Mosasaurs
*Interactions between armies and ecosystems in the Meuse Region, 1250-1850*
Govaerts, S.W.E.

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5. Policing

INTRODUCTION

The conservation of Africa's large mammals, especially elephants and rhinos, has become dominated in the last decades by heavily armed men wearing military uniforms, who patrol the savannah to hunt down poachers. This bellicose defence of animals that have a central role in today's notions of ‘nature’ is a key element in current armies' allegedly modern behaviour towards ecological systems. The military has become a protector of nature. Although many environmentalists support this kind of nature conservation, it is not without its opponents. Critics argue that declaring war on poachers simply means fighting symptoms rather than real causes (a lack of other means of income, the general political turmoil in many border areas, and a growing demand for ivory). It is only relatively recently that authorities recognised the need to cooperate with local residents to combat poaching.531

Such a situation has historical precedents. The U.S. army also had a major role in the creation and protection of the country's first national parks in the decades after the American Civil War (notably Yellowstone). The military was after all the government service best equipped to handle the difficulties connected to controlling such vast spaces. They had the necessary manpower and resources, and already obtained vital knowledge with frontier management (e.g. cartography). These soldiers ran into regular conflict with both Native Americans and new settlers about poaching and illegal wood cutting, since the underlying assumption of national parks, then and now, is the idea that true 'nature' is something that needs to be protected from human interference.532

The present chapter examines whether armed forces' safeguarding of specific types of animals and plants can be traced back to a far more distant past. It connects military conservation of biotic communities to an army's core function: organized violence. The above-mentioned examples are all conflicts about entitlements or access to ecological systems. Military involvement goes further than preservation in the strict sense of the word, shielding biotic communities from disturbances. It is also about upholding a framework of law enforcement with the intention to control behaviour. For this reason the chapter specifically uses the term 'policing'.

The aim of this chapter, then, is to provide a new perspective on the history of state formation as well as contributing to a better understanding of past army-ecosystem interactions. The role of armies in the controlling of biotic communities has to be studied in

531 Duffy, 'Waging a War to Save Biodiversity'; Henk, ‘Biodiversity and the Military’; Lunstrum, ‘Green Militarization’.
the context of the historical evolution of armed forces themselves. It is well established that a
state's monopoly on the legitimate use of armed force is a relatively recent phenomenon. As
will be further referred to in subsequent sections, it is only in the (late) eighteenth century that
states really appropriated the right to use organized violence against external enemies. It is at
that point that 'army' more or less became synonymous with 'military'. This evolution is
closely related to another major development: increasing distinctions between external and
internal organized violence, between organisations that are today called 'the military' and 'the
police'. A growing number of scholars consider soldiers as agents of repression in the early
modern period, but so far no one has analysed soldiers' involvement from an ecological
perspective.

This chapter will consider first of all whether armies protected animals or plants, and
how this behaviour changed over time. This means looking into the relation of everyday law
enforcement, and enforcers, to armies, and presenting guard duty as an inseparable
complement of fortifications. Early modern fortresses will be analysed in a separate section
because of the richness of the sources, in particular the garrison orders of the eighteenth-
century garrison of Namur, as well as the distinctiveness of the protection system established
in these landscapes.

The next part (5.2) moves from protectionist behaviour in the traditional sense of the
word to territory formation. It questions to what extent army recruitment, human and animal,
was connected to rulers' or states' efforts to control populations on the basis of jurisdiction
over a certain area. In this way, it supplements the chapter about frontiers, which assessed
the construction of territories in terms of landscape defence. It relates familiar issues, such as the
repression of unwanted migration, to the methods by which armies procured the people and
and horses necessary to them. It also examines how the need to regulate the behaviour of
army members themselves influenced the development of passports, objects that still serve to
control movement today.

The final segment (5.3) specifically studies how notions of military
professionalism, as a form of labour and code of conduct, changed as a result of the power
issues mentioned in the previous parts. Combatants might have protected biotic communities
in specific situations, but their own colleagues or other types of armies were often the very
adversaries that challenged them. It evaluates the importance of ecological aspects for
explaining historical divisions between armies and general society (disarmament processes

533 Muchembled, A History of Violence; Ruff, Violence in Early Modern Europe. Late medieval
feuding practices are especially well studied. See for example Glaudemans, Om die wrake wille; Pick,
‘Fehdebriefe’; Stercken, Königtum und Territorialgewalten.
534 Antonielli and Donati (eds.), Corpi armati; Denys, Police et sécurité; Hayter, The Army.
and military justice), before considering the ways governments sought to solve undesirable consequences of these processes (military police and veteran care).

5.1. PROTECTING NATURAL RESOURCES

5.1.1 Law Enforcement and Organized Violence

In order to evaluate whether armies protected biotic communities in the past, a short overview has to be provided of the people who regulated access to natural resources in the medieval and early modern period. So-called high bailiffs, stewards, or castellans (*drossa(a)rd, hoogschout, Burggraf, chatellain, prévôt*), as well as ordinary bailiffs, are of central importance here because these men represented a ruler or state in a given area. In this way they combined the duty of fighting internal or external threats to the maintenance of public order with the responsibility of enforcing environmental laws. High bailiffs often shared these latter duties with foresters (*forestier, gruyer, Waldmeister, houtvester*). Armed servants or wardens (*garde, sergent, bode, vorster, schutter/schütze*) functioned as the main law enforcers at its lowest level and supported both bailiffs and foresters.535

Given that the military role of bailiffs is well known, it is useful to examine the connections between foresters and armies in more detail. In the Middle Ages foresters served in an army context simply because they were representatives of a potentate in a given area.536 A 1278 charter for example, of the kind typically written during peace talks, lists a number of complaints made against subjects of the bishop of Liège by representatives from the County of Namur. It includes one entry alleging that the bishop's forester of Havelange, woodlands located on the Liège-Namur frontier, conducted raids and stole horses in Jallet. This note should be read in light of the fact that in this case jurisdictional disputes provided the *casus belli*.537 A proclamation of the city council of Liège in 1486, on the other hand, called upon its citizens to identify the man who cut off two fingers of the forester of Visé at a muster of men-at-arms. The forester's exact role in this military review is unclear, given the absence of other administrative sources, but it is likely that he ran into a conflict with one of the soldiers. Musters provided government representatives with an opportunity to inspect whether any

536 Bechmann, *Trees and Man*, 248; Delcourte Debarre, 'Espaces forestiers', 298, 322; Deloffre, 'Guerres et brigandages', 344; Gresser, *La gruerie*, 207-209. See also the description of an English forester (‘the Yeoman’) in the General Prologue of the Canterbury Tales (lines 101-117).
combatant failed to turn up, brought inadequate arms, armour, or horses, or was otherwise incapable of fulfilling the task assigned to him.\textsuperscript{538}

The accounts of the high bailiffs of ’s Hertogenbosch, of which an almost continuous series has been preserved from the mid-fourteenth century onwards, also indicate that during the Late Middle Ages high bailiffs first mobilised other officials, including foresters and wardens, when faced with an internal or external threat to the maintenance of public order. Medieval notions of service had a strong connotation of armed service, and in this sense the participation of these men in warfare can hardly be considered surprising.\textsuperscript{539} Accounts from the abbey of Averbode reveal that the bishop of Liège confiscated some of their property in 1408-1410 in retaliation for supporting his adversaries. The order was not only carried out by high and lesser bailiffs, but also by a forester and the bishop's falconers.\textsuperscript{540} Foresters' knowledge of woodland management could give them a unique role in frontier defence, however. In 1422 the forester of Hainaut's lieutenant led his wardens and an unspecified number of labourers into the Forêt de Mormal to block roads with cut down trees and destroy bridges so that enemy troops would not be able to pass through. They needed thirteen days to complete this task.\textsuperscript{541}

The armed role of all above-mentioned functionaries decreased from the late sixteenth century onwards, in parallel with a shifting emphasis on mobilising the general population for armed service, but never disappeared. The connections between foresters and armies transformed and adopted a different form (see below). Mobilising law keepers had in effect major drawbacks as their departure reinforced the breakdown of authority in war-affected areas. A particularly revealing example is the decision of the newly established Belgian government in 1831 to mobilise its foresters to fight off a potential invasion from Luxemburg. These men could have brought special skills, such as sharp shooting, to the military, and were familiar with the local terrain (see figure 5.1). The experiment was terminated after a few months because these men simply served as garrison troops while locals plundered abandoned woodlands in their absence. It is significant that the French army would pick up the idea of militarizing foresters again in the late nineteenth century, but took care to stress their role in woodland defence.\textsuperscript{542}

\textsuperscript{538} Bormans, ‘Extraits des cris du péron’, 168.
\textsuperscript{539} ARB, 137.01., inv. nr. 2779, 2784, 2785, 2788, 2789, 2793, 2795, 2800, 2803, 2657, 2818, 12991, 3015b (transcript Henk Beijers Archiefcollectie, http://www.henkbeijersarchiefcollectie.nl, consulted November 14, 2016).
\textsuperscript{540} Lefèvre, ‘Documents relatifs’, 41-54.
\textsuperscript{541} Delcourte Debarre, ‘Espaces forestiers’, 320, 342.
The role of armies in the protection of biotic communities was ordinarily aimed at supporting these functionaries, when confronted with a superior force, rather than the other way round. The participation of different kinds of armies, armed members of the general population versus soldiers, derived from the specific contexts in which these conflicts occurred. A court record from Roermond, from the late fifteenth century, concerned an incident which involved villagers from Echt, in the lordship of Montfort, taking up arms and rushing to nearby woodlands in order to chase away outsiders cutting wood. A nobleman who rode ahead was killed in the encounter. A record of this homicide has been preserved because the local court found itself unable to judge the case and had to ask the councillors of Roermond for their opinion. In such conflicts, fatalities were probably quite rare. Fiscal accounts from high bailiffs in the Duchy of Bar also indicate that they paid guards to protect falcon nests. These men had to make sure that no one would steal the chicks, valuable for falconry. The accounts of the high bailiff of Etain from 1504-1505 mention for example that in a nearby high forest a nest of lanner falcons, a species that rarely breeds in the Meuse Region, received protection for six weeks, day and night.

Soldiers acted in a very similar support role, but their interference served the interests of their paymaster. In this way they could operate against local populations. The accounts kept by the high bailiff of La Mothe, near Neufchâteau, specify that in 1658 the depredations of villagers reached such an extent that dragoons, mounted infantry that often served in policing operations, had to restore order in the forest of Ozières. In this case the intervention of soldiers was facilitated by the fact that the same nobleman fulfilled the duties of high bailiff, general receiver and forester. Yet soldiers also acted in other, less confrontational capacities, as in 1478 when the general receiver of Hainaut received permission to keep twelve soldiers in the fortress of Locquignol to help protect the Forêt de Mormal against French incursions. Two hundred years later, in 1648, a notarial act lists several testimonies regarding pasturing rights of the villagers of Daussois in the neighbouring community of Yves, near Philippeville. One of these witnesses was a soldier, sixty years old, who claimed that he had guarded the sheep of Daussois for the last fifteen years.

Eighteenth-century legal records confirm that soldiers patrolled agricultural fields or operated as gamekeepers at behest of city councils or major landowners.

Hiring individual soldiers probably had its origin in changes within wartime safeguard systems. From the late sixteenth century onwards it became not only common for military commanders to issue safeguards in writing, but also to station soldiers at the place requesting protection to guarantee that these safeguards were effectively respected. Once soldiers were stationed in a community they could perform related tasks at their hosts' request. In the early seventeenth century for example the villagers of Sprang, near 's Hertogenbosch, asked the soldier staying there to arrest someone who had cut down newly planted oak trees. Court records demonstrate that several decades later, during the Nine Years War (1688-1697), so-called partisan companies secured entry to the woodlands near Brussels and Namur, both against their antagonists and local villagers without passports. Armed forces contributed to the safeguarding of natural resources, but only in exceptional circumstances, when the police functionaries ordinarily tasked with this responsibility needed support.

545 AEL, Registre aux transcriptions des dépêches, ou actes expédiés par le conseil (privé), inv. nr. 320, f. 100 v.; Perreau, 'Les sires de Pietersheim', 289-290; Foullon, Chronique, 157-158.
546 Marchal, Inventaire, 334, 372.
547 Philippeville, Notary Degeldre 122, act 6/7/1648 (Transcript Généamag); Delcourte Debarre, 'Espaces forestiers', 321. See also AEN, Conseil provincial, inv. nr. 4266 Court records regarding the stealing of a flock of sheep and the horse of the soldier who guarded them (Bolline, 1654-1659) and Adriaenssen, Staatsvormend geweld, 166.
548 BHIC, 9 Raad en Rentmeester-Generaal, inv. nr. 454, f. 114; RHCL, 20.085B Indivies laaggerecht Maastricht, 4487; Gessler and Vanderstraeten (eds.), Algemeen repertorium, 41.
549 Verschure, Overleven buiten de Hollandse Tuin, 50-51, 220-221, 259.
550 The military did retain a major role in the maintenance of public order, a function that was even expanded in the late nineteenth century. Cayron, Jacques Pastur dit Jaco, 33-46, 55, 73-84; Douxchamps-Lefèvre, Inventaire, vol. 4, 406; Keunings, Des policiers si tranquilles; Kort, Bromsnor
5.1.2 The Significance of Guard Duty.

Chapter one about fortifications maintained that these structures provided safety in a general sense, often by controlling access to specific areas. Defensive structures have little value therefore, and one could even consider them counterproductive, if no one guards them. Guarding fortifications is the second major element of defence systems as described in part 3.1, and also had a key role in the preservation of biotic communities on a daily basis. Preparing for a potential attack invariably involved enforcing or expanding watch duties as well as paying permanent guards (often members of shooting guilds). The city council of Maastricht for instance responded to a possible threat in 1403 by stipulating that one guild should stand guard every night, and by assigning each strategic gate or tower a complement of three or four crossbowmen and a gunner.

The obligation for adult males to stand guard on fortifications (city gates and walls, fortresses or defensive lines) survived in different forms until the French Revolution, but was a very unpopular one that was bought off whenever possible. The accounts from the city of Venlo specify that in 1406 the waeckgelde, the charge paid by individual citizens to buy off this duty, brought in more than two hundred and twelve gulden (a sentinel earned five gulden a year). During actual threats, these mechanisms no longer applied and guard duty had to be performed in person; a clear indication that defence systems were only activated during armed conflicts. In fact, while some of the famous 'watch and guard' (guet and garde) duties of rural populations can be traced back to the corvées of the High Middle Ages, the majority only became established during periods of insecurity; either during the late Middle Ages, the late sixteenth or early seventeenth century.

The most direct danger to most fortifications, especially before the establishment of several layers of earthen walls in the late sixteenth and seventeenth century, did indeed not...
come from a major army with specialised siege equipment, but from relatively small groups of armed men who simply scaled the walls or broke down the gates at an opportune moment, generally at night. An inventory of the fortress of Rode (‘s Herzogenrath) from 1408 accordingly lists twenty-eight crowbars and twelve assault ladders among the items stored. In 1404-1405 the high bailiff of Bassigny even called upon a certain Naldenat, who ‘made ladders to assault fortresses and knows how to place them’. Another possibility was to bribe or overpower the gatekeeper and simply storm through the gates. Johan van den Vogelsanck, member of the city council of Venlo, stood by the gates around 1486 to prevent surprises of the abovementioned kind. When the sentinel made know that horsemen approached, he tried to close the gates, but the gatekeeper opposed him and his son gave them a sign. Johan was badly wounded as a result and later brought the two of them to trial.

Such examples are simply ignored in the great majority of studies about (medieval) siege warfare, a fact that is emblematic for the assumption that a certain scale is a prerequisite for using the terms ‘army’ or ‘warfare’. These techniques were still of major use in the Eighty Years War, the fortress of Huy being taken in 1595, for instance, by Dutch soldiers who climbed through a window on Saturday night and took its occupants prisoner at Sunday mass. A particularly remarkable testimony is a notarial act written in Mariembourg that very same year in which a soldier declared that his father, also a soldier, fell out of a castle’s window and died during such an assault. In 1644 Dutch troops could increase their hold on the area around Maastricht by capturing the towns of Valkenburg and Dalhem when its defenders were not on their guard (see figure 5.2). It is because of the threat these tactics posed that special functionaries, often men of some standing such as aldermen or noblemen, had to ensure that guard duty was carried out properly.

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557 One of the few studies dedicated to this type of tactics is Harari, *Special Operations.*

558 Mariembourg, Notary Lecomte, 11, act 6/11/1595 (Transcript Généamag); Fréson, ‘Prise du château de Huy’.

Sudden assaults on fortifications remained a viable alternative to formal sieges because the number of occupants tasked with defending them on an every day basis was surprisingly small. Until far into the sixteenth century few fortresses or cities housed a 'garrison' of more than ten men (gatekeepers, sentinels, watchmen/sergeants/soldiers, a crossbow maker or a gunner), as stipulated in their accounts. When the prévôt of Longwy mobilised the duke of

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560 The medieval terminology regarding sentinels (eskerwaite, torenwachter) and watchmen (waite, wachter) is somewhat confusing. Sentinels had to stand on the lookout, typically on a tower, while the armed men who patrolled the fortifications, especially at night, were denoted as watchmen. Guard duty of rural populations generally encompassed both functions (the duty of guet et garde). Balon, 'L’ organisation militaire’, 12-16, 30, 46-48; Bodard, Receuil des ordonnances, 6, 44, 85; Bormans, Table des registres', vol. 11, 263; Burgers and Dijkhof (eds.), De oudste stadsrekeningen, 10, 42; Den Dooven, 'Les émoluments', 98-99; de Groot, Stadsrekeningen, 1371 f. 10-11; Kraus, Die Aachener Stadtrechnungen, 441, 465-466; Marchal, Inventaire, 200; Meisen, 'Brabant, Limburg und die Übermaasländer', 160, 162, 166-167, 180, 208-209, 247-248; Mougeot, 'De la périphérie à la frontière ?', 160-162; Salamagne, 'Les garnisons', 707-711;
Bar's fief holders to pursue raiders who invaded his jurisdiction in 1346-1349, he paid three horsemen (sergents à cheval) to stay in the fortress so it would not be undefended in his absence. They resided there for five weeks, and presumably served alongside the fortress' normal household. The prévôt's next account, covering the years 1349-1352, specifies that he called upon six local noblemen or four sergents à cheval to guard the fortress for a few days whenever a threat presented itself.561

The term garrison is used here for lack of a better word since these men were urban functionaries or members of noble households. Actual garrisons only appeared during major conflicts with the activation of defence systems. The 1435 accounts from the fortress of Hambach (Jülich) make a very clear distinction between its five permanent guards and a temporary garrison of more than fifty horsemen who only stayed for a few weeks.562 Such reinforcements could also be local citizens or villagers; in the High Middle Ages some charters of liberties were granted for exactly this purpose. The intrusion of such a large number of horses in a concise space, however, was very problematic. A considerable part of these horsemen had to be quartered in the adjacent village because the fortress of Hambach could not accommodate them all, and the large quantities of food and fodder they consumed were a serious drain on the lordship's finances.563

In the same way as fortifications provided safety in a general sense, guard duty had multiple functions that went beyond preventing violence. Paid watchmen or citizens on guard duty had a crucial role in fire prevention in medieval and early modern cities for instance. This role also applied to sentinels positioned on strategic locations (towers). Appointments of a permanent guard for one of the watchtowers of Aachen's Landwehr in 1458 and 1497, specifically read that he had to make sure that no foreign livestock enters the city's territory.564 Functionaries in charge of guarding fortifications, such as shooting guilds in fifteenth-century Dordrecht or the newly appointed castellan of Geldern in 1497, were even entitled to the income provided by a certain part of the fortifications (fishing and pasture rights) as an incentive to ensure that they did their duty.565 Medieval guards had multiple functions, in the

561 The word sergent derives from Latin serviens, and could refer to any armed man who did not have a knight's title. In some contexts it specifically denoted a low ranking official (such as a forest warden). ADM, B 1853, f. 10; B 1854, f. 16v.-29v.
562 Dinstühler (ed), Die Jülicher Landrentmeister-Rechnung, 76-78, 81, 90.
565 The location of the shooting guilds gardens in the immediate neighbourhood or even inside the fortifications (the moat) should also be seen in this context (see 2.3) Fruin, De oudste rechten, vol. 1,
same way as the fortifications they had to protect, and were relatively well integrated in general society.

5.1.3 Preserving Early Modern Fortresses

The previous section has drawn attention to the importance of guard duty, and its connection to fortifications' divers uses. This section moves on to examine guard duty as it was established in permanent garrisons from seventeenth century onwards. Military guard systems, referring to the military as an organisation, were far more extensive than their predecessors, and can be studied through a more detailed corpus of sources: garrison orders and regulations. There is in fact a significant upsurge in legislation from the last decades of the seventeenth century on regarding the maintenance and policing of fortifications. It is unclear whether this reflects changes in effective management, in a sense that guard duty was more lax earlier, or simply increased state involvement. Military control over fortifications was hardly unchallenged, as argued in chapter one, which means that guard duty should be seen as a key method by which the military tried to safeguard its interests. This section consequently considers how armies enforced the conservation of what they perceived as desirable communities and landscapes.

The number of soldiers on guard duty in permanent garrisons was vast. The garrison orders of Namur, which are very specific in this regard, indicate that at the end of May in 1759, 488 soldiers on guard duty were spread throughout the city at any given time, of which 121 actually stood guard by day and 114 at night. A remarkable notebook, kept by the eighteenth-century private soldier Michael Andrist, who served in the Swiss regiment Stürler from 1779 to 1784, demonstrates that such forces were quite typical. It lists the guard posts for Maastricht and 's Hertogenboch for respectively 1780 and 1783. In Maastricht 555 soldiers were on guard duty, and in 's Hertogenbosch 237. Soldiers who were not standing guard or on patrol had to remain within guardhouses from where they could quickly come to their comrades' aid. Such an organisation is without equal in the history of premodern policing, as most early modern governments had to depend on a handful of police functionaries, shooting guilds, and the general population to arrest offenders. Guard duty was not without its risks, however: records of the French Invalides reveal that one wrong step


566 NA, Raad van State, inv. nr. 2087; MD, inv. nr. 00216132 Notebook of soldier Michael Andrist, f. 63r., 64r.; Langeron, Journal, 161.

567 With the possible exception of the eighteenth-century Garde de Paris, but this is very much a military unit in everything but name. Chagniot, Paris et l'armée, 117-157.

568 Denys, Police et sécurité, 51-64, 156-162, 398-401.
or a strong current could entail a fall of several metres down into the moat with crimping wounds or even death as a result.\(^{569}\)

This display of force had to ensure that surprise attacks of the kind described above became impossible, but also fulfilled a major role in the maintenance of public order, by ensuring that curfew was respected. Anyone walking the streets at night without a legitimate reason was liable to get arrested. These sentries moreover had to prevent members of the garrison from deserting and regulated entrance to the fortifications.\(^{570}\) According to such garrison regulations, citizens were only allowed to walk on the main wall by day and children were forbidden to play here. They needed written permission, a passport, of the governor in order to access the outworks (the fortifications lying beyond the main wall). At night no one was allowed in the fortifications, except the guards, the patrols, the garrison's staff and the engineers.\(^{571}\)

A sketch made by August von Bonstetten in the 1820's, when he served in the garrison of ’s Hertogenbosch as an officer, provides a rare glimpse how fortifications might have looked like when military forces still managed them (see figure 5.3). It depicts the outworks as large green spaces, guarded by sentries. Because uninhabited lands in urban context were relatively rare, military defences became the centre of a series of conflicts: bird catchers had to be chased off the glacis and counterscarp, no hunting was allowed in these same areas, and no one was to fish in the moats, cut grass or reed, and pasture livestock in the outworks without written permission.\(^{572}\) If domestic animals were found within the fortifications without permission they would, theoretically, be confiscated (horses, cows, sheep) or simply shot (dogs, poultry). The trees and hedges could not be damaged in any way either. Such a range of restrictions can perhaps best be summarised by a nineteenth-century saying from the French Meuse department: ‘whatever falls into the moat, belongs to the soldier’.\(^{573}\) Given that a garrison's staff was entitled to the fishing and pasture/hay production

\(^{569}\) NA, Raad van State, inv. nr. 2088, order 27/11/1771; SHD, GR, 2Xy09 Pierre de la Vergne; 2Xy14 Alexis Loir, Simon Remy; 2 Xy18 François d' Armagnac; 2Xy20 Pierre Beaumont, Remy Ronseme; 2Xy23 Jean Gillot; 2Xy24 Jean Baptiste Reuter; 2Xy26 Johannis Scherumpf; 2Xy45 François Camus (Transcript www.hoteldesinvalides.org. Consulted February 14, 2017); Teunisse, Onderdaan in Oranje's oorlog, 40-41.

\(^{570}\) Augoyat, Aperçu sur les fortifications, 82-83; Isambert, Decrusy and Taillandier (eds.), Receuil Général des anciennes lois françaises, vol. 20 (Paris, 1830) 611-614; Berkvens, Plakkatenlijst Overkwartier, vol.1, 234.

\(^{571}\) Ordonnance du roi (June 25, 1750); Reglement en orders Maastricht (1786); Reglement en ordres ’s Hertogenbosch (1770).

\(^{572}\) The glacis refers to the open fields lying around the outer fortifications, within cannon shot range. The counterscarp is the outer side of a moat. NA, Raad van State, inv. nr. 2079, Order 23/3/1714; Ordonnance du roi (June 25, 1750) articles DCLXV-DCLXX; Reglement en orders Maastricht (1786); Reglement en ordres ’s Hertogenbosch (1770).

\(^{573}\) Labourasse, Glossaire abrégé, 288.
rights in the fortifications, in a similar way to their medieval predecessors, they must have had a direct socio-economic interest in ensuring that these regulations were carried out.  

The garrison orders of Namur, which regulate everyday life in this fortress, indicate that the garrison's own members were quite often the very people sentries had to intervene against. Officers and their attendants were repeatedly singled out for breaching the hunting regulations. Disregard of fishing rights in the fortifications, the Meuse and Sambre or local ponds, seems to have been commonplace, as was the taking of wood from nearby forests by soldiers as well as their families. The same applied to digging loam in the fortifications. In 1762 non-commissioned officers were even tasked with inspecting the barracks for illegally procured wood, the normal policing mechanism, the guards at the gates, apparently being insufficient to prevent its smuggling into the city.  

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574 Petitot-Bellavène, ‘Verdun’, 91; Roebroeck, Het land van Montfort, 114; Rorive, La guerre de siège, 211.  
In practice, enforcement might very well have been less strict than the regulations indicate. Personnel records of the eighteenth-century Dutch army reveal that running away from one's guard post was a popular way of deserting (nineteen percent of the deserters for whom the manner of desertion is provided). Implementing garrison regulations must have been difficult if the sentries themselves were not always reliable. In the County of Namur peasants still conducted armed patrols in the countryside and were encouraged to arrest deserters and soldiers on leave who damaged their fields or hunting traps. The garrison commander of 's Hertogenbosch released several proclamations in 1835-1837 about the ban on livestock in the fortifications, before he lost his patience. He subsequently issued live rounds to a non commissioned officer, ordered him to take one soldier on guard duty with him every week and shoot any poultry still found wandering about.

Despite these problems, it does seem that such guard systems were overall quite successful in enforcing garrison regulations. In 1803 for instance the leaseholder of the fisheries in the moats of the fortress of Heusden petitioned the Batavian government for an extension of his contract. He had been unable to make good his initial investment as a result of overfishing. Because of the absence of a garrison everyone tried to fish at night. Non-military forces in fact passed similar legislation to safeguard the maintenance of fortifications. Rules established in Campine villages regarding their refuge forts (schanzen) in the seventeenth century, as well as orders given to Liège patriot troops in 1790, both include prohibitions regarding the damaging of the fortifications, fishing in the moats, discharging guns and cutting wood or stealing crops. Some garrisons, such as those of Liège in the eighteenth and Grave in the nineteenth century, even used their guard system for disaster response. Members of these garrisons fired cannons to warn citizens for respectively a fire and the flooding of the Meuse. Guard duty was key to military forces' control over garrison cities, but ironically enough the main threat came from their own colleagues.

576 Based on a database of 199 deserters, originating from the Dutch speaking part of the Prince-Bishopric of Liège who served in the Dutch army between 1770 and 1795. Govaerts, “Fire-eaters”.
577 NA, Raad van State, inv. nr. 2079, 30/8/1714; inv. nr. 2081, 17/7/1739; inv. nr. 2088, 30/5/1773; Denys, Police et sécurité, 141-156.
578 Bruggeman, Bestedingen dienst der Fortificatieën.
580 Denys, Police et sécurité, 265-266; Lhoist-Colmon and Gabriel, ‘La colline’, 73-74; Tixon, ‘Une garnison en ville: facteur d'ordre ou de désordres ?’; van Hoof and Roozenbeek, Grave, 63.
5.2 CONTROLLING MIGRATION

5.2.1 Deserters, Vagrants and Passports

The previous part studied whether armies protected biotic communities, and argued that their role was quite complex because they acted simultaneously as agents of order and disorder. The following sections build on that understanding and examine to what extent rulers or states made efforts to control the movement and behaviour of the people and animals (mostly horses) who served in their armies, or could potentially be incorporated into them. The protection of natural resources in the strict sense of the word is thus contextualised in larger policing issues. The symbolism of the garden (see 2) in effect came to imply that the movements of every living being in this garden became subject to state control. Given that these processes are relatively well studied for conscription armies in the late eighteenth and nineteenth century, this analysis emphasizes the working of these mechanisms in systems of voluntary recruitment and their medieval origin.\(^{581}\)

Passports as documents that specifically have to regulate movement originate in the High Middle Ages and initially served to organize the transportation of goods. The mobility of the person(s) conveying these commodities was much less of a problem and to a large extent implied. The accounts of the high bailiff of 's Hertogenbosch from 1486-1487 for example specify that he fined five men because they demanded to see the passport of a soldier who passed through Vucht with three horses. They claimed his passport was false and confiscated the horses.\(^{582}\) The increasing use of such documents for people derived from several factors: prevention of epidemics, supervision of vagrants and beggars, but also an growing interest in the criminal activities of soldiers. Charles the Bold made sustained efforts to control the movements of his men, and instituted passports by 1473 at the latest.\(^{583}\) In the late fifteenth century passports for soldiers must still have been quite exceptional, however, for at an unspecified date in 1459-1487 the councillors of Roermond had to judge a case in which three men from Lobberich claimed that the bailiff had given them oral permission to leave the army; a statement he denied.\(^{584}\)

The lasting association of passports with soldiers, who were, for whatever reason, separated from their unit, came about in the first half of the sixteenth century. At that point there was a growing unease about the actions of soldiers who begged, extorted and stole from the communities they passed through, generally to overcome the period between their

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\(^{581}\) The study of these developments has been stimulated to no small extent by Michel Foucault's *Surveiller et punir*. Foucault, *Surveiller et punir*, 137-179.

\(^{582}\) ARB, 137.01., inv. nr. 12995 (transcript Henk Beijers Archiefcollectie); van Doorninck and Molhuysen (eds.), *Briefwisseling*, 36-37.


\(^{584}\) Janssen de Limpens, *Geldersche Wyssenissen*, 140-141.
discharge and enlistment with another paymaster. Dutch and German sources use the word *garten* for this kind of behaviour. The word appears as early as 1494-1495 in the accounts of the high bailiffs of 's Hertogenbosch.\(^{585}\) Pensioned or discharged soldiers were common protagonists in early modern folk tales, and were also increasingly linked to other mobile people associated with criminality, such as vagrants, beggars, and Romani. Repression of all these groups was stepped up during the same period. It is worth noting that discharged soldiers sometimes joined Romani, adopted some of their language and blackened their faces. At the same time Romani often became soldiers as a protection mechanism.\(^{586}\)

![Figure 5.4. Discharge and passport for Gerard Vilansin (Maastricht, private collection).](image)

The study of passports is complicated because these are personal documents of a temporary nature, which means that those that have been preserved are often kept in family archives and personal collections. It is useful to have a look at one specific example, the passport of Gerard Vilansin, trumpeter in the French cavalry regiment Melac, garrisoning Maastricht in 1677 (see figure 5.4). It is one piece of paper containing a discharge from his captain and an actual passport from the governor. It was given to him because he left for the recently established Hôtel des Invalides. The passport is a simple text in which the governor states his destination and reason for travelling, while simultaneously asking anyone concerned to let him pass

\(^{585}\) ARB, 1107 Rekeningen Hoogschout 's Hertogenbosch, inv. nr. 12995 (transcript Henk Beijers Archiefcollectie); Behr, 'Garden und Vergardung'; Burschel, *Söldner*, 88-96, 278-286, 311-317; Huntebrinker, *'Fromme Knechte' und 'Garteteufel*', 122-127, 178-198; Kroener, ' "Der Krieg hat ein Loch..." ', 625-629

through. Eighteenth-century passports became more elaborate with a pre-printed text in which features of the man's appearance were often included as well. The garrison orders of Namur from 31 January 1717 explicitly mention that soldiers could only go outside the gates with a printed passport signed by general du Portal.\(^{587}\)

The practical enforcement of these regulations, or the repression of unwanted migration, remained the responsibility of (high) bailiffs and their counterparts until the suspension of all these functionaries at the end of the ancien régime. It is one of the specific contexts in which the general population was not only allowed to act in an army context, but even obliged to do so.\(^{588}\) Soldiers assisted occasionally to hunt down deserters or as an exceptional government clampdown. During the eighteenth century, however, the patrols made by members of the general population were increasingly supported and taken over by uniformed police officials, of which the military police was a relatively small part.\(^{589}\) The only soldiers for whom migration control became a core duty served in the small eighteenth-century army, one infantry regiment, of the bishops of Liège. This unit already started to provide Campine villages with individual soldiers to chase away vagrants in the 1720's. This slowly changed into a deliberate government policy by the 1740's with major operations involving up to one hundred soldiers. The archives of the estates reveal that a special military tribunal was instituted in Liège to judge captured beggars and vagabonds.\(^{590}\)

Authorities typically forced arrested vagrants or deserters into specific kinds of work because of their supposed idleness, including service as galley rowers or maintaining fortifications. In this way the policing of biotic communities contributed to the maintenance of militarized landscapes and defence systems.\(^{591}\) According to the accounts of the high bailiff of ’s Hertogenbosch these practices date back to at least 1463-1464, when twenty-five vagrants were arrested and sent to the galleys in Sluis (Flanders) at the request of the Charles the Bold, Duke of Burgundy. Galleys are not well adapted to weather circumstances in the North Sea, being of Mediterranean origin, but they remained valuable for river defence. The

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\(^{587}\) NA, Raad van State, inv. nr. 2079, Orders 31/01/1717; SHD, GR, 2Xy08, Gerard Vilansin Transcript www.hoteldesinvalides.org. Consulted February 14, 2017.


The spread of passports to regulate people's movement from the late fifteenth century onwards was a key aspect of government attempts to regulate migrants' behaviour, and turn them into obedient state actors.

5.2.2 Recruiting Military Labour

Soldiers figured prominently among premodern migrants. The introduction of passports should therefore also be seen in the context of attempts to secure armed forces' manpower supply. As argued in the introduction, an army could contain large numbers of people who were not expected to fight, or more precisely did not have a recognised combat role and the wages associated with it. This distinction is significant since it makes counting and identifying these people problematic, but also because efforts to secure army recruitment were primarily directed towards combatants. Soldiers in control of a certain area could compel locals to provide them with manual labour and transportation in 1550-1797, which is before the creation of a militarized transport system and the expansion of conscription mechanisms. A French military map from the Austrian War of Succession (1740-1748), depicting the Duchy of Limburg and the lands of Outre Meuse, for instance, is accompanied by a list of these lands' resources (surfaces of agricultural lands, grasslands and woodlands; number of adult males, horses and wagons/carts).

The accounts of the high bailiff of 's Hertogenbosch provide an excellent starting point because they reveal to what extent military service for another potentate was a punishable offense on the Brabant-Guelders frontier. In 1402 for instance the high bailiff sent messengers to proclaim in churches that it was forbidden to join either side in the war between the count of Holland and the lord of Arkel, but he prosecuted only two men, for pursuing the war in his jurisdiction. The first had stolen horses from subjects of the count of Holland and brought these to Brabant, the second, Lord Floris van der Aa, was one of the noblemen who took the lord of Arkel prisoner when he passed through the duchy in 1415.

Duchess Johanna of Brabant similarly forbade her subjects to join the Frisian expedition of the count of Holland in 1396, but the Armorial Beyeren, which depicts the

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592 Galley service briefly served as the official punishment for desertion in the French army: almost seventeen thousand deserters were consequently sent there in 1685-1715. ARB, 1107 Rekeningen Hoogschoot 's Hertogenbosch, inv. nr. 12993 (transcript Henk Beijers Archiefcollectie); SAR, ONA, nv. nr. 93, nr. 286, 29/05/1634; Sicking, Zeemacht en onmacht, 189-190, 200; Zysberg, Les galériens, 80-85.

593 Borgnet, Cartulaire, 10; Darquenne, La conscription, 48-49; Engelen, 'Stokkem in de grote Europese oorlogen'; Gutmann, War and Rural Life, 39-41; Kroener, Les routes, 82-83; Lycops, ‘De gevolgen van de oorlog’, 106-107; Marchal, Inventaire, 164; Pettitot-Bellavène, ‘Verdun’, 44.

594 Lemoine-Isabeau and Helin, Cartes inédites, 47-63.

595 ARB, 1107 Rekeningen Hoogschoot 's Hertogenbosch, inv. nr. 2818, 44.1.2.3.; 12991, 74.2.3.10; 75.4.3.10 (transcript Henk Beijers Archiefcollectie). For Floris van der Aa see Damen, Prelaten, edelen en steden, 100.
In the Late Middle Ages campaigning in distant lands was very much part of a chivalric way of life and could include going on a crusade or fighting in the famous free companies. The high bailiffs, who could very well have participated in those travels at some point in their lives, were more interested in enforcing other forms of military service. Their accounts show that every time the general population was mobilised, fines were imposed on communities who refused to assemble. In 1397-1398 the high bailiff even condemned five lesser officials (dienstmannen) for refusing to join a military call up.

During the High and Late Middle Ages several recruitment methods existed, as proven by surviving accounts of high bailiffs in the duchies of Brabant and Bar. Commanders first called upon 'those who came voluntary', often family members, friends or retainers. If this was insufficient, men 'living nobly', fief holders who served on horseback, were mobilised. The same applied to members of shooting guilds, if these were available. Given the aforementioned difficulties, the general adult male population was only called upon if the former methods were inadequate. The distributing of fief rents to important noblemen, especially those living in the area between the Meuse and Rhine (see 2.1), by counts, dukes and kings in the thirteenth and fourteenth century, originated in these recruitment practices.

Noblemen who failed to provide armed support could lose their fiefs or risked a fine. The accounts of the receiver of Longwy from 1335 accordingly note that he confiscated a fief owned by Lord Henri de la Mortecau because the latter refused to perform guard duty at this fortress. The heaviest punishments, confiscation and/or destruction of someone's possessions or even execution, were reserved for those joining the enemy. In 1489 a certain Pierrot de la Place was executed on the market square of Mons, for he had sworn

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596 The Hague, Koninklijke Bibliotheek, Medieval Manuscripts, Wapenboek Beyerien, part 3, Roll of armorials of noblemen taking part, indicates that at least eleven attended. In the Late Middle Ages campaigning in distant lands was very much part of a chivalric way of life and could include going on a crusade or fighting in the famous free companies. The high bailiffs, who could very well have participated in those travels at some point in their lives, were more interested in enforcing other forms of military service. Their accounts show that every time the general population was mobilised, fines were imposed on communities who refused to assemble. In 1397-1398 the high bailiff even condemned five lesser officials (dienstmannen) for refusing to join a military call up.

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fealty to the king of France even though he was born in Hainaut, and also because had betrayed his 'natural lord and prince' by waging war against inhabitants of that county. The relative rise in the importance of soldiers, versus other types of combatants, is a direct result of the difficulties rulers experienced when enforcing military service among the general population. When the castellan of Dinant needed manpower to garrison his fortress in 1578, he simply instructed two officers to recruit soldiers among the most experienced and best-equipped able-bodied males of nearby villages.

At the same time, it brought the need to control the movements of people who were willing and suitable to enter paid military service. From 1383 until 1567, that is before the outbreak of the Eighty Years War, the accounts of the high bailiff of 's Hertogenbosch include thirty-nine cases of 'foreign' service (see figure 5.5). It is noteworthy that only a minority was punished, with a fine, for enlisting with a lord or ruler other than the dukes of Brabant, and even here there was a strong connotation of enemy service. The others were prosecuted for treason (serving 'against their natural prince'), frequently in combination with other offenses, such as desertion from the imperial forces. In these cases execution was the most common

602 Deloffre, 'Guerres et brigandages', 472. See also Ceyssens, 'Les premières hostilités', 93; Damen, De staat van dienst, 255-257; de Boer, Faber and Jansen (eds.), De rekeningen III 1393-1396, 4; Deloffre, 'Guerres et brigandages', 453-456, 473, 480; Marchal, Inventaire, 184; Pégoet P., Demiame O., and Hénin M. (eds.), Les lettres de rémission, 95, 97-98. 105-106 216-218 300-301; Rizzo, 'La prévôté de Marville', 24.

603 Bormans, Lahaye and Brouwers, Cartulaire, vol. 4, 177-178, 287-288. See also Deloffre, 'Guerres et brigandages', 279.

604 Two men who fought in Frisia against the duke of Saxony, an ally of the Habsburgs, in 1497, and 1502-1503 respectively. A servant (jongen) was fined in 1491-1492 for participating in the feud against Willem Trant.
form of punishment. The high bailiff pursued both men born and living in his jurisdiction and anyone who committed a crime there.\textsuperscript{605}

A particularly remarkable case is a twelve- or thirteen-year-old boy from Someren who was sent by his mother to the imperial forces near Mézières, presumably during the siege of 1521, to look for his sister, who served there with her partner. When the boy learned that this soldier had shortly before deserted to the French side with some comrades, he followed them there as well. He stayed in the French army for two months because he could not come back and was fined along with two soldiers. Still, his sister, who probably acted in the same way, does not appear in the accounts. Given that this boy would have served as a soldier's servant, this case demonstrates that the ban on foreign service applied to any male serving in an army context, soldier or not, but not to women (see figure 5.6). There is effectively another 'jongen'

\textsuperscript{605} According to the account from 1506-1508 the high bailiff even executed an imperial soldier ('Christoffelen Myn') born in the Indies for joining troops from Guelders and pressing imperial subjects for food and drink after returning to the imperial army. ARB, 1107 Rekeningen Hoogschout 's Hertogenbosch, inv. nr. 2797, 12990, 12991, 12995, 12996.. Roly 6786, act 16/03/1692 (transcript Généamag); Bormans, 'Extraits des cris du péron', 180, 195; de Lusy, \textit{Le journal}, 348, 351-353, 370; Desbrière, \textit{Chronique critique}, 49; Marchal, \textit{Inventaire}, 296, 325; Richer, \textit{Abrégé chronologique}, 147; Grauwels (ed.), \textit{Dagboek}, 62, 169; Sangers and Simons, \textit{Geschiedenis}, 67.
(servant) who was sentenced for joining the French. The fact that he did not receive any wages is explicitly stated.606

The emphasis on enemy service is important because serving in foreign armies as such did not really become an issue for at least another century, except in very specific circumstances, such as when governments raised or expanded their own armies and manpower became scarce.607 Former soldiers were even encouraged to enlist with another potentate because it resolved the social problem of discharged veterans and released their paymasters from distributing their arrears in wages. Notarial acts from Rotterdam dating to the first decades of the seventeenth century indicate that the armed forces of Venice, France, Denmark, Portugal, and Muscovy sent recruiters to this city.608

Legal documents might provide a somewhat distorted view on military recruitment, however, because voluntary enlistment in the early modern period was generally an informal affair. Notaries became involved to record a contract (e.g. that someone would receive a commission in exchange for gathering a certain number of recruits at his own expense) or a witness testimony (e.g. a conflict over the conditions of service). A painting by Léonard Defrance (1735-1805), from the late eighteenth century, depicts the interior of an inn, with soldiers (French infantrymen) enlisting recruits (see figure 5.7). Such scenes would have been a familiar sight in larger cities. Defrance himself was born in Liège, a major centre of military recruitment in the eighteenth century.609

In the long run, the establishment of large permanent armies at the end of the seventeenth and the beginning of the eighteenth century turned out to be a key turning point. Now governments and commanders had a vested interest in keeping large numbers of soldiers with the colours. The kingdom of France also reorganised the military obligations of its subjects around this time and effectively introduced conscription, be it only for militia regiments.610 The resulting change in attitudes is well studied for the Austrian Netherlands, where the government adopted a much harsher attitude towards foreign service after the reorganisation of their forces in 1725. Nevertheless, in practice enforcing regulations for soldiers serving below commissioned rank, remained very difficult. Foreign recruiters were

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606 ARB, 1107 Rekening Hoogschoot ‘s Hertogenbosch, inv. nr. 12996, 080.1.2.3.6; 080.13.5.4; (transcript Henk Beijers Archiefcollectie).
608 SAR, ONA, inv. nr. 86, nr. 344, 11/02/1645; 91, nr. 97, 13/11/1619, 96, nr. 147, 27/3/1648; 108, nr. 217, 15/11/1631; 248, nr. 93, 24/7/1641; 407, nr. 206-207, 18/3/1658; 465, nr. 191, 07/05/1645; 466, nr. 14, 08/02/1646; 495, nr. 218, 27/11/1646; 632, nr. 80, 27/5/1658; Douxchamps-Lefèvre, Inventaire, vol. 5, 52. See also Kroener, ‘ ’Der Krieg hat ein Loch...‘’, 619-625.
610 Lynn, Giant of the Grand Siècle, 380-396.
arrested when discovered and subjects joining other armies had to enlist in an imperial regiment in exchange for amnesty, but every year hundreds of men, often deserters, simply crossed the border and joined another army. The Prince-Bishopric of Liège and a multitude of imperial immediacies in its immediate surroundings did assume a major recruiting role at the European level during the following decades exactly because they allowed foreign recruitment, sometimes openly, sometimes more clandestinely. A considerable part of the recruits gathered here had deserted from the Imperial, Dutch and French army, as proven by a systematic comparison of military personnel records. The bishops did sign cartels for the exchange of deserters, but enforcing these treaties was not in their interest.

Figure 5.7 Interior of a tavern with military recruiters, late eighteenth century, by Léonard Defrance (Bayerische Staatsgemäldesammlungen- Neue Pinakothek München, 1946).

In historical studies, the introduction of conscription is often presented as a 'solution' to these recruitment problems, a perception based to no small extent on the writings of Enlightenment thinkers, but such a view does not take the ecological framework and perceptions of other contemporaries into full focal account. This can be clarified by taking the Bouillon regiment, raised by the duke in 1757 for the French army, as an example. Because every community had to provide able-bodied men for the militia, it is possible to get an idea of the ecological framework and perceptions of other contemporaries.

612 Brouwers, 'Soldatenwerving'; Govaerts, 'Fire-eaters'; Hélin, 'Les Liégeois'.
recruiting potential of the duchy. The militia totalled 741 men in 1776. Furthermore, a small number of documents relating to the organisation of the colonel's company have been preserved. This is the most senior company, theoretically commanded by the duke as colonel proprietor of the regiment, organised by taking soldiers from all the other companies. In this way, it gives a unique insight into the composition of the regiment. Of sixty-one men, only two came from the duchy itself. Even if one takes into account the age structure of the population, the exclusion of married men and the physical standards required from soldiers at this time (see 6.2), this percentage is surprisingly low.\footnote{This company should not be confused with the colonel's company of the duchy's militia, which garrisoned the castle of Bouillon. Maastricht, private collection, documents relating to the establishment of the colonel's company of the regiment Bouillon, 1757; Contrôles 16 July 1757; Lecounte, ‘La 'Compagnie Colonelle’.
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The duke could surely have filled a larger proportion of his regiment, or at least his own company, by recruiting his own subjects, but this was not in his or his unit's interests. His explicit instructions, namely that one half of the soldiers provided had to be 'known and native', with the other half being 'foreigners and deserters', reflects a practical problem of recruiting soldiers who met certain physical standards without destabilising the demographic framework on which one's own government rested. Only in 1759 did the duke make an effort to recruit his own subjects, primarily to replace wartime losses. In 1788 the regiment still counted only twenty-seven soldiers from the duchy among more than one thousand men.\footnote{Private Collection, Arrangements pour la formation de la compagnie colonelle du régiment de Bouillon, 1757; Deschard, L’armée, 113; Polain, Ordonnances du Duché de Bouillon, 193-195.
}\footnote{Bossenbroek, *Volk voor Indië*; Koller, *Die Fremdenlegion*; Lucassen, ‘The International Maritime Labour Market’.
}

Even the widespread adoption of conscription in the first decades of the nineteenth century did not fully eliminate foreign recruitment, which continued to be the norm for colonial units, such as the Dutch Indies Army, and the navy. It is only from the 1850's onwards that the enlistment of foreigners truly disappears, with the notable exception of the French Foreign Legion.\footnote{Governments' prohibited their subjects from joining foreign armies from at least the fourteenth century, but despite steadily increasing migration control they never fully succeeded in surpressing it.
}

5.2.3 The Issue of Horse Supply

How armies obtained the horses, on which so much of their functions depended, is a very basic problem, but also one that is generally taken for granted. This section will accordingly cover new ground by assessing the ways in which armies procured their horses from the perspective of territory formation. In a similar way to human recruitment, a distinction has to be made between riding horses and draught horses. There is much more information available about the first type because these are the animals used by an army's combat element. Draught
horses were before the nineteenth century exacted from the general population as part of a larger spectrum of services, or provided by contractors. A list of fifty-eight horses requisitioned in the lordship of Grevenbroek, in the far north of the Prince-Bishopric of Liège, for the siege of Huy in 1695, provides an exceptional insight into this matter. This list is very detailed, it provides a physical description of each animal, and makes clear that sixteen of the horses were old and worn out. The villagers likely selected their least useful animals for army service, but the state of these specimens could also simply reflect the general impoverishment of the Campine at this time.

Of special interest here is thus whether there existed a type of horse that was specifically raised for warfare, a 'warhorse'. Administrative sources classified horses according to many different types during the High and Late Middle Ages, but only one of these referred indisputably to a warhorse, the destrier. This is the so-called 'great horse' on which a fully armoured knight charged in battle. Because rulers were expected to recompense their combatants for horses lost in their service up to the late fourteenth century, it is possible to get some idea about the horses used by medieval armies. In some ways these sources are even more informative than those of subsequent centuries, given that individual animals figure prominently among them.

A comparison of two receipts for horse loss, both from horsemen serving the duke of Brabant, will be taken as an example because they show the diversity of horses used by medieval armies as well as the difficulty of establishing whether the horses used in war were effectively 'warhorses'. The first receipt concerns a reimbursement to John of Heinsberg and his men for seventy-six horses lost during the 1339 campaign of Edward III. Of these twelve are described as destrier, nineteen as cavallus and forty-five as equus. Cavallus and equus both mean 'horse' in general, but the term cavallus has a strong connotation of a horse used in warfare, especially in medieval Latin. It is therefore likely that in this document the word cavallus referred to a warhorse of lower value than a true destrier. The second receipt sums up forty-three horses lost by horsemen from Namur who served Robert of Namur, marshal of Brabant, during the siege of Chalilny in 1363. Here three horses are described as coursier,

618 Driesen, ‘De paarden’.
619 ARB, 137.01., inv. nr. 2781, 2783, 2784, 2785, 2794, 2795, 2805, 12990, 12991 (transcript Henk Beijers Archieftolleotie); Ayton, Knights and Warhorses, 39-51; Bennett, ‘The Medieval Warhorse Reconsidered’; Contamine, Guerre, état et société, 17-20, 103-106; De Boer, Faber and van Gent (eds.), De rekeningen I 1393-1396, 74; Devillers and Pinchart, Extraits des comptes, 39; Herborn and Mattheier, Die älteste Rechnung, 62-63; Kraus, Die Aachener Stadtrechnungen, 461; Laurent, Aachener Stadtrechnungen, 220-221, 396.
620 Verkooren, Chartres, vol. 2, nr. 667.
high value riding horses used for warfare or hunting, seven as 'horse', thirty as ronchins, riding horses of low value, and three as draught horses.621

The sharp distinctions between these two groups may reflect the socio-economic status of their riders to some extent, but mainly derive from the environmental conditions in which these campaigns took place. The duke of Brabant contracted John of Heinsberg to serve with three hundred armoured horsemen, which would entail a force of at least six hundred horses, in the royal army of Edward III that raided through the fertile Scheldt and Sambre valleys. The horsemen of Namur served on a much smaller campaign led by the marshal of Brabant, directed against demobilised soldiers and leading through the inhospitable Woëvre. Bringing their best horses would mean relatively little gain in terms of prestige at a much higher risk of demise. It is noteworthy that late medieval fiscal accounts frequently note that horses had been 'ridden to death'.622

Similar ambiguity can be observed in horse breeding, which was a normal part of land management by major landowners. A surviving polyptyque from the abbey of Saint-Trond, dating to the mid-thirteenth century, demonstrates that it kept a herd of twelve horses, of which the one- and two-year-old colts had been separated, in their lands near the Meuse estuary. This is significant, because such a herd is exactly the kind of organisation prescribed in Carolingian legislation. The abbey's horse breeding in a 'wilderness' context was also not unique: herds of halfwild horses roamed forests near Wassenberg (east of Roermond), and in Hainaut.623 It is far from clear, on the other hand, to what extent these horses were destined as warhorses, or how important this specific form of horse raising was for the procurement of warhorses in general. The amount of nutrients available in these environments was unlikely to be sufficient to produce the aforementioned 'great horses', which means that large quantities of hay and oats would have to be procured as well.624

It is fortunately possible to be more specific about late medieval armies. According to an account of expenses from the duke of Guelders dating to 1371, the year of the Baesweiler campaign, the duke paid fief holders and retainers for lost horses, to buy new ones, or for horses given to his new father-in-law.625 Accounts from fourteenth-century high bailiffs and cities likewise indicate that it was quite common for mounted combatants to lend

621 de Raadt, ‘Liste des hommes’.
622 Comparable distinctions can be observed for English warhorses serving in France or Scotland, for which much more detailed sources exist. See Ayton, Knights and Warhorses, 194-224; ARB, 137.01, inv. nr. 2805, 12991 (transcript Henk Beijers Archiefcollectie); Laurent, Aachener Stadtrechnungen, 371-372; Renes and Wessels, ‘Loen ende Werck’, 127-128; van Doorninck (ed.), De tocht van Jan van Blois 1371-1372, 121.
624 Davis, The Medieval Warhorse, 39-42, 91-93; Marchal, Inventaire, 188-189; Mileson, Parks in Medieval England, 64, 68.
625 Martens van Sevenhoven, ‘Een betalingsordonnantieboek’.
or buy horses at the beginning of a campaign. This does not necessarily mean that someone did not own a horse or ‘warhorse’, only that he did not have a horse fit for the task at hand.626 The accounts of lord Frank van Borselen, for instance, demonstrate that he bred horses on his estates, both for his own use and as gifts, but he still had to send a subordinate to buy one or multiple horses every time his bastard son went off to war in the 1460’s.627

While commanders did have a role in horse supply, the main responsibility lay by the combatants themselves. This was possible because in the late Middle Ages service as an armoured horseman was one of the signs of noble status.628 In the seventeenth century mounted military service still carried such prestige that bringing a horse could be a prerequisite for being accepted into a cavalry regiment. Lieutenant John Grove specified in 1666 before a Rotterdam notary the conditions under which Edward Feeck, an English nobleman living in ’s Hertogenbosch, enlisted in his cavalry company. He had to supply a good horse himself, but would receive double pay and could buy his own food.629 Rulers also continued to call upon their fief holders to serve in emergencies, in France and Liège until the last decade of the seventeenth century, but at that point the institution had visibly outlived its military usefulness.630

Nevertheless, delegating most of the responsibility to the combatants themselves, or increasingly to their commanders (captains and colonels), solved only part of the horse supply problem. Horses still had to be available for purchase at an acceptable price. Differences in agrosystems; the availability of grasslands (pasture), did thus become a key concern. The northern part of the Meuse region, Brabant and Holland, exported horses and had access to major horse raising areas in Utrecht, Frisia and Holstein. The kingdom of France, on the other hand, was a major importer of horses from at least the fourteenth century onwards, with the Southern Netherlands and Lorraine as facilitators. In the eighteenth and nineteenth century

626 ARB, 137.01., inv. nr. 12990 (transcript Henk Beijers Archiefcollectie), Herborn and Mattheier, Die älteste Rechnung, 45, 64; Kuppers, 'De stadsrekeningen', 128, 130, 328; Laurent, Aachener Stadtrechnungen, 360; Marchal, Inventaire, 276; Servais, Annales historiques, vol. 2, 315; van Doorninck (ed.), De tocht van Jan van Blois 1371-1372, 110-111; van Doorninck (ed.), De tocht van Jan van Blois 1362, 122-127, 133, 172; van der Eerden-Vonk, Raadsverdragen, 218; Verkooren, Inventaire, vol. 1, nr. 467.
627 Arkenbout, Frank van Borselen, 74-75, 77-78, 195-201.
629 SAR, ONA, inv. nr. 92, nr. 272, 23/05/1628; inv. nr. 397, nr. 340, 01/12/1666, nr. 341, 03/12/1666; Couvin 1895, act 17/10/1633; Namur, Haute Cour de Namur 392, f. 54 (act 28/7/1614); Philippeville 6433, act 28/01/1659 (Transcript Généamag); Parker, The Army of Flanders, 139; Rooms, De organisatie, 153.
630 AEL, Etats, inv. nr. 2966, Reglement pour la paye generale des troupes de Son Altesse Evêque Prince de Liège, 1690; Lynn, Giant of the Grand Siècle, 369-371; Parrott, Richelieu's Army, 62-65.
horse breeds from the north were also on average larger than those of the south because the latter were raised in a more extensive way.631

Because of these environmental characteristics horse smuggling became a major problem in the sixteenth century with Dutch and to a lesser extent Spanish soldiers making sustained efforts to prevent horse exports from reaching their adversaries.632 Marguerite and Catherine, wives of Jean and Martin le Rosseau, even had to appeal to the councillors of Couvin to attest to the good fame of their husbands, in 1580. The brothers had bought four horses at Tongres, an intermediary in the long distance horse trade between Holland and France, but were taken prisoner at Bouvignes by members of the garrison who thought that they were soldiers of a foreign potentate. Few soldiers wore uniforms at this time so there was little to distinguish them from any other armed man.633

In 1691 Allied forces, which included the Republic, the Habsburg Netherlands and the Prince-Bishopric of Liège, went a step further and devised extensive legislation to prevent horse imports from reaching the French army. Horses could only be sold in controlled circumstances, they could not be moved without a passport, and all fences and hedges had to be repaired so no horse dealer could divert from the main road.634 These efforts would have exacerbated their opponent's desperation for suitable mounts: earlier that year the French government had lowered the minimum height for cavalry horses from 1,50 m to 1,37 m. Dragoons (mounted infantry) could take horses as small as 1,32 m. Jean-Baptiste de Colbert and his successors had in fact sought to avoid this reliance on imports by the distribution of stallions brought in from abroad, efforts which evolved in 1717 in the creation of the haras, a series of depots spread throughout the countryside housing stallions for breeding. This demonstrates the government’s assumption that it is task of agriculture to supply the military with low-priced horses of good quality.635

631 Jacques Mulliez blames the detrimental role of military requisitioning for the small stature of horses on France's eastern frontier (p. 19), but contradicts his own argument on page 25. His observation seems to derive from a common misunderstanding given that A. van Leeuwen makes a similar remark in 1922. Bautier, 'L'élevage du cheval', 68-69; Davis, The Medieval Warhorse, 64-65; Geisweit van der Netten, Antwoord op de vraag, 41-42; Laperche-Fournel, L'intendance de Lorraine et Barrois, 190; Leestmans, Soldats, 184; Marchal, Inventaire, 242; Mulliez, Les chevaux, 15-25, 71-82; van Leeuwen, Geschiedenis der paardenfokkerij, 39, 48, 63, 64-65, 83; van Oebschelwitz, De Nederlandsche stalmeester, 50-53.

632 SAR, ONA, inv. nr. 46, nr. 20, 19/10/1605; inv. nr. 142, nr. 145, 08/04/1637; inv. nr. 204, nr. 201, 24/04/1643; inv. nr. 390, nr. 256, 30/11/1639; Borgnet, Cartulaire, 74-75; Douxchamps-Lefèvre, Inventaire, vol. 3, 86, 221; Stradling, 'Spain's Military Failure', 212-214; Verschure, Overleven buiten de Hollandse Tuin, 66-70.


635 Bogros, 'Les chevaux de la cavalerie française'; de Torcy, Des remontes; Geisweit van der Netten, Antwoord op de vraag; Mulliez, Les chevaux, 82-91, 106-109, 149-162, 167; van Leeuwen, Geschiedenis der paardenfokkerij, 75-76.
The *haras* was very unpopular, appearing regularly in the 1789 *cahiers de doléances*, lists of complaints to be addressed in the National Assembly, because farmers felt they had to pay for the breeding of animals they did not need. The Revolutionary government consequently abolished them, only to be recreated in a more reduced form by Napoleon's regime (including two in the Meuse Region; in the Ardennes and Roer departments). In the end, the problem of horse supply remained unsolved. France continued to be a major importer of horses throughout nineteenth century. Napoleon's army managed to make good its immense horse losses by a combination of requisitioning, purchase and simply taking the horses of defeated enemies. Neither of these practices changed France's structural lack of inexpensive and good cavalry mounts in a fundamental way. The only development of note was that the increased emphasis on so-called light cavalry in the late eighteenth and early nineteenth century, which led to a reappraisal of smaller indigenous horse breeds; especially from the Ardennes and Lorraine (see figure 5.8). Throughout the premodern period armed forces continued to rely on agriculture to supply them with suitable mounts, which gave major horse raising regions a significant advantage over their counterparts.

Figure 5.8 Two Ardennes horses in the service of the French horse artillery, drawing by Hippolyte Lalisse, 1850 (Gayot, *Atlas statistique*).  

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637 In horse artillery regiments all gunners were mounted, which gave them more tactical flexibility than regular or ‘foot’ artillery units. Their development dates back to the second half of the eighteenth century.
5.3 NOTIONS OF MILITARY PROFESSIONALISM

5.3.1 Disarming the General Population

The aspiration to limit access to certain biotic communities as well as the need to ensure a continuous supply of the living beings that constitute an army, involved very fundamental problems. As argued above, there was a constant tension between different human actors, different kinds of combatants, especially because the ability to use organized violence, the capability to raise armies, remained diffuse up to the late eighteenth and early nineteenth century. Soldiers brought both order and disorder and were therefore not completely reliable as policing agents. This part studies how increased distinctions between armies and society at large, conceptions of military professionalism as a code of conduct and a practical social reality evolved as result of these issues. The establishment of the military as an institution and principal state actor came about because of these developments.

The first element in the changing distinctions between armies and the general population, the making of 'civilians', was the latter's disarming. In the Middle Ages every able-bodied adult male had, at least theoretically, to serve in an army context when required to do so. For that reason they all had to own weapons and armour according to their means. The most rudimentary weapon, which even the humblest had to own, was a (spiked) club, very similar to the kind for which Flemish militiamen became famous. According to the instructions of the count of Holland, issued in 1342, even the poorest had to own a club and a dagger aside from some rudimentary protection.638 The accounts of Grave reveal that in 1438 members of the city council went from house to house to ensure that everyone owned appropriate weapons and equipment. This widespread ownership of weapons and armour created obvious concerns in terms of the maintenance of public order, but also had an important ecological impact.639

John IV, Duke of Brabant (1415-1427), granted city rights to Lommel in 1422 to encourage settlement in this sparsely populated area (the Campine). Its inhabitants received the right to walk around with bow and arrows and keep dogs with uncut claws because they lived 'in the middle of heathlands, far from all houses, and always had to be on their guard'. The charter also specified, however, that those who took advantage of these privileges and poached in the duke's hunting park (warande) would be prosecuted. The exact nature of the threat is not specified, but it seems likely that wolves rather than human enemies were

638 Registers van de Hollandse Graafelijkheid, WI 562 (www.resources.huygens.knaw.nl, Consulted 3 February 2017); SAT, inv. nr. 1, f. 5v., f. 42; Bormans, ‘Extraits des cris du péron’, 199; Gaier, ‘Pauvreté et armement individuel’, 153-164; van der Eerden-Vonk, Raadsverdragen, 139.
639 SLC, Archief Gemeente Grave, inv. nr. 217, f. 195v. (transcript Rien van den Brand); Glaudemans, Om die wrake wille, 112-114, 341-342.
citizens’ main concern. A seventeenth-century confirmation of these privileges specifically notes that the dogs had to guard sheep flocks.\footnote{People living near the duke's forests or hunting parks were only allowed to keep dogs if they removed two claws of their right forepaw, to make running and chasing game animals impossible. This gruesome practice seems to have become increasingly rare towards the late Middle Ages, as dangle sticks provided a more humane alternative. Smit, Het Brabantsche Jachtrecht, 147-148.}

Most missile weapons, such as (cross)bows and guns, could be employed for both hunting and warfare. In this context the widespread adoption of gunpowder weapons from the latter Middle Ages onwards became a major issue. Medieval handguns, while not as accurate as early modern rifles, were used for hunting by the last decade of the fifteenth century at the latest.\footnote{Hall, Weapons and Warfare, 97-99.} The right to hunt was one of the main demands made during the German Peasant Revolt in 1525 and might also have had an important role in the rebellions that affected the Prince-Bishopric of Liège in the 1460’s. The insurgents were collectively denoted as 'handgunners', and made good use of woodlands and hedges to hamper their heavily armoured and mounted opponents (see the testimony of Jean d'Haynin in section 3.1.1). Unfortunately, the chronicles that documented their actions are not very instructive about the specific motivations of divers rebel groups, which clashed with each other on several occasions.\footnote{Bischoff, La guerre des Paysans, 164, 218-219, 273-294, 325; Gaier, 'Un étonnant précurseur'; Govaerts, 'The Use of Firearms'; Vrancken, 'Verte Tente'.}

The close relation between ownership of guns and hunting is confirmed by a list of armed men from the district of Dinant in 1570. Numerous documents of this kind have been preserved from the sixteenth century. They originate in governments' efforts to (re)enforce military obligations among the general population. What is noteworthy about this list is that differences in the arms carried by the men of these villages (the relative number of guns versus staff weapons) can be explained by the local availability of game. Communities with the largest surfaces of woodlands are also those with the largest number of guns.\footnote{Bormans, Lahaye and Brouwers , Cartulaire, vol. 4, 109-111.} For authorities the most obvious concern was indeed that men would take advantage of their military obligations to poach or otherwise be a threat to public order. The regulations regarding the organisation of the militia in the Prince-Bishopric of Liège in 1632 explicitly mention that the militiamen were under no circumstances permitted to shoot partridges, pigeons, hares, rabbits or other game. In the district of La Mothe the weapons used by the élus, the men elected to provide military service, were even kept in the castellan's fortress in the late sixteenth century.\footnote{Hansay, 'Documents inédits', 213; Polain and Bormans, Receuil des ordonnances, vol. 3, 107-108; Richer, Abrégé chronologique, 206; Villa-Sèbline Nicole, La sénéchaussée, 191, 230-231.}

The use of the term élus, of medieval origin, is important because it suggests that communities responded to their military obligations by selecting those among them perceived as most apt to go off to war. The Dutch equivalent is keurling. The accounts from the high
bailiff of ’s Hertogenbosch mention coerlinghe as early as 1386-1387. The terminology still existed in the seventeenth century to designate pioneers, the men whom communities had to supply to passing armies to provide manual labour. This is symbolic for the fact that the military obligations of the general population had become reduced to a mere support role. The accounts of the village of Châtelineau-sur-Sambre mention that the village still equipped their élus, who had to serve as a pioneer, with a sword in 1635.

This does not mean that disarmament processes were straightforward. One has to distinguish between the general population's contribution to rulers' or states' forces, which increasingly became reduced to sending pioneers and wagoners, and their continuous role in local defence. The latter included repression of unwanted migration, and wolf hunting. Military obligations in a militia structure were in fact expanded during the late sixteenth and early seventeenth century, to deal with the problem of marauding soldiers. In the Germanic part of the Meuse Region these militias were generally denoted as 'shooters' (schutters, Schützen), which suggests a link with medieval shooting guilds. These older associations continued to exist, but became submerged in larger militia structures, which more or less took over their policing role.

The major turning point lay around the last decades of the seventeenth and early eighteenth century. At that time efforts to curtail soldiers' assaults on locals coincided with an increased emphasis on buying protection. It is useful to take the mobilisation of the rural population by the French government as an example. Since 1644, attempts had been made to establish defensive lines along the Sambre and/or Meuse Rivers, mainly against raiding parties (see 2.2). These had to be manned by villagers drawn from the area between the Meuse and Aisne Rivers. An inventory of guns owned by these men, dating to the 1740's, a list that also indicates whether someone had military experience, shows that the percentage of guns owned by former soldiers, 137 guns for 494 men, was lower than those owned by the population at large (1928 guns for 6122 men). This can be explained by the fact that gun ownership was a mark of status, being a reflection of the right to hunt. Noblemen included in this list often owned several guns. It is likely that most of the men on this list with military

645 ARB, 137.01., inv. nr. 2783 (transcript Henk Beijers Archiefcollectie).
647 La vie quotidienne dans les Ardennes, 32-33; Borget, Cartulaire, 89-90, 221-223; Bormans, Lahaye and Brouwers, Cartulaire, vol. 6, 238-239; Denys, Police et sécurité, 93-97, 118-123; Jacobs, Justitie en politie, 160; Verschure, Overleven buiten de Hollandse Tuin, 222-227.
experience had served in the militia, recruited through conscription and generally associated with low socio-economic status.648

In this way, the list represents a changed relationship between armies and society. Military obligations were not abolished, they were expanded, but emphasis was gradually laid on service in the military, which allowed much more control from the government’s viewpoint. Attempts to rearm and mobilise all able-bodied adult males in the traditional way were certainly made during the revolutionary years and major invasions (in 1784-1787, 1790-1794, 1809, 1813 and 1830) but they all produced very mixed results, and quickly gave way to either disbandment or incorporation in military structures.649 As early as 1748 the city council of Venlo had to respond to an inquiry from the prince of Orange, whether its citizens kept any English guns that went missing during or after the battle of Lafeld (2 July 1747).650 Widespread arms ownership remained both a military necessity and a threat to government control over natural resources until well into the eighteenth century. This ambiguity could not be durably solved until increasing distinctions between 'military' and 'civilians' made the latter's armament redundant.

5.3.2 Military Justice and Environmental Laws

The previous section argued that the general population retained its armed role in order to counteract the threat posed by pillaging soldiers. One of the reasons why these latter combatants proved so difficult to manage was their special status in contemporary justice systems. This gave them, or at least created a perception, of impunity. The high bailiff of 's Hertogenbosch for instance declared in his account from 1423-1424 that he did not punish two malefactors to the full extent of the law because they had served the duke regularly, and lived 'on the borders of the realm' (de palen van de lande).651 The pressing need for men willing to serve in an armed capacity thus has direct repercussions on the maintenance of law and order. In the fifteenth-century County of Hainaut pilgrimages as a form of punishment were likewise often postponed in wartime. This was related to the general insecurity on the roads as well as the need to keep every able-bodied male within the community. Offenders, especially noblemen, could also be obliged to provide armed service at their own expense in addition to pilgrimages.652

649 RHCL, 04.01, inv. nr. 18; Leconte, La Révolution brabançonne dans le duché de Limbourg; Rosendaal, Tot nut van Nederland, 41-53, 164-176, 197-208; Sabron, De oorlog, vol. 2, 12-14; Terlinden, Les souvenirs historiques, 81-105; Wanty, Le Milieu Militaire, 10-16.
650 Gessler and Vanderstraeten, Algemeen repertorium, 118; Hanssen, Inventaris, 443.
651 ARB, 137.01., inv. nr. 12990, f. 179 (transcript Henk Beijers Archiefcollectie).
652 Cauchies, ‘Rachat et ralongement’, 289-295; Govaerts, ‘Mannen van Wapenen’, 323; van den Brand and Manders, Vesting ’t Gennesperhuys, 55; Verreycken, Pour nous servir en l’armée, 207-244.
Military justice in the proper sense of the word developed from the late fifteenth century onwards and had a direct impact on authorities' capability to arrest soldiers. The High bailiff of 's Hertogenbosch explicitly stated in 1508-1509 that he was only able to fine a culprit because he was a soldier.\(^{653}\) It also had a major influence on environmental crimes. A court record of Breust, dating to 1684, includes several witness statements regarding a certain Jan Lindekens and his son. The latter had been arrested for cutting wood illegally in the lordship of Rijkholt. After his release he became a soldier in Maastricht, and used this status as a pretext for walking around armed and shooting the forester's pigeons. Given that no statements of the offender(s) themselves are included, it is conceivable that the son's military status shielded him from arrest. Authorities for their part were not completely powerless to pursue military offenders. In 1702 for instance the lord of Rekem started a lawsuit against Renier Schrammen because he had cut wood on the community's lands, and attempted to have his belongings confiscated. The latter, who served as a soldier in Maastricht, claimed that only a military court could judge him.\(^{654}\)

The impression that soldiers could transgress environmental laws with relative impunity is confirmed by the repeated assertions in the Habsburg Netherlands that military privileges did not apply when it concerned hunting offenses.\(^{655}\) Even in 1874, a correctional court could not judge a member of the Belgian army because of his military status. The soldier in question served in the camp of Beverlo and was arrested because he carried a dead wagtail. Such poaching activities seemed to have been commonplace, for two years earlier an officer serving in the camp also got into trouble for poaching. The 1874 case is significant because the soldier had transgressed a recently introduced law, which ruled that it was forbidden to kill insect-eating birds because of their usefulness to agriculture. This law still classified animals according to their utility, but also functions as a symbol for changing attitudes towards 'nature'.\(^{656}\)

Another issue, of no less importance, is to what extent such environmental crimes were perceived as important within a military context. The high bailiffs of 's Hertogenbosch fined a mere three combatants for environmental crimes over the course of more than one hundred and fifty years. A man was fined fifty gulden in 1495-1496 for multiple offenses:

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See Servais, *Annales historiques*, vol. 2, 402-403 for late medieval villagers who pretended to be soldiers in order to cause disarray and steal food.

\(^{653}\) ARB, 137.01., inv. nr. 12996 (transcript Henk Beijers Archiefcollectie); Boonen, ‘Repressie van vaandelvluchte soldaten’, 30, 36, 41, 43, 46; Storrs, ‘Military Justice’; Verreycken, *Pour nous servir en l’armée*, 110-114, 188-199; Wilson, ‘Early Modern German Military Justice’.

\(^{654}\) RAH, Schepenbank Rekem, inv. nr. 938; RHCL, 01.176 Schepenbank Breust, inv. nr. 1491. See also Bouvignes 1340, act 25/8/1649 (Transcript Généamag).


\(^{656}\) Note that hunting as such was not forbidden on military domains (and neither is now). *Pasicrisie belge*, 1872, vol. 3, 225; 1875, vol. 3, 17; van der Windt and Knehtering, ‘Inheemse wilde diersoorten’, 89-90.
fighting, threats, cutting down shrubs and a young nut tree, draining a pond and stealing the fish while serving with soldiers in the County of Loon. A soldier received a penalty of six gulden in 1512-1513 for shooting an arrow in a beer barrel and cutting some willow branches for firewood, and one of his colleagues had to pay twenty gulden in 1514-1515 for garden and cutting some oaks managed as coppice wood.657

Figure 5.9 Officer on horseback with hunting dogs, etching by Cornelis A. Hellemans, based on the design of Philips Wouwerman, seventeenth century (RA, RP-P-OB-55.343).

Military officers, who were fond of hunting themselves (see figure 5.9), probably considered these offenses above all as a form of insubordination. The garrison orders of Namur regularly mention that it was forbidden to fish in specific locations and that offenders were liable to lose their fishing equipment as well as risking some sort of undefined punishment. Nevertheless, they provide very few explicit references to the enforcement of these orders: one soldier had to ride the 'wooden horse' for an hour in 1716 and two soldiers had to run the gauntlet seven times up and down in 1742.658 Given that the latter punishment was carried out

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657 There are also a few entries about stealing horses or other livestock. ARB, 1107 Rekeningen Hoogschout 's Hertogenbosch, inv. nr. 12995, 12996 (transcript Henk Beijers Archiefcollectie).
658 The wooden horse is a punishment device in the shape of a horse with a sharp back on which the offender has to sit. It is typically located near the main guardhouse on the parading grounds. It might be a common punishment for this kind of offense for the main character of the semi-fictional Simplicius Simplicissimus (mid-seventeenth century) is also punished in this way. NA, Raad van State, inv. nr. 2081, 12/8/1716, 15/7/1742, 16/8/1742; Pascal, Histoire de l’armée, vol. 2, 206-207.
a month after one of the governor's prohibitions, they were probably made an example of. A 1704 court record from the Dutch army similarly concerns a trooper, Willem Moens from Tongres, who had intercourse with a mare. The sentence leaves no doubt about the heinous character of the crime and the need to punish it accordingly, by executing and burning man and horse, but it is still striking how it emphasizes that this soldier had transgressed the regulations on military discipline in particular (it was his captain's horse). 659

The military court of Namur, which processed 2805 cases between 1815 and 1851, only considered two explicit environmental crimes; two soldiers cutting wood in a royal forest in 1818, and a soldier who cut down trees and damaged fences in 1839. Military authorities could also hardly claim to have played a proactive role: forest guards arrested the former offenders, and the gendarmerie the latter. 660 Military regulations encompassed diverse environmental crimes; cutting down woody plants, damaging gardens or fields, shooting pigeons or rabbits, from at least the fifteenth century onwards, but if these were dealt with at all it would likely have been in a way that does not find reflection in military court records. One solution to this problem would be to use monthly reports, which have been preserved for some eighteenth-century regiments and note minor punishments, but these too do not indicate a concern for environmental crimes. 661

Archives of nineteenth-century military courts have the advantage that they included excerpts of a soldier's livre de punition, a list of earlier offenses including those that did not involve a court martial. Louis Eeckhout, for example, deserted from the Belgian army in 1844 and joined the French Foreign Legion, but came back after his five-year enlistment. This was a fairly common practice at that time. 662 His records indicate that he received twenty-seven minor punishments in a little more than five years before deserting. These included eight days confinement for throwing stones at a citizen's apple tree, and another fifteen for breaking out of prison (the cachot) and stealing fruit from an enclosed garden. 663

In this context the military court of Namur seems to have been surprisingly lenient towards the two German soldiers who cut down trees in 1818, claiming in effect that the minutes only provided sufficient evidence for the soldiers hacking down one tree with their sabres, not the other twelve firs the forest guards found felled. The defendants were

von Grimmelshausen, Der Abentheurliche Simplicissimus Teutsch, Book 4, Chapter 9.
659 NA, Hoge Krijgsraad, inv. nr. 262 Trial Willem Moens.
660 AEN, Conseil de Guerre Provincial, inv. nr. 227, 1424.
661 AEL, Conseil Prive, 2634, Report from the regiment Royal Liégeois (French service) regarding punishments given in December 1788. Militair Wetboek, articles 175-182; Reglement et ordonnances du roy pour les gens de guerre, vol. 9, 228 (28/08/1695); Bastin, La justice militaire; Bentley (ed.), Excerpta Historica, 40-41; Berkvens, Plakatenlijst Overkwartier, vol. 2, 249; Bikar, Aperçus de l'état militaire’, 239-244; de Laurière et al. (eds.), Ordonnances des rois de France, vol. 13, 307-308; Rase, Maréchal and Bodart, Inventaire, 23-84; Rorive, Les misères de la guerre, 344; Teunisse, Onderdaan in Oranje’s oorlog, 29.
662 Bastin, La justice militaire, 186-188.
663 AEN, Conseil de Guerre Provincial, inv. nr. 2678.
consequently condemned to eight days in prison and the costs of the trial. The soldier arrested by the *gendarmerie* by contrast was punished more severely (one month's detention), but he was also drunk and caused a public outcry.\textsuperscript{664} Military justice in general was therefore not particularly concerned with repressing environmental offenders.

5.3.3 Veterans and State Formation

Soldiers did not invariably act as perpetrators. They were both enforcers and lawbreakers. Growing distinctions between armies and general society in 1250-1850 originated in the difficulty of enforcing military obligations as well as concerns about the maintenance of public order. Men who derived their main income from military service therefore gradually came to dominate an army's combat element from the Late Middle Ages onwards. The fifteenth century saw the creation of the first permanent military units in the Meuse Region: the famous *bandes d'ordonnance*. These were mostly mounted troops of noble origin. The transformation of these first units into the large standing forces of modern states is a core theme in the history of early modern Europe. This section specifically analyses to what extent changes in the organisation of military service influenced biotic communities.\textsuperscript{665}

The growing emphasis on permanent armies came to a certain degree at the cost of the combatants themselves, as demonstrated by the detailed accounts of the castle of Blitterswijk near Venlo in 1584-1591. The local steward paid nine soldiers in 1584 to serve as guards, a number gradually brought down to two. As argued earlier, these men did not constitute a garrison, but fulfilled analogous roles to medieval sentinels and watchmen, functionaries that are notably absent from the accounts.\textsuperscript{666} The cities of Dordrecht and Sedan also retained soldiers in their pay who patrolled the city and enforced the council's police regulations during the sixteenth century. These men received different wages: either three or four *brabantse gulden* a month. It is a well-known feature of sixteenth-century armies that private soldiers could receive different pay rates depending on their equipment and/or experience.\textsuperscript{667}

By 1586 only three soldiers were left, including one earning higher pay. He had to accept a uniform pay rate, but got two pair of shoes in return. More importantly is that this man performed all kinds of chores to complement his income: as a hunter, builder, miller and field warden. This is not an isolated incidence, but a reflection of processes occurring all over the Meuse Region. A considerable part of the ecological influences of soldiers included in this

\begin{itemize}
\item \textsuperscript{664} An order from 1772 also notes that soldiers standing guard in the garrison of Namur damaged young trees on the walls with their sabres. AEN, Conseil de Guerre Provincial, inv. nr. 227, 1424; NA, Raad van State, inv. nr. 2088, order 20/6/1772.
\item \textsuperscript{665} Contamine, *Guerre, état et société*, 278-290; Guillaume, *Histoire des bandes d'ordonnance*.
\item \textsuperscript{666} Dreiskämper, ‘Thonis Ongewassen en Johan Copper’, 184, 190.
\item \textsuperscript{667} Informacie up de staet faculteyt ende gelegentheyt, 515; Philippoteaux, ‘Gages des soldats’.
\end{itemize}
study, working on fortifications, gathering or selling wood, and fishing, originate in these standardisation processes, which lowered the status of common soldiers. A watchman certainly performed comparable chores in Venlo as early as 1386-1387, namely making fences and repairing roads, but the status of these functionaries was much lower than that of medieval soldiers. In fourteenth-century Aachen, Soldeneren, who invariably served mounted, earned ten to twenty five times the wages of a watchman.

 Soldiers who performed their service well could conversely be rewarded in a way that was of direct significance to the policing of biotic communities. In 1418 John IV, Duke of Brabant, allowed Carselis de Eupen, who occupied the post of forester in the duchy of Limburg since 1411, to retain his function until the duke repaid his debts. These arrears had a military origin: de Eupen already appeared briefly in the previous chapter when his men garrisoned the fortress of Argenteau in 1411, and his father had been taken prisoner at the battle of Baesweiler (1371). Apparently, the family had, after more than forty years, still not received full compensation for losses suffered at this famous debacle.

 These medieval notions of service were expanded from the sixteenth century onwards in response to changing social realities. On 10 January 1559, for example, the governor of Chimay appointed a certain Yzaye Faucquesseau as forest warden. This man served as 'archer' (heavy cavalryman) in the company of the prince of Chimay, part of the bandes d'ordonnances, but he also owned land in the area (Baileux). The prince thus rewarded a subject for his loyal military service by assigning him to a different kind of service, by making him a functionary with a central role in the management of his natural resources. Given the special status of these units, most soldiers did not have to remain with their company in peacetime, he did not even have to give up his military role, and was still denoted as archer in 1563.

 During the early modern period former soldiers were gradually perceived as the most appropriate candidates for serving in other government functions, particularly if these involved arms. The bailiff of Kempenland for instance declared in 1651 that all his field wardens were former cavalrymen of the Dutch army, apparently because he could not find suitable candidates among the local villagers. This can be explained by the recent takeover of the mostly Catholic northern part of the Duchy of Brabant by the Dutch Republic, which

668 Burschel, Söldner, 38-44; Swart, 'From 'Landsknecht to 'Soldier''; Swart, Krijgsvolk, 61-68; von Grimmelshausen, Der Abentheurliche Simplicissimus Teutsch, Book 4, Chapter 9.
669 de Groot, Stadsrekeningen, 1386 f. 7, 1387 f. 20; Dreiskämper, 'Thonis Ongewassen en Johan Copper', 184, 190; Laurent, Aachener Stadtrechnungen, 9, 218-219, 249, 256-257, 260, 314; van Beurden, De handelingen, 105.
671 Carnets du Major Lebrun 1507-Baileux 39 rouge 3m, p. 2, act 19/4/1563; 24 rouge 2 X Pairie de Chimay, p. 91, act 10/1/1559 (Transcript Généamag); Bois, Les anciens soldats, 299-300; Burschel, Söldner, 276; Gresser, La gruerie, 144-151; Guillaume, Histoire des bandes d'ordonnance, 104, 199.
required all state functionaries to be Protestant. At the same time it is emblematic for the position of soldiers as one of the earliest and most prominent of state actors, which made them a model for other branches of government.672

By the eighteenth century military service had clearly become a desirable experience for police functionaries, for it explicitly stated in candidates' records. Former soldiers also constituted a significant minority among customs officials at that time. In 1825 the Netherlands government established an official list of government functions preferably given to former members of the military, including prison guard, servant of the provost (stokkenknecht), engineer with the department of water management, lock keeper, porter, provost, exciseman, mailman, and gamekeeper. The nineteenth-century French government also employed functionaries called gardes forestiers de la marine who had nothing to do with forest protection as such, but selected trees suitable for shipbuilding. They were recruited among members of the militarized craftsmen who built warships.673

![Figure 5.10 Portrayal of a forest guard arresting a poacher during the reign of Napoleon I, painting by Horace Vernet (1789-1863). Note that the he has only one arm.](image)

The general idea behind these practices was to solve three problems at once: reward soldiers for their service, reduce their violent vagrancy by helping discharged veterans find employment, and gain loyal subordinates (see figure 5.10). In practice, the situation was far more complex, partially because soldiers were not necessarily motivated to serve in these

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673 Bosch, De nationale waterstaatsdienst, 131-136; Denys, Police et sécurité, 82-85; Hardenberg, Overzigt der voornaamste bepalingen, vol. 2, 253-254; Mulleners, ‘Het Tongerse politiekorps’, 126; Piraux and Dorban (eds.), Douane, Commerce et fraude, 132-133.
capacities and partially because they were not paid very well. The city of Maaseik, for example, appointed a new field warden on 2 April 1782. His nomination explicitly mentions that he was a former soldier to the point of naming his regiment, an Imperial unit. Three months later the city had to find a replacement because the man had enlisted again, this time in the Spanish army. The recruitment of reliable field guards, the nineteenth-century successors to these wardens, also proved particularly difficult because of their low pay.

Still, a list of former soldiers residing in the community of Maaseik, dating to 1815, reveals that three police functionaries (a field guard, agent de police, and guard of the fisheries) had military experience.

The uncertainty whether these men really were the models of discipline and loyalty that their military service supposedly guaranteed would have been an even more serious issue from the government's viewpoint. The woodcuttings in the forest of Rekem, meant to prepare Maastricht for an imminent Allied siege in December 1813 (see 4.1), were considerably delayed because Lambert-Henri-François Frantzen, head of the forestry department and nominally in charge of the operation, was absent for several days. It is possible that his specific background, rising to officer's rank in the revolutionary years without prior military experience, did not qualify him as the prototype of a disciplined soldier. His second in command, who took charge of the operation, had served Napoleon as a non-commissioned officer and initially asked the prefect for a position as a court clerk. Yet it is significant that an 1804 attempt to establish a French veteran camp near Jülich, based on Roman examples, also had to drop its military aspects because the veterans desired to become ordinary farmers. Soldiers might have appeared to be very suitable candidates for policing duties, but in practice they displayed both orderly and disorderly behaviour.

5.3.4 The Expansion of the Military Police

Armies evidently had an important function in the policing of biotic communities during the premodern period. Still, there were also incessant conflicts between the military as an organisation that gradually came to represent the state and the continued ability, or even obligation, of the general population to provide armed service. This paradox eventually

674 MS, Oud archief, Magistrale Rol, f. 91, Stadsrekening 1782-1783; Boonen, Misdaad en straf, 21-22.
675 RHCL, 04.01., inv. nr. 30, letter of the mayor of Rutten (Tongres), 22 March 1814; Recueil général des lois et ordonnances, vol. 11 (1841), 462; Goblet d’Alviella, Histoire des bois et forêts, vol. 3, 9-10; Kort, Bromsnor in Zeeland, 39-43, 50-56 115-121; Mulleners, ‘Het Tongerse politiekorps’, 154-155; Tellès d'Acosta, Instruction sur les bois de marine et autres; 221-222.
676 RHCL, 04.01., inv. nr. 124.
677 RHCL, Frans Archief, inv. nr. 613, Letter 17 July, 1811; inv. nr. 1177, Letter 21 December 1813; 04.01, inv. nr. 30, Lists of former soldiers receiving pensions; Terlinden, Les souvenirs historiques, 123.
678 Woloch, The French Veteran, 232-246. See also Meyrac, Traditions, 324; Murk, ‘Rekrutierung und Ausbildung’.
contributed to the rise of organisations that controlled both members of the military and civilians, but still built on ideas about rewarding military service and cultivated a specific image about military professionalism. The best known of these organisations is the French *gendarmerie*, created in 1791 through a reorganisation of the *maréchaussée*.

The *maréchaussée* was a medieval institution, founded in the fourteenth-century kingdom of France to deal with marauding soldiers within a changing context of military justice. Their creation was directly connected to the function of provost, the official specifically tasked with maintaining order among army members. This rather quickly evolved into a general obligation to provide safety on the road and the organisation lost its specific association to warfare by the seventeenth century. A major reform in 1720, not coincidently the same period that saw the consolidation of France's permanent armed forces, militarized the organisation. It adopted uniforms, a strict hierarchy, and serving in the military became a prerequisite for obtaining an officer's commission. The French government expanded its military aspects during subsequent reforms, with the prior military service requirement being extended to all ranks.

It is easily overlooked, because of the latter success of this system, that the *maréchaussée* was only one of several paths taken during the eighteenth century. In the Habsburg Netherlands the armed followings of the *prévôt général*, the high bailiffs, and the forester of Brabant, were militarized as well at the turn of the seventeenth and the eighteenth century. In late eighteenth-century Jülich and briefly also Liège, cavalrmen patrolled the countryside. These resembled the French *maréchaussée* in many ways, but prior military service was not a precondition for entry. One can consider these horsemen as a sort of intermediary for they also adopted the green uniforms typical of police functionaries in other parts of the Holy Roman Empire (see figure 5.11). The use of the colour green reflects the hunter origin of German police forces. In the Thirty Years War the Swedish government drafted its gamekeepers and forest wardens into special units that acted as military police, a practice that quickly spread to nearby German territories, notably Hessen and Prussia (the military *Jäger*).

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682 Gumtau, *Die Jäger und Schützen*, vol.1; Joor, *De Adelaar en het Lam*, 410-411; Murk, "Rekrutierung und Ausbildung", 109-110; Nyrén, "Riksjägmästambetet".
A major issue proved to be the need to maintain a balance between the cultivation of military ideals and these units' policing role. Looking specifically at one unit, the *flanqueurs-chasseurs* of Napoleon's Guard, illustrates this dilemma. The regiment was formed in 1812 and recruited hunters and/or woodsmen. Relatives of forest guards were especially encouraged to volunteer by promising them a position in the forestry department. The unit's personnel records show that 129 soldiers from the Meuse Region, and more specifically the departments with large surfaces of woodlands (Ardennes, Meuse, Roer) enlisted. The relative precision of military records from the Napoleonic period is of note here, because the professions of these men rarely point to a direct relationship with forests. It is the professions of their fathers, rarely included in earlier records, which makes all the difference (forty four soldiers were indeed sons of forest guards). After the disastrous Russian campaign only 9 of the original 129 remained. They were consequently replaced with conscripts, which effectively put an end to the unit's special status. Napoleon did not draft any serving forest guards, so the forestry department continued to function, but the loss of so many potential successors and family members likely affected it in other ways.\(^{683}\)

It is significant that the *maréchaussée/gendarmerie*, which eventually became the formula adopted throughout the Meuse Region, clearly emphasized difference from regular

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\(^{683}\) SHD, GR 20 Ye 99 Contrôles Régiment de flanqueurs chasseurs. For the insistence that the *Landdragoner* in the duchy of Jülich would not come under control of the military, see Reiche, *Vom bewaffneten Hausmann zum Polizisten*, 67-68, 76-78.
military units. In terms of activities, they were in many ways remarkably similar to their medieval and early modern predecessors. A series of reports from the company *marechaussee*\(^\text{684}\) stationed in the province of Liège (1816-1830) suggest an emphasis on arresting deserters, vagabonds, thieves and so forth, with references to poachers or woodcutters being quite rare (thirteen arrests in fifteen years). Environmental crimes only appear when members of the company intervened on behalf of forest or field guards or during exceptionally cold winter months, with a large amount of people desperate for firewood. This is very much in line with the official policy of serving as support and supervision of forest and fields guards.\(^\text{685}\)

One of the oldest reports, from April 1816, is exceptional because it states that multiple nightly patrols conducted by the company put an end to the frequent thefts of wood in royal forests. It also specified that citizens refused to do their guard duty and that public officials set a bad example. In other words, the *marechaussee* interfered because normal protection mechanisms were ineffective. This should be seen in the context of two regime changes in less than two years. The archives of the forestry department in fact include a complaint about the inhabitants of Malmédy taking advantage of the presence of Prussian soldiers in 1814 to plunder state forests. In this way the interference of this specific kind of armed force had to resolve the disarray brought about by the disturbances of other armies.\(^\text{686}\) This demonstrates the military police's core function as a controlling mechanism for both the military and the general population.

CONCLUSION

Protecting fauna and flora is hardly a prerogative of modern armies or conceptions of nature, since the role of armies in the safeguarding of biotic communities is well attested from the High Middle Ages onwards. Their contribution derives from the inherent connection between armies and organized violence. The exact ways in which armies intervened transformed markedly over the course of six centuries and demonstrate, more explicitly than any other chapter, how changing conceptions of what an army is or should be influence interactions between these groups and ecological systems. Distinctions between different kinds of

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\(^{684}\) The newly founded kingdom of the Netherlands (1815-1830) adopted the name *marechaussee* instead of *gendarmerie* because of the latter's association with the French Revolution and Napoleon's regime.


\(^{686}\) AEL, Fonds Hollandais, inv. nr. 396, 800.
organized violence (military versus police) or armies and society at large (military versus civilians), which are considered normal today, originate in these developments.

The essential characteristic of the Meuse Region from the thirteenth to the nineteenth century is therefore that soldiers gradually became the dominant type of combatant, but other forms of military service were not abolished. This stimulated the formation of a group of people who depended on military wages as a primary source of income. They became both key actors in ongoing processes of state formation, and a constant source of problems, a paradox that was, from governments' point of view, not satisfactorily solved until the nineteenth century.

The main responsibility for the policing of biotic communities rested with individual functionaries, who acted under a divers spectrum of names and jurisdictions (field warden, forest guard, etc.), but retained a basic association to armies throughout the 1250-1850 period because they carried arms. Armed forces just served as support when necessary. Fortifications constituted the main environment in which armies had a major and continuous protective role, a task that manifested itself in the overwhelming presence of sentries and patrols. In this way the unique landscapes comprised in fortifications or frontiers cannot be understood without taking the living element of defence systems into account. The practical enforcement of guard and/or garrison regulations was far from straightforward, however, and demonstrates the difficulty of enforcing discipline, even in military organisations.

It is for that reason that this chapter linked the protection of 'nature' as it is traditionally understood to issues regarding the movements of the living beings that constitute an army. A gradual shift towards paid combatants in the High and Late Middle Ages, soldiers, created major problems regarding the maintenance of public order because of the temporary nature of most armies. This not only led to the introduction of passports to regulate people's movements, but also meant that before the institution of large permanent forces in the late seventeenth and early eighteenth century foreign service was widespread. Only enemy service was punished severely. The procurement of horses by contrast reveals the difficulty of finding enough horses for military service, even though few of them could effectively be called warhorses. Because armies remained depended on agricultural economies to provide them with relatively inexpensive horses, differences in agrosystems became a major issue with France in particular being depended on imports.

Notions of military professionalism altered in response to the aforementioned issues and in their turn instigated a further range of ecological influences. The emphasis on arming or disarming general populations had a major effect on hunting practices because of the suitability of most hand held firearms for hunting and warfare. The development of a specific military justice system, an important element in differentiating armies from the rest of society, also entailed that soldiers could commit environmental crimes without, or with relatively
little, fear of punishment. On the other side of the spectrum did former soldiers become sought-after candidates for exactly the kind of policing functions described at the beginning of the chapter. To what extent individuals were able to live up to this ideal is quite another matter. It is telling that the military police organisations that came about in the eighteenth and nineteenth century, had to control both the armed forces and general society.