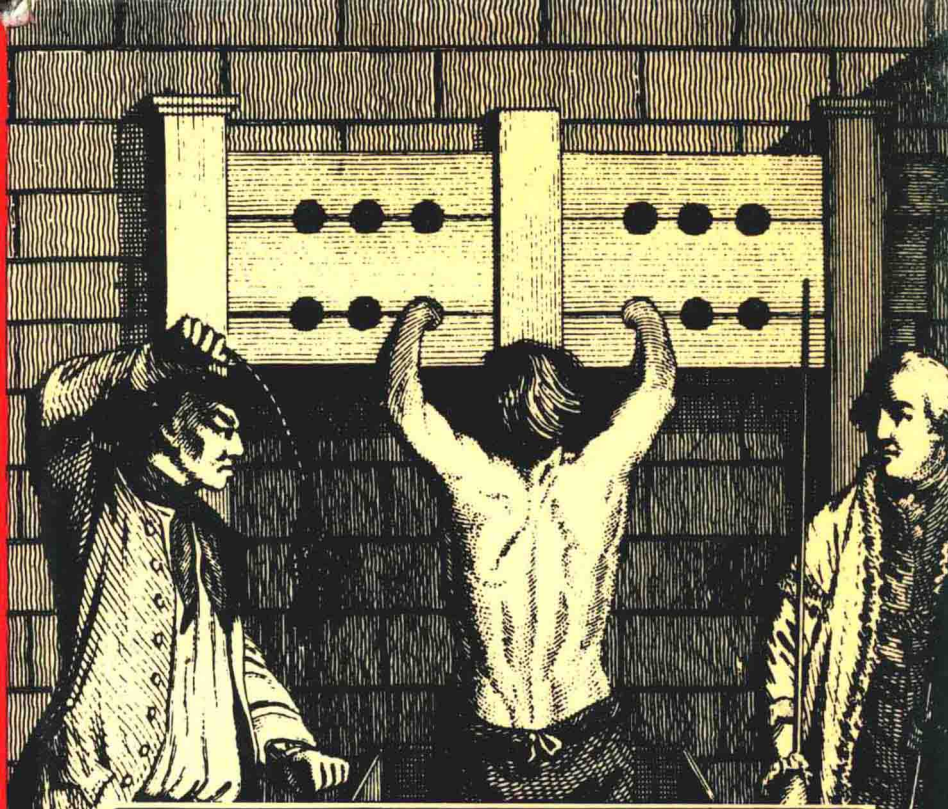

# CRIME JUSTICE AND PUBLIC ORDER IN OLD REGIME FRANCE

Julius R. Ruff

# *CRIME, JUSTICE AND PUBLIC ORDER IN OLD REGIME FRANCE*

*The Sénéchaussées of Libourne and Bazas, 1696-1789*

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CROOM HELM
London • Sydney • Dover, New Hampshire

Croom Helm Ltd, Provident House, Burrell Row,
Beckenham, Kent BR3 1AT
Croom Helm Australia Pty Ltd, First Floor, 139 King Street ,
Sydney, NSW 2001, Australia
Croom Helm, 51 Washington Street,
Dover, New Hampshire, 03820 USA

British Library Cataloguing in Publication Data

Ruff, Julius R.
Crime justice and public order in Old Regime
France.
1. Crime and criminals–France–History
2. France–History 18th century
I. Title
364'.9444'7 HV6969

ISBN 0-7099-2256-6

Printed in Great Britain by Biddles Ltd, Guildford, Surrey

ABBREVIATIONS

| | |
|---|---|
| ADG | Archives Départementales de la Gironde |
| AML | Archives Municipales de Libourne |
| AN | Archives Nationales |
| DES | Diplôme des Etudes Supérieures |
| TER | Travail des Etudes et de Recherches |
| AHDG | Archives historiques du Département de la Gironde |
| Actes | Actes des congrès d'études régionales de la Fédération Historique du Sud-Ouest |
| An.ESC | Annales: Ecomonies, Sociétés, Civilisations |
| An.HRF | Annales historiques de la Revolution française |
| AN. Midi | Annales du Midi |
| An. Nor. | Annales du Normandie |
| BSBx. | Bulletin de la Société Historique et Archéologique de Bordeaux |
| BSHPF | Bulletin de la Société de l'Histoire du Protestantisme français |
| BSP | Bulletin de la Société Historique et Archéologique du Périgord |
| Ec.HR | Economic History Review |
| FHS | French Historical Studies |
| JSH | Journal of Social History |
| PWSFH | Proceedings of the Western Society for French History |
| REc.Bx. | Revue économique de Bordeaux |
| RGPSO | Revue géographique des Pyrénées et du Sud-Ouest |
| RH | Revue historique |
| RHAL | Revue historique et archéologique du Libournais |
| RHBx.G | Revue historique de Bordeaux et du Département de la Gironde |
| RHDFEtr. | Revue historique de droit français et étranger |
| RHEc.S | Revue d'histoire économique et sociale |
| RHMC | Revue d'histoire moderne et contemporaine |
| RPBx.SO | Revue philomatique de Bordeaux et du Sud-Ouest |

## NOTE ON SPELLING

The sources for this study present many problems of orthography: the spelling used in seventeenth and eighteenth-century court records is often quite different from modern French usage; and the spelling of a particular word may vary within one text. All quotations from French manuscript sources have been translated into modern English, using modern punctuation, with an attempt to retain some of the flavour of the original French. Names of persons and titles of documents, however, are spelled as they appeared in the original court records.

# ACKNOWLEDGEMENTS

Crime holds a certain fascination for us all, whether we feed our interest with the works of Christie, Hammett and Simenon, or whether we subsist on a more scholarly fare of academic writings. Such an interest prompted me to undertake the research leading to this study a decade ago. Over the years of research and writing, interspersed with full-time teaching duties, my interest in the topic grew, but I had to enlist the assistance of a number of accomplices in several institutions to bring the work to completion.

At the University of North Carolina at Chapel Hill, the Graduate School awarded me a Georges Lurcy Fellowship in 1974-5 which made possible the initial research for this work in Paris and Bordeaux, and George V. Taylor of the History Department proved a thoughtful friend and exacting critic, without whose advice this study would be much the poorer. At the Université de Bordeaux III, Professor Jean-Pierre Poussou offered valuable assistance and opened to me the wealth of material contained in the unpublished Mémoires de Maîtrise prepared by students of the University. Professor Paul Butel, of the same faculty, also was generous with his counsel and provided a first forum in which to test the results of this research with French scholars. At the Archives Départementales de la Gironde, Monsieur Jean Vallette, Conservateur-en-Chef, and Madame Hélène Avisseau, Conservateur-Adjoint, offered insights on that depository's holdings, while Monsieur Marcel Bourgueil of the Archives staff greatly aided the actual task of research with his courtesy and efficiency. Finally, I must acknowledge aid closer to home from two of my colleagues at Marquette University. Professor J. Michael Phayer read the entire manuscript and drew on his great knowledge of social history to assist in the work's final revision. And Sister M. Paton Ryan, RSM, Associate Dean of the College of Arts and Sciences, brought her keen stylistic skills to the manuscript's final preparation.

I owe debts of a personal nature, too. My parents provided resources in the early stages of the research without which it could not have been completed. My friend, Monsieur Roger Touzerie of Bordeaux, provided friendship, encouragement and accommodations in his home in the last stages of the research. I am saddened that neither my parents nor this good friend were able to see the culmination of

the work they so aided. Members of my family, Ottilie C. Ruff and Adolph Breusa, also gave material aid to the work. My greatest debt, however, is to my wife, Laura Blair Ruff. Throughout the preparation of this study, she gave freely of her good judgement and intellect, in addition to typing the manuscript numerous times. At times, her contribution has been at considerable personal cost, and it is to her, a student of English literature, that this work in French history is dedicated.

Milwaukee, Wisconsin J.R.R.

# INTRODUCTION

Recent work in social history has extended the enquiries of historians into areas unimagined a generation or two ago. The childhood experience, the family, labour and recreational activities, madness, poverty and popular culture are all now recognized subjects for historical examination. The present study is an addition to the growing historical literature in another of these new areas of inquiry, the history of crime and its punishment.

Dealing with the two-fold problem of crime and punishment on the local level in Old Regime France, this work logically divides into two parts. The first, represented by Chapters One through Three, is an examination of the judicial system and its setting. Chapter One presents the social and economic structures of the regions selected for this study, essential ingredients in any examination of the subject of crime and justice, because the judicial system and the criminality it had to control reflected aspects of local society. Chapter Two describes the judicial system of Old Regime France, because the complexities of that system help to explain both the problems in its operation and the reactions of those subject to its justice. The core of the first part of this study, however, is Chapter Three which describes the judicial system in operation.

The justice dispensed by the Old Regime system has been the subject of debate and controversy for more than two centuries. Led by Montesquieu, his Persian Letters (1721) and The Spirit of the Laws (1748), the philosophes attacked the brutal punishments applied under Old Regime law. Their criticism reached a crescendo during the 1760s with the appearance of Beccaria's Dei delitti e della pene (1764) and Voltaire's spirited defense of Jean Calas. The existing system, of course, was not without its defenders, including the distinguished jurist Muyart de Vouglans, who originated a maxim repeated to this day: 'Leniency breeds crime; harsh punishments will diminsh it.'[1] Amidst this debate, however, some reform in the principles of Old Regime justice occurred before the Revolution of 1789, and these included the abolition of torture administered in order to exact confessions in criminal proceedings. Before reform progressed very far, however, the Revolution destroyed the Old Regime, its judicial system and its mode of punishment. Revolutionary legislatures constructed a new

judicial system and, more slowly, a new system of punishment centred on the penitentiary.[2]

But debate on the nature of Old Regime justice did not die with the monarchy. The reform movement itself has been the subject of controversy among modern scholars. Marxist scholars see the eighteenth-century reform movement as an effort to create a more efficient criminal justice system designed to better protect the interests of a rising bourgeoisie. Had not Beccaria stated that, in order to deter crime, punishment had to be swift and certain? Marxists see the reformed system as the armour of the new capitalist system. Another position in the debate about the reforms sponsored by the philosophes belongs to the French philosopher, Michel Foucault. In his seminal work, Surveiller et punir: naissance de la prison, Foucault posited that a rising bourgeoisie did indeed seek a new, more effective mode of disciplining society's dangerous classes during the eighteenth century. They found what they sought by substituting for the control of the body achieved through the capital and corporal punishments of Old Regime law the much more thorough-going control of mind and spirit directed to remaking the criminal class in the modern penitentiary.[3]

The work of John Langbein represents yet another aspect of the debate on Old Regime justice. Langbein suggests that judicial torture, the most frequently-cited abuse of the individual under Old Regime law, was in decline before the philosophes attacked the judicial establishment. Changes in the rules for establishing proof of guilt decreased the use of torture long before its official abolition in France.[4] The lesson is clear: the law in principle is not always the law in practice.

In order to assess Old Regime justice, and adjudicate among the debaters, it is necessary to know much more about the judicial system. This is not an easy task: scholars of the early modern period do not have at hand the detailed, official collections of statistics on crime and justice published by most western governments since the nineteenth century, like the Federal Bureau of Investigation's annual Uniform Crime Reports for the United States and the annual summaries of crime and justice published by the French government since 1825.[5] Perforce, an inquiry into the nature of Old Regime justice must be based on research in actual trial records. This task at a national level is far beyond the resources of a single scholar or even a team of scholars, but it is practical at the level of the records of representative local courts.

These trial records should be reviewed in the light of the kinds of questions posed in Chapter Three of this study. How effective was the Old Regime criminal justice system in identifying and apprehending law-breakers? (A judicial system may be brutal in principle, but if it captures and punishes only occasional malefactors, its impact is limited.) How did defendants' human rights fare before Old Regime tribunals? How careful were judges in reaching their verdicts? What were the punishments levied, and were they appropriate to the gravity of the defendant's crime? Old Regime justice cannot be assessed simply by twentieth-century standards, either. The attitudes toward

the courts among those subject to their justice must be examined. Chapters Three and Six reveal that a deep-seated distrust of police and judicial authority existed in the villages and hamlets of rural France selected for this study. This distrust was reflected in both an under-reporting of certain crimes and in the existence of infrajudicial means of settling disputes normally adjudicated at law today. Finally, any change in the nature of punishments or, as one scholar has suggested, in attitudes toward the law over the last years of the Old Regime must be ascertained.[6]

The courts forming the subject of this study were quite inefficient; justice was slow, costly and too often allowed malefactors to escape punishment. The professional magistrates of these courts, however, used the great judicial freedom accorded them under Old Regime law to ameliorate some of the harshest aspects of that jurisprudence. Their use of judicial torture, for example, declined far in advance of its official abolition, and the judicial persecution of Protestants for their refusal to adhere to Roman Catholicism abated long before the establishment of religious toleration.

The second part of this study, Chapters Four through Six, describes the crime Old Regime justice sought to control. The nature of this criminality and its development remain subjects of disagreement among historians. Early modern criminality differed substantially from that prevailing in the modern industrialised west. Present crime patterns are dominated by offenses against property. Although violent offenses against the individual always capture front page coverage in the press, and recent studies in the United States show that violence is feared much more than any other type of crime, violent crime is much less common in modern society than in that of the early modern period. Recent data for the United States indicates that 9.7 per cent of reported offenses in 1979 were acts of violence; similar data for the United Kingdom shows only 5 per cent of reported offenses as crimes of violence.[7] The remaining crimes in both countries were offenses against property.

By contrast, reported crime in early modern Europe was predominantly violent in nature.[8] In our sample, crimes of physical violence (homicide and assault) constituted between one-fifth and one-half of all reported crimes, depending on the period. Violence, indeed, seems to have been so common that it enjoyed a certain toleration, as Abel Poitrineau suggested in his characterisation of the Basse-Auvergne, one region of Old Regime France:

> There seems to be a great deal of tolerance towards violence, and brutality is an everyday occurrence... Recourse to out-and-out ruffianism, or assault and battery...seems to incur a lot less public resentment and to be less likely to put a man beyond the pale of rural society than crimes against property and damage to another man's estate. Ordinary household theft is always a hanging offense in eighteenth-century Auvergne, and complicity in armed robbery also incurs the death penalty, whereas assaults on individuals are usually indemnified by notarised transactions

stipulating damages based on surgeons' bills.[9]

The crux of the present discussion among historians of crime in France involves their attempt to ascertain when and why the modern pattern of crime in which property offenses predominate took shape. Their efforts have resulted in a view that holds that development of modern capitalism in eighteenth-century France inverted the early modern crime pattern by creating an economic system under which crimes against property multiplied.[10] In this view, the violence characteristic of the feudal period faded with the dissolution of the institutions and economic structure of the Old Regime. This explanation brings order to diffuse historical data on crime, and it conforms well to both theories of modernisation and Marxist historiography. But there are problems with this model sufficient to make it at best a tentative interpretation. For one thing, historians increasingly question the eighteenth-century rise of the French bourgeoisie on which this view is predicated.[11] Furthermore, not all crime data confirms that violence decreased and theft increased in eighteenth-century France; indeed, the local data presented in Chapters Four through Six of this study contradicts that idea.

The fact that this established interpretation cannot be accepted immediately does not diminish the value of research into criminal behaviour. Such research must rely on the difficult process of examining actual trial records. The records of continental European tribunals are particularly detailed, and they yield data not only on the historical evolution of crime, but also on the lives and minds of the illiterate majority of early modern Europe.[12]

The 1,141 dossiers of criminal cases that form the basis for this study provide considerable data for both understanding the mind of rural Old Regime France and its criminality. Each complete dossier contains a complaint, a transcript of witnesses' testimony and an interrogation record. The dossier provides the vital statistics of the criminal, including his name, social status and place of residence. If an interrogation is part of the dossier, the defendant's version of the alleged crime is reported along with his physical description and an indication of whether or not he could write. The complaint provides similar data for the plaintiff and his version of the crime. The witnesses' testimony includes their descriptions of the circumstances of the crime and personal information about them and their lives. By using this data, the historian can examine the same questions that students of modern crime treat: what crimes were committed; how, when and where they were perpetrated; who constituted the criminal element of society; and what motivated malefactors.

In addition to crime data, court records hold much of general interest on Old Regime society. Labelling theory emphasizes that each society defines for itself which actions constitute aberrant and therefore criminal behaviour, and that conduct considered deviant in one group may be entirely acceptable in another.[13] Stealing and the spectre of privation it raised for its victims in a subsistence economy made theft a crime particularly dreaded by many Frenchmen. In the event of threat to his property, it was not uncommon for the individual

citizen to take the law into his own hands in order to protect his possessions. Traditional values reinforced respect for property and the property owner's violence was often transformed into a community-wide violence against would-be thieves. Such retribution could be swift and certain, either forcing the thief to restore stolen property or subjecting him to violent punishment.[14] The norms of a society may be discerned equally well by examining the offenses it punished lightly or not at all: in the regions selected for this study, individuals committing acts of violence were often punished less severely than thieves. By the same token, sexual offenses elicited few criminal punishments from the courts and little sense of moral outrage from thier victims, only demands for financial recompense for the care of unwanted offspring.

Criminal records and court testimony clearly expose the structure of a society. Durkheim writes that deviant behaviour can be a healthy factor in the life of a group, because it forces the group's members to close ranks in self-defense.[15] The resulting pattern reveals much about group structure. Which kinds of criminals are sheltered from the authorities by their neighbours and which offenders are denied sanctuary is significant information. Minor altercations assume more importance when the familial or social links between a participant and his allies are noted. Data in this study shows, for example, that women acted almost invariably as accomplices of male relatives and seldom as independent agents of crime.

This study examines data originating from two sénéchaussées in southwestern France. Sénéchaussées, known as bailliages in northern France, were the most common courts of first instance for most Frenchmen.[16] The records of these courts are particularly significant because they offer the most complete picture of crime in Old Regime France. Many recent studies of Old Regime crime have been based on the necessarily more limited and selective records of appeals courts and specialised courts that judged either certain types of offenses or certain categories of offenders.[17]

The individual sénéchaussées selected for this study, those of Libourne and Bazas, were chosen because of their location in southwestern France, a region at once poorer and less well-educated than the north of France under the Old Regime, and often overlooked by historians of crime.[18] These two court districts were neighbours and, although economically and socially distinct, present essentially the same pattern of violent criminality. Fully 52.3 per cent of the total reported crime in the Sénéchaussée of Libourne and 58 per cent in the Sénéchaussée of Bazas constituted acts of physical or verbal violence. A preliminary overview of this crime is presented in Table I.01.[19]

The methods of this study, however, present certain problems, and a few words of explanation on the use of the resulting data are in order. A difficulty in using the Libourne and Bazas records is their sheer volume. The extent of these courts' records, in fact, is beyond the capacity of one individual to read and analyse for the entire period of their existence as judicial jurisdictions. The selection of a restricted period for study precludes analysis of long-term trends in

Table I.01.--Criminal Accusations Tried by the Sénéchaussées of Libourne and Bazas in Six Half-Decades, 1696-1789

| Offenses | 1696-1700[a] No. | % | 1738-1742 No. | % | 1770-1774 No. | % | 1775-1779 No. | % | 1780-1784 No. | % | 1785-1789 No. | % | Totals No. | % |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Violent crimes: | | | | | | | | | | | | | | |
| Homicide | 7 | 4.3 | 7 | 6.1 | 9 | 3.9 | 4 | 2.0 | 2 | 1.3 | 7 | 2.5 | 36 | 3.2 |
| Assault | 41 | 25.3 | 34 | 29.6 | 74 | 32.5 | 37 | 18.4 | 70 | 44.6 | 94 | 33.8 | 350 | 30.7 |
| Insults | 7 | 4.3 | 13 | 11.3 | 22 | 9.6 | 12 | 6.0 | 7 | 4.5 | 23 | 8.3 | 84 | 7.4 |
| Threats | 2 | 1.2 | 5 | 4.3 | 16 | 7.0 | 8 | 4.0 | 5 | 3.2 | 14 | 5.0 | 50 | 4.4 |
| Slander | 1 | 0.6 | 3 | 2.6 | 19 | 8.3 | 22 | 10.9 | 14 | 8.9 | 24 | 8.6 | 83 | 7.3 |
| Property crimes: | | | | | | | | | | | | | | |
| Theft | 19 | 11.7 | 20 | 17.4 | 44 | 19.3 | 39 | 19.4 | 19 | 12.1 | 38 | 13.7 | 179 | 15.7 |
| Unauthorized removal | 10 | 6.2 | 7 | 6.1 | 5 | 2.2 | 3 | 1.5 | 2 | 1.3 | 6 | 2.1 | 33 | 2.9 |
| False bankruptcy, embezzlement, extortion | 1 | 0.6 | | | 1 | 0.4 | | | 1 | 0.6 | 4 | 1.4 | 7 | 0.6 |
| Interception of a letter | 1 | 0.6 | | | | | | | | | | | 1 | 0.08 |
| Arson | 3 | 1.9 | | | | | 1 | 0.5 | 2 | 1.3 | 1 | 0.4 | 7 | 0.6 |
| Nonagricultural property damage | | | 2 | 1.7 | | | | | | | 3 | 1.1 | 5 | 0.4 |
| Agricultural offense | 2 | 1.2 | 3 | 2.6 | 11 | 4.8 | 13 | 6.5 | 7 | 4.5 | 11 | 4.0 | 47 | 4.1 |
| Crimes against morality | 5 | 3.1 | 2 | 1.7 | 6 | 2.6 | 19 | 9.5 | 10 | 6.4 | 21 | 7.6 | 63 | 5.5 |
| Violation of public order | 13 | 8.0 | 11 | 9.6 | 18 | 7.9 | 36 | 17.9 | 12 | 7.6 | 17 | 6.1 | 107 | 9.4 |
| Statutory violations | 9 | 5.6 | 3 | 2.6 | 2 | 0.9 | 7 | 3.5 | 2 | 1.3 | 14 | 5.0 | 37 | 3.2 |
| Crimes against the Roman Catholic religion | 41 | 25.3 | 5 | 4.3 | 1 | 0.4 | | | 4 | 2.5 | 1 | .4 | 52 | 4.6 |
| Totals | 162 | 99.9[b] | 115 | 99.9[b] | 228 | 99.8[b] | 201 | 100.1[b] | 157 | 100.1[b] | 278 | 100.0 | 1141 | 100.08[b] |

[a]Libourne only

[b]Difference of .08, .1 or .2 per cent due to rounding

both crime and punishment. Instead, six sample periods of five years each were selected for this study. Although lacunae in the Bazas records preclude study of that court district for the first of these periods, the following were selected: 1696-1700, 1738-42, 1770-4, 1775-9, 1780-4 and 1785-9. These represent various economic and political conditions during the last century of the Old Regime's life.

The period 1696-1700 was marked by economic difficulty and religious persecution. Although the War of the League of Augsburg ended in 1697, the demands of the war effort on the royal treasury produced new taxes in the capitation. Poor harvests throughout France in 1691-4 made it difficult for the subjects of Louis XIV to pay these exactions. In the southwest, poor harvests continued in 1695 and 1696, but signs of economic recovery appeared during the last years of the first (1696-1700) period.[20] Throughout this half-decade the royal courts continued the official persecution of Protestants, and the large Huguenot minority in the Sénéchaussée of Libourne felt the impact.

The half-decade of 1738-42, by contrast, was comparatively prosperous and happy. Although France was at war for most of the period, there were no invasions. Harvests in the southwest, except in 1742, were good, and food prices remained generally low.[21] By 1738, moreover, the persecution of Protestants was almost a thing of the past. The period from 1770-4 was not as fortunate, and political unrest and economic problems troubled the southwest. The Chancellor Maupeou suppressed the Parlement of Bordeaux from 1771 to 1774. The poor harvests of 1766-9 were followed by the disastrous yields of 1770-3, and the scarcity and high prices of continuous subsistence crises led to grain riots in the Libourne and Bazas regions in 1773. Though the harvest of 1774 was more bountiful, it was accompanied by an epizootic plague ravaging the herds of the Dordogne Valley region of the Libourne Sénéchaussée.[22]

The next two half-decades, 1775-9 and 1780-4, represent more orderly times. Although weather conditions and the American War for Independence conspired to drive up food prices in 1778 and during the early 1780s, prices did not return to the high levels of 1772-3.[23] The last half-decade, extending from 1785 to 1789, reverted to many of the same problems experienced during the early 1770s. In June 1787 the Parlement of Bordeaux refused to register a royal decree embodying Loménie de Brienne's plan for a provincial assembly in the Limousin. For this resistance the magistrates of the Parlement were exiled to Libourne for a year, temporarily disrupting the judicial appeal process.[24] The harvest of 1787 was a bad one and that of 1788 even worse; consequently, the spring of 1789 witnessed renewed subsistence-related disturbances in the Libourne and Bazas areas.[25] The year 1789 ended with the region and the kingdom plunged into revolution.

The criminal court trial records for these six periods also require some discussion, because all records of criminal activity are not of equal value. Two English researchers succinctly sum up the problem:

> The further the record is removed from the actual commission of the offense—in the course of the processes of

> reporting, of detection or prosecution, of conviction or acquittal, or imprisonment or discharge--the less directly and accurately will it reflect the incidence of a particular form of criminal activity, rather than the nature of the processes of law enforcement. Thus the number of convictions or the number of offenders imprisoned will constitute less precise indices of the actual offenses committed than the number of indictable committals; and the number of committals will in turn be a less precise index than the number of offenses recorded as known to the police. The numbers of offenses known, in short, are for most purposes the best statistics available.[26]

But the police resources of Old Regime France were rudimentary, as later chapters will show. Police blotters listing all known offenses did not exist, and the authorities normally became aware of a crime only when a complaint was lodged and a criminal procedure begun. Our data, therefore, is based on the best available source, the number of complaints lodged with the courts, even when the judges rendered no verdict. Only when litigation established that the complaint had no basis in fact, is the complaint excluded from the data. For example, if a victim of a head wound files a complaint for assault, the crime is reported in the statistics of this study even if the assailant never was brought to trial. But if the trial revealed that no assault occurred and that, for example, the wounds were self-inflicted or the result of an accident, the assault is removed from the statistics.[27]

Other sources for the history of crime supplement the records of Libourne and Bazas trials. One of these sources is the record left by the Maréchaussée, the rural police who arrested and tried without appeal those accused of crimes threatening the public order as well as the marginal population of vagrants, beggars and deserters.[28] Immediately after their arrests in the Sénéchaussées of Libourne or Bazas, such criminals were brought before the Libourne or Bazas magistrates for a judgement whether or not their status or offense made them liable to Maréchaussé justice. When such criminals appear in the Libourne or Bazas records, they are included in our crime statistics, even though final judgement rested with the Maréchaussée and not the Sénéchaussées. Occasionally certain criminals were tried by the Intendant of Bordeaux rather than the regular courts. Wherever research in the records of the Intendant indicates that the activity of such criminals occurred within the boundaries of the Sénéchaussées of Libourne and Bazas, they too are represented in our data.[29] The administrative correspondence of the Intendant is also the major source of information on the riots and uprisings occasionally disrupting the public order of southwestern France.

A final source for the study of crime in this region is the record of the Parlement of Bordeaux, the appeals court for much of southwestern France. The sacs à procès of cases carried on appeal to this tribunal also yield data on crime in the Libourne and Bazas Sénéchaussées.

Because these combined sources provide data on 1,141 crimes in

which 2,352 individuals faced criminal charges, a final comment must be addressed to the methods by which these figures were assembled and the research presented. Each criminal event presented in the records was registered as one crime. If an altercation between two tradesmen over a debt led both men to press charges of criminal assault against one another, only one crime is counted in the data because only one fight occurred, even if two trials were instituted in the courts. On the other hand, if an individual was put on trial for two offenses, for instance for a theft which the criminal compounded by attempting to conceal his deed with arson, two crimes are registered in the data.

Essential to the analysis of this criminal data and its expression in terms of reported crimes per 10,000 or 100,000 of population are reliable population statistics. Although no census of the Sénéchaussées of Libourne and Bazas exists for the eighteenth century, crime rates are expressed using population estimates based on the first modern census of the region, that of 1801. The findings of modern demographic studies of several communities of the region are added to this population data. Extensive comparisons with modern rates translate our data into a more comprehensible format.

NOTES

1. Quoted in Gordon Wright, Between the Guillotine and Liberty: Two Centuries of the Crime Problem in France (New York: Oxford University Press, 1983), p.15.

2. On the penitentiary in France see Patricia O'Brien, The Promise of Punishment: Prisons in the Nineteenth-Century France (Princeton: Princeton University Press, 1982).

3. Wright, pp. 16-23, summarises the debate; see also Michel Foucault, Discipline and Punish: the Birth of the Prison, trans. by Alan Sheridan (New York: Vintage Books, 1979).

4. John H. Langbein, Torture and the Law of Proof: Europe and England in the Old Regime (Chicago: University of Chicago Press, 1977).

5. United States, Federal Bureau of Investigation, Uniform Crime Reports: Crime in the United States, 1979 (Washington, D.C.: U.S. Department of Justice, 1980; and France, Ministère de la Justice, Compte général de la justice criminelle pendant l'année 1825 (Paris: Imprimerie Royale, 1827, and subsequent years).

6. Steven G. Reinhardt, 'Crime and Royal Justice in Ancien Régime France: Modes of Analysis,' Journal of Interdisciplinary History, XIII (1983), 437-60.

7. FBI, p. 37; Marshall B. Clinard and Daniel J. Abbott, Crime in Developing Countires: A Comparative Perspective (New York: John Wiley and Sons, 1973), p. 17; Robert K. Merton, 'The Sociology of Social Problems,' in Contemporary Social Problems, ed. by Robert K. Merton and Robert A. Nisbet (New York: Harcourt, Brace and Jovanovich, 1976), p. 28. The FBI classified as violent crimes the 1,178,540 reported homicides, aggravated assaults, rapes and robberies in 1979. The 10,974,200 property crimes reported in that year

included burglaries, larcenies over $50 and motor vehicle thefts.

8. On the high incidence of violence in early modern Europe, see, for example, Yves Castan, Honnêteté et relations sociales en Languedoc, 1715-1789 (Paris: Librairie Plon, 1974), pp. 85, 535; Marie-Madeleine Champin, 'La criminalité dans le bailliage d'Alençon de 1715 à 1745,' An. Nor. XXII (1972), 47-81; Bruce Lenman and Geoffrey Parker, 'Crime and Social Control in Scotland, 1500-1800,' History Today, XXX (1980), 13; Alain Margot, 'La criminalité dans le bailliage de Mamers, 1695-1750,' XII (1972), 185-222; Guido Ruggiero, Violence in Early Renaissance Venice (New Brunswick, N.J.: Rutgers University Press, 1980), pp. 65-66; and Michael Robert Weisser, 'Crime and Subsistence: the Peasants of the Tierra of Toldeo, 1550-1700' (unpublished doctoral dissertation, Northwestern University, 1972), p. 112.

9. Quoted in Pierre Goubert, The Ancien Régime: French Society, 1600-1750, trans. by Steve Cox (New York: Harper and Row, 1974), p. 282.

10. This view is labelled the 'Authorised Version' in Iain Cameron, Crime and Repression in the Auvergne and the Guyenne, 1720-1790 (Cambridge: Cambridge University Press, 1981), p. 191. The hypothesis itself originated with Pierre Chaunu and his students at the University of Caen and was introduced in Bernadette Boutelet, 'Etude par sondage de la criminalité dans le bailliage de Pont-de-l'Arche (XVII$^{e}$-XVIII$^{e}$ siècles): de la violence au vol: en marche vers l'escroquerie,' An. Nor., XII (1962), 235-62. Historians' efforts at tracing the evolution of the modern crime pattern include Howard Zehr, Crime and the Development of Modern Society: Patterns in Nineteenth-Century Germany and France (Totawa, N.J.: Rowman and Littlefield, 1976).

11. One of the opening statements in this particular debate was George V. Taylor, 'Noncapitalist Wealth and the Origins of the French Revolution,' AHR, LXXII (1967), 469-96.

12. Alfred Soman, 'Deviance and Criminal Justice in Western Europe, 1300-1800: An Essay in Structure,' Criminal Justice History, I (1980), 6.

13. Kai T. Erikson, Wayward Puritans: A Study in the Sociology of Deviance (New York: John Wiley and Sons, 1966), p. 6.

14. Clinard and Abbott, p. 84; George B. Vold, 'Crime in City and Country Areas,' Annals of the American Academy of Political and Social Science, CCXVII (1941), 38, 45; Howard Zehr, 'The Modernization of Crime in Germany and France, 1830-1913,' JSH VIII (1975), 120, 130-31; T.J.A. Le Goff and D.M.G. Sutherland, 'The Revolution and the Rural community in Eighteenth-Century Brittany,' Past and Present, No. 62 (1974), 103-05, cite cases of thieves being forced by community action to return stolen articles as well as of the administration of punishment by the community. Such punishment could range from beatings to shaving one-half of the thief's head. Nicole Castan, Justice et répression en Languedoc à l'époque des lumières (Paris: Flammarion, 1980), p. 53, identified a spontaneous local justice operating '...au nom d'un droit naturel intangible...' This same author in her 'Criminalité et litiges sociaux en Languedoc de