the local community. Unfortunately, Evennou's reputation was so tarnished that she was found guilty and condemned to death by hanging in March 1718. Damart simply noted in his summary statement that he expected Evennou to file an appeal of the death sentence. That appeal, if it existed, and a pardon after the Parlement's review of the conviction, have been lost over the ages. Parish registers reveal Julianne's baptism of a child out of wedlock, along with many other events in the families of her siblings. Her burial, however, was not among the entries in the parish. She may have been executed, she may have died naturally, but the register was damaged or lost, or she may have simply left Lanvollon and lived out her years elsewhere.

Since plaintiffs paid court costs in Old Regime France, few people took cases to court if some other resolution might be found. In the case of a homicide, however, there was a clear need for authorities to punish the perpetrator; therefore, they did not ask the victim's family to pay the costs of the investigation and trial. If a criminal procedure was instigated by a *procureur du roi*, or royal representative, then the crown paid the costs. The first step of the process was for an official to lodge a complaint. That is what Guillaume Raoul did when he requested the presence of Jan Damart at the home of Marie Dufrost on July 6, 1718. Damart was accompanied by the *greffier*, the court clerk who recorded the interview with the family. The group also included a sergeant to help keep order if there was a need. Denis Courson, the now retired *procureur*, came along for his knowledge of the family as well as to serve as the Breton interpreter.

Louis Martin, through the interpreter, described the basic events of the fight between his mother and Moricette Nayl. Standing with him were his sisters Elizabeth and Anne, along with their respective husbands, Nicolas Nayl the younger and Guillaume Le Meur. It was at this point that Louis and the rest of his family declared their intention not to participate in

the judicial process and that they would be in mourning. Having heard enough to justify charges, however, Damart decided to proceed "in the interests of the king and of public order." He called on surgeons Pierre Arthur and Etienne Grenier to perform an examination of the body. They concluded that Marie Dufrost had indeed died from a serious blow to the head.

As a key witness, Louis Martin was interviewed again on July 15, and he repeated his basic outline of events as well as his desire to stay out of the criminal process. Guillaume Le Meur was interviewed again simply because he and his wife, Anne Martin, lived not far from where the fight happened. All he could add to the record was that there was a "hatred" between Moricette Nayl and Marie Dufrost. Nicolas Nayl the younger declared simply that he had nothing to say on the matter "considering his close relation to both the departed and the accused."

The essential witness, interviewed on July 26, was Jan Rivoal because the fight happened in his courtyard and he was connected to both families. His testimony is the most damning. Though he stated that it was Louis Martin who initiated physical contact by pushing Moricette toward his mother's house, he stated that Moricette was the first to strike a blow. He added that he had to pull her off Marie Dufrost after the woman was already bleeding from the head, and that Moricette then vowed to kill Dufrost. The rest of the witnesses interviewed at this point were the young cowherds, François Dauloudet, who ran off to get Moricette's parents as soon as the fight started, and Pauline Lariviere, who repeated everything as Louis Martin had described it.

The collected testimony should have been enough to convict Moricette of homicide and, in fact, Jan Damart issued a decree of *prise de corps*, or a warrant for the arrest of Moricette Nayl on August 19, 1718. Nevertheless, Guillaume Raoul sought to have a *monitoire* published. By the time of the homicide investigation, the rector of Pléguien was Pierre Le Floch, who was no relation to any of the families involved. Though there is no evidence that the rectors of previous generations, Jacques Dauloudet and Louis Dufrost, would have chosen to take sides in the matter out of deference to their relatives, Le Floch had no such concerns. The *monitoire* was also read in the parish of Plourhan, by the rector Yves Auffray, because residents of Plourhan would have had to pass the women fighting on the road from Lanvollon on the day of the fair.

Nicolas Nayl the elder understood that the publication of the *monitoire* would bring witnesses forward and that he would then be unable to save his daughter. The Nayls therefore decided to simply halt the *monitoire* by undermining the validity of Guillaume Raoul to request its publication. Jan Nayl, Moricette's brother and the oldest son of Nicolas Nayl, filed the protest on behalf of the family. He protested on several grounds: that Plessix was independent of both the royal court of Lanvollon and the seigneurial court of Villemario; that Rene Raoul held the title of fiscal

procureur in Plessix illegally because his baptismal records showed he was only 17 years old at the time and therefore a minor in the eyes of the law; and that Guillaume Raoul was triply incapacitated as the self-appointed substitute for a youth who held an illegal office, seeking to operate outside his jurisdiction. Jan Nayl called for a suspension of the *monitoire* in the name of justice.

Guillaume Raoul easily answered this opposition in his own plea to the royal advocate. Since Nicolas Nayl, *seneschal* and sole judge for the jurisdiction of Plessix, was the father of the accused, Raoul had no choice but to bring coroners to visit the body of the deceased and to begin taking statements from all involved. He does not address the issue of his son's age. The law allowed a father to emancipate a 17-year-old and that is likely why Raoul's son was considered adult enough to hold office. Nevertheless, it does seem irregular. Émeline Dalsorg tells us that men who take on the role of *fiscal procureur* were usually advanced in age, typically between the ages of 38 and 57, since there was an expectation that they would have apprenticed for some years. Clearly, that was not the case in this jurisdiction. So, Raoul ignores that to focus on the real issue at stake: the grave nature of the crime and the attempts to obstruct justice on the part of Nicolas Nayl, his wife, and oldest son, Jan. Raoul stated his determination to see the process through and asked for the king's protection as he did so. He was granted both permission and protection.

The attempt by Nayl to impede the process, and Raoul's role in keeping it in motion, are explored in more detail in a later chapter, as part of the process of restoring harmony after a conflict. However, here it is worth remembering that the justice system in operation at this time was full of irregularities, even though legal procedures had been largely standardized and codified by the eighteenth century. Other scholars have described the personal stakes that motivated many judges in the early modern era. Magistrates held their offices as private titles they could pass on to their children and sometimes did not hesitate to manipulate testimony or evidence to serve their own purposes. It is entirely possible that Nicolas Nayl believed he and his family should remain untouchable because of their status, which was relatively high for their small community. Even if Raoul would have stood by his own promotion of a teenage son to a judicial office, he could not sit idly by and let Nayl sweep a homicide under the carpet.

The self-serving motives of judicial officials might also explain the seemingly arbitrary actions of judges in some of the other cases from the Breton archives. In chapter two, we saw the case of Pierre Meheu, arrested for the supposed seduction of a minor even though he had the consent of his intended bride, the permission of her parents, and the support of the parish priest. The bans had already been read and the couple had moved in together when, in an "irregular procedure," the local *seneschal* had him arrested and condemned to death. Thankfully, Meheu

was pardoned, but what had motivated the magistrate to arrest him? It is not clear from the court documents, but a good guess is that the parents of Meheu's bride had failed to get permission from the magistrate when their daughter, who was not yet 25 years old, agreed to marry. Nicolas Nayl had the power to approve the marriages of minors in Pléguen and, presumably, the judge in Meheu's case had the same power but had not been consulted. This slight against his station as judge would have been enough to justify his condemning a man to hang as a consequence.

The judges in the case of Pierre Roux did not even have the excuse of having been neglected but were essentially motivated by pure greed. Pierre Roux's case appeared at the end of chapter three. He was the man who had brought his cows to water at a pond during the drought of 1719 when he was challenged by the woman who lived nearby, and they exchanged blows. She died 10 days later. Roux was charged with homicide, even though the woman had died from dysentery. The truth of the matter was well established when the *procureur* at Renefort issued a warrant for his arrest and had the woman's body exhumed so a coroner could examine it. The coroner reported she had clearly died of dysentery, and the *procureur* at Renefort abandoned the case. However, the fiscal *procureur* at neighboring Fougeray reopened the case a week later at the request of the dead woman's father. They had the body exhumed once again, but by then the body was so decomposed that the coroner's report was inconclusive. Nevertheless, the officers from Fougeray had Roux arrested, along with his wife, who had never had anything to do with the original dispute. While the couple spent a day in jail, sergeants stripped their house of all movable goods. This would have been illegal even if Roux had been guilty of homicide. A condemned prisoner only has to pay the amount required to make amends and only after being properly sentenced. Furthermore, courts usually tried to avoid impoverishing the home of a condemned criminal lest the wife become a burden on the community. In this case, without his having been sentenced, Roux and his wife lost everything they owned, including a fine cloth they had already sold but had not yet delivered to the buyer. In this cloth-making district, that meant the couple had lost not just their goods but their means of a future livelihood. This was a clear case of local judges abusing their power for personal gain.

In Roux's case, the pardon was granted, but it is not clear from the surviving record that the offending officials were chastised in any way or if the couple recovered any of their pillaged belongings. However, even the issuance of a pardon was a step toward further standardizing the justice system in early modern France. The power to grant pardons was reserved for the crown, though they were often handled in Parliamentary courts such as the one in Rennes. This system allowed higher courts, in the name of the king, to negate decisions made by lower local courts. To be sure, the existence of local legal professionals offered a number

of advantages to the people they served. They were part of the community, so they understood local interests. Furthermore, the somewhat chaotic system of jurisdictions and customary codes offered a degree of flexibility, allowing *procureurs* and *avocats* to guide and protect their clients without challenging the law. Nevertheless, since there was always a potential for abuse, increased oversight of the lower courts was a key step toward modernization.

After the *monitoire* was read in Pléguen and Plourhan parishes on August 27 and September 7, additional witnesses did come forward. It was at this point that more detail surfaced concerning the ongoing animosity between Moricette Nayl and Marie Dufrost before their fight in the street. In particular, witnesses described Moricette's prior threats against Marie. The new information only served to firm the resolve of Jan Damart, and on October 27, sergeants were finally sent to arrest Moricette based upon the warrant issued on August 19. Judging by the dates, the publication of the *monitoire* and the efforts to stall it had delayed the regular process substantially. Delays like this were not unusual in small, locally controlled court cases. In fact, significant delay in a seigneurial court was often justification enough for a royal advocate to intervene. Sadly, in this case, the royal court was supposedly already in charge.

Three sergeants were assigned to carry out the arrest: Nicolas Guillaume of Plessix, Yves LePellec of Kermartin, and Gilles Passeaux of Lanvallon. They arrived at the Nayl residence at 11 o'clock in the morning and were admitted by a "little boy" named François Corouge, servant of the Nayls. When asked where Moricette was, François answered that it had been some time since she had left the house. He last saw her with her parents, but he did not know where they went. The sergeants embarked on a search of the house and grounds, including a granary and sheds. The closest neighbors to the Nayls, Yves LeTrocquer and Guillaume Peridou, were told to assist the sergeants in the search and the men simply refused to do so. This refusal to assist the sergeants was another common means for thwarting outside interference. The sergeants completed the search on their own and concluded Moricette was not there. In closing his report, sergeant Nicolas Guillaume stated that he wrote up copies of the arrest decree and a description of his attempt to fulfill it and left these documents with François and the neighbors. He also reported asking the child to show him what goods in the house were available for seizure. François replied that he was not sure, so the sergeants left empty handed.

On November 15, Jan Damart issued a summons to Nicolas Nayl the elder, Jan Nayl, and Marie Dauloudet. They appeared before Damart on December 2, assisted by Barnabé Nayl of Lanvallon, who was acting as their *procureur*. When asked if she had left her house on the day of the fight swinging a club and calling for help in fighting off Marie Dufrost, Marie Dauloudet stated that she had no club, only her walking stick, which she always used. Her little nephew had come back alone, leading

their cow, and exclaiming that Marie Dufrost was maltreating Moricette. Dauloudet stated that she only set out to help her daughter come home but that she never even reached the scene of the fight. Instead, she encountered Moricette, bloody and disheveled, already on her way home. Nicolas Nayl the elder confirmed that he found his wife and daughter on their way home as he returned from business in the center of town. Nicolas, Jan, and Marie all swore that they had never had any dispute or problem with Marie Dufrost.

On January 16, 1719, Jan Damart issued his conclusion that Moricette was guilty of homicide and that she would be sentenced to die by hanging. Normally, conviction and sentencing for a serious crime was handled at a higher court, but remote jurisdictions were empowered to act on behalf of higher courts in the first instance. According to the sentence, Moricette would be led, bareheaded and barefoot, throughout the streets of the parish until they reached the place where she would be hung until death. Her goods would be confiscated for the profit of the *seigneurie*. However, as Moricette Nayl was a fugitive, this sentence would be carried out in effigy. This did not necessarily mean that an actual figure of a human, some kind of dummy, would be hung in her place. It often meant that a simple sign or drawing would be posted in several places around the community. Lesser crimes, such as those resulting in a sentence of banishment or hard labor, would be simply written up, proclaimed, and posted. A sentence of execution, however, required a more detailed representation that would have an impact on a mostly illiterate public. In Paris, the picture representing the executed criminal might simply be a line drawing depicting a hanging person. In the provinces, where executions were more rarely carried out, the effigy might be a more colorful and detailed portrait of the individual—made to look like the criminal down to their normal dress and appearance.

Damart achieved his goal of convicting Moricette Nayl of the crime of homicide. Once the sentence was carried out in effigy, the conviction against the fugitive would not expire for at least 30 years, in accordance with the Criminal Ordinance of 1670. For most crimes, evading capture for 20 years bought a fugitive a *de facto* pardon. Not so in this case—Moricette was still very much a wanted criminal. In addition to the sentence against Moricette, Damart stated that, due to their attempts to subvert justice by opposing the publication of the *monitoire*, and their part in the escape of the condemned criminal, Nicolas Nayl the elder, Jan Nayl, and Marie Dauloudet would renounce all their goods to the court to pay for the criminal procedure. Finally, the three were charged an additional 30 *livres* in amends to pray for the soul of the victim.

In most cases of homicide, the arrest warrant was followed as quickly as possible by the interrogation of the accused. This was the first time in the criminal process that the accused was given a chance to speak, and alleged criminals did so with no knowledge of what witnesses had said

and sometimes with no idea of what the charges were. This was standard procedure in France where, unlike in the adversarial process found in English common law, the judge or judges decided a case purely on collected witness testimony and “untainted” testimony of the accused. The theory was that if the accused knew what had been said then they would customize a response to the specifics already recorded. The defense of the accused was considered uncorrupted only if it came straight from the accused without knowledge of what the court had heard and without the interference of legal counsel. Judges in a closed session would then reach a conclusion based upon witness testimony and the interrogation of the accused. If judges decided to move forward with charges, then witnesses would be deposed again to make sure they had not altered their testimony. It was only then that the accused would be allowed to “confront” the witnesses, which only meant that they would face their accusers, not challenge or cross-examine them. This must have been an uncomfortable experience for all involved. Considering that “homicide” was a capital crime no matter what the circumstances—Old Regime law did not recognize the difference between premeditated murder and unintended death until quite late in the eighteenth century, for example—it meant that neighbors had to face one another even when everyone agreed that death had been the result of an accident. The distinction between murder and manslaughter was one that was gaining traction in certain courts, especially at higher levels, but it did not prevent the pursuit of charges against accused killers in most of the kingdom.

The confirmation of witness testimony and confrontation of the witness would be followed by a “definitive sentence” outlining the conclusions of the judge and the summary of documents making up the official dossier. Judges were actually not quick to convict or to assign capital punishment. Scholars of the criminal justice system of pre-Revolutionary France find relatively low conviction rates and a wide variation in penalties assigned. Standards of evidence were clear enough, even in light of the somewhat haphazard and sometimes arbitrary jurisdictions competing for authority. Conviction for homicide required at least two credible witnesses or a confession from the accused. In the case of Moricette Nayl, at least three people had heard her threaten Marie Dufrost, and five people saw her throw the rock that hit Dufrost in the forehead.

Penalties for serious crimes included banishment or, for certain populations, incarceration. Prisons as we understand them today did not exist, and adult males, those who were most likely to be convicted of violent crime, might end up serving in the galleys or in a penal labor center. Vagrants might be confined to a poorhouse and prostitutes to a reform house, but beyond that there was neither the space nor the resources to keep a criminal locked up for any length of time. Convicted criminals, of course, had their goods confiscated to cover court costs and make amends to any surviving victims. Death was the most extreme form of punishment and

served both to remove a criminal from society and publicly demonstrate the king's power over the lives of his subjects. The public ritual aspect of capital punishment was so important that, as with Moricette Nayl, when the accused managed to escape justice, the sentence was carried out in effigy. Authorities still needed to demonstrate their power and remind the community of the consequences of taking a life.

The early modern French judicial system was gradually warming to the idea that accidental homicide, or manslaughter, was quite different from premeditated murder. But, the extreme nature of the official definition of "homicide" is most clearly demonstrated through a survey of the crime of self-homicide, or suicide. This might seem odd to the modern mind, but suicide was considered a grave crime as well, as a mortal sin, up to the eighteenth century, and the Crown made sure to pursue justice even against the cadaver of a suicide. There was in this set of procedures some continuation of ancient Roman law and early Christian doctrine in the pursuit of criminal charges against suicides, but a number of important developments emerged during the eighteenth century. Initially, it was acknowledged that the ancient Romans distinguished between suicides who were guilty of other crimes and tried to kill themselves to escape justice and suicides who suffered from great pain or mental illness. French royal law made no such distinction, and the criminal code of 1670 spelled out that anyone who had committed self-homicide, though already dead, deserved further punishment if found guilty. However, in the eighteenth century, Enlightenment philosophers opened a debate about one's liberty to commit suicide, and, at the very least, that debate led to some sympathy for those who had ended their lives and for the families who grieved their deaths. By 1779, suicides were no longer prosecuted. A survey of some judicial cases against suicides from the Parliamentary archives in Rennes demonstrate the parallels between procedures in pursuit of homicides and those investigating self-homicides.

As in other cases of homicide, the procedures in a suicide case were well established by the eighteenth century. As soon as a body was discovered and suicide was suspected, lieutenants were called to secure the remains and the situation in which they had been found. Among other things, investigators had to determine if it was possible the deceased was the victim of murder. In addition to the official report on the physical surroundings and the coroner's report on the state of the body, witness testimony was gathered to establish the state of mind of the deceased prior to death. When Jaquette Huet was found hanging in her home in the village of Perray in Bais parish in 1725, local authorities wasted no time outlining the circumstances of her demise. The fiscal *procureur* requested permission to begin an inquiry because Huet was alone in her house with every window and door closed and barred from the inside. Furthermore, preliminary witness testimony confirmed that, for more than a month, Huet had stated a desire to die. She had refused to attend

mass on Sundays or feast days, had refused all sacraments, and had even mocked the priests who came to see her. She had also taken steps to get her goods in order before her death. She had little enough to organize, sadly, due to a terrible harvest that year. Based on all of these facts, the fiscal *procureur* was granted permission to open the investigation.

Sometimes it was not possible to secure the remains in situ, as in the case of Pierre Marquet of Nantes. He was found floating in the river near the chateau in Tours on February 21, 1720. Witnesses had to capture the body before it floated downstream, and there was no time to call for any guards. Coroners oversaw the transfer of his body to a nearby shop but had to wait until morning to conduct their examination. They also had to dry out the papers and other items from his pockets to add them to the inventory of evidence. In Pierre Marquet's case, witnesses agreed that he had tried to drown himself just a few days earlier, on February 13, but that a passersby had saved him on that occasion. Though the documents and other goods in his possession suggested that he had previously won a court case against another merchant and was doing well financially, the fact that he had made a previous attempt at suicide was enough to convict him. The definitive sentence of guilt was handed down on March 18, 1720.

Witnesses of a suicide still had to "confront the accused," something hard to fathom since the witnesses often included family members or friends who had found the body. In fact, a study of the suicides evident in Breton archives found that people were often willing to confirm basic information but reluctant to sign their names to declarations that might "dishonor the memory or the family of a neighbor." In the case of Joseph Castille in Plessix-Raffrey, the chief witness was the man's widow, who had discovered her husband's body in the presence of their 8-year-old son. Even worse, numerous other witnesses from the neighborhood agreed that Joseph had been a good man and a devout Christian but that he had been distressed lately. He had been drinking continually and had made references to his wife's rumored activities with other men. Joseph Castille had been out of his mind with jealousy and was witnessed acting "crazy," wandering in his courtyard at night in only his shirt, muttering and swearing. Then, on October 3, 1728, a neighbor went to visit Joseph because he had offered the use of his horse and a wheelbarrow for the buckwheat harvest. Joseph readily lent out the horse and other tools but said he would not be joining the harvest because "he could not walk. He said his legs were attached to the earth and he thought he would die." Perplexed, the neighbor left only to hear later that Joseph had hung himself with the rope he usually used to lead the cows into the barn. Joseph Castille was convicted of suicide on January 14, 1729.

The steps of an investigation of self-homicide matched a homicide investigation in most ways, including the publication of a *monitoire* to call forth witnesses from among the parishioners. The primary difference,

naturally, was that it was not possible to interrogate the accused. For this reason, a *curateur* or spokesman was appointed, usually from among local sergeants or notaries who might have had some passing knowledge of the deceased. Since such spokesmen had no legal counsel or advanced training, or clear information about what had led up to the death, there was little they could do to protest the innocence of the deceased. Charles Bodie, for example, was a young sergeant in Guerande when he was appointed *curateur* for his friend of many years, Michel Talouard. He insisted that Talouard was a good Christian, a man of good faith and morals. He admitted that Talouard had been sick a long time and was in great pain, but he was sure that Talouard had borrowed a rope for some benign purpose. If Talouard was found hanging by that rope, Bodie declared, he must have been killed by someone else. The judges were not convinced.

Similarly, in the case of Francois LeGay, the *curateur* was Jan Leurot, a notary who had known the deceased very well. Leurot maintained throughout the investigation that he could not believe that LeGay would have killed himself, though he could offer no explanation for the man's actions before his death. Apparently, LeGay had just returned from service in the militia and had only recently found employment as a servant. In that role, he went out to buy sheep and then sold them to a butcher. However, LeGay suddenly quit his job at that point and soon after the original owners of the sheep came looking for them, claiming they had never been paid for them. It appeared that the farmers were looking to charge LeGay with livestock theft. It was the day after that they found LeGay hanging from a tree in a garden. All agreed that they knew of no enemies who might want to harm LeGay, and no one heard anything that would indicate he had been murdered by others. Thus, despite the *curateur's* insistence that LeGay would not have killed himself, the evidence point in that direction and LeGay was convicted.

Occasionally, the appointed *curateur* proved to be a thorough, capable, and sympathetic investigator. In the suicide of René Saligault, no one seemed to know the deceased and his widow was staying with a relative some distance away, so the local court advocate appointed a local notary to serve in that capacity. Witness testimony was fairly inconclusive about the circumstances of the deceased. Saligault was apparently a butcher, down on his luck, and far from his wife and children. Some people speculated that he had left his wife. On his last day, everyone seemed to agree that Saligault had visited a tavern. There, he drank about a liter of cider (two "chopines"), paid up, and walked out into the street. He passed several people who wished him a good evening. He only nodded in reply. The next morning several people reported hearing that a body had been found in a ditch, apparently having hung from a branch that had broken during the night. Generally speaking, there was not a lot of concrete information upon which to base an investigation. However, during the

two interrogations of the *curateur*, it became clear that the man had done his own digging into the background of Saligault and his state of mind. Julien L'Huillier, the notary appointed as *curateur*, wished it known that Saligault had not left his wife. Rather, distraught over his own professional failure and serious debts, he had sent his wife and children to stay with a trusted relative. This “honest uncle” had employed the widow as a servant, promised a dowry for the daughter of the deceased, and set up an apprenticeship with a carpenter for their son. They lived “without scandal” and would be well taken care of. This evidence did not change the fate of the deceased—he was still convicted of suicide—but it did clear the reputation of a desperate man and his family. Later generations of jurists and witnesses would embrace the notion that blameless heirs in a case of suicide would not be made to suffer. But at this early date, it seems that Saligault had gone to great lengths to ensure his wife, son, and daughter were in the care of a relative whose goods would not be forfeited by his own final desperate act.

The penalty for suicide in the Old Regime was painfully harsh, not for the deceased, of course, but for their survivors. A person convicted of suicide had committed a grievous sin and crime against the king and had to be treated as the most loathsome criminal to serve as an example for the rest of the faithful subjects in the kingdom. The remains of the person who had committed suicide were to be dragged behind a carriage, face-down, through the streets. After that, he or she would be hung by the feet in a public place, most often the nearest and most populated crossroads, for 24 hours. Law codes tried to spell out the details involved in deciding if the body was too far decomposed, or too much a risk of contagion, to carry out this procedure. Nevertheless, the “horror of the spectacle” was necessary to deliver the message about the king’s power over criminals. Following the public display of the upside-down cadaver, the deceased would be thrown into the nearest trash heap or wasteland. Suicides were denied a proper funeral or burial, and all their goods were confiscated to pay for the costs of the investigation. It should come as no surprise that families, already wracked by grief at the discovery of a suicide in their midst, might try to cover up the manner of death.

In 1773, Christophe Caud was seen hanging from the rafters in his house in Vergéal. A few of the witnesses interviewed declared they had looked into the house and seen the man hanging by a white scarf from a beam. Some other witnesses suggested that the man had suffered from a fever for several days before his death. Nevertheless, by the time sergeants had arrived to visit the body, he was laying peacefully on a bed. Some witnesses said that the man’s son, Olivier, had cut down the body upon arriving at home and put it in the bed. Olivier stated before the witnesses gathered that his father was still “warm and alive.” After all, a suicide discovered “still breathing” could receive last rites and need not face the ultimate penalties. Neighbors, however sympathetic, believed

Olivier was attempting to hide the crime of his father. At any rate, Olivier was a soldier, and he departed with his regiment the very next day. In his son's absence, Caud was convicted of suicide, and the sentence was carried out.

Occasionally, it seems that even parish priests were willing to circumvent the criminal justice system in the case of a local suicide. In 1778, in Saint-Christophe-de-Valains, officers of the court showed up to exhume the body of Louis François Battais because they had heard he had committed suicide or was the victim of violence. The first rector they encountered said that the body had been buried in a different parish. The sergeants went there and were allowed to exhume the body, but the coroner said it was too decomposed to provide evidence. The parish priest then had to face charges for not having reported a body that bore clear signs of violence. The priest replied in his testimony that he was simply adhering to the requests of the deceased's poor mother, who had wanted a quiet burial. He declared that he had rung the bells and sat in wake, and that he had heard rumors, but that in the absence of clear evidence he did not want to deny the family their last comfort in grief. Even the appointed *curateur* had to admit that he was stumped by the lack of clear evidence, either of suicide or of violence. The case was therefore stalled.

By the end of the Enlightenment era and the French Revolution, jurists, clergy, and the public agreed that suicide was distinct from premeditated homicide. It made no sense to criminalize something so tragic simply as an opportunity to display the power of the authorities. These procedures were eventually abandoned. At the same time, nuances crept into the definition of homicide, recognizing that accidents and crimes of passion were also distinct from premeditated murder. Thus, just as the law was becoming standardized, it was also becoming more sophisticated.

Given the lack of personnel and resources in the early modern justice system, it is perhaps no surprise that so many convicted criminals were fugitives. Julius Ruff found that in Libourne and Bazas in the same period as Moricette Nayl's case, one third of those convicted to die were never actually executed because they managed to avoid arrest. Since what passed for a "prison" in many small places was a few rooms with a local sergeant in charge, it was possible to escape after one had been arrested. Evading arrest in the first place was even easier. Steven G. Reinhardt found that, especially in cases where a family could hope to defend the accused because a fatality was an accident, "the family of the guilty party sought to protect its honor by counseling, facilitating, and often financing the culprits' flight until a pardon could be sought." The fact that Moricette Nayl and her parents were long gone by the time the sergeants arrived on October 27 suggests that they were warned and had plenty of time to leave.

It is not clear where Moricette spent her year and a half as a fugitive. The Nayls had close relations and probably a number of influential

allies throughout the area. There were Nayls a bit further away within Brittany, particularly around Vannes and Quimper, who also seem to have been connected to the judicial system as *procureurs* or notaries. It is possible that Moricette was sent to live with one of them. Wherever she was, Moricette was close enough to receive word that her father was on his deathbed. She was by his side in early May 1720, when sergeants came to arrest her. She remained in jail for the remainder of her father's days and was interrogated multiple times about what had happened the day she threw a rock at Marie Dufrost. A new definitive sentence was released June 29, affirming Moricette Nayl's earlier conviction of homicide and sentencing her to death by hanging. Nicolas Nayl, Sieur Desnos and seneschal of Plessix, and father of the accused, died 2 days after that. He was buried in Pléguien on July 2, 1720.

Bibliography

- Archives Départementales d'Ille-et-Vilaine, code 1 B G 459, Dossier of case against Pierre Roux, accused of homicide, September 23, 1720; Appeal of Pierre Meheu, January 26, 1720.
- . 1 B N 1207, dossier against Julienne Evennou for theft, March 30, 1717.
- . 1 B N 1260, Suicide of Pierre Marquet, February 21, 1720.
- . 1 BN 1269, dossier of homicide case against Moricette Nayl, July 1718–August 1720.
- . 1 B N 1580, suicide of Jaquette Huet, April 4, 1725.
- . 1 B N 1648, suicide of René Saligault, February 5, 1732.
- . 1 B N 1724, suicide of Francois LeGay, October 22, 1736.
- . 1 B N 2485, suicide of Michel Talouard, February 3, 1773.
- . 1 B N 2598, suicide of Christophe Caud, May 10, 1773.
- . 1 B N 2962, suicide of Louis Francois Battais, November 30, 1778.
- Bareau, Guy. "Les Suicides en Bretagne au XVIIIe Siècle." Thèse de Maîtrise, Faculté des Lettres—Rennes, 1971.
- Beik, William. *A Social and Cultural History of Early Modern France*. Cambridge: Cambridge University Press, 2009.
- Bonzon, Anne. "'Accorder selon Dieu et conscience': Le rôle des curés dans le règlement des conflits locaux sous l'Ancien Régime." In *Les Justices Locales dans les Villes et Villages du XVe au XIXe Siècle*, edited by Antoine Follan, 159–178. Rennes: Presses Universitaires de Rennes, 2006.
- Boucher d'Agrès, Antoine-Gaspard. "Effigie." *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers, etc.* (Website) 5: 407. University of Chicago: ARTFL Encyclopédie Project (Spring 2016 Edition), edited by Robert Morrissey and Glenn Roe. <http://encyclopedia.uchicago.edu/>
- Breen, Michael. *Law, City, and King: Legal Culture, Municipal Politics, and State Formation in Early Modern Dijon*. Rochester, NY: University of Rochester Press, 2007.
- Cameron, Iain. *Crime and Repression in the Auvergne and the Guyenne, 1720–1790*. Cambridge: Cambridge University Press, 1981.
- Castan, Nicole. "Crime and Justice in Languedoc: The Critical years (1750–1790)." *Criminal Justice History* 1 (1980).

- Corbin, Alain. *The Village of Cannibals: Rage and Murder in France, 1870*. Translated by Arthur Goldhammer. Cambridge, MA: Harvard University Press, 1992.
- Crubaght, Anthony. *Balancing the Scales of Justice: Local Courts and Rural Society in Southwestern France, 1750–1800*. University Park, PA: Penn State University Press, 2001.
- Dalsorg, Émeline. “Réflexions sur les grands abus des officiers des seigneurs au XVIIIe siècle.” In *Les Justices Locales dans les Villes et Villages du XVe au XIXe Siècle*, edited by Antoine Follan, 191–221. Rennes: Presses Universitaires de Rennes, 2006.
- Darsel, Joseph. *Notes Historiques sur la Paroisse de Lanvollon des origines à la Révolution*. Volume 1. Châtaudren-Plouagat: L’Imprimerie de Châtaudren, 1970.
- Debordes-Lissilour, Séverine. *Les Sénéchaussées Royales de Bretagne: La Monarchie d’Ancien Régime et ses Juridictions Ordinaires (1532–1790)*. Rennes: Presses Universitaires de Rennes, 2006.
- Denisart, Jean Baptiste. *Collection de décisions nouvelles et de notions relatives à la jurisprudence*. Paris. 1784.
- Dupont-Bouchat, Marie-Sylvie. “Le crime pardonné: la justice réparatrice sous l’Ancien Régime (XVIe-XVIIe siècles).” *Criminologie* 32, no. 1 (Spring 1999): 31–56.
- Farr, James R. *A Tale of Two Murders: Passion and Power in Seventeenth-Century France*. Durham, NC: Duke University Press, 2005.
- Godineau, Dominique. *S’abrégier les jours: le suicide en France au XVIIIe siècle*. Paris: Armand Collin, 2012.
- Guyot, Joseph-Nicolas. *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale*. Paris. 1785.
- Hayhoe, Jeremy. *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy*. Rochester, NY: University of Rochester Press, 2008.
- Le diocèse de Saint-Brieuc pendant la période révolutionnaire: Notes et documents*. Vol. 3. Saint-Brieuc : Prud’homme, 1894–1896.
- Le Mézec, Jeanne Le Mézec. *L’Histoire de ma Commune, Pléguen (Côtes-d’Armor)*. Saint-Brieuc: Les Aînés Ruraux des Côtes-d’Armor, 1991.
- Merrick, Jeffrey. “Rescued from the River: Attempted Suicide in Late Eighteenth-Century Paris.” *Histoire sociale/Social History* 49, no. 98. (May 2016): 27–47.
- Miller, Stephen. *Peasant Economy, the Seigneurial Regime, and the State*. Washington, DC: Catholic University of America Press, 2008.
- Piant, Hervé. *Une Justice Ordinaire: Justice Civile et criminelle dans la prévôté royale de Vaucouleurs sous l’Ancien Régime*. Rennes: Presses Universitaires de Rennes, 2006.
- Regina, Christophe. *La violence des femmes: Histoire d’un tabou social*. Paris: Max Milo Éditions, 2011.
- Reinhardt, Steven G. *Violence and Honor in Prerevolutionary Périgord*. Rochester, NY: University of Rochester Press, 2018.
- Ropartz, Sigismond. “Pléguen.” *Annuaire Côtes-du-Nord*. Saint-Brieuc: Prud’homme, 1866.
- Ruff, Julius. “Popular Violence and Its Prosecution in Seventeenth- and Eighteenth-Century France.” In *Crime, Law and Popular Culture in Europe, 1500–1900*,

- edited by Richard McMahon, 32–51. London and New York: Routledge, 2008.
- . *Violence in Early Modern Europe, 1500–1800*. Cambridge: Cambridge University Press, 2001.
- . *Crime, Justice and Public Order in Old Regime France: The Sénéchaussées of Libourne and Bazas, 1696–1789*. London: Croom Helm, 1984.
- Tackett, Timothy. *Priest and Parish in Eighteenth-Century France*. Princeton, NJ: Princeton University Press, 1977.
- Vigier, Fabrice. “Des témoins comme les autres? Les Poitevinsface aux monitoires ecclésiastiques du XVIIIe siècle.” In *Les témoins devant la justice: Une histoire des statuts et des comportements*, edited by Benoît Garnot, 91–102. Rennes: Presses Universitaires de Rennes, 2003.
- Wenzel, Éric Wenzel. “Forcer les témoignages: le délicat recours au monitoire sous l’Ancien Régime.” In *Les témoins devant la justice: Une histoire des statuts et des comportements*, edited by Benoît Garnot, (83–90). Rennes: Presses Universitaires de Rennes, 2003.

5 Virtue

After nearly 2 years' absence following her conviction for homicide, Moricette came out of hiding and returned to her home in Pléguien. Her family clearly knew where to find her and had sent word in the spring of 1720 that her father was dying. She came without delay despite the risk of arrest. The sergeants came as she attended to her father's deathbed. As we seek to unravel the mystery of the community's shifting allegiances and struggle to understand what they made of Moricette's violent actions, the timing of her return to the tiny town may provide some insight. Moricette's display of filial piety may have demonstrated for the community that Moricette still had virtue.

Virtue is a complex concept that would come to play an enormous role in the political culture of France during and after the eighteenth century. Marissa Linton goes so far as to claim there was "a positive obsession" with the idea of virtue "in all its manifestations." In a previous chapter, we addressed the concept of honor and the role it played in both creating and resolving conflicts. Honor is most often tied to ideas such as honesty and, particularly for women, sexual chastity or modesty. Honor and virtue are connected, to be sure, and "virtue" for a woman is similarly linked to her virginity. Later in the eighteenth century, public celebrations of virtuous women associated virginity with "civic power, integrity and impregnability." Thus, even for women, virtue carries with it a more explicitly public, even political, function than mere honor does. Though we further discuss the sexual aspects of a woman's virtue, we first explore the classical notion of virtue, which is primarily concerned with the public lives of men.

The classical view of virtue was explicitly masculine, and it recognized attributes such as leadership, integrity, and courage in battle. These characteristics were most clearly expressed in the Homeric epics and in works spanning from the philosophy of Plato to the letters of Cicero. In the late Roman Empire and the early Middle Ages, virtue was expanded to include Christian ideals like the inward perfection of the soul, alongside martial and political fortitude. These apparently public virtues of men were complemented by the "private or domestic capabilities" of men

such as temperateness, integrity, and modesty. Though male virtue was initially celebrated as the mark of a noble hero up to the early modern era, such ideas about virtue were eventually extended even to merchants and craftsmen, who upheld their professional honor, and members of the clergy, who had to battle temptation. In all aspects of life, masculine virtue represented strength in the face of adversity and participation in the life of a man's community through the rational performance of civic duty, however that was defined for that man's station in life.

Marisa Linton defines *ancien régime* virtue as being aligned with the king, the nobility, or the republic. For much of French history up to the Revolutionary era, this meant that all subjects defended the king's virtue or the ideals of nobility. Noble virtue originally highlighted a man's distinction as a warrior but was gradually extended to include dutiful performance as an administrator. In each case, a noble's chief duty was as a defender of France. For nobles, courtiers, and officials, those noble ideals in no way prevented them from protecting their own interests. In fact, as we have seen in the realm of criminal justice, it was widely accepted that lords and officials would defend their personal and private interests up to and throughout the seventeenth century. It was one of the ways that families held onto high status over multiple generations. However, over the course of the Enlightenment era, the idea of *republican* virtue emerged with a new vitality. Linton demonstrates that the recognition of virtue as a political quality directly challenged the blatant self-interest that had characterized so much of earlier government. "A man of virtue should not attempt to use his post of public responsibility for personal gain, nor for the advancement or advantage of his family or friends." For many men, the hope of attaining public virtue in the eighteenth century pushed them to question what they had valued beforehand. This was less so in England, where self-interest of the commercial variety could potentially lead to greater security and prosperity, keeping society stable. French thinkers were more likely to look toward "moral goodness" as the source of public virtue.

Increasingly throughout the eighteenth century, French authorities, including aristocrats, came to celebrate the simple and "natural" virtue of common folk—a kind of virtue that was rooted in the performance of duty for the common good. This is spelled out quite clearly in the mid-century *Encyclopédie* entry on "Vertu": "the people are more often advanced in this regard than are the philosophers, the moral instinct is purer in them, less altered." What is striking about this development is that it took place alongside the evolution of the criminal justice system. As legal professionals became more aligned with standards of justice, politics took on airs of morality and public service, even as it threatened the personal fortunes of elite families. A virtuous person had to put the law and the public good before even those who were dear to him. In that sense, Nicolas Nayl the younger was more virtuous than

his father, according to the newly emerging morality, because he did not obstruct the cause of justice to save his sister while Nicolas the elder worked mightily to stop the case against Moricette. This is difficult to judge, however, for a variety of reasons. Nicolas the younger, it is true, neither acted to save his sister nor sought to pursue his mother-in-law's killer. He ultimately proved to be passive in many ways. Nicolas the elder, by contrast, served the role of the protective father, standing firm against the forces that battered his household.

Virtue, like any other ethic or moral consideration, might lead an individual down multiple contradictory paths. We have noted already some characteristics of virtue, primarily in the realm of men: courage, strength, leadership, duty, loyalty, and self-sacrifice. Surely, at any given time, a person could be torn between competing versions of virtue and might be judged harshly for some action that would otherwise have been praised as virtuous. A man might be the "exemplary father, son, and husband," but he also had to put the public good, whether monarchical or republican, before personal or familial interests. The characteristics of virtue for a woman in this era differed slightly but were no less complicated for an individual hoping to steer clear of the potential pitfalls.

For all the Enlightened praise of the innate virtue of simple folk, much of what was understood of virtue came from formal education, open only to the elite. In such an education, boys and men would have encountered ancient Greek and Roman heroes who proved themselves on the battlefield and in the political assemblies and academies of their time. Women and girls, however, if they had a classical education at all, would have encountered fairly dismal examples in the Greek and Roman sources. For example, there were women who had proven their virtue by suicide after violation, like the Roman matron Lucretia. Danielle Haase-Dubosc tells us that Christian education would have countered those examples with the virtuous violence of Biblical and sainted women, who fought to defend their communities or their own honor. A Christian education would have also greatly expanded the definition of feminine virtue beyond self-sacrifice to include piety, charity, mercy, and moderation. Thus, it was the Christian tradition that offered an example of virtue that was both attainable and appealing to French women of the seventeenth and eighteenth centuries.

Jean-Edme Romilly's 1765 *Encyclopédie* entry on "Vertu" highlights the natural and unreasoned quality of virtue as "the duties of man, all that falls under the scope of morality." Romilly acknowledges that the exact meaning of virtue might elude us, but if we quiet our minds and listen to our conscience, we might feel or *know* what we ought to do. Virtue is "the constant observation of the laws imposed on us" by God and Nature. Chevalier Louis de Jaucourt, in his 1754 entry on "Duty," said much the same thing. Jaucourt, however, distinguishes among our duty to God, our duty to our own self-preservation, and our duty to other

people. He privileged both our duty to God and our duty to “self-love” over our obligations to others, but he likewise spelled out what we owe to our fellow humans, especially to our kin. Within the family, the duties of spouses to each other are the most important, followed by the duties of parents to their children and then those of children to their parents. These may have been philosophical texts written for the curious elite, but they reflected what many people of the age accepted without question. Even the average, uneducated French subject understood their relationship to the community, to the Church, and to the kingdom in terms of duties. Like “virtue,” in general, the concept of “duty” carried a political and public connotation. All discussions of duty, or *devoir*, in the Old Regime were linked to the institutions of power to which everyone owed some kind of obligation: “the seigneurie, the monarchy, the family, and the Church.” Thus, fulfillment of duty was in essence a political act, and, for women in particular, duty to the family was the purest expression of public virtue.

Moricette Nayl was unmarried, so naturally the loyalty and submission to a husband everyone expected of a wife did not apply to her case. Nor was Moricette’s chastity ever questioned in any way. Thus, the most important virtue she could have displayed in her behavior was that of a dutiful daughter. Jaucourt described the debt a child owes a parent as having included the duty to “obey them, to serve them with the utmost zeal, to assist them when they are in need or in old age, to listen to their advice and take their advice concerning important matters.” There can be no question that Moricette met these obligations. At 35 years of age, she was still at home, helping her parents. She risked her safety and freedom to come to her dying father’s bedside. Even in the violent act that had put her in the hands of the justice system, Moricette had been driven by the perception that Marie Dufrost had taken advantage of her parents. She did, indeed, serve her parents with “zeal.”

But perhaps her zeal was part of the problem. It is possible that Moricette’s worst transgression in the eyes of the community was her loss of control during the fight. Moderation and self-control were also essential qualities in a virtuous person. In the political realm, moderation was the opposite of the rage, or radicalism, of extremism. In the domestic feminine sphere, moderation and restraint were key characteristics of the “honest woman.” Rousseau and other moralists highlighted the virtues of temperance, delivered through an education proper to girls. Archbishop François Fénelon, in his *On the Education of a Daughter*, emphasized that an honest woman was to be pious and thoughtful, rarely moved to either anger, passion, or vanity. Across France and even in French colonial territories, women were vilified for excesses and frivolity but praised for good judgment and management. Praise extended even to diet, in which wholesome people ate moderately while greedy and decadent souls feasted lavishly. The virtuous woman knew to control herself.

Perhaps Moricette had not transgressed community standards in confronting Marie Dufrost over her parents' property, but her loss of control certainly went against typical notions of female virtue. Earlier notions of masculine virtue allowed for a warrior to display passion and energy on the battlefield, as long as he kept a cool head when the situation warranted reason. But such attributes were never fitting for a young woman. Even so, Moricette was ultimately resigned to her fate once she was in custody, and that acceptance, too, was often regarded as a sign of virtue. It might have even measured up to what Montesquieu called a "love of the law" by submission to justice.

In the eighteenth century, despite Moricette's admirable attributes, the chief marker of a virtuous woman was her chastity. As we have already noted, nothing in the records suggests the slightest doubts about Moricette's chastity. Sexual impropriety had nothing to do with her downfall. Nevertheless, by the end of the eighteenth century in France, the Enlightenment-era celebration of simple, rural virtue would result in the widespread celebration of virtuous maidens in the countryside. Sarah Maza described the evolution of one such celebration in her article the "Rose-Girl of Salency." The *rosière* was an event in which the local seigneur chose a winner from among the three most chaste and marriageable young women of the village. The rose-girl would then be hailed as the Queen of Virtue and celebrated with a procession and a mass. She would then be married within the year. By the 1760s, descriptions of festivals like this were printed and circulated among the elite of France, becoming the very emblem of rustic righteousness. In Maza's analysis, the rural celebration of chaste maidens served as a sort of rehearsal for republican festivals in the Revolutionary era. And, once more, they highlighted the public and therefore political importance of a woman's chastity. Her chastity and subsequent devotion to the home provided the bedrock upon which all stable society rested.

Sarah Maza demonstrates how the rose-girl festivals in some rural parishes tied virtue to chastity and marriageability and compares the contests to May Queen celebrations. Ironically, perhaps, some rural areas in the same era celebrated unmarried women for a different virtue, that of hard work. In 1760, the *Société d'agriculture, de commerce, et des arts* in Brittany unveiled a plan to reward the best spinners across the region with medals and cash prizes. Though not applauded by the elites at court, the elevation of hard work as a desirable ethic among young women reveals a very different set of priorities from those at Paris. The *Société* in Brittany sought to improve the foundation of the local textile industry, the heart of the provincial economy, as much as they hoped to affirm the home as the foundation of community. In either case, the celebrated winners were thought to symbolize the ideal bride.

Jeremy L. Caradonna's "The Monarchy of Virtue: The *Prix de Vertu* and the Economy of Emulation in France, 1777–91," offers another

analysis of the ways in which French aristocrats embraced the virtues of simple folk. Caradonna's sources, however, broaden the view to encompass the elite celebration of a range of virtuous deeds among commoners. The *Prix de Vertu* was awarded to both men and women, and heroic self-sacrifice figured heavily among the actions of award recipients. Men were more likely to have displayed courage and strength in the face of physical danger while women "earned their accolades through long-term service within the private sphere of the home." The vast majority of women who had earned the *Prix* were servants who had served a master or social superior, demonstrating "exceptional devotion" and loyalty. It is worth noting that the special care celebrated in the list of Parisian prize winners is perfectly in line with the sort of actions that warranted generous consideration in a will or donation. Inheritance laws limited one's freedom to give more than a certain amount to any one person unless that person had provided support and attention above and beyond what was required of them. Caradonna states that the academies, through these prizes, "cleverly affirmed a sociopolitical order based on dutiful subservience." Without undermining Caradonna's analysis of the motives of the elites who oversaw the *Prix de Vertu* near the end of the century, I would only note that the virtues of duty, loyalty, and care had long been celebrated as the basis of community life, especially in small towns and villages. Indeed, that was exactly why philosophers such as Rousseau and Montesquieu celebrated rural folk as models for a more perfect society.

In addition to chastity, Christian virtues for women also included piety and charity. In fact, despite the many restrictions imposed by law upon a woman's use of property, customary codes across France recognized a woman's right to leave religious and charitable bequests in her will even if her husband lived. Property law in early modern France strictly dictated how people distributed property both during their lives and after death through wills and donations. Kinship was privileged above all other considerations to ensure that legitimate heirs would be taken care of. There was no way to recognize a special relationship based on affection or friendship unless it could be proven that the individual in question merited a gift due to the performance of special care and devotion. Gifts made out of affection and in recognition of special care were covered as described in the preceding paragraph. Religious expressions were held in even higher esteem. An heir might take a back seat to prayers, masses, and charitable donations, even if there were no competing heirs. A husband in certain provinces, Brittany included, technically had the right to withhold authorization of a dying wife's pious bequests, but there would have been significant pressure to uphold such requests.

In a sample of women's wills and donations from Brittany between 1720 and 1750, only 21 of 123 wills were left by married women. Every one of the wills left by married women mentioned only religious or charitable bequests, though several expressed filial piety as well by including

a fund to pay for prayers for the souls of the testator's parents. For example, in 1733, Janne Perigaud, wife of Vincent Le Courtois of Vannes, requested a simple burial with a fund to pay for a mass at the cathedral of Saint Paterne. In her will, she paid off a number of debts connected to her shop, and she left the profit from the sale of her leftover merchandise to the church and its attached hospital. Since her husband was a stonecutter, it seems her commercial interests were separate from his. Thus, her bequests were both charitable and responsible.

It was not only wives who left charitable donations in their wills. Unmarried women and widows also made religious bequests, even if they had almost nothing left to give. A will from a widow in Nantes demonstrates a pious and dutiful nature. Margueritte Logereau of the parish of Saint Croix in Nantes "recommends her soul to God, the Virgin, and to saint Marguerite, her patron." Logereau acknowledged she would be buried "at the discretion of her parents" since her late husband, a porter, had died before her. Logereau requested that all her goods be sold at her death to settle her rent and debts, and if any funds were left, they should be used to pay for a mass for her soul and that of her husband. The unmarried Genevieve Morin recommended her soul to God, the Virgin, and Saint Genevieve, her patron, and asked for burial in her parish of Saint Saturnin. She also specifically requested, and funded, that her remains be carried in procession while 12 children from the poorhouse sang hymns. She then specified that a grand mass in her honor be presented in "bass voice." Beyond that, Morin paid some debts and gave thanks to those who had supported her. Perrine Dugué, also of Nantes, noted many of the same requests as Morin but had the means to establish a fund to support monthly masses in the name of her uncle and other relatives. Finally, Dugué left a special gift to her niece, who had been at her bed in her final illness. When women had any property at all, they recognized God, the Church, and their families. These were the heart and soul of a woman's virtue, both private and public.

A woman of means was expected to provide charity at a greater level and in a much more public manner. The logbooks and correspondence of Madame Claire La Brisse de Lantivy reveal an extensive client network in which Mme de Lantivy's commercial and household responsibilities overlapped regularly with charitable giving. For example, along the wages she paid various cooks and servants in her own homes, Mme de Lantivy paid the wages of servants who worked for priests in a number of local parishes. Throughout the 1750s and 1760s, de Lantivy supported a number of relatives, most notably the unmarried women Ursule Morice and Marie Vincente Gaboriau. It is never clearly stated how the two were related to de Lantivy. Ursule Morice asked in one letter for the baptism certificates of her grandmother, father, and sister, so these must have been items in de Lantivy's possession. However, one thing that is clearly stated, in every single letter, is that the women were deeply grateful for de

Lantivy's charity. Both women repeatedly thank their benefactor, thank the Lord for her generosity, and pray for her continued health during her lifetime.

It should be noted that the clients were not living in poverty—de Lantivy sent both of them hundreds of *livres tournois* every year while also paying their bills. Nevertheless, this example raises another perspective on such charity and that is the expectation that it will be recognized by the recipients and anyone who deals with them. The charitable acts of a noble woman carry a certain public nature since her virtue adds to her status in the community. This aspect of de Lantivy's charity is made apparent by her special notes concerning the cook Catherine Penguy, whom de Lantivy refers to as “ma mulatress” from Martinique. De Lantivy had paid Penguy's wages twice a year beginning in July 1745. In 1750, de Lantivy outlined how Penguy had been “set free by law” and left her service. “There is my reward,” de Lantivy complained. There is no doubt that she saw Penguy's departure as ingratitude. A simple note in 1758 states that Penguy had returned to de Lantivy's service, so she must have been forgiven.

Other forms of charity reflect a simple mix of virtue and self-serving instincts. Families were praised for taking in foundlings or poorhouse residents. The hospitals in the cities of Nantes and Rennes made a point of training the poor to earn a living and, to accomplish that, they sent children into the community to work. Those who employed the poorhouse residents as apprentices and servants were recognized for their charity. However, they had to be watched closely to ensure that the working conditions were safe. Furthermore, the employers might abruptly change their minds and return the apprentice without explanation, as a M. Guillard did when he simply revoked his offer to train Marie Privier in some trade. The hospitals were also charged with the care of a wide range of people: the sick, the poor, orphans, prostitutes, prisoners, and invalids. However, they reserved the right to refuse people. The hospital in Nantes turned away a woman identified only as “Nicole” because they considered her too old to earn a living in the apprentice program. Even the virtue of charity is not always an altruistic action because it often carries an expectation that the recipient will earn it, if only through their expressions of gratitude.

We do not have records of charity from the Nayl family since most of their family papers have been lost. The Nayls would have been expected to do their charitable service, in all likelihood, due to their status and influence. Their regular presence at the weddings and baptisms of the community indicated their warm relations throughout the parish. The Nayls were not especially wealthy, but property records from Pléguien reveal that Moricette's mother, Marie Dauloudet, managed quite a bit of property. They employed a number of younger relatives as servants. Thus, it is probable that they did their part to give back to the community.

Remember, too, the unusual status of Moricette herself—unmarried and unemancipated at 35, the only member of her family too illiterate to even sign her name. In an earlier chapter, I suggested the possibility that Moricette was a foundling. Her baptism as a member of the Nayl family was not recorded, but there was a foundling baptized Moricette at roughly the same time that she would have been born. Thus, if she had been taken in by the Nayls as an act of charity, it might make sense that she was treated differently from the rest of the family and that she was expected to care for the elderly parents.

This is not to say that Moricette would have only stayed to care for her parents if she was somehow a “second-class” family member. It was perfectly normal for families to marry off only one or two of their children to retain property and ensure success for the next generation. Such decisions often meant that unmarried siblings would continue to care for parents and may even eventually care for siblings as well. In other words, there was an expectation that some members of the family served the needs of others. So, would we consider such service a virtue? There is no doubt it entails duty and perhaps even an expression of gratitude. The performance of a duty does not have to be an act of devotion but simply an acceptance of one’s place.

There is nothing about Moricette’s service to her parents that would serve as convincing evidence that she was, indeed, a foundling. Simply caring for her parents did not suggest that she was treated very differently because there were many women who did the same. However, Moricette is different in other ways. It is not simply that she was not emancipated at such a late age but that she was the only one in the family who could not sign her name. We do not know much about Moricette’s education. As a daughter, she naturally would not have received the same education as her brothers, destined as they were for legal professions. But Moricette’s mother and sister Anne were both able to sign their names and did so with some elegance. Assuming she was born to the Nayls, then, is it possible Moricette suffered from some sort of mental deficiency or mental illness?

In the eighteenth century, some cities maintained asylums for the confinement of people with serious mental illness. The ranks of the insane would have included those who were very dangerous to others or deeply disruptive of social order. However, just as most towns did not have prisons, hospitals for the mentally ill were rare and almost unheard of in rural areas. Most people would have remained at home and been expected to do the same work as everyone else. When the sources do include references to mental capacity, it is often in the context of judging their actions. Anne Le Bon, for example, was a servant who was charged with the crime of infanticide in 1776. Though the proof against her was solid, she was ultimately sent back to live with her parents because all who knew her agreed she was “a fool.” She could not be held responsible

for her actions. Only suicides were held responsible for their crime, regardless of witness testimony confirming that they had displayed signs of insanity or depression while alive.

No one suggested that Moricette could not be held responsible for her actions. There was nothing deranged about her manner before the fight with Marie Dufrost, and, for the most part, the conflict between the two women is fairly consistent with the property disputes and petty disagreements that occur in any small town. And, yet, that does not necessarily mean there was nothing amiss. True madness in this era was often defined by an incapacity to function properly in society. Especially for women, mental illness was measured by their ability to perform tasks expected of them around the home. Even Mathurine Ineut of Rennes, described in 1702 as “a poor imbecile,” lived with an uncle and gathered twigs to sell as kindling. We only know of her mental health status because it was emphasized in the police report filed after a neighbor sexually assaulted her. Generally speaking, if a woman could work and did not demonstrate deranged behavior, there was no need to make note of her mental health. On the day of her fight, Moricette had been trusted to get a cow from the market and lead it to a neighbor’s farm. She was clearly capable of such work, so there was no need to make a point of her mental ability even if there had been an issue.

If it is possible that, for any one of the reasons outlined previously, Moricette was a “second-class” member of her family, consigned to a life of serving others, then there is one more thing to consider: the devotion of her parents toward her is extraordinary. In the course of Moricette’s conflict with Marie Dufrost, her mother repeatedly emerges as fiercely protective. Dauloudet was willing, more than once, to physically challenge someone she thought was a threat to her daughter. We cannot know much more about their relationship as mother and daughter, but we know Dauloudet was ready to fight for Moricette. Nicolas Nayl the elder, too, demonstrates the virtues of a protective father but in a different sense from how Moricette’s mother fought to protect her. While the classical virtue of manliness involved courage and action in battle, Nayl fought for his daughter through the legal system available to him. Nicolas Nayl may have come from a generation that viewed offices as a means to serve their own personal interests, and that may be why he originally refused to prosecute Moricette for her violence. That may also be what motivated him to try to set up legal obstacles to her prosecution at the hands of the royal avocat. Nevertheless, when the legal acrobatics failed to stop the cause of justice, he did what he had to get his daughter out of harm’s way.

Relationships between parents and children were frequently portrayed as warm in this era of French history. The philosophes might have debated why and how filial love emerged and decried the “unnatural” father who neglects or abuses his children. As we saw in an earlier chapter

with regard to conflict within families, there was no guarantee that *amitié* would exist in a home, and people went to great lengths to restore and preserve affection when it was lost. But that only means it was an ideal that people sought to achieve in their own families. Several sources throughout French history attest to the trauma of too early or too long a separation from one's mother in childhood. They also support the idea that fathers had a special fondness for daughters who, unlike sons, might be companions in old age. Whatever the exact nature of their relationship with Moricette, her parents stood by her when it mattered.

When the sergeants came to arrest Moricette, the boy who met them at the door said Moricette had left with her parents. The Nayls then returned without Moricette and faced charges of obstructing justice. Nicolas Nayl knew the law, and he knew that helping Moricette escape meant opening himself and his family to total loss. Even so, he never objected, and he never revealed her whereabouts. Nicolas Nayl the elder and Marie Dauloudet, along with their oldest son Jan, were convicted of subverting justice and were forced to renounce all their goods. If the family had initially been motivated to simply protect their interests, in the end they proved willing to sacrifice everything rather than turn Moricette over to the court.

The whole family demonstrated virtue in a way the community would have recognized. In the final count, though, Moricette was the one who did so in a way that served the public good. She is the one who returned, and she is the one who faced justice. Her doing so may have laid the foundation for a return to harmony.

Bibliography

- Adams, Christine. "A Choice Not to Wed? Unmarried Women in Eighteenth-Century France." *Journal of Social History* (Summer 1996): 83–894.
- Archives Départementales d'Ille-et-Vilaine, code 2 EL 71. Two *Livre de comptes* of Madame La Brisse de Lantivy, 1727–1760.
- . 3 B 371. Dossier on Anne le Bon, charged with infanticide. June 26, 1776–December 10, 1777.
- . 4 E 2 519. Testament of Genevieve Morin. March 8, 1740.
- . H dépôt Rennes Hospital Saint Yves. No. 814–839, 1630–1740. Archives départementales de la Loire-Atlantique. Code H dépôt 749–760. Nantes Sanitat, 1658–1737.
- . 4 E 2 523. Testament of Margueritte Logereau. March 1, 1745.
- . 4 E 2/1294. Testament of Perrine Dugué. September 15, 1698. Archives départementales de Morbihan. Code 6 E 630. Declaration and testament of Janne Perrigaud. February 26, 1733.
- Archives municipales de Rennes. Code 415/2. police report of rape and pregnancy of Mathurine Ineut, December 5, 1702.
- Berthoff, Warner. *Literature and the Continuance of Virtue*. Princeton, NJ: Princeton University Press, 1986.

- Campbell, Jodi. *At the First Table*. Lincoln: University of Nebraska Press, 2017.
- Caradonna, J. L. "The Monarchy of Virtue: The *Prix de Vertu* and the Economy of Emulation in France, 1777–91." *Eighteenth-Century Studies* 41, no. 4 (2008): 443–458.
- . "The Death of Duty: The Transformation of Political Identity from the Old Regime to the French Revolution." *Historical Reflections/Réflexions Historiques* 32, no. 2 (Summer 2006): 273–307.
- "Corps d'observations de la société d'agriculture, de commerce et des arts, établie par les états de Bretagne." Rennes: Jacques Vatar, 1760.
- Craiu, Aurelian. *A Virtue for Courageous Minds: Moderation in French Political Thought, 1748–1830*. Princeton: Princeton University Press, 2012. EBSCOhost.
- Fénelon, François. *On the Education of a Daughter*. First published Paris, 1688; translation published Boston, 1847.
- "Filial and fraternal love." *The Encyclopedia of Diderot & d'Alembert Collaborative Translation Project*. (Website) Ann Arbor: Michigan Publishing, University of Michigan Library, 2004. Translated by Robert H. Ketchum. Ann Arbor: Michigan Publishing, University of Michigan Library, 2013. <http://hdl.handle.net/2027/spo.did2222.0000.832>. Originally published as "Amour filial et fraternel," *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, 1:370–1:371 (Paris, 1751).
- Haase-Dubosc, Danielle. "Des vertueux faits de femmes (1610–1660)." In *De la violence et des femmes*, edited by Cécile Dauphin and Arlette Farge, 53–72. Paris: Albin Michel, 1997.
- Heywood, Colin. *Growing Up in France: From the Ancien Régime to the Third Republic*. Cambridge: Cambridge University Press, 2007.
- Houston, R. A. "Madness and Gender in the Long Eighteenth Century." *Social History* 27, no. 3. (October 2002): 309–326.
- Jaucourt, Louis de. "Duty." *The Encyclopedia of Diderot & d'Alembert Collaborative Translation Project*. (Website) Ann Arbor: Michigan Publishing, University of Michigan Library, 2004. Translated by Jeremy Caradonna. <http://hdl.handle.net/2027/spo.did2222.0000.271>. Originally published as "Devoir," *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers* 4: 915–917 (Paris, 1754).
- Jones, Colin. "The Treatment of the Insane in Eighteenth- and Early Nineteenth-century Montpelier." *Medical History* 24 (1980): 371–390.
- Karras, Ruth Mazo. *Sexuality in Medieval Europe: Doing Unto Others*, 3rd ed. London and New York: Routledge, 2017.
- Linton, Marisa. *Choosing Terror: Virtue, Friendship, and Authority in the French Revolution*. Oxford: Oxford University Press, 2013.
- . "Virtue Rewarded? Women and the Politics of Virtue in 18th-century France. Part I." *History of European Ideas* 26, no. 1. (2000); published online 3 January 2012.
- . *The Politics of Virtue in Enlightenment France*. London: Palgrave-Macmillan, 2001.
- Locklin, Nancy. "Women and Gift-Giving in Eighteenth-Century Brittany: Wills and Donations." In *"For the Salvation of my Soul": Women and Wills in Medieval and Early Modern France*, edited by Joëlle Rollo-Koster and Kathryn L.

- Reyerson. Saint Andrews, UK: Centre for French History and Culture of the University of Saint Andrews, 2012.
- Maza, Sarah. "The Rose-Girl of Salency: Representations of Virtue in Prerevolutionary France." *Eighteenth-Century Studies* 22, no. 3. Special Issue: The French Revolution in Culture. (Spring, 1989): 395–412.
- Romilly, Jean-Edme. "Virtue." In *The Encyclopedia of Diderot & d'Alembert Collaborative Translation Project*, translated by Mary McAlpin. Ann Arbor: Michigan Publishing, University of Michigan Library, 2005 (Website). <http://hdl.handle.net/2027/spo.did2222.0000.115>. Originally published as "Vertu," *Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers* 17: 176–182 (Paris, 1765).

6 Harmony

Finally, in custody and facing execution, Moricette Nayl entered the Parliamentary system charged with reviewing her case on August 20, 1720. More than 3 months after her arrest and 6 weeks after her father passed away, Moricette was interrogated by Robert Deniau, the Seigneur de Teilleul and King's Counsel at the Parlement of Brittany in Rennes. Her testimony is humble and brief. She answered every question about the events of June 23, 1718 with a vague affirmation, agreeing to each assertion that "it could be" that she had done what the charges say she did. She claims she cannot remember calling Marie Dufrost and her son "thieves" but agrees she and Dufrost struggled and decoiffed one another. She claims that Louis Martin came to separate her from his mother and pushed her to the ground with great force. She would have been seriously injured by Martin, she says, if Jan Rivoal had not stepped in to stop him. She admits that, "in her first anger," she picked up a rock, intending to throw it at Martin, and hit Marie Dufrost instead. Moricette acknowledges that, "to her great regret," Dufrost died 15 days after that.

At this point in the interrogation, Moricette was shown a rock that had been held in evidence since the investigation had begun. She stated that she did not recognize the rock, that it seemed to her too heavy for her to have thrown very far. Nevertheless, she asserted that it could have been the rock. Even in this brief document, Moricette's testimony seems quiet, almost dazed. This was a far cry from her first interrogation, on May 16, just after her arrest.

In her original interrogation, at the hands of Jan Damart, advocate at the royal court in Lanvallon, Moricette was defiant and presented a version of events that was strikingly different from the tale told by multiple witnesses. At first, Moricette agreed to what had already been established elsewhere—she and her cousin, François Dauloudet, led a cow from the fair at Lanvallon to meet the bull owned by Jan Rivoal. Beyond that, her tale is utterly out of sync with other depositions. In Moricette's telling, as they passed the courtyard of Marie Dufrost and Louis Martin, Martin's dog charged at them, barking and chasing them into Rivoal's garden.

Martin saw them and came running out after them, angry and threatening, yelling “Why do you attack my dog? You suffer neither people or dogs.” To this, Moricette replied that she had nothing to do with his dog or with him. This just made Martin angrier, and he grabbed Moricette by the hair and threw her on the ground. That is when Marie Dufrost arrived to help her son—she threw a rock and punched Moricette with her fists. When challenged, Moricette denied ever throwing a rock at Marie Dufrost. She denied having any knowledge of how Marie Dufrost became injured. She states that she fled, with the help of Jan Rivoal, and ran home to her parents as soon as she was able to do so. The interrogators rebuked Moricette at this point, saying that she did not speak the truth and that many people saw what had happened. Moricette stood by her testimony, declaring that anyone who spoke against her was just being “malevolent.”

It is not unheard of for those accused of a serious crime to paint themselves in the best possible light. This is true even when what they are stating could not possibly be the truth. People seek not only to save their own lives but to also save face, preserving some semblance of honor rather than owning up to their own misdeeds. Natalie Z. Davis explored the tales told by those seeking to escape the death penalty in her book, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*. Davis was studying an earlier period and a different form of appeal. Davis’ sources were remission letters, composed by the accused with the help of a notary, and they represented an opportunity for a suspected murderer to completely reshape the story of what had led up to the homicide. In those cases, appeals might seek to overturn a conviction, as in the modern sense of appealing a decision. In Moricette’s case, she filed a “supplication” to appeal only the death sentence and request a letter of pardon from the king without disputing her part in Dufrost’s death. As such, she asks the court at Parlement to see her attached documents, including the latest interrogation by Deniau in Rennes. An interrogation is not as clearly shaped by the accused as the remission letters in Davis’ sample since an interrogation depends upon the questions and answers expected in the criminal process. Moricette could do nothing more than answer the counselor’s questions.

Despite the differences, some elements of Davis’ theories about tale-telling are evident in Moricette’s initial interrogation. For example, the inclusion of precise detail lent an air of credibility to what may have been an outright lie. So, Moricette’s unique contribution to the chain of events—an unexpected attack on her by Louis Martin’s dog—made the whole version seem realistic. At the same time, Moricette’s inclusion of Louis Martin’s insult, accusing her of being against “dog and man,” presumably meaning he believed her to be antisocial, supports Moricette’s version of herself as being a woman simply going about her business and being attacked by animals and people who were bent

on her destruction. Davis found that women's pardon tales more often highlighted their devotion to their obligations in everyday life, and the tale told in Moricette's first interrogation certainly seems to fit that pattern. The tale told in the interrogation for the Parliamentary review is quite different.

So, what had happened between the first and second interrogations of Moricette? Quite a bit, actually. First and foremost, Moricette's father had died. It is quite possible that, despite her own anger at the Dufrost/Martin household and her own defiance before the local judiciary, Moricette was following her father's advice in holding a hard line on the accusation of homicide. Also, by the time of her case review, Moricette had spent months in jail, probably losing hope with every passing day that anyone could help her. Finally, during the appeal process, she was no longer in the hands of the advocate in Lanvallon—she was finally in the presence of royal advisors at the Parlement. The official case review was filed on her behalf by the king's counselor who had interrogated her. Divorced from the local rivalries that inevitably played out in her home parish and town, Moricette might have been convinced of the gravity of her situation. She may have even played up a stereotypical femininity knowing that her urban, elite counselor, unlike the local men who first handled her case, would have little idea of a peasant woman's work life and her capacity to throw a large rock. But, most importantly, the purpose of the second interrogation was to throw herself on the king's mercy. As Marie-Sylvie Dupont-Bouchat has shown in her work, there was no hope of overturning the conviction for homicide at this point, and a pardon would only be issued if she took responsibility for her role in the death of Marie Dufrost. Moricette said what she needed to say. In Natalie Davis' study of pardons, she found that the appeals made by those seeking the king's grace "required playing by the king's rules: the actor must become the suppliant, a notary's third person, and not recount his adventures as though he were a hero in a folktale showing his strength." Thus, in Moricette's last interrogation, she was shamefaced, even domesticated, and willing to cooperate.

The royal letters of pardon came swiftly after Moricette's last interrogation. On August 30, 1720, Moricette Nayl was freed "under the special grace of his majesty" but commanded to pay the costs of court and incarceration and an additional 30 *livres tournois* for prayers for the soul of Marie Dufrost.

After her pardon, Moricette returned to Pléguen, where she had to reintegrate herself into a community that had been torn apart by her actions. She had to live side by side with those she had offended and threatened, and they had to find a way to let her do that. How were they able to move beyond what had happened and make a place for Moricette? Perhaps the explanation for their forgiveness can also explain why so few were willing to testify against her from the very beginning. Why were her

brother and Louis Martin silent after the fight, and how did they let her come home?

There are many factors at work in this homicide case, but a gender analysis offers some particular insights into the complexities. For one thing, the majority of the record for this case comes from the realms of men—the nobles, judges, notaries, clergy, and even most of the peasant witnesses were men. This is not unusual, of course. In the early modern era, professions related to political, judicial, or clerical authority were the reserve of men. The voices of women were rarely recorded except through the filter of male intermediaries, men who more often than not regarded the activities of women as insignificant. This was so even in a violent case such as this one, in which one woman was charged with attacking another. As Arlette Farge tells us, “Disputes between women interest no one,” according to a Paris police official in the eighteenth century. Nevertheless, when violence resulted in an actual death, even the violence of women earned official notice. As Hervé Piant reminds us, no one simply dismissed the violent acts of a woman when there was a victim and a potential for continued violence through retaliation. There was a death to deal with, and no way for the community to settle the dispute without outside interference. So, did Moricette’s gender pave the way for her reintroduction to the community?

Gender also had an impact on how a woman experienced the criminal justice system. Many fewer women than men were accused of violence. Once a woman was convicted of homicide, she was less likely than a man to earn a death sentence, and, if sentenced to death, more likely than a man to receive a pardon. Women were rarely executed for murder in eighteenth-century France. This was true even when the crime was of a brutal nature and witnessed by several people. With certain notable exceptions, discussed later in this chapter, people simply did not like to see a woman executed. Crowds could turn on authorities for executing a woman, especially if the execution went badly. As Camille Naish points out in her book, *Death Comes to the Maiden*, even the infamous Sanson family of executioners of Paris hated having to execute women. Naish further suggests that jurists themselves disliked condemning women, perhaps to compensate for their inequality before the law. Women may have been regarded as having weak and childish natures, but that sometimes offered an advantage because paternalistic court systems hesitated to hold women ultimately responsible. When courts did execute women, they refused to display the corpses “as an example to others” like they did with the corpses of men. Either way, if a convicted woman filed an appeal or if the relevant Parlement reviewed a death sentence from an isolated jurisdiction, as happened in Moricette’s case, the crown almost always issued a pardon.

Women seemed to be pardonable for a wide range of capital crimes. Women could technically be convicted and executed for sodomy, just as

men were, but such cases were extremely rare. The few cases in which women were convicted for the crime of sodomy involved years of cross-dressing and the use of a dildo, in which case the accused was as guilty of taking a man's role as she was of the sex crime of sodomy. Generally speaking, though, most jurists and courts were not even sure how to define the crime or identify it when they encountered it. William Naphy, in his survey of *Sex Crimes from the Renaissance to the Enlightenment*, found that judges in Geneva refused to name the crime, even when they were executing two women for sodomy, for fear that they would encourage women to experiment with one another. It was far simpler to settle on some other, less public, penalty and avoid the issue altogether.

There were certainly exceptions to this reluctance to execute women. Chief among these were cases of extreme transgressions such as infanticide or a servant's theft from her master. However, even these cases were often less than clear-cut. In the case of a servant who had betrayed her master, her gender mattered less than her rank in society, and the courts seemed more comfortable making an example of such a woman. For infanticide, while the archives record numerous cases in which the death sentence was carried out, those cases had to meet every item on a long list of required circumstances. To begin with, there had to be a baby's body to examine, and a surgeon had to certify that the baby had definitely been born alive. There had to be evidence that the mother of the baby had concealed her pregnancy from everyone; knowledge of the pregnancy among family and neighbors was taken as a sign she had not been hiding it. Finally, there had to be evidence that the baby had not been baptized. After all, the law against infanticide, based on King Henry II's edict of 1556, had much more to do with the necessity of baptizing children, technically speaking, than it did with saving their lives.

More often than not, investigators were not able to prove infanticide because it was very difficult to meet these standards. Actual sentences for women suspected of infanticide ranged from simple fines to branding and banishment. James Farr records 58 death sentences for infanticide appealed before the Parlement of Burgundy between 1582 and 1730, and the court upheld only 47 of them. Farr also notes the tendency of the court to recognize crimes of desperation when they saw them. Along with the "ambiguities of physical evidence" that helped women escape the death sentence, "pathetic stories" helped, too.

Two cases from the Breton archives illustrate this point quite neatly. In the first case, dated March 7, 1724, a young man bringing his cows to drink at a river just outside the city of Nantes found a newborn, tied to a piece of wood, floating in the water. The testimony of local residents revealed that the servant of nobleman Jan Couilland, the Sieur de Saret, had been noticeably pregnant and then suddenly was not. When Jaquette, the young woman in question, was interrogated, she admitted that she had given birth to a stillborn baby and baptized it herself. She said that

she did not know what to do after that, so she weighed down the body and put it in the water. She claimed to have been raped by a stranger and denied that she harmed the baby. Neighbors testified that they often saw the girl crying. The noble and his wife claimed to have never noticed that their servant was pregnant. Jaquette was sent to prison, where she was interrogated again an entire year later. Her story had not changed, and no sentence was filed. It was not clear what happened to her afterward, but she was not sentenced to die.

In the second case, dated June 26, 1776, Anne le Bon of Fougères readily admitted that she had given birth to a baby alone, that it was alive when it was born, and that she threw it into the pond without baptizing it. She also readily named the father, a married man who had raped her in the fields. This was in many ways a cut and dried case of infanticide for which the accused had no remorse at all. However, the witnesses from the neighborhood and the household where Anne worked as a servant all agreed that she was either mentally deficient or completely crazy. She had always been “like a child,” usually quiet but sometimes speaking aloud as if in conversation with someone who was not there. She sometimes spoke of harming herself, and sometimes laughed or sang like a fool. The seneschal of Fougères decided that Anne could not be held responsible for her actions and sent her to live with her parents who were warned to keep her under their control.

For contrast, a third capital case in the archives reveals the sort of criminal activity that did result in the execution of a woman. On November 22, 1720, in the parish of Saint Cyr in the Pays de Retz, Françoise Perrin was arrested for arson. According to witnesses, Perrin had quarreled with one of her neighbors many times because she said he had plucked three cabbage sprouts out of her garden. She threatened to set his house on fire if he did not compensate her for the theft. On the day in question, she carried out her threat, setting fire to bales of hay that sat near their houses. Neighbors ran to help put out the flames, not only to help the victim but also to keep the fire from spreading to the rest of the neighborhood. Perrin reportedly refused to help and stood in her doorway laughing at everyone as they ran around in desperation and panic. As the prosecutor put it, the fire was the result of “malice and premeditated design . . . this crime is one of the blackest one could commit because not only would it have ruined a single house but could have destroyed an entire town.” Françoise Perrin knelt before a cross to accept her death sentence. She was hung in Retz, the duchy of Bourgneuf, in the summer of 1721.

The exercise of judicial power was not simply arbitrary, nor was it cruel and oppressive in most cases. The jurist Jean-Baptiste Denisart explained in his *Collections de décisions nouvelles et de notions relatives à la jurisprudence* of 1777 that if the terms of the law in a capital case can be interpreted in more than one sense, “equity demands that one accept

the softest sense” (*le sens le plus doux*). He went on to say that “one must only interpret the laws in the most severe sense when it is impossible to attribute to them any other sense,” and that judges were often obliged to “moderate the rigor” of penalties to ensure that they represented the cause of justice. Those who hesitated to condemn criminals to die, in this view, were quite simply doing their jobs to the best of their abilities. They were morally obliged to find reasons not to execute a convicted criminal so that they could be comfortable executing only those clearly guilty of the worst crimes.

Moricette’s gender, then, might have softened the view of judges if they could find some sympathetic explanation for her actions or her character. However, it would not have helped her if her actions had been truly malicious.

So, to what extent was Moricette’s crime a “transgression” in the eyes of her time and community? It is difficult to say. Certainly, the law in Old Regime France did not yet have a category for “manslaughter” or any other crime when the actions of one person inadvertently led to the death of another. It took Marie Dufrost 15 days to die after Moricette threw the rock at her. If she had lived, no charges of any sort would have been filed. This was an argument between two women, beneath the notice of most authorities. Moricette may have crossed the line when she publicly called Marie Dufrost and her son “thieves,” and it seems likely that most of the witnesses would have been surprised if Dufrost had *not* risen to this challenge to her honor. Things simply spiraled out of control after that. Many scholars say there was an element of theatrics to public disputes that could also explain why so many people simply observed the altercation and then walked away. Insults, even threats, were part of a pattern meant to call attention to an offense, real or perceived. In theory, once the public display had escalated to a point where the audience and the involved parties decided honor had been served, the fight would end. Even a serious death threat could be part of the display. If that was what was happening here, it is possible that Moricette was playing out a part and really never meant for the rock to hit Marie Dufrost in the head.

Since the activities of women were so often neglected in official sources, it is fruitful to examine what we can of the realm of women evident in the sources. There are only glimpses, but they follow a pattern. For example, on the day of the fight, Marie Herry, Catherine Le Meur, and Janne Nicolas were doing laundry on a riverbank by the road leading into town when Marie Dauloudet set out to “save” her daughter from Marie Dufrost. These women were neighbors, well known to one another and to the accused, her mother, and the victim in this case. They testified that Dauloudet called for them to help her as she stomped past them in a rage. They further testified that they then went back to their work and were still occupied when Dauloudet returned with her disheveled daughter after the fight.

A similar moment was revealed in what was reported as part of the *monitoire* read out in the church to recruit additional witnesses. According to the *monitoire*, Moricette Nayl and Marie Dufrost had an ongoing and widely known dispute before their fight. A few weeks prior to the fight, Marie Dufrost was seen bringing her cows to drink at the riverbank at the base of town when Moricette spotted her and ran to insult her, yelling that Dufrost was a thief and that she had stolen goods from Moricette's parents. Witnesses claimed she even threatened to kill Dufrost with a rock at that time, suggesting she had that in mind long before they actually struck blows. As Dufrost collected her cows to lead them home that evening, Marie Dauloudet appeared on the other side of the river and joined her daughter in threatening and insulting Dufrost, waving her walking stick "in a menacing manner." At that point, Dufrost was forced to flee.

In both instances, the women involved were engaged in work for their homes and farms, alongside one another when possible and away from the male view. This was a largely homosocial world in which people spent much of their time in the company of others of the same sex. That, in turn, meant that women were most likely to turn to other women for support and counsel while men more often relied upon other men. This could mean that though women assisted one another in crisis, they were also known to judge each other when appropriate. A striking example of this is the Breton folklore concerning the "laundrywomen of the night"—ghosts who spend eternity doing the laundry and ensnaring women who are breaking the rules in one way or another. They target women who are working on the Sabbath or out too late or neglecting their children; they either frighten such women into doing better or trick them into helping wring out the linens and pull them into the water. Some sources say a *lavandière de la nuit* was sighted in Pléguen as recently as the last century.

The historian Cornelia Hughes Dayton tells the tale of a small community in eighteenth-century New England dealing with the aftermath of a young woman's death following a botched abortion attempt. Her sources happen to reveal a rarity: the "intimate talk" of women with one another as they tried to decide how to deal with a crisis. In her case, Dayton used the testimony gathered from women who were suspected of having assisted in the abortion and who witnessed the subsequent death of the pregnant woman. The suspects in the case were eventually cleared of any wrongdoing, but it was that very suspicion of the women that made their voices noteworthy in the legal record. For the women of Pléguen, there was no such imperative to record their views in the case against Moricette Nayl so we do not know what they might have said to one another.

In the case of Julianne Evennou, accused of theft in Lanvollon just a few years earlier, recorded testimony reveals quite a bit about the world of women as they worked alongside one another. Two elite women on a tour of a noble manor house happened upon a group of women spinning

together. One of the high-status women was the wife of Evennou's accuser, and one of the spinners was a key witness in the investigation. The deposition of January 14, 1718 was in response to a complaint filed by Louise Girault, a friend of Evennou's who had tried to defend her. She complained that the wife of the accuser berated and threatened her for defending Evennou and even pushed her to come visit the house, soliciting her to change her testimony. Girault said the elite woman became angry when she replied that she "had her conscience to keep." For her part, Marguerite Agnesse Gicquel, the Dame de Porsmeur, insisted she only made small talk with the spinners before commenting that she had heard rumors that Girault had lied in her testimony to protect her friend. She denied that she became angry or made threats and dismissed any suggestion that "false witnesses" would say otherwise. In this case, the interactions between women were at the heart of the investigation; therefore, we get a rare glimpse of their conversation as well as the ways in which status divided the women in this small community.

The women of Pléguen may have been the only ones able to shed light on the dispute between Moricette Nayl and Marie Dufrost, but no one was asking them for this information. This is not simply to say that the local women might have had more to say about the argument preceding the fight and the fight itself if only some had asked. That would just be wishful historical thinking. Rather, it is to say that the historical record shows that some women were left out of the information-gathering process as it was conducted by men. Since they were not considered crucial to the investigation, they were simply ignored.

It makes sense that Louis Martin was interrogated about the fight because he was present and a participant. His sisters were not interrogated or even given the chance to refuse to participate in the process. One might reasonably point out that Anne and Elizabeth Martin were not present during the dispute. But their husbands were not present during the fight either, and yet they *were* interrogated. At least the presence of the two sisters at their mother's deathbed was recorded. We know that they were in the room when the *avocat* came to initiate the investigation. Another strange absence from the documents was Anne Nayl, Moricette's older sister. Anne Nayl never married, and she was still living in Pléguen at the time of the fight, judging from her occasional appearance as a godmother or wedding witness in the parish registers. And, yet, Anne Nayl is not mentioned once in any document from the community or the homicide investigation. Thus, the women in both families, just like the women in the broader community, were quite simply left out of the whole process.

Even if local women had been able to shed some light on the dispute that led to Marie Dufrost's death, there is no indication that they would have acted until forced to do so by a state-led criminal process. The same can be said for the peasant men who mostly avoided taking a stance on the fight. Perhaps their inaction was a sign of taking sides rather than

remaining aloof—it is possible they thought Marie Dufrost really had unfairly acquired goods that had belonged to the Nayls. Perhaps the neighbors thought the two families needed to hash things out. At any rate, most people were uninvolved in the matter and seemed content to leave it that way. As noted in the preceding chapters, this was typical for small, rural communities.

Often, the refusal to cooperate with police officials signaled simply that the inhabitants of an isolated community hoped to avoid outside interference as much as possible. Occasionally, it seems like folks in the countryside enjoyed an opportunity to lead officials on a wild goose chase, perhaps as a display of independence or merely for their own amusement. For example, in Fougères in July 1774, a young servant working for the concierge of the prison was persuaded to supply a set of keys to certain prisoners so they could slip out a trap door leading to the street below. The 15-year-old servant, Françoise Segouin, claimed that the female prisoners asked for the keys to their chains so they could change their clothing. Her employer knew nothing about it, she stated, and she did not know how they then escaped the prison walls. By June 1776, however, the escaped prisoners were still at large, and new evidence suggested that the concierge of the prison had told young Françoise to let out the prisoners, saying that she would be saving her master and that nothing bad would happen to such a young person as herself. If she was sent to prison, she testified, her boss told her he had friends who would get her out.

Royal officers scoured the neighborhoods of Fougères for the most well known of the escaped prisoners, Marie Boissel and “La Menard,” her aunt. They went to Boissel’s home, but several “unknowns” told the officers they had not seen or even heard of either fugitive woman. These witnesses refused to identify themselves or make declarations. The officers spent the night in an inn and then went on to the home of another person who used to know the escaped prisoners. There, too, everyone the officers encountered claimed to have no idea who the women were or where they might be and then refused to identify themselves or sign declarations. Instead, they suggested two more parishes where the officers might find more information. The whole scene played out the same way the next day and the day after that. No one would offer a name or any concrete information, but all seemed willing to send the officers farther and farther away. It really did seem as if everyone in the area was in on a joke. The officers, for their part, simply recorded their expenses and expected to be reimbursed.

It is difficult to know what to make of the lack of involvement from most of the residents of Pléguen. Were they just trying to thwart the authorities and outsiders from interference in local affairs? Possibly, but in the case of Moricette Nayl, it was not the humble villagers who refused to cooperate with police and court officials but an actual judge. Nicolas

Nayl the elder, along with his wife and oldest son, were the ones not cooperating, not telling all. It is possible that they believed their neighbors would side with them. That could explain why Nicolas the younger approached Jan Rivoal before Dufrost's death to share his fear that his sister would be charged with murder. Perhaps he was seeking sympathy or understanding from the neighbor who had been connected to both families for so long and who was the chief witness to the fight between the two women. If the Nayl family expected support from their neighbors, it would also explain why Marie Dauloudet and Moricette openly threatened Marie DuFrost in front of witnesses weeks before the fight and why, on the day of the fight, Dauloudet called out for help as she went to assist her daughter. In the end, though, many did not side with the Nayls or work to protect Moricette from charges. Neighbors readily identified Moricette as the assailant in the fight and reported the prior threats and insults. They may have done so only when forced to under threat of excommunication from the Church under the terms of the *monitoire*, the call for witnesses from the pulpit. But, as a judge, Nicolas Nayl had to have known that the *monitoire* was part of the standard process and that witnesses would feel compelled to come forward regardless of their feelings about the accused. In the earlier case against Julienne Evennou, even those who were on record as opposed to the *monitoire* offered testimony, some of it damning.

So, why did the Nayl family resist the process? It seems less likely that this was a case of a small community closing ranks against outsiders and more a case of one set of officials squaring off against another. As was discussed in the previous chapter, Pléguen was part of the sénéchaussée of Plessix in the grand seigneurie of Goëlle. That meant it was under the jurisdiction of a lord and not directly part of the royal judicial system. Thus, one strategy open to the Nayls as they fought to protect Moricette from the noose was to silence the officers who pursued her. In this case, that meant they had to protest the involvement of Guillaume Raoul, Sieur de Kerbellec, fiscal *procureur* of Villemario, who claimed to be acting in place of his son, Rene Raoul, the fiscal *procureur* of Plessix but also empowered by the Parlement at Rennes via Jan Damart, the *avocat* of Lanvollon. The complicating factors are breathtaking. And, as this was taking place at a time when royal courts were attempting to take over local and seigneurial courts, there were many who might have supported Nayl in his fight to remain independent. Remember that in the case against Julienne Evennou, numerous members of the judicial professions simply refused to take part when Jan Damart tried to call on them to serve.

Jan Nayl filed the protest on behalf of the family on several grounds: that Plessix was held in fief by the Dowager Dame de Carcaradel Rogon and therefore independent of both the royal court of Lanvollon and the seigneurial court of Villemario; that Rene Raoul held the title of fiscal

procureur in Plessix illegally because his baptismal records showed he was only 17 years old at the time and thus a minor in the eyes of the law; and that therefore Guillaume Raoul was triply incapacitated as the self-appointed substitute for a youth who held an illegal office, seeking to operate outside his jurisdiction. Jan Nayl called for a suspension of the “pretended *monitoire*” in the name of justice. This protest is astounding. As we have seen, the professional men of Pléguen and Lanvollon rotated through numerous offices and jurisdictions, all held concurrently, yet Jan Nayl fell back on the rhetoric of distinct jurisdictions to make his case.

As might be expected, Guillaume Raoul easily answered this opposition. Since the sole judge for the jurisdiction of Plessix was the father of the accused, Raoul had no choice but to approach the royal advocate at Lanvollon to allow him to bring coroners to visit the body of the deceased and to begin taking statements from all involved. Who else would stand up for the family of the deceased woman? Due to the grave nature of the crime and the attempts to obstruct justice on the part of Nicolas Nayl, his wife, and oldest son, Jan Nayl, Guillaume Raoul stated his determination to see the process through and asked for the king’s protection as he did so. He was granted both permission and protection. It is possible that Raoul was cynical in this maneuver, but Zoë Schneider reminds us that many magistrates “internalized their vocational duties at a deeper level.” Raoul was no doubt sincere in his pursuit of Moricette—that is, until the eventual arrest of the fugitive Moricette Nayl almost 2 years later.

When Moricette returned to Pléguen in 1720 to be at her father’s deathbed, Guillaume Raoul did nothing. She had apparently been in town a few weeks when word got to Jan Le Diholen, a relative of Marie Dufrost’s living in a nearby town, who then contacted sergeants in Pommerit-le-Vicomte to go and arrest Moricette. The sergeants and Jan Le Diholen cited the negligence of Guillaume Raoul for ignoring that “the condemned was his neighbor and resident of Pléguen.” The sergeants demanded compensation for having to go out of their way to arrest Moricette and for housing her until they could transport her to the jail at Châtelaudren.

One explanation for Raoul’s inaction when Moricette returned after several months as a fugitive is that his pursuit of justice had never been about impartial justice but instead was motivated by a need to establish his own dominance over the situation. Seventeenth- and early eighteenth-century justice was still largely patrimonial, meaning it depended on magistrates who owned their offices like personal possessions that they could hand down to their heirs. Just as Nicolas Nayl the elder seemed to have put himself and his family above considerations of the law when he tried to obstruct the *monitoire*, perhaps Raoul pushed for the right to prosecute Moricette because his own family benefited from the manipulation of the local judicial scene. Having achieved his goal, there was no point in further action. This reading of the situation would support the

idea that local and seigneurial courts tended to maintain abusive power of the elite with little regard for justice.

A less cynical, more sociological explanation is that justice and the restoration of harmony, like disputes, have an element of theatrics and ritual. Guillaume Raoul felt instinctively that something had to be done on behalf of Marie Dufrost's grieving children. Under his guidance, witnesses were gathered, a sentence was achieved, and Moricette was hanged in effigy because she was nowhere to be found. Such events have a cathartic effect in which everyone plays a role, and reconciliation may come in part due to the theatrics having been played out. When Moricette returned, everyone had already moved on, and it did not make any sense to reopen the case.

It is possible that Guillaume Raoul also wanted to maintain a certain level of harmony in their shared community when he ignored Moricette's return. It was out of respect for her father perhaps, as he lay dying, or out of respect for the peace, if you could call it that, which had settled over the village during the time since Moricette's conviction and disappearance. The sergeants and the court criticized him for his lack of action, but Raoul also had a lot to gain from keeping the peace after the tragedy that had divided their community. After all, he lived there, too. That he was serving the interests of the royal advocate did not mean Raoul was not at the same time a member of the community who hoped to facilitate a return to balance.

Yet another explanation looks toward the theatrics of informal justice. Denunciation of a fugitive is the sort of action that could threaten group solidarity, and therefore, it is best if it comes from an outsider or a marginal person in the community. Rather than actually ignoring the return of Moricette, Raoul may have been employing a ploy that would not trouble Pléguen but would alert authorities that Moricette had returned. Jan Le Diholen might have been recruited to alert the authorities, so Raoul did not have to and further upset the families.

It would not have been unheard of for powerful men to quietly orchestrate what needed to be done. Certainly, there are other sources that suggest much was going on behind the scenes. On December 26, 1720, more than 2 years after the fatal fight and 4 months after Moricette's pardon, Guillaume Raoul registered officially that he had sent a private letter containing money to Nicolas Nayl the younger on July 31, 1718. That was 3 weeks after Marie Dufrost's death and just as witness testimony was being gathered. Twelve days after receiving the letter and the money, Nayl signed a "private act of obligation" with Jan Caro in Lanvallon. That contract, too, was only recorded much later, in July 1721. The man aggressively pursuing the case against Moricette quietly sent money to the younger Nicolas Nayl, the man caught in the middle, who then passed it on in a secret deal with a third party in another town. Could these men have colluded to orchestrate Moricette's disappearance?

Sadly, the actual letters have not been preserved, their contents were not described in the logbook, and they may have had nothing to do with the criminal case involving the families. But the existence of private negotiations adds to the mystery of this tale.

Aside from a sense of rivalry with officials from outside his jurisdiction, it is possible Nicolas Nayl thought that by stalling the process and avoiding the *monitoire*, the case against Moricette would be thrown out for lack of evidence. If that was the case, then the old judge was deluding himself. In response to the *monitoire*, witnesses described earlier arguments, along with the events of the day of the fight. However, more disturbing charges in *monitoire* included an assault on Louis and his sister as they went to attend to their injured mother just after the fight had taken place. According to the account read out in the church, local witnesses had verified that on the day of the fight, after throwing the rock, Moricette continued to yell at the unconscious body of Marie Dufrost and vowed to kill her. She was only stopped when neighbors intervened to send her on her way home. Witnesses agreed that Dufrost was still breathing after Moricette had left and that they carried her into her house. At that point, Louis Martin ran into the center of Pléguien to fetch “his older sister,” who was living there. As Louis and his sister headed back home to care for their injured mother, Moricette “and others” attacked them, and they were forced to flee “to avoid her maltreatment and evil designs.” They even took refuge in the church for a bit.

This is a telling moment, and it sheds even more light on how divided this family and community were. Louis’ sister, Anne, lived with her husband, Guillaume Le Meur, very near to where the fight had taken place on the road past the base of town, in the village of Kergallet. That means that Louis Martin had to have been fetching his other sister, Elizabeth, to their mother’s bedside. Elizabeth, married to Nicolas the younger, must have been among the Nayls and their supporters when Louis came to find her. This means, quite clearly, that Louis was walking into a scene where everyone present only had Moricette’s version of the events of the day. Moricette’s parents had encountered her on her way home on the road, her brother had never left the house, and Moricette herself was still so enraged at the end of the fight that she had to be pulled off of Marie Dufrost’s unconscious body.

Everyone in and around the Nayl household believed that Moricette had been attacked by Marie Dufrost and her son. They had no idea that Dufrost lay dying. Imagine their reaction when Louis showed up to get Elizabeth. It makes sense that they would have reacted in anger and chased him away, perhaps out of fear that he intended to further harm Moricette. A number of witnesses later testified that they had heard of the prior threats and of the fight that day but only learned much later that Marie Dufrost was dying from her injuries. In this light, it seems

likely that they had sided with the Nayls after all, had even gone so far as to accost Louis Martin on his way home to his injured mother, only to realize with regret after the fact that Moricette really had killed Marie Dufrost. It surely would have been difficult to restore harmony after a clash of this magnitude.

In any age, disputes are unavoidable in such a small and intertwined community. How did people deal with this chaos in such a brutal era? One way was to rid the community of the trouble maker. In another homicide case, from Saint-Aubin-de Cormier, a village near Fougères, in 1723, the community pursued that solution. The case is unrelated to Moricette Nayl's, but the comparison is fruitful for what it reveals about communities and conflict.

On December 24, 1723, Perrine Deschamps hunted down and viciously beat Olive Goupil in the street in Saint-Aubin-de Cormier. Sixteen witnesses told the same story—Deschamps charged down the street waving a *baton*, or a club. Olive Goupil, carrying her newborn child, turned to place the baby in a doorway before facing her attacker. Deschamps beat Olive with such force that she broke her *baton* on the poor woman's back and then went back into her house to get a new weapon to finish the job. The whole time, Deschamps shouted that Goupil was a whore. Eventually, to the relief of all who watched, Deschamps' husband, Pierre Sué, intervened and led Deschamps away. Goupil took refuge in a nearby shop and witnesses tried to help her, but she died from her wounds a few days later.

One witness offered a clue to what had come to pass. Some months earlier, Olive Goupil was selling yarn in the market when she told another woman that she was pregnant by Pierre Sué and that he had promised not to abandon her. This, then, might explain the rage of Perrine Deschamps as Olive Goupil walked around town with her newborn babe on Christmas Eve. In the aftermath, Nicolas Goupil charged Deschamps with the murder of his sister. On August 7, 1724, 8 months after the attack, Deschamps was condemned to die by hanging. Seven months after that, her pardon was issued on condition that her goods be forfeited to pay court costs and the cost of raising Goupil's infant son.

Unlike Moricette Nayl, Perrine Deschamps would figure prominently in local court records for several years after the homicide. In almost every case, the complaint opened with someone in the neighborhood hurling insults at Deschamps and her husband. In June 1731, for example, Deschamps filed a complaint against two young men who had stood in the door of a cabaret and insulted her and her husband using vulgar terms. Deschamps confronted the men, and they taunted Pierre Sué for letting his wife do the fighting. Deschamps threw rocks, and one of the men pushed her on the ground. Among the witnesses was Nicolas Goupil's *compagnon*, his assistant worker, and he merely reported that he heard the men and Deschamps trading insults.

Just over a year later, another complaint was filed, this time against Deschamps by the owner of a shop. Witnesses all agree that Deschamps entered the boutique from the street hurling insults, along with rocks. As she entered, the shop owner confronted her and said, "Do you want to kill us?" He returned her insults, and she hit him. One witness reported that, along with her insults to the shop owner, Deschamps complained that he was trying to have her put in prison, saying, "Je m'en fous . . ."—I don't give a damn for you, your *procureur*, or the justice in this town." That same witness added that Deschamps had offered her compensation to testify against the shop owner and then became angry when the witness said she would only report what she had seen. A different witness noted that Deschamps did not become angry until she noticed Nicolas Goupil in the shop with the owner and his family.

The official complaint filed by the shop owner, André Mandher, and his wife details their concerns about this evil woman, Perrine Deschamps. They state that she had tormented them for the past 2 years, that her rage carried her away, and that this same rage had led to the death of Olive Goupil 8 years earlier. Deschamps was a menace not just to them but to the whole neighborhood. The statement continues that they were all frightened of Deschamps, so much so that when she entered their shop and announced that they would "die by her hands," they pushed her into the street and barred the door. Everyone in the shop that day stayed behind closed doors until Deschamps' husband came to lead her away. The statement includes a claim that Deschamps' husband may have paid cash for her royal pardon in the homicide of Olive Goupil.

Deschamps submitted a countercomplaint that Mandher and his *compagnon* beat her, but the surgeon's report is inconclusive. By October 1732, the counselor to the royal court decided to bring Deschamps in for questioning. She was anything but cooperative in that interrogation. She denied she had ever insulted Mandher, his wife, his worker, or anyone else. When pushed further, she declared that she did not give a damn about their interrogation and they could all go to the devil. She apparently repeated this several times as she was led into the jail. The officers filed their own complaint against Deschamps for this behavior and included charges that the surgeon's report she had attached to her countercomplaint was not even written by a legitimate surgeon. Ultimately, Deschamps was sentenced to pay damages to Mandher and his family. She does not appear in the records again until her burial 9 years later.

The different receptions these women experienced had to do with the differences in their respective crimes, of course, and with their particular personalities. But it also had to do with what was at stake if the community did not find a way to restore harmony.

Moricette Nayl's case at first glance seems like an example of a family sacrificing one of their own to keep the peace. It is clear after much study that the case is much more about the extent to which the families

involved had to work to repair the damage done by their conflict. They did not wash their hands of Moricette—rather, they seem to have forgiven her or at least to have decided to move on. Nayl's family and that of her victim were connected intimately, and both families happened to have high social standing in their small village. They had to find a way to get beyond the tragedy. This was so even if there was tension between members of their families, even if Moricette had been in the wrong for harassing Dufrost and for publicly calling the woman a thief, and even if Moricette's family was part of the local justice system. Everyone involved had to put on a united front for the sake of community.

In Perrine Deschamps' case, the community had nothing to lose if they succeeded in driving her away. The presence of Goupil's relatives and associates on the sidelines of all the later conflicts suggests that Olive Goupil had the sympathies of the neighborhood even if *Deschamps* was the one who had been wronged when Olive had born a child with the woman's husband. It seems the community was united in their sympathy for the Goupils as well as in their bitter resentment at the pardon of Deschamps and her continual abuse of others—hence, Mandher's claim that everyone feared the wrath of Deschamps and spread rumors that her pardon must have been bought. Furthermore, Deschamps was known and disliked by local authorities; her neighbors thus were united with the authorities against her. Like the Martins and Nayls in Pléguen, the community here needed to move beyond the tragedy that had taken place, but they were unable or unwilling to do so as long as a killer walked among them.

In the case of Perrine Deschamps, her excesses of violence and abuse made it all too easy for her neighborhood to cooperate and perhaps even invite in representatives of state justice. Several witnesses to her altercation with the shop owner Mandher say she berated him for hiring a *procureur* and trying to put her in jail. If the neighborhood really did believe that her pardon had been bought, it is possible they hoped additional complaints would land her in jail and remove her from the neighborhood. In Moricette's case, her pardon and her return to Pléguen required the acceptance of the community, along with a good faith effort on her part to make amends. In this instance, making amends did not merely involve the financial compensation for costs and prayers but also the humility Moricette displayed in her final interrogation. She had to accept the consequences of her actions if the community was to accept her presence.

So, how did the community of Pléguen recover from this tragedy? To some extent, the restoration of harmony seemed to have included returning to business as usual. As was mentioned in a previous chapter, the tax rolls for 1739 and 1741 list the households of Nicolas Nayl and Louis Martin first—both were considered notable families, and both seemed to be doing very well. Individual members of each household are not

named, so it is difficult to tell who would have been residing with whom. Other forms of rural life also went on, as indicated by the flow of rental, sale, and other contracts registered by notaries. Nicolas Nayl the younger was still a trusted professional.

One significant change worth noting was the gradual disappearance of Nayl family members from parish registers. They had been present at many weddings and baptisms in the years between 1695 and 1715, but after that they rarely appear at either sort of celebration. The exceptions, of course, are the children of Nicolas the younger and Elizabeth Martin, who take their place in the community. Their sons, Jan and Pierre, appear as godfathers as early as age 11, first for their little sisters and after that for cousins and neighbors.

At first glance, it would seem that the disappearance of the Nayl family from the local social and religious life could be connected to the scandal and division caused by Moricette's tragic fight with Marie Dufrost. However, there is a simpler and much sadder explanation for their absence in the parish registries: they simply did not reproduce. Marie Dufrost and her husband had three children live to adulthood, marry, and have families of their own—Louis, Anne, and Elizabeth. Nicolas Nayl and Marie Dauloudet had five children live to adulthood, but only one of them, Nicolas the younger, married and had children. In the next generation, Nicolas and Elizabeth had five children live to adulthood and marry, though the prevalence of daughters in that line meant the Nayl name did not live on.

So, it is not necessarily the case that the absence of the Nayls from parish registers after 1725 or so is a sign that the family was unable to recover their lost status following the homicide. When Marie Dauloudet was buried in 1725, 5 years after Moricette's pardon, her funeral was well attended. While most parish registers of burials do not include the names of attendees, or even if there were any, this notice lists seven distinguished witnesses, all of whom signed. Most came from notarial and judicial families in the area, so their attendance may have been out of respect for Nicolas Nayl the younger. Perhaps it was simply that Marie Dauloudet was herself, as an individual, still liked and respected by all. But that, too, is a sign that the family had not suffered such a setback that they had lost all standing in the community.

Even more significant is what the sources reveal about the actions of people in the community as they awaited the result of Moricette's case review. The appeal papers had been filed with the Parlement at Rennes on August 20, 1720. On August 27, three men signed a "declaration and attestation" in favor of Marie Dauloudet, indicating they would vouch for her ability to pay a sum. Two of those men were Jacques Querou and François Estienne, longtime associates of the Nayls, and not very surprising. The third was Guillaume LeMeur, husband to Anne Martin, the oldest of Marie Dufrost's children. His willingness to stand for Dauloudet

in the case review process speaks volumes about the family's ability to forgive. The very next entry in the registry of notarial acts, also recorded on August 27, is a *procuration*, or a "power of attorney," empowering Guillaume Monjaret of Lanvallon to act on behalf of Marie Dauloudet for a legal matter in Rennes. The royal pardon of Moricette Nayl came 3 days later.

The community did not shut the Nayls out of the community following this conflict. Instead, the Nayl family line simply died off, and that brings us back to the question of the Nayl family's place in this rural community. Reproduction and continuity are the primary functions of marriage, and it seems oddly shortsighted for Nicolas Nayl senior to have married off only one of his children, especially since Marie Dauloudet had actually given birth to 15 babies during their marriage. It is possible that the decision was a calculated risk. Though Brittany was a region that practiced partible inheritance, or the equal inheritance of all children of both sexes, a family hoping to maintain a certain status or advance their fortunes might have invested all of their property and status in a son, usually the oldest. In such a case, the son would marry a wealthy girl and possibly be able to use the funds to pay dowries for any sisters he had. Alternatively, his unmarried siblings could stay on as unpaid servants in his household. But even if this was the intention, why was Nicolas the heir apparent and not his older brother, Jan? Furthermore, Nicolas the younger was nearly 40 when he married Elizabeth Martin, which was older than the typical age of marriage. Why did Nicolas marry so late?

One might speculate that the hope had been to find a match for Jan or Nicolas in a suitably professional family and, as time went on, that just was not happening. Since Nicolas the younger knew Elizabeth Martin, he might have decided on his own that she was his preferred partner even though she was the daughter of a farmer. Romantic matches were rare in this era, but familiarity and the advancing age of his parents might have pushed Nicolas the younger to make a choice and for his parents to consent to it. If Nicolas Nayl the elder had been holding out for a different outcome and was forced by circumstance to renounce it, it would explain why he and his wife held such bitterness toward Marie Dufrost just a few years after their families were united. Moricette was in her thirties and still living "not emancipated" in her parents' home, meaning she would have been exposed to this lingering resentment. The Nayls all denied there had been any ill will before the fight, but that was probably just to save face under interrogation. Too many people saw Moricette, along with her mother, insult and threaten Marie Dufrost weeks before the fight. They had called her a "thief" who had taken their goods. Nothing in the sources suggest some other kind of inheritance dispute or a business deal gone bad or some other explanation for the simmering conflict. It is difficult to believe that the marriage had nothing to do with it.

Since there was so clearly a conflict between these families that was evident to everyone in the community, why did some of the key witnesses and family members decline to participate in process? One very simple explanation may have been outright shock and grief. They were too stunned to even think about how to proceed. Another scenario was explored previously, and that is that the Nayls expected the community to side with them, to maintain silence in the face of outside intervention, and to leave the community to sort it out internally. But why would Louis Martin have gone along with such a plan? Surely, after having seen his mother slowly die from her injuries and after having been threatened and pursued by Moricette and a mob on the day of the fight, he would have wanted to see justice carried out.

A more reasonable scenario is exactly that Louis Martin wanted to see justice prevail, and he knew he could count on the community to see it done. If this was the case, Louis would have required the cooperation of his brother-in-law, Nicolas the younger. Nicolas, for his part, would have had to be willing to sacrifice his sister and his elderly parents. Might he have made that choice? It is possible that if he had stood up for Moricette or participated in the attempt to halt the homicide investigation, then he, like his parents and his brother, Jan, would have faced charges and paid damages. That would have hurt his wife Elizabeth, with whom he already had three children in 1720. By washing his hands of the Nayl family efforts to save Moricette, he may have preserved his own household for the future and, with it, the possibility of restoring harmony. Once the royal pardon had been secured, the harmony that Louis, Nicolas, and the rest of the community had so carefully nurtured had room enough to reintegrate Moricette.

Modern behavioral and social scientists understand the importance of culture in reconciliation and the restoration of harmony after a conflict. This is especially true when dealing with more collectivist cultures. The historian can build upon insights from these disciplines and offer a potential explanation for the behavior of the inhabitants of Pléguen before, during, and after the dispute that led to the death of Marie Dufrost. Unlike individualist cultures like the United States in the twenty-first century, collectivist cultures place group cohesion and social harmony far above personal feelings, and even above the concepts of fairness and justice. Collectivistic forgiveness is based on the idea that restoring social harmony is the highest priority. Achieving that harmony means that people in a collectivist culture will have empathy for the offender, make concessions for their behavior, and employ tools such as public ritual to promote reconciliation after a conflict.

Historians in a wide range of fields have studied the restoration of harmony after a conflict. Rebecca Brannon, for example, wrote a moving tribute to just such a process in *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists*. In her case, Brannon

was exploring the aftermath of the American Revolution and the need to find a way to reunite even those who had actively made war on one another. True reintegration is complex and can take a long time, but if the participants are committed it can work. Brannon suggests a basic set of elements for the process: people must remember and emphasize their communal ties, the transgressors must humble themselves, the transgressors must display moral virtues of value to the community, and everyone must eventually agree to put the conflict behind them.

Such theoretical models go a long way toward explaining the behavior of those connected to the murder of Marie Dufrost and the pardon of Moricette Nayl. The members of the Martin/Dufrost family needed to grieve but perhaps did not feel driven to see Moricette executed for a fairly typical dispute over material goods. The Nayls naturally wanted to protect their daughter but had to concede to the public process that put Moricette's guilt on display and enacted her punishment for all to see. Guillaume Raoul made sure that the offender's family accepted their own complacency and that the public ritual of Moricette's penalty, carried out in effigy, took place. There may have even been some sort of private ritual, as was recorded in Brittany a century later, in a case in which an offender was made to kneel before those he had hurt and ask forgiveness. We cannot know if Moricette did any such thing, but it is worth noting that such a ritual existed. Anne Bonzon notes how often members of the clergy were central to the private negotiations that restored order after an injustice had been corrected. And, finally, Moricette's display of filial piety, in her willingness to risk capture to be at her father's deathbed, may have demonstrated for the community that Moricette still had virtue. After that had happened, despite whatever personal emotions may have still simmered, the community was able to move on.

All that being said, the simplest explanation is often the best. It is entirely possible that few people participated in the criminal process or objected to Moricette's return because everyone understood what old French law had yet to completely, formally recognize—Marie Dufrost's death was a terrible accident, and there was no one to blame. There never was a mystery to solve, just a death to mourn, and future lives to live.

Bibliography

- Archives départementales du Côte d'Armor. Code 2 C 3622. Insinuation of Acts for Lanvollon, 1720–1721.
- . 2 C 3622. Insinuation of Acts for Lanvollon, July–December, 1720.
- . Parish registers for Pléguen (online). September 6, 1725. <http://sallevirtuelle.cotesdarmor.fr/EC/ecx/plage.aspx?id=050406746089339>
- Archives départementales d'Ille-et-Vilaine. Code 1 B G 259. Letter of pardon for Pierre Meheu. January 18, 1721.

- . 1 B N 1207. Dossier pertaining to Julienne Evenou, accused of capital theft.
- . 1 BN 1269. Dossier of homicide case against Moricette Nayl, July 1718–August 1720.
- . 1 B N 1297 (1). Dossier on Françoise Perrin, accused of arson, November 22, 1720–May 21, 1721.
- . 1 B N 1451. Dossier on Jaquette Tremeau, charged with infanticide, March 7, 1724–March 20, 1725.
- . 2 B N 2678. Dossier pertaining to Françoise Segouin, accused of complicity in the escape of prisoners from Saint Sulpice prison at Fougères, July 9, 1774.
- . 3 B 1008. Dossier on Perrine Deschamps, accused of homicide, January 6–August 7, 1724.
- . 3 B 371, Dossier on Anne le Bon, charged with infanticide, June 26, 1776–December 10, 1777: Second interrogation of Françoise Segouin, August 22, 1776.
- . 3 B 1028, Letter of Pardon for Perrine Deschamps, March 25, 1725; multiple complaints against Perrine Deschamps.
- Archives départementales de la Loire-Atlantique. Code B 3585. Capitation tax rolls for Pléguen, 1739.
- . B3589. Capitation tax rolls for Pléguen. 1741.
- Beik, William. *A Social and Cultural History of Early Modern France*. Cambridge: Cambridge University Press, 2009.
- Beyer, Judith and Felix Girke. “Practicing Harmony Ideology: Ethnographic Reflections on Community and Coercion.” *Common Knowledge* 21, no. 2 (2015): 196–235.
- Bonzon, Anne. “‘Accorder selon Dieu et conscience’: Le rôle des curés dans le règlement des conflits locaux sous l’Ancien Régime.” In *Les Justices Locales dans les Villes et Villages du XVe au XIXe Siècle*, edited by Antoine Follan, 159–178. Rennes: Presses Universitaires de Rennes, 2006.
- Brannon, Rebecca. *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists*. Columbia: University of South Carolina Press, 2016.
- Callahan, Kathy. “Women Who Kill: An Analysis of Cases in Late Eighteenth- and Early Nineteenth-Century London.” *Journal of Social History* 46, no. 4 (2013): 1013–1038.
- Crawford, Katherine. *European Sexualities, 1400–1800*. Cambridge: Cambridge University Press, 2007.
- Davis, Natalie Z. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Stanford, CA: Stanford University Press, 1987.
- Dayton, C.H. “Taking the Trade: Abortion and Gender Relations in an Eighteenth-century New England Village.” *The William and Mary Quarterly* 48, no. 1 (January 1991): 19–49.
- Denisart, Jean Baptiste. *Collection de décisions nouvelles et de notions relatives à la jurisprudence*, 1. Paris. 1784.
- Dupont-Bouchat, Marie-Sylvie. “Le crime pardonné: la justice réparatrice sous l’Ancien Régime (XVIe-XVIIe siècles).” *Criminologie* 32, no. 1 (Spring 1999): 31–56.

- Farge, Arlette. "Proximités pensables et inégalités flagrantes. Paris, XVIIIe siècle." In *De la violence et des femmes*, edited by Cécile Dauphin and Arlette Farge, 73–87. Paris: Albin Michel, 1997.
- Farr, James R. *A Tale of Two Murders: Passion and Power in Seventeenth-Century France*. Durham, NC: Duke University Press, 2005.
- . *Authority and Sexuality in Early Modern Burgundy, 1550–1730*. Oxford: Oxford University Press, 1995.
- Flandrin, Jean-Louis. *Les Amours Paysannes (XVIe—XIXe siècle)*. Paris: Éditions Gallimard/Julliard, 1975.
- Guyot, Joseph-Nicolas. *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale*. Paris. 1785.
- Hook, Joshua N., Everett L. Worthington Jr., and Shawn O. Utsey. "Collectivism, Forgiveness and Social Harmony." *The Counseling Psychologist* 37, no. 6 (2009): 821–847.
- Le Douget, Annick. *Violence au Village: La société rurale finistérienne face à la justice (1815–1914)*. Rennes: Presses Universitaires de Rennes, 2014.
- Naish, Camille. *Death Comes to the Maiden: Sex and Execution 1431–1933*. London and New York: Routledge, 1991.
- Naphy, William. *Sex Crimes from the Renaissance to the Enlightenment*. Stroud: Tempus, 2004.
- Ruff, Julius. *Violence in Early Modern Europe, 1500–1800*. Cambridge: Cambridge University Press, 2001.
- Schneider, Zoë A. *The King's Bench: Bailiwick Magistrates and Local Governance in Normandy, 1670–1740*. Rochester, NY: University of Rochester Press, 2008.

Conclusion

This project began as many microhistories do, through the discovery of an intriguing set of documents that pulled me down a rabbit hole and opened up a wonderland of experience. In the preface, I told of my physical journey to stand at the spot where Moricette Nayl and Marie Dufrost confronted each other in 1718. But, of course, in some sense I have been standing on that road for years. As I read and reread the witness testimony, impassioned pleas, and angry retorts that emerged from the sources surrounding this conflict, I feel like I know these long-dead people, like I have walked beside them. That is among the promises of microhistory—the opportunity to emotionally connect with another culture, to inhabit their space, like an anthropologist doing field work, as it were. As Natalie Z. Davis put it in reflecting back on Martin Guerre, a good narrative from the past can be “a telling and in some ways extreme case, from which emerge suggestions for how to understand the lives, thoughts, and feelings of other contemporaries.”

This is also the most important criticism of microhistory. What use is the isolated example in our quest to understand grand changes that take place over centuries? I admit that, at the beginning of my work on this study, I did not even have in mind any “big questions.” I had discovered a great story and simply wanted to explore it as thoroughly as possible. The big questions presented themselves to me over time. I built on what I already knew, from the work I have done for years. I study customary law, especially as it pertains to property, and I study women’s lives and family issues in the eighteenth century. But I usually study life in cities because of my interest in women’s occupations. In trying to understand the rural community at the center of my project, I needed to read up on the social histories of peasants. That led me to an interest in the parish registers and the many ways in which these people were connected. And that inspired me to explore spiritual kinship via godparenthood.

Every bump in the road introduced me to an entirely new literature and a number of ongoing debates. In trying to decipher Jan Nayl’s attempt to stop the investigation of his sister by accusing Guillaume Raoul

of operating outside his jurisdiction, I encountered the incredible scholarship outlining the evolution of the criminal justice system during this time. In hoping to understand the fight itself, and the way the community dealt with it, I delved into the volumes dedicated to the history of violence, along with the study of conflict resolution, and so on.

The overlapping jurisdictions of Lanvollon and Pléguen, formally known to make up the *Châtellerie* of Plessix, changed hands during the course of the Nayl trial. The retired seneschal, Nicolas Nayl the elder, was never replaced by another seigneurial magistrate. The court at Lanvollon, operating under an *avocat* who worked in the name of the king's justice and answered more directly to the Parlement at Rennes, became the only court that mattered. Thus, in a sense, we do see the royal system obliterating the seigneurial system. And yet, except for the Nayls themselves, this judicial shift seems to have been in name only for the men and their families who remained in charge. These men held multiple titles in several jurisdictions, and, in practical terms, their jobs did not change much for the remainder of the Old Regime.

Was this a particularly violent place and time? Hardly. Despite the perceived "backwardness" of Brittany by some outsiders, the inhabitants of Pléguen and the surrounding communities conform to rural cultures elsewhere in France and the rest of Europe. There was a ritual nature to violence as it was used to publicize conflict that, once out in the open, might be settled through some sort of negotiated reparation. Bystanders would not interfere unless the violence was clearly excessive. Sometimes, the theatrics got out of hand and someone seriously wounded or killed someone else. That, too, might be settled through negotiated reparations, though people increasingly turned to the courts to handle such matters. Regardless, a more significant change since the eighteenth century may be the development of modern medicine. If they lived with us today, Moricette Nayl and Marie Dufrost might still get into a fight, but now we have many ways to deal with a head injury, so it need not lead to death.

Did it matter that Moricette was a woman? That remains unclear. In some ways, the study of women and violent crime is relatively new. According to Manon Van Der Heijden and Marion Pluskota, historians of crime prior to the 1980s simply left women out of the equation, accepting a stereotype that women were not violent. Even then, some researchers claimed that the violence of women in the past was insignificant, or simply dismissed as irrelevant by authorities. Neither appears to be true. Though it is true that violent crimes committed by women make up a minority of the cases available for research, they do exist, and they were taken seriously. If Moricette's family tried to avoid prosecution, it was to defend their family, not because she was a woman. If the Parlement willingly granted her letters of pardon, it was because she confessed to the fight and was prepared to make amends.

I spent a long time trying to sort out matters of status in this community, both in terms of profession and in terms of the linguistic and cultural differences that existed in Brittany. Those identities turned out to be much more complex than I had ever imagined. I began this project under the assumption that there was a clear line dividing the French elite from the Breton peasant communities. Nothing could be further from the truth. The lines blurred not just within the communities but even within many households. Breton and French, elite professionals, and farmers did not simply coexist, they worked together, socialized, and intermarried. When a conflict divided a community, as did the pursuit of Julienne Evennou for capital theft in Lanvollon, there was no predicting which side individuals would take based on their status in the town or their role in the investigation. We know there were collective identities in this era and in this culture, but how those identities intersected has much more nuance than previously thought.

It is true that I was not able to answer every question or solve every mystery. Some defenders of microhistories believe it is not just acceptable but preferable to leave some open questions for the reader to work out. I have offered some potential explanations for certain things, especially with regard to Moricette's ability to return home and live out her days in peace. But we will never know for certain why she called Marie Dufrost a "thief" in the first place. Nor will we ever know what was going on when Guillaume Raoul, the man very publicly pursuing Moricette, and Nicolas Nayl the younger, the brother who never broke his silence, exchanged money and private letters prior to Moricette's escape as a fugitive from justice. I definitely enjoy imagining that there were some silent negotiations taking place, but this may be because I read too many police thrillers. Alas, there is no real evidence that the money and letters had anything to do with the homicide case as it played out. And, finally, I cannot say whether the community mediated a reconciliation to allow Moricette to stay in Pléquien, but we do know such things happened. I leave those mysteries for you to figure out.

Bibliography

- Arnade, Peter and Elizabeth Colwill. "Crime and Testimony: Life Narratives, Pardon Letters, and Microhistory." *Journal of Medieval and Early Modern Studies* 47, no.1 (January 2017): 147–166.
- Davis, Natalie Zemon. "Martin Luther, Martin Guerre, and Ways of Knowing." *Common Knowledge* 20, no. 1. (2013): 4–8.
- Robisheaux, Thomas, ed. "Microhistory Today: A Roundtable Discussion." *Journal of Medieval and Early Modern Studies*, 47, no.1 (January 2017): 7–52.
- Van Der Heijden, Manon and Marion Pluskota. "Introduction to Crime and Gender in History." *Journal of Social History* 51, no. 4 (2018): 661–671.

Epilogue

From a historical viewpoint, Moricette Nayl had spent the first decades of her life in obscurity. As an unmarried and illiterate woman still living as a dependent of her elderly parents, Moricette did not leave much of a record of her existence. After her royal pardon in 1720, she passed back into that same obscurity. She does not appear by name anywhere in the capitation tax rolls for 1739 and 1741, the only ones that still survive for Pléguen. But those rolls are listed by head of household and do not identify all members of each household. It is possible she lived as a dependent of her brother, Nicolas Nayl, and his wife, Elizabeth Martin. It was not uncommon for younger siblings to remain unmarried and serve the needs of their older siblings. That may have been where Moricette lived out her days, assuming Nicolas and Elizabeth could have tolerated her presence after her role in the violent death of Elizabeth's mother. She could have possibly been living in someone else's household. We have no way of knowing. The fact that she probably stayed in the parish of Pléguen is suggested only by her final two appearances in the historical record.

The Pléguen parish register notes that Moricette Nayl was buried on February 12, 1748. By that date, just about everyone involved in or witness to the tragedy had died. Her parents, her brothers and sisters, Elizabeth Martin, and even several of her nieces and nephews were gone. The year before her death, Moricette was reported as witness to the burial of her 27-year-old nephew, Pierre. He was among the last to go. Moricette outlived just about everyone, apart from Louis Martin, who died only 6 years after she did, and her nieces, one of whom would live to see the Revolution in 1789. Unfortunately, the parish register is sketchy in nature. It remains unknown whether anyone was in attendance when Moricette Nayl was laid to rest.

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