Regulating Urban Migration and Relief Entitlements in Eighteenth-Century Brabant

Anne Winter

Poor relief was essentially a local affair in early modern Europe. Every parish, village or city organized and financed its own relief provisions, permeated by the general principle that each local community should look after its own poor. Yet determining who belonged to the ‘own poor’ was no straightforward affair in a world characterized by increasing spatial mobility and growing relief burdens – developments that were tied in with the spread of wage dependency throughout early modern Europe. The spread of wage dependency made poor relief ever more vital as a means to overcome periods of unemployment or to complement low wages.¹ At the same time, it also generated growing levels of labour mobility, as more and more unemployed or underemployed had to look elsewhere to find a job.² The combination of pressured but localized relief resources with increasing mobility fostered growing contention over the costs and gains of migration in towns and villages. The ensuing tensions were particularly pertinent in early modern cities, because the latter had a disproportionately large share of their inhabitants and economy dependent on wage labour, generally harboured a denser and more varied array of relief institutions than the surrounding countryside, and recorded comparatively high migration and turnover rates.

According to De Swaan, the localized basis of relief provisions was a fundamental weakness that jeopardized both the stability and efficiency of premodern poor relief. Because places with relatively generous relief provisions attracted poor immigrants – especially in periods of crisis – local relief funds were repeatedly ‘eaten away’ by outsiders. The result was that early modern poor relief was haunted by a geographical free-rider problem that could only be surmounted with the

¹ Olwen Hufton, The Poor of Eighteenth-Century France (Oxford, 1974), p. 20; Catharina Lis and Hugo Soly, Poverty and Capitalism in Pre-Industrial Europe (Brighton, 1979), passim.
² Leslie Page Moch, Moving Europeans: Migration in Western Europe since 1650, 2nd ed. (Bloomington & Indianapolis, 2003), pp. 3-4, passim.
introduction of regional and eventually national social provisions. Yet, urban authorities were no passive onlookers. Many studies have evoked how urban authorities sought to safeguard local relief provisions by refusing entry to destitute immigrants, by barring non-locals from relief access, or by forcefully removing alien ‘beggars’ and ‘vagrants’. Unfortunately, the definition of ‘unwanted’ newcomers is often treated as self-evident in these cases, while the contradictions and effectiveness of restrictive migration policies are rarely addressed. This contribution, in contrast, starts from the contention that the criteria for branding certain migrants as ‘unwanted’ were extremely vague and malleable. They were subject to varied interpretations and potentially conflicting interests. A poor worker might for instance be considered unwelcome by those competing for or contributing to relief provisions, but valued as a cheap labour supply by local employers. In addition, scholars like Lis, Soly and Van Leeuwen have stressed that poor relief was not necessarily or merely a charitable institution, but that relief policies were often manipulated by employer and elite interests to sustain a labour reserve army, to subsidize wages, and/or to maintain social stability. Refusing immigrants entry or access to relief could however frustrate employers’ attempts to enlarge the local labour supply or jeopardise social stability. The implication is that restrictive migration or relief policies could at times run into conflict with this ‘logic of charity’.

So far, the varied and potentially conflicting nature of concerns regarding migrants’ relief entitlements has been insufficiently recognized. Nor has it been given the centrality it deserves in the analysis of early modern urban migration policies. As a consequence, our understanding of the

---

5 Although Jean-Pierre Gutton concedes that he feels ‘uncomfortable to find a convenient boundary’ to distinguish migrant workers from ‘real vagrants’: Jean-Pierre Gutton, *L'état et la mendicité dans la première moitié du XVIIIe siècle. Auvergne, Beaufolais, Forez, Lyonnais* (Lyon, 1973), p. 188.
why and how of the varied policy options towards newcomers and their relief claims remains cloudy at best. Those studies that do address the interrelationship of local migration and relief access policies, have focused mainly on the Settlement Laws of England and Wales – which I believe were not so much an exception than a specific case of a more general, shared and recognizable set of concerns, interests and conflicts that shaped the contours of local migration policies, and in particular urban migration policies, throughout early modern Europe. This chapter will build upon the insights of these studies to examine the causes and consequences of urban policies towards migrants and their relief entitlements in relation to conflicts over the distribution of the associated costs and gains. When, how, why and by whom were certain immigrants given relief, others merely tolerated, and others forcefully expelled? And to what extent did these policies allow urban authorities to overcome the geographical free-rider problem identified by de Swaan?

Although the empirical focus of this chapter is on the Duchy of Brabant in the eighteenth century, the historiographical and conceptual framework guiding the analysis lends a broader relevance to the case study. I will argue that migration policies were the outcome not only of specific social and economic contexts, but also of conflicts and power relations between different interest groups, and were constantly adapted in order to deal with problems in their enforcement. The paradoxes and conflicts of interests identified as governing local migration policies in eighteenth-century Brabantine cities, offer insights that are relevant to other early modern urban settings as well. To develop the argument, I will first discuss some of the conceptual assumptions underlying the analysis based on existing literature, and then sketch the historical background to the case study, before engaging in a discussion of the empirical materials.


9 This point is developed explicitly in Winter, ‘Caught’.
Conflicting Interests and Varied Outcomes

Central to the argument developed in this chapter is the contention that the ways in which newcomers and their potential relief claims were dealt with, in early modern cities as much as in present-day society, was an inherently contentious matter, shaped by conflicts of interests and power relationships. In theory, employers had an interest in stimulating immigration with an eye to putting pressure on wages. Relief payers, from their part, had an interest in avoiding immigration to keep relief expenses in check. In practice, however, the interests of employers and relief payers vis-à-vis immigration varied according to the profile of newcomers. The arrival of elderly, disabled, child-burdened or other vulnerable households likely to be in acute need of relief was likely to alarm those concerned about local relief provisions, but it did comparatively little to rouse the spirits of employers seeking to expand their labour supply. The immigration of young, single, and trained workers, in contrast, was generally more valuable for employers and comparatively less daunting from the perspective of relief payers.¹⁰

The outcome of these opposing interests was therefore often a compromise in the form of a selective migration policy and/or a selective relief policy. Selective migration policies were at play when urban authorities accepted or even welcomed the influx of productive or valuable newcomers, while trying to repel migrants with comparatively high relief needs. A typical example is the attempts of the magistrate of fourteenth- and fifteenth-century Bruges to attract wealthy merchants and skilled artisans by granting them special privileges, while expelling needy or unruly vagrants whose presence was deemed ‘harmful to the town and the community’.¹¹ Selective relief policies aimed to exclude (recent) newcomers from relief schemes, for instance by making access to them conditional on certain residential criteria (such as three or ten years of residence), work-related requirements (e.g. membership of a guild), birthplace, or other criteria of local belonging. We find examples of this in the stipulation that Jewish newcomers in Frisian cities were excluded from public relief provisions, in the requirement to have been resident for number of years in order to

¹⁰ For a further discussion, see Anne Winter, Divided Interests, Divided Migrants. The Rationales of Policies Regarding Labour Mobility in Western Europe, c. 1550-1914 (GEHN Working Paper no. 15, London, 2005).
have access to the Hospital of Saint Sixtus in late sixteenth-century Rome, or in the fact that resident aliens lost their right to stay in sixteenth-century Ulm when they appealed to the communal chest.\textsuperscript{12}

While selective migration and relief policies can best be understood as the outcome of conflicting interests in favour of and against immigration, the degree of selectivity remained a bone of contention between the stakeholders involved. The main reason is that differentiation between productive and unproductive workers was never straightforward: even young, healthy workers could be in need of assistance in case of illness, accidents, or family expansion, while workers with families could also be useful to employers. Especially in tight labour markets, employers therefore had a stake in removing as many barriers to immigration as possible. To the extent that poor relief functioned as a wage subsidy, moreover, employers had reasons to ensure that their workers enjoyed access to relief provisions. These endeavours sometimes brought them into direct conflict with relief administrators, who aimed to restrict the number of relief recipients. In the booming port town of seventeenth-century Amsterdam, for instance, powerful employer groups successfully avoided the introduction of any selective relief policies out of concern that these would hinder the immigration ‘of all types of workmen and sailing people (…) the wheat is mixed with the chaff and we leave the cleansing to the harvest’s Lord.’\textsuperscript{13} Likewise, textile manufacturers in eighteenth-century Leiden complained that existing migration restrictions with regard to ‘unproductive’ migrants were limiting the influx of useful workers.\textsuperscript{14} Silk tycoons in eighteenth-century Lyons, in contrast, battled with royal authorities to reserve the city hospitals for local silk workers in temporary unemployment rather than having to accept the riff-raff of useless vagrants arrested by the Maréchaussée.\textsuperscript{15}

\begin{footnotesize}
\begin{enumerate}
  \item Ibid., p. 152.
\end{enumerate}
\end{footnotesize}
policies advocated by employers could therefore range from tolerant to restrictive. Their influence on actual policies in turn depended on the power relations with other parties concerned, from local relief administrators to central authorities. On the whole, migration and relief policies were therefore often more liberal when labour demand and employment rates were on the rise, and more stringent in economic downturns.\footnote{Leeuwen, ‘Amsterdam’, pp. 150-53; Mary Lindemann, Patriots and Paupers: Hamburg, 1712-1830 (Oxford, 1990), pp. 49-65.}

At the same time, many intricacies hindered the practicability of selective migration and relief policies. Purely economic or financial considerations were at times overruled or supplemented by political concerns for societal stability, or by religious, cultural or sanitary considerations.\footnote{Winter, Divided Interests, pp. 7-18.} Even when a compromise was struck between the various interest groups and stakeholders involved, control and enforcement of selective regulations were no simple matter in a time of limited police control, inadequate administrative means, and a varied array of decentralized and semi-autonomous relief institutions. National or regional legislation could further limit the autonomy of urban authorities to devise migration policies at their own discretion. Reciprocal relations with other local authorities – for instance migrants’ places of origin – could also limit their room for manoeuvre. Depending on the economic and political context, the power relationships involved, and the profiles of migrants in question, then, there were many possible policy outcomes. These outcomes tell us something about the nature and strength of the different interests involved. Analyzing them helps to deepen our understanding of the politically contentious context within which early modern urban migrations took place. By exploring policies and conflicts pertaining to urban migration in Brabant during the second half of the eighteenth century, this chapter aims to trace the limits and possibilities of selective migration and relief policies in practice, and to gauge their impact on the lives and decisions of urban migrants.

**Cities and Relief in Eighteenth-Century Brabant**

The Duchy of Brabant was one of the provinces of the Southern Low Countries, which for most of...
the eighteenth century were part of the Austrian Habsburg domains. Made up more or less of today’s provinces of Antwerp, Flemish Brabant and Walloon Brabant, it was one of the core provinces of the Austrian Netherlands, both in political and economic terms. While some central institutions existed at the ‘national’ level and Austrian interference was on the rise in the second half of the century, the provinces of the Southern Low Countries enjoyed a large degree of regional autonomy, with separate legal systems and their own judicial and political councils. Although Brabant had had a strong urban tradition since the late Middle Ages, the first half of the eighteenth century was a phase of urban decline in both absolute and relative terms, with many urban industries dwindling in the face of declining domestic demand, heightened protectionism in neighbouring countries, and increased imports. During the second half of the century, however, cities started to grow again in numbers – although in relative terms urban growth was still surpassed by an even greater expansion of the rural population.\(^{18}\)

The underlying basis of this re-urbanization process of the second half of the eighteenth century has been identified with an increased demand for non-agricultural goods and services by urban and rural elites, driven by an agrarian upswing and the proliferation of commercial networks, which helps to explain why most growth was concentrated in small and middle-sized market towns.\(^{19}\) For the poorer sections of the Duchy’s population, however, the eighteenth century was a period of impoverishment and increasing vulnerability, as proletarianization joined demographic growth to marginalize rural livelihoods.\(^{20}\) Urban growth was therefore a story of both push and pull. While net flows from the countryside to towns had come to a virtual standstill and were even reversed during Brabant’s urban crisis of the first half of the century, growing numbers of rural

---


\(^{20}\) Lis and Soly, *Poverty and Capitalism*, pp. 188ff.
inhabitants again started to migrate to towns and cities after 1750.\textsuperscript{21}

The growing intensity of urban immigration in a period of proletarian impoverishment in turn placed urban concerns over the relief entitlements of newcomers high on the agenda. Poor relief in Brabantine cities was in the hands of a varied assortment of clerical, private and secular institutions, subject to a greater or lesser extent of centralization or supervision by urban authorities. The latter were endowed with a legal and moral duty to relieve their ‘own poor’ by means of the parochial resources of the Tables of the Holy Spirit if no other assistance was available. Both private and public relief institutions generally had access to steady revenues from independent capital bases derived from legacies and bequests, and traditionally enjoyed a large degree of self-sufficiency.\textsuperscript{22} As growing impoverishment increased overall pressure on relief provisions in the course of the eighteenth century, however, many charitable institutes were confronted with growing financial deficits, especially in cities. As a result, subsidies by local or central authorities, ultimately derived from taxes, came to play a greater role in the financing of urban relief institutions, raising the awareness of the ‘poverty problem’ among elites and middle classes.\textsuperscript{23}

Urban authorities in eighteenth-century Brabant did not have complete discretion when dealing with migrants’ entitlements. There was a fairly consistent case law in the Duchy that went back to a ducal decree of 1618 fixing relief entitlements in the place of birth, and transferring them to the place of residence after three years of stay. According to the same decree, married women followed the settlement of their husbands, and children that of their father.\textsuperscript{24} The logical complement was that every pauper had a ‘settlement’, i.e. the place where he or she could/should turn to for assistance. This responsibility of local communities towards the maintenance of their

\begin{itemize}
\item \textsuperscript{21} Klep, Bevolking, p. 63.
\item \textsuperscript{22} Paul Bonenfant, Le problème du pauperisme en Belgique à la fin de l'ancien régime (Bruxelles, 1934), pp. 153-248.
\item \textsuperscript{24} Bonenfant, Le problème, pp. 116-17; Remi Albert du Laury, La jurisprudence des Pays-Bas autrichiens établie par les arrets du Grand Conseil, de sa Majesté Imperiale et Apostolique, resident en la ville de Malines, auxquels sont ajoutés quelques decrets portés au Conseil privé de Sadite Majesté (2 vols, Bruxelles, 1761), vol. 1, pp. 286-9.
\end{itemize}
‘own poor’ was acknowledged by law and sometimes enforced in court.\textsuperscript{25} While legal provisions stipulated that migrants were to be removed to their settlement if they became chargeable, fragmentary local evidence demonstrates that out-resident relief sometimes functioned as an alternative for removal: instead of being sent back, some migrant paupers received relief from their place of settlement while living elsewhere.\textsuperscript{26} Decisions over migrants’ relief entitlements therefore had repercussions for at least two local communities, that of residence and of origin. Both could, and increasingly did, challenge each other in court over their respective relief responsibilities towards migrants. Simple as the 1618 decree may seem at first sight, it left ample room for discussion, interpretation, negotiation, and adaptation.\textsuperscript{27} This chapter will explore how urban authorities used this room to deal with mounting challenges of growing immigration and rising relief expenses in the second half of the eighteenth century.

Searching for empirical evidence on urban policies towards immigrants and their entitlements in eighteenth-century Brabant is not straightforward. So far, three main bodies of sources have been explored. Legal sources, such as local and regional rulings and decrees, provide a first perspective on the prescriptive dimension of migration policies. Yet these sources often tell us little about implementation in practice, and give very few indications on underlying motives and expectations. The second main body of sources explored consists of judicial sources relating to disputes and litigation over relief entitlements. While they are better suited to shed light on underlying motives and conflicts of interest, they reveal only a tip of the iceberg. Formal litigation was slow and costly: many discussions and negotiations must have taken place in a more informal manner. Thirdly, administrative sources emanating from both local authorities and relief institutions yield valuable information on the more informal ways in which migrants’ relief entitlements were dealt with in practice: assembly notes sometimes give elaborate accounts of policy problems and

\textsuperscript{25} See Winter, ‘Caught’, pp. 144-6.
\textsuperscript{26} Selective evidence of out-resident practices can be found for instance in A. Verhalle, Peilingen naar armoede en armenzorg in het Brugse Vrije van 1770 tot 1789 (Ma Thesis, Katholieke Universiteit Leuven, 1964), pp. 68-9, 205 and in the archives of the Openbaar Centrum voor Algemeen Welzijn te Antwerpen (OCMWA), Kamer van Huisarmen (KHI), 872.
\textsuperscript{27} Particularly intricate interpretation problems for instance arose in the case of living-in servants, soldiers, widows, foundlings, repeated moves, and so on: Archives Générales du Royaume (AGR), Conseil Privé Autrichien (CPA), Cartons, 1285/B. See also: Bonenfant, Le problème, pp. 126-34.
objectives, extant letters can lay bare the intricate bargaining processes which sometimes took place between place of origin and of residence, while pauper distribution lists can tell us more about who was helped by whom.

Because opportunities for systematic research into these often fragmentary sources are limited and in any case far beyond the possibilities of an individual researcher, my explorations so far have been guided mainly by prior familiarity with certain archival funds and by the degree of detail in existing inventories. Although the harvest has therefore been disparate and uneven, the collected materials yield important insights into some of the dynamics, interests and conflicts underlying urban migration regulation in eighteenth-century Brabant. These can be grouped under three main headings, which correspond to the three main strategies or instruments employed by urban authorities to deal with the challenges of growing immigration levels and increasing pressures on relief resources: local immigration laws, inter-parish agreements, and campaigning for comprehensive reform.

**Local Immigration Laws and the Warranty System**

One of the most obvious and ubiquitous responses by local authorities to deal with migration and its associated challenges consisted of devising new legislation or reinforcing existing regulations on the modalities of immigration and settlement. Local immigration laws proclaimed between the 1740s and 1780s in both large and small settlements, often sanctioned by royal consent, were very similar in content and form. Their main thrust was to make an immigrant’s possibility to settle down conditional upon providing a financial security towards the parochial relief institutions. This warranty was generally fixed at 150 guilders, which was the equivalent of more than 200 days’ wages of an unskilled labourer. The sum was not necessarily required in cash from the immigrants themselves. In practice it was often guaranteed by their parish of origin by means of an *acte de

---

28 See for instance Rijksarchief te Leuven (RAL), Kerkarchief Brabant (KA Brabant), 2.492; 23.307; 23.954; 33.947; 34.438; Rijksarchief te Antwerpen (RAA), Kwartier van Arkel, 53, fols 8-10. E. Scholliers, ‘Prijzen en lonen te Antwerpen en in het Antwerpse (16e-19e eeuw)’, in C. Verlinden (ed.), *Dokumenten voor de geschiedenis van prijzen en lonen in Vlaanderen en Brabant, vol. 2* (Bruges, 1965), pp. 660-1045, cites 13 stivers (20 stivers in one guilder) as the average day wage for an unskilled mason’s helper in the 1750s and 1760s.
garant or borgbrief (‘surety letter’). This was a document issued by the poor relief administrators of a particular parish, by which they acknowledged responsibility for the bearer’s relief and pledged to reserve the required sum on the parish funds to that effect. The practice can be traced back at least to the seventeenth century, but became increasingly common in the eighteenth century.

By requiring newcomers to provide a borgbrief, local authorities tried to avoid potential relief responsibilities towards immigrants in the future: borgbrieven overruled the three-year residence rule, and in principle ensured that the bearers remained at the charge of their parish of origin if they ever needed assistance. Financial warranties and borgbrieven – equivalents to which were also in use in England and Holland – were clearly developed by local authorities as a bottom-up device to deal with the paradox of growing spatial mobility and localized relief resources. Their prominence in local legislation confirms that migrants’ relief entitlements were a crucial consideration in local migration policies in this period. These were in turn often assisted by measures targeted directly at monitoring immigration, like surveillance at the city gates, control over landlords and inns, and the demolition of pauper dwellings.

Yet in practice the warranty system had many defects. First of all, it required stringent control mechanisms to ensure that all new residents provided a surety or borgbrief: if newcomers without a warranty succeeded in settling down unnoticed, they became chargeable to their new place of residence after three years. Secondly, because local authorities were never obliged to

---


30 As in the case of English certificates, the origins of the practice of demanding borgbrieven can be traced to the late medieval practice of demanding securities or warranties from newcomers whose reputation or means were unknown to local authorities: Philip Styles, ‘The Evolution of the Law of Settlement’, *University of Birmingham Historical Journal* 9/1 (1963): pp. 34-43. See also: Winter, ‘Caught’, pp. 144-5.


33 Hence fraudulent practices could arise whereby out-parish relief was given secretly to sojourners long enough to have them acquire a new settlement. Cf. RAA, Kwartier van Arkel, 53, fols 8-9: ‘For example, when a village notices that one of their residents is likely to soon become chargeable, it often happens that this village tries to send out this resident to another village, where it provides him secretly with some relief from time to time, with which he can live quietly, until the three years necessary to acquire a new settlement have elapsed, after which he is abandoned, and left to the charge of his new place of residence.’
provide their emigrants with *borgbrieven*, important social and regional differences existed as to their frequency and use. Although it is impossible to establish the social profile of *borgbrief* holders in the absence of any systematic research into the matter, they probably consisted – as in England – of a relatively ‘employable’ subset of migrants: risking the future liabilities which the issuing of a *borgbrief* entailed, made little sense in the case of particularly vulnerable and poor migrants who were unlikely to find a job elsewhere.\(^{34}\) Furthermore, the many collections of warranties in the local archives of what is now the province of Antwerp attest to their frequent use in northern parts of the Duchy,\(^{35}\) while in the south they appear to have been less common.\(^{36}\) Indications of the use of immigration policies cum warranty systems in the eighteenth century were found for most of the major cities in the northern half of Brabant, like Antwerp, Turnhout, Lier, and Mechelen, but so far not for their southern counterparts like Brussels or Leuven. In addition, while villages south of Mechelen often required *borgbrieven* from newcomers at the time of their arrival, in the Campine area they appear to have demanded them only if and when sojourners married and established a household.\(^{37}\)

These differences in local practice could cause serious inconveniences. The joint village officers of the *kwartier* of Arkel to the south of Antwerp, for instance, pleaded in 1776 for the abolition of warranties because the lack of enforceability and uniformity in the issuing of *borgbrieven* had led to ‘much confusion and costly litigation’: some towns and villages had stopped providing them, while other authorities still requested them from newcomers. The lifelong – and even intergenerational – responsibilities which *borgbrieven* implied, they explained, had made many local authorities increasingly reluctant to provide them. The cities of Antwerp, Mechelen and


\(^{35}\) Virtually all municipal and church archives in today’s province of Antwerp hold relatively large collections of (mostly incoming) certificates. See the series *Oud Gemeentearchief* and *Oud Kerkarchief* in RAA and the many source publications by H. Delvaux in the genealogical journal *De Vlaamse Stam* in the 1970s.

\(^{36}\) Or in any case very differently archived: certificates are only very sporadically found in the communal and church archives of present-day Brabant and the Brussels region. See for rare instances: RAL, KA Brabant, 24.672; 23.666; 23.100; 25.899; 26.859; 28.085; 30.678.

\(^{37}\) RAA, Oud Gemeentearchief Arendonk, 4280. The certificates kept in these archives often explicitly refer to the occasion of marriage, and often state responsibility for half of the possible relief costs incurred by the couple’s future children, and sometimes one quarter of the costs of their future grandchildren. See for example RAA, Oud Gemeentearchief Arendonk, 4555.
Lier had by then abolished them altogether. This had resulted in an uncertificated group of paupers being ‘transported from one village to the next without support or mercy’, who ‘have nothing to expect but death by hunger.’ It was probably no coincidence that the largest cities in the region had turned their backs on the warranty system. While providing borgbrieven to their own emigrants created important future liabilities, the ‘return’ was less easily realized: for obvious reasons, controlling newcomers was more difficult in large cities than in villages.

Next to issues of control and enforcement, other problems could complicate the restrictive objectives of urban immigration laws of the period. While such policies helped to reduce future relief expenses, they could frustrate the interests of urban employers: given that warranties were not always readily obtainable, requiring newcomers to provide one could hinder the influx of immigrant labour. Several high-rank judicial officers of the Austrian Netherlands pleaded against the use of warranties in the second half of the eighteenth century exactly because they represented a barrier to labour mobility, and therefore harmed the interests of commerce and agriculture. In other words, the warranty system implied a trade-off between economizing on relief expenses on the one hand and enlarging the local labour supply on the other hand, and could therefore generate conflicts of interests between relief administrators and employers at the local level. This is illustrated by a petition to the central authorities by three employers from the small town of Vilvoorde, who in 1767 requested an exception to the new migration regulations issued by the town council a few months earlier. These regulations required, in line with other local immigration laws of the time, all ‘foreigners’ to provide a warranty of 150 guilders to the Table of Holy Spirit. The three employers – a tanner, cloth dyer, and manager of a sawmill – argued that these new regulations ‘hindered them in the choice of their workers’. They requested that their workers be exempt from the requirements, and allowed ‘to work freely in their enterprises as before.’ Initially turned down, the request

---

38 RAA, Kwartier van Arkel, 53, fols 1-10.
39 Similar considerations were also relevant in the observed decline in the use of certificates in England and Holland after mid-century: Ethel M. Hampson, ‘Settlement and Removal in Cambridgeshire, 1662-1834’, Cambridge Historical Journal 2/3 (1928): p. 286; Leeuwen, ‘Amsterdam’, p. 150; Snell, Parish and Belonging, p. 99.
40 AGR, CPA, Cartons, 1283: Avis des fiscaux du Grand Conseil 05/08/1750. See also Bonenfant, Le problème, pp. 118 n. 2, 124.
eventually succeeded in securing exceptions from the warranty rule for the tannery workers. To defend their decision, the central authorities agreed that ‘a strict interpretation of the ordinance could (...) hinder Buchet (the tannery owner, AW) in the choice of his workers’: given ‘the acclaimed utility (of the tannery, AW) for the Low Countries, we think that these considerations which pertain to the public good, have priority over the particular well-being of a Table of the Poor.’

The Vilvoorde request is exceptional in that local disputes over migration policies were seldom played out in such an explicit and formal matter. At the same time it is illustrative of how strong employer interests could clash with those primarily concerned about relief expenses. While employers rarely undertook formal petitions to this effect, more informal ways of lobbying probably hindered an indiscriminate enforcement of immigration restrictions, or in any case mitigated the stringency with which they could be put into practice.

Restrictive migration policies and warranty practices, then, were probably the commonest normative response of both village and town authorities to the menace of increasing relief responsibilities towards destitute newcomers in eighteenth-century Brabant, much as in England and Holland. Yet several problems limited the usefulness of these policies in practice, especially in large cities. Varying local practices, a growing reluctance to provide warranties, and limited means of policing and administrative control a priori prohibited any general enforcement of entry conditions, while employer interests could strive actively or passively to mitigate their restrictive aims in practice.

**Inter-Parish Agreements, Negotiations and Conflicts**

As an alternative to individual warranties, which were sometimes difficult to enforce, inter-parish negotiations offered more comprehensive scope for settling some of the intricacies of migrants’ relief entitlements. From the eighteenth century onwards, local authorities in the Austrian Netherlands increasingly concluded bilateral or multilateral agreements on migrants’ relief entitlements with other local authorities, which in fact amounted to establishing collective

---

41 AGR, CPA, Registres des consultes, 458, fol. 150.
warranties. The ‘Concordat of Ypres’ (1750), for example, represented a voluntary agreement between different West-Flemish cities and villages to employ birthplace as the sole criterion for determining a person’s settlement, rather than the three-years’ residence clause provided for in national legislation. A similar arrangement was later established, and nationally sanctioned, in the Waasland region in the east of the County of Flanders. The advocates of the birthplace criterion argued that it would simplify the confusion and litigation arising from settlement disputes, and would prevent fraudulent practices whereby migrants were secretly subsidized by their place of origin long enough for them to acquire a new settlement.

Local authorities did not necessarily adhere to one sole definition of settlement in their inter-parish relationships. On the contrary, several appear to have maintained different types of settlement arrangements with distinct local authorities. The city of Antwerp, for instance, concluded separate agreements with the town of Lier (1760) and the village of Gierle (1770) to use the birthplace criterion in their reciprocal settlement arrangements, while it endorsed the three-years-residence criterion in a bilateral agreement with the town of Turnhout (1770), and agreed with the suburban village of Ekeren in 1778 that mutual costs for sojourners would be relieved on a fifty-fifty basis. That the varying nature of these bilateral agreements was based mainly on ad-hoc cost-benefit calculations may be illustrated by an internal memo from the 1730s concerning the settlement arrangements to be followed in relation to the French city of Lille: here, the Antwerp overseers advised the city to endorse the principle of residence rather than that of birth, as they estimated that there were considerably more Antwerp-born living in Lille than Lille-born living in

43 Recueil des ordonnances des Pays-Bas Autrichiens (ROPBA), série 3, IX, pp. 72-4. The ways in which the move towards multilateral settlement agreements in these rural areas was also tied in with transformations in the agricultural labour market, is a subject that I will be exploring together with Thijs Lambrecht of the University of Ghent in future publications. On the failed attempt to establish such an agreement in the Campine region, see Coppens, ‘Een arme eend’, pp. 160-75.
44 See note 33.
It is difficult to establish how widespread such bilateral and multilateral arrangements were, but they were probably rather the exception than the norm. They were likely to be established only between communities engaged in a relatively intense exchange of population, as the administrative effort engaged in setting up and maintaining the agreement was considerable. Most of the agreements found were indeed either between major urban centres, such as Antwerp, Mechelen, Turnhout, and Lier, or between a city and its rural hinterland, as was the case for instance in Antwerp and Turnhout. While intense correspondence over individual cases demonstrates that the enforcement of these agreements was not always straightforward, they nevertheless appear to have instilled sufficient sense of obligation and trust to support the development of out-resident relief practices from at least the 1760s onwards, with people living in one place, but receiving their relief from another.

Inter-parish agreements over settlement had many advantages over the warranty system, especially for cities. They also protected local relief provisions from encroachments by newcomers, but they did not require individual control measures. In fact, by establishing clarity over relief responsibilities, these agreements generally removed or mitigated the need for entry control, especially when relief entitlements remained fixed in one’s birthplace. Stimulating labour mobility was indeed one of the objectives explicitly mentioned by the supporters of the ‘Concordat of Ypres’ in Flanders, which guaranteed absolute freedom of movement between municipalities endorsing the birthplace criterion. Obviously, propagating the birthplace criterion had evident advantages for urban authorities. It allowed immigration to take place without having to bear the associated relief costs. But as much as the birthplace criterion favoured cities where immigrants outnumbered emigrants, it was to the disadvantage of communities with migration deficits: the latter remained

---

46 OCMWA, KH, 866, fol. 108.
47 For Turnhout’s ‘perpetual warranty’ agreement with the surrounding countryside, see Nooyens, ‘De borgbrieven’, pp. 143, n.6.
48 Evidence of out-resident practices in Antwerp in OCMWA, KH 872.
49 AGR, CPA, Cartons, 1283: Avis des conseillers-fiscaux du Grand Conseil, 5/08/1750; Request of the Brugse Vrije to the Empress, 16/05/1757; Letter of the Council of Flanders to the Conseil Privé, 1/10/1757.
liable for the relief costs of long-absent residents. Hence opportunities for urban free-riding in this respect were limited by the consensual nature of inter-parish agreements: if parties felt that they were systematically disadvantaged by a given arrangement, they simply pulled out.\textsuperscript{50} While inter-parish agreements provided better ways for urban authorities to deal with migrants’ relief entitlements than unilateral migration restrictions, then, their consensual basis rendered them too fragile an instrument to systematically shift migrants’ relief costs to other communities.

Neither the existence of legal stipulations and warranties nor the development of bilateral agreements was robust enough to prevent evasions of relief responsibilities. There are several indications that parishes resorted to unlawful removals of pauper migrants by force or intimidation, without reference to legal rules or agreements. It is difficult to assess the scale on which either lawful or unlawful removals took place. The cases eventually brought to court are likely to have been only the tip of the iceberg. Yet in qualitative terms they appear to have been targeted mainly at the most vulnerable groups of migrants, like pregnant or widowed women, whose (potential) relief requirements were deemed particularly costly. Thus ‘under the threat of beatings’ local officers pressured 44-year old Elisabeth Van Dijk into leaving the town of Herentals in 1742. At the time of her expulsion, she had lived in Herentals for sixteen years and had recently lost her husband. She was driven out around the same time as 27-year old Elisabeth Bodenberghs, recently widowed and eight months pregnant – in the words of the Herentals authorities ‘urgently time to remove her so that the future child would not become chargeable to the town’ – and 42-year old Maria Lembrecht, who could think of no other reason for her removal than ‘that her husband (...) had recently died and had left her with a child.’\textsuperscript{51} We know about these cases because the authorities of the women’s place of origin, the village of Geel, took the case to court – but not all paupers were able to rally this kind of support. Other evidence of removals can sometimes be found in local correspondence or

\textsuperscript{50} As happened with the concordat of Ypres: cracks in the multilateral arrangements emerged by the 1770s when a number of communities petitioned for the right to pull out from the arrangements and place themselves again under the general residence-rule. Requests to pull out from the arrangement were invariably granted, so that by the 1780s most of the convention had evaporated: ROPBA, série 3, XI, p. 123; AGR, CPA, Cartons, 1284/A, Actes concernant la mendicité en Flandres, 1776.

\textsuperscript{51} Rijksarchief te Anderlecht, Raad van Brabant, Procesdossiers Steden, 712.
accounts, as when we encounter a detailed invoice of the costs incurred by the urban wagoner to transport insane Maria Anna Marloy from Mechelen to Antwerp in a cart. Yet many removals probably went unrecorded, as suggested by the – admittedly dramatic – outcry of the kwartier of Arkel quoted above on the existence of an uncertificated group of paupers being ‘transported from one village to the next’. These observations echo the fate of paupers who were the subject of informal and unlawful removals on the other side of the Channel, and are a powerful reminder that the normative guidelines and provisions are only part of the story.

**Lobbying for Comprehensive Legal Reform**

The observed limitations of the settlement system as it existed in late eighteenth-century Brabant formed the background to a campaign for more comprehensive legal reform in the domain of settlement legislation, in which the city of Antwerp took the lead. As inter-parish agreements had proved too weak as a basis on which to establish the birthplace criterion, the city magistrate hoped that an obligatory law at the central or provincial level could establish what inter-parish agreements had failed to do. In the course of the second half of the eighteenth century, the town council repeatedly requested the regional and central authorities to install the birthplace as the only lawful place of settlement. Their official line of argumentation was one of juridical and administrative simplicity. They maintained that the birthplace criterion would put an end to the confusion, conflict and costly litigation occasioned by the ambiguity of existing settlement legislation: ‘That by adopting the right of birth (...) one prevents a great number of difficulties, because birth is certain and therefore not subject to long examinations and intricate arguments. Residence, in contrast, depends on several facts which are often very difficult to prove.’ Yet as in the case of the bilateral agreements discussed earlier, cost-benefit considerations were an important if not crucial factor. For a city like Antwerp, which attracted more migrants than it sent out, the birthplace rule was the

---

52 OCMWA, KH, 866, fol. 115.
53 RAA, Kwartier van Arkel, 53, fols 1-10. See above, note 38.
55 AGR, CPA, Cartons, 1284/A, Mémoire contenant les raisons démonstratives ..., 18/06/1779.
The easiest way to safeguard urban charitable provisions from ‘foreigners who flock here from all over the place, due to the liberty beggars enjoy to run from one city to the other (...) to settle down with their children in the place where charity is most abundant.’

The Antwerp authorities’ repeated requests to install the birthplace rule as the one and only criterion for relief access were, however, systematically blocked by higher authorities, who argued that existing legislation was sufficiently clear and that the three-year residence criterion was well-established by Brabantine case law. The main governmental council moreover considered Antwerp’s proposal at odds with ‘humanity and reason’. In this, it followed the argument of the Grand Conseil de Malines, the highest judicial authority of the Austrian Netherlands, which declared that it would be a sign of ‘inhumanity to chase away a citizen who succumbed to poverty, often in his old age, from the place where he would have contributed many years towards local taxes and levies, and where he would have earned the pity and kindness of his fellow citizens, to send him and his misery away to his place of birth where no-one would know him.’ In other words, when a migrant had given the best of his years in a particular place, it was only just that he be relieved by that local community if and when he fell on hard times.

After repeated failed attempts to have the birthplace rule adopted by law, the Antwerp authorities subsequently resorted to their second-best strategy. In 1779 the city magistrate gained royal approval for an extensive immigration monitoring scheme. This was based on a very strict interpretation of existing legislation and enabling the expulsion of all immigrants who did not carry a warranty. A memo on the first page of the ‘residence-book’ initiated in the same year, illustrates the main objective of these measures. It recorded a whole list of humble occupations from button makers to diamond mill turners who ‘were not to be accepted for residence’. Nor were ‘all persons coming here with a family and with insufficient means of subsistence, or who in the least case of

56 AGR, CPA, Cartons, 1284/A, Letter of Warnot in name of the Antwerp Magistrate, 18/06/1779.
57 AGR, CPA, Consultes, 475, fols 218-29.
58 AGR, CPA, Cartons, 1283, Letter of the Grand Conseil de Malines, 09/10/1750; 1284/A, Letter of the conseiller-fiscal of Brabant, 12/07/1779; Consultes, 475, fols. 218-29.
59 AGR, CPA, Cartons, 1284/A, Letter of Caylen in name of the Antwerp Magistrate, 31/12/1780; Extrait du protocole, 20/01/1781; Interpretatie van de ordonnantie van den 30 october 1779.
illness, misfortune, or idleness are to become chargeable to the poor.\footnote{Stadsarchief Antwerpen (SAA), Vierschaar, V177.}

Failing to have the birthplace criterion installed, the city authorities thus opted for a reinforcement of traditional restrictive migration policies against families with children and other poverty-prone newcomers. It is telling in this respect that the (often temporary) immigration of young, fit and single migrants – the largest group of newcomers in this period – does not appear to have met much opposition.\footnote{On the characteristics of Antwerp’s immigration patterns in the second half of the eighteenth century, see Anne Winter, \textit{Migrants and Urban Change: Newcomers to Antwerp, 1760-1860} (London, 2009), pp. 79-85.} Yet, as before, this strategy of selective immigration quickly ran up against its limits. Already in 1781 the Antwerp magistrate complained about the many problems faced in their efforts to ‘get rid of poor strangers’. This had resulted in situations in which they had no choice but to give them some relief. After all, they observed, ‘they are still humans, and for as long as they are under our eyes, we cannot let them perish.’\footnote{AGR, CPA, Cartons, 1284/A, \textit{Letter of Cuylen in name of the Antwerp Magistrate}, 31/12/1781. Similar laments and complaints are reiterated in later years: AGR, CPA, Cartons, 1283, \textit{Memorie of the Antwerp Magistrate}, 14/05/1783.} Although much of this is rhetoric, their laments do illustrate how consistent attempts to restrict migrants’ relief entitlements in times of great need could clash with the minimal moral responsibilities necessary to maintain social stability. Yet however gloomy the picture they drew, Antwerp’s repeated requests for having the birthplace criterion installed, continued to be rejected by the central authorities.\footnote{AGR, CPA, Cartons, 1283, \textit{Suppression de la mendicité à Anvers}.} Further legislative activity in the domain of settlement legislation had to await the discontinuities of the French Revolution.\footnote{Bonenfant, \textit{Le problème}, pp. 249-556; Winter, ‘Caught’, pp. 148-9.}

The main goal of Antwerp’s migration policy in this period – both in its campaign for the birthplace rule and subsequently in its reinforcement of selective entry conditions – was the protection of its local relief resources. It is interesting to note that there are no signs of employer protest against Antwerp’s renewal of restrictive immigration policies like there were for instance in Vilvoorde. On the contrary, while employer influence in domains of social policy was manifestly large in late eighteenth-century Antwerp, they did not make use of this political power to oppose
restrictive migration policies.65 This can be explained by the city’s specific pattern of labour market segmentation: due to unenviable working conditions and a lack of skill, very few migrants worked in the production of lace and textiles.66 Yet these were the city’s most important export industries and the lucrative domain par excellence of its most powerful tycoons.67 The virtual absence of migrants in their trades, then, explains why these entrepreneurs took little interest in opposing immigration restrictions, but instead concentrated their efforts on augmenting the supply of cheap, skilled and disciplined child and female labour from the ranks of the impoverished Antwerp population and on mobilising relief as wage subsidies.68

While the Vilvoorde request discussed earlier illustrated the potential conflict of interest between employers wanting to remove barriers to immigration and relief administrators aiming to protect local relief provisions, the Antwerp example alerts us to the fact that employers could in certain situations have an interest in restricting immigration and migrant relief entitlements too – as in the case of eighteenth-century Lyon referred to in the beginning of this chapter. The Vilvoorde/Antwerp contrast therefore highlights the importance of contextualising local labour markets in order to adequately interpret migration policies and the associated interests of stakeholders. When most of their workers were immigrants, as in port towns relying on a large supply and turnover of relatively unskilled labour, employers had reasons to lobby against entry and relief restrictions for newcomers. Yet in situations where they employed mainly local-born workers, as in proto-industrial textile industries requiring a steady supply of relatively skilled labour, employers could have strong incentives to reserve relief provisions for their own, local, workers – especially when relief provisions functioned as de facto wage subsidies as in the cases of

65 On the influence of employer interests on Antwerp’s relief policies in this period: Lis, ‘Sociale politiek’, pp. 152-160.  
66 While no less than 32 percent of Antwerp-born men and 70 percent of Antwerp-born women were engaged in the lace and textile industries, the respective proportions among their immigrant counterparts were only 11 and 24 percent. Migrants’ comparative avoidance of these trades appears to have been attributable both to a lack of necessary skills and to the unenviable working conditions in these sectors, where children, women and elderly were paid pittances for long working hours. The implication was that migrants were relatively unimportant as a source of labour supply to local textile entrepreneurs: although migrants made up around 27 percent of Antwerp’s total active population, they supplied only 10 percent of the workforce engaged in the production of textiles and lace: Winter, Migrants, pp. 79-85.  
eighteenth-century Antwerp and Lyon.

Conclusions

The question of migrants’ relief entitlements was a crucial concern of urban migration policies in eighteenth-century Brabant. While the specificities of national and regional settlement legislation no doubt constituted an important mediating factor, I believe that the associated interests and tensions were common to all early modern urban contexts facing high immigration levels in a time of growing pressure on localized relief provisions. Underlying these tensions was an uneven distribution of the (collective) costs and (private) gains of immigration, and a trade-off between economizing on local relief expenses and increasing the local labour supply, which often pitted the interests relief administrators against those of employers.

The range of immigration policy instruments identified and explored for eighteenth-century Brabantine cities is illustrative of the policy options available to other cities confronted with similar challenges – and their respective limits. Selective relief policies, aimed at excluding newcomers from access to local relief provisions, could only be practised up to a point that moral or political concerns for social stability dictated that pauper migrants ‘cannot be left to perish’ – as the Antwerp authorities emphatically expressed it. Selective migration policies, aimed at preventing the entry of unwanted or costly newcomers, were in turn particularly difficult to enforce in large cities, as they required an intensive monitoring of immigrants with only limited administrative and coercive means, and could clash with pro-immigration employer interests as in the Vilvoorde case. Hence, attempts to restrict newcomers and/or their relief entitlements could run counter to a ‘logic of charity’ in which labour market regulation and the maintenance of social stability were also important functions of poor relief provisions. The Antwerp case, where local employers were happy to go along with heightened immigration restrictions, reminds us that this ‘logic of charity’ could at the same time vary considerably according to the structure of local labour markets.

The Brabant material offers revealing examples of how urban authorities tried to overcome these deficiencies, conflicts and paradoxes by means of inter-parish negotiations and agreements.
This attests to local dynamism in trying to devise new solutions to old problems. Yet the consensual nature of bilateral or multilateral agreements could not prevent attempts to bend or circumvent the rules, nor the materialization of conflicts within and between local communities, which multiplied as the stakes and concerns associated with migrants’ entitlements increased in the course of the eighteenth century. Together with the observation that the Antwerp authorities eventually resorted to lobbying for national reform, the observed limits of both bilateral bargaining and unilateral discretion lends support to De Swaan’s argument that the contradictions between localized relief provisions and geographical mobility could eventually be overcome only by ‘national’ initiatives.

Yet while national action may well have provided the only structural solution to the observed problems and paradoxes, this does not mean that cities were passive victims of De Swaan’s geographical free-rider problem. Within the limits set by their means of enforcement, cities were engaged in permanent attempts to regulate immigration flows as well as newcomers’ relief entitlements in accordance with shifting power relations between urban interest groups. Although the degree of success of the various policy responses explored was limited and uneven, the economically most vulnerable migrants were probably among those most likely to suffer their negative effects. The memo to the Antwerp ‘residence book’ as well as the studied court cases all indicate that the selective measures in place were targeted primarily at migrants in vulnerable phases of their life cycles, such as elderly people or single mothers, who were most likely to be subjected to informal evictions or formal removals. Further research is needed, however, to gain better insight into the frequency of removals, and their impact on the experiences and strategies of migrants themselves.