Hamish Graham

Policing the Forests of Pre-industrial France: Round up the Usual Suspects

Who were the most likely perpetrators of woodland crimes? How were such offences investigated in the eighteenth and early nineteenth centuries, when France's forest resources were reportedly under greatest pressure?[1] The records of litigation over timber and woodlands offer many illuminating examples, although historians have commonly considered them from a judicial or administrative perspective rather than as issues in policing.[2] Before examining some formal prescriptions for safeguarding the forests of pre-industrial France, consider the following case-study from the south-west. It occurred in one of several Périgord localities where there seemed to be a small cluster of woodland disputes during the second half of the eighteenth century.[3]

The plaintiff was Catherine de Belrieu, the widow of Henry Daugeard, president in the Parlement of Bordeaux. (Two of their sons went on to hold this powerful and prestigious post in the decades leading up to the Revolution.[4]) Besides their townhouses in Bordeaux and Paris, their chateaux in the Périgord and the Agenais, and their other investments (which included a glass-works and a paper mill[5]), the Daugeards owned extensive rural properties. In the Périgord, those estates included a good deal of woodland, one piece of which, the Forêt de Clérans, was exploited in a ten-year deal concluded in September 1775 for the staggering sum of over 500,000 *livres*.[6] Then, as now, the Périgord was one of the most heavily timbered areas of France, although distinctive because almost all of the woodlands were in private hands. There were no royal forests (and therefore no royal forestry officials), while communal woodland property and collective use-rights were virtually unknown by the eighteenth century.[7] As landowning aristocrats, the Daugeards enjoyed

European History Quarterly Copyright © 2003 SAGE Publications, London, Thousand Oaks, CA and New Delhi, Vol. 33(2), 157–182.
[0265-6914(200304)33:2;157–182;033873]

seigneurial authority over a significant area. The family was therefore well placed to defend their interests through their own seigneurial courts. But in the last years of her life, recurrent reports of damage to her forests near Bergerac caused Mme Daugeard to turn to the royal jurisdictions, where she launched at least five separate lawsuits between 1765 and 1767.[8]

In August 1765, Catherine de Belrieu's affidavit indicated the nature of these depredations: 'damage which not only consists of daily thefts of fuelwood bundles, but which even extends to fully-grown trees of all sizes that are cut off at the base'. A motive was not hard to find. Mme Daugeard blamed 'the ease with which the offenders are able to dispose of stolen wood because people have no compunction about buying it'.[9] The seigneurial family's claims about a local trade in contraband timber may explain their propensity to assume that virtually the entire population of their jurisdictions were actual or potential offenders. Their response was to make that assumption the basis for action.

Another lawsuit in January 1766 called upon the services of a royal bailiff (*huissier*) and his two 'assistants'. Guided by Mme Daugeard's estate manager and her seigneurial forest guards, these officers conducted a house-to-house search throughout her jurisdiction: the small towns (*bourgs*) of Mouleydier and Saint-Sauveur together with surrounding villages and hamlets, perhaps 180 households in all. But despite a full day's searching, they found no timber for which the inhabitants could not account. Then, with evening falling, the bailiff reported that the estate manager and guards suggested they all go to the noblewoman's 'large forest' where (as he stated) 'we would not fail to apprehend someone from Mouleydier removing timber'. As a result, they found various people, two men plus 'several' women and girls, emerging from the woodland loaded with timber. Unfortunately, none of these culprits was identifiable, and every one of them managed to evade capture. From the other side of the forest, however, the disappointed officials heard more noises, so they hurried towards the sounds. After some frantic searching, they were eventually able to catch four women in the act of stealing seigneurial wood.[10]

Environmental historians have long been fascinated by this type of 'conflict about resources', to use Joachim Radkau's phrase.[11] In pre-industrial societies, forest products were crucial to most people's survival. Prior to the mid-nineteenth century, of

course, timber was used in all forms of construction, of which the fleets of intimidating naval vessels were merely the most visible (and most highly prized) of a state's priorities. Tree-bark played a key role in tanning hides, and charcoal was the standard fuel for major manufacturing industries, from glass and ceramics to iron and steel. Barrels made from oak and other timbers were essential for storing and transporting goods of all kinds. The woodland itself offered feed and litter for pastoralists of many types, and arable cultivators employed leaves and branches for a variety of purposes — fertilizing soil, binding sheaves, supporting vines or hops, and fencing fields. Game boosted protein-intake in otherwise meagre rural diets, while a host of other forest products (berries, mushrooms and nuts) offered supplementary nutrition for both humans and farm animals. In this period, Europeans were profoundly conscious of the parallels between timber and food: fuel and grain were equally essential for everyday subsistence. According to one version of a Champenois proverb, 'No wood, no bread'.[12]

For historians of forests and forestry, the importance of competition for these essential resources has often found expression in a search to identify and enumerate woodland crimes.[13] Such matters were felt to be of fundamental significance for understanding the eighteenth and early nineteenth centuries, when the society and economy of Western Europe underwent structural shifts that placed new and growing demands on timber and other forest products. Broadly speaking, the themes developed by historians as a means to understand the incidence and extent of pre-industrial forest offences often emphasized their social dimensions. Yet that conclusion has not gone unchallenged.

Among scholars of many persuasions, the forest 'crime' that seemed most socially significant was poaching. When Eric Hobsbawm and others met in 1972 to discuss the forms of crime which might be classed as 'social' — in the sense of expressing 'a conscious, almost a political, challenge to the prevailing social and political order and its values' — they placed great emphasis on lawbreaking that included 'a distinct element of social protest'. Poaching was regarded as a pre-eminent form of social protest, since illegal hunting encroached on the exclusive privileges of large (and usually aristocratic) landowners.[14] In Britain, Douglas Hay, E.P. Thompson and others initially extended and refined these conclusions.[15] But their work came in for criticism,

not least by J.A. Sharpe and P.B. Munsche who reminded us that many of those charged with illegal hunting were themselves members of the social élite.[16] On the other hand, it is by no means clear that such 'gentlemen poachers' were disproportionately numerous. Outlining the incidence of eighteenth-century forest offences in the region around Rouen in Normandy, Guy Lemarchand noted that the poachers apprehended in local woodlands included 'a small minority' of 'gentlemen, priests, and well-off peasants'. By way of illustration, Lemarchand cited the jurisdiction of the Abbaye du Valasse (*département* of the Seine-Maritime), where a total of 40 people were arraigned for poaching offences, including one noble, four 'bourgeois', five clergymen and three landowning peasants or millers.[17]

Further questions have been raised by scholars of eighteenth- and early nineteenth-century Britain, who found that many English poachers were not 'social rebels', but rather organized criminal gangs who were prepared to use intimidation and violence in order to acquire and safeguard their share of the market in contraband game.[18] Michael Freeman was one who followed Sharpe's analysis of early modern criminality by seeking to reassert the primacy of economic motivations over the social (and cultural) differences between plaintiffs and offenders. After establishing the relative levels of poor relief required in various Oxfordshire villages surrounding the Forest of Wychwood, Freeman characterized many of the area's convicted deer stealers as 'predators', who were driven less by material necessity than by the lure of profit. These offenders were thus portrayed, not as 'plebs' (in Thompson's memorable phrase) whose attitudes were antagonistic to capitalist self-advancement, but rather as people well integrated into the market economy. Some were men who enjoyed common rights of pasture in the forest, and who killed deer that competed with their animals for herbage, while others organized themselves into gangs to arrange regular supplies of ill-gotten venison for butchers and innkeepers along the main road between London and Cheltenham.[19] Freeman thus concluded that the 'social approach' to understanding the forms and incidence of pre-industrial rural crimes was 'in some disarray'.[20] Most recently, Peter King has revisited these themes, insisting that criminal justice in eighteenth- and early nineteenth-century England was a site of negotiation rather than unrelieved social oppression, where access to the judicial system and the exercise

of 'discretion' ensured that the so-called 'Bloody Code' was far less terrible than it sounded, and in fact demonstrated surprising flexibility and fairness.[21]

In Hobsbawm's view, however, there was a second major form of 'social criminality': situations where there was 'a conflict of laws', or a clash of 'official' and 'unofficial' codes (through the persistence of 'traditional' practices, or the exercise of 'customary' rights). Stealing wood could be an assertion of collective rights to gather construction materials and fuel, despite the exclusive claims of 'private' property.[22]

Historical debates about the social nature of the contention which gave rise to accusations of woodland crime owe a great deal — directly and consciously, or otherwise — to the writings of a young German journalist. While the Diet of the Rhineland considered legislation in 1842 to enforce the provisions of the Prussian Forest Theft Act, reports publicizing the debates appeared in a small local newspaper, the *Reinische Zeitung*.[23] Their author and the paper's editor was 24 year-old Karl Marx, who marshalled some formidable logic (and a good deal of sarcasm) in order to castigate the lawmakers.[24] He was especially merciless in exposing the legislators' tissue-thin defence of large landowners' interests, while endangering the already precarious livelihoods of poor people, and compromising the wellbeing and integrity of the state.

Despite this paper's tiny readership (only 885 copies), these reports touched on timely issues.[25] Enforcing laws against timber theft, tree cutting and forest trespass was a major preoccupation for several German states in this period. In 1836, nearly three-quarters of all criminal prosecutions initiated in Prussia involved accusations of wood stealing or some other forest offence.[26] And by 1850, Prussian authorities registered 35,000 'ordinary thefts' in their territories (excluding the Rhineland), while the number of timber thefts had reached 265,000.[27] At the same time, forest laws were being tightened in Baden, Thuringia and elsewhere, creating new woodland offences which included banning the 'customary' gathering of leaves and litter, and outlawing the lopping of branches.[28]

Various parts of Western Europe offered stark parallels during the same period. In France, the Restoration monarchy promulgated its *Code forestier* of 1827 in order to promote the ideals and interests of the state and private property.[29] As in Germany,

special attention was paid to reducing the 'problem' posed by customary collective rights over French woodlands, communal use rights which the government minister, Martignac, described as 'all-consuming restrictions'.[30] The result of this code's application was an upsurge of forest crime and rural protest of almost unprecedented proportions, particularly in the Pyrenees.[31] In the mostly state-controlled forests of the Ariège, for example, convictions for forest offences sky-rocketed: prior to the new code, the tribunal at Saint-Girons had condemned 192 offenders in 1825. But under the 1827 forest laws, the number of convictions in this district increased almost annually: 415 in 1827; 585 the following year; 836 by 1833. From 1834, no year provided fewer than 1000 convictions; and by 1844 the annual total in this area alone reached 2340.[32]

It is well known that Marx eventually appreciated the role of these issues in the development of his socialist thought: he later revealed that it was the Diet's debates on wood theft, together with a report that he wrote for the same newspaper about poverty among Moselle vine-growers, which first made him ponder the connections between political/legal policies and their social/economic underpinnings.[33] In writing about the Rhineland's wood-theft legislation, however, Marx concentrated on the formulation and operation of the law. At this stage, he was still very much imbued with idealistic — and specifically idealist — notions about the role of the state.[34] Besides his clear intention to expose the Diet's wood-theft laws as a blatant instrument of class interest, Marx was noticeably unforthcoming and unsystematic in his treatment of wood stealing itself. He wrote movingly about the importance of timber for 'the poor, [the] politically and socially propertyless'.[35] But these articles focused on the lawmakers and their self-interested justifications, rather than on wood thieves and their motivations. All Marx allowed himself was some sympathetic rhetoric about 'people driven to steal wood by the sheer necessity of saving themselves from starvation and homelessness'.[36]

Scholars' efforts to investigate such matters in similar contexts have yielded varying results. Lemarchand's study of eighteenth-century forest offences in Normandy reinforced the conclusion that wood stealing primarily involved plebeian offenders: 'the vast majority of timber thieves were of popular origin'. Overall, the historian had no doubts about the social nature of these

crimes. He argued that the severity with which forest offences were repressed in Old Regime France was dictated by 'the fundamental character of the conflicts over timber and game, which in effect brought the major players of rural society face to face: seigneurs and poor peasants'.[37] Later, this point was reiterated: in gathering wood illegally, peasants in Upper Normandy were directly opposing 'seigneurial supremacy', a form of social struggle which, Lemarchand asserted, became more pronounced after 1750. In this climate of 'peasant insubordination . . . the theft of wood from the seigneurial forest became an act of egalitarian justice'.[38]

In the south of England, however, Bob Bushaway's studies of forest crime in the late eighteenth and early nineteenth centuries led him to insist that scholars of wood theft should 'lay aside the image of the poor man gathering sticks in the King Wenceslas carol'. According to contemporary reports, both the methods employed to gather wood (picking it up from the ground or knocking it down from the branches of living trees, even by using a pole), and also the types of wood thus collected, represented 'systematic and regular methods of obtaining fuel'. They were not, in Bushaway's view, 'sporadic and casual' responses to fuel shortages, such as might have been expected of the most needy and desperate.[39]

Indeed, in the course of a long-running series of judicial proceedings launched in the late eighteenth century by Winchester College over its woodlands in the manor of Eling (Hampshire), the nature of social contention ran counter to the stereotype. Woodland depredations and encroachments on wastelands at the forest fringes were not undertaken for the most part by the 'poor and landless', nor by 'squatters or . . . labourers'. The offenders seemed, on the contrary, to be the college's own tenants, a fact which the college administration appreciated as early as the 1760s.[40] Bushaway therefore concluded that wood theft in this area was not so much the work of 'idle and disreputable criminals', no matter what the courts were told, and what local newspapers reported. Instead, the historian characterized these offenders as people who 'lived in close proximity to woods and forests, [and] who believed that taking wood on a regular basis from the College estate was not a crime but . . . a custom, at least defended by common practice'.[41]

His conclusion confirmed the suggestions advanced by

Thompson's landmark study of the Waltham 'Blacks', that the issue was not basically a struggle between property and 'no-property', where 'the law' was an unmediated instrument of 'class oppression' against the 'have-nots'. Rather, litigation over the taking of timber or game represented a conflict between different forms — or different understandings — of property rights.[42]

In Germany, several studies sought support for Marx's analysis of the situation, while other scholars such as Josef Mooser asked, 'Was the class nature of wood theft so obvious?'[43] Mooser's investigation focused on two rather different areas of Westphalia during the first half of the nineteenth century. In Paderborn, he found that forest crimes were often a manifestation of long-term tensions between 'lords' and 'peasants' over collective rights (to wood fuel, construction timber and fodder). These were crucial to the survival of small-scale agricultural production, but were considered by large landowners to interfere with individual property rights and economic efficiency.[44] In 'proto-industrial' Ravensberg, conversely, the struggles were not so much between the competing claims of large and small property, as between the numerous landowning 'peasants' and a host of landless labourers, small tenants and textile outworkers.[45] Mooser thus identified two main forms of woodland contention. In most of the Paderborn cases, conflicts arose primarily between 'modernizing' noble landowners and peasant wood-thieves who were 'simply defending the old rights of usufruct'. But in Ravensberg, it was the peasant landowners who aimed for 'economic modernization', while their land-hungry tenants and day-labourers stole wood in order to safeguard 'their entire economic system, the family economy'. In short, this area represented 'a confrontation between two classes'.[46]

But by Mooser's reckoning, there was also a third form of wood theft, and one which he claimed was 'not directly part of the tensions and conflicts in rural society'. These were forest crimes that arose out of 'undisguised, acute poverty'.[47] Here, Mooser was following what Peter Linebaugh regarded as the well-worn paths of 'scientific' German criminology, seeking to depict the incidence of 'minor offences' among woodland crimes as an indicator of hard times and 'pauperism', and thus capable of correlation with other external factors such as increases in the price of grain, thefts of food and the rigours of winter weather.[48] Hence Mooser's insistence that raw figures on the incidence of wood

theft reflected some instances of 'criminality aimed solely at survival' in the manner announced by Marx.[49]

Overall, Mooser was far from certain that wood theft in nineteenth-century western Germany was a manifestation of class antagonism, as had been argued in the 1970s. Instead, he felt that his case-studies of Paderborn and Ravensberg left the class nature of wood stealing 'not so clear'. It was a crime directed at 'a specific kind of private property', he stated; many wood thieves 'looked to the past' when seeking to justify their actions, basing their assumptions of timber provision on the persistence of paternal and 'patriarchal' social relations between large and small landowners. Mooser observed that 'fellow . . . residents' could as easily be robbed of their timber as oppressive landowners or local authorities. And he summed up with the comment that, in response to the official agenda of 'economic liberalism' (albeit accompanied in the first half of the nineteenth century by 'massive poverty' and demographic disasters), 'widespread wood theft was a symptom of the individual self-determination of the lower classes' in the German countryside. As a result, he noted that many of the forest offences in Westphalia were 'seemingly harmless'.[50]

The analysis of forest crimes and their social dimensions is clearly no easy task. The challenge becomes even more obvious when we consider the huge range of offences and forms of contention which came within the purview of forest administrations in pre-industrial times, together with the diverse methods adopted by historians to categorize them.[51] Yet the nature of many key sources also poses methodological problems for historians of forest crimes. Pre-industrial wood thieves and poachers were not selected at random from the available population. The surviving documentation allows us to identify them only because someone — often an official with police or judicial powers — saw fit to report their depredations at the time.[52]

Of course, the history of criminal justice has long engaged the attention of French researchers, most notably by the teams that gathered around Pierre Chaunu in Normandy, and the Castans (Yves and Nicole) in Toulouse. In Benoît Garnot's assessment, many of this 'first generation' of French scholars began in the 1960s and 1970s by investigating eighteenth-century records, often employing quantitative techniques in order to determine the prevalence of certain types of crime, and classifying their perpe-

trators according to established criteria of occupation and social status.[53]

Various studies have applied these approaches to the records of woodland offences. On the sheer numbers of cases, thefts of timber and illegal grazing in forests loomed large. For south-western France during the eighteenth century, Anne-Marie Cocula and her students undertook several samples among the thousands of surviving dossiers presented to the Old Regime's forestry officials, the Eaux et Forêts. Their work revealed the predominance of timber and woodland offences (between 52 and 61 per cent of all cases) over charges of poaching (between 21 and 29 per cent).[54]

And, at least at face value, the social features of these alleged crimes seemed clear enough: most of the accused were the poorest and least powerful members of rural communities. Consider Claire Mouchy's investigation of Old Regime crime in the Forêt de Montmorency, a heavily-policed woodland not far from the northern outskirts of Paris (*département* of the Val-d'Oise) that had been dominated by the Condé family since 1633.[55] As princes of the blood, it was the Condés (or more directly, their estate managers), who employed many of the 64 forest guards, and who oversaw the administration of woodland justice.[56] Mouchy's study explored various forms of contention that were necessarily refracted through the lens of the forest guards' documentation. For the final of her three sample-periods (1775–90) she offered details on the 'socio-occupational categories' of offenders: among the 256 reported cases of woodland crime in this period, Mouchy found the recorded occupations for 215 individuals. The largest single group of accused were listed as 'vine-growers' (*vignerons*): there were 77 of them, or 36 per cent of all apprehended offenders. Together with other agricultural workers (herders, day-labourers, gardeners) and small rural proprietors, they came to a total of 97 (or 45 per cent). There was also an unsurprising, but not dominant, group of artisans of various types (ten masons, eight woodsmen, nine stone-carriers, etc.), who together added up to 46, and comprised 21 per cent of the total.[57] These proportions were even exceeded in other parts of France, including the south-west, where Cocula's initial samples found that the vast majority of those accused were 'peasants' of various kinds ('*travailleurs de terre*') or artisans: 82 per cent in 1749–51, and 76 per cent in 1787–9.[58]

But since then, as we have seen, several historians have become wary about studying criminality as a form of social contention — partly in reaction to misgivings about the usefulness of quantitative methods and social categorizing, but also (it seems to this writer) because these approaches rely so heavily on our ability to identify the offenders' motivations.[59] As Daniel Field and others rightly observed, this is a task with profound difficulties, not least because criminal justice records offer countless examples of people who were seeking above all to conceal their motivations.[60] I would nonetheless like to revive interest in exploring the social nature of past criminality — specifically, by examining the assumptions and preoccupations of the officials who identified and apprehended the offenders.

Two preliminary reports of regional case-studies conducted by leading forest historians of pre-revolutionary France illustrated the difficulties which are inherent in forestry records. Christian Fruhauf's introductory survey of woodland crimes in the Pyrenean region of the Pays de Sault (*départements* of the Aude and the Ariège) followed a similar path to Andrée Corvol's article on early eighteenth-century Burgundy.[61] In assessing the scale of forest offences, both historians made extensive use of the reports generated by forest guards. Both admitted that, while evocative, these sources were somewhat problematical. At the outset, there was the difficulty posed by the reports' often incomplete information. For example, Corvol noted that a 'sergeant-guard' was formally required to present his report to the local forestry headquarters and serve the offenders with a summons, which usually occurred before he was able to acquire specific information about the offender's name, age, occupation, place of habitation and other data.[62] Moreover Fruhauf observed that these initial stages in the repression of woodland crime were frequently subject to delays, while guards had to travel to the forest authorities' office in order to file their reports, or were forced to chase up suspects in their villages.[63] Both of these considerations tended to leave the forest guards' reports less than complete, and thus compromised the historian's chances of using such sources for a detailed analysis of woodland offenders.

Written reports produced by forest guards pose an additional problem for historical investigation, however, as both Corvol and Fruhauf acknowledged. The reports recorded only those offences and offenders that the guards themselves saw fit to document.

Were these eighteenth-century sergeant-guards guided in the execution of their duty? Admittedly they did not receive instructions as explicit as those made available to the policemen of Old Regime Paris, whose handbooks about the official priorities, preoccupations and prejudices of urban crime and crime-fighting were so eloquently exposed by Richard Cobb.[64] Yet formal advice for the policing of French forests contained several remarkable illustrations.

One such publication was the *Nouvelle instruction pour les gardes des eaux et forêts* (1692), a tiny (duodecimo) and thus presumably cheap book of legal and bureaucratic information for the lowest-level officers of the forest administration.[65] The anonymous author's section on how to draw up a model report betrayed a set of preconceptions which suggest interesting parallels between a hierarchy of offences and the social standing of their potential perpetrators. The two initial examples concerned cases of offenders who used an axe to cut coppiced oak trees: the accused were referred to merely as 'the [man] named —', or 'the [man] named — and his son'.[66] These formulaic phrases applied to men who did not enjoy any title or honorific, no recognized professional or trade status. In both cases, the culprits were envisaged as having cut only some faggots or bundles of fuelwood. An evidently more serious infringement involved the use of axes and a wagon in order to fell 'a large oak, about sixty years old . . . which when measured was found to be about twenty feet (*pieds*) long and six feet in circumference'. Here, the two presumed perpetrators were characterized as 'the [men] named — and —, bakers'.[67]

Once apprehended, these wood thieves were at least cooperative. Not so the several offenders who were caught one night in the act of cutting and felling five oaks, the smallest of which was three feet (nearly one metre) in circumference. These men had provided themselves with horses, two of which were already loaded up with *merrain*, construction timber suitable for barrelmaking. Despite the guard's best efforts, the culprits made off, taking with them their axes and horses, plus all the contraband wood. In that case, the accused were imaginatively identified as innkeepers (*cabaretiers*).[68] Conversely, where the crime concerned the illegal grazing of livestock in young coppiced woodlands, the apprehended offender was to be described as 'the [man] named —, herdsman from the — estate'.[69]

We may draw inferences about the pervasiveness of these assumptions when we consider that this small book was republished intermittently over several decades during the first half of the eighteenth century.[70] Only the regulatory provisions were updated; the model reports remained unchanged. By the eve of the Revolution, moreover, some of the same examples continued to appear in print. When the prominent forester, Jean Henriquez, produced another handy work of practical advice for forest guards in 1784, he adopted an identical approach to the escalating seriousness of woodland crimes. In essence, he also reproduced model reports from the *Nouvelle instruction* for the three most minor types of offence.[71]

After the revolutionary upheavals, policing France's woodlands was still imagined to involve a hierarchy of offences and offenders, at least according to the *Instruction et modèles de procès-verbaux pour les gardes forestiers* published by Étienne Dralet, the forestry chief for the Languedoc first appointed during the Napoleonic empire. His 'formulas' for guards' reports started with the theft of 'several branches', cut with a billhook in a coppiced oakwood: here the villain was identified as 'the [man] named —, charcoal-burner'. Another charcoal-burner was discovered carrying a freshly-cut oak trunk.[72] Far more disturbing was the guard's discovery that a tree had been felled (or trimmed), and his unsuccessful attempts to seize the offender's timber-cutting and pruning tools: in that case, the absconding accused was recorded as 'the [man] named —, haulier for Sieur —, forgemaster'. Meanwhile, the culprits who were apprehended around sunset loading timber on to a wagon pulled by two horses were characterized as 'Thomas —, landowning peasant (*laboureur*) and Joseph —, his son'. But the man found guarding a cow and two oxen which had already browsed on 'a great number' of young tree-shoots was merely a day-labourer.[73]

Even after the *Code forestier* of 1827 swept away many of the laws and procedures which had applied throughout the Old Regime, Dralet's much-published *Traité des délits, des peines et des procédures en matière d'Eaux et Forêts* continued to envisage a scale of infringements which coincided roughly with the perpetrators' status. As in the earlier work, this book's model reports started with small thefts of wood committed by a charcoal-burner and by landowning peasants. Of far greater import, however, was the offence of 'the non-authorized felling of trees suit-

able for service in the navy': there, the guilty party was imagined to be 'Sieur —, landed proprietor'.[74] Under the Restoration, J.-M. Dufour was a lawyer and former judge, rather than a forester, but his legal textbook also assumed that élite landowners were primarily to blame for the selfish appropriation of potential ship-timbers and construction materials. Regardless of the fact that old-growth hardwoods such as elms and oaks, or in another case, reserve trees (*baliveaux*), were actually felled by wage-earning woodsmen, Dufour's formulaic reports attributed responsibility to the landed proprietor, who was invariably described as a 'sieur'.[75]

At first glance, it may seem obvious that illegally cutting a few branches in a coppice should be regarded as a less serious crime than felling well-developed oaks or elms, particularly when they could be useful in the naval dockyards. On the other hand, the tendency for these handbooks to associate certain forms of woodland criminality with specific 'types' clearly reflected an outlook which equated minor offences with social inferiority.

Yet that was not necessarily how the Old Regime's lawmakers saw it. In cases of illegal grazing in woodlands, for example, the *Nouvelle instruction* encouraged forest guards to apprehend both the livestock and the herders, whereas the 1669 Ordinance on Waterways and Forests explicitly required that the 'masters, fathers, household heads, landowners and leaseholders' of the relevant property were to be held equally responsible for depredations committed by their animals.[76] There was also an assumption — most clearly evident in the advice from Dralet and Dufour — that it was wealthy and educated offenders who were most likely to be in direct competition with the maritime interests of the central state.

These notions were underpinned by a differentiation between thefts of timber for the personal use of the offender(s), and those whose perpetrators were motivated by the lure of profit. Offences committed for their 'use-value' were regarded as minor, whereas 'professional' criminals were believed to be responsible for more serious damage to woodlands. The handbook extracts provided several stereotypical indicators of the distinguishing characteristics of use-value and exchange-value crimes: the lesser offences were associated with a single perpetrator (or someone acting with at most one other, usually a dependant, such as a son), whereas offenders who acted in a group were more likely to be perceived

as an organized criminal gang. This presupposition was confirmed by the belief that dangerous criminals were more likely to offer some kind of resistance. The corollary was that uncooperative offenders were associated with more serious offences. In one of Dralet's scenarios, a landowning peasant and his son resisted the guard's efforts to seize their illicit timber, and threatened him with their axes. The report 'formula' then had them absconding from the scene, thereby compounding their crime as the wagon's wheels crushed a host of young saplings.[77] Finally, the distinct categories of forest crime were linked to differences in the tools and equipment employed — thieves who were simply looking out for a little fuel used only a billhook, whereas more serious offenders had access to axes, horses and (usually) a wagon. By themselves, such accoutrements could be taken as clear evidence of premeditation and planning.[78]

Then there were the occupational distinctions. It seemed self-evident that a baker or a charcoal-burner would have wanted wood for his own immediate purposes, whereas innkeepers were more shady characters. We know that taverns were regarded as prime sites of criminal activity by the rural police (*maréchaussée*) of eighteenth-century France. Troopers (*cavaliers*) routinely patrolled inns, taverns and wayhouses, partly as a check on 'immorality', but also because of the likelihood that drunkenness would lead to outbreaks of physical violence.[79] For present purposes, however, the most significant point is that the 1669 Ordinance formally banned forest guards from pursuing certain ancillary sources of income. Prime among them, of course, were any activities which might involve timber-trading, including various artisanal trades, from carpentry to clog-making. The only other, non-timber occupation that was specifically forbidden to them was running a tavern.[80] The handbooks' implication, then, was that innkeepers apprehended with stolen or illegally-cut timber were probably in the business of selling contraband, especially if three of them were operating together, using draught animals.

Despite the fact that these various handbooks were produced over the course of nearly 150 years, their contents were shaped by some persistent assumptions about the social (and, indeed, economic) nature of woodland crime. Yet many of our sources also indicate that the apprehension of pre-industrial woodland offenders could easily arise from nothing more than the local

knowledge, self-interest and (perhaps) even the laziness of forest officials.[81]

Of course, many factors could have a powerful influence on the type and extent of forest offences that were reported — including difficulties of geography, the dominant forms of woodland management and the widely-acknowledged incidence of guards' corruptibility.[82] Yet policing practices tended to confirm received wisdoms rather than confront them. For example, Fruhauf and Corvol found in both the Pyrenees and Burgundy that forest guards' concerns for their personal safety brought about changes in their approaches to crime. In the Pays de Sault, guards exercised some 'prudence' in seeking to avoid direct confrontation with large groups of offenders. As a result, most reported woodland crime in this region (76 out of 93 cases, or 82 per cent) involved offenders acting alone, or with one accomplice.[83] Similarly, Corvol noticed that the guards' reports of wood thefts in Burgundy concerned only small amounts of timber (two or three faggots, a thin tree-trunk): 75 per cent of offenders between 1721 and 1736 were recorded as having carried the contraband timber on their backs or shoulders.[84]

In the Périgord, the general absence of royal forestry officials meant that virtually all the documented woodland offences arose from 'private' litigation rather than public prosecutions. As a result, the costs of launching legal action would have dissuaded many plaintiffs from proceeding, especially when only minor damage was reported.[85] Yet even in this region, a sizeable minority of cases reported to the Eaux et Forêts in Bordeaux concerned only small amounts of timber or a handful of trees.[86] Many of these considerations contributed to the pervasive historical image of pre-industrial wood theft and forest crime as offences which usually involved an individual perpetrator who appropriated only a little timber and was motivated largely by material necessity.

Like a good many forest historians in France, of course, Fruhauf and Corvol focused their attention on those parts of the country (especially Burgundy, the Pyrenees, and the Franche-Comté) where communal woodland property and collective use-rights persisted — and where intermittent proposals for their eradication provoked intense conflicts. Hobsbawm's suggestions about social criminality based on a clash of legal values were obviously very relevant. But in the Périgord, as we noted, such rights did not exist by the eighteenth century, leaving only the

notion that most wood theft in this region was a desperate reaction to extreme poverty.

Unfortunately, that view is not necessarily sustained by local records of woodland disputes. Mme Daugeard's officials spent a long and frustrating day in January 1766 searching every house and barn in the area around Mouleydier and Saint-Sauveur. At last, they ventured hopefully to her 'large forest' where 'several' unidentified culprits were caught red-handed, only to slip through their fingers in the mid-winter twilight. The noblewoman's guards must have been anxious to make an arrest, especially in the presence of a royal bailiff and his assistants who had made a special trip from Bergerac. Despite the gloom, the men were eventually able to apprehend four women. The officials sequestered a number of oak branches and bundles of fuelwood that had been abandoned by the intruders. But the volume and types of timber that they seized did little to confirm Mme Daugeard's claims about an organized trade in contraband. And all four offenders turned out to be local residents whose addresses, families and past misdemeanours were well known to the seigneurial guards.[87]

Similarly, studies that draw extensively on forest guards' records have uncovered rates of recidivism and multiple accusations which seem quite extraordinary. Mouchy's work on the Forêt de Montmorency counted a total of 1364 reported offences during her three sample periods, which gave rise to 1649 charges. But they involved only 688 specific individuals. Of them, only 387 (or 56 per cent) faced a single charge, and as many as 58 (or 8 per cent) were summonsed on six or more charges. One individual was accused of 36 separate offences.[88] In Montmorency, at least, the forest guards apparently knew how to round up the usual suspects. It was a scenario that the Languedoc forestry chief, Dralet, appreciated only too well. In one formula, he imagined the report drawn up by a forest guard who heard the sound of a billhook at work in the state-owned woodland, and chanced upon a crime while it was being committed. The solitary offender was duly reported, not just because the guard already knew his name and occupation (another charcoal-burner), but also because 'there exist several convictions against him for thefts of wood'.[89]

Inconsistencies can arise, therefore, when historians confront the problem of identifying the role of poverty in the incidence of

woodland crime. In contrast with Bushaway's admonition — to reject the 'good King Wenceslas' image of timber stealing — Mooser concluded by reinforcing the prevalent and often-persuasive notion that much pre-industrial wood theft was an essentially small-scale, individual crime arising out of immediate material need. But by juxtaposing his social analysis of the perpetrators and victims of wood stealing in these two regions with an additional factor — the offenders' (presumed) motives for committing wood theft — Mooser effectively blurred the analytical categories. It was clearly the historian's own assumption that stealing wood from a neighbour or fellow-villager represented an act of blind desperation by a destitute offender. But 'poverty' was not the only possible motive for such offences. Many wood thieves claimed that they felt compelled to take timber belonging to another person, and other studies have shown that appeals to material necessity were commonplace excuses offered by offenders once they had been apprehended.[90]

For his part, Sharpe accepted that much pre-industrial crime in rural England reflected 'differing attitudes to and definitions of property', but again, he invoked the role of poverty in explicating the distinction: to many of the poor, he asserted, 'poaching, gleaning, and the related activity of wood-stealing . . . can hardly have been regarded as "real" crime'. Sharpe saw little to separate 'subsistence crimes' such as thefts of fuelwood or grain from the other, 'more straightforward petty theft, which must have been very widespread among the lower orders of rural society', and even offered support for the historian who 'postulated the existence of a stratum of the poor for whom stealing was "instinctive"'.[91] However, one wonders how readily historians can detect these putative 'instincts' in the records that we have inherited from past criminal justice systems.

On the other hand, Freeman's Oxfordshire deer stealers may still have been driven to theft by dire need, even though some of them owned a few livestock. The fact that they were often organized, and aimed to sell at least some of the contraband venison, did not in itself discount the possibility of their poverty, as the historian's own figures about poor relief suggested. Similarly, it was Freeman's own assumption that illegally-gathered wood or litter intended for the perpetrators' use-value was symptomatic of material hardship, whereas deer killed for exchange-value were obvious features of a thriving 'black economy'. In his efforts to

eliminate the significance of any social contributions to the woodland contention in Wychwood, Freeman went so far as to deny that 'social unrest' lay behind any of the recurrent 'stand-offs' between local people and the forest guards, who he admitted could be arbitrary and corrupt. 'Every forest environment exhibited features of this kind', he claimed, and there were no signs in Oxfordshire that such animosities 'stood proxy for deeper currents of antagonism'.[92] Yet evidence from the handbook literature suggests that it was quite possible (and perhaps even likely) that forest guards operated according to prescribed assumptions about the social nature of forest crime. For Freeman's arguments to hold, we would have to presume that it was only the accused themselves who were immune to prevailing attitudes which equated certain woodland offences with poverty, and others with self-interested criminality.

In parallel vein, Mooser's attempts to characterize certain forms of forest crime as backward-looking but barely-conscious reactions to modernization, committed by peasant offenders who aimed simply to reassert a paternalistic social order, represented an interpretation which has been fundamentally revised and extended by such influential concepts as Thompson's 'moral economy' of 'the crowd', and James C. Scott's 'everyday forms of resistance'.[93] The role of custom in providing crime and popular protest with a form of moral and motivational legitimation is likewise well known in a number of pre-industrial contexts.[94] 'Customs' were by no means inherently antithetical to 'laws', of course — both were equally capable of adjustment and manipulation, as much by woodland proprietors as by offenders. For example, Bushaway agreed with Marx in insisting that statute law had once differentiated between living trees and dead wood. The cutting, felling or damaging of living trees had long been regarded as a property offence.[95] What changed in the eighteenth and nineteenth centuries — in southern England, the Rhineland, and (it must be said) those regions of France where such collective woodland rights persisted — is that new legislation and more rigorous policing turned the customary collection of dead branches and fallen timber into criminal offences against the exclusive rights of private property.

Analysing forest crimes, their social elements and the role of poverty are clearly tasks which require a measure of historical precision and sensitivity. The forms of documentary evidence

available to us and the methodologies that we employ to examine them have a significant bearing on the incidence, types and nature of forest offences that are discussed by historians. I have drawn examples of historical studies from England and Germany as well as France. The aim was not to imply that equivalent systems existed across Western Europe for the apprehension and prosecution of forest offenders during the eighteenth and nineteenth centuries, far from it. The distinctive features of the Périgord had significant influences on the types of woodland crime that were documented there, and the people who were accused of committing them. Such factors included a high proportion of woodland (albeit overwhelmingly in private hands, and often scattered in small parcels); the lack of involvement by officers of the Eaux et Forêts; and the predominance of large aristocratic estates which relied extensively on share-cropping (*métayage*). In eighteenth-century Périgord, noble landowners such as Mme Daugeard exercised significant power over their rural dependants.[96] Instead, these international comparisons are intended to illustrate the shared assumptions and research strategies of historians.

The handbooks' advice for the policing of French forests offers important historical evidence because they reflect the period's attitudes towards the fundamentally social nature of woodland crime. Those attitudes influenced the actions of forest guards, including the reports that they presented, and thereby contributed to historians' perceptions of woodland crime. This is not to claim that the procedural handbooks were necessarily read by most forest guards in France. Iain Cameron's work indicated the prevalence of illiteracy among eighteenth-century forest guards, many of whom were ex-soldiers, rural labourers or poor share-croppers who patrolled the woodlands only on a part-time basis.[97] Rather, the handbooks' repeated publication and wide distribution suggests that their main readership was probably among the host of bailiffs, clerks (*greffiers*) and other judicial officers who generated reports of woodland offences and legal proceedings. To turn an obvious question on its head: perhaps it is not so important to know precisely how illiterate forest guards might have found out about these handbooks' expectations. After all, Mme Daugeard's guards relied solely on their personal experience and local knowledge when they directed the Bergerac bailiff and his men to the seigneur's 'large forest'. Of more interest is how the

handbook writers may have acquired and replicated the policing strategies developed on the job by forest guards themselves. And the answer to that problem no doubt lies in the various interactions between royal judicial officers and 'private' forest guards — collaborations of the kind represented by Mme Daugeard's campaigns of house-to-house searches and forest arrests.

Notes

I wish to thank Peter McPhee, Philippe Crémieu-Alcan, Louella McCarthy, the late lain Cameron, and the anonymous reader for *European History Quarterly*, for their help in the preparation of this article.

1. L. Badré, *Histoire de la forêt française* (Paris 1983), 78–99, 101–27; [R. Lefebvre et al.], *Les Eaux et Forêts du 12e au 20e siècle* (Paris 1987), esp. 165–219, 255–434; M. Devèze, 'Les forêts françaises à la veille de la révolution de 1789', *Revue d'histoire moderne et contemporaine*, Vol. 13 (1966), 241–72; J.-P. Husson, 'Les trois-âges de la forêt', *Gavroche*, No. 62 (1992), 8–10.

2. A notable exception: I. Cameron, 'The Policing of Forests in Eighteenth-Century France', in *Police and Policing. Past and Present Society Colloquium* (Oxford 1983). See also, I. Cameron, 'Forests and the End of the Ancien Régime', in P. McPhee, ed., *Proceedings of the 5th George Rudé Seminar in French History* (Wellington, NZ 1986), 298–309; R. Blais, 'Contribution à une histoire des gardes forestiers au XVIIIe siècle', *Revue forestière française*. Vol. 38 (1986), 17–25.

3. G. Pédemay, 'La forêt périgourdine au XVIIIe siècle: une forêt menacée?' *Annales du Midi*, Vol. 95 (1983), 373–89 (esp. 375).

4. H. Augeard, *Les d'Augeard* (Lembras, Dordogne 1972), 70–4, 81–3, 87–8.

5. F.-de-P. Latapie, 'Industrie et le commerce en Guienne sous le règne de Louis XVI. Journal de tournée . . . en 1778', *Archives historiques du département de la Gironde*, Vol. 38 (1903), 472–5.

6. A. Grenier, 'Inondations: pont de Bergerac, forêt de Clérans', *Bulletin de la Société historique et archéologique du Périgord*, Vol. 24 (1897), 410–13.

7. A.-M. Cocula, 'Les seigneurs en Périgord aux temps modernes', in A. Chastel, ed., *Le château, la chasse et la forêt. Actes des Rencontres internationales d'archéologie et d'histoire de Commarque, 1988* (Bordeaux 1990), 110. Cf. C. Marty, *Les campagnes du Périgord* (Bordeaux 1993), esp. 141–7.

8. Archives départementales de la Gironde, Bordeaux (hereafter ADG), 'Eaux et Forêts de Guienne. Procédure. Auditions, informations et divers', 8B 173 (1765) and 8B 179 (1766–7); Archives départementales de la Dordogne, Périgueux (hereafter ADD), 'Cours et juridictions. Sénéchaussée et présidial de Bergerac. Verbaux criminels, plaintes et informations', B 1968 (1765–6) and B 1971 (1764–7)

9. ADG, 8B 173 (1765).

10. ADD, B 1968 (1765–6).

11. J. Radkau, 'Wood and Forestry in German History: In Quest of an Environmental Approach', *Environment and History*, Vol. 12 (1996), 64.

12. P. Deffontaines, *L'Homme et la forêt* (Paris 1969), 79.

13. This approach has found a good deal of favour amongst historians of forests, forestry and woodland contention in various parts of the contemporary 'Third World'. Several scholars have pursued records of woodland offences and protest movements about forest access in France. For much of the south-west, this work has been led by Anne-Marie Cocula and students from the Université Michel de Montaigne-Bordeaux III: e.g. A-M. Cocula, 'L'homme et la forêt en Aquitaine à travers les délits forestiers au XVIIIe siècle', in *Casteljaloux et la forêt aquitaine: Actes du 23e Congrès d'Études régionales de la Fédération historique du Sud-Ouest. Casteljaloux, octobre 1971* (Nérac 1973), 125–51; Pédemay, op. cit; J. Lerat, 'Délits forestiers dans le département des Landes de 1750 à 1770', *Bulletin de la Société de Borda*, No. 401 (1986), 3–36 and No. 402 (1986), 141–66; P. Crémieu-Alcan, 'La forêt pour le plaignant: les délits forestiers en Guyenne au XVIIIe siècle', in A. Corvol, P. Arnould and M. Hotyat, eds, *La forêt: perceptions et représentations* (Paris 1997), 121–31; N. Andrieux, 'Les Périgordins au bois au XVIIIe siècle', *Bulletin de la Société historique et archéologique du Périgord*, Vol. 127 (2000), 589–610 and Vol. 128 (2001), 179–206.

14. E. Hobsbawm, 'Distinctions Between Socio-political and Other Forms of Crime: Social Criminality', *Bulletin. Society for the Study of Labour History*, Vol. 25 (1972), 5–6.

15. D. Hay, 'Poaching and the Game Laws on Cannock Chase', in Hay et al., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London 1975), 189–253; E.P. Thompson, *Whigs and Hunters: the Origin of the Black Act* (London 1975).

16. J.A. Sharpe, *Crime in Early Modern England, 1550–1750* (London and New York 1984), 121–42; P.B. Munsche, *Gentlemen and Poachers: the English Game Laws, 1671–1831* (Cambridge 1981).

17. G. Lemarchand, 'Vols de bois et braconnage dans la généralité de Rouen au XVIIIe siècle', in J. Nicolas, ed., *Mouvements populaires et conscience sociale. Colloque de l'Université de Paris VII-CNRS, Paris, 24–26 mai 1984* (Paris 1985), 234.

18. M. Freeman, 'Plebs or Predators? Deer-stealing in Whichwood Forest, Oxfordshire in the Eighteenth and Nineteenth Centuries', *Social History*, Vol. 21 (1996), 1–21; J.E. Archer, 'Poaching Gangs and Violence: the Urban-Rural Divide in Nineteenth-Century Lancashire', *British Journal of Criminology*, Vol. 39 (1999), 25–38.

19. Freeman, op. cit., 14, 15–16, 18. Cf. E.P. Thompson, *Customs in Common* (Harmondsworth 1993), 16–96; Sharpe, op. cit.

20. Freeman, op. cit., 17.

21. P. King, *Crime, Justice and Discretion in England, 1740–1820* (Oxford 2000).

22. Hobsbawm, op. cit., 5–6.

23. K. Marx, 'Proceedings of the 6th Rhineland Province Assembly: Debates on the Law on Thefts of Wood', in K. Marx and F. Engels, *Collected Works* (London 1975), Vol. 1, 224–63. Cf. P. Linebaugh, 'Karl Marx, the Theft of Wood, and Working Class Composition', *Crime and Social Justice*, No. 6 (1976), 5–16. Some background to the Diet's debates on this matter and Marx's responses are outlined in F. Mehring, *Karl Marx: the Story of his Life* (Ann Arbor, MI 1962), 37–43.

24. When one deputy asked why 'simple offences against forest regulations' should be recast as 'theft', a 'knightly' representative replied: 'It is precisely because the pilfering of wood is not regarded as theft that it occurs so often.' Marx

retorted with what he called an 'analogy': 'it is because a box on the ears is not regarded as murder that it has become so frequent. It should be decreed therefore that a box on the ears is murder.' Marx, op. cit., 225.

25. D. McLellan, *Marx before Marxism* (London 1970), 97.

26. Linebaugh, op. cit., 13. Cf. Mehring, op. cit., 41. McLellan put the proportion even higher, at 'five-sixths': McLellan, op. cit., 95.

27. J. Mooser, 'Property and Wood Theft: Agrarian Capitalism and Social Conflicts in Rural Society, 1800–50: a Westphalian Case Study', in R. Moeller, ed., *Peasants and Lords in Modern Germany* (Boston, MA 1986), 52–80 (esp. 54).

28. Mooser, op. cit., 54; Linebaugh, op. cit., 13.

29. L. Badré, 'Le XIXe siècle forestier (1820–1914)', in [Lefebvre et al.], op. cit., 467–576 (esp. 477–81).

30. Quoted in A. Brosselin, 'Pour une histoire de la forêt française au XIXe siècle', *Revue d'histoire économique et sociale*, Vol. LV (1977), 94.

31. See, J. Merriman, 'The Demoiselles of the Ariège, 1829–183', in J. Merriman, *1830 in France* (New York 1975), 87–118; P. Sahlins, *Forest Rites: the War of the Demoiselles in Nineteenth-Century France* (Cambridge, MA 1994).

32. L. Clarenc, 'Le code de 1827 et les troubles forestiers dans les Pyrénées centrales au milieu du XIXe siècle', *Annales du Midi*, Vol. 77 (1965), 312.

33. Specifically, in the preface to his *Contribution to the Critique of Political Economy* (1859): Linebaugh, op. cit., 6. On Marx's reports about the plight of Moselle vine-growers, see McLellan, op. cit., 99–102. In 1895, long after Marx's death, Engels apparently confirmed the significance of these two causes: ibid., 97.

34. For a discussion of the Hegelian elements in these articles by Marx, see McLellan, op. cit., 95–7; Linebaugh, op. cit., 6–7; C. Vigouroux, 'Karl Marx et la législation forestière Rhénane de 1842', *Revue d'histoire économique et sociale*, Vol. XLIII (1965), 222–33. For the counter-argument, that Marx's work on wood theft owed little to Hegel, but rather demonstrated his 'originality' in taking the first steps towards 'an empirically grounded and practical science of society', H. Lubasz, 'Marx's Initial Problematic: the Problem of Poverty', *Political Studies*, Vol. 24 (1976), 24–42 (quote, 25).

35. Marx, op. cit., 230.

36. Ibid., 258.

37. Lemarchand, op. cit., 234.

38. Ibid., 235, 237.

39. B. Bushaway, 'From Custom to Crime: Wood-gathering in Eighteenth- and Early Nineteenth-Century England', in J. Rule, ed., *Outside the Law. Studies in Crime and Order, 1650–1850* (Exeter 1982), 65–101 (esp. 74–5). This essay also appeared as 'Crime, Custom and Popular Legitimacy', in B. Bushaway, *By Rite: Custom, Ceremony and Community in England, 1700–1880* (London 1982), 207–37.

40. Bushaway, 'From Custom to Crime', 85–7.

41. Ibid., 89–90.

42. Thompson, *Whigs and Hunters*, 261. Cf. Thompson, *Customs in Common*, 97–184.

43. Mooser, op. cit., 54.

44. Ibid., 55–6, 60.

45. Ibid., 63–5.

46. Ibid., 62.

47. Ibid., 66.

48. Linebaugh, op. cit., 13–14; Mooser, op. cit., 66.

49. Mooser, op. cit., 68. Mooser acknowledged, however, that other issues also played a role, not least, the hardening of attitudes towards such crimes among the region's social and economic élites, the official identification of suspected perpetrators of wood theft (many of whom in Ravensberg were women and children), and the implementation of harsher judicial penalties, especially for crimes which involved physical violence: ibid., 67–8, 70–1.

50. Ibid., 76.

51. For an illustration of the multiple offences judged by the Eaux et Forêts in Old Regime France: A. Peyriat, 'Problèmes forestiers en Provence d'après les archives de la Chambre des Eaux et Forêts d'Aix [1ère partie]', *Provence historique*, Vol. 15 (1965), 229–44 (esp. 240–1).

52. Peter McPhee's detailed study of the drawn-out disputes between poor villagers and aristocratic landowners in the Corbières showed how easily the formal processes of prosecution targeted some individuals rather than others, but equally, how those who were accused could 'manipulate' their testimonies to their collective advantage. P. McPhee, *Revolution and Environment in Southern France, 1780–1830: Peasants, Lords and Murder in the Corbières* (Oxford 1999), esp. 205–31.

53. B. Garnot, 'Une illusion historiographique: justice et criminalité au XVIIIe siècle', *Revue historique*, Vol. 281 (1989), 36–79.

54. A.-M. Cocula, 'La contestation des privilèges seigneuriaux dans les fonds des Eaux et Forêts: l'exemple aquitain dans la seconde moitié du XVIIIe siècle', in J. Nicolas, ed., op. cit., 210. Of course, there were pronounced disparities in the seriousness of the judicial penalties prescribed for stealing fuel (which usually attracted only a fine) as opposed to poaching — a disparity most evident in the case of England.

55. C. Mouchy, 'Les infractions en forêt de Montmorency au XVIIIe siècle', mémoire de maîtrise, Université de Paris X-Nanterre (1990), 4, 13–15. Mouchy summarized this work in her article, 'Les infractions en forêt de Montmorency au XVIIIe siècle: sauvegarde et réaction populaire', in A. Corvol, ed., *Violences et environnement, XVIe-XXe siècle. Journée d'études, 1991* (Paris 1992), 56–60 (table, 57).

56. Mouchy, 'Les infractions en forêt de Montmorency', 145–51.

57. Ibid., 'Tableau 12', 90. Unfortunately, the author did not elaborate on the social dimensions of specific forms of forest crime (e.g. taking timber, illegal grazing, poaching).

58. Cocula, 'L'homme et la forêt en Aquitaine', 139–40. Cf. Andrieux, op. cit., 196–7.

59. Cf. B. Garnot, 'L'évolution récente de l'histoire de la criminalité en France à l'époque moderne', *Histoire de la justice*, No. 11 (1998), 225–43.

60. D. Field, *Rebels in the Name of the Tsar* (Boston, MA 1976). Cf. McPhee, *Revolution and Environment*.

61. C. Fruhauf, 'Les délits forestiers en Pays de Sault au XVIIIe siècle', *Annales du Midi*, Vol. 95 (1983), 391–428; A. Corvol, 'Les délinquances forestières en Basse-Bourgogne depuis la réformation de 1711–1718', *Revue historique*, Vol. 259 (1978), 345–88. For more substantial treatments of these scholars' work: C. Fruhauf, *Forêt et société: de la forêt paysanne à la forêt capitaliste en pays de Sault sous l'Ancien Régime (vers 1670–1791)* (Paris 1980); A. Corvol, *L'homme et l'arbre sous l'ancien régime* (Paris 1984).

62. Corvol, 'Les délinquances forestières', 352.

63. Fruhauf, 'Les délits forestiers', 396.

64. R.C. Cobb, *The Police and the People: French Popular Protest, 1789–1820* (Oxford 1970), 3–48, esp. 15–35.

65. [n.a.] *Nouvelle instruction pour les gardes des eaux et forêts . . . avec une maniere très-facile pour dresser leurs procès-verbaux et rapports, conformément à l'Ordonnance du mois d'août 1669* (Paris 1692), esp. 29–46.

66. Ibid., 29, 30. It is interesting in this second example that there was apparently no need for the guard's report to name the son.

67. Ibid., 32. (The French *pied* was equivalent to 32.484 cm, so this log would have been about 6.5 metres long and 1.95 m round.)

68. Ibid., 35. Also revealing is the advice that in such cases, the guard was required to record that the offenders' axes and horses, together with the illicit timber, were all officially sequestered — even (or perhaps, especially) when they could not be seized, and remained in the absconding culprits' possession.

69. Ibid., 40.

70. For example [n.a.] *Nouvelle instruction pour les gardes des eaux et forêts* (Paris 1737), held in the Bibliothèque de Bordeaux. Yet another edition (held in the Bibliothèque nationale de France) was published in Paris by Jacques-Nicolas Le Clerc in 1749.

71. [Jean Henriquez], *Manuel des gardes des eaux et forêts, ou Instruction à l'usage des gardes de bois, chasse et pêche, tant du Roi que des seigneurs et gens de main-morte, par un officier des Eaux et Forêts* (Paris 1784), 48–51.

72. [Étienne Dralet], *Instruction et modèles de procès-verbaux pour les gardes forestiers et les gardes-pêches de l'Empire, des communes et établissements publics, et des particuliers*, 6th edn (Toulouse 1810), 79–81.

73. Ibid., 82–4, 91–2.

74. [Étienne] Dralet, *Traité des délits, des peines et des procédures en matière d'Eaux et Forêts*, 4th edn (Paris 1834), 262–82, esp. 262, 265–6, 278.

75. J.-M. Dufour, *Formulaire alphabétique, ou Manuel pratique des gardes-champêtres, des gardes-forestiers, et des gardes-pêches* (Paris 1823), 249, 257.

76. *Ordonnance de Louis XIV . . . sur le fait des Eaux et Forêts du mois d'août 1669* (Paris 1765), Titre XXXII, Art. 10, 101.

77. [Dralet], *Instruction et modèles*, 84–5.

78. Philippe Crémieu-Alcan's sampling of several hundred cases across Aquitaine found that the presence of tools, transport equipment and (especially) weapons was much less frequently acknowledged by witnesses who were called upon to testify to the 'facts' of a case, than by the plaintiffs who initiated prosecutions. P. Crémieu-Alcan, 'Outils et délinquance forestière: un couple antinomique? L'outillage utilisé par la délinquance forestière au XVIIIe siècle en Guyenne', unpublished paper, Bordeaux 1998.

79. I.A. Cameron, *Crime and Repression in the Auvergne and the Guyenne, 1720–1790* (Cambridge 1981), esp. 105–6, 109, 199, 200–1, 202.

80. *Ordonnance . . . des Eaux et Forêts*, Titre X, Art. 12, 29; Jousse, *Commentaire sur l'Ordonnance des Eaux et Forêts . . . d'août 1669* (Paris 1775), 285.

81. All of the handbooks envisaged that the perpetrators of woodland crimes were men, but (as we have observed) forest guards did not quibble about arresting women.

82. Cameron, 'The Policing of Forests', 7–9, 15–16; Fruhauf, 'Les délits

forestiers', 395, 397, 415; Corvol, 'Les délinquances forestières', 350–1, 356.

83. Fruhauf, 'Les délits forestiers', 'Tableau 6', 416 and 419–20.

84. A mode of transport, such as using mules or a cart, was mentioned in only 14 per cent of reported cases. Corvol, 'Les délinquances forestieres', 352–3.

85. Pédemay, op. cit., 376.

86. Ibid., 386 ('Tableau 2'); Cocula, 'L'homme et la forêt en Aquitaine', 137 ('Tableau V'); Andrieux, op. cit., 598, 609.

87. ADG, 8B 179 (1766–7).

88. Mouchy, 'Les infractions en forêt de Montmorency', 110.

89. [Dralet], *Instruction et modèles*, 79–80.

90. Among many examples: Fruhauf, op. cit., n. 98, 422–3; Corvol, op. cit., 355–6, 358.

91. J.A. Sharpe, 'Enforcing the Law in the Seventeenth-Century English Village', in V.A.C. Gatrell, B. Lenman and G. Parker, eds, *Crime and the Law: the Social History of Crime in Western Europe since 1500* (London 1980), 106–7, citing J.S. Cockburn, 'The Nature and Incidence of Crime in England, 1559–1625', in J.S. Cockburn, *Crime in England, 1550–1800* (Princeton, NJ 1977), 64.

92. Freeman, op. cit., 17.

93. E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present*, No. 50 (1971), 65–135; Thompson, *Customs in Common*, 259–351; J.C. Scott, 'Everyday Forms of Peasant Resistance,' in J.C. Scott and B.J.T. Kerkvliet, eds, *Everyday Forms of Peasant Resistance in South-east Asia* (London 1986), 5–35.

94. Among a huge scholarly literature, see examples by Thompson, *Customs in Common*, esp. 97–184; Field, op. cit.; C.A. Boulton, *The Flour War: Gender, Class and Community in Late-Ancien-Régime French Society* (University Park, PA 1993).

95. Marx, op. cit., 225–6; Bushaway, op. cit., 68, 74–5.

96. Cocula, 'La contestation des privilèges' and 'Les seigneurs en Périgord'; Marty, op. cit.; R. Pijassou, 'Structures agraires traditionnelles et révolution agricole dans les campagnes périgourdines', *Revue géographique des Pyrénées et du Sud-Ouest*, Vol. 37 (1966), 233–62.

97. Cameron, 'The Policing of Forests', 14–15; Cameron, 'Forests and the End of the Ancien Régime', 301.

Hamish Graham is Lecturer in European history at the University of New South Wales, Australia. His PhD thesis (University of Sydney) investigated forest exploitation and woodland crimes in south-western France under the Old Regime. He continues to research forest history beyond the confines of the woodland by pursuing various manifestations of the social and economic competition for timber in France during the eighteenth and nineteenth centuries.