Migration, Poor Relief and Local Autonomy: Settlement Policies in England and the Southern Low Countries in the Eighteenth Century

Anne Winter (Vrije Universiteit Brussel) and Thijs Lambrecht (State Archives Belgium & University of Ghent)*

Many historians have argued that settlement legislation was a cornerstone of poor relief administration in early modern and early industrial England and Wales. The Settlement Act of 1662 and later additions codified the criteria of local belonging inherent in the parochial system of poor relief established by the Elizabethan Poor Laws. By laying out a national scheme for parochial poor relief, financed by a compulsory tax on rateable value and administered by local overseers of the poor, the Poor Laws of 1598 and 1601 instilled a sense of communal responsibility towards the maintenance of the local poor. By defining criteria of belonging, settlement legislation in turn ensured that in principle every pauper belonged to a local community — that is, his or her settlement, which was responsible for his or her maintenance in times of need. In many cases this was the place of birth, but transfers of settlement could be provided for under certain conditions.¹ Yet, as much as settlement legislation enforced relief entitlements for those considered part of a community’s ‘own poor’, it excluded those who did not legally belong there. Sojourners, that is, migrants residing in a place which was not their settlement, could be swiftly removed when they became chargeable, or — at least until 1795 — when they were merely ‘likely to become chargeable’. The history of settlement and poor relief is therefore one not only of assistance and entitlement, but also of exclusion and removal.

This ambiguity explains why historians have differed widely in their appraisals of the advantages and disadvantages of the settlement system over time. Initially condemned both by laissez-faire economists and by labour historians as a barrier to labour mobility and an instrument of popular repression,² the settlement-based relief system has had a considerably better press in more

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recent historiography. While acknowledging that removals sometimes caused considerable hardship, apologists have argued that settlement restrictions were a sorry but necessary counterpart of the development of relatively elaborate relief provisions at a time when national welfare systems were unthinkable.\(^3\) Furthermore, they have argued that settlement restrictions represented only a *selective* barrier to labour mobility, restricting ‘unproductive’ migrations in search of assistance but tolerating or even encouraging ‘productive’ migrations in search of work.\(^4\) By stimulating an efficient allocation of labour, the settlement-based relief system of England and Wales was conducive to economic growth, and is therefore sometimes considered to have made an important contribution to the country’s early pathway to economic development and industrialization from the eighteenth century onwards.\(^5\)

An important assumption in the positive reappraisal of the settlement-based relief system — and incidentally also in the older, more negative visions — is that it was unique to England and Wales. The most explicit recent argument here was developed by Peter Solar, who stated that the English poor relief system differed significantly from any systems in use on the continent in its ‘uniformity and comprehensiveness’ and its ‘certainty and generosity’, and therefore eased the transition to wage labour and facilitated migration, stimulating an efficient allocation of labour. Settlement legislation is considered a cornerstone of the asserted certainty of English relief provisions in this view: ‘Continental relief was, in any case, circumscribed by stricter and less flexible settlement laws. More importantly, entitlements to relief on the continent were less easily enforced and less credibly assured. The granting of relief was, in general entirely at the discretion of local authorities . . . [while] rejected applicants had no legal recourse’.\(^6\)

Although not all historians of relief would fully endorse Solar’s argument, most research on British poor relief and settlement in the early modern period and eighteenth century implicitly and often explicitly maintains that there was a marked exceptionality in the scope and elaborateness of British relief and settlement provisions which made England and Wales comparatively better suited to deal with the challenges


of increasing mobility and increasing wage dependence than the less developed relief systems on the continent.7

This article aims if not to dismiss, then in any case to seriously qualify, existing assertions regarding the uniqueness of relief and settlement regulations in England and Wales, by confronting them with practices existing in the Southern Low Countries — present-day Belgium — in the eighteenth century. As in England, the eighteenth century was a period of profound change in the social and economic structures of the Southern Low Countries, then a relatively independent part of the Austrian Habsburg domains, and a period during which traditional survival strategies of the labouring classes were increasingly undermined. In both regions, this transition engendered increasing pressures on local relief provisions and growing levels of spatial mobility, which heightened the importance of settlement as an instrument to regulate migrants’ relief entitlements.

The main argument is that the ways in which local authorities attempted to deal with these challenges were clearly comparable on either side of the Channel, because (a) the relief system in the Southern Low Countries shared some essential similarities with that in England and Wales, (b) the region endorsed a conception of settlement that was secure and enforceable, and (c) perhaps somewhat paradoxically, the role of central legislation was considerably less important than local conditions and intra-parish and inter-parish bargaining in shaping actual relief policies towards migrants in practice. The fact that the question of settlement has remained almost completely neglected in historiography on poor relief in the Southern Low Countries helps to explain why so far no comparative explorations in this direction have been undertaken.8 The comparison not only throws new light on the organization of relief and settlement in the Southern Low Countries, it also brings to the fore new questions and perspectives concerning the balance between legislation, local conditions and inter-parish bargaining in shaping relief and settlement practices in early modern England and Wales.


8 The only historian to have documented the question of settlement in the Southern Low Countries under the ancien régime at some length is Paul Bonenfant: Le problème du paupérisme en Belgique à la fin de l’ancien régime (Brussels, 1934), 112–32, 408–21. Dirk Van Damme, ‘Onderstandswoonst, sedentarisering en stad-platteland-tegenstellingen: Evolutie en betekenis van de wetgeving op de onderstandswoonst in België (einde achttiende tot einde negentiende eeuw)’, Belgisch Tijdschrift voor Nieuwe Geschiedenis, xxi (1990), 484–9 provides a summary comparative discussion, but his article deals primarily with the nineteenth century. Anne Winter, ‘Caught between Law and Practice: Migrants and Settlement Legislation in the Southern Low Countries in a Comparative Perspective, c. 1700–1900’, Rural History, xix (2008), 144–8, provides a first exploration of some of the issues that are pursued further in the present article.
We develop the argument in four stages. First, we review some of the literature on English poor relief and settlement practices to show how the paramount influence of local considerations and power relationships led to great variety in actual practices, which were a far cry from the uniformity and certainty asserted by Peter Solar and others. The second section explores the characteristics of relief and settlement practices respectively in the Southern Low Countries, and argues that they posed challenges and invited responses that displayed many similarities with those encountered on the other side of the Channel. The third and fourth sections elaborate this argument by demonstrating how the main attempts at legislative reform in the domains of settlement and poor relief in the eighteenth-century Southern Netherlands, then under Austrian Habsburg rule, were driven by local problems and concerns similar to those encountered in England and Wales.

I.
The image of English poor relief as a relatively secure, generous and uniform welfare system as asserted by Peter Solar needs to be qualified in several respects. Many English historians have demonstrated how the actual ways in which legislation on poor relief and settlement was put into practice varied considerably through space and time, and depended a great deal on specific local conditions. First of all, there was never a true right to relief, and decisions on whether or not to grant relief were moulded by financial considerations and cultural conceptions of deservingness. While orphans and old or disabled persons made up the most unambiguous bulk of the ‘deserving poor’, the granting of relief to the able-bodied poor remained a highly debated and contentious issue right into the twentieth century. Even where relief was granted, it was rarely generous, nor the sole source of survival for the poor. Rather, it represented a smaller or greater contribution to a wider array of survival strategies in the makeshift economies of the poor, in which irregular or low incomes were supplemented by support from family and friends, customary rights, charity, begging, hawking and petty crime — which as sources of income could significantly outweigh official relief. Furthermore, there existed considerable variations as to the kind and volume of relief provided, with relief types ranging from charitable or repressive indoor institutions to outdoor doles. This variety of arrangements in space diversified further in time, as changing economic contexts, financial constraints and widely publicized ideas regarding the best ways to relieve poverty permanently remoulded the material and cultural frameworks that defined relief eligibility.

Throughout the eighteenth century, then, the kinds of people receiving relief, and the type and amount of relief they received, varied from region to region, and from parish to parish.¹¹

This variety in relief arrangements was complemented by an equal variety in the ways in which settlement legislation was put into practice. Migrants moving to a place where they had not acquired rights to relief provisions — that is, a settlement — could meet very different fates, depending on the profile of the migrants, the local context, power relationships and customs. In principle, local communities as a whole had little interest in immigrants acquiring a settlement, as this would increase the real or potential responsibilities of local relief funds. Yet certain groups of local residents could have particular interests in attracting newcomers, which might outweigh their collective interest in avoiding future claims on relief funds. This could for instance involve employers looking to increase their labour force, or landlords seeking more tenants or higher rents for their properties.¹² In those situations, migrant-friendly policies established by individual employers or landlords might give rise to intense local conflict, as when one Sussex shopkeeper complained in 1756 that local farmers ‘have long . . . been endeavouring to pull down the price of . . . poor men’s wages . . . by bringing in many poor into the parish from other parishes . . . until the parish is full of poor’.¹³

One way of settling local conflicts over immigration was to have migration take place while avoiding the associated relief responsibilities. By exploiting the ambiguities of settlement legislation, some local communities actively sought to prevent poor immigrants from acquiring new settlements. In the eighteenth century, a new settlement could be gained not only by owning or renting property above £10 rental value, paying parish rates, or serving in public office for a year — criteria favouring better-off immigrants — but also by marrying (in the case of women), completing an apprenticeship or a one-year period of service while unmarried.¹⁴ In the words of one historian, the introduction of the latter two ‘heads’ of settlement in 1691 marked the transition from an ‘old notion that the poor should stay put’ to one that encouraged productive forms of labour mobility and rewarded industrious migrants with a settlement on the basis of ‘merit’ instead of birth or residence.¹⁵ Yet many parishes used boycott strategies to prevent immigrants from acquiring a settlement, such as informal control over marriages, eleven-month contracts, irregular

¹⁴ For an overview, see Snell, Parish and Belonging, 85–6.
apprenticeships, or rents just below £10. Another device used to prevent immigrants from acquiring a settlement and relief entitlements was the so-called certificate. A certificate was an official document by which the authorities of a person’s place of settlement stated responsibility for the bearer’s relief needs in case he or she became chargeable. Its main advantage was that it allowed immigration to take place without the risk of future relief responsibilities. Building upon a long tradition of different types of local securities or warranties, certificates represented a bottom-up device that developed independently from settlement legislation, and became incorporated into law only in 1697. The provision of certificates was of course to the disadvantage of the issuing parish, as it barred their poor from the chance to acquire a settlement elsewhere, and implied a lifelong (and sometimes generation-long) responsibility towards their paupers. Certificates were often the subject of intense inter-parish bargaining, where removal orders could be used to pressure an immigrant’s parish of settlement into providing them with a certificate. Estimating the proportion of migrants who were provided with certificates is virtually impossible at an aggregate level. At any rate, certificated migrants represented only a small proportion — and a selective one — of all migrants. Certificates were, for instance, infrequent both among better-off migrants — who did not need them — and among the most vulnerable ones — in whose case parishes were most reluctant to admit long-term responsibilities. This made married and family men the most typical recipients of certificates. The long-term and sometimes inter-generational responsibilities which certificates implied, however, appear to have made parishes increasingly reluctant to grant them as the eighteenth century progressed.

Right through to the end of the eighteenth century, immigrants who had not gained a settlement in their new place of residence could be legally removed at any time, whether they were actually chargeable or only likely to become chargeable — certificated poor excepted. According to legal procedure, removal orders were to be signed by two JPs, and could be appealed against in Quarter Sessions. Yet, there is no doubt that more informal methods of ousting unwanted migrants were rife in some places, especially with regard to the most vulnerable groups, such as unmarried pregnant women, who could find themselves transported from one village to the next as each parish sought to avoid the relief burden which the birth of a bastard child within the parish boundaries

20 Hampson, ‘Settlement and Removal in Cambridgeshire’, 286; Snell, Parish and Belonging, 99.
People who were likely to present a sizeable burden on local relief provisions, such as single parents and families with numerous children, were those most likely to be subjected to removal — while single men were all but absent from removal statistics.  

At the other end of the spectrum, rather than being removed, non-settled migrants might be temporarily relieved by their host parish. This made most sense in a situation of temporary misfortune, such as an injury or illness, when the long-term benefits of a migrant’s stay and/or the costs and trouble of a removal procedure were deemed to outweigh the savings that could be made by a removal. Potential conflicts between employers and ratepayers over relief to sojourners could be settled by shifting the costs to the sojourners’ parishes of settlement, which could be pressured to provide relief to their out-resident poor in their places of residence. Estimating the total proportion of out-resident recipients of relief or the scale of associated relief transfers in the eighteenth century is very difficult, for lack of systematic sources. There are good reasons to assume that out-resident relief was more widespread in urban and industrial areas, but selective evidence suggests that even in a rural Essex parish up to 20 or more per cent of relief-receiving paupers could actually be living elsewhere in the early nineteenth century — suggesting that out-resident relief was no unusual experience for the migrant poor in eighteenth-century England, in both the North and South.  

The actual treatment which the migrant poor could expect when moving to a place of residence, then, was the outcome of intricate considerations and implicit and explicit bargaining between various interest groups in both their place of settlement and that of residence, and could range from rejection to tolerance, and from removal to subsidization. The choice of one or the other was determined mainly by local employment possibilities, migrants’ socio-economic profile, local custom, and local power relationships — all of which were permanently in flux. This meant that there was relatively little predictability or security as to the treatment to expect, and that a permanent anxiety regarding removal could loom large in the hearts and minds of the non-settled


24 The incentive structure for relief authorities in the parish of settlement to comply with out-resident relief is an interesting issue. It made economic sense in a situation where opportunities for employment and alternative support were considered to be fewer in the parish of settlement than in that of residence (cf. Boyer, An Economic History, 257–8; Thomas Sokoll, Essex Pauper Letters, 1731–1837 (Oxford, 2001), 14–15; Taylor, ‘The Impact of Pauper Settlement’, 67; Taylor, Poverty, 174 ff.; Wells, ‘Migration’, 103), yet other considerations, such as moral custom and the bargaining position of the sojourners involved, played a part too. Cf. Steven King, ‘It is Impossible for Our Vestry to Judge his Case into Perfection from Here: Managing the Distance Dimensions of Poor Relief, 1800–40’, Rural History, xvi (2005), 161; Steven King, ‘Friendship, Kinship and Belonging in the Letters of Urban Paupers 1800–1840’, Historical Social Research, xxxii (2008), 249.

poor.\textsuperscript{26} In this state of affairs, local conditions and inter-parish bargaining relations were far more important in determining the actual treatment of the migrant poor than any legal provisions that existed, which left considerable scope for local autonomy and discretion in dealing with sojourners.\textsuperscript{27} The most salient indication of the primacy of context over norm, of bargaining over rules, is that two of the most important devices used to deal with local conflicts over migration — namely certificates and out-resident relief — originated from below, quite independently from, and to a certain extent contrary to, the legal provisions of Settlement Law. At best, the law was important in providing an arena for inter-parish bargaining by ensuring that at least every person had a settlement, which could be enforced by a third party to live up to its responsibility — which is far from unimportant, but which is a long way from asserting that the English Poor Laws and Settlement Laws would have produced some sense of uniformity, security and universality as to paupers’ entitlements to relief. When the importance of the law is brought back to these dimensions, the English system of poor relief appears much less exceptional, and the similarities with certain continental systems are at least as revealing as the differences that remain.

II.

We now turn to the relief and settlement system in the eighteenth-century Southern Low Countries. Throughout the early modern period, the Southern Low Countries were characterized by a permanent tension between the centralizing ambitions of the state and the privileges of its composite members. Integrated into a personal union by the Dukes of Burgundy in the late Middle Ages, consolidated by Charles V in the sixteenth century, and separated from the North during the Eighty Years’ War (1568–1648), the Southern Low Countries were united politically only to the extent that the different regional entities like the Duchy of Brabant and the County of Flanders recognized the same personal ruler, who from 1482 on was a Habsburg. Initially passed down the line of the Spanish Habsburgs after the abdication of Charles V, the Southern Low Countries came into possession of the Austrian Habsburgs after the Spanish War of Succession (1701–14). Throughout the early modern period, the Southern Low Countries therefore formed a composite state within the larger territories of the Habsburg dynasties. Regional and local powers retained an important degree of autonomy, while the monarch relied on a Brussels-based governor, government


\textsuperscript{27} Or in the words of Philip Styles, ‘The Evolution of the Law of Settlement’, 63: ‘It is extremely difficult to generalise about the effects of a system the incidence of which depended so much on local circumstances’. A strong emphasis on local rather than regional differences in the operation of the Poor Laws is also stressed by Hindle, \textit{On the Parish}, 282–95.
councils, and a single court of appeal at a ‘national’ level, to support his or her centralizing aspirations.\textsuperscript{28}

Local welfare institutions had become subject to increasing regulation by central and regional governments in the late sixteenth and early seventeenth centuries, so that they shared a more or less uniform organizational outlook by the late seventeenth century.\textsuperscript{29} In both urban and rural parishes so-called ‘poor tables’, with origins dating back to the twelfth century, were almost universal.\textsuperscript{30} As in England and Wales the parish served as the main unit of poor relief: the poor table constituted a legal body separate from other parish institutions like the church and the civil-administrative parish.\textsuperscript{31} The parish-based organization of poor relief was predicated on a centuries-long conception that every local community was to take care of its own poor. From as early as the reign of Charles V, central, regional and local decrees invariably urged paupers and beggars to return to their place of origin, where they were to be taken care of.\textsuperscript{32} At least from the seventeenth


\textsuperscript{29} These measures for example regulated the procedure for electing overseers of the poor and the accounting practices of poor tables. For the county of Flanders see Pierre F. X. De Ram, Syndicon Belgicum, iv (Malines, 1858), 231–4. On the measures taken by ecclesiastical and central authorities in the century following the Dutch Revolt, see Catharina Lis and Hugo Soly, ‘Armoede in de Nieuwe Tijden tot omstreeks 1850’, in Lieve De Meeleer (ed.), De armoede in onze gewesten van de middeleeuwen tot nu (Brussels, 1991), 71–2; Griet Maréchal, ‘Het openbaar initiatief van de gemeenten op het vlak van de openbare onderstand in het noorden van het land tijdens het Ancien Régime’, in Het openbaar initiatief van de gemeenten in België: historische grondslagen (Ancien Régime) (Brussels, 1984), 497.


\textsuperscript{31} Hence the differences in the organization of poor relief across the Channel were not as distinctive as argued by Solar and Smith, ‘An Old Poor Law’, 466–7.

\textsuperscript{32} Although there remained some ambiguity as to whether the place they belonged was their place of birth or of residence: Placcaeten van Vlaanderen (Ghent, 1763), i, 5–7 (22/12/1515): ‘chacun en son quartier & paroisse ou ils sont demourans’; 7–8 (28/11/1527): ‘se retirent . . . és lieux de leur nativité’; 28–30 (150/06/1556): ‘ter plaetsen van heurlieder gehoerote, ofte daer zy een iuer continuellik gehwoeden hebben’; Recueil des Ordonnances des Pays-Bas (ROPB), 2nd ser., Règne d’Albert et Isabelle (1597–1621), ii, 355–7: Mesures concernant les mendians, vagabonds (28/09/1617): ‘en la ville, village ou paroisse dou ils sont natif . . . voulant que chascune villes, village ou paroisse entreteni en ce bon ordre tel que deusse’.\textsuperscript{32}
century onwards, there is evidence that the logical complement to this conception was also acknowledged by law and even enforced in court: viz. that every pauper had a place where he or she belonged. Initially, court cases over payments to paupers were mainly instigated by local authorities who wanted to shift the cost of burdensome paupers to other local communities where they were supposed to ‘belong’. By the eighteenth century, however, we see that paupers themselves sometimes instigated court cases, successfully asserting their right to be relieved by at least some local authority — that is, to enforce their right to a settlement. Although there existed some ambiguity in legislation as to the precise criteria of belonging, there was a fairly consistent body of case law that went back to a 1618 decree which fixed settlement in the place of birth, and transferred it to the place of residence if one had lived elsewhere for more than three consecutive years. According to the same decree, married women followed the settlement of their husbands, and children that of their father. Remaining in force throughout the seventeenth and eighteenth centuries, these criteria represented the main heads of settlement in the Habsburg Netherlands throughout the ancien régime, confirmed in legislation and enforced by courts alike.

This legislative framework did not, however, eliminate the much more varied picture in actual practice at the local level. First of all, so-called warranties appear to have been familiar devices which, judging from the many thousands that have survived in local archives, were sometimes used on a fairly large scale — especially in the late seventeenth and eighteenth centuries — and were very similar in function and form to English certificates. As in England, local parishes had a keen interest in pressuring as many newcomers as possible into providing such a document: several local decrees made residence conditional upon the presentation of a warranty, and sometimes specified fines for employers hiring uncertificated workers or landlords providing housing or lodging for uncertificated residents. Another source of considerable local variation was the tendency for local authorities to make their own bilateral agreements for settlement.

34 RAG, Raad van Vlaanderen, 21340: Armendsis van Iddegem c. armendsis van Ninove, 1762–1763; 21447: Amelberga de Kever c. regeerders van de armendis van Vrasene, 1768–1770; RAB, Oud archief Loker, 819: Baljuw en schepenen van Loker c. magistraat van Dikkebus, 1745.
36 For a more extensive discussion of these warranties, see Winter, ‘Caught between Law and Practice’, 144–5.
37 See for instance State Archives Leuven (RAL: Rijksarchief te Leuven), Kerkarchief Brabant, 2,492: Reglement met betrekking tot de vreemdelingen in Sint-Martens-Bodegem, Dilbeek en Itterbeek, 1759; 23,307 (Kerkom): Raadpleging van de Raad van Brabant betreffende het onderhoud van vreemde personen, 1756; 23,954 (Laar): Reglement betreffende het vestigen van vreemdelingen in Laar en Neerwinden, 1789; 33,947 (Sint Agatha Rode): Reglement voor het ontvangen van vreemdelingen, 03/08/1777; 34,438 (Vollezele): Rekwest aan de Raad van Brabant, 1748; State Archives Antwerp (RAA: Rijksarchief te Antwerpen), Kwartier van Arkel, 53: Resoluties, fos. 8–10 (1776); Dieudonné Dalle, De bevolking van Veurne-Ambacht in de 17de en de 18de eeuw (Brussels, 1963), 84–8.
arrangements, which bypassed central legislation on the matter. It is very difficult to establish how widespread these selective arrangements were, but they were probably the exception rather than the norm, and were likely to be established only between fairly proximate communities engaged in relatively intense exchanges of population, such as a city and the surrounding villages, or two regional urban centres.38

The existence of different local regulations, agreements and certification practices is indicative of the scope for local autonomy and discretion in the domain of settlement, and of the prevalence of inter-parish bargaining processes over top-down normative prescriptions in shaping the ways in which settlement issues were dealt with in practice. Even more than in England, the law only provided a background to a much more intense and varied picture of inter-parish relationships. Even removals took place on a bilateral or even unilateral basis, and only appeared in court when contested.39 Another important difference was the largely self-reliant capital base of poor tables in the Southern Low Countries, which made for a less direct connection between relief expenses and taxation than in England, and lessened the financial preoccupation and organizational involvement of local middle classes and elites with the administration of poor relief and settlement. Poor tables drew their income predominantly from charitable donations of land, cash, annuities or rights to land by their parishioners, the annual proceeds of which were used to support the local poor.40 The supply of institutionalized poor relief, measured by the annual per capita income of poor tables, was therefore considerably less elastic and subject to significant local variation,41 while selective

38 For examples see Winter, ‘Caught between Law and Practice’, 145–6.

39 E.g. RAB, Ongeordend — Procesbundels, 605: Hoofdman van Avekappelle vs. Dismeester van Beerst, 1722; 7448: Hoofdman Slijpe vs. Antheunis Claeys uit Leffinge, 1699–1700.


41 In the region of Liège the income of the poor tables was on average equivalent to 21 muids of grain during the eighteenth century, with one muid being the equivalent of approximately 240 litres. These average figures however mask important local variations. Some parishes disposed of an income of less than 5 muids whilst others had more than 90 muids. See Haesenne-Peremans, ‘L’assistance’, 10–11. In the region of Alost similar inequalities in the income of poor tables can be observed. In 1795, for example, the poor table of Lieferinge disposed of assets annually yielding 1,460 stivers or approximately 11 stiver per inhabitant. Less than 10 km away the poor table of Nieuwenhove could on average offer 52 stivers to each inhabitant. The daily wage of an adult male agricultural labourer was approximately 12.5 stivers. Calculations based on Danny Lamarq, ‘Armoede en armenzorg in het Land van Aalst in 1795’, Het Land van Aalst, iv (1981), 8–9. Ingrid Bierebeeck, ‘Armen en armenzorg in de streek rond Borgloon tijdens de 18de eeuw: de tafels van de Heilige Geest’, in Luc Janssens (ed.), Handelingen van het eerste congres van de federatie van Nederlandstalige verenigingen voor oudheidkunde en geschiedenis van België te Hasselt, i (Malines, 1988), 265 shows that the poor table of the parish of Ulbeek had 17 times more income per poor inhabitant than the adjacent village of Jesseren in 1763. In the long run, the annual income and expenditure curves of rural poor tables evolved on a par. See for example Buyck, De armenzorg, 199–201; Martine Secelle, Sociaal-economische polarisatie, criminaliteit en oproer
evidence suggests that average allowances were considerably lower than in England and Wales.42 Yet although the scope for local autonomy and variation was arguably greater than in England, relief revenues were less tax-reliant and handouts probably smaller, the assertion that every pauper in any case had a settlement was as much ingrained in custom and legislation, and supported by case law, in the eighteenth-century Habsburg Netherlands as in England and Wales, and was robust enough to support the development of out-resident practices from at least the eighteenth century onwards.43

While the concept of settlement developed into a well-established judicial concept embedded in local policies on relief and migration from at least the early seventeenth century onwards, it had become the focus of growing discontent by the middle of the eighteenth century. This was a period in which strong population growth, rising unemployment levels, declining real wages and living standards engendered a process of general impoverishment, raising both pressures on local relief provisions and levels of geographic mobility in the Austrian Low Countries.44 Because institutionalized pooling of charitable donations no longer sufficed to cater to the growing needs of the pauper population, after 1750 a increasing number of poor tables came to rely more frequently and more structurally on taxation — shaping income structures that more closely resembled those across the Channel, and increasing the involvement and concern of local middle classes and elites with regard to local relief and settlement policies.45 With both pressure on local

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42 But only a systematic cross-parish comparison can yield conclusive insights in this respect. Systematic cross-country comparisons on distribution practices are very difficult, if only for the wide variety in types of relief and relief criteria used and the lack of systematic data. Peter Lindert, ‘Poor Relief before the Welfare State: Britain versus the Continent, 1780–1480’, European Rev. Econ. Hist., ii (1998), 101 undertook a comparison of per capita relief expenses in different European countries — with figures mainly available only from the nineteenth century onwards. Yet per capita expenses still tell us little about distributive practices towards paupers in comparable situations. We are currently collecting local data on allowances in the eighteenth-century Southern Low Countries in order to allow for systematic cross-country comparisons for the eighteenth century.

43 For evidence of out-resident practices for the Brugse Vrije in the 1770s and 1780s see Anny Verhalle, Peilingen naar armoede en armenzorg in het Brugse Vrije van 1770 tot 1789 (MA thesis, Catholic University of Louvain, 1964), 68–9, 205; and for Antwerp see the archives of the Openbaar Centrum voor Maatschappelijk Welzijn van Antwerp (OCMWA), Kamer der Huisarmen, 872: Kopijboek briefwisseling, 1767–97. In 1789 the poor table of the village of Geluwe supported 82 individuals, of whom 33 were out-residents. See Emiel Huys, Geschiedenis van Gheuwe (Courtray, 1934), 48. See also section three.


45 The right to raise local taxes when expenses exceeded income had been granted by royal decree in 1617: Bonenfant, Le problème du pauvreté, 91. The act was, however, vague as to how these taxes should be raised and which social groups were expected to contribute. In practice, few poor tables actually resorted to taxation before the middle of the eighteenth century. After 1750, some parishes raised indirect taxes on the use of land, which were destined for the central government, to cover the deficits recorded by the poor table. In some parishes remittances from the civil parish accounted for more than half of the income of poor tables. This was the case in Eeklo, for example. See Leon van
relief resources and migration levels on the rise, migrants’ relief entitlements became an issue of growing contention — and there are several signs that existing settlement legislation was deemed increasingly insufficient to deal with this progressively more complex economic reality. Although no comprehensive court data are available to date, the existing evidence demonstrates that litigation over settlement was very much on the rise from the mid eighteenth century onwards. In addition, many parishes appear to have become increasingly reluctant to provide certificates in this period. The proliferation in local decrees on the regulation of migration and migrants’ entitlements similarly attests to a growing concern and frustration regarding these matters at a local level.

III.

In a context of growing contention over issues of settlement, an increasing number of local and regional authorities started to petition the central government of the Austrian Netherlands for more comprehensive legislative reform in the course of the 1750s, 1760s and 1770s. The extensive consultation rounds involved in dealing with the growing number of petitions produced extensive correspondence conserved in the national archives, which provides a privileged insight into some of the main concerns and problems surrounding the issue of settlement in the Austrian Netherlands in the second half of the eighteenth century. The lobbying attempts often had some aspects in common. Virtually all legitimized the need for reform in terms of the ambiguity of existing legislation, which was said to lead to costly litigation and human hardship. Almost all also proposed to abolish any possibility of acquiring a settlement by means other than birth or marriage, and to maintain only the birthplace — or marriage in the case of married women — as a fair and simple criterion for settlement. Most originated from local or regional authorities whose constituencies were experiencing profound economic and social transformations that seriously complicated attempts to reconcile labour mobility with relief expenses. We here focus on two main episodes in this reform movement, each of which is regarded as instructive and revealing for the main

Buyten, ‘De ellendelingen in moderne bronnen der Zuidelijke Nederlanden’, Tijdschrift voor Geschiedenis, lxxviii (1976), 546. In other parishes tax transfers were only recorded for shorter periods. In the parish of Meulebeke, for example, there is only evidence of tax transfers to the poor table in 1787, 1788 and 1790. See State Archives Courtray (RAK: Rijksarchief te Kortrijk), Parish accounts of Meulebeke, 10. Other parishes established poor taxes based on personal wealth. In these parishes additional income was raised on the backs of village elites and large farmers. Poor taxes were raised frequently in parishes in the countryside between Furnes and Ypres. In the second half of the eighteenth century taxes were raised in the parishes of Izenberge, Leisele, Langemark and Reningelst. See RAB, Old Archives Izenberghe, 89–98; Old Parish Archives Leisele, 23; City Archives Ypres (SAI: Stadsarchief Ieper), Kasselrijarchief (5th ser.), 83 and State Archives Brussels (ARA: Algemeen Rijksarchief te Brussel), Conseil Privé Autrichien, Cartons, 1284B.

46 See references in nn. 34, 35 and 40, and the many laments about the growing incidence of litigation by contemporaries in for instance ROPBA, 3rd ser., vi, 577; ARA, Conseil Privé Autrichien, Cartons, 1283–5; RAA, Kwartier van Arkel, 53: Resoluties en andere bescheiden.

47 RAA, Kwartier van Arkel, 53: Resoluties en andere bescheiden, fos. 1–10.

48 See n. 38.

49 Much of which has been preserved in ARA, Conseil Privé Autrichien, Cartons, 1283–5: Mendicité.
problems, concerns and motives surrounding the issue of settlement in the Austrian Netherlands, and which centre around two of the main lobbyists for legislative reform in this period: the coastal Flemish region on the one hand, and the city of Antwerp on the other.

A first stage in the wave of appeals for reform took place when several boroughs from the coastal regions in the County of Flanders filed their petitions to the central government in the 1750s. The timing of these petitions coincided with important shifts in the nature of labour organization in this region. The coastal zone of the County of Flanders — the long narrow strip of fertile land between Dunkirk in France and Cadzand in the Dutch Republic — was distinctly different from the inland Flemish regions, which were essentially characterized by small-scale family farming and a growing reliance on proto-industrial textile production. Because of soil conditions, farms in the coastal regions required large investments which were profitable only when supported by large acreages. By the late sixteenth century the agricultural landscape was dominated by large farmsteads, producing grain, cattle and wool for nearby markets. Until the middle of the eighteenth century, these holdings combined arable and pastoral farming. From the 1740s onwards, however, shifting price levels and commercial incentives prompted large farmers to convert pastures into arable land, enlarge their holdings, and shift their focus from mixed husbandry to grain production. In the course of this process, they managed to increase substantially the size of their holdings at the expense of medium-sized farms.

This shift towards large grain-growing farms had important ramifications for the structure of labour demand. While in mixed or pastoral husbandry the demand for labour was distributed relatively evenly over the year, grain production was characterized by a highly seasonal and selective labour demand: it favoured the employment of primarily male adult labourers in certain periods of the year, that is, during and shortly after the harvest. As a result, employment opportunities for female and child labour decreased considerably, as did the average length of

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50 ARA, Conseil Privé Autrichien, Cartons, 1283, 1285.
51 Claire Gyssels and Lieve Van der Straeten, Bevolking, arbeid en tewerkstelling in West-Vlaanderen (1796–1815) (Ghent, 1986), 134–43; Franklin Mendels, Industrialization and Population Pressure in Eighteenth-Century Flanders (New York, 1981), 109–10; Erik Thoen, ‘Social Agrosystems as an Economic Concept to Explain Regional Differences’ in Bas J. P. van Bavel and Peter Hoppenbrouwers (eds.), Landholding and Land Transfer in the North Sea Area (Late Middle Ages–19th Century) (Brepols, 2004), 47–66.
53 As in England, the price of grain rose more rapidly than those of meat and dairy products in this period, while the profitability of raising sheep was also affected by the gradual decay of the wool industries in urban centres. See Guy Dejongh, Tussen immobiliteit en revolutie: De economische ontwikkeling van de Belgische landbouw in een eeuw van transitie, 1750–1850 (Ph.D., Catholic University of Louvain, 1999), 272–6. Evidence for the engrossment of large farms during the eighteenth century can be found in Vandewalle, De geschiedenis, 104–8 and RAB, Brugse Vrije, Bundels, 662.
labour contracts, while year-round opportunities for live-in farm servants dwindled. These developments were very similar to those taking place in southeast England in more or less the same period, where large farms were likewise consolidated and specialization in arable agriculture resulted in a decline in the employment level of farm servants and the emergence of a highly seasonal labour demand. The challenges with which local communities, poor tables and employers were confronted as a result of these changes in labour organization were also comparable. As in the English southeast, the reduction of opportunities to work on a year-round basis made it more difficult for local workers to stay on, while it raised the number of workers turning to local relief provisions during the slack season. At the same time, the seasonal peaks in labour demand outstripped the local supply, driving up wages and increasing farmers’ reliance on migrant labourers during harvest time. Farmers therefore faced the challenge of stimulating (seasonal) immigration while avoiding associated increases in relief burdens.

These developments form the background to several projects for legislative reform submitted to the central authorities of the Habsburg Netherlands by local and regional authorities from the coastal regions of Flanders around the middle of the century. The main reason invoked to defend the adoption of the birthplace criterion in settlement legislation was its ‘clarity’ and ‘simplicity’ relative to the allegedly confusing settlement criteria in existing legislation, since these were considered the prime culprit in the growing incidence of costly litigation over payments to paupers. Yet, several supplicants indicated that the stimulation of labour mobility would be a happy side-effect of the measure. Relegating the relief responsibility to a person’s place of residence, it was argued, had engendered the practice of demanding certificates from every

54 While it had been customary to employ servants on a year-round basis up until the first decades of the eighteenth century, by the 1780s the vast majority were offered half-year contracts at best. See the accounts of the large farms exploited by the Abbey of the Dunes held at the Seminar of Bruges, Archives Ten Duinen, Accounts, 134–6, 259–66.


56 As one observer wrote in the 1780s, the decline in year-round employment resulted in a higher demand for poor relief. Servants were now hired from May to October and were unable to secure employment during the winter months. As a result, more people turned to the poor table to supplement their income. See RAB, Collection Sanders, 181.

57 By the 1770s, even in small parishes, hundreds of harvest labourers, mainly from inland Flanders, arrived in the summer months: in 1775 the aldermen of Westkapelle stated that during the weeding and harvest season 225 migrant labourers worked in this parish that counted only 156 permanent households. See RAB, Aanwinsten, 1279. Large numbers of migrant workers were also recorded in the neighbouring region of Zealand Flanders, which had a similar agricultural structure. See Van Cruyningen, Behoudend maar buigzaam, 171–3.

58 Compare Boyer, An Economic History, chs. 3 and 4.

59 Requests by the Brugse Vrije in 1749 and July 1750, and by the castellannies of West-Flanders in November 1750 in ARA, Conseil Privé Autrichien, Cartons, 1283.

60 ARA, Conseil Privé Autrichien, Cartons, 1283, Requests by the Brugse Vrije in 1749 and July 1750; Letter of the Council of Flanders, 30/05/1750; Letter of the castellany and city of Veurne to the Brugse Vrije, 4/07/1750.
newcomer — which represented a serious barrier to labour mobility.\textsuperscript{61} This had created a situation in which ‘some villages are burdened with useless inhabitants, because they are not allowed to establish themselves elsewhere, while other villages are prevented from augmenting the number of inhabitants, which harms agriculture and commerce’. If the law allowed newcomers to be removed to their place of birth if they became chargeable, they argued, local authorities would have much less incentive to restrict immigration, and the freedom of movement would be fostered.\textsuperscript{62}

Although the first round of consultation concerning the initial petition of the Brugse Vrije was mildly positive, their request to install the birthplace criterion for the entirety of the Austrian Netherlands, or at least the County of Flanders, was eventually forcefully turned down by the highest judicial authority and ‘national’ court of appeal of the Austrian Netherlands, the Grand Conseil in Mechelen, on the grounds that the existing legislation was sufficiently sound and clear. In addition, the Grand Conseil added that it would be a sign of ‘inhumanity to chase away a citizen who succumbed to poverty, often in his old age, in 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’.\textsuperscript{63} The demand for legislative reform was dismissed, and the existing three-year residence rule was reaffirmed by two imperial decrees on 24 October 1750 and 7 November 1757.\textsuperscript{64}

With their proposals to reform settlement legislation at a national level rejected, even after repeated attempts, the authorities in the Flemish coastal regions concentrated on their second-best strategy. They developed a bottom-up multilateral agreement to use only the birthplace criterion in their mutual settlement arrangements.\textsuperscript{65} The seminal text for this bottom-up policy was the convention of Ypres, concluded in June 1750 between the authorities of West-Flanders and Maritime Flanders, two adjoining Flemish coastal regions which had been briefly reunited under French rule during the Austrian War of Succession (1740–8) but now found themselves separated again by the readjusted political border between the Habsburg Netherlands and the Kingdom of France.\textsuperscript{66} The original aim of the convention was to maintain the birthplace rule which had been installed in Maritime Flanders by royal decree in 1732 and extended to West-Flanders when it fell

\textsuperscript{61}ARA, Conseil Privé Autrichien, Cartons, 1283: Advice of the conseillers-fiscaux of the 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.


\textsuperscript{63}ARA, Conseil Privé Autrichien, Cartons, 1283: Advice of the Grand Conseil of Mechelen, 9/10/1750.

\textsuperscript{64}ROPBA, 3rd ser., vi, 577: Décret de Marie-Thérèse touchant l’entretien des pauvres dans la province de Flandre, 24/10/1750; viii, 162: Décret de l’Impératrice Reine interprétant le décret du 24 octobre 1750 concernant l’entretien des pauvres dans la Flandre, 07/11/1757; ARA, Conseil Privé Autrichien, Cartons, 1283, draft decree of 24/10/1750.

\textsuperscript{65}Some experiments with these types of inter-parochial settlement arrangements date back to the early 1740s; see e.g. RAB, Old Parish Archives of Loker, 810.

\textsuperscript{66}Placcaeten van Vlaanderen, v, 38 (06/06/1750); 46 (05/12/1750). ‘Maritime Flanders’ is more or less the same area which now constitutes the arrondissement Dunkirk, while ‘West-Flanders’ includes the areas around Veurne, Diksmuide, Ypres, Roeselare, Komen en Waasten, Popinginge, Wervik and Menen in the southern part of today’s province of West-Flanders.
under French rule in 1745. The 1732 decree had been promulgated at the request of the local authorities of Maritime Flanders in order to reduce litigation and to stimulate the freedom of movement in the area through the abolishment of the *actes de garant* and, the authorities of West-Flanders were eager to continue the birthplace rule which they had found ‘very beneficial’. Although the central Habsburg authorities were initially dismayed that they had not been consulted in advance, they eventually gave imperial approval to the convention of Ypres in December 1750. Once established, the convention apparently held many attractions: the 1750s and 1760s witnessed a steady flow of requests from other parishes and boroughs to join the convention of Ypres, also from areas where the 1732 decree had never been in force, so that by the late 1760s most of the coastal and border regions of Flanders and Hainaut had voluntarily placed themselves under the birthplace rule.

Part of the appeal of the convention was that it proposed a form of ‘diplomacy from below’ to deal with the administrative complexities of different ‘national’ systems in border regions. At the same time, the preference for the birthplace rule over residential criteria catered to underlying aims to facilitate labour mobility in the French/Dutch coastal areas, confronted as they were with increasing fluctuations in labour demand in the course of the eighteenth century. Adhering to the convention represented an alternative way to introduce the birthplace rule and abolish the need for warranties for regional authorities whose earlier requests in that direction had been turned down, like the Brugse Vrije. And while none of the official documents explicitly mention out-resident

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68 ARA, Conseil Privé Autrichien, Cartons, 1283, Decree of Charles de Lorraine, 06/12/1750; Letter of the city of Ypres to Charles de Lorraine, 05/12/1750; Letter of the city of Veurne to Charles de Lorraine, 02/12/1750; Printed collection of French legislation with ‘Extrait des registres du conseil du Roy’, 19/04/1732 and ‘Résolutions des chefs-collèges de la Flandre Maritime’, 07/08/1732 and 04/07/1739; Copy of a letter of De Sechelles to Mr Delevigne, conseiller des Etats de Tournay, 14/11/1750; Glineur, *Genèse d’un droit administratif*, 277–9.

69 *Placcaeten van Vlaanderen*, v, 38–47: decrees ratifying adherence to the convention by the town of Loo 14/07/1750; the town of Nieuwpoort, 08/07/1750; the town of Bruges; 15/08/1750; the town of Diksmuide, 25/08/1750; the town and castellany of Tournai, 23/03/1751; the towns and castellanies of Kortrijk and Menen, 27/07/1753; ARA, Conseil Privé Autrichien, Cartons, 1283, decrees ratifying the adherence to the concordat by the head officers of West-Flanders, 05/12/1750; the Estates of *Tournai et Tournensis*, 3/02/1751; the city of Tournai, 03/02/1751; the cities and castellanies of Kortrijk and Menen, 21/07/1753.


71 Cf. ARA, Conseil Privé Autrichien, Cartons, 1285A, ‘Mémoire sur le concordat’ by the Conseil Privé, May 1777: ‘It is the annoyance resulting from the obligation to produce warranties, that has given rise to the concordat . . . the warranties and precautions (to which immigrants are subjected) hinder liberty, industry and commerce’; see also below, nn. 74 and 75.

72 The local authorities of Waregem, part of the castellany of Kortrijk, observed sourly in 1773: ‘the Lords of the (Brugse) Vrije have solicited legislative reform and as it turned out the result [i.e. the imperial decrees of October 1750
relief, there are several indications that adherence to the birthplace criterion also encouraged out-resident relief practices. In the rural district of Furnes, for example, one of the regions that adhered to the convention of Ypres, at least 20 per cent of all paupers were supported as out-residents in 1759. Local studies have even explicitly linked an increase in out-resident relief to the convention of Ypres. Not only was labour mobility stimulated by the abolishment of so-called warranties, then, at least several migrants also ended up being subsidized while living elsewhere.

Notwithstanding the initial appeal of the convention of Ypres, however, cracks in the multilateral arrangements emerged by the 1770s when a number of communities petitioned for the right to pull out of the arrangements and place themselves again under the general residence rule. The financial implications were invariably stated as one of the main drawbacks of this new system and one of the principal arguments for pulling out of the convention. Opponents argued that the custom of providing relief to non-resident members not only proved to be more expensive, it was also impractical in that it involved high transport and monitoring costs and frequently resulted in litigation between parishes. As one anonymous pamphlet argued around 1770, the convention of Ypres had resulted in a series of ‘harmful and unforeseen’ consequences. Paupers lost valuable time (and income) travelling back and forth between the parish where they worked and the parish where they received relief, and overall payments under the new settlement systems were lower. Furthermore, a strict interpretation of the convention ran contrary to charity and was considered to ‘shock all principles of humanity’, because aged or infirm individuals were forced to return to their parish of birth when they were in need of assistance. In many cases these individuals had become estranged from their birthplace and had neither family nor friends living there. This was not only considered inhumane, it was also more costly to the poor tables, because individuals lost the material support of their family and friends when they were forced to retreat to their birthplace.

and November 1757] conformed to their custom but not to their interests. Therefore they had the shrewdness to render them fruitless by adhering to the convention [i.e. of Ypres’]. Cited in Verhalle, Peilingen, 69.

73 In 1776 the Conseil Privé explained in a Projet de note à remettre à Mr de Sauvigny, on the negative effects of the convention of Ypres (ARA, Conseil Privé Autrichien, Cartons, 1285A), ‘how expensive it was for them [local relief administrations] to provide for paupers in far flung places or to have them transported to them from these places’ (our emphasis). We know from other sources that out-resident relief practices existed under — and were probably facilitated by — the convention of Ypres: see for instance Verhalle, Peilingen, 68–9, 205.

74 The village magistrates in this district stated that 2,214 individuals received some form of welfare support in their parishes of residence. These numbers represent only a minimum as they do not take into account out-resident relief from poor tables within this district. Calculations based on data published in Dalle, De bevolking, 226.

75 In the parish of Loker the number of paupers receiving support in another parish increased after 1749. All out-residents lived within 20 km of their parish of settlement. See Dries Vandaele, Armenzorg op het platteland: de armemdis te Loker, 1728–1754 (MA thesis, Ghent University, 2001), 51–2.

76 ROPBA, 3rd ser., xi, 123: Décret de l’Impératrice Reine concernant les administrations de la ville et du Franc de Bruges, 21/03/1776; ARA, Conseil Privé Autrichien, Cartons, 1284A, Actes concernant la mendicité en Flandres, 1776.

77 See ARA, Conseil Privé Autrichien, Cartons, 1284A, Actes concernant la mendicité en Flandres, 1776.

Further research into local archives is undoubtedly needed to put the costs and gains of the convention of Ypres into full perspective, but it is logical that the convention would have generated winners and losers: communities with high levels of immigration were likely to benefit, while those with net migration losses would be confronted mainly with the relief bills of their out-resident poor. We might reasonably suppose that it was mainly the losers who pulled out, while it was the main beneficiaries who wished to continue.\(^79\) Requests to pull out of the arrangement were invariably granted, so that by the 1780s most of the convention had evaporated.

A second chapter in the move towards settlement reform in this period — and quite independently of what was going on in Flanders — was played out in the Duchy of Brabant. Here, the city of Antwerp took the lead in the demand for settlement reform, filing a request in 1779 to give the birthplace rule priority over the residence rule.\(^80\) Antwerp was at that time a medium-sized regional textile centre of around 50,000 inhabitants, whose economic base was dominated by low-wage labour-intensive textile industries, employing a large number of women and children, and coordinated by a handful of industrial entrepreneurs via extensive putting-out arrangements of a ‘proto-industrial’ nature.\(^81\) Its call for a reorganization of settlement rules formed part of a broader move towards a general reorganization of its local poor relief administration in the late decades of the eighteenth century. The mainstays of this reorganization were a complete prohibition of begging, a centralization of all available (private, clerical and public) funds in the hands of one New Administration, a secure screening and evaluation of potential recipients, and the obligation to work for all able-bodied recipients.\(^82\) In a detailed analysis of the main characteristics and motives of this reform project, Catharina Lis has shown how these reforms catered to the needs of local entrepreneurs by augmenting the labour supply and lowering wages by shifting part of the wage cost to relief provisions.\(^83\)

Migrants, however, were not particularly useful to the industrial tycoons who designed the scheme for Antwerp’s relief reform, because migrants were strongly underrepresented in the city’s most important export industries. A comparison of the occupational activities of immigrant and Antwerp-born residents on the basis of the census of 1796 has demonstrated a great disparity as to

\(^79\) Some larger parishes refused to adhere to the convention of Ypres. For example, the village of Maldégem reported that they were already sufficiently stocked with labourers and saw no need to attract additional labour. RAB, Brugse Vrije Bundels, 668: Letter of 25/02/1761.
\(^80\) ARA, Conseil Privé Autrichien, Cartons, 1284A, Mémoire contenant les raisons démonstratives, 18/06/1779.
\(^82\) City Archives Antwerp (SAA: Stadsarchief Antwerpen), Privilegiekamer, Gebodboeken, O. 254: Nieuwe bestieringe van den armen, om de bedelye alhier te beletten, 29/07/1779; ARA, Conseil Privé Autrichien, Cartons, 1284A, Anvers, Ordonnantie van Haere Majesteijt nopende de nieuwe bestieringe van den armen binnen de stadt Antwerpen van den 30 oktober 1779.
their respective involvement in the production of textiles and lace, which was by far the largest sector of the urban economy. While no less than 32 per cent of Antwerp-born men and 70 per cent of Antwerp-born women were engaged in the lace and textile industries, the respective proportions among their immigrant counterparts were only 11 and 24 per cent. 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 the elderly were paid pittances for working long 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 per cent of Antwerp’s total active population, they supplied only 10 per cent of the workforce engaged in the production of textiles and lace.84

The main concern of Antwerp’s textile entrepreneurs therefore lay with lowering the wages and augmenting the supply of cheap, skilled and disciplined child and female labour from the ranks of the impoverished Antwerp population, rather than with attracting migrant workers as in the case of coastal Flanders. One important way in which they aimed to so, however, was by employing local relief resources as both wage subsidies and labour enforcement mechanisms.85 These strategies had the greatest chance of success if they could be reserved for the main target group, that is, Antwerp’s local textile workforce. Antwerp’s request for the installation of the birthplace rule, then, appears to have been driven more by the aim of reserving local relief funds for regulating and subsidizing its own textile workers, than by the urge to stimulate labour mobility. This was in any case also the main line of defence which the Antwerp authorities adopted in their request for the birthplace rule. They expected that their project for relief reform would lead to an increase in poor relief expenses, and therefore it was essential to develop a rule to exclude ‘foreigners who flock here from all over the place, which is to be attributed to the liberty beggars enjoy to run from one city to the other with their children, to the place where relief resources are most generous’. The birthplace rule was therefore a necessary precaution to reserve the local relief funds for the ‘own poor’.86

The central authorities were highly sympathetic towards Antwerp’s endeavours to establish a more efficient New Administration. Like the request from the Brugse Vrije, however, Antwerp’s demand to install the birthplace criterion was turned down, again on the grounds that existing legislation was sufficiently clear and that endorsing the possibility of sending people away after many years of residence ran counter to the principles of ‘l’humanité et la justice’.87

85 Lis, ‘Sociale politiek’, 154–6.
86 ARA, Conseil Privé Autrichien, Cartons, 1284A, Letter of Warnot in the name of the Magistraat of Antwerp, 18/06/1779.
Flemish regions, Antwerp subsequently resorted to a second-best strategy, which was in their case to mobilize all legal means available to pursue a very selective entry policy towards newcomers — which was a further confirmation of the fact that their main concern lay with the protection of relief provisions rather than the stimulation of immigration. In 1779 the city magistrate gained imperial approval for an immigration monitoring scheme based on a very strict interpretation of existing legislation, allowing the city to expel all newcomers who did not carry a warranty.⁸⁸ An internal memo on the first page of the ‘residence-book’ initiated in the same year recorded a whole range of humble occupations whose practitioners ‘were not to be accepted for residence’, just like ‘all persons coming here with a family and with insufficient means of subsistence, or who in the least case of illness, misfortune, or idleness are to become chargeable to the poor’.⁹⁰ Notwithstanding these selective efforts, they turned out to be insufficient. In 1783 the Antwerp authorities again complained about the many problems they faced in their efforts to ‘get rid of poor strangers’, which had created situations in which they had no choice but to give them some relief: after all, ‘they are still humans, and for as long as they are under our eyes, we cannot let them perish’.⁹⁰ However gloomy their picture, their repeated requests to install the birthplace criterion continued to be rejected by the central authorities.⁹¹

IV.

The cases of the Flemish coastal regions and that of Antwerp are, we believe, instructive with regard to the main challenges with which settlement legislation and practices were confronted in the second half of the eighteenth century: that is, growing pressure on relief provisions on the one hand, and changing patterns of labour mobility on the other hand. In both instances, the petitioners believed that setting up the birthplace as the sole criterion for settlement would represent a solution to their problems — yet the motives and expected gains were very different in both situations: while the petitioners from coastal Flanders mainly sought to stimulate labour mobility, the Antwerp authorities were mainly concerned with shielding their local relief provisions from ‘useless’ newcomers. When their requests were turned down, the parties resorted in both cases to what we could describe as second-best strategies towards the same aims. In coastal Flanders local authorities set up a multilateral agreement by which they promised to adhere to the birthplace criterion in their mutual arrangements over settlement — which was in fact the equivalent of issuing a collective

⁸⁸ ARA, Conseil Privé Autrichien, Cartons, 1284A, Letter of Cuylen in the name of the Magistraat of Antwerp, 31/12/1780; Extrait du protocole, 20/01/1781; Interpretatie van de ordonnantie van den 30 oktober 1779 nopende de nieuwe bestieringhe van de Armen binnen de stad Antwerpen van den 12 Februari 1781.
⁹⁰ ARA, Vierschaar, 177: Domicilieboek alias poortersboek 1780–95.
⁹¹ ARA, Conseil Privé Autrichien, Cartons, 1283, Memorie van de Magistraat van Antwerpen, 14/05/1783; see also ARA, Conseil Privé Autrichien, Cartons, 1284A, Brief van Cuylen in naam van de Magistraat van Antwerpen, 31/12/1781.
⁹² ARA, Conseil Privé Autrichien, Cartons, 1283, Suppression de la mendicité à Anvers.
warranty or certificate. In Antwerp, the second-best strategy was the pursuance of a selective policy, supported by discretionary powers to expel any newcomers without a certificate. In both instances, these second best strategies failed to deliver. This failure is illustrative of the limits of both bilateral bargaining and unilateral discretion to deal with the challenges of the age. Whatever the efforts of the Antwerp authorities to restrict immigration, these could not dam the flows of migrants in a time of rising poverty, growing mobility, and limited control mechanisms. Bilateral and multilateral agreements, in turn, worked only as long as migration flows remained relatively balanced. Once migration flows took place mainly in certain directions, which is bound to be the case in a period of regional divergence, the costs and gains of these arrangements become unevenly spread, and the losers pull out. Possibly, a national endorsement of the proposed rules would have produced better outcomes for the parties involved, but even this arrangement would eventually have run up against the same contradictions, which could only be resolved by increasing the size of the relevant administrative units in the course of the nineteenth century. 92

The motives of the central authorities in refusing to adopt the birthplace criterion in national legislation are not so easy to disentangle. First of all, there is of course an argument of normative continuity: as long as they saw no urgent need for reform, the central authorities clearly preferred not to complicate the existing body of legislation by introducing new rules. Granting imperial approval to the convention of Ypres was an important policy exception in this respect, informed by the belief that the existing residential criteria would place towns and villages in border regions at a legal disadvantage to their French counterparts. 93 The judicial confusion that ensued from having two major settlement systems in use within the Habsburg Netherlands in turn discredited any further attempts at reform, as it was feared that these would only add to the normative muddle. 94 But there was more to the refusal of the central authorities to endorse the birthplace criterion. Their discourses and arguments invoked principles of justice and humanité that were believed to underpin a sense of reciprocity in the relation between a citizen and his local community, which in turn was related back to the sense of civitas in Roman Law: when a person gives the best of his talents, labour and fortune while residing in a community for many years, this community is expected to take care of him in times of misfortune or old age. This stress on humanity and civic rights may be based on both the tradition of Roman Law and enlightened writings of the age, but may also betray some acknowledgement both of the vulnerabilities of the lifecycle of the labouring poor, and of the

93 See for instance ARA, Conseil Privé Autrichien, Cartons, 1283, Letter of the magistrate of the city and cité of Ypres to Charles Alexandre, 05/12/1750; Request of the estates of Tournay and Tournesis, 13/01/1751.
94 See for instance ARA, Conseil Privé Autrichien, Cartons, 1283, Letter of Charles Alexandre to the authorities of the Waasland, 18/06/1759, although their request to install a settlement system analogous to the convention of Ypres in the Waasland area (in the east of the County) was later granted: ROPBA, 3rd ser., ix , 72–4: Décret de l’Impératrice Reine, 27/02/1764.
customary rights which they were likely to assert. This line of reasoning is clearly apparent in the anonymous critique of the concordat of 1750. The elderly were singled out in particular as those recipients of poor relief that had to be protected against removal to their parishes of birth.95 Because sending away a chargeable pauper after many years of residence was likely to upset existing norms and customs among the labouring poor, the prevention of social upheaval might well have been an additional consideration of the central authorities in upholding the residence criterion.96

Thirdly, adopting the birthplace criterion would also have increased imbalances in welfare expenditure between parishes. As most migrants to both Antwerp and coastal Flanders came from the surrounding rural areas, there was an imminent threat that welfare costs would fall disproportionately on the poor tables of these push zones.97 Although this was never explicitly mentioned, the threat of growing imbalances in the distribution of welfare costs was probably also a factor of consideration in the central authorities’ decision to turn down the birthplace criterion. Lastly, there is also evidence that the central authorities preferred to defer all reform in the domain of settlement legislation in the expectation of a broad project of social reform — but as the latter was in turn smothered by a wave of ecclesiastical and secular protests against Joseph II’s plans in the 1780s, further legislative activity in the domain of settlement legislation had to await the discontinuities of the French Revolution.98

V.
What conclusions can we draw from this selective discussion of settlement law and practice in the Austrian Netherlands compared to what we know of the situation in contemporary England and Wales? First of all, we hope to have demonstrated that the concept of settlement and the associated tenuous right of a pauper to be relieved somewhere, was not unique to early modern England and Wales. Analogous conceptions were endorsed by the law and courts in the core regions of the Southern Low Countries from at least the early seventeenth century onwards, and existing research suggests that they existed in at least some provinces of the Northern Netherlands and Northern

96 Although this would in any case become much less of a consideration when nineteenth-century settlement legislation would consecutively raise the length of residence needed to acquire a new settlement: Winter, ‘Caught between Law and Practice’, 148–50.
97 In the regions dominated by large farms in Coastal Flanders only 42%–56% of the inhabitants were born in their parish of residence in the late eighteenth century. In inland Flanders, where small farms were dominant, these rates were much higher: between 63% and 72%. See Gysssels and Van der Straeten, Bevolking, arbeid en tewerkstelling, 93–8. On the regional migration field of eighteenth-century Antwerp, see Winter, Migrants and Urban Change, 70–6.
France too.\textsuperscript{99} Secondly, we think it is important to downscale the role of legislation in shaping reality in the domain of poor relief and settlement to its true proportions. Actual policies towards paupers and migrants were determined mainly by local concerns, conditions and challenges, and shaped by a variety of decisions and bargaining processes that took place in an inter-parish and intra-parish context. National or regional legislation at best provided only a broad framework — an arena — in which these bargaining processes took place, but within this framework, local interest groups and authorities ‘played within the rules’ to manipulate existing practices to their benefit.

Thirdly, while interests and contexts varied from one place to another, the underlying challenge which local policy makers in both the Southern Low Countries and England & Wales faced in the eighteenth century was shared, and involved coping with the fundamental contradiction of organizing local relief provisions at a time when social transformation and economic integration were raising both mobility levels and relief expenses. The similarity of this underlying challenge explains why we encounter so many similarities in the responses and policy instruments used in efforts to tackle it, irrespective of differences in the normative context. Organized on a parochial basis since the late Middle Ages, and widespread since at least the seventeenth century, poor tables in the Austrian Netherlands came to resemble English parishes more closely in that they drew a growing part of their income from local taxation in the second half of the eighteenth century. And while allowances probably were considerably lower, local authorities displayed remarkable resemblances in the bottom-up initiatives they devised to tackle the increasingly contentious issue of migrants’ entitlements to relief. One such striking similarity is the use of certificates, which is encountered on both sides of the Channel and appears to have predated any legislative efforts regarding the issue. Similarly, the presence of practices of out-resident relief in both eighteenth-century England & Wales and the Austrian Netherlands without the sanction of law can only be explained by imagining similar solutions to similar challenges. There is likewise a more general universality in the ways in which the immigration of young single and productive workers rarely if ever was a subject of concern or restriction in any region, while the most vulnerable poor — such as families with numerous children, single parents, or pregnant girls — were always those most likely to be shunned, expelled, or forcefully removed in virtually all legal and economic contexts.

At a general level, then, we hope to have demonstrated that the customary dichotomous opposition between ‘English’ and ‘continental’ relief and settlement practices in the preindustrial period is flawed, and in any case in need of further qualification. Rather than classifying the settlement-based relief system of England and Wales as a case apart on the basis of its normative

\textsuperscript{99} See for instance Glineur, \textit{Genèse d’un droit administratif}, 277–9; Joke Spaans, \textit{Armenzorg in Friesland, 1500–1800} (Hilversum, 1997), 125–30, 207–14, 258–69; Marco Van Leeuwen, ‘Amsterdam en de armenzorg tijdens de Republiek’, \textit{NEHA Jaarboek}, lx (1996), 132. An important question which we hope to develop further in the future then becomes whether the existence of settlement arrangements in those regions might have played a role in precocious patterns of economic development and industrialization in the long nineteenth century.
framework, we believe that a more comprehensive and differentiated analysis of similarities and differences in relief and settlement practices across space and time offers a more fruitful approach in order to gain insight into the strengths and weaknesses, and causes and implications, of different relief systems in early modern Europe.100 While practices varied greatly between different parishes and regions within England and Wales, their continental counterparts were less monolithic than is often assumed, and were sometimes characterized by challenges and responses similar to those encountered across the Channel. In the case of the Austrian Netherlands, the scope for local initiative is obvious from the very different settlement policies pursued by local and regional authorities in the Flemish coastal regions on the one hand and by the city of Antwerp on the other hand. While local autonomy was arguably less in England and Wales, here too national legislation was continuously adapted to local interests by different forms of intra-parish and inter-parish bargaining, resulting in very different relief and settlement practices from one parish to another. In this respect, the comparison pursued in this article might be taken as a point of departure for a more systematic and comparative examination of the role of inter-parish and intra-regional bargaining as a more important driving force in shaping actual relief and settlement practices than legislation, not only in the Southern Low Countries, but also in England and Wales and elsewhere.101

After having downscaled both the uniqueness of England and Wales and the relevance of normative prescriptions with regard to settlement, there is yet again scope for a tentative exploration of those relevant legislative differences that did remain. One such intriguing difference, for instance, concerns the actual criteria for settlement. The Southern Low Countries never developed the same type of settlement via ‘merit’ — to borrow from Stephen Taylor’s phrase — such as the serving of an apprenticeship or a one-year service that were installed as heads of settlement in England and Wales in 1691.102 This might confirm Taylor’s contention that English settlement legislation was precocious and exceptional in accommodating and even stimulating the development of new types of labour relations and patterns of spatial mobility, to a much larger extent and from a much earlier date than was the case in the Southern Low Countries or elsewhere on the continent.103 This observation in turn links up with the recent argument of Keith Snell with regard to how the complexities of English settlement legislation fostered new and complex

100 For a similar argument, published after we submitted the present article, see Steven King, ‘Welfare Regimes and Welfare Regions in Britain and Europe, c. 1750s to 1860s’, Jl Mod. Eur. Hist., ix (2011), 44.
102 Some interpretations even suggest that servants and domestic workers were sometimes excluded from the residential settlement criteria in the Southern Low Countries — assuming that they were reserved for independent households. See for instance the bilateral settlement agreement between Antwerp and Deurne and Borgerhout on 11 Sept. 1771, where servants and apprentices appear to have been excluded from gaining settlement via residence: OCMWA, Kamer van Huisarmen, 866: Memorieboeck 1633–1783, fo. 221.
conceptions of belonging, that were dissociated from residence, and allowed people to retain a sense of rootedness while embarking on ever more mobile life trajectories — which in turn might have been an important factor of societal stability in an increasingly mobile society. The conceptions of belonging encountered in the Southern Low Countries were, we believe, much less complex than allowed for in the English case. While practical implications varied, it is clear that the basic notion of belonging underlying most legislative and judicial discussions was a very old notion of *civitas* — one belonged to the community in which one lived. That this traditional conception of belonging survived longer in the Southern Low Countries than in England and Wales, may indeed be attributed to a slower pace of social transformation in the early modern period. The mounting debate over settlement criteria might be a signal that here, too, this notion was running into increasing contradictions as processes of proletarianization eventually accelerated by the middle of the eighteenth century.