



Open Library of Humanities



Part of the Ubiquity  
Partner Network



Open Library of Humanities

---

## New Approaches to Late Medieval Court Records

**How to Cite:** MacGregor, L B 2019 Criminalising Animals in Medieval France: Insights from Records of Executions. *Open Library of Humanities*, 5(1): 15, pp. 1–20. DOI: <https://doi.org/10.16995/olh.319>

**Published:** 26 February 2019

---

### Peer Review:

This article has been peer reviewed through the double-blind process of *Open Library of Humanities*, which is a journal published by the Open Library of Humanities.

### Copyright:

© 2019 The Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC-BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited. See <http://creativecommons.org/licenses/by/4.0/>.

### Open Access:

*Open Library of Humanities* is a peer-reviewed open access journal.

### Digital Preservation:

The Open Library of Humanities and all its journals are digitally preserved in the CLOCKSS scholarly archive service.

---

## NEW APPROACHES TO LATE MEDIEVAL COURT RECORDS

# Criminalising Animals in Medieval France: Insights from Records of Executions

Lesley Bates MacGregor

University of Oxford, UK

[lesley.macgregor@history.ox.ac.uk](mailto:lesley.macgregor@history.ox.ac.uk)

---

This article explores compelling and specific cases from France during the fourteenth and fifteenth centuries in which animals were formally executed for crimes. The so-called 'medieval animal trials' were cases in which animals were accused and sentenced for harming persons or property. In secular cases, a domestic animal (generally pigs, horses, and bulls) could be charged for killing a human and consequently be condemned to death, usually by hanging. Receipts relating to such cases can be found in seigneurial accounts which duly note the costs associated with the execution.

An under-studied source on the animal trials, these records reveal the rhetorical strategies used to inform the treatment of an animal accused of committing a crime. This article looks specifically at the role of procedure as a discursive frame that transformed an offending animal into a criminal. A close examination of the receipts reveals that the trials share several features, which not only highlights the importance of following certain legal procedures, but also places the animal and its actions into pre-existing legal categories (that of 'criminal' and 'crime'). These procedures include providing the appropriate judicial personnel and the right equipment for the execution. The condemned animal thus occupied an ambiguous space as a nonhuman that had been placed in legal categories made by and made for human subjects.

By treating the animal as a criminal, these records provide a window into the medieval story of legal personhood and the fluidity of its borders, while also challenging the history of the human-animal relation as one built on difference and inferiority.

---

The trials and subsequent executions of animals during the Middle Ages have long been a source of fascination and frustration to historians. Since the nineteenth century, scholars have struggled to understand and explain them: are they complete fabrications? Remnants of a superstitious age? A method of social control? Even a brief survey of the subject will find the historian mired in sweeping explanations that struggle to rationalise the trials as a phenomenon that occurred from the thirteenth through the late nineteenth centuries in areas across France, Switzerland, Italy, and Germany.

As a result of the growing field of animal studies, there has been much interest recently amongst medievalists in reassessing how we understand animals and the human-animal divide (Crane, 2013; Salisbury, 2011; Flores, 1996). While the earliest attempt at a systematic study of animal trials was Karl von Amira's *Thierstrafen und Thierprocesse* (1891), English-speaking audiences were first introduced to the topic by Edward Payson Evans and his pivotal book *The Criminal Prosecution and Capital Punishment of Animals* (1906). Nineteenth-century French scholars were also particularly interested in the topic (Berriat-Saint-Prix, 1829; Desnoyers, 1853; Giraud, 1866; Ménabréa, 1846). Much of the early work on animal trials tended to use a culturally positivist approach. Evans himself described the practice as 'the childish disposition to punish irrational creatures ... which is common to the infancy of individuals and of races' (1906: 186). Thankfully, more recent studies ground their explanation of the trials in contemporary legal and socio-cultural influences (Dinzelbacher, 2002; Berman, 1994; Ewald, 1995). One of the first was Esther Cohen, who in her 1986 essay 'Law, Folklore and Animal Lore' recontextualised the trials against a backdrop of folklorist traditions and growing judicial activism. Yet scholarship still relies heavily on Evans, who is at times a dubious source, offering interpretations of events (many from secondary sources) that are more intriguing than illuminating. Even the 2012 study by David Chauvet, who provides a stimulating analysis of the legal personality of animals in the Middle Ages, mainly cites the work of nineteenth-century scholars Léon Ménabréa and Jacques Berriat-Saint-Prix. It seems that the actual records of these events have, to a certain extent, been forgotten.

By returning to the archives, my aim is to provide a close reading of a selection of records thereby providing more concrete access to the ways in which the punishment of animals was viewed by contemporaries. The Court of Accounts of Burgundy, for example, contains numerous receipts from the executions of animals from the late fourteenth through the early fifteenth century. As receipts, these texts are produced in a strict legal process using a standardized vocabulary. However, these records can also be treated as social texts through which a particular version of reality is depicted. They do not reveal why the executions of animals occurred or the role they played within the community. Rather, they help us understand the ways in which the law responded to the killing of a human by an animal, the key actors within the law, and how those actors were deployed in these situations. By following certain procedures, the incident could be brought into the legal framework, which would ultimately provide a guide for addressing the case. The way in which the receipts were framed by legal requirements shows not only how the concern for procedure shaped the reality of medieval practice, but also how procedure contributed to the creation and treatment of 'criminal animals'.

The Court of Accounts, or *Chambre des Comptes*, was a specialized sovereign court that developed in the beginning of the fourteenth century.<sup>1</sup> Here individuals involved in the management of the royal or princely domain filed their accounts with auditors who checked over their receipts and expenses, and maintained financial registers (Jassemin, 1933). The *Chambre des Comptes* was involved in a wide range of financial matters, spanning from agriculture to commerce, and even punishment. Records might reveal payments for the use of ducal domains, rents, fines, salaries, the cost of fortifications and repairs, privileges or appointments. Such account records were important sources for verifying events, the financial cost of those events, and who was involved. For historians, they are useful tools not only for tracing the history of a region, but also for viewing events within a particular legal context.

---

<sup>1</sup> An ordinance of Louis XII from 1511 characterises the role of the Parisian Court of Accounts: 'to employ and perceive by hearing and examining ... the accounts of officers and others having charge, administration and business of doing the said ordinary and extraordinary finances, accountable in this court' (Jacqueton, 1891: 153–54). For an excellent overview of the role of the *Chambre des Comptes*, see Mattéoni (2007).

Account records represent an important source of material in the study of animals that were subjected to the criminal process. In 1378, for instance, the fees and salary of an executioner were paid for 'executing a pig who had been executed in the village of Auxonne for the act of homicide of a child, which the said pig had killed'.<sup>2</sup> An entry like all the others, there is no sign of concern or surprise about the events described. No marginal notation indicates that this payment was considered unusual. In fact, the records from the *Chambre des Comptes* of Burgundy that deal with the executions of animals are written alongside other records of expenses in a chronological manner, with one written in its entirety after another and generally in the same hand. This has a homogenizing effect and indicates that the scribe was not surprised by the nature of the entry. In other words, he wasn't forced to leave extra space or continue the entry elsewhere, which he might have done if he was unfamiliar with the practices and costs associated with such events. This suggests that animal executions were simply seen as a part of judicial action. Even if these executions were not regular occurrences, a conscious decision was made to leave no sign that these records were different from any other.

Drawing mainly on account records from the *Chambre des Comptes de Bourgogne* and comparing them to records from Normandy and areas around Paris, it is clear that the records share certain features. A careful examination reveals that the following are consistently emphasised: the crime committed by the animal, which made a particular form of punishment appropriate; the importance of having the correct personnel involved; and the importance of having the right equipment to perform the punishment. While these are standard features of receipts for executions, their inclusion provides important insight into the ways in which animals were considered and treated as subjects of judicial procedure. It demonstrates that once an animal was classified as a criminal, that animal, their actions, and the ramifications of those actions could be positioned within pre-existing legal categories.

---

<sup>2</sup> Archives départementales de la Côte-d'Or, B. 4425, f. 37r: 'pour paier les depens et salaire de mitre de avoir execute un porc qui a este execute en la ville d'auxonne pour le fait de lomicide d'un enfant qui ledit porc avoit tue'. Hereby abbreviated as A. D. For this study, the most useful material has been in Série B.

## The Crime

The accounts of executions generally provided a brief description of the culprit and the wrong that had been committed. In the case of animals, the culprit was most often a pig and the victim most often a child, although bulls and horses were also charged. When describing the crime, many records state that the animal 'killed' a child and use the verb *tuer*. The choice of this verb, a general term with little to no legal connotations, seems to provide sufficient reason for the execution and no further information about the crime is required. A case dating from 1350 in Pontailleur simply states that pigs 'had killed one child' (*hanoyent tue un enfant*).<sup>3</sup> Likewise, a pig from Duesme was accused of 'having killed a child' in 1386 (*avoit tuey d'ung enfant*).<sup>4</sup> A donkey in Plombières was executed because he 'put to death' a child in 1405 (*mis a mort un enfant*).<sup>5</sup> However, some records provide a more detailed description of the victim's death. A pig in Caen was described as having strangled a child in 1356 (*avoit estranglé un enfant*) (Delisle, 1903: 107). In 1401 in the village of Puis, a pig had 'killed and strangled a child named William' (*eust tue et estranglé un enfant appellee Guillaume*).<sup>6</sup> It is unusual for the record to mention the child's name. The victim is normally anonymous and described simply as a child, or a young boy or girl. Seeing the victim's name makes the crime all the more personal and all the more terrible.

The description of the deed leading to the victim's death clearly plays a role in justifying the subjugation of an animal to the criminal process. Highlighting the violence of the incident serves to underscore the uncharacteristic nature of the animal's behaviour, the conscious reversal of the domestic animal's place in the community and the shock that this produces. As creatures that were created to serve man's best interest, killing a child undermines a domestic animal's divinely assigned role. Thus, the more violent the animal's actions, the more appropriate it seems to condemn it.

---

<sup>3</sup> A. D., B. 5612, f. 5r.

<sup>4</sup> A. D., B. 4650, f. 32r.

<sup>5</sup> A. D., B. 4455, f. 13r.

<sup>6</sup> A. D., B. 4964, f. 68r.

Many records do not provide details of the animal's actions but employ legal terminology to demonstrate the criminal nature of the incident. The previously mentioned 1378 case from Auxonne uses the term 'homicide' to describe the pig's actions.<sup>7</sup> However, more often the term used is 'murder'. Murder implies that the killing involved a kind of deception in which the culprit knowingly took unfair advantage of the victim through trickery or surprise.<sup>8</sup> The *Grand Coutumier de France*, a compilation of customs written in the fourteenth century, describes murder as when the killing happens 'deliberately or premeditatively' (*délibéré, ou par apensé*) (Laboulaye and Dareste, 1868: 637). In other words, murder was a planned event. Homicide, on the other hand, occurred in the heat of the moment and without malice aforethought.<sup>9</sup> For most sources, the essential distinction hinged on the idea of a killing that was committed publicly and in the open (homicide) or one that was hidden (murder). According to the 1515 legal manual of Flemish jurist Filips Wielant, homicide could be excused; murder could not (Monballyu, 1995: 213).

It is thus noteworthy that records tend to favour the term 'murder' over that of 'homicide' in describing deaths caused by an animal. A pig from Mortain was described as 'killing and murdering a child' in 1394 (*tué et meurdís un enfant*) (Berriat-Saint-Prix, 1829: 439). A pig from Pont-de-l'Arche in Normandy was accused of having 'murdered and killed a small child' in 1408 (*muldry et tué ung pettit enfant*) (Berriat-Saint-Prix, 1829: 440). In Rouvre, a town northeast of Paris, three pigs 'murdered and ate' a child in 1404 (*avoient murtir et mengir ung enfant*), which necessitated repairing the gallows so that the pigs could be properly brought to justice.<sup>10</sup> In 1444, a pig named Verray 'killed and murdered' (*avoit tue et murtey*) a girl in the fields of Saint Prix.<sup>11</sup> Here the animal is individualized in the same way as humans, that is by a

<sup>7</sup> A. D., B. 4425, f. 37r.

<sup>8</sup> According to the thirteenth century jurist Philippe de Beaumanoir, murder involved criminal intent and occurred in cases when someone kills another 'premeditatedly' (*aguet apensé*) between sunset and sunrise, or during a truce or guaranteed peace. See Amédée (1899: 429–30) (tome 1, chpt. 30, para 825).

<sup>9</sup> See Laboulaye and Dareste (1868: 637): homicide or *occision* is committed 'chauldement' (in the heat of the moment). See also de Beaumanoir (1899: 430) (tome 1, chpt. 30, para 828).

<sup>10</sup> A. D. B. 5764, f. 17v.

<sup>11</sup> A. D. B. 2776, f. 24r.

personal name and not by a description. While this is quite rare in receipts, much like naming the victim, including the name of the animal not only represents the close relationship community members had with their animals, but it leaves no doubt as to who committed the crime.

The fact that account records generally accuse animals of murder seems to suggest that animals were judged to have committed the worst kind of killing: one that was done with malice and without justification. The *Très Ancien Coutumier de Normandie* (c. 1200) categorised murder alongside other unpardonable crimes: 'There can be no pardon for those convicted of theft, murder, treason, arson of houses at night; but if they are captured, let them be hanged'.<sup>12</sup> The use of 'murder' labels the animal's behaviour as a criminal act, which both emphasises the gravity of the act and the criminal nature of the culprit. The victim's death is not merely an unfortunate event, but becomes recharacterized as a particular moment of deviance, thereby creating a crime and consequently a criminal. Once the behaviour of the animal has been consigned to the realm of criminal law, certain requirements must be followed, which not only govern the subsequent steps in the case, but also the duties of the participants.

### **Punishment fit for an Animal**

Once an animal was accused of murder, the preferred method of punishment was hanging. The receipt to Jehan Micton for executing a pig in Mortain describes how the pig was condemned to be 'dragged and hanged' (*trayné et pendu*) (Berriat-Saint-Prix, 1829: 439). The offending animal was generally hanged on the gallows or *fourches patibulaires*, which consisted of stone columns that were connected by wooden beams. It was typically located outside the town and was used to both hang and display the bodies of the condemned. Its elevated position ensured that it could be clearly seen by passers-by and it thus stood as a prominent and visible symbol of judicial power.

---

<sup>12</sup> Tardif (1881: 28) (tome 1, part 2, chpt. 36): 'De larrecin, de murtre, de traïson, d'arson de meson par nuit, de roberie ne puet nule pes estre fete o ceus qui en sont convaincu; mes se il sont pris, il soient pandu'.



However, not every town had a *fourches*. Some executions therefore necessitated traveling to the nearest one within the *bailliage*. Such was the case for the pig in 1317 that killed a child in the town of Bouffémont, outside of Paris. The pig was led over thirty kilometres to Noisy-le-Grand where it was 'dragged and hanged on the fourches of Noisi for this deed' (*la trainerent et pendirent aus fouches de Noisi, pour ce fait*) (Tanon, 1877: 227). The previously mentioned pig from Pont-de-l'Arche, executed in 1408, was taken eight kilometres to the south so that it could be hanged on the gallows of Vaudreuil (Berriat-Saint-Prix, 1829: 440). If the hanging was not performed on a *fourches*, it was done in some other prominent place. For instance, a pig was executed in Arnay-le-Duc in 1444 and the record describes how the executioner hanged the pig on a tree near the main road to Dijon.<sup>13</sup>

The act of punishment was considered so important that if the animal itself was not available, an effigy could be hanged instead. In the same year as the hanging of the pig from Bouffémont, a horse killed a man northeast of Paris in Bondy (ten kilometers north of Noisy-le-Grand) (Tanon, 1877: 277). The owner apparently did not want to relinquish his horse and so hid the animal before the judges could seize it.<sup>14</sup> The owner was then obliged to pay a fine as well as pay for the value of the horse. The judges, however, were not entirely satisfied with this outcome. Thus, a figure of the horse was 'dragged and hanged' from the *fourches* of Noisy.<sup>15</sup> The message of such a hanging is clear: even if absent, the guilty cannot escape the reach of justice.

As documents meant to provide a record of events, the accounts of animal executions faithfully include a brief description of the animal's crime and the manner in which it was punished. The use of the term 'murder' characterises the culprit as one who displayed unreasonable and vengeful behaviour, who acted, not in the heat of the moment, but with premeditation.<sup>16</sup> The designation of guilt using such a term

<sup>13</sup> A. D., B. 2276, f. 24v.: 'estachier a d'ung chaisgne sur le grant chemin de Dijon'.

<sup>14</sup> Tanon (1877: 227): 'Symon Foly... à qui estoit icil cheval, le transhita hors de la justice Saint Martin, avant que la justice Saint Martin y mist arrès'.

<sup>15</sup> Tanon (1877: 228).

<sup>16</sup> Petitioners in pardon letters often pled that they killed someone based on 'hot anger' – a momentary loss of reason that had been triggered by sudden provocation. This acted as a mitigating factor and allowed petitioners to create narratives in which their crime was somehow justifiable. See Arnade

emphasizes that the animal committed a wrong, and that this wrong could and must be addressed by the law. More importantly, the only appropriate response to murder was capital punishment. The execution of the animal was thus a legitimate and fair response to its actions. In this context, the nature of the crime and the punishment becomes self-reinforcing: describing the animal's actions as murder necessitates the death penalty and insisting that the animal be hanged (similar to human offenders) reinforces the notion that the animal committed a serious crime. In the words of R. Howard Bloch, there is thus created a 'necessary correlation between the sureness of punishment and the certainty of infraction' (1977: 59). The emphasis on the crime and execution of an animal highlights the remarkable flexibility of the legal framework which can include within its remit a nonhuman and its actions. This inclusion ensures that there is a predetermined way for addressing the incident, and at the same time challenges fundamental assumptions about the categories of human, animal, and criminal.

### **Pigs in Prison**

For some animals, a stay in prison preceded their execution, further cementing their new status as criminals. In the case of the pig Verray, who was hanged in 1444, an executioner was paid for carting it from prison to the place where it was hanged. The receipt states that he was compensated for the cart itself, as well as for 'carting the said pig from the said prison just until the tree where it was executed' (*charroyer ledit proc de ladit prison jusque a l'arbre ou il fut execute*).<sup>17</sup>

It appears that a pig in prison was not unusual, nor was it unusual for that pig to endure quite a lengthy stay. In Normandy, a pig spent an incredible 146 days in the prison of Pont-de-l'Arche in the year 1349. The receipt for keeping the pig during that time states the crime, the number of days in prison, the cost per day, and the total cost. It reads: 'For the upkeep of a pig taken to prison for having eaten a child, for one hundred and forty-six days, two *deniers* per day, twenty-four *sous*, four

---

and Prevenier (2015: 226). By comparison, cases against animals were rarely characterized this way, implying that their 'crime' was not excusable.

<sup>17</sup> A. D. Côte-d'Or, B. 2776, f. 24v.

*deniers'* (*Pour le vivre d'un porc amené en prison pour avoir mengié un enfant, pour vi<sup>ix</sup> vi jours, ii d. par jour, xxiii s. iiii d*) (Delisle, 1871: 383). One might imagine that there was a special rate for keeping pigs in prison, perhaps even a discounted one. However, the prison at Pont-de-l'Arche charged the same price regardless of whether the inmate was human or animal. Michiel Lion stayed even longer in the prison – 181 days – on suspicion of having stolen fabric. Like the pig, his imprisonment cost two *deniers* per day.<sup>18</sup>

The records do not mention how the pigs were kept or how they were treated in prison. As with humans, keeping animals in prison served a practical purpose as a way of retaining physical control over the accused and ensuring that they did not reoffend. Yet there are important differences between humans and animals which make the act of keeping a pig in prison significant. Unlike human criminals, there are other (possibly less expensive) ways to confine animals. Keeping pigs in prison, along with the associated costs, therefore suggests that officials considered it a necessary part of the procedure and granted a degree of legitimacy to the case. Furthermore, the prison setting created a physical boundary between the animal and the (non-offending) community, and by doing so conceptually categorised the animal alongside the other occupants of the prison. Like labelling the animal's actions as a particular offense, imprisoning it had a criminalising effect. Its status as 'other' was based not only on the fact that it was an animal, but also on the fact that it needed to be incarcerated on account of its actions.

### **The Role of the Executioner**

As we have seen, an animal that killed a human was generally sentenced to death. Such a verdict necessitated a professional executioner. In medieval France, executioners were an indispensable part of the judicial system. They played an essential role in which public authorities monopolized and dictated legitimate forms of violence (Tourneille, 2002: 190–1). As a profession, the office of executioner can

---

<sup>18</sup> This may have been a standard fee. See the record dated September 1422 in *Recueil de pièces originales relatives à différentes peines ou exécutions capitales, la plupart en Normandie*, Bibliothèque Nationale de France. Français MS 7645, n. 28: 'chacun prisonnier pour chacun jour ung pain de deux deniers'.

be traced to the early thirteenth century and gradually spread throughout France.<sup>19</sup> Executions at this time were public spectacles. They required a particular set of skills and it was expected that the execution would be performed flawlessly. However, the number of professional executioners remained low (Spierenburg, 2008: 39). Thus, many communities had to summon an executioner from elsewhere and pay not only for his services but also for his travel expenses.

For some, the executioner did not have to travel far. The execution that occurred in Pontailler in 1350 involved an executioner from the neighbouring town of Pesmes.<sup>20</sup> The donkey from Plombières, outside of Dijon, was taken by an executioner named Collart to a town twelve kilometres to the west. The record states that Collart was paid not only 'for his pain and salary', but also for traveling and agreeing to execute the donkey in Ruffey-lès-Echirey. The receipt reads:

To master Collart the hangman for his pain and salary and for walking and agreeing to perform the execution ... on the fourches of Dijon Regnault de Roiffey... and for having led to the said *fourches* and there killed a donkey who was taken at Plombières because he had put a child to death.

*A maistre Collart le bourreau pour sa pene et salaire et par marchie et accord fait a lui pour mettre a execution... aux fourches de Dijon Regnault de Roiffey... et pour avoir mene aux dit fourches et illec tue un asne qui avoit este pris a Plombieres pour ce quil avoit mis a mort un enfant.*<sup>21</sup>

However, it was more often the case that the executioner had to travel a great distance. In 1393, an executioner named Niquando Vigueur journeyed approximately thirty-

<sup>19</sup> One of the first regions to institute the office of executioner was Normandy in 1202. Most major towns in Normandy acquired an executioner over the next hundred years. See Delarue (1979: 62–3). Gradually the role spread to other areas of France, with Paris having an executioner by 1275, Amiens by 1401, and Dijon by 1403 (see Friedland, 2012: 73). See also Dubois (1860: 4), citing the first named *bourreau* of Amiens as dating to 1401, with another designated in 1403 and 1410; Clément-Janin (1889: 9–10) citing the first public execution in Dijon in which the name of the executioner appeared as dating to March 1403. The same executioner, *maître* Jehan, went on to hang a donkey from Plombières in 1405.

<sup>20</sup> A. D., B. 512, f. 5r.

<sup>21</sup> A. D., B. 4455, f. 13r.

five kilometres from Besançon to Montbason. He received a salary of sixty *sous* for hanging a pig and an additional seven *sous* and six *deniers* for his travel expenses.<sup>22</sup> Jehan Micton travelled a similar distance from Avrenches to hang a pig in Mortain (Berriat-Saint-Prix, 1829: 439).<sup>23</sup> A receipt from Ile-de-France in 1403 relates how an executioner, referred to as a master of high works, travelled over fifty kilometres from Paris to Mantes in order to hang a pig which had devoured a child (Berriat-Saint-Prix, 1829: 433–4). At a cost of fifty-four *sous paris*, the record notes that the executioner was officially summoned by the command of the bailiff and the royal *procureur* (Berriat-Saint-Prix, 1829: 433). These efforts and their associated costs were deemed necessary 'to do and accomplish the execution of a pig' (*pour faire et accomplir la justice d'une truie*) (Berriat-Saint-Prix, 1829: 433).

A most impressive distance was travelled by Jehan de Vimens in 1386, who journeyed close to eighty kilometres from Bar-sur-Aube to the town of Duesme. He received three *francs* and eight *gros paris* for executing a pig that had killed the grandson of the local wooltrader:

Other expenses for the execution to master Jehan de Vimens staying at Bar-sur-Aube... for the case of an execution performed on a pig, who had killed a child who was the son of the son of the wooltrader of Duesme, the sum of three francs eight *gros*.

*Autre despence pour faire execution a maistre Jehan de Vimens demourant a Bar sur Aube... pour la cause d'une execution faite d'une truie qui avoit tuey d'ung enfant qui estoit un fils du fils au lainier de Duisme la somme de iii francs viii gros.*<sup>24</sup>

Although hangmen were regularly linked to ideas about cruelty and evil, they were also seen as the securers of order and public justice (Klemetilä, 2006). There was an

<sup>22</sup> A. D., B. 1498, f. 30r: 'Audit Nequando mettre pour sa paine et salaire d'avoir pendu ladite truie lx s. C'est pour ses dispenses faiz en alant de Besancon audit Momboson demand pour ce fait ... vii s vi d'.

<sup>23</sup> Berriat-Saint-Prix (1829: 439): 'pour sa paine et salaire d'estre venu d'Avrenches jusques à Mortaing'.

<sup>24</sup> A. D., B. 4650, f. 32r.

increasing demand for professional executioners in the later Middle Ages as capital and corporal punishments became the exclusive domain of state and other public authorities. Such punishments could be expensive, particularly if the executioner had to travel a great distance and were generally paid for by the jurisdiction in which the execution took place. Requiring a professional to perform the execution of an animal was therefore significant and placed that animal squarely within the legal framework. Like the use of the term murder and keeping an animal in prison, insisting on a professional executioner served to emphasise the criminal nature of the animal's actions. Additionally, it underscored that the punishment was lawful and done in an approved manner, conferring a sense of validity to the procedure.

### The Equipment

Just as it was important to have the right personnel, it was critical for the right equipment to be available for the execution. Such items might include a cart to take the accused to the place of execution, rope for the hanging, and a new pair of gloves for the executioner. All items were duly noted in the record as expenses. For instance, the lieutenant bailiff of Mantes paid for a number of items in order for a pig's execution to be performed. The execution required: a cart in which to take the pig to the location of the hanging (six *sous paris*); ropes to bind and haul the pig (two *sous* and eight *deniers*); and a new pair of gloves for the hangman (two *deniers*).<sup>25</sup> The pig from Pont-de-l'Arche required a rope that was deemed to be suitable for hanging it, which cost ten *deniers tournois*.<sup>26</sup> Similarly, a rope-maker in Duesme, named Saignen, received one *gros* for a rope twelve *toisses* in length that was used to hang a pig in 1386. The receipt reads: 'To the ropemaker, Saignen, for twelve *toisses* of large rope to hang the said pig' (*au courdier Saignen pour douze toisses de grosse corde pour pendre la dit truhe*) (twelve *toisses* is the equivalent of about seventy-two feet or twenty-two meters).<sup>27</sup> The expenditures from various assizes listed by Jean de Foissy, the bailiff of

---

<sup>25</sup> Berriat-Saint-Prix (1829: 433): The total cost for the execution, including the salary of the hangman, amounted to sixty-nine *sous* and eight *deniers*.

<sup>26</sup> Berriat-Saint-Prix (1829: 441): 'pour avoir trouvé et baillé la corde qu'il esconvint à lier icelui porc'.

<sup>27</sup> A. D., B. 4650, f. 32r.

Jaucourt, from the accounts of 1380–85 included costs related to the hanging of a bull which had killed a man from Argançon. One such cost was for ‘a rope and other cords for hanging the said bull and pull it by the force of horses to the beam of the *fourches*’ (*un sambeau et autres cordres pour lier le dit torel et le tirer à force de chevaux jusqu’au tref des fourches*).<sup>28</sup>

A new pair of gloves was often included in the costs of the execution. In the case of the donkey of Plombières, the hangman was paid two and a half *francs* for leading the animal to the *fourches* outside of Dijon, as well as ‘for gloves and ropes’ (*pour gans et chevestres*).<sup>29</sup> An executioner from Louviers received a new pair of gloves at the cost of twelve *deniers* for executing a pig in 1349.<sup>30</sup> Gloves were not confined to cases involving animals and were, in fact, a common courtesy afforded to many executioners. For instance, a case from the area of Châtillonnais in 1381 lists the costs for the execution of a human criminal, which included ‘white gloves given to the hangman’ (*gants blancs donnes au mitre*).<sup>31</sup> The idea, according to E. P. Evans, was that the executioner could perform his duty with clean hands, indicating that as a minister of justice, he incurred no guilt for his role in killing the condemned (1906: 140). Providing gloves in the execution of an animal therefore suggests that a hangman could incur the same sort of guilt or ‘unclean hands’ that would result from the unlawful killing of a human. This reinforces the idea that as the condemned, the animal was temporarily occupying a human-like and even criminal space within the law, which necessitated a new pair of gloves when putting it to death.

For some communities, the execution of an animal required more than providing a cart, a rope, and a new pair of gloves. Some had to repair their gallows in order to conduct the execution satisfactorily. In the 1350 case from Pontailier, five carpenters were employed for two days to ‘repair and straighten’ the town’s *fourches*.<sup>32</sup> In addition,

<sup>28</sup> A. D., B. 4947, cited in Rossignol (1864: 191).

<sup>29</sup> A. D., B. 4455, f. 13r.

<sup>30</sup> Delisle (1871: 384): ‘Pour les gans du dit bourrel, xii d’.

<sup>31</sup> A. D., B. 4012 cited in Rossignol (1864: 53). Gloves were given by the same community in 1438 (B. 4074) and in 1499 (B. 4120).

<sup>32</sup> A. D., B. 5612, f. 5r.

they were asked to build a new ladder as well as make other necessary changes.<sup>33</sup> The total cost for these repairs was forty-nine *sous* and six *deniers*. Carpenters in the town of Rouvre were given a similar task in 1404. They were asked to build a gallows so that three pigs could be executed after they had killed a child. The receipt noting their payment reads: 'To the many people both carpenters and others of the town of Rouvre for the construction of a gallows made in the jurisdiction of the said Rouvre for placing and executing three pigs' (*A plusieurs personnes tant chappuiz comme autre de la ville de Rouvre pour la facon dunes fourches faites en Justice dudit Rouvre pour mettre et executer iii pourceaulx*).<sup>34</sup> The construction was done by the express order of the bailiff of Dijon.<sup>35</sup> This indicates that the highest local authority considered rebuilding the *fourches* for the execution of three pigs a necessity and possibly even a community priority. The cost of this endeavour, which included buying the necessary wood, totalled seven *francs*, seven *gros*, and one *denier*.

Executions were expensive affairs and required a fair amount of equipment. When a woman was burned at the stake in the area around Dijon in 1416, the execution required the purchase of wooden carts, a cart of straw, one log, ropes, an iron chain, and gloves for the executioner.<sup>36</sup> The execution of an animal was no different. For most communities, it meant summoning a professional hangman from a distant town. It also meant gathering sufficient equipment and having a *fourches* in good working order. The account records indicate that hanging the animal on the *fourches* was an important aspect of the animal's execution and served the same purpose as insisting that a professional perform the execution. Using the officially designated place for such punishments not only granted a final note of legitimacy to the entire proceeding but was an important part of the process of transforming the animal into a criminal and its behaviour into a crime.

---

<sup>33</sup> A. D., B. 5612, f. 5r: 'fait une [grant] eschele toute neuve et l'autre bois necess a changier es des forches'.

<sup>34</sup> A. D., B. 5764, f. 17v.

<sup>35</sup> A. D., B. 5764, f. 17v.

<sup>36</sup> A. D., B. 4470, cited in Rossignol (1864: 122).



## Conclusion

As records of expenditures, the receipts found in the *Chambre des Comptes* have a particular function and are carefully detailed (even if only briefly) in order to trace various financial transactions. The records thereby provide an authoritative voice that can testify to an event and its careful orchestration. Not only do they put to rest any claims that the formal punishment of animals was a figment of overactive nineteenth century imaginations, but they provide a window into the ways in which animals were perceived after they had killed a human being.

The similarities between the receipts examined here highlight the legal processes and textual strategies that were used to create 'criminal animals' and to inform their treatment. Often using a common vocabulary, these records express in legal terminology the important elements of the animal's execution: the culprit and the crime, and the punishment and the professional carrying out that punishment, as well as any tools or equipment needed. Such features correspond to widespread social and cultural perceptions that a crime is committed by a criminal and a criminal is someone who deserves to be punished, all of which is decided and performed by the appropriate officials. Placing the animal within these pre-existing categories (crime, criminal) reveals not only the inherent flexibility of regional legal systems at this time, but also reflects judgments that are made about the animal and the ramifications of its actions.

The use of these categories allowed contemporaries to deal with the killing of a human by an animal in a very particular way by providing a framework for thinking about and addressing the case. This framework empowered the community and made possible a taming of the unknown: the law transformed violent animals from uncontrollable forces of nature into members of the community who had committed a misdeed (Humphrey, 1987). Executions of these animals, with the insistence on following standard judicial procedures, therefore functioned as vehicles to define the boundaries of acceptable violence and acceptable modes of responding to violence. It publicly conveyed a message about the way murder was treated by the law, regardless of the status of the criminal. Yet, by positioning an animal as a defendant, the very boundaries between humans and animals became less rigid. Placing the animal both

physically and symbolically in a space usually occupied by humans imposed the normative boundaries of the human community on the nonhuman. It was harder to see humans and animals as dialectical opposites when a community applied its moral code to the natural world – the very act of inclusion created questions about the borders that had previously defined and confined the subjects.

## Competing Interests

The author has no competing interests to declare.

## References

### *Primary Sources*

Archives départementales de la Côte d'Or, Séries B. Dijon.

*Recueil de pièces originales relatives à différentes peines ou exécutions capitales, la plupart en Normandie (1391–1762)*. Bibliothèque Nationale de France. Français MS 7645.

### *Secondary Sources*

**Arnade, P** and **Prevenier, W** 2015 *Honor, Vengeance, and Social Trouble*. Ithaca: Cornell University Press.

**Berman, P** 1994 Rats, Pigs, and Statues on Trial: The Creation of Cultural Narratives in the Prosecution of Animals and Inanimate Objects. *New York University Law Review*, 69: 288.

**Berriat-Saint-Prix, J** 1829 Rapport et Recherches sur les Procès et Jugemens relatifs aux Animaux. *Mémoires de la Société des Antiquaires de France*, tome 8. Paris: La Société.

**Bloch, H R** 1977 *Medieval French Literature and Law*. Berkeley: University of California Press.

**Chauvet, D** 2012 *La Personnalité Juridique des Animaux jugés au Moyen Âge (XIIe–XVIe siècles)*. Paris: L'Harmattan.

**Clément-Janin, M-H** 1889 *Le Morimont de Dijon: Bourreaux & suppliciés*. Dijon: Darantière.

**Cohen, E** 1986. Law, Folklore and Animal Lore. *Past and Present*, 110: 6–37. DOI: <https://doi.org/10.1093/past/110.1.6>

- Crane, S** 2013 *Animal Encounters: Contacts and Concepts in Medieval Britain*. Philadelphia: University of Pennsylvania Press.
- de Beaumanoir, P** 1899 *Coutumes de Beauvaisis*. Salmon, A (Ed.). Paris: A. Picard.
- Delarue, J** 1979 *Le métier de bourreau du Moyen Age à aujourd'hui*. Paris: Fayard.
- Delisle, L** (Ed.) 1871 *Actes normand de la Chambre des comptes sous Philippe de Valois: 1328–1350*. Rouen: A. Le Brument.
- Delisle, L** 1903 *Études sur la condition de la classe agricole et l'état de l'agriculture en Normandie*. Paris: H. Champion.
- Desnoyers, J** 1853 Excommunication des insectes et d'autres animaux nuisibles à l'agriculture. *Bulletin du Comité historique des monuments écrits de l'histoire de France*, 4. Paris: Imprimerie nationale.
- Dinzelbacher, P** 2002 Animal Trials: A Multidisciplinary Approach. *The Journal of Interdisciplinary History*, 32(3): 405–421. DOI: <https://doi.org/10.1162/002219502753364191>
- Dubois, A** 1860 *Justice et bourreaux à Amiens dans les XVe et XVIe siècles*. Amiens: Impr. de Caron et Lambert.
- Evans, E P** 1906 *The Criminal Prosecution and Capital Punishment of Animals*. London: William Heinemann.
- Ewald, W** 1995 Comparative Jurisprudence: What Was It Like to Try a Rat? *University of Pennsylvania Law Review*, 143(6): 1889–2149. DOI: <https://doi.org/10.2307/840604>
- Flores, N C** 1996 *Animals in the Middle Ages: A book of essays*. New York: Garland.
- Friedland, P** 2012 *Seeing Justice Done: The Age of Spectacular Capital Punishment in France*. Oxford: Oxford University Press. DOI: <https://doi.org/10.1093/acprof:oso/9780199592692.001.0001>
- Giraud, A** 1866 Procédure contre les chenilles et autre animaux nuisibles. *Bulletin de la Société départemental d'archéologie et de statistique de la Drôme*, 1: 100–102.
- Humphrey, N** 1987 Foreword. In: Evans, E P (Ed.), *The Criminal Prosecution and Punishment of Animals*. London: Faber and Faber.

- Jacqueton, G** (Ed.) 1891 *Documents relatifs à l'administration financière en France de Charles VII à François I<sup>er</sup> (1443–1523)*. Paris: Alphonse Picard.
- Jassemin, H** 1933 *La Chambre des comptes de Paris au XV<sup>e</sup> siècle*. Paris: A. Picard.
- Klemetilä, H** 2006 *Epitomes of Evil: Representations of Executioners in Northern France and the Low Countries in the Late Middle Ages*. Turnhout: Brepols. DOI: <https://doi.org/10.1484/M.SEUH-EB.5.106327>
- Laboulaye, É and Dareste, R** (Eds.) 1868 *Grand Coutumier de France*. Paris: Auguste Durand et Pedone-Lauriel.
- Mattéoni, O** 2007 Vérifier, Corriger, Juger: Les Chambres des comptes et le contrôle des officiers en France à la fin du Moyen Âge. *Revue Historique*, 309(1): 31–69. DOI: <https://doi.org/10.3917/rhis.071.0031>
- Ménabréa, L** 1846 *De L'Origine de la Forme et de l'Esprit des Jugements rendus au Moyen-Age contre les Animaux*. Chambéry: Puthod.
- Monballyu, J** (Ed.) 1995 *Filips Wielant Verzameld Werk: Corte Instructie in materie criminele*, 1. Paleis der academiën: Brussels.
- Rossignol, M** (Ed.) 1864 *Inventaire-sommaire des Archives départementales antérieures à 1790: Archives civiles, Série B*. Paris: Paul Dupont.
- Salisbury, J E** 2011 *The beast within: Animals in the Middle Ages*. London: Routledge.
- Spierenburg, P** 2008 *The Spectacle of Suffering: Executions and the evolution of repression*. Cambridge: Cambridge University Press.
- Tanon, L** 1877 *Registre Criminel de la Justice de Saint Martin des Champs a Paris au XIV<sup>e</sup> siècle*. Paris: L. Willem.
- Tardif, E-J** (Ed.) 1881 *Très Ancien Coutumier in Coutumiers de Normandie*, book 1. Rouen: E. Cagniard.
- Tourneille, V** 2002 Bourreau. In: Gauvard, C, de Libera, A and Zink, M (Eds.), *Dictionnaire du Moyen Âge*. Paris: Presses Universitaires de France.
- Von Amira, K** 1891 *Thierstrafen und Thierprocesse*. Innsbruck: Wagner.

**How to cite this article:** MacGregor, L B 2019 Criminalising Animals in Medieval France: Insights from Records of Executions. *Open Library of Humanities*, 5(1): 15, pp. 1–20. DOI: <https://doi.org/10.16995/olh.319>

**Published:** 26 February 2019

**Copyright:** © 2019 The Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC-BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited. See <http://creativecommons.org/licenses/by/4.0/>.



*Open Library of Humanities* is a peer-reviewed open access journal published by Open Library of Humanities.

**OPEN ACCESS** The text 'OPEN ACCESS' followed by a circular icon containing a padlock, symbolizing open access.