

Communicate in Order to Govern the Realm of France: An Administrative Inquisitor under the Reign of the Later Capetians

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In the historiography of royal government in medieval France, the activities of administrative inquisitors (*enquêteurs*) have been attracting more and more attention during the last decade. To take a few works, we can count, “*L’enquête au moyen âge*” collection of articles directed by C. Gauvard in 2008, “*Quand gouverner c’est enquêter: les pratiques politiques de l’enquête princière (Occident, XIII^e-XIV^e siècles)*”, another collection by Th. Pécout in 2010, and “*Les enquêtes de Saint Louis: gouverner et sauver son âme*” by M. Dejoux in 2014.

Almost all these studies, it seems to me, share one view: the great variety of operations entrusted to the inquisitors by the later Capetian kings played an indispensable role in making a nascent state of France more firmly established by creating new communicative links between the sovereign and subjects.

This paper deals with one inquisitor of the period named Hughes de la Celle, whose activities can be found in the royal administrative, judicial and fiscal documents from 1300 to the beginning of the 1320s. He is one of the most active inquisitors, and apparently, one of the most trusted under the later Capetian reigns. We can regard his missions and activities as representative of the inquisitors of this period. The objective of this paper is not giving a complete description of one royal official’s activities, or of his bureaucratic career, but getting an insight into the workings of the royal government by looking through an open window on it, that is, the activities of one typical later Capetian inquisitor.

The system of royal administrative inquisition was first established by Saint Louis in 1247. It was just before he set out on his first crusade. Louis entertained an idea of reforming his realm before the departure, which he thought was necessary to please God and make his crusade successful. Louis dispatched inquisitors to every part of his lands in order to accept accusations against the royal officials from his subjects. If the claimant’s appeal was justified, he would get some compensation for his damage, and in a few cases, the official concerned was punished in one way or another. For the saint king, this operation was not just politically important but religiously meaningful: the indemnities repaid to the damaged were a sort of penance performed by the king on the political stage; he thought it indispensable to clear himself of all the wrongdoings that his government had tolerated before he departed so that he could deliver the Holy Land and by doing so save his own soul. After the failure of his first crusade, Saint Louis

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repeatedly undertook similar inquisitive operations.

The administrative inquisition was quite rare during the reign of the next king, Philippe le Hardi. It was under his son, Philippe le Bel that it regained its former momentum. According to Jean Glénisson, the author of the classical study of this subject, Philippe le Bel and his sons dispatched knights, barons and clerks as designated inquisitors or commissioners to every part of the realm as often as about 100 times.

While we can thus confirm the continuity of the practice of administrative inquisition into the 14th century, the preceding studies have stressed some great differences between the administrative inquisitions under Saint Louis and the ones revitalized by the later Capetian kings. One point that I would like to stress is that the former were conducted to show the king all too ready to atone for his or his officials' misdemeanors by compensating the damaged while the latter focused on grabbing every opportunity to take money not only from his condemned officials but from his subjects too. The tasks of Hughes de la Celle ranged from imposing fines on ill-behaved local officials to assigning and collecting marriage aids, through seeking out non-nobles and ecclesiastical bodies who recently acquired fiefs or noble assets to make them pay for the supposed loss their possession caused to the king as supreme suzerain. We will later ask what caused this shift in the purpose of the administrative inquisitions.

To begin with, we need to summarize the career of Hughes de la Celle, which is not restricted to inquisitorial missions but covers almost every facet of the royal government of his age.

Stemming from a noble family in Poitou, Hughes was the lord of Fontaine in Saintonge, and started his administrative career as *bailli* of Châteauroux in 1300. In 1303 and 1304 he was sent to Italy to support the campaign directed by Guillaume de Nogaret against the pope Boniface VIII; Guillaume was then trying to put the pope on trial on the charge of invoking demons and other heretic deeds. In 1305 Hughes was assigned a mission in Flanders to secure the oaths and loyalty of the Flemish towns. From that time onwards he was frequently seen to sit in the *Parlement*. From later 1307 onwards he was involved in the proceedings against the Templars pursued aggressively by Philippe le Bel and his men. It is especially from 1308 through the first half of 1310s that he was most active in his inquisitorial missions as we will see later. Meanwhile he was sent to Germany in 1308 to win support for the accession of Charles de Valois, a brother of Philippe le Bel, to the imperial throne. In 1317 he was definitely accorded his place in *Parlement*, but an account from the *Chambre des comptes* in 1322 tells us that he was still charged with an unknown mission in Savoie and Dauphiné. The next year, his death put an end to his royal service of more than 20 years.

In addition to the diplomatic and judicial tasks we have outlined above, the royal government often designated Hughes as administrative inquisitor or commissioner, entrusting him with a great range of operations in the South, especially in Poitou and Saintonge. Occupying the greatest number is that of inquiries into purchases and acquisitions of fiefs by non-nobles (*nouveaux acquêts*) or the churches (amortization). They were requested to pay an indemnity to the king

as supreme suzerain because their acquisition would affect the suzerain's right to demand feudal services from the vassals and sub-vassals. The Capetian kings in the thirteenth century had already exploited this feudal principle, but the kings before Philippe le Bel was not so persistent in demanding this compensation. Philippe III acknowledged in 1275 that all churches which could produce letters of amortization from three suzerains should be free from further demand. But mild attitudes like this were fewer and fewer under the following kings. On the contrary, the inquisitors were incessantly instructed to seek out unknown acquisitions of noble property to reclaim royal rights. In the *Trèsor des Chartes* for the reign of Philippe le Bel alone, we find as many as about 50 acts that come from Hughes's work on amortization and *nouveaux acquêts*.

Ecclesiastical bodies who acquired a fief or fief-related property or rights were generally required to pay the four-year sum of the revenues it produced. For example, the abbot of Charrou who acquired a house with a grape pressor from a certain lord had to pay 20 l. t. because the yearly revenue of the property was estimated at 100 s. t. As for the *nouveaux acquêts*, the new non-noble holder was obliged to recompense the king for the sum of three-year revenues.

But the crown's claim to the amortization and the *nouveaux acquêts* was something like an overinterpretation of the suzerain's right, so it couldn't be totally free from question. The bigger the number of overlords was, the less justified the king's claim. So, if the non-noble lay holder could prove that there were more than three suzerains between the ex-holder and the king, he had a good chance of securing reduction of the payment. In 1311, Bernard de Marteaux, a citizen of Saint-Jean-d'Angély, succeeded in getting his payment reduced to 150 l. t. by claiming that the *Établissements de Saint Louis*, a customary compiled in 1272-73, did not oblige to pay the three-year sum of the revenues if there were four to six suzerains in-between. We find another similar case in a letter of Hughes dated May 14, 1311.

The second category of missions entrusted to Hughes was the collection of the marriage aid for Philippe le Bel's daughter Isabelle. Her marriage with Edward II the king of England in 1308 gave the king an opportunity to levy a feudal subsidy. Here one document shows us how Hughes conducted his inquisition on the spot.

From the end of 1308 onwards, apparently, Hughes undertook so vigorously his missions for the aid and other business in the lands held by the duke of Guyenne in Saintonge that the advocate of the duke lodged a complaint against him and his companion, the seneschal of Saintonge, Bertrand Agace. The duke's official protested that every day they called for knights, nobles and non-nobles before them, and pressed them to make a sworn assessment of their fiefs, which was to serve as the basis for allocating the aid. As this case shows, the inquisition in its proper sense consisted of summoning witnesses and having them make sworn testimonies about the facts. But that was not all. It was always followed by negotiation with the concerned and, of course, collection of money.

In general, Hughes was a loyal protector of the royal interests and frequently went beyond the customary bounds to advance them. According to E. A. R. Brown, Hughes's contribution to the

collection of the marriage aid since 1308 was quite outstanding. The yield Hughes brought to the *Chambres des comptes* from Poitou, the Limousin, Saintonge, and the Angoumois, amounted to more than 9,000 l. t. and it was as much as about 40 % of the total amount collected from Poitou and Saintonge for the war tax of 1304.

One case in 1312 is exceptional in that Hughes renounced to impose the marriage aid; the accord Hughes concluded with the inhabitants of La Rochelle states that they should be released from the subsidy and even immune from future condemnation by the *Parlement*. But we should not let this stipulation fool us, for another part of the accord announces that the citizens promised to pay the sum of 4.500 l. “out of pure generosity and in consideration of the good of tranquility and peace” in order to obtain confirmation for their acquisitions of fiefs and sub-fiefs. So, in brief, the remission of the subsidy was accorded in exchange of the promise of payment for compensation. This type of settlement is not uncommon with Hughes, as we will see later, and is not with the administrative inquisitors of the day in general either.

The third group of problems Hughes dealt with as royal inquisitor was that of illegal actions or crimes. We find cases of blackmail, violence, rape and murder, carrying of arms (*port d'armes*), selling of wine and wheat to the Flemish and the English during the wars against them, and so on. What is impressing is that almost all of them were concluded by one form of monetary settlement or another by Hughes. In 1312, for example, Hughes reached a pact with several citizens of Salles-sur-Mer in Aunis who were accused of having broken into the residence of the parish priest of the city and mistreated an officer charged with the protection of the priest by the *sénéchal* of Saintonge. This case involved violation of royal safeguard, one of the *cas royaux*, so belonged to the royal jurisdiction.

According to this pact, Hughes absolved them from their accusation in exchange of the payment of 1000 l. t. Strictly speaking, the citizens were only accused, but not yet condemned. So, what they did was purchasing juridical absolution before being sentenced guilty. By doing so, the accused probably had the advantage of avoiding both troublesome proceedings and the dishonor the sentence would have brought them, even though they still had to pay dearly anyway. As for the inquisitor, he thus succeeded in obtaining a great amount of money in a rather easy and quick way. He did not break the law but bent it, so to speak.

Another settlement Hughes concluded with a clerk named Aimery de Saint-Wasse in Poitou in 1310 gives us a further insight into how one administrative inquisitor understood royal justice, and after all, the king his own justice. Aimery was charged with *port d'armes* and murder, and finally had to pay 100 livres to the royal treasurer to be reconciled with the inquisitor. The mandate given to Hughes ahead of his delegation reads as follows:

“...Rumor often reaches our ears that in the *sénéchausées* of Saintonge and Poitou and their jurisdictions, a great number of *ports d'armes*, violence and other grave excesses, numerous murders and scores of other serious offenses have been hitherto perpetrated, and what is most abominable, those deeds are getting more and more frequent every day without being punished

yet; a great deal of exaction and extortion, and many injuries and oppressions by *prévôts*, sergeants and our other officers are being inflicted on our subjects under the pretext of their office; and what is more, in the said *sénéchausées* our rights are hidden by, usurped by or alienated to ecclesiastical and lay men... Wishing therefore to provide for our benefit and the common good of our subjects, I commission and order you to search out diligently every single truth by simple legal proceedings and punish by due process of law overlooked crimes, which will be made clear to you by this inquisition, and in addition, to recover quickly our hidden rights whatever, whether alienated, occupied or usurped unjustly by *prévôts*, sergeants and our other officers, or by any other person, and to make amends for the injuries and damages done by *prévôts*, sergeants and our other officers...”

So, the accusation of Aimery's murder and *port d'armes* is seemingly correspondent to the tenor of the commission Hughes received. However, there is something quite perplexing about the way this case was solved. Against the charge of murder brought to him, Aimery responded that he did kill a certain Jean de Gusergues, but he did so by defending his own body and life and that it was self-evident, and added that he was a clerk and had a privilege not to answer before Hughes for this case. He also asserted that the bishop of Poitiers had already heard this case and absolved him by his sentence, and even showed Hughes a sealed letter of absolution by the bishop. After hearing Aimery's arguments, Hughes declared that this case should not only belong to the jurisdiction of the bishop but to that of the king, but that he confirmed the bishop's sentence. As for the charge of *port d'armes*, which had not been judged in any court, Aimery ended up by making a financial arrangement with Hughes, according to which Aimery would contribute “with pleasure and of his own free will” to the marriage aide for the daughter of the king; he accomplished his promise by transferring 100 livres to the royal receiver in Saint-Jeand'Angély.

What confounds our modern minds about this case is that a legal charge in its original form ended up as a sort of voluntary contribution made by the accused. Of course, it cannot be denied that Aimery was more or less pressed to agree to the arrangement, but it is still worth noting that by doing so he was never stigmatized as a criminal but could make himself appear as a loyal subject of the king. Hughes's decision doesn't seem to have displeased his lord; Philippe le Bel just confirmed it.

Almost all the hidden crimes Hughes sought out were handled in a similar way. Let me give another example. In 1313, a merchant called Élie de Gaudin reached an accord with Hughes about the charge brought against him. This merchant was suspect of having transported wine by sea to sell it to the enemies against the royal prohibition during the war against the English and the Flemish. In this case too, the accused agreed to payment “with pleasure and of his free will”.

Hughes addressed about his business as if he were blurring the dividing line between law and order on one hand and finance on the other. But he was not the only inquisitor who adopted a technical approach like this. The inquisitors in the reign of Philippe le Bel and later generally

addressed their own missions in similar ways. The activities of two inquisitors, Pierre de Latilli and Raoul de Breuilli, in Languedoc at the end of the thirteenth century, which were studied in great detail by Ch. V. Langlois and E. A. R. Brown, provide another example, though they lacked in consideration for the interests of the local population and caused greater discontentment and scandal among them.

Why did Hughes and other inquisitors choose this approach? In my opinion, just to point out the urgent financial need that the administration of Philippe le Bel almost always felt is not enough.

What is worth noting is that the subjects as well as the royal government don't seem to have questioned the legitimacy of this method. It is true that the subjects often criticized the violation of their rights and customs by the inquisitors or their excessive use of force but they were rather ready to accept financial agreements with the royal government, whatever the problems concerned were. So, we might be able to infer that there was something like mutual, implicit understanding between the royal government and the subjects about the idea of royal justice. Why royal justice? Because according to the intellectuals of the day, it was only royal justice that could reconcile "our (the king's) benefit" and "the common good of their subjects" both political goals mentioned in the mandate of Philippe le Bel cited above said. I think there were then two major strands of thought about it.

One is based on the principle that the sovereign is never bound by any human law. The most influential supporter of this idea is Gilles de Rome. He was the author of the famous mirror of the prince, "The Government of the Princes" and the tutor for Philippe le Bel in his younger years. Gilles elaborated this principle in his own way by arguing that the ideal of the prince is represented as "*lex animata*", that is, living law. This means that when Giles asserts that the prince is not bound by any human law, he does not suggest that the prince should be free from any law, but rather that the prince should embody the natural law or divine law. Then he would be qualified to free himself from any human-made rules. From the standpoint of a thinker like Gilles, the prince who decides to levy extraordinary taxes on his subjects with a view to delivering the Holy Land would be a great dispenser of justice before God. But from the end of the thirteenth century onwards, in the spiritual horizon of the West, the Holy Land was gradually giving way to the motherland, in our case, the kingdom of France, as E. H. Kantorowicz justly suggested. Now the French king would be fully justified to suspend the privileges of his subjects and demand war finance from them if he could demonstrate convincingly that the kingdom was in as great peril as the Holy Land had been. And this is just what Philippe's government did when they faced the imminent prospect of war against the English and the Flemish.

The other principle that regulated the course of the king's government was represented by the adage, traditional and seemingly contradictory to the first one: that "the prince should live on his own domain". This precept dictates that the king should govern within the means that his own seigneurial and feudal rights provide him, in other words, without resorting to any extraordinary

revenues. According to this line of thought, the prince who knows how to satisfy himself with his own rights and prerogatives alone treats his subjects with justice because he never troubles them with uncustomary demands.

But real life in later medieval realm of France betrayed this traditionalism. According to L. Scordia, the percentage of the ordinary revenues (domain) kept declining compared to that of the extraordinary revenues (tax): from 80% in 1202-03 to 50% in 1330 and to 2% in 1483. But this principle never lost its effect completely at least throughout the middle ages. Interestingly, while Philippe le Bel resorted to the war tax several times invoking the first principle of royal justice, he also tried to make full use of his feudal rights and prerogatives to gain as much capital as possible. The king, for example, demanded aids for the marriage of Isabelle as we have seen, and for the dubbing of his sons twice, and that, not only from his vassals but also from his sub-vassals. These aids nominally belonged to the extraordinary revenues, but actually they are different from the war tax in that the king never had to invoke the necessity of the state but just his own prerogatives, so in reality, they are very close in nature to the revenues from the domain. We can say that his aggressive claim for compensation for amortizations and *nouveaux acquêts* ran along the same lines. To these examples we can add Philippe's policy toward the Jews in the kingdom and his monetary operations.

To take the royal Jewish policy for instance, in the course of the second half of the thirteenth century, the French king gradually came to regard the Jews in his realm as his "serfs" and to feel increasingly free to impose arbitrary taxes upon them. Philippe le Bel resorted to this measure several times until he finally declared to expel his Jews out of the kingdom in 1306. What is interesting about this decision is that this time he in turn demanded financial aids from his subjects, insisting that he sacrificed one of his own prerogatives for the sake of the common good of the subjects. Philippe suggested that his decision was made to free his people from evil Jewish money lenders and ritual murderers by abandoning his own rights, so the subjects were obliged to recompense him for the loss he incurred because of his consideration for justice.

As this case illustrates, our period witnessed the mingling of the two ideas of royal justice. The later Capetian kings tried to expand their prerogatives as much as possible, as we have seen about the amortization and the *nouveaux acquêts* and the marriage aid. Here, excessive exploitation of the customary rights can be rather oppressive to a larger population. On the other hand, appeal to the common good of the subjects or to the necessity of the state cannot be convincing all the time, especially in time of peace. Here we find room for the linkage of the two ideas of royal justice which permitted administrative inquisitors like Hughes to wield a variety of discretionary powers in negotiation with the subjects. His approach looks like confusing law and order with finance. But it is just what royal justice meant in his days.