“Viles personnes”:

The Plebeian Multitudes in Charles Loyseau’s *Traité des ordres*

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Charles Loyseau’s *Traité des ordres et simples dignitez* (1610) is well known to historians for its apparent “anatomy” of France’s social hierarchy in the Ancien Régime. Whilst Loyseau was mostly preoccupied with the elites and their varying levels of dignity, his treatise nonetheless provides an important window on the multitudinous plebeian orders. Loyseau hesitantly stratifies four tiers of “viles personnes” (cultivators, artisans, casual workmen, and beggars). Each of these groups puts strain on his conceptual framework of dignity and order; only beggars emerge as fully vile. The plebeian multitudes of the *Traité des ordres* engage in menial, unstable, but in many cases still worthwhile occupations. By comparing Loyseau’s views with those of contemporaries (Louis Turquet de Mayerne and Antoine de Montchrestien) we may better understand his conception of “viles personnes” as the first stages of an emergent discourse on political economy: harnessing the economic potential of France’s poorest.

Keywords: Loyseau, plebeian, artisans, political economy, Mayerne, Montchrestien

A jurist of a retiring temperament, Charles Loyseau (1566–1627) is nonetheless a familiar figure to the modern historian.[1] His works have made lasting contributions to legal, political, and social history.[2] This article aims to shed new light on a neglected corner of his best known work: his *Traité des ordres et simples dignitez* (1610). My principal quarry here is Loyseau’s brief but telling description of France’s large plebeian population at the turn of the seventeenth century. The *Traité des ordres* is often regarded as the most detailed anatomy of France’s population in the early 1600s.[3] It is usually mined for what it tells us about the social elites of the Ancien Régime – yet it also discloses vital information on perceptions of the other end of the social scale.

Loyseau and his views on the lowborn masses constitute a fundamental reference point in modern scholarship on working conditions, labour, and industry in France before 1789.[4] However, his methods of comparing various sorts of lowly workers have not been rigorously scrutinized. For Loyseau, even the "viles personnes",[5] society's very basest, could be ranked in a rudimentary sub-hierarchy which, to my knowledge, no-one has yet analysed in detail. The purpose of this study, therefore, is to provide such analysis, and thereby to unearth the subtle variations hitherto overlooked in Loyseau's attitudes towards the different strata of "viles personnes" he postulates. The "viles personnes", I shall argue, occupy a far from insignificant place in the overarching social hierarchy put forward by Loyseau. Each kind of "vile personne", we shall see, constitutes a stress point in his system of hierarchical exposition, undermining its conceptual underpinnings.

Loyseau's *Traité des ordres* is the third of his three major treatises. It is a thorough attempt to classify and rank all types of individuals and groups found within each of the basic socio-legal structures of the Ancien Régime: the Church, the Nobility, and the Third Estate. Loyseau is primarily concerned with the first two Estates, as he sets about identifying different gradations of dignity exhibited by the powerful (ecclesiastics and nobles). The Third Estate, a vast spectrum consisting of all of France's secular commoners, receives but one chapter. For Loyseau, the heterogeneous commoners of the Third Estate could be ranked, to an extent, according to the relative "honneur" and "dignité" of their professional activity – but only as far as merchants. What, then, of the four groups he identifies beneath them? Loyseau has little to say about cultivators, artisans, casual workmen, and vagabonds, who together made up large swathes of France's population. At first it would appear that these four groups constitute little more than a remnant substrate beneath the conceptual threshold of dignity he has established. And yet, these "viles personnes" were not to be omitted from his ranking enterprise which required there to be a demonstrable "Ordre en toutes choses".[6] Cultivators, artisans, casual workmen, and beggars could not simply be lumped together as one homogeneous mass. For Loyseau, all of these groups except beggars made meaningful (if mostly menial) contributions to society as a whole. Nevertheless, the task of evaluation proved far from straightforward. A close scrutiny of each group shows that Loyseau's text pulls curiously in different directions, sometimes towards a positive evaluation of plebeian workmanship, but rarely without reservations and suspicion. To

be properly understood, these shifts in perspective require careful contextualization vis-à-vis the intellectual climate and tradition in which Loyseau was writing.[7] As we shall see, his views were not entirely shared by other early seventeenth-century commentators.

I. "Viles personnes": initial considerations

Before looking in detail at the four constituent groups of "viles personnes" identified by Loyseau, we should reflect on the category itself, its origins, and its positioning in the overarching conceptual system that informs the *Traité des ordres*. The term *viles personnes* predated Loyseau. It constituted a vernacularized version of *viles personae*: a Latin term of uncertain origin, one of several terms (another being *personae turpes*) that were indiscriminately used in Roman law to describe citizens of low or debased status.[8] In the Middle Ages, the term *viles personae* passed into canon law and customary law, designating "worthless persons": socially inferior groups with limited legal rights.[9] Loyseau, it seems, follows in this tradition. He introduces "viles personnes" in Chapter 8 of the *Traité des ordres* as a counter-concept to the notion of being "bourgeois", thereby describing negatively the common folk who do not enjoy the legal rights and privileges of established city burghers.[10] In the first instance, then, Loyseau envisages "viles personnes" as a mass socio-legal category: one that covers all the plebeian multitudes whose status is simply defined by vile deprivation rather than by a measurable honour or privilege. For Loyseau, the "viles personnes" are, fundamentally, the *menu peuple*, the least of the people. They are "les autres qui obeissent", submitting in employment and service to all of the many ranks of "ceux qui commandent" above them. Nevertheless, from the very outset of the *Traité des ordres*, Loyseau hints that he is not just interested in those who command. All those who obey, however servile their status, are to be included in his system of social ranking:

> Les souverains Seigneurs commandent à tous ceux de leur Estat, addressant leur commandement aux grands, les grands aux mediocres, les mediocres aux petits, et les petits au peuple. Et le peuple qui obeit à tous ceux là, est encore separé en plusieurs Ordres et rangs.[11]

Theoretically, this grand chain of command from the highest orders to the lowest amounts to an "Ordre general", a well-governed state, which, according to Loyseau, is an earthly reflection of the celestial hierarchies. Here we should note the preponderant influence of a transcendental strand of Neoplatonism: the writings attributed to Dionysius the Areopagite, whose philosophy of the heavenly hierarchy Loyseau assimilates into his system of earthly social hierarchy. Quoting pseudo-Dionysian excerpts, Loyseau insists that both the celestial and terrestrial hierarchies are founded on a principle of reciprocal obligation. Hence, those in authority "guide those less so in their approach to God", thereby acting as faithful transmitters of divine grace right down to the lowest orders.[12] God's grace, transmitted throughout his creation, is reflected back at him in grateful acts of service at every level. All grades of greatness and vileness are thus subsumed within this mystical overarching framework. For Loyseau, commanders and servants are yoked together in a mutually beneficial hierarchy which constitutes the guarantor of social cohesiveness in a non-egalitarian society recovering from decades of disorderly civil war.[13]

However, it soon becomes apparent that a single interpretative framework cannot alone lend adequate structure to the sheer diversity of orders found within the General Order of the terrestrial, French state. A second framework, from Aristotle's *Topics*, is implemented to demonstrate logical relationships between the different social orders of the Clergy, Nobility, and Third Estate.[14] Loyseau hereby arrives at his fundamental theoretical definition of order as "dignité avec aptitude à la puissance publique". [15] *Order*, in these Aristotelian terms, constitutes the most basic of three species within the genus of *dignité*: the other two species are public function (*office*) and lordship over property (*seigneurie*). This Aristotelian logic works well enough when used to differentiate France's various orders and degrees of nobles and clergymen vying for power and privilege. However, it becomes noticeably strained when applied to the Third Estate, which, by Loyseau's own admission, "n'est vray Ordre".[16] The Third Estate comprises "tout le reste du peuple" – a heterogeneous array of individuals and groups, from learned magistrates and wealthy financiers to humble journeymen and destitute beggars. The upper echelons of the Third Estate are clearly capable of holding public office, displaying a number of "qualitez honorables" as far as the merchant bourgeoisie. But, as Loyseau is only too well aware, there are legions of "viles personnes" legally excluded from the bourgeoisie, who manifestly do not have "dignité

avec aptitude à la puissance publique". Such a definition will not greatly aid classification of these plebeian multitudes. The jurist is therefore obliged to loosen his Aristotelian framework and invoke yet further criteria in an attempt to rank them.

What, then, were these ulterior criteria, and where could they be found? In the absence of indisputable measures of judgement, the best evidence of rank, Loyseau surmises, comes from an individual's "condition ou vacation" – his occupation or trade. Yet this was more than a little problematic, especially where "viles personnes" were concerned. In many cases, their occupations were not structured or stable enough to allow for coherent comparison of each and every "espece distincte de personnes".[17] Indeed, as modern scholarship has shown, the very notion of distinct social groups fell apart at the bottom of society. The poorest had to scrape a living picking up odd jobs where and when they could in an "economy of makeshifts", to borrow Olwen Hufton's famous phrase.[18] Faced with this instability which periodically drove many into beggary, Loyseau constantly modifies his interpretative strategy. To understand Loyseau's thinking here, we must examine a range of interpretative criteria which inflect his judgement: from theological principles and the philological tools of legal humanism, to political considerations arising from a career in provincial law courts.

Alternating these various interpretative lenses, Loyseau eventually completes a hierarchy of "viles personnes" with beggars at the very bottom, followed by casual workmen, artisans, and finally peasant farmers. However, as we shall see, this hierarchy is far from static. By examining it in reverse order we may engage productively with its inconsistencies. This requires an assessment of both interior and exterior parallels. Loyseau was by no means the only visionary of the early 1600s reflecting on the lowliest sections of the French population *en passant*, as part of a much greater ordering enterprise. Other contemporary writers, such as Louis Turquet de Mayerne (d. 1618) and Antoine de Montchrestien (1575–1621), provide valuable counterpoints to Loyseau, as will be shown. Like Loyseau, these were affluent, educated writers with recent commoner ancestry. All three were exercised by the difficulties of evaluating France's lowest social groups and their activities – not least when the ordinary language of vileness normally used of such persons appeared increasingly out of step with contemporary political and economic developments.[19]

II. The beggary: a disorderly threat on the rise

In Loyseau's estimation (chap. 8 §55), the only group of "viles personnes" who are fully vile in a moral, social, and legal sense are beggars – "vagabonds et gueux". Unproductive, destitute and disorderly, these people are said to constitute France's subaltern "racaille", unlawfully living on the margins and terrorizing those whom they encounter. Such remarks were hardly original or unusual. A number of factors shed light on Loyseau's laconic and terse views on beggars, which ominously conclude his single chapter on the Third Estate in the *Traité des ordres*.

Firstly, it should be observed that not all kinds of beggar are directly mentioned. Neither the mendicant friar (who enjoyed a considerable prestige in certain regions),[20] nor the infirm indigent are the chief objects of Loyseau's disdain. The explicit targets are sturdy beggars – the able bodied "gens de besongne" – who, though physically capable of work, choose not to. Anxiety towards unproductive vagrants was a deeply embedded theme of early modern culture, visible in a range of traces from the legal to the literary. Across Europe, there were few cities and towns which did not periodically prohibit begging; from time to time sturdy beggars and vagabonds would be expelled from urban spaces by civil authorities known in France as *chasse-gueux*.[21] Early modern sources suggest that a recurring consequence of such purges was a large number of vagrant undesirables spreading throughout the surrounding countryside, striking fear into the local population.[22] Alluding darkly to the dangers posed to homes and highways by mendicant rabbles with nowhere else to turn, Loyseau adds his voice to politicized complaints registered in national debate. During the latter half of the sixteenth century, fears of robbery by vagrants on France's highways had featured prominently at the assembly of the Etats-Généraux in Orleans (1560), and would remain a concern at later assemblies at Blois (1576).[23] Yet in foregrounding the "multiplication enorme" of sturdy beggars throughout the land, Loyseau is doing more than echoing the *cahiers de doléances* of the Etats-Généraux. The underlying causes of rising beggary, he posits, lie in a failure of the fiscal machinery of the state: taxes upon the working poor have become so burdensome that many would rather beg than suffer the brunt of "leur taille". These political digs at the treasury also have a demonstrable grounding in recent historical events: popular uprisings that had swept through several regions of

France during the bloody climax of the Wars of Religion. Notable local insurrections of the rural poor, unable to pay their taxes, included those of the *Razats* in Provence (1578), the *Ligue des villains* in the Rhône valley (1579), and several disturbances caused by the *Gaultiers* around Caen. The most harrowing and prolonged regional uprising was that of the *Croquants* in the south-west (1593–5), now well documented in modern scholarship.[24] It is likely that for Loyseau and his readership of public officials, these events were an all too recent memory, advertising, as Mark Greengrass suggests, that direct taxation had a clear limit beyond which it became unendurable given the limits of production in the peasant economy.[25]

France's unseemly underbelly of vagrants poses not only a socio-political affront – it also raises intellectual difficulties for Loyseau and his systematization of order and hierarchy. Let us consider at close quarters how he articulates the imminent dangers of sturdy beggars:

> Car il n'y a point de plus mauvaise vacation, que de n'avoir point de vacation. Encor ceux qui s'occupent à gaigner leur vie à la sueur de leurs corps selon le commandement de Dieu, sont ils grandement à maintenir au prix de tant de mendians valides, dont nostre France est à present toute remplie, à cause de l'excés des tailles, qui contrainct les gens de besongne d'aimer mieux tout quitter et se rendre vagabons et gueux pour vivre en oisiveté et sans soucy aux despens d'autruy […].[26]

A secondary implication of Loyseau's admonitions is that his concept of beggars' status is more uncertain than it first would appear. Beggars, Loyseau initially remarks with some irony, epitomize the baseness of having no clearly defined "vacation": so lowly are they that they do no work at all, not even irregular physical labour. Insofar as an organized trade was considered to confer a particular vocation or standing (*état*) on the person who exercised it,[27] casual workman and above all beggars were *sans état*. In the Ancien Régime, labour by the sweat of one's brow, or worse still, no labour at all, were the default positions of those with no other options. Nevertheless, Loyseau implies that in his day begging is perversely becoming a matter of choice and preference – it is no longer the worst and last form of destitution, but a quasi-state into which many are actively entering (albeit under the duress of over-taxation) in the hope of a more profitable life than that of toiling "sans rien profiter". In other words, this new trend of consciously chosen vagabondage paradoxically exhibits the first signs of a new

condition of being: a move away from *sans état*, towards a potentially more consistent state of vagrancy. Such developments, if left unchecked, will place beggars in a standing preferable to that of God-ordained labour: the fields will lie fallow, Loyseau warns, as those who used to till them turn instead to organized vagrant crime. This premonition tellingly subverts Loyseau's ideal of the nation whose hierarchy mirrors with quasi-mystic "harmonie" and orderly "correspondance" that of the celestial spheres.[28]

The *Traité des ordres* gives no more than a hint of what sturdy beggars might become if left to their own devices. Nevertheless, this is enough to point us in the direction of others who had and would develop the theme of organized crime among vagrants. In an illuminating article, Roger Chartier has shown how accounts of vagrancy and its associates, criminality and disease, were continually embellished throughout early modern Europe.[29] Chartier examines the emergence of a literary current detailing the ingenuity of false begging, vagabond slang, and the intricate internal organization of beggar communities.[30] Such literature was avidly consumed, from the *Liber vagatorum* which appeared in Germany at the turn of the sixteenth century, to the long-lived *Jargon ou langage de l'argot réformé* (1630, with subsequent editions up to c.1850). Chronologically speaking, the nearest of these texts to Loyseau's *Traité des ordres* was *La Vie genereuse des mercelots, gueux et boesmines*, which came out in Lyon in 1596 with three following Paris editions (1603, 1612, 1622), and a final Troyes edition in 1627. This work purportedly offered its readers insights into decoding mendicant *argot*, together with a systematic exposition of successful begging techniques. As Chartier remarks, it is never easy to show how far such fictions had an anchoring in reality, and the extent to which they influenced, for instance, prosecutions of beggary. Nonetheless, it seems more than likely that the images of *roi des gueux* and *roi des argotiers* were firmly imprinted in magistrate mentalities by Loyseau's time.[31] Such images, and the mixture of fear and curiosity towards vagrant communities they expressed, may well therefore have crossed the minds of Loyseau's jurist readers as they heeded his elliptical warnings against sturdy beggars.

One further piece of contextualization will help us to situate these warnings. Loyseau signs off his section on beggary with an unambiguous call for "ordre en brief" – in other words, swift action must be taken. What he omits to say, however, is that the final Valois monarchs and the current Bourbon monarchy had indeed undertaken action

up to a point. Daniel Hickey's study of local hospitals in the Ancien Régime suggests that the late sixteenth-century Wars of Religion necessitated a range of strategies aimed at improving alms provision for the destitute – but the success of these measures varied greatly across different provinces and municipalities.[32] Despite official encouragement, such as the Edict of Moulins (1566) and support for wounded soldiers (l'Ordre de la Charité chrétienne), many still held that alms houses and monasteries remained outmoded, corrupt and inefficient. Contemporaries of Loyseau, such as Barthélémy de Laffemas and Antoine de Montchrestien, had argued that alms alone would not be sufficient to keep people off the streets. Writing at the end of the sixteenth century, Laffemas wanted to confine the able-bodied in newly created work villages where the idle could be put to work to prevent them from slipping back into idleness and immorality.[33] His system of confinement would be accompanied by reform of the tax system in an effort to simplify indirect taxes, therefore reducing poverty by lowering the cost of living.[34] Montchrestien, whose famous *Traicté de l'oeconomie politique* was published in 1615,[35] rued that so much of the France's labour force was forced to go abroad in search of work, whilst many others were driven to beggary:

> Combien d'autres au reste raudent parmi nous, valides, robustes de corps, en plaine fleur d'âge et de santé, vagans jour et nuict decà delà, sans profession ni demeure aucune determinée. […] Les carrefours des villes, les grands chemins en fourmillent, et leur importunité tire hors les mains de la charité ce qu'elle n'avoient coustume d'octroyer qu'à une vieille, faible et percluse indigence.[36]

This complaint echoes much of the one made by Loyseau three years earlier in his *Traité des ordres*. Montchrestien later explains his disappointment that the monarchy has yet to ordain that beggars be "r'enfermez par les villes et nourris par la charité publique". In any case, he averred, work should be provided for the indigent, in confined institutions not unlike those suggested earlier by Laffemas: the net result would be not only vastly reduced unemployment but also a greater national tax base.[37] Returning to the *Traité des ordres,* it is clear that Loyseau concurs with Laffemas and Montchrestien that tax reform is a prerequisite alongside any measures to tackle the dangers of mass unemployment. Loyseau's open-ended call for action against beggars might thus be considered as a gesture in the direction of disciplined, institutionalized

incarceration, already promoted openly by some of his contemporaries. In due course, workhouses such as Notre Dame de la Charité would emerge in the 1620s.[38]

III. Casual workmen: less than wholly vile

Loyseau's views on beggars point to an untidy historical reality of the Ancien Régime. The threshold between vagabonds and those just above them – *gens de bras, gens de journée, journaliers, manoeuvriers* – was distinctly porous. These various epithets, and many more besides, covered a vast spectrum of casual workmen across urban and rural areas, who, when times were hard, found themselves sliding into the category of *mendians valides* until more legitimate employment presented itself. Modern historians have sought to shed light on this economy of makeshifts. Unskilled youths, often devoid of close family ties, eked out a living on the margins as itinerant seasonal migrants, availing themselves of whatever meagre supplementary sources of income that came their way. We can only make conjectural estimations as to their exact numbers. Roger Chartier puts the destitute population of urban areas at five to eight percent in average economic conditions, rising to between fifteen and twenty percent in crisis periods.[39] James Collins speaks of seventeenth-century rural France in terms of a "massive floating population" of migrants swirling around a more stable, core village population of smallholders: examining *taille* rolls, he notes that between five and seven percent of taxpayers disappeared every year.[40] In other words, the boundaries between the "insiders" (*habitans*) and "outsiders" (*horsains*) were continually being redrawn.

The *Traité des ordres* captures something of this perpetual shifting (chap. 8 §54–5).[41] Loyseau discloses very little direct information in his limited coverage of unskilled workers. Indeed, he seems disdainful and uninterested, noting that their living depends entirely on "le travail de leur bras". This puts them among "les plus vils" of all, baser than the artisan or the husbandman whose vocation is much more stable. Unlike the modern historian, Loyseau is in no hurry to spell out the myriad varieties of *gens de journée*, gesturing only vaguely in the direction of "mercenaires" and "crocheteurs" (porters), "aydes à masson" (masons' mates), and "chartiers" (carters).[42] For Loyseau, all of these itinerant, casual workers may be bracketed together as having no fixed "vacation": they are all therefore *sans état*. And yet (as we have seen), in somewhat

contradictory fashion he goes on to identify a substrate of paupers *sans état* – none other than the sturdy beggars – whom he deems even more vile than those presently engaged in some form of physical labour. Arguably this hesitation over the category of *sans état* is an acknowledgement of the fact that all too often the occupations of the very lowest eluded consistent classification. One day, a group of *gens de bras* might be hired porters; the next they found themselves unemployed on the precarious fringes of society, amid an assortment of beggars, street musicians, prostitutes, pick-pockets, and a prodigal variety of hawkers and pedlars.[43]

As he starts to bemoan the problem of beggary, Loyseau's attitude to *gens de bras* undergoes a brief but crucial modification. This subtle shift, moreover, has been frequently overlooked, even by those intimately familiar with the representation of the Third Estate in the *Traité des ordres*. In *Work and Revolution in France*, an insightful study on many levels, William Sewell considers Loyseau's position on casual workmen as informed by a longstanding, negative theology of labour stretching back to the Middle Ages.[44] In the Ancien Régime, *travail*, notes Sewell, was frequently defined as toil and fatigue: not the finished work (*oeuvre*, *ouvrage*), but the painful labour involved in creating it. This could be explained with biblical reference to Genesis 3, where Adam's race is cursed to perpetual toil for daily bread. "In the Christian scheme of things", writes Sewell, "labour was a badge of vileness, the proof and punishment for man's original sin. It was not an ennobling activity, but a mark of man's fallen nature and of his abject humility before God".[45] Accordingly, Sewell takes Loyseau's dismissive comments on the vileness of *gens de journée* as a theologically-driven inference that their labour is intrinsically demeaning. To my mind, however, this is not the whole picture. Indeed, far from it. Let us recall what Loyseau says about manual labour vis-à-vis begging:

> Car il n'y a point de plus mauvais vacation, que de n'avoir point de vacation. Encor ceux qui s'occupent à gaigner leur vie à la sueur de leurs corps selon le commandement de Dieu, sont ils grandement à maintenir au prix de tant de mendians valides.

Critically, then, Loyseau nuances his condemnation of having no fixed "vacation" with a very different claim: physical toil, however menial and formless, is greatly preferable to mendicant idleness. This claim requires some extra unpacking. Firstly, it is not easy to ascertain what theological stance Loyseau is adopting in affirming that work by the

sweat of one's brow is God-ordained. One might concur with Sewell that Loyseau is merely echoing a centuries-old tradition of biblical exegesis centring on labour as a mark of sinful humility.[46] Yet to do so would be to overlook other strands of Christian teaching on work that Loyseau could reasonably have been expected to know. As Sewell himself later observes, in the early modern world bodily labour was not always seen as intrinsically bad. It could be carried out in a spirit of humble submission to God; hence it was a requirement in monastic orders such as that of the Benedictines.[47] The Reformation had extended this notion of humble labour glorifying God well beyond monastic communities. Jean Calvin went as far as to suggest that "il n'y aura oeuvre si vile ne sordide, laquelle ne reluyse devant Dieu, et ne soit fort précieuse, moyennant qu'en icelle nous servions à nostre vocation".[48] Loyseau, a traditional Catholic, would by no means go this far.[49] Nonetheless, his position is perhaps less negative than Sewell implies. Loyseau's remarks on onerous bodily labour "selon le commandement de Dieu" are not necessarily an exclusive allusion to Genesis 3 and to original sin. In the immediate context of his ensuing discussion of beggary, they could be interpreted in a more neutral fashion, still in line with Catholic orthodoxy. My contention is that Loyseau's comments are theologically open-ended within the ambit of traditional Catholic views on physical toil set down by the likes of Thomas Aquinas (on whom he occasionally draws throughout the *Traité des ordres*).[50] In his *Summa theologica*, Aquinas had argued from the Vulgate that manual labour was directed at four principal ends: toiling for food (Genesis 3:19, Psalm 127:2), removing idleness (Sirach 33:28), curbing sinful concupiscence (2 Corinthians 6:5-6), and almsgiving (Ephesians 4:28).[51] Loyseau's words, it seems, would fit any (or all) of this range of basic options outlined by Aquinas, since in Catholic moral theology they constitute the bare minimum for avoiding the sorts of discreditable pursuits and vices that the *Traité des ordres* subsequently associates with sturdy beggars.

Viewed in this light, it thus becomes difficult to agree with Sewell's conclusion that Loyseau presents the labour of *gens de bras* as a social and moral nullity.[52] Such a conclusion is unduly negative. In fact, it would appear that Loyseau is actually insisting, with no little urgency, on the *necessity* of keeping journeymen in their employment: however menial, irregular, and undignified their day jobs may be, unskilled workers – in total contrast to beggars – still perform useful and upstanding tasks. For Loyseau, the

gens de bras make up a vital part of the nation's servile population of those who obey; as obedient subjects, their work is of collective social and economic value to France.

However, it is important not to overstate the positive aspects of Loyseau's thinking here. His aim is to maintain the status quo: he warms to the casual workforce considerably less than other contemporary writers, for instance Louis Turquet de Mayerne. In 1611 the latter published *La Monarchie aristodemocratique,* a treatise on social hierarchy resembling on some levels Loyseau's *Traité des ordres*.[53] Mayerne produced a much simpler division of French society than Loyseau, with only five "classes": rich landowners; learned "gens de lettres"; merchants and other "honnestes bourgeois"; artisans; and finally, "les manoeuvriers, gens vivans de labeur corporel, mercenaire et journallier".[54] This final class, which makes no explicit inclusion of beggars, is presented in distinctly positive terms. Manual workers are considered as "ministres des autres professions": essential cogs in professional activity which would otherwise almost grind to a halt. Mayerne seeks to get beyond the common view that casual labour is "toute fondee sur vil labeur et travail corporel et sans Art, estant comme la peine du peché, et la marque d'iceluy entre les humains".[55] Instead, he cautiously points out the work done by *manoeuvriers*, insofar as it is "utile et necessaire" to society at large, deserves to be appreciated alongside other such contributions emanating from higher classes. Indeed he goes further still, remarking that often God sends material blessings upon the "serviteur mercenaire" who works diligently, with "loyauté et affection" towards his master. Mayerne has no qualms about these persons investing their honestly acquired wealth in "choses plus civiles" such as having their children learn a more distinguished trade than their own.[56] However, he stops well short of advocating radical social mobility: "que l'homme estant entré en une classe y doit demeurer, quant à sa personne, sans presumer ambitieusement de monter aux autres".[57] For Mayerne, upward mobility may only occur incrementally and in the next generation: a *manoeuvrier* can only hope that his offspring make it to the next rung of the social ladder and establish themselves as artisans. Nonetheless, by emphasizing the long-term potential for betterment in this way, Mayerne is still likely to strike the modern reader as notably more "progressive" than Loyseau.

The author of the *Traité des orders* has a much more limited vision of social mobility for "les plus vils". We find no hints of enrichment here – only the likelihood of further degradation into beggary. At best, Loyseau acknowledges the utility of the

unskilled casual workforce insofar as its workers continue to execute a range of menial functions that no-one else is prepared to do. For Loyseau, their rough toil is morally sound and socially useful if it earns them a living instead of begging. As such, in Loyseau's system of orders, casual workers elude precise classification, remaining in a state that is nearly but less than wholly vile.

IV. Artisans: far from entirely "mechanic"

We come now to Loyseau's third tier of "viles personnes": the artisanal world, spreading out across urban and rural areas. In early modern France, artisans differed essentially from casual workers in that they exercised skilled manual trades (the *arts mécaniques*) of which many were organized into corporations (*métiers*, *compagnonnages*). A skilled artisan could achieve remarkable fame, and even secure royal patrons.[58] Yet many thousands of rural artisans lived on the brink of severe poverty.[59] Loyseau devotes more space in the *Traité des ordres* (chap. 8 §49–53) to artisans than to any other type of "vile personne". This discussion informs much of what passes as official early modern attitudes towards the craftsman in modern scholarship. Doubtless Loyseau's views did to an extent coincide with (and subsequently influence) common perceptions of this large swathe of France's working population. Yet we should not overlook the particular nuances of his discussion. My intention is to show how artisans, by their sheer variety, constitute a singularly difficult category for Loyseau – a hybrid group awkwardly bridging casual workmen with merchants. The passages he devotes to artisans in the *Traité des ordres* read as a somewhat faltering meditation on how their work is to be evaluated.

As with the manifold *gens de bras*, Loyseau is in no way inclined to survey France's artisans in all their staggering diversity. What he does offer, however, is an attempt to combine multiple perspectives on artisanal heterogeneity, showing how different modes of interpretation produce surprisingly divergent results. The first perspective he provides is an historically long view: one that would insist upon a deeply entrenched, sharp division between various sorts of craftsmanship involving practical knowledge ("les arts mechaniques") and a range of supposedly superior intellectual pursuits ("les arts liberaux").[60] This distinction stretched back to Ancient Greece, where

the liberal arts were so named because they were the preserve of freemen, and where the "mechanical" arts consisted of menial, degrading, or physically demanding work that was left to slaves.[61] Loyseau acknowledges as much, observing that mechanical arts currently practised by French artisans were formerly exercised by "serfs et esclaves". The distinction between liberal and illiberal arts had been revised and reformulated since Antiquity. It had been spiritualised to an extent by the Neoplatonist and translator of Pseudo-Dionysius, Johannes Scotus Eriugena (c.815–c.877): his approach made for the first time the claim that the liberal arts were useful to the soul whereas the mechanical arts served only the body and its needs.[62] Such a division was far from incontestable; but the logic it carried – that some arts cultivate the "higher" human faculties (mental and spiritual) whereas other arts develop "baser", mechanical skills of the body (for instance manual dexterity) – remained deeply ingrained in early modern times.[63] Loyseau suggests as much, noting that "nous appellons communement mecanique ce qui est vil et abject".[64]

But a very different perspective emerges when one surveys the development of artisanship in France over recent centuries. Loyseau is acutely aware that French artisans have tended to exceed the negative connotations surrounding the *arts mécaniques* in ordinary language. They have exhibited a high level of practical aptitude ("industrie"), now formalized in technical qualifications ("maistrises") which have become a sign of considerable merit – analogous to the qualifications awarded in the liberal arts.[65] Here Loyseau enjoins his readers to disregard common parlance and its prejudices towards artisanal activities. He reminds them instead of a linguistic counter-current, namely that since the Middle Ages, the similarities between achievement in both universities and trade corporations have been marked in technical terminology. Both types of institution, notes Loyseau, are headed by a "maistre", who oversees trainees (once universally termed *bacheliers*, but now *compagnons* in artisanal trades). The artisan apprentice, he informs his readers, studies under different master-craftsman for a period of six years: at the end of his apprenticeship he may be awarded a mastership upon public proof of *chef d'oeuvre,* in accordance with royal ordinance.[66] This system creates close working relationships between apprentices and the master-craftsmen, with reciprocal benefits for both. It meets with Loyseau's express approval – indeed he goes as far as to call it a "Chose tres-bien instituée".[67] This "bel ordre" in which trainees serve their masters, who in turn initiate and guide them to a higher state

of competence, has a mystical quality to it: we are reminded of Loyseau's prefatory citation of Pseudo-Dionysius, emphasizing the celestial principle of the higher beings transmitting divine grace to those beneath them in the heavenly orders.[68]

And yet, the "bel ordre" of master-craftsmanship is not immutably secure like its celestial counterpart. Instead, latterly it appears to be under considerable exterior threat. Loyseau deplores how (in small towns at least), the apprenticeship and masterpiece system is becoming obsolete, owing to a surfeit of "maistrises de lettres" bestowed by members of the royal house.[69] Masterships by letters, Loyseau explains, arose from the traditional assumption that artisans serving the royal house were de facto worthy of being masters. However, recent kings, he insists, have indiscriminately granted letters of retainer for each trade in towns with a predominance of sworn guilds (*villes jurées*). This claim has demonstrable historicity: royal *lettres de maistrise* became a regular administrative tactic for mitigating the exclusiveness of the ancient sworn guilds, whilst at the same time raising a convenient revenue for the supply of royal necessities. An edict of Henri III (1581) and a supplementary ordinance of Henri IV (1597) gave the same principle a still more universal application.[70] Consequently, Loyseau laments how in his day there are simply too many masterships by letters and not enough artisans to accept them in the smaller towns. If this "desordre" is not addressed, all artisans, he infers, will become tantamount to "Officiers du Roy". Thus they will ironically resemble a much loathed group higher up the social scale – the artificially bloated corps of venal office-holders in the judiciary, denounced throughout Loyseau's oeuvre.[71]

This recent political conundrum is understandably vexing to Loyseau as he endeavours to conceptualize artisanal orderliness. Yet he still must address an underlying problem,[72] one which poses deeper questions of order, rank, and dignity: namely, whether "artisans" should be described as a single "espece distincte de personnes"[73] within the Third Estate, or as several sub-species with remarkable differences. Some artisans seem close to the *gens de bras*: for both groups, the principal activity consists of toilsome labour. Ciceronian precedent, Loyseau contends, would suggest that these artisans are unambiguously mechanical and vile.[74] Nevertheless, there are various kinds of artisan whose occupation goes beyond the *arts mécaniques*, and encompasses aspects of commerce. Examples of such occupations include "Apoticaires", "Orfevres", "Iovalliers", "Merciers", "Grossiers", "Drapiers Chaussetiers", as specified in legal ordinances.[75] Determining the status of such

persons, Loyseau is forced to admit, is especially problematic. Although their work involves manual appropriation of raw materials (a sign of mechanic vileness), they also deploy considerable "subtilité de l'esprit" to fabricate and sell their products. Loyseau partially alludes here to the *six-corps* of Paris (*drapiers*, *épiciers*, *merciers*, *pelletiers*, *bonnetiers*, *orfèvres*) which was notoriously powerful and exclusive in his time: it represented something of an artisanal aristocracy, engaging in large-scale, long-distance, and lucrative commercial activity.[76]

Loyseau concedes that these kinds of artisans, insofar as they partake in commerce, are not to be ranked "au nombre des viles personnes". He constructs a technical, jurisprudential argument to underscore their outwardly compelling signs of prestige. Their mercantile operations are to be viewed "*à digniori parte*" ("on the more honourable side"), in keeping with merchants, who, as Callistratus pronounced, ought not to be considered base persons, nor utterly deprived of honours.[77] As these artisan-traders sell their wares they are, like merchants, able to call themselves "bourgeois" and "honorables hommes".[78] Here Loyseau conspicuously qualifies his previous, confident assertions that such qualities may not be ascribed to artisans (or to any other kind of "viles personnes").[79] A crucial assimilation has occurred. It turns out that in Loyseau's system there cannot be a strict jurisprudential demarcation of that which is *bourgeois* and that which is *vil*. Instead there exists a continuum, whereby the more powerful corporations of artisans gradually move away from the artisanal sphere. These groups – at least in Loyseau's view – have managed to suppress enough vestiges of their so-called mechanic baseness to be considered worthy of the status of established merchants: those burghers above ordinary townsmen who have honorific titles ("honorables hommes") reflecting their legal privilege as *bourgeois des villes* to hold municipal offices. Loyseau does not openly say that prominent artisan-traders have the potential for office-holding. Yet, crucially, he makes them appear indeterminately proximate to the genus of *dignité* – the antithesis of vileness, the conceptual cornerstone of Loyseau's Aristotelian logic, typically used to stratify different sorts of nobles and high-ranking public officials with aptitude for public power. Loyseau's survey of the artisanal world is thus nuanced, and consistently evades an all-encompassing definition of "the artisan".

Loyseau relays his shifting viewpoints in a tone that is noticeably less partisan than that of various contemporaries. Louis Turquet de Mayerne and Antoine de

Montchrestien both sought, like Loyseau, to expose traditional prejudice against the *arts mécaniques*. Yet both went further than the *Traité des ordres*, pinning such prejudice (in the case of Mayerne) on idle nobles,[80] and underscoring instead the potential for artisanal classes to become a united, economic powerhouse. In contrast to the likes of Mayerne and Montchretien, Loyseau does not wax lyrical about the indispensable value of the mechanical arts as a whole to France. In his 1611 *Monarchie aristodemocratique*, Mayerne had drawn attention to the national role played by "Artisans de diverses manieres": not only the shop-keeping "Merciers", "Apothicaires", and "Imprimeurs", but also the more humble "mechaniques", whose activity is more on the side of manual labour. In contrast to Loyseau, Mayerne views artisans as a unified whole, "dont l'utilité ne peut estre assez prise", whose "infinies inventions d'excellents et industrieux ouvrages, delectent un chacun, et subviennent aux necessitez de tous".[81] Montchrestien went further still in his 1615 *Traicté de l'oeconomie politique*, arguing that "nos artisans ont fait connositre combien ils ont la main plus industrieuse et delicate que tous autres". Montchrestien was a notable advocate of *teinturiers* and related artisans in the drapery industry. Like Mayerne, moreover, he sought to defend not only the most skilled artisans but also those whose trades were more rudimentary: whilst the nation's most famous artisans were "grandement utiles", "necessaires", and "honorables" in his eyes, he nonetheless contended that much useful "science" and "bon travail" lay in the "laborieux exercise" of less illustrious artisanal roles developed over long periods of time.[82] Montchrestien's treatise was thus particularly vociferous in its insistence that France's greatest economic stimulus should be sought in rationalized artisanal manufacture throughout the kingdom. For Montchrestien, much profit could be derived from ensuring fluid working relationships between artisans and merchant wholesalers, as evinced by contemporaneous Dutch practises.

This grandiose vision for national prosperity is a much more pronounced step in the direction of mercantilism than Loyseau's cautious comments. Loyseau limits himself to the suggestion that artisans who successfully operate as merchants deserve a modest share of the "credit" and "respect" that generally accompanies the urban mercantile classes, whose ordinary wealth-creating enterprise is of undeniable public utility.[83] For Loyseau, it was enough to show the reader a range of perspectives on artisans, scattered with hints that in some cases their commercial worthiness might outweigh the mechanic vileness traditionally ascribed to them *en masse*.

V. Cultivators: humble, honourable innocence

The final group inhabiting Loyseau's nebulous category of "viles personnes" is made up of cultivators: peasant small-holders. If Loyseau appears well disposed towards certain aspects of the artisanal world, he seems at times even more congenial to the simple, toilsome, yet honourable *état* of the peasant. Loyseau's views on cultivators in the *Traité des ordres* recall his expressions of solidary with the oppressed rural poor in earlier works. Nevertheless, we should not jump to hasty conclusions on signs of authorial affinity with peasants in the *Traité des ordres*. Instead, we should pay close attention to the ways in which interlocking juridical, philological, philosophical, and political arguments complicate Loyseau's outlook, making the two sections on cultivators (chap. 8 §47–8) among the densest of his final treatise.

Having completed his analysis of merchants (chap. 8 §46), Loyseau immediately states that in his opinion, "les laboureurs" should be considered next in rank. He purports to be following a Roman precedent, whereby the rural tribes (*tribus rusticae*) were reputedly more honourable than their urban counterparts made up mostly of artisans or freedmen.[84] In Loyseau's systematization of France's social hierarchy, this would in principle make the "laboureurs" the highest ranked of all "viles personnes", preceding artisans, casual workmen and vagabonds. Nevertheless, it is far from apparent what, if any, marks of precedence Loyseau sees in them over these other groups. Indeed, it is not entirely clear who and what he is designating by the term *laboureur*. In early seventeenth-century France this was something of a slippery word, often meaning considerably more than *gens de bras*, or "labourer" in the English sense of one whose work is physically demanding. Technically, the term *laboureur* often denoted the moderately prosperous stratum of peasants who were historically better off than other rural dwellers in many parts of France.[85] In the corn-growing regions (north, east, and Paris basin) the *laboureurs* typically possessed a large plough, two to three pairs of horses, together with enough land to support them. They often held land leased to them by the growing numbers of bourgeois landowners seeking to maximize grain production and thereby capitalize on the expanding Paris markets.

Loyseau states that he uses *laboureur* in the generic (and not uncommon) sense of tenant farmer, or husbandman: "ceux qui ont pour vacation ordinaire de labourer pour autruy comme fermiers".[86] However, it quickly becomes apparent that he is offering no narrative of a comfortable upper peasant stratum quietly prospering. Indeed, the reverse is true. The main thrust of Loyseau's ensuing analysis is that historically, French husbandmen, on the whole, have not only been found in subordinate roles, but have been downtrodden in a manner never far from servitude. A distinction is maintained between the longstanding humiliation of peasant farmers, and idealized visions of "la vie rustique" which would seemingly place them in more honourable state than their habitual vile treatment implies.

Donning his philologist's cap, Loyseau critically assesses the deep-rooted linguistic and cultural prejudice by which "aujourd'huy les laboureurs et tous autres gens de village" are held to be "viles personnes". The keyword here, it transpires, is another generic term denoting a country-dweller – *villain* – a term freighted with social and moral negativity over many centuries. Loyseau is at pains to argue that this is an archaic term for rustics, and one that has been frequently misunderstood. For Loyseau, "le mot de villain […] vient de *villa* et *villicus*, non pas de ville". Here he rakes over an etymological quarrel that had played out between jurists of recent decades. Two competing etymologies of *villain* were in circulation by the late sixteenth century. The first was put forward succinctly by Jean Bodin in his 1576 *République*. In this view, under the influence of noble parlance the term *villain* emerged as a synonym for *roturier*, with both terms designating what the rural noble was not: specifically a *bourgeois* or "habitant de ville".[87] According to the *Recherches de la France* of Etienne Pasquier, *villain* became a predominantly pejorative term used by the old rural nobility to signal their perceived superiority over urban-dwellers.[88] For the likes of Pasquier, Louis Le Caron,[89] and latterly Loyseau, such a distinction was wrongheaded on many accounts. Le Caron and Loyseau leaned towards a second etymology of *villain* downplaying any association with urbanity and insisting on notions of rusticity.[90] *Villain*, they argued, may be shown to point back to late Antiquity: an age predating cities and townships, an age of rural settlements organized around the *villa*, whose inhabitants were called *villici* and later *villani*.

Citing the great early sixteenth-century humanist and legal scholar, Guillaume Budé (1467–1540) as his authority in these matters, [91] Loyseau's ulterior aim, it would

appear, is show how philological investigation of the term *villain* affords insight into the present stigmatization of French peasant farmers as vile. Loyseau suggests that both the Latin term *villicus* and its vernacular relative *villain* recall ancient practices of subordinating "gens de village". He likewise identifies an ancient state of subjugation, or demi-servitude, of Roman devising, whereby individuals were assessed or enrolled according to their strength to labour on rural estates (*censitii seu adscripticii*), or were husbandmen bound to land-plots (*coloni seu glebae addicti*).[92] These conditions of demi-servitude, Loyseau claims, clearly outlasted the Roman Empire, since they are found in archaic French legal vocabulary used in the medieval *coutumes* of the lowest villagers (*gens de pôte*, *gens de mainmorte*, *gens de suitte*): people historically required to pay a levy (*cens*) for occupying the lord's land, and from whom extraordinary levies could be extracted.[93] It is worth noting with Pierre Goubert that in some provinces (particularly Franche-Comté, which was annexed to France in 1678) there were still peasants subject to the succession tax, *mainmorte*: such persons were so closely bound to seigneurial territory that they were legally unable to depart without abandoning their possessions and forfeiting their rights.[94]

Loyseau's central preoccupation with legal archaisms, therefore, is to show that such terms induce a far-reaching political judgement. They point the jurist to a history of exploitation, in which "gens de village" have been continually subject to onerous debts, excessive tributes and injuries inflicted by "les plus grands". One need look no further than the "beau tesmoignage" of Caesar (*De bello Gallico*, VI.xiii), insists Loyseau, to see that in practice this generally leaves the plebeian multitudes little better off than slaves.[95] A philological approach to medieval French legal records, together with Roman historical testimony, thus brings the current standing of rustic cultivators into sharp focus:

> En la police de France, nous les avons tant rabaissez, voire opprimez, et par tailles, et par la tyrannie des Gentils-hommes, qu'il y a subject de s'emerveiller, comment ils peuvent subsister, et comment il se trouve des laboureurs pour nous nourrir.[96]

Loyseau conspicuously underscores the social utility of peasant farmers by whose toil the nation is fed. His paternal grandfather had been a *laboureur* in the district of Nogent-le-Roi near Dreux. He considers it a dangerous irony that most peasant farmers are on the verge of giving up their land to take up baser *manoeuvrier* occupations –

those of the "valets" and "chartiers". This constitutes another telling intervention in recent controversies surrounding fiscal policy, and a foray in the wider – and equally inflammatory – topic of noble tyranny. As per his discussion of the problems of beggary, Loyseau attacks those in positions of public authority including his own professional milieu ("nous") for failing to alleviate onerous tax burdens on the peasantry in recent decades. Yet, ever the prudent royalist, he is careful not to inculpate the monarchy directly.[97] For Loyseau, the chief perpetrator of injustice against peasant farmers was not the crown; it was the large number of rural *gentilshommes* acting independently of the crown in tyrannical fashion for their own gain. Loyseau had fulminated against such injustices in an earlier *Discours de l'abus des justices de village* (1603), borne from first-hand experience of provincial judicial administration:

> Le gentil-homme […] usurpe hardiment et impunement sur ses subjects, soit les bannalitez, soit l'augmentation de ses cens, soit la haute taxe de ses rachats à tant par arpent, soit les fruicts de pure perte, […] soit des amendes en toutes causes, dont les pauvres subjects ne se ausent plaindre.[98]

Across his works, Loyseau channels a wider criticism of government into a specific attack on the old nobility and their misapplication of ancient seigneurial rights. This type of offensive manoeuvre was not new. It had a distinguished precedent in the work of Charles Du Moulin (1500–1566), who held that, ultimately, the only legitimate bound relationship was that between king and subject. For Du Moulin, any lord requiring homage, together with excessive levies, fines, and services from those within his jurisdiction behaves like a tyrant: improperly subjecting those who in law have a free relation with him, and abusing the power that he holds only by virtue of the king, who holds the entire kingdom in *dominium directum* (while magistrates and lords hold only *dominium utile*).[99] Building on Du Moulin, Loyseau adds to an ever growing unease among late Renaissance jurists over the inadequacies of rural seigneurial justice: a system that left not only peasant farmers vulnerable to oppression, but one which also suggested a deep-seated limitation of royal authority over the rural noblesse. This perilous state of affairs again underscores the disorderliness Loyseau perceives throughout France's social hierarchy – a hierarchy dominated by tyrannical suzerains misunderstanding and abusing their power to the point where their subjects find themselves reduced to begging among "les plus vils".

But this is not the final word. In Loyseau's estimation, husbandmen, for all the harsh treatment they may incur, might well be ranked among society's vilest but for one vital point: the intrinsic, inalienable moral excellence of their vocation. Far from being *sans état*, they have a distinguished status : "il n'y a point de vie plus innocente ni de guain plus selon nature, que celuy du labourage". This startling assertion seems to exempt the "laboureur" from the usual rules of stratification in the *Traité des ordres*, based on *dignité* and *puissance publique*. Here the humble farmer is depicted in a vocation that not only trumps that of other "viles personnes" but assumes a "natural" precedence over all. Such sentiments, however, require wider contextualization for their ideological tenor to be fully grasped. They evoke comparison with a number of political and quasi-religious discourses circulating at the turn of the seventeenth century. Some spoke poetically of memories of a past when "le labourage et pasturage estoient les deux mamelles dont la France estoit alimentée, et les vrayes mines et tresors du Perou".[100] Others articulated hopes for a future in which "le labourage" would be "estimé le commencement de toutes facultez et richesses",[101] not least because it is "la plus sainte et naturelle, comme estant seule commandee de la bouche de Dieu, à nos premiers peres".[102] These various eulogistic assertions, largely coinciding with royal policy to promote agriculture among the landowning elites,[103] could be backed up with any number of classical allusions. Aristotle, Cicero, Cato, Horace, Theocritus, Varro, Virgil, and Xenophon had all spoken positively of tilling the soil. Loyseau appears to acknowledge as much, insisting that "labourage" is the vocation of choice of "les Philosophes".

Loyseau's brief but dense coverage of peasant cultivators in the *Traité des ordres* is a striking instance of his dual tendency to affirm commonplaces of vileness and also to reflect critically on them. Through a curious weave of philology and polemical inference, he considers how the French peasantry came to be considered "viles personnes" – and in so doing he nudges his readers towards his earlier works, signalling his exasperations with over-taxation and seigneurial tyranny. Loyseau's insistence on the innocence of modest land-based enrichment may well have a twinge of nostalgia for his familial *laboureur* roots. In just two generations the Loyseau family had remarkably risen in wealth and status via noble patronage and office-holding in the judiciary. Charles Loyseau views peasant farming through the eyes of a career magistrate and a legal humanist. For Loyseau, the humble cultivator fulfils an

indispensable social function, producing the crops that nourish the ruling / commanding orders in a manner that is far from morally or philosophically abject.

Conclusions

The *Traité des ordres* stratifies four embryonic orders of "viles personnes" at the base of France's social hierarchy. But in the absence of stable, logical criteria, Loyseau's ranking of cultivators, artisans, casual workmen, and beggars is markedly provisional and unstable. Running through his analysis is an insistence that all four groups are acutely vulnerable, subject to disorder and to sudden, further degradation. Yet, conversely, Loyseau adumbrates the positive social contributions made by peasant farmers, artisans, and even jobbing journeyman, their perennial proximity to beggary notwithstanding. Working both with and against the grain of cultural prejudice, his analysis represents "viles personnes" as for the most part indeterminately vile.

Loyseau's systematizing approach to social hierarchy is driven by concepts of order and dignity; as such he lacks a consistent framework and language through which to express the value of plebeian workmanship. Nonetheless, the *Traité des ordres* gives us inklings as to the direction that seventeenth-century French thinking on work and labour would take: in other words, a move towards what Mayerne would call "oeconomie ordinaire", and what Montchrestien termed "oeconomie politique". Loyseau's reflections on "viles personnes" show us the first signs of an emergent discourse on political economy whereby each social stratum – even the poorest – is recognized for its potential to contribute economically to the nation as a whole.[104] This was a new direction in elite attitudes towards the destitute. It surfaced indirectly, through the medium of juridical, humanist, and theological discourses addressing the potential of commerce,[105] alongside the evils of venality of office, seigneurial injustice, and over-taxation – evils that continually bedevilled Loyseau and his learned peers.

[1] I am indebted to Robert Descimon for many helpful lines of inquiry in this article.

[2] Loyseau's prominence in these fields owes much to the scholarship of Roland Mousnier (see bibliography), who uses the *Traité des ordres* as the most objective yardstick of social hierarchy in the Ancien Régime. Others have called into question Loyseau's degree of objectivity and have thereby nuanced Mousnier's position: see notably Howell Lloyd, "The Political Theory of Charles Loyseau," 53-76; Robert Descimon, "Dignité contre vénalité," 326-338; Peter Burke, "The Language of Orders in Early Modern Europe," 1-12.

[3] Mousnier, *Social Hierarchies: 1450 to the Present*, 67.

[4] The leading scholar is William Sewell: see particularly *Work and Revolution in France*, and "Etat, Corps, and Ordre." See also David Parker, *Class and State in Ancien Regime France*.

[5] Loyseau's phrasing and spelling are inconsistent. I am quoting from the *editio princeps* (1610) in which "viles personnes", "viles persones" and "persones viles" are all used. I shall adopt "viles personnes" as the default option.

[6] *Traité des ordres*, avant-propos, 1.

[7] Loyseau follows on from jurists of the previous century, Claude Seyssel, Barthélémy de Chasseneuz, and Jean Bodin, who had all produced totalizing social hierarchies with marginal coverage of the lowborn.

[8] See Thomas Lambert Mears, *Analysis of M. Ortolan's Institutes of Justinian*, 78-9.

[9] See Rachel Stone, *Morality and Masculinity in the Carolingian Empire*, 162.

[10] *Traité des ordres*, 96.

[11] Ibid., avant-propos, 1.

[12] Ibid., 2: the original excerpts are in Greek and I have quoted from the modern English translation of the *Traité des ordres* by Howell Lloyd (Loyseau, *A Treatise of Orders and Plain Dignities*, 7).

[13] On the influence of pseudo-Dionysian thought on Loyseau and others at the turn of the seventeenth century, see Robert Descimon, "Dignité contre vénalité", and Yves Durand, *L'Ordre du monde.*

[14] Lloyd, "The Political Theory of Charles Loyseau". On Aristotle's topics, see especially Lloyd's introduction to Loyseau, *A Treatise of Orders*, xviii-xix. Much simplified, the requisite procedure is first to establish the "category" into which a given subject must fall, and then to deduce, via successive divisions, its "genus", "species", and, ultimately, "definition".

[15] *Traité des ordres*, 4.

[16] Ibid., 95.

[17] Ibid., 95. See also Sewell, "Etat, Corps, and Ordre," 63; Parker, *Class and State*, 113.

[18] See Hufton, *The Poor of Eighteenth-Century France, 1750-1789*.

[19] For a range of cutting-edge analyses of these questions, see Fanny Cosandey (ed.), *Dire et vivre l'ordre social en France sous l'Ancien Régime*.

[20] See Gregory Hanlon, *Confession and Community in Seventeenth-Century France*, 178.

[21] Robert Jütte, *Poverty and Deviance in Early Modern Europe*, 167. On vagrants see generally Christian Paultre, *De la répression de la mendicité et du vagabondage en France sous l'ancien régime*.

[22] In his 1932 study of the Great Fear of 1789, Georges Lefebvre ably captured peasant attitudes towards the "wanderers" – other peasants forced to go in search of bread. For an overview, see Thomas Adams, *Bureaucrats and Beggars*, 10.

[23] See Georges Picot, *Histoire des Etats Généraux*, 195-6.

[24] See notably Yves-Marie Bercé, *Histoire des croquants*; see also Boris Porchnev, *Les soulèvements populaires en France de 1623 à 1648*. Bercé is critical of Porchnev's underlying Marxist assumptions and interpretation, and offers a considerably more nuanced view. For further nuances, seeMark Greengrass, *France in the Age of Henri IV*.

[25] Greengrass, *France in the Age of Henri IV*, 168-72.

[26] *Traité des ordres*, 103.

[27] See Sewell, "Etat, Corps, and Ordre," 54.

[28] *Traité des ordres*, avant-propos, 1.

[29] Chartier, “Les Élites et les gueux.” See also Chartier, “La Monarchie d’argot entre le mythe et l’histoire.”

[30] See also Natalie Zemon Davis, “Poor Relief, Humanism, and Heresy,” 47.

[31] Of Loyseau’s immediate jurist forebears, one thinks notably of Etienne Pasquier, who discusses *argotier* slang in his monumental *Recherches de La France*. Furthermore, in his *Essais*, Michael de Montaigne comments, ironically, on the “dignitez” and “ordres politiques” observable among beggar communities of his day (*Essais* III.13, ‘De l’expérience’). See Chartier, “Les Élites et les gueux,” 383.

[32] Hickey, *Local Hospitals in Ancien Régime France*. See also Adams, *Bureaucrats and Beggars*, chap. 1.

[33] Tim McHugh, *Hospital Politics in Seventeenth-Century France*, 15.

[34] Ibid., 15.

[35] For an overview of Montchrestien and his treatise, see Henry Clark, *Compass of Society*, 10-14.

[36] Montchrestien, *Traicté de l’oeconomie politique*, 26.

[37] Ibid., 103-5. See also McHugh, *Hospital Politics*, 15.

[38] On the rise of the workhouse, see Jütte, *Poverty and Deviance*, 175.

[39] Chartier, “Les Élites et les gueux,” 377.

[40] Collins, “Geographic and Social Mobility in Early Modern France”, 564.

[41] *Traité des ordres*, 103.

[42] For a fuller list of the potential activities of *gens de journée*, see Sewell, *Work and Revolution in France*, 18-9. As Sewell notes, any city had its crowds of lifters and carriers: porters, carters, loaders, mason’s labourers, dock workers, simple casual labourers, mostly unmarried, transient, jobbing from city to city.

[43] Ibid., 18-19.

[44] Ibid., 22-4.

[45] Ibid., 22.

[46] This doctrine had many interwoven cultural strands. A pan-European folk tradition, popular in the Middle Ages and still prevalent in the sixteenth and seventeenth centuries, held that those in menial or servile labour were descended from Noah's cursed son, Ham (Genesis 9:18-28): see David Whitford, *The Curse of Ham in the Early Modern Era: The Bible and the Justifications for Slavery*.

[47] Sewell, *Work and Revolution in France*, 290. Sewell remains sceptical as to how far this requirement survived in practice by the early modern period.

[48] Calvin, *Institution de la religion chrestienne*, IV, 296. By "vocation", Calvin means the sanctioning of labour through the exercise of one's God-given abilities, as a living sacrifice to God (Romans 12:1) and for the good of one's community.

[49] Robert Descimon has shown that Loyseau had friendship and kinship ties to members of the Catholic League, notably Antoine Hotman: see Descimon, "Les Paradoxes d'un juge seigneurial".

[50] Aquinas is openly cited on two occasions concerning the orders of the clergy: in reference to the origins of regular canons (34), and regarding degraded priests celebrating mass (115).

[51] Aquinas, *Summa theologica*, II-II.187.3.

[52] Sewell, *Work and Revolution in France*, 24.

[53] It is likely that Turquet de Mayerne conceived *La Monarchie aristodemocratique* in the 1590s, but delayed publication until the political climate was favourable. See Roland Mousnier, "L'Opposition politique bourgeoise à la fin du XVIe siècle et au début du XVIIe siècle. L'œuvre de Louis Turquet de Mayerne".

[54] Turquet de Mayerne, *La Monarchie aristodemocratique*, 99-101.

[55] Ibid., 127.

[56] Ibid., 128.

[57] Ibid., 128.

[58] One thinks especially of the ceramics and glass expert Bernard Palissy (1510-c.1589), whose list of illustrious protectors included Catherine de' Medicis.

[59] Weavers in textile districts scattered from Flanders to Languedoc depended on urban entrepreneurs to supply them with raw materials. Their craft was poorly remunerated and they often found themselves resorting to makeshift solutions, occasional wage labour, in order to survive. See Sewell, *Work and Revolution in France*, 17.

[60] *Traité des ordres*, 102.

[61] On this distinction see for instance Aristotle, *Politics* 1337.b.3. See generally Bruce Kimball, *The Liberal Arts Tradition*.

[62] See Peter Sternagel, *Die artes mechanicae im Mittelalter*, 30-6.

[63] See Sewell, *Work and Revolution in France*, especially chap. 2.

[64] *Traité des ordres*, 102.

[65] Ibid., 102.

[66] Those of Villers-Cotterêts (1539), art.189, and of Orleans (1561), art. 98. See F-A. Isambert, *Recueil général des anciennes lois françaises*, XII, 639; XIV, 88.

[67] *Traité des ordres*, 102.

[68] The spiritual dimension of craftsmanship is further emphasised by Sewell (*Work and Revolution in France*, 34), who notes that trade confraternities had their own patron saints, venerated at great annual festivals: these feast days included a mass attended by all members of the trade, from the master to the lowliest apprentice, thus reinforcing an *esprit de corps*, a spiritual unity of purpose.

[69] Loyseau, *Traité des ordres*, 102.

[70] See George Unwin, *Industrial Organization in the Sixteenth and Seventeenth Centuries*, 136-7.

[71] Like Etienne Pasquier, Michel de Montaigne, and other late Renaissance magistrates, Loyseau was a stern critic of venality of office, and his avowed disapprobation is writ large across his previous treatise, *Cinq livres du droit des offices* (1609). For a detailed study of such attitudes, see Roland Mousnier, *La Vénalité des offices sous Henri IV et Louis XIII*.

[72] *Traité des ordres*, 103.

[73] Ibid., 95.

[74] Ibid., 103: "comme dit Ciceron aux Offices: *viliores sunt, quorum operae non artes emuntur*." This is a misquotation of *De Officiis* I.xlii.150: "Illiberales autem et sordidi quaestus mercennariorum omnium, quorum operae, non quorum artes emuntur."

[75] See for instance *Ordonnances des roys de France de la troisième race*, XXI, 364, 561.

[76] See Alfred Franklin, *Dictionnaire historique des arts, métiers et professions exercés dans Paris depuis le treizième siècle*, 645-7; Sewell, *Work and Revolution in France*, 20.

[77] Callistratus, *Digest* 50.2.12, paraphrased by Loyseau, *Traité des ordres*, 101.

[78] On this honorific title, and its correspondence to merchants in the seventeenth century, see Robert Descimon's useful table of modes of address among Parisians (1500-1720), in *Dire et vivre l'ordre social*, 66-7.

[79] *Traité des ordres*, 96, 101.

[80] Mayerne, *La Monarchie aristodemocratique*, 120: it is usually idlers ("faineants", often nobles by implication) who in their unseemly derision refer to non-nobles in derogatory language such as "triacleurs mercadants, maistres aliborons, et mechaniques artisants."

[81] Mayerne, *La Monarchie aristodemocratique*, 101.

[82] Montchrestien, *Traicté de l'oeconomie politique*, 108-9.

[83] *Traité des ordres*, 101.

[84] Ibid., 101, referring back to chap. 2 § 66-7 concerning the divisions of Roman citizenship instigated by Servius Tullius. Loyseau's source is ostensibly the *De antiquo jure Romanorum, Italiae, provinciarum* (1560) of the Italian humanist, Carolus Sigonius, to whom he was openly and heavily indebted (*Traité des ordres*, 22).

[85] On the *laboureurs*, see Jean Meuvret, "Le Commerce des grains et farines à Paris," 169-203; Marc Venard, *Bourgeois et paysans au XVIIe siecle*; Emile Mireaux, *Une Province française au temps du Grand Roi: La Brie*; Pierre Goubert, *La Vie quotidienne des paysans*, chap. 8; Henry Heller, *Labour Science and Technology in France*, 31-2.

[86] In literature and everyday speech the term *laboureur* was also used generically to refer to peasant farmers. This derestricted meaning prevailed particularly in the Midi: see Goubert, *La Vie quotidienne des paysans*, chap. 8.

[87] Bodin, *Six livres de la République*, I, 118.

[88] Pasquier, *Les Recherches de la France*, I, 481.

[89] See Le Caron, *Pandectes ou digestes du droict françois*, 161-6.

[90] Loyseau specifies that *ville* originally signified a village, a "maison des champs" akin to the Latin villa: traces of this ancient usage could still be seen in rural areas, such as Beauce, where many villages retained the suffix *-ville* following the name of their ancient local seigneur (*Traité des ordres*, 96). In Anglo-Norman dialects, vil(l)e originally denoted a manorial estate or farmstead: see William Rothwell et al., *Anglo-Norman Dictionary*, VII, 870.

[91] Budé, *Annotationes Gulielmi Budaei… In quatuor et viginti Pandectarum libros*, f. 33v: "villanum enim et vilem vernacula simplicitas confundit". On Budé and his *Annotationes*, see principally Donald Kelley, *Foundations of Modern Historical Scholarship*, chap. 3.

[92] *Traité des ordres*, 42. Definitions of servitude and "semi-free" status were problematic in Roman and medieval canon law. On the interrelated terms *coloni*, *adscripticii*, and *villani*, see Jean Allain, *The Legal Understanding of Slavery*.

[93] Two of Loyseau's treatises discuss this: *Traité des ordres*, 42, 102, and *Traité des seigneuries* (1608), 13. For background on seigneurial taxes, see Marc Bloch, *Feudal Society I: The Growth of Ties of Dependence*; Robert Boutruche, *Seigneurie et féodalité*, II, 67-8; Martine Grinberg, *Écrire les coutumes*, 109-10.

[94] See Goubert, *La Vie quotidienne des paysans*, chap. 2.

[95] *Traité des ordres*, 102, quoting from Caesar: "*Plerique è plebe*, dit-il, *dum aere alieno, aut magnitudine tributorum, aut iniuria potentiorum premuntur, sese in servitutem dicant Nobilibus: in hos eadem omnia sunt iura, quae dominis in servos*."

[96] Ibid., 102.

[97] In his *Traité des seigneuries*, Loyseau advocates the sovereign right of kings to tax without the consent of the Estates, whilst insisting that this was not a licence for abusing their subjects. See Lloyd, "The Political Theory of Charles Loyseau," 69.

[98] Loyseau, *Discours de l'abus des justices de village*, ff. 55v-56r. This treatise was composed during Loyseau's time as a magistrate at Châteaudun.

[99] See Kathleen Davis, *Periodization and Sovereignty*, 43-4.

[100] Maximilien de Béthune, Duc de Sully, *Memoires ou oeconomiques royales d'Estat*, I, 391.

[101] Montchrestien, *Traicté de l'oeconomie politique*, 41.

[102] Olivier de Serres, *Theatre d'agriculture et mesnage des champs*, preface, sig.*iijr.

[103] See Heller, *Labour Science and Technology in France*, 158.

[104] See Laure Chantrel "Dépopulation et réforme de la fiscalité en France aux XVIe-XVIIe siècles," 457-79.

[105] See Henry Clark's definition and analysis of "commercial humanism" at the turn of the seventeenth century: attempts to render comprehensible the ways in which an increasingly commercial society – with its emphasis on legally enforced property rights, on social exchange and on material prosperity – may be reconciled with the classical concern for virtue as both a moral and a political imperative (*Compass of Society*, 5; see also "Commerce, the Virtues, and the Public Sphere," 419-22).

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