**LAW AND LITERATURE IN FRANCE, 1450-1700**

**Dr Jonathan Patterson**

**Course structure**

Pandemic permitting, we shall endeavour to meet in-person for all MST seminar meetings. **These are scheduled to take place in my office, which is at the top of Staircase 2, Front Quad, St Edmund Hall.**

Texts will be made accessible online wherever possible. In the event of further pandemic disruption, library services may be disrupted. Print material may still be accessible via distanced access services such as ‘browse and borrow’, ‘click and collect’, ‘scan and deliver’.

In MICHAELMAS TERM, you should watch my pre-recorded introductory lecture, outlining some preliminary disciplinary background to the study of law and literature. This lecture will become available on Canvas in the 8th week of Michaelmas Term at the latest.

In HILARY TERM our special subject work will begin in earnest. You are expected to attend ALL seminars and produce presentations/assignments as detailed below.

There will be four seminars in the first four weeks on Hilary Term:

1. Introduction: what is ‘law and literature’?
2. Judiciary farce and faux-testament in late fifteenth-century France: *La Farce de Pathelin* and *Le Testament Villon*
3. Perplexity and justice in sixteenth-century ‘case narratives’: Marguerite de Navarre, Montaigne, Rabelais
4. Crime and punishment in *le grand siècle*: Rosset and Corneille

In addition, you will receive two tutorials to help you plan and write either two course essays or a long one (totalling between 5000 and 7000 words), for submission in the 10th week of Hilary Term.

**Reading list**

Below are details of seminars and of the core reading that underpins them. You will be expected to do as much of the core reading (primary and secondary) as possible. In some seminars, depending on student numbers, you may be asked to do a short presentation on what you have read. This reading list will also serve as a reference point for your course essay (you will be given further reading guidance on this later in Hilary Term, once you have established a topic).

**Seminar 1. What is ‘Law and Literature’?**

In this introductory seminar we’ll discuss your pre-course interests in this subject (which you will have signalled to me in advance). I’ll ask you what you made of the Michaelmas Term introductory lecture, and we’ll start to explore the main kinds of questions and approaches that are favoured in legal-literary studies, especially those relating to the French early modern period. We’ll also begin to consider the kinds of topic(s) and authors you will encounter on this course, though a case study of law in Jean de La Bruyère’s *Les Caractères*.

**Introductory reading**

The following point to key lines of inquiry in legal-literary studies of the French early modern period:

BIET, Christian. “Droit, littérature, théâtre: la fiction du jugement commun.” *Raisons politiques* n° 27 (2007), 91–105. Pre-circulated in pdf

GEONGET, Stéphan. “Le Besoin d’exemplarité, construction littéraire des procès exemplaires.” In *Littérature et droit, du moyen âge à la période baroque: le procès exemplaire*,ed. by Bruno Méniel andStephan Geonget, Paris: Classiques Garnier (2008), 9–16. Pre-circulated in pdf

For reference, you may want to consult the following work which contains useful information on various authors who worked in the legal professions:

MENIEL, Bruno (ed.). *Écrivains juristes et juristes écrivains: du moyen âge au siècle des Lumières*. Paris: Classiques Garnier (2015).

On La Bruyère, see the following:

LA BRUYERE, Jean de. *Les Caractères*, ed. by Robert Garapon, Paris: Garnier (1962).

HOARAU, Fabrice. “La place du droit dans *Les Caractères* de La Bruyère.” In *L’Ecriture des juristes, XVIe–XVIIIe siècle*, ed. by Laurence Giavarini, Paris: Classiques Garnier (2010), 319–38. Pre-circulated in pdf.

SCHOLAR, Richard.“*Moraliste* Writing in the Seventeenth Century.” In *The Cambridge History of French Literature*, ed. by William Burgwinkle, Nicholas Hammond, and Emma Wilson, Cambridge: Cambridge University Press (2011), chapter 35.

<https://ezproxy-prd.bodleian.ox.ac.uk:2117/core/books/cambridge-history-of-french-literature/moraliste-writing-in-the-seventeenth-century/C29921F78AE8B12B3C65D9FCC8CCD70A>

**Seminar 2. Judiciary farce and faux-testament in late fifteenth-century France: *La Farce de Pathelin* and *Le Testament Villon***

In this seminar we step back into the late fifteenth century to consider two famous examples of legal-literary forms that continue to beguile readers today: testament and farce. François Villon’s *Le Testament Villon* (1461-2) shows a slippery testator-poet presenting his last will and testament. Using legal turns of phrase he bequeaths grudges, settles scores, and leaves tantalizing hints of the Parisian low-life in the mid-fifteenth century. No less notorious is *La Farce de Pathelin* (c. 1460), the longest and most enduring French judiciary farce, in which a duplicitous lawyer and his wife diddle a cloth-merchant. The tribunal is going Pathelin’s way, only for him to be outwitted by an apparently dull-witted shepherd.

As well as considering the merits of each work we shall look at their wider, transcultural significance. The personae of Villon and Pathelin have made various reappearances in French literary history. Yet in their day they were also products of the witty, unruly culture of the Basoche, the guild of legal clerks attached to the Parlement de Paris.

**Primary reading**

*LA FARCE DE MAISTRE PIERRE PATHELIN*, in *Théâtre français avant la Renaissance (1450-1550). Mystères, moralités et farces.* An online edition can be found at:

[*https://ezproxy-prd.bodleian.ox.ac.uk:4755/numerique-bases/index.php?module=App&action=FrameMain*](https://ezproxy-prd.bodleian.ox.ac.uk:4755/numerique-bases/index.php?module=App&action=FrameMain)

VILLON, François. *Œuvres complètes*, ed. by Jacqueline Cerquiglini-Toulet and Laetitia Tabard, Paris: Gallimard (2014). Read *Le Testament Villon*.

**Secondary reading**

BOUHAÏK-GIRONES, Marie. *Les Clercs de la Basoche et le théâtre comique: Paris, 1420-1550*, Paris: Champion (2007).

HUNT, Tony. *Villon’s Last Will : Language and Authority in the Testament*, Oxford: Clarendon Press (1996). Online on SOLO CATALOGUE

MADDOX, Donald. *Semiotics of Deceit: The Pathelin Era*. Lewisburg, PA and London: Bucknell University Press; Associated University Presses (1984). Includes a modern English translation.

PATTERSON, Jonathan. *Villainy in France (1463-1610): A Transcultural Study of Law and Literature*, Oxford: Oxford University Press (2021). Chapters 4 (Pathelin and Villon) and 5 (Villon). Online on SOLO CATALOGUE

VEILLON, Didier. « *La Farce de Maître Pierre Pathelin*: un procès devant une

justice seigneuriale au XV siècle. » In *Littérature et droit, du moyen âge à la période baroque: le procès exemplaire,* ed. by Bruno Méniel andStephan Geonget, Paris: Classiques Garnier (2008), 25–39. Pre-circulated in pdf

If you’re interested in modern stagings of Pathelin, you can find a short documentary on Youtube:

Un film de Georges Folgoas réalisé en 1956 pour la série « Le Théâtre à l'école » de l’Institut Pédagogique National. Présentation du poème en octosyllabes illustrée par des scènes.

<https://www.youtube.com/watch?v=gocsexKJLx0>

**Seminar 3. Perplexity and justice in sixteenth-century ‘case narratives’: Marguerite de Navarre, Montaigne, Rabelais**

This seminar can go in different directions according to students’ interests. Three major sixteenth-century authors may be studied: François Rabelais, Marguerite de Navarre, Michel de Montaigne. Each affords an idiosyncratic perspective on the literary-legal phenomenon of ‘case narratives’: narratives that may depict court cases and which frame individual actions in a particular perspective, whilst inviting hearers to judge how the narrative is put together, assess its ethical usefulness and critique its veracity. A wider question underpinning this seminar will be ‘what is fiction?’ in its differing legal and literary senses.

Students will present on the one of the following:

1. the comic lawsuits of Rabelais: Baisecul vs Humevesne (*Pantagruel*) and the trial of judge Bridoye (*Tiers Livre*). Though superficially silly, both foreground the deeper, serious problems of resolving a perplexing case (*casus perplexus*).
2. the case narratives of Marguerite de Navarre’s *Heptaméron* that repeatedly raise questions about appropriate marriage partners, and that also allude to Marguerite’s own role in a complex murder case.
3. the historical case of Martin Guerre: the French peasant who abandoned his family, then sensationally reappeared in 1560 during the trial of the man accused of impersonating him. A case of maximum moral difficulty, and one subject to elaborate and probing re-tellings by sixteenth-century jurists (Jean de Coras, Michel de Montaigne) as well as modern adaptations.

**Primary reading**

CORAS, Jean de. *Arrest memorable, du Parlement de Tolose, contenant une histoire prodigieuse, de nostre temps, avec cent belles, & doctes Annotations, du monsieur Jean de Coras, Conseiller en ladite Cour, & rapporteur du procès*, Lyon: Antoine Vincent (1561). Online version of the 1561 edition available on Google Books (there are later editions in the Bodleian):

<https://books.google.co.uk/books?id=z0o8AAAAcAAJ&pg=PT1&dq=arrest+memorable+tolose+coras&hl=en&newbks=1&newbks_redir=0&sa=X&ved=2ahUKEwifhKKMyPjwAhUq8uAKHSL1Dd4Q6AEwAXoECAkQAg#v=onepage&q=arrest%20memorable%20tolose%20coras&f=false>

RABELAIS, François. *Oeuvres complètes*, ed. by Mireille Huchon, Paris: Gallimard (1994). Read *Pantagruel*, chapters 10-13; *Tiers Livre*, chapters 37-44.

MONTAIGNE, Michel de. *Les Essais*, ed. by Jean Balsamo, Michel Magnien et Catherine Magnien-Simonin, Paris: Gallimard (2007). Read III.xi (‘Des boyteux’) which contains Montaigne’s account of the Martin Guerre case.

NAVARRE, Marguerite de. *L’Heptaméron des nouvelles*, ed. by Nicole Cazauran and Sylvie Lefèvre, Paris: Gallimard (2000). Read *nouvelles* 1, 21, 22, 36, 40.

**Secondary reading**

General (on distinguishing legal and literary fictions):

SCHOLAR, Richard, and Alexis TADIÉ (eds.). *Fiction and the Frontiers of Knowledge in Europe, 1500–1800*, Abingdon: Routledge (2016). Read the Introduction.

On Marguerite de Navarre:

DAVIS, Natalie Zemon. “Life-Saving Stories.” In *A New History of French Literature*, ed. by Denis Hollier, Cambridge, MA: Harvard University Press (1994), 139–145. Online on SOLO CATALOGUE

FRECCERO, Carla. “Voices of Subjection: Maternal Sovereignty and Filial Resistance in and around Marguerite de Navarre.” *Yale Journal of Law and the Humanities*, 5:1 (1993), 147–57.Online on SOLO CATALOGUE

LANGER, Ullrich. “The Renaissance Novella as Justice.” *Renaissance Quarterly*, 52 (1999), 311–41. Online on SOLO CATALOGUE (JSTOR)

On Coras/Montaigne:

DAVIS, Natalie Zemon. *The Return of Martin Guerre*. Cambridge, MA: Harvard University Press (1984). Online on SOLO CATALOGUE

GUILD, Elizabeth “Adultery on Trial: Martin Guerre and his Wife, from Judge’s Tale to the Screen.” In *Scarlet Letters: Fictions of Adultery from Antiquity to the 1990s,* ed. by Nicholas White and Naomi Segal, London: Macmillan (1997), 45–55.

O’BRIEN, John. “Suspended Sentences.” In *Le Visage changeant de Montaigne/The Changing Face of Montaigne*, ed. by Keith Cameron and Laura Willet, Paris: Champion (2003), 91–102. Online on SOLO CATALOGUE

If you’re interested in screen-media adaptations, the Taylor has a DVD copy of Daniel Vigne’s 1982 *Le Retour de Martin Guerre*. The film is widely available (Netflix, Amazon, various Youtube clips).

On Rabelais :

DERRETT, J. Duncan M. “Rabelais’ Legal Learning and the Trial of Bridoye.” *Bibliothèque d’Humanisme et Renaissance*, 25 (1963), 111–71. Online on SOLO CATALOGUE (JSTOR)

GEONGET, Stéphan. *La Notion de perplexité à la Renaissance*, Geneva: Droz (2006). Read chapters on Rabelais (Geonget also discusses Montaigne and Martine Guerre)

PARKIN, John. “Comic Modality in Rabelais: Baisecul, Humevesne, Thaumaste.” *Etudes Rabelaisiennes* 18 (1985), 57–82. The *Etudes Rabelasiennes* series is in the Taylor.

**Seminar 4. Crime and punishment in *le grand siècle*: Rosset and Corneille**

The procedure of *ancien-régime* criminal justice was largely secretive affair; in the seventeenth-century, however, high-profile crimes became an increasingly public preoccupation through various tragic and tragicomic genres. In this seminar we’ll explore that preoccupation of recounting and re-framing the criminal act, in a culture of absolute monarchy, factions, persecution and suspicion. Students may choose to study either the *histoires tragiques* of François de Rosset (1619), or two of Pierre Corneille’s tragicomedies, *Clitandre* (1632) and *L’Illusion comique* (1635). Rosset exploited a well-established love of sensationalist crime writing stretching back (as we saw in the previous seminar) to the sixteenth century. Corneille’s tragicomedies both dramatize prison monologues in which the prisoner attempts to transcend the injustice of his incarceration through linguistic creativity.

Beneath these representations in Corneille and Rosset are transhistorical questions about justice that recall Michel Foucault’s seminal work, *Surveiller et punir* (1975): can justice ever be fully served by inscribing violence on the criminal’s body? How might literature problematize *ancien-régime* attitudes to crime and punishment, moving as it does between the legal and the moral, the collective and the individual, the normal and the monstrous, the internal and the external?

**Primary reading**

CORNEILLE, Pierre. *Oeuvres complètes*, ed. by Georges Couton, 3 vols, Paris: Gallimard (1980-7). Volume 1 contains *Clitandre* and *L’Illusion comique*

ROSSET, François de. *Les Histoires mémorables et tragiques de ce temps* (1619), ed. by Anne de Vaucher Gravili, Paris: Livre de Poche (1994). Focus on *histoires* 3 (on sorcery), 5 (on blasphemy and atheism), 7 (on incest)

**Secondary reading**

General:

FOUCAULT, Michel. *Surveiller et punir. Naissance de la prison*, Paris: Gallimard (1975).

MEERE, Michael. “Introduction: Staging Justice in Early Modern France.” *Early Modern French Studies*, 42 (2020), 108–15. <https://doi.org/10.1080/20563035.2020.1856573>.

On Corneille:

CLARKE, David. *Pierre Corneille: Poetics and Political Drama Under Louis XIII*, Cambridge: Cambridge University Press (1992). See especially part III (‘Tradition and Originality).

HARRIS, Joseph. “Death Sentences: Corneille’s Prison Monologues.” *Early Modern French Studies* 42, (2020), 145–59. <https://doi.org/10.1080/20563035.2020.1856574>.

HAWCROFT, Michael. “Corneille’s *Clitandre* and the Theatrical Illusion.” *French Studies*, 47 (1993), 142–55. Online on SOLO CATALOGUE

RUBIN, David Lee. “The Hierarchy of Illusions and the Structure of *L’Illusion Comique*.” In *La Cohérence intérieure: études sur la littérature française du XVIIe siècle, présentées en hommage à Judd D. Hubert*, ed. by Jacqueline van Baelen and David Lee Rubin, Paris: J. M. Place (1977), 75–94.

On Rosset:

HORSLEY, Adam. “Remarks on Subversive Performance at the Trial of Giulio Cesare Vanini (1618-19).” In *The Modern Language Review*, 110 (2015), 85–103. Contextualises Rosset’s third *histoire*. Online on SOLO CATALOGUE

MAUS DE ROLLEY, Thibaut. “The English Afterlife of a French Magician.” In *Seventeenth-Century Fiction: Text and Transmission*, ed. by Jacqueline Glomski and Isabelle Moreau, Oxford: Oxford University Press (2016), 34–48. Contextualises Rosset’s fifth *histoire*. Online on SOLO CATALOGUE

PATTERSON, Jonathan. *Villainy in France (1463-1610)*, chapter 17 on Rosset’s seventh *histoire*. Online on SOLO CATALOGUE

PECH, Thierry. *Conter le crime: droit et littérature sous la Contre-Réforme. Les Histoires Tragiques (1559-1644)*, Paris: Champion (2000). Read sections on Rosset.