Policing Itinerant Poor in the Northern Low Countries, 1450-1570

Making Vagrants

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This article investigates the rise of urban policing of itinerant poor in the Northern Low Countries in the late medieval period. Practices of prosecution show important variations between cities (selected cases are Deventer, Kampen, Haarlem and Gouda), both in chronology and compared to urban bylaws and other regulations, such as the 1531 edict issued by Holy Roman Emperor Charles v. A combination of external factors such as war, conflict, dearth, disease and the socio-political ambitions of urban authorities were at play and could lead to regionally different outcomes. In the course of this process, we see the complex making of vagrancy as a social and legal category to negotiate the reality of a highly mobile society, with a major impact on the attitudes towards itinerant poor and on the latter's lives.

Dit artikel bestudeert het ontstaan van maatregelen rondom arme migranten in vier steden in de Noordelijke Nederlanden tijdens de Late Middeleeuwen, namelijk Deventer, Kampen, Haarlem en Gouda. Het onderzoek naar hoe deze vervolging van rondtrekkende armen in deze steden in de praktijk werd gebracht, legt belangrijke verschillen bloot wat betreft de chronologie van de maatregelen, alsook in vergelijking met de stedelijke verordeningen en andere voorschriften, zoals het edict van Keizer Karel v uit 1531. Een combinatie van externe factoren, zoals oorlog, conflict, voedselschaarste en ziekte, en interne sociaal-politieke ambities van stedelijke autoriteiten, was bepalend voor deze verschillen. De bestudeerde maatregelen demonstreren de complexe totstandkoming van landloperij als een sociale en juridische categorie, die door lokale autoriteiten werd gebruikt om controle te behouden over een zeer mobiele samenleving. Dit had grote gevolgen voor de houding tegenover rondtrekkende armen en voor het leven van deze landlopers zelf.

Introduction

In May 1551, Gouda's urban authorities ordered the execution of Pouwels Fransz., nicknamed Meys, born in Alkmaar. Meys admitted, initially under torture, that he begged among farmers in the County of Holland 'with a healthy body […] contrary to the edict of His Royal Majesty'.[1] This was Meys' final but not his first encounter with violent urban justice. In Leiden, he had already been flogged, his nose was split, and he was banned forever from the counties of Holland, Zeeland and Friesland. Instead of leaving, however, he roamed the region and committed several thefts and robberies together with other men, including in Scheveningen and in the dunes near The Hague, where he 'violently took a man's surcoat and the schilling which he carried with him'.[2]

Almost a hundred years earlier, in 1464, Wolter Johansz was decapitated in Kampen for multiple thefts. He confessed to have stolen a pair of boots, some kitchen items (including three tin spatulas), a rosary, overcoat, hat and jerkin. He did so in several hamlets and villages in Frisia, Guelders and the Oversticht: Blesdijke, Gorssel, Westerlo (no longer existing), Hardenberg, and Heerde. In Kampen he stole someone's bag and pocketed a small knife from another person.[3]

The confession of Geryt Jacopbs van Pyr, born in the countryside near Kampen and sentenced to death in Deventer in 1504, contained an equally detailed list, with no less than fifty thefts (see Map 1). Geryt mostly stole clothes and textiles. He stole from his housemates but also from places where he was temporarily staying: a guesthouse, church, monastery and farm. For example, he embezzled from his landlord, a shoemaker in Vreden, a black hood, 'a pair of shoes and two white skirts'. He broke into a house near Zwolle and thieved around Utrecht and Amersfoort, taking, among other items, a woman's tabard. In addition, Geryt admitted that a man named Johan had helped him on several occasions, including to steal linen in Zeist and Bunnik.[4]

Do these three men, living decades apart, have much in common? Did they lead similar lives? They all confessed to have stolen and to have roamed cities, villages and the countryside. They seem to have worked and lived in different places in the Low Countries and have struggled to generate income. They eventually shared the same fate, as they were prosecuted by a law court of a city they did not permanently reside in. They were arrested, questioned and convicted: designated as criminals deemed too dangerous to be allowed

1 Streekarchief Midden Holland (SAMH), 0002 Archief van het gerecht van Gouda, 1447-1811, Reeks Criminele vonnis- of correctieboeken, 176 [Crimineel Vonnisboek 176], 255.

2 Ibid., 256.

3 Stadsarchief Kampen (SAK) 00001, Stadsbestuur Kampen 1251-1851, 8: Decretum dominorum cum pictures alias Digestum Vetus (1454-1473) [DV], fol 55r.

4 Collectie Overijssel, locatie Deventer [Stadsarchief Deventer, SAD], 0722 Rechterlijk archief Deventer, 2, 'Rode oft crimineel boeck'/ Liber filiorum perdicionis [LFP], fol. 76r-v.

back into society, or even banished to another region, to be someone else's problem.[5] Their death sentences in the end were forceful acts of restoration of safety against a 'foreign' threat. However, the cases also differ. In the two earlier cases, from Kampen and Deventer, the men were not explicitly convicted for unlawful begging. And we know far more details about the thefts of Wolter and Geryt than about the wanderings of Pouwels, convicted later in Gouda. Indeed, at the time when Wolter was questioned in Kampen, Gouda's urban court had never convicted someone like Pouwels, Wolter or Geryt: they would only start to do so regularly after the 1530's.

These verdicts therefore together exemplify the diversity within a broad and long-term development in attitudes towards itinerant poor. Governmental intervention with regard to poverty and labour started after the Black Death in the second half of the fourteenth century, and this process accelerated in the two following centuries.[6] Intellectual and governing elites, in the Low Countries and elsewhere in Western Europe, debated and regulated poverty and perceived a rise in numbers of poor, which they deemed a threat to local societies. Most historians find the increase in poverty was real: a proletarianisation related to the transition from feudalism to a capitalist market-oriented organisation of labour and production has been central in historiography. The many studies on the topic widely acknowledge a link between social and economic changes on the one hand, and a more rigorous categorising of types of poor and a process of criminalisation of some of these types, on the other.[7]

5   Kampen banished on average 26 people per year. Edda Frankot, *Banishment in the Late Medieval Eastern Netherlands: Exile and Redemption in Kampen* (Palgrave Macmillan 2022). DOI: https://doi.org/10.1007/978-3-030-88867-1; Jason Coy, *Strangers and Misfits: Banishment, Social Control, and Authority in Early Modern Germany* (Brill 2008) 31-56, DOI: https://doi.org/10.1163/ej.9789004161740.i-156.

6   Catharina Lis and Hugo Soly, *Poverty and Capitalism in Pre-Industrial Europe* (Humanities Press 1979); A.L. Beier, *Masterless Men: The Vagrancy Problem in England 1560-1640* (Methuen 1985) 5. See also Frank Rexroth, *Deviance and Power in Late Medieval London* (Cambridge University Press 2007); Robert Jütte, *Poverty and Deviance in Early Modern Europe* (Cambridge University Press 1994).

7   Anita Boele, *Leden van één lichaam: denkbeelden over armen, armenzorg en liefdadigheid in de Noordelijke Nederlanden 1300-1650* (Verloren 2013); Bronisław Geremek, *Les marginaux parisiens aux XIVᵉ et XVᵉ siècles* (Flammarion 1976) 8-16; Leo Lucassen, 'Eternal vagrants? State formation, migration and travelling groups in Western-Europe, 1350-1914', in: Idem and Jan Lucassen (eds.), *Migration, Migration History, History: Old Paradigms and New Perspectives* (Peter Lang 1997) 225-251; Catharina Lis and Hugo Soly, *Worthy Efforts: Attitudes to Work and Workers in Pre-Industrial Europe* (Brill 2012) 426-478, DOI: https://doi.org/10.1163/9789004232778; Jan L. van Zanden, 'Wages and the Standard of Living in Europe, 1500-1800', *European Review of Economic History* 3:2 (1999) 175-197. DOI: https://doi.org/10.1017/S136149169900009X; Michel Mollat, *The Poor in the Middle Ages* (Yale University Press 1986) 292-293; Pierre Boglioni et al. (eds.), *Le petit peuple dans l'Occident médiéval: Terminologies, perceptions, réalités* (Éditions de la Sorbonne 2002).

Figure 1. Illustration of the decapitation of recidivist thief Bonte Johan (1459) in the Kampen's *Digestum Vetus*, miscellaneous city register. © Stadsarchief Kampen, *Digestum Vetus*, fol. 36v.

One key factor in local policies was the concern about movements of people with little or unstable income – who were deemed to also have an unstable or dubious identity and morality (see Figure 2). Indeed, of all newly delineated social categories in the later Middle Ages, that of the itinerant or foreign poor, defined broadly as not living permanently in a certain place, was most negatively perceived by elites.[8] The unemployed and underemployed, especially those who were young and in good health and came from elsewhere, risked being designated as idle and thus immoral, even if they merely lingered in cities without work.[9] They were referred to in Middle Dutch in a wide variety of terms commonly translated as vagrant or beggar, such as *vagabond, landloper, ribaud, spekhaler, (wijn)boef, truggelaar*, or *bedelaar*. In the course of the sixteenth century, being a vagrant became a punishable offence.[10]

However, different regions and different types of governments in the Northern Low Countries had strikingly diverse responses to these developments.[11] This diversity is attested by, and can therefore be investigated in, three types of sources: regulations (mainly municipal bylaws and ordinances), judicial recordkeeping (ways of administering court cases, confessions and convictions; and the terms or language used in them), and trends in convictions of itinerant poor. The aim of this article is to explore these differences in the Northern Low Countries between 1450 and 1570. My main argument is that urban authorities developed their own prosecution policies and expanded their political agency by handling the problem of unwanted migration and vagrancy. This analysis has two main merits: first, it shows diversity in local policies and strikingly different chronologies of prosecution, of which the variety has remained largely unnoticed in scholarship on this early period, as further discussed below. Second, it gives insight into the construction of the social and legal category that justified prosecution – the making of vagrants, so to speak.

This study contributes to recent scholarly efforts stressing the complexity of the changing perceptions of poverty and labour in the late medieval era. Samuel Cohn argues that the (long-term) political and economic consequences of the Black Death in Western Europe were less clear-cut than

8   Bruno Blondé et al., 'Living Together in the City: Social Relationships Between Norm and Practice', in: Idem, Marc Boone and Anne-Laure Van Bruaene (eds.), *City and Society in the Low Countries, 1100-1600* (Cambridge University Press 2018) 91. DOI: https://doi.org/10.1017/9781108645454.003.

9   Carole Rawcliffe, *Urban Bodies: Communal Health in Late Medieval English Towns and Cities* (Boydell Press 2013) 97-104.

10 Lis and Soly, *Poverty and Capitalism*; Geremek, *Les Marginaux*; Beier, *Masterless Men*, 4-5. On Dutch terminology, see also Florike Egmond, *Op het verkeerde pad: Georganiseerde misdaad in de Noordelijke Nederlanden 1650-1800* (Bert Bakker 1994) 19-23.

11 Samuel K. Cohn, 'After the Black Death: Labour Legislation and Attitudes towards Labour in Late-Medieval Western Europe', *The Economic History Review* 60:3 (2007) 457-485. DOI: https://doi.org/10.1111/j.1468-0289.2006.00368.x.

Figure 2. Urbanites giving drink to the poor and needy. Master of Alkmaar, *Polyptych with the Seven Works of Charity* (Detail, 1504). © Rijksmuseum Amsterdam, ѕк-а-2815-1.

most scholars assumed. Mainly, there is not one course of action dictated by a certain economic logic. Rather, the interrelations between labour supply and demand, poverty, demographics, reform of poor relief and political power had a striking variety of outcomes. As Cohn, and earlier Hugo Soly and Catharina Lis, suggested, more than economic rationality or ideas on demography, political interests influenced the measures local authorities took.[12] However, there are no studies on itinerant poor in the later medieval Low Countries that investigate the factors influencing these political responses by looking at a mid-range level, that is by comparing multiple cities across counties and duchies in the Low Countries.[13] Studies generally either focus on individual cities or on providing a general overview. Furthermore, as a recent special issue on migrants and crime in the early modern era notes, empirical comparative studies on this specific topic for the Low Countries are rare, especially those that deal with periods before the seventeenth century.[14]

Historians who notice an increase in the number of punishments of vagabonds often relate that change to the works of Juan Luis Vives (1493-1540), to the urban reform of charity during the sixteenth century, and to an edict issued in 1531 by Holy Roman Emperor Charles v.[15] This focus has led to a neglect of a more long-term approach including the fifteenth century, and the local variety in prosecuting itinerant poor. This article therefore seeks to include this early period, when the social category of vagabondage first took shape.

I compare the policing of itinerant poor in the Northern Low Countries by looking at sources from four cities: Gouda, Haarlem, Deventer and Kampen – in addition to regulations at a regional level, most notably the 1531 edict. Why these cities? First, because they have exceptionally well-preserved records. Besides Utrecht, extant criminal court records are quite

12 Ibid., 475-480; Samuel K. Cohn, 'Rich and Poor in Western Europe, c. 1375-1475: The Political Paradox of Material Well-Being', in: Sharon Farmer (ed.), *Approaches to Poverty in Medieval Europe. Complexities, Contradictions, Transformations, c. 1100-1500* (Brepols 2016) 145-174; Lis and Soly, *Poverty and Capitalism*, 82-96. See very similar arguments in Lucassen, 'Eternal vagrants', 227-228.

13 Exceptions for the early modern period are Joke Spaans, *Armenzorg in Friesland 1500-1800. Publieke zorg en particuliere liefdadigheid in zes Friese steden: Leeuwarden, Bolsward, Franeker, Sneek, Dokkum en Harlingen* (Verloren 1997) and several contributions in Bert de Munck and Anne Winter (eds.), *Gated Communities? Regulating Migration*

in Early Modern Cities (Routledge 2012). For a long-term overview, see Margo De Koster and Herbert Reinke, 'Migration as Crime, Migration and Crime', *Crime, History & Societies* 21:2 (2017) 63-76.

14 Karlijn Luk and Samantha Sint Nicolaas, 'Judging Migrants: Towards a New Research Agenda on Social Control, Local Conflict and the Judicial Position of Migrants in the Early Modern Dutch Republic', TSEG – *The Low Countries Journal of Social and Economic History* 20:1 (2023) 11-35. DOI: https://doi.org/10.52024/tseg.8458. See also the introduction to this special issue by Marion Pluskota: DOI: https://doi.org/10.52024/tseg.13646.

15 Blondé et al., 'Living Together', 91-92; Boele, *Leden van één lichaam*, 254-261.

sparse in the Northern Netherlands before 1500. Especially in Kampen and Deventer, urban authorities noted criminal activities of itinerant poor in striking detail, which was likely related to their ambition to ascertain regional political authority. A second reason is that these cities cover diverse regions, with comparable but slightly diverging profiles. Gouda and Haarlem, located in Holland, were more craft-oriented and positioned in the urbanised western coastal area. At the same time, Kampen and Deventer, in the IJssel region, focused on trade, particularly within the Hansa network. They were surrounded by rural lands, in the highly polycentric political landscape of the Oversticht and the neighbouring Duchy of Guelders.[16]

What these cities have in common, however, is that they were medium-sized, ranging from 5.000 (Deventer in 1450) to about 16.000 (Haarlem in 1550) inhabitants.[17] They are therefore more representative of the policing efforts of many Netherlandish cities compared to more intensively studied metropoles such as Antwerp and Amsterdam in later periods.[18] At the same time, differences in recordkeeping and political structure of these urban governments make it difficult to draw comparisons. I do not think that we can make any extrapolations about the growing size of the itinerant poor based on the number of prosecutions. However, it is possible to distinguish different trends, such as spikes in ordinances and convictions, and to reflect on the causes of these trends.

Urban governmental policing of the itinerant poor was not merely a top-down initiative, but also reflected the concerns of members of the community and nearby farmers and villagers, who worried about public safety and constrains on provision and charity. People likely reported suspect presences near their living environments, leading to arrests and questionings. At the same time, urban authorities did try to establish their authority more firmly by taking on new responsibilities. They found power and expression of power in the policing of itinerant poor. This was especially the case because they were in complex and continuous negotiation with regional sovereigns who also increasingly started to intervene in these issues, such as the Dukes of Brabant and Burgundy. Therefore, investigating attitudes towards itinerant poor sheds light on the political economy of the later fifteenth and early sixteenth centuries.

After a reflection on the cultural and legal category of vagrancy, the subsequent sections discuss political and judicial responses to itinerant thieves in Deventer and Kampen. We then move to convictions in Gouda and

16 Jim van der Meulen, 'Seigneurial governance and the state in late medieval Guelders (14th-16th century)', *Continuity and Change* 36:1 (2021) 33-59. DOI: https://doi.org/10.1017/S0268416021000084.

17 Piet Lourens and Jan Lucassen, *Inwonertallen van Nederlandse Steden ca. 1300-1800* (NEHA 1997).

18 Erika Kuijpers, *Migrantenstad: immigratie en sociale verhoudingen in 17e-eeuws Amsterdam* (Verloren 2005); Jelle van Lottum, *Across the North Sea: The Impact of the Dutch Republic on International Labour Migration, c. 1550-1850* (Aksant 2007).

Haarlem, which are analysed in the context of longer traditions of policing the poor, and finally turn to the punishments and possible explanations for the developments in prosecution.

The construction of vagrancy: a prosecution tool box

Religious, humanist, literary and legal texts and visual arts shaped the socio-cultural category of the vagrant.[19] Since the thirteenth century, mendicant orders and other church authorities produced moral texts on poverty, which discourses echoed in urban bylaws.[20] From the early sixteenth century, this tradition was complemented by a fascination with a criminal underworld of vagabonds, which flourished in popular texts, originating especially from German regions, such as Sebastian Brandt's *Das Narrenschif* (1494) or the *Liber Vagatorum* (c.1510).[21] The Middle Dutch *Der fielen, rabauwen, oft der schalcken vocabulaer*, printed in Antwerp in 1563, listed no less than twenty-five types of false beggars and vagrants, each with their own special deceit, and reflected on the causes leading people astray and becoming a vagrant (see Figure 3).[22]

Collectively these texts created a debate and influenced governing elites and at least the literate parts of the population in their distrust towards poor strangers. They endowed the itinerant poor with the dangerous potential of bringing the social body out of balance and making it ill, in a moral and physical sense – by spreading diseases.[23] Urban bylaws and ordinances reflected such a perception of social decay and worsening of poverty. Cities feared a further breakdown of charitable organisations, leading to social unrest.[24] Furthermore, the use of mobility to renegotiate labour conditions (looking beyond one's place of residence for employment or sources of income) was considered immoral.[25] Vagrants were thus not only opposite of the true or deserving poor, but generally of good Christians and of civic urban norms.[26]

19 Boele, *Leden van één lichaam*, 267-271; Bronislaw Geremek, *Het Kaïnsteken: het beeld van armen en vagebonden in de Europese literatuur van de 15e tot de 17e eeuw* (Anthos 1992).

20 Sharon A. Farmer, *Surviving Poverty in Medieval Paris: Gender, Ideology, and the Daily Lives of the Poor* (Cornell University Press 2005) 39-73; Neslihan Senoçak, *The Poor and the Perfect: The Rise of Learning in the Franciscan Order, 1209-1310* (Cornell University Press 2012) 6.

21 Beier, *Masterless Men*, 5-9, 112, on 'Pedlar's French' see 125; *Liber Vagatorum: Der Betler Orden* (Pforzheim 1510).

22 *Der Fielen, Rabauwen, oft der Schalcken Vocabulaer* (Antwerp, 1563 [DBNL edition, 2016]).

23 Boele, *Leden van één lichaam*, 254-258.

24 Lex Heerma van Voss and Marco H.D. van Leeuwen, 'Charity in the Dutch Republic: An Introduction', *Continuity and Change* 27:2 (2012) 191-192.

25 Lis and Soly, *Worthy Efforts*, 427, 435.

26 Boele, *Leden van één lichaam*, 266-276. A fear of a fluidity of social identity was more generally prevalent in attitudes towards the poor. Farmer, *Surviving Poverty*, 63-66.

Der fielen, Ra=
bauwen, oft der Schalcken Vocabulaer, ooc de beuepfde manieren der bedeleeren oft bedelerffen, daer menich mēfche deur bedrogen woit, woit hier geleert, op dat hem elck daer voo2 wachten mach, ē is feer nut ende p2ofijtelijck om lefen voo2 alle menfchen.

Ghed2uct Thantwerpen by Jan de Laet in die Rape. Anno. M. D. l2iij.

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Figure 3. Title page of *Der fielen, rabauwen, oft der schalcken vocabulaer.* Published in Antwerp in 1563.

A stereotypical characterisation of the vagrant emerged, namely that he or she had no long-term residence, was poor, able to work but unemployed and therefore often relied immorally on alms, wandered in both city and countryside, and often behaved in a disorderly manner, even criminally. Many different kinds of people could be categorised under this stereotype. Many people in the lower socio-economic layers of society risked being labelled as such at some point in their lives, such as when they tried to move to a different city or were in between jobs. Or, for instance, when they were banished from cities for being unable to pay imposed fines for misdemeanours.[27]

Yet, much of the historiography has taken over the bias inherent in the sources and implicitly accepted this highly negative perception of the itinerant poor.[28] Even historians who have investigated policies with great interest and care, such as Jason Coy, do to some extent reproduce the bias by not very empathetically referring to them as a 'flood of penniless outsiders' and 'wretched people' who 'refused to stay gone'.[29] Only a few scholars have noted that the category of vagrant was employed to prosecute what was in practice a highly heterogeneous group.[30] As Jan Lucassen and others have argued, migrant and seasonal labour forces were integral to both the urban and rural workforce and made substantial contributions to local economies.[31] Thus, for the late medieval period, the vagueness of the 'vagrant category' was a means to negotiate the reality of a highly mobile society.

The category of vagabond was thus highly flexible, and looking at the variety in prosecution policies, urban courts deliberately used that flexibility. Policies on itinerant poor could be employed in different ways to deliver a political message emphasising community cohesion and moral unity at the expense of a deviant other. This performance of guardianship over the urban community was centred around what we may call a polyvalent use of fear. The fear of a rise in crime and immoral people could be reduced by the fear induced by aggressive and theatrical punishments. The ritual display of suffering gave the punishment a disciplining function: making others too scared to risk the same fate. This preventative function was at times explicitly

27 Beier, *Masterless Men*, 9.

28 Geremek, *Les marginaux*, 6-10; Fernand Vanhemelryck, *Marginalen in de geschiedenis: over beulen, joden, hoeren, zigeuners en andere zondebokken* (Davidsfonds 2004).

29 Coy, *Strangers and Misfits*, 31, 51.

30 See especially Anne Winter, '"Vagrancy" as an Adaptive Strategy: The Duchy of Brabant, 1767-1776', *International Review of Social History* 49:2 (2004) 249-277. DOI: https://doi.org/10.1017/S0020859004001518.

31 Lucassen, 'Eternal Vagrants'; Jan Lucassen, *Migrant Labour in Europe 1600-1900* (Croom Helm 1986); Bas van Bavel, 'Rural Wage Labour in the Sixteenth-Century Low Countries: An Assessment of the Importance and Nature of Wage Labour in the Countryside of Holland, Guelders and Flanders', *Continuity and Change* 21 (2005): 37-72. DOI: https://doi.org/10.1017/S0268416005005631. See also Miri Rubin, *Cities of Strangers: Making Lives in Medieval Europe* (Cambridge University Press 2020). DOI: https://doi.org/10.1017/9781108666510; Kuijpers, *Migrantenstad*.

noted in the verdicts. It was central in one well-known tract, *Boeventucht* by Dirck Volkertsz. Coornhert (1522-1590), who argued that vagrants had no fear of dying.[32] Further, the number of women publicly convicted for vagrancy, at least before the 1570s, is strikingly low: authorities were clearly more concerned about itinerant poor men.[33]

The punishments, to which I return in more detail at the end of this article, appear to confirm stereotypes about cruel and bloodthirsty medieval justice. However, this view has been conclusively revised among specialists, who have emphasized the rather careful and strategic use of violence in punishments – and in society at large.[34] It is therefore important to emphasize the exceptionality of such aggressive persecutions in the context of a Netherlandish urban legal tradition that was mainly focused on seeking financial redemption in various ways. The latter could be imbued with ritual and political gestures, such as penal pilgrimages, donations for city walls, or asking forgiveness at the town hall, but rarely involved physical violence.[35]

In sum, the construction of vagrancy in texts and policies simultaneously solidified the idea that itinerant poor were problematic and threatening to communities. Policy towards vagrants was a type of epistemic violence: prosecutions made the threat appear more urgent and made the existence of vagrancy more real, just as contemporary debates on immigrants and refugees in the Netherlands collapse a highly heterogeneous group into one entity, which some political parties vilify, inciting protests and even attacks by local Dutch communities. In a somewhat similar way, late medieval urban authorities, negotiating a highly mobile society, could develop or carve out a sort of prosecution toolbox, with their own policies and decisions on who and when to prosecute, and how.

32   Dirck Volckertszoon Coornhert, *Boeventucht*, ed. Arie-Jan Gelderblom et al. (Dick Coutinho 1985) 50, 70-75.

33   Only a handful women were convicted, and in Gouda they received more lenient punishments. This is in contrast to Coy's findings on Ulm, where no less than 43 per cent of convicted vagrants were female, and Anne Winter's data on eighteenth-century Brabant (20 per cent), and more in general with high female participation in crime in early modern Holland. Coy, *Strangers and Misfits*, 47; Winter, 'Vagrancy', 261; Manon van der Heijden, *Misdadige vrouwen. Criminaliteit en rechtspraak in Holland 1600-1800* (Prometheus – Bert Bakker 2014). Two women were persecuted in Deventer: SAD, LFP, fols 52v, 65v, and in Gouda: SAMH, 177, fols. 29r, 40r.

34   Hannah Skoda, *Medieval Violence: Physical Brutality in Northern France, 1270 – 1330* (Oxford University Press 2013); Guy Geltner, *Flogging Others: Corporal Punishment and Cultural Identity from Antiquity to the Present* (Amsterdam University Press 2014); Trevor Dean, *Crime and Justice in Late Medieval Italy* (Cambridge University Press 2007). DOI: https://doi.org/10.1017/CBO9780511496455; Dirk A. Berents, 'Galg en rad; "wrede straffen" in laat-middeleeuws Utrecht', in: H. Diederiks and Herman Roodenburg (eds.), *Misdaad, zoen en straf. Aspekten van de middeleeuwse strafrechtgeschiedenis in de Nederlanden* (Verloren 1991) 85-101.

35   Frans Camphuijsen, *Scripting Justice in Late Medieval Europe: Legal Practice and Communication in the Law Courts of Utrecht, York and Paris* (Amsterdam University Press 2022); Jan van Herwaarden, *Opgelegde bedevaarten* (Van Gorcum 1978).

Deventer and Kampen: itinerant thieves

Let us first turn to the earliest examples, to analyse a moment when that toolbox was in development and vagrancy was not yet firmly established as a legal category for prosecution. The policing of itinerant poor can be found in two Hansa trade towns in the eastern Netherlands. Kampen's miscellaneous city register, the *Digestum Vetus* (see Figure 1), covers the period 1454-1473. It contains confessions of twenty itinerant thieves, their misdeeds were recorded in extensive lists.[36] In Deventer, a register called the *Book of the Lost Sons* (*Liber filiorum perdicionis*, see Figure 4) contained, among descriptions of verbal and physical assault and other transgressions such as adultery committed within the city, 76 itinerant thieves who were prosecuted between 1474 and 1551 – on average seven per decade.[37] All but three of these thieves were sentenced to death. In addition, a register of imprisonments, redemptions and fugitives called the *Oorvedenboek* noted occasional arrests for illegal begging and many misdeeds committed by people who, judging by their names, were poor immigrants. Yet, since we cannot be sure, these are not included in the overview (see Table 1).[38]

Preceding the legal category of *vagabond*, the aldermen of Deventer and Kampen created in the fifteenth century a specific category of criminal, namely the regionally operating recidivist thief. These 94 men and three women committed a total of almost 1500 thefts, when counted per item type. Court clerks commonly noted the type of object, owner, city or region, and often its value and specific place of theft (see Table 2). After 1500, on average less thefts per suspect were documented: precision thus decreased. Since the offenders sometimes stole several of the same things at once (such as three bedsheets, four tin plates or five cows), the total loot comprised several thousand objects. These details give valuable information about this group of people, who were often highly mobile and travelled across the Low Countries and Rhine area.

But before we turn to those data, the judicial recordkeeping in Deventer and Kampen in itself merits some reflection. The number of thefts listed per criminal and the level of detail on the stolen items in the confessions are exceptional. For example, Utrecht's fifteenth-century criminal records do not contain anything similar, nor do those extant from Leiden, Gouda or Haarlem.[39] Putting aside issues of lost records elsewhere: why did these authorities in Deventer and Kampen record such detailed confessions? It was found important, I think, to justify the fact that the urban magistrates went
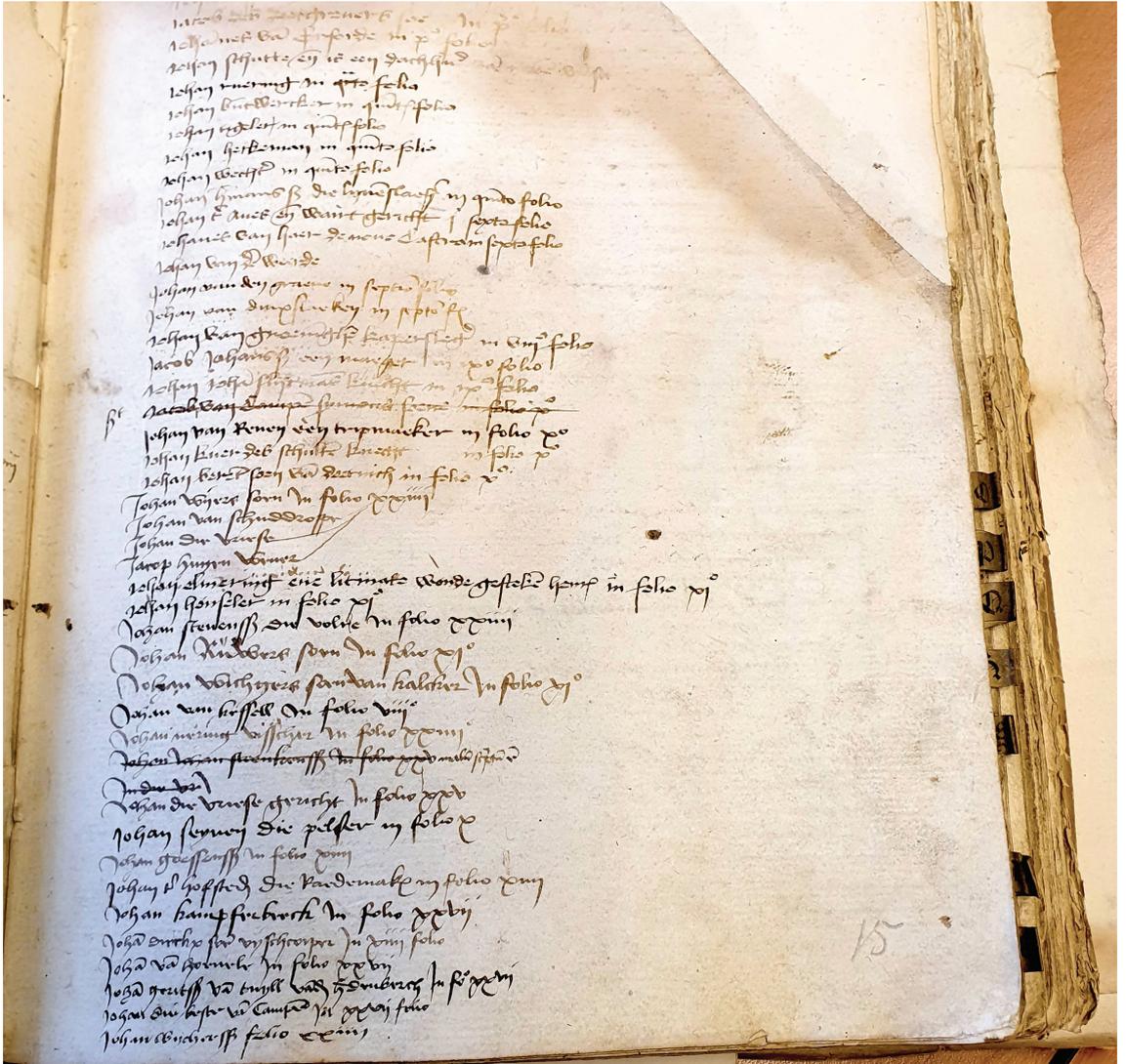
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36 SAK, DV.

37 SAD, LFP.

38 SAD, ID 0722, 48b (Oorvedenboek).

39 Theft comprised 5.9 per cent in late medieval Utrecht's records, and less than 1 per cent

concerned illegal begging. Dick A. Berents, *Misdaad in de middeleeuwen. Een onderzoek naar de criminaliteit in het laat-middeleeuwse Utrecht* (Walburg Pers 1980) 82-89.

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Figure 4. Medieval index (with side tabs) in the *Liber filiorum perdicionis*. Photo made by author. © Stadsarchief Deventer.

Period	Kampen: itinerant thieves	Deventer: itinerant thieves	Gouda: vagrant/beggars and itinerant thieves	Haarlem: vagrant/ beggars	Haarlem: thieves and robbers (all)[40]
1450-1459	5	5	1	0	6
1460-1469	5	5	0	0	3
1470-1479	11	12	0	0	2
1480-1489	-	10	0	0	8
1490-1499	-	7	1	0	32
1500-1509	-	14	0	0	20
1510-1519	-	5	0	4	21
1520-1529	-	4	0	10	20
1530-1539	-	1	1	21	22
1540-1549	-	11	25	41	20
1550-1559	-	2	55	56	19
1560-1569	-	-	23	90	19
1570-1580	-	-	8	-	-
Total	21	76	114	222	192

Table 1. Convictions in Kampen, Deventer, Gouda and Haarlem.

Sources: SAK, *Digestum Vetus*; SAD *Liber filiorum perdicionis*; *Oorvedenboek*; SAMH, Vonnisboek I-II; Müller, *Misdaad en straf*.

far beyond their regular jurisdiction and punished people who were not inhabitants of the city, nor, or by no means exclusively, for crimes committed within the urban territory. They deemed it crucial to prove conclusively that the thief fell into the criminal category of itinerant recidivist, and therefore deserved a severe punishment.

The extra-territorial reach did apparently not create conflicts with other jurisdictions – or at least, no traces can be found in the records. This suggests a shared idea that it was better for everyone if recidivist itinerant criminals were convicted. Furthermore, financially there was little to gain from prosecuting itinerant poor. The latter also generally lacked citizenship or even inhabitant status and thus could not claim the right to be tried in a specific urban court.

Comparing the number of Deventer's cases to those in Gouda and Haarlem, they peak much earlier and slightly decrease during the later decades, when cases in Holland soared (see Table 1). This suggests that once the category of vagrant was more well-established, the elaborate and precise recording of thefts was no longer strictly necessary and dwindled. Instead, the

40 Total number of registrations of theft, fencing, robbery and 'special crimes' (*bisonder/crimineel*). No specific distinction between alien and residential thieves is made. Maarten Müller, *Misdaad en straf in een Hollandse stad: Haarlem, 1245-1615* (Verloren 2017) 144-146.

Type of stolen object	Number of recorded thefts
Clothing, fabrics & shoes	474
Money & purses	441
Utensils	211
Animals	109
Religious items & jewellery	109
Food	64
Other	53
Weapons & armour	32
Total	1493

Table 2. Stolen objects recorded in Deventer and Kampen (1450-1560).

Sources: SAK, DV; SAD, LFP.

Deventer burgomasters started focusing more on tracking down accomplices, still at large, by adding descriptions. For example, two thieves admitted to have been in company of accomplices, including 'Johan Vriese, who used to be a captain (*capteijn*), and […] Johan Hendiks, born near Leeuwarden, and who is a short fellow, with black hair and a pock's scar on his left jaw'.[41] Earlier the *Oorvedenboek* also documented the arrests of alien poor suspected (*berucht*) of crimes committed elsewhere, suggesting that regional policing and communication with other authorities were already in place.[42]

These mobile recidivist thieves had many similarities with people who were later designated as vagrants.[43] Two important clues are the objects stolen and the diversity in places where these misdeeds were committed. Concerning the stolen objects (see Table 2), only thirty per cent of the recorded thefts were coins or purses, reflecting a society where value and wealth was stored in material objects, especially clothing, tools, household items and animals.[44] There is a relatively small amount of food stolen – in fact, far more often people stole utensils such as plates or kettles.[45] The foods were not intended for immediate consumption but goods in bulk intended to be sold, such as rye to millers. Likewise, offenders sometimes wore the clothing and shoes they pilfered, but more often tried to sell them. Collectively, these items suggest that itinerants combined hawking, labour, begging and illegal activities, and, most importantly: they switched back and forth between them. They

41 SAD, LFP, fol. 80v. In Gouda the convictions of accomplices are listed one after another. The youngest of the group sometimes had to watch the punishments of his peers. See for instance SAMH, Vonnisboek 177, fol. 133r. See also Frankot, *Banishment*, 44.

42 SAD, Oorvedenboek, fols, 7r, 8r, 11r, 12r, 13v, 16r, 20v.

43 Frankot, *Banishment*, 55-57. Coy notes the same link between alien poor, thieves, arsonists, vagabonds and 'useless' people in *Strangers and Misfits*, 33-34.

44 Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Harvard University Press 2016).

45 SAD, LFP, fols. 65r., 35r, 59v, 55v, 65r, 57v, 59v; SAK, DV, fols. 38r, 45v.

thus fit in what Anne Winter concluded on eighteenth-century Brabant, and what A. L. Beier suggested for seventeenth-century England, namely that few people arrested as vagrants fit the stereotypical image of the criminally active and aimlessly wandering down-and-out.[46] They had much more fluid and heterogeneous identities.

The second clue concerns locations. The nearly 1500 thefts recorded in Kampen and Deventer were committed in over 200 different locations: towns, villages, countryside, wilderness. This high number reflects the thieves' mobility across the IJssel and Rhine valleys. Itinerant poor followed trade routes to Holland and Brabant, and within the Hansa network. Yet they commonly did not travel very quickly or very far. They were more often a few days than a few weeks away from their place of birth.[47]

To illustrate this, Map 1 shows the places visited by the four thieves who stole the most items (26, 45, 52 and 58 items respectively).[48] We cannot be sure of their exact itineraries, but the map reflects that each of them was highly mobile and had their own specific region and social networks in which they operated, and in which they knew people who helped to steal and sell wares. Regelkost preferred Holland, Henrik Noremeysz roamed the north-eastern Low Countries and Germany, and Geryt Pyr, mentioned in the introduction, was mostly active around the Sticht/Utrecht. They often visited the same towns multiple times, yet also in total covered a rather large area. Otto Zeemsmaker especially followed rivers. All itinerant thieves continuously crossed political and legal boundaries, and those between city and countryside.

Urban policies and ambitions

To interpret trends in prosecution, we can turn to regulations. Kampen's magistrates issued bylaws on strangers in taverns and guesthouses in 1478, 1493 and 1498, and several repetitions of bans on begging in and around churches.[49] Regulating the presence of itinerant poor became a more pressing issue in the later fifteenth and early sixteenth century in Deventer. The town's *Buurspraakboeken*, registers of public ordinances, reveal this development. In 1461, the aldermen prohibited foreign apprentices to roam the streets after curfew.[50] A few years later, they warned that banned people who had illicitly returned would be imprisoned[51] and in 1489 that all 'Scots' had to leave town

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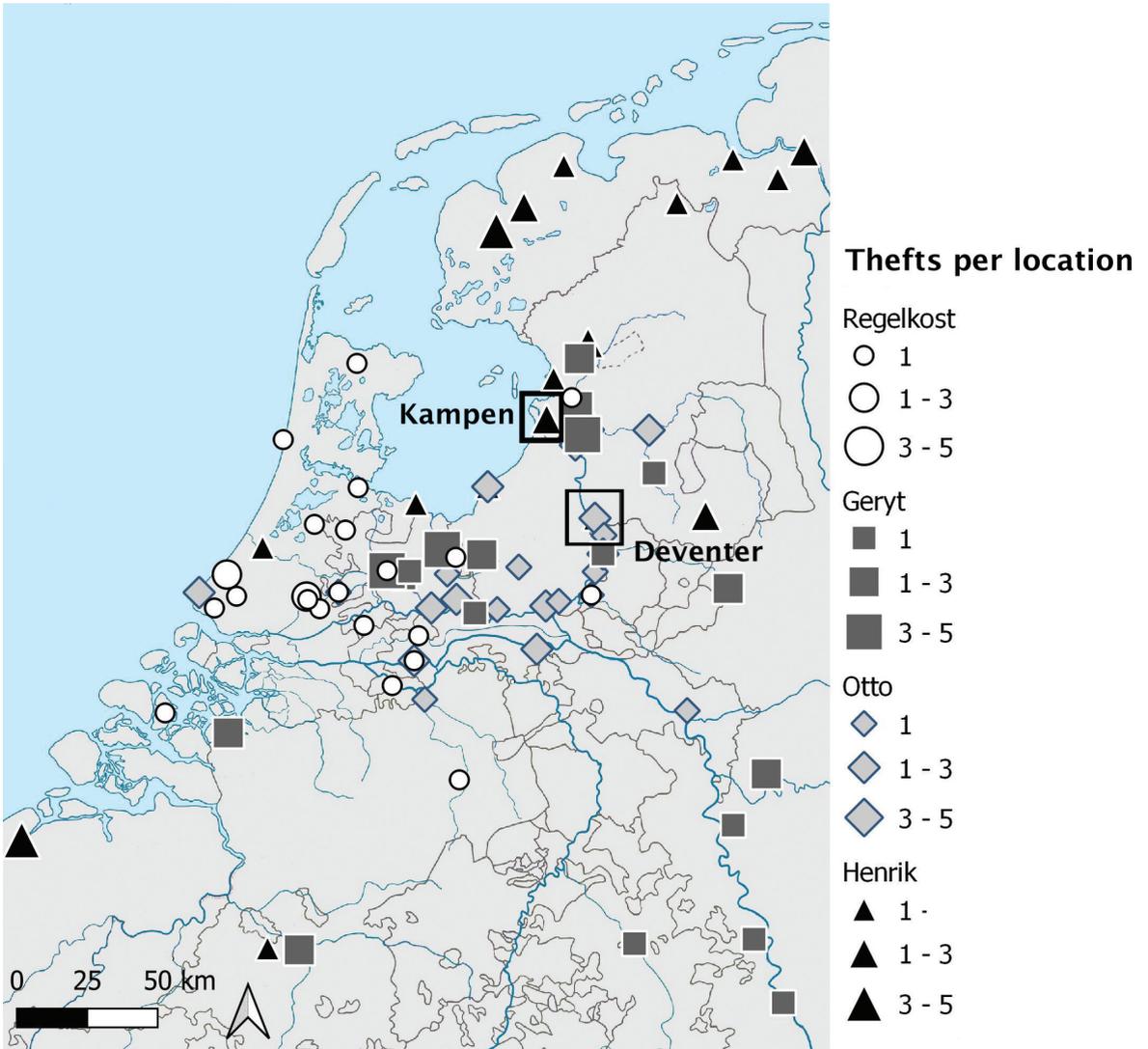46 Beier, *Masterless Men*; Winter, 'Vagrancy'.

47 Beier, *Masterless Men*, 72, estimates an average of 14-20 miles from home.

48 SAK, DV, fols. 64v, 68r-69r; SAD, LFP, fols. 52v-53v, 76v (1504).

49 Frankot, *Banishment*, 90.

50 SAD, ID 0690, 135-1, 'Buurspraakboek I', 19.

51 SAD, Buurspraakboek I, 54.

Map 1. Thefts committed by Otto Zeemsmaker (executed in Kampen in 1468), Regelkost (Kampen, 1470), Henrik Noremeysz van Tekelenburg (Deventer, 1478) and Geryt Pyr van Kampen (Deventer, 1504). Sources: SAK, DV; SAD, LFP. Map made by author.[52]

52 Base map by Sir Iain: https://commons.wikimedia.
org/wiki/File:Political_map_of_the_Low_
Countries_(1350)-NL.svg.

and were no longer welcome.[53] This was no mere threat: in the *Oorvedeboeken* we find many convictions and warrants for Scots for all kinds of violent or disorderly behaviour.[54]

After 1490, Deventer's aldermen many times proclaimed that unemployed non-residents (*vreemden*, with no further clarification who qualified as such) had to leave town, as did all foreign young men who were not enlisted under an army captain. They prohibited inhabitants to accommodate them.[55] In 1534, no one could bring any poor to the hospital without official permission by the aldermen and city council.[56] After 1500 the authorities also repeatedly banned all *licit* foreign beggars and lepers (those who had a letter of permission to stay for a day or two in a city to beg) at pain of being flogged, and urged inhabitants not to give refuge to Anabaptists.[57] There were also many repetitions of bans on breaking curfew, causing unrest, concealing one's face and identity, and wearing knives.

Concerns about food security and disease spread likely influenced attitudes towards non-residential poor. We find several restrictions in Deventer and Kampen on grain reserves and other measures against dearth. Further, anti-plague regulations pop up in Deventer for the first time in 1467, and were repeated and amended in 1483, 1507, 1511, 1516, 1520, and 1524.[58] Finally, in 1529, a procession was announced 'to avert the wrath of God'.[59] Such moral measures against the plague were common and related the physical threat of disease to moral and spiritual wellbeing, as famine and disease were ultimately considered punishments by God for an immoral society. Foreign able-bodied poor were specially thought to demoralise a community.

Thus, concerns about mobile poor intersected with other issues, most notably dearth, plague, religious conflict and outright war. Deventer was situated on the border of Guelders and the Oversticht. The latter was the domain of the bishop of Utrecht, appropriated by the Dukes of Burgundy and later the Habsburg Empire. During the first decades of the sixteenth century, Charles II, Duke of Guelders (1467-1538) started a war to preserve his independence from the Habsburg empire. In practice, the conflict (known as the *Gelderse Oorlogen*, which ended with the incorporation of Guelders into the Habsburg Empire in 1543) consisted mainly of guerrilla tactics: many small incidents, especially in the countryside and around cities, such as pillaging and arson, made the region highly tense and unsafe.[60] In sum, the practice

53 SAD, Buurspraakboek I, p. 86. Maybe this referred to all English immigrants.

54 SAD, Oorvedenboek, fols. 3v-4r, 5v, 13v, 20r-21r.

55 SAD, Buurspraakboek I, pp. 27 (1474), 53 (1489), 60, 99 (c 1490-1500), 110-11, 133, 136 (1510-1537).

56 SAD, ID 0690, 135-2: 'Buurspraakboek II', pp. 5-9.

57 SAD, Buurspraakboek I, pp.117 (1523) 121 (1530), 124-129, 133 (1537).

58 SAD, Buurspraakboek I, pp. 40, 75, 105, 113, 116, 118-119.

59 SAD, Buurspraakboek I, pp. 118.

60 Jonathan Israel, *The Dutch Republic: Its Rise, Greatness and Fall, 1477-1806* (Oxford University

of persecuting itinerant thieves in this way may have been unique to these
IJssel cities, which through prosecution actively expanded their authority.
These medium-sized towns had much interest in policing the broader region
to protect inhabitants and secure trade, which was deemed vital to the well-
being of these cities within a complex political landscape.[61]

Prosecuting vagrants in Gouda and Haarlem

Gouda's first extant collection of criminal sentences passed by the urban law
court (over which the aldermen presided) covers the period between 1447 and
1558. In this register, with about eight verdicts issued per year on average,
we see a clear development in the prosecution of itinerant poor. Before 1548,
cases are extremely rare. Only a single case of unlawful begging (a man who
went *into* a house to ask for alms) was recorded before 1500.[62] Another case
appeared in 1534. This convicted vagrant had already been punished severely
in Flanders, and in Gouda went begging 'with a healthy body' and scolded
people who refused him, 'which bad deeds cannot remain unpunished, to set
an example for many others'.[63] Between 1548 and 1552, prosecution suddenly
spiked, as Gouda's urban law court convicted in these years no less than 28
people (see Table 1). Most verdicts contained the same formulaic sentence:
offenders had been vagrants with healthy bodies and begged in villages,
cities and the countryside. Most people also confessed to a highly similar
combination of offences: vagrancy, begging, theft, and occasionally acts of
violence.

The causes for this surge in Gouda are puzzling, yet a few
coincidences stand out. First, the peak in cases of vagrancy clearly coincides
with a surge in the prosecution of theft and robbery committed by non-
residents. The latter comprised a total of 22 cases – additional to the charges
of vagrancy – between 1547 and 1558. The common term describing
their misdeeds was *dieverij*, which not only encompassed theft but also
various kinds of vandalism and social disturbance. The descriptions did
not only overlap with those of people convicted for vagrancy, but were also
highly similar to the convictions of itinerant thieves arrested in Deventer
and Kampen. Offenders were not from Gouda, and mostly confessed to
misdeeds committed *outside* that town. In many instances, it is not even
clear why and how they ended up in Gouda's law court. They may have been

Press 1998) 56-73. The bishop of Utrecht had to
concede his claim of his secular territories in 1527
to Charles v. Henk Slechte et al., *Geschiedenis van
Deventer* (Walburg Pers 2010) 348.

61 Such political ambition of Deventer to promote
safety at a regional level is also apparent by the

many ordinances on safety and travel bans issued in
these decades. See many examples in SAD, ID 0690,
Buurspraakboek, 135-1 (1459-1538).

62 SAMH, Vonnisboek 176, p. 149.

63 Ibid., p. 194.

noticed roaming in or near that city by concerned residents, or even caught while doing something unlawful or suspicious, leading to their arrest and questioning.

The increase in prosecuted vagrants coincided with (and indeed caused) a sudden rise in the use of corporal punishments and the number of death sentences in Gouda. Over the whole period, by far the most common punishments were punitive pilgrimages and fines, the latter were often expressed in stones or in donations to charitable institutions.[64] With the exception of the flogging of a thief in 1452 and one other man for an unspecified misdemeanour in 1474, Gouda's magistrates only started to use corporal punishments regularly from 1533 onwards. They executed someone for the first time in 1547.[65] The prevalence of itinerant poor in these corporal punishments was strikingly high. Of the 46 corporal punishments, 39 were for either theft or vagrancy. Of the total of 36 death sentences, 27 were levied on people noted as being born elsewhere. Gouda's magistracy, in sum, mainly used the public spectacles of corporal and capital punishment and public mutilation as a strategy to strengthen community cohesion and boundaries against a deviant *foreign* other.

These numbers of convicted vagrants in Gouda can be compared to Haarlem's sheriff's accounts (*schoutsrekeningen*). This official, a representative of the Count of Holland, noted the arrests of 222 persons for vagrancy between 1500 and 1570 (see Table 1).[66] The much higher number is explained mainly by the different nature of the source, as the administration of the sheriff reflects an earlier stage in the judiciary process – for Gouda we only have the final conviction.[67] In fact, almost 30 per cent of the persons arrested for illegal begging by Haarlem's sheriff were released without further charges.[68] In Haarlem, until 1550, convicted vagrants were mostly flogged (if they were not accused of any other crimes such as theft), and after 1550 banishment became the most common punishment. Furthermore, the number of arrested thieves (both 'foreign' and residential) in Haarlem grows and then remains stable over several decades (see Table 1).[69] Like elsewhere, thieves arrested in Haarlem were often sentenced to death or received corporal punishment.[70]

64 Death sentences occurred in 5 per cent and capital punishment in 7 per cent of the total of cases.

65 Ibid., pp. 23, 82.

66 Data published in Maarten Müller, *Misdaad en straf in een Hollandse stad: Haarlem, 1245-1615* (Verloren 2017) 149-152. He also included a second series, starting after 1589. In total, 325 persons were arrested for vagrancy between 1510 and 1600 in Haarlem.

67 Müller, *Misdaad en straf*, 47-51.

68 Ibid., 78-79. This can be compared with the data of Winter on Brabant: also here, about 20 per cent is released without further charges, and 70 per cent for misdemeanours (*kleine vergrijpen*). Winter, 'Vagrancy', 258-261.

69 Müller, *Misdaad en straf*, 144-146.

70 Ibid., 70-77, 149-152.

City versus state: the 1531 edict

Both Gouda and Haarlem experienced surges in prosecutions after the 1530s. Historians trying to explain such surges often point to the legislative intervention issued on 7 October 1531 by Emperor Charles v. In this decree, he prescribed urban authorities on how to deal with poverty, mainly by excluding itinerant poor. The edict built on existing urban policing against begging and the coordination of poor relief, and incorporated recent humanist ideas, most notably from Juan Luis Vives and his *On Assistance to the Poor* (1526).[71] Furthermore, as France and England had much longer traditions of regulating the poor at a centralised level, the edict likely reflected Charles' ambitions to have similar policies in the Low Countries. Its contents explained that mere unwillingness to work caused the rise in vagrants: poverty was essentially a moral problem. To solve it, local authorities had to undertake a range of actions, namely enforce an obligation to work, issue further restrictions on begging, centralise poor relief funds and monitor recipients, restrict mobility of the poor, and, finally, offer education for poor children.[72]

While the 1531 edict is considered influential in poor reform, historians also agree that implementation in Netherlandish cities was diverse, slow and reluctant. Few cities did fully centralise their charity collections before 1550, and even there, other forms of decentralised charity continued to exist (see Figure 5).[73] Nevertheless, in many varied ways, a combination of restrictions on begging, on the mobility of the poor, and managing funds for poor relief were widely adopted instruments. What elements local urban governments highlighted, and when they issued new measures, was adapted to their specific interests and local political constellations. In that sense, the 1531 edict gave them above all a new justification for prosecution.

Cities in the Low Countries were thus highly strategic in their use of the 1531 edict, just as they had been in adopting Burgundian princely prescriptions on begging and poor relief in the preceding decades.[74] Gouda and Haarlem are cases in point. Records from both cities explicitly referred to the 1531 edict when they convicted vagrants for begging. However, they started doing so only decades later, which can hardly be called immediate obedience. Gouda's authorities also did not issue any new poor regulations in 1531 or the following years. In fact, *regulations* to police itinerant poor had

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71 Vives, *Secours van den aermen gedrukt te Antwerpen 1533* (Valero en Zoon 1942).

72 *Groot placaetboek, vervattende de placaten, ordonnantien,ende edicten van de (…) Staten Generaal (…) en de Staten van Hollandt en West-Vrieslandt mitsgaders van de (…) Staten van Zeelandt (…)*, Volume 1 (The Hague, widow and heirs of Hillebrandt Iacobsz van Wouw 1658) 470-476. See also Spaans, *Armenzorg*, 40-43.

73 Spaans, *Armenzorg*; Boele, *leden van één lichaam*; Heerma Van Voss, 'Charity'.

74 See on these regulations Vanhemelryck, *Marginalen*, 20-23.

existed for more than a century.[75] Towards the end of the fifteenth century, policies had become stricter, as was typical across the Northern Low Countries, which was also apparent in Deventer. In 1488, every traveller wanting to ask for alms required a letter or sign (*teken*), attributed by the *Heilige Geestmeesters*, who had to assess if someone could lawfully beg. These measures continued to exist across the Low Countries, and in Gouda they were adjusted in later law codes.[76] Authorities, in short, had long developed instruments to control the movements of various people with little income.

However, when we compare these rules (existing at least since the early fifteenth century) with the spike in court convictions, there is a discrepancy in chronology. Perhaps smaller offences were not documented in the *Vonnisboeken*, but it is nevertheless strikingly present. For instance, like in fifteenth-century Deventer, Gouda's authorities sought to monitor strangers and control the length of their stay. Inhabitants were prohibited to host anyone for money 'who begs, namely vagrants, *speckhaelers*, or their wives'. The only place where such people were welcome was St. Catherine's hospital; for one night in summer and two in winter. This use of hospitals as gatekeepers against the mobile poor was common in many other Netherlandish cities as well.[77] Around 1490, to further force obedience, owners of alehouses and taverns had to report to the aldermen and burgomasters any unknown strangers staying there.[78] Presumably there was a link with military or political unrest, as the city also called all non-resident men (*vreemde knechten*) and horsemen 'who were not currently recruited under a military captain' to leave the city immediately.[79] Besides Gouda's burgomasters and the sheriff and his servants, many other agents were thus endowed with a duty to police their community: gatekeepers, innkeepers, taverners, the *Heilige Geesthuismeesters*, the wardens of Saint Catherine's hospital, *and* all inhabitants.[80] After 1512, the city started to regularly issue more ad hoc calls for foreign poor to depart immediately, as was the case in Deventer.[81] However, this was still three decades before prosecution peaked. Finally, in 1556, so after the surge in convictions of mobile poor, the city demanded that only foreigners with 'decent certification about their repute and last place of residence' were welcome.[82] The rule that only poor

75 *Rechtsbronnen der stad Gouda*, ed. Louis M. Rollin Couquerque and Adriaan Meerkamp van Embden (The Hague 1917) 57, 65.

76 *Ibid.* 94. On begging in church only the a sign, see 167, and for a repetition of the 1488 law 202.

77 *Rechtsbronnen der stad Gouda*, 94-95. See also Janna Coomans, *Community, Urban Health and Environment in the Late Medieval Low Countries* (Cambridge University Press 2021) 254-266. DOI: https://doi.org/10.1017/9781108924344.

78 *Rechtsbronnen der stad Gouda*, 128, repeated on. 311, 335, 358.

79 *Ibid.*, 137, 148.

80 Gatekeepers had to 'ask strangers where they are from and what they want'. *Rechtsbronnen der stad Gouda*, 320.

81 *Ibid.*, 318.

82 *Ibid.*, 604.

▲

Figure 5. Group of Vagabonds painted by David Vinckboons around 1590/1608 - Slovenská národná galéria, Slovakia - Public Domain. https://www.europeana.eu/item/07101/K_6837.

people living in the city for over three years would be eligible for relief was also formalised around these years.[83] In sum, a slow build-up in stricter regulations over many decades was eventually combined with a surge in practices of prosecution.

Haarlem developed a highly similar set of policies. Since the late fourteenth century, Haarlem's magistrates restricted begging, and the *Heilige Geestmeesters* enforced these rules. In the 1520s, an administration was created of recipients of relief, who gained a status as the 'true poor' (*ware armen*) – again expressed and documented with a physical mark.[84] And as in Gouda and Deventer, the number of measures on poverty and charity increased significantly after 1490, with over sixty (!) ordinances on beggars issued between this date and 1564. After 1480, vagrancy started to appear as a reason for punishment in legal documents of practice, initially mainly as an additional charge in convictions for violence or theft.[85] In the early sixteenth century, Haarlem's government also held elaborate meetings discussing itinerant poor and studied measures taken in other cities, especially Leiden and Antwerp.[86]

Thus, considering these regulations, the similarities between cities prevail in mutations in policies, intersections of public safety and poor relief, and in policing agents. Practices of prosecution, however, show important variations in chronology. Gouda's urban authorities suddenly started prosecuting many more vagrants in the late 1540s, while in Haarlem they did so in the 1560s and 1590s. In that sense, a sort of threshold seems to have been passed during the first half of the sixteenth century, which led to periods of intensive local prosecution. At the same time, it is hard to pinpoint a specific cause. This difficulty is reflected in current historiography: scholars usually only refer to general contextual elements such as economic recession and political or religious conflict.[87]

These factors were certainly at play for the cases studied here. For Haarlem, prior to religious conflicts preceding the Dutch revolt sparked a well-known influx of migrants from the Southern Low Countries from the 1550s onwards, which may be one of the reasons why arrests for vagrancy surged.[88] Another potential factor were grain shortages. The rise in cases from the late 1540s in Gouda may be explained by both an increase of people forced to beg in the countryside, and by growing concerns about social unrest related to dearth. The years 1554-1557 especially saw an enormous surge

83 *Ibid.*, 604.

84 Boele, *Leden van één lichaam*, 258.

85 Müller, *Misdaad en straf*, 76-77.

86 Boele, *Leden van één lichaam*, 258.

87 See, for instance, Coy, *Strangers and Misfits*, 33.

88 Geert Janssen, *The Dutch Revolt and Catholic Exile in Reformation Europe* (Cambridge University Press

2014) 3; Gustaaf Janssens, '"Verjaagd uit Nederland": Zuidnederlandse emigratie in de zestiende eeuw. Een historiografisch overzicht (ca. 1968-1994)', *Nederlands Archief voor Kerkgeschiedenis* 75:1 (1995) 102-119.

in grain prices across the Low Countries, indeed all over Europe.[89] Major actions were undertaken to protect grain reserves in Gouda and other cities in Holland.[90] The rise in the 1560s in Haarlem could also be related to surging grain prices.[91] Furthermore, 1557 and 1558 were years with known plague epidemics in several cities in Holland, including Haarlem.[92] Finally, a highly detailed analysis of, for instance, council minutes in several cities might reveal a stronger hierarchy in factors, and give more insight into which ones were more influential than others. However, as the sources used here rarely make explicit links between factors, they obstruct us from moving beyond a more general correlation.

Besides 'external' factors and crises, local urban political strategies and the ambitions of urban governments also should be considered. After the installation of Charles v as Habsburg Emperor in 1519, many cities in the Low Countries worried about the preservation of their urban privileges. The new emperor sought to centralise power and homogenise legislation across his Netherlandish territories. This resulted in a continuous political tug of war with local city governments, pertaining for instance to financial contributions or the acknowledgement of privileges. Sometimes city authorities also outright refused to obey new orders.[93]

Deviance and punishment

Individuals categorised as vagrant criminals felt the very real consequences of passing that threshold of prosecution. Punishments were far more aggressive than one would assume from reviewing the mentioned regulations.

Authorities were driving home a message of deviance in every possible way. This message was lodged in, first, the narrative of conviction and the

89 Daniel Curtis et al., 'Low Countries', in: Cormac Ó Gráda and Guido Alfani (eds.), *Famine in European History* (Cambridge University Press 2017) 119-140; Van Zanden, 'Wages', 182-186.

90 Jessica Dijkman, 'Coping with Scarcity: A Comparison of Dearth Policies in Three Regions in Northwestern Europe in the Fifteenth and Sixteenth Centuries', *TSEG — Low Countries Journal of Social and Economic History* 14:3 (2017) 12, 20. DOI: https://doi.org/10.18352/tseg2017.3.dijk.

91 Müller, *Misdaad en straf*, 77-79.

92 Gouda also experienced epidemics in 1573 and 1574. Leo Noordegraaf and Gerrit Valk, *De gave Gods: de pest in Holland vanaf de late middeleeuwen* (Octavo 1988) 226-231.

93 Slechte, *Geschiedenis van Deventer*, 348-406; Paul Abels, *Duizend jaar Gouda: een stadsgeschiedenis* (Verloren 2002) 89-92. That dynamic, as well as on an inter-urban scale such as between urban elites and crafts' collectives, has a much longer history, especially in Flanders and Brabant. See for example Marc Boone, *Gent en de Bourgondische hertogen ca. 1384-ca. 1453* (AWLSK 1990); Jan Dumolyn, *Staatsvorming en vorstelijke ambtenaren in het graafschap Vlaanderen (1419-1477)* (Garant 2003); Jelle Haemers, *For the Common Good: State Power and Urban Revolts in the Reign of Mary of Burgundy (1477-1482)* (Brepols 2009).

details recorded, and, second, in the spectacle of the punishment. A stacking of misdeeds justified the death sentence and proved the offenders' detachment from Christian society. For instance, Heynrick Jansz. confessed in 1549 before Gouda's court multiple thefts, arson, and that he begged with a dagger hidden beneath his arm in the countryside. The verdict also added that he raped two young girls and an older woman, and that it had been over two years since he last attended mass.[94] This man was to be led to a scaffold next to the town hall where he would be decapitated. Afterwards his body would be exhibited outside the city placed on a wheel, his head on a stake, with a (miniature?) gallows above it, and a coal pot filled with straw below – a symbolic reference to arson. The stacking of different misdeeds in a few cases included accusations of sodomy or bestiality. For example, two men from Flanders were strangled and burned by Gouda's court for illegal begging, robberies, and because they performed 'deeds against nature […] which are indecent to name'.[95] Similarly, Deventer recorded several cases of bestiality by cattle thieves, who were also burned.[96]

Regarding punishment, the itinerant thieves prosecuted in Deventer and Kampen were commonly decapitated and sometimes displayed on a wheel at the gallows. Yet Gouda especially seems to have further explored rituals and theatrics around punishment. The (in comparison) mild sentence of being locked in prison with water and bread, as suggested by the 1531 edict, was hardly ever given. Instead, in Gouda vagrants and itinerant thieves were subjected to flogging[97], standing on the pillory[98], and permanent mutilation by gouging out eyes[99], splitting noses[100], piercing tongues (for cursing)[101], and cutting off hands.[102] After 1550, another custom appeared in Gouda of flogging and branding shoulders while the convict had to stay on the scaffold with a noose around his neck.[103] Finally, while imprisonment and coerced labour has been a major point of scholarly attention for the early modern period, in the period studied here this aspect was not central in the punishment of vagrancy.[104] One exception is a group of seven vagrants

94 SAMH, Vonnisboek 176, p. 234.

95 SAMH, Vonnisboek 176, p. 253.

96 One of them, Boessen Wysschink, had confessed to have stolen multiple items, and a heifer, which he had 'known carnally' (*vleselick bekant heft*). SAD, LFP, fol. 94r. See another case on fol. 91r (1519) and for Kampen Frankot, *Banishment*, 36. See on bestiality also Joyce E. Salisbury, *The Beast Within: Animals in the Middle Ages* (Routledge 2010) 61-80 and on sodomy Jonas Roelens, *Citizens & Sodomites. Perception and Persecution of Sodomy in the Southern Low Countries (1400-1700)* (unpublished PhD Dissertation, Ghent University, 2018).

97 See for instance SAMH, Vonnisboek 176, pp. 225, 232, 262, 277; nr. 177, fols. 2r. 32v.

98 Ibid., p. 226, 286.

99 Ibid., p. 244.

100 SAMH, Vonnisboek 176, pp. 194, 229, 233, 239, 240, 242, 245, 262.

101 SAMH, Vonnisboek 176, pp. 245, 256, 265; nr. 177, fols. 11r-v, 29r-v.

102 SAMH, Vonnisboek 176, p. 256. Two other men were also displayed with a coal pot below their severed heads for arson. SAMH, Vonnisboek 176, p. 311.

103 SAMH, Vonnisboek 177, fols. 3v, 10r-v, 12r.

104 See Cyrille Fijnaut and Pieter Spierenburg (eds.), *Scherp toezicht. Van 'Boeventucht' tot 'Samenleving*

arrested in Gouda for begging, who had to work for eight days 'on the burned church here in the city as a public work' before they were banished.[105]

To sum up, the magistrates used penal practices to communicate norms and political claims to the wider population and to assert authority. Most importantly, they had a wide range of options at their disposal.[106] What penal tools urban courts used to discipline itinerant poor and how theatrical these were differed considerably per place and time.[107] There was, in short, no general logic or force that pressured them to use certain punishments once they had acquired the right to levy high justice. By contrast, in sixteenth-century Ulm, Germany, the prosecution of alien poor also increased dramatically after 1550, but the urban authorities remained much more reluctant in using corporal and capital punishments other than banishment.[108]

Conclusion

This article has explored the variety in responses of urban communities in the Northern Low Countries to itinerant poor during the fifteenth and sixteenth centuries. Town governments asserted authority and community cohesion amidst ongoing regional political and religious tensions, mitigating the fear of social destabilisation by persecuting what they presented as a vilified poor 'other'. The forceful rejection by urban authorities of the itinerant lifestyle likely reflected anxieties inhabitants harboured towards mobile poor. Between 1450 and 1550 poor policies were often adapted and expressed a concern for the functioning of poor relief in relation to the threat of poor outsiders. While it remains difficult to identify specific causes for trends in prosecution, this article has argued that a combination of external factors (war, conflict, dearth, disease, economic recession) *and* the socio-political motivations of urban authorities were at play, and could lead to regionally very different outcomes. Cities were not necessarily forced to act in a certain way; they themselves took initiative. Practices of prosecuting vagrants did not only vary chronologically and per city, but also diverged from policies prescribed in urban bylaws and

en criminaliteit' (Gouda Quint 1990) 11-30; Pieter Spierenburg, *The Spectacle of Suffering. Execution and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge University Press 1984); Maarten Prak, 'The Carrot and the Stick: Social Control and Poor Relief in the Dutch Republic, Sixteenth to Eighteenth Centuries', in: Lars Berisch (ed.), *Institutionen, Instrumente und Akteure sozialer Kontrolle Und Disziplinierung im frühneuzeitlichen Europa* (Klostermann 1999) 149-166.

105 SAMH, Vonnisboek, 176, 277.

106 Frankot, *Banishment*, 36, 44.

107 In comparison with sixteenth-century Augsburg and Ulm, punishments were less theatrical in fifteenth-century Kampen. Frankot, *Banishment*, 83-84.

108 333 of the total of 404 convicted vagrants were banished. Coy, *Strangers and Misfits*, 40-48.

royal decrees. This demonstrates that regulations were used variably and strategically. Finally, in the course of this process, we see the complex making of vagrancy as a social and legal category, with a major impact on the attitudes towards itinerant poor and on the latter's lives.

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