



Title:	Tagging Manorial Police Regulations in Medieval and Early Modern Flanders: Some Methodological Reflections
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Abstract:	<p>In the 1990s, the team around Karl Härter and Michael Stolleis at the Max Planck Institute for European Legal History (today: the Max Planck Institute for Legal History and Legal Theory) developed a four-tier taxonomy to tag police ordinances in the Holy Roman Empire. This taxonomy contained some 1,200 keywords, divided into 5 societal sectors, 25 regulatory areas, and c. 200 police matters. The goal of this taxonomy was to enable comparative, interterritorial research. In our present research, we took this taxonomy, designed for princely legislation and ordinances promulgated in imperial towns, and applied it to a corpus of 109 medieval and early modern police regulations stemming from manors in the county of Flanders. These regulations are compilations of legal provisions on all aspects of daily life in rural communities and, to a lesser extent, small towns with manorial status. While the taxonomy was very helpful for analysing these provisions, there were also some challenges related to the fact that we were applying the taxonomy to another region and another normative source type. Given the continuing process of elaborating the taxonomy and the translation from German into different languages, we argue that some coordination is necessary to avoid that the meaning of the keywords gets lost in translation. Applying the taxonomy is not a self-evident process. It is indispensable to have a users' guide and careful decision about translations to guarantee that the taxonomy can become a standard tool for tagging normative sources and enabling the comparison of norms across territorial and linguistic borders.</p>

Tagging Manorial Police Regulations in Medieval and Early Modern Flanders: Some Methodological Reflections

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1. Introduction

In 1739, the aldermen of the village and manor of Kruikebeke in the northeast of Flanders issued a new police regulations aimed at maintaining order and peace, and preventing – or, if necessary, sanctioning – deviant behaviour among its inhabitants.¹ Among other things, the regulations stated that no one was allowed to let their livestock roam the local churchyard. They also forbade other activities around or inside the church, such as throwing stones, playing ball games, using arrows or other arms to catch bird nests, or doing ‘their natural filth’. If the perpetrators turned out to be minors, the regulations explicitly stated that the fine for such behaviour was to be recovered from their parents or guardians. In addition, offenders also had to pay any repair costs to the church building (see figure 1).² More than two centuries earlier, the administrators of the nearby manor of Beveren had issued similar provisions. In 1527 n.s., they issued fines to people that played games in the church or churchyard, let their animals into the cemetery, or left the cemetery gates open. Moreover, during church holidays and high mass it was forbidden to buy or sell goods in the cemetery, in the church, and on the market square.³ Such rules concerning consecrated spaces were not confined to the northeastern part of the county of Flanders, where Kruikebeke and Beveren are located. We encounter them in compilations from manors all over Flanders. A third example dates from 1666-7 and stems from the marquisate of Moerbeke (Morbecque), now part of France but back then in the southwest of Flanders. Here too we find rules for proper conduct in consecrated spaces, including prohibitions against playing games, running, relieving oneself, making improper noises during the sermon, shooting, cutting grass, letting animals in, or throwing snow or other things.⁴

¹ We would like to thank Georges Martyn (Ghent University) as well as the three anonymous reviewers for their valuable comments and suggestions on an earlier version of this text.

² State Archives Ghent (Rijksarchief Gent, henceforth RAG), *Kruikebeke* (AR82), 1: section entitled ‘van den kerckhove’.

³ RAG, *Land van Waas – Hoofdcollege* (AR7), 3199, fols. 138-140v: first six provisions.

⁴ State Archives Bruges (Rijksarchief Brugge, henceforth RAB), *Découvertes* (INV60), 111: first section entitled ‘Eerste rubricque noopende de kercke ende kerckhof etc.’.



Figure 1: On the left the section entitled ‘van den kerckhove’ of the police regulations of Kruibeke (RAG, Kruibeke (AR82), 1); on the right a detailed image of the church of Kruibeke (National Archives of Belgium, Kaarten en plattegronden in handschrift (reeks I), 351: Scheldekaart, 1468).

These three examples derive from a hitherto little used source type: written regulations that governed everyday life in late medieval and early modern manors. They deal with correct weights and measures, protection of crops against stray animals, harvests and tithes, the organisation of local markets, the opening hours of inns and taverns, various misdemeanours, fire prevention, and much more. In the early modern era, contemporaries referred to these norms as ‘police’ (*policey*) – hence some of our examples bear the title *pollitique ordonnantien* (‘police ordinances’).⁵ Within the framework of the 2020-4 research project *Lordship and State Formation in the County of Flanders, 15th – 18th C.*, funded by the Belgian Federal Science Policy (Belspo), the first step was to make a repertory of these manorial police regulations in the county of Flanders. The repertory appeared in October 2023 and contains 109 items.⁶ As we explain below, the nature of these documents is mixed. They emanate from both rural and urban manorial authorities and contain not only provisions concerning police, as we mentioned before, but also customary norms. The length of these texts varies from some twenty odd provisions to almost 300.

To be able to compare provisions from different localities, trace genealogies, and select the clauses related to specific problems in different places, we have applied the taxonomy of the database of early modern police ordinances (*Policeyordnungen der Frühen Neuzeit*).⁷ What in the 1990s started as the

⁵ See, for example, the preamble of the seventeenth-century police regulations of Ambacht Boekhoute: ‘Statuten ende pollitique ordonnantien tot conservatie ende goede directie vanden Ambachte van Bouchaute, ghemaectt ende vernieut den IXen maerte 1632’ (RAG, *Ambacht Boekhoute* (AR22), 36).

⁶ Klaas Van Gelder, ‘Politie’ in *de heerlijkheid. Gids en repertorium van heerlijke politiereglementen in het graafschap Vlaanderen, 13^e-18^e eeuw* (Brussels: Algemeen Rijksarchief en Rijksarchief in de Provinciën, 2023). The project *Lordship and State Formation in the County of Flanders, 15th – 18th C.* focuses on the interactions between central institutions and local lords. It is a cooperation between Ghent University and the State Archives in Ghent under supervision of Frederik Buylaert (Ghent University), Thijs Lambrecht (Ghent University), and Joke Verfaillie (State Archives Ghent). Klaas Van Gelder was part of the research team until September 2021 when he was replaced by Kaat Cappelle. They are now preparing a series of joint articles to highlight these police regulations, methodologies for studying them, and what the texts can tell us about the relationship between Flemish lords and their subjects. Among other things, this includes a quantitative analysis of the content of the provisions from the thirteenth to the eighteenth century.

⁷ For a synthesis of the taxonomy (and other metadata) see: Karl Härter and Michael Stolleis, ‘Einleitung’, in: Karl Härter (ed.), *Repertorium der Policeyordnungen der frühen Neuzeit. Band 1: Deutsches Reich und geistliche Kurfürstentümer (Kurmainz,*

research project *Policeordnungen der frühen Neuzeit*, developed by the team around Karl Härter and Michael Stolleis at the Max Planck Institute for European Legal History (today: the Max Planck Institute for Legal History and Legal Theory), evolved into the publication of twelve volumes of the *Repertorium der Policeordnungen der Frühen Neuzeit*.⁸ Recently, these repertories have been converted into an online open access database.⁹ This (still expanding) database contains over 200,000 police ordinances, each entry consisting of a description of the ambit and legislator, information on the normative texts, and different subject matters indexed according to a taxonomy and specific keywords. It covers principalities and imperial cities from the Holy Roman Empire, as well as some cities in Switzerland in the south, to Denmark and Sweden to the north. Chronologically, the ordinances range from the thirteenth until the early nineteenth century.

In this article, we discuss the problems we encountered while tagging the manorial police regulations according to the taxonomy that Härter, Stolleis, and their collaborators developed for princely police legislation as well as ordinances issued by different imperial city councils. The main aim of this taxonomy is to enable comparative, diachronic, and transregional research.¹⁰ It has become a valuable tool for analysis. However, as we will argue in this article, it is not obvious how to also use the tool to tag local police regulations. These have some characteristics that require slight adaptations to this classification scheme. The aim of this contribution is thus to evaluate the application of the taxonomy to provisions of manorial police regulations – and, by extension to all police regulations at the local level, be it villages or small towns.

Kurköln, Kurtrier (Frankfurt am Main: Vittorio Klostermann, 1996), pp. 1-36; Karl Härter, ‘Short Notice: A Database of Early Modern Police Ordinances’, *The Journal for Digital Legal History* 1/1 (2022), pp. 1-3, DOI: [10.21825/dlh.85516](https://doi.org/10.21825/dlh.85516).

⁸ Karl Härter (ed.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 1: Deutsches Reich und geistliche Kurfürstentümer (Kurmainz, Kurköln, Kurtrier)* (Frankfurt am Main: Vittorio Klostermann, 1996); Thomas Simon (ed.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 2: Brandenburg/Preussen mit Nebenterritorien (Kleve-Mark, Magdeburg und Halberstadt)* (Frankfurt am Main: Vittorio Klostermann, 1998), 2 vols.; Lothar Schilling and Gerhard Schuck (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 3: Wittelsbachische Territorien (Kurpfalz, Bayern, Pfalz-Neuburg, Pfalz-Sulzbach, Jülich-Berg, Pfalz-Zweibrücken)* (Frankfurt am Main: Vittorio Klostermann, 1999), 2 vols.; Achim Landwehr and Thomas Simon (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 4: Baden und Württemberg* (Frankfurt am Main: Vittorio Klostermann, 2001); Henrik Halbleib and Inke Worgitzki (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 5: Reichsstädte 1: Frankfurt am Main* (Frankfurt am Main: Vittorio Klostermann, 2004); Karl Härter, Michael Stolleis and Klaus Militzer (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 6: Reichsstädte 2: Köln* (Frankfurt am Main: Vittorio Klostermann, 2005), 2 vols.; Karl Härter and Michael Stolleis (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 7: Orte der Schweizer Eidgenossenschaft: Bern und Zürich* (Frankfurt am Main: Vittorio Klostermann, 2006), 2 vols.; Susanne Kremmer, Karl Härter and Michael Stolleis (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 8: Reichsstädte 3: Ulm* (Frankfurt am Main: Vittorio Klostermann, 2007); Karl Härter, Michael Stolleis and Ditlev Tamm (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 9: Danmark og Slesvig-Holsten* (Frankfurt am Main: Vittorio Klostermann, 2008), 2 vols.; Gunter Mahlerwein, Thomas Rölle and Sigrid Schieber (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 10: Reichsstädte 4: Speyer, Wetzlar, Worms* (Frankfurt am Main: Vittorio Klostermann, 2010); Karl Härter and Michael Stolleis (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 11: Fürstbistümer Augsburg, Münster, Speyer, Würzburg* (Frankfurt am Main: Vittorio Klostermann, 2016), 2 vols.; Karl Härter, Michael Stolleis, Jörg Zapnik and Pär Frohnert (eds.), *Repertorium der Policeordnungen der frühen Neuzeit. Band 12: Königreich Schweden und Herzogtümer Pommern und Mecklenburg* (Frankfurt am Main: Vittorio Klostermann, 2017), 2 vols.

⁹ <https://policey.lhlt.mpg.de/web/> (consulted on 15 September 2023).

¹⁰ For example, Toomas Kotkas used the same taxonomy for his study of Swedish police ordinances. See: Toomas Kotkas, *Royal Police Ordinances in Early Modern Sweden: The Emergence of Voluntaristic Understanding of Law* (Leiden/Boston: Brill, 2014).

2. Concepts and research questions

Before tackling the thorny methodological task of tagging, it is useful to give some contextual information for a better understanding of the sources we are talking about. First, although the compilations we study do not have a clear nomenclature, and are at times called *keuren*, statutes, (police) ordinances, or even *costuymen*, there are several reasons why we grouped them under the general heading of ‘police regulations’. The pre-modern concept of police is rather vague. Sometimes it refers to the purpose to create a state of good order within society, but it can also refer to the type of law and other norms used to prescribe the expected state of good order, and even to the administrative bodies that enforced these laws and norms. The term ‘police’ first appeared in French sources in the fourteenth century while the first examples in our corpus date from the fifteenth century.¹¹ Often the concept of ‘police’ appears in tandem with the adjective ‘good’. Good police is a reference to the good order of society as well as the measures necessary to maintain that order. The concept legitimated the decisions and actions of policymakers and, alongside ‘justice’, was considered as a key component of the power to rule.¹² During the late middle ages and early modern period, rulers and officials at all administrative levels – from emperors and kings down to urban magistrates, deans of craft guilds, and local lords – used compilations of law to organise society, police their subjects, and thereby also style themselves as legitimate authorities. Until now, (legal) historians have paid most attention to central legislation and compilations of the law of cities. Regulations at the village or small-town level have largely remained out of the picture.¹³ Our project aims to change that.

¹¹ See, for example, the preamble of the fifteenth-century police regulations of St Peter’s Manor near Ghent: RAG, *Sint-Baafs en Bisdóm Gent – Serie S* (K88), 350, fol. 177v; Van Gelder, ‘*Politie*’ in *de heerlijkheid*, pp. 32-33.

¹² Karl Härter, ‘Gute Policey: Begriff, Bedeutung, Forschung’, in: Friedrich Jaeger (ed.), *Enzyklopädie der Neuzeit* (Stuttgart/Weimar: Verlag J.B. Metzler, 2009), vol. 10, cols. 170-180; Albert Rigaudière, ‘Les ordonnances de police en France à la fin du Moyen Âge’, in: Michael Stolleis in collaboration with Karl Härter and Lothar Schilling (eds.), *Policey im Europa der Frühen Neuzeit* (Frankfurt am Main: Vittorio Klostermann, 1996), pp. 97-161; Härter and Stolleis, ‘Einleitung’; Paul Van Peteghem, ‘“Politie” in Brugge, Gent, Maastricht en Nijmegen. Een bijdrage tot vergelijkende institutionele stadsgeschiedenis in de Nederlanden’, in: Hugo Soly and René Vermeir (eds.), *Beleid en bestuur in de Oude Nederlanden. Liber Amicorum Prof. Dr. M. Baelde* (Ghent: Vakgroep Nieuwe Geschiedenis UG, 1993), pp. 461-476.

¹³ Nevertheless, there are predecessors of our repertory for other regions in the Low Countries. See, for Hainaut: Jean-Marie Cauchies and Françoise Thomas (eds.), *Chartes-lois en Hainaut (XII^e-XIV^e siècle). Édition et traduction* (Mons: Hannonia 2005). For the county of Loon: Jan Behets and Jozef Grauwels, ‘De Keurboeken van het Graafschap Loon en het omliggende. Einde 16^{de} – einde 18^{de} eeuw’, *Handelingen van de Koninklijke Commissie voor de Uitgave der Oude Wetten en Verordeningen van België* 30 (1981-1982), pp. 257-470. For a detailed analysis of similar police regulations, called ‘jaargeboden’, in the Peelland region (in northern Brabant): Lia van Zalinge-Spooren, *Gemeint en gemeenschap. Jaargeboden in Peelland, circa 1300-1793* (Hilversum: Verloren, 2018). We can also refer to several thorough analyses of local norms in localities across the Holy Roman Empire: Martin Rheinheimer, *Die Dorfordnungen des Herzogtums Schleswig. Dorf und Obrigkeit in der Frühen Neuzeit* (Stuttgart: Lucius & Lucius, 1999), 2 vols.; Thomas Winkelbauer, *Gundaker von Liechtenstein als Grundherr in Niederösterreich und Mähren. Normative Quellen zur Verwaltung und Bewirtschaftung eines Herrschaftskomplexes und zur Reglementierung des Lebens der Untertanen durch einen adeligen Grundherrn sowie zur Organisation des Hofstaates und der Kanzlei eines “Neufürsten” in der ersten Hälfte des 17. Jahrhunderts* (Vienna/Cologne/Weimar: Böhlau, 2008); Karl Härter, ‘Police Ordinances, Customary Statutes and Normativity Regimes: Regulating Agriculture and Forest in a Rural District of the Electorate of Mainz between the late Middle Ages and the Early Modern Period’, *The Journal for Digital Legal History* 2/1 (2023), pp. 1-40, DOI: [10.21825/dlh.87299](https://doi.org/10.21825/dlh.87299); Wolfgang Wüst, ‘Country-“Policey”: Norms in Early Modern Agrarian Societies’, *The Journal for Digital Legal History* 2/1 (2023), pp. 1-23, DOI: [10.21825/dlh.85675](https://doi.org/10.21825/dlh.85675). There are also some similarities with *Weistümer*, although the latter more strongly focused on the inhabitants’ obligation towards the lord, which is rare in our corpus. See, on *Weistümer*: Christiane Birr, ‘Weistümer und “ländliche Rechtsquellen”’, in: Josef Pauser, Martin Scheutz and Thomas Winkelbauer (eds.), *Quellenkunde der Habsburgermonarchie (16.-18. Jahrhundert). Ein exemplarisches Handbuch* (Vienna/Munich: Böhlau, 2004), pp. 390-408.

Second, our sources pertain to an under-explored institution in the Low Countries, namely the manor or 'seigneurie' (Dutch: *heerlijkheid*).¹⁴ Within the context of the Low Countries, the manor is best defined as a specific territory within which a lord or lady could exercise a bundle of rights and privileges over the inhabitants in his or her own right. These rights and privileges could include the right to administer justice, issue law and levy taxes, but also to call the inhabitants to labour duties or to claim the best movable good upon the death of every inhabitant of the manor. In other words, the public authority in these manors rested not directly with the territorial overlord, in our case the count of Flanders, but with a dynasty of local lords or, less often, legal entities, such as chapters, abbeys, and city councils. The territory of a Flemish manor was usually a village or a part of it, but many of them consisted of nothing more than one or several hamlets or merely of scattered habitations. Most manors were rural, but some Flemish towns, such as Deinze, Diksmuide, Eeklo, Gistel, and Roeselare, also had manorial status.¹⁵ Our sources therefore cover both rural and urban manors.

One common mistake is the idea that manors were identical to fiefs. While a manor consisted of rights of governance over the inhabitants within a given territory, no public authority was attached to a fief. The latter, for example a plot of land, or an office, established a feudal relationship. Under this mutual agreement, the feudal lord was the technical owner of a fief, which he or she endowed to a vassal. This provided the vassal with permanent income in exchange for loyalty, goods and/or services to the feudal lord. Many manors in Flanders and elsewhere in the Low Countries were also fiefs, but the inverse was not true, as there were many more fiefs than manors.¹⁶

Quite logically, manors had institutional ties with many administrative levels and not just with fiefs. They constituted a small administrative unit within a complex web of partly hierarchical and partly juxtaposed jurisdictions. At the head of this institutional framework was the count of Flanders. Even after the county of Flanders became a part of the Burgundian and later Habsburg composite monarchy, the ruling prince or princess issued ordinances in the county as count or countess of Flanders. Since the Middle Ages, Flanders counted several dozens of cities and towns that we can consider as largely autonomous

¹⁴ *Heerlijkheid* is not an easy term to translate into English. In this contribution, we choose to use 'manor' instead of 'seigneurie' or 'lordship'. For a brief elaboration on the conceptual challenges this term poses see: Chris Wickham, 'Introduction: Defining the seigneurie since the War', in: Monique Bourin and Pascual Martínez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales (XIe-XIVe siècles). Réalités et représentations paysannes. Colloque tenu à Medina del Campo du 31 mai au 3 juin 2000* (Paris: Publications de la Sorbonne, 2007), pp. 43-50.

¹⁵ So far there are only a handful of generalising contributions about manors in the southern Low Countries: Jacques Mertens, 'Heerlijkheden (9^{de} eeuw-1795)', in: Walter Prevenier and Beatrijs Augustyn (eds.), *De gewestelijke en lokale overheidsinstellingen in Vlaanderen tot 1795* (Brussels: Algemeen Rijksarchief en Rijksarchief in de Provinciën, 1997), pp. 552-557; Jan Van Rompaey, 'De heerlijkheid als heem van onze voorouders', *Ons Heem* 29 (1975), pp. 125-135; Jos Denys, *Inleidende nota over de lijst der heerlijkheden van Oostvlaanderen* (Ghent: Snoeck-Ducaju, 1950). For the neighbouring duchy of Brabant see: Herman Coppens, 'Heerlijkheden (9^{de} eeuw-1795)', in: Raymond Van Uytven, Claude Bruneel, Herman Coppens and Beatrijs Augustyn (eds.), *De gewestelijke en lokale overheidsinstellingen in Brabant en Mechelen tot 1795* (Brussels: Algemeen Rijksarchief en Rijksarchief in de Provinciën, 2000), vol. 2, pp. 671-690. A new synthesis based on much larger dataset about Flemish manors is being published shortly: Frederik Buylaert and Miet Adriaens, *Lordship, Capitalism and the State in Flanders (c. 1250-1570)* (in preparation; here chapter 1). This monograph also discusses the challenges for defining 'seigneurie/manor' and 'lordship'. We thank the authors for giving us access to the manuscript before publication.

¹⁶ Rik Opsommer, "Omme dat leengoed es thoohste dinc van der weerelt." *Het leenrecht in Vlaanderen in de 14^{de} en 15^{de} eeuw* (Brussels: Algemeen Rijksarchief en Rijksarchief in de Provinciën, 1995); Dirk Heirbaut, *Over heren, vazallen en graven: het persoonlijk leenrecht in Vlaanderen ca. 1000-1350* (Brussels: Algemeen Rijksarchief en Rijksarchief in de Provinciën, 1997); Dirk Heirbaut, *Over lenen en families: een studie over de vroegste geschiedenis van het zakelijk leenrecht in het graafschap Vlaanderen (ca. 1000-1305)* (Brussels: Paleis der Academiën, 2000).

juridical and administrative units. The countryside, where most of the manors were to be found, also had an intermediate level, namely several districts called *kasselrijen*. Each of these had specific fiscal, judicial and normative powers. Furthermore, every *kasselrij* had a unique relationship with higher authorities as well as with the towns and villages – many of which with manorial status – within their boundaries.¹⁷ As a matter of fact, the manorial police regulations we analyse contain traces of all of these administrations, from the prince down to surrounding towns and rural districts. The manorial regulations thus reflect the embeddedness of the villages and towns under scrutiny within other normative authorities.

At some point, many of the hundreds of manors in Flanders had their own sets of written regulations which, as was the case with customary law, often had existed and developed in purely oral fashion for many decades or even centuries before being written down. The manorial lord or lady usually promulgated these regulations in his or her name. He or she thus acted as the manorial ‘legislator’, even though they were but one of the actors involved in the genesis of these regulations. For example, the village or town magistrates or specific groups of inhabitants were sometimes called for consultation. In this project, we study these sources as a genre and as a corpus of sources in its totality, but also aim to analyse the interplay of manorial regulations and princely ordinances. Important questions here are, first, whether and to what extent manorial police regulations became more homogenous over time, and second, what the legal interactions between the local and central levels of administration were. Or, to put it differently: to what extent did the higher administrations use the local manor to implement and enforce legislation, or did manorial officeholders wish to align with regulations from above?

To answer these questions, a clear classification scheme is needed to organise the content of thousands of provisions in Flemish police regulations. As mentioned above, we have chosen to use the taxonomy of the database of early modern police ordinances, which will make it possible to compare results between the different Flemish manors over time as well as comparing them with manors in other regions, and the relationship with state formation. In the rest of this article, we briefly present the sources, then explain how we went about tagging them, and finally discuss some of the difficulties we encountered while doing so.

¹⁷ This is a much-simplified picture of the complex institutional make-up of the county of Flanders and the place of manors within this framework. For information on the exact competences of many of these institutions and jurisdictions on different levels, see the contributions in: Walter Prevenier and Beatrijs Augustyn (eds.), *De gewestelijke en lokale overheidsinstellingen in Vlaanderen tot 1795* (Brussels: Algemeen Rijksarchief en Rijksarchief in de Provinciën, 1997).

3. Manorial police regulations in the spotlight

Our first goal was to gather as many surviving manorial police regulations as possible. For reasons of feasibility, we decided to focus on compilations of police provisions that covered at least two or more topics of daily life. We did not consider single resolutions about a specific topic nor thematic regulations, such as provisions solely about bakers or about contagious diseases. We also restricted our search to the Dutch-speaking territories of the county of Flanders, largely omitting the southern parts of the county that today are a part of France.

As these sources have never previously been described as a set genre, we gradually had to define what did and did not belong to our corpus. What we defined as police regulations was more often a question of the daily life of local communities and the organisation of their socio-economic structures than of private law or serious crimes. Nevertheless, the dividing line is porous, as the examples below will make clear. Regulations are also not a source with a clear and easily recognisable form; rather we are dealing with an amalgam of sources, each with normative character, that have come to us in a wide array of forms. Some of them have been preserved in registers kept by noble lords, abbeys, or local officials. Others have come to us in the form of bound booklets, as charters or in rare cases even in print. While many of these regulations have been published by the *Koninklijke Commissie voor de Uitgave der Oude Wetten en Verordeningen van België*, and in local historical journals, we were able to add a considerable number of compilations that have never been published.¹⁸

We settled on three criteria to make the final selection. First, the chosen documents all relate to a manor in the county of Flanders, whatever its size and jurisdiction. Second, the documents must contain police regulations (although they may also contain other provisions, for example customary law). Third, the selected documents must cover at least two of more areas of daily life, for example fire prevention, crop protection, or the regulation of taverns and markets. These criteria resulted in a dataset of 109 documents: eighty-four compilations for rural manors, eighteen for urban manors (i.e. localities with undisputed town status, usually based on a comital charter that granted them town privileges), and seven questionnaires for inquests, or *doorgaande waarheden* (literally ‘ongoing inquests’; *franca veritas, franche verité*). These inquests were recurrent public village or town meetings at which either all adults or all adult men were expected to be present. They took place one, two or three times per year. During this legal procedure, the judges questioned the community about offences that had been committed and were to be punished.

When did these regulations appear? We traced the oldest surviving compilations to medieval village charters. Compared to Hainaut and Brabant, where these charters have been preserved in abundance, Flanders seems to have had a different tradition. As a result, we found only four Flemish examples of charters that include police regulations.¹⁹ From the late thirteenth century onwards, and especially in the late fourteenth century, specific compilations start to appear that we have qualified as the ‘classic

¹⁸ For an extensive explanation of the search and selection phases, see Van Gelder, ‘*Politie in de heerlijkheid*’, pp. 151-158.

¹⁹ For Hainaut: Cauchies and Thomas, *Chartes-lois en Hainaut*. For Brabant: Bart Minnen, ‘Heerlijke wetgeving in Brabant in de late Middeleeuwen. De privileges voor de heerlijkheden Rotselaar, Vorselaar en Retie (1407-1558)’, *Handelingen van de Koninklijke Commissie voor de Uitgave der Oude Wetten en Verordeningen van België* 41 (2000), pp. 79-270. The charters in our repertory are from Desteldonk, Sleidinge, and Lovendegem (1248), Noordschote and Zuidschote (1266), Zaffelare (1264), and Kaprijke (1240/1271).

manorial police regulations'; these are specially compiled lists of all police provisions that applied within a given community, and each with an associated fine (see figure 2). This is the most common type of compilation in our repertory, but a range of other document types can be found too. These include, for example, feudal *dénombrements* or reports about the fiefdom that the vassal had to submit to the feudal court when the overlord enfeoffed him or her. In Flanders, as previously mentioned, most of the seigneuries were also fiefs. Other document types are, for example, regulations that set out clear rules for the administration of a village. With questionnaires of the so-called *doorgaande waarheden* we also have another way of tracking down these police regulations. The questions mirrored, as it were, the police regulations.²⁰ In addition, there are numerous mixtures between the source types, a situation that is not unique for Flanders.²¹

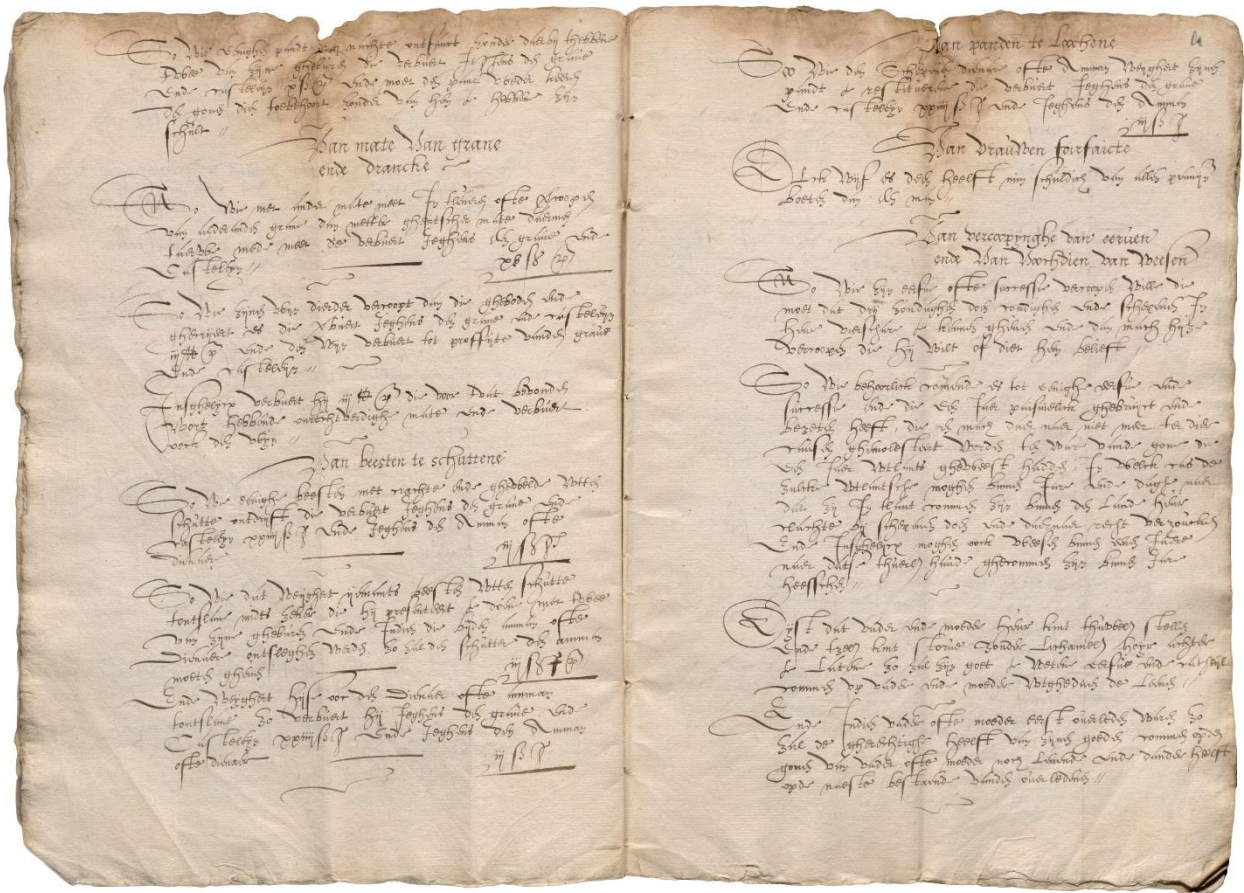


Figure 2: Provisions, ordered in thematic sections, in the police regulations for Assenede Ambacht, 1584 (RAG, Ambacht Assenede (AR12), 7).

²⁰ The questionnaires of the 'doorgaande waarheden' in our repertory are from St Bavo's Manor near Ghent (different questionnaires from the fourteenth and fifteenth centuries), Evergem (early fifteenth century), the Proosse and Kanunnikse Manors of St Donatian's Church in Bruges (1512 n.s.), the barony of Boelare (ca. 1608), and Krombeke (1718).

²¹ In this special issue, Karl Härter describes a similar mix of types of provisions for the Starkenbach region in the Holy Roman Empire: Härter, 'Police Ordinances, Customary Statutes and Normativity Regimes'.

We have already mentioned that these documents vary greatly in length, but they differ in other respects too. Some, especially the oldest surviving regulations, are a mishmash of different provisions, others are carefully thematically organised by subject and with headings and have clearly been drafted by or with help from (legal) experts. The oldest text dates to the late thirteenth century but we find many more documents from the fifteenth century onwards, with a peak in the sixteenth and seventeenth centuries. This runs parallel with the systematic compiling of local customary law issued by the princely administration. After reviewing and agreeing with the contents, the princely institutions proceeded to the homologation of these compilations, and therefore considered them as princely law.²² In the Low Countries, this movement took off in the 1520s – the chronology of the sources in our repertory therefore seems no coincidence. In the eighteenth century there were ever fewer new police regulations. This decrease may be related to increasing regulation from above that restricted the local autonomy to issue such rules – a point we will further scrutinise in the coming years. In the wake of the French annexation of the Austrian Netherlands, including the county of Flanders, the end of the eighteenth century marked the abolishment of manors and thus forms a clear terminus for our corpus.

4. Tagging the individual provisions in the manorial police regulations

The next step in our research was to analyse the content of the selected sources. We decided to categorise the provisions in the compilations according to the above-mentioned classification system or taxonomy based on the *Policeordnungen der Frühen Neuzeit*. This classification system is a taxonomy organised in four levels. We only used the first two levels for coding and indexing the manorial police regulations. The first level consists of five broad societal sectors of police regulation: (1) social order and religion; (2) public order and safety; (3) social services, healthcare, education, culture; (4) economic order, work and professional regulations; (5) land divisions. Twenty-five categories or regulatory areas form the second level (see figure 3), and these are split further into approximately 200 *Policeymaterien* or police matters, which were originally further divided in c. 1,200 keywords.²³ While we have only used the five sectors and twenty-five regulatory areas to tag the provisions of our compilations, the subject matters and specific keywords have been extremely useful because they allowed us, when in doubt, to verify exactly which theme belongs to which sector and regulatory area.

What information do the Flemish manorial police regulations contain? These documents try to rule everyday life within the local community. While sometimes seen as top-down orders, with lords ruling as miniature monarchs within their manors, our preliminary research findings demonstrate that manorial

²² John Gilissen, ‘La rédaction des coutumes en Belgique au XVI^e et XVII^e siècles’, in: John Gilissen (ed.), *La rédaction des coutumes dans le passé et le présent* (Brussels: ULB. Institut de sociologie, 1962), pp. 98-102; John Gilissen, ‘Les phases de la codification et de l’homologation des coutumes dans les XVII provinces des Pays-Bas’, *The Legal History Review* 18 (1950), pp. 36-67 and 239-290; Dave De ruysscher, ‘Customs and Municipal Law: The Symbolic Authority of the Past (Low Countries, 16th-17th Century)’, *Dutch Crossing* 46/2 (2022), pp. 99-100, DOI: [10.1080/03096564.2020.1754673](https://doi.org/10.1080/03096564.2020.1754673).

²³ See for the list in detail: https://policy.lhlt.mpg.de/web/assets/03_systematik_index_policeymaterien.pdf (consulted on 15 September 2023). In 2020, we started our research using a provisional Excel database that contained c. 1,200 keywords. In the meantime, this list has been considerably expanded. In a 2022 article, Karl Härter mentions 6,200 specific keywords (Härter, ‘A Database’) and provisional versions of the list translated into other languages contain even more terms. Our findings are thus based on the original database, but we thank Annemieke Romein for giving us access to the extended version. Some of the suggestions and comments we make in the following paragraphs, also apply to the newest database.

regulations are more the result of a normative process and compromise, and the outcome of negotiation, persuasion, and bargaining at the local level, with different individual circumstances and interests of diverse stakeholders playing a role. Changing societal concerns and sensitivities led to conflict or collaboration between local authorities, villagers, and townspeople, subsequently resulting in more or less successful attempts to find practical solutions. These provisions therefore do not give us the whole picture. We also need to study their implementation and enforcement.²⁴ Nevertheless, they do give glimpses into claims to legislative powers and into the development of public services in the countryside and in small towns, such as, for instance, the organization of markets or the regulation of user rights to common resources, such as meadows and forests.

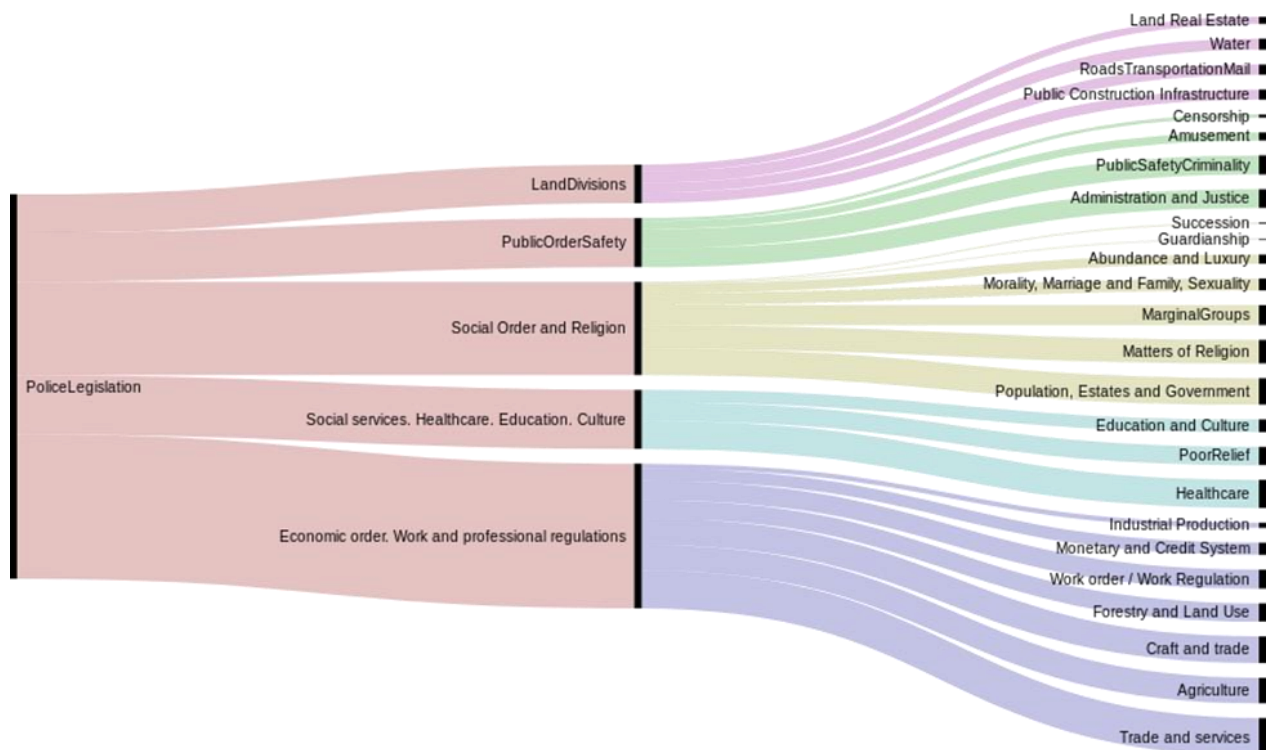


Figure 3: First two levels of the taxonomy of the Policeordnungen der Frühen Neuzeit. Source: C.A. Romein et. al. 'The Datafication of Early Modern Ordinances', *DHBenelux Journal* 2 (2020) <https://journal.dhbenelux.org/journal/issues/002/article-23-romein/article-23-romein.pdf>.

The scope of the areas of societal life covered by the manorial police regulations is extensive. Even though our quantitative analysis is still a work in progress, a quick glance at the Flemish police regulations demonstrates several police matters frequently recurring on the local level. Almost all regulations dealt with agriculture, forestry, and land use. Classic examples are provisions concerning fencing fields, the protection of crops from stray cattle, and fishing and hunting prohibitions. Common use rights and the

²⁴ See, for example, Achim Landwehr, 'Policey vor Ort. Die Implementation von Policeyordnungen in der ländlichen Gesellschaft der Frühen Neuzeit', in: Karl Härter (ed.), *Policey und frühneuzeitliche Gesellschaft* (Frankfurt am Main: Vittorio Klostermann, 2000), pp. 47-70.

management of public resources such as forests – for example the prohibition against cutting down trees – also often occur. Provisions regarding crafts, such as the activities of bakers and millers, and rules concerning commerce and services pop up regularly. These include, for example, provisions about the organisation of village markets, the closing hours of inns, bans on allowing foreigners to stay overnight, and price, weight, and food quality control.

Criminal matters were another focal point for manorial authorities in Flanders. Many police regulations dealt with property crimes such as theft and arson, violent crimes such as manslaughter and murder, and crimes against the public order such as vagrancy. There were fewer regulations including provisions on sexual crimes, such as rape, adultery, or keeping brothels. Alongside all these types of crimes, the administration of law concerning civil and criminal matters, and the maintenance of streets, waterways and bridges were increasingly part of the manorial regulations. All kinds of fire safety measures and waste disposal provisions also appear. Notable examples are rules for constructing safe ovens, the obligation to put out fires during the night, the prohibition against throwing ashes and other filth through windows, and the ban on dumping waste in the water. Finally, less prominent categories are guardianship, gambling, violations against sacred spaces, the containment of diseases, and the organisation of local administration.

Other categories in the original taxonomy hardly featured in our corpus of manorial police regulations. Examples of such categories include rules about censorship and book printing, provisions on excess and luxury, schooling and education, and marriage. Another striking example is industrial production. Village authorities barely regulated the labour organisation within their jurisdictions, thus confirming the gap between the strictly organised and regulated craft guilds within urban centres versus the more liberal countryside.

In classifying the subject matters of the police regulations according to the aforementioned five sectors and twenty-five regulatory areas, we encountered a number of challenges. Some of these pertain to tagging qualitative sources in general, others are more specifically related to the fact that we are working with local compilations of law as opposed to princely ordinances and legislation at the level of the imperial city or principality, for which the taxonomy was actually developed, and to the fact that we are applying a taxonomy developed for the Holy Roman Empire to another region.²⁵

Our corpus of sources contains compilations of prohibitions and orders on a wide range of subjects. Most regulations are comprehensive and do not exclusively deal with a single police matter. Consequently, there is not a single ‘tag’ that covers the entire document, as is also the case with the *Repertorium der Polizeyordnungen der frühen Neuzeit*. We thus had to encode every single provision. Moreover, many provisions also fit in more than one regulatory area (and even sector) from the taxonomy. To ensure comparative research on as many police matters as possible, we decided not to restrict ourselves to one tag per provision because that can detract from the precise and nuanced content of a rule. Let us illustrate this with an example. In 1527 n.s. the administrators of the Land of Beveren proclaimed that if a person hurts someone else in the head, he or she will be fined. Quite obviously, we can tag this provision with ‘2.2 Public safety, criminality’.²⁶ Other provisions, however, cannot easily be put in one single category of regulations. Article 19 of the police regulations from 1660 in Eeklo, a small town northwest of Ghent with manorial status, provides a clear example. It determines that no one was allowed to let their pigs freely

²⁵ Until the mid-sixteenth century, the largest part of the county of Flanders did not belong to the Holy Roman Empire.

²⁶ ‘Item zoe yemant den anderen quetst int hooft, dats de boete van VI lb parisij’, article 74 of the police regulations of the Land of Beveren from 1527 n.s.: RAG, *Land van Waas – Hoofdcollege* (AR7), 3199, fol. 139.

run through the streets, although it also mentions some exceptions to this rule. This provision arguably responded to different problems, such as the risk of freely roaming pigs entering private gardens and ravaging vegetable gardens, but also of pigs grubbing around in the ground for roots or worms and thus causing damage to the many unpaved roads. We therefore tagged this provision twice: with '4.1 Agriculture' on the one hand, and '5.2 Roads, transportation and mail' on the other.²⁷

Some provisions can take even more tags. The same police regulations from Eeklo also forbade excesses in the cemetery. Much in the same vein as the examples mentioned at the start of this text, no one was allowed to throw stones or sticks and to shoot with bows at swallows or bird nests. It was also not allowed to play games or to relieve oneself there. All these violations were subject to the penalty of a fine. In the case of minors, the parents or guardians had to pay.²⁸ We classified this provision with multiple tags including: '1.1 Matters of religion', '2.1 Amusement', and, given that ball games regularly caused damage to church buildings, '5.4 Public construction infrastructure'. We also added the two sublevels '1.5 Morality, marriage and family, sexuality', and '1.6 Guardianship', as parents or legal guardians had liability on behalf of minor children. In addition, perhaps somewhat surprisingly, we also decided to add the tag '4.2 Forestry and land use' to this provision, as it also prohibited hunting and killing swallows, and destroying bird nests ('wildlife protection').²⁹ In other words, we tagged this provision with six codes pertaining to four of the five general sectors that form the upper level of the taxonomy. The police regulations of the Land of Beveren from 1660 contain a comparable article that goes even further: No one is entitled to let his animals roam the cemetery. This means an extra tag, namely '4.1 Agriculture'.³⁰ We thus have many more tags than the total number of police provisions in our corpus of sources.

Linking several police matters with one provision certainly has the advantage of making our database more complete. However, it also complicates quantitative processing of the tags. A possible solution could be to choose one main tag for each provision, but that is a highly subjective matter where even the two of us – with different academic backgrounds, Kaat Cappelle being a legal historian, Klaas Van Gelder a historian – sometimes disagreed. This challenge is indeed inherent to tagging qualitative sources. Again, we will illustrate this with an example: the *issuerecht* on inheritances. Initially, a stranger could not inherit from an acknowledged member of the local community. Over time, however, this ban on strangers inheriting was loosened: he or she could inherit after paying an inheritance tax, the *issuerecht* in Dutch, which was also levied in Flemish manors. Thus, if forced to choose one primary tag here, one could

²⁷ 'Niemandt en sal oock vermoghen syne verckens te laten loopen achter straten ten sy de selve behoerlick sijn gheringht ende gheschielt, op de boete van twee ponden parisis, ghesondert speneverkens', article 19 of the police regulations of Eeklo from 1660: Louis Gilliodts-Van Severen, *Coutumes des pays et comté de Flandre. Quartier de Bruges. Coutumes des petites villes et seigneuries enclavées. Tome deuxième: Cadsant. Caprycke. Damme. Dixmude. Eecloo* (Brussels: Gobbaerts, 1891), p. 626.

²⁸ 'Voorts men verbiet een ieghelijck wie hy sy, op het kerckhof, deser stede, te werpen met steenen ofte stocken, te schieten met bogen ofte bolle pypen, naer de swaelmen ofte voghelnesten, daer op te katsen, suckelen metten bal, te colven, toppen, ofte spelen eenigh ander spel, nochte oock daerop syn water te maken, ende naturelicke vuylicheyt, alles op de boete van twee ponden parisis, respectivelick te verhalen op de ouders ofte vooghden vande kinderen, die inde selve boete gevallen sijn, boven de reparatie vande schade ande voorseyde kercke', article 82 of the police regulations of Eeklo from 1660: Gilliodts-Van Severen, *Coutumes des pays et comté de Flandre. Quartier de Bruges. Coutumes des petites villes et seigneuries enclavées. Tome deuxième: Cadsant. Caprycke. Damme. Dixmude. Eecloo*, p. 648.

²⁹ Thijs Lambrecht has noted that birds received more attention than other wild animals in compilations of law in Flemish rural districts (*kasselrijen*). See Thijs Lambrecht, 'The Great Crow Massacre. Agrarian Capitalism, Pest Control and Wildlife in the Low Countries, c. 1400-c. 1650' (in preparation). We thank the author for giving us access to this contribution before publication.

³⁰ 'Eerst ende alvooren dat hem niemant en vervoordere hoedanigh hy sy, te stellen ofte laeten gaen op het kerckhof syne beesten (...)', article 1 of the police regulations of the Land of Beveren from 1660: RAG, *Doel-Kieldrecht* (AR36), 99, fol. 1.

consider this to be a perfect example of protecting the community against forces alienating its sources of wealth (tag '1.2 Population, estates and government'), but it is also a clear illustration of gradually more sophisticated inheritance rules (tag '1.7 Succession').³¹

This issue is even more complicated as, over time, some manors had several subsequent versions of compilations of law, in which new provisions were added, while older norms were supplemented or changed.³² Moreover, a relationship may exist between the compilations of different manors, as one compilation could have been used as a model for the compilation of another.³³ The consistent tagging of the many police regulations by different researchers therefore requires a great deal of fine-tuning and mutual consultation.

More specifically for our corpus for analysis, we encountered some limitations of the taxonomy. Any classification is a subjective construction and other classifications are certainly imaginable, yet as users of this highly elaborate taxonomy, we are very much obliged to the team that designed it. It is well thought-out, and it has certainly provided an excellent starting point which made our own work far more efficient. What follows is therefore not a criticism, especially when it comes to issues that we feel are missing from the list or that we would simply classify under a different heading. Rather, in the subsequent paragraphs we wish to indicate some shortcomings and raise some points of attention, in the hope of making the tool even more user-friendly so it may become an international standard tool for tagging and linking datasets of normative sources from any level of government or administration.

To start with, given the abundance of provisions relevant to criminal law in our database, we quickly noticed that the sublevel '2.2 Public safety, criminality' did not entirely meet our needs. At the start, this category was even a bit misleading as it does not cover all crimes. Category 2.2 includes different violent crimes (for example murder and wounding), some property crimes (for example fencing), and some crimes against the public order (for example riots and witchcraft). However, provisions on sexual (or 'moral') offenses, such as adultery, incest, and unchastity, are grouped under '1.5 Morality, marriage and family, sexuality', while rape was missing in the original keyword list.³⁴ Arson, a harshly punished crime that regularly pops up in the manorial police regulations, is classified under '5.4 Public construction, infrastructure', whilst vagrancy and begging can be found under '1.3 Marginal groups'. A special form of murder, infanticide, traditionally categorised under violent crimes,³⁵ is a keyword under 'extramarital pregnancy/children' (1.5 Morality, marriage and family, sexuality). That is misleading as infanticide could also occur within marriage (albeit far less often).³⁶ A final example concerns misconduct of office, which

³¹ See, for example, articles 108 to 115 of the police regulations of the Proosse and Kanunnikse manors of St Donatian's Church in Bruges, dating from 1563: RAB, *Proosdij Sint-Donaas* (INV93), 8 bis, fols. 16v-18.

³² For example, the police regulations of Assenede from 1730 and 1773: RAG, *Ambacht Assenede* (AR12), 12 and 23.

³³ For example, the sixteenth-century police regulations of Ter Borcht (Meulebeke), Ingelmunster-Vijve, Het Maandagse, and Zwevezele: Van Gelder, *'Politie' in de heerlijkheid*, pp. 63-64.

³⁴ The term 'rape' is missing from the original German list of keywords, but *Vergewaltigung* is included in the alphabetical keyword list that follows (https://policy.lhlt.mpg.de/web/assets/03_systematik_index_policeymaterien.pdf). Other keywords included in the alphabetical list that are also missing from the original taxonomy are: *Giftmord*, *Fehde*, *Messerstechen*. For the sake of completeness, we should emphasise that the supplemented excel database does contain the term 'rape'.

³⁵ See, for example, Ariadne Schmidt, *Prosecuting Women: A Comparative Perspective on Crime and Gender Before the Dutch Criminal Courts, c.1600-1810* (Leiden/Boston: Brill, 2020), p. 145; Fernand Vanhemelryck, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het Ancien Régime (1404-1789)* (Brussels: Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België, 1981), pp. 110-113.

³⁶ See article 45 of the police regulations of St Peter's Manor near Ghent, dating from the fifteenth century: 'Alle vrouwen huerl. kinderen verdoende, ofte anderssins alsboven het lyf verbeurende, sal men ter voorn. plaetse levendich in de aerde delven, soo

the designers of the taxonomy treat as ‘2.4 Administration and justice’. In other words, the category ‘2.2 Public safety, criminality’ mainly focuses on violence, property crimes and some crimes against authority, but leaves out other criminal offences, such as sexually deviant behaviour. It may be true that the classification scheme has not been designed to reflect the systematic of early modern criminal law, but the large overlap between classical police matters and criminal matters in our sources complicates its application to the provisions in our database. Scholars searching for crimes and their persecutions and punishments therefore should not restrict themselves to the obvious category, but should search more extensively. However, it should be noted that the German alphabetical keyword list can be helpful, as some concepts contain references to others.³⁷

A similar problem concerns the field of matrimonial property and inheritance arrangements. While ‘1.7 Succession’ contains keywords about inheritance law, matrimonial property law is part of ‘1.5 Morality, marriage and family, sexuality’, more specifically, the subcategory ‘Marriage goods legislation’. Inheritance law concerns the transfer of property of a deceased person to one or more living persons; matrimonial property law is about the property relations of spouses during marriage and after the dissolution of marriage. During the late Middle Ages and early modern period, the dissolution of marriage occurred upon the death of one of the spouses. Therefore, the rights of the surviving spouses cannot be treated separately from inheritance rules, as these rules were interlinked. It is easy to overlook provisions on both inheritance and the interests of the longest-living spouse under these subcategories. One suggestion therefore could be to combine those categories into ‘Family property law’, instead of subdividing those provisions in ‘1.7 Succession’, and ‘Marriage goods legislation’ under ‘1.5 Morality, marriage and family, sexuality’.

While the level of detail of subject matters of the taxonomy is enormous, it is very easy to miss certain keywords when applying the tool to other territories with proper rules and customs. It is hard to cover everything, which is (of course) a sore point for all taxonomies. For example, our corpus has articles on eavesdropping and perjury, two terms that do not appear in the list. We decided to classify them under ‘2.2 Public safety, criminality’.³⁸ A similar example can be found in ‘4.1 Agriculture’, as some animals are summed up in the taxonomy, but not all. For Flemish police regulations, for example, there is reference to ducks which are not included in the taxonomy, however we tagged these provisions under 4.1.³⁹ Some Flemish police regulations also contain provisions related to the emancipation of minor children, which we also do not find in the list.⁴⁰ Another illustration is ‘rape’, as already mentioned above. We therefore

dat de doot naervolght’ (RAG, *Sint-Baafs en Bisdom Gent – Serie S* (K88), 350, fol. 181). This provision focuses on women in general, as it makes no distinction between married and unmarried women. In addition, for the region around Brussels Vanhemelryck also mentioned that accomplices, such as a husband, could expect an equally severe punishment as the main suspect (Vanhemelryck, *De criminaliteit in de ammanie van Brussel*, p. 113).

³⁷ See ‘3. Policymaterien und Materienbetreffe bzw. Schlagworte (alphabetisch)’ of the list: https://policy.lhlt.mpg.de/web/assets/03_systematik_index_policymaterien.pdf (consulted on 15 September 2023). See, for example, ‘Gewalttaten (siehe auch Brandstiftung, Duell, Entführung, Exzesse, Fehde, Giftmord, Kindstötung, Körperverletzung, Messerstechen, Mord, Schlägerei, Totschlag, Vergewaltigung, Verstümmelung)’.

³⁸ See article 34 of the police regulations of Assenede Ambacht from 1514: ‘Item dat niemant en stae noch en zitte onder des anders weggen ofte huus omme te hoorne ofte vernemene wat zy zegghen (...)’ (Gemeentearchief Hulst, *Hulsterambacht*, 1780).

³⁹ See the following article of the police regulations of Saint Peter’s manor near Diksmuide from 1435: ‘Item dat niemant zouke, iaghe noch vanghen aenden, aendekieken, hoenren noch gansen in yemens vruchten of watere dan in tsine (...)’ (Lille, Archives départementales du Nord, *Chambre des Comptes de Lille et Trésor des chartes des comtes de Flandre*, B 1372).

⁴⁰ See, for example, the section entitled ‘Van kinderen ut de plicht te doen’ of the police regulations of Lieferinge (1437) (RAG, *Lieferinge* (AR93), 2, fols. 59v-60).

qualified the last two examples under ‘1.5 Morality, marriage and family, sexuality’, as it was the closest to it. These qualification problems are sometimes related to the fact that our sources are occasionally very much adapted to highly local circumstances. However, this only poses a problem in case none of the five broad societal sectors can be used to tag the provision in question. As can be deduced from the above mentioned illustrations, the solution is simply to add extra keywords to the list, which is also the method followed by researchers of the taxonomy.

Specific institutions and terms for a particular region and period further add to the difficulties of tagging. For example, the county of Flanders has the institution of guardianship. After the death of one or both parents, the magistrates appointed relatives (or other persons) as guardians to take care of the financial and legal affairs of minor children. However, almost all regions in Dutch-speaking Flanders had another arrangement, the so-called *houdenisse*.⁴¹ This was an intermediate form between parental (or fatherly) power and guardianship. The surviving parent was responsible for supporting and raising children, including their education and preparation for a career or marriage. In order to do so, the longest-living parent had the right to use the profits of the children’s property, without accountability for the way they used these. The latter contrasted with the guardian who was obliged at regular intervals to submit an account of all income and expenses for approval to the village or town magistrates. *Houdenisse* and guardianship are thus not identical, and one does not exclude the other. Guardianship could occur together with the surviving parent exercising *houdenisse* or when both parents died.⁴² We therefore qualified provisions regarding *houdenisse* under ‘1.5 Morality, marriage and family, sexuality’, but also under ‘1.6 Guardianship’, as these clauses are also important for studying (half-)orphans in Flanders.

The latter argument is further complicated by (legal) terminology specific to a certain region and time on the one hand, and its translation on the other. For example, some Flemish police regulations stipulated criminal and/or inheritance law measures in case of abduction of a woman, with or without her consent, against the will of her family, with the intent to marry her.⁴³ In Dutch, legal historians use the term *verleiding* when the abduction was consensual, and *vrouwenroof* when it was non-consensual. In both cases the abduction challenges her family’s authority. If it happened by force, this crime was closely related to rape, although both were conceptually treated as two different crimes.⁴⁴ Having a look at the taxonomy, we only find ‘seduction’ (or *Verführung*) in the list; however, most scholars usually use this term (or ‘elopement’) for cases that happened with the woman’s consent, while ‘abduction’ is mostly applied to

⁴¹ Also written as *houdenesse* or *hudenesse*. See, for example, article 89 of the police regulations of Nieuwvliet (1529): Louis Gilliodts-Van Severen, *Coutumes des pays et comté de Flandre. Quartier de Bruges. Coutumes des petites villes et seigneuries enclavées. Tome troisième: Ghistelles. Houcke. Lichtervelde. Maldeghem. Merckem. Middelbourg. Mude. Munikerede. Nieuwvliet. Oostbourg* (Brussels: Gobbaerts, 1891), pp. 440-442. Gilissen emphasised that it was only Flemish towns and regions which imposed fatherly power that did not know the *houdenisse*. However, in Flanders parental power was common. For more on this and for an excellent overview of the Flemish *houdenisse*, see John Gilissen, ‘De houdenisse in het oud-Vlaamse recht’, *The Legal History Review* 31 (1963), pp. 346-402 (here pp. 347-348; 353).

⁴² Gilissen, ‘De houdenisse’, pp. 346-347; 365. See, for example, the study of orphans in late medieval Ghent by Marianne Danneel, *Weduwen en wezen in het laat-middeleeuwse Gent* (Leuven: Garant, 1996).

⁴³ See, for example, article 24 of the police regulations of the Proosse and Kanunnikse manors of St Donatian’s Church in Bruges, dating from 1527 n.s. (RAB, *Proosdij Sint-Donaas* (INV93), 8, fols. 5v-6v). For the sake of clarity, we used a more general definition to qualify these crimes. See Raoul Charles van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw* (Brussels: Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België, 1954), pp. 101-105; Dirk Heirbaut, *Privaatrechtsgeschiedenis van de Romeinen tot het Belgisch Burgerlijk Wetboek* (Ghent: Academia Press, 2022), pp. 249-250.

⁴⁴ Compare article 20 and article 24 of the police regulations of the Proosse and Kanunnikse manors of St Donatian’s Church in Bruges, dating from 1527 n.s. (RAB, *Proosdij Sint-Donaas* (INV93), 8, fols. 5; 5v-6v).

removal by force. ‘Ravishment’ or ‘rapt’, on the other hand, can refer to both abduction and rape.⁴⁵ While the creators of the taxonomy opted for more general terms, this thus sometimes creates difficulties when applying the taxonomy to different countries, and therefore the ever-growing keyword list with translation into different languages.

Yet some more fundamental lacunas also emerged. One of our chief challenges is that our corpus consists of sources from a feudal and/or manorial origin. In the taxonomy, under 4.1, we find the tag ‘Feudal obligations’, but many subjects related to manorial power do not appear in the list. A simple example demonstrates what we are talking about: the manorial rights that lords enjoyed, such as the labour services (*corvées*) which his peasants had to deliver.⁴⁶ These services, designed to underscore the privileged position of the local lord, were closely associated with the manorial system. In fact, a separate subset of tags for all matters related to the manorial system, something relevant for large parts of Europe, is missing from the list.⁴⁷ This is understandable given the fact that the taxonomy that was originally designed for ordinances from superior administrations, but it is a shortcoming when applying it to the local level. Such a subset of manorial tags might be included in sector 1 (‘Social order and religion’).

5. Concluding reflections

Tagging qualitative sources, including provisions of compilations of law, is not an easy task. It is also a relatively subjective undertaking. In this contribution we wished to share some of our experiences when tagging a corpus of local police regulations with an elaborate taxonomy designed especially for princely ordinances and norms proclaimed by imperial cities: the four-tier taxonomy developed for the *Repertorium der Polizeyordnungen der frühen Neuzeit* at the Max Planck Institute for Legal History and Legal Theory. Moreover, the original taxonomy focuses on the German lands of the former Holy Roman Empire. These biases regarding content and geographical focus notwithstanding, it has previously been applied to neighbouring countries such as Denmark and Sweden. A group of scholars including Annemieke Romein and Andreas Wagner has recently expanded the taxonomy and are preparing a translation of the German original keyword list into different languages.⁴⁸ That gives its original objective even more meaning because the taxonomy is meant to make comparative, interterritorial research possible. As a

⁴⁵ For this linguistic argument, see Channele Delameillieure, ‘They Call it Schaec in Flemish’: The Language of Abduction with Marital Intent in the Late Medieval Low Countries’, *Law and History Review* 40/4 (2022), pp. 725-746, DOI: [10.1017/S0738248022000323](https://doi.org/10.1017/S0738248022000323).

⁴⁶ See, for example, the police regulations of the Baronie/Land of Nevele (late 16th-early 17th centuries) (RAG, *Baronie Nevele* (AR126), 792). See on this topic: Thijs Lambrecht, ‘Stierenzaad en een stuk kaas: boeren, heren en karweien in Vlaanderen en Brabant tijdens de late middeleeuwen’, *MADOC. Tijdschrift over de Middeleeuwen* 33/3 (2019), pp. 140-150.

⁴⁷ See also Härter, ‘Police Ordinances, Customary Statutes and Normativity Regimes’, pp. 2-5.

⁴⁸ Karl Härter, Michael Stolleis and Ditlev Tamm (eds.), *Repertorium der Polizeyordnungen der frühen Neuzeit. Band 9*; Karl Härter, Michael Stolleis, Jörg Zapnik and Pär Frohnert (eds.), *Repertorium der Polizeyordnungen der frühen Neuzeit. Band 12*. For the application of the taxonomy, see Christel Annemieke Romein, Andreas Wagner and Joris J. van Zundert, ‘Building and Deploying a Classification Schema using Open Standards and Technology’, *The Journal for Digital Legal History* 2/1 (2023), pp. 1-70, DOI: [10.21825/dlh.85751](https://doi.org/10.21825/dlh.85751). Also see Skohub (<https://rhonda-org.github.io/vocabs-polmat/>; consulted on 27 October 2023) and Github (<https://github.com/rhonda-org/vocabs-polmat>; consulted on 27 October 2023).

matter of fact, their work has already proven its worth, as demonstrated by Toomas Kotkas's analysis of Swedish ordinances, based on the taxonomy.⁴⁹

In our work, we apply the taxonomy to (A) a different region, namely the county of Flanders, and (B) a different normative and administrative level: local and mainly rural communities. Its main advantage is its potential to make thousands of provisions easily searchable by keywords. It thus turned out to be exactly the tool we needed, but it also had its shortcomings. First, some police matters were missing from the list, which is in principle easy to solve. However, the more scholars working on different regions use the taxonomy, the more likely it is that extra tags, possibly of a very local nature, will need to be added to it. This will complicate the management of the list. Furthermore, as we indicated through the example of manorial duties and rights, simply adding a keyword does not always suffice. We would advise researchers in the future to add a subset of different keywords to the taxonomy to cover this domain which has huge importance for large parts of the European continent. Second, creating a taxonomy means making choices as to classification. Specifically for our research plans, keywords related to all kinds of crime turned out to be spread over different categories within the taxonomy, making it harder to use the tool for this specific purpose.

Translating the taxonomy from German into English, Dutch, and other languages also entails new risks. Many keywords on the lowest level of the taxonomy are very specific and not easily translatable. How can we avoid our work getting lost in translation? In our opinion, one part of the solution is to make the elaboration and translation of the taxonomy a semi-open enterprise, whereby users can make suggestions to a body of responsible scholars. Second, we recommend creating a users' guide with information about how the taxonomy has been designed and how certain decisions about classification and translation have been made. In this way the taxonomy will become a user-friendly international tool for tagging normative sources from all over Europe and even beyond that allows scholars to link datasets from different regions and thereby realise the original ambition to launch interterritorial analyses. The worth of this tool even exceeds the normative. The taxonomy can, in our opinion, also become a useful tool for tagging sources on the administration of the law. It can thus become a stepping stone for studies on specific subject matters, both on the normative level and on the level of implementing and enforcing the norms in practice.

⁴⁹ Kotkas, *Royal Police Ordinances in Early Modern Sweden*.