Guises of Power
Integration of society and legitimation of power in Sweden and the Southern Low Countries ca 1500–1900

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Police and Social Control in the Belgian Country Areas (1840–1885)

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It is the ambition of the State and the mission of justice to control society. The legislator, as a representative of the legal country, that is the dominant classes, sets the rules of conduct for the individuals living on the national territory. The courts are in charge of enforcing these rules, even in the rural communities most distant from the capital. To reach this purpose, the jurisdictions have at their disposal a network of gendarmes, policemen, gardes champêtres (rural guards) and Bourgmestres (burgomasters) living in these micro-societies. Nevertheless, the state is not the only creator of rules. It is competing with other institutions generating constraint. The Church, the family, the system of production, the customs of the community, the village sociability edict their own rules of conduct. In the second half of the 19th century, the Belgian state is unable to impose its system of control. It does not want a monopoly but concludes alliances instead. Heir to the Napoleonic Empire, it leans on the Church and the family to ensure the maintenance of law and order and support its authority. Financed and directed by the bourgeoisie, the State allows the latter full discretion to manage business and the required manpower.

On the other hand, the diversity and complexity of the community customs annoy the authorities, imbued with the rational and moral ideals emanating from Les Lumières. Invariably, the countryside is described as a world of peasants who are boorish, brutal and even savage. The task of the authority is to soften morals and introduce “civilisation” to these areas. The tool for reaching this aim is the law, well ahead of the school. This conquest will be the chosen topic of our study. How could the state impose its system of social control? What resistance did it face? On what means could it rely?

To answer these questions, we have focussed our research on the role of the agents of the state placed in the front line: the men responsible for keeping the peace and bringing deviant individuals before the courts. The reforms
carried out during the French occupation (1795–1815) established a real police network in our regions. Heir to the Ancien Régime, this system is still essentially based on the activity of the local authorities. These are in charge of the administrative police (prevention) and judicial police (repression). Within the framework of the first, they must lay down and enforce communal regulations, that are “measures of protection and precaution for the safety of individuals and properties and the keeping of public order, peace and morality”. The second is required to seek out crimes, offences and breaches of regulations, gather the evidence of these infractions and bring the perpetrators before the courts.

In the field, one finds four categories of officers that play a more or less well-defined role in this double function. The burgomaster, that is the leader of the community, is responsible for the administrative police, under the authority of the Commissaire d'arrondissement and the Gouverneur of the province, and is the judicial police officer, under the authority of procureur du Roi attached to the Tribunal de première instance of the district. Thus, he is directly controlled by authorities sitting in the chief town of the district where his commune is located. The police commissioner is the assistant of the burgomaster at the administrative police level. He is then subordinate to him. At the judicial police level, on the other hand, he is only accountable to the King’s prosecutor. In this area, the burgomaster has no authority over him. As for the gendarme, he belongs to the army. His mission is to ensure the safety of the country areas and lines of communication. Besides, due to his capacity as a judicial police officer, he is, in this field, an assistant of the King’s prosecutor. Similarly, the rural and forest guards are in charge of reporting to the public prosecutors the offences and infractions regarding the rural and forest properties. Appointed and paid by the communal authorities, they are also entrusted by them with performing an endless variety of administrative duties, including the enforcement of communal regulations.

So, the Belgian communities may appear to be controlled by a particularly impressive police system. Nevertheless, the role of the local authorities remains predominant. Except for the gendarmes who constitute only an auxiliary force in the 19th century, the essential element of the police is in the hands of the burgomasters. Representatives but also defenders of the

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local interests, they are also under the control of the higher political and judicial authorities. The latter seek to impose the rules of society as a whole on all the particular societies. To reach this purpose, they conduct many inquiries on the efficiency of the local police, through the 19th century.

To discover how the state succeeded in winning acceptance for its own rules of conduct, we have used reports, some of which emanate from the district commissioners and others from the King’s prosecutors. The former are written yearly and published in the *Exposés de la situation administrative des provinces*. They are presented in a narrative form and review a whole range of local problems (elections, book-keeping, powers of the administrators, education, and, of course, police). The second set is less explicit because they are presented in the form of statistical tables. The King’s prosecutors thus indicate the number of cases referred to the public prosecutors as well as the category of the judicial police officers responsible for this referral (burgomaster, gendarme, police commissioner, guard). Besides, through this source, we can know which type of delinquency has come to the court’s knowledge or which forms of behaviour the jurisdictions want to watch.

Indeed, our research will not confine itself to the individuals in charge of the control over society. We will also analyse the populations and places subject to stricter surveillance by the authorities. After having studied the actors and objects of control, we will present the results of the latter. How is the police activity materialised by the judicial system? Are the courts’ concerns similar to those of the police? And, finally, what results may be derived from the control by justice in this formative stage of the Belgian State?

The actors of social control

As we have already indicated, the search for crimes and offences falls within the domain of the judicial police. It is carried out by the rural guards, the forest guards, the police commissioners, the burgomasters or the delegated municipal magistrates, the officers of the body of gendarmes and, more infrequently, by the police-court magistrates, the King’s prosecutors and the examining magistrates (*Juges d’instruction*). Thus, the driving forces are numerous and varied. Each of these organs makes its contribution to the penal justice, but this responsibility varies significantly between 1840 and 1885.
Between 1840 and 1885, the part taken by the various organs in presenting cases to the penal justice develops according to different patterns. Throughout this period, the communal police refer the greatest number of cases to the courts – the share increasing constantly between 1860 and 1872 to stabilise at around 45%. The gendarmes' activity follows a continual ascending curve, leaping from 10% in 1840 to almost 30% forty-five years later. Inversely, the participation of the burgomasters and guards (rural and forest) decreases, especially from the 1860's. As for the cases referred directly to the King's prosecutor, they are few in number before 1870, reaching 5% in 1885.

Traditionally, this evolution has been explained by the industrialization of Belgium in the second half of the 19th century. The decrease in rural offences would have lowered the activity of the rural guards and burgomasters who were mainly involved in the rural communities. The phenomenon is certainly not without influence, but does it explain everything? We do not think so, because it also occurs in regions with a low level of industrialization (Luxembourg, Limbourg). Moreover, this explanation is based only on the variation of delinquent acts and implies that the conditions of repression are stable. But, the latter have changed over forty-five years. While the gendarmes, commissioners, burgomasters and guards all remain responsible for seeking out crimes and offences, did the authorities privilege any agent at the expense of others? What about the relations between the power and each of the "forces of order" categories?
The burgomasters

We have already outlined, in the introduction, the essential role of this magistrate in the local police's organization and administration. In most Belgian communes, he is in charge of both the administrative and judicial police at the local level. This function is, of course, one of a range of duties, many of them certainly more congenial. In his role as the arm of the law, the burgomaster would rather not seem too forceful to the persons under his jurisdiction. Consequently, there are frequent criticisms from the authorities located in the principal town of the district:

*In some localities, policing is carried out with a sort of apathy that can only be due to the fear to cause dissatisfaction.*

*Generally, the burgomasters carry out their duties of police officers with a great deal of slackness and reticence.*

So, the risk of unpopularity gives rise to amelioration of regulations that are too stringent, such as supervision of the cabarets (public houses). These must, indeed, be closed at certain times, especially on Sundays and religious holidays. Here again, complaints are levelled by the district commissioners at the communal authorities:

*The conduct of the municipal police, in rural communities for which one of the members of the staff of the burgomaster and "échevins" is responsible, leaves much to be desired, in particular where closing hours are concerned.*

*Too often, the burgomasters think that they must treat the delinquents with consideration and indulgence, especially where supervision of the cabarets is concerned. In many communes, the police regulations remain almost a dead letter in this respect.*

In addition to the fear of unpopularity, there is also indifference towards a complicated and demanding subject. To carry out their duty as judicial police officers efficiently, all the burgomasters of the county would need perfect

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2 Tournai District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1845.
3 Charleroi District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1865.
4 Tournai District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1842.
5 Nivelles District Commissioner report in *Exposé de la situation administrative de la province de Brabant*, 1852.
knowledge of the penal code and the code of criminal procedure. Most of them are major farmers, scarcely literate, and the others are landowners with considerable private commercial commitments. Therefore, there is a great temptation for them to delegate these duties and to leave their assistants without any real supervision.

In spite of all the devotion to duty of the members of the communal administration in charge of the local and judicial police, these civil servants cannot indeed devote all their time to the discharge of those laborious duties that would force them to carry out an incessant watch, on duty at every moment. Too often, the burgomaster forgets that he is the leader responsible for the local police and that, in this capacity, it is his duty to supervise the conduct of the rural guard, to direct him and give him instructions. In other words, the principal initiative must emanate from him. But that is far from being the case; instead, the rural guard is, most of the time, left to himself. As soon as he takes up his duties, he is not even informed of the most important laws and regulations he is in charge of enforcing and remains ignorant of a considerable part of his obligations, fulfilling his duties without supervision and as he sees fit.

Thus, the judicial activity of the burgomasters from the rural communities is not only criticised, but also an object of suspicion. In their correspondence with the King’s prosecutor, the burgomasters attach cover letters to the official reports detailing the infractions. These letters attempt to influence the decision of the prosecutor. It is also clear that the communal authorities attempt to hush up some cases, as shown in a work by students on the King’s prosecutor at Nivelles. Quite often, the burgomasters privilege informal arrangements between the conflicting parties. In this manner, they avoid the undue publicity of cases being brought before the courts. A complaint to that effect is filed with the King’s prosecutor at Nivelles in 1835:

The youths having called at the burgomaster’s house in order to have an official report of this brawl drawn up, the latter, who is a farmer, refused to do so and is attempting to keep this matter quiet so that it is not brought before the courts.

Suspected and criticised, the burgomasters will be progressively eliminated from the judicial scene. They will probably offer little resistance as their duties render them so little gratitude. As often as possible, they want to see their powers taken over by a police commissioner appointed and remunerated by the commune.

7 Ath District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1877.
8 Correspondance of the procureur du Roi de Nivelles (King’s Prosecutor) in Archives Générales du Royaume (AGR-AR), Parquet du tribunal de première instance de Nivelles, nr 65.
The police commissioners

In order to put the management of the communal police in more qualified hands, the central authorities encouraged the communes to appoint police commissioners. Often, it is only after several years of pressure that they achieve this goal.

There is only one police commissioner in the whole district, and he is in Lessines. For some time, there was a great need for such a civil servant in the populous communes of the coal-field of the Centre. The [District] commissioner invited the administrations of a few neighbouring communes to come to an agreement on the selection of candidates and the joint determination of the salary, for a position of police commissioner; but his efforts remain fruitless. 9

The communes of Ougrée and Tilleur have been authorised to create, respectively, a position of police commissioner, bringing to four the number of these civil servants in my district. It would be desirable that the other populous communes follow the example of Herstal, Ougrée, Seraing and Tilleur. I recommend this useful institution especially to the attention of the administrations of Ans and Glain, Jemeppe, Chenée and Montegnée. 10

The district commissioners urge the appointment of these civil servants, mainly in the communes where significant industrial and demographic development is taking place. Usually, these nominations are welcomed and cause satisfaction.

The main communes of the Borinage district, such as Cuesmes, Frameries, Hornu, Pâturages, Quaregnon, Saint-Ghislain, Wasmes, Jemeppe and Boussu, have police commissioners, and the men chosen to fulfil these delicate duties are usually active, intelligent and energetic. In these communes, the police work is well done, and the rural guards display much more zeal and vigour than anywhere else. 11

Nevertheless, it is not the end of all evils. It often happens that some police commissioners are dismissed for having committed serious offences.

The noted incompetence of these civil servants (the burgomasters) made people aware of the need to set up police commissioners in all the important localities. For some years, provision has been made for it in several communes and, most recently, another police commissariat has just been established in Fontaine-l'Évêque. However, there has been, until now, little reason for

9 Tournai District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1842.
10 Liége District Commissioner report in Exposé de la situation administrative de la province de Liège, 1856.
11 Mons District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1852.
congratulating oneself on the choice of these magistrates, and their action has been more harmful than useful in several communes.\(^\text{12}\)

Though such criticisms are not uncommon, the authorities keep on encouraging the appointment of police commissioners. Indeed, if the latter are not always more competent than the burgomasters, they are at least removable. And if they are dismissed, they must be replaced. Thus, once a position of police commissioner has been created, it can no longer be cancelled, unless authorised by the King himself. Briefly, the appointment of a police commissioner offers several advantages. It allows the centralization of the local police in the hands of only one man, it facilitates control over this local police, and the State pays nothing for it because it is financed by the commune.

The rural guards

Through the period under study (1840–1885), the rural guards are subject to constant criticism from the central authorities. The grounds for complaint are multiple and varied. They concern their misconduct, incompetence, insubordination, partiality and, mainly, their inefficiency. According to the evidence gathered by the district commissioners, the guards are unable to implement rural policing effectively:

\begin{quote}
Complaints are often lodged against rural guards, either because they failed to comply with the orders given to them by the local administration, or because they refuse to accede to the gendarmerie’s demands or, finally, on the grounds of drunkenness or misconduct.\(^\text{13}\) The watch by the rural guards to repress poaching is, so to speak, non-existent.\(^\text{14}\) The rural guards keep on fulfilling their duties satisfactorily; however, one must not conceal the fact that, in many cases, the family relationships or intimate relations between these officers and persons from the commune where they are employed, lead them to a blameworthy leniency in the matter of recording of offences.\(^\text{15}\)
\end{quote}

\(^{12}\) Charleroi District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1865.

\(^{13}\) Mons District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1842.

\(^{14}\) Tournai District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1842.

\(^{15}\) Tournai District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1852.
Most often, the authorities pardon these shortcomings and explain the latter by the low salary of the rural guards. Poorly paid by the commune, the guards show little enthusiasm for angering their fellow-citizens or taking a few risks in the battle against poaching. Moreover, they do not hesitate to accept the tips offered by the delinquents to conceal their misdeeds. Therefore, the district commissioners put pressure on the local administrations to increase the salaries of their guards.

The situation of the rural guards has improved a little. Some of them received a raise in their pay, but most are still remunerated too poorly to derive their livelihood and support a family solely through their position.\(^\text{16}\)

To make up for their insufficient remuneration, many of them find the opportunity to work or be employed by private citizens for a consideration; finally, others secure on both sides bonuses that are only the price for some degree of toleration of rural offences.\(^\text{17}\)

When a rural guard has detected an infraction, he first informs the victim, then the delinquent is invited to repair the damage and to pay the rural guard an amount that ordinarily varies between 2 and 5 francs. It is only in the case of failure to comply with these conditions that an official entry is made of the particulars of the offence and sanctions are imposed.\(^\text{18}\)

Others propose more radical solutions. Repeatedly, through the 19th century, some district commissioners demand that the rural guards be replaced by gendarmes. However, the prospect of a significant increase in the budget for the gendarmerie, borne partly by the State, rebuffs the central authorities. It is therefore preferable to retain the rural guards who are entirely financed by the communes. However, in the field, the gendarmes are increasingly taking control of the rural police into their own hands.

The gendarmes

Unlike the rural guards, the gendarmes are praised for their skills. The praises are unanimous and permanent:

\(^{16}\)Charleroi District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1845.

\(^{17}\)Charleroi District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1845.

\(^{18}\)Ath District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1877.
The gendarmerie has fulfilled its duties and must be praised for the zeal it brings to the search and arrest of accused and indicted persons, and deserters and draft-dodgers.\textsuperscript{19}

The gendarmerie is set up to secure the maintenance of public order and the repression of crimes and offences; the gendarmerie is especially intended to ensure the safety of the country areas and highways: usually, it extends to everything relating to the police. From the way in which the unit at Hainaut understands and fulfils its duties, it can be said that the institution’s purpose is achieved in this province: all personnel, officers and soldiers, continue to display the zeal and dedication we have already praised on several occasions.\textsuperscript{20}

This efficiency encourages the district commissioner to ask for the increase in the forces and the establishment of new brigades. This quantitative increase is granted only parsimoniously by the national and provincial finances. At the same time the responsibilities of the gendarmes are increasingly extended at the local level. Practically monopolizing the judicial police in the Walloon rural communes, the gendarmerie is sometimes asked to perform the tasks of the administrative police, which gives rise to some conflict:

\textit{The gendarmerie would be a strong auxiliary here: formerly, it took action and when a commune was reported as being subject to the disorderly behaviour of the cabarets, it intervened so that order was soon restored. But, today, apparently, new instructions forbid them to undertake the policing of the cabarets as far as closing hours are concerned without having previously received a special requisition from the communal administration: this is very regrettable.} \textsuperscript{21}

In the face of this unanimity about the efficiency of the gendarmerie, it is not surprising to see this body become increasingly important in the second half of the 19th century. In the country areas, it is going to take charge of all the important police duties, leaving the rural guards to record only a few rural offences.

This twofold development involving the replacement of the burgomasters by the police commissioners, and the rural guards by the gendarmes, reveals, beyond any doubt, an important transformation in the social control practice within the Belgian communes. Increasingly, order is maintained by individuals from outside the community. Indeed, the police commissioners very often

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\textsuperscript{19}Charleroi District Commissioner report in \textit{Exposé de la situation administrative de la province du Hainaut}, 1842.
\textsuperscript{20}Ath District Commissioner report in \textit{Exposé de la situation administrative de la province du Hainaut}, 1846.
\textsuperscript{21}Ath District Commissioner report in \textit{Exposé de la situation administrative de la province du Hainaut}, 1865.
\end{flushright}
come from other regions. Some of them even follow a career that takes them to several cities of the country. This division between the population controlled and the agent of supervision seems, in fact, to be the guarantee of good policing, either judicial or administrative. The good policeman is the one with minimal relations with the community and who is mainly subordinate to the central institutions. Therefore, it is little wonder to see the gendarme's image idealised by the discourse of the district commissioners.

As for the police commissioners, they take advantage of the country's urbanization. They only appear where the villages are turning into large boroughs. This phenomenon essentially affects the Wallon industrial regions (industrial zone of Mons, Charleroi, Liège, Verviers) and the suburbs of the large cities, such as Brussels, Antwerp and Liège. The commissioners are already well established in the more populous and urbanised Flemish provinces.

The places supervised

In the reports written by the district commissioners, some places are defined as requiring particular supervision. These civil servants display their satisfaction if the control was efficient or criticise the persons responsible for the police if negligence occurred. In the country areas, three targets are clearly defined: the roads, the rural and forest properties, and the cabarets (public houses).

The roads

The highway connects one village with another. It allows exchange, but also the transit of foreigners and vagrants. These types of individuals arouse the distrust of the authorities and the communities. The supervision of these populations seems so important that their frequent presence or passage in a locality is enough to warrant the establishment of a gendarmerie brigade or a police commissariat in that locality. The movements of exogenous human groups cause concern and warrant the most repressive measures. In the 19th century, these peregrinations accelerate under the influence of economic events or following a structural evolution.

Thus, the food crisis of 1846–1849 forces the destitute on to the roads, bringing them to destinations tens or even hundred leagues from their residence. The authorities are frightened and order the police to be extremely strict. It is mainly the crowd of vagrants that is causing the anxiety of the observers.
The inhabitants of our country areas, deprived of protection against the bands of vagrants, had to give beyond the means of most of them. They yielded to constraint, and many had to go short themselves to meet the real needs or demands of their numerous visitors.22

On the other hand, the presence of a few beggars seems less surprising. It is even tolerated by the inhabitants, to the great displeasure of the authorities.

Until now, it has been impossible to get rid of begging. It is mainly in the country areas that this vice is tolerated. A more active, and at the same time, more severe supervision by the local authorities and agents of the public weal would greatly contribute to ensure the remedy required for these circumstances.23

When the beggars are able-bodied men and not children, or the old or disabled, the intolerance of the civil servants and magistrates is even stronger. The harshest words are used to qualify these individuals:

leprosy of society, plague of society, hardened depraved persons.

When the man is not driven to the road by hunger, he is there because of lack of work. He takes the roads leading to the suburbs of the big cities or industrial centres. This individual without resources also causes concern because his means of subsistence are often theft and marauding. Moreover, he is assimilated to unknown foreigners, thereby becoming suspect. The influx of this population in the localities of the coal-basins, in the provinces of Hainaut and Liège, will warrant the increase of the police staff in these areas:

A position of police commissioner has been created in the commune of Marchienne-au-Pont. This measure became necessary following the increase of the population that is made up, to a significant extent, by foreigners attracted by the lure of a lucrative work.24 It would have been desirable to add a few brigades to the staff in order to reduce their workload and to carry out in a more efficient manner the supervision established in the interest of order and ownership, especially in the places of the Vesdre where there is an accumulation of workers building the railway.25

22 Exposé de la situation administrative de la province du Brabant, 1847, p. 594.
23 Charleroi District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1842.
24 Charleroi District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1861.
25 Verviers District Commissioner report in Exposé de la situation administrative de la province de Liège, 1842.
Foreigners seem even more dangerous when they are just passing by. In the border regions, they will be suspected of being smugglers; in the commercial centres they are seen as agitators and at railway stations as fugitives. Everywhere foreigners are regarded with suspicion and, therefore, subject to the supervision of the peace-keeping forces.

The gendarmerie conducts its service with a lot of zeal and intelligence; the brigade set up in Quiévrain and in charge of policing the border, perfectly fulfils its duties and maintains active surveillance of all the foreigners.\textsuperscript{26}

With regard to the passport regulations, a gendarmerie station would also be very useful in Chenée. Indeed, prudence advises foreign offenders who are in conflict with the law not to get off the train in Liège nor take a train there, because policemen are numerous and vigilant. Therefore, the station of Chenée, where the police force is inadequate, can be used almost with impunity to facilitate their flight or refuge.\textsuperscript{27}

Close neighbours also use the road. These are not strangers any more, but they can also jeopardise the public order. It is not unusual to see gangs trying to pick a quarrel in the localities near their village. Then, the gendarmerie must intervene to prevent these provocations from ending with a pitched battle:

The mania for provocations and brawls has for some years had a tendency to reappear in a part of the canton of Molenbeek. On Sundays, the farm servants go to the neighbouring communes to try to pick a quarrel with the locals and, when they are successful, as happens only too frequently, they resort to brutal acts. I strongly advised the communal authorities and the gendarmerie to watch them closely.\textsuperscript{28}

Therefore, the road is a risky space, subject to particular supervision by the gendarmerie. Since its inception, the latter was in charge of the safety of the country areas and lines of communications. Made up of horsemen for the most part, it is a mobile force intended not only to go on supervisory rounds, but also to execute arrest warrants. Foreigners, beggars, vagrants, and also deserters, are their preferred targets. They are fugitive or individuals “in transit”, habitual users of the roads.

\textsuperscript{26} Mons District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1852.
\textsuperscript{27} Liège District Commissioner report in Exposé de la situation administrative de la province de Liège, 1853.
\textsuperscript{28} Brussels District Commissioner report in Exposé de la situation administrative de la province administrative de la province de Liège, 1853.
Property

In the rural communes, property is, most often, restricted to rural and forest assets. The watch on these is predominant in the first half of the 19th century. However, it runs counter to local customs. The inhabitants of the communities were used to gleaning in the fields, gathering woods in the forests and taking their meagre livestock along the roads or on the heath. In order to limit what the legislation termed “excesses”, rural and forest guards are appointed. Paid by the commune to keep an eye on the communal properties or by a private citizen to protect his assets, these officers are exposed both to their fellow-citizens’ animosity and the criticism of the authorities. Nevertheless, their task is considerable. They must look after the crops, the forests and the animals living there.

During the periods of food shortages, the guards either get the support of night patrols or their numbers are augmented, especially to keep an eye on the crops. Consequently, there is an influx of procès-verbaux (official police reports) before the courts of summary jurisdiction.

Never did the preservation of properties require more care and vigilance than in these days of crisis, when the extreme destitution and the spur of hunger too often prompt the poor to use violent means in order to get the indispensable articles. We have seen that the number of patrol settlements in 1846 amounted to 91; we received another 86 in the first months of 1847.29 Confronted with the two years of scarcity the country had to go through, the Governor applied himself to giving the communes evidence of the need to increase the means for watching the crops and preventing rural offences until after the complete removal of the harvest. In consequence of these steps, another 123 rural guards were appointed.30

To encourage the zeal of the guards, special funds are set up by private citizens or by the provinces to grant bonuses to the most efficient officers. However, in most cases, the authorities are still complaining about the importance of rural or forest offences and the negligence of the guards.

I am happy to be able to say that the thefts of wood would decrease significantly if only a brigade of gendarmerie could be placed within the Soigne forest itself.31

29 Mons District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1847.
30 Mons District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1848.
31 Brussels District Commissioner report in Exposé de la situation administrative de la province du Brabant, 1852.
Most of the rural guards fulfil their duties rather well and behave properly. However, it would be desirable that they show more severity towards the marauders. Judicial action is not taken often enough to deal with the infringements they detect.²²

Some even blame the magistrates and the legislation they judge too lax:

Most rural and forest offences are punished only with a fine that, in most cases, is irrecoverable because of the delinquents' insolvency. I was informed that over 40 individuals fined in one commune have somehow enjoyed the privilege of impunity because of their poverty.²³

The repression of hunting is another obsession of the authorities. It has, indeed, a very important symbolic connotation. An aristocratic privilege in the Old Regime, hunting became the right of the owner, a supreme manifestation of ownership. Poaching is considered a challenge to the central value of this 19th century bourgeois society:

The government has recommended the most scrupulous attention in the examination of shooting licence applications. Through this recommendation, it wanted to prevent persons, who own no properties, from engaging in hunting and poaching to the prejudice of the taxpayers whose rights of property must be respected. It also wanted to prevent workers whose work is necessary to provide for their families, from practising these activities to the detriment of the latter.²⁴

This supervision is maintained with the same rigour throughout the century, contrary to the forest and mainly rural offences that lose their importance after 1875. Quickly, it is taken up by the gendarmerie, more used to firearms and taking risks. The dangers inherent in proceedings instituted against poachers probably explain the progressive replacement of the rural guards by the gendarmes in this field.

The cabarets (public houses)

In the first three quarters of the 19th century, the cabarets are not under supervision for the reasons set forth at the end of the same century. Before

²² Soignies District Commissioner report in Exposé de la situation administrative de la province du Hainaut, 1858.
²³ Liège District Commissioner report in Exposé de la situation administrative de la province de Liège, 1850.
²⁴ Liège District Commissioner report in Exposé de la situation administrative de la province de Liège, 1842.
1875, one finds few sanitary considerations about alcoholism and the biological damage resulting from the consumption of spirits. It is the place that seems more dangerous than the brandy. The cabaret is a space for socialization and social influence, beyond the reach of authority. As Jean-Marie Fecteau writes about Quebec at the beginning of the 19th century, *Here we often find the limit of the power of the police-court magistrate, the authority of the constable, the morality of the priest and the paternalism of the notable.*\(^{35}\) Here, too, the local authorities seem to be deprived of their capacity to keep the peace:

*The section of the communal regulations that is least complied with in the country areas is always that concerning the closing hours for cabarets. That is easily understood, because when the rural guards or the police officers arrive to enforce this article of the regulations, they meet some parents or friends with whom, too often, they consent to enjoy themselves.*\(^{36}\)

*Besides, it is acknowledged that the patrols, far from being useful, are ordinarily only an opportunity for disorder, the members of the patrol spending part of the night enjoying themselves in the cabarets.*\(^{37}\)

*Assuming that one could expect the burgomasters to overcome their fear of being exposed to hostility, of jeopardizing their re-election by antagonizing the regular customers of the cabarets and mainly, the class being numerous, the cabaret-keepers, most of them being voters, it is for the burgomasters almost physically impossible to go on a night round in the cabarets in all weathers and as often as it would be necessary; this tour of inspection would often need to cover a distance of a few leagues.*\(^{38}\)

Only the *gendarmes* seem to keep their distance and succeed in closing the cabarets at the required times. However, the image of the *gendarmerie* has probably been idealised. Thus, the inn appears to be a space relatively impervious to state control. However, disorders occur frequently in the cabaret. Insults, brawls, disturbances of the peace at night are permanent there, according to the authorities. The link between alcohol and violence, physical or verbal, is a recurrent topic then as today. It is this link that allows the “diabolisation” of the cabaret and of the relations established there.


\(^{36}\) Tournai District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1852.

\(^{37}\) Charleroi District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1861.

\(^{38}\) Ath District Commissioner report in *Exposé de la situation administrative de la province du Hainaut*, 1865.
The excessive expenses incurred by the working classes in the cabarets are also pointed at by the authorities. The portion of the wages spent in the cabaret would be sufficient to provide the family with some well-being and even to bring in a sufficiency that is unfortunately unknown. The consumption of alcoholic drinks, as well as the games of chance are responsible for these drains on the family budget. Cock-fighting, for example, is blamed for these reasons, and also because it constitutes, in the eyes of the authority, acts of repeated cruelty. The cabaret keepers are accused of encouraging these forms of entertainment to attract customers.

Thus, the money spent in the cabaret has a bad reputation. The moralist observers take pleasure in writing that this is where the workers are spending the wages intended for the needs of their households. Similarly, the handbooks for the police officers urge them to seek traces of thieves in the cabarets and other low haunts, because the offenders will soon want to enjoy the fruits of their larceny in these places. Besides, the same handbooks advise people not to go to the public houses and, should the occasion arise, to refuse all drinks, especially from the cabaret-keeper.

Place of disorder, cruelty, violence, spending, corruption, the image of the cabaret is constantly “diabolised” in the speeches emanating from the authorities. There, the money is not earned, it is spent; the common people don’t work, they enjoy themselves; the parishioner does not pray, he shouts; the citizen does not obey, he quarrels; the policeman does not keep the peace, he contributes to the disorder. Briefly, authority can only fight a community advocating a lifestyle opposed to the basic principles of the triumphant bourgeoisie. The State must be able to impose its control and it will work to this end throughout the 19th century.

In the Belgian countryside, the places under supervision inform us about the authorities' obsessions. They want to secure the roads, protect properties and maintain order in the cabarets. Within these spaces, the state is conducting an uneven battle, not against individuals, but against lifestyles. It cannot allow the movements of the wanderers, strolling about in search of bread or work. These populations without master and property elude any control. They must settle in an administrative district, work under the authority of a landlord or a chief of industry and respect other people's property. The State cannot accept the use of old communal rights that are totally contrary to the

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39 Namur District Commissioner report in Exposé de la situation administrative de la province de Namur, 1863.
principle of ownership. The enjoyment of a property is acceptable only if it is based on an officially recognised right of ownership. Therefore, it rests with the rural communities to obey the national legislation, and with the rural guards to repress all infractions. Finally, the cabaret is described as the place of demoralization, in the highest sense of the term. There, issues are settled violently, not according to the principles of the law. The men enjoy themselves and spend their wages there, instead of working and feeding their family. Finally, acts of cruelty occur in the cabaret.

The results of the control

The police activity and the watch on risky places give rise to the composition of many police reports. These will allow the repressive system to bring the perpetrators before the courts. However, not everything will come to the courts. The King’s prosecutor, responsible for the action at the tribunal correctionnel level, may close some files, deeming the facts submitted to support the charge minimal or that they do not constitute an offence. Moreover, infractions may have been committed by perpetrators who remain unknown. In these cases, police activity does not even result in a charge.

Moreover, police supervision is not the only source nourishing justice. Citizens have, of course, the possibility to lodge a complaint and to make denunciations directly to the judicial police officials. The activity of the latter is therefore limited to the writing of the justiciables’ statements and referring these to the King’s prosecutor. This behaviour seems to be infrequent in rural practice in the first half of the 19th century. Justice is a mechanism that people distrust. The principal town of the district is a few leagues distant from the village, and the town where the tribunal correctionnel sits in session is another world. According to Frédéric Chauvaud, having to endure a law suit or being at law with someone is equivalent to a real disgrace. However, this fear of justice becomes progressively less distinct, and the courts are used to satisfy the desire for revenge on somebody else.

The statistics on the accused and indicted individuals tried by the tribunaux correctionnels et de police show us the evolution of the charges between 1840 and 1885. So, we are able to observe the type of infractions that brought individuals before the repressive jurisdictions.

The tribunal correctionnel sits at the judicial district (arrondissement) level. There are 26 tribunaux correctionnels in Belgium in the period 1840–1885. The tribunaux de police sit at the level of the “justice of peace” (justice de paix) canton. There are a few in each district. The least severe charges, called contraventions, are tried by these jurisdictions and cannot be punished by a penalty exceeding 7 days in gaol or a fine of 25 francs. More serious charges, "offences", are tried by the tribunaux correctionnels and can be punished by a maximum of a five-year prison sentence. Finally, the more unusual crimes are tried before the Cours d'Assises sitting at the provincial level. There are 9 assize courts in Belgium in the 19th century. We have not studied the crimes tried by the assize courts because statistical analysis is more hazardous due to the low numbers arraigned each year (a maximum of 500 between 1840 and 1885).
At both types of jurisdictions one finds a constant decrease in rural and forest offences. Until the middle of the century, the numbers charged with one of these offences account for 25 to 30% of all those tried by the tribunaux correctionnels. This proportion is even higher during the crisis of the years 1846–1847. After 1860, rural offences remain under the 5% line, while the forest offences begin a continually decreasing curve to level out at around 10% after 1870. The same movement can be observed in the police jurisdictions. Rural offences account for between 20 and 30% of those accused before the lower courts. The highest proportion is observed during the period of crisis. Then, the decrease is constant, but a low recrudescence is noted between 1872 and 1885.

This evolution must be connected with the development of the activity of the rural guards as shown in the first graph. However, the difficulty lies in the explanation of this phenomenon. Is it the decrease in activity of the rural guards that is lowering the number of rural and forest offences or is the reverse true?

The intensity of the supervision plays a role in the number of cases coming before the courts. Thus, the increase in personnel during the food crisis has certainly influenced the number of infringements that have been detected. The fear of crop thefts sharpens, of course, the watch on the crops. On the other hand, such a period of scarcity will not occur in the second half of the 19th century. Moreover, there will be an exodus from the country areas, with a lower occupational density in rural areas.

Finally, and maybe most importantly, the nature of property is changing. Property is no longer equated with real estate. Other types of wealth arouse more cupidity and are less systematically watched. The nature of the police officers' duties is also changing. The guards knew the properties under their supervision, as well as the needy families likely to glean in the crops, bring their cattle to graze in the woods or collect firewood there. After the assessment of damage, they called at these suspects' house to look for the remnants of the larcenies or the owners of the animals. In cases involving theft of money, linen, jewellery or other items inside dwellings, the approach is more difficult. The suspects are more numerous and the stolen goods easier to conceal. The searches need to be more methodical and professional. The rural guards can no longer fulfil these requirements. Their competence is already highly questioned by all authorities as they seem unable to conduct such inquiries. They are placed at the disposal of the police commissioner, gendarmes and even examining magistrates.
The efficiency of the police does not improve over the years since the percentage of the thefts remaining unpunished rises continually in the second half of the century. The evolution of the percentage of persons charged with theft is therefore distorted by the phenomenon. Indeed, the curve shows only the cases resulting in the indictment of one or more individuals. It ignores all the cases submitted to the system of justice that did not lead to the identification of a suspect. The following graph shows the evolution of the percentage of unsolved cases of theft compared to the number of accused and indicted individuals tried for theft.

![Graph showing the percentage of unsolved cases of theft compared to the number of accused and indicted individuals tried for theft.]

During the first half of the 19th century, 3 individuals are tried for every unsolved case. In the 1860's, 2 suspects are brought before the courts for every unsolved case of theft. In 1875, of every 4 reported cases, 3 result in no charge. The diagram only goes up to 1875 because no data was provided for the following years. The number of cases not being proceeded with due to failure to find the perpetrators increases, however, constantly during the last quarter of the century. This disturbing evolution will cause the reform and professionalization of the police forces from the years 1885–1890 – which is another story!

Unlike thefts, the evolution of the other offences tried by the courts is not influenced to any great extent by the search of the perpetrators. The latter are identified as soon as the police officers intervene. For instance, vagrants and beggars are arrested immediately by the gendarmes and prosecuted before the courts. Until 1849, they are tried by the correctional courts, then,
after that date, by the *tribunaux de police*. The percentage of the accused charged with vagrancy or begging seems relatively stable in both jurisdictions. It varies between 5 and 10% in periods other than times of crisis. The years 1846–1849 and 1852–1856 are especially noticeable. Similarly, the industrial crisis of the 1880's causes a recrudescence of the problem. Apart from these difficult times, it can be noted that the supervision of these populations remains constant and steady.

An entirely different pattern from that of vagrancy emerges when disturbances of the peace are studied, as they seem to increase particularly in the periods of “prosperity” and decline in the difficult years. This category of infringements includes disturbances of the peace at night and, chiefly, breaches of the police regulations on cabarets. During the crisis, money becomes scarce emptying the cabarets. Supervision is also less strict. During these periods, the officers responsible for police work spend their nights in the country areas protecting the crops and do not care much about closing hours at the inns or the disturbances taking place there. If there is enough work and if the basic food products are cheap, the opposite situation occurs instead. The crops are hardly threatened. In this case, the night patrols retire to the cabarets but not necessarily to maintain surveillance! In 1861, the district commissioner at Charleroi complains about this situation in his report:

> It is recognised, besides, that the patrols, far from being useful, are usually only an opportunity for disorder, the members of the patrol spending a part of the night enjoying themselves in the cabarets.\(^{41}\)

Therefore, when the years are good, 20 to 25% of the accused are tried for these disturbances of the public order. After 1868, this proportion decreases, to below 15% in the last quarter of the century. The effects of the industrial crisis start to be felt, but this phenomenon alone cannot explain this steady decline. From 1867, the *tribunaux de police* are called on to try more and more individuals accused of having committed offences. Normally, these individuals should be brought before the *tribunal correctionnel*, but consideration of extenuating circumstances leads to direct remand before the lower jurisdiction. This mechanism entails the multiplication of the “contraventionalised” offences and, therefore, the decrease of the proportion of the true *contraventions*.

So, beyond this problem of procedure, the curve shows a continuous supervision of the cabarets, at least until the end of the years 1860. The control over the rural mechanisms of socialization then remains a priority for the police. The will to implant the methods for regulating the conflicts
even in the country areas seems to be successful. Indeed, the ever-increasing proportion of assault and battery offences as well as charges of insulting behaviour seems to indicate the growing will of justiciables to take legal action in order to settle their disputes. In the second half of the 19th century, one of three accused persons tried by the tribunaux correctionnels is charged with having committed acts of physical violence. Before the lower jurisdictions, assault and battery only account for 10% of the contentious matters in 1850. Fifteen years later, they rise almost to the 20% line. In 1885, the individuals charged with verbal or physical violence account for almost 30% of all the accused tried by the tribunaux de police.

This phenomenon can also be explained by the decrease in tolerance towards violent acts. On the one hand, the judicial system wants to prosecute and repress more severely these infractions. On the other hand, the justiciables use the "court system" to appease their bitterness and desire for revenge towards their rivals. In his work on country passions in the 19th century, Frédéric Chauvaud shows well how the conflicting individuals use the jurisdictions to harm their enemies. It is a means for integrating an exogenous institution in interpersonal conflicts.\(^2\) It is undeniable that this constitutes a sign of success for the State and the judicial system. However, the ultimate purpose remains the will to keep the peace and enforce the law. The use of justice is, very often, only one means among others to strike a blow at one's opponent. An instrument of revenge, it cannot bring appeasement but rather gives rise to disorder. Nevertheless, the rules of conduct dictated by society as a whole are progressively becoming imperative without this at all eliminating the settlement mechanisms set up by the rural communities.

The cases tried by the courts are, indeed, the result of the supervisory activity of different members of the police forces. In the judicial statistics, we find the places and the persons subject to particular control. The strength of this control varies, however, according to the years and types of infractions. While the rural and forest offences occasion less and less concern, thefts are always more important. The police must, therefore, transform its role of guardian into one of investigator. The supervision of vagrancy and the cabarets remains practically stable until the end of the period under study. Only the crises disturb this permanence.

As for the violent acts, they can be found within the setting of the cabarets'

supervision, but the pattern of the two curves does not show a significant correlation. In these contentious matters plaintiffs seem to play a more important role. Therefore, the increase could be explained by a greater recourse to justice. The individual victims of battery or insults go before the courts to avenge themselves for the offence inflicted. This is also in the interest of the State, the latter imposing if not its arbitration, its power to impose its rules of conduct, thereby gaining legitimacy and the possibility of extending its control.

Conclusion

Progressively, the state therefore succeeds in extending its control as far as the country areas. Its efforts have been steady through the 19th century. It was able to set up a supervisory system that was relatively efficient. By continually discrediting the role of the agents nearest to the populations, it assigned more and more responsibilities to the police commissioners and gendarmes. The links between the inhabitants of the countryside and the peacekeepers become more tenuous as these become motive forces. Freeing the police from the restraints of localities, the State also commits itself to extending its supervision as far as to the cabarets and communal properties. There is, in this case, a real opposition of cultures.

The global society intends to impose its principles and morals. Wherever ownership is threatened, the State intervenes with might. It cannot accept the retention of archaic customs limiting the rights of owners. However, it must admit its own limits, as the proportion of unpunished thefts is constantly increasing in the second half of the century. Cabarets become an obsession for the authorities because they personify the vices against which bourgeois ideology attempts to fight: disorder, violence, vulgarity, intemperance and idleness. Here also, victory is incomplete because the number of cabarets also follows an ascending curve until the end of the 19th century.

On the other hand, interpersonal violence seems to be better and better controlled by the judicial system. It escapes less and less from the hands of the courts even if the latter do not necessarily find a final solution for the conflicts. Progressively, sensitivities are less tolerant towards aggressive behaviour. In this area, the State is, therefore, successful in its undertaking intended to civilise morals.

This relative victory cannot satisfy completely the political, administrative and judicial authorities. The system set up to control society does not succeed
in pushing back delinquency. On the contrary, a more efficient supervision leads, naturally, to a better knowledge of the offences and overloads the repressive jurisdictions. Moreover, the police force evolves with difficulty. It remains confined within its role of guardian without proving its qualifications for investigation. At the end of the 19th century, the task entrusted to the police will no longer be the protection of peace and property as much as the disclosure of dangerous individuals constituting a threat to society.