

**Madness in the Realm:
Narratives of Mental Illness in Late Medieval France**

by

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To my parents, who passed on their love of history,
and to David.

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Chapter 1:

Introduction

In Laurent de Premierfait's 1409 retelling of the story of Cadmus, king of Thebes, the king's family members play a central role in his downfall.¹ The first disruptive episode in Cadmus' life involved his daughter. As Laurent told the story,

while the women of Thebes were, according to their custom, performing the festival of Bacchus, Agane, daughter of the said Cadmus, became insane (*forsennee*) and went to the court as if enraged (*enraiee*) against her son Pantheus, whom she had had with Echion her husband, a noble and powerful man. And Agane struck and murdered her son Pantheus who had mocked the sacrifices that were done to Bacchus, the god of wine, and as some people say she murdered him with a javelin or a club while the said Pantheus was not thinking of anything; thus as Agane, returning to her senses (*sens*), afterward heard it told.²

Agane, becoming *forsennee* and *enraiee*, created ruptures within her family, and attacked those she would normally hold dear. Pantheus had mocked the sacrifices of the Bacchanal, which placed Agane's act in the context of a challenge to her religious

¹ This was Laurent de Premierfait's second translation of Giovanni Boccaccio's *De Casibus Virorum Illustrium* (*The Fall of Noble Men*). In 1400, he translated the work directly, but in 1409 he revised the original, returning to the classical sources and expanding considerably on Boccaccio's original. The story of Cadmus in both Boccaccio and Laurent de Premierfait was drawn from Euripides' play, *The Bacchae*. See Giovanni Boccaccio, *De Casibus Illustrium Virorum: A Facsimile Reproduction of the Paris Edition of 1520* (Gainesville: Scholars' Facsimiles and Reprints, 1962), 31; Euripides, *The Bacchae*, trans. Hebert Golder (New York: Applause Theatre & Cinema Books, 2001).

² Patricia May Gathercole, ed., *Laurent de Premierfait's Des cas des nobles hommes et femmes, book 1, translated from Boccaccio, Studies in the Romance languages and literatures no. 74* (Chapel Hill, NC: University of North Carolina Press, 1968), 123-124: "tandiz que les femmes de Thebes faisoient selon leur coustume les festes de Bachus, Agane fille du dit Cadmus devint forsennee et s'en vint le cours comme enraiee contre son filz Pantheus lequel elle avoit eu de Echion son mari, noble et puissant homme. Et Agane frapa et murtry son filz Pantheus qui se moquoit des sacrifices que l'en faisoit a Bachus, le dieu du vin, et comme aucuns dient elle le murtri d'un javelot ou d'une massue tandiz que le dit Pantheus pensoit en riens, ainsi comme Agane retournee en son sens oy après racompter."

community. While in ordinary circumstances Pantheus' challenge would not have led his mother to such a violent anger, the impetus of the ritual of the Bacchanal pushed her beyond her normal behavior, making her "enraged." The pathos of the passage is highlighted through both the emphasis on Pantheus' identity as Agane's legitimate son and Pantheus' lack of fear or concern when his mother appeared. Significantly, Agane lost her memory of her own actions while she was "insane," requiring others to tell her about her own deeds when she returned "to her senses." Her memory loss further confirmed the altered state in which she had murdered her child, and created a need for a narrative reconstruction of events that allowed Agane and her family to explain and comprehend the horror of her son's death.

Agane's actions were not the only violent episode in Cadmus' family. In a second occurrence, the husband of another of Cadmus' daughters also attacked his children.³ Laurent explained

Athamas, son-in-law of Cadmus, who was already called king of Thebes and to whom the people did honor as if he were already king, became enraged (*enraigié*) and crazy (*sot*), to such an extent that Athamas, believing that his wife Ynoe, daughter of the said Cadmus, was a lioness and that his two small children were two lions, gave a great cry. And afterwards, by force, he grabbed Learchus, their son together, out of the arms of Ynoe, and knocked and broke [the child] with all his effort against a hard rock. But immediately Ynoe, the mother of Learchus, upset at his death, fearing for Meleatrix, another of her sons, and fleeing Athamas, her husband, who followed her, maddened (*forseneux*) and enraged (*enraigié*); she threw herself, with her said son Meleatrix, off the crest of a mountain into the Ionean Sea, and because of this she and her son were swallowed up and died in that sea.⁴

³ This story was drawn from Ovid's *Metamorphoses*. See Ovid, *Metamorphoses*, trans. Charles Martin (New York: W.W. Norton, 2004), 140-146. Note that, although madness ran in the family here, it was not being attributed to heredity, since Agane and Athamas were not related by blood, only by marriage.

⁴ Gathercole, ed., *Laurent de Premierfait's Des cas des nobles hommes et femmes*, 124: "Athamas, gendre de Cadmus, que l'en surnommoit ja roy de Thebes et auquel le peuple faisoit honneurs comme se il feust ja roy devint enraigié et sot, en tant que Athamas, cuidant sa femme Ynoe fille du dit Cadmus feust une leonnesse et que ses deux petis enfans feussent deux leonceaux, fist un grant cri. Et après par force il arracha de entre les bras de Ynoe Learchus leur commun filz, et le quoti et froissa de tout son effort contre une dure roche. Mais tandiz que Ynoe la mere de Learchus courroucée de sa mort doubtoit de Meleatrix un

These two moments of violence have clear parallels, as both Agane and Athamas destroy the next generation, erasing Cadmus' lineage as well as their own. The terminology Laurent de Premierfait used to describe this madness, these mental states in which such violent actions were possible, carries over from one event to the other. Athamas, like Agane, was described as *enraigié* and *forseneux*. Their mental states were not identical: Athamas was also described as *sot*, and his behavior manifested itself in terms of visions, rather than religious ecstasy. Nevertheless, in both cases the focus was on a transformation of the normal into the frighteningly strange, both for the sufferer him- or herself and for the family members who did not expect to be the target of his or her aggression. These literary representations constructed a dichotomy between the expected behavior and the actual behavior of the subject, who destroyed communal and familial relationships by attacking the very people that he or she logically should protect.

Laurent de Premierfait was translating, and expanding upon, Giovanni Boccaccio's *De Casibus Illustrium Virorum*, making it available to a French audience in the vernacular. Boccaccio's treatment of Cadmus' violent and mentally unstable relatives was truncated, and used less varied and evocative language. In his Latin version, Agane was "furiis agitata" when she killed her son, and Athamus "in furorem lapsus."⁵ Laurent de Premierfait's translation moved beyond the image of fury, seeking multiple terms to describe Agane's and Athamas' madness. These vernacular French terms suggested particular contexts within which these moments of mental instability could be understood.

sien autre filz et fuyoit Athamas son mary qui la poursuivoit forseneux et enraigié, elle avec son dit filz Meleatrix se trebucha de la creste d'une montaigne en la mer Yonie, et par ainsi elle avec son filz fut transloutie, et mourut en celle mer."

⁵ Boccaccio, *De Casibus Illustrium Virorum*, 31.

In 1409, stories about madness, kingship, family and community such as Laurent de Premierfait's would have had a particular resonance for French readers. Charles VI, the French king, had turned on his own men in 1392, in an episode that his contemporaries believed was caused by a mental disturbance, and the king continued to suffer unpredictable relapses. Indeed, as one scholar has argued, citing the illustrations in the manuscript tradition, "the *De casibus* narratives of the fallen figures of mythology, the Bible, antiquity, and recent history appear to have been used in France to comment on the political events of the present."⁶ Laurent de Premierfait had a number of connections with the French court. He was active in the humanist circles that included several royal notaries, and had engaged in correspondence with them while he was living in Avignon at the papal court. When he moved to Paris, he worked as a clerk for one of the king's secretaries, which would have brought him into closer contact with the royal court. In 1409, when he finished his second, expanded version of *Des Cas des Nobles Hommes et Femmes*, he was working as secretary to Jean, duke of Berry, uncle to King Charles VI and patron of a number of important works of literature and art.⁷ Ducal patronage widened Laurent's audience beyond his own humanist circles to the court itself, where his treatment of the madness of kings and princes would probably have been read in the light of the potential tragedies inherent in Charles VI's own illness.

This dissertation uses narratives about madness to situate mad people within their larger communities, covering the years between the beginning of Charles V's reign in

⁶ Nigel Mortimer, *John Lydgate's Fall of Princes: Narrative Tragedy in its Literary and Political Contexts* (Oxford: Clarendon Press, 2005), 34. He points out that one manuscript version includes an image of Charles VII presiding over the trial of Jean, duke of Alençon, accused of conspiracy with the English and executed.

⁷ For more on Laurent de Premierfait's life and works, see the essays collected in Carla Bozzolo, ed., *Un traducteur et un humaniste de l'époque de Charles V: Laurent de Premierfait* (Paris: Publications de la Sorbonne, 2004).

1364 and the end of Charles VIII's in 1498. It should be noted at the outset that mentally ill people do not always make it into the historical record, and those that do often appear due to particularly unusual circumstances. Thus, while the mental instability of a poor person who had no chance of inheriting property and never appeared violent or threatening to any observers would generally not leave any marks in the archives, that of a wealthy person who owned or was heir to property or of any individual who became violent would appear in legal documents. As a result, the many documents that narrate the acts of the mentally disturbed king Charles VI allow for an exploration of the relationship between madness, kingship, and royal authority. Because the king's illness was cyclical, he was able to govern the kingdom during his periods of sanity, and his close relatives took on the role of regents during his crises. By returning to the regency that had governed during his minority, the king's relatives were following law codes that assigned guardians to minors and the mad. Issues of inheritance and legal controls over the mentally disturbed were dealt with in Roman law, which influenced the development of medieval canon law and French customary law. Indeed, the records of criminal procedure, and particularly of the kings' remissions for crime, provide the richest evidence of the mentally ill and their interactions with other people. Medieval narratives about madness, like those of Laurent de Premierfait, described it as a threat to the bonds of kinship and community in both philosophical and practical ways. However, instead of seeking to alleviate this threat by expelling them, these narratives presented idealized communities that reconstructed themselves around the figure of the mad person. The mental illness of an individual thus became an occasion for communities to reaffirm the boundaries of acceptable behavior, to confirm ties of consanguinity and affinity, to

acknowledge structures of authority and jurisdiction, and ultimately to reintegrate disruptive members.

Madness has often been imagined as an isolating condition, in terms of both the nature of the condition itself and the way the mentally ill have historically been treated. The kinds of intellectual histories that have been written about insanity in the Middle Ages tend to support this view, but, due to the sources they use, they generally ignore the wider social significance of the disease.⁸ Medieval concepts of social identity are often defined in terms of membership in multiple layers of communities.⁹ Thus, the communities examined in this dissertation range from the vastness of Christendom as a whole and the French realm, down to local villages and particular kin groups. My sources include chronicles, sermons, political treatises, law codes, and remission letters. All of these different records simultaneously reflected and informed the ways people thought about madness and interacted with those whom they believed to be mad. In these texts, mental illness was not at all isolating. Rather than being marginalized, these people became central to narratives which sought to ameliorate the damage they had done.

I have chosen to use madness as an overarching term in this dissertation in an effort to access broader linguistic, social, cultural and political meanings. There was no single term for madness in this period, and many texts use descriptive phrases, such as the French phrase *hors de son sens* (“out of their senses”) rather than just one word, as we

⁸ See particularly Penelope Doob, *Nebuchadnezzar's Children: Conventions in Madness in Middle English Literature* (New Haven: Yale University Press, 1974); Jean-Marie Fritz, *Le discours du fou au Moyen Âge: XIIe-XIIIe siècles* (Paris: Presses Universitaires de France, 1992); Muriel Laharie, *La Folie au Moyen Âge: XIe-XIIIe siècles* (Paris: Le Léopard d'Or, 1991); Judith Neaman, *Suggestion of the Devil: The Origins of Madness* (New York: Anchor Books, 1975).

⁹ Caroline Walker Bynum, “Did the Twelfth Century Discover the Individual?,” in *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1984), 82-109; Diane Watt, “Introduction: Medieval Women in their Communities,” in *Medieval Women in their Communities*, ed. Diane Watt (Toronto: University of Toronto Press, 1997), 1-19.

still do in modern discourse when we refer to people who are “out of their minds” or who “come back to their senses.” Modern terminology includes some of the same range of possibilities as medieval terminology, and the large scope of the term “madness” allows for this expanse. “Madness” also avoids enforcing modern anachronistic understandings that were not present in the vast array of terms used in medieval texts to describe this condition. Insanity insists on an interpretation that pairs madness as the opposite of sanity, or health, and mental illness is equally focused on diseases of the mind. While both of these concepts existed in the Middle Ages, there were also a number of alternative ways of thinking about what madness was and what it meant, as there are now. The ideas of “not sane,” “foolish,” “mentally ill,” and “mentally disturbed” do have their place within the greater conceptualization of madness. Therefore, I will use all these terms according to context, with “madness” as an umbrella under which the others can be found. The term madness, rather than limiting my focus to a single lens, allows the engagement of a range of interpretive frameworks.

I. Vocabularies of Madness

The text of a legal document from 1424 will allow for a first foray into the range of terms and concepts available in fourteenth- and fifteenth-century France for addressing madness and the mad. According to Jehannecte Troppé’s relatives, in October, more than two weeks before she killed her husband, Jehannecte had begun seeing visions that caused her to become “merancolie.” The next day, she acted as if she were “demoniacle,” and her husband recognized that her actions came from “frenaisie et

merencolie,” or possibly from “mal du saint,”¹⁰ and did not punish her for them, hoping that soon she would return to her “bon sens et advis.” Unfortunately, she did not, and her relatives indicated that she was still, two months later, “comme demoniacle,” and due to her “maladie” should not be punished for her crime, adding that she should be released from prison, not only for her own health but for the health of the child she was carrying. Finally, they cited the customary laws of Normandy, asserting that, if released from prison, Jehannecte would be kept in chains or otherwise securely guarded so that she would not harm anyone else in future.¹¹

This story has been recovered from a remission letter, written to the king of France, and reveals the variety of terms available to describe a mental disturbance that could lead to violence.¹² The range of words and phrases used in describing Jehannecte Troppé suggest some of the complexities and confusions involved in describing an internal state that could be recognized through behavioral signs. When medieval people, to whom control was a sign of reason and sanity, were faced with someone who was not able to control him or herself, what vocabulary did they use to describe that condition? Terms such as *frenaisie* and *merancolie* gesture towards a medical discourse, whereas *demoniacle* and *mal du saint* suggest supernatural intervention. The concept that

¹⁰ “Mal du saint” could be understood as an illness visited on someone as punishment for offending a saint. See Robin Briggs, *Communities of Belief: Cultural and Social Tension in Early Modern France* (Oxford: Clarendon Press, 1989), 24.

¹¹ Archives Nationales Series JJ book 173 folio 33v number 63 (henceforth abbreviated as AN JJ 173 fo 33v no 63). Edited in Paul Le Cacheux, ed., *Actes de la chancellerie d’Henri VI concernant la Normandie sous la domination anglaise (1422-1435), extraits des registres du Trésor des chartes aux Archives nationales* (Rouen: A. Lestringant, 1907-1908), vol. 1, 181-183. The customary law of Normandy does call for the chaining or guarding of the mad to prevent their harming themselves or others. See my further discussion of the law in chapter 3, and William Lawrence de Gruchy, ed., *L’ancienne coutume de Normandie* (Jersey: C. LeFeuvre, 1881), 184 LXXIX.

¹² For more on these documents, see Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-century France* (Stanford, CA: Stanford University Press, 1987), 7-25; Claude Gauvard, *“De Grace Especial”: Crime, état et société en France à la fin du Moyen Age* (Paris: Publications de la Sorbonne, 1991), 2 vols., vol. 1, 59-110.

Jehannecte needed to return to her *bon sens* focused on a definition of her condition as mental disturbance, since she was out of her good senses. A further exploration of language can help shed some light on the ways medieval people understood mental illness.¹³

The most prevalent terminology used in medieval French to indicate a mentally unstable condition centered on words that described a lack of sense, understanding, comprehension, or knowledge, as was the case with Agane who “returned to her senses” after attacking her son.¹⁴ Jean-Marie Fritz, in an examination of the terminology for madness in medieval romance, notes that

the mad person is a being from outside, out of all civilized or socialized space, out of himself, out of his senses, and thus some of the expressions which habitually designate the frenetic in our romances are those such as *hors du sen*, *hors de son mimore*, *issir del sen*, and not *fol*.¹⁵

These expressions imagined madness as somehow outside of normal modes of comprehension and knowledge. The imagery placed the mad mentally outside the bounds of human thought processes, suggesting that their behavior would be equally outside expected social norms.

Phrases and terms such as *hors du sens*, *non sens*, or *insensible* negated the positive valence of the term *sens*. In a phrase that makes the distinction between positive

¹³ In this study of the vernacular French vocabularies of madness, I am inspired in part by Helmut Puff’s proviso that what is significant “is not language in its abstraction” but instead “the ways in which historical actors, magistrates, officials, translators, redactors, experts, or defendants used language.” Helmut Puff, *Sodomy in Reformation Germany and Switzerland, 1400-1600* (Chicago: University of Chicago Press, 2003), 3.

¹⁴ For just a few examples, see AN JJ 78 fo 145 no 262 (in 1350); AN JJ 114 fo 116v no 236 (in 1379); AN JJ 115 fo 34 no 75 (in 1379); AN JJ 158 fo 11 no 20 (in 1403); AN JJ 171 fo 292 no 520 (in 1422); AN JJ 181 fo 67v no 123 (in 1452); AN JJ 188 fo 81 no 160 (in 1459); and AN JJ 220 fo 52v no 90 (in 1489).

¹⁵ Fritz, *Le discours du fou*, 16: “le fou est un être du dehors, hors de tout espace civilisé ou socialisé, hors de soi, hors du sens, et ce sont bien des expressions comme *hors du sens*, *hors de son mimore*, *issir del sen*, et non *fol*, qui habituellement désignent dans nos romans le frénétique.”

and negative meanings even clearer, some people were described as *hors de bon sens*.¹⁶ In using such phrases, authors were drawing on a long tradition of understanding *sens* as an essential component of comprehension, understanding, and knowledge, and the opposite of *sens*, or a lack of *sens* as a negative condition that led to mental incoherence. Such usage was common in twelfth- and thirteenth-century vernacular literature, where the mentally unstable were described as “hors du sens” or as having their “sens dervé.”¹⁷ The verb *derver* or *desver* indicated a raving madness, often connected in romances to anger or to particularly grave wounds.¹⁸ Like *sens*, *entendement* was used to indicate mental comprehension and cognition.¹⁹ Similarly, *memoire* often appeared in conjunction with *sens* to indicate a troubled mental state. For example, in Chrétien de Troyes’ romance *Yvain*, when Yvain was healed he returned to “son san et son memoire.”²⁰ In Benoit de Sainte-Maure’s *Roman de Troie* all three terms are used together, when an “ome desvé senz escient, Qui rien ne set ne rien n’entent, Rameinent tot en son memoire” (“insane man without wisdom, Who knows nothing and understands nothing, Is quickly returned to his memory”).²¹ Thus, the text actively defined a person who was *desvé* as one “without wisdom, who knows nothing and understands nothing,” and presented recovery as a return to “memory.”

This concept of madness as a negation of cognitive ability drew upon medieval medicine and natural philosophy. What did it mean to be *hors du sens*, *hors*

¹⁶ For examples, see AN JJ 115 fo 52 no 114 (1379); AN JJ 130 fo 159 no 282 (1387); AN JJ 146 fo 7 no 14 (1394); AN JJ 174 fo 7 no 17 (1427); AN JJ 220 fo 52v no 90 (1489).

¹⁷ Adolf Tobler and Erhard Lommatzsch, *Altfranzösisches Wörterbuch: Adolf Toblers nachgelassene Materialien bearbeitet und mit Unterstützung der Preussischen Akademie der Wissenschaften* (Berlin: Weidmann, 1925-), 11 vols., vol. 9, 456-465. For more *hors du sens* see also the entry for *hors* in Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 4, pt. 2, 1180.

¹⁸ Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 2, 1813-1816.

¹⁹ *Ibid.*, vol. 3, pt. 1, 570-571.

²⁰ Cited in *Ibid.*, vol. 5, 1378.

²¹ Cited in *Ibid.*, vol. 5, 1382.

d'entendement, or hors du memoire? Medicine and philosophy had multiple ways of understanding the functions of the mind, and indeed where the mind was located in the body. While physicians believed that the mind was located in the brain, philosophers believed it was in the heart. There were a number of divergent arguments about the treatment of the mentally ill because of these distinctions. As Ruth Harvey notes,

because of the ambiguous nature of the bodily spirits, which both partook of the physical constitution of the body, and provided the link by which the mind communicated with the bodily organs, the doctors were led to the treatment of disordered reason almost as though it were a purely physical function; whereas the philosophers insisted that reason as such fell outside medical control.²²

Avicenna attempted to reconcile these two theories by positing that the bodily spirits had their ultimate source in the heart, but that their immediate source was in the brain. Thus, medical practitioners could continue to treat mental disturbance.²³ The Galenic explanation of cognitive processes that Avicenna was working within offered a tripartite model of the brain, where imagination (*imagination*) was in the warm and dry front, reason (*raison*) in the warm and moist middle, and memory (*memoire*) in the cold and dry back.²⁴ Thus, the areas of the brain also correspond to three of the four humors (only phlegm is left out), with imagination associated with cholera, reason associated with blood (a sanguine nature), and memory associated with melancholy. Isidore of Seville, in his sixth-century *Etymologies*, used the tripartite model of the brain to provide a model of mental illness under the heading of Chronic Diseases, dividing the general category of madness into three specific types: epilepsy, mania, and melancholy, which arise from

²² E. Ruth Harvey, *The Inward Wits: Psychological Theory in the Middle Ages and the Renaissance* (London: Warburg Institute, University of London, 1975), 8.

²³ *Ibid.*, 22-23.

²⁴ See *Ibid.*, 35; Raymond Klibansky, Erwin Panofsky, and Fritz Saxl, *Saturn and Melancholy: Studies in the History of Natural Philosophy, Religion, and Art* (London: Nelson, 1964), 68-69.

imagination, reason, and memory, respectively.²⁵ This division based on models of the brain allowed for a more complicated reading of behavior to explain disturbances believed to be caused by madness. Problems with the imagination generally produced visions, problems with the memory caused forgetfulness, and problems with the reason caused people to do irrational things.²⁶

A lack of knowledge could also be used to describe a mental disturbance. *Savoir* most often appeared in the phrase *peu sachant* (little knowing) or in cases where a person acted *ne savoit qu'il faisoit* (without knowing what he was doing). The term *sachamment* (knowingly) was used in a particularly interesting way in the late fourteenth-century text, *Le Ménagier de Paris*. In discussing confession, the author recommended that the sinner explain whether he committed the sin “knowingly” or “ignorantly”: “doit le pecheur dire la condicïon du pechié...; s’il le fist sachamment ou ygnorament” (“the sinner must tell the condition of the sin...; whether he did it knowingly or ignorantly”).²⁷ In this sense, then, *savoir* was connected to intent, implying that actions done *sachamment* were different from those done when a person “did not know (*ne savoit*) what he (or she) was doing (*faisoit*).” Although the term *connoissance* can also be translated as “knowledge,” it differs from *savoir*, in that it implies knowledge of people, places or things. For example, a figure in one of the fabliaux declared, “[h]ors sui de mon päis et de ma connoissance” (“I am outside of my country and of my knowledge”).²⁸ Thus, to describe

²⁵ Isidore of Seville, *Etymologies*, ed. W. M. Lindsay (Oxford: Oxford University Press, 1911), IV.7; Isidore of Seville, *The Etymologies of Isidore of Seville*, trans. Stephen A. Barney et al (Cambridge, UK: Cambridge University Press, 2006), 111.

²⁶ Klibansky, Panofsky, and Saxl, *Saturn and Melancholy*, 93. See also the chart of the Aristotelian division of souls in Katharine Park, “The organic soul,” in *The Cambridge History of Renaissance Philosophy*, ed. Charles B. Schmitt, et al. (Cambridge: Cambridge University Press, 1988), 464-484, 466.

²⁷ Cited in Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 9, 262.

²⁸ Cited in *Ibid.*, vol. 2, 702.

people as having lost all *connoissance* suggested that they had lost the kind of intimate knowledge of and familiarity with people and places close to them.

Raison, or reason, was also applied to mental capacity and incapacity. The allegorical persona of *Raison* was a common figure in medieval literature.²⁹ Reason was something that people returned to when they recovered from insanity, as well. For example, the medieval French translation of Ovid's *Remedia Amores* notes, "quant il est hors de s'irour Et appaisiés de sa furour . . . , lors est il plus raisonnables Et ses maulx plus medicinables" ("when he is outside his anger And appeased of his fury . . . , then is he more reasonable And his ills more curable").³⁰ Ovid's poem explained here some of the dangers of excessive emotions, such as anger (*irour*) and fury (*furour*), establishing that when a man is no longer emotional he is more reasonable. The link between the language of emotion and that of mental disturbance is particularly strong. Many of the terms for mental illness can also be used to describe emotional states.

This evocative imagery of people existing outside their sense, understanding, memory, and reason stems in part from the biblical concept of the mad person, who lacks spiritual knowledge and fails to recognize God, as the opposite of the wise person. This kind of foolishness held up as the inverse of wisdom is particularly prevalent in the Old Testament and especially in the Book of Proverbs.³¹ In Latin, the most common term

²⁹ The personification of Reason played a central role as the Foolish Lover's guide in the *Roman de la Rose*, for example. Guillaume de Lorris and Jean de Meun, *Le Roman de la Rose: Édition d'après les manuscrits BN 12786 et BN 378*, ed. Armand Strubel (Paris: Librairie Générale Française, 1992). For more on the *Roman de la Rose* and royal notaries, see the discussion in chapter four.

³⁰ Cited in Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 8, 224.

³¹ Several French translations of parts of the Bible were circulating in this period. Samuel Berger, *La Bible française au moyen âge* (Paris: Imprimerie nationale, 1884; reprint, Genève, Slatkine Reprints, 1967). These stories also circulated in vernacular sermons. For more on sermons, see Michel Zink, *La prédication en langue Romane avant 1300* (Paris: Editions Honoré Champion, 1976).

used for this type of madness is *stultus*,³² although *fatuus*³³ and *insipiens*³⁴ also appear. In a French translation of the psalms, *stultus* was generally translated as *fol*, while *insipiens* was translated sometimes as *fol* and other times as *sot*.³⁵ However, folly in the world was not always understood negatively in the Bible. Through the figure of inversion, the same terms used to describe the opposite of wise action could also be understood as the positive state of soothsayers and prophets,³⁶ or the way Jesus was perceived by unbelievers.³⁷ The idea that a fool in the world could be wise in the eyes of God was picked up by a number of medieval saints, most notably St. Francis of Assisi.³⁸ In Christian understanding, then, these terms had multiple and varied significations. In interpreting these Biblical cases and trying to understand their significance in more general terms, medieval theological texts treated madness as a loss of human reason. As Jean-Marie Fritz argues, Latin theological terms for madness taken from the Bible, such as *insipiens*, *insania*, and *dementia*, imply this lack.³⁹

³² The Latin Biblical citations come from Robert Weber, ed., *Biblia Sacra Iuxta Vulgatam Versionem* (Stuttgart: Deutsche Bibelgesellschaft, 1969). See First Kings 25:25, Job 5:2, Psalms 48:11, Psalms 91:7, Proverbs 7:22, Proverbs 9:13, Proverbs 10:1-25, Proverbs 11:29, Proverbs 12:15, Proverbs 13:16-20, Proverbs 14:3-29, Proverbs 15:2-21, Proverbs 17:2-28, Proverbs 18:2-13, Proverbs 19:3-29, Proverbs 24:7-9 and 30, Proverbs 26:1-12, Proverbs 27:3 and 22, Proverbs 28:26, Proverbs 29:9-11 and 20, Proverbs 30:22 and 32, Ecclesiastes 2:12-19, Ecclesiastes 4:5, 13 and 17, Ecclesiastes 6:8, Ecclesiastes 7:5-11, 18 and 26, Ecclesiastes 10:1-6, 13-15, Ecclesiastes 18:18, Ecclesiastes 21:22 and 26-28, Ecclesiastes 22:9-22, Ecclesiastes 27:12, Isaias 32:4-6, Jeremias 10:14, Luke 12:20, and First Corinthians 3:18-19.

³³ See Proverbs 12:16, Proverbs 13:16, Proverbs 14:24, Proverbs 15:2, Proverbs 17:12 and 21, Ecclesiastes 19:11, Ecclesiastes 20:13, 17 and 22, Ecclesiastes 21:17-30, Ecclesiastes 22:7-23, Ecclesiastes 25:4, Ecclesiastes 33:5, Isaias 32:6 and Matthew 5:22.

³⁴ *Insipiens* gets used both in terms of folly and in terms of insanity, as these concepts are used in the Bible. See Psalm 13:1, Psalm 38:9, Psalm 52:1, Proverbs 10:18, Proverbs 14:1, Proverbs 26:8, Ecclesiastes 10:12, Ecclesiastes 20:14 and 33, and Isaias 32:5 for *insipiens* as the inverse of *sapiens*. See Psalm 48:11 and 13, Psalm 91:7, Luke 6:11, 2 Peter 2:16 for *insipiens* as insanity.

³⁵ Both of these are the terms used for madness in the Psalms. See François Bonnardot, ed., *Le Psautier de Metz: Texte du xiv^e siècle* (Paris: F. Vieweg, 1884), 41, 117, 143, 153, 262.

³⁶ Fourth Book of Kings 9:11 and 19:28 (*insanus*); Prophecy of Isaias 44:25 (*furor*).

³⁷ Gospel of Mark 3:21 (*furor*); Gospel of John 10:20 (*insanus*); Acts of the Apostles 12:15 and 26:24 (*insanus*); First Corinthians 14:23 (*insanus*).

³⁸ John Saward, *Perfect Fools: Folly for Christ's Sake in Catholic and Orthodox Spirituality* (Oxford: Oxford University Press, 1980), 84-89.

³⁹ Fritz, *Le discours du fou*, 7.

Vocabularies of madness did not solely involve descriptive phrases suggesting mental incapacity. As is clear even in the brief discussion of medical theory and biblical madness above, there were a number of nouns and adjectives that could be used to indicate madness as well. While the words *fou* and *folie* often indicated behavior similar to that described by the English terms “fool” and “folly,” defined in the Oxford English Dictionary as “one deficient in judgment or sense, one who acts or behaves stupidly, a silly person, a simpleton,”⁴⁰ sometimes they were used as part of the array of possible terms to describe a more violent form of madness.⁴¹ *Fol* actually has a number of diverse meanings according to the texts collected in the *Altfranzösisches Wörterbuch*. It could indicate foolish stupidity, thoughtless foolishness, ignorance, madness, infatuation or lovesickness, and even prostitution.⁴² As noted above, French versions of the psalms translated both *stultus* and *insipiens* as *fol*. The word *sot* was sometimes used as a translation for the Latin word *stultus* in religious texts varying from *Li Sermon saint Bernart* to *La Vie de saint Thomas le martyr*, generally as an alternative form of *fol* or *forsené*. It also appeared in Romances such as *Li Roman d’Alixandre* and *Fabliaux*.⁴³

Both *stultus* and *insipiens* were most often used in the Bible to describe a foolish lack of faith.

⁴⁰ See for example AN JJ 223 fo 24v no 41 (in 1492), where a drunken man is described as “foul”; AN JJ 209 fo 55 no 93 (in 1480), where a drunken man uses the term “foulx” as an insult; AN JJ 155 fo 5 no 11 (in 1400), where a young man steals from “folie”; and AN JJ 155 fo 188 no 309 (in 1400), where young men commit gang rape through their “folie jeunesse.”

⁴¹ See AN JJ 114 fo 106v no 212 (in 1378), where a woman kills her child “dans un acces de folie.”

⁴² Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 3, pt. 2, 1998-2003. Interestingly, many of the uses of *folle fame* to refer to prostitutes appeared in texts requiring them to be turned out. For example, Robert de Clary’s thirteenth-century text *La Prise de Constantinople*, describes the treatment of prostitutes traveling with the army: “et quemanda on que on quesist et que on ostast toutes les foles femmes de l’ost et que on les envoiait bien loins ensus de l’ost; et on si fist, que on les mist toutes en une nef, si les envoia on bien loins de l’ost.” And in Jean sire de Joinville’s fourteenth-century *Histoire de Saint Louis*, Saint Louis cleaned up the city: “que les foles femmes soient boutees hors des maisons, et qui c’onques louera maison a fole femme, il rendra au prevost ou au baillif le loier de la maison d’un an.”

⁴³ *Ibid.*, vol. 9, 979-981.

The slipperiness of meaning for the term *fol*, ranging from stupidity to violent madness to infatuation, exemplifies the complexities and shades of meaning of all the terms for mental incapacity. In an early twentieth-century compilation of medieval French proverbs, thirty-seven begin “fous est.”⁴⁴ Many of these proverbial phrases refer to fools as the inverse of the wise, much like Biblical treatments of folly. For example, “[f]ous est qui ne croit consoill,” (“a fool is one who does not believe counsel”),⁴⁵ which suggests that fools would not engage with the community in order to come to conclusions, but would act on his or her own. The proverbs reflect the linkages between madness and mental cognition. In one, folly is defined as a lack of memory, since “[f]ous est qui se oublie” (“a fool is one who forgets himself”).⁴⁶ However, this is a particular kind of memory: memory of the self, which offers a profoundly disturbing image of folly as a loss of self knowledge. Proverbs also reveal the skewed vision of the mad, since “[f]ous ne voit en sa folie se sen non” (“the fool does not see the nonsense in his folly”), and “[f]ous qui ne foloie si pert sa seson” (“a fool who does not do foolish things loses his season”).⁴⁷ Both these proverbs provide an interesting take on the circularity of folly. The fool is unaware of his own foolishness, but a fool ought always to act foolishly or he loses the appropriate moment. However, one proverb notes the fundamentally changeable nature of folly, since “[f]ous voit au vespre et sage au matin”

⁴⁴ Joseph Morawski, ed., *Proverbes français antérieurs au xve siècle* (Paris: Librairie ancienne Édouard Champion, 1925), 28-29. Morawski compiled 2500 proverbs in total. Proverbs may very well have been the site of a convergence of knowledge between “elite” and “popular” cultures. Natalie Zemon Davis, “Proverbial Wisdom and Popular Errors,” in *Society and Culture in Early Modern France: Eight Essays* (Stanford, CA: Stanford University Press, 1975), 227-270. See also Marie-Luce Launay, “Les ‘miettes’ du sens: La folie dans les proverbes français antérieurs au xviiie siècle,” in *La folie et le corps*, ed. Jean Céard, Pierre Naudin, and Michel Simonin (Paris: Presses de l’école normale supérieure, 1985), 31-48.

⁴⁵ Morawski, ed., *Proverbes français antérieurs au xve siècle*, 28.

⁴⁶ Ibid.

⁴⁷ Ibid.

(“a fool seen at vespers and a sage in the morning”).⁴⁸ Perhaps the most interesting proverbial lesson is “[f]ous va a cort sanz mander” (“fools go to court without being summoned”),⁴⁹ a phrase that is especially evocative given that some legal cases cite the criminal’s willingness to turn him or herself in as proof of madness.⁵⁰ The multiple, and in some cases contradictory, understandings of folly in these proverbs point also to the singularity of the fool or mad person. These figures are not interacting appropriately with their fellows: they ignore advice, cannot see their own folly, and take unnecessary actions.

The proverbial fools threaten their neighbors through their ignorance or avoidance of social rules. Some types of madness, like that suffered by Agane and Athamus, were more directly threatening to the welfare of other people. The Latin biblical terminology for a more violent kind of madness uses the terms *insania*, *furor*, *amentia*, and *dementia* as well as occasionally *insipiens*.⁵¹ Deuteronomy 28:28, for example, reads “percutiat te Dominus amentia et caecitate ac furore mentis” (“the Lord strike thee with madness and blindness and fury of mind”).⁵² The French term *fureur* similarly gets used to describe a violent kind of madness, though like the modern English word “fury” it could also indicate violent anger.⁵³ The connection between emotions, particularly anger, and madness occurs in other words as well. Both Agane and Athamus were described as

⁴⁸ Ibid., 29.

⁴⁹ Ibid.

⁵⁰ See especially AN JJ 188 fo 81 no 160 (in 1459).

⁵¹ Deuteronomy 28:28 (*amentia* and *furore mentis*); Prophecy of Isaias 24:6 (*insanie*); Prophecy of Jeremias 25:16 (*insanie*); Prophecy of Zacharias 12:4 (*amentia*) Book of Wisdom 14:21-31 (*insaniae*) Gospel of Luke 6:11 (*insipientia*). In the French translation of the psalms, *furor* was translated as *fureur*, *insensate* as *insensible*, and *fatuus* as *fatuite*. See Bonnardot, ed., *Le Psautier de Metz: Texte du xiv^e siècle*, 41, 117, 143, 153, 262.

⁵² Deuteronomy 28:28.

⁵³ See Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 3, pt. 2, 2360. So, for example, in Brunetto Latini’s thirteenth-century *Li Livres dou tresor*, he notes that “l’om(e), quant il met son cors en peril par ire et par furor, il n’est mie fors; mais cil qui se met en peril par droite conoissance, est fors.”

enragie in Laurent de Premierfait's work. This was a common term for violent actions that were undertaken in ways that appeared unreasonable. It could refer to a type of rage that was acceptable due to an insupportable grief, but even in those cases it was a dangerous state that threatened the person's mental stability and could lead to violence.⁵⁴ Similarly, *desesperee* referred to an extreme despair that could in certain cases turn into madness. For example, Philippe de Navarre's *Les quatre Ages de l'homme* explains how guilt works, noting "qu'il ne soit amandé ou laissié de pechié, sa conscience le remort, et en est en grant bataille en son cuer, se il n'est fous ou desesperez" ("that if he is not amended or prevented from sinning, his conscience has remorse, and there is a great battle in his heart, if he is not mad or despairing").⁵⁵ The term *forsené* was often used in legal texts to indicate mental instability, particularly of a threatening nature.⁵⁶ It was also used in many medieval literary texts.⁵⁷ For example, in the *Roman de la Rose* the figure of Reason described love as a paradox: "C'est reson toute forsenable / C'est forcenerie resnable" ("It is reason completely mad / It is madness reasonable"), and "C'est fol sans, c'est sage folie" ("It is mad sense, it is sage folly").⁵⁸ In both these formulations, the author was drawing upon two possible understandings of madness. First, madness was presented as a corruption of reason, and a loss of sense or wisdom. At the same time, the text developed the Biblical inversion, where folly could appear as reason and wisdom, and vice versa.

As noted above, according to humoral theory, madness, like any other disease, was caused by an imbalance of the humors, but particularly an extreme excess of any one

⁵⁴ See the references to *duel* in *Ibid.*, vol. 2, 490-491.

⁵⁵ Cited in *Ibid.*, vol. 2, 1574.

⁵⁶ See the further discussion of legal texts in chapter 3.

⁵⁷ Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 3, pt. 2, 2146-2149.

⁵⁸ Guillaume de Lorris and Jean de Meun, *Le Roman de la Rose*, 282, ll. 4296-4297 and l. 4320.

of them. Thus, madness could result from an increasingly serious case of another disease. In this sense, the illness was understood to be physiological. Although madness was concentrated in the brain, where they believed the mind was located, physicians also saw it as a disease that affected the entire body of the individual. Medical texts divided madness into four distinct types: frenzy, mania, melancholy, and lethargy. Each category of madness corresponded to an excess in one of the humors.⁵⁹ *Frenesie* appears in the earliest vernacular health treatise, the thirteenth-century *Le Régime du corps* by Aldobrandino of Siena. He warns against sleeping on one's back "por ce qu'il fait maintes maladies venir, si com apopleisie, frenesie, fantosme" ("because it makes many illnesses come, such as apoplexy, frenzy, phantasm").⁶⁰ The word appears in a number of non-medical texts as well. For example, in Gautier de Coincy's *Les Miracles de la sainte Vierge*, he lists "li frenetiques, Li fors du sens, li enragiez" together, indicating that medical and literary vocabularies were not mutually exclusive in religious texts, and suggesting a larger pattern of cross-pollination.⁶¹ Indeed, *frenesie* also appears in literary texts. In Adenés li Roi's *Li Roumans de Cleomadès*, he explains that torment and illness "l'assaillirent si Que en frenesie chëi" ("assail him such that he falls into frenzy").⁶² This language of "falling into frenzy" created an image of madness as a descent. In contrast, use of the term *melancholie* often involves "fullness," suggesting a surfeit of black bile or

⁵⁹ According to Hippocrates' *De Morbo Sacro*, which Jean-Marie Fritz argues was influential for thinking about madness in the Middle Ages, frenzy and lethargy included fever, while mania and melancholia did not. This instability, according to Fritz, made mania and, especially, melancholia the focus of medical discourse in a way that frenzy and lethargy were not. Fritz, *Le discours du fou*, 133-138. However, more recently Julie Laskaris has suggested that it was not in fact known in the Middle Ages, noting "there is no evidence that *On the Sacred Disease* was translated into Latin, so its transmission into the medieval tradition is obviously in doubt. Its reception in the Renaissance and later seemed to center not on the rational premises it brought to medicine but, ironically, on the high degree of proper religious sentiment it proved that Hippocrates had expressed." See Julie Laskaris, *The Art is Long: On the Sacred Disease and the Scientific Tradition* (Leiden: Brill, 2002), 60.

⁶⁰ Cited in Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 3, pt. 2, 2236.

⁶¹ *Ibid.*, vol. 3, pt. 2, 2236.

⁶² Cited in *Ibid.*, vol. 3, pt. 2, 2236.

an excess of melancholic emotions. In the late thirteenth-century romance, *Sone de Nausay*, for example, one character laments, “Je suis sans sens, sans vaillandie, Et plains de grant melancolie” (“I am without senses, without valor, and full of great melancholy”).⁶³ In Chrétien de Troyes’ *Chevalier au lyon*, Yvain is helped out of his melancholy through the power of massage: “Tant li froia au chaut soloil Les tanples et trestot le cors Que cel cervel li issi fors La rage et la melancolie” (“She rubbed so well in that hot sun His temples and his whole body That from his brain issued all The rage and the melancholy”).⁶⁴ Again, there is a suggestion of fullness, where the melancholy and rage filled his brain and must therefore be removed in order that he return to his balanced state, and a connection between mental disturbance and emotion, as rage and melancholy were both also associated with the passions.

Madness could also be associated with stupidity. The term *idiot*, for example, could be used in multiple contexts with very different meanings. In legal texts the term was generally used for people considered mad due to natural causes. In Philippe de Beaumanoir’s *Coutumes de Beavaisis*, for example, he refers to “li ediole a qui il apert qu’il n’ëussent pas de bone memore ou pregnant vellece, ou par sotie naturele, ou par autre maladie, par quoi il sunt hors de lor ancienne memore” (“the idiot, of whom it appears that he does not have good memory either because of age, or through natural madness, or through another illness, by which he is out of his previous memory”).⁶⁵ The evocative phrase “lor ancienne memore” suggests the possibility that the *ediole* might have his or her own version of *memore* that is not compatible with a previous, or older, *memore*. However, *idiot* could also be used to refer simply to someone who was

⁶³ Cited in *Ibid.*, vol. 5, 1353.

⁶⁴ Cited in *Ibid.*, vol. 5, 1353.

⁶⁵ Cited in *Ibid.*

illiterate.⁶⁶ *Simple* often appears in texts alongside the term *idiot* to suggest a negative, and in some cases dangerous, kind of ignorance or stupidity. For example, in Gautier de Coincy's *Miracles de la sainte Vierge*, the devil explains that "Un vilain simple, un ydiote, Aime assez mieux, c'en est la somme, C'un soutil clerc ne c'un sage homme" ("A simple peasant, an idiot, Loves even better, this is the sum, Than a subtle cleric or than a wise man").⁶⁷ Similarly, in Henri de Mondeville's *Chirurgie*, he complained "il est aucuns d'iceus, aussi comme ydiotes, simples et ignorans..., disans que il ont l'oeuvre de cyrurgie" ("there are some of these, like idiots, simple and ignorant..., saying that they have the work of surgery").⁶⁸ *Simple* is an interesting term for ignorant stupidity because of its positive valences in other contexts.⁶⁹

There are other terms, like *simple*, that only indicate madness in context, when used with other terms that suggest a mental disturbance. *Esmouvance*, for example, which can be translated generally as movement, can indicate madness when it is used in certain phrases. *Le Ménagier de Paris* describes a "fol esmouvement" that could cause errors in judgment.⁷⁰ The word *cervel*, which generally meant the brain, also could be used in a phrase denoting madness as a brain injury. In Chrétien de Troyes' *Le Chevalier de la Charette*, where a knight insults Lancelot by calling him "tant a folie et orguel / Et de cervel la teste vuide" ("so foolish and proud / And with a head empty of brain"), the brain is described as missing, rather than injured, making a link between *folie* and "empty-headedness."⁷¹ *Estonne* generally referred to a stunning blow, but in the context

⁶⁶ For example, in Henri Mondeville's *Chirurgie*, cited in Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 4, pt. 2, 1276.

⁶⁷ Cited in *Ibid.*

⁶⁸ Cited in *Ibid.*

⁶⁹ See *Ibid.*, vol. 9, 662-665.

⁷⁰ Cited in *Ibid.*, vol. 3, pt. 1, 1130.

⁷¹ Cited in *Ibid.*, vol. 3, pt. 2, 137.

of other terms it could be used to refer to a temporary madness.⁷² Similarly, *estourdi* could often indicate someone who was stunned or bewildered.⁷³ However, when used with phrases such as “avoit perdu quasi toute cognoissance” (“had lost almost all knowledge”) or with the words *foulx*, or *frenesie* it suggests a blow to the head that was sufficiently serious to cause temporary mental incapacity.⁷⁴

The term *lunatique* or *lunage* evokes the perceived connection between madness and the cycles of the moon, and refers to the belief that the disease was cyclical. The *Lapidaire* of Modena explained the powers of the herb celandine, which “ouevre par grant merveille: De cel mal, passion lunage, Garist, n’ert ja de tel äage; Ces gens malades hors del sens Refait venir a lor buens sens” (“works by a great marvel: Of this evil, passionate lunacy, it heals, of whatever age they be; These sick people, out of their senses Are brought back to their good sense”).⁷⁵ Many sufferers were believed to have episodes of madness, recover their sanity (either through such remedies as celandine or through the natural waning of the disease), then relapse into madness again. Although for some people, these patterns followed the cycle of the moon, not all were so conveniently predictable. Relapses were often described through the phrase *surprins par maladie*, suggesting that madness “surprised” or “overtook” the person.⁷⁶ Similarly, people could be *surprins* by other illnesses, or even *par boire*, or drunkenness.⁷⁷ Just as *frenaisie*

⁷² See *Ibid.*, vol. 3, pt. 2, 1407-1408.

⁷³ See *Ibid.*, vol. 3, pt. 2, 1416.

⁷⁴ AN JJ 221 fo 118 no 204 (in 1490); AN JJ 209 fo 55 no 93 (in 1480); and AN JJ 172 fo 113v no 221 (in 1422).

⁷⁵ Cited in Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 5, 731.

⁷⁶ AN JJ 114 fo 106v no 212 (in 1378); AN JJ 208 fo 11 no 20 (in 1480).

⁷⁷ For illness, see AN JJ 171 fo 94v no 156 (in 1421); AN JJ 188 fo 81 no 160 (in 1459). For being *surprins de vin* or *de boire*, see AN JJ 146 fo 24 no 55 (in 1394); AN JJ 155 fo 168 no 276 (in 1400); AN JJ 220 fo 64 no 113 (in 1489).

might be fallen into and *melancholie* might fill a person up, so illness or drunkenness might come as a surprising and threatening force from outside to “take over.”

The external force that caused madness was in some instances identified as the Devil. In the document with which this section began, for example, Jehannecte Troppé’s behavior was described as *demoniacle* and *comme demoniacle*, drawing on a tradition that linked the behavioral patterns of demonic possession with those of physiological madness.⁷⁸ The question of possession came to prominence in this period, as Jean Gerson and other theologians began to create rules for discerning divine possession from demonic possession from natural madness.⁷⁹ As Jean-Claude Schmitt argues, “demoniacs are masters neither of their desire nor of their gestures.”⁸⁰ This troubling supernatural state mirrored a state of mental disturbance.

⁷⁸ The term comes from Latin and was not often used in French. The *Altfranzösisches Wörterbuch* only provides three instances of the word *demoniaque* in French. One is Péan Gatineau’s late thirteenth-century life of St. Martin of Tours, one is from a collection of contes and fabliaux, and the third comes from the cleric de Troyes’ fourteenth-century redaction of the *Roman du Renard*. See Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 2, 1378.

⁷⁹ See Nancy Caciola, *Discerning Spirits: Divine and Demonic Possession in the Middle Ages* (Ithaca: Cornell University Press, 2003); Nancy Caciola, “Mystics, Demoniacs, and the Physiology of Spirit Possession in Medieval Europe,” *Comparative Studies in Society and History* 42, no. 2 (2000): 268-306; Jean Gerson, “On Distinguishing True from False Revelations,” in *Jean Gerson: Early Works*, ed. Brian Patrick McGuire (New York: Paulist Press, 1998), 334-364.

⁸⁰ Jean-Claude Schmitt, *La raison des gestes dans l'Occident médiéval* (Paris: Gallimard, 1990), 127: “les démoniaques ne sont maîtres ni de leur volonté ni de leurs gestes.”

Terms	Number of letters	Total Frequency	Terms	Number of letters	Total Frequency
sens	64	77	raison	4	4
fol	46	47	desesperee	4	4
malade	30	30	lunatique	2	2
fureur	24	29	enragie	2	2
entendement	26	27	altere	2	2
frenaisie	18	18	aliene	2	2
memoire	16	16	caduque	2	2
simple	15	15	sot	2	2
savoir	10	10	cervel	2	2
melancholie	10	10	estonne	2	2
forcenez	8	8	affoible	1	1
idiot	7	7	fatuite	1	1
ignorance	6	6	esmouvance	1	1
estourdi	6	6	insane	1	1
cognoissance	5	5	teste	1	1
demoniaacle	5	5	dyable	1	1

Table 1: Terms for Madness Used in Remission Letters. Note that the total number of letters examined is 145.

Remission letters like Jehannecte Troppé’s can be used in aggregate to move towards a vernacular lexicon of madness, to consider how this multiplicity of terms could be used in conjunction with one another, and to reveal some of the complexity of thought involved in describing this condition. Composers of remission letters often used negative language implying a loss of some cognitive ability, or the more complicated idea of being “outside” it. Most often the loss or externality referred to the *sens*, *entendement*, *memoire*, or *savoir*. Indeed, thirteen of the twenty-seven examples of *entendement* in remission letters included the word *sens*, and fourteen of the sixteen letters that described a mad person as *hors de memoire* or as having *perdu son memoire* used *memoire* in conjunction with *sens*. Several letters described people as “troublee de son sens et

entendement” (“troubled in his sense and understanding”).⁸¹ This idea of having a “troubled” mind differs from being outside it or missing it, and suggests some of the confusion and concern raised by people whose actions appear “troubling.” Four remission letters described people who acted without *raison* or, as one letter put it, “oultre les termes de raison” (“outside the terms of reason”).⁸² The composers of remission letters appear to have had a particular image of the relationship between the parts of the brain and madness. Mad people were described as outside of, impaired in, or troubled in their sense, understanding, or memory. Significantly, although some of the mad are described as seeing visions, they were never said to be outside of or impaired in their imagination. It seems that the composers of remission letters believed, metaphorically at least, that mad people were living almost exclusively in their imaginations, which therefore caused them to act in unpredictable ways. For example, in Jehannecte Troppé’s case, she was considered to have lost her “bon sens,” leaving her prone to visions and voices in her head that presented an alternative reality and made her believe that her husband had left her bed, even though he was lying next to her.⁸³

The composers could also choose from a wide range of adjectives or nouns, including *frenaisie*, *fureur*, *melancholie*, *demoniacle*, and *fol*. Since the royal notaries were trained in law⁸⁴ and remission letters were part of the greater legal system in

⁸¹ For example, AN JJ 190 fo 33 no 64 (in 1460); AN JJ 199 fo 276 no 441 (in 1464); AN JJ 227 fo 32 no 62 (in 1496).

⁸² AN JJ 187 fo 138v no no 252 (in 1455).

⁸³ AN JJ 173 fo 33v no 63. Edited in Le Cacheux, ed., *Actes de la chancellerie d’Henri VI*, 181-183.

⁸⁴ Mireille Desjardins, in a discussion of royal notaries in the fifteenth century, notes that “Outre la langue et l’écriture latine et française, ils doivent connaître les droits coutumiers et romain, les ordonnances royales et la jurisprudence qui s’appliquent au royaume afin de comprendre les conséquences légales des documents qu’ils rédigent.” Mireille Desjardins, “Les savoirs des notaires et secrétaires du roi et la géographie de la France d’après le manuel d’Odart Morchesne et un index de chancellerie,” in *Écrit et pouvoir dans les chancelleries médiévales: Espace français, espace anglais*, ed. Kouky Fianu and DeLloyd J. Guth (Louvain-la-neuve: Collège Cardinal Mercier, 1997), 87-97, 88. See also the list of notaries with

France, legal questions about madness were clearly central to their construction. However, the legal terms *forsené* and *idiot* seldom appear in the letters in comparison to other terms.⁸⁵ One remission letter describes an “*esmouvance de teste*” (“movement of the head”), physically locating a type of mental shifting. Similarly, another letter refers to someone who was “*affoible de teste*” (“feeble-headed”), and a third refers to a person who was “*legier de teste*” (“light-headed”).⁸⁶ The brain itself could be cited as a locus for mental disturbance, for example if someone were “*blecie du cervel*” (“wounded in the brain”).⁸⁷ In one letter, *estonna la teste* (stunned in the head) appears alongside *ydiot*, *perdi son sens et sa memoire* and *insensible*,⁸⁸ and in the other it was used with the phrase “*ne savoit quil faisoit ne ou il estoit*” (“not knowing what he was doing nor where he was”) to indicate that the person was out of his mind while stunned.⁸⁹ On average, the letters used two different terms, but some included as many as seven, suggesting that the composers were aware of the range of terminology available to describe what they perceived as mad behavior. The terms *sens*, *fol*, *fureur*, and *entendement* were sometimes involved repeatedly in a single letter, perhaps indicating that they were especially resonant words, while other terms appear in only one letter (see Table 1).

As we have seen, in their attempts to find a conceptual vocabulary about madness, the composers of remission letters had a number of different cultural resources from which to draw. The language used to describe madness in remission letters varied widely, using multiple discourses in many different constellations and creating a fluid

legal degrees in André Lapeyre and Rémy Scheurer, *Les notaires et secrétaires du roi sous les règnes de Louis XI, Charles VIII et Louis XII (1461-1515)* (Paris: Bibliothèque Nationale, 1978), vol. 1.

⁸⁵ “*Forcenez*” is used eight times, and “*idiot*” seven.

⁸⁶ AN JJ 155 fo 230 no 382 (in 1400); AN JJ 107 fo 193v no 377 (in 1375); AN JJ 171, fol 244v no 429 (in 1421).

⁸⁷ AN JJ 182 fo 51v no 86 (in 1453).

⁸⁸ AN JJ 160 fo 70v no 91 (in 1405).

⁸⁹ AN JJ 221 fo 124v no 215 (in 1490).

vision of what madness was. Most of the supplicants for remission described themselves as poor manual laborers and were most likely illiterate. The royal notaries, in contrast, were not only literate, but active in literary circles and a few were members of the French humanist movement. Indeed, Laurent de Premierfait was active in the humanist circles that included several royal notaries, and engaged in correspondence with them while he was living in Avignon at the papal court.⁹⁰ It was thus in the interstices of discourse that the remission letters were composed. The language used is often vague and repetitious, but these iterations signal different contexts for understanding madness.

The notaries and supplicants who composed remission letters engaged in the process of constructing their concepts of madness through language.⁹¹ The fluidity of possible terminology and definitions allowed for different levels of madness to emerge within and between remission letters. This spectrum of madness ranged from foolishness or stupidity all the way to insanity or murderous rage. Remission letters used a number of terms to discuss madness. Because madness is a contested state that is so often defined in oppositional terms, it opens up discursive possibilities by forcing writers to consider the human capacity for reason, the danger of the melancholic temperament, or the mental and physical capabilities necessary to interact with others in acceptable ways.

⁹⁰ R.C. Famiglietti, "Laurent de Premierfait: The Career of a Humanist in Early Fifteenth-Century Paris," in *Un traducteur et un humaniste de l'époque de Charles V: Laurent de Premierfait*, ed. Carla Bozzolo (Paris: Publications de la Sorbonne, 2004), 31-51, 34. There is a more detailed discussion of the notaries and the remission supplicants in chapter 4.

⁹¹ There has been an increasing interest in the ways that notaries in this period were shaping the ways that people defined things, through the writing of wills, contracts, and other legal documents like remission letters. As Daniel Smail notes, "by the mid-fourteenth century few people, certainly few propertied people, went through life without encountering the notaries in some official capacity on one or more occasions.... Despite this contact, notaries are not credited, as are the clergy, with a role in the shaping of western European culture and society." Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca: Cornell University Press, 2000), 23.

II. Histories of Mental Disturbance

As this discussion of terminology has demonstrated, the French language in the Middle Ages had a multiplicity of terms and phrases to describe madness. My exploration has considered the ways that a variety of authors and texts sought to establish the meaning of the elusive condition of mental disturbance. Indeed, as a condition that was recognized through behavioral patterns, that was described in terms of a rupture of communal expectations, and that infringed upon many social concerns, madness was peculiarly suited to linguistic exchange. The languages of the law, of medicine, of religion, and of literature each borrowed extensively from one another in efforts to depict the state of madness.

Since the 1980s, the “linguistic turn” in history writing has made historians more conscious of how language shapes the writing of history in multiple and complex ways.⁹² Historians have been reminded that their documents, as well as their own historical narratives, have been shaped by discourse, narrative, and literary conventions. Subsequently, the profession has become more critical of the ability of texts to reflect what actually happened in the past. As John Toews claims in a 1987 review essay, at the very least historians

seem ready to concede that language can no longer be construed as simply a medium, relatively or potentially transparent, for the representation or expression of a reality outside of itself and are willing to entertain seriously some form of semiological theory in which language is conceived of as a self-contained system of ‘signs’ whose meanings are determined by their relations to each other, rather than by their relation to some ‘transcendental’ or extralinguistic object or subject.⁹³

⁹² The phrase “linguistic turn” was first used in the title of a collection of essays in 1967, Richard Rorty, ed., *The Linguistic Turn: Recent Essays in Philosophical Method* (Chicago: University of Chicago Press, 1967).

⁹³ John E. Toews, “Review: Intellectual History after the Linguistic Turn: The Autonomy of Meaning and the Irreducibility of Experience,” *The American Historical Review* 92, no. 4 (1987): 879-907, 881-882.

This focus on semiotics was part of a movement towards interdisciplinarity, or at least towards mining other disciplines, including philosophy, literary studies, and cultural anthropology, for useful theoretical tools. For example, in 1981, Natalie Zemon Davis pointed out the increasing use of the works of anthropologists such as Mary Douglas, E. E. Evans-Pritchard, Clifford Geertz, and Victor Turner, especially among medieval and early modern historians who were seeking a way to comprehend events that had previously “been defined by historians as irrational or superstitious, or as an arbitrary cover for real and serious social and political conflicts.” Where historians attempted to dismiss descriptions of such events as spirit possession and witchcraft accusations, anthropologists “have such events at the center of their observation.”⁹⁴ Anthropological works have thus allowed historians to take certain phenomena or descriptions seriously, considering the meanings that contemporaries saw in these events.

Davis also stressed the relevance of literary theory in her 1987 book on remission letters (or pardon tales), provocatively entitled *Fiction in the Archives*. She encouraged historians to confront the particular way that their sources are informed by narrative construction. Her focus is on the “fictional” aspects of the documents, by which she explains she “do[es] not mean their feigned elements, but rather, using the other and broader sense of the root word *fingere*, their forming, shaping, and molding elements: the crafting of a narrative.”⁹⁵ This awareness of and, more significantly, valuation of narrative provides much richer analytical possibilities than the discarding of narrative elements in search of a hidden “truth” common in historicist practice. Davis reveals the

⁹⁴ Natalie Zemon Davis, “The Possibilities of the Past: Anthropology and History,” *Journal of Interdisciplinary History* 12, no. 2, *The New History: The 1980s and Beyond* (II) (1981): 267-275, 268.

⁹⁵ Davis, *Fiction in the Archives*, 3.

ways “information, values, and language habits could flow across lines of class and culture,” arguing that supplicants, listeners, and pardoners “were all implicated in a common discourse about violence and its pacification.”⁹⁶ Her project provides a model for thinking about narratives like those addressed in this dissertation. How were stories about madness constructed, and what distinguishes them from other narratives?

In the 1990s, gender historians above all took on the challenge of thinking through the implications of linguistic concerns for history as a discipline, in particular the suggestion that language “not only shapes experienced reality but constitutes it.”⁹⁷ In what has emerged as a classical formulation, Joan Scott’s 1991 essay argues that historians “need to attend to the historical processes that, through discourse, position subjects and produce their experiences. It is not individuals who have experience, but subjects who are constituted through experience.”⁹⁸ As Gabrielle Spiegel notes in her introduction to a 2005 reprinting of Scott’s essay, however, many historians prefer “to see language as the place where experience is made meaningful via a creative appropriation of the conditions of daily life, rather than created.”⁹⁹

Indeed, in her own work, Spiegel has grappled with the relationship between language and experience, proposing a “middle ground” that attempts to mediate between

⁹⁶ Ibid., 112.

⁹⁷ Toews, “Review: Intellectual History after the Linguistic Turn,” 882. Many historians have been troubled by the implications of this theory, objecting to the more radical interpretations that deny any reality in the past. See Richard J. Evans, *In Defense of History* (New York: W. W. Norton, 1999).

⁹⁸ Joan Scott, “The Evidence of Experience,” in *Practicing History: New Directions in Historical Writing after the Linguistic Turn*, ed. Gabrielle Spiegel (New York: Routledge, 2005), 199-216, 203. In her critical response, Kathleen Canning contends that Scott ignores the mutually constitutive nature of experience and language. Canning posits that the key to “analyzing how discourses change, how subjects contest power in its discursive form, and how their desires and discontents transform or explode discursive systems is the concept of agency.” Kathleen Canning, *Gender History in Practice: Historical Perspectives on Bodies, Class, and Citizenship* (Ithaca: Cornell University Press, 2006), 76.

⁹⁹ Gabrielle Spiegel, ed., *Practicing History: New Directions in Historical Writing after the Linguistic Turn* (New York: Routledge, 2005), 200.

acknowledging the importance of language and discourse and the historians' desire for empirical research.¹⁰⁰ She posited in 1997 that

the power and the meaning of any given set of representations derive in large part from their social context and their relation to the social and political networks in which they are elaborated. Even if one accepts the poststructuralist argument that language constitutes the social world of meaning, it is possible to maintain that language itself acquires meaning and authority only within specific social and historical settings.¹⁰¹

This need to examine what Spiegel calls the “social logic of the text” rests on a recognition of language as constituted as well as constitutive. It focuses attention not only on how texts are discursively inscribed but also on how they are embedded within particular social contexts. This interest in language and discourse is particularly useful for discussions of madness, in part because mad historical actors so seldom speak for themselves. In determining how to cope with a mad king, in considering whether mad people can engage with communal concerns such as witness testimony or contractual agreements such as marriage, and in facing the aftermath of a crime committed by a mad person, people came to terms with madness as a social, not just individual, phenomenon.

The impetus to consider the linguistic and narrative nature of the texts that historians use equally opens into questions about historical narratives as shaped and constructed by historians.¹⁰² What role does the historian now play in relation to her documents? John Arnold, in his work on the Inquisition in southern France, responds to this question by challenging the historian's “desire to establish whether or not we can

¹⁰⁰ Gabrielle Spiegel, *The Past as Text: The Theory and Practice of Medieval Historiography* (Baltimore: Johns Hopkins University Press, 1997), 44-56.

¹⁰¹ *Ibid.*, 53.

¹⁰² Hayden White considers the problem posed by the fact that the historian's own construction of historical narratives is equally embedded in language. See Hayden White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins University Press, 1987).

‘trust’ the sources.”¹⁰³ He suggests, rather, that the power relationships that led to the creation of these particular documents be brought to the fore, not to deconstruct them and reveal the underlying “truths,” but rather for what these power relationships can tell us about themselves.¹⁰⁴ Cordelia Beattie, who uses legal documents to talk about the lives of women, also refuses to discard the structures that brought these documents into being. She notes that “the petition and the answer do not allow access to unmediated voices, that the structure and language of the petition and the answer were affected by the involvement of lawyers and the nature of the court” and suggests that “recognition of the limitations of the evidence is not to give up on historical subjects but rather a refusal to simplify their lives, which were lived within discursive systems.”¹⁰⁵ As Sarah Maza notes in her discussion of crime narratives in pre-Revolutionary France, “[s]tories give us both an individual and a collective sense of identity and purpose; they can undermine our world just as easily as they order and confirm it.”¹⁰⁶ My own approach to texts about madness and my efforts to form them into a historical narrative have been informed by these scholars. In this dissertation, a focus on discourse and language seeks to capture the process by which people identified, reacted to, and told stories about madness, as well as their engagement with the varied lexicon of madness.

¹⁰³ John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia: University of Pennsylvania Press, 2001), 7.

¹⁰⁴ Rather than following in the footsteps of Emmanuel LeRoy Ladurie, in attempting to remove the Inquisitorial lens to uncover the “direct testimony of peasants” providing “an extraordinarily detailed and vivid picture of their everyday life” (Emmanuel LeRoy Ladurie, *Montaillou: The Promised Land of Error*, trans. Barbara Bray (New York: Random House, 1978), vii), Arnold “tr[ies] to examine and understand...the conditions that brought about the possibility of this history.” Arnold, *Inquisition and Power*, 3.

¹⁰⁵ Cordelia Beattie, “Single Women, Work, and Family: The Chancery Dispute of Jane Wynde and Margaret Clerk,” in *Voices from the Bench: The Narratives of Lesser Folk in Medieval Trials*, ed. Michael Goodich (New York: Palgrave Macmillan, 2006), 177-202, 193.

¹⁰⁶ Sarah C. Maza, *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993), 17.

Perhaps the most influential work on madness to appear in the past fifty years is Michel Foucault's *Histoire de la folie à l'âge classique*, published in 1961.¹⁰⁷ Foucault's discussion of the discourse of madness remains compelling, even several decades after its initial publication. Ultimately Foucault's main focus is on the development of a system of confinement as part of his larger interest in the creation of institutional control as a force of modernity. He considers the Middle Ages as the starting point from which his history of the medicalization of madness develops, but his desire to create a coherent narrative of change figured as a rupture leads him to idealize the status of the medieval mad as involved in an open "conversation" with the sane. As he notes in his preface,

[i]n the Middle Ages, and up until the Renaissance, the debate between man and madness was a dramatic debate that confronted man with the dark powers of the world; and the experience of madness was absorbed in images that spoke of the Fall and the End of All Things, of the Beast, of Metamorphosis, and of all the marvellous secrets of Knowledge. In our time, the experience of madness is made in the calm of a knowledge which, through knowing it too much, passes it over.¹⁰⁸

Despite his romanticism, the section of Foucault's book that deals with the Middle Ages makes a number of important points about the symbolic value of madness in medieval society, even though his application of that symbolism to real mad people falls short.

Foucault focuses particularly on Sebastian Brant's 1494 *Narrenschiff*, or *Ship of Fools*,¹⁰⁹ arguing that "among these satirical and novelistic ships, the *Narrenschiff* alone had a genuine existence, for they really did exist, these boats that drifted from one town to another with their senseless cargo."¹¹⁰ He elaborates on the literary trope of these ships that "with a crew of imaginary heroes, moral models or carefully defined social

¹⁰⁷ Michel Foucault, *Histoire de la folie à l'âge classique. Suivi de Mon corps, ce papier, ce feu et La folie, l'absence d'œuvre*. (Paris: Gallimard, 1972); Michel Foucault, *History of Madness*, trans. Jean Khalifa and Jonathan Murphy (London: Routledge, 2006).

¹⁰⁸ Foucault, *History of Madness*, xxxiii-xxxiv.

¹⁰⁹ Sebastian Brant, *The Ship of Fools*, ed. Edwin H. Zeydel, trans. Edwin H. Zeydel (New York: Dover Publications, 1962).

¹¹⁰ Foucault, *History of Madness*, 9.

types set out on a great symbolic voyage that brought them, if not fortune, at the very least, the figure of their destiny or of their truth.”¹¹¹ Foucault here establishes the symbolic power of the mad as one among many figures that loomed large in the imagination of the late Middle Ages and early Renaissance. In Foucault’s analysis, these literary fools represented actual mad people who, especially in Germany, were expelled from towns and set afloat together on ships or sent out on pilgrimages in large groups, becoming “quite a common sight” on the roads and waterways of their contemporaries.¹¹²

Foucault acknowledges that some mad people were not expelled, but taken to a “special place reserved for the detention of the mad,” noting that “only foreign madmen were expelled, and that each town only took responsibility for its own citizens who had lost their wits.”¹¹³ Both of these treatments of the mad combine in his depiction of the symbolic value of placing the mad in a liminal social and physical space:

[t]his enforced navigation is both rigorous division and absolute Passage, serving to underline in real and imaginary terms the *liminal* situation of the mad in medieval society. It was a highly symbolic role, made clear by the mental geography involved, where the madman was *confined at the gates of the cities*. His exclusion was his confinement, and if he had no *prison* other than the *threshold* itself he was still detained at this place of passage.¹¹⁴

His image of the mad as simultaneously mentally and physically “liminal” figures offers a compelling interpretation, suggesting a linkage between the mad person’s mental state and his or her social treatment. Indeed, Foucault’s ability to elucidate particularly powerful symbols and extrapolate meanings from them provides his most useful legacy. However, since the abridged version of *Histoire de la folie* was first translated into English in 1965, Foucault’s work has been both criticized and praised in the Anglophone

¹¹¹ Ibid., 8.

¹¹² Ibid., 9.

¹¹³ Ibid.

¹¹⁴ Italics in original. Ibid., 11.

academy. Many critics argue that he does not provide sufficient evidence to support some of his claims, especially those that cover a wider geographical area.¹¹⁵ Erik Midelfort, one of the most careful critics of Foucault's historical evidence, notes that there is only one recorded instance of an actual ship of fools, and even in that case suggests that Foucault's symbolic interpretation did not hold true, since according to Midelfort's reading, the passengers were intended to drown, not to travel the waterways.¹¹⁶

Foucault's defenders have cited his much longer and much more heavily-footnoted original French publication to deflect such critiques, arguing that many of the problems other scholars found in his work stem from faulty translation and an inability on their part to read French.¹¹⁷ Finally, in 2006, Jonathan Murphy and Jean Khalifa translated the full version, making it more widely available to English-speaking academics. This translation is very conscious of the debate, including all Foucault's original footnotes and carefully translating particularly controversial phrases to provide a defense in translation.¹¹⁸ To cite one especially pertinent example about the Middle

¹¹⁵ H.C. Erik Midelfort, "Madness and Civilization in Early Modern Europe: A Reappraisal of Michel Foucault," in *After the Reformation: Essays in Honor of J.H. Hexter*, ed. Barbara Malament (Philadelphia, PA: University of Pennsylvania Press, 1980), 247-265; Andrew Scull, "A Failure to Communicate? On the Reception of Foucault's *Histoire de la folie* by Anglo-American Historians," in *Rewriting the History of Madness: Studies in Foucault's Histoire de la folie*, ed. Arthur Still and Irving Velody (London: Routledge, 1992), 150-163.

¹¹⁶ Midelfort, "Madness and Civilization in Early Modern Europe: A Reappraisal of Michel Foucault,"

¹¹⁷ Colin Gordon, "*Histoire de la folie*: An Unknown Book by Michel Foucault," in *Rewriting the History of Madness: Studies in Foucault's Histoire de la folie*, ed. Arthur Still and Irving Velody (London: Routledge, 1992), 19-42.

¹¹⁸ On the question of the footnotes, Andrew Scull notes that Foucault was writing from "intellectual exile" in Sweden, where he lacked access to primary sources and much twentieth century secondary work. Thus, Scull argues, "Foucault's isolation from the world of facts and scholarship is evident throughout *History of Madness*. It is as though nearly a century of scholarly work had produced nothing of interest or value for Foucault's project. What interested him, or shielded him, was selectively mined nineteenth-century sources of dubious provenance." See Andrew Scull, "The Fictions of Foucault's Scholarship," *Times Literary Supplement*, March 21 2007.

Ages, Foucault asserted that “Les fous alors avaient une existence facilement errante.”¹¹⁹ Richard Howard, in the 1965 abridged English edition, translated this as “Madmen then led an easy wandering existence.”¹²⁰ Colin Gordon, in an essay defending Foucault published in 1992, suggested it might be better translated as “the existence of the mad at that time could easily be a wandering one.”¹²¹ The new translation offers another, similar, but even more defensive, version by removing the dangerous connotations of “easy” or “easily” entirely: “An itinerant existence was often the lot of the mad.”¹²² New translations notwithstanding, the statement is still a problematic one. As Midelfort notes, Foucault’s itinerant mad people, traveling from town to town in ships or on the roads, do not appear “often” in medieval records.¹²³

What Foucault missed in his focus on mad people who were expelled from towns, is the significance of the fact that they were sent home. Those mad people who traveled on pilgrimages were generally taken there by their families, not sent in large groups of other mad people. Indeed, while some of the literary mad were expelled from society, the literal mad were often cared for in the family home and reincorporated into their previous lives and livelihoods when they were believed to have recovered their sanity. Scholars considering madness in the Middle Ages have followed Foucault’s focus on discourse, working to categorize the multiple forms of intellectual discussion about madness. In doing so, they have separated the strands of theoretical knowledge, focusing on each one individually.

¹¹⁹ Foucault, *Histoire de la folie*, 19.

¹²⁰ Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (New York: Random House, 1965), 8.

¹²¹ Gordon, “*Histoire de la folie*: An Unknown Book by Michel Foucault,” 33.

¹²² Foucault, *History of Madness*, 9.

¹²³ Midelfort, “Madness and Civilization in Early Modern Europe: A Reappraisal of Michel Foucault,” 254.

Madness is not a subject that has been studied extensively by medieval historians, perhaps because it is a topic that covers so many fields of inquiry. In 1974, Penelope Doob came out with *Nebuchadnezzar's Children*, and a year later Judith Neaman published *Suggestion of the Devil*.¹²⁴ As is clear from their titles, both books considered medieval religious ideas about madness particularly influential. Doob's study focused strongly on literary texts about madness, while Neaman's concentrated on the various intellectual traditions. Clearly influenced by Foucault's linkage of leprosy and madness, Neaman argued that "[l]epers and madmen, who fell into one social and moral group, were reflections of their diseases, which were either tests of martyrdom, purgations or punishments for sin."¹²⁵ The two authors cover medieval England, with some forays into French sources, particularly Froissart's chronicle with his account of the madness of Charles VI of France. Carole Rawcliffe, in her overview of medieval English medicine, follows Doob's moral analysis of madness, asserting that "the insane aroused particular fear and unease because (in theory, at least) their sins seemed so terrible and their punishment so extreme."¹²⁶

More recently, Jean-Marie Fritz and Muriel Laharie have both argued that in medieval France, ideas about madness were polymorphic. Fritz has analyzed medical, theological and juridical discourses about madness, as well as literary treatments of the mad. He is heavily influenced by Foucault, positing that "the Foucauldian approach is perfectly suited to the Middle Ages."¹²⁷ The literary focus of Doob and Fritz is unsurprising, given the number of medieval literary figures who exhibit symptoms of

¹²⁴ Doob, *Nebuchadnezzar's Children* ; Neaman, *Suggestion of the Devil*.

¹²⁵ Neaman, *Suggestion of the Devil*, 112.

¹²⁶ Carole Rawcliffe, *Medicine and Society in Later Medieval England* (London: Sandpiper Books, 1995), 10.

¹²⁷ Fritz, *Le discours du fou*, 4: "l'approche foucauldienne convient parfaitement à l'âge médiéval."

mental disturbance, and it is certainly true that the descriptive languages about madness were similar in literary and other texts. However, Stephen Harper may be overstating the case with his contention that “[r]eal lunatics behaved like literary madmen.”¹²⁸ Indeed, Muriel Laharie falls into this assumption as well. She sees the treatment of the mad as part of the growth in the persecution of marginal figures in the twelfth century, describing negative attitudes towards and violence perpetrated against mad people. However, the sources that she uses to demonstrate violent acts against the mad are exclusively literary texts from twelfth-century France.¹²⁹ As Sylvia Huot argues, the audience is granted a double perspective on the insane hero in medieval romances: “[w]hen the madman has a character and a personal history, his treatment can be judged as just or unjust.”¹³⁰ Thus, the mad figure in romance may be represented as debased and treated violently specifically because of the contrast with his previous exalted state.

Through these works, the literary, theological, medical, and legal frameworks for understanding madness in the high Middle Ages have been elaborated. However, the types of sources studied have not allowed for an exploration of the social ramifications of madness. The texts considered in this dissertation have pointed to a more fluid categorization process in dealing with individual cases than medieval discourses imply. The notaries who were responsible for recording the stories of the mad did not force a case to fit into a specific framework, but instead allowed the behavior to be explained with multiple possible reference points. These individuals could be simultaneously

¹²⁸ Stephen Harper, *Insanity, Individuals, and Society in Late-Medieval English Literature: The Subject of Madness* (Lewiston: Edwin Mellen Press, 2003), 62.

¹²⁹ Laharie, *La Folie au Moyen Âge*, 241-266. She is drawing on the “persecuting society” posited by R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250* (Oxford: Blackwell, 1987).

¹³⁰ Sylvia Huot, *Madness in Medieval French Literature: Identities Found and Lost* (Oxford: Oxford University Press, 2003), 89.

described as acting “like” or “as though” they were out of their “*bonne sens*” or “*bonne memoire*,” frenetic or melancholic, or even possessed. By approaching madness from a variety of texts with social ramifications, my dissertation calls into question the neat boundaries created by intellectual historians. In practice, the definition of and the need to cope with the mad caused medieval people to embrace a large number of potentially conflicting frameworks in order to understand them and arrive at pragmatic solutions. People whose behavior did not fit into expected patterns, often through violent or excessive manifestations, could be considered mad, but that was not the only possible interpretation of their behavior. On the level of theologians and physicians, such concepts as melancholy, frenzy, possession, witchcraft, and folly were mutually exclusive. However, when faced with unusual, inexplicable behavior, medieval people often used many combinations of these terms to try to explain the problem. Madness as a category, much like today, could cover anything from making a foolish decision to a frenetic fury leading to murder.

While social histories of madness have not always fully embraced the analytical possibilities offered by the “linguistic turn” in historical studies, they have been heavily influenced by the sociological approach of “labeling theory,” which similarly focuses on the importance of language as a tool of social construction. This theory stresses the role of the observer in identifying, comprehending, and describing behavior. The sociologist Erving Goffman, studying asylums in the 1960s, explained how he saw social construction at work:

[p]ersons who become mental hospital patients vary widely in the kind and degree of illness that a psychiatrist would impute to them, and in the attributes by which laymen would describe them. But once started on the way, they are confronted by some importantly similar circumstances and respond to these in some importantly

similar ways. Since those similarities do not come from mental illness, they would seem to occur in spite of it. It is thus a tribute to the power of social forces that the uniform status of mental patient can not only assure an aggregate of persons a common fate and eventually, because of this, a common character, but that this social reworking can be done upon what is perhaps the most obstinate diversity of human materials that can be brought together by society.¹³¹

Interestingly, Goffman examines the way that these social forces work through narrative. The mental patients he studied created “an image of [their] life course – past, present, and future – which selects, abstracts, and distorts in such a way as to provide [them] with a view of [themselves] that [they] can usefully expound in current situations.”¹³² However, these life narratives were consistently deconstructed by the employees of the institution, ranging from nurses to psychiatrists, who challenged the mental patient’s interpretation by reasserting the “truth.”

Historians have found Goffman’s work compelling for the ways that it allows them to engage with the social construction found in their narrative sources. Much of the scholarly work on the social history of madness has focused on the early modern period, roughly from the sixteenth to the nineteenth century. The prolific Roy Porter, Michael MacDonald and Andrew Scull, among others, have studied England, while Erik

¹³¹ Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and other Inmates* (Chicago: Aldine Pub. Co., 1962), 129. For more on labeling theory, see Thomas J. Scheff, *Being mentally ill: A sociological theory*, 3rd edition ed. (New York: Aldine de Gruyter, 1999). Labeling theory has come under considerable criticism for its claims that insanity was solely a social construction, where behaviors were arbitrarily designated as insane by lay people, health professionals and institutions, a view that has been challenged by other scholars citing biological explanations for mental illness. Although no scholars deny that social construction has a role to play in designations of insanity, the discipline of sociology in particular has chosen to focus on biological explanations. Walter Gove, one particularly vocal proponent of the biological model, argues that “For all practical purposes, the labeling explanation of mental illness is of historical interest only.” Walter Gove, “The Labeling Versus the Psychiatric Explanation of Mental Illness: A Debate That Has Become Substantively Irrelevant: Reply,” *Journal of Health and Social Behavior* 20, no. 3 (1979): 301-304, 301. From the historian’s perspective, however, the question of the extent to which mental illness is biologically caused versus the extent to which it is socially constructed through the process of labeling is ultimately irrelevant.

¹³² Goffman, *Asylums: Essays on the Social Situation of Mental Patients and other Inmates*, 150.

Midelfort's work has focused on Germany.¹³³ Michael MacDonald's analysis of Richard Napier's voluminous case books, in which the physician/astrologer recorded details about his patients and their treatments, is particularly useful for thinking about how madness was understood on a social level. His observations about the crimes committed by mad people are revealing:

[t]he peculiar nature of much mad crime was that it menaced or destroyed people and property that ought to have been dear to the lunatic. Unreasonable lawbreaking imperiled one's social identity because it attacked the relationships and material objects that situated one in the village community of households and the wider social hierarchy.¹³⁴

Crimes, and indeed legal questions in general, provide much of the available evidence about madness in popular culture, and the nexus between particular criminal actions and madness is significant. As we shall see, this pattern of perceiving the targets of mad crime as inappropriate precisely because they threaten the mad person's membership in the community holds true for medieval France just as it did for early modern England.

In some ways, considerations of the social construction of madness have influenced and in turn have been influenced by new research in disability studies. Whereas the modern understanding of disability as a politically manifested social identity, like other modern identities, cannot and should not be forcibly laid on the medieval past, it is fruitful and revealing to use these concepts to think, not about who people were, but about what people did, and, especially in the context of disability, what

¹³³ Jonathan Andrews and Andrew Scull, *Customers and Patrons of the Mad-trade: The Management of Lunacy in Eighteenth-century London* (Berkeley: University of California Press, 2003); Michael MacDonald, *Mystical Bedlam: Madness, Anxiety, and Healing in Seventeenth-century England* (Cambridge: Cambridge University Press, 1981); H.C. Erik Midelfort, *A History of Madness in Sixteenth-Century Germany* (Stanford: Stanford University Press, 1999); H.C. Erik Midelfort, *Mad Princes of Renaissance Germany* (Charlottesville: University Press of Virginia, 1994); Roy Porter, *Mind-forg'd Manacles: A history of madness in England from the Restoration to the Regency* (Cambridge: Harvard University Press, 1987); Andrew Scull, Charlotte MacKenzie, and Nicholas Herve, *Masters of Bedlam: The Transformation of the Mad-doctoring Trade* (Princeton: Princeton University Press, 1996).

¹³⁴ MacDonald, *Mystical Bedlam*, 126.

they were able to do, what they were allowed to do, and what they were prevented from doing. Mental illness is not always categorized as a disability in current discourse or in historical accounts. For example, in the medieval section of his *History of Disability*, Henri-Jacques Stiker likens the disabled to the mentally ill, but distinguishes between the two. He sees the disabled, like the fool, as the “cared-for, integrated marginalized,” and traces a Foucauldian trajectory towards confinement, but he does not address the question of madness as a disability.¹³⁵ A recent book by Irina Metzler uses religious and medical texts as well as accounts from saints’ shrines to examine the treatment of the disabled in medieval culture. Using theories from modern disability studies, she makes a distinction in her book between “impairment,” which she defines as “a ‘real’, physiological condition” and “disability,” which she calls “a socially constructed or cultural condition.” In the end, she argues, “there were very few medieval disabled people.”¹³⁶ She suggests that they were economically liminal figures, but she also demonstrates the mechanisms that were put in place, ranging from prostheses like crutches to the cooperation of fellow-travelers, to aid the impaired in reaching their goal of accessing saints’ shrines.¹³⁷ She specifically chooses not to discuss mental illness or to address legal aspects of disability, not because she does not see mental illness as part of the larger category, but because she feels that, like leprosy, madness had its own layers of symbolic meaning in the Middle

¹³⁵ See Henri-Jacques Stiker, *A History of Disability*, trans. William Sayers (Ann Arbor: University of Michigan Press, 1999). In current discourse, there is still an uneasy relationship between the physically and the mentally impaired, as addressed by Peter Beresford, in an article published in *Disability and Society*, highlighting in particular the need for inclusion. See Peter Beresford, “What Have Madness and Psychiatric System Survivors Got to Do with Disability and Disability Studies?,” *Disability and Society* 15, no. 1 (2000): 167-172.

¹³⁶ Irina Metzler, *Disability in Medieval Europe: Thinking about Physical Impairment during the High Middle Ages, c. 1100-1400* (London: Routledge, 2006), 6.

¹³⁷ See Ibid. For other work on disability, see Richard Neugebauer, “Mental Handicap in Medieval and Early Modern England: Criteria, Measurement and Care,” in *From Idiocy to Mental Deficiency: Historical Perspectives on People with Learning Disabilities*, ed. David Wright and Anne Digby (London: Routledge, 1996); Stiker, *A History of Disability*; Wendy Turner, “Living with Mental Incapacity in Late Medieval England,” in *International Medieval Congress* (Leeds, UK: Unpublished Conference Paper, 2005).

Ages, distinct from other impairments.¹³⁸ Other scholars, particularly working on medieval England where royal wardship cases provide extensive documentation about how madness was defined and how mad people were cared for, have argued that madness can be considered as a disability in this period.¹³⁹ This category of disability also leads to questions of social perception and participation. How was madness defined and determined? In what circumstances were people considered mad allowed to interact with others, and in what ways were they socially limited by their perceived illness?

Historical records showing how people identified madness and sought to understand and respond to it particularly lend themselves to considering social construction. As we shall see, the texts used for this dissertation, ranging from chronicles to legal documents, describe social interactions and the ways they were interpreted by participants, observers, and particular authors. These interactions are necessarily mediated, and may tell us very little about the “reality” of the mental illness depicted. Nevertheless, the texts provide a great deal of information about how certain behaviors could lead to labeling, who was involved in providing the label, what kinds of and how many “proofs” were expected in order to confirm such a label, and what mechanisms were available for treating or coping with a person who had been identified as mad.

III. Chapter Summary

As noted above, this dissertation covers the period from Charles V to Charles VIII (1364-1498). Charles VI’s reign, from 1380 to 1422 is particularly interesting for any consideration of the significance of madness in this period, since from 1392 to his death

¹³⁸ Metzler, *Disability in Medieval Europe*, 6.

¹³⁹ Neugebauer, “Mental Handicap in Medieval and Early Modern England: Criteria, Measurement and Care;” Turner, “Living with Mental Incapacity in Late Medieval England.”

he suffered from episodes of mental disturbance. Chronicles, sermons, and political treatises all struggled to interpret and respond to the king's illness. Chapter two examines the particular case of the king, discussing the way this crisis was used by chroniclers to construct images of the unity of the realm. In this chapter, the king's illness is compared to biblical models of madness, to consider the disruptive potential of royal mental disturbance. Members of the court, religious leaders, and others sought medical and supernatural solutions to try to fix the body of the realm so as to aid the king as its head. Charles VI's illness spurred a new focus on behavioral reforms, as the king passed anti-blasphemy laws to try to create a more Christian realm.

Laws were not solely concerned with trying to alleviate the king's mental problems, however. Legal discourse about madness engaged with questions of responsibility, governance, culpability, and punishment. Chapter three discusses legal constructions and understandings of mental capacity and incapacity, using law codes to consider the ways in which Roman law, canon law, and French customary law treated the mad. Legal texts conceived of mental illness as an inability to comprehend, and therefore a propensity to infringe upon, the rules governing social and legal interactions. The threat to order that mad people represented was therefore twofold: they could not be trusted to care for themselves or their own property, and they might not respect other people's lives or properties. Because the mad did not understand what they did, they were not held responsible for any contracts into which they entered. However, law codes reveal an uncertainty about mad criminals. Although all the legal texts agreed that the mad should not be punished for crimes, the explanations for their immunity differed, often within a single text. This ambiguity may have contributed to a need for royal

intervention into such cases, which manifested in the form of the king's remission for crime.

Chapters four and five concentrate on remission letters about madness. Between 1364 and 1498, the king's chancery filled one hundred and thirty-four registers, containing 52,622 acts, of which 38,860 are letters of remission, or seventy-four percent of the total.¹⁴⁰ From this large base, I selected a sampling of thirty-five registers to search, around a quarter of the total, containing 13,671 acts, 9,852 of which are remission letters. In addition, I gleaned a few other letters from the regional indices and editions available.¹⁴¹ My sampling garnered one hundred forty-five letters that mention madness, comprising one percent of the total letters read. These letters are scattered throughout the registers, not clustered around particular dates, suggesting that mental illness was not a common trope in the genre but a relatively unusual manifestation for the royal notaries who recorded and helped to compose these letters.

There were many ways to write a letter of remission in the fourteenth and fifteenth centuries. There was no need to prove a lack of guilt in remission letters,

¹⁴⁰ These numbers are my own calculations. They differ slightly from those in Michel François' article, Michel François, "Note sur les lettres de rémission transcrites dans les registres du Trésor des Chartres," *Bibliothèque de l'École des Chartes* 103 (1942): 317-324. François found 52,698 total acts and 38,655 remission letters. The difference is minimal, and may be due to some typographical errors in his article, most notably when he lists AN JJ 204 as containing 116 total acts, of which 120 are remission letters. In that register I found that there were in fact 136 total acts.

¹⁴¹ Bernard Chevalier, ed., *Les Pays de la Loire Moyenne dans le Trésor des Chartres: Berry, Blésois, Chartrain, Orléanais, Touraine 1350-1502 (Archives nationales, JJ 80-235) Collection de documents inédits sur l'histoire de France*. (Paris: Comité des travaux historiques et scientifiques, 1993); Yves Dossat, Anne-Marie LeMason, and Philippe Wolff, eds., *Le Languedoc et le Rouergue dans le Trésor des Chartres* (Paris: Comité des travaux historiques et scientifiques, 1983); Paul Guérin, ed., *Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France, Archives historiques du Poitou* (Poitiers: Société française d'imprimerie et de librairie, 1909); Christian Gut, ed., *Les pays de l'Oise sous la domination anglaise (1420-1435) d'après les registres de la Chancellerie de France* (Paris: Comité des travaux historiques et scientifiques, 1996); Le Cacheux, ed., *Actes de la chancellerie d'Henri VI*; Auguste Longnon, ed., *Paris pendant la domination anglaise (1420-1436): Documents extraits des registres de la Chancellerie de France* (Paris: H. Champion, 1878); Charles Edmond Petit-Dutaillis, ed., *Documents nouveaux sur les mœurs populaires et le droit de vengeance dans les Pays-Bas au XVe siècle* (Paris: H. Champion, 1908); Charles Samaran, ed., *La Gascogne dans les registres du Trésor des Chartres Collection de documents inédits sur l'histoire de France* (Paris: Bibliothèque nationale, 1966).

although many did strive to do so, and it was certainly not necessary to invent circumstances that would exculpate the accused. Even if an attempt was made to provide extenuating circumstances for the crime, generally the letters were focused on the bad reputation of the victim or the crime was explained as an accident. The invocation of madness was not necessary and, in some cases, could lead to further difficulties, since some letters included a caveat requiring the person to be kept under guard as a condition for pardon.¹⁴² Indeed, claims of mental disturbance appear in the archives rarely, but consistently, over the one hundred fifty year period under examination here. On average, letters about madness appear in one percent of the total remission letters in a book, and in the books that were fully examined they never exceeded three percent. On the other hand, only two of the thirty-five books searched yielded no references to mental illness. Thus, the choice to mention madness appears to have been a conscious one, and there is little likelihood that the notaries developed a standard form for writing about it, the way they appear to have for writing about tavern brawls. Instead, the choice to explain a crime in terms of mental disturbance was a difficult and potentially damaging one.

Chapter four begins the discussion of remission letters, looking closely at the cooperation between the family and the royal notary. This chapter examines the narratives in remission letters to consider how the family advocated for the mad person by constructing stories about the crime, but also about the person's entire life. The evidence provided for mental illness earlier in the person's life was often idiosyncratic, and sometimes the narratives provided logical linkages between the earlier behavior and the ultimate crime of the mad person. These individual narratives provide a wide spectrum of beliefs about what caused madness and what kinds of behaviors were coded

¹⁴² For example, at the end of AN JJ 173 fo 33v no 63 (in 1425).

as mad. The remission letters also often seek to tell the story from the perspective of the criminal, thereby encouraging the family members and the notary composing the letter to attempt to rationalize the insanity, creating an alternative understanding of reality through which the mad person's crime was comprehensible. Chapter five discusses the kinds of crimes committed by the insane and the evidence in these letters for community and family actions, examining the networks available to help or hinder the mad. The crimes of the mentally ill most often targeted their kin and communal ties, rupturing the identity of the criminal. Through the medium of remission letters, these ties were reformed, and connections were reconstructed. The family and the community simultaneously wished to aid the mad and feared the possible consequences of insanity. The mentally ill were sometimes taken to saints' shrines to seek cures, but often they were kept in chains or otherwise guarded.

As we shall see, madness was generally determined through acts that were identified and labeled by other people, and generally disrupted expectations of kin and communal rights and responsibilities. The disease was not marked on the body, and the mad did not make up minority communities within the larger whole. Insanity could appear at any point during an individual's lifespan, and could happen to any person, including the king himself. It could be cyclical, as people who were mad for a time could suddenly become sane and vice versa. Yet, rather than being expelled, the mentally ill were often reincorporated into these networks they had ruptured. During periods of sanity, most people were allowed to resume their normal lives and engage in their usual activities and duties. The very instability of the mad identity and the investment of the community make these narratives about madness particularly rich and compelling.

Despite the ways in which madness was imagined in terms of interiority and individuality, in the end all these discussions returned to the implications of madness: how the singular mad person affected and was affected by the larger community.

Chapter 2:

Madness and the Community of the Realm

On December 2, 1419, Philippe, duke of Burgundy, arranged a treaty with the English king, Henry V, in the wake of Henry's successful military campaign through northern France. According to the terms of the treaty, Charles VI would disinherit his son, the dauphin Charles, and recognize Henry V of England as heir to the French realm.¹ Henry would immediately be granted the power of regent in France because "his cousin of France is very often taken and impeded by a contrary illness, which is grievous to say, in such a way that he himself cannot conveniently understand or attend to the needs of the realm."² The admission within the proposed treaty that Charles VI was incapable of governing his realm because of his illness created a convenient precedent for objections to the treaty on the same grounds. If the king was not fit to govern because he lacked sufficient understanding, then how much less was he capable of signing a treaty that would disinherit his son? Charles VI of France had been suffering periodic attacks of madness for over twenty-six years by the time this treaty was arranged. Although he had

¹ The realm of France that Charles VI was offering to Henry V included those territories owing direct allegiance to the French king and those whose lords paid homage to him.

² Nicole Pons, *"L'Honneur de la Couronne de France": Quatre libelles contre les Anglais (vers 1418 - vers 1429)* (Paris: Librairie C. Klincksieck, 1990), 136: "son cousin de France est tenu comme le plus souvent, ce que dolentement recite, et empeschié de contraire maladie, par tele maniere que convenablement il ne pourra en sa personne entendre ou vaquer a disposer les besoignes du royaume."

been allowed to govern when he was considered well, during his “absences”³ the French realm had been governed by a series of regents. In the context of the proposed treaty with England, his madness and its consequences were openly debated and discussed in political circles. For the first time, the concept of the *rex inutilis* was raised, and Charles VI’s right to govern was questioned.⁴ Why was such an extreme act required to initiate questions about Charles VI’s competence? In political treatises on the proposed treaty, the king’s madness was simultaneously considered the root cause of the disintegration of the French realm and a buttress for French sentiment, as they sought to deny his ability to alienate his lands. In order to understand the complex relationship between the king’s madness and his realm, this chapter traces the escalation of the dual deployment of Charles VI’s illness to its culmination in the discourse around the Treaty of Troyes in 1420.

Charles VI’s madness was a difficult and potentially dangerous problem for France from the moment of his first problematic episode until his death in 1422. The Hundred Years War, the Papal Schism, and a civil war caused by conflict over the regency of the realm during the king’s frequent illnesses were among the political challenges faced during his reign. The chroniclers who recorded the king’s reign depicted an entire kingdom grappling with the difficulties of government when the king was incapacitated, but they also used the king as a rallying point in efforts to resolve these conflicts. The king’s madness brought into direct confrontation medieval images of

³ In the king’s ordonnances, he appointed regents for his “absence.” See Louis-Guillaume de Vilevault and Louis George Oudard Feudrix de Bréquigny, eds., *Ordonnances des Rois de France de la 3e Race: Dixième volume, Contenant les ordonnances de Charles VI, données depuis le commencement de l’année 1411 jusqu’à la fin de l’année 1418* (Paris: Imprimerie royale, 1763), vol. 10, 234, 424.

⁴ Edward Peters, *The shadow king: rex inutilis in medieval law and literature, 751-1327* (New Haven, CT: Yale University Press, 1970). See also Bernard Guenée’s lengthy exploration of the history of the concept in Bernard Guenée, *La folie de Charles VI: Roi Bien-Aimé* (Paris: Perrin, 2004), 211-223.

the mad and of kingship, and posited the question of the relationship between the mad and his or her community in striking ways.

Using four moments of political violence, this chapter explores the ways in which Charles VI's madness simultaneously disrupted and reinforced the "imagined community" of the French realm.⁵ Although chroniclers and other writers cited the king's madness as a causal force for moments of dangerous rupture within the realm, they also imagined that the king's illness might serve to reconstruct the realm into a cohesive whole. In the first of these four violent acts, Olivier de Clisson, constable of France, was attacked by Pierre de Craon, who had been recently stripped of his position as the king's chamberlain. Charles VI's military response to this event, which he viewed as an assault on the realm, dissolved into his initial episode of madness, challenging his command of a marching army which had been summoned to display the strength of the French king. In the second, a procession that sought God's aid in returning the king to health, produced, instead of healing, rupture within the realm, as Charles of Savoisy, one of the king's chamberlains, attacked the University of Paris. The third, the murder of the king's brother, Louis of Orléans, by his cousin Jean sans Peur, the Duke of Burgundy, revealed and exacerbated fault lines within the Princes of the Blood, the uncles, brothers, and cousins of the king of France. The fourth, another murder, this time of Duke Jean of Burgundy by the dauphin Charles, led to the Treaty of Troyes and the passing of the French crown to an English king, which brings the chapter full circle and allows us to reinterpret the political treatises debating the treaty in the context of the king's long illness. In describing each of these events, chroniclers, preachers, and authors of political

⁵ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

treatises inscribed their own visions of popular concerns about the king's madness as a means to refocus and restore the realm.

By fracturing the king's identity, Charles' illness targeted the coherence of the "imagined community" that was the kingdom of France. Benedict Anderson explains his theory of an "imagined community" by noting that "the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion."⁶ Though Anderson sees the development of the "imagined community" of the nation as requiring printing technology to spread it, it is clear that the concept of a community on a larger scale was already being employed by royal chroniclers and other authors before the invention of the printing press.⁷ While their impact may not have been widespread, these writers were constructing the concept of a realm that not only owed allegiance to the king, but also was threatened by the disintegration of the king's identity.⁸ Yet authors writing about his reign imagined the realm of France unifying specifically for the purpose of countering this threatened loss of identity. As Bernard Guenée argues, "the madness of Charles VI was not a personal affair. All the French were responsible for it. Curing the king therefore required a collective effort."⁹ Despite their many disagreements and differences, the people of the French realm could be brought together in their prayers and

⁶ Ibid., 6.

⁷ Benedict Anderson's oversimplified vision of the Middle Ages suggests that medieval Christians "had no conception of history as an end-less chain of cause and effect or of radical separations between past and present" and thus were incapable of "thinking a nation." Ibid., 23-36. This view has been challenged by medievalists. See especially the essays collected in Simon Forde, Lesley Johnson, and Alan V. Murray, eds., *Concepts of National Identity in the Middle Ages* (Leeds: University Printing Service at the University of Leeds, 1995).

⁸ Indeed, this supports Anderson's theory that under monarchical rule, "loyalties were necessarily hierarchical and centripetal because the ruler, like the sacred script, was a node of access to being and inherent in it." Nevertheless, the realm was "imagined" and constructed through these works just as much as the nation has been. Anderson, *Imagined Communities*, 40.

⁹ Guenée, *La folie de Charles VI*, 151: "la folie de Charles VI n'était pas une affaire personnelle. Tous les Français en étaient responsables. Guérir le roi exigeait donc une effort collectif."

through their concern for their mad king, Charles, “*le Bien-Aimé*” (“the well-loved”). These texts created a paradox, of the mentally unstable, absent king whose government was capable of functioning without him, but who was nevertheless central to constructions of French sentiment.¹⁰

I. The King’s Fury

The king’s first public episode of mad behavior occurred shortly after he declared war on the duke of Brittany. Because of the public and unexpected nature of the event, this moment was described in far more detail than any of the king’s other periods of madness, and so requires more attention here. Before considering the three chronicles that described the onset of the king’s madness, it is necessary to understand the sequence of events that led the king to the forest of Mans. On June 13, 1392, while walking home with a small contingent of guards after a dinner with King Charles VI, Olivier de Clisson, Constable of France, was attacked by Pierre de Craon, who reportedly believed that the constable was behind his fall from the position of king’s chamberlain. The failed attempt to murder the Constable of France, and the repercussions stemming from that event, constituted the first major political crisis that Charles VI approached without the advice of his uncles, who had governed the kingdom during his minority. The young king was angry when he heard of the attack, considering it a treasonous offense against the crown. Although Clisson was left for dead, his wounds were superficial and he recovered within a few weeks.

¹⁰ Guenée calls attention to this paradox in his book, calling Charles “un roi inutile et indispensable.” Ibid., 199.

Pierre de Craon, meanwhile, escaped his pursuers and sought refuge in Brittany with the duke, Jean IV. The relationship between Jean IV of Brittany and the French kings had been tense for many years, as he vacillated between allying himself with France and with England. Jean also had a particularly fraught personal and political relationship with Olivier de Clisson.¹¹ The Duke of Brittany assured the king that Pierre de Craon had passed through Brittany after committing the crime, but he had already departed. The young king refused to accept this explanation, particularly since, according to one chronicler, Charles “firmly believed that the duke was an accomplice in the crime.”¹² Encouraged by his favored advisors, the *Marmousets*, Charles decided to go to war against the Duke, calling up his liege men and their armies. For the first time, the king had made a decision without the consultation of his uncles, the Princes of the Blood. According to the chronicle accounts, the Duke of Burgundy and the Duke of Berry were both displeased at Charles’ decision. Although they brought their armies to join the king at Le Mans, they took their time arriving, delaying the king as a demonstration of their disapproval.¹³ Charles VI’s decision to take an army into Brittany

¹¹ Olivier de Clisson and Jean IV of Brittany were both exiles in England during their youths. While Jean IV was able to recover his dukedom, Olivier de Clisson had trouble reacquainting his ancestral lands in Brittany. Jean IV continued to have diplomatic relations with England, calling in English troops whenever he felt threatened by French interests. Olivier de Clisson, in contrast, conceived a hatred for the English and considered Jean IV to have violated his vows of fealty to the French king. For an entire book and an article on the subject of the Breton dukedom and Olivier de Clisson, see John Bell Henneman, *Olivier de Clisson and Political Society in France Under Charles V and Charles VI* (Philadelphia: University of Pennsylvania Press, 1996); John Bell Henneman, “Reassessing the Career of Olivier de Clisson, Constable of France,” in *Law, Custom, and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon*, ed. Bernard S. Bachrach and David Nicholas, *Studies in Medieval Culture, XXVIII* (Kalamazoo: Western Michigan University Press, 1990), 211-234.

¹² M. L. Bellaguet, ed., *Chronique du religieux de Saint-Denys, contenant le règne de Charles VI, de 1380 à 1422, Éditions du Comité des travaux historiques et scientifiques* (Paris: L’imprimerie de Crapelet, 1842; reprint, 1994), 6 vols., vol. 2, 10: “qui conscius sceleris perpetrati...firmiter credebatur.”

¹³ For more details about the political situation, see Françoise Autrand, *Charles VI: La folie du roi* (Paris: Fayard, 1986), 271-328; Henneman, *Olivier de Clisson*

was thus the result of a crime that he considered treasonous, and as we shall see some of the chroniclers viewed the king's madness as an escalation of paranoia.

It was in the context of this great gathering of force that Charles VI's madness erupted. The three contemporary chroniclers who addressed this event constructed a performance of madness layered within a performance of the martial power of the French kingdom. The onset of the king's madness occurred in public, and the assembled army witnessed his distressing actions. The march of the army was a formalized and ritualized event, in which the king led the aggregate forces of his lords towards the enemy. After the long delay in Le Mans, the king could at last demonstrate his power. His frenetic behavior disrupted this procession, ultimately forcing the troops to return to Le Mans. Whereas the king's later episodes of madness were generally played out in the confines of the palace, this first event was spectacular, not least because of the ritual performance that it impinged upon. The movement of the army can be imagined in terms of a procession, much like a king's entry into a city.¹⁴ Indeed, this may have been why the absence of some of the armies of the Princes of the Blood resonated so strongly, and worked so well as a delay. Until the full complement of troops was present, the movement of the armies could reveal weakness rather than demonstrating unity and strength. When the armies finally began to march, the king led the way with his pages, carrying his weapons and his helm, following behind him.

In retrospect, the three chroniclers who described the king's deployment of his armies found signs that this elaboration of the king's strength was doomed to fail.

¹⁴ For more on the processions that took place at king's entries, see Margot Fassler, "Adventus at Chartres: Ritual Models for Major Processions," in *Ceremonial Culture in Pre-modern Europe*, ed. Nicholas Howe (Notre Dame, IN: University of Notre Dame Press, 2007), 13-62; Bernard Guenée and Françoise Lehoux, *Les entrées royales françaises de 1328 à 1515* (Paris: Éditions du Centre national de la recherche scientifique, 1968).

Although the basic story was the same, there are several details on which they differed, each providing his own narrative to explain why the king attacked his own men. Michel Pintoin, the monk who composed the *Chronicle of St. Denis*, wrote his account in the context of his roles as a monk and as the official royal historian.¹⁵ Jean Froissart, with patronage ties to the English court and the Count of Foix and a friendship with Bureau de la Rivière, one of the *Marmousets* who had fallen from power when the king's uncles took over as a result of his madness, had different priorities.¹⁶ The goals of the anonymous author of the *Chronique des Quatre Premiers Valois* are less clear, but since he ended his account with the recovery of the king, it seems he sought to create a triumphal conclusion that could alleviate the concerns raised by a king's madness.¹⁷

Michel Pintoin noted that he was present with the armies in his capacity as the official royal historian. It was unusual for the chronicler to refer to himself, but in order to describe this particularly troubling event, he deemed it necessary to assert his physical presence. He established his authority as an eyewitness to many of the events he described, while for those he did not see himself he had access to the immediate testimony of people who had.¹⁸ He recalled that the king had shown signs of being “not of sound mind” (“*non sane mentis*”) for several days before he ordered his armies to depart Le Mans. As evidence, the monk referred to the king's “fatuous words and

¹⁵ For the attribution of this chronicle to Michel Pintoin, see Bernard Guenée, *Un Roi et son historien: Vingt études sur le règne de Charles VI et la Chronique du Religieux de Saint-Denis* (Paris: Académie des Inscriptions et belles-lettres, 1999), 33-78.

¹⁶ See Peter Ainsworth, *Jean Froissart and the Fabric of History: Truth, Myth, and Fiction in the Chroniques* (Oxford: Clarendon Press, 1990), esp. 192-197.

¹⁷ *Chronique des quatre premiers Valois (1327-1393)*, ed. Siméon Luce, *Société de l'histoire de France* (Paris: J. Renouard, 1862).

¹⁸ There is a tradition of privileging eye-witness testimony in medieval historiography. For just one example, note the medieval evaluation of Homer, who was born too late to be an eyewitness of the Trojan War, versus Dares Phrygius and Dictys Cretensis, who were believed to have been there. For these references in medieval texts about Troy, see the collected works in R.K. Gordon, ed., *The Story of Troilus as told by Benoît de Sainte-Maure, Giovanni Boccaccio, Geoffrey Chaucer, Robert Henryson* (Toronto: University of Toronto Press, 1978).

gestures unbecoming to royal majesty.”¹⁹ Michel Pintoin did not describe these gestures in detail, but it is clear that to him madness had earlier manifested itself in that tainting of the royal image. Charles’ madness was specifically the madness of a king, since his disruptive behaviors departed from expected royal majesty.

Michel Pintoin also attempted to explain the tragedy of the king’s madness on a wider scale by seeking portents behind the actions of the king. Unsurprisingly, the monk looked to the realm of religion, connecting rumors of miraculous events to the illness of the king. He explained that

this deplorable accident had been announced by signs and precursors. Thus a small statue of the blessed Virgin Mary, which makes up part of the precious jewels of the church of Saint-Julien in Mans, had, they say, turned by herself during about a half an hour’s time, without anyone touching it; as this prodigy had already happened before, they had predicted that a grand calamity was about to strike in the realm. Without doubt they did not know about the illness of the king.²⁰

The miraculous statue of the Virgin acted as an even stronger portent for Michel Pintoin than the king’s words and gestures. He sought signs of the impending disaster outside the body of the king himself, gazing into the realm as a whole. The turning of the Virgin’s statue foreshadowed the turning of the king, who would shortly attack his own men. This emphasis on disaster that would befall the realm of France, not just the body of the king, shifted focus from the king’s personal illness to the effect that illness would have on France as a whole. Indeed, as the “Most Christian King,” the king of France had a major role in protecting Christendom as a whole. The miracle of the Virgin’s statue represented

¹⁹ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 18: “verbis fatuis utendo, gestus eciam majestatem regiam dedecentes exercuerat.”

²⁰ *Ibid.*: “infortunium hoc dolendum non contigit sine precedenti signo. Nam reffertur inter preciosa jocalia ecclesie sancti Juliani Cenomanensis sigillum beate Marie Virginis contineri; quod quia tunc sine tactu cujuscunque se volubile reddidit fere per mediam horam, ut alias experti fuerant, vaticinaverunt scandallum in regno proxime affuturum; statum sane incolumitatis regis ignorabant.”

the extent of the disaster that, through the king of France, would strike even beyond his realm to the community of Christendom.

Jean Froissart also sought foreshadowings of the king's madness, but he focused on the king's internal physical state, rather than his external actions or miraculous events in local churches. Unlike the monk of Saint Denis, Froissart was not present for the king's aborted campaign. Based on internal evidence it seems that he relied on the account of his friend, the lord of Coucy, who was riding with the king.²¹ Froissart noted that,

[i]n the city of Mans the lords stayed for more than three weeks, because the king was not capable of riding, and was very feverish. And his doctors said to his brother and his uncles: "One makes the king travel; but certainly he should not do it, because he is not in a good state for riding. Resting will go much better for him, because since he left Amiens where the parlements were, he has not been in such a good state as he was before."²²

In Froissart's description of events, Charles VI's eruption into madness should not have surprised anyone. He noted that it was a hot day in mid-August and that the king was wearing heavy armor, suggesting that physical discomfort and over-heating caused the king's previous illness to erupt into madness.²³ The king's physicians had expressed serious concerns about his ability to travel, warning the king's close family members to guard him from overexertion, but these warnings were not sufficiently heeded.

²¹ See footnote 12 in R.C. Famiglietti, *Royal Intrigue: Crisis at the Court of Charles VI, 1392-1420* (New York: AMS Press, 1986), 207.

²² Jean Froissart, *Les Chroniques de Sire Jean Froissart* ed. J.A.C. Buchon (Paris: A Desrez, 1835), vol. 2, 156: "En la cité du Mans séjournèrent les seigneurs plus de trois semaines, car le roi n'étoit pas en point de chevaucher, et étoit tout fiévreux. Et disoient ses médecins à son frère et à ses oncles: 'On fait le roi traveller; mais certainement il n'en eut que faire, car il n'étoit pas en état pour chevaucher. Le repos lui vuadroit mieux assez, car depuis qu'il se départit d'Amiens où les parlemens furent, il ne fut en si bon état comme il étoit au devant.'"

²³ *Ibid.*, 159.

Despite his focus on the physical causes of the king's illness, Froissart also made a direct link between Charles VI's madness and the madness of the biblical king Nebuchadnezzar. Indeed, he interrupted his description of this first episode by observing,

we have seen in the Old Testament and the New many figures and examples of this. Do we not have Nebuchadnezzar, king of the Assyrians, who reigned for a time in such power that above him there was news of no other; and suddenly, in his greatest strength and reign, the sovereign king, God, lord of the heavens and of the earth, and maker and ordainer of all things changed him such that he lost his senses and his reign, and he was for seven years in such a state; and he lived on acorns and wild apples, and had the taste and the appetite of a pig; and when he had become penitent, God returned his memory to him; and then he said to Daniel the prophet that above the God of Israel there is no other God.²⁴

This intervention into the main narrative of Charles' failed campaign against the duke of Brittany allowed Froissart to suggest obliquely that the king was driven mad as a punishment for his hubris. Nebuchadnezzar's pride had threatened the integrity of the religious and political community, and only by recognizing the supreme power of the God of Israel was he able to return to the fold. This is a particularly interesting analogy given that Froissart, unlike Michel Pintoin, focused considerably more attention on the king's physicians than on divine will as the source of the king's illness. Thus, his brief foray into the supernatural gains significance, as Froissart appears to be using the biblical link to criticize the king's actions in terms of the integrity of not only the French realm, but of Christendom as a whole.²⁵ In general, the Bible treated madness in a negative light, specifically as an impediment to true belief, although the New Testament also

²⁴ Ibid., 160: "on a vu en l'ancien testament et nouvel moult de figures et d'exemples. N'avons-nous pas de Nabuchodonosor, roi des Assyriens, lequel régna un temps en telle puissance que dessus lui il n'étoit nouvelle de nul autre; et soudainement, en sa greigneur force et règne, le souverain roi, Dieu, sire du ciel et de la terre, et formeur et ordonneur de toutes choses l'appareilla tel que il perdit sens et règne, le et fut sept ans en cel état; et vivoit de glans et des pommes sauvages, et avoit le goût et l'appétit d'un porcel; et quand il eut fait pénitence, Dieu lui rendit sa mémoire; et adonc dit-il à Daniel le prophète; que dessus le Dieu de Israël il n'étoit nul autre Dieu."

²⁵ Froissart's ties to England may to some degree explain why he, unlike the king's official historian, felt comfortable criticizing Charles VI. See the essays in J.J.N. Palmer, ed., *Froissart: Historian* (Woodbridge: Boydell Press, 1981).

included some references that reversed the usual perspective, introducing the concept of the Holy Fool. All of these interpretations of madness would have been well-known to Charles VI's chroniclers and his subjects, as they tried to comprehend the king's madness. It is worth considering these biblical referents in detail here.

The story of Nebuchadnezzar was also about regal power interrupted at its height, and moralized by focusing on the need to reaffirm God's supreme power in order to recover. King Nebuchadnezzar's achievements in his realm and his construction of the palace of Babylon led to him to fall into the sin of pride. Nebuchadnezzar believed himself to be God's equal, and God punished him accordingly. In fulfillment of his own prophetic dream, the king "was driven away from among men, and did eat grass like an ox, and his body was wet with the dew of heaven: till his hairs grew like the feathers of eagles, and his nails like birds' claws."²⁶ This description of madness as bestial behavior, and indeed as the antithesis of courtliness, often recurs in medieval romances,²⁷ although it was not common to describe mad people as having their hearts changed into that of a beast.²⁸ Interestingly, the association of this state with madness comes not in the description of his punishment, but in the words given to Nebuchadnezzar himself when his atonement is completed:

²⁶ All English translations of the Bible come from Richard Challoner, ed., *The Holy Bible, Translated from the Latin Vulgate; Diligently Compared with the Hebrew, Greek, and other Editions in Divers Languages. The Old Testament First Published by the English College at Douay, A.D. 1609, and the New Testament First Published by the English College at Rheims, A.D. 1582.* (Rockford, Ill: Tan Books and Publishers, 1971). The Latin comes from Robert Weber, ed., *Biblia Sacra Iuxta Vulgatam Versionem* (Stuttgart: Deutsche Bibelgesellschaft, 1969). Daniel 4:30. "ex hominibus abiectus est et foenum ut bos comedit et rore caeli corpus eius infectum est donec capilli eius in similitudinem aquilarum crescerent et ungues eius quasi avium."

²⁷ See especially Chrétien de Troyes, *Le Chevalier au Lion; ou le Roman d'Yvain: Édition critique d'après le manuscrit B.N. fr. 1433*, ed. David F. Hult, trans. David F. Hult (Paris: Librairie Générale Française, 1994).

²⁸ Daniel 4:13: "cor eius ab humano commutetur et cor ferae detur ei."

[n]ow at the end of the days, I Nebuchadnezzar lifted up my eyes to heaven, and my sense was restored to me: and I blessed the most High, and I praised and glorified him that liveth for ever At the same time my sense returned to me, and I came to the honour and glory of my kingdom: and my shape returned to me: and my nobles, and my magistrates sought for me, and I was restored to my kingdom: and greater majesty was added to me.²⁹

By describing his release as the return of his senses, he categorizes his earlier behavior as an absence of sense, or madness. Medieval exegesis interpreted Nebuchadnezzar's madness as a punishment from God for his hubris, but he was given the opportunity to come back to himself, recognize his sins, and seek forgiveness.³⁰ His return to his senses allowed for his reintegration into the community of the faithful, as well as the reinvestment of his royal powers. Froissart's reference to Nebuchadnezzar suggested a critique of Charles VI's pride. Perhaps it is unsurprising that, despite his religious calling, the monk of St. Denis, as the king's official chronicler, did not choose to make the same connection.

Prophecies of Treason

These chroniclers' retrospective efforts to find some unheeded warning that the king was going to go mad culminated in the tale of the prophetic beggar, who interrupted the king's procession in order to warn him to beware of treachery in the ranks. The identity of the beggar varies in each of the three chronicle accounts. In Michel Pintoin's narrative, he was a leper, whose words exacerbated the king's already disturbed imagination. The figure of the leper, who halted the king as he rode past the leper

²⁹ Daniel 4:31-34: "igitur post finem dierum ego Nabuchodonosor oculos meos ad caelum levavi et sensus meus redditus est mihi et Altissimo benedixi et viventem in sempiternum laudavi et glorificavi. . . . in ipso tempore sensus meus reversus est ad me et ad honorem regni mei decoremque perveni et figura mea reversa est ad me et optimates mei et magistratus mei requisierunt me et in regno meo restitutus sum et magnificentia amplior addita est mihi."

³⁰ Penelope Doob gives a detailed analysis of the commentary on this passage, arguing that Nebuchadnezzar is unusual specifically because he is given the opportunity for redemption. Penelope Doob, *Nebuchadnezzar's Children: Conventions in Madness in Middle English Literature* (New Haven: Yale University Press, 1974), 54-74.

hospital on the outskirts of Le Mans, symbolically demarcated the army's movement from the safe space of the town into the wilderness. The forest, a wild and untamed space, was often imagined as populated by wild men, whose uncontrolled behavior paralleled that of the mad.³¹ Inhabitants of leper hospitals were neither included in the community of the realm nor exiled into the wilderness, but lived in a space between the two.³² The threat of treason, reiterated by the leper, weighed on the king's mind as he passed from the safety of Le Mans into the forest. When one of the *gens d'armes* accidentally dropped his sword, the king turned on him, killing him and then attacking others. In this account the king, who continued to attack his men for over an hour, cried, "I am delivered to my enemies, attempting to kill allies as well as unknown men."³³ The king's fear of betrayal and treason thus acted as a driving force, leading him to strike out at all those around him. According to the monk's tally, Charles VI killed four men, and would have killed more if his sword had not broken, thus allowing his men to restrain him. The disruptive scene of the king's "fury" ("*furor*"), introduced as it was with the threat of treason and betrayal, highlighted the potential disunity of the realm, which was emphasized further as the king attacked all his men, even those who ordinarily were "allies."

³¹ Indeed, literary and figurative wild men were quite fashionable during Charles VI's reign, and the king and several of his friends performed a dance while dressed as wild men in January of 1393. See the description of the dance by Michel Pinton, Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol.2, 64-70. The performance is analyzed in Susan Crane, *The Performance of Self: Ritual, Clothing, and Identity during the Hundred Years War* (Philadelphia: University of Pennsylvania Press, 2002), 140-174. On wild men, see Richard Bernheimer, *Wild Men in the Middle Ages: A Study in Art, Sentiment, and Demonology* (Cambridge: Harvard University Press, 1952); Joyce Salisbury, *The Beast Within: Animals in the Middle Ages* (New York: Routledge, 1994).

³² Françoise Bériac, *Histoire des lépreux au moyen âge: Une société d'exclus* (Paris: Imago, 1988).

³³ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 18: "Sum ego adversariis tradendus, nunc amicos, nunc ignotos occidere conabatur."

Jean Froissart's narrative concentrated even more on the potential for treason, particularly during a campaign against the duke of Brittany, who had sympathizers among the French armies. He imagined the conversations of the men in camp, who considered the political situation.

“See,” said others, “if there is not treason. Do you think that all those who are [here] and ride with the king are truly enemies of the duke of Brittany? Certainly not. Who dares to say so? And one can easily see many signs, because they do nothing night and day but counsel, and all to break off and shatter this voyage. And the king has such marvel of it that he can hardly have good health.”³⁴

Though Froissart was not present for any such conversation, his vision of the disunity in the ranks of the king's armies allows him to suggest that the king's fear of treason may not have been unjustified paranoia, and indeed that his unease about the loyalty of his troops in general, and his uncles in particular, contributed to his disease. If the threat of treason was real, should he be blamed for reacting excessively in fear of it in a preemptive strike? The rest of Froissart's narrative argued that the king's actions were evidence of madness, but his suggestion that the treason the king feared may have been real provided an alternative interpretation of the disruption within the realm. Rather than springing from the king's madness, the power struggles may have contributed to it. In this version, the prophetic figure was described as a man who “showed more of the fool than the wise man,”³⁵ not a leper, and thus as a direct parallel to the king's own madness. In fact, Froissart suggested that the king's followers made a serious error by ignoring the fool, rather than stopping to enquire whether he “was naturally foolish or wise, and know

³⁴ Froissart, *Les Chroniques de Sire Jean Froissart*, 156: “Voire, disoient les autres, s'il n'y a trahison. Pensez-vous que tous ceux qui sont et chevauchent avecques le roi soient vrais ennemis au duc de Bretagne? Certes, nenni. Qui l'oseroit dire? Et on en peut bien voir aucuns signes, car on ne fait nuit et jour que conseiller, et tout pour rompre et briser ce voyage. Et en a le roi telle merveille que à peine peut-il avoir bien et santé.”

³⁵ *Ibid.*, 159: “montrait mieux que il fût fol que sage.”

who made him say such words, or from whence they came to him.”³⁶ Froissart continued to refer to the man as “the mad man or the sage,”³⁷ marking the possibility that the king really was in danger of being betrayed.

In suggesting that the beggar might have been a wise fool, Froissart was engaging with biblical concepts of the fool and the wise man. The fool was generally pitted against the wise man in order to convey moral and spiritual guidance. The spiritual fool in the Old Testament was dangerously unwise and incapable of faith. Like Nebuchadnezzar, who needed to return to his senses in order to realize that “above the God of Israel there is no other God,” this unnamed fool was unable to recognize spiritual truths, and thus unable to participate in the community of believers. Perhaps the most deceptively simple expression of this type of fool appears in Psalm 13:1, which is repeated again in Psalm 52:1: “The fool hath said in his heart: There is no God.”³⁸ All the other points on which the fool is mistaken have been summarized here with the simple statement that, whereas the wise man understands and seeks God, the fool denies His existence. From this mistake stems the proliferation of errors of which the fool is guilty according to the rest of the Old Testament. Through this willful inversion of faithfulness, the fool can be used as a symbol for all those who do not believe. Indeed, in Psalm 91:7 a lack of sense and foolishness are both held up as impediments to faith, since “The senseless man shall not know: nor will the fool understand these things.”³⁹

³⁶ Ibid. “étoit naturellement fol ou sage, et sçu qui lui faisoit tels paroles dire, ni dont elles lui venoient.”

³⁷ Ibid. “le fol homme ou le sage.”

³⁸ Psalm 52:1: “Dixit insipiens in corde suo non est Deus.” For this particular subject, see also Muriel Laharie’s discussion of the iconography of Psalm 52 in the thirteenth century in Muriel Laharie, *La Folie au Moyen Âge: XIe-XIIIe siècles* (Paris: Le Léopard d’Or, 1991), 105-107.

³⁹ Psalm 91:7: “vir insipiens non cognoscet et stultus non intellet haec.”

Anselm of Canterbury, writing in the late eleventh century, considered the fool of the Psalms in his proof of the existence of God. According to his reasoning, the fool must be able to understand the concept of “something than which nothing greater can be thought,”⁴⁰ by which Anselm defined God. Once a concept is understood, then it exists in the thought, and if it is “something than which nothing greater can be thought,” then it must exist in reality, not only in thought, because real existence is greater than thought, and therefore even the fool must think that God exists.⁴¹ In which case, Anselm deduced, the Psalm passage referred to a thought that had no meaning in the understanding of the fool.⁴² Anselm’s use of this particular biblical passage for his proof of the existence of God is interesting, because he did not admit the possibility of a flawed understanding, arguing instead that the fool must be able to understand, just as a normal person would.

Gaunilo, a monk at the abbey of Marmoutier and a contemporary of Anselm’s, responded to Anselm’s proof of God’s existence by offering a response from the perspective of the fool. Gaunilo also ignored the potentially disruptive possibility that the fool lacked an ability to understand things, but suggested that one could “say that all kinds of unreal things, not existing in themselves in any way at all, are equally in the mind since if anyone speaks about them I understand whatever he says.”⁴³ He adds

[w]hen, however, it is said that this supreme being cannot be *thought* not to exist, it would perhaps be better to say that it cannot be *understood* not to exist nor even to be able not to exist. For, strictly speaking, unreal things cannot be *understood*,

⁴⁰ Anselm, *St. Anselm's Proslogion with A Reply on Behalf of the Fool by Gaunilo and The Author's Reply to Gaunilo*, trans. M. J. Charlesworth (Oxford: The Clarendon Press, 1965), 116-117: “aliquid quo maius nihil cogitari potest.”

⁴¹ *Ibid.*, 116: “Convicitur ergo etiam insipiens esse vel in intellectu aliquid quo nihil maius cogitari potest, quia hoc cum audit intelligit, et quidquid intelligitur in intellectu est.”

⁴² *Ibid.*, 120: “Nullus quippe intelligens id quod deus est, potest cogitare quia deus non est, licet haec verba dicat in corde, aut sine ulla aut cum aliqua extranea significatione.”

⁴³ *Ibid.*, 156-157: “nonne et quaecumque falsa ac nullo prorsus modo in seipsis existentia in intellectu habere similiter dici possem, cum ea dicente aliquo, auecumque ille diceret, ego intelligerem?”

though certainly they can be *thought* of in the same way as the Fool *thought* that God does not exist.⁴⁴

This distinction between thought and understanding is significant for medieval concepts of madness. Whereas it is possible to think that God does not exist, it is not possible to understand that God does not exist. However, one of the terms for madness in medieval French texts was “*hors de son entendement*” or “outside one’s understanding.”⁴⁵ Thus, the Fool, lacking in understanding, would in fact be capable of thinking “in his heart” that God does not exist. In Anselm’s response to Gaunilo, perhaps in recognition of the essential difficulty of building these arguments through the figure of the Fool, he opened by saying, “[s]ince it is not the Fool, against whom I spoke in my tract, who takes me up, but one who, though speaking on the Fool’s behalf, is an orthodox Christian and no fool, it will suffice if I reply to the Christian.”⁴⁶ A response to the orthodox Christian was far more straightforward than a response to the Fool, whose mind was difficult for a wise man to comprehend. What is most significant here for the figure of the prophetic fool in Froissart’s chronicle is that a fool’s mind was capable of encompassing things that a wise man’s could not.

The concept of the fool as the antithesis of the wise appeared also in one of Jesus’ parables in the Gospel of Luke, 12:20, although here the “foolish” act subverts the expectations of the reader. The “fool” in this parable is a man who thinks to store his goods for a later date, which seems at first to be a prudent act. God speaks to the man

⁴⁴ Ibid., 164-166: “Cum autem dicitur quod summa res ista non esse nequeat cogitari: melius fortasse diceretur, quod non esse aut etiam posse non esse non possit intelligi. Nam secundum proprietatem verbi istius falsa nequeunt intelligi, quae possunt utique eo modo cogitari, quo deum non esse insipiens cogitavit.”

⁴⁵ See the introduction of this dissertation for more on terminology.

⁴⁶ Anselm, *St. Anselm’s Proslogion*, 168-169: “Quoniam non me reprendit in his dictis ille ‘insipiens’ contra quem sum locutus in meo opusculo, sed quidam non insipiens et catholicus pro insipiente: sufficere mihi potest respondere catholico.”

however, reassessing his behavior by calling him a fool and telling him that he will die tonight, and all his goods will go to another. An even stronger alternative reading of the fool appears in Paul's first letter to the Corinthians, 3:18-19, where folly in the world can lead to wisdom with God. The New Testament reevaluated the figure of the fool by suggesting that what the corrupt world sees as foolish is actually what God sees as wise.

The New Testament reinterpretation of the fool was further developed in the Middle Ages by those saints, such as Francis of Assisi, who chose to be fools for God, or holy fools.⁴⁷ It also led to an association between fools and prophetic powers. Nicole Oresme was a fourteenth-century philosopher, mathematician, and theologian, commissioned by Charles V to translate a number of Aristotle's works.⁴⁸ In his *De causis mirabilium*, a work seeking natural and reasoned explanations for miraculous phenomena that he composed in the 1340s, before his larger project of Aristotelian translation,⁴⁹ he grappled with the question of whether madmen could prophesy. He imagined madness as an inability to censor oneself, a lack of a control between thought and speech, suggesting that mad people were simply saying and doing things that sane people prevented themselves from saying and doing, not that they were saying and doing things that were completely inexplicable. There was a method in the kind of madness Oresme imagined, even though it would be difficult for a sane person to follow the peregrinations of the conversation. But, he suggested, it would be no more difficult to understand a mad person's conversation than to understand the random and varied

⁴⁷ See Laharie, *La Folie au Moyen Âge*, 87-106.

⁴⁸ For a biography of Oresme, see Susan M. Babbitt, "Oresme's *Livre de Politiques* and the France of Charles V," *Transactions of the American Philosophical Society, New Series* 75, no. 1 (1985): 1-158, 1-4. See also the brief addition to his early biography in William J. Courtenay, "The Early Career of Nicole Oresme," *Isis* 91, no. 3 (2000): 542-548.

⁴⁹ Bert Hansen provides an overview of Oresme's work criticizing astrology and the belief in magic. See Bert Hansen, *Nicole Oresme and the Marvels of Nature: A Study of his De causis mirabilium with Critical Edition, Translation, and Commentary* (Toronto: Pontifical Institute of Mediaeval Studies, 1985), 3-16.

thoughts of a sane person.⁵⁰ This uncensored speech, according to Oresme, could be (mis)interpreted as prophesy, since “[t]herefore it can happen by chance that a certain maniac who is almost never silent will say something true of the future.”⁵¹ Oresme’s refutation of the fool’s potential for prophetic statements, interesting in its own right, confirms that these beliefs about the prophetic power of fools were current in medieval culture. By drawing on this complex traditional nexus of folly, wisdom, and prophesy, in his chronicle Froissart presented an ambiguous figure whose words could have been the ravings of a fool or the prophetic pronouncement of a saint.

In Froissart’s account, the noise that precipitated Charles’ madness was made by his pages, at which point the king, believing himself betrayed, drew his sword. In a much more dramatic scene than that described by Michel Pintoin, Froissart explained that

[t]he Duke of Orléans was not at that time very far from the king. The king went towards him, holding his naked sword; and already the king, from his frenzy and the feebleness of his head, lost recognition, and knew neither who was his brother nor who his uncle. When the Duke of Orléans saw him coming towards him with a naked sword, he was so afraid, and did not wish to wait (and for a good cause), and he spurred his horse quickly with the king following after. The Duke of Burgundy was riding alongside, and by the fear of the horses, and because already he had heard the cries of the king’s pages, he glanced over there, and saw the king, who had a naked sword, chasing his brother....⁵²

⁵⁰ Ibid., 252-253. Oresme argued, “these people are not able to be silent or to be still in their other members, and just as species of the fantasia occur to them, they express them so, because they do not know how to control themselves or how to hold back from what should not be said. Look inside yourself: if you were saying all the things which occur to you now on this, now on that, then no matter what or how much you said, people would surely call you a fool.” And in Latin, “ideo non possunt tacere nec etiam quiescere in aliis membris et sicut occurrunt species fantasie sic exprimunt quia nesciunt se corrigere nec abstinere a non dicendis. Vide in te: si loquereris omnia que tibi occurrunt modo de uno modo de alio, que et quot tu diceres, certe homines dicerent te fatuum.”

⁵¹ Ibid. “Potest igitur contingere a casu quod talis maniacus qui nunquam quasi tacet dicet aliquod verum futurum.”

⁵² Froissart, *Les Chroniques de Sire Jean Froissart* 159: “Le duc d’Orléans, n’étoit pas pour lors trop loin du roi. Le roi adressa devers lui tenant l’épée toute nue; et jà en avoit le roi, par la frénésie et foiblesse de chef, perdula connoissance, ni il se savoit qui étoit son frère ni son oncle. Quand le duc d’Orléans le vit venir vers lui l’épée toute nue, si s’effréa, et ne vout pas attendre, et à bonne cause; et poindy le cheval hâtivement et le roi après. Le duc de Bourgogne étoit et chevauchoit de côté, et pour l’effroi des chevaux, et que jà il avoit ouï les pages du roi crier, jeta son regard de celle part, et connut le roi qui à l’épée toute nue, chassoit son frère.”

The rich and personalized image Froissart provided emphasized the deterioration of kin bonds, particularly those between the king and his closest relatives. Rather than attacking the anonymous crowd of his men, as Michel Pinton suggested, Froissart portrayed the king attacking his brothers and uncles. These men were some of the most powerful in the realm, and the particular rivalry between Orléans and Burgundy would prove detrimental to France as a whole over the years of Charles' incapacity. Froissart's focus on the threat of treason and his emphasis on two powerful figures in the king's family as targets of the king's furious rage combined to suggest that Charles' disruptive madness was only part of the troubles disrupting French royal power.

The threat of treason within the realm, and the king's denial of his identity even to the point of attacking his kinsmen, suggests parallels to another biblical narrative, although this one was not mentioned by any contemporary chroniclers. Here the interrupted regal power resonated differently. The event occurred during Saul's reign, after God had chosen David as the new king of Israel and sent an evil spirit to trouble Saul, who remained on the throne. Jealous of David, Saul attempted to have him killed, and David was forced into exile in the kingdom of Geth. In this case David used gestures coded as madness to fool his enemies into ignoring him, thus allowing him to escape:

[a]nd the servants of Achis, when they saw David, said to him: Is not this David the king of the land? Did they not sing to him in their dances, saying: Saul hath slain his thousands, and David his ten thousands? But David laid up these words in his heart, and was exceedingly afraid at the face of Achis the king of Geth. And he changed his countenance before them, and slipt down between their hands: and he stumbled against the doors of the gate, and his spittle ran down upon his beard. And Achis said to his servants: You saw the man was mad: why have you brought him to me? Have we need of madmen, that you have brought in this fellow, to play the madman in my presence? shall this fellow come into my house?⁵³

⁵³ First Book of Kings 21:11-15: "dixeruntque ei servi Achis numquid non iste est David rex terrae nonne huic cantabant per choros dicentes percussit Saul mille et David decem milia posuit autem David sermones

David's behavior demonstrates the ease with which madness could be copied. He merely stumbled and drooled on himself, and his enemies immediately interpreted him as "insane" and "furious," to give more accurate translations than the Douay-Rheims Bible provides. The context in which David chose to counterfeit madness is particularly interesting for the ways in which it parallels Charles VI's first mad episode. David was surrounded by his enemies, in a situation fraught with danger, and used mad behavior in order to deflect attention from his true identity. The chroniclers described Charles VI's paranoid fear that he was similarly surrounded by enemies and traitors, despite the fact that he was riding with his own men. The king's actual denial of his own kingship was a literal extension of David's imitative denial. In David's story, madness was a smokescreen behind which the king's power could be protected.

The anonymous *Chronique des quatre premiers Valois* included two separate prophet figures, combining the narratives that were presumably both current in contemporary rumors. One prophet, a disfigured man, warned the king that if he entered the forest of Mans, it would go badly for him. The other, a fool (*fol*), who also had a disfigured face, told the king that if he went further he would die. According to this version of the narrative, Charles' response was immediate, and he attempted to kill the fool. He tried to take his sword from his page, but the page, frightened, ran away. When the king finally managed to get his sword, "from ire and from anger, he marveled or despaired, or he was poisoned or ensorcelled or tormented, as it is held. Because when

istos in corde suo et extimuit valde a facie Achis regis Geth et inmutavit os suum coram eis et conlabebatur inter manus eorum et inpingebat in ostia portae defluebantque salivae eius in barbam et ait Achis ad servos suos vidistis hominem insanum quare adduxistis eum ad me an desunt nobis furiosi quod introduxistis istum ut fureret me praesente hicine ingredietur domum meam."

he had the sword, he turned on those around him, and wounded them greatly.”⁵⁴ Even within one sentence, this chronicler had difficulty deciding how to ascribe a cause to the king’s illness, suggesting on the one hand that the king acted from the internal impetus of anger or despair, but on the other hand that he might have been targeted by the external threats of poison or sorcery. The *Valois* chronicler ended his account with the happy news that the king’s physician had cured him, news that other chroniclers who continued their account into the king’s many relapses were not able to view with so much relief.

Regardless of the differences in detail, all three chroniclers recorded the fear generated by the king’s attacks on his own men. This action was particularly egregious given the ideological framework within which the French monarchy was expected to provide protection in exchange for service. At that particular moment, when the king was in the process of demonstrating his power through the gathering of French forces in an effort to castigate the Duke of Brittany, the symbolism inherent in his attack on his own forces must have been clear to all observers. The king’s actions while mad were almost a natural extension of his impetuosity as a ruler. Indeed, Pierre de Fenin used the king’s illness to account for all the troubles in the kingdom. Describing Charles’ death, he wrote that throughout his life, Charles had had “an illness that greatly harmed him, and sometimes he wanted to fight all those who were with him.”⁵⁵ This description interpreted Charles’ madness as a departure from behavioral norms. It was the king’s

⁵⁴ *Chronique des quatre premiers Valois*, 324: “d’ire et de couroult, se marvoya ou desespera, ou il fut empoisonnéz ou ensorceléz ou entaraudéz, comme l’en tenoit. Car comme il oult l’espée, il couru sus à ceulx d’entour lui, et moult en navra.”

⁵⁵ Pierre de Fenin, *Mémoires de Pierre de Fenin, comprenant le récit des événements qui se sont passés en France et en Bourgogne sous les règnes de Charles VI et Charles VII: 1407-1427*, ed. L.M.E. Dupont, *Société de l’histoire de France* (Paris: J. Renouard, 1837), 191: “une malladie qui moult luy nuisoit, et par fois vouloit féir tous ceulx qui estoient avecquez luy.”

desire to attack everyone around him that marked him as insane, but it was also a general sense of combativeness that characterized the king's reign.

As this analysis of the first episode of the king's madness demonstrates, the chronicles allow for an exploration of the ways in which Charles VI's madness was understood in terms of irrational behavior. These three accounts described the onset of Charles' madness in detail, but very few of his subsequent episodes were given a similar treatment. The behavior perceived as mad by these chroniclers included a desire to harm his friends, denial of his own identity and that of others, and rude gestures and dances that were not considered "kingly." Yet, when he was not suffering the effects of his illness, the chronicles portrayed him as a very kingly figure. The chroniclers and the people whose opinions they recorded interpreted Charles VI's madness in a variety of different ways. Some saw it as a curse from God, either caused by his dissolute youth or by his subjects' sins.⁵⁶ Others posited a medical disease caused either by his weak, womanly complexion or, again, by his dissolute youth.⁵⁷ Still others suggested that his madness was a bewitchment caused by poison or sorcery.⁵⁸ Because his madness was seen as a temporary illness, there was no reason to consider him a *rex inutilis* in the immediate aftermath of his attack.⁵⁹ As Bernard Guenée notes, "the useless king was not deposed because no one, either outside the realm or within it, had the legal or political means to depose him, nor to govern in his place."⁶⁰ Instead, perhaps because Charles VI

⁵⁶ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 404-406; Froissart, *Les Chroniques de Sire Jean Froissart* 160.

⁵⁷ Froissart, *Les Chroniques de Sire Jean Froissart* 163.

⁵⁸ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 25; Froissart, *Les Chroniques de Sire Jean Froissart* 162.

⁵⁹ Peters, *The shadow king: rex inutilis in medieval law and literature, 751-1327*.

⁶⁰ Guenée, *La folie de Charles VI*, 232: "Le roi inutile n'a pas été déposé parce que personne, ni hors du royaume ni dans le royaume, n'avait les moyens juridiques ou politiques de le déposer, ni même de gouverner à sa place."

had begun his reign as a minor and thus the French realm was comfortable with the concept of regency, the king's uncles immediately reestablished their rule until he recovered. In a sense, they were falling back on French law, which, as shall be explored in chapter 3, prescribed guardians for the mad. During his episodes of madness he was treated as a minor and during his episodes of sanity he was allowed full regal responsibility.⁶¹

In the chronicles, Charles VI's multiple recoveries were attributed to the prayers of his people, the success of his physicians, or the removal of the bewitchment. All of these possible roads to recovery required the participation of his realm, whether in its entirety, as the French people participated in pious processions, or in its noble representatives, who sought out physicians or sorcerers who might be able to help the king.⁶² While France was falling into civil war, these chroniclers continued to shore up this image of a cooperative, cohesive realm that came together, as a proper body politic, in aid of its diseased head. For Michel Pintoin in particular, the most powerful way to aid

⁶¹ It is important to note here that Charles VI's episodes of sanity occurred regularly and for lengthy periods throughout his reign, and that no one figure was able to hold onto the regency alone, since Charles himself continually transferred power between his uncles, cousins, brother, wife and sons. The precedent of the Carolingians, who were granted kingship because the pope determined that "it would be better that he who actually had the power should be called king," would not apply here. See *Ibid.*, 212-213.

⁶² In examining Charles' illness, Penelope Doob uses Froissart's account to argue that Charles VI's friends viewed his disease as morally neutral and stemming from natural causes whereas his enemies explained it through supernatural and moral causes. Doob, *Nebuchadnezzar's Children*, 45-49. Judith Neaman, who also depended exclusively on Froissart's account to describe the king's madness, gleans from Froissart's account that "kings and beggars might both suffer madness, but that society treated one with care, the second with abuse, and that a monarch's state of intellect was inseparable from the divine plan of history." Judith Neaman, *Suggestion of the Devil: The Origins of Madness* (New York: Anchor Books, 1975), 122. However, the madness of the king was the focus of much more complex and varied beliefs than Doob and Neaman discuss. Froissart was only one of the chroniclers who wrote about the king's madness, and there are also many other sources available for considering the political and social effects of a mad king. Richard Famiglietti's conscientious study of Charles VI's reign minutely examines the chronicles and evidence from chancery documents to establish the effect of the king's madness on the political scene. His brief introductory study of the king's madness itself is focused on providing a twentieth-century diagnosis for the king's fourteenth-century ailment. Famiglietti, *Royal Intrigue*, 1-21. Bernard Guenée's recent study of Charles VI mines all of the available evidence to talk about the social and cultural aspects of the king's madness, and provides a complement to Famiglietti's focus on politics. Guenée, *La folie de Charles VI*.

the king was through religious processions throughout the realm, bringing together all levels of society in prayer and supplication on behalf of Charles VI. However, as we shall see, these processions were not always peaceful demonstrations of harmony.

II. The Body of the Realm: Processions for the King's Health

In the “*affaire Savoisy*,” an attack on a University procession escalated into violence on consecrated ground. The case in question occurred in Paris in 1404, where the university had arranged a general procession from the church of Saint Mathurin to the church of Saint Catherine, intending to pray for the health of the king and the resolution of the papal schism. The resultant “scandal” (“*scandalum*”) was described by many contemporary chroniclers in great detail.⁶³ Processions symbolically represented the body politic by enacting and displaying social roles and hierarchies.⁶⁴ It is important to remember that the inhabitants themselves performed these spectacles, inscribing their

⁶³ Nicolas de Baye, *Journal de Nicolas de Baye, greffier du Parlement de Paris, 1400-1417*, ed. Alexandre Tuetey (Paris: Librairie Renouard, V e. H. Laurens, successeur, 1885-1888), 2 vols., vol. 1, 93-95, 100-114; M. L. Bellaguet, ed., *Chronique du religieux de Saint-Denys contenant le règne de Charles VI de 1380 à 1422*, Éditions du Comité des travaux historiques et scientifiques (Paris: L'imprimerie de Crapelet, 1842; reprint, 1994), 6 vols., vol. 3, 186-191; Gilles le Bouvier, *Les Chroniques du roi Charles VII*, ed. Henri Courteault, Léonce Celier, and Marie-Henriette Jullien de Pommerol (Paris: C. Klincksieck, 1979), 14; Pierre Cochon, “La chronique normande de Pierre Cochon,” in *Chronique de la Pucelle; ou, Chronique de Cousinot, suivie de La chronique normande de P. Cochon, relatives aux règnes de Charles VI et de Charles VII, restituées à leurs auteurs et publiées pour la première fois intégralement à partir de l’an 1403*, ed. Auguste Vallet de Viriville (Paris: A. Delahays, 1859), 367-368; Jean Gerson, *Oeuvres complètes*, ed. Mgr Glorieux (Paris: Desclée et Cie, 1966), vol. 7, 326-340; Enguerrand de Monstrelet, *La chronique d'Enguerrand de Monstrelet, en deux livres, avec pièces justificatives 1400-1444.*, ed. L. Douët-d'Arcq, *Société de l'histoire de France* (Paris: Mme ve J. Renouard, 1857-1862), 6 vols., vol. 1, 73-75.

Interestingly, this was not the first time that the University of Paris had had problems during a solemn procession. The funeral procession for Charles V in 1380 was disturbed by an argument about precedence between the University representatives and Hugh Aubriot, the prévost of Paris. This fracas also resulted in the conviction of the University's enemy. For a detailed analysis of the case, see Alexander Murray, “Beware of Universities. A Cautionary Tale from Paris, 1380-1381,” in *Medieval Paradigms: Essays in honor of Jeremy duQuesnay Adams*, ed. Stephanie Hayes-Healy (New York: Palgrave, 2005), 29-54.

⁶⁴ For more on processions during Charles VI's reign, see Bernard Guenée, “Liturgie et Politique: Les processions spéciales à Paris sous Charles VI,” in *Saint-Denis et la Royauté: Études Offertes à Bernard Guenée*, ed. Françoise Autrand, Claude Gauvard, and Jean-Marie Moeglin (Paris: Publications de la Sorbonne, 1999), 23-49.

own location within the community through the act of walking the town in which they resided, or through the experience of viewing others moving through space.⁶⁵ Spectators were just as much part of the procession as those who were actively moving. Even smaller processions that involved particular groups within the town or city were considered as representative of the larger whole. Indeed, the symbolism of processions was never more apparent than when the peace of the community they were intended to represent was ruptured in the middle of the process.

Michel Pintoin, in the *Chronicle of Saint-Denis*, placed the scandalous procession in the context of the papal schism, which, he explained, troubled the realm nearly as much as the illness of the king. The university had arranged a general procession to pray for the health of both Christendom and the French king, and this reference to the papal schism allowed Michel Pintoin to consider Charles VI's role as Most Christian King and the threat of schism within the realm of France. The disruptive event itself began with an accident that pitted the students of the university against the nobility, thus marking fissures within the body politic that caused a further conflict. A retainer of Charles of Savoisy, described by Michel Pintoin as "a most stupid youth" ("*stolidissimus juvenis*"), spurred his horse in such a way that it entered into the front ranks of the procession, injuring many of the scholars of the lowest classes. According to Michel Pintoin, many of the participants in the procession ran to the scene to reprimand the young man, one going so far as to box his ears. The monk of Saint Denis perhaps sympathized with his fellow churchmen. He certainly presented a more decorous group of scholars than Enguerrand de Monstrelet, whose position in the house of the duke of Burgundy may

⁶⁵ C. Clifford Flanigan, "The Moving Subject: Medieval Liturgical Processions in Semiotic and Cultural Perspective," in *Moving Subjects: Processional Performance in the Middle Ages and Renaissance*, ed. Kathleen Ashley and Wim Hüsken (Amsterdam: Rodopi B.V., 2001), 35-52, 39.

have influenced his account. In describing the same incident, he declared that more than one horseman crashed into the procession, and that the scholars threw stones at the riders after some of them had been trampled.⁶⁶

This accidental and minor fracas did not end there, however, because the young retainer complained to his lord, who, according to the chroniclers, was more than willing to respond to the perceived insult. Michel Pintoin explained the temerity of this lord and his household:

[u]nder the orders of the lord of Savoisy, his servants quickly gathered together in large numbers. Transported by the desire for vengeance and moved by a truly diabolical fury, they went towards the church with swords, bows, and other arms, entered by force, and threatened those whom they found inside with death, profaning the holy space. They dared, during their sacrilegious fury, and without respect for the church or for Christ, whose sacred body they saw on the altar, to shoot their arrows into the sanctuary, as if it had been a den of brigands. The arrows hit many people, and pierced some paintings consecrated to God and to the saints, and also the tunic and the dalmatica of the deacon and the sub-deacon. The abbot who officiated and had already performed the consecration, frightened by this disorder, abridged the rest of the office and finished in a low voice the mass that had been sung until then.⁶⁷

This passionate depiction of disorder and destruction within the sanctified space of the church reveals deep fears about the consequences of social dissonance. The interruption of the mass, that sacred symbol of Christian unity, with the body of Christ on the altar before them, made the desecration even more troubling.⁶⁸ That the officiator finished the

⁶⁶ Enguerrand de Monstrelet, *La chronique d'Enguerrand de Monstrelet*, 73.

⁶⁷ Bellaguet, ed., *Chronique du Religieux de Saint-Denys*, vol. 3, 186: "Nam, jubente milite, ejus detestabiles ministri magno numero congregati, ad hanc temeritatem ausu dyabolico et spiritu furoris concepto, mox cum gladiis, arcubus et armis ad ecclesiam accurrentes, non solum quos extra reperiunt metu mortis reintrare coegerunt, sed et sacrilegis manibus ipsam non erubuerunt violare. Ferali namque rabie excitati, in contemptum ecclesie atque Christi, cujus consecratum corpus super altare videbant, a valvis velud in speluncam latronum intromittentes sagittas et aliquos vulnerantes, Deo et sanctis dicatas ymagines, tunicam quoque ac dalmaticam qui misse ministerio astabant transfixerunt. Unde territus abbas ille, qui divina celebranda susceperat, et qui jam sacrosanctam consecrationem peregerat, oportuit quod misse residuum cum silencio compleret et breviter que altissonis vocibus hucusque fuerant decantata."

⁶⁸ See Miri Rubin, *Corpus Christi: The Eucharist in Late Medieval Culture* (Cambridge: Cambridge University Press, 1991).

mass merely served to emphasize his own dedication to his holy task in the face of this violent interruption.

For Michel Pintoin in particular, this attack on the sanctuary of the church was egregious. He believed that irreligious behavior had caused not only the king to go mad, but others as well. He explained that the king's illness was not an isolated case; rather, many people suffered from similar episodes of madness during his reign. He noted that the common people mistakenly attributed this epidemic of madness to sorcery, but that he and all other knowledgeable people – theologians and physicians – agreed that it was caused by bad behavior in their youth.⁶⁹ Michel Pintoin's image of a community that suffered with the king allowed him to criticize the king's youthful behavior obliquely. He suggested that the entire realm needed to be reformed, and saw these episodes of madness as signs of the need for moral reform. According to the monk, theories of the literal body politic and fears about the danger of misbehavior were the foundations for behavioral laws that were passed during Charles VI's reign. The ordinance against blasphemy, in Michel Pintoin's account, was declared by heralds in the streets of Paris in 1397 specifically in order to prevent the king's frequent relapses, which, the monk said, wise men attributed to the crimes of his subjects.⁷⁰ This legislation was part of a larger religious project on the part of the king, who, before his madness, had not expressed much interest in religion. Indeed, his father's chapel at the Chateau of Vincennes, which had been in progress at the time of Charles V's death, had been left unfinished for thirteen years. As soon as Charles VI recovered from his first episode of madness, he

⁶⁹ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 404-406.

⁷⁰ *Ibid.*, 532.

resumed the project.⁷¹ While this was clearly an effort to reform on the part of the king as an individual, the law against blasphemy targeted the reformation of the entire realm.⁷²

A law against blasphemy was recorded in Parlement, not in February when Michel Pintoin mentioned it, but in May of 1397, a month after Charles passed another ordinance that gave prisoners condemned to death the right to receive the last sacrament, a result of a campaign by Jean Gerson, suggesting that the reformation of morals had far-reaching goals.⁷³ As the monk of Saint-Denis interpreted it, the kingdom of France had to come together and cleanse itself on behalf of its mad king. Indeed, when the king reconfirmed the law against blasphemy in 1415, he included language suggesting that he, too, believed that the problems of the realm might have their roots in the blasphemy of the people, saying “it may be for this cause that many great disgraces and inconveniences have come and come every day in diverse ways, to Us and to our said subjects.”⁷⁴ Though the king did not specify the particular troubles that had come upon him due to the blasphemy of his people, the obvious inconveniences that haunted his reign were his episodes of madness.

Merely eschewing negative behavior was not sufficient, however. The need for positive action on the part of the realm as a whole was most evident in chronicle discussions of penitent processions undertaken in order to offer prayers for the king’s health. Indeed, Bernard Guenée posits that “the illness of Charles VI made the special

⁷¹ Guenée, *La folie de Charles VI*, 165-170; Guenée, *Un Roi et son historien*, 219-275.

⁷² See Guenée, *La folie de Charles VI*, 184-192 for more on the history of blasphemy laws in France.

⁷³ Henri Stein, *Inventaire analytique des ordonnances enregistrées au parlement de Paris jusqu’à la mort de Louis XII* (Paris: Imprimerie nationale, 1908), 153-154.

⁷⁴ Vilevault and Bréquigny, eds., *Ordonnances des Rois de France de la 3e Race: Dixième volume, Contenant les ordonnances de Charles VI, données depuis le commencement de l’année 1411 jusqu’à la fin de l’année 1418*, 243: “puet estre que à ceste cause plusieurs grans esclandres & inconveniens qui sont avenez & aviennent de jour en jour en diverses manieres, sur Nous & nosdiz subgiez.”

procession into a familiar reality, almost quotidian.”⁷⁵ Michel Pintoin described the first of these processions, which took place immediately after Charles’ first episode of madness, as follows:

[w]hen the news was spread throughout the realm, all the true French cried as if for the death of an only son; so much was the health of France attached to that of its king! The clergy, seeing that human remedies were powerless against this strange illness, called on heaven, between tears and sobs, with fervent prayers for the conservation of a life so precious. In all the churches, they added to the divine office oraisons specifically for the king. The bishops, accompanied by their clergy, made processions from church to church. Men and women followed them, barefoot, prostrating themselves before the Lord with groans and tears, and asked him with one contrite and humble heart for the recovery of the king.⁷⁶

Michel Pintoin was quick to acknowledge that this moving display of unity, with all “true French” acting with one heart, touched God’s heart and led to the king’s recovery.

Clearly, the chronicler of Saint-Denis felt that Charles VI’s suffering needed divine aid, which could be sought through the intercession of the people of his realm. He linked “true French” identity and prayers for the king here, “imagining” the French realm in terms of the king’s madness. Michel Pintoin was certain the king’s every recovery was due to God’s pity for the prayers of the French people, and he indicated this in the language he used. Even when he was simply making a passing reference to the king’s recovery, he referred to Charles’ “*incolumitas*,” or “safety.”⁷⁷ This Latin term was unusual in Classical Latin, but would have been easily recognizable to the medieval

⁷⁵ Guenée, *La folie de Charles VI*, 174: “La maladie de Charles VI fit de la procession spéciale une réalité familière, presque quotidienne.”

⁷⁶ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 22: “Ut autem per regnum divulgatum est, omnes veri Francigenae tanquam super unigenitorum morte doluerunt. Equidem omnium regnicolarum salus in sua fundata erat. Ideo viri ecclesiastici attendentes, quod vis morbi humanis subsidiis sublevari non poterat, quanto desiderio tunc ipsam affectabant, tanto fervore devocionis et cum mestis singultibus ad Deum se converterunt. Ubique certe facte fuerunt pro ipsa oraciones in celebracione divinorum ab universa Ecclesia. Episcopi cum clero arma de ecclesiis ad ecclesias bajulantes spiritualia, sexu utriusque plebis nudis vestigiis subsequente, ante Dominum prostrati, cum gemitu et lacrimis, corde contrito et humiliato, orabant pro incolumitate regis.”

⁷⁷ *Ibid.*

readers as part of the liturgy. When masses were said for the king's recovery, the French people asked for his "*salus et incolumitas*."⁷⁸

The vexed question of where the king, in his madness, fit into the larger understanding of Christendom was troubling for Charles' contemporaries. As the "Most Christian King," the French king had a role to play in the defense of Christendom, but madness brought personal salvific potential into question. The most important logistical consideration for theologians was whether or not mad people could be part of the communion of the church. The theological question was what was necessary for salvation, and consideration of the mind and human mental capacity often came up in the context of faith. In his *De Trinitate*, Augustine contemplated the mystery of the Trinity, and it was here that he considered human memory in depth.⁷⁹ Augustine argued that the Trinity could be understood through the conjunction of the human mental trinity of memory, understanding and will. He explained that

this trinity of the mind is God's image, not because the mind remembers, understands and loves itself; but because it has the power also to remember, understand and love its Maker. And it is in so doing that it attains wisdom. If it does not so, the memory, understanding and love of itself is no more than an act of folly. Let the mind then remember its God, in whose image it was made, let it understand him and love him.⁸⁰

⁷⁸ Brian Boyle, Andrew Byler, and Paul Halsall, "Medieval Sourcebook: Mass of the Roman Rite," ed. Paul Halsall (1996): "pro spe salutis, et incolumitatis suae."

⁷⁹ See Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, Mass.: Harvard University Press, 1989) for an interesting discussion of the theme of memory and understanding of the self as an individual in Augustine's *De Trinitate*. To Taylor, there is a lapse figured by scholasticism and "Thomistic proofs" between the Augustinian theory of the self and the Cartesian further development of it.

⁸⁰ Augustine, *Later works*, ed. John Burnaby, trans. John Burnaby (Philadelphia: Westminster Press, 1955), 113 XIV.xv. Augustine, *De Trinitate* ([cited January 31, 2007 2007]); available from <http://www.thelatinlibrary.com/augustine/> XIV.xv: "Haec igitur trinitas mentis non propterea dei est imago quia sui meminit mens et intellegit ac diligit se, sed quia potest etiam meminisse et intellegere et amare a quo facta est. Quod cum facit sapiens ipsa fit. Si autem non facit, etiam cum sui meminit seque intellegit ac diligit, stulta est. Meminerit itaque dei sui ad cuius imaginem facta est eumque intellegat atque diligit."

Thus, for Augustine folly causes humans to understand themselves but not seek to understand God. This passage has even further meaning for medieval understandings of madness as a loss of memory and understanding, however, since it is only through these aspects of human intelligence that a person can truly love and comprehend God. For Augustine, then, both the foolish and the mad were incapable of understanding the Trinity and, through this, of accessing salvation. Did that mean Charles VI not only was incapable of being the Most Christian King during his episodes of madness, but also that he could not be considered part of the Christian community at all?

When Thomas Aquinas considered madness in the thirteenth century, he addressed the question of whether mad people were capable of participating in the sacraments, and thus of being part of the Christian community. He agreed with Augustine that mad people were not capable of memory and reason, but he imagined this lack less as a loss and more as a block. His beliefs about madness were closely related to more general Christian questions about the separation between the soul and the body. In his *Summa Theologica* he asked whether a mad person was lacking his or her rational soul (*anima rationalis*). Aquinas responded to the argument that the mad are like beasts and therefore should not be given the sacraments by saying that “[m]admen and imbeciles lack the use of reason accidentally, i.e. through some impediment in a bodily organ; but not like irrational animals through want of a rational soul.”⁸¹ Humans who are mad still have souls, but their minds are incapable of communicating with their souls because of a physical impediment. Animals, on the other hand, have no souls at all.

⁸¹ Translations of Aquinas come from Thomas Aquinas, *Summa theologica*, trans. Fathers of the English Dominican Province (Westminster, Md: Christian Classics, 1981), 5 vols., vol. 4, 2402. The Latin text is from Thomas Aquinas, *Summa Theologiae*, ed. James J. Cunningham (London: Blackfriars, 1964), 60 vols., vol. 57, 120 3a 68, 12: “furiosi vel amentes carent usu rationis per accidens, scilicet propter aliquod impedimentum organi corporalis: non autem propter defectum animae rationalis, sicut bruta animalia.”

Thus, unlike beasts, the mad are salvable. Instead of imagining madness as a true lack of soul, Aquinas argued for a bodily blockage that did not negate the potential salvation of the mad. Thus, using a medical explanation, Aquinas saw the irrationality of the mad as stemming from an impediment in the body rather than as the lack of a soul. According to this interpretation, Charles VI still had a soul during his episodes of madness.

However, mad people were still problematic figures for Aquinas and the medieval scholastics, because reason was an essential component of faith. Because the mad were seen as lacking reason, or at the very least as having their reason blocked and inaccessible, they were not capable of active religious belief. The question arose as to whether or not mad people could be allowed to enter into the communion of the faith if they could not believe. Without belief, was Charles VI still able to hold his position as Most Christian King? Discussing madness allowed Aquinas to consider the question of which sacraments required faith and which could be administered despite a lack of fully reasoned belief. To aid in this consideration, Aquinas distinguished between four types of mad people: those who were mad from birth with “no lucid moments,” those who had fallen from sanity into insanity much like Charles VI, those who were mad from birth but had lucid moments, and finally “others who, though not altogether sane, yet can use their reason so far as to think about their salvation, and understand the power of the sacrament.”⁸² Having codified these different levels of madness, he established that all “madmen and imbeciles” should be baptized, unless they explicitly refused baptism during their “lucid moments”, and should also be allowed to receive the Eucharist, unless they had been irrational from birth. Since an infant, who had not yet developed the

⁸² Aquinas, *Summa Theologiae*, 118-120; Aquinas, *Summa theologiae*, 2402 3a 68, 12: “nulla habentes lucida intervalla.” “Quidam vero sunt qui, etsi non omnino sanae mentis existent, in tantum tamen ratione utuntur quod possunt de sua salute cogitare, et intelligere sacramenti virtutem.”

ability to reason, could be baptized, mad people were equally able to receive that sacrament. On the other hand, reception of the Eucharist required a slightly higher level of belief. If the person had been capable of that reasoned belief at any point, however, he or she was still able to receive the sacrament without necessarily renewing that belief. In contrast, Aquinas believed that mad people should always be denied extreme unction because he felt that it “requires a movement of the free-will” and was not (as he argued in detail) required for salvation.⁸³ Aquinas was using the concept of madness to develop his theories about reasoned belief and the sacraments. His consideration of madness as a blockage between the soul and the body allowed for a more complex discussion of legitimate reception of the sacraments than the alternative belief that mad people lacked a soul entirely. According to Aquinas’ reasoning, then, Charles VI was still able to be incorporated into the Christian communion through the act of receiving the Eucharist, even during his episodes of madness. Having once entered that community of faith, it was always possible to be recognized as a member without a renewal of commitment, and even the Most Christian King could retain the necessary position as a member of the Eucharistic communion.

During his periods of sanity, Charles participated fully in the religious community, fulfilling expectations of royal religious observance, including listening to sermons by learned theologians from the University of Paris. In November of 1405, Jean Gerson read a sermon in front of the king, in which he made suggestions for the recovery

⁸³ Thomas Aquinas, *Summa Theologiae*, ed. Peter Caramello (Rome: Marietti, 1956), 3 vols., vol. 3, 96; Thomas Aquinas, *Summa theologica*, trans. Fathers of the English Dominican Province (Westminster, Md: Christian Classics, 1981), 5 vols., vol. 5, 2664, Supplement, question 32, article 3: “requiritur motus liberi arbitrii.” He also argued that the mad should not be given the sacrament of marriage because they are legally not able to enter into a contract; however, he did not consider the onset of madness as a sufficient cause to void a marriage that had already taken place. The question of marriage was also central to legal discourses about madness, with which Aquinas was familiar, and this shall be discussed in greater detail in chapter 3.

of the realm, which, he argued, had fallen into serious disarray. The regency of the king's wife and brother had prompted criticisms, and Gerson's sermon was responding to these complaints without openly blaming anyone. Gerson recommended four tasks in order to help maintain the corporal health of the king. First, it was necessary to encourage the University of Paris' medical faculty, who could seek remedies for the king. The "good friends and loyal subjects" of the king also needed to unite to care for the king's health, essentially repairing the body politic in order to aid the king's body.⁸⁴ Thirdly, everyone should avoid calling on "sorcerers, magicians, charmers, and other such foolish and perverse people."⁸⁵ Finally, prudent people with good manners should surround the king, to prevent him from being "so oppressed, worked, or hurried as we have seen him often to his great prejudice."⁸⁶ Gerson created an image of circular responsibility. The demands of the realm oppressed the king, which exacerbated his illness, which in turn led to the troubles in his realm. The combination of medical, political, and social solutions that Gerson recommended made the king's illness a problem for France as a whole, providing tasks for all those who cared about the king and his kingdom, and reprimanding those who chose the inappropriate path of sorcery.

The idea that the realm as a whole shared responsibility not only for causing the king's illness but also for restoring his health came up in many different ways, but the most interesting elaboration of the concept used the image of the body of the realm.⁸⁷

⁸⁴ Jean Gerson, *Oeuvres complètes*, ed. Mgr Glorieux (Paris: Desclée et Cie, 1968), 10 vols., vol. 7, Part 2, 1147: "Les bons amys et loyaulz subiectz du roy doibvent querir la sante et vie corporelle du roy."

⁸⁵ Ibid. "sorciens, magiciens, charmeurs et telz fols gens et perversez."

⁸⁶ Ibid. "Il ne deveroit point aussi estre tellement opprime, travaille ou presse comme on l'a veu souvent en son grant preiudice."

⁸⁷ The concept of the body of the realm was a popular one in medieval political thought. John of Salisbury's *Policraticus* originated this idea, and (for a more contemporary reference) Christine de Pizan picked up the concept for her *Book of the Body Politic*, composed between 1404 and 1407 for Louis of Guyenne, Charles VI's oldest son who did not survive to become king himself. Christine de Pizan, *The*

Jean le Fevre, composing a chronicle about the reigns of Charles VI and Charles VII in the fifteenth century, added the text of a letter he claimed had been written by Louis of Orléans and given to the king in 1413, during the period of Armagnac control of the government which will be discussed in more detail below. The letter used John of Salisbury's political theory to describe the body of the realm, explaining that

[t]he *res publica*, of which they have the governance, represents a body of which they are the heads, and the subjects are the members; in such a manner that, if any of the members are wounded, it brings sorrow to the head. And to come to my purpose, I consider the Christian realm of France to be a body of which our sovereign lord the king is the head, and the members are his subjects.⁸⁸

This theory gained particular weight when it was applied to the French king, whose “*douleur au chief*” was quite literal. These images of the realm as a body allowed for the elaboration of medical theory, which discussed the dangers of imbalance. The body's imbalance could threaten the king, and, indeed, the head's imbalance could threaten the body. The cycle of imbalance together damaged the realm as a whole, since the civil wars against which the preachers and chroniclers were arguing, simultaneously were caused by and led to the king's madness. While the letter referred specifically to the murder of Louis of Orléans, it also suggested that the king's subjects could be the cause of his illness by creating imbalances within the realm.

Book of the Body Politic, ed. Kate Langdon Forhan, trans. Kate Langdon Forhan, *Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press, 1994); John of Salisbury, *Policraticus: Of the Frivolities of Courtiers and the Footprints of Philosophers*, ed. Cary J. Nederman, trans. Cary J. Nederman, *Cambridge Texts in the History of Political Thought* (Cambridge: Cambridge University Press, 1990). See also Tsae Lan Lee Dow, “Christine de Pizan and the Body Politic,” in *Healing the Body Politic: The Political Thought of Christine de Pizan*, ed. Karen Green and Constant J. Mews (Turnhout: Brepols, 2005), 227-244.

⁸⁸ Jean LeFevre, *Chronique de Jean Le Févre, seigneur de Saint-Remy*, ed. François Morand, *Publications pour la société de l'histoire de France* (Paris: Renouard, 1876-1881), 2 vols., vol. 1, 89-101: “la chose publique, dont ilz ont le gouvernement, représente un corps dont ilz sont les chiefz, et les subjectz sont les membres; en telle manière que, se aucuns des membres sont bleschiés, il en descende douleur au chief. Et pour venir à mon propos, je considère ce royaulme de France chrestien estre ung corps duquel nostre souverain seigneur le roy est le chief; et les membres sont ses subjectz.”

These imbalances, struggles, and discords within the realm were highlighted in Charles of Savoisy's servant's accidental disruption of the university's procession on behalf of the mad king. Representatives of the university sought justice from Queen Isabeau de Bavière, the Duke of Burgundy, and the Duke of Orléans, since the king had not recovered from his illness. The lack of a single authoritative figurehead, which the university's representatives could argue was in part due to the failure of their intercessory procession on behalf of the king's health, was clearly marked here. Rather than turning to the king for justice, the university's representatives dealt with three people, each of whom held some royal prerogative during the king's "absence." Meanwhile, Charles of Savoisy, chamberlain of the king, met with some university officials in private, promising to reprimand his men personally, and hoping that the affair could be handled with "sweet words" as opposed to allowing the university to prosecute his retainers.⁸⁹ Not content with such a quiet punishment, the university officials announced a strike, during which,

[i]n order to hasten the reparation of the injury, by letters patent, the rector of the university restrained the professors of Paris from receiving or elevating any child in the schools; he enjoined them at the same time to suspend lecturing in all the faculties and producing the word of God in all the churches of Paris.⁹⁰

The university's work stoppage threatened not only the students, but also the parish communities of Paris, who would suffer from the lack of sermons by university-trained preachers. The conflict, which had been limited in scope to the single target of Charles of Savoisy, thus escalated throughout the city of Paris, as the university demonstrated its own strength in an effort to resolve the conflict in its favor.

⁸⁹ Bellaguet, ed., *Chronique du Religieux de Saint-Denys*, vol. 3, 188: "verba lenia."

⁹⁰ *Ibid.*, 190: "Ad quod eciam festinandum Universitatis rector sub patentibus litteris inhibuit pedagogis Parisiensibus, ne pueri reciperentur vel erudirentur in scolis, indicens eciam ut in cunctis facultatibus a lecturis cessaretur, nec in ecclesiis Parisiensibus seminaretur verbum Dei."

This strike garnered the attention of the Parlement, whose members heard an eloquent exposition by a Franciscan who sought to ruin the reputation of Charles of Savoisy. His speech, recorded in the journal of the greffier (secretary) of the Parlement of Paris, Nicolas de Baye, highlighted the multiple layers of communal integrity threatened in the desecration performed by Savoisy's men. The Franciscan explained that

[h]e threw stones at the world, because she [the university] was praying for the peace of the Church, so he is not a good Christian, also [the university was gathered] in order to pray for the health of the king, which they were doing, so he is not loyal to the king, and [the university prayed] for the goods of the earth on which the people live, so he is not worthy to be among men, like a troubler of the polity.⁹¹

Though it might appear that Savoisy's men were guilty of a simple act of aggression against the university, the Franciscan argued, in fact they were attacking every value that the university members were endeavoring at that moment to espouse. The university procession at that moment represented the Church as a whole, the realm, and the earth, because they were praying for those things. Charles of Savoisy responded by arguing that the men who attacked the church were not his retainers, but drunks who had been in a nearby tavern when they heard a rumor that he had been attacked, but this was not sufficiently convincing to the Parlement. Michel Pintoin also made the point of observing that "the king, who had recovered his health, acquiesced to a request that seemed to him so legitimate"⁹² and ordered Parlement to come to a conclusion on the issue. The king's health allowed for a swift and, at least from the perspective of the

⁹¹ Nicolas de Baye, *Journal de Nicolas de Baye, greffier du Parlement de Paris, 1400-1417*, 102: "Se il la welt lapider, pour ce qu'elle prioit pour la paix de l'Eglise, il n'est pas bon crestien, se pour prier pour la santé du Roy, ce que faisoient, il n'est pas loyal au Roy, se pour les biens de terre dont le peuple vit, il n'est pas digne d'estre entre gens, comme tourbleur de police."

⁹² Bellaguet, ed., *Chronique du Religieux de Saint-Denys*, vol. 3, 191: "rex, sana mente recepta, petitum annuit velud juri consonum."

university, just completion. As his illness cast the rest of the realm into disorder, in a sense causing the original accident and certainly contributing to the difficulty of finding a resolution, so his restored health allowed for the realm to return to its balance.

The punishment decided upon emphasized those very aspects of community that the crime had disturbed.⁹³ The Parlement determined that the lord of Savoisy should be made to found a chapel at a location chosen by the university, and that his house should be demolished and made into a public space to eternally commemorate the event.⁹⁴ In fact, to bring the event into a full circle, the masons and carpenters who were to perform the demolition were to be led to the site by people ringing bells in order to draw attention to the act, and those of the lord of Savoisy's servants who could be found were also processed from crossroad to crossroad while being beaten with rods as punishment for their desecration.

The unifying force of a procession allowed chroniclers to reimagine the effect of the king's madness in positive terms, as a point of convergence that reintegrated the realm in the shared concern for the head. The disruption of such a moment of symbolic power was perhaps even more serious a transgression than the use of weapons in a consecrated space. The underlying tensions between lay and secular power revealed by this particular event highlighted the need for such community building through processions and prayers. This case also indicated the difficulties inherent in the uncertainty of the regency for the mad king. University officials turned to all three of the

⁹³ See Natalie Zemon Davis, "The Rites of Violence," in *Society and Culture in Early Modern France: Eight Essays* (Stanford: Stanford University Press, 1975), 152-188.

⁹⁴ In the *Chroniques du roi Charles VII*, Gilles le Bouvier claimed that Charles of Savoisy was sent into exile and went on crusade to atone for his sins against the Church. The modern editors note that the sentence recorded in Parlement did not include banishment, and add that Charles of Savoisy petitioned to rebuild his *hôtel* a few years later. See Gilles le Bouvier, *Les Chroniques du roi Charles VII*, 14.

powerful figures who controlled the realm during the king's "absences," but in the end their case was resolved by the recovered monarch. Indeed, the struggle for power between the king's relatives led to another violent event in his reign, pitting the king's closest relatives against each other.

III. Treason and Madness

The third act of violence was the murder of Louis of Orléans at the command of Jean of Burgundy in 1407. In the early years of his reign, during both his minority and his madness, Charles VI's uncles managed the regency without much internal strife. However, as the next generation came to replace the previous, the power dynamics shifted. Louis of Orléans, the king's brother, insisted on playing a larger role in the government once he reached his majority. In 1402, he convinced the king to allow him, with the assistance of the queen, to take over the regency during the king's periods of madness. His policies were not universally approved, and the balance of power constantly shifted between Louis and his uncle, Philippe of Burgundy. After Philippe's death in 1404, his son, Jean of Burgundy, made his own claim for the role of regent. On November 23, 1407, in an extreme effort to resolve the power struggle in his favor, Jean of Burgundy had Louis of Orléans murdered on the streets of Paris, as Louis walked home from a meal with the queen. The Saint-Denis monk Michel Pintoin recorded the incident in the context of the recent birth and immediate death of a royal prince, focusing attention on the tenuous nature of life, even in the royal household. Despite Michel Pintoin's oft-mentioned disapproval of Louis of Orléans' methods of government, he

expressed horror and outrage at the murder, of which he mourned, “o detestable crime, unheard of and execrable example!”⁹⁵

Instead of trying to avoid suspicion for this death, Jean of Burgundy openly admitted that he had arranged the murder. He hired Jean Petit, along with several other scholars to aid him, to write a treatise exonerating this deed, which they accomplished in two parts, drawing on John of Salisbury’s *Policraticus*.⁹⁶ The major point sought to justify tyrannicide, arguing that covetousness is the root of all evil, but the greatest crime is treason, or *lèse-majesté*. Treason, according to Petit’s treatise, could be an offense against divine or human majesty, and both of these could come in several forms. Injuries against divine majesty could be against God, as in the behavior of heretics and idolaters, or against the Church, as in that of schismatics, while injuries against human majesty could be against the king or prince, his wife, their children, or the state or commonwealth as a whole. Jean Petit’s minor point then sought to prove that Louis of Orléans was a tyrant, and guilty of high treason through offences against God, the king, the queen, the dauphin, and the realm of France.

The charge of treason was a particularly timely one. During the reign of Charles V, the definition of *lèse-majesté* was broadened to incorporate verbal as well as physical

⁹⁵ Bellaguet, ed., *Chronique du Religieux de Saint-Denys*, vol. 3, 730: “o monstrum detestabile necdum alias speratum, execrabile exemplar !”

⁹⁶ Petit’s treatise is incorporated in Enguerrand de Monstrelet’s chronicle. See Enguerrand de Monstrelet, *Les chroniques d’Enguerrand de Monstrelet*, ed. J.A. Buchon, *Collection des chroniques nationales françaises* (Paris: Verdrière, 1826-1827), vol. 1, 178-235. For a discussion of Jean Petit’s work, see Alfred Coville, *Jean Petit: La question du tyrannicide au commencement du XV^e siècle* (Paris: A. Picard, 1932). Jan Veenstra believes that only Charles’ illness, which he refers to as his “feeble-mindedness” could have made him susceptible to Jean Petit’s thesis. Veenstra is dismissive of Jean Petit’s work and the larger belief in the powers of witchcraft on which Jean Petit and the duke of Burgundy were playing. Jan R. Veenstra, *Magic and Divination at the Courts of Burgundy and France: Text and Context of Laurens Pignon’s Contre les devineurs (1411)* (Leiden: Brill, 1998), 36.

injuries to the king and to the rest of the royal line.⁹⁷ Despite the fact that chroniclers openly discussed the king's madness and his first episode was witnessed by his army, it was considered treason to call the king *fou*, especially in the immediate aftermath of the aborted military campaign in 1392.⁹⁸ Three legal cases of treasonous conversations demonstrate the perceived dangers of spreading rumors about the king's mental health.⁹⁹ Two of these occurred in 1393, only a year after Charles' first episode of madness, and the third case from 1398 referred to an event that had taken place five years earlier, also in 1393. In a letter of remission, which appeared in August of 1393, Jehan de Gaillon claimed to be a "poor, insensible man" who was "frenetic and *démoniacle*" in an effort to excuse his statement that the king was mad.¹⁰⁰ Another letter of remission, from October, dealt with Jehan Valee, who explained that one night, while he was drinking in the tavern,

hearing as it seemed to him that one of the company spoke of one named Martin le Roy, the which Martin had recently married his cousin germain and in thinking [this] he said to him that le Roy [the king] was totally mad and that he did not believe anything that he said.¹⁰¹

This statement garnered some unwanted attention for Jehan Valee, since his enemies, he claimed, saw a way to harm him by insisting that he was speaking of the king, not of Martin le Roy. These two letters described relatively innocuous statements about the king's mental state, but nevertheless they were sufficiently damaging as to threaten the two men with conviction of treason.

⁹⁷ See Jacqueline Hoareau-Dodinau, *Dieu et le roi: La répression du blasphème et de l'injure au roi à la fin du moyen âge* (Limoges: Presses universitaires de Limoges, 2002), 204.

⁹⁸ Bernard Guenée argues that the term *fol* was "le mot impossible" because of its association with demonic possession. See Guenée, *La folie de Charles VI*, 28-34.

⁹⁹ AN JJ 144 fo 270 no 469; AN JJ 145 fo 30v no 64; AN JJ 153 fo 288 no 430.

¹⁰⁰ AN JJ 144 fo 270 no 469: "povre homme insensible," "homme frénétique et démoniacle."

¹⁰¹ AN JJ 145 fo 30v no 64: "le dit exposant entendi si comme il lui sambla que un de la compaigne parla dun nomme martin le roy le quel martin avoit nagarre espouse sa cousine germaine et en pensant a lui dist que le roy estoit tout fol et quil ne le croiroit de riens quil deist."

A more complicated legal case from 1398 involved Jehan de Charentes, who had accused Jehan de Baigneux of uttering treasonous words against the king five years earlier. This case revealed both the danger of words and the fear of the disruptive power of discussing the king's madness, particularly so soon after his initial episode of madness when the future of the realm was uncertain. Jehan de Charentes, lieutenant of the governor of Orléans, and Jehan de Baigneux, substitute for the procurer of the king, had a contentious personal relationship. Jehan de Charentes accused Jehan de Baigneux of remarking during a conversation in 1393 that "we are well set up with enough to do and to suffer: the king is not in his good senses and is mad and Monsieur the duke of Orléans is young and wishes to play at dice and love whores."¹⁰² The instability of the realm was most likely a subject of conversation between concerned villagers, and there was certainly general fear in the countryside about the impact the king's madness might have on the realm as a whole, so the conversation as Jehan de Charentes represented it was possible. However, when the case was taken to court Jehan de Baigneux was found innocent, and several witnesses were found guilty of false witness. Hoping to avoid punishment, Jehan de Charentes sought a letter of remission, but this effort failed. He received a letter, but it was later overturned by the court, which fined him for bringing a false case against his enemy.¹⁰³ While treason seemed an excellent charge to pin on someone in the immediate aftermath of Charles VI's illness, it was also a dangerous one. Although Jehan de Charentes was merely fined for his false testimony, technically the

¹⁰² AN JJ 153 fo 288 no 430: "nous sommes bien tailliez dans assez afaire et souffrit le roy nest pas en son bon sens et est folz et monsieur le duc dorleans est jeunes et jeuue volentiers aux dez et ayme les putains."

¹⁰³ All the surviving documents from the case can be found reproduced in Louis de Carbonnières, *La procédure devant la chambre criminelle du Parlement de Paris au XIVe siècle* (Paris: Champion, 2004), 813-824.

punishment for falsely bringing a case was to submit to the punishment that fit the crime of the falsely accused, which, in a case about treason, was execution.

In the context of increasing concern about treason, especially against the mad king, Jean Petit attempted to establish that Louis of Orléans was a tyrant by showing that his crimes were against both the king and God. He did this by accusing Louis of becoming involved with sorcerers, and using their powers to try to take the throne from his brother. In fact, he asserted that Charles VI's madness had been caused by his brother's interest in sorcery, and that Louis had tried to poison the king.¹⁰⁴ Petit claimed that Louis had hired a monk who made him a powerful ring and sword by placing them in the mouth and body of a corpse, respectively.¹⁰⁵ Through this, Petit sought to doubly condemn Louis of Orléans, by proving his crime deserved death not only of body but also of soul. The king's illness had already been a point of convergence for the contemporary debate about sorcery. Many of the king's most powerful subjects were rumored to be attempting to find a remedy for the king in both masses and witchcraft. According to Michel Pintoin's chronicle, the previous duke of Burgundy, Jean sans Peur's father, had turned to both religious processions and self-proclaimed sorcerers in his efforts to cure his nephew the king.¹⁰⁶ Thus, the theory that the king's illness could be cured by or was caused by sorcery was familiar to contemporaries.

Indeed, the connection between Louis of Orléans and sorcery did not originate with Jean Petit. According to Michel Pintoin, rumors were being spread as early as 1392:

¹⁰⁴ For more on the fear of poison and the practice of poisoning in this period, see Franck Collard, *Le crime de poison au Moyen Âge* (Paris: Presses Universitaires de France, 2003).

¹⁰⁵ The text of Jean Petit's treatise was reproduced in Enguerrand de Monstrelet's chronicle. See Enguerrand de Monstrelet, *Les chroniques d'Enguerrand de Monstrelet*, 241-324. Coville also edited a few pages of the treatise with this particular story. See Coville, *Jean Petit: La question du tyrannicide au commencement du XV^e siècle*, 314.

¹⁰⁶ Bellaguet, ed., *Chronique du religieux de Saint-Denys*, vol. 2, 70 and 542.

[i]f the assertions of [Pierre de Craon] can be believed, he had incurred the anger of the duke of Orléans by accusing him several times of letting himself go too easily to his passions, and of according too much favor to sorcerers, who made sorceries with the bones of the dead. The duke had him banished from the court.¹⁰⁷

The monk of Saint Denis proceeded to connect this to the conflict between Pierre de Craon and Olivier de Clisson, suggesting that Pierre de Craon blamed Olivier de Clisson for his expulsion, and thus set into motion the events leading to the king's journey through the forest of Mans, where he would go mad. The king's brother's rumored interest in sorcery did not end with this disaster, however. During his episodes of madness, Michel Pintoin claimed, the king did not know his wife or anyone else except the duchess of Orléans, which promulgated rumors also, since "[m]any people interpreted this predilection negatively, not however that I consider it probable, but it seemed truth to them, alleging that in Lombardy, where the duchess originated, people make poisons and sorceries more than in other places."¹⁰⁸ Although Michel Pintoin took pains to note that he did not believe these allegations, nevertheless he did record them, and these kinds of rumors from fifteen years earlier that must have circulated widely made the refutation of Jean Petit's treatise more difficult.

The high profile cases of witchcraft in fourteenth-century France were often politically expedient. King Philip IV accused Bishop Guichard of Troyes of sorcery and poisoning, which were related crimes.¹⁰⁹ The alleged victim of Guichard's malice was Philip's wife, Queen Jeanne. The trial took place between 1308 and 1314 and made an

¹⁰⁷ Ibid., 2: "Si assercioni ipsius fidem adhibendam dicam, quia ducem sepius increpaverat quod cor facile nimis sequens, supersticiosus viris et qui ex mortuorum ossibus sortilegia componebant familiaris justo adherebat, ejus indignacionem incurrit, et eum a curia regis expelli procuravit."

¹⁰⁸ Ibid., 88: "Quod multi in partem interpretabantur pejorem, non tamen dicam probabilem; sed quod eis videbatur verissimile, allegantes quod in Lombardia, unde ducebat originem, intoxicaciones et sortilegia vigeant plus quam aliis partibus."

¹⁰⁹ See Bernard Guenée's discussion of previous politicized sorcery and poisoning accusations in Guenée, *La folie de Charles VI*, 63-72.

excellent precedent, demonstrating how an accusation of witchcraft could escalate, and how it could incorporate claims of treason and heresy.¹¹⁰ These sorcery trials destroyed the public reputations of the accused. It is likely that Jean sans Peur hoped for a similar outcome with his own witchcraft accusations against Louis of Orléans almost a hundred years later, although if so, he must have been disappointed.

There was also a much more recent trial of a sorcerer to serve as a precedent for the accusation against Louis of Orléans. In 1398, one of the king's physicians, Master Jehan de Bar, was accused of and confessed to practicing sorcery. He was condemned, and both he and his books that were allegedly about magic were burned. His confession is preserved in a manuscript including several of Jean Gerson's works, and, as Jan Veenstra has demonstrated, closely follows the articles against magic drawn up by the University of Paris in the same month.¹¹¹ Perhaps the most significant article in the confession was item thirteen, in which he confessed, "I have made documents full of invocations of devils where I asked to have very great power to bind and unbind the words and thoughts of people, the bad fortune of the king and of Monsieur the Dauphin."¹¹² The meaning of Master Jehan de Bar's confession is unclear here. Jan Veenstra assumes that he admitted to having sought supernatural, as well as natural, cures for the king's illness. However, the text of the confession says that he sought power to bind and unbind the "bad fortune of the king," suggesting that he may have desired to make the king mad, as well as to heal him from his madness. In the following article,

¹¹⁰ Abel Rigault, *Les procès de Guichard, évêque de Troyes (1308-1313)* (Paris: A. Picard et fils, 1896).

¹¹¹ It is not clear which came first, Jehan de Bar's confession or the University's condemnation of magic – it is possible that they were drawn up together. Veenstra, *Magic and Divination*, 347-349. Veenstra also provides an edition of the confession on pages 351-355.

¹¹² *Ibid.*, 353: "j'ay fait roles plains d'invocations de dyables ou je demandoye avoir puissance moult large a lier et delier les paroles ou les ensememens des gens, les mauvaises fortunes du roy et de monsieur le delphin."

item fourteen, he confessed to making an image that allowed him to control the duke of Burgundy (who would have been Philippe at that time), to make the duke believe him and love him, regardless of Jehan de Bar's actions.¹¹³ This is a particularly interesting clause, because it suggests that Philippe of Burgundy was implicated in Jehan de Bar's experimentation with sorcery. Through his confession, Jehan de Bar took full responsibility, allowing the duke of Burgundy to evade suspicion because he was acting under bewitchment and not from his own desires.

In the context of Master Jehan de Bar's confession and the rumors about Louis of Orléans and his wife and their interest in sorcery, Jean Petit's accusations against Louis of Orléans become part of a longer tradition that viewed the king's madness in the context of sorcery and treason. In the end, Jean Petit's treatise was both a success and a failure. Despite the earnest supplications of his sister-in-law and his nephews, Charles VI refused to pursue the duke of Burgundy, choosing instead to pardon his cousin. However, the treatise was attacked, not only for the specific claims made about Louis of Orléans, but also for the general argument justifying tyrannicide. The abbé of Cérisy, Thomas de Bourg, refuted Petit's arguments on behalf of Louis' wife, Valentina of Orléans. Interestingly, his refutation of the accusations that Louis was involved in sorcery rested solely on the claim that Louis of Orléans was a good Christian. Thomas de Bourg completely ignored Jean Petit's claim that Louis' experimentation with sorcery had caused the king's madness, focusing instead on the assertion that Louis had sought Charles' death.¹¹⁴

¹¹³ Ibid., 353-354.

¹¹⁴ Enguerrand de Monstrelet, *Les chroniques d'Enguerrand de Monstrelet*, 358-433.

With the duke of Burgundy pardoned and acting as regent, it was impossible for such challenges to affect policy, and Jean Petit composed a response to the abbé's refutation. Petit died in 1411, and his arguments were not challenged successfully until the Burgundians lost power for a time in 1413 after the Cabochien uprising.¹¹⁵ During this brief hiatus in Burgundian control, Jean Gerson joined the debate, delivering a sermon in front of the king, in which he countered Petit's arguments, particularly those about tyrannicide. In response to this sermon, the king asked the bishop of Paris to convene a Council of the Faith to debate the treatise. At the council, all of Petit's arguments were refuted, and copies of the *Justification* were burned. A few of his more avid opponents suggested that Jean Petit's bones be disinterred and burned.¹¹⁶

Jean Petit endeavored, through his choice to focus part of his treatise on the issue of the king's madness, to deploy the unifying sentiment the king inspired on behalf of the duke of Burgundy. By casting the duke of Orléans as a villain who had dealt with sorcerers in order to cause the king to become mad, Petit created a heroic role for the duke of Burgundy, who saved the French realm from Louis of Orléans' machinations. In this sense, Petit's treatise entered into the same discourse connecting the king's madness to "national" sentiment that Michel Pintoin employed when discussing the processions undertaken on behalf of the king. The murder of Louis of Orléans did not resolve the conflict over the regency; instead, it exacerbated the divisions within the realm. Louis' children and their supporters came together to form the Armagnac party which opposed the Burgundians, led by Jean sans Peur. Their disagreements escalated into civil war, weakening the French realm and leaving it open to attack by the English.

¹¹⁵ For more on this, see Famiglietti, *Royal Intrigue*, 111-152.

¹¹⁶ Coville, *Jean Petit: La question du tyrannicide au commencement du XV^e siècle*, 399-402.

IV. Politics and Reconsiderations of the King's Madness

The fourth and final political crime brings us full circle to set up the Treaty of Troyes with a fuller understanding of the deployment of the king's madness in terms of the "imagined" French realm. In 1419, the murder of the duke of Burgundy at the instigation of the dauphin Charles angered the king and exacerbated the civil unrest in France. Charles VI's son, Charles, was very close to his cousins, the duke of Orléans and his siblings, and was thus a member of the Armagnac party. When he became dauphin after the deaths of his older brothers, Charles chose to become involved in the power struggle between the Armagnacs and the Burgundians by arranging to meet with Jean, duke of Burgundy, on September 10, 1419, to discuss peaceful resolutions to the conflict. Instead, Charles had Jean sans Peur killed. Charles VI, who loved his cousin the duke of Burgundy, was persuaded to disinherit his own son in response to this act. With the encouragement of Philippe, the new duke of Burgundy, Charles VI signed a treaty with Henry V of England, whose successful attacks on French soil had been increasingly troublesome.¹¹⁷

According to the terms of the treaty, Henry V would marry Katherine, Charles VI's daughter, and would take on the role of regent until Charles' death, at which point Henry V would inherit the throne of France. The dauphin Charles moved to the Loire valley, where he retained the support of the Armagnac party, but northern France was governed by the English regent, who was proclaimed heir. In the event, Henry V died on August 31, 1422, and Charles VI outlived him by mere months, dying on October 21,

¹¹⁷ For more on the legal question of disinheritance in relation to medieval treaties, see Theodor Meron, "The Authority to Make Treaties in the Late Middle Ages," *American Journal of International Law* 89, no. 1 (1995): 1-20.

1422. Henry's son, Henry VI of England, was not yet a year old. John, duke of Bedford, assumed the role of regent and worked to preserve the French throne for the infant Henry, but the difficulties of holding the throne for a child while another, adult, and arguably more legitimate heir still lived were clear.

The struggle for control of the French throne did not only occur on the battlefields of France or in besieged cities. The work of claiming legitimacy was undertaken by notaries, who found ways to challenge or uphold the Treaty of Troyes in order to justify their chosen ruler. Indeed, in the period between the death of Jean sans Peur and the signing of the Treaty of Troyes, letters from both sides were copied and sent out to civic governments in an effort to sway public opinion.¹¹⁸ Royal notaries had been composing political treatises as part of their work in the chancery for many years, most of which, as Craig Taylor argues persuasively, were intended to be distributed to each other for facilitating diplomatic missions and the creation of new treaties, and were probably not widely read outside notarial circles.¹¹⁹ Throughout the fifteenth century, these notaries were concerned with clarifying and defining the terms of earlier treaties and presenting convincing references to the validity or invalidity of them, based on their particular political leanings. Authors seeking to prove that the Treaty of Troyes was not legally sound focused on the mental state of Charles VI. Indeed, the argument that Charles VI's

¹¹⁸ Guenée, *Un Roi et son historien*, 455-477. As Guenée notes, the accounts for the duchy of Burgundy for 24 November 1419 mentions payment to notaries for working "day and night" to hastily copy 209 letters.

¹¹⁹ Craig Taylor, "War, Propaganda and Diplomacy in Fifteenth-Century France and England," in *War, Government and Power in Late Medieval France*, ed. Christopher Allmand (Liverpool: Liverpool University Press, 2000), 70-91. In this he is mostly arguing against scholars like P.S. Lewis, who insist on reading these treatises as propaganda pieces intended for a wider audience. P.S. Lewis, "War Propaganda and Historiography in Fifteenth-Century France and England," *Transactions of the American Philosophical Society*, 5th Series 15 (1965): 1-21. As Craig Taylor argues, the polemical works generally appear in very few manuscripts and contain cross-references to treaties contained in the chancery archives in an effort to aid those notaries and secretaries of the king sent on diplomatic missions.

illness made him incapable of disinheriting his son was deployed before the treaty was signed.¹²⁰

Letters from Philippe of Burgundy explaining the proposed treaty with the English were the culmination of the propaganda letters sent out to the various civic governments in France in the wake of his father's death. The parlement of Poitiers, the Chambre des comptes of Bourges, and the Chambres des comptes of Dijon each recorded a response to the proposal that sought to argue that the dauphin could not be disinherited and that the agreements were invalid.¹²¹ The letter from Philippe of Burgundy enumerated the proposed negotiations, including the condition that granted Henry V of England the power of regent in France because "his cousin of France is held very often, which is grievous to say, and impeded by a contrary illness, in such a way that he cannot in his person conveniently understand or attend to arranging the needs of the realm."¹²² This admission that the king was unable to understand the needs of his realm allowed objections to the treaty on the same grounds. The reply to the duke of Burgundy's letter cited the king's madness as one of many reasons to question the validity of these agreements. There were two versions of this reply, the *Super Omnia Vincit Veritas* in Latin and the *Réponse d'un bon et loyal françois* in French. The same objections were raised by both texts, and there is some suggestion that the French, which was composed

¹²⁰ Nicole Pons, "Intellectual Patterns and Affective Reactions in Defence of the Dauphin Charles, 1419-1422," in *War, Government and Power in Late Medieval France*, ed. Christopher Allmand (Liverpool: Liverpool University Press, 2000), 54-69, 57-60.

¹²¹ Pons, "*L'Honneur de la Couronne de France*": *Quatre libelles contre les Anglais (vers 1418 - vers 1429)*, 84-90. These three cities are all within 400 kilometers (c. 250 miles) of Troyes. It is around 450 kilometers (c. 280 miles) from Dijon to Poitiers, and Bourges is about halfway between the two. It is certainly reasonable to suppose that there was communication between the three towns while they considered the text of the treaty. It is also worth pointing out that Poitiers and Bourges were both within the territory that ultimately supported the dauphin, whereas Dijon was the capital of the Burgundian duchy.

¹²² *Ibid.*, 136: "son cousin de France est tenu comme le plus souvent, ce que dolentement recite, et empeschié de contraire maladie, par tele maniere que convenablement il ne pourra en sa personne entendre ou vaquer a disposer les besoignes du royaume."

later, was a translation of the Latin, although the French version is longer and more complex. Both versions must have been composed at some time between the registration of the duke's letter on December 2, 1419, and the conclusion of the treaty of Troyes on May 21, 1420, because they clearly refer to the letter, but they raised objections to the English demands, rather than to a completed treaty.¹²³ Thus, they were composed at a time before the treaty was agreed, when there was still a possibility of preventing the English from gaining control of the realm.

The Latin version was forthright in discussing Charles VI's impediments. In *Super omnia*, the author noted that

it is not possible to have a true assent and consent where there is not true sense, that is to say true rational deliberation. But, sadly, as the king of England himself affirmed in the articles...the king of France, when fallen prey to his illness, is in such a way that he cannot occupy himself with the affairs of the realm.... It is therefore evident that if because of his illness, that is the loss of true judgment and reason, the king cannot be free for the affairs of the realm, even less is he able to confer them on his enemy and adversary and take them away from his son and legitimate heir.¹²⁴

The loophole created by the admission that the king was incapable of government allowed opponents of the treaty to assert that he therefore could not make such an agreement. They cited legal precedent, and ignored the cyclical nature of the disease that had made it possible for the king to govern during his periods of sanity. The French

¹²³ Ibid., 92-102.

¹²⁴ Ibid., 119-120: "Primo quidem, quia ibi non est verus assensus et consensus, ubi non est verus sensus, id est vera deliberatio rationis. Sed, proch dolor, sicut ponit rex Anglie in suis articulis per dictum dominum Philippum juramento firmatis, rex Francie tenetur, ut plurimum, et prepeditur adversa valitudine per talem modum quod non comode potest in persona sua intendere disponendis regni negotiis, et idcirco petit quod ad vitam regis facultas regendi et disponendi rem publicam dicti regni ad predictum regem Anglie remaneat. Ex quo patet quod, si propter illam adversam valitudinem, id est veri iudicii, rationis (vacationem), rex non potest vacare regimini regni, multo minus potest illud regimen committere hosti suo vel adversario, et auferre filio suo et heredi legitimo. Non est ergo verissimile quod in premissis rex Francie verum assensum dederit seu consensum."

version, after noting that Henry of England had already established a precedent for viewing the king as incapable, also asked

how any person who does not have sense and prudence can legitimately, according to law and reason, dispose of any thing, civil or legitimate; and if he responds, as is the truth, that this cannot or should not be, how then can, or could, the king so infirmed and ill, validly consent and assent to such a great thing, as is the whole realm of France, as is the law of the crown and the honor of the *fleurs de lis*...¹²⁵

Legal impediments for the mad were clearly central to these arguments. As chapter three discusses in greater detail, Roman law, canon law, and French customary law did not allow mad people to enter into contracts. Since a peace treaty was a type of contract, and certainly the disinheritance of a child required that one be of sound mind, his actions could only be judged valid if he had been sane when undertaking them. The language of the *Réponse* used the image of the *fleurs de lis* to instill a patriotic tone in the work, attempting to draw upon French sentiment for the realm against the incursion of the English king. Indeed, these texts deployed the king's madness to the same end as, if in a different manner than, the chroniclers and preachers discussed above. By reminding the realm of the king's illness, they sought to repair the damage they believed his madness had caused, reconstructing the French realm by refusing to allow the king to disinherit his French son in favor of an English king. Despite these challenges, the Treaty of Troyes was settled on May 21, 1420. However, these arguments against its validity were not forgotten, and were recalled when the dauphin, Charles VII, sought to regain control of northern France in the 1430s.

¹²⁵ Ibid., 127-128: "comment persone quelconque qui n'a sens et prudence puet disposer legitiment, selon droit et raison, de quelconque chose civile ou legitime; et s'il respond, comme verité est, que ce ne puet ou doit estre, comment donc puet, ou a peu, le roy telement enferme et malade consentir et accorder valablement de si grant chose, comme est tout le royaume de France, comme est le droit de la couronne et l'onneur des fleurs de lis..."

Although he was not himself a notary, Jean Juvenal des Ursins was influenced by and in turn influenced the authors of these political treatises. He began his career as a lawyer, became bishop of Beauvais in 1432, bishop of Laon in 1444, and archbishop of Reims in 1449. His rise to power followed the return of Charles VII. He became bishop of Beauvais once Charles' forces took the town, succeeding Pierre Cauchon, who had presided at the trial of Joan of Arc. Sometime around 1435, Jean Juvenal des Ursins wrote *Audite celi*, defending Charles' claim to the throne by challenging the validity of the Treaty of Troyes. He indicated that the treaty was clearly invalid, saying that it was

like an illusory thing and neither legal nor sustainable. Nevertheless, in order to remove the error of some simple people, I will make a brief response. And presupposing that someone for some reason had a fault in his understanding, or was ill of an apparent illness from which a person had troubled senses, he could not enter into contracts nor tie up himself or his successors in any way. Alas, it upsets me that it is necessary that I speak of the illness of the said very benign and Christian king Charles, of whom God has the soul, which was such that there was no contract that he could validly make; I will pass over this briefly, because the illness is noted by all Christianity, and seen by the whole world.¹²⁶

Here, Jean Juvenal des Ursins, like the authors of the *Super Omnia* and the *Réponse*, drew on legal discourse that argued that mad people could not enter into contracts to establish that the king could not enter into a treaty. In order to confirm that the king's illness was a recognized fact, he cited common knowledge by "all Christianity" and "the whole world," rather than presenting arguments by physicians, priests, or other potential authorities. Indeed, he argued, the treaty actually invalidated itself, because the seventh

¹²⁶ Jean Juvénal des Ursins, *Écrits politiques de Jean Juvénal des Ursins* ed. P.S. Lewis and Anne-Marie Hayez (Paris: C. Klincksieck, 1978), 3 vols., vol. 1, 184: "comme d'une chose illusoire et non allegable ne soustenable. Toutevoie, pour oster l'erreur d'aucunes simples gens, je t'y feray une briefve responce. Et presuppose que de raison personne ayant faulte de entendement, ou malade de maladie apparant dont une personne a le sens troublé, ne peut contra'cter' ne soy lier ne ses successeurs en aucune maniere. Helas, il me fait mal que il fault que je dye la maladie dudit tres begnin et crestien roy Charles, dont Dieu ayt l'a'me', qui estoit telle que il n'estoit contract que il peust faire valaiblement; / je m'en passe en brief, car la maladie est notoire par toute crestienté, voire par tout le monde."

article granted Henry V of England the powers of a regent due to Charles VI's illness, thereby admitting that the king was incapacitated.¹²⁷

The legal question of whether Charles VI, as an acknowledged mad person, could rule his kingdom during periods of sanity was never raised during his lifetime. Given that Richard II of England was deposed in 1399, only six years after the onset of Charles VI's madness, why was the option of deposition apparently never seriously considered in France? As Edward Peters has shown, the idea of the "*rex inutilis*" was available to Charles' subjects as a perfect excuse for removing him from the throne.¹²⁸ Yet, Charles was never removed from power, and in fact, the only evidence I have found for the use of the term "*rex inutilis*" in reference to him comes from the *Chronicle of St. Denis* in the context of an enemy's insult. According to Michel Pintoin, when Charles of Orléans' troops were ravaging the countryside contrary to the king's orders, the inhabitants of Vermandois came to Paris to make an official complaint to the king. They claimed that the troops who attacked them said, "Go find your idiotic, useless [*inutilis*], and captive king."¹²⁹ This statement would presumably have increased the king's anger at the Duke of Orléans and his troops, but it is unclear whether the sentiments were in fact Charles of Orléans' or merely placed in the mouths of his troops to convince the king to move against him. It is interesting to note, however, that those chroniclers writing about the

¹²⁷ Ibid., 193. For the text of the Treaty of Troyes, which does indeed make this argument, see Pierre Chaplais, *English Medieval Diplomatic Practice, Part I: Documents and Interpretation* (London: Her Majesty's Stationery Office, 1982), 2 vols., vol. 2, 629-635. Item seven states: "Item quod, pro eo quod dictus precarissimus pater noster tenetur ut plurimum, quod dolenter referimus, et prepeditur adversa valitudine per eum modum quod non commode poterit in persona sua intendere seu vacare disponendis regni negociis, quod idcirco ad totam vitam dicti precarissimi patris nostri facultas et exercitium regendi et disponendi rem publicam predicti regni Francie cum consilio nobilium et prudentum ejusdem regni predicto patri nostro obediencium..."

¹²⁸ Peters, *The shadow king: rex inutilis in medieval law and literature, 751-1327*.

¹²⁹ M. L. Bellaguet, ed., *Chronique du religieux de Saint-Denis contenant le règne de Charles VI de 1380 à 1422, Éditions du Comité des travaux historiques et scientifiques* (Paris: L'imprimerie de Crapelet, 1842; reprint, 1994), 6 vols., vol. 4, 452: "Ite ad regem vestrum vesanum, inutilem et captivum."

conflict between Orléans and Burgundy did not call the king “*inutilis*” even when they blamed the king’s illness for the civil war. It was only after Charles VI’s death that these challenges arose.

The notarial interest in politics and history continued after the immediate necessity of resolving the Hundred Years War, as well. Noël de Fribois, with his *Mirouer Historial* composed in 1451 and the *Abregé des chroniques* written between 1453 and 1461, and Louis le Blanc, who has been credited with writing *Pour vraye cognoissance avoir* in 1471, continued the tradition, and both made reference to the king’s madness.¹³⁰ In his *Abregé des chroniques*, Noël de Fribois argued that it was not possible for Charles VII to be disinherited because of

the pitiable indisposition of the person of the said king his father. Because such privations or disinheritances must be done by people of sane understanding, of free will, by sane counsel and for just and legitimate causes and reasons, of which the law and the doctors speak more plainly. But it is certain that the said king Charles VI was indisposed in healthy understanding, as it is so well known, and in free will, since he was detained by his capital enemies and misled by their fury and damnable ambition...¹³¹

Noël de Fribois clearly revealed his legal training in this careful consideration of the impediments to Charles VI’s disinheritance of his son. He did not attempt to deny that the king had the right to disinherit his son if he were to do so under the correct, controlled, legal constraints, but rather demonstrated that these conditions had not been met. It is important to note that all these arguments refuting the Treaty of Troyes rested

¹³⁰ For Noël de Fribois, see Noël de Fribois, *Abregé des chroniques de France*, ed. Kathleen Daly (Paris: Champion, 2006). For Louis le Blanc, Kathleen Daly, “Mixing Business with Leisure: Some French Royal Notaries and Secretaries and their Histories of France, c. 1459-1509,” in *Power, Culture and Religion in France, c. 1350-1550*, ed. Christopher Allmand (Woodbridge, Suffolk: Boydell Press, 1989), 99-105.

¹³¹ Noël de Fribois, *Abregé des chroniques de France*, 214: “la piteable indisposicion de la personne dudit roy son pere. Car telz privacions ou exheredacions doivent estre faictes par personnes de sain entendement, de franc arbitre, par sain conseil et pour justes et legitimes causes et raisons, dont les droiz et les docteurs parlent plus a plain. Or, il est certain que ledit roy Charles VI^{me} estoit indisposé en sain entendement, comme il est assez notoire, et en franc arbitre, car il estoit detenu par ses ennemis cappitaulx et induit par leur fureur et ambicion dannables...”

on the mental state of Charles VI at the time. These authors were deploying the king's madness much as the chroniclers had, in order to (re)construct the French realm. While the chroniclers had imagined the realm coming together in support of its mad king, these political treatises imagined the king's madness as a justification for reconfiguring the French realm without an English king on the throne.

The argument on the English side, defending the validity of the Treaty of Troyes, also addressed the question of whether or not the king could enter into contracts if it was common knowledge that he was mad. One of these treatises was composed by Jean de Rinel, who had an active career as a royal notary in the early fifteenth century. He was the nephew by marriage of Pierre Cauchon, Bishop of Beauvais, who was also chaplain of the Duke of Burgundy. Perhaps by virtue of these powerful connections, Jean de Rinel was part of the delegation sent to negotiate the Treaty of Troyes in 1420. He was probably the notary assigned to copy the text, since his name was attached to it, and thus had an intimate knowledge of the text itself as well as of the negotiations leading up to it.¹³²

Jean de Rinel wrote a defense of the Treaty of Troyes in 1435, when his position as secretary to the English king was in conflict with the Burgundian party's desire to seek a legal and politic way to reconcile with Charles VII.¹³³ Jean de Rinel chose to come

¹³² In Jean Juvenal des Ursin's treatise against the treaty, he noted that it was "fait a Troyes ou moys de may l'an 'M' IIII 'C' et vint, signé par le roy en son conseil, Rinel." Jean Juvenal des Ursins, *Écrits politiques de Jean Juvenal des Ursins* 184.

¹³³ He also recorded Joan of Arc's trial in 1431, where his uncle by marriage acted as judge. Pierre Champion included a brief biographical sketch of Jean de Rinel in his edition of Joan of Arc's trial, Pierre Champion, ed., *Procès de condamnation de Jeanne d'Arc. Texte, traduction et notes*. (Paris: E. Champion, 1920-1921), 338. For more on his relationship to Pierre Cauchon and his participation in the Treaty of Troyes, see François Neveux, *L'évêque Pierre Cauchon* (Paris: Denoël, 1987), 70. Neveux also includes a genealogy for Cauchon, which lists Jean de Rinel's children and their professions, including one canon and a greffier (following in his father's footsteps).

down on the side of the English, and addressed the arguments of his opponents about the king's illness, insisting that

the said king was not so indisposed with illness that at any time he was not in fine and good understanding to comprehend and occupy himself with his counsels and work and that he did not very well know how to discern good from bad.... And if one wishes to maintain that that which he did and ordained should not be upheld, then it is necessary to say and conclude that those who since the commencement of his illness have been granted benefices by him are not selected to the said benefices, and the great gifts that he has made to many seigneurs and other people must be recovered from those who had had them....¹³⁴

Jean de Rinel, unlike his Armagnac opponents, wanted to prove that the king had not been mad all the time, but had been able to retain control of the realm. In this, his argument is similar to that of Charles VI's counselors, who chose to allow him to govern when he was well and only handed over power to his uncles, brother, cousin, the queen or the dauphin when the king's illness manifested itself.¹³⁵ Even if the king had been mad continuously during his reign, choosing to retroactively challenge his ability to make contracts would, by extension, apply to every decision the king had made. In the end Jean de Rinel's arguments failed to make an impact on French politics, but, unlike his opponents, he recognized the dangerous implications of assuming the king had been mad even on occasions when he was allowed to make decisions about the governing of France.

¹³⁴ Chaplais, *English Medieval Diplomatic Practice*, 650-651: "le dit [roy nestoit pas si indispose de maladie que en auscum temps neust bel et] bon entendement dentendre et vacquer a ses conseilz et besoignez et quil ne seust tres bien discerner le bien du mal.... Et si on vouloit maintenir que ce quil faisoit et ordonnoit ne doit tenir, il fault donc dire et conclurre que ceulx qui depuis le commencement de sa maladie ont este par luy pourvez de benefices sont intriuez es diz benefices, et les grans dons quil a faiz a plusieurs seigneurs et aultres personnes doivent estre recouvez sur ceulx qui les ont euz...."

¹³⁵ See the king's ordinances calling for the powers of regency to be given to his wife or his son: Vilevault and Bréquigny, eds., *Ordonnances des Rois de France de la 3e Race: Dixième volume, Contenant les ordonnances de Charles VI, données depuis le commencement de l'année 1411 jusqu'à la fin de l'année 1418*, 234, 424.

In his first and most described episode of madness, Charles VI disrupted the orderly march of his army and targeted his own men, rather than his enemies. Bound up in fears about treason and the disintegration of the realm, this one event contained within it the same struggles that would haunt the rest of his reign. However, despite the civil wars that plagued his reign, Charles was represented as the “*roi bien-aimé*” (“the well-loved king”).¹³⁶ His illness was used as a touchstone in an effort to gather the realm together on multiple levels, from the general population (both men and women, as Michel Pintoin emphasized in his chronicle) to the University of Paris to the Princes of the Blood. Prayers and processions on the king’s behalf reminded the people of their symbolic role as the community of France. Morality laws drew a direct correlation between the blasphemy of the population and the king’s illness. Charles VI’s ability to act as king during his periods of sanity went unchallenged despite his recurrent madness.

Attacks on his capabilities did not arise until the negotiations for the Treaty of Troyes, when notaries and chroniclers challenged his capacity to make treaties in an effort to reinstate his son as heir to the French throne. Much like the king, the majority of the mad people described in remission letters were described as suffering from a cyclical disease. During periods of sanity, they, like Charles VI, were allowed to resume their ordinary roles. The question of which decisions were made while sane and which were made while mad was essential to both the validity of political acts and the intentionality of criminal acts. The next chapter will consider the legal constraints placed upon mad people, and examine the ways in which medieval communities were legally constructed, and madness was imagined as a communal concern.

¹³⁶ Guenée seems to believe that the people actually loved Charles VI for his madness, rather than acknowledging that this sentiment was constructed by the chroniclers. See Guenée, *La folie de Charles VI*, 236.

Chapter 3:

Madness, Community and the Law

As chapter two has shown, Charles VI's madness raised many different concerns. Theologians, medical practitioners, and self-professed sorcerers all weighed in on the causes and potential treatments for the king's illness. In the absence of any definitive cure, however, the king's relatives sought temporary solutions to the immediate problems posed by the king's madness. The political dispute about the Treaty of Troyes concentrated on the belief that madness interfered with a person's ability to understand and interact appropriately with the world. The king was acknowledged as mad and therefore was incapable of comprehending the act he was asked to sign. However, as proponents of the treaty were quick to recognize, if any of the king's acts were questionable then it opened the possibility that all of the king's acts were questionable. Could the mad king ever be trusted to act, even if he was recognized as having periods of sanity? What kinds of safeguards needed to be put in place to ensure that the realm was protected from any inappropriate acts taken by a mad king? These legal questions were important for dealing with Charles VI, but they were also the same questions that arose in association with mad people at all levels of society, and they all required legal protocols to be put into place. Madness mattered most when it came into conflict with communal norms, and these norms were often established and framed through the law.

The legal landscape of late medieval France was a patchwork of competing and cooperating judicial systems. The canon law of the Church was accepted throughout France,¹ but the jurisdictions of bishops and archbishops often uneasily competed with royal justice.² In general terms, southern France had adopted the system of Roman law,³

¹ Medieval canon law crossed national borders and, theoretically at least, applied equally to all levels of society throughout Christendom, from the lowliest peasant to kings and emperors. In practice, of course, this was not the case; but, as James Brundage points out, the theory of a universally applicable law was a fascinating development even if it was not practicable. James Brundage, *Medieval Canon Law* (London: Longman, 1995), 3. Canon law had its foundations in the early Church, with the earliest surviving pamphlet of Church law dating from the first or second century A.D. Over time, the laws proliferated, with many decisions apparently contradicting others. In the early eleventh century, Burchard of Worms proposed that the context of each law be considered in order to resolve these conflicts, but it was not until Gratian's *Decretum*, composed around 1140, that an attempt was made to provide such resolutions. For a brief exploration of the history of medieval canon law, see Brundage, *Medieval Canon Law*. For more detail, see Stephan Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX* (Vatican City: Biblioteca Apostolica Vaticana, 1935); Anders Wintoth, *The Making of Gratian's Decretum* (Cambridge: Cambridge University Press, 2000). For more on the practice of canon law, see the essays collected in James Brundage, *The Profession and Practice of Medieval Canon Law* (Aldershot, Hampshire: Ashgate, 2004). Gratian's project was an effort to synthesize the laws, providing "an authoritative guide... that would permit judges and administrators to find their way through the tangled underbrush of the law with reasonable certainty and at tolerable speed." Brundage, *Medieval Canon Law*, 43. It presented the legal considerations dialectically, highlighting the disagreements between different decisions, but choosing one as the better alternative or determining the circumstances in which each decision had merit. As a result, Gratian's compilation became a favorite teaching text, and was thus familiar to students of law throughout Europe.

² Nicole Gonthier has shown this in her study of Lyon. Nicole Gonthier, *Délinquance, justice et société dans le Lyonnais médiéval: De la fin du XIIIe siècle au début du XVIe siècle* (Paris: Éditions Arguments, 1993). See especially 19-44. This could also be true in individual cities, which were occasionally divided between the bishop's law and the local lord's law. For a rich archival study of one of these towns, see Anne Wroe, *A Fool and his Money: Life in a Partitioned Medieval Town* (London: Cape, 1995).

³ Medieval knowledge of Roman law came mostly from the *Corpus iuris civilis*, which was composed of the *Institutes*, the *Digest*, the *Code*, and the *Novels*, all of which were compiled during the reign of Emperor Justinian in the sixth century A.D. The *Institutes*, produced in 529 A.D., consists of an elementary guide to Roman law, modeled after an earlier (and surviving) version dating from 160 A.D. The *Digest* was compiled between 529 and 533, and essentially gathered together the opinions of classical Roman jurists and organized them according to topics. The different jurists did not always agree with each other on each topic, but there was no attempt made on the part of the compilers to provide a single, unified response to the question under consideration. Instead, the goal of the *Digest* was to provide multiple authoritative voices addressing the same questions. Papinian, Ulpian, Modestinus, and the Laws of the Twelve Tables are the sources cited in reference to madness. The Laws of the Twelve Tables is the earliest known source for Roman private law, promulgated around 450 B.C., but only surviving in those fragments collected by later compilers. The Twelve Tables consisted of a list of legal rules, and most of what survives was concerned with family law, property, succession, and the rules for legal process. Papinian, Ulpian and Modestinus, all jurists in the third century A.D., wrote extensive commentaries on questions directed to them. These commentaries, as excerpted in the *Digest*, have been removed from their original context and placed next to each other. While this facilitates reference, it also makes it difficult to know whether the jurist's opinion is case-specific or intended to have wider ramifications. The compilers of the *Code*, which was released in 529 A.D., were specifically instructed to provide a synthesis of laws, unlike those who assembled the *Digest*, and to avoid including repetitious, contradictory, or obsolete laws. The final section

while northern France acknowledged customary law,⁴ which was regionally determined and could even vary between urban centers and the countryside. These law codes reveal certain patterns to the treatment of the mad, most of which have their origins in Roman and canon law, although many of the French customals adapted the Roman and religious opinions to fit their own understanding of what madness was and how the mad should be

of the *Corpus*, the *Novels*, comprises a collection of new laws that were created during Justinian's reign, but none of them refers to madness. For more on Roman law, see David Johnston, *Roman Law in Context* (Cambridge: Cambridge University Press, 1999), 2-3, 12-14, 22-23.

⁴ The legacy of both Roman law and canon law is evident in the compilations of French customary law when it began to be recorded in the thirteenth century. Customary law was understood as an oral tradition that drew on local memory, and as distinct from Roman and Canon law by virtue of the fact that it was not codified. As Esther Cohen argues, the myth of customary law as "old," "good," and "pure," specifically because of its orality, led practitioners to avoid writing down the laws until well into the thirteenth century. In 1454, towards the end of the period under consideration here, the French king issued an ordinance calling for the redaction of all local customs, and when this process was completed by the middle of the sixteenth century they had been standardized to some degree, ensuring that they did not conflict with any royal ordinances. See Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France* (New York: E.J. Brill, 1993), 28-39. The earlier redactions of customary law, their authors often attest in their prologues, were intended to instruct those who were not knowledgeable about the law. See especially the prologue of Jacques d' Ableiges, *Le grand coutumier de France*, ed. Rodolphe Dareste and Édouard Laboulaye (Paris: Auguste Durand, 1868), 4-6. The customals considered here are just such instruction manuals, and although a few of them were originally written in Latin, all of them have vernacular versions. Many customary law books did not mention madness at all, leaving the question about how that region legally coped with mad people open. See, for one example, Michel Marechal and Jacques Poumarede, eds., *La coutume de Saint-Sever (1380-1480): Édition et commentaire des textes gascon et latin* (Paris: Éditions du C.T.H.S., 1988). In those customals that do refer to madness, the influence of Roman law can often be detected, but they depart from Justinian's *Corpus* in significant ways. The texts under consideration for their reference to madness are mostly from the thirteenth century, although there are two later redactions as well. The earliest is the *Très-ancien Coutumier de Normandie*, which is found in both Latin and French manuscripts from the early thirteenth century. Ernest-Joseph Tardif, ed., *Le très ancien coutumier de Normandie Coutumiers de Normandie: Textes critiques* (Paris: A. Picard et Fils, 1903), vol. 1. In the later thirteenth century, another version of the customs of Normandy was redacted, known as the *Ancienne Coutumes de Normandie*. William Lawrence de Gruchy, ed., *L'ancienne coutume de Normandie* (Jersey: C. LeFeuvre, 1881). Philippe de Beaumanoir was heavily influenced by Roman law in his redaction of the *Coutumes de Beauvaisis* composed around 1283. Philippe de Beaumanoir, *Coutumes de Beauvaisis*, ed. Amédée Salmon (Paris: A. Picard et Fils, 1970-1974), 3 vols; Philippe de Beaumanoir, *The Coutumes de Beauvaisis of Philippe de Beaumanoir*, ed. F.R.P. Akehurst, trans. F.R.P. Akehurst (Philadelphia: University of Pennsylvania Press, 1992). A final thirteenth century legal compilation is *Li livre de justice et de plet* from the region of Orléans, which is a compilation of Roman, Canon, and some customary laws. Louis Nicholas Rapetti, ed., *Li Livres de justice et de plet, publié pour la première fois d'après le manuscrit unique de la Bibliothèque nationale, Collection de documents inédits sur l'histoire de France, 1. sér. Histoire politique* (Paris: Typographie de Firmin Didot frères, 1850). Jacques d'Ableiges composed his *Grand coutumier de France*, which was a compilation of customary law from the Île de France, at some point in the fourteenth century, Ableiges, *Grand coutumier*. And finally there is a mid-fifteenth-century customal from Anjou and Maine. J. Beautemps-Beaupré, ed., *Coutumes et institutions de l'Anjou et du Maine antérieures au XVIe siècle* (Paris: Auguste Durand et Pedone-Lauriel, 1883), vol. 4.

treated. Madness appears in several distinct contexts in legal discourse, often as a side point to a larger issue rather than as the focal point of a chapter or section.

Legally, madness was defined as an absence of reason which limited the mad person's ability to comprehend the world. As a result, madness presented particular challenges to the judicial processes that governed interpersonal interactions. Could mad people be trusted to act as defendants, prosecutors, and witnesses? Would they understand how to maintain their properties and engage in legal contracts? What about the violent or criminal mad? How could the community protect its members from people who did not understand the results of their own acts? On the other hand, could a person be held responsible for acts that he or she did not comprehend? What was the significance of intent, or lack thereof, in a legal context? Did mad people deserve to be punished for acts of violence?

Like their modern counterparts, medieval people were simultaneously members of a number of different communities at multiple levels that infringed on their lives in particular ways at particular moments.⁵ They were members of a household, a kin group, a parish, often a guild or confraternity. They lived in a neighborhood that was part of a village or town or city that in turn was in a region that was part of the realm. People were conscious of only a few of these community memberships on a daily basis. Occasionally, however, and particularly in times of personal or political crisis, these larger communal memberships gained significance. The madness of a family member or of a neighbor raised a number of legal issues, some of which could require resolution in court.

⁵ For more on the ways in which communal memberships constructed identities, see Caroline Walker Bynum, "Did the Twelfth Century Discover the Individual?," in *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1984), 82-109. See also Jacques Heers, *Family Clans in the Middle Ages: A Study of Political and Social Structures in Urban Areas*, trans. Barry Herbert (Amsterdam: North-Holland Publishing Company, 1977), 1-15.

Madness, much like other legal statuses, was generally proven through witness testimony, bringing the community together in order to establish the state of one of its members. A legal case, whether civil or criminal, brought people into direct interaction with the jurisdictions in which they resided.

I. Protecting the Community from the Mad: Witnesses and Contracts

The question of whether mad people could be witnesses was a particularly important one, given the significance of witness testimony for medieval legal procedure. Communal opinion was central to legal theory and practice. The wider community's knowledge of an individual's character, as represented in common reputation and renown, was generally referred to in Latin texts as *fama* and in French as *fame* and *renomée*. Recent scholarship has revealed the multiple ways that an individual's *fama* or reputation could affect the prosecution and outcome of legal cases, both civil and criminal. According to Roman law, one of the ways to incur *infama* in its legal sense was by being convicted of a crime.⁶ Indeed, bad *fama* could be a self-fulfilling prophesy, with those considered infamous in their community moving further and further into criminal activities, as David Chambers and Trevor Dean note in their discussion of criminality in fifteenth-century Italy.⁷ The maintenance of good reputation was essential in an economy based on face to face interactions. In theory, social reputation translated into legal reputation, since reputation and renown were proved in court through the use of witnesses who would testify to their own knowledge of the person. Thomas Kuehn

⁶ Edward Peters, "Wounded names: The medieval doctrine of infamy," in *Law in medieval life and thought*, ed. Edward B. King (Sewanee, TN: University of the South Press, 1990), 43-89. See also G. R. Evans, *Law and Theology in the Middle Ages* (London: Routledge, 2002), 123-129.

⁷ David S. Chambers and Trevor Dean, *Clean Hands and Rough Justice: An Investigating Magistrate in Renaissance Italy* (Ann Arbor: University of Michigan Press, 1997), 23-24.

argues, however, that “there was no simple, direct, or automatic connection” between the two.⁸ Rather, public reputation and common knowledge combined with the judges’ knowledge of legal theories and discourse to create a legal category that was related to but not solely derived from communal consensus. Kuehn notes that the professional jurists and judges often determined what forms of common knowledge and reputation could “count” in a legal setting: “On the one hand, courts and jurists treated reputation and gossip as nonprofessional and resisted or limited their scope accordingly. On the other, common talk, properly disciplined, was one basis of proof and status.”⁹ At a time when basic “facts” of identity, such as birth dates, marriages, diseases (including madness), and deaths, were not necessarily recorded in written documents, witnesses’ testimony about common knowledge was used to establish this information when it was pertinent to a case. Philippe de Beaumanoir’s book of customary law provides evidence that people’s reputations, common knowledge of facts (*notoire*) and witness testimony to confirm these things were central to legal practice.¹⁰

Professional jurists were not the only ones in a position to manipulate these categories, however. Witnesses could also control what they considered important “common knowledge” in an effort to affect the outcome of legal cases, as Daniel Smail has demonstrated. Using civil cases in late medieval Marseille, he examines the ways that witnesses established the bad *fama* of the adverse party, and argues that the manipulation of reputations may even have been the ultimate goal of the litigant, which

⁸ Thomas Kuehn, “*Fama* as a Legal Status in Renaissance Florence,” in *Fama: The Politics of Talk and Reputation in Medieval Europe*, ed. Thelma Fenster and Daniel Lord Smail (Ithaca: Cornell University Press, 2003), 27-46, 27.

⁹ *Ibid.*, 29.

¹⁰ F.R.P. Akehurst, “Good Name, Reputation, and Notoriety in French Customary Law,” in *Fama: The Politics of Talk and Reputation in Medieval Europe*, ed. Thelma Fenster and Daniel Lord Smail (Ithaca: Cornell University Press, 2003), 75-94.

might explain the parties' willingness to undertake expensive and lengthy litigations. Sometimes the trials were not resolved at all, and even when they were the litigants often won less money than they had spent on the case.¹¹ However, the airing of differences in a public forum allowed the litigants to affect public knowledge and reputation through the legal case. The relationship between social *fama* and legal *fama* was circular, then, as each could affect the other.

Given the importance of witnesses for medieval legal practice, it is not surprising that law codes placed restrictions on who would be considered a reliable witness. Justinian's *Institutes* listed mad people along with a number of others as incapable of witnessing wills: "neither a woman, nor youths below the age of puberty, nor a slave, nor a mute, nor a deaf person, nor a mad man, nor anyone forbidden from having property, nor one whom the laws declare worthless and incompetent to witness, can be witnesses."¹² The list was included as one passage among many concerning the question of who could and who could not witness wills, and how written or oral testaments must be made. Here, the *Institutes* defined how witnessing was intended to work by establishing who was excluded from providing it. There is no full discussion of the specific reasoning behind any of these particular restrictions, but it is clear that each type of person was considered to be incapable of witnessing wills for distinct reasons. Whereas women, youths, slaves, and those forbidden from holding property (note that it was not a blanket statement about all non-property owners, but rather those who were

¹¹ Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca: Cornell University Press, 2003), 150-152.

¹² Okko Behrends, ed., *Corpus Iuris Civilis: Text und Übersetzung* (Heidelberg: C.F. Müller, 1995), 3 vols., vol. 1, vol. 1, 78-80, Inst. 2.10: "sed neque mulier neque impubes neque servus neque mutus neque surdus neque furiosus nec cui bonis interdictum est nec is, quem leges iubent improbum intestabilemque esse, possunt in numero testium adhiberi."

officially forbidden from holding property) were not considered appropriate witnesses because of their subordinate social position, deaf and mute people were not considered appropriate because they would be unable to fulfill the necessary functions of witnesses – hearing the will and later providing oral testimony to its content. Mad people also would not be considered capable of fulfilling the functions of witnesses, because they were believed to be incapable of comprehending the will or their role as witness. Madness, muteness, deafness, blindness, gender and social status were each perceived as limiting a person's capacity to act in accordance with legal tradition in specific ways. Legal texts established varying limitations based on what was considered necessary to perform a particular legal action. Indeed, since these law codes were composed as part of a process aimed at establishing the outer limits of legal performance, they sometimes disagreed about what was required.

The idea that mad people lacked the ability to comprehend the world was the underlying assumption behind all legal discussions of madness. According to Papinian's discussion of *bonorum possessio* recorded in Justinian's *Digest*, deaf, mute, or blind people were able to make a claim on the inheritance if they understood the transaction. Inheritance claims only required comprehension, not the ability to hear, speak, or read. Since mad people were considered incapable of understanding, however, it was necessary to make arrangements whereby the time limitations were removed, so that if they recovered they would then be able to make a claim.¹³ Unlike other perceived limitations on legal capabilities, which curtailed certain actions, mad people were viewed as unable to comprehend the law, and thus they could never act within it unless they recovered their

¹³ Papinian, Ulpian and Modestinus were all jurists in the third century A.D. who wrote extensive commentaries on questions directed to them. Theodor Mommsen and Paul Krueger, eds., *The Digest of Justinian* (Philadelphia, PA: University of Pennsylvania Press, 1985), 4 vols., vol. 3, 277-278, Book 37.3.

sanity. However, unlike deafness, muteness, or blindness, madness was not considered a permanent condition, and thus the mad person might later be capable of making a claim.

Roman legal tradition influenced French customary law in delineating legal limitations according to the requirements of the legal act. Marriage in particular posed problems for legal theorists considering madness. Since Roman law required parental consent, it focused on the issue of mad parents. Could a child marry if the father (in this case, the parent is clearly gendered as male, since maternal consent was not necessary) was unable to consent due to his madness? Justinian's *Code* resolved this by determining that, although the mad father could not consent to the marriage, neither could that lack of parental consent prevent either a son or a daughter from marrying.¹⁴ In medieval law, the focus shifted to address the question of whether or not a mad person could enter into a marriage contract him or herself. This shift was a small part of a larger transformation of the Christian understanding of marriage towards a focus on the two individuals involved and their present-tense speech act as the central requirement for the marriage.¹⁵ Canon law defined marriage as a contract requiring consent, and Gratian's *Decretals* therefore determined that mad people could not be married. However, if they had already been married before becoming mad, then the marriage was still binding, and could not be annulled on that basis.¹⁶ The issue raised was whether or not mad people could

¹⁴ Behrends, ed., *Corpus Iuris Civilis*, Book 1.X, 14-15.

¹⁵ Georges Duby, *The Knight, the Lady and the Priest: The Making of Modern Marriage in Medieval France*, trans. Barbara Bray (New York: Random House, 1983).

¹⁶ "Corpus Juris Canonici, Gratian: Text und Images der Edition Friedbergs (1879)." ed Emil Friedberg and Aemilius Ludwig Richter. (Place Published: Bayerische Staatsbibliothek, 1999-), http://mdz.bib-bvb.de/digbib/gratian/text/@Generic__BookView;cs=default;ts=default (accessed June 16, 2006), Part Two, Causa XXII, Question VII, C. XXVI. Indeed, James Brundage's magisterial work on canon law demonstrates a shift in considerations of divorce and madness. Under Roman law, divorce was possible if one party to the marriage went mad, but under medieval canon law annulment was only an option if the person had been mad at the time of the marriage. The reform movements of the sixteenth century, particularly under Zwingli and Bucer, allowed divorce in cases of madness, even if it post-dated the

understand the world sufficiently to make important life decisions.¹⁷ If they were unable to comprehend the speech act required to contract a marriage, then they could not perform it, but becoming mad later in life was not grounds for annulling a marriage that had been contracted while the participant was capable of comprehending the act.

French customary law addressed the question of madness alongside other perceived disabilities that limited a person's capacity to engage in speech acts reflecting comprehension of the legal event. The thirteenth-century *Livre de justice* from the region of Orléans, for example, established that muteness and deafness did not prohibit marriage, since "if they can consent, they can do it; thus if a mute cannot speak, he can just as well make a sign."¹⁸ However, a mad person could not consent and would not be able to understand the arrangement, according to the following case,

[o]ne gives his daughter as wife to a madman (*desvé*), and he [the madman] knows nothing of it; then he cannot have her, because he cannot consent to it: because the father requires that the act be annulled. The pope mandates that, if it happens, they be parted.

Note that a madman (*desvé*) cannot get married, because he cannot consent.¹⁹

marriage. See James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 39, 195, 201, 288, and 559.

¹⁷ It is worth noting here that from the thirteenth century marriage was not only a contract but also a sacrament. As chapter two elaborated, in the thirteenth century, Thomas Aquinas determined that mad people could participate in baptism and the eucharist, but not in marriage, ordination, or extreme unction. See Thomas Aquinas, *Summa Theologiae*, ed. James J. Cunningham (London: Blackfriars, 1964), 60 vols., vol. 57, 118-120.

¹⁸ *Li livre de justice et de plet* is a compilation of Roman, Canon, and some customary laws. Rapetti, ed., *Li Livres de justice et de plet*, 183, 23: "se tés poent consentir, il le poent; car se li muz ne pot parler, il pot bien fere signe."

¹⁹ *Ibid.*, 24: "Un dona sa fille à feme à un desvé, et riens n'en savoit; donc il ne la pot avoir, car il ne s'i pot consentir : por quoi li père requiert que le fet fust nul. La pape mende que, si fut issi, qu'il séent départiz.

Note que desvé ne se pot marier, car il ne se pot consentir." The term "*desvé*" is not used in any of the other customary law books, but it is similar to the term "*dervés*" used for a madman in the thirteenth-century play by Adam d'Arras, the *Jeu de la Feuillée*. See Guy Mermier, ed., *The Play of Madness: A Translation of Jeu de la Feuillée by Adam d'Arras* (New York: Peter Lang Publishing, 1997), 32. To have the "*sens desver*" or "*sens derver*" was also a relatively common phrase for madness in twelfth- and thirteenth-century literature. See Adolf Tobler and Erhard Lommatzsch, *Altfranzösisches Wörterbuch: Adolf Toblers nachgelassene Materialien bearbeitet und mit Unterstützung der Preussischen Akademie der Wissenschaften* (Berlin: Weidmann, 1925-), 11 vols., vol. 2, 1813-1816 and vol. 9, 460.

Here the *Livre de justice* demonstrates its close relationship to Canon law, as the decision listed can be found in Gratian's *Decretals*. Each perceived disability was considered on its own, rather than being treated in exactly the same way, and clearly the inability to understand legal and social functions gave mad people particularly problematic legal identities.

However, the *Livre de justice* was unusual in regarding comprehension, indicated through a “sign” instead of words, as sufficient for a binding contract. When considering legal contracts (not specifically marriage), Philippe de Beaumanoir stated that agreements made by deaf or mute people were invalid,

because a mute person cannot make an agreement since he cannot speak, and an agreement cannot be made without words; nor can a deaf person, since he cannot hear the agreement, but here we understand deaf people who never hear anything, because a person who hears when you shout can make an agreement.²⁰

Beauvaisis' customary tradition did not allow for nonverbal communication in the creation of a legally binding contract, although it is important to note that he was addressing the question of whether or not a person could sue another on the basis of an agreement made by a person perceived as incapable of making verbal agreements.

Although the text clearly placed limits on the legal capacity of deaf and mute people, it did so in the context of protecting them from lawsuits. Philippe de Beaumanoir added to the list, noting that, “one cannot sue on an agreement made by...an insane person, nor a natural mad person... for ... neither an insane person nor a natural mad person [can make

²⁰ Philippe de Beaumanoir was heavily influenced by Roman law in his redaction of the *Coutumes de Beauvaisis* composed around 1283. Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 34, paragraph 1061: “car li mus ne puet fere convenance pour ce qu'il ne puet parler, car convenance ne se puet fere sans parole; ne li sours pour ce qu'il ne puet oïr la convenance, mes ce entendons nous des sours qui n'oient nule goute, car cil qui oit par haut parler puet bien fere convenance.” Translations are my own, with some assistance from the full English translation by F.R.P. Akehurst. Beaumanoir, *The Coutumes de Beauvaisis*.

an agreement], because they do not know what they are doing.”²¹ Each type of person on the list was considered incapable of making an agreement for specific and particular reasons. In the case of mad people, their inability to understand the meaning of their actions precluded them from making an agreement. Distinctions were made between the “naturally mad,” or *fous natureus*, who were mad from birth, and the “insane,” or *forsenés*, who went mad later in life and might recover their sanity. Philippe de Beaumanoir insisted, however, that neither type of mad person could give testimony or enter into contracts.²²

In practice, the question of entering into contracts created serious difficulties that left their mark in civil courts.²³ Indeed, the political treatises composed in response to the Treaty of Troyes cited this law in an effort to challenge Charles VI’s ability to disinherit his son. The challenge created the awkward potential of delegitimizing all the king’s acts, however. The legal pitfalls of contracts undertaken by the mad were recognized at all levels. For example, in 1399 a case was brought before the judges at the Châtelet in Paris on the part of Jehan Blanchart against Brother Pierre Lendormi, and Jehan Maale.²⁴ Jehan Blanchart had made an agreement to rent an apartment in Paris from Nicolas Lendormi. Brother Pierre and Jehan Maale, the case explained, were curators, or guardians, of Nicolas Lendormi, because of “a certain accident of illness and

²¹ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 34, paragraph 1061: “L'en ne puet suir de convenance... forsené, ne fol naturel... car ... ne li forsenés, ne li fous natureus pour ce qu'il ne sevent qu'il font.”

²² *Ibid.*, vol. 1, chapter 12, paragraph 411 and vol. 2, chapter 34, paragraph 1061.

²³ Combing the archives of civil courts in France would probably yield excellent sources for thinking about the legal application of customary laws concerning the mad. Unfortunately, such a project is beyond the scope of this dissertation. Instead, I have taken advantage of the edition of the sentences at the Paris Châtelet to provide a few examples of these laws in practice.

²⁴ *Sentences civiles du Châtelet de Paris (1395-1505)*, ed. Olivier Martin (Paris: L. Tenin, 1914), 31-33.

furiosity that came upon the said Nicolas,”²⁵ which meant that Nicolas could not legally enter into this contract with Jehan Blanchart. Blanchart insisted that he had been ignorant of Nicolas’ madness, suggesting that Nicolas may have been capable of arranging his own affairs despite the paperwork that Brother Pierre and Jehan Maale were able to produce establishing their powers as guardians. In the end, the case at Châtelet simply transferred the contract from Nicolas to his guardians, who determined that the contract was beneficial to their ward and thus allowed Blanchart to retain his agreement. The court case provides a tantalizingly brief view of this situation. The extent to which Nicolas’ madness had an adverse effect on his ability to arrange his own business affairs is brought into question by his guardians’ willingness to uphold the contract he drew up, but the court supported their prior right as guardians, evidenced by paperwork. Unfortunately, this particular case was not concerned with questioning the madness of Nicolas. However, clearly the need to reestablish the legitimacy of the contract in court created an awkward and troublesome situation for both parties.

Philippe de Beaumanoir insisted that neither an insane person (*forsené*) nor a natural mad person (*fol naturel*) could give testimony or enter into contracts.²⁶ In discussing witnesses in detail, he was most concerned with protecting others from the potential misuse of justice due to a mad person’s inability to understand the law. He insisted that mad people’s testimony should be thrown out regardless of whether the adverse party complained. He explained that

[n]o underage children, nor natural mad people, nor those out of their senses may be called to testify; even if it were to happen such that the person against whom they were called was so stupid that he did not challenge them, the judge should

²⁵ Ibid., 32: “pour certain accident de maladie et furieuse eté intervenue audit Nicolas.”

²⁶ Beaumanoir, *Coutumes de Beauvaisis*, vol. 1, chapter 12, paragraph 411 and vol. 2, chapter 34, paragraph 1061.

not receive it. And if they were received because they were not challenged or because the auditors did not know about them at the time of the examination, if the matter afterwards came to the knowledge of the jurors, what they had said should not be part of the decision.²⁷

Interestingly, Philippe de Beaumanoir addressed the question here of mad people who are not obviously mad, suggesting that it would be possible for a mad person to give testimony in front of the auditors without anyone suspecting that he or she was out of his or her senses. Mad people's potential ability to "pass" as sane made them particularly problematic figures in legal terms, and as we shall see the blurred line between madness and sanity was a concern that Philippe de Beaumanoir raised more than once in his customal.

Customary law also restricted a mad person's access to legal redress. The *Livre de justice* listed mad people among several other groups for whom it was not necessary to summon the adverse party to court, noting

[o]ne should not summon someone for a mad person nor for a minor, without a guardian, nor for a woman who complains against her husband, if it is not for the cruelty of her husband; or if the woman complains of another, no, if it is not with the permission of her husband. One should not for a serf summon his seigneur, if it is not for his cruelty.²⁸

Women and serfs, then, were capable of acting only against the cruelty of their husbands or lords, whereas minors and mad people were not able to summon at all without a guardian to perform the function. It is important to note that gender and social status did not have an effect on a person's ability to bring a case to court. Instead, it limited the

²⁷Ibid., vol. 2, chapter 39, paragraph 1183: "Nus enfes sous aage, ne fous de nature, ne hors du sens ne doivent estre tret en tesmoignage; tout fust il ainsi que cil contre qui il sont tret fust si nices qu'il ne les debatesist point, ne les devoit pas li juges recevoir. Et s'il estoient receu parce qu'il ne seroient pas debatu ne que li auditeur n'en savroient mot ou point de l'examinacion, se la chose venoit après a la connoissance des jageurs, ne devoit pas leur dis estre mis en jugement."

²⁸Rapetti, ed., *Li Livres de justice et de plet*, 99, XV.2: "L'en ne doit pas semondre por desvé ne por menor, sanz tutor, ne por fame de plainte de son mari, se n'est por la cruauté son mari; ou se feme se pleint d'autre, non, se l'en n'en a le congié de son mari. L'en ne doit pas por serf semondre son seignor, se n'est por sa cruauté."

type of case that could be brought. Interestingly, this text did not include provisions for either mad people or minors to bring cases against a guardian who had not fulfilled his functions appropriately (or who was “cruel”), suggesting that mad people and minors lacked the ability to bring a case to court at all. Similarly, the *Livre de justice* explained that mad people were not required to respond to complaints themselves, although it added that complaints should be taken to the mad person’s guardian (*garde*) “because it is not necessary that his [the mad person’s] rights disappear.”²⁹ The *Livre de justice* was clearly concerned not only to prevent someone who lacked understanding from trying to fulfill legal functions, but also with protecting those who were considered incapable of acting legally on their own by providing a guardian.

These law codes considered madness a lack of reason and an inability to comprehend legal actions. As a result, they limited the kinds of actions that mad people could legally perform, in an effort to protect both the adverse parties and the mad people themselves from the repercussions of this lack of comprehension. It is important to recognize, however, that these laws may have been less successful in application. Given the commonly accepted concept that madness was a cyclical disease, with periods of sanity interspersed with periods of madness, as in Charles VI’s case, people commonly considered mad may very well have been capable of entering into contracts. The question of their legal ability to do so may only have arisen in problematic cases, when objections were voiced, as in the case of Nicolas Lendormi, whose guardians had to explain that he was not allowed to enter into a contract. Guardianship was a way to protect the community, but also to protect the mad.

²⁹ Ibid., 131, XI.1: “car il n'est pas mestiers que ses drois périssent.”

II. Protecting the Mad from Themselves: Guardians

The most common method of protecting a mad person's goods was through the assignation of a guardian. The practice of guardianship was predicated on the assumption that mad people, who could not understand the world, would have no control over their belongings. In Roman law, this assumption led to an association of madness with prodigality. Justinian's *Institutes* noted that both mad people and prodigals needed curators, even after they reached twenty-five, the age of majority under Roman law. Although the Laws of the Twelve Tables had recommended placing them in the care of close relatives, the *Institutes* noted that generally, the guardian was chosen by an officer of the government.³⁰ Justinian's *Digest* included a number of discussions of the practice of putting the mad into the care of a guardian, and it was here that the connection between prodigality and madness was most explicitly stated.³¹ The third-century jurist Ulpian noted that prodigals should be given guardians "on the analogy of a mad person,"³² which created a correlation between the mad person's inability to care for his or her property and the prodigal's choice to squander his or her goods. Both were to be released from guardianship automatically, the mad person when "he regains his health of mind" and the prodigal when "he returns to his rational behavior."³³ The connection

³⁰ The Laws of the Twelve Tables is the earliest known source for Roman private law, promulgated in around 450 B.C., but only surviving in those fragments collected by later compilers. The Twelve Tables consisted of a list of legal rules, and most of what survives was concerned with family law, property, succession, and the rules for legal process. Behrends, ed., *Corpus Iuris Civilis*, vol. 1, 36-37, Inst. 1.23.

³¹ Mommsen and Krueger, eds., *The Digest of Justinian*, vol. 2, 812-814, Book 27.10. See also the discussion of this legal association between madness and prodigality in Jean-Marie Fritz, *Le discours du fou au Moyen Age: XIIIe-XIIIe siècles* (Paris: Presses Universitaires de France, 1992), 154-160. He also addresses the same in literature, 276-277.

³² Mommsen and Krueger, eds., *The Digest of Justinian*, vol. 2, 812-814, Book 27.10: "curatorem ei dare exemplo furiosi." Mommsen and Krueger translate this as "lunatic," which I find a problematic translation for "furiosus."

³³ I have replaced Mommsen and Krueger's translation, "he comes to his senses" with my own here, because the concept of "coming to one's senses" is too closely associated with madness in medieval French. Ibid., vol. 2, 812-814, Book 27.10: "uel furiosus sanitatem uel ille sanos mores receperit."

between prodigality and madness is clearly stated, since mad people also needed to return to rational behavior (or come to their senses) in order to prove that they had returned to health. Ulpian's statement suggests that the distinction between madness and prodigality was not in behavior but in cause: madness was viewed as a disease whereas prodigality was a deliberate action.

Whereas the Roman practice gave guardians to all mad people, the customals usually assigned guardians only to those insane from birth. Philippe de Beaumanoir used clear language to distinguish between these two different types of mad people, and it was only the *fous de nature*, those mad from birth, who were to be assigned guardians. The *Livre de justice* established similar rules for protecting the rights and privileges of the mad by placing them in the care of a guardian. The customals assigned wardship to the relatives of the mad in order to deal with the complicated question of inheritance. Interestingly, Philippe de Beaumanoir made a distinction between the treatment of mad people who could marry and those who could not. He explained that

[t]hose who are natural mad people, so mad that they have no discretion through which they can understand how to maintain themselves, should not hold property if they have brothers or sisters, even though they are the oldest. Therefore if the oldest is naturally mad, the right of firstborn should pass to the oldest after him, because it would be a bad thing to leave any important thing in the hands of such a man; but always he should be honestly supported out of what would have been his if he had been a person who could hold land. But we understand this to apply to those who are so insane that they would not know how to maintain themselves if they were married or not; for if a person knew enough, and not any more, to be married so that he could have heirs, he and his property should be under guardianship until the time of his heirs.³⁴

³⁴ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 56, paragraph 1624: "Cil qui sont fol de nature, si fol qu'il n'ont en eus nule discrecion par quoi il se puissent ne ne sachent maintenir, ne doivent pas tenir terre puis qu'il aient freres ne sereurs, tout soit ce qu'il fussent ainsné. Donques se li ainsnés est fous natureus, l'ainsneece doit venir a l'ainsné après lui, car male chose seroit que l'en lessast grant chose en la main de tel homme; mes toutes voies il doit estre gardés honestement de ce qui fust sien s'il fust hons qui deust terre tenir. Mes ce entendons nous de ceus qui par sont si fol qu'il ne se savroient maintenir ne en mariage ne hors mariage; car s'il se connoissoit en riens en tant sans plus qu'il seust estre en mariage par quoi de lui peussent venir oir, il et li siens devroit estre gardés dusques au tans de ses oirs."

Legally, this would effectively remove a mad person who was unable to marry from the succession, replacing him or her with a brother or even a sister, instead of following the rules of inheritance. It is significant, however, that Philippe de Beaumanoir recognized levels of madness in this case, arguing that mad people should only be entirely removed from the succession if they were unable to get married and beget their own heir. In cases where the individual was capable of marriage and procreation, a guardian would be assigned to care for the property until the heir came of age. Much like in Philippe de Beaumanoir's region of Beauvaisis, the Orleannais *Livre de jostice* was most concerned with the heirs of the mad, fearing that mad parents would harm the inheritance of their progeny. The *Livre de jostice* described multiple possible situations for the heir of a mad person, depending on whether the father alone was mad, or both the father and mother were mad, in an effort to maintain the inheritance until the heir came of age.³⁵ Thus, guardianship was put into place to prevent the mad person from squandering his or her property like a prodigal, without concern for the next generation.

The *Coutumes de Beauvaisis* expected that even a disinherited mad person would be supported “*honestement*,” and made provisions for cases where abuse happened, insisting that the lord should take over the wardship if the guardian was guilty of mismanagement. Significantly, Philippe de Beaumanoir noted that the lord could take over guardianship even if no one had brought a suit against the guardian in question,

³⁵ Rapetti, ed., *Li Livres de jostice et de plet*, 58-59, IX.5: “Se li pères est forsenez et la mère est sage, por ce ne remaint pas que li enfes ne soit ou poer son père et sa mère : quar cum droit de poër est establiz par bones mors, il ne puet faillir que aucuns enfens ne soit ou poer son père, si n'an vint en quas qui issent; et s'il n'en isent, il i remaint. Et se li pères et la mère son desvé, li enfant sont en son poer, ensint que li enfant; et li desvez et la desvée seront an la mère (*main? [sic]*) au curator, por le conseau dou juge. Quar le père et la mère devet avoir preu en son enfant, par le droit de la norreture que il ot fet an aus et por ce que li enfes lor doit fere solaz. Et n'est mie reson que en tel quas, nul perde son droit qu'il avoit devant, quar plus li a mestier qu'il ne solet.”

thereby recognizing the need to protect people without a legal voice from mismanagement.³⁶ However, in the French system, the ideal way of caring for the mad was to keep them under the control of their families or neighbors, rather than under the control of a randomly assigned guardian. Disinheritance or guardianship and “honest” care were considered appropriate for mad people who had been clearly mad from birth and never experienced periods of sanity. In cases where the onset of madness came later in life or where the disease was cyclical, however, it was not considered necessary to place the mad person under the care of an officially recognized guardian.

The question of how a need for guardianship was established and who was placed in such a role would require considerable examination of the civil law court records throughout France. However, the sentences of the Paris Châtelet provide some hints about the process. On September 10, 1454, the Châtelet entered the case of Raulin Damourectes, a merchant living in the rue de la Huchecte in Paris. Raulin “had become insensible and so much debilitated in his memory and understanding that he could no longer manage, regulate, nor administer his person, goods, and needs.”³⁷ Because Raulin had no relatives “in this country”³⁸ and the king was therefore his heir, the court, having “ascertained the insensibility of the said Raulin and that his goods and utensils etc ... are dissipated and sold day by day,” granted guardianship of Raulin and his goods to Master Jehan du Four, described in the text as an *examineur*, a functionary of the court.³⁹

³⁶ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 51, paragraph 1550.

³⁷ *Sentences civiles du Châtelet*, 34: “est devenu insensé et tellement debilité de son memoire et entendement qu'il ne pourroit doresnavant conduire, regir ne administrer sa personne, biens et besongnes.”

³⁸ *Ibid.* “en cest païs.”

³⁹ *Ibid.* “avons esté ascertenez de l'insensibilité dudit Raulin et que ses biens et utenciles etc...dissipeur et vendeur de jour en jour.”

However, the king's (and therefore the court's) direct interest in the preservation of the goods of a mad person was unusual.

Another case, from May 17, 1396, involved the dissolution of the guardianship of Jehan Herson, a skinner. Jehan Herson brought a case before the Châtelet to establish that he was now "in good health, sense and convalescence to govern well himself and his goods, except that he should refrain from drinking too much."⁴⁰ In order to prove his recovery, he called Jehan de Gouvieux, Jehan Cliquet, Jehan Meignen, Jehan le Maire, Robin de Gouvieux and Jehannin de Gouvieux the younger, all of whom were skimmers and neighbors of his, and one of whom, Jehan de Gouvieux the elder, had been the court-appointed guardian of Jehan Herson during his illness. In this case, the court was merely involved in appointing a guardian and revoking the guardianship once it was no longer necessary. Not only were Jehan Herson's neighbors involved in establishing his sanity, but one of their members had undertaken the responsibility of protecting his goods during his illness. Clearly this was a particularly fortunate outcome to a guardianship case: everyone, including the guardian himself (and two men who appear from their names to be his close relatives), agreed that Jehan Herson had recovered his sanity and his ability to manage his goods. It is possible to imagine other endings that would not be so amicable, since the mad person's ability to bring the case to court rested on the cooperation of the guardian, or on being able to prove that the guardian had mismanaged the mad person's affairs.

Roman law did not entirely disempower the mad. Although mad people had to have guardians and could not either consent or withhold consent from their child's

⁴⁰ Ibid. "en bonne sancté, sens et convalescence pour soy et ses biens gouverner, mais qu'il se gardast de trop boire."

marriage, in every other situation, they legally retained their rights of *patria potestas* over their children.⁴¹ Justinian's *Digest* quoted Ulpian's relatively lengthy discussion of the question, which was built logically step by step, establishing that mad fathers held their children in their power even if both parents were out of their senses at the moment of conception "as if the last traces of free will remained alive in them when insane. For since the marriage stands when one or the other is mad, it stands when both are."⁴² This recognition of mad people's power over their children was significant. Ulpian explained that "[t]he father who is mad does indeed so fully retain his legal power that there still accrues to him the beneficial interest in whatever his son has acquired."⁴³

While medieval legal practice did not grant that kind of control to mad parents, the customals did allow the mad to retain certain rights. The *Livre de jostice*, like the *Coutumes de Beauvaisis*, distinguished between those who were mad from birth (here using the term *desvé*) and those who went mad (*forcené*). Although the *forcené* did not appear in the context of marriage contracts, they were discussed as married people in questions of inheritance and wardship, indicating that madness as an illness, unlike madness from birth, was not considered grounds for annulment. Although mad people did not have a legal status, the *Livre de jostice* noted, "if someone is mad (*forsenez*), he does not lose his dignity [social status] because of it."⁴⁴ This is a particularly interesting point, since most of the references to mad people in medieval law involved the loss of

⁴¹ For more on the *patria potestas*, see Antti Arjava, "Paternal Power in Late Antiquity," *Journal of Roman Studies* 88 (1998): 147-165; Jane F. Gardner, *Family and Familia in Roman Law and Life* (Oxford: Clarendon Press, 1998).

⁴² Mommsen and Krueger, eds., *The Digest of Justinian*, vol. 1, 19, Book 1.6: "quasi uoluntatis reliquiis in furiosis manentibus: nam cum consistat matrimonium altero furente, consistet et utroque."

⁴³ *Ibid.*, vol. 1, 19, Book 1.6: "Adeo autem retinet ius potestatis pater furiosus, ut et adquiratur illi commodum eius, quod filius adquisiuit."

⁴⁴ Rapetti, ed., *Li Livres de jostice et de plet*, 56, VIII.5: "Se aucuns est forsenez, il ne pert pas por ce sa dignité."

legal status, through an inability to witness or enter into contracts and a need for a guardian. The *Livre de justice* took pains to note that a loss of legal status did not necessarily include a loss of social status. Thus, as the case of Charles VI demonstrated, a mad king was nevertheless still a king.

Philippe de Beaumanoir distinguished between those who were mad from birth (*fols naturels*) and those who went mad from some illness or impairment (*forsené*), providing each type of madness with a different legal status. The “natural” mad could not make a contract at all, whereas the “ill” mad could make contracts during periods of sanity, and therefore needed attorneys and administrators to act for them during periods of madness. The *Coutumes de Beauvaisis* added a caveat to the list of those who cannot make agreements, noting

[b]ut it is seen that all those who cannot make an agreement for physical impairment or illness can be sued if they made an agreement before their malady comes to them. And during their impairment they must have attorneys and administrators for their needs who can make agreements for them and answer on agreements that they made before their sickness came to them.⁴⁵

Philippe de Beaumanoir considered madness an “impairment” from which a person could recover, and created mechanisms whereby the mad person’s interests could be protected despite his or her inability to comprehend or perform legal acts.

Mad people were not considered capable of functioning in the legal landscape because they could not understand their rights, responsibilities, or culpabilities.

However, they still retained their status, particularly if they were not mad from birth but had become mad due to some illness or accident. As a result, the legal discussion of

⁴⁵ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 34, paragraph 1061: “Mes voirs est que de tous ceus qui ne pueent fere convenance pour mehaing ou pour maladie, s’il firent convenances avant que li maus leur venist, il en pueent estre sui. Et ou tans du mehaing doivent il avoir procureurs et aministreeurs de leur besoignes qui puissent fere convenances pour aus et qui puissent respondre des convenances qu’il firent avant que la maladie leur venist.”

madness and its meanings occupied a space between disenfranchisement and the protection of the individual's legal rights. This effort to protect mad people from themselves was echoed in legal requirements intended to protect the larger community from the actions of individuals whose lack of comprehension could threaten communal welfare. Because mad people could not be held responsible for legal acts, they also could not be held responsible for illegal ones.

III. Punishing Mad Criminals

Guardianship was not only necessary to protect the mad from themselves, but also to protect the larger community from the mad, in physical as well as contractual terms. The general fear was that mad people's lack of understanding could cause them to harm others. In considering the problem of mad criminals and how they should be treated, legal theorists were concerned with protecting a person who lacked the capability to comprehend what, to his or her contemporaries, were basic truths about how one should live in the world. The texts reveal inconsistencies and uncertainties with regard to exactly why mad people should be treated with leniency, and exactly how to define madness. The concept that mad people should not be punished for crime was already present in Roman law. Modestinus, recorded in Justinian's *Digest*, indicated that "An infant or a madman who kills a man is not liable under the *lex Cornelia*, the one being protected by the innocence of his intent, the other excused by the misfortune of his condition."⁴⁶ The issue came up again in the context of parricide, which was considered a particularly serious crime and therefore worthy of an especially terrible punishment.

⁴⁶ Mommsen and Krueger, eds., *The Digest of Justinian*, vol. 4, 821, Book 48.8: "Infans uel furiosus si hominem occiderint, lege Cornelia non tenentur, cum alterum innocentia consilii tuetur, alterum fati infelicitas excusat."

However, the punishment was not appropriate for the mad: “Truly, if anyone kills a parent in a fit of madness, he shall not be punished, as the deified brothers wrote in a rescript in the case of a man who had killed his mother in a fit of madness; for it was enough for him to be punished by the madness itself.”⁴⁷ This distinction in Roman law between the infant, who is innocent of intent, and the mad person, who is “punished by the madness itself” is a significant one, and it is interpolated into medieval customs in interesting ways.⁴⁸

It was commonly recognized in medieval legal texts that mad people should not be punished for committing crimes in the same way as the sane.⁴⁹ For example, canon law considered mad people to be exempt from responsibility for their crimes, so long as “the mind is so alienated that the man does not know what he is doing.”⁵⁰ This statement made a clear connection between lack of intent on the part of the mad person, who “does not know what he is doing,” and exemption from responsibility. Similarly, Jacques d’Ableiges’ *Grand Coutumier de France* listed “when any crime is done by any mad or drunken person” among a number of other reasons for altering the proscribed sentence,

⁴⁷ Ibid., vol. 4, 822, Book 48.9: “Sane si per furorem aliquis parentem occiderit, inpunitus erit, ut diui fratres rescripserunt super eo, qui per furorem matrem necauerat: nam sufficere furore ipso eum puniri.”

⁴⁸ Erik Midelfort observes that “the *Digest* held that [a mad person] was still punishable, although not by the state.... One reason for this peculiarity is perhaps that the ancient Romans did not entirely believe that *furor*, or madness, was merely a state of mental infancy or a purely physical condition.” Indeed, these laws seem to reflect an ambiguity about how madness was defined legally. H.C. Erik Midelfort, *A History of Madness in Sixteenth-Century Germany* (Stanford: Stanford University Press, 1999), 187. For more on the philosophical development of the theory of intentionality, see the essays collected in Dominik Perler, ed., *Ancient and Medieval Theories of Intentionality* (Leiden: Brill, 2001).

⁴⁹ Despite Guido Ruggiero’s assertion that Venice in the early Renaissance was unusual in refusing to hold mad people responsible for crimes because it was ruled by bankers and merchants who were more practical (Guido Ruggiero, “Excusable Murder: Insanity and Reason in Early Renaissance Venice,” *Journal of Social History* 16, no. 1 (1982): 109-119), this practice originates in Roman law and was commonly recognized everywhere in the Middle Ages. For England, see Thomas A. Green, “Societal Concepts of Criminal Liability for Homicide in Mediaeval England,” *Speculum* 47, no. 4 (1972): 669-694. For Germany, see Midelfort, *A History of Madness in Sixteenth-Century Germany*, 187-196. For France, see Fritz, *Le discours du fou*, 153-164.

⁵⁰ Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX*, 107, n. 102. The quotation is from Huguccio. See also the discussion of canon law and madness in Midelfort, *A History of Madness in Sixteenth-Century Germany*, 190-191.

indicating that intent was the significant factor, since drunken people are clearly not punished by their drunkenness.⁵¹ Closely following Roman law, however, some of the customs provided two very different justifications for treating mad criminals leniently.⁵² On the one hand, mad people are punished through their illness, suggesting that, although they deserve to be punished for their deeds, that punishment has already been effected by a higher power than the local courts. On the other hand, madness is envisaged as a disease that takes away people's cognitive abilities, thus rendering them incapable of understanding that their actions might be wrong, a theory that follows logically from the limitations placed on mad people's participation in other legal actions. The *Livre de justice* combined these two theories, explaining that, when faced with a mad person who had committed a crime,

if you know certainly that he did it in madness (*forsenerie*), that he does not know what he does every day, and that he understands nothing, nor is there any suspicion against him, you can in a way alleviate his sentence, because he is tormented enough by his madness (*desverie*).⁵³

A lack of understanding and knowledge of "what he does every day" suggests a lack of intent and therefore of responsibility, but the jurist recommends that the sentence should be alleviated, not because of the mad person's lack of intent, but because his madness is sufficient torment. While this may be merely a rhetorical aside without much impact on the legal treatment of mad criminals, it reveals an interesting tension between the

⁵¹ Jacques d'Ableiges, *Grand coutumier*, 649, IV.xii "Des peines": "quant aucun excès est fait par aucune personne folle ou yvre."

⁵² For more on the Insanity Defense according to Roman Law, see Nigel Walker, "The Insanity Defense before 1800," *The Annals of the American Academy of Political and Social Science* 477 (1985): 25-30.

⁵³ Rapetti, ed., *Li Livres de justice et de plet*, 73, XXI.5: "Et se tu sés certainement que il l'ait fet en forsenerie, qu'il ne sache qu'il face toz jorz, et qu'il n'entende riens, n'en i ait point de sopeçon contre lui, tu porras en une feintise estramper sa paine, quar il est assez tormentez de sa desverie."

acceptance that mad people should not be held responsible for their crimes and the belief that criminal acts deserve punishment regardless of intent.⁵⁴

The *Ancienne coutume de Normandie* made provisions for mad people under the heading of “On Suicides.” Suicides were punished severely under French law. Their goods were confiscated to the crown, their bodies were often “executed,” and they would be buried in unconsecrated ground, having forfeited their right to inclusion in the community of the faithful.⁵⁵ However, the Norman custom recommended that

any mad (*forsené*), enraged (*enragié*), or frenetic (*frénétique*) person is not to be driven out of the community of the church, in such a case where at the time when he was well ordered in his thoughts, he carried himself as a good Christian; nor are the goods of these forfeited [to the king], if by any mischance they have been killed; but it belongs to the prelate to organize the goods of these, because they [the mad] do not have the understanding to organize them [their goods].⁵⁶

The idea that the suicide of a mad person was accidental (by “mischance”) removes any culpability. Punishment would be inappropriate if the individual in question had been “a good Christian” while sane. This judgment parallels that of Thomas Aquinas, who determined that mad people were still able to receive baptism and the Eucharist if, when

⁵⁴ This may in fact be related to the medieval practice of punishing animals for crimes, despite their lack of comprehension. As Jacqueline Hoareau-Dodinau points out, “la sanction infligée par le group social à la suite d'un acte qui trouble la communauté n'est pas automatiquement liée à la notion de responsabilité au sens juridique du terme, c'est-à-dire aux notions de faute, de volonté, de liberté. Pour répondre à un crime, le groupe peut exercer une vengeance sur le coupable, écarter un danger qui le menace en éliminant l'auteur ou se purifier de la souillure résultant de l'acte sans pour autant envisager la notion de responsabilité; c'est-à-dire envisager la répression par rapport à la victime ou au groupe auquel elle appartient et non pas au égard au coupable.” Jacqueline Hoareau-Dodinau, “L'animal devant son juge: Coupable ou victime?,” in *La culpabilité: Actes des XXèmes Journées d'histoire du droit, Limoges*, ed. Jacqueline Hoareau-Dodinau and Pascal Texier (Limoges: Presses universitaires de Limoges, 2001), 187-201, 192. See also Cohen, *Crossroads of Justice*, 101-133.

⁵⁵ Cohen, *Crossroads of Justice*, 141-142.

⁵⁶ Gruchy, ed., *L'ancienne coutume de Normandie*, 56-57, XXI: “Et aulcun forsené, enragié, ou frénétique n'est à oster de la communie de l'Eglise, pour tant au temps qu'il estoit bien ordonné de sa pensée, il se portast bon Crestien; ne de ceulx n'est pas le chastel forfait [au Roy], se par aucune malefortune ils ont esté occis; mais appartient au prélat à ordonner d'iceulx chastels, puisqu'ils n'ont sentement pour en ordonner.”

sane, they were believers.⁵⁷ Reputation, not only as a mad person but also as a Christian, played a significant role in determining the treatment of the accused. Interestingly, the Norman customal recommended that the mad person's goods be organized by the church, since clearly a mad person would not have been capable of making a will. This opens up interesting possibilities for clashes between the officers of the crown and local prelates in suicide cases, since the crown would benefit from those found sane and the Church would benefit from those found mad, although it is not possible here to do more than speculate.

Legal theorists considered it necessary to take measures to prevent mad people from committing a crime, or from committing further crimes after a first offense. They wrote this into their legal system by requiring the use of guards and restraints, which were sometimes presented as an alternative to capital punishment. The Roman jurist Modestinus argued that a mad person who had committed murder “must be guarded the more carefully, or even confined with chains.”⁵⁸ In Roman law, guard or confinement was not considered an aspect of punishment, but a preventative measure to protect others from the actions of the mad. Philippe de Beaumanoir also suggested imprisonment of the mad in order to prevent them from committing another crime. He insisted that if “they commit, because of their mad senses, a homicide or any other serious crime, they are not punished like others because they do not know what they are doing.”⁵⁹ Instead of being punished “like others,” for example by being executed for committing a capital crime like

⁵⁷ See the detailed discussion in chapter two. Aquinas, *Summa Theologiae*, 118-120.

⁵⁸ Mommsen and Krueger, eds., *The Digest of Justinian*, vol. 4, 822, Book 48.9: “diligentiusque custodiendum esse aut etiam uinculis coercendum.”

⁵⁹ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 52, paragraph 1575: “il font par leur fol sens aucun homicide ou aucun autre vilain cas, il ne sont pas justicié en la maniere des autres pour ce qu'il ne sevent qu'il font.”

homicide, Beauvaisis' customary law called for the imprisonment of the mad person after a crime was committed, until he or she recovered from the madness, at which point the mad person could be released. A slightly different attitude is expressed in a mid-fifteenth-century customal from Anjou and Maine, which explained that "a mad person who kills or mutilates a man or a woman should be kept in prison perpetually at his or her own expense. But for theft (possibly rape?) or another small crime, his or her madness excuses it."⁶⁰ Thus, although madness could be seen as an excuse for a "small crime," it did not excuse murder or mutilation. Even though the customal provided an alternative (and lighter) sentence for mad people, it emphasized that some form of punishment was necessary for permanently damaging another person.

The customal from Anjou and Maine insisted that the perpetual imprisonment of a mad person should be paid for by the mad person.⁶¹ Other customals indicated who was responsible not only for the upkeep of the imprisoned person, but also for the act of guarding and restraining him or her. The *Livre de justice* insisted that the mad "can be well put in constraints and guarded; and the guard and the punishment of him belongs to his family."⁶² Philippe de Beaumanoir even recommended that guardians take preventive action in the case of a person who "went mad," rather than waiting until a crime had been committed. He explained that

[t]hose who are insane should be bound by those who must guard them and everyone must help do this to avoid the damages that might come from them, for

⁶⁰ Beaumonts-Beaupré, ed., *Coutumes et institutions de l'Anjou et du Maine antérieures au XVI^e siècle*, 268: "Le fol qui occist ou mutille homme ou femme doit à ses despens estre tenu en chartre perpetuelle. Mais pour embler ou faire autre petit excès, sa folie l'en excuse." *Embler* refers to a kind of violent seizure, whether of property or person is unclear. See Tobler and Lommatzsch, *Altfranzösisches Wörterbuch*, vol. 3, pt. 1, 49-52.

⁶¹ Beaumonts-Beaupré, ed., *Coutumes et institutions de l'Anjou et du Maine antérieures au XVI^e siècle*, 268.

⁶² Rapetti, ed., *Li Livres de justice et de plet*, 73, XXI.5: "Et se tu vois que bien soit, bien le puet fere lier et garder; et la garde et la poine de lui appartient à ses amis."

they could quickly kill themselves and others.... [T]he insane people must be placed in such a prison that they can never leave it, and be maintained from their own property as long as they are out of their senses. And if he returns to his senses, he should be released from prison, and his goods returned to him.⁶³

The focus here is clearly on the need to protect both the mad person and the community at large. Beaumanoir expressed a fear that mad people might commit suicide or murder, and that keeping such people bound or locked up would protect them and their community from their actions. In his view, all those who were insane (*forsenés*) contained within them the potential for such disruptive action. Interestingly, although Beaumanoir recommended that mad people be maintained from their own property, he also noted that “everyone” must help to guard them, suggesting the need for a communal effort.

The community’s shared responsibility for the surveillance of the mad is a concept that appears more explicitly in the *Ancienne Coutume de Normandie*, which explained what to do with mad people who seemed likely to commit crimes, noting that

[i]f anyone is in such a way mad (*forsené*), that it is feared that he from his madness (*forcenerie*) might trouble the country, either by fire or by another thing that is contrary to the common health, he must be tied, and guarded by those who have his things, so that he does not wrong anyone; and if he has nothing, all the neighbors must give counsel and aid to his [family], to moderate his madness (*forcenerie*).⁶⁴

The Norman custom was concerned about people who were mad “in such a way” that they were considered likely criminals, a slightly different construction from the

⁶³ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 52, paragraph 1575: “Cil qui sont forsené doivent estre lié par ceus qui les doivent garder et chascuns doit aidier a ce fere pour eschiver les damages qui par aus pueent venir, car tost oiroient aus et autrui li forsenés doit estre mis en tele prison qu’il n’en isse jamès, et soit soutenus du sien tant comme il sera hors du sens. Et s’il revient bien en son sens, il doit estre delivrés de prison, et li siens rendus.”

⁶⁴ Gruchy, ed., *L’ancienne coutume de Normandie*, 184, LXXIX: “De Forcenés Se aulcun est en telle manière forsené, que l’en le doye doubter que de sa forcenerie il ne trouble le pays, ou par feu ou par aucune chose qui soit contraire au commun salut, il doibt estre lié, et gardé par ceulx qui ont ses choses, qu’il ne mesface à nulluy; et s’il n’a rien, tout le voesiné doibt mettre conseil et aide du sien, à refréner sa forcenerie.”

Beauvaisis customal, which saw all mad people as potential criminals, but both focused on the need for community involvement. Whereas Philippe de Beaumanoir saw guarding the mad as everyone's responsibility, according to Norman custom, this was only the case if the mad person did not have a guardian to take care of his or her property.

Nevertheless, mad people were clearly considered communal burdens, since they were threatening to the "common health." In addition to concerns that mad people might kill themselves or others, the Norman customal adds the fear that mad people might commit arson. Fire was clearly a major concern in communities made of flammable materials, since a blaze begun in one house could quickly spread to the entire neighborhood. Thus, the entire neighborhood was responsible for surveillance of the mad, to prevent potential disasters, not only on an individual level, but also for the community at large.

Norman custom also suggested that the community was responsible for the upkeep of a mad person, noting that "[i]f anyone is out of his senses, and he kills or injures a man by his madness (*forsenerie*), he should be put in prison, and be sustained by his [goods]; or it should be procured for him from the common alms, if he does not have anything with which he can be sustained."⁶⁵ In Normandy, then, the community was expected to pay for the care of imprisoned mad criminals through their almsgiving, which suggests a very complicated attitude towards the mad. Here they appear as objects of pity, appropriate receivers of alms alongside the poor and lepers, but without the type of reciprocal relationship that almsgiving usually implied, where the prayers of the receiver

⁶⁵ Ibid.: "De Forcenés. Se aulcun est hors du sens, et il occist ou mehaine ung homme par sa forsenerie, il doit estre mis en prison, et estre soustenu du sien; ou l'en luy doibt pourveoir des communes omosnes, s'il n'a de quoy il puisse estre soustenu."

were exchanged for the temporal support of the giver.⁶⁶ Not only would mad people be incapable of filling the role of grateful bedesmen and women, but also the legal text specifically indicates that this money was to be used for the care of a mad person who had been imprisoned because he or she had killed or injured another person. Thus, the uncomprehending criminal, who was incapable of prayer and whose inability to function normally in the world had injured or killed another person, somehow remained a reasonable recipient of community alms. The Norman customary law created a sense of communal responsibility through the figure of the mad criminal.

Medieval legal discussions of madness reveal an uncertainty about the appropriate treatment of the mad. Although it was considered necessary to protect the mad, the question of what exactly madness was and how precisely to prevent catastrophe in the lives of the mad and their relatives remained unclear. The texts of customary laws offered several possible solutions to the problems that they believed madness posed, but they held competing and complex views of madness and how to treat the mad. While mad people were considered incapable of comprehending legal acts, and thus could not engage in them, the appointment of guardians prevented a mad person from losing all of his or her legal rights. In a similar vein, mad people were not held responsible for crimes. However, the law codes differed in discussions of the reasons behind this idea. Some determined that the mad were punished by their madness, suggesting that they were in fact guilty of the crime, whereas others argued that, just as they were not capable of comprehending legal acts, so they could not comprehend illegal ones. Regardless, the decision not to punish mad people for crimes opened up the fear of fraud. Just as modern

⁶⁶ See Michel Mollat, *The Poor in the Middle Ages: An Essay in Social History*, trans. Arthur Goldhammer (New Haven: Yale University Press, 1986); Miri Rubin, *Charity and Community in Medieval Cambridge* (Cambridge: Cambridge University Press, 1987).

legal systems struggle with the question of the insanity defense, authors of medieval law codes sought to prevent people from working the system by faking madness. Even in cases when the madness was substantiated by witnesses from the community, there was still the problematic question of how exactly to deal with a mad person who had committed a crime.

IV. Establishing Madness: Preventing Abuse of the “Insanity Defense”

Customal authors were aware of the potential abuse of these clauses allowing mad criminals to go unpunished, or at least punished considerably less severely than their sane counterparts. The *Livre de jostice*, in a departure from the other customals, held the family responsible for their mad relatives, suggesting that those who should have been guarding the mad be punished for the mad person’s crimes:

[a]nd if it is so, in the moment when he did the deed, that his family had him in guard, such that he should have guarded him, you must call those who should have guarded him at the time when he did the deed: and if you find that he had been so negligent that by his negligence was the deed done, the law says that he must be put in punishment. – Because the guard of a mad person (*forsenez*) is given to his relatives, not only so that he cannot do anything bad to himself, but so that he does nothing bad to others.

And if the mad person (*desvé*) does something that he should not, the culpability should by right fall on those who should have guarded him, because he did that deed because of bad guard.⁶⁷

The author of the *Livre de jostice* was invested in finding a responsible party to be blamed and punished for the criminal act. This potential reassignment of guilt may have been a driving force for family members seeking remission for the crimes of mad

⁶⁷ Rapetti, ed., *Li Livres de jostice et de plet*, 73, XXI.5: “Et s’il est ensi, en tel point où il fit le fet, que si ami l’eussent en garde, qu’il le deussent garder, tu dois apeler cels qui le devient garder en cel tens qu’il fist le fet : et se tu trueves qu’il aient esté si négligent que par lor négligence soit li forpez fet, droiz dit que l’en les doit metre en poine. -- Quar la garde est baillie de forsenez à lor amis, non pas solement por aus qu’il facent mal, mès qu’il ne facent mal à autres.

Et se li desvé font chose qu’il ne doivent, l’en doit par droit metre lor colpes sor cels qui les doivent garder, comme il face tel fet par mauvèse garde.”

relatives, since they may have feared that they would be called to court for their relative's crime.

Beyond the possibility of finding other people responsible for the crime due to their negligence, the customary authors added clauses intended to prevent people from using madness as a "get out of jail free card." The author of the *Livre de justice*, aware of the cyclical nature of some forms of madness, insisted that mad people who committed their crimes during a period of sanity should not go unpunished. According to the book,

the king says that it is necessary to take care with a mad person (*desvé*) who kills his father, whether he had done it in good sense or in madness (*desverie*); and if he did it in good sense, he must pay for it. – And if you know certainly that he did it in madness (*forsenerie*), that he does not know what he does every day, and that he understands nothing, nor is there any suspicion against him, you can in a way cut his sentence, because he is tormented enough by his madness (*desverie*): and he must always be well guarded.... And if it happens, as it sometimes does, that someone is mad (*desvé*) at one time and at other times is sane, and was sane at the moment when he did the deed, you should enquire diligently; and if you know it, you will not pardon him; and if it happens that you know that he did it by felony, it is right that he be tormented.⁶⁸

The composer of the *Livre de justice* took great care to distinguish between those who committed a crime while mad and those who commit a crime in "good sense." This distinction is particularly troubling, since the text justified leaving mad criminals unpunished on the grounds that they were sufficiently punished by their madness. The *Livre de justice* was unclear and uncomfortable about the treatment of the mad. While the justification for leniency rested entirely on the nature of madness as a "punishing" disease, the need to punish mad people who committed a crime while "sane" suggests

⁶⁸ Ibid.: "li rois dit que l'en se devoit prendre garde au desvé qui tue son père, s'il l'avet fet en bon sen ou en desverie; et s'il l'avet fet en bon sen, il le doit comparer. -- Et se tu sés certainement que il l'ait fet en forsenerie, qu'il ne sache qu'il face toz jorz, et qu'il n'entende riens, n'en i ait point de sopeçon contre lui, tu porras en une feintise estramper sa paine, quar il est assez tormentez de sa desverie : et totes voies le doit l'en bien garder Et s'il avient, comme aucunes foiz, que aucuns sunt desvé une foiz et autre foiz sont sein, et fust seins en celui point où il fit le fait, tu l'enquerras diligement; et se tu le sés, tu ne li pardonras pas; et s'il est issit que tu saches qu'il l'ait fait par félonie, droiz est qu'il soit tormentez."

recognition of madness as a lack of comprehension. Unfortunately, there is no indication of how to “know certainly” nor from whom one should “enquire diligently” in order to “know” that the mad person was sane at the moment of the act. It is likely that the question would have been directed to any witnesses of the crime, suggesting that, for the author of the *Livre de justice*, madness was an externally recognizable state that could be judged by any witness. Knowledge of an individual’s mental state would be difficult to prove beyond doubt, but a description of the person’s performance of the criminal act could potentially establish sanity or insanity.

Philippe de Beaumanoir was more concerned about the possibility that the accused could pretend to be mad in order to avoid punishment. As we saw above, Philippe de Beaumanoir believed that mad people could “pass” as sane. If so, why not the reverse? This question would most likely arise, according to Philippe de Beaumanoir, when a mad person was perceived to have recovered from his or her madness, in which case,

he should be released from prison, and his goods returned to him. But in this case one should examine considerably whether this was not done maliciously, for example if some people, when they had committed offenses, counterfeited being out of their senses in order to escape: and one should regard very closely what cause motivated the person to commit the misdeed, and by this one will know if there was deceit (*barat*).⁶⁹

This fear of *barat*, which can be translated as a fraud, a deception, or a ruse, moved beyond the concern of the *Livre de justice*’s author, who was more interested in whether the mad person, who was fully accepted as mad, was mad at the moment of the crime,

⁶⁹ Beaumanoir, *Coutumes de Beauvaisis*, vol. 2, chapter 52, paragraph 1575: “Et s'il revient bien en son sens, il doit estre delivrés de prison, et li siens rendus. Mes en ce cas se doit l'en mout regarder que ce ne soit fet malicieusement, si comme li aucun, quant il avroient fet les mesfès, contreferoient le hors du sens pour eschaper: si doit l'en mout regarder quele cause le mut a fere le mesfet et par ce savra l'en s'il i a barat.”

rather than with questioning the madness itself. Philippe de Beaumanoir, instead, was querying the concept that madness was, in fact, a transparent phenomenon, and posed the theory that a person could imitate madness in order to avoid being punished for a real criminal act. For Philippe de Beaumanoir, the proof of madness would come from a close examination of what “moved” the criminal, suggesting that a sane criminal would have different motivations than a mad criminal. According to this conception of madness, witnesses would not be able to tell from a person’s actions whether or not he or she was mad. Instead, it would be necessary to consider the motives for the act to see whether or not the act itself was done due to madness.

This uncertainty about whether people were in fact mad was exacerbated by the methods used to establish madness. Legal processes generally defined and determined mental states based on the consensus of the community, rather than calling in an authority figure to determine whether an individual was mad. It is important to note that the use of “expert” testimony had already begun in this period. Physicians and surgeons would be called for prognosis in cases where the damaged individual had not yet died. They were asked to predict whether the wounds were mortal.⁷⁰ The example of Philippe Testard, a merchant whose case was brought before the Parlement of Paris in 1277, provides an unusually clear record of the kind of evidence that served to prove madness. Although in this case the question of fraud did not arise, it is clear that the court’s dependence on witness testimony, often from people who had a vested interest in proving madness, could lead to such fears. Because Philippe Testard had died in suspicious circumstances, and was a wealthy merchant whose goods would be forfeit to the crown if he were found

⁷⁰ See *Registre criminel de la justice de St. Martin des Champs à Paris au XIVe siècle*, ed. Louis Tanon (Paris: L. Willem, 1877), 18-19.

guilty of suicide, the Parlement of Paris held a trial to determine whether or not he had intended to kill himself. Their assembled testimony, reaffirmed by each of the witnesses they called, suggested that he had fallen out of the window of his house onto Les Halles. After being carried inside, he had poked himself in the stomach a few times with his knife. Where the witnesses elaborated, each in his own way, was in the description of Philippe Testard's state of mind, and the evidence cited as proof that his mind was disturbed.⁷¹

The first witness, Estienes Fusée, established that he had known Philippe for twenty years, and he had judged Philippe as being of "right understanding and wise."⁷² However, he claimed, about a year earlier Philippe had begun to return to his childhood, becoming more and more foolish as time passed until he seemed out of his senses. As evidence of his foolishness, Estienes explained that Philippe, when eating and drinking to the point of gluttony with other merchants, had frequently refused to pay his bill, suggesting that such antisocial behavior was so unacceptable as to provide proof of madness. Estienne proceeded to describe the events leading to Philippe Testard's death, including the arrival of a doctor (probably a surgeon) who was brought in to provide a prognosis while Philippe was still alive. The doctor determined that Philippe did not have any mortal wounds, except those that might have been sustained from the fall that Estienne insisted was accidental. Other witnesses added new terms into their testimony, stating that it was Philippe's madness ("*forsenerie*") that caused him to die, or that he suffered from lunacy ("*lunoisson*") or the mental losses of old age ("*vieillece*") or that he was frenzied ("*frénisieus*"). A few added observations that Estienne had not mentioned,

⁷¹ Edgard Boutaric, ed., *Actes du Parlement de Paris: 1. série, de l'an 1254 a l'an 1328* (New York: G. Olms, 1975), 2 vols., vol. 1, 198-200.

⁷² *Ibid.*, 198: "droit entendement et saige."

such as Bérangé Roiche-Fort, who remembered seeing Philippe interrupt the mass in his local parish church five years earlier, lifting his joined hands at the moment of the elevation of the sacraments and saying, loudly enough for people around him to hear, “twenty seven pounds in spite of God.”⁷³ Annie Saunier interprets this outburst as further proof of Philippe’s excessive attention to money, to the point of blasphemy.⁷⁴

However, the testimony of the witnesses was not consistent in defining madness as worldly greed. Whereas Bérangé argued that Philippe’s madness was proved by his excessive attention to money, his son, Estiene Roiche-Fort, mentioned Philippe’s lack of concern for his worldly goods, both monetary and corporeal, as confirmation of his madness. He had seen Philippe throw a bag full of money on the floor, disport himself naked in front of women, and pull his hair out until the blood ran. Girarz Boileau was the only witness who thought it pertinent to add the possibility of hereditary madness to the testimony, explaining that Philippe’s aunt, Ysabiaus la Chicheuse, had also been out of her senses and had been tied up as a mad person for three years before her death, and that Philippe’s brother’s daughter, Marie, had been out of her senses and memory four years previously, and had been taken to Saint Varain to recover. These past episodes of madness in the family, in cases where appropriate actions were taken by the relatives either by confining the mad or seeking holy cures, supported the likelihood that Philippe himself was mad. Perhaps even more significantly, the fate of these relatives also confirmed the ability of the rest of the family to recognize madness when they saw it.

⁷³ Ibid.: “vinte sept livres maugrez Deu.”

⁷⁴ Annie Saunier, “Hors de sens et de mémoire: une approche de la folie au travers de quelques actes judiciaires de la fin du XIIIe à la fin du XIVe siècle,” in *Commerce, finances et société (XIe-XVIIe siècles) : recueil de travaux d’histoire médiévale offert à M. le Professeur Henri Dubois*, ed. Philippe Contamine, Thierry Dutour, and Bertrand Schnerb (Paris: Presses de l’Université de Paris-Sorbonne, 1993), 489-500, 193.

Thus, the evidence required to prove madness was a history of behavior observable by the individual's friends, relatives, and larger community. They defined madness in terms appropriate for that person, highlighting those aspects of his or her madness that were personally transgressive, rather than drawing upon an acknowledged expertise to describe madness.

Establishing through communal consensus that Philippe Testard had been mad when he died had clear benefits for his surviving family members. This testimony of his madness encouraged the court to rule that Philippe could not be held responsible for his own death. As noted above, French law had a stringent policy about suicide that punished the surviving family members.⁷⁵ By determining that Philippe was mad, the community ensured that his body could be buried in holy ground and his family could inherit his goods, rather than having them confiscated by the crown. This was only one possible scenario through which madness became a legal concern for kin and communal groups, however. In other cases, where the individual in question was still alive, medieval French law codes placed restrictions on that person's future actions due to his or her madness. It is important to remember the central role played by members of the community, not only in proving madness but also in determining in what circumstances to do so. Law codes provided guidelines, but in the absence of a functioning police force, they could only be enforced with communal cooperation. If madness had to be proven through communal agreement, then members of the community also had the power to refuse to provide that label.

⁷⁵ Chapter five has a more detailed discussion of suicide. See also Alexander Murray, *Suicide in the Middle Ages Volume I: The Violent against Themselves* (Oxford: Oxford University Press, 1998), 2 vols., vol. 1.

Policing existed on a very basic level by this period, and particularly noticeable crimes were brought to the attention of the courts through a number of different avenues, only one of which was private denunciation. Laura Stern has shown that criminal cases in Florence were more likely to be initiated due to public *fama* (reputation), denunciation by an official, or inquisition *ex officio*, than by private accusation. Public reputation was not only the cause of the highest percentage of cases but also had the highest rate of conviction.⁷⁶ While the numbers certainly differ from place to place and from legal system to legal system, these percentages are suggestive of a larger pattern of accusation and conviction where *fama* was important for determining the outcome of trials. Communal knowledge was used to establish the details of a case, not just the reputation of the accused. During a court case, witnesses would be called to explain not only what they knew themselves but also what they considered “common knowledge” in the community.

Law codes both reflected and constructed communal rights and responsibilities. Community members depended upon one another for survival, but were also constantly competing over resources.⁷⁷ Ideals of neighborliness were a necessary part of life, and were policed as such. If people in the community agreed someone was of bad reputation their opinion could be sufficient for conviction in criminal cases, whereas good reputation could lead to acquittal, conviction for a lesser offense, or conviction but with a lighter punishment. “Common knowledge” had a role to play in jurisdiction.

⁷⁶ Laura Ikins Stern, *The Criminal Law System of Medieval and Renaissance Florence* (Baltimore: Johns Hopkins University Press, 1994), 203-205.

⁷⁷ David Sabean demonstrates this constant negotiation between neighborliness and conflict in early modern Germany. See David Warren Sabean, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge: Cambridge University Press, 1984).

V. Pardoning the Mad

Following the tradition of Roman law, medieval law codes presented a number of different methods of coping with madness through legal means. The legal perspective on madness contained contradictory sentiments towards the mad, simultaneously viewing them as needing protection and as threatening. Even within a single text discussing a single question about madness, conflicting opinions of madness appear. On the one hand, mad people should not be held responsible for the crimes they committed because they did not understand their actions as crimes. On the other hand, they should not be punished because they were already sufficiently punished by their madness, suggesting that they deserved punishment for their actions. The evidence of family members, general *fama*, or rumor in the community was considered sufficient proof of madness, whether in civil or criminal cases.

Law codes addressed two related legal significations of madness, both of which concerned the issues of responsibility and accountability. It was important to determine whether or not mad people could be held accountable for their actions and through this whether or not they could enter into legal contracts or be tried for criminal offenses. Thus, for the most part, legal discussion of madness is found buried within a more general discussion of incapacity. Mad people (much like minors, married women, and slaves) were limited in their possible legal actions in so far as they could not enter into contracts or act as witnesses. However, in order to protect the interests of some of those without their own legal voice, French law required guardianship, the appointment of another person who would take responsibility for the legal functions of mad people and

orphaned minors.⁷⁸ A related question was how to treat a mad criminal. Mad people were seen as potentially threatening, and their family members or their community as a whole were expected to guard or restrain them in order to prevent them from committing crimes. Of course, such restraint was not always possible, particularly since madness was seen as a cyclical disease with periods of sanity interspersed with periods of madness, as was the case for Charles VI. Since madness did not allow a person to be legally responsible for ordinary actions, a mad person could not be held legally responsible for a crime. Taken together, these law codes constructed a definition of madness as an inability to understand the world, and specifically, an inability to understand the law. In all these contexts, the relationship between the mad and their communities was an important factor, as the law codes sought to protect members of the community from the potentially threatening actions of those who lacked an understanding of the rules that governed daily interactions.⁷⁹

Medieval law codes agreed that mad people could not be held responsible for their crimes. Within this understanding, however, there remained some uncertainty about

⁷⁸ Married women would automatically be represented by their husbands, minors by their fathers, and slaves by their masters, although some law codes included the caveat that married women wishing to bring a case against their husbands or slaves against their masters could have recourse to a guardian.

⁷⁹ The question of what impact, if any, all of the various written law codes had on actual practice has vexed scholars for years. Several scholars have shown that the prescribed punishments for crime did not match up with the reality of the execution of justice. It is also true that, with competing systems of justice, people were able to choose where to take their civil suits. Further, as Daniel Lord Smail has pointed out, merely putting these legal systems in place was not sufficient to explain why people used them. He argues persuasively that civil suits were a legally legitimate continuation of the kinds of vengeance and vendetta relationships that were discouraged in the late Middle Ages. Smail, *Consumption of Justice*. Criminal cases were less open to choice, but were still intimately related to questions of communal ties and individual reputations. See Cohen, *Crossroads of Justice*; Esther Cohen, "To Die a Criminal for the Public Good: The Execution Ritual in Late Medieval Paris," in *Law, Custom, and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon*, ed. Bernard S. Bachrach and David Nicholas (Kalamazoo, MI: Medieval Institute Publications, 1990), 285-304; Claude Gauvard, "Grâce et exécution capitale: Les deux visages de la justice royale française à la fin du moyen âge," in *La Justice Royale et le Parlement de Paris (XIVe-XVIIe siècle)* ed. Yves-Marie Bercé and Alfred Soman (Paris: H. Champion, 1995), 275-290; Nicole Gonthier, *Cris de haine et rites d'unité: La violence dans les villes, XIIIe - XVIe siècle* (Turnhout: Brepols, 1992); Gonthier, *Délinquance, justice et société*; Smail, *Consumption of Justice*

where in the legal process such a plea should be entered. The evidence from letters of remission indicates that on several occasions a recognizably mad person was imprisoned and the officers of justice in the locality refused to proceed against him or her, encouraging the family, and in one case where there was no family the entire village, to write to the king requesting remission.⁸⁰ Remission letters were a way to release a mad person from blame without having to act outside the normal legal apparatus. It has been argued that the fourteenth century saw an increased effort on the part of the king to demonstrate his power through the legal system.⁸¹ It is clear from even a superficial survey of remission letters that these pardons were sent to all varieties of courts in regions owing direct allegiance to the French crown, from bishops' and archbishops' courts to those of counts and other nobles. Royal pardons, as part of the mechanisms of power, were supposed to trump any law court in France, with the exception of religious who had plead the benefit of the clergy to be tried in ecclesiastical instead of secular courts. Medieval French justice did not always operate strictly according to the rules. Esther Cohen argues that "[i]mplicit in the actual execution of justice was the perception of law as a vehicle for human relations rather than a behavior-control mechanism."⁸² As a result, although the mechanisms were in place for spectacular executions as punishment for crime and were used to demonstrate that justice functioned, there were many more cases that did not lead to the gallows or the executioner's block. She traces this through crimes with more than one perpetrator, where one or more were executed and others were

⁸⁰ See AN JJ 188 fo 81 no 160 (in 1459) and AN JJ 188 fo 10 no 15 (in 1458), edited in Paul Guérin, *Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France, Archives historiques du Poitou* (Poitiers: Société française d'imprimerie et de librairie, 1909), vol. 10, 92-94.

⁸¹ Y.-B. Brissaud, "Le droit de grâce à la fin du moyen-âge (XIV^{ème} siècle - XV^{ème} siècle): Contribution à l'étude de la restauration de la souveraineté monarchique" (PhD dissertation, Université de Poitiers, 1971), 552-556; Cohen, *Crossroads of Justice*, 51.

⁸² Cohen, "'To Die a Criminal for the Public Good'," 268-269.

granted remission. The king's pardon was available even for crimes that had already been visibly, publicly punished. Similarly, in looking at the claims made by many towns that they had not had an execution for so long that their equipment was old or missing, Claude Gauvard theorizes that although many crimes were punishable by death, in practice capital punishment was exceptional, and when it was used it was intended as an example to deter others from committing the same crime.⁸³ Remission letters were a useful method for resolving the difficulty of a crime committed by a mad person, without the need to establish the appropriate punishment. Chapter four examines the ways composers of remission letters narrated mad crimes. The royal notaries who helped construct these narratives were intimately aware of the legal understandings of madness, and their representations of the mad drew on the theories present in medieval law codes. In order to establish madness, the composers sought proof in terms of community interactions, and indeed through the process of narrative. These letters about madness incorporated the entire life stories of mad people, much like the witness testimony in Philippe Testard's case.

⁸³ Gauvard, "Grâce et exécution capitale," 283-284.

Chapter 4:

Narrating Madness: Textual Communities of Remission

In October of 1380, one month after Jehan de Moustier murdered his father, his “close family”¹ sought a letter of remission for him. Jehan himself was unable to join them. He was in prison in the nearby town of Saint Denis, from which the family traveled the short distance of twelve and a half kilometers² to the royal capital, where Louis of Anjou was serving as regent for the eleven-year-old Charles VI. Once in Paris, Jehan’s family met with a royal notary, who may have been the same P. de Disery who recorded the letter in the chancery archives. With the help of the notary, the family composed a letter explaining Jehan’s crime and asking that he be pardoned. It is impossible to be certain whether the de Moustier family arrived in Paris with the intention of centering their petition on Jehan’s madness or whether a royal notary, experienced in the construction of petitions, put the idea in their heads. In this particular case it seems likely that the family had the possibility in mind. The remission letter suggests that Jehan’s condition had been recognized as madness by the local authorities, referring to a previous intervention by the Marshall of Pontoise, who provided the family

¹ AN JJ 118 fo 18v no 18: “amis charnelx.” For a discussion of the meaning of “parens et amis charnels,” see Claude Gauvard, *De Grace Especial: Crime, état et société en France à la fin du Moyen Age* (Paris: Publications de la Sorbonne, 1991), 2 vols., vol. 1, 643-651.

² About a half day’s walk. For an estimate of travel time I used Maryjane Dunn and Linda Davidson, “Pilgrimage Sites, Spanish,” in *Trade, Travel, and Exploration in the Middle Ages: An Encyclopedia*, ed. John Block Friedman, et al. (New York: Garland, 2000), 484-488, 487.

with chains to help them control Jehan.³ Regardless of when the decision to describe Jehan's crime in terms of madness was made, the supplicants and the notary then had to reconsider the events of his life in order to highlight evidence of madness and construct a convincing narrative of his patricide that would then be read out in the local courts. Such a narrative had to be sufficiently compelling to be accepted and confirmed by both the king's council and the adverse party, who was given the opportunity to challenge the letter when it was read aloud by the local judge.⁴

Most remission letters sought to construct a coherent narrative of a particular crime. Letters composed on behalf of the mad, in contrast, generally sought to establish that the individual was indeed mad, and thus provided a narrative of a life. These biographies in miniature either involved evidence of an ongoing struggle with madness over the course of the individual's life or attempted to demonstrate the way madness caused the person to behave in unexpected ways, rupturing a recognizable identity that was constructed in part through kin and communal ties. This chapter explores the narrative structures of these letters, looking particularly at the ways in which the composers of these letters sought originary moments of madness and how they tried to explain the incomprehensible actions of the mad.

³ AN JJ 118 fo 18v no 18.

⁴ Pascal Texier, "La rémission au XIV^{ème} siècle: Genèse et développement" (PhD dissertation, Université de Limoges, 1984), 9, 263 and 324-338. Texier notes that this right to challenge did not negate royal authority. Although the victim could appeal the remission letter, it had to be done in front of a royal judge, thereby reaffirming royal judiciary power.

I. The Letters

The first letters of remission appeared in the records of the French king's chancery at the beginning of the fourteenth century.⁵ The earliest of these letters were mostly granted to people who claimed to have been falsely accused or to forgive members of the nobility who had been engaged in warfare that was not sanctioned by the king.⁶ Over time, letters were also granted to non-nobles as a pardon for crimes that they had committed. Through this development, the French king made a number of interrelated claims about his power and authority. With these letters, the king was exercising his powers of grace and mercy by choosing to grant life instead of death to his erring subjects. His mercy did not reflect justice, but, like God's mercy established in the promise of the New Testament, it acted above human perceptions of punishment as a direct correlation to crime.⁷ Indeed, this understanding of remission is written into the framing text that surrounded the individual stories about crimes. The letter was written in the king's voice, and the act of remission was a recorded speech act, where the king said, "We, preferring mercy to the rigor of justice, grant remission."⁸ On a lower plane, remission letters demonstrated the king's power to override the execution of justice in his

⁵ The first remission letter appeared in May of 1304. See Gauvard, *De Grace Especial*, vol. 1, 64.

⁶ Some of these early letters can be found edited at numbers 3759, 3914, 3986, 4054, 4177, 4231, 4322, 4357, 4603, 4767, 4788, 4841, and 5101 in Henri Jassemin and Aline Vallée, eds., *Registres du Trésor des Chartes* (Paris: Imprimerie nationale, 1999), vol. 2: Règnes des fils de Philippe le Bel, deuxième partie: règne de Charles IV le Bel. See also Justine Firnhaber-Baker's work on the subject of private warfare through the examination of remission letters. Justine Firnhaber-Baker, "From God's Peace to the King's Order: Late Medieval Limitations on Non-Royal Warfare," *Essays in Medieval Studies* 23 (2006): 19-30; Justine Firnhaber-Baker, "'Guerram publice et palam faciendo': Local War and Royal Authority in Late Medieval Southern France" (PhD dissertation, Harvard University, 2007).

⁷ Thus, Alexander Murray is mistaken when he argues that "A Letter of Remission, by definition, declared its beneficiary not guilty." Rather, a letter of remission, like the remission granted by a priest to whom a person confessed, pardoned the beneficiary whether or not the beneficiary had committed the crime of which he or she was accused. Alexander Murray, *Suicide in the Middle Ages Volume I: The Violent against Themselves* (Oxford: Oxford University Press, 1998), 2 vols., vol. 1, 207.

⁸ "voulans misericorde preferer a rigueur de justice anous...quicte remis et pardonne." This exact phrasing may not appear in all letters, but it is a common choice to represent this sentiment, which is certainly present in all of them.

realm, thus making him the equal of the Emperor.⁹ As these related concepts of mercy and authority demonstrate, remission was not about justice but about power. The king could and did act above the law in granting pardons, and there was no need for petitioners to establish their innocence. Most of the petitioners admitted their guilt, much as they might in a confession to a man of God, but they were careful to establish that the crime was unusual, and not part of a criminal lifestyle. The king was gracious in his mercy, granting remission for treason, and even in some cases pardoning an individual for a crime for which his or her partner had already been executed.¹⁰

The development of remission letters as an outlet for royal authority made them an increasingly central occupation of the king's chancery over time. While they began as a very small percentage of the chancery output (between 0 and 2 percent from 1304 to 1338), in the 1340s there was a sudden increase in production such that they made up fully a quarter of the chancery records. In the 1350s the percentage rose to about half, then again to around three-quarters in the 1370s. The percentage held relatively steady at 75, with a few spikes every ten years or so, when some books record 90 percent or more remission letters. The percentage of output did not fall until the 1480s, when it began averaging half of chancery production again.¹¹ Remission was limited to capital crimes,

⁹ Pascal Texier, "Rémissions et évolutions institutionnelles," in *Le pardon*, ed. Jacqueline Hoareau-Dodinau, Xavier Rousseaux, and Pascal Texier, *Cahiers de l'Institut d'Anthropologie Juridique No 3* (Limoges: Presses universitaires de Limoges, 1999), 348. For more on the development of the legal concept of the king as emperor in his realm in the thirteenth century, see Eric Voegelin, *The Collected Works of Eric Voegelin Volume 21: History of Political Ideas*, ed. David Walsh (Columbia: University of Missouri Press, 1997), vol. III: The Later Middle Ages, 60.

¹⁰ Esther Cohen, "To Die a Criminal for the Public Good: The Execution Ritual in Late Medieval Paris," in *Law, Custom, and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon*, ed. Bernard S. Bachrach and David Nicholas (Kalamazoo, MI: Medieval Institute Publications, 1990), 285-304, 285-286.

¹¹ The rest of the chancery documents are made up of ordonnances, letters of anoblissement, letters of naturalité, amortissements, concession or confirmation of privileges, and letters of abolition. For a table with the numbers of remission letters and the numbers of total acts, see Michel François, "Note sur les lettres de rémission transcrites dans les registres du Trésor des Chartres," *Bibliothèque de l'École des Chartes* 103 (1942): 317-324, 321-324. Although I found some of his counting to be questionable

but during the height of the popularity of the letters they were granted for a wide range of criminal acts including counterfeiting currency, suicide, bestiality, theft, and rape, all of which could carry a death penalty but did not necessarily do so. There were attempts to limit the range of crimes for which remission could be granted, but apart from the exclusion of suicide from the mid-fifteenth century, these reforming efforts were largely unsuccessful until the sixteenth century, which is outside the range of this study.¹²

Several scholars have shown that, from the perspective of the king, remission letters demonstrated his jurisdictional power. Through granting mercy, the king exercised his ability to override the local legal traditions and the jurisdictional powers of both secular and religious lords.¹³ As a result, the letter itself was embedded within a language of royal power. Each letter began with the name of the king, “by the grace of God, king of France,” and ended with formulaic language that reiterated the letter’s function as a speech act that granted remission through the king’s sovereign power. The letters operated as both written and oral acts of power, since they had to be carried back and read aloud in the local courts in order to be fully legitimized, thus transferring this notion of royal power from the center to the periphery. The letter was framed within an expression of the king’s power, so that it simultaneously fulfilled the functions of

(particularly for AN JJ 189 and AN JJ 204, where the number of remission letters exceeds the number of total acts), my own counting resulted in numbers close enough to his to allow these percentages to stand. Note that Claude Gauvard uses these same numbers to argue that the granting of remission letters decreased due to criticism in 1400. See the table in Gauvard, *De Grace Especial*, vol. 1, 65. Although numerically it is true that there were fewer remission letters granted, I think this can be traced rather to lower chancery work during a time when France was suffering from civil war and English invasion. Remission letters remain a high percentage of chancery output during this time. In fact, the only true gap in the granting of remission appears between 1434 and 1441 (the gap occurs between AN JJ 175 and AN JJ 176), when Charles VII was in the process of taking Paris from the English.

¹² Davis notes that in the sixteenth century the vast majority of letters of remission were for murder. Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-century France* (Stanford, CA: Stanford University Press, 1987), 7.

¹³ Gauvard, *De Grace Especial*; Pascal Texier, “Doulant et courroucié: Les avatars de la culpabilité dans les lettres de rémission du XIV^e siècle,” in *La culpabilité* ed. Jacqueline Hoareau-Dodinau and Pascal Texier (Limoges: 2001), 481-494; Texier, “Rémissions et évolutions institutionnelles.”

pardoning a particular individual and, through the particular rhetoric of the letter, using that pardon to reinforce the king's sovereignty. For example, in a letter from 1387 composed on behalf of Robert Layné, a poor man whose madness caused him to say that he would fight anyone, including the king, Charles VI granted him remission by saying,

wishing to extend to him Our grace and mercy, We have assuredly considered these things. Desiring mercy to be... preferred to the rigor of justice, to this supplicant in the case above said we have acquitted, remitted, and pardoned all punishment and offense, criminal, corporal and civil that he has or could have justly incurred for the act and occasion of the said words, by him thus said, and through this present [letter] by special grace, full power and royal authority we do acquit, remit and pardon and restore him to his good reputation and renown in the country, and to his goods non-confiscated, and we impose on this [topic] perpetual silence in the present and in the future by Our procurer and by all our other officers.¹⁴

This coda, which is repeated in variations in every letter, expressed the power of the king to erase the criminal act committed by the pardoned individual. The irony of this reinforcement of kingly power embedded within a generous gesture of pardon for treasonous speech only increases its force. The king demonstrated his grace and mercy, which extended directly from his particular role as king of France by the grace of God. Perhaps the strongest evidence that remission letters were seen as a way of advertising power is the continuity of the granting of pardons. During the English "occupation" of France, the chancery continued to grant remission on behalf of Henry, "by the grace of

¹⁴ Annie Saunier, "Hors de sens et de mémoire': une approche de la folie au travers de quelques actes judiciaires de la fin du XIIIe à la fin du XIVe siècle," in *Commerce, finances et société (XIe-XVIe siècles) : recueil de travaux d'histoire médiévale offert à M. le Professeur Henri Dubois*, ed. Philippe Contamine, Thierry Dutour, and Bertrand Schnerb (Paris: Presses de l'Université de Paris-Sorbonne, 1993), 489-500, 498: "nous lui vueillons eslargir Notre grâce et miséricorde Nous a de certes ses choses considérées voulans miséricorde estre miséricorde estre (sic) préférée à rigeur de justice à ycellui suppliant ou cas dessus dit toute peine offense criminele corporelle et civile qu'il a ou peut avoir encouru envers justice pour le fait et occasion des dictes paroles par lui ainsi dictes avons quitté, remis et pardonné et par ces présentes de grâce especial pleine puissance et auctorité royal quittons, remettons et pardonnons et le restituons à sa bonne fame renommée au pays et à ses biens non confisqueus et imposons sur ce silence perpétuel par Notre procureur présent et à venir et à touz autres noz officiers."

God, king of France and England.”¹⁵ The dukes of Burgundy, further proving that the ability to grant pardon was seen as a significant part of the power of government, wielded this power in their own territories.¹⁶ Enclosed within this rhetorical expression of the king’s sovereign power and majesty was the story of the particular crime the king had pardoned.

The path to any remission letter began with a crime. From this starting point, there were many possible peregrinations that would lead to the ultimate decision to seek the king’s pardon. Sometimes the accused would have been imprisoned, and would either choose to send a letter before the trial took place or after having been found guilty. In other cases, the accused might have left town, essentially going into self-imposed exile, since medieval courts considered flight as proof of guilt.¹⁷ A third possible route was preventive pardon, where the accused had neither been arrested nor fled the scene, but wanted to have the reassurance of pardon on the chance that the case might be pursued. Although some letters insisted on the innocence of the supplicant, most supplicants admitted to their guilt. The process of receiving the king’s pardon was both time-consuming and expensive. First a petitioner had to travel to the king’s council, which could be difficult, particularly for people who did not live in or around Paris, a fact that is reflected in the general geographic scope of the letters copied by the king’s

¹⁵ See the letters collected in Auguste Longnon, ed., *Paris pendant la domination anglaise (1420-1436): Documents extraits des registres de la Chancellerie de France* (Paris: H. Champion, 1878): “par la grace de Dieu roy de France et d'Angleterre.” See also those collected in Paul Le Cacheux, ed., *Actes de la chancellerie d'Henri VI concernant la Normandie sous la domination anglaise (1422-1435), extraits des registres du Trésor des chartes aux Archives nationales* (Rouen: A. Lestringant, 1907-1908), vol. 1.

¹⁶ See the letters collected in Charles Edmond Petit-Dutaillis, ed., *Documents nouveaux sur les mœurs populaires et le droit de vengeance dans les Pays-Bas au XVe siècle* (Paris: H. Champion, 1908).

¹⁷ Indeed, in this sense, remission letters act as a kind of “passport,” allowing the recipient to return. Much like medieval passports, the power was in the king’s seal. For more on the development of the paperwork of identity, see Valentin Groebner, *Who Are You?: Identification, Deception, and Surveillance in Early Modern Europe*, trans. Mark Kyburz and John Peck (New York: Zone Books, 2007).

chancery. Indeed, the king's own travel impacted the letters received and ratified, since some letters relating to crimes committed many years before were recorded when the king happened to pass through the area.¹⁸ The king, or more likely an officer of the chancery, would then command a royal notary, together with the accused or the family members of the accused, to compose a letter explaining the circumstances leading up to the crime and telling the story of the crime itself. To be ratified, the letter had to be read before the king's council, who, assuming the letter was satisfactory, would then provide the remission seeker with a seal. For an extra fee, the letter would also be recorded in the official record by the chancery scribes, so that there was an external source proving the existence of the pardon.¹⁹ The price of the whole process was officially set at thirty-two Parisian sous in the fourteenth century: six for the redaction, six for the seal, and twenty for the registration in the chancery's books.²⁰ This was more than a week's wages for most artisans,²¹ and although the king tried to control the price by passing ordinances, the ultimate tally could be much higher, particularly when the cost of a journey to Paris and accommodation while seeking pardon are added to the consideration. This was not the

¹⁸ One of these, in AN JJ 99 fo 25 (in 1367), is a remission for a crime committed forty years earlier. The existence of these letters raises interesting questions about administration of the law in this period. If in some cases a person could commit a crime and then wait thirty years before deciding to seek remission when the king was handily in the area, then what conditions were necessary for someone to be legally pursued?

¹⁹ Christian Gut provides a diplomatic study of the documents themselves in Christian Gut, "Autour des registres de la chancellerie française de Henri VI, roi de France et d'Angleterre," in *Pouvoir, Justice et Société* ed. Jacqueline Hoareau-Dodinau and Pascal Texier (Limoges: Presses universitaires de Limoges, 2000), 81-99.

²⁰ Gauvard, "De Grace Especial", vol. 1, 68.

²¹ Bronislaw Geremek, *Le salariat dans l'artisanat parisien aux XIIIe-XVe siècles; étude sur le marché de la main-d'oeuvre au Moyen Age*, trans. Anna Posner and Christiane Klapisch-Zuber (Paris: Mouton, 1968), 90-94. Geremek provides the day wages of masons, carpenters, and their assistants as an example, noting in one case from the early fourteenth century that masons and carpenters were paid 4 sous a day, while their assistants were paid 2 sous. He also notes that the day wages were seasonal, since the combined earnings of one carpenter and his valet in the late fourteenth century were 5 sous a day during summer, but only 4 sous a day during winter, presumably reflecting the change in available working hours as the days got shorter.

end of the process, however, since the petitioner had to return to the jurisdiction in which the crime had been committed and give the letter to the local administrator of justice. The letter would then be read aloud in the presence of the adverse party, who could be the bereaved family of a murder victim or the neighbors who brought the case to the attention of the court. If someone raised an objection the remission could be annulled, taking the accused back to the beginning.²²

In theory, remission from crime was available to any criminal who had committed a capital crime, was able to bring his or her case before the king's council, and whose case appealed to the king's desire to practice lenient justice. In practice, remission letters had a number of overlapping goals which affected the rhetoric of the letter. The letter reflected the agendas of both the king and the individual seeking remission, each of which was refracted through the interpretive framework of the royal notaries who wrote the letter down.²³ Thus, there was no single author for a remission letter: it was a cooperative process. This was particularly true for remission letters for mad people, which were generally sought not by the accused but by their relatives and close family members. The letters for the mad therefore reflect the multiple perspectives of the mad person's relatives and the scribe. It is more appropriate to think of these letters as "composed" rather than "authored."

It is possible to speculate on what content was contributed by which "composer."²⁴ Clearly the royal notary who recorded the letters in the chancery archive

²² Some letters demonstrate this practice, since they appear in multiple versions in the chancery archive.

²³ Our knowledge of the royal notaries becomes significantly more complete in the seventeenth century, but for some details about them in the fifteenth century, see André Lapeyre and Rémy Scheurer, *Les notaires et secrétaires du roi sous les règnes de Louis XI, Charles VIII et Louis XII (1461-1515)* (Paris: Bibliothèque Nationale, 1978), vol. 1, especially the introduction by Robert-Henri Bautier, ix-xxxix.

²⁴ Davis, *Fiction in the Archives*, 15-19; Gauvard, "De Grace Especial", vol. 1, 66.

was responsible for the formulaic language invoking the king's grace and mercy. The narrative of the crime and the life of the accused were at least in part supplied by the supplicants, who may have been responding to appropriate questions posed by the notary. While some letters for mad people who had recovered their sanity follow the more general pattern of remission letters sought by the individual who committed the crime, the majority was sought through the cooperative effort of the family, while the mad person languished in prison awaiting trial or was detained due to the disease. The supplicants may even have consulted with a legal expert before coming to Paris in order to establish whether the case was eligible for remission. Once a letter of remission was received it had to be read aloud in the presence of the adverse party. Since the other side was granted the opportunity to dispute the narrative contained in the letter, it is conceivable that they also were involved in the composition. The supplicants may have come to an agreement with their adversaries before deciding to invest time and money in a trip to Paris to seek the king's pardon. Thus, many different minds were involved in defining and indicating madness within these letters.

This group, made up of legally-trained notaries, legal experts, supplicants seeking remission, and in some cases the adverse party, can be imagined in terms of a "textual community," formed around a text, where one or more literate individuals provided access to that text for the larger, illiterate component.²⁵ The literate and knowledgeable experts provided a framework within which the information supplied by the supplicants could be given shape and meaning. The invocation of madness was not common.

²⁵ Brian Stock coined this term as a way of describing heretical communities in Europe, that centered around an interpreter who read aloud from texts. I have altered his use of the term: whereas the textual communities he describes were centered around pre-existing texts, the textual communities I am imagining are centered around the creation of a new text. See Brian Stock, *Listening for the Text: On the Uses of the Past* (Baltimore: Johns Hopkins University Press, 1990), 13.

Indeed, claims of madness appear in the archives rarely, but consistently, over the one hundred fifty year period under examination.²⁶ There is little likelihood that the notaries developed a standard form for writing about madness, the way they appear to have for writing about tavern brawls. Nevertheless, the notaries' knowledge about law codes gave them an awareness of the benefits and the hazards of establishing that a person was mad when he or she committed a crime,²⁷ as well as a general concept of what kind of evidence was necessary to demonstrate madness. Together with the supplicants, the notaries were able to construct a narrative that reflected on the life of the individual, providing convincing evidence of madness and building to the moment of the criminal act.

Most of the letters give no indication of the social status of those who sought remission; however, those that do exhibit a broad social range, from beggars and manual laborers to merchants and nobles.²⁸ Many of those identified according to profession in letters about the mad were skilled artisans, including butchers, bakers, barrel makers, and carpenters. There were six merchants and six people who appear to be from noble lineage, but most supplicants were identified simply as laborers. With the exception of one man identified as a clerk and another who was a notary, it is unlikely that these remission seekers, whether the accused or the supplicants on their behalf, would have

²⁶ On average, letters about madness appear in one percent of the total remission letters, and in the books that were fully examined they never exceeded three percent. On the other hand, only two of the thirty-five books searched yielded no references to madness.

²⁷ As noted in chapter three, Roman law had established that mad people should not be held responsible for committing crimes. However, a number of French customs called for the mad to be restrained so as to prevent them from committing crimes. Some remission letters reflect these laws. See, for example, AN JJ 118 fo 18v no 18 (in 1380) and AN JJ 173 fo 33v no 63 (in 1425), edited in Le Cacheux, ed., *Actes de la chancellerie d'Henri VI*, 181-183.

²⁸ Forty-three percent of the letters about madness provide some indication of status, and these are randomly scattered throughout the 150 year period covered by this study, with no suggestion of change over time in terms of the frequency with which social status was mentioned nor in terms of the status of remission seekers.

been educated, and very few would even have been literate. The supplicants would have been familiar with a number of methods of constructing a narrative, however. The tradition of storytelling, the requirement of yearly confession, and the sermons and saints' lives read to them by their priests all provided exempla for creating a coherent tale.

The notaries who wrote the letters down and helped compose them were not only literate but Latinate.²⁹ Since the royal notaries were often trained in law and remission letters were part of the greater legal system in France, legal questions about madness, such as those discussed in chapter three, were central to their construction.³⁰ Some notaries were officially *licencie en lois*, many were ennobled by the king for their service as royal notaries, and a few rank among the famous French humanists of the fourteenth and fifteenth centuries, including Gontier Col and Jean de Montreuil, famous for their debate with Christine de Pizan on the subject of the *Roman de la Rose*.³¹ Often the positions were passed down from father to son or through other family connections, as genealogical studies of the notaries from later periods show.³² The fifteenth century saw

²⁹ Many were university-trained, and some were canons before their career in the royal chancery. Information about the careers of fifty-one royal secretaries and twenty-four royal notaries under Charles VI, fifteen of whom overlap, can be found in the online database, "Opération Charles VI," (Laboratoire de Médiévisitque occidentale de Paris). Ten out of the sixty men listed were canons, and many of these held multiple ecclesiastical positions.

³⁰ Mireille Desjardins, in a discussion of royal notaries in the fifteenth century, notes that "Outre la langue et l'écriture latine et française, ils doivent connaître les droits coutumiers et romain, les ordonnances royales et la jurisprudence qui s'appliquent au royaume afin de comprendre les conséquences légales des documents qu'ils rédigent." Mireille Desjardins, "Les savoirs des notaires et secrétaires du roi et la géographie de la France d'après le manuel d'Odart Morchesne et un index de chancellerie," in *Écrit et pouvoir dans les chancelleries médiévales: Espace français, espace anglais*, ed. Kouky Fianu and DeLloyd J. Guth (Louvain-la-neuve: Collège Cardinal Mercier, 1997), 87-97, 88. See also Lapeyre and Scheurer, *Les notaires et secrétaires du roi sous les règnes de Louis XI, Charles VIII et Louis XII (1461-1515)*.

³¹ See Claude Gauvard, "Les clercs de la chancellerie royale française et l'écriture des lettres de remission aux XIV^e et XV^e siècles," in *Écrit et pouvoir dans les chancelleries médiévales: Espace français, espace anglais*, ed. Kouky Fianu and DeLloyd J. Guth (Louvain-la-neuve: Collège Cardinal Mercier, 1997), 281-292, 288. For the documents from the debate between these notaries and Christine de Pizan, see Christine McWebb, ed., *Debating the Roman de la Rose: A Critical Anthology* (London: Routledge, 2006).

³² Unfortunately, the most extensive studies of the identities of the royal notaries begin in the reign of Louis XI in 1461, towards the end of the period studied here. See Lapeyre and Scheurer, *Les notaires et secrétaires du roi sous les règnes de Louis XI, Charles VIII et Louis XII (1461-1515)*.

a particularly important flowering of notarial writing outside the chancery, in both literary and political arenas. The literary debate about the *Roman de la Rose* provides a vivid snapshot of the larger intellectual community in which the royal notaries took part. The *Roman de la Rose* survives in over 300 manuscripts and has been called one of the most read works of the Middle Ages.³³ Certainly it was one of the most contentious. Those involved in the debate drew on an extensive knowledge of philosophy, law, theology, literature, and especially classical authors. The participants, many of whom have been seen as France's earliest humanists, included important fifteenth-century theologians from the University of Paris, such as Pierre d'Ailly and Jean Gerson; literary figures at court, particularly Christine de Pizan; and the royal notaries Jean de Montreuil and Gontier and Pierre Col.³⁴ Claude Gauvard, in an article about the royal notaries, notes that "the letters signed by Gontier Col or Jean de Montreuil do not stand out from the quality of the rest. These humanists reserved their genius for epistolary relations that were less constraining!"³⁵ While this is certainly the case, and, indeed, one would not expect otherwise in terms of rhetorical exuberance, the notaries' intellectual bonds nevertheless had an impact on their knowledge of and interest in particular subjects.

Jean de Meun expanded Guillaume de Lorris' brief *Roman de la Rose* between 1270 and 1280, around forty years after the original author's death, as Jean de Meun

³³ Guillaume de Lorris and Jean de Meun, *Le Roman de la Rose: Édition d'après les manuscrits BN 12786 et BN 378*, ed. Armand Strubel (Paris: Librairie Générale Française, 1992), 5.

³⁴ There is a vast literature on the relationships between these participants. See André Combes, *Jean de Montreuil et le Chancelier Gerson: Contribution à l'histoire des rapports de l'humanisme et de la théologie en France au début du xve siècle*, Second ed., *Études de Philosophie Médiévale* (Paris: Librairie Philosophique J. Vrin, 1973); Alfred Coville, *Gontier et Pierre Col et l'humanisme en France au temps de Charles VI* (Paris: Librairie E. Droz, 1934). More recent work has been concerned with Christine de Pizan in addition to the men, particularly Sylvia Huot, *The Romance of the Rose and its Medieval Readers: Interpretation, Reception, Manuscript Transmission* (Cambridge: Cambridge University Press, 1993).

³⁵ Gauvard, "Les clercs de la chancellerie royale française," 288: "des lettres signées Gontier Col ou Jean de Montreuil ne tranchent pas sur la qualité de l'ensemble. Ces humanistes réservent leur génie à des relations épistolaires moins contraignantes!"

claimed. He turned the text into a philosophical allegory, where personifications of virtues and vices sought to instruct the Foolish Lover (*Fol Amoureux*) towards his goal of capturing the Rose, symbol of a woman's maidenhead. The *Roman's* Foolish Lover wandered through a landscape filled with allegorical figures spouting classical authorities and examples before finally possessing his Rose. Two of these figures, the Jealous Husband and the Duenna, proved particularly troubling to Jean de Meun's critics. The Jealous Husband claimed that no woman was pure and cursed the whole sex, while the Duenna proved these words by offering her services as a go-between for the Lover and Fair Welcome, whom he wished to woo into giving him access to his Rose. The *Roman* raised philosophical questions of whether words were inherently bad and whether it was legitimate for an author to write from the perspective of a morally questionable person.

The response to it began with the political question of French supremacy, since it filled the role of representative of the French language in humanist circles. Petrarch, for example, argued that "orators and poets were not to be sought outside of Italy."³⁶ In 1401, Christine de Pizan shifted attention to women's social and political roles, a particularly potent area of debate at a time when the Hundred Years War made Salic Law central to Valois legitimacy. The debate about language, focused both on the relationship between signifier and signified and the question of voice (i.e. whether a moral person should write immoral things if they are written in the character of an immoral person), was especially pertinent since Charles VI had passed a law making blasphemy a crime punishable by death.³⁷ Language mattered, and the questions of who was speaking in a

³⁶ Petrarch, *Seniles* 9.1: "oratores et poete extra Italiam non querantur." Quoted in McWebb, ed., *Debating the Roman de la Rose: A Critical Anthology*, 2.

³⁷ Henri Stein, *Inventaire analytique des ordonnances enregistrées au parlement de Paris jusqu'à la mort de Louis XII* (Paris: Imprimerie nationale, 1908), 153-154; Louis-Guillaume de Vilevault and Louis George

text, the author or a character, and of whether a word could be morally bad of itself or whether words were naturally good and only the object could be morally bad, held philosophical weight. Indeed, this question may have seemed particularly compelling to the royal notaries, who engaged daily in the composition of narratives from the perspective of self-confessed criminals. Perhaps it is unsurprising, then, that these notaries were so firm in their defense of Jean de Meun's *Roman*.

While Jean de Montreuil and Gontier Col both wrote private letters in praise of Jean de Meun and in response to his critics, neither chose to directly enter into the public debate with Christine de Pizan, instead placing that challenge on the shoulders of Pierre Col, Gontier's brother. Jean de Montreuil sent a letter to Gontier Col in late July or early August 1401, calling upon Gontier to aid his defense of Jean de Meun and saying,

it will be up to you as the leader, prince, and director of this undertaking to defend such a praiseworthy and beloved imitator, and to tread underfoot these sick and mad (*malesanos et deliros*) [critics] and to strengthen, arrange in order, and overlay my half-baked reasonings with the sharpness of your eloquence, inasmuch as I, relying on the confidence of your help and the wealth of your genius, have entered this battlefield, something I would otherwise not have done.³⁸

Since Gontier Col had been responsible for introducing Jean de Montreuil to the *Roman de la Rose*, Jean argued that he was justified in seeking his friend's aid in defending the work. The imputation of a type of madness to the critics of the *Roman* is telling, particularly since Jean de Montreuil uses the word *delirus*, with its connection to delirious and raving madness. Clearly these notaries were aware of and comfortable with

Oudard Feudrix de Bréquigny, eds., *Ordonnances des Rois de France de la 3e Race: Dixième volume, Contenant les ordonnances de Charles VI, données depuis le commencement de l'année 1411 jusqu'à la fin de l'année 1418* (Paris: Imprimerie royale, 1763), vol. 10, 243.

³⁸ McWebb, ed., *Debating the Roman de la Rose: A Critical Anthology*, 208-209: "Tuum ergo erit, dux, princeps rectorque huius cepti, laudatissimum et amatissimum imitatore tuum defensare, et hos malesanos et // deliros conculcare ac ratiunculas meas indigestas disertie tue acumine validare, comere et linire, quatenus ego, qui auxilii tui confidentia ac ingenii ope fretus, campus hunc duelli introii, alias non facturus."

the use of the literary and symbolic languages of madness and lovesickness. When composing letters of remission, they certainly did not display their literary abilities, but nevertheless, the larger intellectual communities to which they belonged clearly influenced their concepts of narrative structure and their concerns about language.

It is important to remember that letters of remission were joint efforts, co-authored by the supplicants and the royal notaries who wrote the letter down. Beyond the formulaic language surrounding the content of the letters, which was clearly composed by the royal notaries, it is not possible to say for certain which parts of the narrative were contributed by whom. These narratives provide only one side of the story, although it is possible that the adverse party agreed to the pardon beforehand and thus had some control over the content of the letter. Nevertheless, remission letters conceal multiple alternative narratives that cannot be recovered, at the same time as they reveal a complex and compelling story. Bearing in mind that these letters were carefully constructed by a group of composers, and the resulting narrative had to be acceptable to all parties involved, how was Jehan de Moustier's particular narrative constructed? What mechanisms did his close family and the notary use to establish his madness and demonstrate that he could not be held responsible for the death of his father?

II. Reconstructing a Life Narrative

Jehan de Moustier's letter of remission states that during the month of May, 1379, he began to exhibit behaviors that his family interpreted as madness. The composers of his letter claimed that he "was utterly mad as is apparent by his crimes."³⁹ First, he "took himself to the woods and the fields, whistling to the birds and running. He remained

³⁹ AN JJ 118 fo 18v no 18: "soit pur fol comme il est apparu par ses crimes."

there for two or three days such that he should perish from hunger, and the good people who found him brought him back.”⁴⁰ After Jehan had repeated this behavior a few times, his father, Perrim, decided to take him to the shrine of Saint Titenerd at Gournay, north of Saint-Denis.⁴¹ At the saint’s shrine, he was chained up and left to await God’s mercy. Escaping from those chains, he was recaptured and held with two sets of chains, but he escaped from those as well, demonstrating an abnormal strength.

When Jehan returned from the shrine, he was better for a time, but at the beginning of Lent in 1380 he began again to exhibit mad behavior, and the Marshal of Pontoise provided a particularly heavy set of chains to his father so that he could be controlled.⁴² When he broke out of that set, “a thing that did not seem possible for a man to do,” his father refused to rechain him.⁴³ Once freed, Jehan proceeded to kill a heifer during the first week of Lent, which his family referenced as further proof of his madness. His final and most serious crime also centered on food production: during a particularly hot week in September of the same year, the town mandated that anyone wanting to make bread needed to allow it to rise on Wednesday night and knead it on Thursday. However, Jehan decided to begin making the bread at nones (around 3 p.m.) instead of waiting until the late evening, because he wanted to knead the bread that night, not the next day. Perrim prevented him from doing so on Wednesday, but the next morning asked him if he was going to knead the bread. Jehan, in a fit of rage brought on, according to the composers of his letter, partly by his madness and partly by anger that he

⁴⁰ AN JJ 118 fo 18v no 18: “sen aloit par bois et par champs sifflant aus oiseaux coursent en demourant deux ou trois jours tant que il perissoix de faim et le ramenoient les bonnes genz qui le trouvoient.”

⁴¹ Neither I nor anyone with whom I have discussed this letter have ever heard of a Saint Titenerd. Indeed, the parish church in Gournay-sur-Marne is dedicated to Saint Arnould.

⁴² In this case, the *mareschal* was most likely “an officer of a court of law responsible for the custody of prisoners and for the keeping of order, and frequently entrusted with the keeping of a prison” as defined by the Oxford English Dictionary, which cites the earliest reference around 1300.

⁴³ AN JJ 118 fo 18v no 18: “qui ne sembloit pas possible chose afaire a homme.”

had not been allowed to knead the bread the night before, picked up “a stick called a ‘basuche’ with which one trims the vines”⁴⁴ and hit his father with it until he died. When the local justice arrived and told him “you have killed your father” Jehan responded “he was only my father according to whispers.”⁴⁵ The composers of Jehan’s letter explained that they did not merely fear for his life, but also for his immortal soul, since “if he were to suffer death for this, he does not have the memory or sense to recognize his creator.”⁴⁶

The composers of this letter did not specify a primary cause of Jehan de Moustier’s madness, but it is clear that they made connections between the events that they noticed as unusual and the ultimate crime he committed. In beginning to describe his madness, the letter composers emphasized that it was apparent from his “crimes.” Although his final “crime” was the murder of his father, his earlier acts appear less serious than that, particularly to a modern eye, but the composers of Jehan’s remission letter viewed these other events as “crimes” as well. In this letter, criminal acts were caused by madness, and simultaneously provided proof that the criminal was mad, creating a circular logic that went uncontested. While there is an intimate connection between crime and madness in these remission letters, there was no single definition of what constituted a mad crime, which makes these texts so interesting. In Jehan de Moustier’s case, his mad behavior followed a particular and distinct pattern that centered on food production and consumption.

⁴⁴ AN JJ 118 fo 18v no 18: “un baston appelle basuche dont on prongue les vignes.”

⁴⁵ AN JJ 118 fo 18v no 18: “tu as tue ton pere il dist que il nestoit son pere que dans oreille.” I have chosen to translate “dans oreille” here as “according to whispers” because it resonates better than “in the ear.” I have not been able to find proof that this is, in fact, a good colloquial translation, despite searching for a similar usage elsewhere, so I have chosen not to fully pursue this particular episode in Jehan de Moustier’s letter, although the inability to recognize familial relationships does seem to be an important facet of medieval conceptions of madness.

⁴⁶ AN JJ 118 fo 18v no 18: “se pour ce il souffroit mort il navroit memoire ne senz de recognoistre son createur.”

From Jehan's letter it is possible to extract a compelling narrative of escalating mad behavior. Jehan's first episode of madness involved an inability to care for himself, as he ran through the fields and woods and did not eat anything for several days. The trope of the mad person running in the fields would have been familiar from the biblical story of Nebuchadnezzar and literary figures such as the Arthurian heroes Yvain and Lancelot. Running in the fields was in fact used as a proof of madness in some other remission letters,⁴⁷ but the mention of a lack of sustenance was unusual. Where the biblical figure Nebuchadnezzar ate grass⁴⁸ and Chrétien de Troyes' Arthurian knight Yvain ate raw meat,⁴⁹ Jehan de Moustier engaged in "unholy anorexia."⁵⁰ Indeed, when he was finally captured and returned to the village, his family asserted that he was nearly dead from hunger. Jehan's starvation to the point of death strongly suggested that his inability to feed and care for himself threatened his own life.

This reference to Jehan's excessive starvation is particularly interesting in light of Jean Gerson's contemporary attempts to limit what he saw as the excessive fasting that

⁴⁷ For example, a sorcerer made people run through the fields because of madness in AN JJ 187 fo 89v no 173 (in 1457) and AN JJ 208 fo 11 no 20 (in 1480). A young boy who was guilty of theft was similarly known to run through the fields due to his madness in AN JJ 196 fo 192 no 307 (in 1470), as was a man who later committed murder in AN JJ 229 fo 22v no 44 (in 1497).

⁴⁸ Daniel 4:30.

⁴⁹ The consumption of uncooked food is held up as a proof of madness in Chrétien de Troyes' tale. See Chrétien de Troyes, *Le Chevalier au Lion; ou le Roman d'Yvain: Édition critique d'après le manuscrit B.N. fr. 1433*, ed. David F. Hult, trans. David F. Hult (Paris: Librairie Générale Française, 1994), 274.

⁵⁰ Here I am playing on Rudolph Bell's concept of "holy anorexia." See Rudolph M. Bell, *Holy Anorexia* (Chicago: University of Chicago Press, 1985). Bell's work is controversial, and Carolyn Walker Bynum's work has done much to challenge his perspective, arguing that control of food was a way in which women empowered themselves. See Caroline Walker Bynum, *Holy Feast and Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley: University of California Press, 1987). It is also necessary to note the more recent contribution to this debate by Nancy Caciola, *Discerning Spirits: Divine and Demonic Possession in the Middle Ages* (Ithaca: Cornell University Press, 2003). Caciola argues that Bynum and others have overemphasized the hagiographical views of the confessors who wrote these women's lives. She contends that any examination of these women's actions has to take into account the fact that they were seldom sanctioned by the church, and that the larger population viewed them with serious suspicion. However, Caciola focuses solely on Gerson's distinction between divine and demonic inspiration. While this was admittedly Gerson's main focus, his acknowledgement of mental disturbance is also significant.

many female mystics were practicing.⁵¹ Although Gerson's main concern was with the possibility that actions that might appear holy could be inspired by the devil, he also noted the likelihood that they were signs of mental disturbance. In his description of a woman who was admired for fasting, he explained his fear that she was not divinely inspired to do so by noting that she would binge whenever she stopped fasting. After questioning her, he established that she did not follow the guidelines of a confessor in her decision to fast, but instead fasted because "she was unworthy to eat food." This sentiment, he explained to her, meant "that she was dangerously close to insanity."⁵² The linkage Gerson perceived between madness and fasting was actually cyclical. Madness could lead to fasting, but equally fasting could lead to madness. He expounded on this idea at length, arguing that:

[e]xcessive abstinence and drunken overeating both lead to a similar end, except that excessive abstinence is harder to remedy, for it brings incurable illness from brain damage and mental disorder. It happens then through mania or rage or other melancholy passions that phantasms become so deeply rooted and buried in the brain that they are thought to be true objects that appear outside the mind. A person believes that he or she can see or touch that which the external senses in no way perceive. This passion becomes stronger until sometimes in this insanity a person will judge himself to be something else than he or she is.⁵³

⁵¹ Jean Gerson, "On Distinguishing True from False Revelations," in *Jean Gerson: Early Works*, ed. Brian Patrick McGuire (New York: Paulist Press, 1998), 334-364. Although there is no direct evidence that royal notaries were interested in Gerson's theological works, some of them were involved in epistolary communication with him in the debate over the *Roman de la Rose*, and may have been aware of his other projects. Certainly the notaries, as educated men living in Paris, can be credited with an awareness of the larger discourse around discernment in this period.

⁵² Jean Gerson, *Oeuvres complètes*, ed. Mgr Glorieux (Paris: Desclée & Cie, 1962), 10 vols., vol. 3: L'oeuvre magistrale, 43; Gerson, "On Distinguishing True from False Revelations," 344: "indignam quae pane vesceretur" and "periculo insaniam vicinam esse."

⁵³ Gerson, *Oeuvres complètes*, 44; Gerson, "On Distinguishing True from False Revelations," 345: "Itaque ad par exitium vergunt abstinentia nimia et crapulosa voracitas; nisi quod irremediabilior est excessus in abstinentia; quia morbos affert incurabiles ex laesione cerebri et rationis perturbatione, quo fit ut per maniam aut furiam vel caeteras passiones melancolicas sic profundantur et intime radicantur phantasmata interius reservata in cerebro, quod esse reputantur verae res extrinsecus apparentes, et audire se putat homo, videre vel tangere quod nullo modo sensu exteriori percipitur. Invalescit autem haec passio usque ad hanc aliquando insaniam ut iudicet se homo aliud esse quam est; quemadmodum repertus est qui se murilegum, alius qui se gallum, alius qui se asinum, alius qui se mortuum reputaret. Unde fuerunt nonnulli doctorum qui hac aegritudine percussus arbitrati sunt fuisse ipsum Nabuchodonosor, ut brutum animal se esse crederet et non veraciter induerit corpus belluinum. Pleni sunt medicorum libri de portentuosis hujusmodi

The dangers of excessive fasting, according to Gerson, are physiological. Starvation can cause mania, rage, or melancholy to such an extent that visions occur, and create a false image of reality. Gerson's theory connecting food consumption to madness may have been influenced by a wider social belief. The composers of Jehan de Moustier's letter seemed to believe that his madness caused him to starve himself, thereby exacerbating his madness and forming a dangerous cycle.

In a second episode, after a period of sanity, Jehan de Moustier killed a heifer during Lent. This was doubly problematic, and simultaneously violated both implicit and explicit rules governing animal slaughter in a medieval village. A heifer is a cow that has not yet calved and Lent was a time when no one was supposed to eat it and the slaughtered cow would be wasted. A cow, but especially a cow that could be expected to produce other cows, was a valuable commodity for a household. There is evidence from the records of medieval estates, as well as archaeological evidence from the waste deposits of both estates and cities, suggesting that young, female animals that had not yet reproduced were not slaughtered, even by the wealthy.⁵⁴ Similarly, although the major period for slaughter, especially of pigs but also of cows, was in late fall and early winter, animals were generally killed and taken to market in towns and cities throughout the

apparitionibus et judicorum corruptionibus ex laesione virium interiorum nascentibus. De his ait Hieronymus quod magis indigent fomento Hypocratis quam aliorum consilio.”

⁵⁴ Kathleen Biddick, *The Other Economy: Pastoral Husbandry on a Medieval Estate* (Berkeley: University of California Press, 1989) used records from Peterborough Abbey in England and found, as might be expected, that female cows were not slaughtered until after they had reproduced, although males might be slaughtered young. See also Monika Doll, *Haustierhaltung und Schlachtsitten des Mittelalters und der Neuzeit: Ein Synthese aus Archäozoologischen, Bildlichen und Schriftlichen Quellen Mitteleuropas* (Rahden: Internationale Archäologie, 2003), 283. Doll looked at digs from towns, castles, monasteries, and sewers in Germany from the thirteenth to the seventeenth centuries, and found that seventy to ninety percent of slaughtered animals were two years old or more.

year, except during Lent.⁵⁵ The slaughter of this particular animal at this particular time, according to the composers of the letter, provided proof of the return of Jehan de Moustier's madness, which in this case was characterized as prodigality. His wasteful behavior threatened his family's food store, since he killed the cow before it had produced a new generation and when it could not be consumed.

In the final episode recorded in the letter, he killed his father over a dispute about when to knead bread. In this case, Jehan de Moustier's desire to knead the bread early was a threat to the community as a whole. The heat of the summer had caused fevers and illness in the town, and the decision to bake bread in the communal oven on a certain day and at a certain time was intended to protect the community from the excessive heat of baking.⁵⁶ Jehan's attempt to knead the bread early would have ruined the family's bread, but the further implications of his desire to bake the bread at an inappropriate time would have been even more serious in the eyes of his neighbors. Clearly, Jehan's inability to comprehend both the simple and the complex relationships to food that were apparent to everyone else in his village led to serious problems, for his own health and that of others. The narrative of food production and consumption builds as the "crimes" build, to a climax where Jehan de Moustier threatened the community's welfare and ultimately killed his father.

⁵⁵ In a study of butchery records in two Italian towns, Gillian Clarke found that no animal's meat was sold during Lent. Gillian Clarke, "Town and Countryside in Medieval Italy: A Critical Evaluation of the Sources for Understanding the Mechanisms of Supply and Demand," *Anthropozoologica* 16 (1992): 75-82. See especially the tables on pages 78-79. December was the month of slaughter in medieval calendars, and the butchers' records studied by Clarke suggest that there was an increase in late fall and early winter, but there does not seem to be a single month for slaughter. For the calendars, see Bridget Ann Henisch, *The Medieval Calendar Year* (University Park: Pennsylvania State University Press, 1999), 127. Interestingly, she sees a shift in the late fifteenth century towards images of buying meat in town, instead of images of slaughtering, but nevertheless the image of the "animal 'harvest'" is generally in December.

⁵⁶ For more on communal ovens, see Marc Bloch, *Land and Work in Mediaeval Europe* (New York: Routledge, 1967), 153.

In attempting to comprehend a crime that appears inexplicable, the composers of remission letters for the mad reinterpreted the past of the individual, seeking a point of rupture where the person moved from sanity to madness. This approach is similar to that used in hagiographical writings, where the saint's later sanctity is allowed to bleed back into their childhood.⁵⁷ It is clear in the letter for Jehan de Moustier that madness was inscribed through a certain pattern of behaviors that was recalled as constituting a rupture between expected and actual acts. The retrospective consideration of Jehan's actions in terms of his final crime allowed the composers of his remission letter to find a rationale for his behavior. The ways in which madness is described and determined is embedded within the rhythm of medieval village culture, where food production and consumption were central to everyday life. The composers of Jehan de Moustier's remission letter did not concern themselves with medical or psychological causes of madness; rather their description of his inexplicable behavior sought a source for madness in terms of social interactions. By "making sense" of the "insensible" through the development of a clear pattern only visible in retrospect, the composers created a narrative whereby Jehan's final crime was comprehensible.

III. Building the Story

Historians have recognized the value of remission letters for a long time, but until recently, most have mined the letters for anecdotal evidence, deconstructing the narratives in order to use them to construct other narratives. Natalie Zemon Davis' book about remission letters, *Fiction in the Archives*, focused scholarly attention on the ways

⁵⁷ Many of the saints in Jacobus de Voragine's *Golden Legend*, for example, are described as having exemplarily holy childhoods. Jacobus de Voragine, *The Golden Legend: Readings on the Saints*, trans. William Granger Ryan (Princeton, NJ: Princeton University Press, 1993), 2 vols..

that these narratives about crime were constructed.⁵⁸ Unlike the title of the work, which unfortunately has been misinterpreted by some scholars to mean that these sources cannot be used by historians,⁵⁹ the book itself does not seek to destroy the value of the texts but to focus historians' attention on their narratives, rather than on searching them for data. Like all historical sources, remission letters are not reflections of a factual reality that can be uncovered, but were constructed with a particular goal and include such information as is pertinent to that goal, formed into a coherent narrative thread. Although Davis never insists on the letters' fictionality as opposed to a possible "true" event, she shows the ways in which these letters were written using familiar narrative devices that, to her, sprang from a shared knowledge of storytelling techniques.⁶⁰ Brian Stock observes that "stories do not convince us by their arguments but by their lifelikeness.... They may be verifiable, if we can get at the 'facts'; but mainly they are believable."⁶¹ The composers of remission letters would have been familiar with the process of creating a personal narrative of an event from storytelling and confession, which remission letters closely resemble. Where confession creates a moralized story within the context of an omniscient God, remission moralizes within the context of a king who provides justice, but could, like God, be convinced to temper it with mercy.⁶² It is essential to recognize and explore the ways in which these letters were constructed, who was involved in their

⁵⁸ Davis, *Fiction in the Archives* .

⁵⁹ This became clear to me in the question and answer sessions of a number of conference panels in which I participated, when members of the audience were "surprised" to learn that remission letters were not merely "fiction in the archives."

⁶⁰ Davis, *Fiction in the Archives* .

⁶¹ Stock, *Listening for the Text: On the Uses of the Past* 11.

⁶² Hayden White sees historical narrative as intimately attached to moralizing. See Hayden White, "The Value of Narrativity in the Representation of Reality," *Critical Inquiry* 7, no. 1 (1980): 5-27. While others have challenged his assertion that moralism is the only grounds on which a narrative can be given a conclusion, notably Louis O. Mink, "Everyman His or Her own Annalist," *Critical Inquiry* 7, no. 4 (1981): 777-783, it is certainly true that the personal narratives in remission letters are intimately connected to a legal sensibility and a moralizing perspective.

redaction, and what kinds of discourses these composers pulled from to create their narratives.

More recent work on remission letters, particularly in France, has been influenced by Davis' focus on narratives, and has tried to understand these texts on their own terms.⁶³ Claude Gauvard's study of letters from the fourteenth and fifteenth centuries focuses on the way that these narratives reflect social perceptions of crime and criminal behavior. Through statistical analysis of the letters, she demonstrates the relationship between particular social roles and types of crimes.⁶⁴ Her evidence shows that madness was only used in one percent of remission letters.⁶⁵ Gauvard notes that the actions of the mad as reported in remission letters "contrasts sharply with normality,"⁶⁶ causing the close family and relatives involved in the remission letter to express astonishment; in her extensive study of crime she does not have space to analyze this astonishment or the behavior that elicited it, however. In looking at the treatment of madness in medieval English courts, Barbara Hanawalt similarly argues that "[a]ll the cases of mental disorder described in the rolls seem to have been the sort that would be readily recognizable to the average person: abnormalities as obvious as attempted suicide, bizarre behavior, and motiveless violence."⁶⁷ While I cannot speak for the English legal documents Hanawalt

⁶³ See especially Gauvard, "*De Grace Especial*"; Claude Gauvard, "Grâce et exécution capitale: Les deux visages de la justice royale française à la fin du moyen âge," in *La Justice Royale et le Parlement de Paris (XIVe-XVIIe siècle)* ed. Yves-Marie Bercé and Alfred Soman (Paris: H. Champion, 1995), 275-290; Jacqueline Hoareau-Dodinau, "La jeune fille, le roi et le pendu: À propos de la grâce par mariage," in *Le Pardon*, ed. Jacqueline Hoareau-Dodinau, Xavier Rousseaux, and Pascal Texier, *Cahiers de l'Institut d'Anthropologie Juridique No 3* (Limoges: Presses universitaires de Limoges, 1999); Saunier, "'Hors de sens et de mémoire,'" ; Texier, "Rémissions et évolutions institutionnelles."

⁶⁴ Gauvard, "*De Grace Especial*".

⁶⁵ *Ibid.*, 436. My own research has confirmed this number. While Davis notes that madness was one of the eleven cases in which murder was pardonable by the king, she does not discuss how madness was elaborated in the letters of remission. Davis, *Fiction in the Archives*, 12n.

⁶⁶ Gauvard, "*De Grace Especial*", vol. 1, 437: "tranchent sur la normalité."

⁶⁷ Barbara Hanawalt, *Crime and Conflict in English Communities, 1300-1348* (Cambridge: Harvard University Press, 1979), 148.

refers to, in the French remission letters I have examined, the violence is not always “motiveless.” Indeed, a woman who attacks or even kills her husband because she believes that he was unfaithful, however wrong she may have been, does not seem motiveless to a modern reader.⁶⁸ If the family of such a woman in the Middle Ages believed this kind of violent behavior had to be explained by the onset of madness, then it is interesting for the very fact that it would not be recognizable to the “average person” today, but would have been to the “average person” of the fourteenth century.

Annie Saunier’s essay on madness in the remission letters does an excellent job of examining two particular letters, but her small sample size limited the kinds of observations she was able to make.⁶⁹ The two letters she focuses on are both unusual cases. The first letter described a man who had gone mad from old age, recovered his sanity, and then had a relapse during which he murdered his wife. The letter is unusual in its brevity, disposing of the details of the case in seven lines of the manuscript, filling the rest of the letter with the rhetoric of the king’s pardon.⁷⁰ In the second letter, the mad man was rescued by local nobles who called in a physician to help him,⁷¹ providing the only case out of the 145 letters I have examined where a physician’s aid was sought for a mad person.

Remission letters were detailed stories, carefully constructed in order to gain pardon without changing the perceived truth too much. Pascal Texier argues that remission letters, despite the royal notary’s influence, express the “subjectivity” and

⁶⁸ There are several letters that revolve around spousal jealousy and madness, as I discuss in more detail below. See especially AN JJ 173 fo 33v no 63 (in 1425) (edited in Le Cacheux, ed., *Actes de la chancellerie d’Henri VI*, 181-183); AN JJ 146 fo 83v no 162 (in 1394); AN JJ 173 fo 188v no 392 (in 1426) (edited mistakenly as JJ 175 no 392 in Longnon, ed., *Paris pendant la domination anglaise*, 208); and AN JJ 173 fo 168 no 349 (in 1425).

⁶⁹ Saunier, “Hors de sens et de mémoire.”

⁷⁰ AN JJ 130 fo 118v no 217 (in 1387), edited in *Ibid.*, 497-498.

⁷¹ AN JJ 131 fo 103 no 166 (in 1387), edited in *Ibid.*, 498-499.

“manner of speaking” of the supplicant.⁷² It is important to recognize, however, that, as with all legal records, these are not unmediated voices. Although the words of the supplicant are, indeed, present, they have been redacted to an appropriate form through a cooperative effort with the notary, who knew what kinds of questions to ask and what kind of information was necessary to the letter. Texier’s hopeful reading of the letters does not allow for the complexity of the interactions involved in the creation of these documents.

The narratives of remission letters each follow their own pattern to describe the individual’s life. The terms used to describe madness and some of the themes of the narratives often follow familiar lines, but the letters are not formulae into which details are placed. Rather, each narrative was specific to the person about whom the letter was written, and created constructs of normal and transgressive behavior around which to describe the case. Composers of remission letters sought to create narrative coherence within the story of a particular person’s life. While letters for sane criminals generally focused on the single day of the crime, letters for the mad often returned to earlier evidence of madness, describing the first remembered incidence of mad behavior and any others recalled in the intervening years.

The pattern of the genre of remission letters began to develop in the mid-fourteenth century. Certain information was considered necessary to the genre, while other structural elements were added over time. For example, only fifty-two of the one

⁷² Texier elaborates “à travers la mise en forme écrite par un clerc, c’est en tout premier lieu le point de vue du rémissionnaire qui est exprimé: ce sont donc sa subjectivité et sa manière de dire qui nous sont restitués pour l’essentiel. L’objet de la présente communication est donc d’analyser comment le rémissionnaire joue avec les concepts de responsabilité ou de culpabilité, et quelles stratégies il est amené à développer pour obtenir sa grâce.” Texier, “Doulant et courroucié: Les avatars de la culpabilité dans les lettres de rémission du XIV^{ème} siècle,” 482.

hundred forty-five letters examined for this study included the age of the supplicant. By the mid-fifteenth century, although many of the letters still lacked the age, in some letters the royal notaries left a blank space where the age would normally appear in the composition.⁷³ In her examination of nineteenth-century settlement examinations under the English Poor Laws, Carolyn Steedman argues that from their inception in the seventeenth century, these “enforced narratives” developed a formulaic pattern based on what was considered necessary information in describing the life of a poor servant for the purposes of determining whether or not he or she was eligible for poor relief in a certain village.⁷⁴ The narratives produced conceal the process of question and answer that provided the necessary information, much as remission letters conceal the collaboration between notary and supplicant that together created the final product, in which certain information is considered necessary and other details are left out.

Because the letters enacted the king’s mercy, some of the personal information about the supplicants was clearly intended to demonstrate their status as worthy recipients of that mercy. Many of them fit a particular mold of deserving supplicants described as “poor” people, often “laborers with their arms,” who were responsible for their spouses, children, and sometimes aged parents. It was, of course, not always possible to fit each supplicant into this particular pattern, but all of them were described as being of “*bonne fame et renomée*,” or “good reputation and renown,” before the singular occurrence of the

⁷³ The earliest ones I found came from Charles VII’s reign, in AN JJ 182-188. During the same period, other details also became part of the expected formula. AN JJ 187 fo 138v no 252 (in 1455) leaves a blank for the town in which the supplicant lived, AN JJ 182 fo 51v no 86 (in 1453) leaves a blank for the day on which the events occurred, and AN JJ 199 fo 134v no 129 (in 1463), interestingly, leaves a blank space for the name of the man who was murdered.

⁷⁴ Carolyn Steedman, *Dust: The Archive and Cultural History* (New Brunswick: Rutgers University Press, 2002). Thank you to Kali Israel for pointing out how Steedman’s work could be useful for my own. For a similar kind of construction of proof in the medieval period, see Joel T. Rosenthal, *Telling Tales: Sources and Narration in Late Medieval England* (University Park: Pennsylvania State University Press, 2003).

criminal act for which they sought remission. If the supplicant was not of good reputation before the particular crime, any other crime or infraction he or she was accused of had to be listed within the letter that then would note that the supplicant was of good reputation with the exception of those cases.⁷⁵

The moment of crime acts as the climax of a narrative that humbly requests (although, because only successful letters were recorded in the chancery archives, in all the letters examined here this request has already been granted) the action of the king in a future moment outside the bounds of the narration. While the granting of remission is the intended end of the story within the text, it is not the only possible ending presented by the narrator, who envisions the likelihood of death in prison while awaiting trial, a trial that leads to execution, or a permanent, self-imposed exile. The moral thrust of the narrative is that the king's law is just but also merciful, and that, unlike his anonymously bureaucratic courts, he himself is willing to consider cases on an individual, personal level. In fact, this distinction is purely rhetorical, which must have been eminently clear to the king's subjects during periods of regency, particularly the regency for Henry, the English king, who was a baby at his coronation. Instead of indicating a personal acquaintance with the woes of his subject, the French king's granting of remission was in fact the bureaucratic royal system functioning in full force.⁷⁶

Although there was no single required pattern for telling a narrative of mad crime, certain types of information were included in most of these letters. The kinds of

⁷⁵ This most often occurred within letters written for soldiers, who sought remission for a long list of campaign-related crimes, such as looting, pillaging, and raping. This is true in several of the earliest letters of remission, which can be found edited in Jassemin and Vallée, eds., *Registres du Trésor des Chartes*.

⁷⁶ Bernard Guenée has argued that Charles VI's madness cemented the administrative powers of the government, which was forced to find a way to represent the king's majesty without the king himself. He notes that "[l]a maladie de Charles VI a appris au royaume à vivre, ou plutôt à survivre, tant bien que mal, sans le roi, en exultant la royauté." Bernard Guenée, *La folie de Charles VI: Roi Bien-Aimé* (Paris: Perrin, 2004), 262.

narrative arcs used in the letters inscribed a number of shared beliefs about madness. Remission letters about the mad reflected the same kinds of conflicting images of madness that appeared in the legal discourse examined in chapter three. Mad people were simultaneously feared for the threat that they represented (and most often, in the letters, had already carried out) and considered in need of protection from the repercussions of their actions. The most common fear that remission letters revealed was that mad people would attack family members or themselves. The crimes of the mad were focused inside the household, rather than outside, which distinguished them from the usual crimes for which remission was sought. This may reflect a cultural perception of intrafamilial crime as more serious than interfamilial crime. Indeed, one of the few crimes that were theoretically considered “irremissible” was parricide, showing continuity with the Roman perspective that saw the murder of a family member as particularly troublesome.⁷⁷ Not all remission letters for parricide referred to madness as a mitigating factor,⁷⁸ but there is a suggestive pattern to the types of crime viewed as outside the realm of reason.

Many of the letters composed for mad people began from the rhetorical premise that they were not written from the perspective of the mad criminal. Instead, in most cases, letters for mad people came from their “*parens et amis charnels*,” which can be translated as their “relatives and immediate family,” according to Claude Gauvard’s

⁷⁷ Esther Cohen argues, on the basis of rhetoric about remission letters in royal charters rather than on the basis of the content of remission letters themselves, that “genuinely heinous crimes (such as parricide) neither deserved nor received pardon.” Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France* (New York: E.J. Brill, 1993), 50. Clearly, the ideal did not match up to the real regarding parricide.

⁷⁸ See the tables in Claude Gauvard, *“De Grace Especial”: Crime, état et société en France à la fin du Moyen Age* (Paris: Publications de la Sorbonne, 1991), 2 vols., vol. 2, 614-620.

examination of the terms.⁷⁹ Even in those cases where criminals seeking remission claimed to have been mad at the time of the act but sane when applying for the king's mercy, they used the language of madness to emphasize the difference between their "normal" behavior and their behavior while out of their senses. Letters for the mad, then, were at a rhetorical level even further removed from the event they purported to describe than the majority of remission letters, which were written from the perspective of the sane criminal.

The choice to seek remission for a mad family member was not necessarily based entirely on sympathy or a desire to protect the mad person. Gaining remission involved a large investment of money and travel by the family. In addition, the family of the mad, in asking for the release of a mad person without punishment, was agreeing to take responsibility for controlling him or her in the future. In thinking about the motivations for the family to seek remission for their mad relatives, it is important to remember that in most remission letters, the criminal's feelings of shame came, not from having committed the criminal act, but from having been apprehended and imprisoned.⁸⁰ The shame of having a family member in prison or executed may have been more damaging to the reputation than caring for a mad relative in the household. Once a criminal case was brought to the attention of the local administrators of justice, the suspected perpetrator would be arrested and put in prison to await his or her trial. Often suspects would flee, essentially initiating a self-imposed exile since a decision to leave was taken as irrefutable proof of guilt. The concept of imprisonment as punishment was developing in this period, and it was occasionally cited as an alternative penalty if the culprit was

⁷⁹ Ibid., 643-651.

⁸⁰ Texier, "'Doulant et courroucié': Les avatars de la culpabilité dans les lettres de rémission du XIV^{ème} siècle," 485.

incapable of paying the allotted fine.⁸¹ Letters of remission reveal a strong fear of prisons and a recognition of time spent in prison as punishing, even if it was not officially used for that purpose in the context of the letter. Trials could be lengthy, and only the noble or wealthy could buy special treatment in prisons,⁸² so some remission letters, highlighting the unpleasant conditions there, implied that punishment had already been meted out through a particularly long imprisonment. Remission letters often indicated further that the individual was likely to die before the completion of the trial, suggesting that prison could be a de facto capital punishment.

Remission rhetorically erased the crime, not only on the level of government officials, who could no longer pursue the pardoned criminal for that crime, but also on the level of the community, since the letter restored the criminal to his or her “good reputation and renown.” As chapter three discussed, “*fame*,” or “good reputation,” was a legal category that could affect a person and his or her family’s standing in civil cases, ability to make contracts, and likelihood of conviction in criminal cases.⁸³ At the same time, “good reputation” was also a social category, determined by and affecting one’s standing in the community.⁸⁴ Threats to an individual’s reputation could threaten the

⁸¹ Jean Dunbabin, *Captivity and Imprisonment in Medieval Europe, 1000-1300*, ed. Miri Rubin, *Medieval Culture and Society* (New York: Palgrave MacMillan, 2002), 112-113. Dunbabin traces the development of the punitive function of prisons to the later twelfth and thirteenth centuries. Prisons were still mainly intended to confine people who were awaiting trial, however. See also Trevor Dean, *Crime in Medieval Europe: 1200-1500* (Harlow: Pearson Education Limited, 2001), 120-124.

⁸² Dunbabin, *Captivity and Imprisonment*, 125. She notes, however, that the “drawback to affluence” was that, regardless of the results of a trial, the wealthy were often forced to pay higher charges for release.

⁸³ For an exploration of the development of the legal concept of *infama*, see Edward Peters, “Wounded names: The medieval doctrine of infamy,” in *Law in medieval life and thought*, ed. Edward B. King (Sewanee, TN: University of the South Press, 1990), 43-89. For an analysis focused more directly on France, particularly on the question of reputation in French customs, see F.R.P. Akehurst, “Good Name, Reputation, and Notoriety in French Customary Law,” in *Fama: The Politics of Talk and Reputation in Medieval Europe*, ed. Thelma Fenster and Daniel Lord Smail (Ithaca: Cornell University Press, 2003), 75-94.

⁸⁴ Barbara Hanawalt, *“Of Good and Ill Repute”: Gender and Social Control in Medieval England* (New York: Oxford University Press, 1998), 1-14. Daniel Smail has shown how reputation played a large role in

reputation of the entire family, so the decision to seek remission for a mad family member may have been driven by a perceived need to restore the family's good standing in the community.

Remission letters mediated between popular beliefs about madness held by the family telling the story and elite knowledge held by the notary writing the letter. In a process of cooperative composition, the letter was written both for the king's council, who had to ratify it, and for the adverse party, who had to approve its content in front of the judge.⁸⁵ Thus, the information contained had to be comprehensible on many levels. Family members advocated for the mad by attempting to understand and explain madness, both as it existed inside the body and as it was externally performed.⁸⁶ In an effort to describe behavior that they perceived as a sign of madness, the composers of remission letters wrote life histories of the mad, explaining actions in light of or in extreme contrast to the actions of madness.

IV. Finding Evidence of Madness

Madness is often seen as the rupture of an identity, constructed through kin and communal ties, that can be perceived through certain actions signaling a shift between the

both civil and criminal legal cases in Marseille, looking particularly at the ways in which witnesses' reputations could be challenged in order to erase their testimony. Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca: Cornell University Press, 2003), 120-132.

⁸⁵ Gauvard, *"De Grace Especial"*, vol. 1, 67.

⁸⁶ In talking about the performance of madness I am not trying to suggest that these people were falsely claiming to be insane, but rather highlighting the fact that the interiority of madness as a disease can never be accessed, leaving only the external signs of madness as an indicator of the internal state. Thus, madness is performed and interpreted. See Nancy Caciola, "Mystics, Demoniacs, and the Physiology of Spirit Possession in Medieval Europe," *Comparative Studies in Society and History* 42, no. 2 (2000): 268-306, 268-306 for a discussion of these ideas as they relate to spirit possession.

person's sane behavior and mad behavior. Sylvia Huot, in discussing madness in medieval French literature, argues that

[s]anity is the perfect concordance of a symbolically constituted identity, the performance through which that identity is staged, and the body that gives it material form; and madness can be understood as the dissolution of that construct. The onset of madness results in an incoherent relationship between body, performance, and social identity.⁸⁷

These “incoherent relationships” are defined and explored in remission letters as they are in the literary texts Huot references. The causes of madness and the resultant behavior of the mad were both interpreted in terms that the family members composing the letter could access, and these terms described an individual who acted in a way that was no longer recognizable as part of the social identity the mad person had previously enacted. Madness was an observable phenomenon, defined through social interactions and perceptions. As is clear from Jehan de Moustier's letter, which revolved around food consumption and production, the specific patterns of individual cases were focused within their particular narrative.

Remission letters give us a window into some of the methods the letter composers used to understand the crimes committed by the mad. One of the ways in which medieval families coped with these crimes was by seeking to explain them. While the actions of the mad could appear inappropriate and inexplicable to an external observer, within the context of the remission letter the composers justified the crime based on the mad person's flawed perception of reality. In contrast to the philosophy of the first-century Greek physician Aretaeus, who believed that mad people saw as other people did

⁸⁷ Sylvia Huot, *Madness in Medieval French Literature: Identities Found and Lost* (Oxford: Oxford University Press, 2003), 182.

but interpreted what they saw incorrectly,⁸⁸ remission letters seem to suggest that mad people actually experienced a different reality. From the rhetorical frame of the relatives and immediate family, the composers of these letters ultimately discussed the event from the perspective of the primary actor involved, resulting in complicated attempts to comprehend the motivations of a person perceived as mad. Thus, some letters superimposed explicable motives onto the narrative of a mad crime in an effort to force the crime to be comprehensible. Through these attempts an image of the internal viewpoint of a mad mind emerged.

Unlike the more common murders in remission letters, which took place in taverns or on the street, generally after drinking and various forms of gambling, the crimes of the mad were much more likely to take place inside the home, and often the victim was a family member. Therefore the violence of the mad was disquieting and difficult to explain. Rather than describe it as motiveless and unexpected, however, remission letters cited common troubles, such as poverty, jealousy and guilt, either as direct causes of madness or as the results of a mad person's flawed perception of reality. For example, in the case of Jehannette Voidié, who dropped her legitimate baby son in a well in 1423, the composers of her letter explained that during her pregnancy she had been concerned about whether the family could support another child, and that she had often spoken of herself as a bad mother.⁸⁹ These concerns, according to the composers of the letter, were completely groundless, since her husband could support another child, but

⁸⁸ George Rosen, *Madness in Society: Chapters in the Historical Sociology of Mental Illness* (Chicago: University of Chicago Press, 1968), 97.

⁸⁹ Madness was often linked to infanticide cases where the child was legitimate, since there was no culturally recognized reason to get rid of or hide a legitimate birth.

Jehannette's understanding of reality was skewed.⁹⁰ Instead of suggesting that she threw her child in the well for no discernable reason, the composers of the letter tried to understand the crime. The problem was in Jehannette's flawed perception of reality, not only in terms of her inability to recognize that her family could support another child, but also in her belief that killing the child was a reasonable response to the crisis she supposedly perceived.

Some kind of proof of madness was necessary for these letters. Both religious and legal discourse expressed concern about the possibility of abusing the insanity defense, as is clear both from the biblical story of David's imitation of madness and the fears expressed by Philippe de Beaumanoir in his customary law book.⁹¹ The idea that mad behavior was believed to be instantly recognizable and, indeed, easily replicable by the sane, is significant for thinking about the meaning of madness in criminal cases. There were many ways to describe madness, but each one sought to provide proof, not only that the individual was unquestionably behaving as a mad person would, but also that this madness was a long-standing issue in his or her life and not merely enacted at the moment of the crime. Because madness was acknowledged as imitable behavior, many of the letters provide case histories demonstrating that this was not a case of simulation. When constructing these narratives of madness, some composers mentioned concrete causes that could serve as the origin for mad behavior. Much like a hagiographer seeking an originary moment of holiness, the supplicants sifted through their memories in search of a particular, transformative event. These ranged from the simple to the extremely complex.

⁹⁰ AN JJ 172 fo 239 no 430, edited in Longnon, ed., *Paris pendant la domination anglaise*, 130-133.

⁹¹ See First Book of Kings 21:11-15 and Philippe de Beaumanoir, *Coutumes de Beauvaisis*, ed. Amédée Salmon (Paris: A. Picard et Fils, 1970-1974), 3 vols., vol. 2, chapter 52, paragraph 1575

Illness and External Causes of Madness

Not all remission letters posited a cause of the madness they describe, and some simply refer to madness that seems to have been a permanent state from birth.⁹²

However, some composers chose to describe a moment of origin in an effort to provide a narrative arc of madness in the person's life. Those that did so discussed many different possible catalysts for madness. One common perceived cause of madness was illness, often a fever that made the person act in unexpected and inexplicable ways.⁹³ This explanation usually occurred in cases of suicide, where a recent illness was cited as a trigger for the eventual self-murder perpetrated while mad and therefore not culpable. It was also understood that a blow to the head could cause temporary or permanent damage to a person's brain. Bewitchment by a sorcerer was mentioned as a source of madness increasingly from the middle of the fifteenth century.⁹⁴ The earliest reference to sorcery appeared in 1404, when a mad man chased a woman and beat her to death with a rock, screaming, "old whore, you have bewitched me,"⁹⁵ but it was not until the 1450s that sorcerers appeared in the remission letters as directly causing madness.⁹⁶ Another perceived external catalyst for madness was the depredations of war, which robbed a

⁹² See particularly AN JJ 114 fo 70v no 147 (in 1378); AN JJ 158 fo 165 no 303 (in 1404); AN JJ 174 fo 7 no 17 (in 1427); AN JJ 175 fo 133 no 369 (in 1434); AN JJ 188 fo 10 no 15 (in 1458); and AN JJ 221 fo 32 no 39 (in 1490).

⁹³ This is also apparently true in records of medieval English law courts dealing with criminal cases. Sara Butler, "Frenzied, Feverish, and Possessed: Homicidal Insanity and the Medieval English Courts," in *International Congress on Medieval Studies* (Western Michigan University, Kalamazoo, Michigan: Unpublished Conference Paper, 2007).

⁹⁴ This fits the chronology of witchcraft literature. See especially Norman Cohn, *Europe's Inner Demons: An Enquiry Inspired by the Great Witch-hunt* (London: Sussex University Press, 1975); Karen Jolly, Catharina Raudvere, and Edward Peters, *Witchcraft and Magic in Europe Volume 3: The Middle Ages*, ed. Bengt Ankarloo and Stuart Clark (Philadelphia: University of Pennsylvania Press, 2002); Jeffrey Burton Russell, *Witchcraft in the Middle Ages* (Ithaca: Cornell University Press, 1972)

⁹⁵ AN JJ 158 fo 168 no 360, edited in Paul Guérin, *Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France, Archives historiques du Poitou* (Poitiers: Société française d'imprimerie et de librairie, 1909), vol. 8, vol. XII, 38-41: "Pute veille, tu m'as encaraté."

⁹⁶ See AN JJ 181 fo 67v no 123 (in 1452); AN JJ 182 fo 51 no 85 (in 1453); AN JJ 182 fo 53 no 88 (in 1453); and AN JJ 182 fo 53v no 90 (in 1453) for the earliest cases I found.

person of his or her livelihood and stability, usually driving him or her to commit suicide in despair and melancholy.

The mental repercussions of being hit on the head were well understood in the Middle Ages, and in fact often the temporary results of being “stunned” were used as an explanation for questionable actions in tavern brawls.⁹⁷ It was also understood that getting hit over the head hard enough could cause lasting damage, as was the case for Guillaume Audoyne who had fallen off a ladder in 1403 and hit his head. Guillaume was considered an idiot, out of his senses and memory, for two years before anything serious occurred. Indeed, he was capable of continuing to perform manual labor, since disaster struck while he and his wife were loading manure onto a cart. He believed that she was mocking him with her movements, and “because he was stupid and idiotic through lack of sense, angered and incensed” he knocked her over with his pitchfork and hit her several times, then drove away with the cart.⁹⁸ When he returned and found his wife dead, he was surprised and angry, believing that someone else had done it. Indeed, this description of his actions after murdering his wife further indicated his disturbed mind, since he did not remember killing her and therefore did not flee the scene. The composers of Guillaume Audoyne’s letter constructed a logical narrative to explain why he would murder his wife and why he did not react to her death in a “normal” way. His type of permanent stupidity caused by an accident was not considered particularly serious until he committed this crime, since he was still capable of working and had managed to

⁹⁷ See the references to becoming “estourdie” after a blow to the head in AN JJ 220 fo 227v no 380 (in 1489); AN JJ 209 fo 55 no 93 (in 1480); AN JJ 199 fo 317v no 502 (in 1465); AN JJ 131 fo 39v no 69 (in 1387); AN JJ 172 fo 113v no 221 (in 1422); and AN JJ 173 fo 250v no 524 (in 1426).

⁹⁸ AN JJ 160 fo 70v no 91, edited in Paul Guérin, *Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France, Archives historiques du Poitou* (Poitiers: Société française d'imprimerie et de librairie, 1909), vol. 7, 80-82: “pour ce qu'il estoit sourt et ydiot par non sens, yré et courroucé de ce.”

do so for two years without any adverse affects. Nevertheless, his lack of comprehension was dangerous, because he misinterpreted his wife's actions as mocking. His general lack of sense had much more serious repercussions, due to his inability to recognize his wife's actions as those of a woman lifting manure into a cart.

A fever or other disease was often mentioned as the source of a temporary madness that led in many cases to suicide. Interestingly, illness could even be seen as a legitimate catalyst for suicide without the addition of madness, as it was in the case of Jehan du Puy, who was purportedly on his deathbed due to illness in 1420. He had made his will, confessed, and received extreme unction before cutting his own throat. The composers of his letter explained his actions by suggesting that he committed suicide because of "temptation of the enemy, because of the oppression of his illness, or from some other cause,"⁹⁹ but they did not suggest madness as an excuse. Other letters, in contrast, focused particularly on the ways in which illness could lead to a frenetic or melancholic state that made the person in question no longer responsible for any action.

The medical knowledge available to the average person in the Middle Ages was not particularly complex, but it is clear from the remission letters that some general ideas of illness and health were shared commonly.¹⁰⁰ The royal notaries were not likely to be trained in medicine, but their understandings of the body would have been more informed by medical theory than those of the people seeking remission. Certainly, they would have been aware of the medical terms available to speak about madness. Madness was

⁹⁹ AN JJ 171 fo 94v no 156: "pour ce que par temptacion de lennemj pour cause de loppresion de maladie ou autrement il sest coppes la gorge en commectant homicide de lui mesme."

¹⁰⁰ See Marie-Christine Pouchelle, *The Body and Surgery in the Middle Ages*, trans. Rosemary Morris (New Brunswick, NJ: Rutgers University Press, 1990). Pouchelle examines Henri de Mondeville's fourteenth-century *Chirurgie* as a central piece from which to extrapolate about the metaphorical world of the body in the Middle Ages. See especially her discussion of methodology on pages 95-100.

believed to spring from an imbalance of the humors, and could follow a serious case of another disease. Some remission letters built on this theory, describing a previous illness such as a fever as a cause of madness.¹⁰¹ Medical texts described four distinct types: frenzy, mania, melancholy, and lethargy, each of which corresponded to an excess in one of the humors. Avicenna's work on melancholy made it the source for all types of madness, breaking down the separation of the humors and explaining that all four humors, when burnt, could turn into melancholy. Each type of burnt humor created a particular type of madness, however, with blood creating joy and laughter, phlegm creating sloth, yellow bile creating frenzied violence, and black bile creating "great thoughtfulness and less agitation and frenzy except when the patient is provoked and quarrels, or nourishes a hatred which he cannot forget."¹⁰² Of these four categories, only frenzy and melancholy appear in the remission letters.

Jehan Massetirer, for example, suffered from melancholy in 1394. The composers of his letter recounted the extreme lengths to which he went to kill himself. Having fallen ill from a "natural sickness" and even having had a candle placed in his hand, indicating that he was on his deathbed and receiving extreme unction, Jehan Massetirer's natural illness progressed into a state of madness. The madness acted as an extension of the illness, increasing the severity of it and causing him "because of melancholy of the head" to get up from his sickbed and leave the house.¹⁰³ He walked down to the river, planning to drown himself. However, his wife, who was instrumental

¹⁰¹ Thirty of the one hundred forty-five letters examined mention a "maladie," either as the original source of the madness or as an integral part of the madness.

¹⁰² Avicenna, *Liber canonis*, quoted in Raymond Klibansky, Erwin Panofsky, and Fritz Saxl, *Saturn and Melancholy: Studies in the History of Natural Philosophy, Religion, and Art* (London: Nelson, 1964), 88-89.

¹⁰³ AN JJ 146 fo 65rv no 129: "maladie naturele"; "cathandelle en la main cuidant que il deust trespassee vi depuis le lendemain"; "par merancolie de teste."

in seeking the letter of remission, which responded to the supplication of Jehan Massetirer's "wife and close family,"¹⁰⁴ followed him. With the help of two passersby, she pulled him out of the water and asked why he had allowed himself to fall into the river. Jehan Massetirer, "full of fatuity or of sickness," responded "that they had sinned greatly in taking him out and that he needed to die."¹⁰⁵ Although they were able to get Jehan Massetirer back to his house and into his bed, he merely waited until he had been left alone with a neighbor before hitting her over the head and throwing himself into the well to drown. Illness, then, could instigate a desire for death that was interpreted by the family as madness. Jehan Massetirer's madness is evocative of an extreme literalism. He "needed to die," perhaps because he had already received extreme unction. While the assurance that a suicide had been reconciled with God before going mad and seeking death could have been intended merely as a mitigating factor in his or her favor, in this letter it is given an unexpected weight through Jehan Massetirer's speech. The composers of his remission letter opened the possibility that it was the sacrament itself that ultimately led to his death.

Other cases provide a clearer idea of the kinds of sickness that were seen as potential catalysts for madness than simply "natural sickness." In one case from 1421, Denisot Sensigaut fell into an "illness of heat" that turned into "frenzy," like Jehan Massetirer, only after he had been given extreme unction.¹⁰⁶ In another from 1404, André Guibretea suffered from "caduc," or falling sickness, vulgarly known as the

¹⁰⁴ AN JJ 146 fo 65rv no 129: "humble supplicacion de la femme et amis charnelz de feu Jehan Massetirer."

¹⁰⁵ AN JJ 146 fo 65rv no 129: "le qel plain de fatuite ou de maladie quel avion respondi quilz avoient fait grant pechie de lentue hors et que il ydeuoit mourir."

¹⁰⁶ AN JJ 171 fo 244v no 429, edited in Longnon, ed., *Paris pendant la domination anglaise*, 19-21: "maladie des chaleurs"; "il est cheu en frenoisie."

“beaumal.” Whenever he suffered from it, it caused him to become furious and mad, one day leading him to kill an old woman with a rock, yelling at her “Old whore, you have bewitched me.”¹⁰⁷ As referenced above, this particular case is significant because it is the earliest letter that mentions sorcery. However, despite recording André’s words that accused the woman of sorcery, the composers of the letter of remission explicitly connected his frenzied behavior to his falling sickness, not to sorcery. It would take another fifty years before other letters would connect madness directly to sorcery. Here, arguably, the illness was the source of his madness, and no reference is made to the possibility that the woman killed deserved to die due to her reputation as a sorcerer.

Beginning in the 1450s remission letters appeared that blamed sorcerers directly for having caused mad or possessed behavior. The remission letters were generally not intended for the mad person, who usually had not committed any crime, but for the mad person’s family and neighbors who had sought out a renowned sorcerer and killed him or her in an attempt to break the spell. Chapter five will consider in more detail the significance of this vigilante justice for the communities involved. The questions at hand here are the kinds of popular and elite concepts of sorcery upon which these letter composers drew. Sorcery led one girl in 1457 to “run crazily around the fields completely naked”¹⁰⁸ and a man in 1480 to become “out of his senses and memories” and impotent.¹⁰⁹ In another case, a man imprisoned in 1496 for having killed a sorcerer explained that the sorcerer in question had caused his sister to “fall into a great inconvenience of illness such that she was greatly troubled in her sense and

¹⁰⁷ AN JJ 158 fo 168 no 360, edited in Guérin, *Recueil des documents concernant le Poitou*, 38-41: “cheu du mal caduc, appellé vulgalment le beaumal (*sic*), dont il est coustumier à souvent cheoir et estre malade, et d'estre furieux et fol à l'yssue d'icelle maladie”; “Pute veille, tu m'as encaraté.”

¹⁰⁸ AN JJ 187 fo 89v no 173: “courroit folle parmy les champs toute nue.”

¹⁰⁹ AN JJ 208 fo 11 no 20: “hors du sens et memoire.”

understanding and was completely incensed and in danger each day of precipitating herself and the fruit with which she was at the time pregnant.”¹¹⁰ The idea that witchcraft could be used to make other people mad was current in court circles in the late fourteenth and early fifteenth century, when the French nobility was seeking an explanation for Charles VI’s madness.¹¹¹ Indeed, as discussed in chapter two, when Jean sans Peur, duke of Burgundy, arranged for the murder of Louis, duke of Orléans and brother of the king, he justified the act by accusing Louis of causing Charles VI’s madness with the aid of sorcerers.¹¹² Many scholars have addressed the burgeoning interest in sorcery that can be seen in the mid-fifteenth century, suggesting that popular belief and elite concern were coming together at this time.¹¹³ The belief that sorcery could cause illness and particularly madness was developed further in fifteenth-century treatises by Johannes Nider and Heinrich Institoris.¹¹⁴ It is possible that the supplicants seeking remission were aware of these shifting attitudes in religious and intellectual circles from sermons,

¹¹⁰ AN JJ 227 fo 32 no 62: “cheult en grant inconvenant de maladie tellement quelle fut fort troublee de son sens et entendement et estoit toute incensee et en dangier de chacun jour precipiter elle et le fruit dont pour lors estoit ensaincte.”

¹¹¹ M. L. Bellaguet, ed., *Chronique du religieux de Saint-Denys, contenant le règne de Charles VI, de 1380 à 1422, Éditions du Comité des travaux historiques et scientifiques* (Paris: L’imprimerie de Crapelet, 1842; reprint, 1994), 6 vols., vol. 2, 24-25.

¹¹² Alfred Coville, *Jean Petit: La question du tyrannicide au commencement du XV^e siècle* (Paris: A. Picard, 1932) published an excerpt from Jean Petit’s *Justification* on pages 314ff. See also Jan R. Veenstra, *Magic and Divination at the Courts of Burgundy and France: Text and Context of Laurens Pignon’s Contre les devineurs (1411)* (Leiden: Brill, 1998), 36-67 for a discussion of Petit’s work in the context of the Dukes of Burgundy and their interest in sorcery.

¹¹³ See the articles in Jolly, Raudvere, and Peters, *Witchcraft and Magic in Europe Volume 3: The Middle Ages*; Pierrette Paravy, “À propos de la genèse médiévale des chasses aux sorcières: Le traité de Claude Tholosan, juge dauphinois (vers 1436),” *Mélanges de l’École française de Rome* 91 (1979): 333-379, and of course the seminal studies from the 1970s, Russell, *Witchcraft in the Middle Ages* and Cohn, *Europe’s Inner Demons*.

¹¹⁴ Henricus Institoris and Jacobus Sprenger, *Malleus Maleficarum*, ed. Christopher Mackay, trans. Christopher Mackay (Cambridge: Cambridge University Press, 2006), 2 vols., vol. 1: The Latin Text; Jean Nider, “Formicarius Livre II, chapitre 4, et Livre V, chapitre 3, 4, 7,” ed. Catherine Chêne, in *L’imaginaire du sabbat: Édition dritique des textes les plus anciens (1430 c. - 1440 c.)*, ed. Martine Ostorero, Agostino Paravicini Bagliani, and Kathrin Utz Tremp (Lausanne: Section d’histoire, Faculté des lettres, Université de Lausanne, 1999). These texts and the lynchings of witches are discussed in more detail in chapter five.

and certainly the royal notaries would have been familiar with the treatises and their impact on legal discourse.

In the case of sorcery, the fears of madness were directed outwards, towards a source that could be located and punished, rather than inwards, towards a disease. Through a similar linkage of madness to an external cause, war was viewed as a potential catalyst. In this case the fault was external, but it was also inevitable and irreparable. These letters were not about an attempt to empower oneself by seeking vigilante justice, but the despairing cry of a population affected by wars that they were unable to avoid. The period under study includes some of the most serious fighting of the Hundred Years War in France, and letters about peasants who, according to their families, were driven mad by the destruction of their livelihood at the hands of the soldiers indicate that war was viewed as a traumatic event for the population at large.

It is clearly beyond the scope of this study to enter into the continuing debate over whether the French peasants were the greatest sufferers in the Hundred Years War, and whether their sufferings contributed to the peasant uprisings of the period, but it is worth noting the ways remission letters have been used in support of this argument and what that means for any reading of these particular narratives. Jules Michelet's *Histoire de France* was the first book to posit the thesis, and there have been many other proponents and opponents since.¹¹⁵ Christopher Allmand has carried on Michelet's argument, although he focuses on peasant suffering, making use of the term "non-combatants" to refer to the fourteenth- and fifteenth-century peasants, and relying on sermon literature

¹¹⁵ Jules Michelet, *Histoire de France: Nouvelle édition, revue et augmentée* (Paris: Librairie Abel Pilon, 1876), 19 vols., vol. 4, 287: "Les souffrances du paysan avaient passé la mesure; tous avaient frappé dessus, comme une bête tombée sous la charge; la bête se releva enragée, et elle mordit... Dans cette guerre chevaleresque que se faisaient à armes courtoises les nobles de France et d'Angleterre, il n'y avait au fond qu'un ennemi, une victime des maux de la guerre; c'était le paysan."

and supplications to the papal court by French churches to show that these peasants' livelihoods were affected by the war.¹¹⁶ Nicholas Wright, though he does not deny that peasants did indeed suffer, insists that the combatants suffered as well. He also notes that the wholesale destruction of peasant property would not have been in the best interest of the nobility, which depended on peasant land cultivation for food, and points out the acknowledged differences between the noble armies and the brigands and pillagers that took advantage of the war to wreak havoc in the countryside. He also suggests that the peasants were willing and able to fight back, using remission letters as evidence of brigandage and peasant resistance.¹¹⁷ Regardless of whether the peasants suffered more from the war than the *gens de guerre* who were fighting it, it is clear that the French countryside provided provisions for the armies that moved through their lands, whether those provisions were sought under the guise of payment for protection or as more direct looting. France was often in a state of turmoil and, in the imaginations of the general public, the pillaging and brigandage surrounding the war with England and the civil wars among the French nobility was detrimental to the livelihoods as well as to the mental stability of the people.

¹¹⁶ Allmand first proposed this terminology, which he took from contemporary discussion of the Vietnam War, in Christopher Allmand, "The War and the Non-combatant," in *The Hundred Years War*, ed. Kenneth Fowler (London: MacMillan Press, 1971), 163-183, but it can also be found in Christopher Allmand, *The Hundred Years War: England and France at War c. 1300-c.1450* (Cambridge: Cambridge University Press, 1988) and Christopher Allmand, "War and the Non-Combatant in the Middle Ages," in *Medieval Warfare: A History*, ed. Maurice Keen (Oxford: Oxford University Press, 1999), 253-272.

¹¹⁷ See Nicholas Wright, "French Peasants in the Hundred Years War," *History Today* 33, no. 6 (1983): 38-42; Nicholas Wright, *Knights and Peasants: The Hundred Years War in the French Countryside* (Woodbridge: Boydell Press, 1998); Nicholas Wright, "Pillagers' and 'Brigands' in the Hundred Years War," *Journal of Medieval History* 9 (1983): 15-24; Nicholas Wright, "Ransoms of Non-combatants during the Hundred Years War," *Journal of Medieval History* 17 (1991): 323-332.

Letters mentioning madness as a result of pillaging appeared most regularly during the period of English rule and civil war,¹¹⁸ and most were written to explain suicides. In the summer months of 1424, in fact, three different women were granted remission for committing suicide because of madness brought on by the wars being fought in their neighborhood. Although some men committed suicide due to losses caused by war, in these cases madness was not mentioned as an ancillary reason.¹¹⁹ While suicide does not seem to have been considered a gendered response to war, madness leading to suicide appears to have been.¹²⁰ Indeed, the only references to the madness of men related to war was to the “youthful folly” of those men seeking remission for fighting for the “enemy” or becoming a brigand, and the “lack of sense” that caused a man who had lost his livelihood during the war to violate trade sanctions by selling food to the enemy, or in enemy-occupied territory.¹²¹

¹¹⁸ France’s political situation was particularly messy during and after Charles VI’s reign. Through the Treaty of Troyes, arranged in 1420, Charles VI disinherited his son, Charles, in favor of the English king, Henry V, who married Charles VI’s daughter Catherine. Henry V became regent of France until Charles VI’s death, but Henry died in 1422, mere months before Charles, who left his newborn grandson, Henry VI of England, as king of France. Charles VII set himself up as an alternative monarch in the Loire valley, but was unable to retake Paris and the north until Joan of Arc came to his aid in 1429. Indeed, even with her help, it was not until 1438 that Charles VII finally replaced the English rule. For more on all of this, see chapter two of this dissertation; Allmand, *The Hundred Years War*; Françoise Autrand, *Charles VI: La folie du roi* (Paris: Fayard, 1986); R.C. Famiglietti, *Royal Intrigue: Crisis at the Court of Charles VI, 1392-1420* (New York: AMS Press, 1986); Guenée, *La folie de Charles VI*.

¹¹⁹ See AN JJ 130 fo 152v no 269 (in 1387) and AN JJ 166 fo 213 no 317 (in 1412).

¹²⁰ Despite the concentration on the tangible negative effects of war on peasants in the French countryside, none of the many articles and books on the topic have considered psychological aspects. One recent study on women’s roles during the Hundred Years’ War uses chronicle accounts and some letters to valorise the women in question, without addressing the ways in which these narratives of strong women or of entire communities, including women, joining in to help with the defense of a town may reflect the desires and goals of the chronicler or letter-writer. James E. Gilbert, “A Medieval ‘Rosie the Riveter’? Women in France and Southern England during the Hundred Years War,” in *Hundred Years War: A Wider Focus*, ed. L.J. Andrew Villalon and Donald J. Kagey, *History of Warfare* (Leiden: Brill, 2005), 333-361.

¹²¹ For the “folie et jeunesse” leading to joining the enemy’s army or brigandage, see AN JJ 172 fo 66 no 131 (in 1422); AN JJ 174 fo 101 no 228 (in 1428). For the “non sens” or “folie et ignorance” that caused people to sell flour or other foods to the enemy or in enemy-occupied lands, see AN JJ 172 fo 261 no 465 (in 1424); AN JJ 172 fo 310 no 558 (in 1423); AN JJ 175 fo 133 no 369 (in 1434).

One war-related case appeared in a letter from May of 1424, when Henriette, wife of Jehan Charnel, committed suicide in the town of Montagny-Sainte-Félicité near Senlis. According to her family and relatives, a company of soldiers had come to Montagny looking for provisions while Jehan Charnel was away in Picardy selling apples. The soldiers found Jehan Charnel's mare and appropriated it and two robes from Charnel's house. Henriette attempted to prevent them, but was so badly beaten for her pains that she lay bedridden for fifteen days afterwards. Eight days later, the soldiers returned and found their second horse. This time Jehan Charnel, who had returned home, tried to prevent them, but he was no more successful than his wife had been. When the bedridden Henriette was told that their second horse was gone, as well, she was so angered and displeased that she became "troubled in her good sense and memory," saying several times each day that they had lost everything by losing their horses.¹²² This narrative suggested that Henriette's anger at losing everything provided sufficient cause for her to go out of her mind and hang herself. The idea that the loss of goods could lead to madness appears in several letters. Perrote de Courcelles, another woman who went mad due to the depredations of war had, according to the letter composed by her family and relatives, "lost her family and goods such that from anger and displeasure about it she was made to fall into a sickness which held her for the space of four or five months from which she was totally idiotic without having true understanding."¹²³ Here the loss described included not only goods but also people, without whom Perrote fell into an illness that led her to become mad and finally use a knife to cut her own throat. Thus

¹²² AN JJ 172 fo 266 no 474: "troublee en son bon sens et memoire."

¹²³ AN JJ 172 fo 340 no 614: "perdu ses amis et biens dont par courrouz et desplaisir de ce elle feust cheute en maladie laquelle la tenue par l'espace de iiij a v mois dont elle estoit tout ediotte sans avoir vray entendement."

remission letters demonstrate the psychological as well as the material devastation of war.

Emotional Causes of Madness

In complicated ways, madness was seen as potentially caused by powerful emotions. As the letters about loss of property during the war indicate, grief about loss was a powerful emotion that could cause people to act in unexpected ways. Some remission letter composers went even further, providing explanations that explored the inner workings of a person's mind, focusing on a perceived inability to fulfill familial and household roles, guilt, or familial conflicts as catalysts for madness. While some of these emotions, such as jealousy, anger, and despair, are actually named (*jalousie*, *courroucie*, and *desespere*), others are described in great detail, without being given a specific term to define them. Extremes of emotion were described as moments of inner conflict that could lead to madness.

Barbara Rosenwein contends that historians should “worry” about emotions in history, particularly in the Middle Ages, and offers the term “emotional communities” to help

uncover systems of feeling: what these communities (and the individuals within them) define and assess as valuable or harmful to them; the evaluations that they make about others' emotions; the nature of the affective bonds between people that they recognize; and the modes of emotional expression that they expect, encourage, tolerate, and deplore.¹²⁴

The question of emotions and of enacting emotional responses has been “worrying” medievalists partly in response to Johan Huizinga's image of a Middle Ages filled with “childish emotions” and Norbert Elias' suggestion that the sixteenth century saw the

¹²⁴ Barbara H. Rosenwein, “Worrying about Emotions in History,” *The American Historical Review* 107, no. 3 (2002): 821-845.

development of the “civilizing process” that caused people to repress and restrain their emotions.¹²⁵ Stephen Jaeger’s response to Elias moved the civilizing moment back to the tenth century,¹²⁶ but more recent work on emotions in the Middle Ages have shifted focus from the “civilizing process” to the ways that medieval people used emotional displays for particular goals. Stephen White claims that eleventh-, twelfth-, and thirteenth-century emotions, particularly of anger, were “highly conventionalized and socially generated,” and were enacted for specific political strategies.¹²⁷ Daniel Smail similarly notes that “men and women in Marseille and elsewhere in medieval Europe found it useful to have or autosuggest states of anger and hatred and, perhaps, learned how to perform fictive emotional states if the subcortex refused to cooperate.”¹²⁸ Remission letters suggest, however, that while certain emotional displays were considered appropriate and even politically expedient, an excessive display of emotion could be perceived as irrational madness.¹²⁹

¹²⁵ Norbert Elias, *The Civilizing Process*, trans. Edmund Jephcott (New York: Urizen Books, 1978); Johan Huizinga, *The Waning of the Middle Ages: A Study of the Forms of Life, Thought and Art in France and the Netherlands in the XIVth and XVth Centuries* (Garden City, NY: Doubleday and Company, 1954).

¹²⁶ C. Stephen Jaeger, *The Origins of Courtliness: Civilizing Trends and the Formation of Courtly Ideals, 939-1210* (Philadelphia: University of Pennsylvania Press, 1985).

¹²⁷ Stephen D. White, “The Politics of Anger,” in *Anger’s Past: The Social Uses of an Emotion in the Middle Ages*, ed. Barbara H. Rosenwein (Ithaca: Cornell University Press, 1998), 127-152.

¹²⁸ Smail, *Consumption of Justice*.

¹²⁹ It is, of course, necessary to be cautious when discussing the connections between emotions and rationality in the Middle Ages. After all, the Cartesian separation between the emotional and the rational, and thus the body and the mind, had not yet been formulated. However, perturbation of the “passions” was one of Galen’s six non-naturals, which he understood as causing disruptions in the ideal humoral balance of the individual, and thus as potentially damaging to the senses. See Nancy Siraisi, *Medieval and Early Renaissance Medicine: An Introduction to Knowledge and Practice* (Chicago: University of Chicago Press, 1990), 101. In addition, medieval legal treatises, such as Albertanus of Brescia’s *Liber consolationis et consilii*, composed in 1246, believed that extreme emotion could lead to madness (here called *furiosus*), and sought to temper such emotional excess in the quest to prevent impulsive vengeance. Albertanus of Brescia, *Albertani Brixienensis Liber Consolationis et Consilii, ex quo hausta est fabula gallica de Melibeo et Prudentia, quam, anglice redditam et ‘The Tale of Melibe’ inscriptam, Galfridus Chaucer inter ‘Canterbury Tales’ recepit* (N. Trübner & Co, 1873 [cited 5/8/2007 2007]); available from <http://freespace.virgin.net/angus.graham/Albertano.htm>. Jacqueline Van Leeuwen discusses the translation of Albertanus’ treatise into Dutch in Jacqueline Van Leeuwen, “Emotions on Trial: Attitudes towards the Sensitivity of Victims and Judges in Medieval Flanders,” in *Emotions in the Heart of the City (14th-16th*

In 1460, Guillaume Sunoneau, at the age of thirty-five, composed a letter to the king asking for remission for a crime committed in his youth, some seventeen or eighteen years before. Guillaume explained that at that time “from temptation of the enemy or otherwise” he had had carnal relations, “once with a mare and five or six times with a cow.”¹³⁰ It is worth pointing out that, if Guillaume was correct about his chronology, he would have been twelve or thirteen when he committed this crime, and thus not of an age where he could have been held legally responsible for his actions.¹³¹ Guillaume gives no excuse for his actions other than the temptation of the devil, and madness does not appear in his life until long afterwards, when he finds himself unable to forget his “sin.”¹³² His feelings of displeasure and anger towards himself for having committed crimes, “knowing that these were enormous and detestable,”¹³³ served as a catalyst for madness. While these particular sentiments only appear in this letter, they are worth analyzing because this is also the only letter that deals with the connection between sin and madness. None of the letters of remission suggest that sin was a direct cause of madness. Although religious ideas are present in these letters, it is clear that the concept that madness only happened to the sinful did not loom large in the minds of the composers of remission letters.¹³⁴ The linkage of sin and madness would have been familiar to a

centuries) ed. Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene (Turnhout, Belgium: Brepols, 2005), 157-175. For an interesting exploration of the development of the study of emotions, see Jeroen Deploige, “Studying Emotions. The Medievalist as Human Scientist?,” in *Emotions in the Heart of the City (14th - 16th century)*, ed. Elodie Lecuppre-Desjardin and Anne-Laure Van Bruaene, *Studies in European Urban History (1100-1800) 5* (Turnhout, Belgium: Brepols, 2005), 3-24.

¹³⁰ AN JJ 190 fo 33 no 64: “par temptacion de lennemy ou autrement habita par une foiz avec une jument et par cinq ou six foiz avec une vache.”

¹³¹ The age of responsibility, and of consent (which is clearly relevant here), was twelve for girls and fourteen for boys.

¹³² AN JJ 190 fo 33 no 64: “pechir.”

¹³³ AN JJ 190 fo 33 no 64 : “sachant iceulx estre enormes et detestables.”

¹³⁴ See Penelope Doob, *Nebuchadnezzar's Children: Conventions in Madness in Middle English Literature* (New Haven: Yale University Press, 1974); Jean-Marie Fritz, *Le discours du fou au Moyen Age: XIIe-XIIIe siècles* (Paris: Presses Universitaires de France, 1992), 165-191 for a discussion of the sermon literature

medieval audience from the Biblical story of Nebuchadnezzar, discussed in detail in chapter two, whose hubris led God to punish him with madness. However, in Guillaume's letter he explained that his sin caused guilt which led to madness. He did not perceive his madness as a direct punishment from God for his sinful behavior.

Although Guillaume confessed and received absolution from the church, he was never pursued by the king's justice, and therefore he believed he had not sufficiently paid for his crime.¹³⁵ In his remission letter, he explained that

for the grand displeasure and anger that he had towards himself for the horror and infamy of this and also for the great sin that he felt he had committed in this case towards God our creator, [he] entered into such a melancholy and displeasure that he was alienated and troubled in his good sense and understanding such that he had two or three times despaired and wanted to kill and drown himself, and afterwards he, thus troubled and altered, went before the eyes of the justice of Osain and of his own movement, without being constrained nor accused but liberally and of his frank will told and confessed having committed the said acts in the manner in which it is here above declared and for this cause was taken and constituted prisoner.¹³⁶

Guillaume was driven into a melancholy madness because of his feelings of horror and anger against himself about the sin he had committed in his youth. He was unable to assuage his self-directed anger through the mechanisms offered by the church, and so he

and theoretical literature that presents this argument. It is interesting that sermons did not make much of an impact in this case.

¹³⁵ See Mary Mansfield, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France* (Ithaca: Cornell University Press, 1995) for a discussion of guilt and confession, particularly pages 35-36, where she talks about cases where guilt prompted confession, and page 81 where she notes a sermon exemplum in which a woman commits suicide because of her inability to confess to having consented to her mother's murder. Note also Texier, "'Doulant et courroucié': Les avatars de la culpabilité dans les lettres de rémission du XIV^{ème} siècle," 490, where he links the narrative frame of remission letters to the system of religious confession in terms of temptation and repentance.

¹³⁶ AN JJ 190 fo 33 no 64: "pour le grant desplaisir et courroux quil en avoit en soy mesmes pour horreur et infame diceulx et aussi pour le grant pechir quil sentoit a ceste cause avoir commis envers dieu notre createur est entre en une telle merancolie et desplaisance quil sen est aliene et trouble en son bon sens et entendement et tellement quil a este par deux ou trois foiz en voye de desespoir et de fait sest voulu occire et noyer et apres lui estant ainsi trouble et altere sen est ale devant les yeus de la justice du lieu de osain et de son propre mouvement sans contraincte ne accusacion leut a liberalment et de sa franche volente dit et confesse avoir commis lesdis cas en la maniere quil est cy dessus declare et a ceste cause fut mis et constitue prisonnier."

turned himself in to the secular law, taking himself “before the eyes of the justice of Osain” in order to confess publicly to the government’s representatives. His decision to turn himself in to the officers of the law was described in the letter as part of his madness. The idea that a desire to be punished for committing a crime was evidence of a lack of reason appeared in at least two other letters,¹³⁷ suggesting that it was considered rational to try to avoid punishment. Guillaume’s troubling and suicidal desire to “kill and drown himself” was transferred into a desire for an equally suicidal but more public expurgation of his crime through the mechanisms of secular law. Indeed, it seems that Guillaume, or the notary who helped him compose his letter, had internalized the discourse of the execution of convicted criminals as public spectacle. Ultimately, however, since Guillaume himself sought this remission, he must have changed his mind about his desire for full punishment under the law.¹³⁸ Perhaps the reading of his confessional letter of remission by the local justice was a sufficiently public ritual to expiate his guilt, or perhaps Guillaume had recovered his “sanity” while in prison.

Jealousy appeared quite often in the remission letters, as a catalyst for despair and suicide and sometimes as a cause for murder. Jealousy was generally directed at spouses who had been unfaithful or who were suspected of such behavior. These jealous people acted on their emotions in ways that were considered excessive and unacceptable, but by attempting to comprehend these cases in terms of madness, the family and relatives could reconcile these actions and reintegrate those who survived these moments of rupture into

¹³⁷ AN JJ 188 fo 10 no 15 (in 1458) and AN JJ 188 fo 81 no 160 (in 1459). The former is edited in Paul Guérin, *Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France, Archives historiques du Poitou* (Poitiers: Société française d'imprimerie et de librairie, 1909), vol. 10, 92-94.

¹³⁸ Since all remission letters are for crimes punishable by death, a desire to receive remission indicates that Guillaume Sunoneau was no longer feeling suicidal.

the community. Symonnet de la Dert, called Bridalet, fell into jealousy in 1394 because of “false reports of women or other people” which had accused his wife of infidelity and his daughter (of marriageable age) of fornication.¹³⁹ As a result of his great jealousy he “became thus as if completely furious and insensible and stopped doing his work and became idle and for hours was in such a state that he did not know what he said nor what he did.”¹⁴⁰ Symonnet de la Dert’s entire household and community suffered, since he was incapable of working as a result of his jealousy, which (according to the letter composed on behalf of the wife and daughter) was entirely unfounded. He beat his wife and daughter, and then ran away to the woods for two days. After returning to his home, he still refused to work, forcing his wife and daughter to seek employment outside the house and leave him alone, when “being in his said fury, by temptation of the enemy, he hanged himself.”¹⁴¹

In a similar case from 1426, Jehannette Maillart committed suicide because she was “often weakened in her understanding, and as if furious, as much from drinking too much, in which she felt herself drowning, as from suspicion of jealousy that she had against her said husband without cause.”¹⁴² In this case, Jehannette Maillart’s madness was attributable either to her drinking¹⁴³ or to her jealousy of her husband. Neither her husband, who was seeking a letter of remission for her, nor the royal notary, who helped

¹³⁹ AN JJ 146 fo 83v no 162: “faulx rappors de femmes ou autres personnes.” It is not entirely clear who the “other people” described might be – men, one hazards.

¹⁴⁰ AN JJ 146 fo 83v no 162: “devint ainsi comme tout furieux et insensible et delaissoit afaire son labour et estoit oiseux et par heures estoit en cel estoit que il ne savoit quil disoit ne quil faisoit.”

¹⁴¹ AN JJ 146 fo 83v no 162: “estant en sa dicte fuerosite par temptacion de lannemj se pendi.”

¹⁴² AN JJ 173 fo 188v no 392, edited mistakenly as JJ 175 no 392 in Longnon, ed., *Paris pendant la domination anglaise*, 208: “souvent ebetée de son entendement, et comme furieuse, tant par trop boire dont elle se sentoit delegier, et par souspeçon de jalousie qu'elle avoit sans cause contre son dit mary.”

¹⁴³ Karla Taylor, in a personal communication in February 2006, pointed out that this description seems to fit the illness of hydromania, an excessive need for water. The text is ambiguous, and may refer to drinking too much water or could refer to becoming drunk, but either way her madness appeared connected to her drinking according to the composers of the letter.

compose the letter, considered it necessary to determine which was the ultimate source. The important point from the perspective of the letter composers was her lack of understanding, either due to her illness or to her jealousy, which made her lack culpability for any action she might take. In both these cases, the surviving family members insisted that the jealousy was unwarranted, establishing their own innocence in the sordid suicides. Rather, the suicide victims became the active party, causing their own deaths, both through their incapacity to understand the truth (that their spouses were faithful) and through the crimes that their jealousy and madness drove them to commit. In Symonnett's case, he would not have been given the opportunity to kill himself if his madness had not caused him to become idle and forced his wife and daughter to leave him alone in the house. Similarly, Jehannette's illness might have had as large a role in her ultimate death as her suspicion of her husband.

A third narrative of jealousy played out to a very different ending. It began with the same basic storyline. In 1425, Simon Rogate became jealous of his wife, who, he believed, was having an affair with Huguenin Baulion, the son of their neighbor, to whom it had been rumored that she might get married before her marriage to Simon. However, from that point the narrative departed from the familiar tale of mistaken jealousy. Rather, Simon Rogate actually caught his wife and Huguenin together in suspicious circumstances and confronted her. According to the letter, their confrontation turned into an argument, during which Simon's wife informed him that she "would have preferred to marry [Huguenin] than [Simon]" and admitted that she had had carnal relations with Huguenin.¹⁴⁴ This news "placed [Simon] in even greater suspicion, anger

¹⁴⁴ AN JJ 173 fo 168 no 349: "lamast mieulx avoir espouse que icellui suppliant."

and melancholy,” emotions that ultimately led him, several days later, to beat his wife.¹⁴⁵ Though he explained in the letter that he had intended the beating merely as a corrective, his wife died from it, and he was forced to seek remission for murder. Jealousy could drive people to a violent madness that was directed outwards, as well as towards themselves.

Moments of emotional upheaval in these letters often centered on conflicts between family members that caused one of them to become mad. Discord generally arose around questions of power dynamics within the family. The narratives built on points of tension between the familial hierarchy on the one hand and the desires of the family members to create space for their own autonomy on the other. While the disruptive response of the family member who struck out against the hierarchy was clearly considered unacceptable by the rest of the family, the label of madness opened up the possibility of resistance to the hierarchy while nevertheless forcing that resistance, ultimately, to be controlled and defused. These narratives described moments of rupture, where the accepted familial hierarchy was overturned, but only momentarily. By understanding these ruptures as moments of madness, the texts allowed for reconciliation and the reintegration of the recovered mad person into his or her expected position.

Marguerite Bouchart was around forty years old in 1489 when her husband decided (against Marguerite’s will) that they would move away from the village they had lived in for most of their married life. Marguerite explained that because “it was such a strange thing for her to make a new household, she became as if completely out of her good sense and understanding, and being in this grief and displeasure” she tried to

¹⁴⁵ AN JJ 173 fo 168 no 349: “mis en plusgrant souspecon courrouz et melancolie.”

prevent people from moving her things out of her house.¹⁴⁶ In what at first seems to be a rather petty act of defiance, Marguerite took a container of onions from the cart of moveable goods, threw most of them in the water, and cut up some others to eat right away. Marguerite's husband responded by yelling at her, and then began to beat her. She, "not knowing what she was doing" stabbed him with the knife she had been using to cut the onions, giving him a wound that proved fatal.¹⁴⁷

In many respects, Marguerite's remission letter reads like those of other domestic disputes that do not mention madness as a possible reason for a wife to kill her husband. Her husband was beating her while she was holding a knife in her hand for legitimate purposes, and before her husband died, he had forgiven her for the act.¹⁴⁸ Nevertheless, the decision to explain her actions as rooted in a temporary lack of sense and understanding, such that she "did not know what she was doing"¹⁴⁹ granted a particularity to her crime. Marguerite's actions were not merely those of a woman upset at leaving her home, but the actions of a woman whose distress at a situation she could not control had driven her out of her mind. The discourse of madness in this remission letter, in a sense, provided a space within which Marguerite could act upon her emotions, of sorrow and frustration, in a violent way. Her momentary experience of being "out of her senses" was considerably more transitory than the madness of other people who appear in remission letters. However, the way that the discourse of madness could be

¹⁴⁶ AN JJ 220 fo 52v no 90: "quil lui estoit chose fort estrange faire nouveau mesnage quelle en fut comme tout hors debon sens et entendement et elle estant en ceste douleur et desplaisir."

¹⁴⁷ AN JJ 220 fo 52v no 90: "ne savoit quelle faisoit."

¹⁴⁸ See Davis, *Fiction in the Archives*, 77-110, where she discusses the themes of accidental violence provoked by a beating in stories of women killing their husbands. Although she is addressing a later period, the themes are already present in these letters. See also Gauvard, "*De Grace Especial*", vol. 2, 573. Gauvard argues that domestic violence accounts for only two percent of the letters of remission. Interestingly, the percentage is much higher within cases citing madness as a reason for the crime.

¹⁴⁹ AN JJ 220 fo 52v no 90: "quelle ne savoit quelle faisoit."

deployed even in such a weak case suggests the strength of the conceptual connection between family strife, emotion and madness.

Madness was often seen as caused by family situations that could not be controlled. Phote, probably short for Philippote, Brumel, the widow of a knight, had a young daughter named Marguerite for whom she had arranged an advantageous marriage in 1379. Unfortunately, Marguerite had been impregnated by Phot, most likely a diminutive of Philippot, le Roy, their carter. When Phote discovered that her daughter was pregnant, and by an employee, she “was much marvelously grieved and astonished because she had believed that her said daughter was a good girl.”¹⁵⁰ According to the letter, the birth of the baby caused Phote to lose her reason, and

then the said Phote as if entirely despairing and angered by this event, still remembering how her said daughter was promised by marriage to a knight of the country, said to the said Phot, tempted by the enemy and as if out of her senses, that he should take the said infant and that he should carry it with her and that he should never talk about it. So the said Phot took the infant and carried it with the said Phote up to the place called the Lodges near the said town of Mareygnny and they found a well nearby into the which well the said Phote, thus angered and insane (*forsenée*) as has been said, said to the said Phot that he should throw the said infant and forthwith the said Phot threw this infant into the said well.¹⁵¹

The narrative presented a mother who was thwarted in her plans to support her daughter through an advantageous marriage, and who was driven mad by despair and anger. Her accomplice, Phot, moved to another town, where he was found and brought to justice, at which point Phote feared that she had been implicated in the crime. Indeed, Phote herself

¹⁵⁰ AN JJ 114 fo 116v no 236: “fu moult merveilliee dolente et esbahie car elle cuidoit sa dite fille estre bonne pucelle.”

¹⁵¹ AN JJ 114 fo 116v no 236: “lors la dite phote comme toute desesperee et courrociee dudit cas encore soy remembrant comme sa dite fille estoit promise par mariage a un escuier du pais dist audit phot temptee de lennemj et comme hors de son sens quil preist le dit enfant et quil le portast avec elle et que jamais il ne le rapporteroient adont le dit phot print le dit enfant et le porta avec la dite phote jusques au lieu dit les loges pres de la dite ville de mareygnny et trouverent un puis pres dillec dedans le quel puis la dite phote ainsi corrociee et forsenee comme dit est dist au dit phot que il y gectast le dit enfant et incontinent gecta le dit phot ycellui enfant dedans le dit puis.”

seemed to believe that her decision to kill the baby was wrong, since she and her daughter immediately went into self-imposed exile before seeking a letter of remission to exonerate her. She explained that the decision to commit infanticide arose from her despair that led her to become mad and take actions that, in a less stressful situation, she would never have considered.

Domestic problems had to be relatively excessive to believably provoke madness in response. For example, in a letter from 1490, Laurens de Pre explained that he had lived in a household with his wife's parents, which made for an uncomfortable domestic situation. After Laurens' wife gave birth to their first child, his mother-in-law, Marguerite Collard, conceived "such a great hatred" for him that she decided to keep her daughter away from him, and would not allow them to sleep together.¹⁵² This caused "great sorrow" for Laurens.¹⁵³ When Laurens tried one night to sneak into the bed that his wife was sharing with her mother, Marguerite Collard woke up and hit him on the head with a big stick. Temporarily out of his senses, he took out the knife he used to cut bread, and killed her. In this case, both an untenable situation that continued over time and a blow to the head at the moment of the crime were required to make Laurens de Pre so stunned "that he did not know what he was doing or where he was."¹⁵⁴

Family conflicts could also become the source of a form of temporary insanity with much milder results. For example, Gernaye Pillot moved to a new town, where in 1459 he became engaged without the counsel of his father or any of his family. When he came to ask his father to help him pay for his wedding, his father refused. "Troubled in his understanding" because of his father's refusal, Gernaye stole some cows to use to pay

¹⁵² AN JJ 221 fo 124v no 215: "si grant hayne."

¹⁵³ AN JJ 221 fo 124v no 215: "grant dueil."

¹⁵⁴ AN JJ 221 fo 124v no 215: "quil ne savoit quil faisoit ne ou il estoit."

for his wedding.¹⁵⁵ Because Gernaye was not the head of a household, he was subject to his father's will. Having broken that will by becoming engaged without seeking advice, Gernaye was punished, which caused him to resort to theft, further alienating himself from his family. The letter of remission, which he sought for himself, developed the theme of a prodigal son who was spurned, rather than fêted, on his return.

Conflicts were often instigated when the mad person, like Symonnett de la Dert described above, could no longer fulfill expected household roles. For example, during her pregnancy in 1423, Jehannette Voidié believed that her husband's income would not allow them to support a third child, despite his reassurance.¹⁵⁶ Her family later interpreted Jehannette's feelings of insecurity as a direct cause of her madness. When she gave birth to a son, she lost her milk because of an argument she had with the lying-in maid over some linens,¹⁵⁷ and the baby had to be sent to a wet-nurse.¹⁵⁸ This sent Jehannette even further into a melancholy, during which she did not interact with her husband or her other children, telling them that "they had in her a bad mother."¹⁵⁹ Jehan Lambert, her husband, repeatedly assured her that he made enough money to support their family, and then threatened to beat her if she continued to repine. She responded

¹⁵⁵ AN JJ 188 fo 82v no 163.

¹⁵⁶ AN JJ 172 fo 239 no 430, edited in Longnon, ed., *Paris pendant la domination anglaise*, 130-133.

¹⁵⁷ The period immediately following childbirth was a dangerous time, and conflicts between lying-in maids and mothers, resulting in a loss of milk or other problems with the baby, were not unusual. Indeed, a century later such conflicts were likely to result in witchcraft accusations against the lying-in maid. For more on these relationships, see Lyndal Roper, "Witchcraft and Fantasy in Early Modern Germany," in *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London: Routledge, 1994), 199-225.

¹⁵⁸ It clear from the text that Jehannette Voidié was expected to nurse her own child, but that the family had the resources to hire a wetnurse if that was necessary. Wetnursing was a relatively common practice at this time, despite a growing literature encouraging women to nurse their own babies for fear that the wetnurse's milk would adversely affect the child. For an exploration of these themes as they relate to Italy, see Christiane Klapisch-Zuber, "Blood Parents and Milk Parents: Wet Nursing in Florence, 1300-1500," in *Women, Family, and Ritual in Renaissance Italy* (Chicago: University of Chicago Press, 1985), 132-164.

¹⁵⁹ AN JJ 172 fo 239 no 430, edited in Longnon, ed., *Paris pendant la domination anglaise*, 130-133: "qu'ilz avoient en elle une mauvaïse mere."

that she wished he would beat her to death, and proceeded to attempt to commit suicide. When her child returned from the wet-nurse, he was very sickly, and Jehannette Voidié decided to take him on a pilgrimage. On the way, she stopped for her sister, and while she was waiting, Jehannette, upset about her child's weakness, "entered into her said melancholies and furor or lack of sense, as it is to be believed and presumed, and by temptation of the enemy threw this her infant into the well."¹⁶⁰ Her sister, hearing the splash, ran back. When she told Jehannette Voidié that she was a bad mother and had drowned her baby, Jehannette denied it, insisting that the baby was fine, and joining enthusiastically in the attempts to fish him out. Eventually, however, she left the scene and ran away. The letter thus describes a drastic change in behavior during this recent pregnancy that made Jehannette unrecognizable. Although the letter does not give much detail about her life before, it is clear that Jehannette's husband found her behavior baffling.

Unlike Jehannette, who was portrayed as mistaken about her husband's income, Gouyn Cluchat faced a real family crisis in 1459.¹⁶¹ When the plague arrived in their village, he moved himself, his wife, and their four young children to a neighboring town to escape from the danger. A few months later, Cluchat's wife fell ill with a fever, and he realized that they were running out of provisions. Although they had left behind some flour and some wine in their village, he did not dare to return for them because of the plague. Instead, he went into a nearby city to borrow some flour or some money to support his sick wife and his children, but no one was willing to help him. After escaping from the plague, he and his family seemed likely to starve instead. This crisis made

¹⁶⁰ AN JJ 172 fo 239 no 430, edited in *Ibid.*: "entra en sesdictes melancolies et fureur ou non sens, comme il est à croire et presumer, et par temptacion de l'ennemi gecta icellui son enfant ou puys."

¹⁶¹ AN JJ 188 fo 81 no 160.

Cluchat so upset that he went to a fountain in the town, thinking in his despair to drown himself, but a woman who happened to be passing stopped to ask him what he was doing, and he was so embarrassed he left. Arriving at his house, “as if he was out of his senses” Cluchat took an axe used for chopping wood, and hit his wife on the head with it and killed her.¹⁶² Here the composers of the remission letter described a more evident rupture of selfhood. Gouyn Cluchat was described through most of the letter as a man who cared for his family’s safety and wellbeing. He took them to a new town to escape from the plague, and went out to beg in order to prevent them from starving. It was only after his failure to provide for them that his identity cracked. Had his suicide attempt succeeded, he would have left his children and his sick wife to fend for themselves, which clearly does not fit his behavior pattern up to this point. His ultimate crime of killing his wife with an axe, therefore, was connected to this pattern of unacceptable behavior in the narrative.

In these cases, feelings of insecurity and a perceived inability (on the part of themselves or others) to care for their families led these people to madness and sometimes suicide attempts. Although neither Jehannette’s nor Gouyn’s story ended with self-murder, it is clear that their families saw a connection between their ultimate crime and their previous desire to turn their anger and fears against themselves. Family conflicts often arose due to the mad person’s inability to fulfill certain expected roles. Not all the remission letters about madness set up such clear patterns of usual and unusual behaviors in the lives of the individuals they described. Some relied on behaviors universally acknowledged to be unacceptable to create a pattern of madness that would be easily recognizable as inappropriate without elucidating the individual’s

¹⁶² AN JJ 188 fo 81 no 160: “come hors du sens et debilite de son entendement.”

patterns of behavior before becoming mad. Attempted suicide is one of the most commonly used referents in these cases. Nakedness and running through the fields was also a general behavioral sign of madness. Beyond these patterns of mad behavior, however, the letters actually attempted to enter into the mad person's perception of reality in order to understand how the particular mad person understood the world and why he or she might therefore have committed a criminal act. Even in cases where the fears of the mad are unfounded, they are based on recognizable problems.

V. (Re)considering the Past

There was no single way to reconstruct the past in remission letters, and no particular narrative that acted as proof of a history of madness. Each story reconstructed the past of the individual in a way that highlighted those moments that seemed mad to the composers. In the case of Jehan de Moustier with which this chapter began, his mad behavior was centered on food. The narrative of his letter confirmed his madness, arguing that it was clear from his actions and also providing a clear history of behavior that led up to the murder of his father.¹⁶³ While on the one hand this exculpated Jehan de Moustier completely, on the other it confirmed his madness to such an extent that he was only released into the care of his family on condition that he be kept chained. Jehannette Voidié's actions were described much more cautiously, whether by the choice of her relatives and close family or because of the recommendation of the royal notary. While her suicide attempts were certainly attributed to her melancholy, the language used in the remission letter suggests some doubt about what caused her to throw her child into the well. It was "presumed" that she entered into her melancholy and frenzy, but it was not

¹⁶³ AN JJ 118 fo 18v no 18.

certain.¹⁶⁴ In the end, Jehannette Voidié was given remission on condition that she be kept in prison for fifteen days on bread and water, and that she pay for fifty masses to be sung for her dead child, a punishment that seems more appropriate for someone who was in fact guilty of committing a crime, rather than someone who was not considered responsible for her own actions.

Jehan Lambert could support another child, but there were people whose fears were not so imaginary. Gouyn Cluchat, stuck between plague and starvation, was unable to support his family.¹⁶⁵ The composers of his remission letter emphasized the fact that Gouyn Cluchat was unable to find help in the region, and that the murder of his wife was caused by extreme provocation. Unlike Jehannette, Cluchat was fully aware of what he had done, and went out of the house to find some neighbors so that he could tell them that he had just killed his wife. Indeed, he went even further, traveling to the nearby city of Combronde and demanding that they put him to death for his crime. To the family members composing his letter of remission and even to the officers in Combronde, his desire to be hanged was further proof of his madness. However, the composers of his letter explained, since the officers did not dare to proceed against him he was likely to remain in prison indefinitely, unless the king stepped in to pardon him. This letter, like many others, leaves us with no clear picture of the ultimate fate of the madman. He was released from prison on the authority of the king, and with no conditions such as keeping him chained up or under guard. His family seemed to believe that his release would prevent his children from becoming beggars, but they provided no hint about what would be done to cope with his extreme melancholy and his desire to be punished for his crime.

¹⁶⁴ AN JJ 172 fo 239 no 430, edited in Longnon, ed., *Paris pendant la domination anglaise*, 130-133: “comme il est à croire et presumer.”

¹⁶⁵ AN JJ 188 fo 81 no 160.

In these three cases alone, there are distinct understandings of madness at work. With Jehannette, her lack of knowledge of having committed the crime demonstrated to her family that she was not in her right mind when she did it.¹⁶⁶ In this case, her inability to recognize the results of her actions while mad meant that she did not act with intent, although the fact that she was required to pay for masses for her baby's soul suggests that there was some question about whether she nevertheless deserved to be punished. Jehan de Moustier was also unable to recognize his crime. When he was told that he had killed his father, he responded that "he was only my father according to whispers," which suggests that he was denying his own identity.¹⁶⁷ In contrast, Gouyn Cluchat's admission of guilt and, further, his active desire to be punished for his crime, was cited by his family and by the officers at Combronde as a clear indication of his insanity.¹⁶⁸ In his insistence on guilt and punishment, the composers of his remission letter dealt with the concept of irrational behavior. Unlike the crime itself, which could be comprehended due to his flawed perception of reality, the decision to seek punishment for that crime was seen as irrational.

The significance of the crimes committed by people who were believed to be mad lay not in the actual act but in the victims of those acts. Even when mad people caused a crime to occur, they were implicated in that crime specifically because of their inability to conform to expected patterns of behavior and because that inability threatened their family and community. These crimes were troubling because they disrupted accepted

¹⁶⁶ Guillaume Audoyne was also unable to remember that he had beaten his wife in AN JJ 160 fo 70v no 91, edited in Guérin, *Recueil des documents concernant le Poitou*, 80-82.

¹⁶⁷ AN JJ 118 fo 18v no 18: "il dist que il nestoit son pere que dans oreille."

¹⁶⁸ This is also the case for Guillaume Sunoneau, who committed bestiality and chose to turn himself in to the local officials because of his guilt. See AN JJ 190 fo 33 no 64 (in 1460).

social codes, not because of the nature of the crime itself but because the victim of that crime was someone or something that should not be targeted by the mad person. These remission letters sought to tell a story that embedded the particular moment of the crime in a narrative structure that could explain these ruptures as part of a general pattern of mad behavior. It is precisely through attempts to comprehend these misconceptions of the mad that these narratives can begin to allow a reconciliation between the mad person, or the mad person's family, and the community. By trying to explain the transgressions of the mad in comprehensible terms, the narratives provided a bridge to reconnect the kin and community ties that were ruptured through the particularities of the mad person's crime. The family's choice to seek a remission letter in order to advocate for the mad person was a particularly resonant act on his or her behalf. The next chapter will consider the way that the acts of the mad threatened kin and communal ties, and how those ties were reaffirmed through these letters of remission.

Chapter 5:

Intimate Disasters: Madness in the Community

Remission letters performed a particular legal function, by allowing stringent laws to be overturned in particular cases. Perhaps most significantly from the perspective of the supplicant, remission called for the reintegration of the criminal into his or her former position within society. The formula of the letters included a clause releasing the criminal from all corporal or civil punishment pertinent to the case, adding “and we have restored and we restore him to his good reputation and renown in the country.”¹ The crime was to be erased on the level of local justice, and it was to have no effect on the criminal’s reputation. As chapter three discussed, “*fama*,” or “reputation,” was both an important legal category² and at the same time a social category, determined by and

¹ AN JJ 130 fo 118v no 217, edited in Annie Saunier, “Hors de sens et de mémoire’: une approche de la folie au travers de quelques actes judiciaires de la fin du XIIIe à la fin du XIVE siècle,” in *Commerce, finances et société (XIe-XVIe siècles) : recueil de travaux d’histoire médiévale offert à M. le Professeur Henri Dubois*, ed. Philippe Contamine, Thierry Dutour, and Bertrand Schnerb (Paris: Presses de l’Université de Paris-Sorbonne, 1993), 489-500, 497: “Et l’avons restitué et restituons à sa bonne fame et renommée ou pays.”

² *Fama* could affect a person and his or her family’s standing in civil cases, ability to make contracts, and likelihood of conviction in criminal cases. For an exploration of the development of the legal concept of *infama*, see Edward Peters, “Wounded names: The medieval doctrine of infamy,” in *Law in medieval life and thought*, ed. Edward B. King (Sewanee, TN: University of the South Press, 1990), 43-89. For an analysis focused more directly on France, particularly on the question of reputation in French customs, see F.R.P. Akehurst, “Good Name, Reputation, and Notoriety in French Customary Law,” in *Fama: The Politics of Talk and Reputation in Medieval Europe*, ed. Thelma Fenster and Daniel Lord Smail (Ithaca: Cornell University Press, 2003), 75-94. Daniel Smail has shown how reputation played a large role in both civil and criminal legal cases in Marseille, looking particularly at the ways in which witnesses’ reputations could be challenged in order to erase their testimony. Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca: Cornell University Press, 2003).

affecting one's standing in the community.³ Clearly the crime could not be erased in reality. In cases of murder, the victim would still be dead, and in cases of theft, even if stolen goods were returned, the crime would remain in the memories of the neighbors of the criminal. A royal decree could not truly affect communal memory. Nevertheless, this legal erasure allowed people to return to their communities, either released from prison or returned from self-imposed exile. Indeed, the fact that remission was sought by individuals who had chosen to go into exile to escape from their crimes suggests the importance of the bonds of family and community. These supplicants implied in their letters that self-imposed exile was as much of a punishment as official banishment by the system of justice would have been.

Muriel Laharie, in her book on madness in the eleventh through thirteenth centuries, notes that the law allowed mad people to be released from prison if they recovered. She suggests, however, that most families would have preferred to leave their mad relatives in prison, paying for their upkeep, but otherwise free of the burden of caring for them, particularly since a recovery was no guarantee that the madness would not resurface later.⁴ But the evidence from remission letters of the fourteenth and fifteenth centuries shows that many families preferred to have their relatives released into their care. Indeed, in most cases the mad people were still suffering from illness when the family asked for them to be released from prison. While the composers of the letters generally did not mention the methods put in place for caring for the mad after their release from prison, they often described the situation of the mad person before the crime was committed.

³ Barbara Hanawalt, *"Of Good and Ill Repute": Gender and Social Control in Medieval England* (New York: Oxford University Press, 1998), 1-14.

⁴ Muriel Laharie, *La Folie au Moyen Âge: XIe-XIIIe siècles* (Paris: Le Léopard d'Or, 1991), 253-255.

The composers of remission letters for the mad drew on idealized visions of communal responsibility in their texts. They inscribed an image of a cohesive community ruptured by the madness of the individual. Despite or perhaps because of this rupture, the communities envisioned by the letter composers worked towards resolution and restructuring. King Charles VI in his madness simultaneously threatened the community of the realm and acted as a figure around which French sentiment could gather.⁵ The composers of narratives about mad people on a more local level mirrored the king's madness. They reimagined the past by exploring options for preventing the crimes of the mad before they occurred, and suggested hopes for the future by reintegrating the mad into their families and communities. When the madness was purportedly of long standing, these letters included details about attempts made to cure the mad by taking them on pilgrimages or, in one case, seeking a physician's aid. The letters also described methods of restraining the mad, by keeping them in chains, or locking them in a small room or outbuilding. Some were kept under surveillance, guarded by their family or by helpful neighbors. These recollections of seeking cures for the mad or attempting to guard them placed the concerns of the mad at the center of the families' prayers and daily lives. Later letters introduced a new external threat: sorcerers who could represent the root of madness in their communities, and provide a cathartic release of the tensions madness created.

⁵ See the further discussion of Charles VI in chapter two.

I. Moments of Rupture: Crimes against the family and the community

Every letter of remission began with the implicit acknowledgement that a crime had been committed, but the revelation of the crime was delayed until the culmination of the narration. That said, some letters foreshadowed the nature of the crime through particular phrases. For example, often an individual was introduced as “the late”⁶ so-and-so, generally (although not always) indicating that that person would lose his or her life in the course of the narrated events. Indeed, often a clear indication of suicide was the linkage of “the late” with the name of the individual on behalf of whom the remission was being sought. The particular types of crimes committed by mad perpetrators signaled a departure from expected behavior, much like the kinds of details recalled from the past that established the onset and development of the perpetrator’s madness. All remission narratives were constructed around the moment of a crime. Although the accused perpetrator did not admit his or her guilt in every case, nevertheless a description of the crime of which the supplicant was accused appeared in every letter. Every type of crime committed by a person labeled as mad in remission letters also appeared in other letters committed by a sane person. However, there are patterns to the crimes associated with madness that go beyond the surface of the act committed. These were acts that were particularly damaging to the family or the community of the mad person. The association of madness with crimes targeting people or things that should be protected has also been shown by Michael MacDonald in his study of seventeenth-century England.⁷ These crimes were not described as random, but rather as disruptive of important social and familial ties due to the mad person’s lack of understanding. In the remission letters,

⁶ *Feu* or *feue*.

⁷ Michael MacDonald, *Mystical Bedlam: Madness, Anxiety, and Healing in Seventeenth-century England* (Cambridge: Cambridge University Press, 1981).

families tried to make sense of the targets of mad people's crimes in terms of their own altered reality. The letters' composers entered into the mind of the mad to try to comprehend these incomprehensible crimes from the mad person's perspective.

In addition to attempting to comprehend the crime, the families of the mad who wrote remission letters tended, like most people seeking remission, to be concerned with issues of reputation and family unity. The existence of these remission letters for the mad suggest that having a criminal in the family, or a family member in prison, was more damaging to the reputation than admitting a family member was mad and caring for that mad person in the household. Crimes against the community, particularly such crimes as arson or theft, required a careful explanation that allowed the mad person and his or her family to be exculpated in the eyes of the community as a whole. In cases of crime within the family, the choice to seek a pardon from the king may have been an effort to reaffirm the familial and communal ties which had been ruptured through the criminal act. The letters attempted to reunify the family fractured by the mad person's criminal frenzy.

Perceptions of madness both affected and were affected by the particular crimes associated with mad criminals. No crimes were considered exclusively "mad crimes."⁸ However, while the basic crime is the same, the details in the letters reveal particular ways in which crimes committed by the mad were distinctive. The majority of these crimes acted against the mad person's own identity or against his or her family.⁹ These

⁸ Indeed, it is worth pointing out that many of these crimes were those Gauvard refers to as "stereotypes of serious crimes." See Claude Gauvard, "Fear of Crime in Late Medieval France," in *Medieval Crime and Social Control*, ed. Barbara Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1999), 1-48.

⁹ Identity is being constructed through these letters in terms of the individuals' relationship to others, particularly their participation in groups, specifically family and community. I am basing this partly on Carolyn Walker Bynum's description of identity construction in the twelfth century, Caroline Walker

types of crimes were troubling to the family and the royal notary who worked together to compose these letters, and this discomfort translated itself into the description of the mad person and the crime committed.

Crime	Number	Percentage of Total	Male	Female
Arson	8	5.5%	5	3
Bestiality	3	2%	3	0
Blasphemy ¹⁰	5	3%	5	0
Cause of Murder	8	5.5%	1	7
Infanticide	5	3%	0	5
Murder	32	22%	27	5
Rape ¹¹	3	2%	3	0
Suicide	18	12%	8	10
Theft	26	18%	19	7
Treason ¹²	11	7.5%	11	0
Victim of Crime	17	12%	11	6
Other	9	6%	6	3
Total	145		99	46

Table 2: Crimes of the Mad

Murders of Family and Neighbors

The crime of murder was disruptive to a community, regardless of the mental state of the perpetrator. Murder had the potential to spiral into a feud with an extended

Bynum, "Did the Twelfth Century Discover the Individual?," in *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1984), 82-109.

¹⁰ I discuss the crime of blasphemy and the increasing of penalties during Charles VI's reign in chapter 2.

¹¹ There are very few rape cases that mention madness, though there are considerably more rape cases in letters of remission as a whole. For more, see Claude Gauvard, "*De Grace Especial*": *Crime, état et société en France à la fin du Moyen Age* (Paris: Publications de la Sorbonne, 1991), 2 vols., vol. 1, 330-339; Walter Prevenier, "Violence against Women in a Medieval Metropolis: Paris around 1400," in *Law, Custom, and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon*, ed. Bernard S. Bachrach and David Nicholas, *Studies in Medieval Culture, XXVIII* (Kalamazoo: Western Michigan University Press, 1990), 263-284; Walter Prevenier, "Violence against Women in Fifteenth-Century France and the Burgundian State," in *Medieval Crime and Social Control*, ed. Barbara Hanawalt and David Wallace (Minneapolis: University of Minnesota Press, 1999), 186-203.

¹² See the detailed discussion of these letters about treason in chapter 2.

kin network and sometimes the entire neighborhood taking sides.¹³ Remission letters, read out loud in front of the adverse party and open to objection, could play a role of mediation between the two sides, clarifying the case from the perspective of the criminal and attempting to temper the anger of the surviving family. Indeed, murder was the most common crime for which to seek remission in general. Claude Gauvard, in her study of remission letters, argues that when an attempt was made in 1400 to curb the number of remissions being granted, the letters became more focused on homicide as the particular crime for which remission should be granted.¹⁴ Whereas my own numerical study of remission letters suggests that Gauvard is mistaken in her assessment of the impact of this regulation,¹⁵ homicides certainly did account for a large percentage of the letters from the time when they were first instituted, and the percentage increased over time. Of the 145 letters about mad people examined for this dissertation, 32 provided remission for murder, making up the highest percentage. The narratives of murder cases involving mad people were different from the more common passionate, drunken murders, however. In most cases, mad people murdered friends or family members. While these types of murders could be committed by sane people, the pattern is still suggestive of a larger concept of the relationship between madness and crime. As noted in chapter three, Roman law established that mad people should not be held responsible for parricide,

¹³ See for example, Mark D. Meyerson, "The Murder of Pau de Saint Martí: Jews, *Conversos*, and the Feud in Fifteenth-Century Valencia," in "A Great Effusion of Blood"? *Interpreting Medieval Violence*, ed. Mark D. Meyerson, Daniel Thiery, and Oren Falk (Toronto: University of Toronto Press, 2004); Robert Muchembled, *La Violence au village: Sociabilité et comportements populaires en Artois du XVe au XVIIe siècle* (Turnhout: Brepols, 1989); Edward Muir, *Mad Blood Stirring: Vendetta and Factions in Friuli during the Renaissance* (Baltimore: Johns Hopkins University Press, 1993).

¹⁴ Gauvard, "De Grace Especial", vol. 1, 64.

¹⁵ Gauvard uses the numerical decrease to make her argument, but remission letters remain as the same percentage of total chancery business, suggesting that it is not a decrease in the granting of remission that is being marked but a decrease in the use of the chancery. Given that this decrease occurs during a period of civil war and governmental instability due to Charles VI's madness, it seems more likely that this general upheaval, rather than a targeted effort to limit remissable crimes, caused the numerical decrease in remissions granted.

creating a direct link between madness and intrafamilial murder.¹⁶ Indeed, in these remission letters mad people seldom appeared lashing out at complete strangers, and when they did it was usually in the context of the stranger seeking remission for having killed the mad person.¹⁷ The murder of close companions and family members was seen as a particularly disturbing act, and, in cases where there were other recognizable factors that contributed (if only in retrospect) to the medieval image of madness, such a murderer could be viewed as mentally disturbed.¹⁸

In sixteen of the cases of murder by a mad person, the victim was a member of the murderer's family. Most of these involved the murder of a spouse, although there were also several cases of murder across generations, where the victim was the father, mother-in-law (but never the mother), father-in-law, or uncle.¹⁹ These murders most often occurred in the household, combining both relationships and spaces where murder was jarringly unexpected. Unlike the public tavern, where drunken arguments could lead to accidental murder with the daggers and knives carried by most people,²⁰ murders in the household were seen as disruptive. Even the weapons chosen carried added significance. Household murderers picked up whatever weapon happened to be lying around, often an axe used to chop wood or a stick with iron on the end of it, such as a utensil used to trim

¹⁶ Theodor Mommsen and Paul Krueger, eds., *The Digest of Justinian* (Philadelphia, PA: University of Pennsylvania Press, 1985), 4 vols., vol. 4, 822, Book 48.9

¹⁷ For example, AN JJ 89 fo 142v no 340 (in 1357); AN JJ 172 fo 113v no 221 (in 1422); and AN JJ 219 fo 132 no 216 (in 1488).

¹⁸ Both Claude Gauvard and Barbara Hanawalt have looked at murders between relatives in France and England, respectively. See Claude Gauvard, *"De Grace Especial": Crime, état et société en France à la fin du Moyen Age* (Paris: Publications de la Sorbonne, 1991), 2 vols., vol. 2, 573 for her discussion of violence between married couples, which she found to compose only 2% of cases. Hanawalt notes that "[a]bout a third of the intra-familial homicide cases tried in gaol delivery were committed by the insane." Barbara Hanawalt, "The Peasant Family and Crime in Fourteenth-Century England," *The Journal of British Studies* 13, no. 2 (1974): 1-18, 11.

¹⁹ Those cases where the victim is the mad person's child will be treated separately, under infanticide, since such cases were categorized separately under medieval legal traditions.

²⁰ Nicole Gonthier, *Cris de haine et rites d'unité: La violence dans les villes, XIIIe - XVIe siècle* (Turnhout: Brepols, 1992), 113-115.

vines or a hoe. The letters always specified the quotidian use of these household items, clearly indicating that the crime was not premeditated and that the murder weapon was easily at hand, and not a weapon, such as a sword, intended for use only in violence approved by the king.²¹

Several of the murder cases took place in the middle of the night, a common time for murder according to other studies of medieval crime.²² However, these murders did not follow the usual pattern of nighttime homicides. Rather, most took place in the household, and often between people sleeping in the same bed. In 1392, for example, Pierre le Bagnaudel, who “was often furious, lunatic and out of his memory”²³ went to bed one Sunday night, and woke up again in the early hours of Monday morning in a state of madness. He beat his wife with a hoe, then got back into bed beside her and slept until morning, still holding the murder weapon. Pierre le Bagnaudel’s lack of recognition of his actions and the fact that he remained beside the mortally wounded body of his wife, holding the murder weapon in his hand, rather than running away, were pointed out by his family as a further indications of madness.²⁴ A similar story from 1425 described the actions of Jehannecte Troppé, who woke up in the middle of the night seeing visions that led her to beat her husband. When she went back to bed, her husband woke her again and she was shocked when she lit a candle and saw his wounds. The letter specifies that she cared for her husband’s wounds “not knowing she had done the said

²¹ The letters feel rather like a game of *Clue* as a result. “It was Jehan de Moustier in the kitchen with the stick used to trim the vines.”

²² Nicole Gonthier notes that curfews were instated because night was seen as a time that “peut cacher les criminels et favoriser leurs intentions perverses.” Nicole Gonthier, *Le châtement du crime au Moyen Âge* (Rennes: Presses Universitaires de Rennes, 1998), 53-55.

²³ AN JJ 143 fo 207 (number illegible): “souventeffoiz est fureur lunatiques et hors de son memoire.”

²⁴ Voluntary exile after committing a crime was an accepted, and in some cases even expected, response.

deed.”²⁵ The marriage bed, unlike the public street, was a location in which violence was unexpected and disturbing, and this type of violent attack on a spouse who was sleeping ruptured the safe haven of the household.

Remission letters construed mad crimes as acts that disrupted a person’s social identity, which was defined through kin and communal bonds. One letter in particular focused attention on the multiple levels on which the murder did not fit into the expected behavior of the perpetrator. Jehannecte de la Forge, a widow living in Saint Germain la Ville, had been “often mad and deprived of reasonable understanding and of all sense.”²⁶ She was taken to Notre Dame de Tanovay in 1403, presumably seeking a cure, though the letter does not specify that, and was walking down the street when she came across a young girl about eighteen months old, “whom she loved as much as she could when she was in her good senses.”²⁷ In her madness, however, she threw the child to the ground and cut her throat with a “scipe” (perhaps a scissor) and killed her. The letter emphasized that Jehannecte de la Forge “had never had any hatred for her or for any family of hers.”²⁸ Clearly, the actions of Jehannecte de la Forge when mad were a departure from her identity when sane. The murder of a young child whom she loved when she was sane was only explicable in the context of her lack of sense. The composers of her letter of remission fulfilled a dual purpose in commenting that she had no quarrel with the girl or with her family. This statement simultaneously denied the possibility that the murder might have been motivated by some familial rivalry and insisted on the disconnection

²⁵ AN JJ 173 fo 33v no 63. Edited in Paul Le Cacheux, ed., *Actes de la chancellerie d’Henri VI concernant la Normandie sous la domination anglaise (1422-1435), extraits des registres du Trésor des chartes aux Archives nationales* (Rouen: A. Lestringant, 1907-1908), vol. 1, 181-183: “non sachant avoir fait ledit fait.”

²⁶ AN JJ 158 fo 11 no 20: “souvent forcenee et desmuae dentendement raisonnable et de tout sens.”

²⁷ AN JJ 158 fo 11 no 20: “laquelle elle aymoît tant que plus ne pavoit quant elle estoit en bon sens.”

²⁸ AN JJ 158 fo 11 no 20: “navoit aucune hayne aycelle ne aux amis delle.”

between Jehannecte de la Forge's status as a widow in the community and her actions while mad.

In each of these cases of murder, the mad perpetrator violated expectations of safety that were in place due to kin relationships or neighborliness. Pierre le Bagnaudel's wife and Jehannecte Troppé's husband were both sleeping, trusting that their spouses would care for them. Neither relationship was described as unusually tense, except that both Pierre and Jehannecte were known to have had episodes of madness previously. However, much as Charles VI was allowed to govern the realm during his periods of sanity, Pierre and Jehannecte were incorporated into their usual roles as loving spouses. Jehannecte de la Forge, similarly, killed a child whom she loved, violating the expectations of the girl's family, that she would be safe in the neighborhood, where she was known and loved.

Theft in Inappropriate Circumstances

The second most common crime in letters for the mad was theft.²⁹ The invocation of madness tended to appear in letters where people had chosen inappropriate targets for their thefts, again disrupting expectations of safety, this time of goods. The narratives also described thefts that provided no material benefit for the perpetrator, who either threw away the stolen goods or had no knowledge of where they had hidden them. In these letters, the use of the rhetoric of madness was a more subtle indication of popular considerations of folly and, compared to murder cases, a less dangerous lack of sense.³⁰ However, some of these letters did represent the thief as threatening, shifting the

²⁹ This also follows the general pattern for remission letters as a whole. Theft made up 16% of total crimes in Gauvard's study. Gauvard, *De Grace Especial*, vol. 1, 242. See table 8.

³⁰ See for example AN JJ 99 fo 173v no 567 (in 1368); AN JJ 106 fo 173 no 318 (in 1374); and AN JJ 106 fo 184v no 352 (in 1374).

terminology of madness from “foolish” to “furious,” “without good sense and understanding,” and “melancholy”.³¹

In some cases, the thief’s madness was constructed through an understanding of the inadvisability of the particular crime committed. For example, a letter from 1428 described the actions of Marion Hodee, who stole from her master, the local captain of the guard. The relationship between the thief and her victim was a hierarchical one, and in addition his role as captain of the guard made him a dangerous target for any theft. As the letter composers explained, Marion had “little understanding and was as if an idiot or insensible” and she acted “without thinking she was doing wrong,”³² a characterization that in part sprang from her actions, which were clearly perceived as idiotic. The choice to steal from her employer was not well-considered. In addition to the attempt to justify Marion’s actions in terms of her lack of understanding, the letter explained that she was driven to steal from her master because her relative, Jehan Baptiste, wanted revenge on the captain for having dishonest relations with Jehan’s wife. The complex social relationships involved in this narrative highlighted the difficulty of the situation for Marion. Her kinship with Jehan, a horizontal tie, led her to act against her master, with whom she had vertical ties. The whole situation arose because Marion’s master had taken Jehan’s wife as a mistress. Marion was exonerated, then, both because it was her kinsman’s idea and because, being a simple and insensible woman, she did not know that what she was doing was wrong. Indeed, as the letter explained, Marion was caught because she was witnessed throwing the goods she had stolen into the castle moat. The

³¹ See AN JJ 107 fo 193v no 377 (in 1375); AN JJ 115 fo 52 no 114 (in 1379); AN JJ 188 fo 82v no 163 (in 1459); and AN JJ 196 fo 192 no 307 (in 1470).

³² AN JJ 174 fo 68v no 163: “poy sachant et qui est comme ydiote ou insensee”; “non cuidant mesprendre.”

portrayal of Marion as mad held power because her crime could be recognized as ill-considered and lacking any personal benefit.

Many cases involving mad thieves present hierarchical relationships between the thief and his or her victim, suggesting that these crimes were viewed as especially problematic. In a letter composed in 1387, Guillorz de la Cayroze humbly requested the release of his son, Perym. The young man, who was only fifteen at the time, had been arrested under suspicion of theft from a merchant staying in the inn that Guillorz de la Cayroze maintained in Angiers. The letter began as a straightforward tale about a merchant who left his well-filled purse in a sack in his room. During his absence, the purse was stolen, and he accused the innkeeper's son of theft. At this point, the letter's narrative became more complicated. Perym, after undergoing torture in prison, confessed that he had taken the purse. First he claimed it was in the bed in the chamber where the merchants were staying, but when the authorities looked for it there, their search was fruitless. Perym then denied having taken the purse until they began to torture him again, at which point he again confessed, providing them with a new hiding spot that again turned out to be empty. According to the letter, this wild goose chase continued for some time, and the money was never found. Guillorz used the remission letter to insist that his son should be released, "considering the youth of the said Perym who is as if completely idiotic and does not have a good natural sense."³³

In Perym de la Cayroze's case, the composers of the remission letter constructed a complex narrative to explain why he should be released from prison. Unlike other letters that established the subject's madness from the beginning, here it was not raised until

³³ AN JJ 130 fo 159 no 282: "considerant aussi la jeuneses du dit pym qui est comme tout ydiot et na pas bon senz naturel."

near the end of the letter. Instead, the letter began with a straightforward crime that only became troubling when the boy confessed. Through the structure of the narrative, it was Perym's many false confessions under torture that made his status as an idiot without good common sense believable. Aside from descriptions of Perym's own confessions, each of which was retracted after the torture was removed, nowhere does the letter admit that Perym was guilty of stealing the money. In this way, the letter excused Perym on multiple levels. Other than his retracted confessions, there was no proof that he had taken the money, and even if he had stolen it, his youth made such actions excusable, and his lack of sense made him immune to punishment.

Clearly sane thieves could and did also steal from their social superiors.

However, as both of these cases indicate, the particularity of the relationships between thief and victim and therefore the potential damage to the thief's own livelihood or that of his or her kin due to the theft made these cases troubling. Both Marion Hodee's and Perym de la Cayroze's alleged victims had the power to pursue them. Both were suspects because they had access to the victims' belongings, but they also had much to lose by committing the theft. The crime itself could be construed as an act that violated Marion Hodee's and Perym de la Cayroze's position in the community, as well as threatening their own or their family's livelihood. Perym's case simultaneously indicated the folly of the crime, which had already had an adverse effect on his father's business, and the foolishness of Perym, who confessed under torture to a crime that, his father insisted, he had not committed.

Homicide Against Themselves

Letters about murder indicate the ways in which medieval concepts of madness could help people understand and reconcile different types of homicides in particular locations. Perhaps one of the most problematic targets of mad violence was the self. Indeed, some of the letters about murder cited previous suicide attempts as proof of the person's madness. With eighteen of the 145 letters, suicide was the third most common crime for which families mentioned madness as an explanation, which shifts away from the pattern for remission letters in general. Gauvard lists suicide as a mere 0.4% of the crimes committed in remission letters during Charles VI's reign,³⁴ whereas suicide makes up 12% of the crimes committed by mad people. Again, these letters highlighted problems of identity, family, and community.

In his study of suicide in the Middle Ages, Alexander Murray found that “a suicide, or suicidal thought or act, follows an event of social dislocation, whether from crime, disgrace, or financial ruin.”³⁵ Many remission letters followed this pattern, describing a particular despair or an illness that brought on the decision to die. Suicide was considered both a religious sin and a civil crime in the Middle Ages. The Christian church, through the figure of Judas, informed people that suicides were damned for eternity. In medieval art, suicides were associated with the vice of Despair, usually paired with the virtue of Hope, first through the figure of Judas, and later with general suicidal figures, depicted either hanging from a rope like Judas or stabbing themselves

³⁴ Gauvard, *De Grace Especial*, vol. 1, 242. See table 8.

³⁵ Alexander Murray, *Suicide in the Middle Ages Volume I: The Violent against Themselves* (Oxford: Oxford University Press, 1998), 2 vols., vol. 1, 317.

with a knife.³⁶ Theologians took up this concept and further developed it. Augustine, for example, in *The City of God*, argued that suicide was a violation of the commandment “thou shalt not kill.”³⁷ Thomas Aquinas, in his *Summa Theologica*, agreed that suicide was a sin. He expanded Augustine’s evaluation of why, building on the idea that suicide violated this commandment, and arguing that suicide further violated natural love and charity, according to which man should love himself. Perhaps most significantly, Aquinas stated that “every man is part of the community, so that he belongs to the community in virtue of what he is. Suicide therefore involves damaging the community....”³⁸ The concept that suicide injured the community as a whole by harming one member provides an interesting perspective on medieval laws against it. The secular government helped the church to regulate suicides by confiscating the body and the goods of suspected suicides. The body would not only be buried in unconsecrated ground, but would also be symbolically executed by being hanged as a murderer. The suicide’s goods were confiscated by the crown, often leaving the remaining family destitute as well as destroying their reputation and standing in the community.³⁹ As a result, suicide was a crime not only against the self and the community, but also against the surviving family.

Some remission letters focused solely on the dire situation of the innocent family members. In these letters, the suicide him- or herself played a small role, whereas the

³⁶ See Moshe Barasch, “Despair in the Medieval Imagination,” *Social Research* 66, no. 2 (1999): 565-576 for an exploration of this phenomenon in art.

³⁷ Augustine, *The City of God against the Pagans*, ed. George E. McCracken, trans. George E. McCracken (Cambridge, MA: Harvard University Press, 1957), 7 vols., vol. 1, 90-95, Book I.20.

³⁸ Thomas Aquinas, *Summa Theologiae*, ed. James J. Cunningham (London: Blackfriars, 1964), 60 vols., vol. 38, 32-33, 2.2.64 Art. 5. “homo est communitatis: et ita id quod est, est communitatis; unde in hoc quod seipsum interficit, injuriam communitati facit....”

³⁹ Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France* (New York: E.J. Brill, 1993), 141-142.

remaining family's size, economic needs, and innocence were highlighted.⁴⁰ While this focus worked, in the sense that it provided families with remission letters and a return of the confiscated goods, it did not exculpate the suicide completely. In an attempt to fully remove the stigma of suicide, many letter composers tried to establish that the suicide was not in his or her right mind when he or she died. Others went even further, arguing that the person had been under the watchful gaze of family members or neighbors, and that it was through cunning that he or she escaped from notice long enough to perform the suicidal act. For example, in 1421 Denis Sensigaut, a baker living in Saint-Marcel les Paris, had been ill for fifteen days of a "sickness of heat." According to the letter composed on behalf of his widow, Jehannette, he had received last rites before falling into a "frenzy." One day, when Denis had asked Jehannette to go to Paris to take his urine to a physician, he sent his nephew off to find him some milk and told the woman taking care of him to eat something. Having disposed of all his guards, Denis "either by temptation of the enemy or as a result of the said frenzy and malady hung himself" by a cord he had tied to a stair in his house.⁴¹

As with murder, suicidal actions taken by mad people were not considered to be characteristic. Thus, madness could be imagined as a second level of exoneration. Remission rhetorically erased the crime in the eyes of the government and, at least in theory, in the eyes of the community. Remission for an action during an episode of madness might further exonerate the individual in question, since the disease in addition to the letter erased the crime from the identity. This type of erasure was easier with a

⁴⁰ See JJ 115 fo 82 no 172, JJ 173 fo 199 no 413, JJ 174 fo 138v no 318.

⁴¹ AN JJ 171 fo 244v no 429, edited in Auguste Longnon, ed., *Paris pendant la domination anglaise (1420-1436): Documents extraits des registres de la Chancellerie de France* (Paris: H. Champion, 1878), 19: "maladie des chaleurs"; "se soit tant par temptacion de l'ennemi comme à l'ocasion de ladite frenoisie et maladie pendu."

suicide than with a person who was still living, since there could be no serious repercussions to making a false claim of madness in the case of suicides.⁴² Indeed, there may have been a tacit agreement within local communities that surviving relatives should not be punished for these crimes. However, the question of whether or not the individual was “really” mad is not pertinent. Rather, the fact that composers chose to understand these crimes in terms of madness means that it was a plausible narrative and that people could accept the label in the context in which it was presented. Indeed, because suicide was thought of as murder of oneself, the act was directly related to those murders of family members that were equally difficult to comprehend in normal terms.⁴³

Infanticide of Legitimate Children

The excuse of madness was not required as an explanation for an infanticide case to be pardoned. However, some women’s families claimed that they were mad when they killed their babies.⁴⁴ Generally such letters, like the letters about murder, were for

⁴² Alexander Murray, who also examined remission letters for suicides, has suggested that these claims of madness might be questionable in such cases. Murray seems to miss the point of letters of remission. He claims that a “Letter of Remission, by definition, declared its beneficiary not guilty. Issued on a suicide's behalf it must prove he was not a suicide. So these letters should, in principle, be no exception to the obscurity intrinsic to suicide in French legal documents.” The trouble with his analysis lies in his insistence that remission letters were for people who were “not guilty.” This was certainly not the case, since remission letters were in fact precisely for people who were guilty, but could be forgiven for their crime through the overarching grace of the French king. See Murray, *Suicide in the Middle Ages Volume I: The Violent against Themselves*, 207-218.

⁴³ By 1450, remission for suicide had been phased out, regardless of whether the suicide was mad, suggesting either a more stringent attitude towards suicides on the part of the crown or less legal intervention on a local level. Diane Owen Hughes suggested that this change in attitude might be due to humanism, which (as noted in Chapter 4) had a large contingent among the royal notaries and others in the legal profession. The humanist reading of the suicide of Lucretia was far more sympathetic than earlier Christian readings. If so, this would suggest that the persecution of suicides fell off, rather than that it became more difficult to receive remission for such an act, but it would require considerably more research to make any such assertion.

⁴⁴ Remission for infanticide makes up 0.3% of Gauvard’s study of crime in all remission letters, but as with suicide, it was more common as a crime committed by the mad, making up 3% of the total. Gauvard, *De Grace Especial*, vol. 1, 242. See table 8. For more on infanticide, see also Y.-B. Brissaud, “L’infanticide à la fin du moyen âge, ses motivations psychologiques et sa répression,” *Revue historique de droit français et étranger* 50 (1962): 240-242. John Boswell suggests that people were more likely to abandon children

particularly unusual types of infanticide, suggesting that these were more difficult cases to accept and integrate into a comprehensible narrative. There was a pattern of apparently acceptable and understandable infanticide. In these cases, women who were unmarried and generally poor became pregnant and had the baby, often while alone in their houses. These letters emphasized a number of fears that the new mother experienced, including the anger of parents, an inability to care for the child, and the shame of being an unwed mother. Often the woman narrated her lack of knowledge of what to do with a newborn infant as the cause of the baby's death. These narratives are fascinating for the glimpse they provide of a certain level of understanding of and compassion for these women that was not recorded in the law codes. Infanticide was viewed as a capital crime, but clearly there were exceptions to this stringent rule that took into account the economic and social problems of poor young women.⁴⁵

The women described as mad in letters about infanticide do not fit neatly into this category of poor, unmarried or widowed women. Rather, these were often married women with other children whose decision to kill their baby appeared inexplicable to their family and relatives. In addition, in most cases attributed to madness the child was not a newborn. The letter for Jehannette Voidié, discussed in detail in chapter four, represented her as a married woman with several children, who feared that her husband could not support another child. She killed the baby while taking him on a pilgrimage,

than to kill them. See John Boswell, *The Kindness of Strangers: The Abandonment of Children in Western Europe from Late Antiquity to the Renaissance* (New York: Pantheon Books, 1988).

⁴⁵ I have traced the development of an "acceptable" narrative of infanticide in this period, which I intend to make the focus of further study. For more on this development, and on a parallel shift in the thinking of the theologian Jean Gerson, who called for a more mild penitence in cases of accidental infanticide, see Claude Gauvard and Gilbert Ouy, "Gerson et l'infanticide: Défense des femmes et critique de la pénitence publique," in *Riens ne m'est seur que la chose incertaine": Études sur l'art d'écrire au Moyen Âge offertes à Eric Hicks par ses élèves, collègues, amis et amis*, ed. Jean-Claude Mühlethaler, et al. (Genève: Éditions Slatkine, 2001), 45-66.

when he was already several months old.⁴⁶ The disparity between this case and that of a young, unmarried mother, whose baby died within hours of birth, is clear.

These two narrative models of the poor unmarried woman and the mad woman were not mutually exclusive. It was possible to imagine poverty and the shame of an illegitimate child combining to drive a woman out of her senses. A letter composed for Michelle Galande explained that her father died when she was eight, leaving Michelle and her mother destitute. In order to support herself and her mother, Michelle Galande sought alms, but ten years later, as an eighteen-year-old woman, she began to be solicited by “some” to abandon herself, which “because of her simplicity, ignorance, and the poverty and misery in which she lived”⁴⁷ she did, and ended up pregnant. In the end, the composers of her letter explained, it was through her fear of dishonor and shame that she “was therefore deprived of sense and understanding”⁴⁸ and chose to bury the baby alive rather than admit that she had given birth.

Infanticide was an especially disruptive crime. Women’s roles were often bound up in expectations of wifedom and motherhood, confirmed through the idealized figure of the Virgin Mary.⁴⁹ The murder of a helpless baby ruptured expectations of safety and comfort, and the mother’s role as murderer, rather than protector, highlighted the enormity of the act. Infanticide can be seen as an extreme version of the larger pattern of mad murders that violated the idealized image of the peaceful interior of familial

⁴⁶ AN JJ 172 fo 239 no 430, edited in Longnon, ed., *Paris pendant la domination anglaise*, 130-133.

⁴⁷ AN JJ 221 fo 30 no 35: “par sa simplesse et ignorance et la povrete et misere en quoy elle estoit.”

⁴⁸ AN JJ 221 fo 30 no 35: “estoit lors despournent de sens et entendement.”

⁴⁹ Indeed, other idealized mother figures in medieval religious art included the mothers who tried to protect their children in images of the massacre of the Holy Innocents. Diana Bullen, personal communication, March 2008.

relationships. While some forms of infanticide by poor, young, and unmarried girls, might be comprehensible, the killing of a legitimate baby was not.

Bestiality: Sexual Crime

Whereas infanticide was a crime that was gendered female, bestiality was a crime that was gendered male.⁵⁰ Like the other crimes examined here, it was possible to gain remission for bestiality without claiming to have been mad, but occasionally the letters include madness as an explanatory device. Bestiality was another crime against the self, the family and the community, since it was a sexual act removed from the appropriate venue of the marriage bed. Much like infanticide, bestiality appears to have a conventional narrative, even though it appeared much less frequently in the remission letters. This narrative focused on the youth and unmarried status of the perpetrator, in much the same way as letters for infanticide. Generally the young man was described as a teenager, and the crime usually took place alone, most often with the mare that was pulling his cart, a sheep he was guarding, or a cow in the stables.

Estienne Perdereau's remission letter from 1481 told a fascinating tale of how youthful mistakes could come back to haunt a person later in life. According to his narrative, when he was thirteen or fourteen (around sixteen or seventeen years previously, as he was about thirty when he sought remission, and the perfect age to commit a crime, since he was on the border of adulthood and could not be held legally responsible⁵¹), he had taken a cart into the woods, pulled by a mare. While there, he was tempted by the "enemy from hell" into trying to have "carnal company" with the mare, since he had not

⁵⁰ Strangely, although the first bestiality case I found dates from 1406, well within the range of Gauvard's study, she does not mention it in her own analysis of the letters.

⁵¹ The age of adulthood was fourteen for boys and twelve for girls.

yet had “carnal company” with a woman.⁵² However, before he could achieve his “evil desire,” he saw Guillot Baillif, a neighbor of his master’s, and “as soon as he saw the said Guillot he returned to his good memory.”⁵³ Thus, Estienne had been out of his “good memory,” and therefore was associating his mental state with madness, when he attempted to have sex with the mare. Not only did Estienne never consummate his bestial temptation, as he explained, but he immediately went to the church of Notre Dame de Clery and confessed his sinful desire to a priest, who absolved him and gave him a penance that he completed “as well as he could.”⁵⁴ Estienne proceeded to get married and live an exemplary life until one day, as he explained, he refused to give a pair of shoes to Guillot Baillif, who conceived such a great hatred for Estienne that he accused Estienne of bestiality to the local justice and had him thrown in prison. As Estienne took pains to demonstrate, his actions were not, in the end, damaging to himself, to the mare, or to the community. He “returned to his good memory” before taking the ultimate step, and immediately reconciled himself with the church and a few years later, married and became a respectable member of the community. Guillot Baillif, rather, appeared unsavory in Estienne’s narrative, waiting for seventeen years before bringing the case to the attention of the local justice due to a grudge.

The question of who would be harmed by bestiality was addressed obliquely in another case. In 1406, the seventeen-year-old Piot le Pele had been living for a year as a servant of the family of Piot Pichon, during which time he slept in the stable with the cows. Note that, at seventeen, Piot le Pele was too old to be considered a child, and

⁵² AN JJ 209 fo 93v no 170: “tempte de lennemi denfer”; “compaignie charnelle.”

⁵³ AN JJ 209 fo 93v no 170: “mauvaise vouler”; “incontinant quil apperceut ledit guillot revien a son bon memoire.”

⁵⁴ AN JJ 209 fo 93v no 170: “au mieulx quil a peu.”

therefore would be held accountable for his actions. Instead, the letter noted immediately that Piot le Pele was “mad and out of all memory.”⁵⁵ He “was tempted by the enemy combined with his insensibility such that he had carnal company and habitation with this cow.”⁵⁶ Significantly, it was his mistress and her daughters who saw him do this and spread the gossip around the community, highlighting the dangers of bestiality as a crime against the community. The unmarried daughters of Piot Pichon were troubled by the actions of Piot le Pele. Indeed, perhaps it would have been more easily reconciled had he sought sexual release from one of them. After all, confession manuals saw fornication as a less problematic sexual sin, and some city governments in Italy explained their decision to allow prostitution by justifying it as an alternative to other types of sexual deviance.⁵⁷

In both of these cases, the men were young and had not yet had “carnal company” with a woman. Their status as unmarried youths made their sexual crime less dangerous, but they were still threatening the morality of the community. The narratives of their remission letters turned attention to the questionable actions of their accusers. Guillot Baillif did not register a complaint until he had another reason to be angry with Estienne Perdereau. Indeed, Estienne, whose madness was temporary and did not even lead to the consummation of his misplaced desire, had confessed to his sinful thoughts immediately, going through the appropriate channel of the parish priest. Similarly, Piot le Pele, who was known to be “fol,” was witnessed by the women of the household, who chose to gossip about him in the community, thus spreading the problem further. Unlike Estienne,

⁵⁵ AN JJ 160 fo 264v no 372: “fol et hors de toute memoire.”

⁵⁶ AN JJ 160 fo 264v no 372: “fu tempte par lennemy avec son insensibilite quil ot compaignie et habitacion charnelle a ycelle vache.”

⁵⁷ James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987); Diane Owen Hughes, “Bodies, Disease and Society,” in *Italy in the Age of the Renaissance*, ed. John M. Najemy (Oxford: Oxford University Press, 2004), 103-123, 114; Richard C. Trexler, “La prostitution florentine au XVe siècle: Patronages et clientele,” *Annales: Économies, sociétés, civilisations* 36, no. 6 (1981): 983-1015.

Piot did not seek out confession, and he had carried through with his desire. However, Piot's madness was not described as a temporary state, but as a long-term problem.

Arson: Burning Down the House

As noted in chapter three, according to the customary law books of Normandy, mad people must be kept chained up or under guard specifically in order to prevent them from setting fires.⁵⁸ Interestingly, although this seems to be a perceived danger in general terms, it appears in only eight remission letters as a crime committed by mad people. Sometimes the letters merely described the arsonist in question as “simple” or out of their senses due to excessive drunkenness, but occasionally fires were set by people who are described as emphatically out of their minds. Again, the crime appeared particularly troublesome because it attacked the community that the mad person ought to defend. Indeed, some of the narratives were about people setting fire to their own homes or barns. This particular crime highlighted the fear of mad people as disruptive members of the community, since fires in medieval villages (especially in regions where wood and wattle were used as building materials) would have been highly damaging and uncontrollable.

In 1379, for example, Guille de la Barre, a wealthy man, began to suffer a reversal of fortune. He lost so much that he “had displeasure in his life and wanted very much to be dead.”⁵⁹ However, it was at the moment when a court case was decided against him that Guille “entered into a sickness such that he became completely altered and completely thus as if completely out of his senses” and began to say that God did not love

⁵⁸ William Lawrence de Gruchy, ed., *L'ancienne coutume de Normandie* (Jersey: C. LeFeuvre, 1881), 184, LXXIX.

⁵⁹ AN JJ 115 fo 34 no 75: “a eu desplaisance de sa vie et vouldist bien estre mort.”

him, since He allowed such terrible things to happen to him.⁶⁰ In his despair, Guille lit two of the beds in his own home on fire. Fortunately, the local officers of justice were apprised of the situation before too much damage was done. The extremity of Guille's actions were highlighted by his statement blaming God for his misfortune. His wanton destruction that threatened the entire town stemmed from his altered state, in which he could not be held responsible for his actions.

Mad Victims of Crime

Mad people did not only appear in remission letters as the central figure of the criminal. Indeed, often they appeared as the cause of a crime, either as an incentive to seek out and murder a sorcerer or as the victim of murder, who had to be killed because his or her madness threatened the lives of others. In the former case, mad people were described as pitiful victims of bewitchment by an evil sorcerer who refused to lift the curse. In the latter, they were dangerously and frighteningly uncontrollable potential criminals. These two particular subgenres of remission letters involving mad people each developed a focus on one of the conflicting images of madness. What is most fascinating about these letters, however, is how often the discussion of madness in them began to take on aspects of the other, conflicting view. Although the mad people who were bewitched are figures of pity and compassion, they were also threatening to the life and happiness of their family members. While the mad people who were killed to protect the family and the community of their murderers were described as dangerous and threatening, sometimes (especially when they were related to their killers) they were described as unfortunate victims of their madness.

⁶⁰ AN JJ 115 fo 34 no 75: "entra en une maladie telement que il devint tout altere et tout ainsi comme tout hors du sens."

The descriptions of behavior of those driven mad through sorcery could be distinctively different from that of those whose madness was attributed to other causes. Some victims of sorcery are depicted unthreateningly, as “madly running naked through the fields,”⁶¹ and one letter connected the bewitched man’s impotence to his madness,⁶² but often the letters voiced a fear that this madness caused by bewitchment would lead the victim to take his or her own life.⁶³ These letters had a very different focus from those composed for mad criminals. Although there are a few exceptions where the mad person lashed out at the accused sorcerer, most letters seek forgiveness for family members who sought to remove the bewitchment through actions that “accidentally” resulted in the accused sorcerer’s death. Therefore, the mad were incidental to the crime, and these bewitched mad people appeared as much more sympathetic figures than the mad who committed crimes themselves. These narratives inverted the typical themes of madness, where a family member was the victim of a criminal attack by the mad, into a story of the family member as the active participant in an act of violence focused outside the family circle on a “renowned” sorcerer.

In a letter composed in 1496, Petit Jehan Secretani described the events that led him to kill Estienne Mollet.⁶⁴ Petit Jehan’s sister, Jehanne, had married three years before and immediately “fallen into a great misfortune of sickness such that she was strongly troubled in her sense and understanding and was completely senseless and in danger each day of harming herself and the fruit with which at that time she was

⁶¹ AN JJ 187 fo 89v no 173 (in 1457): “courroit folle parmy les champs toute nue.”

⁶² AN JJ 208 fo 11 no 20 (in 1480).

⁶³ See AN JJ 199 fo 276 no 441 (in 1464); AN JJ 227 fo 32 no 62 (in 1496).

⁶⁴ AN JJ 227 fo 32 no 62 (in 1496).

pregnant.”⁶⁵ According to the letter, this illness meant that her family could have no joy together. Petit Jehan saw the source of her madness outside the immediate family, but nevertheless linked to her through fellowship. Estienne Mollet, known by the community as a sorcerer who was able to cure a number of diseases, was often in the company of their father, Estienne Secretani, and with access to Jehanne’s food, which Petit Jehan Secretani believed he had poisoned. The simultaneous rupturing and cementing of familial and community ties were stressed throughout this letter, as Petit Jehan joined Jehanne’s brother-in-law, Laurens Grenault, in beating up Estienne Mollet while demanding that he give them information about the bewitchment of their sister.

The mad also appeared in letters as dangerous criminals who had to be killed in order to protect the innocent, or in self-defense. Several of these letters follow a typical pattern of describing a bar brawl, explaining that the people involved had been drinking and eating before the violence broke out. Drunkenness was seen as exacerbating or even causing madness in these cases, and the letters describe a fight that was forced to turn deadly because of the victim’s lack of sense or understanding.⁶⁶ According to these narratives, the mad were generally unpleasant people whose moments of madness were merely another negative aspect of their personality.

Even the murdered mad could appear as victims when they were family members rather than strangers, however. Just as mad people murdered family members because of their uncontrollable actions, so they could drive their family to kill them with the same behaviors. Around the year 1362, Margueroy la Marchande moved into the home of her

⁶⁵ AN JJ 227 fo 32 no 62: “cheult en grant inconvenient de maladie tellement quelle fut fort troublee de son sens et entendement et estoit toute incensee et en dangier de chacun jour precipiter elle et le fruit dont pour lors estoit ensaincte.”

⁶⁶ See AN JJ 172 fo 113v no 221 (in 1422); AN JJ 181 fo 19 no 30 (in 1451); AN JJ 219 fo 132 no 216 (in 1488).

nephew, Jehan Langlois because she could not take care of herself. It appears that she may have disagreed with that assessment, since according to the letter composed on behalf of Jehan Langlois, she tried to run away several times but he always brought her back. The letter explains that she ran away due to her “foolish and simple desire and without any cause.”⁶⁷ Finally, when she got up at two in the morning and left the house, Jehan followed her, reportedly because he feared she would commit suicide by drowning herself in a fosse (a ditch or moat generally filled with water) or a well. He caught up with her next to a large fosse full of water and tried to take her home, but when she refused, he angrily hit her with a little stick four or five times, “without blood and without wound and without doing anything else to her from which she might become ill nor have death come to her.”⁶⁸ Regardless of how minor a reprimand he gave her, Jehan’s aunt died about fifteen days later, and five years after that he and his wife and children sought remission for this act. Margueroy was not actively threatening anyone but herself, but her actions were inexplicable to her nephew and he explained that it was her mad behavior that caused him to beat her.

The types of crimes committed by people described as mad, as well as the roles played by mad people as causes of crime or victims of crime, provided an image of madness as a disruption of kin and communal values and norms. The victims of mad crimes were often family members or neighbors with whom the mad person and his or her family had previously lived in harmony. The crimes of the mad, as narrated in remission letters, departed so radically from accepted norms of behavior that they made

⁶⁷ AN JJ 99 fo 33 no 104: “desa volonte fols et simple et sens aucune cas raison.”

⁶⁸ AN JJ 99 fo 33 no 104: “sanz sang et sens plaie et sens autre mal luy fait dont elle deust estre malade ne mort ensuivant en sa personne.”

the reintegration of the guilty especially difficult. Nevertheless, as we shall see, remission letters sought in their narratives to reconstruct the very bonds that were ruptured through these crimes, not only in their hopes for the future, but also in their depictions of the past.

II. Visions of Community Involvement and Responsibility

As chapter three demonstrated, French customary law considered mad people potentially threatening to themselves and others. They recommended that the mad be guarded by their families and even by the community at large. Unlike Foucault's image of the wandering, isolated mad,⁶⁹ the law codes created an image of the mad as a central focus of communal concern.⁷⁰ The need to protect both the mad person and the community at large from the prospective damaging effects of madness underlay the recommendation that "everyone" join together in a communal effort to guard the mad.⁷¹ Mad people were considered communal burdens. Much like the customary law books, remission letters were written within the context of an "imagined community" on the scale of the neighborhood and of the realm. These remission letters constructed images of communal involvement with madness. Notions of *fama* played a large role again, as neighbors' awareness of each others' lives invaded the home to consider the *gouvernance* of each member of the community. One of the explanations remission letters provided for why people who had been recognized as mad were able to commit crimes was

⁶⁹ Michel Foucault, *History of Madness*, trans. Jean Khalfa and Jonathan Murphy (London: Routledge, 2006), 9.

⁷⁰ Louis Nicholas Rapetti, ed., *Li Livres de justice et de plet, publié pour la première fois d'après le manuscrit unique de la Bibliothèque nationale, Collection de documents inédits sur l'histoire de France, 1. sér. Histoire politique* (Paris: Typographie de Firmin Didot frères, 1850), 73, XXI.5.

⁷¹ Philippe de Beaumanoir, *Coutumes de Beauvaisis*, ed. Amédée Salmon (Paris: A. Picard et Fils, 1970-1974), 3 vols., vol. 2, chapter 52, paragraph 1575. Gruchy, ed., *L'ancienne coutume de Normandie*, 184, LXXIX.

because of “*mal gouvernance*”: the failure of their immediate family to care for them sufficiently. “*Mal gouvernance*” carried a wealth of censure in its connotations. It was used to describe women and men who did not care for their own children or who carried on adulterous affairs.⁷² It also indicated a criminal negligence on the part of the household that would allow a man or woman who was only slightly wounded to die of those wounds.⁷³

A number of studies have established the significance of the household in the Middle Ages.⁷⁴ Households have been described as the basic economic unit of the Middle Ages, involving all members in the farming, craft, or trade of the whole.⁷⁵ Each member of the household, which was composed not only of a nuclear family but also included a variety of other members, such as extended family, servants and apprentices, played a role in the smooth and efficient running of the business. These households were linked to each other through kinship, guilds, parishes, location in a town or city, and a jurisdiction. Since, as David Herlihy has argued, society was ultimately made up of households,⁷⁶ the larger communities expressed concern about and attempted to impose controls on the households. Social interactions were based on *fama*, the rumored information that became common knowledge, regardless of factual truth, about each person and, often, spread to include his or her household. Composers of remission letters

⁷² See AN JJ 99 fo 33 no 104 (in 1367); AN JJ 176 fo 246 no 329 (in 1443); AN JJ 181 fo 55 no 100 (in 1452); AN JJ 204 fo 6v no 13 (in 1473).

⁷³ See AN JJ 181 fo 19 no 34 (in 1451); AN JJ 181 fo 67v no 123 (in 1452); AN JJ 182 fo 18v no 33 (in 1453); AN JJ 182 fo 51v no 86 (in 1453).

⁷⁴ Many of these have focused on Italy. See David Herlihy and Christiane Klapisch-Zuber., *Tuscans and their Families: A Study of the Florentine Catasto of 1427* (New Haven: Yale University Press, 1985); Diane Owen Hughes, “Domestic Ideals and Social Behavior: Evidence from Medieval Genoa,” in *The Family in History*, ed. Charles E. Rosenberg (Philadelphia: University of Pennsylvania Press, 1975), 115-143. For peasant families in England, see Barbara Hanawalt, *The Ties that Bound: Peasant Families in Medieval England* (Oxford: Oxford University Press, 1986).

⁷⁵ David Herlihy, “The Making of the Medieval Family: Symmetry, Structure, and Sentiment,” *Journal of Family History* 8, no. 2 (1983): 116-130.

⁷⁶ David Herlihy, *Medieval Households* (Cambridge, MA: Harvard University Press, 1985).

sought to establish the community's shared knowledge of the person who had committed a crime. In most cases, the reputation of the individual was established to be "good." However, in remission letters for mad criminals, often their mental state was confirmed by reference to common renown. This communal memory was sometimes evoked by reference to communal awareness of, concern about, and protection for the mad person's victims, or, in some situations, the mad person him- or herself.

Remission

Remission letters themselves provide the strongest evidence of the reconstruction of kin and communal bonds around the disruptive figure of the mad. These letters, composed by the family on behalf of the mad person, carried within their narratives a resolution that sought to restore the equilibrium of the local community. Because remission letters had to be read aloud by a local judge, the reconciliation was a public one. Despite, or indeed perhaps because of, the admission of guilt embedded within these letters that echoed public confession of sin, remission claimed to exonerate the criminal in the eyes of the community as a whole.

Jacques Mignon's remission letter, composed in 1458, described an unusual case, with a high level of community involvement. According to the letter, Jacques Mignon was known to be "perturbed and altered in his senses,"⁷⁷ but was well-loved by his neighbors in the small town of Richardère, near Bressuire in Poitou, because he would entertain them by doing cartwheels. When his wife, who was described as "completely stupid, of simple and very small comportment, in such a manner that she does not know

⁷⁷ AN JJ 188 fo 10 no 15, edited in Paul Guérin, *Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France, Archives historiques du Poitou* (Poitiers: Société française d'imprimerie et de librairie, 1909), vol. 10, 92-94: "perturbé et alteré de son entendement."

how to govern herself any better than a small child,”⁷⁸ stopped riding into town with him in 1457, the townspeople brought her disappearance to the attention of the local officials.⁷⁹ Jacques was taken into custody and questioned, at which point he freely confessed that he had killed her. Jacques explained that she had asked to be taken to see her parents. They had begun the journey one night, leaving their five children asleep. Halfway there, he claimed, he had stopped the cart next to a river with a watermill and thrown her in the water, where she drowned. He had returned home alone and gone to sleep.

Jacques Mignon’s free confession, without the use of torture, was considered suspect by the officers of the law. Since they had no other proof in addition to the mad man’s confession, which was not considered legally valid testimony,⁸⁰ the local authorities could not proceed. They could not find a body, despite sending enquiries to the watermill to see if one had been discovered, and no one brought a case against Jacques Mignon for the death of his wife. The authorities were faced with a serious quandary as they tried to reconcile a need to protect the community against the possibly violent actions of a mad man and the need to protect the mad man from his own inability to comprehend reality. In the end, as the remission letter attests, they chose to protect the mad man, and the community banded together to seek a royal pardon for their

⁷⁸ AN JJ 188 fo 10 no 15, edited in *Ibid.* : “toute sote, de simple et très petit gouvernement, en telle manière qu’elle ne se savoit gouverner, non plus que ung petit enfant.”

⁷⁹ For more on denunciation by public *fama*, see Laura Ikins Stern, *The Criminal Law System of Medieval and Renaissance Florence* (Baltimore: Johns Hopkins University Press, 1994), 203-205.

⁸⁰ This concept appeared in Justinian’s code, Okko Behrends, ed., *Corpus Iuris Civilis: Text und Übersetzung* (Heidelberg: C.F. Müller, 1995), 3 vols., vol. 1, 78-80, Inst. 2.10, and was also brought into French customary law. See Beaumanoir, *Coutumes de Beauvaisis*, vol. 1, chapter 12, paragraph 411 and vol. 2, chapter 34, paragraph 1061. Chapter three has a fuller discussion of madness in medieval law codes.

cartwheeling friend, despite their awareness that he might have killed his wife.⁸¹ The remission letter was presented as a way to avoid dealing with a difficult legal situation. Jacques Mignon remembered killing his wife, and was fully capable of narrating the murder when questioned about it. In his case, the local officers doubted whether his wife was actually dead, despite his belief that he had killed her. Jacques Mignon's willingness to confess to murder, apparently unaware of the penalties involved in such a confession, made the officers, who already knew from local repute that he was mad, unwilling to prosecute him for the crime without any further proof that his wife was dead.

Community Concern: Chains, Cures, Recoveries and Relapses

Community fears about the potentially dangerous actions of the mad occasionally translated into action in remission narratives. According to the remission letter Guillaume le Racif sought for his wife, Jehanne, she had been "for a long time and on many occasions lunatic, frenzied, and insensible in such a way that she did not know her government (maintenance)."⁸² Her madness was not constant, however, and she was considered capable of taking care of herself and her family during periods of sanity. One day in early April, 1379, Jehanne le Racif was reportedly alone in the house with her four

⁸¹ Jacques Mignon was not a fool employed by the nobility, but he does appear to fulfill a similar function for the town of Richardère. The idea that fools employed by nobles could become violent and even that their violence could be part of their amusement value appears in Pierre de Fenin's memoirs from the year 1423. In this incident, a number of fools were given twelve gold pieces. They put each gold piece in a large, silver drinking cup and then filled the cups with wine, saying that whoever drank the wine should have the gold piece in it. Dalleret, the fool of Count Valeran of Saint-Pol, decided he would drink all twelve cups and have all twelve pieces of gold and proceeded to do so. When the other fools realized that they had lost all their gold, they attacked Dalleret and beat him until he died. Fenin notes that "for this reason we ridiculed them greatly." ("on fist mainte risée pour ceste besoingne.") Pierre de Fenin, *Mémoires de Pierre de Fenin, comprenant le récit des événements qui se sont passés en France et en Bourgogne sous les règnes de Charles VI et Charles VII: 1407-1427*, ed. L.M.E. Dupont, *Société de l'histoire de France* (Paris: J. Renouard, 1837), 202.

⁸² AN JJ 114 fo 106v no 212: "de long temps souvente fois lunatique frenaisionse et incensible en tele maniere que elle ne scet son gouvernement."

young children, when she was “surprised by her said sickness.”⁸³ She picked up the youngest child, who was a baby girl aged six months, whom Jehanne had been breastfeeding, and hit the child on the stomach and sides until the baby died. Her other three children ran out of the house and cried out in the streets until a good neighbor woman heard them. She entered the house and found Jehanne “completely enraged and insensible and supposed that from the said sickness she might do the same thing to her other children.”⁸⁴ The neighbor, clearly aware of the general *fama* about Jehanne’s illness, acted to protect the family of the mad woman by intervening in the household and causing Jehanne to be arrested. She was put into prison in Orléans, where, because of her sickness, she had no idea where she was and insisted that she had done nothing wrong.

Community networks were created as much by exclusion as by inclusion. In some cases a community’s lack of care and concern for outsiders was cited as a cause of madness. Gouyn Cluchat’s letter of 1459, discussed in detail in chapter four, demonstrated the possibility of failure in seeking help outside your own community.⁸⁵ When his family moved to a neighboring town to escape the plague, they ran out of provisions before it was safe to return. He decided to go into a nearby city to beg for food, but despite all his efforts, no one in this new town was willing to help him care for his family. As strangers and outsiders, Gouyn Cluchat’s family had no recognized right to receive aid from their new neighbors. Indeed, community aid only arrived once the crisis reached its peak, and even then it did not alleviate the original problem. Cluchat became suicidal, attempting to drown himself in a fountain in the town. A woman

⁸³ AN JJ 114 fo 106v no 212: “fu de la dicte maladie surprise.”

⁸⁴ AN JJ 114 fo 106v no 212: “toute enragie et insensible et suppos len que par sa dict maladie elle eust ainsi fait de ses autre enfans qui ny feust seurvenu pour le quel fait ainsi advenu par meschief de la dicte maladie la dit Jehanne est prisonnier.”

⁸⁵ AN JJ 188 fo 81 no 160.

passing by stopped to ask him what he was doing, expressing concern, but too late to help Cluchat, who fled. Instead of killing himself, he returned home and, “as if he was out of his senses,” killed his wife with an axe.⁸⁶

His neighbors did not offer support, and even after he killed his wife, they refused to act for or against him. Cluchat told them that he had just killed his wife and asked them to have him arrested. Indeed, when they refused, he went even further, traveling to the nearby city of Combronde and demanding that they put him to death for his crime. At this moment, when it was no longer possible to save Cluchat’s wife, his extended family, who for reasons unmentioned in the letter had not been available to give him provisions, proffered aid by seeking remission on his behalf. Given the price of a remission letter, this generosity was too much too late. His letter, like many others, leaves us with no clear picture of the ultimate fate of the person. He was released from prison on the authority of the king, and with no conditions such as keeping him chained up or under guard. His family seemed to believe that his release would prevent his children from becoming beggars, but they provided no hint about what would be done to cope with his extreme depression and his desire to be punished for his crime. Cluchat’s decision to leave his local network and seek aid elsewhere was the source of his difficulties.

Despite these difficulties in seeking communal aid outside one’s home village, the narratives in the remission letters suggest that local neighborly aid was generally expected to be forthcoming. The responsibility of guarding mad people, particularly those who were suspected of suicidal tendencies, rested with the immediate household, but there is ample evidence that the assistance of neighbors was sought and, very often, provided. Generally this neighborly aid arose in the context of a tale about a failed

⁸⁶ AN JJ 188 fo 81 no 160: “come hors du sens et debilite de son entendement.”

attempt at preventing suicide, as the mad person escaped and died. Usually this guardian duty fell on the local women, perhaps as an extension of their work as nurses.

Symonnette aux Beufs came to watch over the sickbed of Jehan Massetirer in 1394.

Earlier in the day, Jehan had left the house and attempted to drown himself in the river,

but he was saved by his wife and two men passing by. Left alone with Symonnette,

Jehan got out of bed, completely naked (a detail that seems intended to reinforce his

madness, since he was willing to walk around naked in front of a neighbor woman), and

hit her over the head, knocking her down. He ran out of the house, and jumped into a

well nearby, and was drowned before anyone could pull him out.⁸⁷ Another case

described a number of controls put in place by his wife and close family to prevent

Robert Senuminem from harming himself or others. In this case, the guards came from

within the household. Robert, “during his life by intervals and some times for a very long

time was furious.”⁸⁸ As a result, his close family placed people in his household to “keep

him company so as to guard him.”⁸⁹ Nevertheless, after hearing the mass on Tuesday,

the 28th of April 1404, his family explained that he returned home, convincing the

chamber maid that he wanted to sleep. When she left him in bed, he got up and hanged

himself, despite the valiant attempts made to prevent him from achieving his aim.

Although setting guards over sickbeds was a common practice, the remission letters suggest that some family members were reluctant to go so far as to chain the mad before they exhibited extreme violent behavior. The need to keep mad people in chains was written into the customary laws of a number of regions of France. Indeed, a few

⁸⁷ AN JJ 146 fo 65 no 129.

⁸⁸ AN JJ 158 fo 165 no 303: “ou temps de sa vie par intervalles et aucune fois de longs a longs este furoieux.”

⁸⁹ AN JJ 158 fo 165 no 303: “pour lui tenir compaignie afin de le garder.”

remission letters mention chains provided by the local representative of justice or by the family for people who were known to be mad for a long period of time before their crime. Perrim de Moustier was given chains by the marshal of Pontoise in order to chain his son.⁹⁰ However, after Jehan de Moustier broke out of those chains, Perrim refused to continue to restrain him. Similarly, the remission letter for Jehannecte Troppé stated that her husband refused to chain her, hoping that she would return to her “bon sens” and that life in their household would go back to normal. Both of these men were ultimately victims of violent, frenzied attacks by their son and wife, respectively, and the composers of the remission letters, with knowledge of the ultimate outcome, blamed the victim to some extent for refusing to ensure that the mad person could not become so violent.

Chaining the mad could backfire, however, especially since some cases of madness were seen as cyclical. Guille Crieusch’s wife was out of her senses such that, he claimed, he feared she would do something bad. In 1411, he applied to the duke of Burgundy, who had jurisdiction over Guille’s town of Houlle near Amiens, requesting and receiving a license to constrain his wife. He kept her locked up for six weeks, after which she appeared to return to her good senses, and even “sometimes went to church and did her work as other women do.”⁹¹ She seemed so well recovered, Guille explained, that he left her alone one evening with their children. After he left, she picked up an ax or “another utensil with a sharp point”⁹² and killed one of their children and chased the others, who cried loudly enough to bring the neighbors to the house.

Interestingly, perhaps because Guille’s wife was registered as mad and he was supposed

⁹⁰ AN JJ 118 fo 18v no 18.

⁹¹ AN JJ 166 fo 64 no 100: “aloit aucunefoiz aleglise et faisoit sa besongne comme les autres femmes font.”

⁹² AN JJ 166 fo 64 no 100: “autre ostil dun charpoint.”

to be responsible for preventing her from doing anything wrong, it was Guille who was brought before the justice to account for the crime, and was, he claimed, in danger of being banished for not taking sufficient care of his mad wife, and forcing the neighbors to intervene to save his children.

The cyclical nature of some forms of madness made any sort of guard a difficult prospect. During their periods of sanity, mad people were allowed to return to their normal life, and many remission letters established that the person had suffered from bouts of insanity, but was considered recovered, and therefore was unguarded, when the madness returned and the crime was committed. Cases of suicide described elaborate ruses that the mad person set up in order to send everyone away from the house so that he or she was no longer being guarded. Keeping the mad from harming themselves or others through restraints or surveillance was not easy, then, but seeking a cure could be even more difficult.

Attempts to cure madness most often involved visits to saints' shrines.⁹³ Often, the mad would be taken to several shrines when a cure was not forthcoming. Just as shrine records sometimes included stories of failed medical cures that were triumphed over by the successful spiritual cure,⁹⁴ remission letters tell us about ultimately unsuccessful pilgrimages. Although there were saints who were considered particularly good at curing madness, most of the pilgrimages recorded in remission letters were focused locally, at shrines close to home. This is unsurprising, particularly when one

⁹³ In his study of miracle stories, André Sigal conflates possession and madness, but notes that 91% of the cures took place in the presence of the saint or of the saint's relics. See Pierre-André Sigal, *L'homme et le miracle dans la France médiévale (XIe-XIIe siècle)* (Paris: Les éditions du cerf, 1985), 236-239.

⁹⁴ Ronald Finucane found that one in ten pilgrims to shrines in England had sought medical aid previously. Ronald C. Finucane, *Miracles and Pilgrims: Popular Beliefs in Medieval England* (London: Dent, 1977), 59. See also an interesting combination: the physician-saint Gil de Santarem in Iona McCleery, "Saintly Physician, Diabolical Doctor, Medieval Saint: Exploring the Reputation of Gil de Santarem in Medieval and Renaissance Portugal," *Portuguese Studies* 21 (2005): 112-125.

considers the potential difficulties of traveling with a mad person. Foucault's image of solitary mad people wandering the roads and waterways of Europe on their way to shrines is not supported by the evidence in these letters, which suggests rather that pilgrimages would be undertaken in groups of at least two, including one healthy individual, generally a member of the family. Indeed, as Irina Metzler notes in her study of disability in medieval Europe, many miracle seekers traveled with the aid of others.⁹⁵

Several of the saints known for curing madness were French saints, so they were ideally located for more local pilgrimages. Saint Mathurin of Larchant's shrine is seventy-eight kilometers (forty-nine miles) south of Paris. Charles VI's queen, Isabeau de Bavière, stopped there in 1416 on a lengthier pilgrimage, possibly to pray for her husband's health.⁹⁶ One remission letter from 1422 described a pilgrimage to St. Mathurin undertaken by a mad man and his relatives.⁹⁷ Guille Cliquet lived in Talon-Judas near Saint-Pere-le-Moustier, about 157 kilometers (ninety-eight miles) from St. Mathurin de Larchant and 228 kilometers (142 miles) from Paris. In the letter written on his behalf, his relatives and close family explained that he

had been furious and out of his senses for some time and for diverse intervals. Because of these things he was put in irons, chained, and taken to Saint Mathurin of Larchant and on other pilgrimages and sometimes he came to convalescence and afterwards he fell back into his lunacy. The which Cliquet, when he is in health, is a very good, diligent laborer and a man of great care.⁹⁸

⁹⁵ Irina Metzler, *Disability in Medieval Europe: Thinking about Physical Impairment during the High Middle Ages, c. 1100-1400* (London: Routledge, 2006), 169-176.

⁹⁶ Marc Verdier, *L'église Saint-Mathurin de Larchant* (Verneuil l'Étang Amis des monuments et des sites de Seine-et-Marne, 1969), 33.

⁹⁷ AN JJ 171 fo 292 no 520.

⁹⁸ AN JJ 171 fo 292 no 520: "ait este furieux et hors de son sens par aucuns temps et par divers intervalles pour ocasion desquel choses il aeste enferre lie et meue asaint mathurin de larchant et en autres pelerinages et aucuneffoiz en est venu a convalescence et depuis par lunoisons y est rancheu le quel cliquet quant il est en sante est un tresbon laboureur diligent et homme de grant peine."

Guille Cliquet's illness was considered cyclical, and related to the phases of the moon. While his family tried to find a resolution to the problem by taking him on multiple pilgrimages, even the saints could only aid him for a time before he would again fall into madness.

However, despite the failure of holy remedies, Guille Cliquet was a diligent worker during his periods of sanity. The letter further revealed that Guille lived in a household with his brothers, who held their beasts in common, providing an environment in which Guille could work when he was able, and presumably supporting him, along with his wife and children, when he was not. Indeed, the crime that led his relatives to seek remission for him was intimately involved in the household arrangements. A group of soldiers came through town, appropriating the local beasts and destroying outbuildings. While they were at Guille Cliquet's home, they tore down the household's stone well. According to the letter, Cliquet was at this time "in his senses," but he was naturally very angry, and set about repairing the well the evening the soldiers left town, with his son holding a candle to provide light for the task. Fortunately, many of their cattle had been saved because their valet, Guille Talart, had taken them into the hills to hide, and he also returned to the household that night. As Cliquet's relatives described the scene in his letter of remission, Talart insisted on taking the light Cliquet was using, going so far as to wrest it from Cliquet's son's hands. Cliquet, who was already angered by the actions of the soldiers, entered into his fury and attacked Talart, giving him a wound from which he eventually died. The healing powers of the saint were not sufficient to prevent Cliquet from acting out of proportion to the situation.

Jehan de Moustier, whose story is detailed in chapter four, was also taken to a saint's shrine and was disruptive while there.⁹⁹ His father, Perrim, took him to the shrine of Saint Titenerd at Gournay, north of their home in Saint-Denis. At the saint's shrine, Jehan de Moustier was chained up and left to await God's mercy, but he escaped from those chains and ran away. When he was recaptured, his family returned him to the shrine where they applied two sets of chains, but even this was not enough to hold Jehan, who had strength enough to escape from those as well. Clearly, the saint was not able to provide a cure at this time, and Perrim de Moustier took him back home.

The *Chronicle of Saint Denis* described the successful cure of a disruptive madman at Saint Denis' shrine. It is worth contrasting the successful community healing ritual described by a monk with the unsuccessful rituals seen in remission letters. Again, the pilgrimage was a local one, so it was the man's neighbors who brought him to the shrine and witnessed the cure:

[f]or a certain baker of the city of St. Denis had lost his inner sense, and captured by a demon, foaming and crying with a terrible voice, any who wanted to approach him or come to him, like an ungoverned savage beast, he tried to tear into morsels with great ferocity. So his relatives and neighbors led him, bound with iron chains, to the church of the holy martyr, and placed him before the image of the crucifix. They said prayers and his mad fury calmed a little. Then they guided him before the altar of the martyr, where for a little while he lay down on the ground, as if separated from his bodily senses. Suddenly from his mouth a fetid breath exited, and then getting up with hilarity, on bended knees, he gave thanks to God and to the glorious martyr, affirming publicly to all that he through invocation of the saint recovered his whole health.¹⁰⁰

⁹⁹ Finucane also describes the disruptive behavior of mad people at saint's shrines, which seems to have been a common theme in miracle records as well as in remission letters. See Finucane, *Miracles and Pilgrims*, 107-109.

¹⁰⁰ M. L. Bellaguet, ed., *Chronique du religieux de Saint-Denis contenant le règne de Charles VI de 1380 à 1422*, *Éditions du Comité des travaux historiques et scientifiques* (Paris: L'imprimerie de Crapelet, 1842; reprint, 1994), 6 vols., vol. 1, 314-316: "Quidam namque panificus de villa beati Dyonisii sensum penitus amiserat, et arreptus a demone, spumans ac terribilibus vocibus clamans, volentes ad ipsum accedere vel eidem occurrentes, velud effrenis belua, ferocissimis morsibus conabatur discindere. Quem cum cathena ferrea ligatum amici et vicini ad ecclesiam beati martiris attulissent, coram ymagine crucifixi, oracionibus factis, aliquantulum vesanum impetum deposuit. Deinde eum ante altare martiris perducentes, cum super

His family and neighbors brought him to the shrine in hopes of recovery, perhaps especially because the baker held an important economic position within the local community. The image of communal involvement that the chronicler paints here is compelling. These “family and neighbors” were actively involved in helping him to get to the shrine, binding him and dragging him along with them. Together, the mad man and the saint helped to initiate and confirm communal unity.

Just because other people aided in the pilgrimage does not mean that everyone was supportive, caring, and understanding of mad pilgrims. Indeed, just as remission letters reveal failed pilgrimages, they also uncover failed attempts at cementing civic unity. One case in particular provides evidence that not all miracle seekers were fortunate enough to have a considerate network of family and neighbors. Instead, a stranger verbally and physically abused Margot, who was suffering from the malady of Saint John, often called Saint John’s Dance.¹⁰¹ According to a letter written in 1379 on behalf of Jehan Dargilles, a bystander who came to her defense, Margot arrived at the church of Saint John the Baptist in Sens on the saint’s feast day (24 June) with a group of others suffering from the dancing sickness. Standing in front of the shrine of Saint John, Margot “burdened and much aggrieved by the said illness, took the candles placed before

pavimentum aliquandiu jacuisset, velud a corporeis sensibus segregatus, subito ex ore ejus anhelitus fetidissimus exivit, et tunc hylariter surgens, flexis genibus, gracias Deo egit et glorioso martiri, publice cunctis affirmans quod ejus precibus receperat integram sanitatem.”

¹⁰¹ There were several outbreaks of the dancing sickness in the Middle Ages and into the early modern period. E. Louis Backman discusses them all in detail in E. Louis Backman, *Religious Dances in the Christian Church and in Popular Medicine*, trans. E. Classen (Westport, CT: Greenwood Press, 1977), 170-258. On pages 190-216 he discusses an epidemic in 1374 in Flanders, Germany, and France, and argues on pages 303-327 that the dancers in all these epidemics actually suffered from ergot poisoning. He does not mention any outbreaks in 1379, and in fact tends to argue that any chronicles providing alternative dates to the dates of the larger outbreaks were mistaken, perhaps in order to strengthen his argument about ergotism. Erik Midelfort also discusses Saint Vitus’ Dance, which is a later incarnation of the dancing sickness (the name St. Vitus’ Dance does not appear until the sixteenth century), in H.C. Erik Midelfort, *A History of Madness in Sixteenth-Century Germany* (Stanford: Stanford University Press, 1999), 32-49.

the image of the said Saint John and broke them, destroyed them, and threw them to the ground like an insensible person without reason.”¹⁰² Another resident of Sens, Huguenin Vice Serviter, took offense at Margot’s actions and verbally abused her, saying that if he met her outside the church he would hit her. Jehan Dargilles “moved by pity for the said Margot, for consideration and compassion of her said illness, strongly blamed the said Serviter for the words and threats that he had said and made to the said Margot.”¹⁰³ Although the two men left the church peaceably enough, they met later in the street and began a brawl that led to Huguenin Vice Serviter’s death at Jehan Dargilles’ hands.

In their attempts to cure the mad the community preferred religious to medical aid. Though madness was certainly seen as a malady, and even described in humoral terms, remission letters rarely mention active medical intervention. Only one letter out of the 145 examined mentioned medicine as instrumental in curing a mad person, and even in this case the reference is ambiguous. In his madness, Robert Layne would go out into the woods naked with rocks in his hands and threaten to kill anyone who came near him, so that

no one dared to approach him except the Seigneur and Dame de Campergny who thus brought him to live in their hostel. He took him or had him taken and tied him or had him tied such that by medicine or otherwise in the custody of God he came back to himself and had cognizance.¹⁰⁴

Once he was brought home, he decided to go on a pilgrimage to Saint Acorée. In the end, however, neither the medical nor the religious cure was sufficient, since, according

¹⁰² AN JJ 115 fo 73 no 154: “chargee et mout agreuse du dit mal prenent les chandelle mises devant lymage du dit saint jehan et les cussart desrompoit et gectoit aterre comme personne insensee et sans raison.”

¹⁰³ AN JJ 115 fo 73 no 154: “meu de pitie envers la dite margot pour consideracion et compassion de sa dite maladie blasma fortement le dit serviter de parolles et menaces quil avoit dites et faites ala dite margot.”

¹⁰⁴ AN JJ 131 fo 103 no 166: “par ce nul ne l'osoit aprouchier se ne fust le Seigneur et Dame de Campergny qui ainsi comme il se vint bouter en leur hostel ilz le poindrent ou firent prendre et le lièrent ou firent lier tant que par médecine ou aultrement que à la garde de Dieu il se revint et ot cognoissance.” Edited in Saunier, “‘Hors de sens et de mémoire’,” 498.

to his remission letter from 1387, any time he was angered he would become uncontrollable and frenetic. Physicians were never called in as experts to provide proof of madness, although they were being called in as witnesses to other physical illnesses,¹⁰⁵ and in the fourteenth century physicians were brought into the court to provide testimony in the form of prognosis for the injured party, determining whether or not the wounds were likely to prove fatal.¹⁰⁶

Family care was clearly considered a better option than prison, where (at least according to the rhetoric of the remission letters) the prisoner was likely to die, whether or not he or she was ultimately convicted. Although care within the household could involve chains and cells, it could also involve pilgrimages or treatments to seek a cure that would have been unavailable in prison. In addition, a mad person who recovered could be returned to his or her previous position. Because medieval people believed that madness was a disease from which people could and did recover, and because most of these remission letters were written for people who had contributed to the support of their immediate family before they became mad, it is likely that they were closely observed in the hopes that they would recover.

However, even if caring for the mad within the household was preferable, it was certainly not without its own pitfalls. Indeed, sometimes the stress of caring for the mad was enough to bring a household to a point of crisis. Jacquet Morniet's sister-in-law became so annoyed about having to care for him while he was bed-ridden with melancholy in 1459 that she made the mistake of berating him, calling him worthless and

¹⁰⁵ AN JJ 171 no 411. Edited in Longnon, ed., *Paris pendant la domination anglaise*, 17. Note that Longnon does not provide folio references.

¹⁰⁶ *Registre criminel de la justice de St. Martin des Champs à Paris au XIVe siècle*, ed. Louis Tanon (Paris: L. Willem, 1877), 18-19.

lazy.¹⁰⁷ Enraged, Jacquet hit her with a stick and killed her. This remission letter is an excellent example of the optimism of the composers of remission letters. Jacquet's family asked for his release so he could help care for his wife and children. Yet before his crime, he was unable to support himself and was relying on his brother's charity. This fraternal care would presumably not be forthcoming after his release, however, since his brother was instrumental in his arrest. Jacquet's family must have been hoping (or expecting) that he would recover from his illness and become a useful member of the community once more, despite the unpleasant results of his dependence on his brother.

This negative response of household members to caring for the mad was not unusual. A letter composed in 1482 on behalf of Regnaulde des Vieulx, twenty-four or twenty-five year old widow of Pierre Pelletier, explained that she had been living in the household of her husband's parents after his death. In addition to Regnaulde and her child, the household included her father-in-law, his daughter, Begnoiste, and her husband, Odile Deleslang. Begnoiste, who was only fourteen years old, was described in the letter as "foolish and insensible, and not pleasing to the said Odile,"¹⁰⁸ who was more interested in the older widow. Odile and Regnaulde began to have an affair, and Odile suggested that he should kill Begnoiste so that they could marry. In the remission letter written on her behalf, Regnaulde claimed to have protested against this plan, but agreed that if by chance Begnoiste were to die, she would be happy to be Odile's wife. When Begnoiste was discovered drowned in a nearby fountain, Odile left town, thereby confirming his culpability, since the choice of voluntary exile was equivalent to an

¹⁰⁷ AN JJ 188 fo 102 no 203.

¹⁰⁸ AN JJ 209 fo 61 no 104: "folle et incensee et nestoit pas ala plaisance dudit odile."

admission of guilt. When the officers of Neuilly came to question Regnaulde, the private lives of the Pelletier household became public knowledge.

The remission letters narrated the discomforts of dealing with mad people, along with the attempts made to help them. These awkward figures threatened their communal and kinship ties, but at the same time they could be used as symbols of and cement for those same bonds. Mad people were expected to recover and reaffirm their identities as integral parts of the larger community. The attempts made to hasten that recovery through pilgrimage or to guard the mad in order to prevent them from harming themselves or others placed the mad person at the center of communal concern. This communal concern was perhaps most clear in a particular type of crime narrative that began to appear in the middle of the fifteenth century, in which the mad person became an impetus for vigilante justice, not as its victim, but as its cause.

Acts of Communal Justice: Sorcerers and Remission

Towards the middle of the fifteenth century, a new narrative phenomenon began to appear in the remission letters. These letters were written on behalf of individuals and, often, large groups of people guilty of murder, who insisted that their victims were “renowned” sorcerers. These accusations of sorcery and bewitchment, nonexistent in the earlier letters, included references to proofs of the sorcerer’s power in the community, describing cases of impotence, infertility, and madness.¹⁰⁹ The supplicants generally sought remission for what they presented as a cooperative effort to interrogate the accused sorcerer, leading to the sorcerer’s death from exposure or other “natural” causes.

¹⁰⁹ For more on the connection between impotence magic and witchcraft, see Catherine Rider, *Magic and Impotence in the Middle Ages* (Oxford: Oxford University Press, 2006), especially 186-207.

Studies of witchcraft accusations in diverse locations have noted that, while the educated inquisitors and judges were most concerned with the question of worship of the devil, most accusers were focused on the details of the evil deeds performed through magic.¹¹⁰ The social aspects of magical acts, rather than a theological insistence on heretical beliefs, were important to those who brought cases against their neighbors. While the dangers of heresy in the community were certainly clear to the inquisitors, since heretics were believed to seek converts and could thus corrupt their neighbors, the dangers of sorcery were obvious to all, since they actively worked to attack their neighbors. Norman Cohn argues that the lack of witchcraft accusations in the Middle Ages was due not to a lack of belief in popular culture, but rather to the legal system of “talion,” whereby the accuser, if unable to convince the judge of the guilt of the accused, would suffer as heavy a penalty as fit the crime. He cites the evidence of lynchings from the ninth century into the eleventh to prove that there was a widespread belief in witchcraft before the trials.¹¹¹ What is particularly interesting about the evidence of the remission letters is that the lynching of sorcerers (or even the accidental death of people rumored to be sorcerers) does not appear in the archive until 1450, after witchcraft trials had already begun in parts of Switzerland and eastern France.¹¹²

¹¹⁰ Edward Peters notes for the fourteenth century that “In secular courts generally, jurists looked for damage actually caused by sorcery; in ecclesiastical courts canonists looked for indications that sorcery was practised by means that clearly savoured of heresy, especially the homage paid to demons in return for magical powers.” See Edward Peters, “The Medieval Church and State on Superstition, Magic, and Witchcraft From Augustine to the Sixteenth Century,” in *Witchcraft and Magic in Europe Volume 3: The Middle Ages*, ed. Bengt Ankarloo and Stuart Clark (Philadelphia: University of Pennsylvania Press, 2002), 173-245, 218. See also Robin Briggs, *Communities of Belief: Cultural and Social Tension in Early Modern France* (Oxford: Clarendon Press, 1989); Robin Briggs, *Witches and Neighbors: The Social and Cultural Context of European Witchcraft* (London: Harper Collins, 1996); Norman Cohn, *Europe's Inner Demons: An Enquiry Inspired by the Great Witch-hunt* (London: Sussex University Press, 1975); Carol Karlsen, *The Devil in the Shape of a Woman: Witchcraft in Colonial New England* (New York: Norton, 1987).

¹¹¹ Cohn, *Europe's Inner Demons*, 160-163.

¹¹² Pierrette Paravy, “À propos de la genèse médiévale des chasses aux sorcières: Le traité de Claude Tholosan, juge dauphinois (vers 1436),” *Mélanges de l'École française de Rome* 91 (1979): 333-379.

The devil had a strong presence in letters of remission at least from Charles V's reign, which marks the beginning of this study. The "temptation of the enemy" did not excuse an action, but it did provide a reasonable motivational force for the crime. Natalie Zemon Davis, in her study of later remission letters, notes that the phrase was no longer in use in the sixteenth century.¹¹³ The coincidence of an increasing interest in the connection of the devil with sorcery and witchcraft in this period suggests that the "temptation of the enemy" may have become a more troubling claim in the sixteenth century than it had been in the fifteenth. It was still occasionally used in oral depositions at trials, but the more composed format of the remission letters perhaps edited out such references.

Jean Gerson and other fourteenth-century theologians who were interested in the discernment of spirits believed that possession, whether by God or by the devil, manifested itself in behavior that was very similar to madness.¹¹⁴ The concern of these theologians was to determine which of the three possibilities was in fact occurring in a particular case and to act accordingly, whether to beatify, exorcise, or call a physician.¹¹⁵

Bernard Gui's inquisitorial manual in the early fourteenth century mentions witchcraft, but he never convicted any witches. See Cohn, *Europe's Inner Demons*, 131. Nicolas Eymerich wrote his *Directorium Inquisitorum* in 1376. His manual for inquisitors discussed witchcraft, but only as one among many heresies. His focus was on the distinction between *dulie* and *latrue* of the devil, or worship (which is due only to God) and veneration (which is applicable to the saints). These two different levels of heretical behavior in the practice of sorcery determined the appropriate punishment for the sorcerer. Jean Gerson's treatise written in 1402, *De erroribus circa artem magicam*, circulated with the appended articles condemning magic by the University of Paris in 1398.

¹¹³ Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-century France* (Stanford, CA: Stanford University Press, 1987), 37. See also the corresponding endnote number 6 on pages 169-170.

¹¹⁴ Jean Gerson, *Oeuvres complètes*, ed. Mgr Glorieux (Paris: Desclée & Cie, 1962), 10 vols., vol. 3: L'oeuvre magistrale.

¹¹⁵ Most modern work on this topic has been more interested in the first two possibilities. See Nancy Caciola, *Discerning Spirits: Divine and Demonic Possession in the Middle Ages* (Ithaca: Cornell University Press, 2003); Nancy Caciola, "Mystics, Demoniacs, and the Physiology of Spirit Possession in Medieval Europe," *Comparative Studies in Society and History* 42, no. 2 (2000): 268-306; Barbara Newman, "Possessed by the Spirit: Devout Women, Demoniacs, and the Apostolic Life in the Thirteenth Century," *Speculum* 73, no. 3 (1998): 733-770. However, madness was also a viable diagnosis. Friar Felix Fabri

Fifteenth-century scholars shifted attention to the capabilities of sorcerers, rather than the direct actions of the devil. Sorcerers were believed capable not only of channeling demonic possession, but also of causing physical illnesses, including madness, through potions and spells. Johan Nider wrote his *Formicarius* sometime around 1437. In this treatise, he explained miraculous and marvelous events, introduced with brief allegorical interpretations of the behavior of ants.¹¹⁶ In book 5, chapter 3, the Theologian presented to his interrogator, the Lazy One, the kinds of damages that sorcerers can inflict through their demons. He explained:

[t]hen, the first manner works to create in a man an illicit love for a woman or in the contrary sense, in a woman for a man. Another serves to provoke hatred or jealousy in someone. The third is found in those who are called ensorcelled, because the men and women cannot use their generative force. The fourth manner is to make a man suffer in one of his members. The fifth deprives him of his life. The sixth deprives him of the use of his reason. The seventh is to harm him by attacking his goods or his animals....¹¹⁷

This list of harmful acts reflects an intense concern about reproduction, relationships, and household resources, as well as a fear of attacks on the individual. Unlike the general run

wrote of a visit to a small town in Germany: “In the village of Jedensheim, or Iheidensheim, at the foot of the hill on which the castle stands, there was a maiden bereft of her reason, whom many declared to be possessed of a devil; he showed me this maiden for me to look at and examine, that I might decide what was to be done with her; whether she ought to be exorcised or not. My decision was that she was out of her mind, and therefore fitter to be entrusted to the care of physicians than to that of theologians.” Felix Fabri, *The Book of the Wanderings of Felix Fabri (Circa 1480-1483 A.D.)*, ed. Aubrey Stewart, trans. Aubrey Stewart (London: Palestine Pilgrims' Text Society, 1896), 2 vols., vol. 1, 56.

¹¹⁶ Catherine Chène, “Introduction,” in *L'imaginaire du sabbat: Édition critique des textes les plus anciens (1430 c. - 1440 c.)*, ed. Martine Ostorero, Agostino Paravicini Bagliani, and Kathrin Utz Tremp (Lausanne: Section d'histoire, Faculté des lettres, Université de Lausanne, 1999), 101-120, 106. The titles of the five books are *Libellus primus principaliter erit de raris bonorum hominum exemplis et operacionibus*, *Secundus de verisimilibus bonis revelacionibus*, *Tercius de falsis et illusoriis visionibus*, *Quartus de virtuosus perfectorum operacionibus*, *Quintus de maleficis et eorum decepcionibus*.

¹¹⁷ Jean Nider, “Formicarius Livre II, chapitre 4, et Livre V, chapitre 3, 4, 7,” ed. Catherine Chène, in *L'imaginaire du sabbat: Édition critique des textes les plus anciens (1430 c. - 1440 c.)*, ed. Martine Ostorero, Agostino Paravicini Bagliani, and Kathrin Utz Tremp (Lausanne: Section d'histoire, Faculté des lettres, Université de Lausanne, 1999), 148-149: “Unus igitur modus est quo amorem malum ingerunt viro alicui ad mulierem aliquam, vel mulieri ad virum. Alius est cum odium vel invidiam in aliquo seminare procurant. Tercius est in his qui maleficiati dicuntur, ne vi generativa uti valeant ad feminam vel viceversa femelle ad virum. Quartus est cum in membro aliquo hominem egrotare faciunt. Quintus cum vita privant. Sextus quando usu rationis aliquem privant. Septimus cum quocumque predictorum modorum aliquem in suis rebus vel animalibus....”

of heretics, sorcerers were visibly damaging to the community, regardless of whether they were actively recruiting. Nider listed deeply threatening powers over people's relationships with others, since sorcerers could control love, hatred, or jealousy, all of which could be instilled in another person without cause or reference to the ordinary balance of the community. Equally, an inability to reproduce threatened the continuity of a household, and through that household of the community as a whole, just as the destruction of property and household resources did. Similarly, loss of reason was a serious threat to the cohesiveness of the community, since mad people were perceived as likely to attack ties of community and kinship, thus furthering the larger goal of the sorcerer. In the end, attacking an individual's life or body parts seems the least disruptive possibility.

It may be theologically significant that Nider chose to say that sorcerers could deprive a person of the "use of his reason," not actually deprive him of his reason. Although the sorcerer was able to create an impediment to using reason, they were not able to actively threaten a person's reason. Indeed, Nider provided an exemplum about the judge Pierre in Berne, who was injured by means of sorcery. Pierre was generally quite careful about protecting himself with his faith and constant signing of the cross, but one night he woke up in the middle of the night and left himself open to the devil. Believing that it was morning due to some "fictive light," he went downstairs and found the front door locked. Angered at his attendants, he returned up the stairs cursing, saying "In the name of the devil." Immediately, Pierre fell back down the stairs onto his head. He was found "deprived of the use of his reason, wounded everywhere and bleeding

profusely.”¹¹⁸ This story was used by Nider to demonstrate that even holy men, despite their best efforts, can slip up occasionally, allowing sorcerers and the devil access to them. However, perhaps the most interesting aspect is that Pierre’s wounds and loss of reason were by-products of the sorcerer’s act, which was to make him trip on the stairs. Although sorcerers had the power to wound people remotely, they were also capable of taking advantage of dangerous situations. Pierre eventually regained the use of his reason through God’s grace, and recovered from his other wounds.

Heinrich Institoris, who wrote the *Malleus Maleficarum* in 1484, was heavily influenced by Nider’s work.¹¹⁹ He also explained that witches were capable of inflicting illness on their victims. Institoris, however, was particularly intent on proving that witches could cause epilepsy and leprosy, because, as he pointed out, physicians claimed that these diseases generally arose from longstanding preconditions, and therefore were unlikely to be contracted through supernatural means.¹²⁰ Interestingly, in his discussion of how sorcerers could cause illnesses, he devoted relatively little space to madness, merely stating “[t]he situation with harming the use of reason and harassing the internal senses is made clear through the case of the possessed and ‘stricken,’ as well as by

¹¹⁸ Ibid., 190-193: “luce deceptus ficticia”; “In nomine dyaboli”; “privatum rationis usu iacentem et collisum per omnia membra, sanguinem plurimum e corpore emittentem.”

¹¹⁹ For more on the *Malleus* and its wider influence, see Hans Peter Broedel, *The Malleus Maleficarum and the Construction of Witchcraft: Theology and Popular Belief* (Manchester: Manchester University Press, 2003). Although earlier scholarship credited Jacobus Sprenger with coauthoring the *Malleus*, Institoris is now accepted as the sole author. See P.G. Maxwell-Stuart, “Introduction,” in *The Malleus Maleficarum*, ed. P.G. Maxwell-Stuart (Manchester: Manchester University Press, 2007), 30-31.

¹²⁰ Henricus Institoris and Jacobus Sprenger, *Malleus Maleficarum*, ed. Christopher Mackay, trans. Christopher Mackay (Cambridge: Cambridge University Press, 2006), 2 vols., vol. 2: The English Translation, 311.

Gospel stories.”¹²¹ Thus, sorcery could cause madness, since it was clear that the devil could cause cases of possession by targeting a person’s “use of reason.”

The narratives in letters of remission about witchcraft revolved around issues of trust, threat, and reputation in the community. They revealed and simultaneously sought to mend deep fissures in the ideals of communal support. The mad person, along with other perceived victims of malefaction, became the central figures of a narrative of communal reconstruction at the expense of the reputed sorcerer. However, the letters also illuminate the roles that sorcerers were expected and even, occasionally, required to play in the neighborhood. Generally, these sorcerers were sought out originally on the pretext of desiring magical healing, not because they were immediately presumed to be the cause of the illness. It was only after the sorcerer’s attempts failed, or he or she¹²² refused to help, that the narratives escalated into violence.¹²³ Like the mad person in narratives of mad crime, the sorcerer had a role to play that was acceptable in certain prescribed ways.

¹²¹ Ibid., 307; Henricus Institoris and Jacobus Sprenger, *Malleus Maleficarum*, ed. Christopher Mackay, trans. Christopher Mackay (Cambridge: Cambridge University Press, 2006), 2 vols., vol. 1: The Latin Text, 457: “Item de nocumento vsus rationis et vexatione interiorum sensuum probatur ex possessis et arrepticijis, per euangelicas etiam historias.”

¹²² Despite the preponderance of female witches elsewhere, in France, at least in the early period, the ratio seems to be less skewed. Alfred Soman also found this to be the case in the *écrou*s of the Conciergerie du Palais, the prison of the Parlement of Paris. He also found that very few accused sorcerers were killed. See Alfred Soman, *Sorcellerie et Justice Criminelle: Le Parlement de Paris (16e - 18e siècles)* (Hampshire: Variorum, 1992), x.

¹²³ The sorcerers’ social position appears in some ways similar to that of the Jews studied by David Nirenberg. He argues that outbreaks of violence against Jews were deeply embedded in specific social, political, and ideological conflicts that were locally based. In fact, Nirenberg suggests that coexistence was predicated on just such occasional outbreaks of violence, which could dissolve the tensions of everyday life. This argument casts new light onto considerations of “othering”, violence, and community, suggesting that persecution did not intend to purify, but to enable cohabitation. See David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996). It is also worth noting, as Miri Rubin points out, that violent episodes against the Jews were not only localized and particular, but also manipulated and comprehended through narrative constructions. Miri Rubin, *Gentile Tales: The Narrative Assault on Late Medieval Jews* (New Haven: Princeton University Press, 1999).

In 1464, Jehan Sommet, a notary living in the town of Thiar in Auvergne, sought remission for the crime of murder. He described his troubling night on the twelfth or thirteenth of June, when his wife “was greatly troubled in her sense and understanding, crying with a loud voice as if insensible, and wishing to throw herself out the windows into the street.”¹²⁴ Jehan Sommet explained that he called his neighbors to aid him in guarding his wife and preventing her from doing herself harm. He claimed that he made a number of vows, to both male and female saints, on his wife’s behalf, but they did not help her. Upset about his wife’s continued frenzy, Jehan Sommet began asking his “neighbors and other people”¹²⁵ where this illness could come from, and if they knew of any possible remedy. The response, which was presented as universal, rather than being attributed to one particular source, was that his wife had been poisoned by an old, 90-year-old woman in the town, named either Guillaume or Guillemete de Pigeules called Turlateuse, “held and reputed to be a great sorcerer and a bad woman.”¹²⁶ The helpful, but anonymous, voices of Jehan Sommet’s “neighbors and other people” further informed him that only Turlateuse could provide a remedy for her poisons, and that he would have to ask the sorcerer “nicely” (*doulcement*) to heal his wife. If Turlateuse refused, Jehan’s advisors continued, he should “warm the soles of her feet,” because on other occasions, she had healed people of similar poisons and illnesses because of threats and beatings.¹²⁷

Armed with this helpful advice, Jehan Sommet and two of his wife’s brother, Hugues Vachon and Jehan Cavart, went to the home of Turlateuse on the ninth of August, two months after his wife had first begun to exhibit these symptoms. The three

¹²⁴ AN JJ 199 fo 276 no 441: “fut fort trouble de son sens et entendement criant a haulte voix comme incensee soy voulant gecter par les fenestres en la rue.”

¹²⁵ AN JJ 199 fo 276 no 441: “a ses voisins et a autres personnes.”

¹²⁶ AN JJ 199 fo 276 no 441: “tenus et reputees estre grant sorciere et mauvasive femme.”

¹²⁷ AN JJ 199 fo 276 no 441: “luy chauffast les solles des piez.”

men asked Turlateuse to help Jehan Sommet's wife by healing her or providing an antidote to the poisons, but, according to the letter, she refused to do so. Naturally, they proceeded to apply a hot iron to her feet in an effort to force her to help them, adding in a few beatings around her neck with a stick. When Turlateuse remained obstinate in her refusal to help them, they departed, each one back to his own home. However, two days later, Jehan Sommet's wife worsened, becoming more frenzied than before. In his anger, Jehan Sommet called together his four closest friends, the same two brothers of his wife and two other men, Jehan Grasser and Pierre Jobert, and informed them that, in order to heal his wife, they were going to take Turlateuse out of her home that night and burn her feet. When one of his henchmen protested that perhaps Turlateuse's neighbors would bring them to justice for breaking into her house, Jehan Sommet replied that all her neighbors knew she was a bad woman, and would not meddle with them. He returned home to his sick wife, who was being watched by several neighbors, but his friends went to Turlateuse's home, where they found her "naked" in her bed. They took her to a nearby churchyard, where they beat her with sticks so hard that she fell on the ground, and kept beating her until she told them that Jehan Sommet's wife had recovered. One of the perpetrators went to Jehan Sommet's house to verify Turlateuse's statement, where he found the woman's health improved. Jehan went to the churchyard and found Turlateuse lying still on the ground. He claimed later that he was very angry to find that his friends had beaten the sorcerer so badly, and he insisted that she be carried back to her home. One of his friends did so, but, finding the door locked, left her, still naked, on the doorstep, where she was found the next morning, dead.

In some cases, mad people themselves, rather than only their relatives, were involved in gathering together a posse of like-minded individuals to “interrogate” a renowned sorcerer. Guille Moler, in his letter of remission from 1452, claimed that he was pulled out of bed one Saturday evening at eight o’clock by Jaures Menefevre, who asked Guille to join him and Thogny de la Villate, who was waiting for them with Beguite Clote. There is no indication in the letter of any kin relationship between these three men. Beguite “as it is said, had ensorcelled the said Thogny and made him languish in a certain illness by virtue of certain evil arts such that he had lost his good, natural senses and that he was out of good memory.”¹²⁸ Interestingly, Thogny, despite believing that Beguite had been the cause of his illness, had asked her to heal him, which she promised to do but never managed. When the three men confronted her with rigorous words, she refused to help Thogny, so they beat her with “little” sticks until she finally agreed to heal him. According to Guille’s letter, the three men then left her alone, and she decided to sleep under a tree, where she may have taken cold, or possibly been more severely injured than they had thought, because she died the same night and her body was found under the tree the next morning.

Guitiere des Ganes’ letter of remission demonstrates the general fear of sorcerers. Guitiere was eighteen years old in 1469, when she became involved in what reads as a complicated and fraught household arrangement. It is unclear from the letter exactly how Guitiere was involved in the household of Remond Robin, but it seems likely that she was a servant. Remond Robin was married to Michelle Peronne, and the couple lived with their daughter, Jehanne Robine, and her husband, Roger Colmet, who had come into

¹²⁸ AN JJ 181 fo 67v no 123: “come len disoit avoit ensorcele ledit thogny et le fait languer en certaine maladie par vertu de certain mauvais art tellement quil en avoit perdu son bon sens naturel et quil en estoit hors de bonne memoire.”

the household originally as a servant. Remond Robin became aware that his wife did not take good care of her children, and became so angry about it that he ended up bedridden from illness. Michelle Peronne moved out of their communal home. At this point in the narrative, Guitiere was reintroduced, arguing that she did not dare to do anything to anger Michelle Peronne because she believed that Michelle had caused her brother to become mad by making him eat the brains of a cat. The narrative suggests some intervention by a notary questioning this statement, because the letter's flow was interrupted to explain that "the said supplicant presumed this because this Michelle had, around the feast of Easter last, treated the brain of a cat and given it to her daughter to give to the said Roger to bring him so that he would become mad."¹²⁹ The madness of her brother worked as an insurance of her cooperation, according to Guitiere, so that she had no choice but to join Michelle Peronne and Jehanne Robine when they went to Roger Colmet's house and murdered him in his bed. According to the letter, Michelle Peronne had already confessed to all of her own crimes, and had exonerated Guitiere and Jehanne.

These cases involving sorcery, much like those that mention failed pilgrimages, demonstrate the desire for action on the part of the family and relatives of the mad. They were not willing to merely accept madness as a just punishment from God or as a natural illness that had to be endured. Their search for a solution to the problem that madness posed reached outwards, to things that were in their control. Many scholars writing about witchcraft have considered the cathartic value of the witch as a scapegoat for larger

¹²⁹ AN JJ 196 fo 72 no 127: "ce presupposit ladite suppliant par ce que icelle michelle environ la feste de pasques dernier ladite michelle avoit trait la cervelle dun chat et baille a sa fille pour bailler donner audit roger amena affin quil devensist fol."

problems in the community.¹³⁰ This chapter has shown how mad people had the potential to disrupt and disorder familial and communal bonds. However, rather than target the mad in order to prevent such problematic crimes, these communities chose to protect them, reintegrating mad people and, in the process, sometimes channeling that potential towards recognized and “renowned” outsiders.

The brief life narratives encapsulated within remission letters conceal much about their protagonists. These crimes are told from only one perspective, that of the criminal, or in some cases of those taking the criminal’s part. It is not possible to trace these crimes to their source and discover more about the community where they were committed, or find dissenting voices that could clarify the details of the case or shed light on alternative narratives about the crimes or about those who committed them. The mad people described in these letters disappeared from the public record after remission was granted. What did the family and community actually do once the mad person was released from prison? What was the long-term effect of the admission of guilt and madness on the individuals and on their communities? Answers to these questions, and many others, remain tantalizingly out of reach.

Nevertheless, these letters reveal important details about how madness was understood and what kinds of actions were taken on behalf of those considered mad. Madness, conceived as an inability to understand the world and particularly the rules, explicit and implicit, that governed human interactions, revealed the instability of

¹³⁰ Briggs, *Communities of Belief: Cultural and Social Tension in Early Modern France* ; Briggs, *Witches and Neighbors* ; Lyndal Roper, *Witch Craze: Terror and Fantasy in Baroque Germany* (New Haven Yale University Press, 2004); Lyndal Roper, “Witchcraft and Fantasy in Early Modern Germany,” in *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London: Routledge, 1994), 199-225.

communities on all levels. However, despite the medieval “persecuting society,”¹³¹ mad people were not exiled from their communities as a result of the threat that they posed. Rather, even after committing crimes, they could be reintegrated into their families and communities. The very ties that they had ruptured were reconstructed through the narratives of these remission letters, as the letter composers sought to place mad people at the center of communal responsibility and concern.

¹³¹ R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250* (Oxford: Blackwell, 1987).

Chapter 6:

Conclusions

All of the mad people examined in this dissertation were embedded within networks of kin and community, whether they included the Princes of the Blood or manual laborers. These networks were complex, and while a mad person's place within them had to be negotiated, none were not expelled from the community. In part, the texts used allowed for the tracing of such communal involvement. The king of France was clearly an unusual case, and those mad people whose families were willing to seek remission for them were also fortunate in their position. As demonstrated by the law codes, in theory mad people were to be protected from themselves, just as the community was to be protected from their potentially harmful, but presumably unintended, acts. Madness was an intimate disaster, often rupturing social bonds and constructs of identity in startling and sometimes violent ways. Yet, as this dissertation has shown, legal and social mechanisms were put in place to reintegrate the mad into community structures.

In conclusion, I would like to consider a case that approaches many of the themes that have been considered in this dissertation from a new angle. A set of four remission letters all dealing with the same crime appear in the chancery records for 1424 and 1425.¹ It is not a story about madness itself, but one that offers insight into how the discourse of

¹ AN JJ 173 fo 22v no 44, AN JJ 173 fo 88 no 170, AN JJ 173 fo 88v no 171, and AN JJ 173 fo 89v no 172.

madness was deployed and how multiple levels of community were constructed. In these four letters sent to the king, a number of residents of a town in the diocese of Bayeux explained to the English government of France how it came to pass that they had banded together to attack two English men in November of 1417, shortly after Henry V's army had overtaken Caen. No one could understand these strangers, who had decided to lodge at Guillaume le Paumier's *hôtel*. When the two men started to gather together the Paumiers' goods, Alips, Guillaume le Paumier's wife, left the *hôtel* seeking help, and a group of townspeople returned with her and killed the two men.

Their requests for remission were written against the background of national events. In the seven years between 1417, when the act was committed, and 1424, when remission was sought, the political landscape in France had shifted, in part due to repercussions from the king's madness. Charles VI had died in 1422, leaving political confusion and civil war dividing the realm. The dead king's son, Charles, had been officially disinherited, and controlled only southern France. His grandson, Henry, the heir according to the Treaty of Troyes, was just a baby, and with the aid of an English regent and the duke of Burgundy, held Paris and northern France. In such a divisive moment, fundamental questions about the very constitution of the French realm, French identity, and the relationship between the French and the English were at stake. The political situation was so complex in part because of the king's madness, which had left his legacy, shaped through the Treaty of Troyes, open to question.

As these four remission letters demonstrate, this confusion of loyalties on the level of the realm had repercussions in local communities. With an English king on the throne, actions that might in other contexts have appeared simply as a commendable and

heroic defense of the village against enemies of the realm, were suddenly construed as the murder of loyal soldiers and subjects of the king. These conflicts over changing identities and shifting boundaries between enemy and friend were relatively common in this period, and a number of remission letters reflect discomfort and uncertainty on a local level, caused by political events.² This series of letters moves beyond the general acknowledgement of alternating loyalties, however, considering problems of linguistic differences, communal defense, and the long-term fears that such shifts engender.

Robert le Panomer's letter was recorded in the chancery in December of 1424, and was the first remission letter sought by members of this community in reference to the death of the two strangers.³ The three other letters relating to this crime were all recorded consecutively in June of 1425, and appear to have been composed in consultation with each other. Indeed, these three letters are practically word for word exact replicas of each other. The first of these was composed on behalf of Guillaume and Alips le Paumier,⁴ who were pardoned together as a married couple. The two others were for Robin Germain⁵ and Jehan Germain,⁶ perhaps brothers or a father and son, though their relationship to each other was not specified in the letters. These three identical letters with slight alterations in reference to the particular supplicant involved reveal the careful construction that went into these crime narratives. In the essentials they do not diverge significantly from Robert le Panomer's earlier version, but their narrative is more cautious and considered.

² See the discussion in chapter four of brigandage during wartime.

³ AN JJ 173 fo 22v no 44.

⁴ AN JJ 173 fo 88 no 170.

⁵ AN JJ 173 fo 88v no 171.

⁶ AN JJ 173 fo 89v no 172.

It is tempting to speculate about the exchange of information once Robert le Panomer returned to Normandy with his letter of remission. Guillaume and Alips le Paumier and Robin and Jehan Germain all claimed that they had been hiding “secretly,” supported by their neighbors and relatives in the area, for the past seven years. Two possibilities can be imagined. One is that, with Robert le Panomer’s letter of remission, the horizon opened for these four fugitives. Here was proof that the English occupiers would not execute them for their crime, but that Henry, like the King of France he claimed to be, would, of his grace and mercy, pardon them. Alternatively, Robert le Panomer’s return with a royal pardon might have initiated a legal case against his accomplices, since remission for one participant in a crime did not guarantee remission for the others.⁷ Regardless, it is likely that Robert le Panomer’s remission letter for this case spurred the others to seek their own. The distance from Paris to the diocese of Bayeux, where their village was located, is around 260 kilometers (160 miles). There was plenty of time between Robert le Panomer’s return, probably some time in late December or early January, and the trip to Paris in May or June by the other four remission seekers. They could get the story straight, ensure that the details matched and that nothing they said had the potential to backfire once they acquired remission.

The first letter, written on behalf of Robert le Panomer, claimed that two strangers arrived in town, “speaking a strange language that they had never heard and they did not know whether they were Bretons, English, Scottish or other peoples.”⁸ The letter is a narrative constructing Robert le Panomer’s innocence. The men were speaking an

⁷ Esther Cohen notes this, although the case she discusses involves people who received remission for crimes for which their accomplices had already been executed. Esther Cohen, *The Crossroads of Justice: Law and Culture in Late Medieval France* (New York: E.J. Brill, 1993).

⁸ AN JJ 173 fo 22v no 44: “parlans langage estrange que on ne entendoit point et ne savoit ou se cestoient bretons anglois escocoys ou autres gens.”

incomprehensible language, so no one knew they were English, and, perhaps more significantly, no one knew what they were doing. They were the first aggressors. According to Robert le Panomer's letter, the strangers had threatened the Paumiers by hitting them both several times with the flat of their swords, and gathered all the Paumier's goods together, planning to steal them in the morning. As if that was not enough to exonerate him, even Alips' decision to call on her neighbors for aid was not done with the intention of attacking the two strangers, but only in a state of temporary madness brought on by fear, loss, and possibly pain, since she had already been beaten by the strangers' swords. According to Robert le Panomer's version of events, Alips "was as if completely out of her good sense and memory because she saw that they wanted to take away their said goods."⁹ Thus, her decision to round up the locals to help her prevent these two strangers from stealing from her was not premeditated, but was the result of a temporary insanity brought on by her fear of the loss of their property.

In the version agreed upon by Guillaume and Alips le Paumier, Robin Germain, and Jehan Germain, the supplicants declared that they "had no memory" of the exact date, just that it was around Saint Martin's day and after the conquest of Caen by the English.¹⁰ By declaring their uncertainty about the date, the composers of these three letters established the uncertain nature of memory. Despite four witnesses who were able to agree on the details to the extent that they presented their cases in almost identical ways, no one could recall the exact date on which these events took place. This reminder of the fragility of human memories, particularly after the passage of time, could have

⁹ AN JJ 173 fo 22v no 44: "fut comme toute hors de son bon sens et memoire pour ce quelle veoit quilz vouloient emport leurs diz biens."

¹⁰ AN JJ 173 fo 88 no 170, AN JJ 173 fo 88v no 171, and AN JJ 173 fo 89v no 172: "dont lesdis suppliant ne sont recors."

been an effort to legitimize their own version of events as opposed to Robert le Panomer's.

The composers of the new narrative of events, unlike Robert, did not choose to provide a list of possible languages that the two men might have been speaking, instead stating it was “English or another language.”¹¹ This version of events also avoided representing the two men with drawn swords during their early interactions with Guillaume and Alips le Paumier. Instead, their threatening actions were directed towards the couple's goods, which they gathered together and seemed to plan to carry away. Indeed, it was because they could not understand these strangers, not because the strangers threatened them with bodily harm, that Guillaume and Alips became frightened and angry. According to their letter, Guillaume went to bed and Alips (without consulting her husband) left the house to complain to the neighbors about these two strangers. Significantly, these three letters did not mention temporary madness as a mitigating factor for Alips' actions.¹² Madness could be a complicated claim to make, since it could lead to a mandate in the letter of remission forcing the family to keep the mad person locked up or under guard.¹³ This was particularly true in Normandy where, as we saw in chapter three, the law codes called for the restraint of the mad to prevent them from causing fires.¹⁴ Clearly, Robert le Panomer did not find it problematic to refer to the temporary madness of his neighbor who called for his aid, whereas Guillaume and

¹¹ AN JJ 173 fo 88 no 170, AN JJ 173 fo 88v no 171, and AN JJ 173 fo 89v no 172: “parlans anglois ou autre langage.”

¹² AN JJ 173 fo 88 no 170, AN JJ 173 fo 88v no 171, and AN JJ 173 fo 89 no 172.

¹³ For example, the letter for Jehan de Moustier in AN JJ 114 fo 106v no 212 (in 1378) and one for Jehannecte Troppé in AN JJ 173 fo 33v no 63 (in 1425). Edited in Paul Le Cacheux, ed., *Actes de la chancellerie d'Henri VI concernant la Normandie sous la domination anglaise (1422-1435), extraits des registres du Trésor des chartes aux Archives nationales* (Rouen: A. Lestringant, 1907-1908), vol. 1, 181-183.

¹⁴ See chapter three. William Lawrence de Gruchy, ed., *L'ancienne coutume de Normandie* (Jersey: C. LeFeuvre, 1881), 184.

Alips le Paumier were hesitant to ascribe her behavior to madness. Instead, they presented her call for help as an understandable response to the threat of theft that the two strangers represented.

Robert le Panomer, the Paumiers, and the Germains were caught in an awkward moment of transition between political rivals, where alliances shifted and enemies became putative friends. On the ground, in local villages, these shifts engendered confusion, anger, and fear. Caen had fallen to the English forces, but residents of small towns in the countryside could not know in that moment how changes in policies at the level of kings and princes would color their own actions, reframing them in unexpected ways. From their perspective they had banded together as neighbors to defend their community from strangers with whom they were unable to communicate. Within three years, those strangers had, through the Treaty of Troyes, become allies. Within five years, the kingdoms of France and England were joined under a single king. As the first remission seeker, Robert le Panomer sought to emphasize the fear and confusion brought on by the unexplained actions of these two strangers, explaining that the men had drawn their swords and beaten the Palmiers. He described Alips le Palmier as out of her senses in an attempt to recapture the emotional tenor of the moment and explain why her neighbors were so quick to come to her aid. The later letters were more balanced in their portrayal of the two strangers and in their depiction of Alips' actions.

This dissertation has sought to explore the multiple levels on which medieval conceptions of madness interacted with constructions of kinship and community. When the king of France began exhibiting signs of madness, the chroniclers, political writers, and preachers of the time had to grapple with questions of royal authority, regal dignity,

and the instability of the realm under an occasionally incapacitated monarch. They often saw his madness as a threat to the coherence of the French realm, which was in danger of disintegrating into civil war as his relatives fought for control of the monarch during his periods of illness. However, they also deployed it in an effort to reimagine the French people coming together and affirming their identity in prayers and processions on his behalf. The macrocosm of the realm was mirrored to some degree in the microcosm of local towns and villages. Much like the king's madness, the madness of ordinary people was imagined as a threat to the community as a result of their inability to understand basic human interactions, and sometimes because of their unintended violent actions against themselves or others. Nevertheless, the narratives written around these figures sought to reconstruct the kin and communal ties that had been fractured by these mad people, reimagining local communities just as chroniclers reimagined the realm. Communities are constantly in the process of being constructed through the creation of boundaries and the affirmation of ties. Rather than being expelled, the mad were integrated, often through the use of surveillance or chains, into the bosom of their kin and communal relationships.

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