

## B) Urban Conflicts and their Control

### The King in the Town. Politics of Wine and of Space: 16<sup>th</sup>-18<sup>th</sup> Centuries Lyon/ France

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Crimes and petty conflicts were likely to occur in taverns. They happen nowadays, if we read the tabloid press, as well as in early modern times. The conflicts were often due to alcohol, but also to challenges to personal honour and to the fact that taverns were places where people from different strata and professions came together. Taverns were also places for the settlement of conflicts. These conflicts were much less violent than those on the streets, and anomie was almost completely absent in public houses. With respect to the proposed topic of this session, the following paper will look at ways of conflict solution and at the criteria that conflicting parties applied to maintain order.

The study is a result of my research project at the collaborative research centre at the University of Dresden.<sup>1</sup> It analyzes the institutionalization of public spaces with particular reference to inns, taverns and coffeehouses in early modern France. On a theoretical level we are interested in the stabilization of social relations (which are 'institutions' in a wider sense) and in systems of private/ public policy in relation to space.<sup>2</sup> Thus, this paper will present two tavern conflicts taken to court in order to discuss some aspects of conflict solution and the institutions that tried to impose their concept of order in these conflicts. It will be argued that the conflicts and their settlements are less influenced by the claim to sovereignty by two (competitive) urban constitutional groups, the burghers and the city council, but by conflicts between royal institutions and towns thus reflecting increasing royal interference in communal affairs in France in the 16<sup>th</sup> century. It will also be argued that despite this interference neither royal nor urban institutions had a monopoly in organizing and administering peace within the city walls. Social control remained to a large extent dependant on the cooperation of the city's inhabitants. Therefore, the innkeepers and clients played their own part in settling disputes.

At first, I would like to point out some characteristics of tavern life in early modern southern France. The right to sell home-produced wine (! – beer played a minor part until the 19<sup>th</sup> century) was a part of civic liberties in towns. But this right was not reserved for the privileged burghers – as in most parts of the Holy Roman Empire. Formally each inhabitant could buy and sell wine if he had a house or a shop to sell it. And most of the tavern-owning burghers did, of course, not sell the wine themselves, but employed 'cabaretiers' or innkeepers. Another distinguishing factor is their organization of corporations. They regularly met in a room in the town hall and in

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<sup>1</sup> For first information see the web-presentation of the Sonderforschungsbereich 537 "Institutionalität und Geschichtlichkeit": <http://rcswww.urz.tu-dresden.de/~sfb537/index.html> (project S); see also Susanne Rau/ Gerd Schwerhoff, eds., *Zwischen Gotteshaus und Taverne. Öffentliche Räume in Spätmittelalter und Früher Neuzeit*, Cologne et al. 2004.

<sup>2</sup> For the concept of space see Martina Löw, *Raumsoziologie*, Frankfurt/Main 2001.

their chapel. In Lyon, the brotherhood of the ‘cabaretiers and taverniers’ possessed a chapel in the church of St. Bonaventure. Within their own institution they could discuss their interests and shape a corporate identity. Uprisings over excessive wine taxes, organized by urban wine sellers against representatives of the king frequently occurred. Some of the uprisings were even supported by the city council. This is only one example of potential solidarity among urban organizations and against royal institutions. Since concessions to sell wine were not required, we do not have much quantitative data on public houses in southern France. For Lyon a first complete list of cabaretiers appears in 1728 with about 1.000 taverns for slightly more than 100.000 inhabitants. The number of inns at that time should have been between 80 and 100, but they do not include the large number of inns without inn signs nor the ‘market’ of private hospitality.

With regard to the concept of ‘urban stability’ developed in the session paper we have to make some concessions to the French situation. If we only translate the term into ‘*tranquillité publique (urbaine)*’ it does not cover the whole sense of the concept of ‘urban stability’. I would rather use the French term ‘*bien public*’ or ‘*bonne police*’ (‘public policy’) as more appropriate criteria to define the early modern French attempts to organize life in the public sphere. Recent research of Peter Blickle and Andrea Iseli has – to my mind – convincingly demonstrated that the ‘bonne police’ is not simply an instrument of control for an absolutist ruler, but depends largely on a negotiating process between different institutions such as estates, corporations, towns and the king.<sup>3</sup> Aspects of competition between those institutions played an important role in this process. Two examples of how town dwellers settled their disputes arising in taverns can further underline these findings.

In June 1731, Monsieur Boyet from La Rochelle stayed in Lyon with Marie Buisson, widow of the innkeeper Claude Fleuron who ran a guesthouse in the town centre of Lyon (St. Nizier).<sup>4</sup> As Boyet did not pay his bill of 30 pounds for food and lodging, Marie Buisson went to the Sénéchaussée, the royal court in town. The court decided in her favour. Boyet was sentenced to imprisonment in the royal prison of the town until full payment of the bill was received or a guarantee was given. One day after the sentence was passed, the court usher, Monsieur Fournier, and his assistant came to arrest Boyet – but instead of arresting him, a group of neighbours liberated Boyet out of the hands of Fournier. Both court representatives were prevented by force from completing their task. After this incident, it is interesting to note, that it was once again the innkeeper’s widow, who took the case to court stressing that through this procedure the royal court was undermined in his privileges (“qu’un pareil procédé donneroit atteinte à vos privileges qui doivent être inviolablement conservés”). Of course, the widow did not forget to mention that this procedure prevented her from getting her money. – What happened in the streets of Lyon (rue Tupin/ cul de sac de St. Nizier) on this evening in early June and what was the interest of a group of town dwellers to “kidnap” a person, who was working as a postman for the company of draper merchants, in order to prevent him from being imprisoned? On the basis of four testimonies I will try to shed further light on the situation. The first witness was

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<sup>3</sup> Peter Blickle et al., eds., „Gute Policey“ als Politik im 16. Jahrhundert, Frankfurt/Main 2003; Andrea Iseli, „Bonne police“. Frühneuzeitliches Verständnis von der guten Ordnung eines Staates in Frankreich, Epfendorf 2003.

<sup>4</sup> Archives Départementales du Rhône, Sénéchaussée, BP 3063, plainte veuve Fleuron contre Andras et autres, 5 juin 1731.

Monsieur Andras, a merchant, who had sat on the threshold of his store and had asked the arriving usher, who informed him about his task, to be shown the warrant of arrest. The usher refused to do so. As a consequence of this refusal Andras called the officers of the quarter, i.e. the civil militia that was organized by town quarters. Andras emphasized once again, that the ushers would not enter his house without showing him the warrant. Then a little group of three or four women passed and also helped to prevent the ushers from entering the house. Another witness added, that Andras only called the officers after being threatened by the ushers. A third witness, the innkeeper of the “Emperor”, a prestigious inn in the same street, and probably a competitor of Marie Buisson, claimed to have seen that the usher and his assistant jumped into the front of the shop and arrested Boyet. But he added, that the usher showed Andras a big paper with a signature at the bottom. However, Andras did not accept the commission and wanted to see the extraordinary request. At last, a bookseller of the same street observed that Marie Buisson had shown the ushers the way to find Boyet after having entered erroneously the court of the “Emperor”. The following individuals, groups, and institutions tried to restore order in this case: firstly, the parties, i.e. Buisson, Boyet, and Andras, then the Seneschal’s court (the court to which Buisson took the case); thirdly, the usher and his assistant as representatives of the Seneschal’s court; fourthly, a group of neighbours of both sexes, some of them observing the situation from the street, another group of people even intervened in order to protect Boyet; and at last, the officer of the civil militia, Monsieur Teste, called by Andras and supposed to help the merchant group, i.e. to act against the representatives of the royal court and indirectly against Marie Buisson (who entered into an alliance with the royal court).

My second example is taken from the same year in the same town – but on the other side of the Saône-River in a highly frequented street (rue du Boeuf) in a quarter of the town inhabited by many royal officers.<sup>5</sup> One night in September Joseph Desgranges and one of his friends went to the tavern of Joseph Baritel situated on the ground floor of his guest house “La Grive”. Before he could order a bottle of wine he was insulted by the host, who obviously did not appreciate new guests after 11 p.m. When Desgranges replied that he was an honest person, and that his reputation did not at all depend on him, the host seized a halberd and injured him severely. This was not enough. Baritel called other persons of the quarter, who arrived with arms. They jumped upon Desgranges, ruined his clothes and dragged him to the guard of the Change-Square. From there he was guided to the provost of Lyon who proclaimed him innocent (as Desgranges stressed in his complaint) and sent him to the royal court, where he made his deposition.

In this second case, different persons and institutions appeared to restore order. In the cross-examination, Baritel stated that it was Desgranges who first insulted him for not letting him enter the tavern and refusing to give him wine. In order to prevent further disputes the innkeeper called the corporal of the Arquebusiers of the town, who arrived with two soldiers. For Baritel it was clearly Desgranges who seized the halberd of the corporal... Whatever the true story might be, it is noteworthy, that Fournier, the corporal, was a coffeehouse-keeper of the quarter and that he came to restore order, as he said, but ‘order’ – perhaps due to the professional ties – in the sense of the innkeeper. Jacques Alabé, one of the witnesses, stated that after having

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<sup>5</sup> Archives Départementales du Rhône, Sénéchaussée, BP 3063, plainte Desgranges contre Baritel et autres, 1<sup>er</sup> octobre 1731.

entered, Fournier began to insult Desgranges and hit him with his halberd. From this point of view, it is understandable that Desgranges seized the halberd, namely to defend himself. The witness Alabé, clerk of the royal office in Lyon, was also one of those persons trying to settle the dispute: Passing in front of the inn, he heard the noise, entered at the moment when the parties hit each other with the halberd and tried to separate them. When the soldiers arrived, he went home.

This second case shows in a different way, how (and which) institutions tried to restore order or were called to do so. At first once again, the parties themselves, Desgranges and Baritel, asserted to settle the dispute in stating that it was the other person who caused trouble and that they themselves had no other intention than “mettre les holas”, which means to create tranquillity. Before calling the guard other guests (two burghers and a clerk of a lawyer and royal councillor) and passers-by (the royal officer) tried to make peace in the tavern. A maid played a minor part on this stage: she called the guard and, thus, acted as mediator between the quarrelling people of the tavern and the supposedly neutral police force. It is interesting to note that power relations changed completely when the injured Desgranges talked to the provost of the town and when he took his case to court. While those, who pretended to make peace inside the inn of St. Jean, tried to impose their interpretation of order in joining principally the innkeeper's view, Desgranges was taken for innocent at the urban court as well as at the royal court, which condemned the innkeeper to the payment of 30 pounds to Desgranges for having injured him.

For a deeper understanding of the two cases, we need to know some details of the history, the structure and the duties of the different institutions, empowered to administer peace and urban stability. Beside the innkeepers, clients, and neighbours, who tried on their own to tidy things up, we are confronted with several ‘polices’ in a more institutionalized sense, i.e. with powers of sanctification (to punish), especially the courts, the police guards, but also the city council. First and foremost, since the late middle ages, there were the civil militia (milice bourgeoise) and other police forces in town.<sup>6</sup>

The civil militia arose from the armed conflicts with the archbishop in the 13<sup>th</sup> century. When Lyon was incorporated into the kingdom of France, the king accorded to the burghers the privilege to keep the keys of the city gate (hence the duty to watch the gates) and to guard the city. Another armed situation resulted in the establishment of a councillor's guard, while the civil militia continued to exist. They had more or less the same tasks: ‘garde’ (patrols by day) – ‘guet’ (night-watch) – ‘écharguet’/ ‘écutes’ (mostly by night, working as spies). The councillor's guard divided the city into three quarters (St. Just, Fourvière, and St. Nizier). At the end of the 14<sup>th</sup> century, the king appointed a royal captain who was responsible (among other things) for the military commandment of the town. Then, in the 16<sup>th</sup> century, another militia was founded: the company of the Arquebusiers (1555/56), probably the first permanent councillor's guard of about 50 men, who watched the town hall, the bridges, the wine market, the corn market, and by night two city gates. The members of this paid troops, who were regarded as proper soldiers and were, therefore, exempt from the duty for

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<sup>6</sup> Eugène Vial, *Le chevalier du guet et sa compagnie*, in: *Revue d'histoire de Lyon* 4, 1905, p. 36-50, 110-132; Eugène Vial, *Le capitaine de la ville. La garde et la défense de Lyon*, Lyon 1907; Eugène Vial: *Les joueurs de l'arc, de l'arbalète, de la coulevrine et la compagnie des deux cents arquebusiers de la ville de Lyon*, in: *Vial, Gens et choses de Lyon*, Lyon 1946, p. 41-75.

the civil militia, also took orders to people. In 1565, a third permanent company was established: the company of the 'guet', which belonged to the seneschal's court (nevertheless paid by the city council) and was, therefore, a royal guard. It also comprised 50 men, so-called archers, who – beside the duty of night-watch – assisted at executions, watched prisoners, controlled public feasts and entertainment, and sometimes got orders to capture delinquents. Moreover, there was the Maréchaussée or constabulary, originally a kind of military police. In the 18<sup>th</sup> century they were responsible for bandits, armed assemblies and for control of the highroads. Sometimes there was also a Suisse guard in town to watch the city gates. But none of those two were called in our two cases.

Furthermore, the city council had to regulate affairs of 'police'. Since 1572, the council exercised the 'ordinary police'. It was responsible for most areas of public life; it acted through administration and proclamation of ordinances. The councillors were responsible for the merchants court (Tribunal de Conservation). The city was divided into six quarters, each of them headed by a superintendent, who was elected by the council. After the introduction of the 'general police lieutenant' in 1699 and the reform of the police force, the general police competences rested with the city council. It was responsible for all public affairs except those the provost and councillors were not competent for. In cooperation with them the police lieutenant executed public order by means of 'police ordinances' and by patrolling streets and alleys.

Finally, the seneschal's court, which was the lowest of the royal courts acted as a first instance in cases of delinquency and dispute. In the 16<sup>th</sup> century the king added a 'presidial's court' in Lyon in order to relieve the burdens of the parliament of Paris, the court of appeal. That court became the main court for all civil and criminal affairs in Lyon; it played a judicial role and had 'police' functions. The royal judges slowly replaced the local and seigniorial jurisdiction, as well as that of the archbishop, former seignior of the town.

To summarize this overview of 'police' institutions with a special regard to the control of tavern life, the companies above all patrolled by night and by day through the streets and quarters of Lyon, but their first duty was to guarantee that regulations (i.e. 'ordonnances consulaires', 'ordonnances de police') were not infringed. Concerning inns and taverns they paid particular attention to opening and closing times and to games of hazard. Usually, they did not interfere in verbal or corporal disputes if they did not occur on the open street where they passed by accident, but only when they were called. Moreover, the police court was only active after the inhabitants had made complaints. The seneschal's court followed the same procedures, except in affairs of considerable theft or murder, both rather improbable crimes to happen in early modern taverns.

Let us return for a last time to the two tavern conflicts. Concerning the participation and position of 'police' institutions which interfered in the social relations we can observe a rather symmetric situation. While in the case of unpaid bills the innkeeper Marie Buisson appealed at first to the seneschal's court and collaborated with the usher in showing them the shop of Andras. Andras and some neighbours, on the other hand, called the municipal guardsmen after having offered the condemned Boyet a kind of asylum behind the threshold of his shop and by acting verbally and physically.

Reversely, the parties as well as the clients and neighbours of the inn in St. Jean tried at first to settle the dispute on their own. Then it was the innkeeper who was trying to get help of the company of the Arquebusiers, the councillor's guard, but probably only because he knew that his colleague Fournier, the coffeehouse-keeper, was on duty that night. But Desgranges, who remarked that the corporal acted in favour of the innkeeper, continued to plead innocence and appealed to the provost of the town and then to the royal court who judged in his favour.

What we can deduce from this situation – with respect to the ways of conflict solution – is that even in times when the king already interfered to a high degree in communal affairs he did not monopolize the 'bonne police'. Nor was there a unique way of settling public disputes. The regulation of the public sphere was also dependant on the collaboration of the town dwellers. They could appeal – according to their own interests and sometimes according not at all to a superior criteria of 'bien public' – to different institutions, and they did so often in very tactical ways by addressing either a royal or a civic institution. The examples also demonstrate that ties in professional corporations and in the neighbourhood were still working. Therefore, we should not forget them among the institutions who contributed to regulate public life and maintain order in social relations. In early modern times when inns and taverns were highly controlled spaces, as I pointed out at the beginning of my paper, we should, at least, admit that they were also highly negotiable spaces – not only in terms of commerce and quality of wine....