



SMUGGLERS

COOPERATION, ORGANIZATION AND ADAPTABILITY
OF SMUGGLING NETWORKS
IN THE SOUTHERN NETHERLANDS
1797 – 1810

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Cooperation, Organization and Adaptability of Smuggling Networks in the Southern
Netherlands, 1797 – 1810

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Smugglers

Cooperation, Organization and Adaptability of Smuggling
Networks in the Southern Netherlands, 1797 – 1810

Thesis submitted for the degree of doctor in History,
To be defended by,

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Smokkelaars

Samenwerking, Organisatie en Aanpassingsvermogen van
Smokkelnetwerken in de Zuidelijke Nederlanden, 1797 – 1810

Proefschrift voorgedragen tot het behalen
van de graad van doctor in de Geschiedenis, door

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1

Introduction: ‘une activité que rien ne peut arrêter’

In January 1810, an alarming message reached Napoleon. In a letter, Minister of Police Joseph Fouché admitted that smuggling had resumed again in the Deux-Nèthes department (roughly coinciding with the modern-day province of Antwerp) in such frequencies that it had become ‘une activité que rien ne peut arrêter.’¹ The Campine countryside was overrun by smuggling bands of over 200 smugglers. According to the minister, the Kingdom of Holland had been inundated with contraband and corruption was rampant among all levels of government. Custom officers were eager to supplement their salaries and the ‘gardes-champêtres, plus dignes d’être surveillés que propres à surveiller les autres’. The gendarmerie lacked the proper funds to stop the tide from coming in, leaving the authorities unable to suppress smuggling. From this disturbing letter, an image appears of a region troubled by smuggling that took place at such an alarming rate and with apparent success that authorities could not stop it.

It has generally been assumed that this era of rapidly changing developments, in which the transaction and transport of certain products was increasingly being criminalized, gave rise to unprecedented levels of smuggling. Despite an ever-expanding bureaucracy, centralizing state, and eventually the implementation of the infamous Continental Blockade in December 1806, the French authorities were not able to stop smuggling. Numerous explanations on the causes of this contraband trade have been given by both historians of the French Revolutionary and Napoleonic Era and historians whom have focused more generally on smuggling.

Smuggling has long captured the imagination of historians. Roughly, there have been three approaches to smuggling. First, smuggling has been studied from an economic point of view. Causes and consequences or effects of smuggling are often at the center of these kind of investigations. Economic policy is generally attributed to have generated a lively contraband trade. Mercantilist policies such as import tariffs or prohibitions – introduced to generate more profit from the state, or deny competing states theirs – created the necessary conditions for

¹ Ernest d’Hauterive (ed.), *La police secrète du premier Empire. Bulletins quotidiens adressés par Fouché à l’Empereur*, Volume 5 (Paris 1964), 302.

smuggling to commence in early modern Europe and its colonies.² Both Felicia Gottmann and Michael Kwass attributed the rise of tobacco and calico smuggling in eighteenth-century France to a strictly enforced mercantilist policy combined with a consumer revolution.³ The contraband trade that ensued was therefore not only caused by restrictive policies but also by a rising demand in certain products that were only available through import and saw an huge increase in popularity in the eighteenth century.

Much attention has also been paid to the effects of smuggling on economic and institutional developments. In this sense, smuggling is used by historians as a tool to test the effectivity of certain institutions. The phenomenon is seen as a symptom of (the failure of) certain institutions. In their introductory article to a recent special edition about smuggling, Karwan Fatah-Black and Matthias van Rossum discuss the institutional causes and consequences of smuggling.⁴ According to them, the early modern contraband trade touches upon the effectivity, reliability and the credibility of political and economic institutions.⁵

Smuggling during the Continental Blockade has long been studied along similar lines. In his seminal work, Eli Heckscher claims that the Continental Blockade was doomed to fail because widespread smuggling and corruption undermined the system from the beginning.⁶ According to him, trade – whether illicit or not – continued regardless of any blockade as it always found loopholes. Neutral ports such as Emden or Altona benefitted greatly from redirection of trading routes and developed into successful trading hubs. As repression increased, (illicit) trade was increasingly redirected towards the fringes of the continent. Trying to supply the continent with contraband, Britain established warehouses on islands such as Malta and Helgoland. François Crouzet claimed that the Continental Blockade did not fail entirely.⁷ In fact, it had known periods of effective repression of smuggling and corruption which had led to a shift of trade from the European seaboard to the Rhineland. Kevin O'Rourke, on the other hand, argued that trade was so seriously impeded by the blockades and embargos of

² See: Jan Parmentier, *De holle compagnie. Smokkel en legale handel onder Zuidnederlandse vlag in Bengalen. ca. 1720 – 1744* (Hilversum 1992); Ruud Paesie, *Lorrendrayen op Africa. De illegale goederen en slavenhandel op West-Afrika tijdens het achttiende-eeuws handelsmonopolie van de West-Indische Compagnie, 1700 – 1734* (Amsterdam 2008), Bram Hoonhout, 'De noodzaak van smokkelhandel in Essequibo en Demerarey, 1750 – 1800', *Tijdschrift voor zeegechiedenis* 2 (2013), 54 – 70.

³ Michael Kwass, *Contraband. Louis Mandrin and the making of the global underground* (Cambridge, MS 2014); Felicia Gottmann, *Global trade, smuggling and the making of economic liberalism. Asian textiles in France. 1680 – 1760* (Basingstoke 2016).

⁴ Karwan Fatah-Black and Matthias van Rossum, 'De Nederlandse smokkelhandel', *Tijdschrift voor sociale en economische geschiedenis* 13.1 (2016), 1 – 21.

⁵ Fatah-Black and Van Rossum, 'De Nederlandse smokkelhandel', 19.

⁶ Eli Heckscher, *The Continental System. An economic interpretation* (Oxford 1922).

⁷ François Crouzet, 'Wars, blockade, and economic change in Europe. 1795 – 1815', *The journal of economic history* 24.4 (1964), 567 – 588.

the French Revolutionary and Napoleonic Wars that even widespread smuggling and corruption could not provide solace.⁸

Whereas international trade was seriously hampered, domestic industry profited from the protective measures. The Blockade included a continental market design, providing merchants with new outlets – although this unfairly favored the French heartland, and offered protection from British competition.⁹ Réka Juhász showed that, despite widespread illicit activities, the Blockade was still effective in protecting infant cotton industries – especially in the Northwestern regions of the Empire that were, according to her, best guarded against the smuggling of cheaper British manufactures.¹⁰ Similarly, Geoffrey Ellis underlined the positive impact the Blockade had on industries in the Alsace region, even though smuggling and fraudulent trade were rife there.¹¹ Smuggling, fraud and corruption have thus served as an instrument to test the effectiveness of the Blockade.¹² In this sense, smuggling was seen as an inevitable consequence of the Continental Blockade.

In the Marxist tradition, smuggling has often been seen as a ‘social crime’, a term first popularized by Eric Hobsbawm.¹³ Social crimes, he argued, implied a form of protest or defiance against an encroaching government. Bandits and brigands but also smugglers became ‘social bandits’. Not seen as criminal by the local populace, their activities were only criminalized by the state or local rulers. The concept of moral economy among smuggling communities is often cited in these works as well. As exemplified by E.P. Thompson, this theory argued that the populace had the right to protest or even revolt in times of distress, when rulers failed to provide for the necessary buffers.¹⁴ Especially during famines and wars, these ‘social bandits’ were seen as protecting peasants in pre-industrial rural societies and were (sometimes) venerated by them. Like bandits, smugglers were often attributed a heroic status and were incorporated into popular culture appearing in songs and broadsheets – as is testified by the craze around the infamous eighteenth-century French smuggler Louis Mandrin recently studied by Michael

⁸ Kevin O'Rourke, 'The worldwide economic impact of the French Revolutionary and Napoleonic Wars. 1893 – 1815', *Journal of global history* 1 (2006), 123 – 149, 146.

⁹ Geoffrey Ellis, 'The Continental System revisited', in: Katherine B. Aaslestad & Johan Joor (eds.), *Revisiting Napoleon's Continental System. Local, regional and European experiences* (Basingstoke 2015), 25 – 39, 26.

¹⁰ Réka Juhász, 'Temporary protection and technology adaptation. Evidence from the Napoleonic Blockade', *American economic review* 108.11 (2018), 3339 – 3376.

¹¹ Geoffrey Ellis, *Napoleon's Continental Blockade. The case of Alsace* (Oxford 1981), 271.

¹² See Fatah-Black and Van Rossum, 'De Nederlandse smokkelhandel'.

¹³ Eric Hobsbawm, *Primitive rebels. Studies in archaic forms of social movement in the 19th and 20th centuries* (Manchester 1959); Eric Hobsbawm, *Bandits* (London 1969).

¹⁴ E.P. Thompson, 'The moral economy of the English crowd in the eighteenth century', *Past and present* 50 (1971), 76 – 136.

Kwass.¹⁵ Within this tradition, smuggling is seen as an act of resistance against a repressive government. In his contribution to Douglas Hay's famous *Albion's fatal tree*, Cal Winslow clearly identified smuggling in eighteenth-century Sussex as being a 'tradition of resistance, carried out by the poor, to the laws and institutions of their rulers'.¹⁶ The work of James C. Scott has been of particular influence on this approach. He argued that smuggling was as a form of 'everyday resistance' used by subordinate classes to disguise their opposition to a ruling elite.¹⁷

The step from subaltern to colonial studies is but a small one and often the two disciplines converge.¹⁸ As Fatah-Black and Van Rossum rightly observe, the bulk of research concerning smuggling has been done in a colonial context – most notably in the Caribbean/Atlantic and South-East Asia.¹⁹ Colonial studies about smuggling usually deal with the diverging interests between colonists and the mercantilist systems their mother countries enforced on them.²⁰ Because settlers in these colonies were only allowed to trade with their metropole, this posed considerable difficulties. Scarcity of imports and unfair extractions by the metropole forced many colonists into illicit trading.²¹ This regularly pitted local colonial populations against their rulers in the metropole. This has led Alan Karras to conclude that 'a population's flagrant violations of laws, statutes, and edicts, could, and indeed should, be seen as a way of telling those in authority that their activities in a particular area, such as collecting imposts and duties, were at least unwelcome and, at the most, unnecessary or even undesirable.'²² In the most extreme case, smuggling could even lead to revolution, such as in northern America in 1774. Simon Harvey attested that 'smuggling [...] by its very nature [is] a rebellious act and transcends individualism when it becomes allied to a cause, it easily lends itself to revolution'.²³ According to Michael Kwass, resistance to Ancien Régime customs directly led to the French Revolution, as it began with the destruction of customs gates that encircled the city of Paris.²⁴ In Amsterdam,

¹⁵ Michael Kwass, *Contraband*, 252 – 284.

¹⁶ Cal Winslow, 'Sussex smugglers', in: Douglas Hay, Peter Linebaugh & John Rule (eds.), *Albion's fatal tree. Crime and society in eighteenth-century England* (Londen 1975), 119 – 166, 121.

¹⁷ James C. Scott, 'Everyday forms of resistance', *Copenhagen papers in East and Southeast Asian Studies* 4 (1989), 33 – 62, 34.

¹⁸ Amar Farooqui, *Smuggling as subversion. Colonialism, Indian merchants, and the politics of Opium, 1790 – 1843* (Lanham MD 2005); Eric Tagliacozzo, *Secret trades, porous borders. Smuggling and states along a Southeast Asian Frontier, 1865 – 1915* (New Haven 2005).

¹⁹ Fatah-Black & Van Rossum, 'De Nederlandse smokkelhandel', 2.

²⁰ *Ibidem*.

²¹ Hoonhout, 'De noodzaak van smokkelhandel'.

²² Alan Karras, *Smuggling. Contraband and corruption in world history* (Lanham, Md. 2010), 3.

²³ Simon Harvey, *Smuggling. Seven centuries of contraband* (Londen 2016), 14.

²⁴ Michael Kwass, 'The first war on drugs. Tobacco trafficking, criminality, and the fiscal state in eighteenth-century France', in: Renate Bridenthal (ed.), *The hidden history of crime, corruption, and states* (New York 2013), 76 – 97, 91.

too, public disorder was directed at toll booths when French troops retreated from the city in 1813.²⁵

Finally, smuggling has often been seen as a survival strategy for both merchants and the poor in times of want. In her famous work on the makeshift economy in eighteenth-century France, Olwen Hufton identified smuggling as one of the possible strategies of the poor to supplement their meager incomes.²⁶ In the economy of makeshifts, the poor combined a number of economic activities such as seasonal labor, but also begging and theft. This approach has been particularly influential among social historians trying to explain motives of smugglers. A large number of historians working on smuggling assume that poverty was a major push to entice the poor to smuggle, especially in times of dearth.²⁷ The involvement of the laboring classes in smuggling during the Napoleonic era has often been explained along similar lines. Especially those employed by industries hardest hit by the Continental Blockade have been believed to turn to smuggling as a strategy to overcome hardships.²⁸

A similar mechanism can be found in research studying merchants that resorted to the contraband trade during the French Revolutionary and Napoleonic Era. In his case study on two Norman merchants, Roger Dufraisse analyzed how they could keep their lace trade going by means of illicit trade.²⁹ Dufraisse convincingly showed that the merchants were able to participate in an international smuggling network that exchanged goods, information and credit and was centered around Holland but included merchants and middlemen from England, France and Germany. The merchant elites did so to increase profits or to mitigate the negative effects caused by mercantilist policy such as the Continental Blockade, as Silvia Marzagalli, Margrit Schulte Beerbühl, Matthieu de Oliveira and Hilde Greefs have shown.³⁰ In her

²⁵ Johan Joor 'Significance and consequences of the Continental System for Napoleonic Holland, especially for Amsterdam', in: Aaslestad & Joor, *Revisiting Napoleon's Continental System*, 259 - 276.

²⁶ Olwen Hufton, *The poor of eighteenth-century France. 1750 - 1789* (Oxford 1974), 284 - 305.

²⁷ See: Janine Bertrand, 'La contrebande à la frontière de l'Est en 1811, 1812, 1813', *Annales d'Est* 5.2 (1951), 274 - 305; Roger Dufraisse, 'La contrebande dans les départements réunis de la rive gauche du Rhin sous le Consulat et l'Empire', *École pratique des hautes études. 4e section. Sciences historiques et philologiques. Annuaire 1975 - 1976* (Paris 1976), 1041 - 1050; Kwass, *Contraband*, 92 - 101; Michael Rowe, 'Economic warfare, organized crime and the collapse of Napoleon's empire', in: Aaslestad & Joor, *Revisiting Napoleon's Continental System*, 187 - 203; Jean Tulard, *Le monde du crime sous Napoléon. 1799 - 1815* (Paris 2017), 131 - 145; Anne Montenach, 'Creating a space for themselves on the urban market. Survival strategies and economic opportunities for single women in French provincial towns. Seventeenth - eighteenth centuries', in: Isabelle Devos, Julie De Groot, Ariadne Schmidt (eds.), *Single life and the city. 1200 - 1900* (Basingstoke 2015), 50 - 68.

²⁸ Bertrand, 'La contrebande'; Silvia Marzagalli, *Les boulevards de la fraude. Le négoce maritime et le Blocus Continental. 1806 - 1813. Bordeaux, Hambourg, Livourne* (Lille 1999), 200; Matthieu De Oliveira, *Les routes de l'argent. Réseaux et flux financiers de Paris à Hambourg. 1789 - 1815* (Paris 2011), 400.

²⁹ Roger Dufraisse, 'Contrebandiers Normands sur les bords du Rhin à l'époque napoléonienne', *Annales de Normandie* 11.3 (1961) 209 - 232.

³⁰ Marzagalli, *Les boulevards de la fraude*; Margrit Schulte Beerbühl, 'Trading networks across the blockades. Nathan Meyer Rothschild and his commodity trade during the early years of the Blockades. 1803 - 1808', in: Aaslestad & Joor,

voluminous oeuvre, Marzagalli has shown that merchants were capable of adapting to the difficult circumstances of the period.³¹ They diverted traded routes, tried to obtain French licenses or indeed resorted to trading illicitly. Analyzing the clandestine pursuits of the Rothschild family, Schulte Beerbühl stressed the importance of powerful and influential networks of kinship.³² Due to their international network that comprised Manchester, London, Dunkirk, Paris, Amsterdam, Hamburg, and their hometown of Frankfurt, the family was able to survive the difficult years of the Continental Blockade. Johan Joor has elaborated on different strategies Dutch merchants adopted to avert trade impediments. Among these, diversification and specialization (of merchandise) are the most prominent. Merchants could opt to redirect trade routes, exploiting opportunities offered by new state regulations or form pressure groups to mobilize local institutions to try to affect policy.³³ As always, diversification and specialization (of merchandise) could also prove a fruitful way to deal with the crisis. One of the most infamous strategies, however, was the resort to illicit trade and tariff evasion by finding loopholes in the system.

Even though these explanations plausibly explain the causes of smuggling, they do not really explain why smuggling was deemed unstoppable by Fouché in 1810. Although inefficiency, understaffing and corruption of government agencies were at times rampant, the repression of smuggling actually grew during the period and was at times quite successful.³⁴ Smuggling nevertheless showed a remarkable resilience in the face of this mounting repression. Resilience in this sense should be understood as the ability of smuggling to adapt and recover from stringent government measures.³⁵ To explain this, it is paramount to look at the practice of

Revisiting Napoleon's Continental System, 135 – 152; De Oliveira, *Les routes de l'argent*, 395 – 452; Hilde Greefs, 'Choices and opportunities amid economic warfare. Strategic decisions of the business elite in the young harbor town of Antwerp during the Napoleonic era', in: Aaslestad & Joor, *Revisiting Napoleon's Continental System*, 223 – 240.

³¹ Silvia Marzagalli, 'Port cities in the French Wars. The responses of merchants in Bordeaux, Hamburg and Livorno to Napoleon's Continental Blockade. 1806 – 1813, *The northern mariner/le marin du nord* 6.4 (1996), 65 – 73; Marzagalli, *Les boulevards de la fraude*'; Silvia Marzagalli, 'Establishing transatlantic trade networks in time of war. Bordeaux and the United States. 1793 – 1815', *The business history review* 79.4 (2005), 811 – 844; Silvia Marzagalli, 'La négoce maritime et la rupture révolutionnaire. Un ancien débat revisité', *Annales historiques de la Révolution française* 352 (2008), 184 – 207; Silvia Marzagalli, 'Opportunités et contraintes du commerce colonial dans l'Atlantique français au XVIIIe siècle. Le cas de la maison Gradis de Bordeaux', *Outre-mers* 96 (2009), 87 – 110; Silvia Marzagalli, 'Formes et enjeux de la contrebande et de la fraude à l'époque napoléonienne', in: Marguerite Figeac-Monthus & Christophe Lastécouères (eds.), *Territoires de l'illicite et identités portuaires et insulaires. Du XVIe siècle au XXe siècle* (Paris 2012), 189 – 201; Silvia Marzagalli, 'The continental system. A view from the sea', in: Aaslestad & Joor, *Revisiting Napoleon's Continental System*, 83 – 97.

³² Schulte Beerbühl, 'Trading networks'.

³³ Joor, 'Significance and consequences'.

³⁴ Katherine B. Aaslestad, 'Introduction. Revisiting Napoleon's Continental System. Consequences of economic warfare', in: Aaslestad & Joor, *Revisiting Napoleon's Continental System*, 1 – 22, 3 – 8.

³⁵ This definition resembles W. Neil Adger's concept of 'social resilience' which he defines as 'the ability of groups or communities to cope with external stresses and disturbances as a result of social, political and environmental change.'

smuggling and the organization of those that carried it out. Too often, historians have looked at the shortcomings of the repression apparatus in explaining smuggling being unstoppable. In explaining the inability to curb smuggling, Marzagalli addresses the weaknesses of the workforce, different priorities of authorities, and the hesitation of local elites. Only a small part of her argument is directed at the organization of the contraband trade itself, which she described as 'très articulée'.³⁶ Partly due to a lack of suitable sources, smuggling, however, has rarely been approached from the viewpoint of the smuggler. A change of perspective contributes to our understanding of smuggling as a social phenomenon and the resilience of smuggling networks.

Recent advances in criminology, border studies and the history of crime and criminal justice provide insights that can help turn the perspective. These recent developments have in common that they do not so much focus on causes and effects of smuggling as on the criminal aspect of it and the effect thereof on the mutual organization of criminal offenders. These insights have hitherto been scarcely applied to smuggling but can explain why smuggling was successful and widespread in certain periods.

First, studies on smuggling generally fail to account for the effect of product illegality on the organization of organized crime. The provision of illicit goods is nevertheless one of the main activities of organized crime.³⁷ Even more, product illegality is often seen as a decisive factor in 'organizing' organized crime.³⁸ As Jay Albanese argued, 'desirable illicit activities, made desirable due to public demand, the local market, or other opportunity factors, appear to dictate how and what type of criminal group will emerge to exploit the opportunity'.³⁹ Although some studies on smuggling do make a distinction between trafficking, evasion and petty smuggling, they do not take into account the circumstance of product illegality. In fact, most of the studies on early modern smuggling have either focused on tariff evasion – evading taxes on transactions – or petty smuggling – low-level contraband trade for personal consumption.⁴⁰ With the exception of a series of import bans on calicoes, total bans on a broad range of products were

See: W. Neil Adger, 'Social and ecological resilience: are they related?', *Progress in human geography* 24.3 (2000), 347 – 364.

³⁶ Marzagalli, *Les boulevards de la fraude*, 209.

³⁷ Jay S. Albanese, *Organized crime in our times* (London 2007), 7.

³⁸ Carlo Morselli, *Contacts, opportunities and criminal enterprise* (Toronto 2005).

³⁹ Albanese, *Organized crime*, 13.

⁴⁰ On the definition of evasion, see: Fatah-Black and Van Rossum 'De Nederlandse smokkelhandel', 5. On the definition of petty smuggling see: George T. Diaz, *Border contraband. A history of smuggling across the Rio Grande* (Austin 2015), 6. Petty smuggling shows a lot of resemblance with *filtration* – smuggling of small quantities over short distances as practiced by women, children and the elderly. For *filtration*, see Marzagalli, *les boulevards de la fraude*, 195 – 202.

uncommon in early modern Europe.⁴¹ Large-scale trafficking of illegal goods – professional smuggling for a profit⁴² – was but rare and only started to appear during the French Revolutionary and Napoleonic wars.⁴³ Indeed, Ellis claimed its scale was a novelty during the Blockade.⁴⁴ When combined with an increasing public demand, product illegality could cause profit margins to rise. This necessitated a professionalization and caused large-scale smuggling.

At the same time, co-offending has been largely neglected.⁴⁵ Much attention has been paid to specific groups that resorted to smuggling – such as merchants or the poor. However, up to now, these groups have not been studied together. As of yet, the motives, stakes, cohesion and (inter)dependence of all those involved in the contraband trade have hardly been approached holistically. Recently, criminological research has shown that transit crimes, of which trafficking across international borders is the major example, do not operate in a social vacuum. As transit crimes are logistically quite complex, they simply cannot be done alone. ‘As offenders operate in relatively hostile and uncertain environments, primarily as a result of the illegality of their activities’, social ties are of vital importance in smuggling networks, Edward R. Kleemans argued.⁴⁶ In other words, merchants could not have smuggled without the help of the masses. Uncovering the social networks of offenders might explain ‘their flexibility and their resilience against arrests and seizures’.⁴⁷ As cooperation between different smugglers has been largely neglected, the overall picture of their interactions remains in the dark.

Related to this, criminology is increasingly looking at the social embeddedness of organized crime. Although the social context of co-offending remains understudied, research has shown that careers in transit crimes (including smuggling across international borders) are not open to everyone. Such crimes tend to attract offenders with a specific profile, who get involved at a later age, have international contacts and affinity in logistics.⁴⁸ This so-called occupational embeddedness of organized crime was already acknowledged by anthropologist Anton Blok, although in different words. In his work on the eighteenth-century robber band of the *Bokkerijders*, Anton Blok claimed that deviant behavior cannot be fully comprehended without

⁴¹ Gottmann, *Global trade*, 8.

⁴² Diaz, *Border contraband*, 6.

⁴³ Marzagalli, *Les boulevards de la fraude*, 207.

⁴⁴ Ellis, *Napoleon’s Continental Blockade*, 204.

⁴⁵ Increasingly, co-offending is finding its way into historical research. See for a recent example: Marion Pluskota, ‘Criminal families’ and the court. Co-offending in Amsterdam. 1897 – 1902’, *The history of the family* 20.2 (2015), 270 – 290.

⁴⁶ Edward R. Kleemans, ‘Theoretical perspectives on organized crime’, in: Letizia Paoli (eds.), *The Oxford handbook on organized crime* (Oxford 2014), 32 – 52, 38.

⁴⁷ Kleemans, ‘Theoretical perspectives’, 40. Also see Peter Carrington, ‘Crime and social network analysis’, in: John Scott and Peter Carrington (eds.), *SAGE handbook of social network analysis* (London 2011), 236 – 255.

⁴⁸ Kleemans, ‘Theoretical perspectives’, 43.

understanding the *modus operandi* of criminal networks, which, he argued, could be understood by taking the occupational backgrounds of offenders into account.⁴⁹

Furthermore, the agency of offenders is increasingly being embraced by historians of crime and criminal justice, as is testified by a recent volume in this field.⁵⁰ David Nash and Anne-Marie Kilday argued that micro-studies, in uncovering the experiences of ‘criminals’ in the past, illuminate particular motives. Micro-studies thus create ‘a place where they become agents rather than passive actors and the otherwise helpless victims of processes.’⁵¹ As such, microstudies show the interaction between smugglers and the authorities. Nash and Kilday highlight the interaction between individuals and the law. In this way, ‘we can see the mechanisms that establish, promote and police [laws] – as well as ways and reason explaining how they came to be transgressed.’⁵² Borderland studies also have contributed to emphasizing the agency of offenders – especially in smuggling. Borderland people are considered above all to use a border for their own interests. Kwass, for example, hinted into this direction, by claiming that smugglers from the border regions ‘exploited the border as a resource’.⁵³ While George T. Díaz acknowledged that government regulations, trade restrictions and creation and enforcement of borders ‘directly led to smuggling by making a market for contraband goods’, he also ‘humanizes’ smugglers by claiming that borderlanders ‘acted [...] as opportunists who exploited state weakness to save money and as entrepreneurs who filled a niche created by national trade restrictions.’⁵⁴ As such, border people ‘used international boundaries to their own benefit.’⁵⁵

Research aim

Applying these new perspectives on smuggling serves to answer the main question of this research: *How can the resilience of smuggling in the face of mounting repression in the Deux-Nèthes between 1797 and 1810 be explained?* Abovementioned innovations suggest that the answer to this question is likely to be found in the organization, cooperation and adaptability

⁴⁹ Anton Blok, ‘Over de beroepen van de Bokkerijders in de landen van Overmaze’, *Tijdschrift voor criminologie* 20.3-4 (1978); 154 – 175, 171.

⁵⁰ David Nash and Anne-Marie Kilday (eds.), *Law, crime and deviance since 1700. Micro studies in the history of crime* (London 2016).

⁵¹ David Nash & Anne-Kilday, ‘Introduction’, in: David Nash and Anne-Marie Kilday (eds.), *Law, crime and deviance since 1700. Micro studies in the history of crime* (London 2016), 1 – 16, 9.

⁵² Nash and Kilday, ‘Introduction’, 6.

⁵³ Kwass, *Contraband*, 102.

⁵⁴ Díaz, *Border contraband*, 1 – 2.

⁵⁵ *Ibidem*, 5.

of smugglers. By applying an in-depth investigation into smuggling in the Deux-Nèthes department during the French era, this research will provide a bottom-up case study of the organization and practice of smuggling. The ways repression forced smugglers to adapt should always be at the center of such an inquiry. Only by focusing on the interaction between authorities and smugglers can the high degree of adaptability of smugglers be uncovered. Therefore, we must first ask ourselves *how the repression of smuggling evolved over the years. What laws were implemented and what government agencies were charged with enforcing these laws?* As the context of product illegality is a decisive factor in ‘organizing’ crime, the focus should first be on the contraband itself: *what was being smuggled and in which quantities? Was this product range adapted during the period? What was the scope of smuggling?* As recent developments in criminology suggest that resilience of criminal networks might be found in co-offending and the social embeddedness of organized crime, this research should naturally focus on the social context of smuggling. This will be done by asking *who participated in the contraband trade? Do we see certain profiles of smugglers predominate? What does this tell us about the occupational embeddedness of smuggling?* Social ties between people also contributed to the inability of authorities to disband such criminal networks. This touches upon the importance of social networks in organized crime. This research therefore has to study *the ways in which the contraband trade was organized. How did smugglers cooperate? What kind of networks did smugglers form? Who were the central figures in these networks?* Finally, as microstudies have underlined the importance of agency of criminal offenders, we should look at the practice of smuggling by asking *how did smugglers carry out the contraband trade?* To uncover the interaction with authorities we should focus on the adaptability of smuggling by asking *which steps were taken to mitigate the risk of confiscation? How were internal risks mitigated? How were social ties made and what did they consist of? What was the role of trust within these networks?*

Case study

The Deux-Nèthes department, and, broader, the Southern Netherlands, during the French period promise to be an interesting case study to answer these questions. Following a series of battles and short-lived periods of occupation, the former Austrian Netherlands and the Prince-Bishopric of Liège were annexed by the French Republic on 1 October 1795. Nine departments were founded on the former territory of both states, referred to by the French government as *les départements réunis*. As such, the region was annexed relatively early into the French

Republic – especially compared to many other European regions that only followed during the Napoleonic conquests. This had led to a deep interference of the French in administration, government and justice and both widened and deepened mechanisms of repression. It also means that laws and custom policy were implemented simultaneously with those in heartland France. This enables this research to track down changes in smuggling over an extended period of time.

The process of annexation did not go entirely flawlessly. Resentment about French anti-clericalism and the introduction of general conscription led to the Peasant's War of 1798, which was quickly quelled by French troops.⁵⁶ Fought mainly by peasants, the northern Dutch-speaking departments saw most of the action. Meanwhile, the countryside was scourged by wandering bands of robbers. Armed bandits led by infamous leaders such as Baekelandt, Salembier and Schinderhannes traversed the countryside between Seine and Rhine and robbed, abused and killed both farmers and travelers. Only in the opening years of the nineteenth century, their activities could be suppressed following an extremely harsh and almost military persecution.⁵⁷

Of the newly created departments, the Deux-Nèthes quickly gained a notoriety for being a smuggling hub.⁵⁸ This was reinforced by its location as a border region as well as its economic development. Largely coinciding with the modern-day province of Antwerp, the Deux-Nèthes consisted of three distinct regions that also roughly formed the three arrondissements of the department. First, the city of Antwerp and the *polders* towards the northwest of the city were situated on the river Scheldt which separated the department from the neighboring *Escaut* department. To the south, the region around the Rupel river and Malines formed part of the old heartland of the Austrian Netherlands. The remainder of the Deux-Nèthes, covering most of its center and northeast, consisted of the remote, desolated Campine region.

⁵⁶ Jan Goris, Fred Stevens, Karel Veraghtert and Marcel Gielis, *Voor outer en heerd. De Boerenkrijg in de Antwerpse Kempen. 1798* (Turnhout 1998).

⁵⁷ Florike Egmond, *Banditisme in de Franse tijd. Profiel van de Grote Nederlandse Bende. 1790 – 1799* (Amsterdam 1986); Xavier Rousseaux, 'Espaces de désordres, espace d'ordre. Le banditisme aux frontières Nord-Est de la France (1700 – 1810)', in: Catherine Denys (ed.), *Frontière et criminalité. 1715 – 1815* (Arras 2000), 131 – 173; Carole Ledent, *Voleurs ou révoltés ? Un réseau de brigands brabançons devant la justice française (1799 – 1804)* (Louvain 2011).

⁵⁸ Bertrand de Jouvenel, *Napoléon et l'économie dirigée. Le Blocus Continental* (Bruxelles & Paris 1942), 350 – 352; Sylvie Humbert-Convain, 'Le droit pénal douanier et ses applications en Flandre sous la Révolution et l'Empire', in: Catherine Denys (ed.), *Frontière et criminalité. 1715 – 1815* (Arras 2000) 80 – 92; Hilde Greefs, 'Un rêve abruptement interrompu. Illusions et désillusions dans la 'nouvelle' élite du commerce international à Anvers', in: François Antoine, Jean-Pierre Jessenne, Annie Jourdan and Hervé Leuwers (eds.), *l'Empire Napoléonien. Une expérience Européenne?* (Paris 2014), 360 – 375, 372 – 373.



Image 1. Map of the Deux-Nèthes (excerpt), 1799 - 1806. Source: Administratieve kaart van het departement van de Twee Neten, de latere provincie Antwerpen, 1799 - 1806, Kopergravure, regionale beeldbank Mechelen.

In the north, the department bordered the Batavian Republic and, later, the Kingdom of Holland. According to Joor, 'Louis Bonaparte's appointment as king of Holland was an indissoluble part of Napoleon's greater project to construct a system of dependent states following the War of the Third Coalition'.⁵⁹ Although often seen as quite permissive towards evasion of the Blockade, the new king actively tried to enforce his brother's policies. Still, at least until 1810, illicit trade managed to find loopholes, turning Holland into a major warehouse and transit point of contraband. The border itself traversed the Campine region and the Scheldt estuary – whose landscapes were particularly suited for smuggling. The Scheldt estuary, with its numerous islands, creeks, tributaries and its big tidal differences, made it extremely suitable for small undetectable navigation. This estuary also provided for the inland water connections to the main ports of Holland. The Campine region, covering most of the northeastern part of the department and stretching into the department of Meuse-Inférieure and Holland, was a desolate, sparsely populated area, consisting of extensive moorlands and heath patches.

The transport infrastructure of the department consisted mostly of rivers and roads. Several major navigable waterways traversed the department. Most important of them was the Scheldt river which was joined in the south by its tributary Rupel, which in turn was a confluence of the Dyle and the two Nete rivers, namesake of the department. Inherited from the Austrian Netherlands, the road system to the south of Antwerp belonged to the most extensive and efficient of Europe.⁶⁰ The paving of these roads had greatly improved comfort and reduced travel times. This greatly opened up possibilities for road transport – both licit and illicit – in the region. However, the network was mostly directed towards the inland. The roads connected Antwerp with cities such as Lier, Malines and, further south, Brussels. The Campine region was almost entirely devoid of paved roads. During the French occupation many of the roads were badly damaged and most investments were directed at repairing them. Only after 1807, some new roads were constructed but these were primarily situated in the Lys and Escaut departments.⁶¹ Some initiatives were taken to connect the Deux-Nèthes with the Northern Netherlands such as the construction of a paved road to Breda, which was only finished in 1811.⁶²

Economically, industry in the *départements réunis* benefitted greatly from the protectionist measures the French regime implemented. Napoleon's military operations generated an increased demand in textiles and metallurgy, from which especially the inland regions and cities

⁵⁹ Joor, 'Significance and consequences', 260.

⁶⁰ Bruno Blondé, 'At the cradle of the transport revolution? Paved roads, traffic flows and economic development in eighteenth-century Brabant', *The journal of transport history* 31.1 (2010), 89 – 111.

⁶¹ Bart Van Der Hertem, *België onder stoom. Transport en communicatie tijdens de 19^{de} eeuw* (Louvain 2004), 166.

⁶² Ruud Filarski and Gijs Mom, *De transportrevolutie. 1800 – 1900* (Zutphen 2008), 99 – 100.

profited.⁶³ Cities such as Ghent, Lier and Verviers developed flourishing textile industries, not only because of increased demand, but also because of protection from cheaper British competition. The reopening of the Scheldt after the French conquest in 1795 –having been blocked by the Dutch for over two centuries – brought temporary hopes among especially the mercantile class that Antwerp would be restored to its former glory. Many foreign merchants established themselves to profit from this renewal of trade.⁶⁴ Although there was a rapid rise of the number of ships entering the port between 1800 and 1805, these hopes were short-lived. After the implementation of the Continental Blockade in November 1806, the situation started to look grim for Antwerp. Whereas 1805 was a peak year with a record of 371 ships coming in, this number had declined to 92 in 1807. By 1808, the number of incoming vessels was next to nothing.⁶⁵

As a result, many of the city's merchant elites were struggling and bankruptcies soon followed.⁶⁶ Although international shipping came to a complete standstill, the old inland waterways with Holland still provided the city with trade.⁶⁷ Some merchants, however, managed to successfully adapt to the new circumstances and some even gathered huge profits.⁶⁸ Even in the dramatic latter part of the Continental Blockade, Antwerp merchants David Parish and Jacob Ridgway could relocate to America with astonishing amounts of capital, giving rise to suspicion as to how they obtained these riches when formal trade had already halted for some years.⁶⁹ It might be expected that the loss of some of the imports was counterbalanced by illicit trade as merchants sought to circumvent the Continental Blockade. While former big continental ports such as Nantes, Bordeaux or Amsterdam never fully recovered from the Continental Blockade, Antwerp recovered remarkably fast after the Napoleonic Wars.⁷⁰ Greefs has already shown that Antwerp's business elite revealed high degrees of flexibility and adaptation.⁷¹ Moreover, this rapid revival might also be an indication that somehow commercial networks had remained intact – albeit illicit – during this period.

⁶³ Herman Van der Wee, *Historische aspecten van de economische groei. Tien studies over de economische ontwikkeling van West-Europa en de Nederlanden in het bijzonder. 12e – 19e eeuw* (Antwerp 1972).

⁶⁴ Greefs, 'Choices and opportunities', 226 – 227.

⁶⁵ Karel Veraghtert, 'The Antwerp port. 1790 – 1814', in: *The interactions of Amsterdam and Antwerp with the Baltic region, 1400 – 1800* (Leiden 1983), 193 – 199, 195.

⁶⁶ Karel Veraghtert, *De havenbeweging te Antwerpen tijdens de negentiende eeuw. Een kwantitatieve benadering*, Volume 2 (Leuven 1977), 26.

⁶⁷ Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 15 – 16, 23 – 25.

⁶⁸ Greefs, 'Choices and opportunities', 235 – 236.

⁶⁹ *Ibidem*, 230.

⁷⁰ Marjolein 't Hart and Hilde Greefs, 'Sweet and sour. Economic turmoil and resilience of the sugar sector in Antwerp and Rotterdam. 1795 – 1815', *BMGN – Low Countries historical review* 133.2 (2018) 3 – 26; 9; Joor, 'Significance and consequences', 274.

⁷¹ Greefs, 'Choices and opportunities'.

Meanwhile, the city's textile industry, after an unprecedented growth in the latter part of the eighteenth century, had been withering for years. Between 1800 and 1813, the textile industry all but disappeared in Antwerp, giving way to the upcoming cotton industries of cities such as Ghent and Lier. As half of the workforce was employed in the sector, this led to unprecedented levels of proletarianization.⁷² Merchants redirected their activities and started investing in, for example, sugar refining.⁷³ Still, the population of Antwerp increased from 55,000 at the turn of the century to 60,000 in 1812, attracting many from the Deux-Nèthes countryside.⁷⁴ According to Catharina Lis, most of these immigrants came from the southern part of the department, where extreme poverty had uprooted them.⁷⁵

The Campine region, on the other hand, had a much lower intensity level of emigration to Antwerp as shown by Anne Winter.⁷⁶ A 'stronger continuity in property and common rights acted as a brake on emigration', Winter argues.⁷⁷ Although numerous contemporary commentators have described the extreme poverty they encountered in the Campine region, Lis argued that it was mostly spared from it.⁷⁸ The moorlands were generally used as commons and most peasants had some access to at least a small patch of land. Combining seasonal work with an infant cottage industry, especially around Turnhout, most of the population could make ends meet.⁷⁹ This made for a fairly resilient population around the turn of the nineteenth century, quite suited to absorb conjunctural shocks.⁸⁰ Indeed, nominal wages were quite high during the period of French occupation.⁸¹ Eric Vanhaute argued that a process of proletarianization only originated later in the nineteenth century.⁸² It is not inconceivable that smuggling contributed to this resilience as it might have given some of the population alternative employment. Both Paul Klep and Vanhaute have suggested that smuggling in this border region served to

⁷² Catharina Lis, *Social change and the labouring poor. Antwerp 1770 – 1860* (New Haven and London 1986), 17 – 22.

⁷³ 't Hart & Greefs, 'Sweet and Sour'.

⁷⁴ Lis, *Social change*, 40.

⁷⁵ *Ibidem*, 46.

⁷⁶ Anne Winter, *Migrants and urban change. Newcomers to Antwerp. 1760 – 1860* (London 2009), 154 – 155.

⁷⁷ Winter, *Migrants*, 154.

⁷⁸ Lis, *Social change*, 49 – 50. Commentators include prefect of the Deux-Nèthes d'Herbouville and *conseiller d'État* Miot. See: Charles Joseph Fortuné d'Herbouville, *Statistique du département des Deux-Nèthes publié par ordre du ministre de l'intérieur* (Paris, Year X (1801-1801)), and the report written by Miot: *Rapport de Mr le Conseiller d'État Miot sur sa mission à Anvers et dans la Belgique*, without date. Archives Nationales (henceforth AN), *Ministère de police, sous-série F/7* (henceforth F/7) 4304, *Rapport du Conseiller d'État Miot sur la fraude, la conscription et l'augmentation des grains à Anvers et en Belgique*.

⁷⁹ Winter, *Migrants*, 175.

⁸⁰ Paul Klep, *Groeyndynamiek en stagnatie in een agrarisch grensgebied. De economische ontwikkeling in de Noordantwerpse Kempen en de Baronie van Breda, 1750 – 1850* (Tilburg 1973), 107.

⁸¹ Klep, *Groeyndynamiek en stagnatie*, 158 – 159.

⁸² Eric Vanhaute, 'Processes of peripheralization in a core region. The Campine area of Antwerp in the 'long' 19th century', *Review* 16.1 (1993), 57 – 81.

supplement family incomes, especially in times of need.⁸³ As such, it might be expected that much of the workforce of the smuggling networks was provided by this region.

Sources

The history of crime and criminal justice not only offered us innovative concepts, techniques and methods, but also source material that previously has hardly been used in research on smuggling. Up to now, historians working on smuggling in the French Revolutionary and Napoleonic era have often primarily relied on a single source. Most popular of these were the daily bulletins sent to the Emperor by Ministers of police Joseph Fouché and later Anne Jean Marie René Savary, which were transcribed by Ernest d'Hauterive and Nicole Gotteri.⁸⁴ The other sources that have often been applied by historians were the arrests of the *Cour Prévôtale* of Valenciennes and Nancy and different files from the *tribunaux ordinaires des douanes*.⁸⁵ Those focusing on the role of merchants in illicit trade often have relied on fragmentary evidence such as correspondences, notarial deeds and trade statistics.⁸⁶ These sources either paint a too top-down picture (from either Minister or court), focus only on one group of offenders (such as merchants) or on the latter years of the French Revolutionary and Napoleonic Era.⁸⁷

The elusiveness of the subjects prompted us to use a wide range of different sources. By combining sources, it is possible to paint a more complete picture. The present study combines two major sources that have hitherto been left largely untouched. First, the sentence books of the Antwerp correctional court were particularly suited to quantify data.⁸⁸ These sentence books contain the verdicts of court sessions. The structure of these verdicts followed a fixed pattern and were therefore fairly uniform throughout the period. First, the verdict was opened. This contained the opening words and the subject matter, and a summary of the final verdict. Then it was indicated that the report of a seizure on a certain date by a certain customs brigade (or other competent authority such as the gendarmes) was dealt with during this session. This often contained the contents of the official report with the seized goods stating their weight, size,

⁸³ Klep, *Groeidynamiek en stagnatie*, 76; Eric Vanhaute, *Heiboeren. Bevolking, arbeid en inkomen in de 19^{de}-eeuwse Kempen* (Brussels 1992), 40.

⁸⁴ Ernest d'Hauterive (ed.), *La police secrète du Premier Empire. Bulletins quotidiens adressés par Fouché à l'Empereur. 1804 – 1809*, 5 volumes (Parijs 1908 – 1964); Nicole Gotteri (ed.), *La police secrète du Premier Empire. Bulletins quotidiens adressés par Savary à l'Empereur*, 7 volumes (Paris 1997 – 2004).

⁸⁵ Bertrand, *La contrebande*.

⁸⁶ Marzagalli, *Les boulevards de la fraude*; Schulte Beerbühl, 'Trading networks'.

⁸⁷ The special custom courts were only founded after the Imperial Decree of 18 October 1810.

⁸⁸ State Archives Antwerp (henceforth RAA), *Archief van de rechtbank van eerste aanleg van Antwerpen. Correctionele rechtbank, 1795 – 1958* (henceforth EA), 106 – 120.

content and/or amount. The legislation that was violated was also mentioned. Then a number of documents were discussed, including the order of the director of the jury who determined that this case fell within the competence of the court. Also included was the ordinance of the (vice) president of the court. In this, the *receveur principal* of the customs and also any suspects - in case of an arrest - were called. Then followed the conclusions of the customs, the Imperial prosecutor - who performed the function of prosecutor - and, if possible, the defense of the suspect. Then followed the basis on which the verdict was based, which included a summary of the official report, including the time, means of transport, place of seizure, numbers of smugglers and so on, as well as a reference to the article of law violated. Invariably, therefore, an argument was made as to why a conviction or an acquittal was made and what it was based on. Finally, the actual verdict followed.

The uniformity of these sentences served well to uncover numbers of confiscations, products being smuggled, means of transport being used, and personal data of smugglers. A total of 1,280 sentences were selected.⁸⁹ These data were primarily used to reveal the scope of smuggling and to gain insight into occupations, ages of smugglers and means of transport they used. Because these sentences often contained summaries of the confiscation reports, they also provide important qualitative data for this study.

Court records, however, come with a number of pitfalls. First and foremost, the historian has to account for the dark number. Using court sources has the downside of only finding records of failed attempts at smuggling. Most smugglers will undoubtedly have succeeded in their efforts to remain under the radar. Crime rates usually only register crime that has actually been detected by authorities, and therefore leave out all of the unregistered cases.⁹⁰ Being a victimless crime, smuggling has a notoriously high dark number.⁹¹ Unlike robberies, thefts or rapes, transit crimes such as smuggling do not make victims who can or will alarm the authorities. As there are no victims - arguably only the state - it will often not be reported to the local authorities. Even more, smuggling appears to have had high levels of support from local communities.⁹² All recordings of smuggling therefore depend on investigations done by the authorities themselves. Furthermore, crime rates often reflect preferences or values of authorities and/or society. They tend to focus on what authorities found most important and

⁸⁹ See appendix 1.

⁹⁰ For a discussion about the use of crime figures see: Paul Knepper, *Writing the history of crime* (London 2016), 31 - 50.

⁹¹ Michael Kwass, *The first war on drugs*, 27; Tom Feiling, *The candy machine. How cocaine took over the world* (London 2009); Rowe, 'Economic warfare', 191 - 192.

⁹² Rowe, 'Economic warfare', 192.

are therefore often distorted.⁹³ As we will see, however, the dark number was somewhat mitigated by the stipulation that custom officers could keep a share of the confiscation which might have enticed them to make as many seizures as possible.

Unfortunately, as the correctional court was divided over the three arrondissements of the Deux-Nèthes, the sentences recorded in the Antwerp court, only cover a part of the department. Emmanuel Berger has shown that, before 1800, smuggling in both the Antwerp and Turnhout arrondissement was a common offence and was handled by the legal predecessors of the correctional court.⁹⁴ It might therefore be expected that the correctional court of Turnhout continued to handle smuggling cases during our period and as such the Antwerp one remains representative for smuggling in the entire region. As will be shown, other sources will sufficiently highlight smuggling in the eastern part of the department.

The other source that has never been analyzed in its entirety is the extensive documentation gathered by a special anti-fraud commission founded in Paris in 1808.⁹⁵ This commission was entrusted with identifying the main smugglers in the *départements réunis* (the Belgian departments). To do this, it collected evidence in the form of ledgers, books and correspondence. A file was opened for each primary suspect, resulting in a total of 222 files. The investigation of the commission involved three steps. First, the evidence – consisting of bookkeeping, invoices and correspondence – was scrutinized by the three analysts employed by the taskforce. They not only sifted through the books to find out the total amount and/or value of goods smuggled, but also reconstructed the networks of smugglers based on the correspondence between merchants and their accomplices. Sharing some resemblance with modern-day forensic accounting, these analysts must have had some level of financial literacy. Then, analyses were made of every suspect in the network – sometimes encompassing over 40 offenders. These were then passed on to the commission members.

The second step consisted of interviewing or interrogating the suspect and/or his lawyer. This sometimes happened on location in one of the Belgian cities – which was particularly true for the smaller fish under investigation. This interrogation often was not conducted by the commission members themselves but left to either the prefects of the three departments where smuggling was rife – Escout, Dyle, or the Deux Nèthes – or to police commissioners. Sometimes, suspects were summoned to Paris to appear in front of the commission itself. These offenders

⁹³ Margo De Koster, *Historische criminologie, een inleiding* (Louvain 2015), 32 – 33.

⁹⁴ Emmanuel Berger, *La justice pénale sous la Révolution. Les enjeux d'un modèle judiciaire libéral* (Rennes 2008), 79 – 123.

⁹⁵ Most of the records left behind by the anti-fraud commission can be found in AN, F/7, 8008 – 8030, Importations frauduleuses de marchandises, notamment en Belgique, Year XII (1804 – 1805) – 1813.

usually were big merchants who were involved in the contraband trade. Finally, after examining both the analyses and interrogating the suspect, the commission came to a decision about the punishment it would recommend. Then, a report including the recommended penalty was sent to the Minister of Police.

As the commission relied partly on interrogations, there is a risk of interrogators deliberately distorting statements by suspects. This, however, seems unlikely. Suspects were expected to read and sign the transcripts of their interrogation. As most suspects interrogated by the commission belonged to the mercantile classes, it might be assumed that the vast majority of them were literate, and as such able to read and verify their statements. A related issue is the deliberate distortion by suspects themselves. Not only could they lie or twist the facts, they also could adjust their statements to what they thought the interrogator wanted to hear.⁹⁶ To counter this, the commission could and would corroborate statements with other evidence such as details from ledgers and correspondence and interrogations of co-offenders. A third issue is a possible tunnel vision on behalf of the commission. As the commission initially relied on records confiscated from but a handful of suspects and started its investigation from there on out, there was a risk of certain suspects not appearing on its radar. Along the course of its investigation, however, newly confiscated evidence was steadily supplied by other agencies.

The analyses and reports drawn up by members of the commission served well to reconstruct smuggling networks. The evidence they gathered was even more unique. These contained ego-documents in the form of correspondence, ledgers and books. By letting the smugglers speak for themselves, these sources give a unique insight into their world and the choices they made. The correspondence was not only used quantitatively to gain insight into the networks, but the letters also made it possible to reconstruct the practice of smuggling. A total of 64 letters written by *chefs de bandes* (leaders in charge of smuggling bands) Jean Baptiste Peeters, R. Wouters and J. Truyens written to their patrons give us a glimpse of the daily reality of the contraband trade. As these letters were never intended to fall into the hands of the authorities, they offer details less skewed than sources traditionally used in research into the history of crime such as interrogations and police reports.

Additional sources include reports by government officials who were sent to the border regions. These helped to illustrate many aspects of smuggling. Whereas the laws could be found in the *Pasinomie*, published books on custom laws by Magnien and Savin Dumoni were used to

⁹⁶ This problem has been addressed by Natalie Zemon Davis, who, in her *Fiction in the Archives*, asserts that the tellers of pardon tales - letters addressed to the French king in order to receive a royal pardon for crimes committed - addressed sixteenth-century discourse to make their story as credible as possible. See: Natalie Zemon Davis, *Fiction in the archives. Pardon tales and their tellers in sixteenth-century France* (Cambridge 1987).

explain laws and gain insight into the working of the customs.⁹⁷ Price currents published in the *Journal du Commerce d'Anvers* between 1802 and 1811 were used to uncover the prices of colonial commodities.⁹⁸ Sources from two additional courts – the Deux-Nèthes *Tribunal Criminel* and *Tribunal Criminel Spécial* – were helpful for specific purposes.⁹⁹ The individual files of the former were somewhat biased because they consisted mostly of appeals to verdicts of the correctional court. They did, however, contain *procès-verbaux* or confiscation reports that have not been preserved elsewhere. Fourteen of these files were occasionally used to gain more insight into the practice of confiscations. As the *Tribunal Criminel Spécial* handled the more severe cases in which violence or corruption by government officials was used, the arrests of this court provided additional information on those particular subjects. Based on their inscriptions in the arrest books, a total of 21 cases were selected for the entire period.

Definitions and demarcation

Although the main focus of this research is on the Deux-Nèthes, this research will at times venture into other regions such as Holland, other departments such as the Meuse-Inférieure and cities as Brussels and Paris. This occasional excursion into different regions is necessitated mostly by the nature of smuggling, which is by definition a spatial practice. In order to speak of smuggling it should cross a border of any kind between two entities or jurisdictions with different legal regimes – be it a tariff barrier, custom line, legal or sovereign border. By its very definition, smuggling is thus a spatial practice. In this light, Fatah-Black and Van Rossum have conceived a satisfying concept of smuggling. According to them smuggling is the illegal transport or movement of goods across (state-)borders.¹⁰⁰ Obviously, it encompasses the three of the most crucial elements of smuggling: (1) movement, (2) borders, and (3) legislation. Product illegality, however, remains little accounted for in this definition. In the French era, however, it is not only the movement of these goods across a border that was criminalized. Instead, the possession of whole sets of British and colonial goods was criminalized – at least in

⁹⁷ *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, 16 Volumes (1788 – 1814); Vivent Magnien, *Dictionnaire de la législation des droits de douane* (Paris 1807); M. Savin Dumoni, *Traité de la jurisprudence des douanes ou résumé des arrêts de la cour de cassation en matière des douanes*, 2 volumes (Paris 1812).

⁹⁸ *Journal du commerce d'Anvers* (Antwerp 1802 – 1811).

⁹⁹ RAA, *Archief van de rechtsvoorgangers van het Hof van Assisen te Antwerpen, 1795 – 1811* (henceforth HAA), 25, 26, 204, 260, 308, 353, 362, 363, 375, 383, 469, 487, 506, 545, 552, 618.

¹⁰⁰ Fatah-Black and Van Rossum, 'De Nederlandse smokkelhandel'.

a large zone that stretched along the border. As said, this most likely had a profound effect on the organization of organized crime.

This research will, therefore, focus mostly on trafficking – large-scale smuggling of illegal goods in order to make a profit.¹⁰¹ This means that two other forms of smuggling receive little less attention. First, petty smuggling – or *filtration* as Marzagalli called it – will not be discussed in this research. The local populace in the border region probably continued a tradition of petty smuggling for personal use or to sell clandestinely as it did during the Ancien Régime and most parts of the nineteenth and twentieth centuries. It might be assumed, however, that this form of smuggling was very distinct from the one carried out by criminal networks that arose out of the circumstance of product illegality.

Secondly, large-scale product illegality causes this research to rely less heavily on tariff evasion than most studies on most early modern smuggling have done. Although French law clearly made a difference between *contrebande* (smuggling) and *fraude* (tariff evasion), we cannot escape the latter completely.¹⁰² As non-British imported goods were subject to increasingly high import tariffs, the distinction between trafficked contraband and goods simply evading these tariffs was often hard to make. Not all coffee, for example, was deemed contraband, merely those beans that had been traded by the British. Furthermore, it is not inconceivable that the networks diversified their operations to include evasion of tariffs. But even if evasion probably existed, its occurrence troubled authorities less hard than its illicit counterpart. The focus of this research will therefore mostly be on the trafficking of prohibited goods, as recorded in the laws of 10 Brumaire of Year V (31 October 1796), 26 Ventôse of Year V (16 March 1797), 22 Brumaire of Year VII (12 November 1798), 22 Ventôse of Year XII (14 March 1804) and the law of 30 April 1806.

The time frame on which this research focuses strongly depends on the context of the period and the availability of source material. Although the region was fully annexed by the end of 1795, this research only starts two years later when smuggling legislation was fully implemented and the first smuggling activities were documented. The bulk of this research, however, will focus on the period between 1800 and 1810. A judicial reform in 1800 saw the establishment of the *Tribunal de Première Instance*, whose correctional section was responsible for handling smuggling cases. From mid-1800 to the last months of 1810, the Antwerp court dealt with hundreds of infractions of smuggling laws and recorded these in sentence books.

¹⁰¹ Díaz, *Border contraband*, 6.

¹⁰² Ellis, *Napoleon's Continental Blockade*, 210.

The year 1810 forms a strict caesura in this research, not only because of the availability of the sentence books. In the spring of 1810, the territory of the Deux-Nèthes department was already enlarged with the western part of the present-day Dutch province of Noord-Brabant, which subsequently became known as the arrondissement of Breda. A couple of months later, in July, the Kingdom of Holland was dissolved and annexed by the French Empire.¹⁰³ That same year, the responsibility of handling smuggling infractions was transferred from the correctional courts to the newly established *Cour Prevôtale* in Valenciennes and *tribunaux ordinaires* in cities such as Antwerp, Groningen and Utrecht.

Although smuggling probably did not cease, as is testified by numerous studies on smuggling in other localities during the latter years of the Napoleonic era, abovementioned developments meant that the former border all but disappeared.¹⁰⁴ The Antwerp *tribunal ordinaire* had a jurisdiction which extended well into the eastern departments of newly annexed Holland. As custom officers were transferred northwards and jurisdictions reshuffled, the geographic scope of the sources changed dramatically, rendering it incompatible with the scope of this study – which focusses primarily on the Deux-Nèthes.¹⁰⁵ Rather than having ceased, smuggling was not only reoriented towards the outer regions of the continent but also repressed in different localities as part of a reorientation of authorities. Furthermore, the other pillar on which this research rests – the anti-fraud commission – was terminated in the beginning of 1811 after declaring itself obsolete after the establishment of the new custom courts. Finally, the Saint Cloud and Trianon decrees also saw the establishment of sanctioned smuggling in several French coastal communities and the creation of Napoleon's license system which provided the continent with alternative supplies of colonial goods.¹⁰⁶

Chapter outline

In the following chapters, a history of smugglers will unfold in which a variety of sources will be utilized on different levels to uncover the ways in which smugglers cooperated, organized and adapted themselves to circumvent repression. Because one of our approaches is this interaction

¹⁰³ For a detailed overview of the annexation of Holland, see Johan Joor, *De adelaar en het lam. Onrust, opruiing en onwilligheid in Nederland ten tijde van het Koninkrijk Holland en de inlijving bij het Franse Keizerrijk (1806 – 1813)* (Amsterdam 2000), 102 – 116.

¹⁰⁴ Bertrand, 'La contrebande'; Rowe, 'Economic warfare'.

¹⁰⁵ For these reasons, sources of the *cour prévôtale* and *tribunaux ordinaires*, held in the Valenciennes municipal archives, have not been used extensively in the present research and only have been used to clarify some developments in the latter years.

¹⁰⁶ Gavin Daly, 'Napoleon and the 'city of smugglers'', 1810 – 1814', *The historical journal* 50.2 (2007), 333 – 352; Aaslestad, 'Introduction', 7.

with authorities, chapter 2 will first track the mounting repression by looking at the institutional context of smuggling. It will do so by giving an outline of both conditions and constraints that affected circumstances in which smugglers operated. The following chapters will then primarily focus on the internal organization and practices of the contraband trade. In chapter 3, an analysis predominantly based on data from the sentence books will offer a reconstruction of the scope of smuggling. By analyzing the development of quantities, product range and prices of confiscated goods, this chapter will examine on a macro level if and how smugglers adapted to changes in repression. In chapter 4, those prosecuted in court will be analyzed on a meso level to come to a typology of smugglers. This, in turn, will give insight into the occupational embeddedness of smuggling. Chapter 5, then, will utilize the reports and analyses drawn up by the anti-fraud commission to take a closer look at the organization of the contraband trade and cooperation between smugglers. Through means of a supply chain analysis, it will do so by first outlining the different flows necessary in the logistical operationalization of smuggling. Then, a social network analysis will be applied to uncover the networks that constituted the contraband trade and the individuals that played a central role in them. Finally, to reveal risk management of both internal and external risks, chapter 6 will consist of a micro-analysis of the practice of smuggling based partially on letters written by smugglers. A close reading of the evidence collected by the commission will allow us to uncover patterns in the way smugglers executed the contraband trade and the way they mitigated risks of repression.

2

Mounting repression

A memo issued by the Antwerp Chamber of Commerce at the start of the Empire expressed the grievances the Antwerp mercantile community felt about trade restrictions in their port.¹⁰⁷ The twelve merchants that signed the document pleaded for free trade in the port of Antwerp in order to compete with the Dutch – their ‘natural rivals’.¹⁰⁸ To be allowed to supply the hinterland – the Rhenish and Swiss departments – would be, according to them, ‘the only way to profit from the reunion [with France]’.¹⁰⁹ They also complained that the Antwerp mercantile class had been falsely accused of taking part in the contraband trade, claiming it was unfair to blame all Antwerp merchants for the actions of some individuals. Moreover, they reasoned, as smuggling took place along the entire border, the city of Antwerp should not be held solely accountable. Sometime before, the Antwerp mercantile class had been indirectly accused by then Consul Napoleon when he visited the port city in July 1803. According to Batavian newspaper *Rotterdamsche courant*, Napoleon also had a ‘lengthy and serious’ meeting with the Antwerp Chamber of Commerce.¹¹⁰ During this meeting with prominent merchants, the Consul addressed the reputation of Antwerp as a center of contraband trade. He asked if there were any insurers among the audience, and what the current insurance rate for British ships were. The merchants, of course, answered these crimes were committed by ‘unknown houses, without credit or esteem’, after which Napoleon promised to eradicate smuggling by unmasking the culprits.¹¹¹

It is generally accepted that, after the turbulent years following the annexation, which culminated in the Peasant’s War of 1798, Belgium reached smooth waters during the Consulate

¹⁰⁷ Hilde Greefs, ‘Van formeel vrij tot tolvrij. De visies op de Scheldevaart en de positie van Antwerpen als havenstad binnen de schoot van de Antwerpse Kamer van Koophandel. 1795 – 1863’, *Tijdschrift voor geschiedenis* 123.4 (2010) 554 – 571, 558.

¹⁰⁸ ‘Rivaux naturels’, *Memoire sur le commerce d’Anvers* (Paris 1802), 14. As this memoire was directed to the Emperor, it has probably been dated incorrectly.

¹⁰⁹ ‘Le seul moyen de profiter de la reunion.’ *Mémoire*, 10.

¹¹⁰ ‘Zeer lang en vry ernstig’, *Rotterdamsche courant*, no. 96, 11 August 1803.

¹¹¹ ‘Onbekende huizen, zonder crediet of achting’, *Rotterdamsche courant*, no. 96, 11 August 1803.

and Empire.¹¹² Especially the elites have been assumed to cooperate with the French, as they embraced, for example, the rule of law the new regime offered.¹¹³ However, abovementioned example shows that tensions remained dormant between the central government and the mercantile elite as the latter were increasingly obstructed by trade restrictions. Furthermore, the merchants clearly felt victimized by the repression of others. As in other regions, ‘change was imposed from above and from outside’, which undeniably led to friction.¹¹⁴

Often described as authoritarian, the Napoleonic state developed an extensive system of repression. The use of Special Tribunals and the expansion of the gendarmerie to quell internal unrest and *brigandage* has led Howard Brown to characterize it as a ‘security state’.¹¹⁵ ‘The resulting form of rule’, Brown claims, ‘depended on a powerful, yet highly regulated police and judicial apparatus combined with clearly defined and thoroughly integrated exceptions to liberal constitutional norms in the form of martial law, expedited justice and political policing.’¹¹⁶ However, this system of repression was not deployed arbitrarily, but was exerted ‘within established judicial norms’, as Thierry Lentz has reminded us.¹¹⁷ While it was certainly no linear trajectory of increasingly sophisticated forms of repression as Brown has rightly shown, it is widely acknowledged that the Napoleonic regime gradually tightened.¹¹⁸ So, too, did the repression of smuggling.

The historian’s gaze is naturally focused on the most infamous of repressive measures, particularly in Holland and Northern Germany.¹¹⁹ The relentless crackdown of smuggling during the so-called ‘customs terror’ – undoubtedly the harshest episode in the repression of smuggling – has appealed to the imagination of historians.¹²⁰ Following the issue of the Fontainebleau

¹¹² Brecht Deseure and Emmanuel Berger, ‘Unity and fragmentation. Recent research trends on the ‘neuf départements réunis’, in: Ute Planert (ed.), *Napoleon’s Empire. European politics in global perspective* (Basingstoke 2016), 39 – 52, 40.

¹¹³ Michael Rapport, ‘The Napoleonic civil code. The Belgian case’, in: Michael Broers, Peter Hicks and Agustin Guimerá (eds.), *The Napoleonic Empire and the new European political culture* (Basingstoke 2012), 88 – 99, 97.

¹¹⁴ Michael Broers, ‘Introduction. Napoleon, his Empire, our Europe and the ‘New Napoleonic History’, in: Michael Broers, Peter Hicks and Agustin Guimerá (eds.), *The Napoleonic Empire and the new European political culture* (Basingstoke 2012), 1 – 17, 12.

¹¹⁵ Howard Brown, ‘From organic society to security state. The war on brigandage in France (1797 – 1802), *The journal of modern history* 69.4 (1997) 661 – 695; Howard Brown, *Ending the French Revolution, violence, justice and repression from the terror to Napoleon* (Charlottesville 2006).

¹¹⁶ Howard Brown, ‘The origins of the Napoleonic system of repression’, in: Michael Broers, Peter Hicks and Agustin Guimerá (eds.), *The Napoleonic empire and the new European political culture* (Basingstoke 2012), 38 – 48, 38.

¹¹⁷ Thierry Lentz, ‘Imperial France in 1808 and beyond’, in: Michael Broers, Peter Hicks and Agustin Guimerá (eds.), *The Napoleonic Empire and the new European political culture* (Basingstoke 2012), 24 – 37, 31.

¹¹⁸ Brown, ‘The origins’, 46; Lentz, ‘Imperial France’, 35.

¹¹⁹ Ellis, *Napoleon’s Continental Blockade*, 202 – 203; Joor, *De adelaar en het lam*, 423 – 427.

¹²⁰ Geoffrey Ellis, *The Napoleonic Empire* (London 1991), 105; François Crouzet, ‘Le système continental, antécédent de l’Union européenne (1806 – 1813), in: Bertrand Blancheton and Hubert Bonin (eds.), *La croissance en économie ouverte (XVIIIe – XXIe siècles). Hommages à Jean-Charles Asselain* (Brussels 2009) 69 – 86, 73.

decree on 18 October 1810, the number of customs officials was dramatically increased, specialized custom courts were established and confiscated goods were ordered to be burned publicly in ceremonial bonfires.¹²¹ But even before these harsh measures, there had been an incessant war on smuggling which was waged by custom officials, gendarmerie, government agencies and the courts.

This chapter aims to retrace the developments of these forms of repression. It will do so by analyzing repressive measures on four different levels in both the whole of France in general and in the Deux-Nèthes in particular. First, in order to trace the development of laws and penalties, the legislation concerning smuggling will be discussed. Then, the different government agencies that were charged with enforcing these laws will be examined. This section will primarily focus on the role and organization of the customs in repressing the contraband trade but will also look at the involvement of the gendarmerie and the military. If agents of these custom offices arrested smugglers, the latter had to be brought before court. The third section of this chapter therefore will analyze the organization and competence of the different courts that were charged with handling infractions of custom laws. Because of the supposed ineffectiveness of these courts, an extrajudicial agency was established: the Parisian anti-fraud commission. Its organization and activities will be discussed in the fourth section. Finally, we will zoom in on two sets of government actors, the prefects and mayors, who held an ambivalent position in repressing smuggling and sometimes could be considered as allies to smugglers.

Legislation

Before turning our attention to the corpus of custom laws itself, the context in which this legislation was established should first be discussed. The roots of most stringent custom legislation can be found in the conflict between Britain and France. With the exception of the short-lived Peace of Amiens (1802 – 1803), the two countries were continuously at war between 1793 and 1815. The French Revolutionary and Napoleonic wars were rooted, however, in a longstanding enmity between France and Britain. Both countries had frequently been at war since the end of the seventeenth century, leading some historians to see the French Revolutionary and Napoleonic wars as a continuation of this conflict, in what they call the ‘Second Hundred Years’ War’.¹²² These conflicts were rooted in mercantilism in which world trade was perceived as a zero-sum game: countries could only increase their trade at the expense

¹²¹ Aaslestad, *Introduction*, 7.

¹²² François Crouzet, ‘The second Hundred Years War. Some reflections’, *French history* 10.4 (1996) 432 – 450.

of others. Mercantilist policies served both to protect domestic markets and industries and hurt those of the competition. In an age dominated by these policies, economic warfare became a means to weaken the enemy's ability to pursue military action.¹²³ When war continued and greatly intensified during the 1790s, the belligerent countries once again resorted to economic measures. As such, the Continental Blockade and other protective measures during the French Revolutionary and Napoleonic wars can be seen as a mere continuation of seventeenth- and eighteenth-century mercantilist policies.

Already in 1793, the National Convention prohibited the import of British manufactured goods. More stringent prohibitions were introduced in 1796 when the law of 10 Brumaire of Year V (31 October 1796) was put into effect, which banned the import of all goods acquired by British trade.¹²⁴ After the failure of the Peace of Amiens (27 March 1802 – 18 May 1803), Britain proclaimed a blockade of the Elbe and Weser rivers in Northwestern Germany and extended this to all French ports – including Antwerp – in 1804.¹²⁵ Issued by Napoleon on 21 November 1806, the Berlin Decree heralded the establishment of the Continental Blockade. Although rooted in mercantilist tradition, the Blockade deviated somewhat from its eighteenth-century counterparts. Lacking the maritime power to impose a traditional blockade of British ports in the wake of the French naval defeat at Trafalgar, Napoleon resorted to a 'self-blockade' as Eli Heckscher aptly called it.¹²⁶ Its principal aim was to hurt British exports – and thereby indirectly emptying British war chests. Whereas Ancien Régime mercantilist economic policies were primarily designed to generate state revenue, the Continental Blockade intended to deny the British theirs. Therefore, all trade and traffic in British goods was prohibited, British vessels were barred from entering French ports and British subjects within the French Empire were criminalized and saw their belongings confiscated.

Meanwhile, Napoleon's subjection of continental powers during 1806 and 1807 effectively extended the Continental Blockade to Russia, Prussia and Norway-Denmark. The British, on their part, responded to the Berlin Decree with a series of Orders in Council in 1807 that primarily targeted neutral shipping. This in turn caused the French Empire to retaliate. Issued on 17 December 1807, the Milan Decree further restricted trade with Great Britain as neutral vessels that had visited British ports were barred from entering French ports.¹²⁷ In 1810, economic warfare between the two nations accelerated. The Saint Cloud and Trianon Decrees

¹²³ Lance Davis and Stanley Engerman, *Naval blockades in peace and war. An economic history since 1750* (Cambridge 2006), 1.

¹²⁴ Aaslestad, 'Introduction', 3.

¹²⁵ *Ibidem*.

¹²⁶ Eli Heckscher, *The continental system*, 162.

¹²⁷ Aaslestad, 'Introduction', 4.

(issued on 7 July and 5 August 1810) implemented a license system that authorized the import of certain colonial goods and export of manufactured products, which were subjected to high tariffs.¹²⁸ In order to quell smuggling, Napoleon annexed Holland and the Northwestern German coast. The Fontainebleau Decree of 18 October 1810 heralded the beginning of the infamous ‘customs terror’, during which the number of custom officers significantly increased and confiscated goods were ritually burned in numerous towns and cities.¹²⁹ Simultaneously, the legal system was altered, and independent customs courts were created.

According to Fatah-Black and Van Rossum, laws and regulations form an important source for research into the practice of smuggling.¹³⁰ They claimed that laws and their preambles reveal the smuggling practices against which they were designed. By assuming that smuggling existed *a priori*, and that legislation was merely implemented to curb it, Fatah-Black and Van Rossum neglect that legislation could also form an important prerequisite for smuggling. After all, it prescribed which goods were subjected to duties and which were prohibited to import or export. As Albanese has argued, one of the main categories of organized crime includes the provision of illegal goods ‘that a segment of the public desires but cannot obtain through legitimate channels’.¹³¹ By banning certain goods, French legislation not only criminalized existing trade but also created the conditions in which organized crime came to operate. As such, it could generate incentives to actually start smuggling. According to Marzagalli, both price differences caused by the creation of duties and the prohibition of certain products triggered smuggling.¹³² A steady demand of consumers motivated smugglers to keep supplying the market with contraband.¹³³ By prohibiting certain goods, an illicit market was created which soon was provisioned by illicit trade. In other words, the implementation of legislation not only created the conditions in which smugglers had to operate, but also provided additional economic incentives.

Therefore, it is important to give an overview of the major custom laws. Between 1793 and 1813 a huge body of custom legislation was implemented, of which the majority was already implemented before the Continental Blockade was instigated in November 1806. Jean Clinquart claimed that the Continental Blockade merely systemized these laws.¹³⁴ Because the whole body

¹²⁸ De Oliveira, *Les routes de l'argent*, 436 – 437.

¹²⁹ Aaslestad, ‘Introduction’, 6- 7.

¹³⁰ Fatah-Black and Van Rossum, ‘De Nederlandse smokkelhandel’, 10.

¹³¹ Albanese, *Organized crime*, 7.

¹³² Marzagalli, *Les boulevards de la fraude*, 207 – 208.

¹³³ The market and demand for certain contraband goods will be discussed in chapter 3.

¹³⁴ Jean Clinquart, *l'Administration des douanes en France sous le Consulat et l'Empire. 1800 - 1815* (Neuilly-sur-Seine 1979), 125.

of customs legislation is too extensive, this section will only discuss the major laws that prohibited the import or export of goods, which resulted in prosecution.

After the customs department had succeeded the abolished *Ferme Générale*, the law of 22 Aout 1791 established import and export tariffs, regularized custom declarations, entry and exit of goods and the conduct of custom officers such as the drawing up of *procès-verbaux*.¹³⁵ Although it did include a title on prohibited goods, no specific products were mentioned. This changed soon when the wars with Great Britain ensued in 1793. A month into the war English cargo found in neutral ships were declared 'bonne prise', falling under prize law.¹³⁶ The explicit prohibition of English commodities came three years later. By far the most important of customs laws, the law of 10 Brumaire of Year V (31 October 1796) explicitly banned the import of all manufactured goods that were of either English manufacture or commerce into the French Republic.¹³⁷ Clinquart has rightly described this law as the basic text on which all further legislation was based.¹³⁸ Article 5 sums up a list of goods that in all probability could be considered of English origin. Among the products listed were manufactured cotton textiles such as *piqués* and *basins*, hosiery, buttons, metal hardware, leather goods, ribbons, hats, gauze and shawls, glassware, pottery and refined sugar. Perhaps because France still had access to (most of) its colonies, tobacco and certain colonial goods such as coffee and spices were not mentioned explicitly. These items were subsequently prohibited in successive laws. Ten days later, the arrest of 20 Brumaire of Year V (10 November 1796) made it mandatory that products were given a seal that could prove its French origin.¹³⁹ The law of 22 Brumaire of Year VII (12 November 1798) first criminalized the import of processed tobacco from abroad, which was thus not necessarily British.¹⁴⁰

Although the Peace of Amiens (27 March 1802 – 18 May 1803) gave some respite to international trade, the import ban on English goods was only suspended, not uplifted.¹⁴¹ After the war resumed, import prohibitions were reinstated again and even expanded. The law of 22

¹³⁵ Law of 22 Aout 1791, 'Décret pour l'exécution du tarif des droits d'entrée et de sortie dans les relations du royaume avec l'étranger', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 3, 182 – 202.

¹³⁶ De Oliveira, *Les routes de l'argent*, 416.

¹³⁷ Law of 10 Brumaire of Year V, 'Loi qui prohibe l'importation et la vente des marchandises anglaises', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 434 – 437.

¹³⁸ Clinquart, *l'Administration des douanes*, 125.

¹³⁹ Arrest of 20 Brumaire of Year V, 'Arrêté du Directoire exécutif, portant qu'elles marchandises nationales seront distinguées des marchandises anglaises par un signe indicatif des fabriques', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 447 – 448.

¹⁴⁰ Article 2 of the law of 22 Brumaire an VII. 'Loi portant établissement d'une taxe sur le tabac', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 9, 45 – 47.

¹⁴¹ Clinquart, *l'Administration des douanes*, 37; De Oliveira, *Les routes de l'argent*, 416.

Ventôse of Year XII (14 March 1804), which was primarily aimed at colonial commodities, not only raised import duties considerably, but also explicitly prohibited all goods from English colonies and again confirmed the prohibition of English manufactures.¹⁴² Finally, the law of 30 April 1806 banned the import of ‘muslin, white and painted cotton canvas, thread and cotton canvas, cotton blankets, and spun cotton for wicks.’¹⁴³ By not explicitly mentioning the British origin of these goods, this ban apparently applied to all foreign imports – including those from the European continent.

Export bans were somewhat less common. In times of want, foodstuffs could be prohibited from leaving the country. Similarly, products needed for the war effort were sometimes subjected to export bans.¹⁴⁴ The aforementioned law of 22 Ventôse of Year XII (14 March 1804), for example, banned the export of butter, tanned leather, wood and tar.¹⁴⁵ These prohibitions did not lead to smuggling operations on a grand scale, except for grain and bullion. Grain exports were prohibited to all countries at war with France and was extended to other countries in periods when famine threatened.¹⁴⁶ To prevent the illegal export of grain, the law of 26 Ventôse of Year V (16 March 1797) prohibited the transport of grains and flour within a distance of five kilometers of the border or within two and a half kilometers from the coast.¹⁴⁷ Two decrees issued in 1804 allowed for the export of grain to Holland and Germany.¹⁴⁸ In June 1810, the export ban was reintroduced again.¹⁴⁹ In line with mercantilist policy and to prevent the British war chests from bolstering, the export of bullion was prohibited for most of the French Revolutionary and Napoleonic period. Having been banned for ten years the export of bullion was re-authorized in June 1802, only to be prohibited again in March 1803.¹⁵⁰

¹⁴² Law of 22 Ventôse of Year XII, ‘Loi relative aux douanes’, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 12, 330 – 331.

¹⁴³ ‘L’importation des mousselines, des toiles de coton blanches et peintes, des toiles de fil et coton, des couvertures de coton, et des cotons filés pour mèches, est prohibée’, Article 26 of the Law of 30 Avril 1806, ‘Loi sur les douanes’, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 13, 339 – 352.

¹⁴⁴ Clinquart, *l’Administration des douanes*, 13.

¹⁴⁵ Tanned leather, tar and wood could be exported with some geographical exceptions. See Article 13 of the law of 22 Ventôse of Year XII. *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 12, 330 – 331.

¹⁴⁶ Roger Dufraisse, ‘Politique douanière française, blocus et système continental en Allemagne’, *Revue du souvenir Napoléonien* 389 (1993), 5 – 24.

¹⁴⁷ Article 2 of the law of 26 Ventôse of Year V, ‘Loi qui prononce des peines contre l’exportation des grains ou farines’, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 550 – 551.

¹⁴⁸ Decree of 25 Prairial of Year VII (14 June 1804) and the Decree of 13 Brumaire of Year XIII (4 November 1804). See Clinquart, *l’Administration des douanes*, 48.

¹⁴⁹ Dufraisse, ‘politiques douanière française’, 2.

¹⁵⁰ Clinquart, *l’Administration des douanes*, 39.

It might be expected that the trade bans on this wide range of products opened up possibilities for smugglers. Many of the products that were banned depended on imports. Colonial products in particular could not be produced domestically and therefore had to be imported. There clearly was a domestic market for both textiles and colonial commodities, as is testified by import figures compiled by Karel Veraghtert. Between 1799 and 1803, the port of Antwerp recorded large quantities of sugar, coffee, spices, tobacco and textiles being imported.¹⁵¹ Although these imports were legal, it shows that these goods were popular among consumers creating a demand that could be substituted by illicit trade in case of trade bans. As will be shown in the next chapter, these were exactly the products that were being smuggled. Because the law of 10 Brumaire of Year V was mostly aimed at British manufactures and legal import of colonial commodities was still possible through neutral trade, smuggling during the early years consisted mostly of textiles. During the later years when legal import of colonial goods became increasingly hard, smugglers switched to these. Furthermore, as these illicit imports had to be paid for, it is likely to see the illegal export of bullion.

In an attempt to curb smuggling, punishments became gradually more severe.¹⁵² The law of 10 Brumaire of Year V (31 October 1796) stipulated that smugglers were to be condemned to a fine worth three times the value of the goods confiscated and an imprisonment of between five days and three months. Furthermore, the means of transport used during the confiscation would be forfeited as well. According of the law of 15 August 1793, confiscated goods would be publicly sold after which the proceeds would go to the confiscators and those that had assisted the arrest. Article 16 of the law of 10 Brumaire of Year V (31 October 1796) further stipulated that a sixth of the proceeds would go to local authorities and central government. Prison sentences for condemned smugglers were extended in 1804. The law of 22 Ventôse of Year XII (14 March 1804) stipulated that first-time offenders were condemned to an imprisonment of six months. Repeat offenders would face a prison term of a year.¹⁵³ The punishment for illegally exporting grains was less severe. The law of 26 Ventôse of Year V (16 March 1797) stipulated that smugglers were to be condemned to a fine of ten francs per 50 kilograms of grains and twelve francs per 50 grams of flour.¹⁵⁴

¹⁵¹ Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 10.

¹⁵² De Oliveira, *Les routes de l'argent*, 422 - 423.

¹⁵³ Article 26 of the law of 22 Ventôse of Year XII. *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 12, 330 - 331.

¹⁵⁴ Article 6 of the law of 26 Ventôse of Year V, 'Loi qui prononce des peines contre l'exportation des grains ou farines', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 550 - 551.

In February 1801, special courts were established to suppress armed robber bands that mostly roamed the countryside between Seine and Rhine.¹⁵⁵ These special courts – called *Cours de justice criminelle spéciales* from Year XII (1803 – 1804) onwards – quickly came to be used to suppress smuggling as well. Smuggling in armed bands became increasingly criminalized. The arrest of 16 Frimaire of Year XI (17 December 1802) ruled that every smuggler who resisted arrest, wounded or killed a soldier or customs officer, or carried a weapon was considered to be part of a ‘rassemblement armé.’¹⁵⁶ This was affirmed by the law of 13 Floréal of Year XI (3 March 1803) which further stipulated that smuggling was considered to be in armed bands when a group consisted of three or more smugglers of whom at least one carried a weapon, such as rifles, pistols and other firearms, sabers, swords, daggers, clubs and all other sharp, piercing or blunt weapons. Canes and farm knives were not considered to be weapons as they were used in ordinary life.¹⁵⁷ Smuggling in armed bands could be punishable by death.¹⁵⁸

The custom reforms of 1810 imposed even more severe punishments. While the penalty for simple traffickers remained six months of imprisonment, the reforms were primarily directed at punishing merchants more effectively. Offenders and accomplices of carrying out an ‘entreprise de contrebande’, and the import or export of prohibited goods, were punished according to Article 15 of the Imperial decree of 18 October 1810. This article stipulated that ‘les entrepreneurs de fraude en marchandises et denrées prohibées, les assureurs, les intéressés et les complices dans lesdites entreprises, les chefs de bande, directeurs et conducteurs de réunions de fraudeurs en marchandises prohibées’ were penalized with ten years of forced labor, branding of the letters V.D. (‘voleur des douanes’), and possible fines.¹⁵⁹

As prohibitions were extended to include ever more products and punitive measures became harsher, the repression of smuggling became generally more severe – at least on paper.¹⁶⁰ Whether or not these restrictions were effective in quelling smuggling depended largely on both law enforcement and the capability of the courts.

¹⁵⁵ Rousseaux, ‘Espaces de désordres’.

¹⁵⁶ Arrest of 16 Frimaire of Year IX, ‘Arrêté contenant des mesures pour la répression des contrebandiers, et un mode de répartition du produit des saisies sur eux faites’, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 11, 332 – 334.

¹⁵⁷ Law of 13 Floréal of Year XI, ‘Loi relative au jugement des contrebandiers’, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 12, 104 – 105.

¹⁵⁸ Clinquart, *l’Administration des douanes*, 54.

¹⁵⁹ Article 15 of the Imperial Decree of 18 October 1810, ‘Décret portant création de tribunaux chargés de la répression de la fraude ou contrebande en matière de douanes, et contenant diverses dispositions relatives aux saisies et à l’emploi des marchandises de contrebande’, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 15, 186 – 189.

¹⁶⁰ De Oliveira, *Les routes de l’argent*, 415.



Image 2. Dutch cartoon about French custom officers after the fall of Napoleon, 1813 Source: Anoniem [J. Smies?], *Spotprent op de Franse douane na de val van Napoleon* (1813). Dordrecht, Huis Van Gijn (Atlas Van Gijn).

Law enforcement

Officially, all government agencies were sanctioned to enforce the law of 10 Brumaire of Year V (31 October 1796) and subsequent laws.¹⁶¹ Therefore, not only the customs department was involved, but also, in varying degrees, the military, gendarmes, police and employees of the *droits réunis*. This led to a mishmash of often competing agencies that sometimes worked together but more often than not operated independently of each other. The *Régie des droits réunis*, however, only played a role in confiscations that its employees made during their duties but was not actively involved in combatting the contraband trade.

¹⁶¹ Article 17 of the law of 10 Brumaire of Year V. 'Loi qui prohibe l'importation et la vente des marchandises anglaises', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 434 - 437.

The customs department was the first and foremost government agency assigned to combat smuggling. Founded in 1791 to replace the *Ferme générale*, the *Régie nationale des douanes* was charged with supervising the entry of goods and collecting customs duties. While the *Régie* was first headed by a board of directors, a reorganization in 1801 shifted all power to *conseiller d'État* Jean-Baptiste Collin de Sussy who was named *directeur générale* of the newly reformed *Direction générale des douanes*.¹⁶² The new director general was responsible for the whole of France and stood under direct command of the Minister of Finance, with whom he cooperated exclusively. Working meticulously, Collin reorganized the customs into a well-oiled machine, receiving intel on smuggling activities that his different *directeurs* gathered on a regular basis.

These directors managed the regional *directions*. Vivent Magnien counted a total of 28 *directions* in 1807.¹⁶³ In the new departments, the position of *directeur* was usually entrusted to young employees, picked from inspectors who were known to cope with difficult situations.¹⁶⁴ These directions were subdivided into *principalités* which were subsequently divided into local *bureaux*. Clad in their famous green uniforms, the *préposés* (custom officers) made up the bulk of the work force of these bureaux and were grouped into *brigades*. According to Clinquart there was but few cooperation between different brigades – especially among brigades from different *directions*. This made regions where two *directions* bordered particularly vulnerable to smuggling.¹⁶⁵ While the job was nominally open to new French civilians such as Belgians or Rhinelanders, in practice most *préposés* were French former soldiers. This was not only caused by conscription laws that barred men that reached military age from entering public office, but also because the agency preferred them. The dangers of the job required trained and disciplined men. Furthermore, as former soldiers they had usually severed ties with kin and did not have wives or children. Thus, they served well for distant service.¹⁶⁶

Even though the men were selected for their discipline, the customs department was fairly unstable at ground level. Custom officers were susceptible to desertion, either to take up a position in other law enforcement agencies such as the coast guard or to leave the service entirely. Often, they were hastily recruited and poorly supervised.¹⁶⁷ Badly paid, it is claimed these custom officers were prone to give in to corruption.¹⁶⁸ *Préposés* would often be solicited

¹⁶² Clinquart, *l'Administration des douanes*, 68.

¹⁶³ Vivent Magnien, *Dictionnaire*, 347 – 392.

¹⁶⁴ Clinquart, *l'Administration des douanes*, 175.

¹⁶⁵ *Ibidem*, 84.

¹⁶⁶ *Ibidem*, 184.

¹⁶⁷ *Ibidem*, 192.

¹⁶⁸ Sylvie Humbert-Convain, *La juge de paix et la répression des infractions douanières en Flandre et en Hollande (1794 – 1815). Contribution à l'histoire du système continental Napoléonien* (Rotterdam 1993), 129 ; Marzagalli, *Les boulevards de la fraude*, 210.

by smugglers and frequently succumbed to the temptation.¹⁶⁹ Personnel policy became increasingly strict and militarized towards the end of the era. Custom officers were, for example, not allowed to hunt, because it might lead to brawls. They also were not allowed to buy arms from deserters, or work on the side.¹⁷⁰ Especially in the northern departments on the Rhine and North Sea, a military discipline was developed.¹⁷¹

Custom laws only applied in the *Rayon Douanier*, not in the entire French territory (see map 1).¹⁷² This *rayon* was a zone that spanned both external borders and the coast in which the *douane* operated. The law of 22 August 1791 established the *rayon* which was situated about two *lieues* (approximately 10 kilometers) from the border. To allow the customs to operate more efficiently, the *rayon* was later expanded by the law of 8 Floréal of Year XI (28 April 1803) to four *lieues* (approximately 20 kilometers) from the border.

After the annexation of the *départements réunis*, custom bureaux and brigades were transferred to the new external borders with the Batavian Republic. Although the directorate was nominally based in Brussels, it was moved to Antwerp because of ongoing smuggling activities in the Deux-Nèthes department. According to Humbert-Convain, the customs district of Brussels employed 154 bureau agents and another 442 brigade officers in the field. The total amount of custom officers numbered up to 2,000 in Year IV (1795-1796). Most of them had been transferred from the former French-Austrian border and came from Lille and Valenciennes.¹⁷³ Later, 'Belgian' custom officers were included in the ranks, leading to sizable minority of about twenty per cent of the workforce. According to Clinquart, the early annexation of the *départements réunis* and the many of its inhabitants being francophone had promoted this assimilation.¹⁷⁴

¹⁶⁹ De Oliveira, *Les routes de l'argent*, 420.

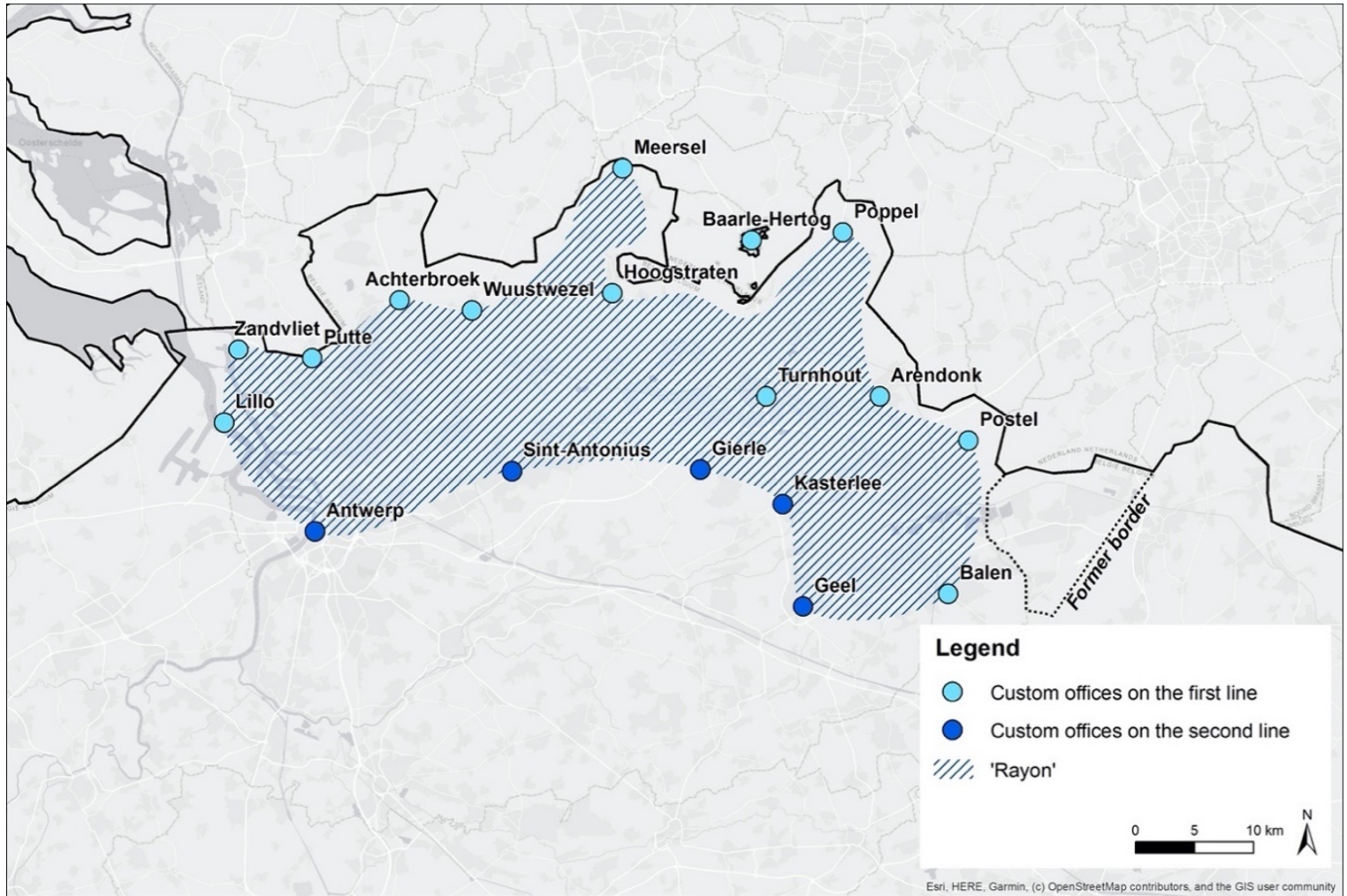
¹⁷⁰ Clinquart, *l'Administration des douanes*, 19.

¹⁷¹ *Ibidem*, 193.

¹⁷² Humbert-Convain, *La juge de paix*, 132.

¹⁷³ *Ibidem*, 117.

¹⁷⁴ Clinquart, *l'Administration des douanes*, 185.



Map 1. Custom offices and the Rayon in the Department of the Deux-Nèthes, 1807. Source: Magnien, *Dictionnaire*, 347 – 392. Credits: Iason Jongepier, *GIStorical Antwerp* (UAntwerp/Hercules Foundation).

The *direction* of Antwerp had an extensive workforce, of which only the administrative staff is known.¹⁷⁵ The Antwerp *bureau principal* had the command of sixteen subordinate *bureaux*. Like other border *directions*, the Antwerp one had a large turnover of *directeurs*. Former director Claude Augustin Gruyer was replaced in 1803 by Charles-Auguste Blutel. In 1807, Jean-Baptiste Henry Collin de Sussy, son of the *directeur général*, was appointed. In turn, he was replaced by

¹⁷⁵ The *directeur* was assisted by a *inspecteur principal*, a *inspecteur sédentaire*, two *sous-inspecteurs*, two *commis*, three *contrôleurs de brigade* (stationed in Antwerp, Turnhout and Gierle), one *receveur principal*, one *commis principal de navigation*, two *contrôleurs aux entrepôts*, five *receveurs aux déclarations*, ten *visiteurs*, three *aide-visiteurs*, nine *commis aux expéditions* and two *commis de la recette*. See Félix Ponteil, 'La contrebande sur le Rhin au temps du premier Empire', *Revue historique* 175.2 (1935) 257 – 286; 264 – 265.

Raymond Doazan in 1809.¹⁷⁶ Because solid figures are lacking, it is unfortunately impossible to track the evolution of the number of custom employees in the Deux-Nèthes. Clinquart counted 20,462 custom officers distributed over 2,283 *bureaux* in 1806. Three years later, this had increased to 24,337 employees in 2,682 offices.¹⁷⁷ If we assume these employees were distributed evenly across the Empire, in the most cautious estimate, then, the sixteen offices of the Antwerp direction employed some 150 officers during these years. Of course, the prevalence of smuggling in the region might have required a larger number of custom officers than a *direction* on, for example, the French Atlantic seaboard. Although the actual number of custom officials therefore was likely higher, one has to wonder whether it was sufficient as one of the major problems the customs was faced with was understaffing according to Marzagalli.¹⁷⁸

It remains unknown if these custom officers were distributed evenly throughout the department, but it might be expected that the main force was stationed along the borders most prone to smuggling. The outer line of the *Rayon Douanier* in the Deux-Nèthes consisted of custom offices in Lillo, Zandvliet, Putte, Achterbroek, Wuustwezel, Meersel, Hoogstraten, Baarle-Hertog, Poppel, Turnhout, Arendonk, Postel and Balen (see map 1). The second line consisted of five offices that were situated in Antwerp, Sint-Antonius, Gierle, Kasterlee and Geel.¹⁷⁹ The Putte office – on the main road between Antwerp and Bergen-op-Zoom – was the only one situated on the actual border. The custom officers stationed at this office halted traffic and inspected travelers. The other offices were situated more inland in the Campine region and served more as operating bases from which patrols were organized. Between the custom lines, in the so-called *rayon*, custom officers patrolled regularly. These patrols were executed by both the customs cavalry and brigades afoot.¹⁸⁰ The brigades of Lillo and Antwerp had ships to their disposal, which were used to patrol the Scheldt river.

In advance of our analysis of confiscations in the next chapter, we can already shine a light on the achievements of these brigades. As the compiler of the confiscation report was always mentioned in court, the custom brigades or other government agencies that executed the confiscations are known. Graph 1 shows the number of confiscations done by the 25 most successful custom brigades in the Antwerp Arrondissement, which only covered half of the border region of the Deux-Nèthes. Since these brigades do not entirely match with the offices

¹⁷⁶ Clinquart, *l'Administration des douanes*, 175.

¹⁷⁷ *Ibidem*, 151.

¹⁷⁸ Marzagalli, *Les boulevards de la fraude*, 209.

¹⁷⁹ Magnien, *Dictionnaire*, 347 – 392.

¹⁸⁰ Of course, custom officers had a range of tasks, including passport control at the border, clearing of goods and checking mail. For our purpose, however, the patrols are more important as they directly influenced smugglers. See for these tasks: Clinquart, *l'Administration des douanes*, 190 – 191.

as listed by Magnien (see map 1), it appears that there were either extra brigades stationed in the region or the offices were relocated a couple times during the decade. At first sight, the brigade of Antwerp and the custom offices stationed at its city gates appear to have had a gigantic share in the confiscations. There is a slight bias, however. Of the total confiscations done, barely 23 per cent was done by an Antwerp customs brigade. This includes 73 confiscations on ships and other vessels sailing down the Scheldt river, which could only be encountered by the brigades in Antwerp and Lillo. Given the widespread use of smuggling afoot, as we will see in chapter 4, Antwerp probably played a less central role than depicted here. Indeed, when confiscations are combined, offices in small towns and villages such as Achterbroek, Putte, Wuustwezel, Zoersel and Loenhout performed better than Antwerp.

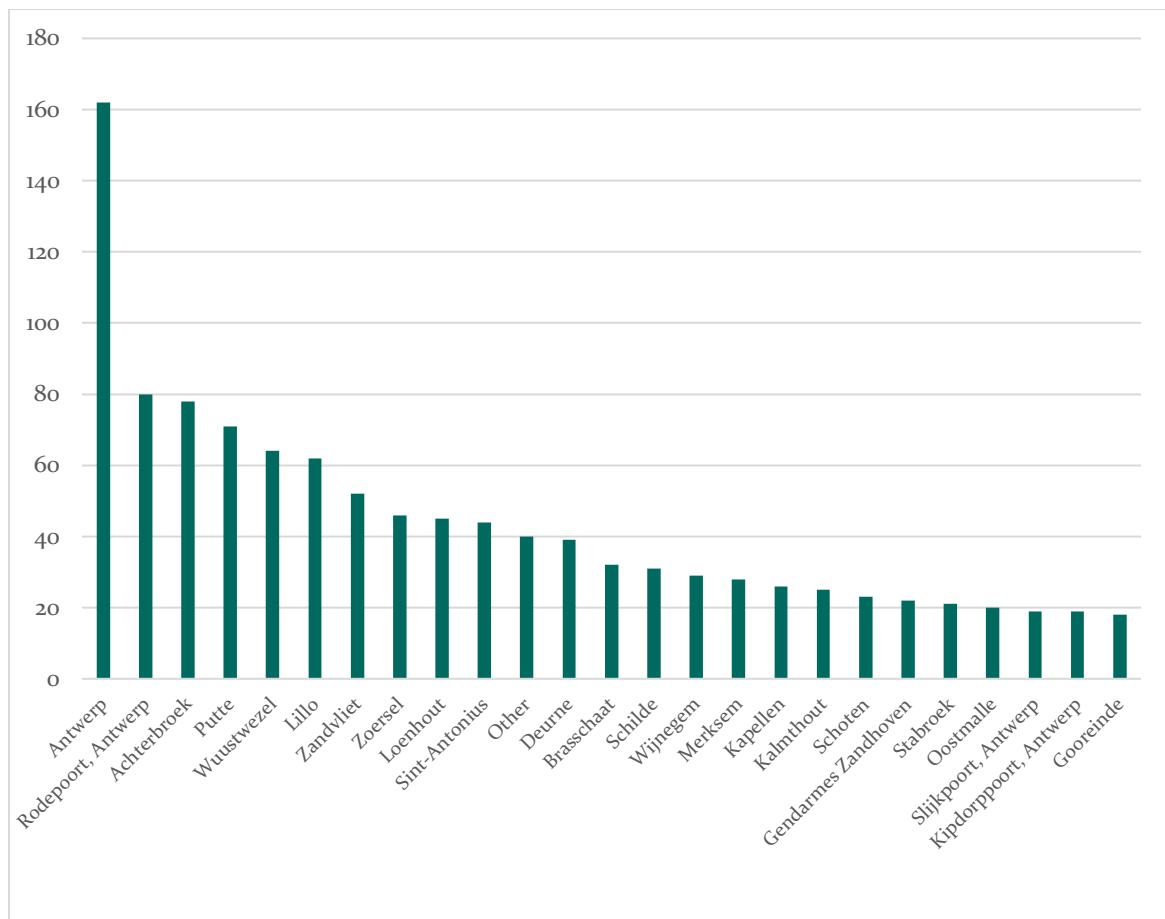
After the establishment of the Continental Blockade, the repressive measures became ever more severe and the range of duties of custom officers increased accordingly. Neutral ships had to be boarded and searched and, increasingly, raids into West Brabant or Zeeland were organized.¹⁸¹ Nevertheless, the customs were at times unequipped to carry out the increasingly numerous and extensive repressive measures. To remedy this, auxiliary forces were called in.

The annexation of Piedmont in 1802 considerably enlarged the French territory and necessitated reinforcements for the customs department. Meanwhile, the contraband trade picked up pace. Being in short supply of abled men to complement the ranks, the government turned to the army for help. Calling in the armed forces was a tried and tested method that already had been used in the fight against Louis Mandrin in the eighteenth century and again during the early days of the Revolution. With the decree of 16 Frimaire of Year XI (7 December 1802), the government created a permanent force of six divisions – both cavalry and infantry – stationed in the border region between Lake Geneva and the Scheldt river. Whenever needed to fight smuggling, detachments could be sent to the region concerned.¹⁸² These detachments or companies consisted of 40 cavalry or 50 infantry units, subdivided in squadrons of four men and one officer. They received their orders directly from customs directors or inspectors and were supposed to work in close cooperation with the custom officers. Soldiers could even claim their share of confiscations. The Deux-Nèthes were assigned a company of 100 infantry and 20 horsemen to be detached in the Campine region.¹⁸³

¹⁸¹ Paul Verhaegen, *La Belgique sous la domination française. 1792 – 1814. Tome IV. l'Empire* (Brussels 1929), 337.

¹⁸² Clinquart, *l'Administration des douanes*, 62 – 63.

¹⁸³ Article 2 of the Arrest of 16 Frimaire of Year IX, *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 11, 332.



Graph 1. Number of Confiscations per Custom Brigade or other Government Agency (top 25), Antwerp Arrondissement, 1800 – 1810 (N = 1096). Source: State Archives Antwerp (henceforth RAA), *Archief van de rechtbank van eerste aanleg van Antwerpen. Correctionele rechtbank, 1795 – 1958* (henceforth EA), 106 – 120.

In reality, it never became a happy marriage. The desired results were not achieved and sometimes soldiers started to smuggle themselves. Furthermore, the presence of the military in the border regions led to friction between customs, prefects and military. Already in April 1802, Charles Joseph Fortuné d'Herbouville, prefect of the Deux-Nèthes had protested against the stationing of one of the divisions in his department. Perhaps hinting at the Peasant's war of 1798, the prefect claimed that his population was currently well-humored and that the quartering of troops might upset this precarious balance.¹⁸⁴

Half a year later, and even before the official decree was signed, the *général commandant* of the 24th division complained that Blutel, the head of the Antwerp customs *direction*, had positioned them outside of the *rayon*, rendering their use utterly pointless. Asked why he had done this, the director explained that he found the army inefficient, pointing towards the

¹⁸⁴ Clinquart, *l'Administration des douanes*, 63.

difference in revenue of confiscations both agencies had yielded. Whereas a battalion of the 76th division, which had been stationed in the Campine region for a couple of months earlier that year, had only confiscated 4,380F worth of contraband, his own employees had confiscated a staggering 75,000F. As insurance rates of contraband were rising, a clear indication of the success of his direction's efforts, Blutel saw no need for any help from the outside.¹⁸⁵

In addition to the customs department, the gendarmerie also became gradually more involved in confiscating contraband. Independent from other government agencies such as the Ministry of Police, the gendarmerie fell under the authority of the Inspector General of the Gendarmerie in Paris.¹⁸⁶ Although primarily deployed to eradicate banditism, the gendarmerie was also used to inspect travelers, to monitor inns and patrol border regions.¹⁸⁷ Moreover, gendarmes protected tax convoys and ammunition trains and played a major role in the conscription process. They helped subprefects with the ballots, escorted conscripts to their muster point and pursued deserters.¹⁸⁸ Furthermore, the gendarmerie was charged with suppressing smuggling.¹⁸⁹ Like *douaniers*, gendarmes were, by rule, former soldiers. The gendarmerie in the *départements réunis* was installed in 1796 and consisted of 200 brigades.¹⁹⁰ These brigades consisted of six men who patrolled either on horseback or on foot. In the *départements réunis* two of these were locals, who often acted as translators.¹⁹¹ In 1809, 120 gendarmes were stationed in the Deux-Nèthes divided over 20 brigades.¹⁹² These brigades were mostly posted outside of the custom lines in the Antwerp hinterland – primarily Zandhoven – and cities such as Lier and Malines. When employees of these agencies confiscated goods from smugglers or managed to make an arrest, the case was passed on to the judiciary.

Prosecuting smugglers

A multitude of courts were competent of handling smuggling offenses, depending on the severity of the offense and the punishment that the respective law required. As smuggling of

¹⁸⁵ Ibidem, 64 – 65.

¹⁸⁶ Gavin Daly, 'Little emperors? Investigating prefectural rule in the departments, in: Phillip Dwyer and Alan Forrest (eds.), *Napoleon and his empire. Europe, 1804 - 1814* (New York 2007), 44 – 60, 48.

¹⁸⁷ Ledent, *Vouleurs ou révoltés?*, 36. For their role in eradicating brigandage see: Aurélien Lignereux, *Servir Napoléon. Policiers et gendarmes dans les départements annexés (1796 – 1814)* (Seyssel 2012), 236 – 250.

¹⁸⁸ Clive Emsley, *Gendarmes and the state in nineteenth-century Europe* (Oxford 1999), 69 – 70.

¹⁸⁹ Emsley, *Gendarmes*, 69.

¹⁹⁰ Lignereux, *Servir Napoléon*, 27; Rousseaux, 'Espaces de désordres' 153.

¹⁹¹ Michael Broers, 'The Napoleonic gendarmerie. The state on the periphery made real', *Crime, histoire et sociétés/Crime, history and societies* 20.1 (2016) 91 – 105, 96.

¹⁹² *Almanach d'Anvers et du département des Deux-Nèthes pour l'an 1809* (Antwerp 1809), 99 – 100.

prohibited goods fell under criminal law, the correctional and criminal courts were responsible for dealing with these cases. When an infraction of abovementioned laws was observed by law enforcement agents, a report (*procès-verbal*) was made of the confiscation and sent to a justice of the peace (*juge de paix*). The latter then transferred the case to the *magistrat de sûreté*, who was responsible for the criminal investigation. The *directeur du jury d'accusation* was responsible for the indictment or discharge of the case.¹⁹³ Based on the penalty dictated by the law, the case was then either sent to the correctional court or the criminal court.

Founded in 1795 as the *Tribunal de Police Correctionnelle*, the correctional court handled offenses that were punishable with a prison sentence of up to two years. This court therefore not only dealt with theft, scams, vagrancy and violent offenses, but also smuggling.¹⁹⁴ As the violation of the law of 10 Brumaire of Year V (31 October 1796) required a punishment of up to six months of imprisonment, by far most smuggling offenses were brought before the correctional court. In 1800, the *Tribunal de Police Correctionnelle* was replaced by the *Tribunal de Première Instance* that handled both civil as criminal cases, of which the correctional court now formed a part.¹⁹⁵ Each department had at least three of these courts that were situated in each *arrondissement*. In the Deux-Nèthes, thus, a correctional court was located in Antwerp, Turnhout and Malines. It goes without saying that the former two – located in the *arrondissements* bordering Holland – handled most smuggling cases. In the next chapter, we will analyze this court and its role in suppressing smuggling more closely.

More serious crimes were handled by the *Tribunal Criminel*, of which one was established in each department. Renamed the *Cour de Justice Criminelle* in 1804, it dealt with aggravated theft, homicide, rape, rebellion, forgery and embezzlement.¹⁹⁶ Furthermore, it served as a court of appeals of verdicts passed by the correctional court. In 1801, the *Tribunal Criminel Spéciale* – designed to prosecute banditism – was incorporated into the criminal court. With regards to smuggling, this court primarily dealt with offenses that violated the law of 13 Floréal of Year XI (3 March 1803). It tried smuggling in armed bands, armed resistance of smugglers and complicity of government officials. With regard to smuggling cases, the criminal court of the Deux-Nèthes, which had its seat in Antwerp, was mostly used as a court of appeal.

¹⁹³ Xavier Rousseaux, 'Une architecture pour la justice. Organisation judiciaire et procédure pénale (1789 – 1815)', in: Xavier Rousseaux, Mary-Sylvie Dupon-Bouchat and Claude Vael (eds.), *Révolutions et justice pénale en Europe. Modèles Français et traditions nationales. 1780 – 1830* (Paris 1999), 37 – 58, 55.

¹⁹⁴ Berger, *La justice pénale*, 79 – 123.

¹⁹⁵ Karel Velle and Paul Drossens, 'De rechterlijke macht', in: Patricia Van den Eeckhout and Guy Vanthemsche (eds.), *Bronnen voor de studie van het hedendaagse België, 19^e-21^e eeuw. Derde herziene en uitgebreide uitgave* (Brussels 2017), 619 – 649, 622 – 623.

¹⁹⁶ Allen Robert, *Les tribunaux criminels sous la Révolution et l'Empire. 1792 – 1811* (Rennes 2005), 9 – 21.

The inability of both these courts to effectively prosecute smuggling has been discussed at length. According to Marzagalli, the tribunals of first instance showed too much leniency towards smugglers.¹⁹⁷ Michael Rowe argued that public support for smuggling was reflected by an ‘inclination of native judges and juries to either acquit or else show leniency to defendants.’¹⁹⁸ De Oliveira, too, has emphasized the reluctance of judges in the annexed regions to effectively prosecute smugglers.¹⁹⁹ This leniency has mostly been explained by the unwillingness of native jurists and magistrates to prosecute their local population. In the *départements réunis*, however, the old Belgian magistracy was completely replaced after the annexation in 1795.²⁰⁰ The new regime relied heavily on jurists who were committed to the new regime.²⁰¹ Even though preference was being given to a younger generation of jurists thoroughly trained in the new legal order, the Napoleonic regime in time also relied on jurists with Ancien Régime experience. Rapport claims that this ‘amalgam’ of both new and old jurists were loyal to the new order.²⁰² Whereas judges in most of the *départements réunis* were predominantly locals, courts in the Flemish departments kept relying partly on French judges.²⁰³ As we will see in chapter 4, however, this might have resulted in fairly high conviction rates of the Antwerp correctional court.

In order to more effectively prosecute smuggling offenses, a series of special courts were established in October 1810, roughly coinciding with the annexation of Holland and North-western Germany. These *Tribunaux Ordinaires* and *Cours Prévôtales* operated independently from the normal legal system and were aimed at more effectively convicting the main beneficiaries of smuggling.²⁰⁴ While the former more or less took over the responsibilities of the correctional courts, the latter functioned as courts of appeal. The jurisdiction of these courts, however, was much larger than that of their predecessors. Eight *Tribunaux Ordinaires* – ranging geographically from Rouen to Groningen and Wesel – fell under the *Cour Prévôtale* of Valenciennes. The individual jurisdictions of the *tribunaux* were quite large too. The tribunal of Antwerp, for example, not only dealt with smuggling offenses in the Deux-Nèthes but ranged as far east as Nijmegen in the Yssel-Supérieur.

¹⁹⁷ Marzagalli, *Les boulevards de la fraude*, 217.

¹⁹⁸ Rowe, ‘Economic warfare’, 192.

¹⁹⁹ De Oliveira, *Les routes de l’argent*, 421.

²⁰⁰ Deseure and Berger, ‘Unity and fragmentation’, 43.

²⁰¹ Jacques Logie, *Les magistrats des cours et des tribunaux en Belgique. 1794 – 1814. Essai d’approche politique et sociale* (Geneva 1998), 451 – 452.

²⁰² Rapport, ‘The Napoleonic civil code’, 90.

²⁰³ Logie, *Les magistrats*, 461.

²⁰⁴ Jean Clinquant, ‘Juridictions d’exception en matière douanière sous le premier Empire. Cours prévôtales et tribunaux ordinaires des douanes. 1810 – 1814’, *Études & documents VI* (1994) 207 – 307; De Oliveira, *Les routes de l’argent*, 422.

It is widely agreed that, certainly before the establishment of these special custom courts, their correctional and criminal predecessors were ineffective in catching the bigger fish – merchants, financiers and insurers.²⁰⁵ To that end, other repressive and sometimes extrajudicial measures were implemented by the Ministry of Police.

Extrajudicial measures: the anti-fraud commission

Wanting more control and over his agencies and intel about smuggling activities, Napoleon turned to the Council of State and, later, the Ministry of Police for help. Not only did his trusted minister Joseph Fouché keep the Emperor informed about smuggling activities through his daily police bulletins, he also sent several *conseillers d'État* to the northern departments to obtain political, military and administrative intelligence.²⁰⁶ A great deal of their attention was devoted to smuggling. One of the best-known and influential missions was carried out by *conseiller d'État* André-François Miot de Mérito in 1805.²⁰⁷ Sent to the *départements réunis* to report to Fouché about the high prices of grain, draft evasion and especially the contraband trade that infested the region, he wrote a lengthy report in which he analyzed the causes of smuggling, measures already taken and their effects. He also recommended new measures to be taken. Miot had a low opinion of customs officers which he accused of often being corrupt. He lamented the profit sharing of confiscations which was, according to him, counterproductive in fighting the contraband trade. He also claimed that numerous *douaniers* had very cordial relations with smugglers. Miot advised to go after the 'big fish', the merchants that stimulated the contraband trade. In this, he saw an important task for the police. He instigated numerous investigations into merchants suspected of having part in the contraband trade from whom he confiscated book keepings, registers and correspondence. Their role in conducting smuggling was proven beyond a doubt according to Miot, but he lacked the physical evidence on which the law was based: confiscated goods. With these efforts, Miot laid the foundations of the anti-fraud commission.

²⁰⁵ Marzagalli, *Les boulevards de la fraude*, 209.

²⁰⁶ d'Hauterive, *La police secrète du Premier Empire*; Gotteri, *La police secrète du Premier Empire*; Humbert-Convain, *Le juge de paix*, 122.

²⁰⁷ AN, F/7, 4304, Rapport Miot.



Image 3. Portrait of Conseiller d'État André-François Miot de Mélito, 1796. Source: Jean Baptiste Wicar, portrait of André-François Miot, print, British Museum.

It has long been argued that merchants could not be effectively investigated by law enforcement agencies such as the *douane* or the *gendarmes*. Roger Dufraisse claimed that, although merchants played a very prominent role in smuggling networks, they barely got caught because they themselves did not transport the contraband and therefore were not caught red-handed.²⁰⁸ Marzagalli, too, emphasized the unwillingness of authorities to prosecute and convict the higher echelons of smuggling networks. Furthermore, she also stressed the inability of authorities to prosecute merchants. Custom officers were not trained sufficiently or simply lacked the financial literacy to investigate the bookkeeping of merchants.²⁰⁹

The inability of ordinary law enforcement to effectively investigate and prosecute the 'big fish' and the court's inability to convict them, led the Ministry of Police to establish a special commission to investigate the networks of internationally operating merchants in the *départements réunis*. This taskforce was officially founded on 17 May 1808 by Joseph Fouché. Its official purpose was to 'shine a light on all fraudulent affairs and other malversations committed

²⁰⁸ Dufraisse, 'La contrebande', 1044.

²⁰⁹ Marzagalli, *Les boulevards de la fraude*, 209 – 215.

in Belgium', and subsequently bring a halt to smuggling.²¹⁰ The most important means to end smuggling in the *départements réunis*, and one of the main instruments of the commission was, according to Fouché, 'to attack the *chefs* in their person and in their property.'²¹¹ In other words, the Minister of Police wanted to hit them where it hurts. This meant that most of the penalties given to merchants that were proven to have been involved in smuggling consisted of heavy fines. Yet one may question whether these penalties were severe. Compared to the penalties dictated by law, they seem quite mild. Although merchants were often held in custody awaiting their interrogation, they were not sent to prison. Furthermore, official fines dictated by law were three times the value of the contraband. This might actually have caused the bigger fish to prefer dealing with the commission rather than the court.²¹²

As merchants were given a fine without legal proceeding, this commission operated extrajudicially. The major benefit of this was that it did not need a confiscation report to penalize merchants. The normal judicial procedure was always based on a prior confiscation, which usually meant that only those caught red-handed – those that transported or otherwise retained the goods, such as porters, carters and innkeepers – were arrested and led before the courts. The complicity of merchants was often hard to prove. By retracing traces of contraband through the books and correspondence of merchants, the commission was able to prove merchant's involvement without a tedious court procedure.

Headquartered in Paris, the commission initially consisted of three members. *Conseiller d'État* Théophile Berlier was named chairman of the commission. Pierre François Réal, *conseiller d'État* working for the first arrondissement of the ministry of police, was its second member. *Maître des requêtes* Camus de Neville completed the trio. Later, following some level of success, a fourth member – Joseph Pelet de la Lozère was added. Moreover, the commission depended on the work of five employees: three analysts (who presumably did the actual research) and two clerks (one *commis d'ordre*, and one *expéditionnaire*).²¹³

The immediate cause for establishing the taskforce remains shrouded in mystery. In its mission statement, the commission claims that it was founded as a result of investigation reports, confiscations and apprehensions. In one of the minutes, Brussels *employé de l'octroi* Jaquinet asked the commission for a reward for his role in apprehending Brussels merchant Vandevelde. According to him, this arrest would never have been possible without the papers

²¹⁰ 'Le Ministre demande la création d'une commission qui puisse porter la lumière dans toutes les affaires relatives à la fraude et autres malversations commises dans la Belgique', AN, F/7, 8030, Minutes 28 May 1808.

²¹¹ 'Attaquer les chefs dans personnes & dans leurs biens', AN, F/7, 8030, Minutes 2 November 1808.

²¹² This will be further analyzed in chapter 5.

²¹³ AN, F/7, 12275, 'État d'émargement des employés au bureau de la fraude, 25 November 1811.

(including ledgers, bills and correspondence) he and his colleagues had confiscated from the offices of Floren in Breda and Vanderschrieck in Bergen-op-Zoom – both commission agents in the Kingdom of Holland.²¹⁴ According to its founder, the commission was so successful in quelling smuggling in the *départements réunis*, its geographic scope was to be extended. Fouché claimed the measures against the main Belgian *fraudeurs* seemed to work and had succeeded in dispelling these criminal organizations. However, he added that they might have shifted activities to less monitored parts of the Empire. He therefore proposed to the commission to extend its activity to the eastern border, the Alps and Pyrenees. The members, however, feared they did not have the proper expertise to encompass these regions. Therefore, fourth member Pelet de la Lozère was appointed.²¹⁵

The taskforce did not operate on its own. Indeed, it relied heavily on the expertise and efforts of local prefects and police officers. Already in 1805, Napoleon had paved the way for the police to become involved in fighting the contraband trade. Facing increasing incidence of smuggling and a relatively inefficient custom apparatus, the emperor decided to enlist the help of the police in the surveillance of borders and coasts. He charged the Minister of Police with a permanent inspection of government agencies. For this end, the territory was divided into ‘*arrondissement de police générale*’, headed by a *conseiller d’État* and working independently from the prefects.²¹⁶ The decree of 23 Fructidor of Year XIII (10 September 1805) required the installment of *commissaires généraux* along the coast and borders. These police commissioners were commanded directly by the Minister of Police. A total of 26 of them were distributed along the frontiers of the French Empire. The fight against contraband was described as their top priority.²¹⁷ These *super-policiers* had broad powers. Not only were they responsible for securing the border and coasts, they also were charged with issuing passports, cracking down on vagrancy, policing theaters, bookstores and publishers, preventing and dispersing assemblies and workers’ coalitions, policing religions, controlling emigrants, tracking down deserters, guarding public places, confiscating contraband, as well as regular municipal police tasks such as the control of roads and regulating the opening hours of shops.²¹⁸

²¹⁴ AN, F/7, 8030, Minutes 2 August 1808.

²¹⁵ AN, F/7, 8030, Minutes 2 November 1808.

²¹⁶ Clinquart, *l’Administration des douanes*, 191.

²¹⁷ Catherine Denys, ‘Comment contrôler les territoires de contrebande à l’époque de Blocus continental? La police napoléonienne à l’épreuve dans les ports de la mer du Nord. 1805 – 1813’, in: Marguerite Figeac-Monthus & Christophe Lastécouères (eds.), *Territoires de l’illicite et identités portuaires et insulaires. Du XVIe siècle au XXe siècle* (Paris 2012) 235 – 249, 237.

²¹⁸ Antoine Renglet, ‘Un système policier impérial? Le commissaire général et la police municipal d’Anvers (1808 – 1814), *Crime, histoire et sociétés/Crime, history and societies* 20.1 (2016), 107 – 127, 110.

For obscure reasons, Antwerp only got its first general commissioner in February 1808, when Jean-François Bellemare was installed.²¹⁹ Independent from the municipal police that had been active in Antwerp since before the Consulate, his jurisdiction included the whole Scheldt estuary.²²⁰ Born in 1769 in Évreux, Bellemare had a military background during the Revolution and had been a staunch royalist after the Jacobin Reign of Terror. The Coup of 18 Fructidor, when Republican members of the Directory seized power in 1797, forced him to flee to the United States. After his return in 1802, he was recruited by Fouché who personally recommended Bellemare to the emperor for the position of *commissaire général de police* in Antwerp.²²¹

Not really interfering with local police affairs, Bellemare was focused more on crimes such as desertion and smuggling. While Bellemare was charged with broad powers, he seemed to have paid attention on arrests and gathering intel on suspects in the contraband trade.²²² As such, he turned out to be one of the main instruments the anti-fraud taskforce had in the region. Bellemare reported directly to Réal of the first arrondissement of the Ministry of Police and head of the taskforce. He supported the commission's objective to investigate those whom profited from the contraband trade.²²³ Bellemare's primary task for the commission was to investigate suspects, report on them and interrogate them. He led a team of (secret) agents that gathered intel for him.

Caught in between or active allies? The role of prefects and mayors

So far, we have seen that there was an extensive organization of law enforcement in place to curb smuggling, bring smugglers to court, or to prosecute them both in the legal system and extralegally. Although not really coordinating their tasks, these different government agencies developed repressive strategies and constraints that forced smugglers to adapt. The authorities were not all antagonistic though. Smugglers did sometimes have some uneasy allies, especially among prefects and mayors.

Gavin Daly has demonstrated the ambivalent role of prefects during this period.²²⁴ On the one hand, they had to execute central government policy, while, on the other, they had to appease local elites whose help was necessary in governing the department. Overall, the prefects

²¹⁹ Renglet, 'Un système policier impérial?', 109.

²²⁰ Denys, 'Comment contrôler', 238.

²²¹ Renglet, 'Un système policier impérial?', 110.

²²² Ibidem, 119.

²²³ Denys, 'Comment contrôler', 240.

²²⁴ Daly, 'Little emperors?'

of the *départements réunis* seem to have willingly cooperated with the central government. d'Herbouville and the customs department worked closely together.²²⁵ Prefects provided the Ministry of Police with intelligence about smuggling operations. The prefect of the Dyle, Louis-Gustave Doulcet de Pontécoulant, sent out a spy posing as a merchant to gather intel about smuggling activities in the Meuse-Inférieure and Deux-Nèthes.²²⁶ Others provided questionnaires. In 1807, the prefect of the Deux-Nèthes, Charles Cochon de Lapparent, was charged by *conseiller d'État* Réal to compile a list of suspected smugglers in his department.²²⁷ He dutifully obeyed and provided a list of 169 smugglers.²²⁸ Most importantly, however, prefects conducted interrogations on behalf of the Ministry of Police. Before the arrival of Bellemare, interrogations of suspected higher echelon smugglers in the Deux-Nèthes were primarily conducted by Cochon. In Brussels, Frédéric-Séraphin de la Tour du Pin Gouvernet interrogated merchants who presumably were not important enough to be transferred to Paris.

Daly suggests that, due to their intermediary position, prefects sometimes lacked the will to address the problem of smuggling.²²⁹ As shown above, prefects like d'Herbouville were not entirely willing to accommodate the military in his department, for fear of antagonizing the local populace. Others, too, were not keen on implementing central government policy. Marc-René de Voyer de Paulmy d'Argenson, third prefect of the Deux-Nèthes from 1809 to 1813, actively resisted Bellemare because he did not want to oppose his local elites.²³⁰ Prefects sometimes spoke in defense of merchant offenders – and were surprisingly successful in the effort. De la Tour du Pin, prefect of the Dyle, for example, rose to the defense of Brussels merchant Criquillon Herpignies. After first having interrogated him, the prefect claimed that the merchant had been completely ruined and could not even support his children anymore. He would not financially overcome a possible fine, argued De La Tour du Pin. The commission was swayed enough by this argument and ruled that a prison term was an adequate alternative.²³¹ Although it is hard to assess whether prefects turned a blind eye towards their local elites involved in the contraband business, there is little evidence, however, to prove that prefects actively colluded with fraudsters. The only mention of this was the wife of the Turnhout

²²⁵ François Burckard, 'Charles d'Herbouville, préfet des Deux-Nèthes (1800 – 1805)', in: Jean-Pierre Jessenne, Pascal Dupuy and Christine Le Bozec (eds.), *Du Directoire au Consulat 4. L'institution préfectorale et les collectivités territoriales* (Lille 2001), 45 – 59.

²²⁶ 'Progrès de la contrebande sur les frontières de la république batave', AN, *Ministère de la justice, correspondance générale de la division criminelle, sub-série BB/18 (henceforth BB/18)*, 288. Affaires criminelles et correctionnelles (Year III (1794 – 1795) – 1816); Dyle, Year IV (1795 – 1796) – 1814.

²²⁷ AN, F/7, 8028, 'Renseignements sur des habitans du département des Deux Nèthes qui se livrent à la fraude'.

²²⁸ This list will be further be discussed and analyzed in chapter 4.

²²⁹ Daly, 'Little emperors?', 55.

²³⁰ Denys, 'Comment contrôler', 240 – 241.

²³¹ AN, F/7, 8030, Minutes 23 August 1809.

arrondissement subprefect. She reportedly owned a warehouse with prohibited goods and kept close ties with the most important customs officers.²³²

Mayors occupied an even more ambivalent position. Representing the central government on the level of the commune, the *maire* had a conflicting role as state agent and representative of the local community.²³³ As mediators, they had to walk a thin line in order not to antagonize either side. The majority of mayors, especially before a reform in 1808, were often seen as ‘incompetent, often illiterate, amateurs.’²³⁴ Although ‘mayors, adjuncts and municipal councilors were all appointed by the prefect in smaller communities’, this did not prevent these administrators to be deeply rooted within the local community.²³⁵ This caused mayors to rise to the defense of their inhabitants who had been arrested for smuggling. After fourteen-year old Corneille Beuckelaer had been apprehended and his cart and horse were confiscated, the mayor of Hoevenen wrote to the court on behalf of the boy’s mother. After explaining that Corneille and his mother were the sole breadwinners after his father had died and had to support seven other children with their carting enterprise, the mayor asked the court for the restitution of the horse and cart and to be lenient to the boy.²³⁶

However supportive to their own communities, mayors still had to cooperate with other representatives of the central government. The customs department sometimes relied heavily on the assistance of mayors, especially in the case of house searches. According to Article 11 of the law of 10 Brumaire of Year V, custom officers had to be accompanied by an *administrateur municipal* when searching a house where contraband was suspected to have been stored. In the small communities of the Deux-Nèthes countryside this meant, in practice, that mayors were required to accompany the customs officers during house searches. When customs lieutenant George Carrion, for example, wanted to search a house in the hamlet of Isschot, he first had to fetch the mayor of Kasterlee.²³⁷ Similarly, the mayor of Kallo was summoned to accompany the house search of an inn. He refused, however, and sent his *garde champêtre* in his stead.²³⁸

Numerous mayors were bribed by smugglers or participated in the contraband business themselves.²³⁹ According to Cochon, both François Bauwens, mayor of Berlaar, and Jacques

²³² AN, BB/18, 288, ‘Progrès’.

²³³ John Dunne, ‘Napoleon’s ‘mayoral problem’. Aspects of state-community relations in post-revolutionary France’, *Modern and contemporary France* 8.4 (2000), 479 – 491.

²³⁴ Martijn van der Burg, ‘Local administration in the Napoleonic Empire. The case of Napoleon’s third capital’, *Napoleonica. La revue* 25.1 (2016), 123 – 141, 124.

²³⁵ Michael Rowe, ‘Between Empire and home town. Napoleonic rule on the Rhine. 1799 – 1814’, *The historical journal* 42.3 (1999) 643 – 674, 662.

²³⁶ RAA, HAA, 545.

²³⁷ RAA, EA, 114, Sentence of 3 Pluviôse of Year XIII.

²³⁸ RAA, HAA, 552.

²³⁹ Bertrand, ‘La contrebande’, 299.

Deswert, mayor of Sint-Kathelijne-Waver, accommodated smuggling by receiving goods from smugglers.²⁴⁰ Adjunct mayors, too, were accused of being active in the contraband trade. Both the adjunct of Lier, one Drest, and Hubert Aerden, the adjunct of Brecht, were linked to trafficking rings.²⁴¹ Furthermore, kinship relations mattered as is shown by smuggler François Leysen who was the son-in-law of the mayor of Vorselaar.²⁴²

The mayors of larger cities such as Antwerp were not beyond suspicion either. Like d'Argenson, Antwerp mayor Jean-Étienne Werbrouck actively opposed Bellemare. According to Catherine Denys, the fight against contraband was not among his top priorities. A large part of his population earned a living in the trade and the big merchants of Antwerp made great profits.²⁴³ Members of one of the wealthiest Antwerp merchant families, Werbrouck and his brothers were well-embedded in the Antwerp business community.²⁴⁴ Although Werbrouck is most notorious for his involvement in a major embezzlement scandal regarding the *fond de l'octroi*, he and his family members were also suspected of being heavily involved in the contraband trade.²⁴⁵ While it could not be proven directly, he had been suspected of involvement since he had gathered tremendous wealth during the beginning of the Empire.²⁴⁶ Before he was appointed mayor in 1802, Werbrouck was supposedly in cahoots with infamous smuggler Florin and had reportedly established himself in an inn in Turnhout.²⁴⁷ In 1800, a merchant member of the Werbrouck family – perhaps the mayor himself or one of his brothers – was acquitted for smuggling after a roll of basin was found in the house of his associate.²⁴⁸ As mayor, he did not cease his activities. Instead, he exercised his newfound power as *maire* to discourage lawsuits against his family and actively started financing the contraband trade.²⁴⁹

Rooted in the frictions between central government and local interests, these intermediaries sometimes turned into active allies that could be relied upon by smugglers to protect their interests. It remains to be seen, however, if these uneasy allies could really mitigate the

²⁴⁰ AN, F/7, 8028, 'Renseignements'.

²⁴¹ AN, F/7, 8008, Files 3A and 6A.

²⁴² AN, F/7, 8016, File 64A.

²⁴³ Denys 'Comment contrôler', 241.

²⁴⁴ The Werbrouck family intermarried with prominent Antwerp families such as Solvyns, Le Grelle, Pieters and Smets. See: Hilde Greefs, *Zakenlieden in Antwerpen tijdens de eerste helft van de negentiende eeuw*, Unpublished doctoral thesis, Universiteit Antwerpen (Antwerpen 2004), 106.

²⁴⁵ For the case, see: August Thys, *Een gerechtelijk drama in 1813. Zaak Werbrouck en consoorten* (Antwerp 1897) and J.-C. Mattheessens and M. Mattheessens, 'Un procès sous le Premier Empire. L'octroi d'Anvers. 1811 – 1813', *Revue du Nord* 146 (1955) 135 – 142. See also his file in the archives of the anti-fraud commission: AN, F/7, 8019, File 194A.

²⁴⁶ De Oliveira, *Les routes de l'argent*, 428 – 434.

²⁴⁷ AN, F/7, 8018, File 117A. Interrogation Adrien Vangorp.

²⁴⁸ RAA, EA, 106, Sentence of 3 Nivôse of year IX.

²⁴⁹ De Oliveira, *Les routes de l'argent*, 429.

effects of repression. Prefects and mayors also played a vital role for the central government in the fight against contraband. As such, they had every interest in remaining betwixt and between.



Image 4. Portrait of Jean-Étienne Werbrouck, Mayor of Antwerp, 1803. Source: Matthieu Ignace Van Bree, *Portrait de Jean-Etienne Augustin Joseph Werbrouck (1803)*, drawing, Paris, Louvre Museum.

Conclusion

On paper, repressive measures kept expanding throughout the period. The legislation concerning contraband ensured that the list of goods prohibited from entry kept growing. Numerous products of British origin (either manufactured or exported by the British) for which there was customer demand, were prohibited. Of these, colonial goods were increasingly subjected to more stringent import bans. By restricting trade in these products, these laws formed the prerequisite for the product range smugglers carried. Although export bans were somewhat less common, the illegal export of bullion was upheld throughout most of our period, making it illegal for smugglers to pay for their goods in cash. While the list of prohibitions grew larger, the punishments for violating these became ever more severe. For common smuggling, maximum imprisonment terms were extended from three to six months between 1796 and 1804. If convicted, suspects also had to pay a fine of three times the value of the confiscated goods, and saw their means of transport forfeited. Armed smuggling in bands, however, was much more severely punished and could even lead to the death penalty.

In practice, the system of repression depended on a combination of different government agencies that enforced the customs legislation. The customs were the first and foremost of these agencies and were charged with patrolling the *Rayon* and tracking down smugglers. As the number of custom officers in both France and the Deux-Nèthes increased, repression appears to have mounted as well. In time, the customs were occasionally assisted by the military and gendarmerie. Whereas the former never really proved effective in the Deux-Nèthes, the latter, after having earned their merit in the fight against banditry, were posted permanently in the region and were also deployed to quell the contraband trade. Whether these agencies were effective remains to be seen, as corruption and understaffing were pervasive. Although it is hard to estimate the extent of these issues, the system of repression probably never was completely watertight. This left opportunities for smugglers to find cracks in the system.

Both the correctional and criminal courts were responsible for handling infractions of custom laws. Although the judiciary supported the French regime, it proved impossible to effectively prosecute the higher echelons of the contraband trade. To that end, extrajudicial measures were taken. Founded by Fouché, the Parisian anti-fraud commission actively went after the big fish. By tracing back references to contraband in merchant's ledgers and correspondence, the commission was able to establish their involvement in the contraband trade during the first decade of the 1800s. Bypassing the judicial process, the commission did not depend on catching smugglers in the act. Instead of the usual penalties such as imprisonment, merchants were given fines the worth of the proven amount of contraband they

had smuggled. The commission was convinced this would deter merchants to instigate future illicit endeavors.

Despite occasional local and regional support by prefects and mayors, repressive measures did grow throughout the period, before culminating in the infamous ‘customs terror’ of 1810 – 1812. What did this mean for smugglers? While laws created opportunities for smuggling, law enforcement created constraints. Both shaped the conditions in which smugglers had to operate. The rate of success of these repressive measures depended not only on the effectiveness of law enforcement and courts but was also subjected heavily to the ingenuity of smugglers. In the following chapters, the ways in which smugglers adapted to these repressive measures and the conditions and constraints they caused will be analyzed.

3

The scope of smuggling

In 1805, *conseiller d'État* Miot was sent on a mission to the *départements réunis* to report to the ministry of police about the ongoing smuggling activities that took place in the region. According to him, the border region had a long tradition of contraband trade. However, the French customs laws had greatly aggravated this situation and had led to an upsurge in smuggling.²⁵⁰ In a similar report, the prefect of the Dyle department Louis-Gustave Doulcet reported in January 1804 that he was receiving alarming news about smuggling on a daily basis – especially in the neighbouring departments of the Deux-Nèthes and Meuse-Inférieure. He therefore decided to resort to ‘une mesure extraordinaire’, by sending a spy to confirm (or correct) the rumours.²⁵¹

The recurring theme in these and similar reports is the ubiquity of smuggling in the *départements réunis*. Apparently, smuggling was well under way before the Continental Blockade and was deemed such a problem by the French government, that special envoys were sent to investigate the matter. The Continental Blockade has often been seen as causing or otherwise accelerating smuggling activities.²⁵² Indeed, its effectiveness has been fiercely debated by historians.²⁵³ The actual extent of smuggling, however, has never been adequately analyzed. Nevertheless, in order to assess the effectiveness of restrictive measures and the ways smugglers adapted to them, it is necessary to first uncover the scope of smuggling. How did confiscations evolve? What goods were being carried by smugglers? How much of these were being confiscated? What were these goods worth? And how did this relate to legal trade flows?

This chapter aims to reconstruct the scope of smuggling in the Deux-Nèthes department between 1800 and 1810. To reveal the intensity of repression, this chapter will first uncover the evolution of confiscations throughout the period. Then it will take a look at the product range

²⁵⁰ AN, F/7, 4304, Rapport Miot.

²⁵¹ AN, BB/18, 288, ‘Progrès’.

²⁵² Aaslestad, ‘Introduction’, 11–12; Joor, ‘Significance and consequences’, 261.

²⁵³ Heckscher, *The continental system*; François Crouzet, *l'Économie britannique et le Blocus Continental. 1806 – 1813* (Paris 1987).

that was being smuggled. Both the total amount of different confiscated goods as well as its development will be analyzed. Finally, this product range will be connected to the price development of commodities to uncover the value of confiscations. Variations in product range, volumes of confiscated goods and the value of confiscations can indicate whether and how smugglers adapted to both market conditions and the intensity of repression.

Court sources

Although historians and criminologists alike contend that it is almost impossible to approach or reconstruct the exact extent of smuggling, there are some instruments available which at least allow to get an indication of the extent and magnitude of smuggling. Fatah-Black and Van Rossum have stressed the importance of what they call ‘indirect evidence’; using international trade data to reconstruct the extent of the contraband trade.²⁵⁴ By combining data sets from different countries, they argue, it becomes possible to detect smuggling. If, for example, export figures from one country are higher than those of the importing country, the discrepancy between the two might indicate smuggling. Moreover, as this methodology is dependent on official registries of (port) authorities, it can undeniably detect evasion. As much as this method merits praise for its ingenuity, it is virtually inapplicable when it concerns smuggling in the French Revolutionary and Napoleonic era. In our period it is not so much the evasion of tariffs that authorities cared about. Tariff evasion of goods that were allowed to be imported could indeed be visible by comparing trade statistics. Instead, what we are dealing with here, is the illicit trade in prohibited goods that were clandestinely trafficked over the border. Logically, these illicit commercial activities show up in neither Dutch export statistics, nor in Belgian/French imports.

Remarkably enough, historians working on smuggling often tend to neglect the most revealing documents available for the nineteenth century: judicial sources.²⁵⁵ These are sources with which historians of criminal justice feel comfortable. Fatah-Black and Van Rossum do mention the use of judicial sources, but only in a more qualitative sense, to uncover the operational activities of smuggling. Quantification of court data, however, allows us to shed a light on matters other conventional sources usually omit. Luckily, the sentence books of the Antwerp arrondissement correctional court have been preserved in their entirety for the period

²⁵⁴ Fatah-Black and Van Rossum, ‘De Nederlandse smokkelhandel’, 8.

²⁵⁵ One of the exceptions is the work of Bertrand and a database that was mentioned by Dufraisse. See Bertrand, ‘La contrebande’ and Dufraisse, ‘La contrebande’.

between August 1800 and December 1810, when they were replaced by the specialized custom courts.²⁵⁶ As the Deux-Nèthes encompassed three correctional courts, these sentences only shed light on the northwestern part of the department – which was the jurisdiction of the Antwerp court. But as the same smuggling networks were also active in the Turnhout eastern part of the Deux-Nèthes, it might be assumed that the results are still representative for the entire department.

Using court sources to this end does not come without problems. As said, smuggling has a notoriously high dark number. Being a victimless crime, smuggling offences were rarely reported to the authorities and detection primarily depended on the vigilance of law enforcement. There is, however, one factor that might have mitigated the dark number in our case. According to Article 16 of the law of 10 Brumaire of Year V (31 October 1796), confiscations came to ‘the benefit of the seizers and others that had helped in the arrest’.²⁵⁷ This meant that custom officers could keep at least a part of their confiscations to sell. This was intended as a wage supplement for custom officers, who often earned meager incomes. An unintended consequence of this rule, however, was that custom officers were interested more in seizing contraband than in arresting smugglers.²⁵⁸ By letting smugglers flee, they might have hoped that they came back another time. A French report from 1808 indeed complained that custom officers shouted ‘les paquets! Les paquets! La saisie des fraudeurs ne rapporte rien!’ when they encountered smugglers.²⁵⁹ For this reason, French authorities advised to reward officers for arrests made instead of allowing them keep parts of the confiscation, which was eventually not put into practice.²⁶⁰

Other factors that have influenced crime registration cannot be ruled out. An increase in confiscations does not necessarily reflect an actual increase in smuggling. Intensity and effectivity of repression, for example, could have a huge impact on crime rates.²⁶¹ The number of confiscations could simply be a reflection of custom officers patrolling the region more

²⁵⁶ RAA, EA, 106 – 120.

²⁵⁷ ‘La confiscation sera prononcée au profit des saisissans et de tous ceux qui auront favorisé l’arrestation’, Article 16 of the Law of 10 Brumaire of Year V (31 October 1796), *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 434 – 437.

²⁵⁸ The arrest of 16 Frimaire of Year IX (7 December 1802) stipulated that the prize of the public sale of contraband should be divided into six equal parts, of which one went to the government. Two of these sixths were to go to upper echelons of the customs management. As only the half of the prize would go to the ones who actually did the confiscation, this might have served as a further incentive to confiscate more. *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 11, 332 – 334.

²⁵⁹ RAA, *Provinciaal Archief Antwerpen* (henceforth PAA), Reeks A. Fransch Tijdvak, 127/13 (henceforth AFT 127/13). Verslag over de smokkelarijen die in de Kempen bedreven werden, 1810.

²⁶⁰ AN, BB/18, 288, ‘Progrès’.

²⁶¹ Knepper, *Writing the history of crime*, 46.

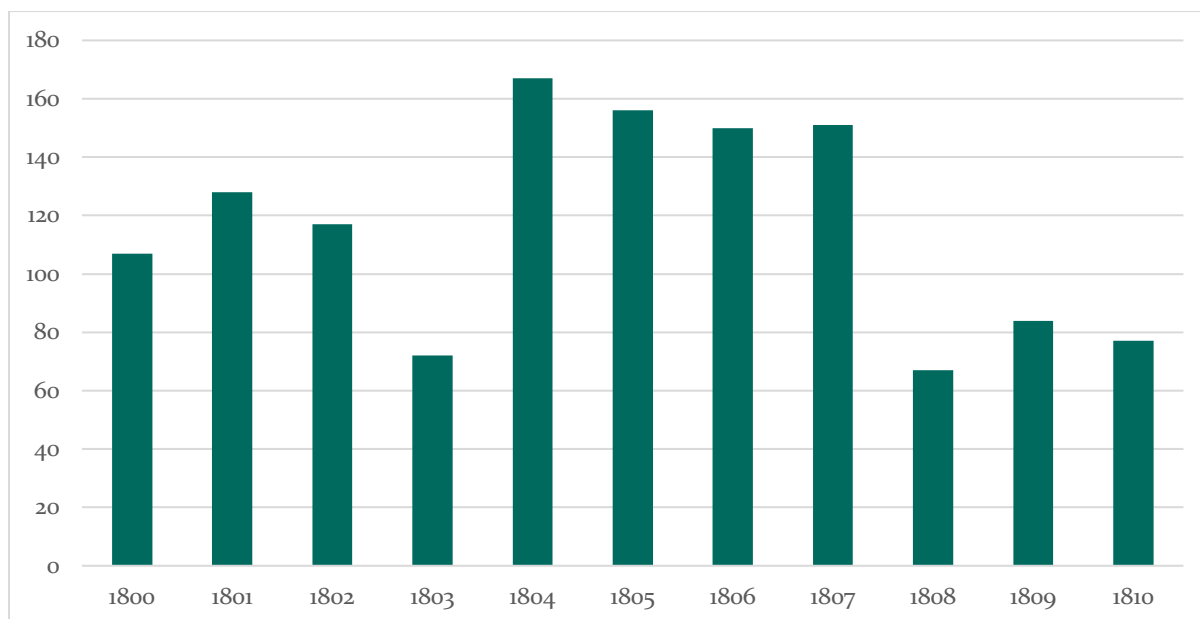
intensively. Unfortunately, the exact number of customs officers in the Deux Nèthes and whether there were fluctuations throughout the period remains unknown. It goes without saying that most smuggling continued unnoticed. Most commentators agree that the French government had a lack of manpower to effectively enforce the custom laws and Continental Blockade effectively.²⁶² However, the reward system generated by Article 16 of the law of 10 Brumaire of Year V (31 October 1796) probably did incentivize custom officers to confiscate as much as they could. The dark number therefore was mitigated somewhat, and it might even be assumed that confiscations followed the rhythm of smuggling. Therefore, the trend seems to be fairly representative for smuggling in general. What follows, then, will not be an exhaustive reconstruction of smuggling in the Deux Nèthes during the years of French occupation, but rather an attempt at getting an impression of the scale of smuggling.

Evolution of confiscations

A total of 1280 confiscations could be retrieved from the sentence books of the Antwerp correctional court in the first decade of the nineteenth century.²⁶³ These confiscations were not distributed evenly over the period. Some years clearly show peaks in confiscations, while there are seemingly less seizures during other years. Similarly, confiscations were not evenly distributed in certain years. There are even clear ups and downs visible within certain years. The distribution over the years is shown in graph 2. The decade began with around 120 confiscations a year, before plummeting in 1803. With between 150 and 160 confiscations a year, the period between 1804 and 1807 saw a peak. The latter years of the decade witnessed a steep decline in the number of confiscations. Between 1808 and 1810, confiscations were down to around 70 to 80 a year.

²⁶² Ellis, *The Napoleonic Empire*, 99; Aaslestad, 'Introduction', 8.

²⁶³ All sentences that mentioned infractions of the laws of 10 Brumaire of Year V, 26 Ventôse of Year V, 22 Brumaire of Year VII, 22 Ventôse of Year XII and 30 April 1806 were included.



Graph 2. Development of confiscations per year in absolute numbers, 1800 – 1810 (N=1274). Source: RAA, EA, 106 – 120.

Variations were high throughout the year. The month of September 1800 immediately showed the second highest peak of confiscations of the entire decade (see graph 3). With a total of 128 confiscations, 1801 showed a rise. These years, however, stand apart from the rest of the decade as many confiscations consisted of grain that was illegally exported (109 confiscations in total). The export or nightly transport of grain within five kilometers of the border was prohibited by the law of 26 Ventôse of Year V (16 March 1797). The harvest traditionally took place in August so it comes as no surprise that so many confiscations took place in September. 1803 showed a major downturn in confiscations. The Peace of Amiens of 1802 brought some normality back to economic life after having been disrupted since the Revolutionary Wars started in 1793.²⁶⁴ Although hostilities between France and Great Britain ceased, the main custom laws prohibiting the import of British manufactories were not repealed.²⁶⁵ With normal trade somewhat back on track, the necessity of smuggling was somewhat tempered. Zooming in, however, we see disparities within years. Although the Peace of Amiens treaty was signed in March 1802, there is a surge of confiscations. Only after September 1802 the number of seizures started to decline. The Peace of Amiens officially ended in May 1803 when the War of the Third coalition started. But, unexpectedly, the number of confiscations rose only slightly. Between September and December 1803 only eighteen confiscations took place.

²⁶⁴ Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 5 – 7.

²⁶⁵ Clinquart, *l'Administration des douanes*, 37.

As is clearly visible in graph 2, there was a peak period between 1804 and 1807. During this period there were between 150 and 167 confiscations a year in the Antwerp arrondissement. 1804 – two years before the Continental Blockade was introduced – shows the most confiscations with 167 in total. This might have to do with more successful repression which could result in more confiscations. Between 1803 and 1809 the total number of custom officers in France indeed increased. According to Clinquart, the number of custom employees rose from about 22,800 in 1806 to 27,100 in 1809.²⁶⁶ As said, a rough estimation put the number of officers in the department of the Deux-Nèthes at around 150. On the other hand, there are indications that these confiscations reflect an actual increase in smuggling during these years. *Receveur principal* of the Antwerp customs Charles Le Poittevin de la Croix complained that in 1804 a ‘quantité immense de sucre raffiné’ was transported through the Deux Nèthes.²⁶⁷ As we will see, that year indeed showed a huge surge in confiscated sugar.

Again, there was no even distribution within years. Some peaks might be explained by the implementation of certain laws. It is probably not a coincidence that the incredible rise in confiscations in 1804 coincides with the implementation of a new customs law. In the first two months of 1804 there were respectively two and five confiscations. During March, however, a new law was implemented; the law of 22 Ventôse of Year XII (13 March 1804) put extra restrictions on the import of colonial products, that were increasingly confiscated. During and after March, the number of seizures quickly rose. The Berlin Decree of 21 November 1806 – officially heralding the Continental Blockade – also seems to have had an impact on confiscations. The number of confiscations rose from eleven in November to 26 in December. Perhaps the proclamation of the decree encouraged custom officers to confiscate with extra zeal.

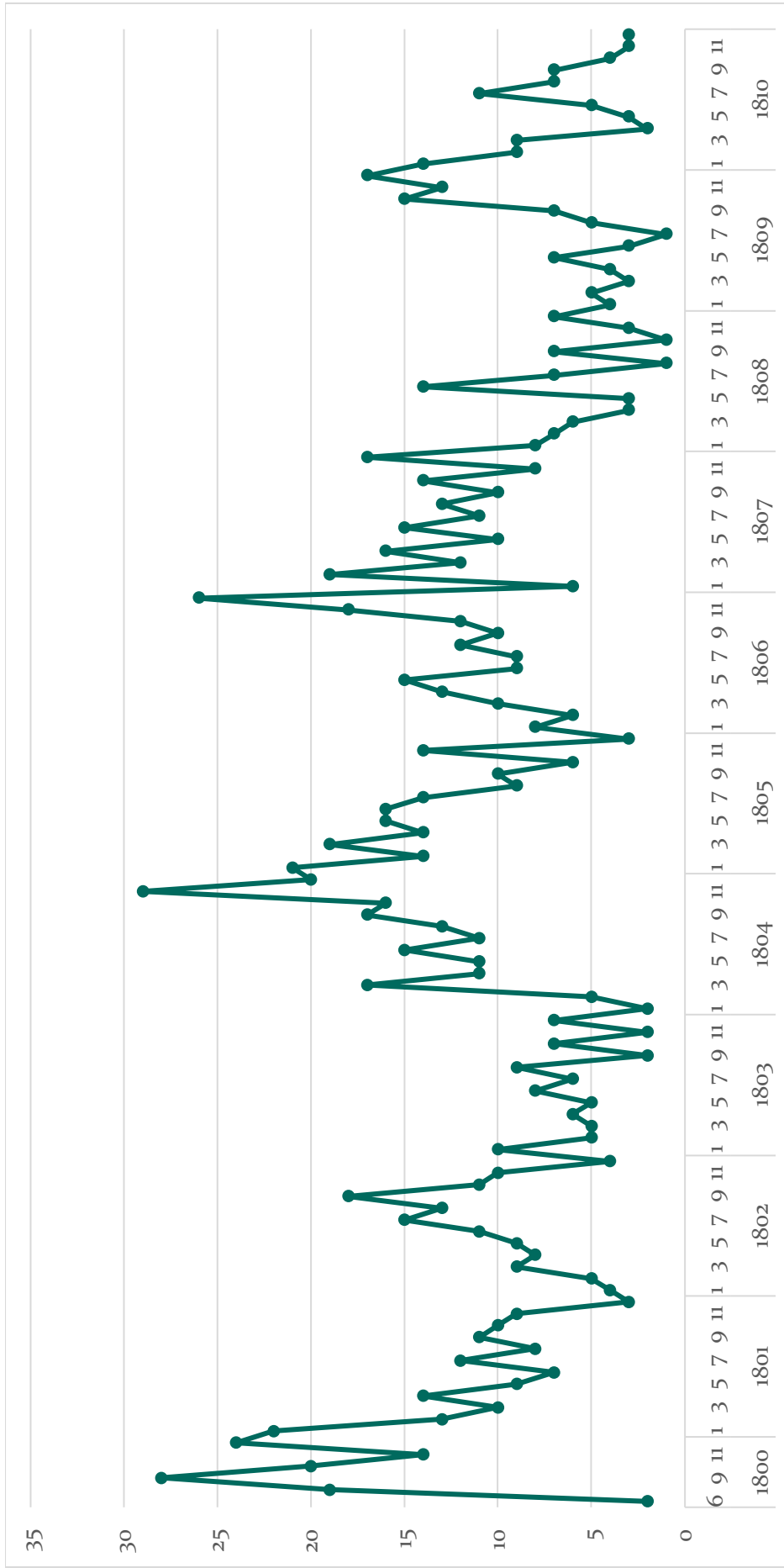
The sudden decrease near the end of the decade is quite hard to explain. First, it is possible that the implementation of the Continental Blockade between December 1806 and December 1807 paid off fairly well. Repression might have been so successful that smuggling occurred less or was diverted to other regions during this period. This would also translate into the crime figures. During his interrogation, smuggler Cornelis Clymans indeed claimed that customs patrols had strongly intensified in the first few months of 1808.²⁶⁸ Similarly, the illicit operations of Malines smuggler Ivo Bosselaerts were said to have diminished during 1807 and 1808, causing him to liquidate his business.²⁶⁹

²⁶⁶ Ibidem, 419.

²⁶⁷ RAA, HAA, 375.

²⁶⁸ AN, F/7, 8008, File 11A, Interrogation Clymans.

²⁶⁹ AN, F/7, 8015, File 56A, Rapport et instructions Bosselaerts.



Graph 3. Development of confiscations per year and month in absolute numbers, 1800 – 1810 (N=1274). Source: RAA, EA, 106 – 120.

The total number of customs officers employed by the French Empire also increased, as mentioned above.²⁷⁰ Crouzet indeed claimed the Continental Blockade was quite effective during this period.²⁷¹ However, as most contraband came from Holland, developments on the supply side cannot be ruled out. According to Johan Joor, trade was severely hampered by the implementation of the Fontainebleau Treaty in November 1807 and a decree by Louis Napoleon in January 1808 that barred American vessels from entering Dutch ports.²⁷² The former also resulted in the annexation of the Zeelandic port town of Flushing and Lommel, which was, as we will see, an important smuggling hub.²⁷³ This might have caused the supply of contraband to dry up.

In 1809, however, the number of confiscations rose again. The sudden decrease in the summer of that year is due to the Walcheren Campaign of 1809. The invasion of the Zeelandic island by 40,000 British troops had resulted in the requisition of customs officers and other military in the Deux-Nèthes who were employed to crack down on smuggling. Antwerp chronicler Jan Baptist Van der Straelen reported that a crowd of custom officers had gathered in Antwerp to guard the city gates.²⁷⁴ This did not mean that there was no contraband being moved, however. Antwerp police commissioner Bellemare sounded the alarm. Writing to his superiors, he claimed that ‘depuis vingt jours des quantités énormes de marchandises prohibées ont été introduites par tous les points de la frontière de la Hollande.’²⁷⁵

Geoffrey Ellis has observed this laxity in the Alsace region too. According to him, the ‘efficacy of the Blockade stood in inverse ratio to the extent of Napoleon’s military involvements on the Continent at different times.’²⁷⁶ Custom surveillance tended to lapse during these periods. In September, the number of confiscations rose dramatically again. A French counteroffensive had the British army pinned down on the isle of Walcheren, where many of the soldiers suffered from malaria. The rise in September, which continued until January 1810, might be explained by the return of customs officers to their posts but also because of a new supply of contraband that was brought into Zeeland during the invasion. Indeed, in December

²⁷⁰ Clinquart, *l'Administration des douanes*, 151.

²⁷¹ Crouzet, *L'économie britannique*.

²⁷² Joor, ‘Significance and consequences’, 261.

²⁷³ Johan Joor, *Door de mazen van het net. Crisis en verborgen veerkracht in Rotterdam ten tijde van het Napoleontisch Continentaal Stelsel, 1806 – 1813* (forthcoming), 197.

²⁷⁴ ‘Den 5 augusti arriveerden de gendarmen ook alhier terug. Onder alle deze toebereijdsels, deze stad van krijgsvolk ontbloot zijnde, waren ere eene menigte comisen oft douaniers der frontieren versaemelt en deden de wagten aen deser stads land- en waterpoorten. Ondertusschen maekten de gendarmen langs de stad patrouille uijt vreesse voor tumultens.’ 5 august 1809, Jan Baptiste Van der Straelen en Jan Frans Van der Straelen, *De Kronijk van Antwerpen. Deel 8. 1803 – 1817* (Antwerpen 1936), 52 – 53.

²⁷⁵ AN, F/7, 8030, Letter addressed to Réal, 20 August 1809.

²⁷⁶ Ellis, *Napoleon's Continental Blockade*, 203.

1809 there was a total of 17 confiscations, the highest amount since December 1807. Based on confiscated ledgers of the English customs, *conseiller d'État* Réal, head of the anti-fraud taskforce, accused the majority of merchants on the island for being involved in the import of contraband during the British occupation.²⁷⁷

The western part of the Holland department of Brabant was annexed to the Deux-Nèthes as the Breda arrondissement on 16 March 1810. The new arrondissement does not seem to have had its own courts, at least not in customs cases. Rather, the Antwerp correctional court continued to try infractions of custom laws. Following the annexations, custom lines were moved up northwards too, making the Meuse river estuary the main custom line for the remainder of 1810. The decree of 18 October 1810 heralded the establishment of specialized courts dealing in custom cases. Whereas the arrests of the Valenciennes *Cour Prévôtal* barely mention any cases in the Deux-Nèthes, the Antwerp *tribunal ordinaire* recorded a total of 49 cases in the department.²⁷⁸ However, as customs lines had moved northwards, most confiscations took place in the newly established Breda arrondissement. Of these confiscations, some twenty-eight took place in 1810 – marking the peak of activity.²⁷⁹ In subsequent years, there were barely any confiscations. 1811 showed nine confiscations, while 1812 and 1813 both showed a mere six confiscations. This mirrored legal trade flows from Holland to the *départements réunis*, which came to complete standstill in 1811.²⁸⁰

Contraband commodities

In 1805 *conseiller d'État* Miot acknowledged the emulating power of English fabrics worn at the Imperial court. If the Emperor really wanted to put an end to smuggling, Miot advised him to ban these fabrics from court, starting with Empress Josephine and Princess Hortense.²⁸¹ Contemporaries unmistakably saw the importance of taste and fashion in stimulating the contraband trade. The historiography of smuggling has recently been enriched with studies on consumption and material culture. This perspective treats smuggling as resulting from both changing tastes and government bans. In this view, illicit networks met the new demands of

²⁷⁷ AN, F/7, 8030, Minutes 15 February 1810.

²⁷⁸ Because the jurisdiction of the tribunal that was established in Antwerp was enlarged to an extent that it covered custom infractions from Zeeland to the extreme east of the modern-day province of Gelderland, the cases brought before it were not included in the statistical analyses.

²⁷⁹ Based on: Municipal Archives Valenciennes (henceforth AMV), *Cour prévôtale des douanes de Valenciennes* (henceforth CP), 52 – 56. Dossiers d'affaires jugées par le Tribunal ordinaire des douanes d'Anvers.

²⁸⁰ Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 25.

²⁸¹ AN, F/7, 4304, Rapport Miot.

consumers. Both Michael Kwass and Felicia Gottmann attributed the huge surge in the smuggling of tobacco and Indian calicoes in eighteenth-century France to a consumer revolution coupled with a stringent French state intervention.²⁸² Both products had gained an enormous popularity in the late seventeenth and early eighteenth century among French and by extension European consumers. While the sale of tobacco was monopolized by the French authorities, the import of Indian textiles was banned outright. Kwass argues that while the aims of these two measures were different – the monopolization of highly addictive tobacco served to fill the fiscal chests, while the calico ban aimed to protect French textile manufactures – the outcome was the same: a gigantic contraband trade that provided consumers with their much sought-after goods.²⁸³

Historians of the French Revolutionary and Napoleonic era have often assumed that there was a demand for British manufactured and colonial goods in metropolitan France.²⁸⁴ According to Katherine Aaslestad, for example, increasing exports of British textiles to the European continent showed that there was an ‘ongoing demand for British goods during the wars’.²⁸⁵ Marzagalli argued that the demand for British products helped fuel smuggling.²⁸⁶ Natacha Coquery, in turn, claimed that in Revolutionary France, the market for luxury garments persisted.²⁸⁷ This might also have generated a demand for British garments which had to be supplied illicitly.

Scholars widely agree that the contraband that was illegally being imported consisted mostly of British manufactured goods such as cotton textiles and colonial goods such as sugar, coffee, tea, spices and dyes.²⁸⁸ The only commodities exported illegally on a grand scale were grains and grain-derived flour.²⁸⁹ It goes without saying that these were exactly the goods that were prohibited from importing or exporting. But, partly due to the elusive character of smuggling, illicit trade does not appear in official trade statistics or in ledgers.²⁹⁰ Most scholars therefore have devoted little attention to the quantities, qualities and value of goods that were trafficked. Gaining insight into trade flows, however, can provide understanding of the goods that were involved. The sentence books can be utilized for this end too. Confiscation reports

²⁸² Kwass, *Contraband*, 15 – 39, Gottmann, *Global trade*, 1–11.

²⁸³ Kwass, *Contraband*, 9.

²⁸⁴ Clinquart, *l'Administration des douanes*, 213.

²⁸⁵ Aaslestad, ‘Introduction’, 10.

²⁸⁶ Marzagalli, *Les boulevards de la fraude*, 208.

²⁸⁷ Natacha Coquery, ‘Luxury and revolution. Selling high-status garments in revolutionary France’, in: Jon Stobart and Bruno Blondé (eds.), *Selling textiles in the long eighteenth century* (Basingstoke 2014), 179 – 92, 187.

²⁸⁸ Clinquart, *l'Administration des douanes*, 212; Marzagalli, ‘The Continental System’, 84 – 85; O’Rourke, ‘The worldwide economic impact’, 125.

²⁸⁹ Dufraisse, ‘La contrebande’, 1047.

²⁹⁰ Aaslestad, ‘Introduction’, 11.

always had to specify which goods had been seized by the customs.²⁹¹ They therefore listed the amount, length, weight or volume and type of confiscated product.²⁹² Most of these confiscations were approved by the judge after which the goods were publicly sold. In a small minority of cases, however, the judge ruled that the goods had been confiscated unlawfully and declared the confiscation *nul et de nul valeur*.

Goods	Weight (kg)	Length (m)	Volume (L)	Pieces
Cocoa	14,856.70			
Coffee	13,862.78			
Dyes	378.75			
Glassware	671.50			15,024.00
Grain	246,876.92		66,816.84	117.00
Hardware	129.69			762,713.00
Liquor			1,416.00	60.00
Other	1,682.77		30.00	5,807.00
Potassium	160,863.00			
Pottery	2.00			7,683.00
Salt	42,805.00			
Spices	4,979.89			1,364.00
Sugar	83,675.03			1,672.00
Tea	35.30			18.00
Textiles	7,462.66	145,573.75		48,459.00
Tobacco	85,278.85			809.00

Table 1. Confiscated goods in the Antwerp Arrondissement, 1800 – 1810. Source: RAA, EA, 106 – 120.

Table 1 shows the total amount of confiscated goods in the Antwerp Arrondissement between August 1800 and December 1810. At first sight, grain, textiles and potassium are among the most confiscated goods. Almost 250 tons of grain was transported northwards to be illegally exported. A total of 145,573.75 meters of textiles were confiscated. Another 48,459 individual pieces of textiles of which the length was not known were seized. This included 9,457 *nankins*, 6,541 stockings and 23,011 handkerchiefs.²⁹³ Furthermore, 7,462.66 kilograms of textiles were confiscated. This included 4,902 kilograms of ribbons and 464 kilograms of cotton yarn. The high amount of cocoa, salt and potassium is the result of a few major searches of ships in the

²⁹¹ Humbert-Convain, *La juge de paix*, 142.

²⁹² For an overview of the selection criteria and classification of confiscated goods, see Appendix 2.

²⁹³ Nankeen was a yellowish fabric originally from China.

port of Antwerp. Moreover, both salt and potassium were neither considered contraband nor British. As they were not covered by the major contraband laws, both confiscations were done as a result of evading of tariffs.²⁹⁴ Metal hardware seems to have been a particularly popular item to smuggle too. However, this included about 750,000 needles confiscated on three different occasions in 1800 and 1801. Apart from cocoa, a large amount of tobacco, sugar, coffee and spices was confiscated. Along with textiles, these colonial goods were also the most regularly smuggled into French territory.

These confiscations show that smugglers diversified the contraband they smuggled by operating a wide range of different products. However, they seem to have focused mostly on consumer goods. Most of the smuggled products, in other words, seem to have been demand-driven. Smugglers mostly trafficked the typical 'exotic' consumption goods that had known a huge rise in popularity during the eighteenth century. Already in the second half of the eighteenth century, a high domestic demand for cotton textiles, caused a trade imbalance of processed cotton fabrics in the Austrian Netherlands.²⁹⁵ Coffee and tea became objects of mass consumption in the Southern Netherlands and were widely diffused among large sections of the population when the French invaded in 1795.²⁹⁶ Sugar – often used as a sweetener for above-mentioned beverages – and tobacco, too, had known a gigantic dissemination among Western-European consumers in the eighteenth century.²⁹⁷ Furthermore, these products were dependent on overseas trade and could not be procured any other way – except for tobacco which was also grown in the Northern Netherlands albeit in small quantities, but for which a tariff was in place.²⁹⁸ The loss of French and allied colonies throughout the period, and especially the loss of the French fleet at Trafalgar in 1805, had made domestic import of colonial goods extremely difficult. This was only slightly alleviated towards the end of the Empire, when the license system established by the decrees of Trianon, Saint-Cloud and Fontainebleau allowed the import of colonial goods, albeit against enormous import tariffs.²⁹⁹ These goods could also easily

²⁹⁴ Clinquart, *l'Administration des douanes*, 113 – 116.

²⁹⁵ Ann Coenen, 'The international textile trade in the Austrian Netherlands. 1750 – 1791', in: Jon Stobart and Bruno Blondé (eds.), *Selling textiles in the long eighteenth century* (London 2014), 67 – 84, 79 – 80.

²⁹⁶ Anne McCants, 'Poor consumers as global consumers. The diffusion of tea and coffee drinking in the eighteenth century', *The economic history review* 61.S1 (2008), 172 – 200; Bruno Blondé and Wouter Ryckbosch, 'Arriving to a set table. The integration of hot drinks in the urban consumer culture of the eighteenth-century Southern Low Countries', in: Maxine Berg, Felicia Gottmann, Hanna Hodacs and Chris Nierstrasz (eds.), *Goods from the East. 1600 – 1800. Trading Eurasia* (Basingstoke 2015), 309 – 327.

²⁹⁷ Kwass, *Contraband*, 21 – 31; 't Hart en Greefs, 'Sweet and sour', 12.

²⁹⁸ The law of 22 Brumaire of Year VII charged 30 francs per quintal of tobacco *en feuille*. Processed tobacco was prohibited to import. See : 'Loi portant établissement d'une taxe sur le tabac', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 9, 45 – 47.

²⁹⁹ Dufraisse, 'La contrebande', 1047.

be smuggled in bulk because smugglers could be certain on a big demand. Piece goods such as watches and spectacles, for example, were barely confiscated, even though they were also prohibited by the law of 10 Brumaire of Year V (31 October 1796).³⁰⁰ Finally, these goods had some tradition of smuggling during the eighteenth century. Fragmentary evidence from the neighboring Waasland region has shown that textiles, tea, coffee, tobacco, sugar and spices were among the most commonly smuggled products in the second half of the eighteenth century.³⁰¹ Smuggling of textiles was also common in West-Flanders, where a lively contraband trade with nearby France existed in the eighteenth century.³⁰²

Not all colonial commodities were equally popular as contraband. Two notable exceptions were cocoa and tea. Although almost fifteen thousand kilograms of cocoa was confiscated, the product was seldomly smuggled (see graph 4). The total confiscated amount consisted almost solely of two seizures from two ships in the port of Antwerp. In 1805, 9,645 kg was confiscated on a ship called *Le Jeune Guillaume*, while another 1,881 kilograms of cocoa was confiscated from *Le Jeune Jacques* in 1808.³⁰³ In total, cocoa was only confiscated 29 times. Most likely, there was little demand for it. Chocolate never became a widely consumed commodity in the Southern Netherlands during the eighteenth century.³⁰⁴ The low amount of confiscated tea is striking at first sight. Although Clinquart listed tea as one of the illicitly imported goods, the leaves were rarely smuggled or confiscated. Only 35 kilograms of tea were confiscated in the entire decade. This is not entirely surprising. Legal imports of tea, too, pale into insignificance when compared to those of coffee for example.³⁰⁵ Once a popular beverage, tea already lost much importance in the latter half of the eighteenth century, being slowly but steadily replaced by coffee.³⁰⁶

Of course, the legal context should not be forgotten. The confiscated goods obviously were the ones that were prohibited from entering French territory. The goods prohibited by the laws of 10 Brumaire of Year V (31 October 1796) and 22 Ventôse of Year XII (13 March 1804) were indeed mostly textiles and colonial consumption goods. With the exception of dyes (most

³⁰⁰ See lemma 8, article 5 of the law of 10 Brumaire of Year V. 'Loi qui prohibe l'importation et la vente des marchandises anglaises', *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 7, 434 – 437.

³⁰¹ Sophie Gyselinck, *De smokkelhandel in het Land van Waas tijdens de 18de eeuw*, Unpublished Master thesis, Rijksuniversiteit Gent, (Gent 1998), 136 – 146.

³⁰² Annik Adriaenssens, *Van laken tot linnen. De textielhandel Bethune & Fils, tweede helft achttiende eeuw. Een analyse op basis van het bedrijfsarchief*, Volume 2, Unpublished Doctoral thesis, Universiteit Gent (Ghent 2016), 1031 – 1070.

³⁰³ RAA, EA, 115, Sentence of 28 Thermidor of Year XII; RAA, EA, 118, Sentence of 15 March 1809.

³⁰⁴ M. Libert, 'De chocoladeconsumptie in de Oostenrijkse Nederlanden', in: Bruno Bernard, Jean-Claude Bologne, and William G. Clarence-Smith (eds.), *Chocolade: van drank voor edelman tot reep voor alleman, 16de-20ste eeuw* (Brussel: ASLK, 1996), 76 – 80. Blondé & Rykbosch, 'Arriving to a set table', 312.

³⁰⁵ Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 10. In Year X (1801 – 1802), for example, 207,000kg of tea was imported against 2,326,000kg of coffee.

³⁰⁶ Blondé & Rykbosch, 'Arriving to a set table', 312 – 313.

notably indigo which was a colonial product), almost no raw materials for the burgeoning industries were confiscated. The seized sugars, tobacco and coffee were all refined, roasted or otherwise processed. Raw cotton, although increasingly subject to heavy tariffs, was allowed to and continued to be imported, provided it was not British.³⁰⁷ This fits well in the mercantilist character of French economic policy. To foster domestic industries, the import of raw materials was allowed while competition by finished consumer goods was restricted severely. There are indeed indications that domestic industries benefited from these import bans. Alfons Thijs argued that the Antwerp sugar refining industry initially benefited from the import ban on refined sugar.³⁰⁸ Numerous scholars have long emphasized the positive impact of the prohibition of cheap English manufactured textiles on continental textile manufacturing.³⁰⁹ This was especially true in the *départements réunis*, where a flourishing textile industry developed in Ghent, Lier and Verviers.³¹⁰

For smugglers, prohibited goods were quite lucrative to traffic. Miot attested that *piqués* and *basins* sold in Paris for six or seven *livres* per yard were bought in Manchester for less than two *livres*.³¹¹ According to the councilor, refined sugar even had a 50 per cent profit margin. Furthermore, smugglers seem to have adapted their product range to market circumstances. But, in order to prove that, we first need to outline developments in confiscations.

Eliminating biases of large seizures such as the ones on seafaring ships, the number of times a particular good had been confiscated has been plotted (see graph 4). This enables us to look at the frequency of particular confiscated goods. In other words, this analysis can track the preferences and popularity of certain contraband items throughout the period. Like confiscations, the contraband that was confiscated did not show an even development. This shows that the product range of smugglers increasingly diversified throughout the period.

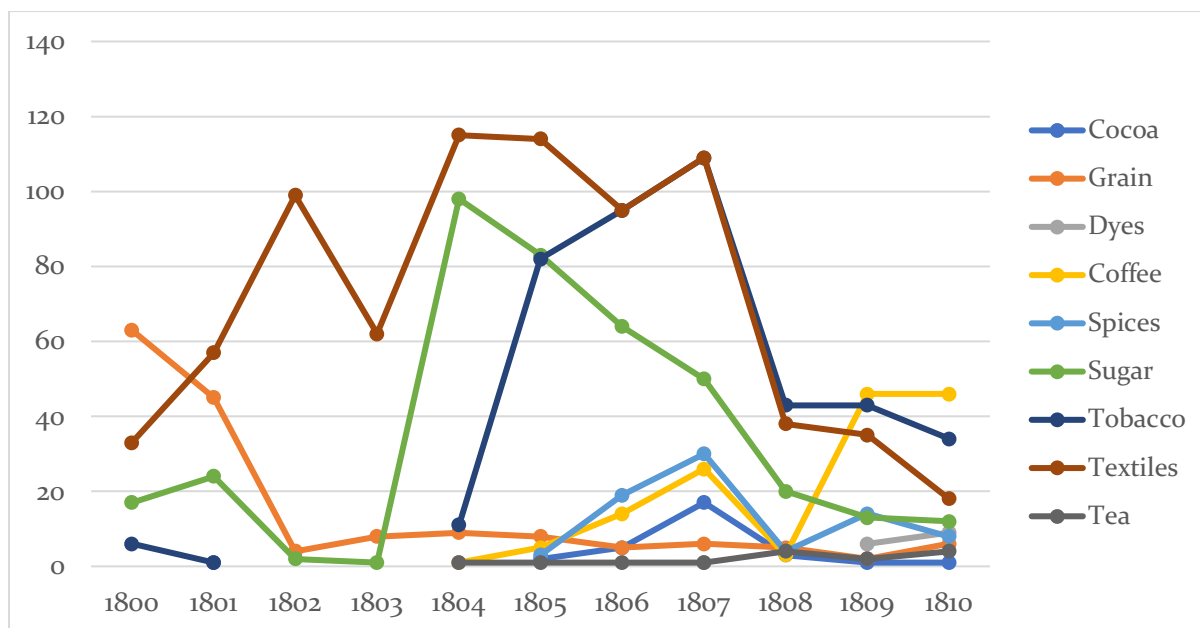
³⁰⁷ Heckscher, *The Continental System*, 85; Crouzet, 'Wars', 578; Dufraisse, 'Politique douanière', 6 ; De Oliveira, *Les routes de l'argent*, 436.

³⁰⁸ Alfons Thijs, 'De geschiedenis van de suikernijverheid te Antwerpen (16^{de} – 19de eeuw). Een terrein-verkenning', *Bijdragen tot de geschiedenis* 62 (1979), 23 – 50, 41; Stefaan Peeters, *Antwerpen zoete verleden. Historische schets van de suikerhandel en – nijverheid tot en met de negentiende eeuw*, Unpublished Master thesis, Katholieke Universiteit Leuven (Louvain 1983), 91- 94.

³⁰⁹ Ellis, *The Napoleonic Empire*, 102; Juhász, 'Temporary protection'.

³¹⁰ Greefs, *Zakenlieden*, 68.

³¹¹ AN, F/7, 4304, Rapport Miot.



Graph 4. Frequency of confiscated goods in absolute numbers, Antwerp Arrondissement, 1800 - 1810 (N=1862). Source: RAA, EA, 106 - 120.

Confiscations of textiles show a fairly even development until the latter years of the decade. Most meters of fabrics were confiscated in 1801, 1807 and 1808. Especially in the early years of the decade, confiscations of textiles dwarf those of colonial products. Relatively, they were the most confiscated product throughout most of the period, peaking in the middle of the period. From 1808 onwards, textile smuggling seems to have lost in importance. In absolute numbers, 1809 was a record low in textile smuggling. Only 2,239 meters of textile fabrics were confiscated that year. The economic context has to be taken into account here as well. This slump in smuggling of textiles coincided with the heyday of French domestic textile production.³¹² Cotton industries in the *départements réunis* and the Rhenish left bank developed rapidly between 1807 and 1810.³¹³ Juhász has shown that spinning capacity in the French empire had increased by 370 per cent between 1803 and 1812.³¹⁴ Spinning activity was especially high in 1809 and 1810. In Ghent, too, the number of spinning mills increased to 23 in 1810 after the first mechanized mill had been founded by Lieven Bauwens in 1801.³¹⁵ Even though the industry was reliant on the foreign import of raw cotton, which was at times perilous, ‘cotton was the only textile to flourish during the Napoleonic Wars’.³¹⁶ It is quite possible that less textiles were being smuggled

³¹² Ellis, *The Napoleonic Empire*, 102.

³¹³ Aaslestad, ‘Introduction’, 9.

³¹⁴ Juhász, ‘Temporary protection’, 3354 - 3355.

³¹⁵ Greefs, *Zakenlieden*, 68.

³¹⁶ Juhász, ‘Temporary protection’, 3356.

because the domestic industry provided the French market with competitive alternatives for British manufactures, reducing the need and incentive to smuggle textiles. Instead, smugglers seem to have increasingly switched to colonial goods.

Confiscations of colonial commodities became important from 1804 onwards. This sudden shift can be partially explained by the implementation of the law of 22 Ventôse of Year XII (13 March 1804). Article 14 of this law specifically stipulates that ‘all merchandise coming from English factory or colony will be confiscated.’³¹⁷ Confiscations of refined sugar show a surge in 1804 to become the second most confiscated product that year. The peak in 1801 is based on two confiscations that year and is therefore biased. After the 1804 peak, there was a gradual decrease of refined sugar smuggling. Like textiles, this seems to have coincided with the rapid development of domestic sugar refineries. The Antwerp sugar refining business expanded rapidly in the latter half of the decade.³¹⁸ The number of refineries increased from nine in 1805 to 25 in 1809. In 1812, no less than 36 refineries were counted.³¹⁹

Although the *départements réunis* had a tradition in tobacco cultivation, especially in West-Flanders, the addictive leaves were increasingly imported illicitly. Confiscations of tobacco dramatically increased in 1806 and 1807 and remained quite dominant until the end of the decade, although it lost some importance to other commodities such as coffee. Domestic production might have been able to alleviate import bans and provide domestic markets with tobacco. Tobacco cultivation in the *Denderstreek* and *Leiestreek* regions indeed seems to have received a boost in 1808 and 1809.³²⁰ French policy also tried to stimulate domestic tobacco production, culminating in the monopolization of the tobacco industry by Napoleon on 29 December 1810, a measure that recalls the old state monopoly of the *Ferme* during the Ancien Régime.³²¹

Confiscations of colonial goods seem to show a similar pattern to legal trade. According to Veraghtert supply of colonial commodities continued well into 1807. Only in 1808 colonial supply was hit hard by the aggregated measures of the Continental System, British Orders in Council and the American Embargo act of 1807. Supply ceased nearly entirely when Napoleon banned the import of colonial commodities in December 1808.³²² The smuggling of coffee might

³¹⁷ ‘Toute denrée et marchandise provenant de fabrique ou de colonie anglaise sera confisquée’, Article 14 of the law of 22 Ventôse of Year XII. *Pasinomie. Collection complète des lois, décrets, arrêtés et règlements généraux qui peuvent être invoqués en Belgique*, Volume 12, 330 – 331.

³¹⁸ Thijs, ‘De geschiedenis van de suikernijverheid te Antwerpen’, 41.

³¹⁹ ‘t Hart and Greefs, ‘Sweet and sour’, 13.

³²⁰ Jules Pieters, ‘De tabaksteelt in het Land van Aalst onder het Frans bewind, *Het Land van Aalst* 19.1 (1967), 1 – 20.

³²¹ Kwass, *Contraband*, 349 – 352.

³²² Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 23.

have been directly related to this ban as it only gained importance in the last years of the decade. In 1809, coffee even became the most confiscated product both in absolute amounts as in frequency.

Being the only products prohibited to export, the illicit transport of grains and grain-derived flower such as wheat, rye, barley and buckwheat – although botanically not considered a grain – was a bit of an outsider. The export was banned in March 1797, but two decrees in 1804 allowed export to Spain, Portugal, Germany and Holland – on payment of an export duty.³²³ In 1810 the export ban was reinstated.³²⁴ Not surprisingly, it is in 1800 and 1801 that we see most confiscations of grain. A total of 203,547 kilograms was seized during 106 confiscations. In contrast, during the period between 1802 and 1809 only 33,592 kilograms of grain was confiscated. Only in 1810, when the ban was reinstated, the total weight of confiscated grain starts to rise again. That year, almost 10,000 kilograms of grain was confiscated.

Price incentives

These rather dramatic shifts of the kind of product that was smuggled show that smuggling networks easily adapted to new circumstances. How can this flexibility be explained? What caused these shifts? Marzagalli linked the increase of smuggling to rising prices in the inner Empire.³²⁵ According to her, significant price variation was an important incentive to smuggle. Dufraisse, too, claimed that these price differentiations were an engine of smuggling. For example, in 1806 and 1807 tobacco on the right bank of the Rhine river was worth between 1.20 and 1.80 francs per kilogram, while on the left shore in France a kilogram yielded between 2.82 and 3.20 francs.³²⁶

Therefore, it is relevant to look at prices of smuggled products. A link between contraband and official prices may indicate rapid adaptations of smuggling networks to market prices. In order to do this, price currents of the Bourse of Antwerp were used. These price currents were published weekly in the *Journal du Commerce d'Anvers*, which was published by customs receiver Charles Le Poittevin. Because the exchange only traded in commodities, prices of textiles are unfortunately missing. Prices of all colonial commodities, however, are available.³²⁷

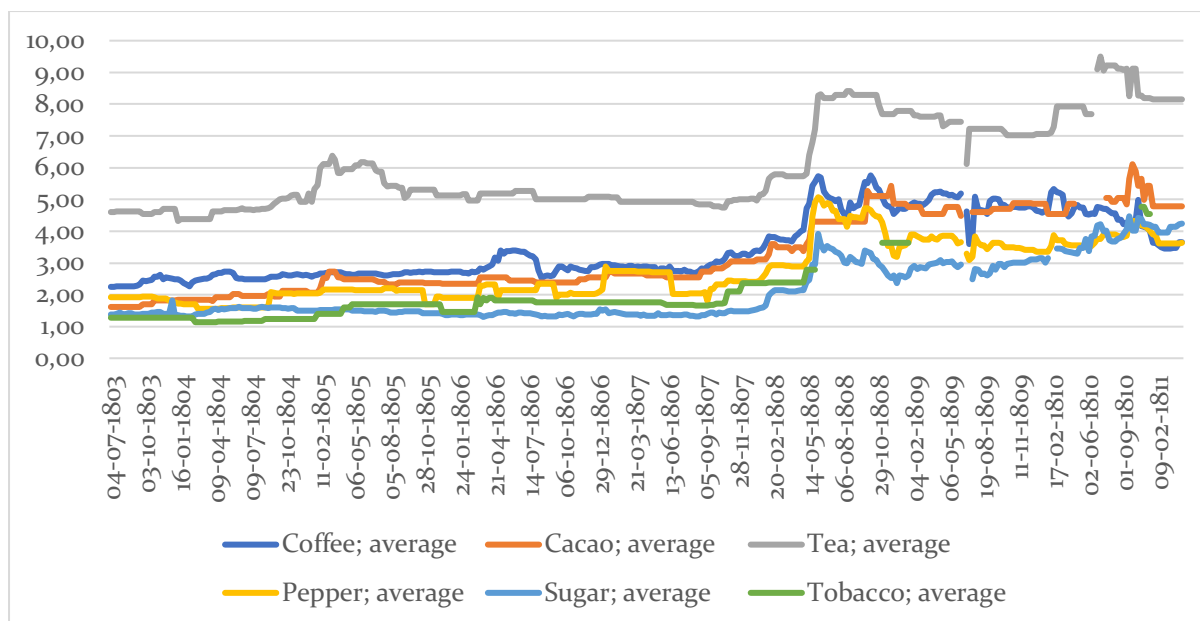
³²³ Clinquart, *l'Administration des douanes*, 48.

³²⁴ Dufraisse, 'La contrebande', 1047.

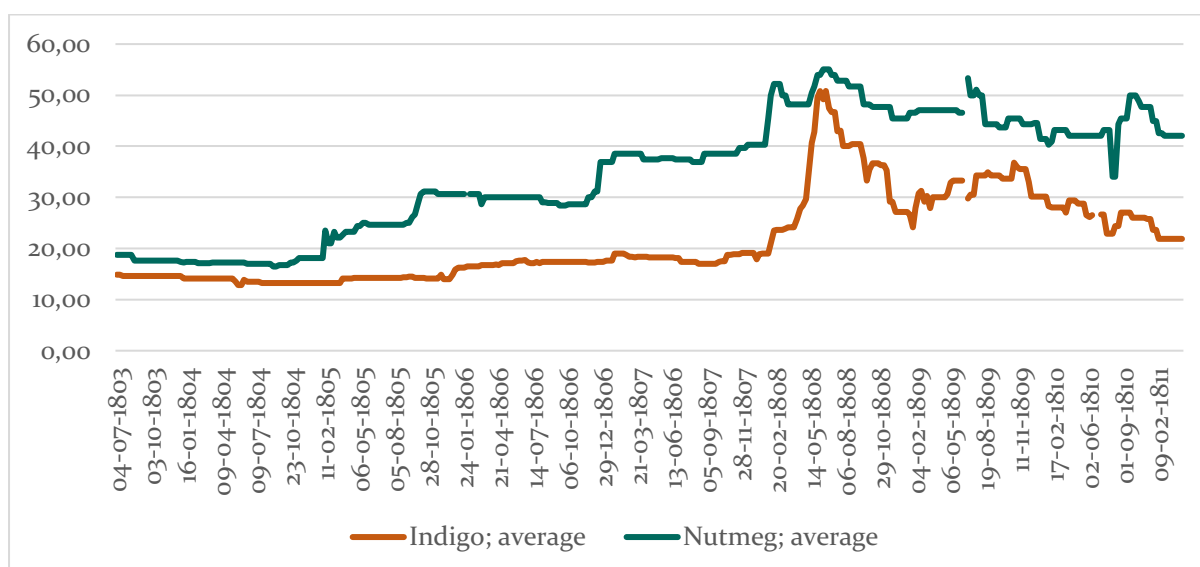
³²⁵ Marzagalli, *Les boulevards de la fraude*, 207 – 208.

³²⁶ Dufraisse, 'La contrebande', 1043.

³²⁷ For the selection and processing of these price currents, see Appendix 3.



Graph 5. Price currents of colonial commodities (francs/250g). Source: Price currents from the *Journal du Commerce d'Anvers, 1803 – 1811*.

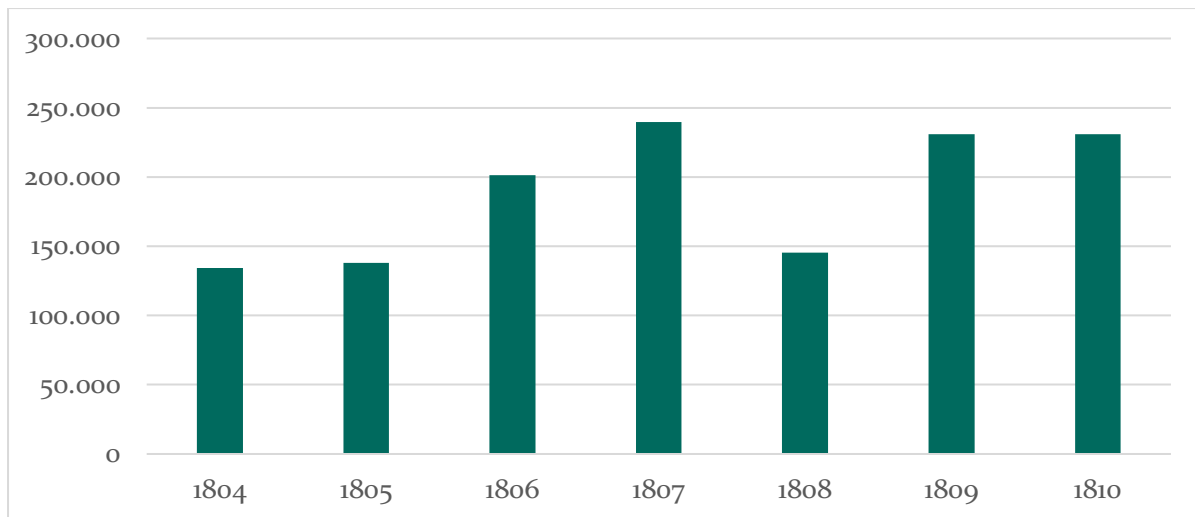


Graph 6. Price currents of nutmeg and indigo (Francs/250g). Source: Price currents from the *Journal du Commerce d'Anvers, 1803 – 1811*.

Prices developed rather gradually throughout most of the period. As the graphs 5 and 6 show, the prices of the most important colonial commodities only started rising steeply at the end of 1807. This seems to coincide with the cessation of neutral trade because of the Milan Decree of 17 December 1807. Frankly, this did not lead to an increasing volume of confiscations of most commodities. While their prices remained fairly even, the confiscations of sugar and tobacco –

the two major colonial commodities to be smuggled – already peaked in 1804 and 1807 respectively. The price of tea showed similar developments (except for a spike in 1805) but the commodity was barely smuggled. As said, only 35 kilograms of tea was confiscated during a negligible number of seizures. Even though prices increased sharply in 1808 this apparently did not lead to more incidence or higher volumes of confiscations. Rising prices did not cause an increase of the confiscation of coffee either. Between March and June 1808 prices of coffee skyrocketed. The commodity was only increasingly confiscated in the fall of 1809 and 1810. By providing extra supply, illicit trade might also have kept prices down. This might also explain the relatively constant price currents of sugar and tobacco while there was a huge increase in confiscation of these commodities between 1804 and 1808.

Although there does not seem to be a direct relation between the increase of price currents and the amount of confiscated contraband, prices might have had a different influence on smuggling. It is possible that price increases meant that less contraband had to be transported to maintain the same profit margins. Graph 7 indeed shows that the value of confiscated colonial goods stayed more stable than the amount of confiscations during the period.³²⁸ Of course, this excludes textiles of which no price indications could be found. But the diversification of the product range towards the end of the decade does show that smugglers had preferences for goods that were most valuable ‘on the market’.



Graph 7. Development of the value of confiscated colonial goods (Francs), Antwerp Arrondissement, 1804 - 10. Source: RAA, EA, 106 – 120; Price currents from the *Journal du Commerce d’Anvers*, 1803 – 1811.³²⁹

³²⁸ The price currents of the *Journal du Commerce d’Anvers* were applied to the confiscations. See Appendix 3.

³²⁹ To prevent biases of confiscations done on big sea-faring vessels, i.e. confiscations of over 1,000 kilograms of product were corrected.

	1804	1805	1806	1807	1808	1809	1810	Total
Cocoa		96,069	10,045	19,339	42,796	10	131	168,390
Coffee	26	535	16,133	7,079	1,699	125,227	97,973	248,670
Dyes				12		10,524	30,487	41,023
Spices		1,130	6,365	18,116	2,975	38,336	10,045	76,967
Sugar	129,196	92,066	54,535	23,788	14,836	1,718	90,717	406,856
Tea		8	20		16	111	1,079	1,235
Tobacco	4,570	53,879	179,936	190,169	105,143	67,596	64,507	665,800
Total	133,792	243,688	267,035	258,502	167,465	243,521	294,939	1,608,942

Table 2. Total value of confiscated colonial goods (Francs), Antwerp Arrondissement, 1804 – 1810.
Source: RAA, EA, 106 – 120; Price currents from the Journal du Commerce d’Anvers, 1803 – 1811.

When textiles became less interesting to smuggle, they were quickly substituted with products that increased in value, such as coffee and spices (see table 2). As a consequence, smugglers could take fewer risks, while their revenue remained fairly equal. Towards the end of the decade, valuable commodities such as indigo and nutmeg were increasingly smuggled. A mere 9.50 kilograms of indigo confiscated from a cart in January 1810, for example, was worth more than 1,146 Francs.³³⁰ Nutmeg was extremely valuable too. In August 1810, a porter was caught with 11 kilograms of the spice which was worth almost 2,000 Francs.³³¹ In comparison, a day before another porter was carrying 7 kilograms of sugar which was only worth 90 Francs.³³² This also had impact on the average value of confiscations. The average value of confiscated colonial products rose from 532 Francs in 1805 to 1,503 Francs in 1810 (see table 3). The average value of confiscations that involved colonial goods even rose from 1,338 Francs in 1804 to 3,353 Francs in 1810. While less volume was smuggled and the number of confiscations went down in the latter years of the decade, the contraband that was confiscated had an increasingly higher value. This shows that, while risks rose after the implementation of the Continental Blockade, smugglers consciously redirected their activities towards more valuable contraband that could be smuggled in lower volumes and therefore attracted less risk of confiscation.

³³⁰ RAA, EA, 120, Sentence of 14 February 1810.

³³¹ RAA, EA, 120, Sentence of 7 September 1810. Registry number 1896.

³³² RAA, EA, 120, Sentence of 7 September 1810. Registry number 1897.

	Average value of confiscated colonial goods	Average value of confiscations that involved colonial goods
1804	806	1,338
1805	532	1,374
1806	653	1,717
1807	634	1,947
1808	1,072	2,725
1809	1,222	3,137
1810	1,503	3,533

Table 3. Average value of confiscations in Francs, Antwerp Arrondissement, 1804 – 1810. *Source: RAA, EA, 106 – 120; Price currents from the Journal du Commerce d’Anvers, 1803 – 1811.*

Conclusion

As said, these figures only relate to smuggling that was actually recorded. Although the number of confiscations and the amount of confiscated contraband indeed seems high, the exact scope of the contraband trade in the Deux-Nèthes remains unknown. After analyzing papers of some major merchants involved in smuggling, Dufraisse has hypothesized that about 87 per cent of attempts at smuggling were successful.³³³ If this percentage is anywhere near the truth, it would mean that there were about 9,846 attempts at smuggling in the Antwerp Arrondissement. It would also mean that about 106,637 kilograms of coffee, 643,654 kilograms of sugar and 655,991 kilograms of tobacco were smuggled into the Antwerp Arrondissement. Moreover, about 1,182 kilometers of textiles would have been smuggled in. Without proper evidence from ledgers, however, these figures remain purely speculative.

Compared to the legal imports, the contraband trade was quite trivial. Already in Year IX (1800 – 1801) some 5,000 tons of sugar and 2,700 tons of coffee were imported through the port of Antwerp.³³⁴ In the year 1807 – when the restrictions of the Continental Blockade were already in place – this had risen to more than 7,000 tons of sugar and 2,000 tons of coffee.³³⁵ were imported in the port of Antwerp. In 1805, over 3,000 tons of tobacco was imported.³³⁶ The volumes of contraband, even in the most speculative case, were dwarfed by these figures. While Heckscher claimed that ‘the Continental System was rendered illusory by the ever-present smuggling’, illicit trade probably never really substituted legal trade.³³⁷ Following O’Rourke, it

³³³ Dufraisse, ‘La contrebande’, 1049.

³³⁴ Veraghtert, *De havenbeweging te Antwerpen*, Volume 2, 10.

³³⁵ *Ibidem*, 12.

³³⁶ *Idem*.

³³⁷ Heckscher, *The Continental System*, 197.

might indeed be argued that the blockades and embargos during the French Revolutionary and Napoleonic Wars seriously impeded trade and was never 'so undermined by smuggling and corruption that they had no economic impact.'³³⁸ Patterns of confiscations seem to confirm the positive influence the protection from British competition had on some infant industries, as Crouzet and Juhász have argued.³³⁹ Once domestic industries such as the textile industry or sugar refineries were reasonably developed and could supply the domestic market, confiscations of the respective products dwindled, and smugglers switched to more profitable or less easily obtainable goods.

The Continental Blockade, however, did not directly cause smuggling. Smuggling was well underway before its implementation in December 1806. In fact, both the volume and incidence of smuggling was clearly higher before implementation of the Decree of Berlin. After the Milan Decree of December 1807, the number of confiscations went down considerably. The Blockade, therefore, indeed seems to have been quite effective in suppressing both the volume and incidence of smuggling. It did not, however, stop it. In fact, it influenced smugglers' strategies and choices. Whereas textiles and subsequently refined sugar and tobacco were the mainstays of their product range in the beginning of the decade, smugglers quickly diversified their product range in the latter years. They rapidly adapted to both market demand and intensified surveillance. Supply, too, might have dwindled, as the Continental Blockade was increasingly effectively introduced in the Kingdom of Holland. As risks rose, smugglers opted to traffic goods that were worth more and could be smuggled in smaller quantities. The latter years saw an increase in goods such as coffee, indigo, pepper and nutmeg – products that could not be substituted with domestic production. Meanwhile, the value of confiscated colonial contraband increased dramatically. As a consequence, smugglers could probably maintain the same profit margin, while actually smuggling less.

³³⁸ O'Rourke, 'The worldwide economic impact', 146.

³³⁹ Crouzet, 'Wars', 586; Juhász, 'Temporary protection'.

4

Tailor-made traffickers

‘The population lived from and only wanted [to be engaged in] contraband’, Miot claimed in his report.³⁴⁰ According to the *conseiller d’État*, the whole population of the border region had been complicit in the smuggling business since the days of the Spanish Netherlands. Napoleonic historians usually claim that smuggling was a socially inclusive activity that united a cross section of society. Katherine Aaslestad, for example, sums up the involvement of those in the smuggling trade as follows: ‘unemployed laborers, fishermen, women, children, merchants and bankers.’³⁴¹ Similarly, Michael Rowe claims that smuggling networks consisted of ‘Norman merchants, Rhenish bankers, Dutch fishermen and British manufacturers.’³⁴² Historians working on periods other than the Napoleonic era have also frequently attested the heterogeneity of smuggling.³⁴³ Often, historians have associated the involvement of the lower strata of society with survival strategies in times of economic decline. Both Marzagalli and De Oliveira argued that (petty) smuggling proved a viable alternative to those hit by the hardships caused by the Continental Blockade.³⁴⁴ Especially in the seaside communities where the Blockade caused maritime industries to falter, those (formerly) employed by it sought their refuge in the contraband trade.

Theories in anthropology and criminology cast a different light on this social inclusivity, however. In his research on the eighteenth-century robber band of the *Bokkerijders*, anthropologist Anton Blok paid attention to the occupational structure of its members. According to him, the *modus operandi* of these groups could not be separated from their professional background. He noticed that most suspects had professions in crafts and trade, while people with agrarian backgrounds were barely active in these groups. Blok not only attributes this to the social marginalization of some of these professions, but also their *tactical*

³⁴⁰ ‘La population vit et n’a veut jusqu’ici que de la contrebande’. AN, F/7, 4304, Rapport Miot.

³⁴¹ Aaslestad, ‘Introduction’, 6.

³⁴² Rowe, ‘Economic warfare’, 197.

³⁴³ Karras, *Smuggling*, 5; Kwass, *Contraband*, 92 – 101.

³⁴⁴ Marzagalli, *Les boulevards de la fraude*, 200; De Oliveira, *Les routes de l’argent*, 400.

mobility and other attributes. Due to their activities, some professions such as blacksmiths, skimmers, peddlers and cartwrights could move around the countryside without causing too much suspicion. They had access to places where people with more sedentary professions such as farmers did not come that often. Furthermore, some of these professions had practical attributes that were useful in the activities the *Bokkerijder* band was engaged in. Skimmers, Blok claims, possessed considerate physical strength, were skilled with knives and a profound knowledge of the countryside.³⁴⁵

Similar theories have gained a foothold in modern-day criminology. In recent years, criminologists have elaborated on theories around the occupational embeddedness of organized crime, in which they link attributes of certain professions to opportunities to engage in transit crimes. This occupational embeddedness of organized crime stresses the importance of opportunities that often crystalize in certain professions.³⁴⁶ According to Van de Bunt, Siegel and Zaitch, ‘each occupation provides different opportunities to commit and conceal criminal activities.’³⁴⁷ In other words, some occupations have a predisposition towards certain crimes; not necessarily because its practitioners are inherently criminal or are forced to perpetrate the crime by external factors such as poverty, but because of the inherent characteristics of the job and the opportunities these create.³⁴⁸ As such, some professions might be more apt to cover certain risks. In this light, smuggling might not be the social inclusive activity many historians have claimed it to be but might be clustered around certain professions.

The sentence books of the Antwerp correctional court allow us to test both hypotheses by reconstructing the social backgrounds of smugglers. Although most merchants had to be penalized in a different manner, as we will see in the next chapter, the lower strata involved in the contraband trade were barely excluded from prosecution in the courts. As no more ships came in after 1807 as a result of the Continental Blockade, and the traditional textile industry was withering, Antwerp (and its hinterland) proves to be an interesting test case to see if the local community turned to smuggling.³⁴⁹ This chapter will first highlight those brought before court by focusing on conviction rates, the professions of offenders and the means of transport used. Then, it will offer a typology of smugglers based on their profession and role in the supply

³⁴⁵ Blok, ‘Over de beroepen van de Bokkerijders’, 166.

³⁴⁶ Henk van de Bunt, Dina Siegel and Damián Zaitch, ‘The social embeddedness of organized crime’, in: Letizia Paoli (ed.), *The Oxford handbook of organized crime* (Oxford 2014), 321 – 339, 327; Edward R. Kleemans and Henk van de Bunt, ‘Organised crime, occupations and opportunity’, *Global crime* 9.3 (2008), 185 – 197, 193.

³⁴⁷ Van de Bunt, Siegel and Zaitch, ‘The social embeddedness’, 327.

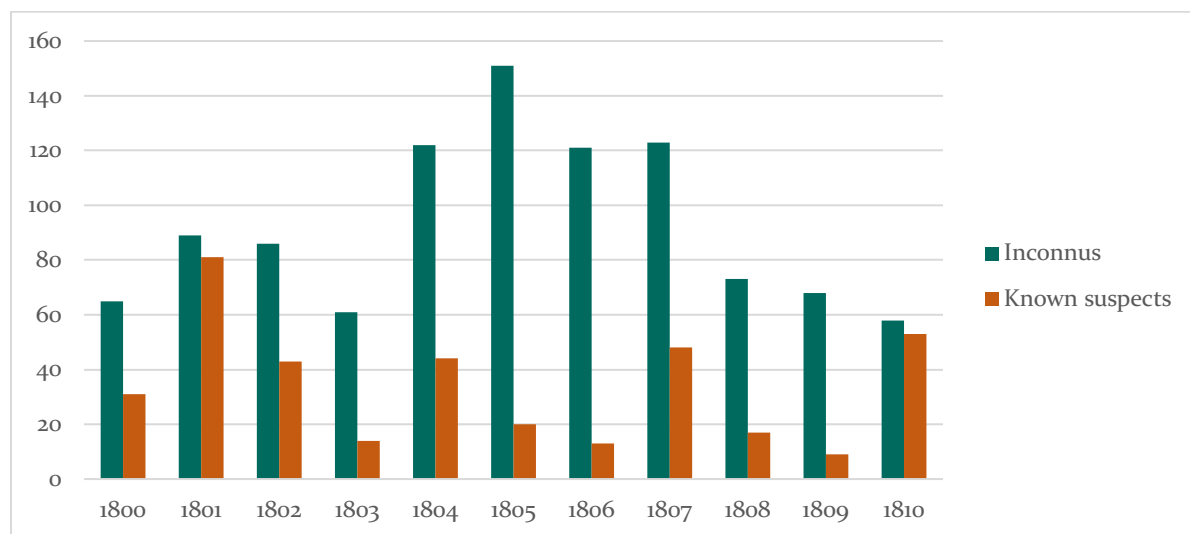
³⁴⁸ Of course, the one does not exclude the other. Financial incentives in the form of extra income probably remained important for especially the lower echelons of the contraband trade.

³⁴⁹ Greefs. ‘Choices and opportunities’, 237.

chain. Finally, we will turn our attention to notable absentees in smuggling, people who were not involved at all.

Smugglers in court

Although the sentence books enable us to reconstruct the professional backgrounds of smugglers, not everyone was arrested. An unintended consequence of the fact that custom officers could keep their share of the confiscation was that arrests were barely made. As said in chapter 3, custom officers usually, did not have the incentive to apprehend smugglers. Often, custom officers were lying in ambush, waiting for porters or carters. When they encountered smugglers, the latter dropped their loads or abandoned their carts and made a run for it, making it easy for the officers to confiscate the shipment. Therefore, the vast majority of smugglers remained unknown to the authorities. These cases were nonetheless brought before a judge that had to validate the confiscation and convict these so-called *inconnus* in absentia.



Graph 8. Development of sentences of des inconnus and known suspects, Antwerp Arrondissement, 1800 - 1810. Source: RAA, EA, 106 - 120.

Nevertheless, customs and gendarmerie did manage to make arrests. In 263 cases, suspects were brought to court. As some cases consisted of more than one suspect, there were a total of 373 suspects who appeared in court. The distribution throughout the period was uneven (see graph 8). Two years seem to have been particularly successful in apprehending and bringing suspects to court. 1801 showed 81 suspects who appeared before court. In contrast, only 89 *inconnus* were

mentioned in the sentences that year. This might have been caused by an increased zeal on behalf of the custom officers as both the position of *directeur général des douanes* and the *tribunal criminelle spéciale* were established during that year. However, it was also caused by the means of transport used in the operation. 1801 showed a very high share of captains, who, as will be shown, were more likely to be apprehended than other smugglers.³⁵⁰ Conversely, in 1803, 1805 and 1806, of which some years coincide with a high amount of confiscations, the disparity between known and unknown suspects is staggeringly high. As we will see, in those years the porter system was used most. The share of captains also went down, which might have coincided with lesser ships being used for smuggling operations. In 1810 the share of known suspects was about 48 percent. Unlike nine years before, there were barely any captains arrested. The high share of arrest might be explained by a high share of co-offenders being arrested together.³⁵¹ Among these were six merchants from Flushing, three gunners from the sixth company of the first navy regiment, and three *chasseurs à cheval*.³⁵²

Convictions

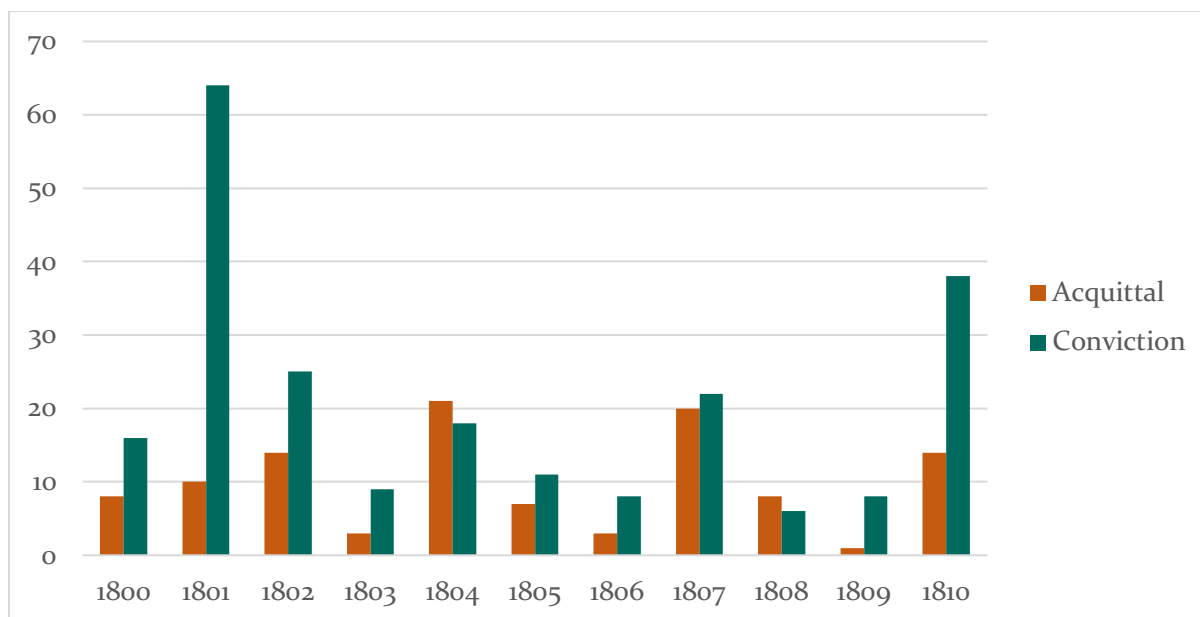
The attributed leniency of these courts that was discussed in chapter 2 might not be entirely justified in the case of Antwerp. As might be recalled, the judiciary of the *départements réunis* was quite loyal to the new regime. This was reflected by fairly high conviction rates. Over 60 per cent of the 373 known offenders were convicted in the end. 22 cases were either postponed or referred to a higher court. Of another 17 cases the verdict was missing in the sentence book. Of the suspects who did appear before the Antwerp correctional court, about 29 per cent was acquitted. This is slightly higher than the 19 per cent Berger has recorded for the Antwerp Arrondissement for the period between 1795 and 1800.³⁵³ Remarkably, the ratio between convictions and acquittals remains fairly equally distributed throughout the period (see graph 9). However, both 1801 and 1810 show a disproportionate number of convictions. This, too, has to do with the high share of captains, whose guilt could easily be established. These years were thus not only successful in apprehending suspects but also in convicting them.

³⁵⁰ One third of those arrested in 1801 were captains.

³⁵¹ More than half of those arrested were apprehended with a co-offender.

³⁵² RAA, EA, 119, Sentence of 12 January 1810; RAA, EA, 120, Sentence of 14 February 1810; RAA, EA, 120, Sentence of 27 November 1810.

³⁵³ This excludes *inconnus*, see Berger, *La justice pénal*, 107 – 109. The more inland arrondissements of Brussels and Malines, however, recorded much higher acquittal rates (86 and 56 per cent respectively), according to Berger. This difference might have been caused by a slight bias in the data; the arrondissements of Brussels and Malines recorded much less custom offenses than the border region. Furthermore, barely any *inconnus* were tried in absentia by these courts, causing the acquittal rates to rise. See Berger, *La justice pénal*, 264.



Graph 9. Convictions and acquittances of smuggling offenses, Antwerp Arrondissement, 1800 – 1810 (N= 334). *Source: RAA, EA, 106 – 120.*

Many smugglers nevertheless seem to have gotten away with smuggling. These acquittal rates, combined with a quite low risk of getting arrested, might have created an extra incentive for smuggling. However, as will be shown later, acquittal rates were not equally distributed among all smugglers that were brought before court and showed concentrations within certain occupations; causing some occupations to be more incentivized than others.

Occupational backgrounds

Although most historians claim that smuggling was a socially inclusive activity, some historians have discerned certain clusters around some professions. In her study on smugglers in the eastern departments of the Empire between 1811 and 1813, Jeanine Bertrand claimed that over two thirds of them were ‘journaliers, ouvriers, petits artisans et commerçants’.³⁵⁴ Roger Dufraisse claimed that over half those involved in the contraband trade on the west bank of the Rhine had a background in agriculture. Another thirteen per cent were craftsmen.³⁵⁵ These categories, however, appear to be too broad as they leave no room for further distinction between roles in the network.³⁵⁶

³⁵⁴ Bertrand, ‘La contrebande’, 290.

³⁵⁵ Roger Dufraisse, ‘La contrebande’.

³⁵⁶ Bertrand primarily used sources from the Cour Prévôtale in Nancy, while Dufraisse combined sources from the Ministry of Police, courts from the Rhine department and the Cour Prévôtale in Nancy.

Using occupations in historical criminological research is notoriously problematic.³⁵⁷ Not only do records not always mention the professions of those who were accused, many in pre-industrial society practiced several occupations simultaneously. A downside, too, is that temporarily unemployed offenders might have been omitted, as they stated their last known occupation. Furthermore, the recorded professions rested on statements by the defendants themselves, who might have twisted their declarations.³⁵⁸

It seems, however, that French authorities were very thorough in recording occupational titles of those who appeared before court in quite a structured way. The occupation of suspects usually remained the same in different source types. Suspects who appealed and whose case subsequently was handled by the *tribunal criminel* stated the same occupation as they had in correctional court. For example, Cathérine De Latine stated in both courts that she was a *journalière*.³⁵⁹ Similarly, the profession of Dominique Joseph Segers was labeled as ‘conducteur de la diligence de Boom à Anvers’ in both courts.³⁶⁰ It might therefore be assumed the French authorities recorded the occupational backgrounds of offenders as truthfully as possible.

The occupational background of 257 suspects was recorded.³⁶¹ As is visible in graph 10 some sectors clearly stand out. Those working in transport – such as captains and carters – featured most frequently in the sentence books (90 in total). Day laborers (31), farmers (27), traders (24) and *négociants* (20) were also common.³⁶² Compared to the occupational structure of both the city of Antwerp and a typical Campine village (Rijkevorsel), the disproportional presence of the transport sector becomes even more apparent. Whereas only two and three per cent of the labor force worked in the transport sector in respectively Antwerp and Rijksevorsel, about 35 per cent of offenders were employed by it. Conversely, while the crafts in Rijkevorsel (28-33%) and the textile industry in Antwerp (35%) were major employers, offenders were barely employed in these sectors.³⁶³

³⁵⁷ Xavier Rousseaux, ‘From medieval cities to national states. 1350 – 1850. The historiography of crime and criminal justice in Europe’, in: Clive Emsley and Louis A. Knafla, *Crime history and histories of crime. Studies in the historiography of crime and criminal justice in modern history* (London 1996), 3 – 32, 15.

³⁵⁸ Of course, ideally, one would use other sources than court ones, such as municipal registers, to back up evidence of the occupational backgrounds of suspects. It proved problematic, however, because the suspects came from all over the Antwerp arrondissement, which had 53 municipalities in total.

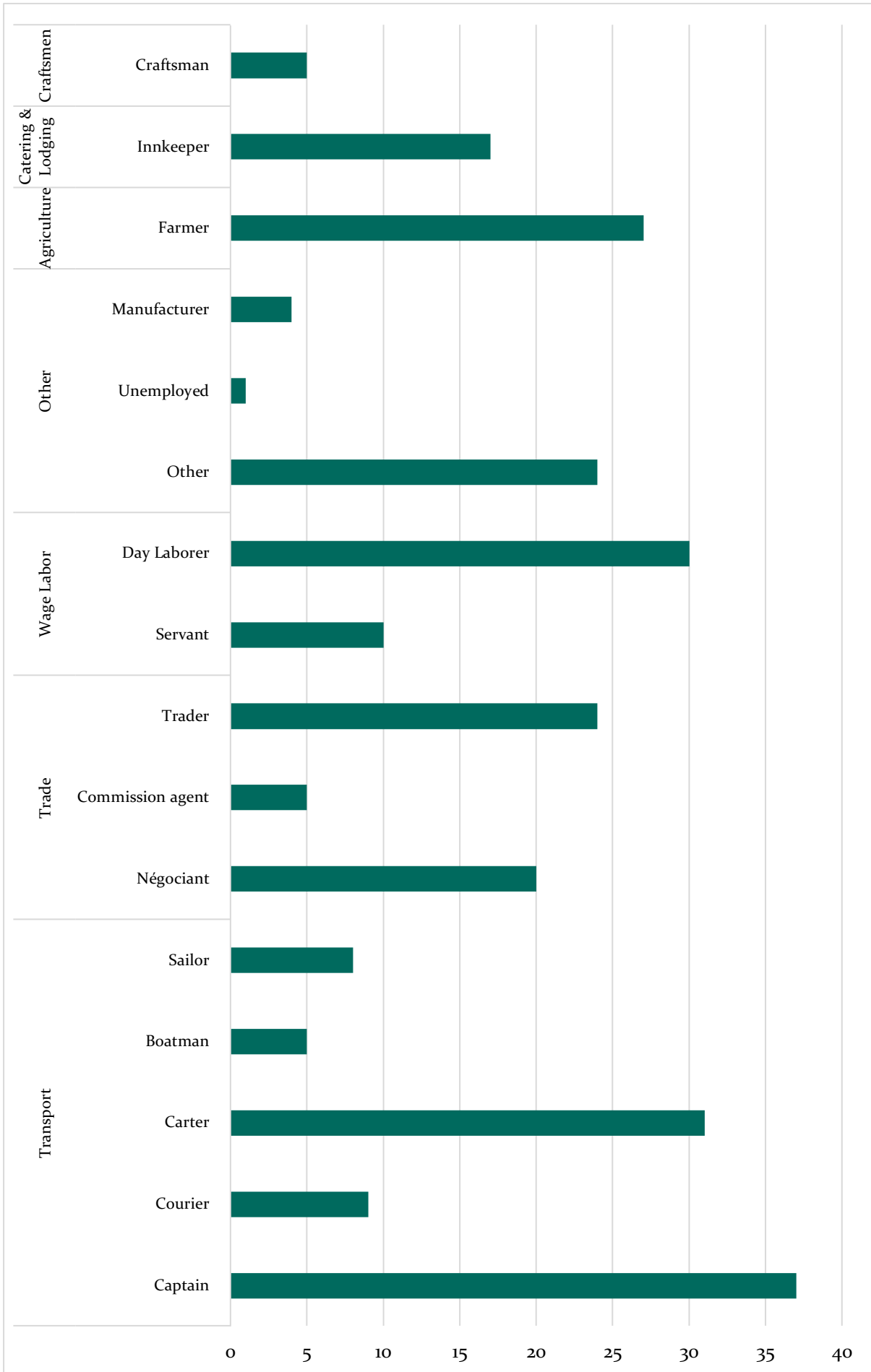
³⁵⁹ RAA, EA, 113, Sentence of 28 March 1804; RAA, HAA, 353.

³⁶⁰ RAA, EA, 117, Sentence of 20 November 1807; RAA, HAA, 487.

³⁶¹ See Appendix 4 for an overview of the classification of occupations.

³⁶² *Négociants* were internationally operating

³⁶³ Based on the census records of 1795. For Antwerp see: Jos De Belder, *Elementen van sociale identificatie van de Antwerpse bevolking op het einde van de 18^e eeuw*, Unpublished doctoral thesis, Universiteit Gent (Gent 1974), volume 2, 369. For Rijkevorsel: see Vanhaute, *Heiboeren*, 80.



Graph 10. Professions of offenders by sector, Antwerp Arrondissement, 1800 – 1810 (N=257). Source: RAA, EA, 106 – 120.

There is, however, a certain bias at play here. Instead of representing the actual occupations of smugglers, these figures represent the people that got arrested. In general, smugglers who could not flee that easily were apprehended most. This includes captains and carters who were not able to abandon their boats or vehicles. A remarkably high number of captains appeared before the correctional court. In fact, the 37 captains who were suspected of smuggling constitute the largest professional group. This gives the false impression that captains were predominantly responsible for most smuggling. As captains did not abandon their ship, they were most easily arrested. If caught, they were easily convicted for smuggling. At 86 per cent, captains also showed the highest conviction rate of any profession brought before the court. On the other hand, porters barely appeared before court. As most of them were *inconnus*, they simply could flee from arrest more easily.

Mobile occupations seem to have predominated. Day laborers were much more involved than (domestic) servants. While the former often roamed the countryside in search for work, the latter were tied more to the household that they worked for. Few craftsmen were involved. The mobile-sedentary dichotomy offers but a partial explanation, however, as some sedentary occupations appear often in the sources. Farmers and innkeepers, for example, were often involved. Unemployed vagrants were highly mobile but did not appear in the records.³⁶⁴ What might explain these concentrations? As will become clear in next section, their occupational profiles might have provided the opportunities to smuggle. Before we turn to a typology of smugglers, we first need to study the means of transport used.

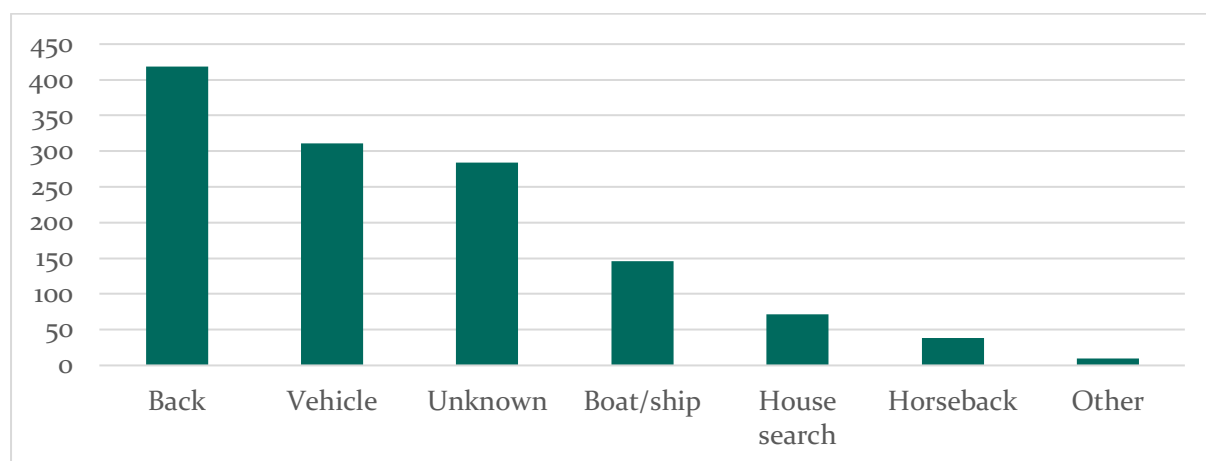
Means of Transport

Because of the importance of the transport sector we first must examine the means of transport used in smuggling operations. Because Article 15 of the law of 10 Brumaire of Year V (31 October 1796) stipulated that all means of transport used in transporting the contraband should be confiscated along with the merchandise, these vehicles were almost always mentioned in the *procès-verbaux*. Ships, boats, canoes, barges, carts, *diligences* and horses were mentioned as having been seized in the sentence books. Even wheelbarrows and sleighs were confiscated occasionally. Smuggling on foot formed a major exception to this rule, because, in this case, vehicles were not used. Although many sentences mentioned that smugglers were caught transporting their contraband 'à dos', this was not necessarily the case. Yet, it may be assumed

³⁶⁴ This perceived mobility of vagrants has been nuanced by Vercammen & Winter. See: Rik Vercammen and Anne Winter, 'Een dwalend bestaan? Mobiliteit bij veroordeelde landlopers in België (1870 – 1914/30)', *Tijdschrift voor sociale en economische geschiedenis* 13.2 (2016), 51 – 75.

that, if the means of transport was not explicitly mentioned in the sentence, the transport happened afoot.

The sentence books, therefore, enable us to reconstruct the means of conveyance used in smuggling operations. Only one means of transport was counted per confiscation. If two vehicles were used, only one was counted. When several means of transport were combined during a smuggling attempt, the one mentioned in the confiscation report (i.e. which was confiscated) was used. For example, if porters were caught loading a cart, and the vehicle was subsequently confiscated, the cart was counted as means of transport.³⁶⁵ The simultaneous use of both vehicle and vessel never occurred. In case of the carrying afoot, the means of transport was only included once, regardless of the number of smugglers involved. So, if a group of twenty porters was encountered on a Campine heathland, it was counted as only one instance of smuggling afoot.

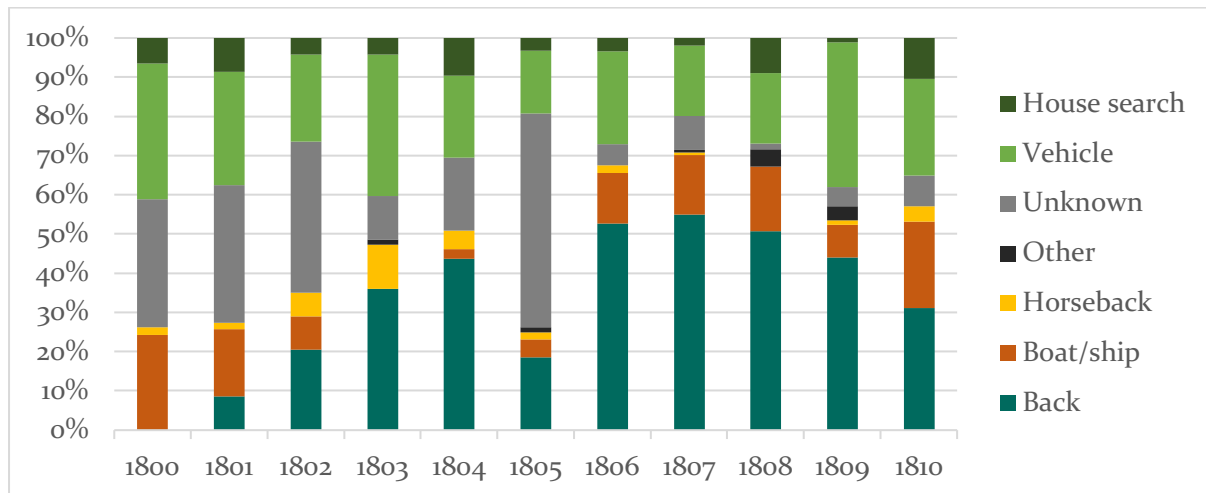


Graph 11. Means of transport at the time of confiscation, Antwerp Arrondissement, in percentages, 1800 – 1810 (N= 1280). *Source: RAA, EA, 106 – 120.*

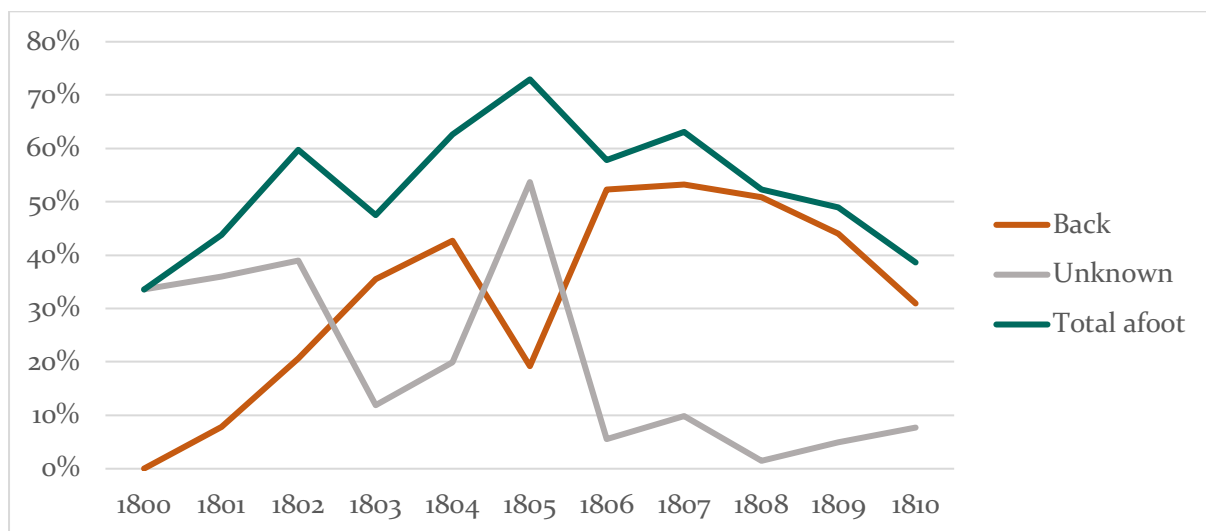
As is clearly visible in graph 11, one third of smugglers were caught while carrying contraband on their back (419 in total). Groups of porters carried packs of up to 18 kilograms on their back and traversed the open heath patches that characterized large parts of the Deux-Nèthes. The means of transport of another 284 smuggling attempts remains unclear, but, as confiscated vehicles always had to be mentioned in the report, it can be assumed that the majority of these smugglers were afoot when they were taken by surprise by the customs. A total of 703 confiscations can therefore be designated as smuggling afoot. In the inland Campine region, the

³⁶⁵ Porters depositing goods at warehouses or loading carts or boats only occurred nine times. In all cases these were counted as either house search or transport by cart and/or boat.

prevalence of smuggling afoot is even more apparent. There, almost 75 per cent of confiscations was seized from porters who were carrying contraband on their back. Smuggling afoot was therefore probably the most popular way of transporting contraband. While it might be true that, perhaps, custom officers had a preference of confiscating contraband from porters, this seems highly unlikely. Considering the highly elusive character of smuggling afoot – porters had a wide range and could flee easily – this is probably an underrepresentation.



Graph 12. Relative development of means of transport at time of confiscation, Antwerp Arrondissement, 1800 - 1810 (N=1274). Source: RAA, EA, 106 - 120.



Graph 13. Inverse proportionality of smuggling afoot and unknown means of transport, Arrondissement Antwerp, 1800 - 1810 (N=700). Source: RAA, EA, 106 - 120.³⁶⁶

³⁶⁶ This graph was compiled by plotting the relative development of both means of transport.

Road transport using carts, *diligences*, *cabriolets* and other vehicles was the second most used means of transportation. About 24 per cent of confiscations included a vehicle (311 in total). This was usually done during patrols or at roadblocks – such as the border crossing at Putte which was situated on the prominent road from Bergen-op-Zoom to Antwerp. Because of the scarcity of roads and the ease of blocking them, vehicles could probably be stopped and searched relatively easily. Being the third biggest transport category, water transport by ship, boat, sloop and other small vessels made up 11 per cent of all confiscations (146 in total). Unsurprisingly, they were almost solely used on the Scheldt river and seized by the custom brigades that were patrolling the river between Antwerp and Lillo. Like road vehicles, vessels – especially the bigger ones – were relatively easy to spot and could less easily pass undetected. Both road and water transport are therefore likely to show a slight overrepresentation.

The share of means of transport remained fairly even throughout the period (see graph 12). Road transport by vehicles fluctuated between 16 per cent in 1805 and 37 per cent in 1809. The large share of vehicles in 1809 can be explained by the Walcheren campaign, which might have left the borders unchecked due to the absence of custom officers being called upon to fight. Many of the confiscations during that year indeed happened inland, where most vehicle transport took place.³⁶⁷ Transport over water was especially frequent in the beginning (21%) and end of the decade (22%). In 1800, numerous shipments of illicit grain exports were transported by ship. The large share of boats in 1810 can be explained by the shifting of the custom line to the Meuse river where numerous suspects were apprehended when they tried to cross. Unknown means of transport and carrying afoot seem to have been inversely proportional to each other (see graph 13). This proves that smuggling afoot often was not recorded as such. As said, only confiscated vehicles and boats were required to be reported. In 1805, for example, only 20 per cent of confiscations was described as afoot, while more than half of the means of transport was not recorded. Only from 1806 onwards the carrying of contraband ‘à dos’ was recorded more systematically. The graph shows that smuggling afoot reached its zenith in the middle years of the decade, peaking in 1805 when in over 70 per cent of confiscations contraband was carried afoot. This share steadily dropped in the later years when borders were shifted.

³⁶⁷ 8 out of 31 confiscations, for example, took place at the Antwerp city gates.

Suitable smugglers: towards a typology of traffickers

In most definitions of smuggling, it is the movement of goods across a border of any kind between two entities or jurisdictions with different legal regimes – be it a tariff barrier, custom line, legal or sovereign border – that is being criminalized. By its very definition, smuggling is a distributional practice. In the next chapter, we will zoom in further on the distribution network and the roles merchants and commission agents played in organizing the smuggling networks. Now we will zoom in on those involved in the logistics of smuggling. This was characterized by two main activities that also reflect the organization of the normal licit freight business: transport and storage. Focusing on those working in logistics allows to reconstruct their occupational embeddedness and understand why this created a predisposition towards smuggling. This will lead to a typology of smugglers based on their occupation.

Night laborers: the logistical backbone of smuggling

As said, smuggling afoot was by far the most common means of transport during confiscation. A total of 704 confiscations could be considered as such. Smuggling afoot also showed the highest levels of *inconnus*. Although Dufraisse claimed that porters were among the best-known group of smugglers because they were the ones that were most often arrested, this was certainly not true for the Deux-Nèthes.³⁶⁸ During the 419 confiscations that were labelled as smuggling *à dos*, only 23 suspects were arrested. Of these, the profession of twelve offenders was known: nine day-laborers (*journaliers*) and three farmers (*cultivateurs*). If the suspected cases of smuggling afoot – the unknown cases – are included, only ten per cent of suspects were arrested. The only suspect whose profession actually was described as being a porter – 28-year old *porteur* Joseph Geyskens – was not even arrested during trafficking but after a house search in his Ekeren home.³⁶⁹

A list of 169 suspected smugglers, drawn up in 1807 by prefect Charles Cochon de Lapparent by order of *conseiller d'état* Réal, enables us to reconstruct the backgrounds of a number of porters more elaborately. Besides places of residence and professions, the list also includes their wealth, number of children and their role in smuggling networks.³⁷⁰ A total of 25 porters were included on the list, all of them men from the arrondissements of Antwerp and Turnhout. 8 of them combined their activities with a position as *assureur*, *conducteur* or *commissionnaire*. Of the 17 porters who were not engaged in a second activity, the profession of 12 is known. All were

³⁶⁸ Dufraisse, 'La contrebande', 1044.

³⁶⁹ RAA, EA, 113, Sentence of 9 August 1803.

³⁷⁰ AN, F/7, 8028, 'Renseignements'.

day laborers. Among the 3 smugglers that combined their role of porter with that of commission agent, there was a carter, a stocking manufacturer and another day laborer.

At first sight it does not seem obvious why day laborers became involved in the contraband business. As they mostly were employed in short term manual labor, these laborers did not share the tangible assets such as a cart or storage space beneficial to smuggling. What they lacked in assets, they nevertheless made up in numbers. The porter system seems to have incorporated existing labor structures into a criminal enterprise. The pool of day laborers had been growing in the Campine region since the middle of the eighteenth century.³⁷¹ Criminal networks only had to tap this source to find a great number of men willing to smuggle heavy loads across the border. The sheer size of these groups testifies to this. According to an invoice of a 'chef de bande', some 499 porters arrived in a Mol inn between 14 and 30 August 1800.³⁷² By providing a certain flexibility, these numbers were useful in evading custom officers who often laid in ambush. Porters had all Campine heathland at their disposal and could easily change their course. The treacherous landscape with its moors, heaths and wetlands covered with numerous smuggling trails required porters that knew the region. Indeed, the porters that appeared before the court and were mentioned in Cochon's list were exclusively local, hailing predominantly from Campine towns such as 's-Gravenwezel (10) and Geel (6). Some came from villages in the polders on the right bank of the Scheldt river, most notably Stabroek (6) and Ekeren (3). Recruitment was often done by a chef, who summoned the porters to a central place – most likely an inn – and then picked the porters he needed for the job. It could happen there was not enough work for all porters. Much to his chagrin, chef Jean Baptiste Peeters had to 'sent his porters home' after commission agent Van Son had not delivered the contraband on time.³⁷³ In January 1804, Peeters ran out of porters. No one showed up to carry a load of contraband because they were too afraid of the gendarmes.³⁷⁴

The remuneration of porters seems to have been so high, it might not only have served as a necessary supplement on the meager incomes of day laborers.³⁷⁵ As we will see in the chapter 6, payments per trip were two to five times higher than daily wages. It is also significant that porters were not considered by Cochon to belong to the lowest income brackets. Presumably to

³⁷¹ Klep, *Groeidynamiek en stagnatie*, 106 – 107.

³⁷² AN, F/7, 8023B, File 199A, Invoices of R. Wouters from Mol, 26 Thermidor of Year 8 (14 August 1800).

³⁷³ 'Ik heb de dragers los naer huijs moeten laeten gaen', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 6 June 1803.

³⁷⁴ 'De sandermen vangen de dragers, en zij en durven nue niet meer dragen', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 29 January 1804.

³⁷⁵ Dirk Lueb, 'Nachtloners. Draggers en hun smokkelnetwerken in het departement van de Twee Neten, 1795 – 1810', *Jaarboek De Achttiende Eeuw* (2020), 83 – 97.

emphasize their importance in the smuggling networks, the prefect classified suspected smugglers into five income brackets, ranging from *indigent*, *peu fortuné*, *moyenné*, *fortune* to *très fortuné*. Porters were mainly *peu fortuné*, not very wealthy, but did therefore certainly not belong to the poorest echelons of society.³⁷⁶ Smuggling might well have increased the prosperity of porters. This might have served as an important incentive to start smuggling and some indeed have taken the opportunity to become professional smugglers. Of Antoine ‘the rotten’ Wouters it was said that he had ‘no other profession than fraud.’³⁷⁷ Although not a day laborer, miller’s apprentice Jean Sipses had abandoned ‘his profession to commit fraud’.³⁷⁸ A French official reported in 1808 that the contraband trade had become so attractive in the Campine village of Wechelderzande that no one worked the fields anymore.³⁷⁹ This incentive might have provided a ready supply of porters.

Porters also possessed some inherent merits that contributed to their usefulness to smuggling networks. As the packs they carried frequently weighed up to 20 kilograms that had to be carried over distances of up to 30 kilometers, porters had to be physically fit. It might be expected these porters were predominantly young men. Of only nine porters that appeared before the correctional court the age is known, which shows an average of 30 years. Their age was thus not much lower than the median age of 35 recorded for all smugglers whose age is known (see below). Most porters, however, do not seem to have been married. About seventy-five per cent of porters in Cochon’s list was single. Only five of them had children. Having no family, porters may have been willing to take risks that came with confiscations such as violent encounters with custom officers. As will be shown, the carrying of contraband mostly was a nocturnal activity. Unlike servants and other occupations, day laborers had the liberty to work at night and sleep during the daytime, as is testified by a French report: ‘ils marchent la nuit et dorment le jour’.³⁸⁰ Furthermore, porters could also easily abandon their load and run to escape pursuing custom officers, contributing to their extremely low chance to get arrested. Their numbers and flexibility contributed to the ubiquitous presence of porters in the contraband trade. Being the ones who actually carried the contraband over the border, they proved to be indispensable assets to smuggling networks.

³⁷⁶ AN, F/7, 8028, ‘Renseignements’.

³⁷⁷ ‘n’a pas d’autre profession que la fraude.’ AN, F/7, 8028, ‘Renseignements’.

³⁷⁸ ‘a abandonné sa profession pour faire la fraude.’ AN, F/7, 8028, ‘Renseignements’.

³⁷⁹ RAA, PAA, Serie A, Fransch Tijdvak, 127/13, ‘Verslag’.

³⁸⁰ Ibidem.

Cunning carters: road transport of contraband

Used primarily to transport goods from makeshift depots to warehouses, carters played an important role in the logistics of the contraband trade. A total of 112 offenders that were involved in road transport appeared before the correctional court. Of 74 of these, the profession was recorded. Not necessarily all of these suspects were actually driving vehicles. Some were accomplices such as innkeepers or merchants who were on the recipient end of the transport. 9 of the offenders were farmers who mostly transported (their own) grain and therefore were not considered part of the networks that imported contraband. The focus will therefore be on carters. A total of 29 offenders were carter by profession. An additional 2 were couriers but also drove a vehicle. As will be shown, carters had a profile which made them suited to transport contraband.

First, bulk and speed offered a clear advantage to road transport. Carts could carry bulk in a way that was virtually impossible for porters. Average-sized vehicles could carry up to 600 kg per horse on unpaved roads.³⁸¹ Confiscations of vehicle cargo indeed indicate that drivers carried heavy loads of contraband. Custom officers confiscated 722,5 kg of sugarloaves in the stage coach of Pierre Luerkens.³⁸² Jean Wouters was apprehended with 440 kg of sugarloaves, 60 kg of rock sugar, 64 meters of white cotton cloth and 12,5 kg of pepper.³⁸³ The cargo of Antoine Brandt consisted of some 3,175 meters of cotton cloth.³⁸⁴ Speed could be another reason to prefer road transport over porters. Being able to attain a speed of 9 – 11 kilometers an hour in summer, diligences, which were the fastest of vehicles, were particularly fast.³⁸⁵ But even the bigger carriages – drawn by 7 to 9 horses and carrying up to two and a half tons of cargo – had a reach of 30 kilometers a day. On a paved road, a three horse-drawn carriage could travel 40 kilometers a day.³⁸⁶

Secondly, carts had an opportunity for concealment.³⁸⁷ Contraband was often hidden underneath legal cargo. In September 1810, customs officers encountered an abandoned cart on the Oosterhout – Gilze road. The cart was loaded with 550 kg of hay. However, underneath it, the officers found 245 kg of coffee beans.³⁸⁸ An *inconnu* tried to conceal his shipment of 236 kg

³⁸¹ Filarski and Mom, *De transportrevolutie*, 37.

³⁸² RAA, HAA, 363.

³⁸³ RAA, HAA, 469.

³⁸⁴ RAA, HAA, 506.

³⁸⁵ Adriaenssens, *Van laken tot linnen*, 1073.

³⁸⁶ Filarski and Mom, *De transportrevolutie*, 24.

³⁸⁷ Criminologists contend that the thin line between licit and illicit activities also provide opportunities for concealment. See: Kleemans and Van de Bunt, 'Organised crime', 193.

³⁸⁸ AMV, CP, 52, Dossier 135.

of sugar with a stack of wood.³⁸⁹ Other goods used to conceal contraband include coal, straw and fire wood.³⁹⁰ A stock method of carters, however, was the use of a double bottom. Boxes or baskets were outfitted with a secret compartment that served to conceal the contraband. In 1806, two *inconnus* driving a cart were caught in Brasschaat. They concealed their contraband coffee in the bottom of two baskets that carried poultry.³⁹¹ The indigo smuggled by Corneille De Beukelaer was found in a chest with a double bottom.³⁹² Often, however, it was the vehicle itself that had been outfitted with a double bottom.



Map 2. Transportation network in Brabant, 1780 (excerpt). Roads are shown in black. Source: Bruno Blondé, 'At the cradle of the transport revolution? Paved roads, traffic flows and economic development in eighteenth-century Brabant', *The journal of transport history* 31.1 (2010), 91. Credits: kaartstudio G. Verhoeven.

³⁸⁹ RAA, EA, 116, Sentence of 22 July 1806.

³⁹⁰ RAA, EA, 116, Sentence of 23 December 1806, customs number 713; RAA, EA, 116, Sentence of 23 December 1806, customs number 730; RAA, EA, 116, Sentence of 30 December 1806.

³⁹¹ RAA, EA, 116, Sentence of 8 August 1806.

³⁹² RAA, HAA, 545.

Thirdly, carters had close ties to commission agents who often employed them in their freight businesses. Carters were therefore easily recruited. *Voituriers* Rootman and Pierre Jean Bors, for example, were working for Bergen-op-Zoom commission agent Pierre Vanderschrieck.³⁹³ Some carters owned their own *roulage* company. The business of Pierre van Egeraedt – himself twice convicted for smuggling in 1808 and 1809 – in Bergen-op-Zoom was over thirty years old. Guillaume Bruyns had established himself in Malines as official *voiturier* in 1795.³⁹⁴ As shown, Melchior Vandenwynaert operated the diligence between Antwerp and Lier.³⁹⁵ Jacques Van Gorp, too, was driver of a ‘voiture public’ between Turnhout and Brussels in August 1801.³⁹⁶ Van Gorp was listed as a public transport company (‘Voituriers public’) in the 1809 Antwerp Almanac operating lines between Turnhout, Lier, and Malines.³⁹⁷ These company owners, too, had others working for them. Guillaume Aerts was working for Jacques Vangorp, while Pierre Lasters drove a *diligence* on the Turnhout-Brussels line for the Dockx company.³⁹⁸ Joseph Meleyens worked as a driver for Van Gorp and was supposed to bring his goods to Vandenwynaert.³⁹⁹ As was the case with Vandenwynaert, some of these carters managed to become influential within the contraband trade.

Finally, the mobility and range of action of road transport offered a big advantage to smuggling networks. Not surprisingly, carters came from a wide array of geographical backgrounds. Whereas porters mostly came from small villages in the Campine region, most carters came from the region’s bigger towns and cities such as Turnhout, Lier, Malines and Bergen-op-Zoom.⁴⁰⁰ They travelled over longer distances and transported their contraband cargo along well-established routes. It allowed them to easily carry contraband without raising too much suspicion. According to an 1801 survey, Antwerp had *diligence* connections to Rotterdam, Brussels (two operators), Leuven, Turnhout, Lier and one to either Brussels or Paris. It also had *voiture* connections to Rotterdam, Bergen-op-Zoom, Ghent (departing from the Left Bank of the Scheldt), Boom and Malines (two operators).⁴⁰¹ Turnhout had connections to Lier,

³⁹³ RAA, EA, 106, Sentence of 29 Frimaire of Year 9; RAA, EA, 115, Sentence of 6 Frimaire of Year XIV.

³⁹⁴ RAA, PAA, Reeks J (henceforth J), 843, Briefwisseling en verslagen over de transportbedrijven (*roulage*) in het departement van de Twee Neten, 1811.

³⁹⁵ RAA, PAA, J, 844, Staten met statistische gegevens over herbergiers, cabaretten, logementen, diligences, postkoetsen en verhuurders van paarden (beurtmannen) in Antwerpen, 1801.

³⁹⁶ RAA, HAA, 260.

³⁹⁷ *Almanach d’Anvers*, 1809, 227.

³⁹⁸ RAA, HAA, 308.

³⁹⁹ d’Hauterive, *La police secrète du Premier Empire*, Volume 4, 83. Also see RAA, HAA, 618.

⁴⁰⁰ Over 60 per cent of carters and couriers that appeared before the correctional court resided in the towns of Turnhout, Lier, Bergen-op-Zoom, Malines, Antwerp, Breda and Hasselt.

⁴⁰¹ RAA, PAA, J, 844.

Malines, Brussels, Antwerp, Den Bosch and Breda.⁴⁰² Since the middle of the eighteenth century, the road network of the Southern Netherlands was among the most advanced in Europe.⁴⁰³ Most of these routes were directed southwards, however (see map 2). Although attempts at constructing roads northwards were made in the French period, the Campine region had long been deprived of decent road connections.⁴⁰⁴ It is therefore not surprising that carters were mostly operating along these routes south of Antwerp, as we will see in the next chapter. The only exception to this was the road to Bergen-op-Zoom, which was heavily used for road transport. At the Putte border crossing, over 29 vehicles were confiscated between 1800 and 1810.

Furthermore, these carters operated mostly outside of the *rayon* – which was mostly devoid of decent roads. Not only did custom officers not patrol here, transporting goods beyond the customs lines also left room for considerable legal ambiguity. Carters mostly picked up goods at barns or inns where porters had dropped them off, as is testified by Adrien Van Gorp. This *voiturier* from Turnhout explained that one of his employees used to have picked up contraband from the customs line to transport further inland for the Florin, Friand & Cattoir company.⁴⁰⁵ Within the *rayon*, transporters had to carry *passavants*, *acquits à caution* or *certificats d'origine*. Outside of the *rayon*, however, the origin of goods was much harder to determine.

In October 1804, Pierre Luerkens was acquitted of smuggling a load of sugar on the road between Antwerp and Lier. In this case, smugglers used the 'sugar loophole' of 1804. Even though import of the refined sugars he was carrying was officially restricted since the law of 10 Brumaire of Year V (31 October 1796), there had been some exceptions. The law of 5 Floréal of Year V (24 April 1797) allowed circulation of refined sugars in the interior after a tariff of 20F per 50 kilograms was paid. The laws of 17 Ventôse of Year XI (8 March 1803) and 8 Floréal of Year XI (28 April 1803) finally prohibited the import of refined sugar. These laws, however, were only applicable in the *rayon*. Sugars that were already located in the French interior were exempted. In practice, this meant that once the sugar had passed through the custom *rayon*, its origins could not be retraced. The court reasoned that, therefore, transporting this contraband in the interior, outside of the customs lines, was perfectly legal. Because Luerkens was caught behind custom lines, it could not be proven that these sugars were imported illegally. Although the court had its suspicion, they had to acquit the suspect.⁴⁰⁶

⁴⁰² *Almanach d'Anvers*, 1809, 227.

⁴⁰³ Blondé, 'At the cradle of the transport revolution?'

⁴⁰⁴ Vanhaute, *Heiboeren*, 34.

⁴⁰⁵ AN, F/7, 8018, File 117A.

⁴⁰⁶ RAA, EA, 114, Sentence of 23 Vendémiaire of Year XIII.

Carte Itinéraire d'ANVERS a BREDA (Pl. XVII)

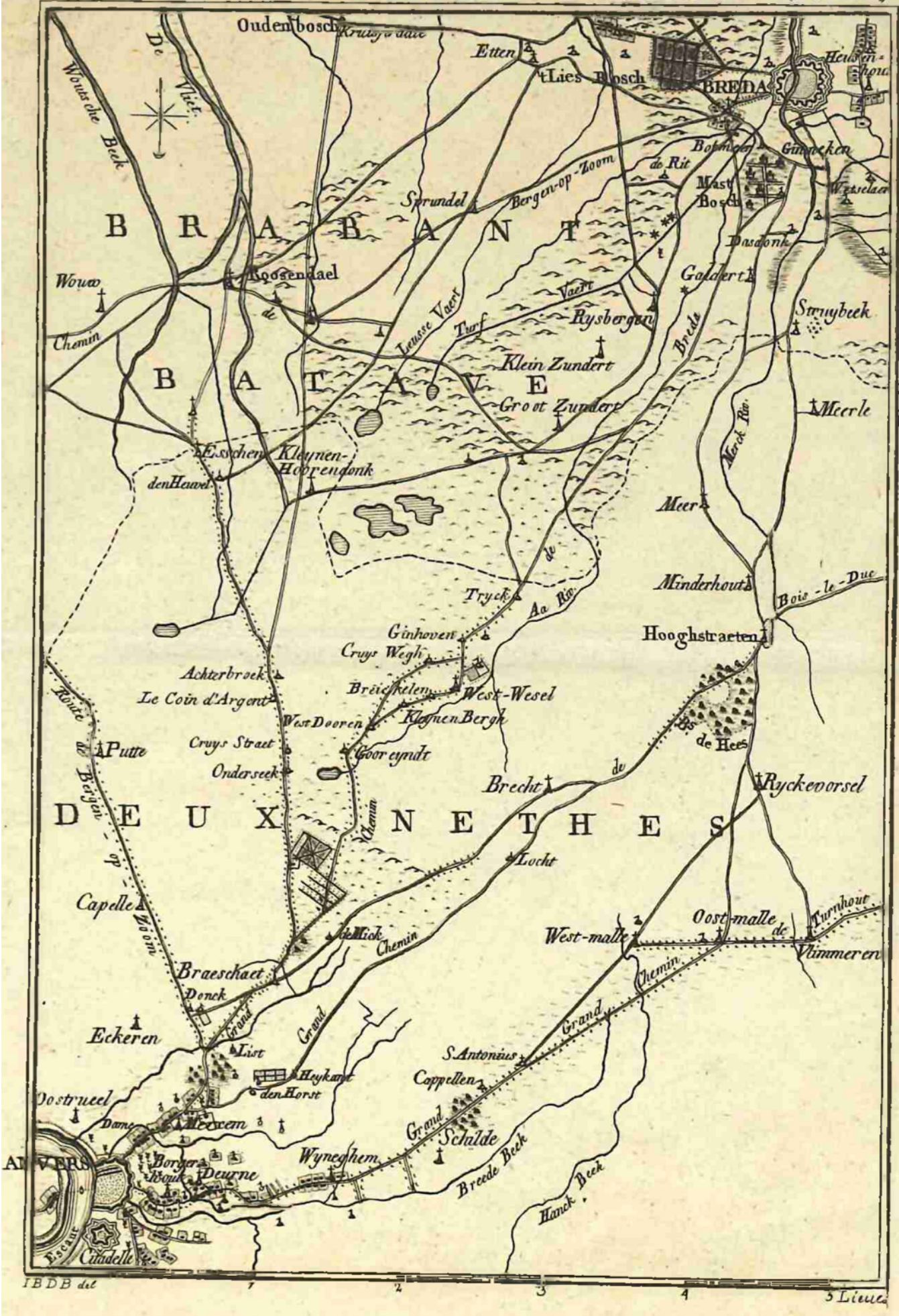


Image 5. Road network north of Antwerp, 1807. Source: J.B. De Bouge, Carte Itinéraire d' Anvers à Breda, 1807. Stadsarchief Breda. The road to Bergen-op-Zoom is visible on the left side of the map.

Even if loopholes were not used, court cases did not always lead to a conviction. As custom officers did not patrol the rayon, the confiscations were usually made by more inexperienced gendarmes. Although these police officers were officially sanctioned to confiscate contraband, they often made mistakes doing it, leading to the acquittal of suspects. They had to transport the contraband back to the Antwerp *bureau principal des douanes* to draw up the formal confiscation report (*rédaction*) and have the goods checked by the customs *receveur*. In December 1806, Malines *gendarmes* Pascal Boulé and Joseph Marie Manchez received intel that carter Guillaume Bruyns was moving contraband from Malines to Brussels. Investigating these claims, they tailed him south. They stopped him at the Brussels weighing-house and searched his vehicle. In it, the *gendarmes* found five rolls of white *percale* printed with little flowers, 214 handkerchiefs and six rolls of *toile de coton blanche*. As the measurements on the labels were given in yards, these goods undoubtedly were English. Of course, the *gendarmes* confiscated the goods, vehicle and horse, in compliance with the law of 10 Brumaire of Year V (31 October 1796). As carters were held responsible for the goods they carried, Bruyns's culpability seemed beyond doubt. However, the *gendarmes* had to drive all the way back to Antwerp to have the confiscation verified at the office. They decided to leave Bruyns, the cart and horse and only take the contraband. Therefore, the suspect not only could not be present at the *rédaction*, a legal requirement, the cart and horse could not officially be confiscated. Moreover, they had forgotten to include the date of the actual confiscation. Despite the overwhelming evidence, Bruyns was acquitted because of these technicalities.

This legal ambiguity resulted in quite a high acquittal rate for carters. Almost half of all *voituriers* were acquitted.⁴⁰⁷ Operating outside of the custom lines, they had considerably less risks. Still, they were indispensable in bringing the contraband down south, as is testified by Fouché. In one of his daily missives to Napoleon, the minister of police stated that 'les négociants ne peuvent tenter aucune opération sans ces conducteurs.'⁴⁰⁸

Smuggling on the Scheldt: captains and boatmen

The third most prominent means of transport was by boat on the river Scheldt. This included both seafaring ships and smaller vessels of which the latter were most extensively used. As we have seen, a total of 37 captains were arrested. Because the risk of confiscation of the entire ship or load was too high, captains barely transported entire loads of contraband. To mitigate the

⁴⁰⁷ A total of 13 carters were acquitted. Furthermore, there were six carters whose trial's verdict remained unknown, or whose trial was postponed.

⁴⁰⁸ d'Hauterive, *La police secrète du Premier Empire*, Volume 4, 129.

risk, they deployed two strategies. First, they made sure only a part of the cargo was contraband. They therefore use the cover of their licit activities to transport illicit merchandise. Often, the goods were hidden underneath the normal licit cargo. In September 1804, 50 kilograms of hardware was found in a secret compartment in a French ship.⁴⁰⁹ Similarly, captain Kaesenbrood from Rotterdam was convicted for only smuggling a 143-meter roll of flannel.⁴¹⁰

Secondly, big ships were used for evasion of tariffs. If they were caught for evasion, the ship was not seized. In the late summer of 1807, a series of four ships sailing under neutral Papenburg flag were searched by the Antwerp customs brigade. They had come from Marennes and the Isle of Oléron – major salt producing regions in France. Instead of carrying prohibited contraband, these ships carried salt that had nevertheless be accompanied with ‘*acquit à caution*’ to prove the salt did not come from Great Britain. The ships were halted because the amount of salt carried was more than the *acquit* had permitted. For example, Dirck Jansing, captain of the Papenburg ship *La femme Marie* had come from Château d’Oléron with a shipment of 221,907 kilograms of salt. However, his *acquit* stated he was only carrying 203,221 kg of salt. The difference was confiscated by the Antwerp customs brigade. Only after paying a fine, consisting of the tariff that Jansing and salt merchant Mathias Joostens had to pay over the remaining 18.696 kilograms, the goods were restituted.⁴¹¹ A ship that was transporting a load of Pernambuco cotton for Antwerp Jacques Dirven was searched in the port of Antwerp. The customs found out that the ship was carrying a total of 1280 kilograms of raw cotton, while only 1187 kilograms had been declared to the customs. In the end only the remaining 93 kilograms was confiscated.⁴¹²

However, some captains still got caught and convicted and lost both their ship and their cargo in the process. Captain Torr  not only saw his Papenburg ship *Le Maximilien Frans* but his entire cargo consisting of sugar, textiles, hardware, porcelain and glassware being confiscated in June 1801.⁴¹³ The Dutch ship *Le Pierre et Catharina* suffered the same fate. Its cargo of tobacco, pottery and glassware was confiscated along with the ship.⁴¹⁴ Big ships were quite visible on the river and could only dock in the port of Antwerp which made them vulnerable for searches and confiscations. Because risks of confiscation were too high seafaring ships have never been used much in the contraband trade in the Deux N thes. Inland navigation with small

⁴⁰⁹ RAA, EA, 114, Sentence of 8 Brumaire of Year XIII.

⁴¹⁰ RAA, EA, 106, Sentence of 9 Frimaire of Year IX.

⁴¹¹ RAA, EA, 117, Sentence of 24 November 1807.

⁴¹² AMV, CP, 52, File 1, Jacques Dirven.

⁴¹³ RAA, EA, 108, Sentence of 17 Fructidor of Year IX.

⁴¹⁴ RAA, EA, 116, Sentence of 6 June 1806.

vessels operated that came from Holland proved therefore to be a much more popular alternative.

Small vessels were less detectable than their big sea-going counterparts. Whereas sea-going vessels could only dock in the port of Antwerp, which was teeming with custom officers, smaller vessels could also unload their cargo somewhere else – such as shores and jetties – and could navigate further inland. The risk of confiscation was therefore much lower for small boats than it was for the big boats operated by captains. Furthermore, when these boats were confiscated, they probably represented less value than big ships. They were more easily replaceable. Therefore, *bateliers* of smaller vessels, unlike their big ship counterparts, would often abandon their vessel. When discovered, boatmen would either ditch their vessel on the riverbank or jump overboard. The 92 boat-faring *inconnus* that appeared in the sentence books almost all were navigators of smaller vessels. As such, they were barely arrested. Only five boatmen were brought before court. Moreover, there was a huge flow of licit inland navigation with Holland, that could possibly be used to obscure illicit trade flows. Veraghtert has shown that up to two thirds of tonnage of transported goods entering the port of Antwerp could be attributed to inland navigation. Every month, dozens of barges arrived from Holland and Zeeland, mostly bringing colonial supplies.⁴⁴⁵ Smuggling on similar vessels could take advantage of this by causing less suspicion. Boom resident Jean Decock, for example, exported illegal grains hidden underneath charcoal and brought sugar with him on the way back.⁴⁴⁶

Boatmen usually operated their vessels in groups that rarely exceeded five people. The customs of Lillo or Antwerp would often patrol the river and encounter one of the numerous *chaloupes*, *embarcations* and *canots* that navigated the Scheldt estuary. At two in the morning of 2 November 1806, two rowboats were discovered by the Lillo customs brigade. After having been spotted, the boatmen rowed to the left bank of the Scheldt where they abandoned their vessels.⁴⁴⁷ Sometimes smugglers were taken by surprise while they were unloading their boat. In August 1806, two men were taken by surprise by the Antwerp custom brigade when they were unloading a load of coffee, sugar, nutmeg and textiles from their *canot* somewhere on the right bank of the Scheldt river.⁴⁴⁸

Boatmen were primarily responsible for inland navigation, not only in the *départements réunis* themselves, but primarily between Zeeland and its southern neighbor. Boatmen, therefore, mainly came from riverside communities on the Scheldt and Rupel river such as

⁴⁴⁵ Veraghtert, *De havenbeweging te Antwerpen*, volume 2, 15 – 16.

⁴⁴⁶ AN, F/7, 8028, 'Renseignements'.

⁴⁴⁷ RAA, EA, 116, Sentence of 28 November 1806.

⁴⁴⁸ RAA, EA, 116, Sentence of 12 September 1806.

Kruikeke, Willebroek and Boom. The case of the three boatmen employed by Antwerp merchant Martin Joseph Carolus is exemplary and shows that this form of transport was also well organized. The three boatmen Vermeulen, Vankerkoeven en Lamotte hailed from the town of Willebroek – a community south of Antwerp near the Rupel river, a tributary of the Scheldt.⁴¹⁹ They ran contraband between the Zeelandic town of Bath and the village of Kruikeke on the left bank of the Scheldt river. In Zeeland the boatmen collected goods from a man called Vanlindonk. From there they navigated southwards and past the fortress of Lillo where a customs brigade was stationed. Sailing past Antwerp, they deposited their goods at the inn of Phillipe Jacob Vanherbeeke in Kruikeke.

These vessels had some clear advantages over sea-going vessels. However, river transport was still dependent on water and therefore formed a fairly rigid system. Its dependency on water made it quite vulnerable to surveillance. Once surveillance of the Scheldt increased there were but little alternatives these vessels could go. Carrying contraband over land, on the other hand, was much more flexible and was unsurprisingly used more.

Fraudulent farmers

Transport was not the only activity in the distribution network. Warehousing of contraband was equally important. After having been transported over the border, contraband had to be stored before it could be picked up by carters. This service was largely provided by farmers and innkeepers who possessed adequate storage room in the form of attics, barns and sheds. Furthermore, innkeepers provided other services that were useful for smuggling networks.

Not surprisingly, farmers played a major role in the illegal exports of grains. The law of 26 Ventôse of Year V (16 March 1797) prohibited the export of wheat, barley, rye and buckwheat. Farmers were often apprehended while transporting their own produce by cart. Eekeren farmer Pierre Nuyts was caught while transporting 500 kilograms of barley flour and 530 kilograms of rye flour in his cart.⁴²⁰ Likewise, Corneille Goosewaert and his accomplice Corneille Buisen transported 910 kilograms of buckwheat in two vehicles.⁴²¹ Farmers played a role in the illegal import of textiles and colonial goods too. Sometimes, farmers or *cultivateurs* participated in the actual smuggling. Although most porters were day laborers, some farmers were also involved in carrying contraband. Jean Van Laarhoven did so by horse. He was caught by the customs of

⁴¹⁹ AN, F/7, 8026, File 209A.

⁴²⁰ RAA, EA, 108, Sentence of 25 Floréal of Year IX.

⁴²¹ RAA, EA, 115, Sentence of 13 Frimaire of Year XIV.

Merksem while transporting 17 kilograms of coffee.⁴²² *Cultivateur* Jean François Kesters from Duffel was arrested together with day laborer Jean Vranck while carrying tobacco. According to the Massenhoven gendarmerie, who had first chased and subsequently arrested them, these suspects were *conducteurs* of a smuggling band.⁴²³

Most of the times, however, farmers provided smuggling networks with places to store contraband. They often possessed barns, sheds, shacks or other spaces such as attics and haylofts that could easily be transformed into storage spaces and made available to smugglers. Being unable to leave their land, because they had to work on it, this was their true benefit to smuggling networks. In this respect, they played similar roles as innkeepers. 12 of the 27 *cultivateurs* who appeared in the correctional court, had goods seized on their property. On 28 February 1801 the customs brigade of Brasschaat seized 236 kilograms of refined sugar in the Sint-Job-in-'t-Goor home of 73-year old farmer Jean Bogaerts.⁴²⁴ Similarly, 95 kilograms of rock sugar were found in the home of 55-year old Jean François Somers in Mortsel.⁴²⁵ Zandhoven farmer Martin Verelst saw 112 meters of *coating* seized.⁴²⁶

Smugglers made eager use of farms to deposit their goods. *Chef de bande* Henry Eysemans led a group of thirty porters from Dutch Zundert to Brasschaat. When they arrived at their destination the group split up. One half went to a nearby farm to deposit their contraband, while the other half went to an inn called Halfweg.⁴²⁷ Porter Schuermans declared that he had transported contraband to three farms that served as depots in the vicinity of the village of Nijlen on multiple occasions. Custom officers had seen unknown porters entering the house of the aforementioned Jean François Somers, while carrying loads of contraband.⁴²⁸ Similarly, after pursuing a band of smugglers the gendarmes of Massenhoven saw some of them go into the farm of Pierre Verhuelen, where they subsequently found 80 pieces of nankeens, 65 meters of white cotton fabric and 236 kilograms of tobacco.⁴²⁹

Of course, these makeshift warehouses were not the final destination of most of the contraband. Sometimes, other groups of porters would pick up the goods. Most of the times, however, the contraband was picked up by carters who subsequently brought the goods southwards. In a barn belonging to farmer Jacques Jordens in Oostmalle, custom officers found

⁴²² RAA, EA, 120, Sentence of 28 February 1810.

⁴²³ RAA, EA, 115, Sentence of 23 Messidor of Year XIII.

⁴²⁴ RAA, EA, 112, Sentence of 15 Germinal of Year XI.

⁴²⁵ RAA, EA, 113, Sentence of 19 Prairial of Year XII.

⁴²⁶ RAA, EA, 113, Sentence of 14 Frimaire of Year XII.

⁴²⁷ AN, F/7, 8026, File 207A.

⁴²⁸ RAA, EA, 113, Sentence of 19 Prairial of Year XII.

⁴²⁹ RAA, EA, 117, Sentence of 27 May 1807.

a cart already loaded with two sacs containing 302 kilograms of coffee, presumably ready to be shipped.⁴³⁰ In the night of 15 April 1804 about 25 individuals were seen loading tobacco onto a vehicle in front of the house of Oelegem farmer Adrien Boutmans.⁴³¹

Farmers' involvement in smuggling networks, then, stems from their profile. The median age of the seventeen farmers whose age is known is 40. They were relatively old, especially in comparison with day laborers. Most farmers probably did not have the strength to walk 30 nocturnal kilometers with a 20-kilogram pack. Even if they had strength, their professional activities meant they were tied to their land. Because they had to work their farms and fields, farmers did not have time for a night job as porter. They did, however, possess considerable material benefits. Furthermore, they had a particular legal advantage. The large number of acquittals of farmers serves to prove this point. *Procès-verbals* were often annulled, but goods were still seized for they were illegally imported.⁴³² In these cases, 16 out of 29 *cultivateurs* were acquitted. Aforementioned Verhuelen was acquitted because the gendarmes had taken the contraband to a customs office to draw up a report, clearly violating Article 7 of the law of 9 Floréal of Year VII (28 April 1799) which stipulated that contraband found during a house search has to be reported on in the house itself. They had, thus, illegally searched his house and the *procès-verbal* was annulled. Still, the nankeens, white cotton cloth and tobacco were seized and sold publicly. Furthermore, the court argued, the suspect could not possibly have prevented so many smugglers forcing their way into his property.⁴³³ Similarly, abovementioned Somers was acquitted because the custom officers of the Antwerp brigade had searched his house without the presence of a public official, as stipulated in the law of 10 Brumaire of Year V (31 October 1796). Open access to barns and sheds was sometimes enough for an acquittal. 58-year old Elisabeth Vanbaldre and her husband Martin Smits were brought before the court after four cases of rock sugar and thirty sugar loaves were found in their barn. According to the court, the barn had not been locked so everyone could have put the contraband there. The presumed *inconnus* were convicted in absence.⁴³⁴

⁴³⁰ RAA, EA, 116, Sentence of 22 August 1806.

⁴³¹ RAA, HAA, 362.

⁴³² M. Savin Dumoni, *Traité de la jurisprudence des douanes*, 208 – 210.

⁴³³ RAA, EA, 117, Sentence of 27 May 1807.

⁴³⁴ RAA, EA, 113, Sentence of 5 Prairial of Year XII.

Innkeepers: smuggling, sociability and storage

The role of public houses in early modern history has since long fascinated historians.⁴³⁵ The tavern not only served as a mere place to drink, eat or acquire accommodation, it also was central to neighborhood sociability. The ubiquity of inns and taverns in the social life of early modern Europe, has led many historians to examine the criminogenic nature of tavern space.⁴³⁶ According to Anton Blok, innkeepers played a central role in armed robbery gangs. Inns and taverns not only provided spaces for recruitment but were also meeting places before and after robberies. Sometimes they also served as places to lay low for a while. It was in the inns that robbers met with their leaders and other accomplices. They also were spaces where goods could be fenced. Finally, they served as places where stolen goods could temporarily be stored. This central role led Blok to conclude that innkeepers often served as leaders of these robbery gangs.⁴³⁷ In smuggling networks, their role was threefold and quite similar to the one they had in robber bands.⁴³⁸ First, they provided shelter to weary smugglers and served as meeting points. Second, they served as intermediaries between commission agents and other stakeholders such as porters, farmers and corrupt customs officers. Finally, innkeepers provided storage space for smuggled goods.

Inns and taverns were often both starting point and final destination of porters. They also served as meeting points for them and their *chefs de bande*. As will be shown in next chapter, inns formed a focal point in sociability among smugglers, who often ate and drank there. They were not the only ones. Commission agents and ringleaders also found their way to inns where they sometimes took up temporary residence. Michel Friand and his two accomplices Mouron and Blanchard were presented a bill by Kerselaers.⁴³⁹ Friand stayed in several inns during his stay in the region, never taking up permanent residency. Letters the widow Schouten wrote to Friand in 1797 were addressed to an inn called the White Horse in Reusel, on the Dutch side of the border.⁴⁴⁰ In Turnhout, he stayed in an inn called the Seven Stars, owned by Joseph Vandegor.⁴⁴¹ Injured smugglers sometimes were taken care of in an inn. In Maria Kerselaers' inn

⁴³⁵ Beat Kümin, *Drinking matters. Public houses and social exchange in early modern Central Europe* (Basingstoke 2007).

⁴³⁶ Thomas Brennan, *Public drinking and popular culture in eighteenth-century Paris* (Princeton NJ 1988), 20 – 75; Julius Ruff, *Violence in early modern Europe* (Cambridge/New York 2001), 126 – 128; Dirk Lueb, 'Komt voor de deur op straat!', *De ruimtelijke dynamiek van achttiende-eeuws kroeggeweld in Amsterdam*, *Tijdschrift voor geschiedenis* 130.2 (2017), 153 – 171.

⁴³⁷ Anton Blok, 'Over de beroepen van de Bokkerijders', 168.

⁴³⁸ Bertrand, 'La contrebande', 282 – 283.

⁴³⁹ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁴⁴⁰ AN, F/7, 8023A, Correspondence Veuve Schouten.

⁴⁴¹ AN, F/7, 8022B, Correspondence Coppens and Azemar.

two 'injured stayed from Sunday until Wednesday'.⁴⁴² One of them stayed until Friday and received, when he left, three *stuivers* worth of biscuits and a pint of gin. Some of them were transferred to Lommel, presumably to regain their strength on Dutch territory.⁴⁴³

Innkeepers often served as intermediaries between all different kinds of stakeholders. As a regional manager managing business on a local level, innkeepers represented commission agents in a certain region. The innkeeper was responsible for payments to both porters and farmers who had provided storage space. Kerselaers paid two guilders and three *stuivers* to three porters who had carried packs to the nearby village of Balen. A certain mister Kips was paid 4 guilders by Kerselaers for storing contraband.⁴⁴⁴ Innkeepers also maintained contact with corrupt government officials – on behalf of ringleaders and commission agents. The Beverlo customs brigade could eat in Kerselaers' inn at the expense of Michel Friand. Similarly, two gendarmes and their horses ate there for thirteen guilders and a *stuiver* – again paid for by Friand. Wouters – one of Friand's *chefs* – paid for the food of the custom officers of Sluis, 'after they've asked for it'.⁴⁴⁵ Even direct bribes were handed out by innkeepers. Friand's brother Louis was given three guilders and five *stuivers* by Kerselaers to hand to the 'gardes jampetre'.⁴⁴⁶ Other tasks were not shunned by innkeepers. Abovementioned Joseph Vandegor, proprietor of the *Seven Stars*, also worked as a guide for Friand's smugglers.⁴⁴⁷

Finally, inns were being used as storage or for the transshipment of contraband. Kerselaers charged 3 guilders for storing packs brought by porters.⁴⁴⁸ As said, the group of Henry Eysemans deposited its goods at an inn.⁴⁴⁹ In the European stage-coach systems that were gradually developed during the eighteenth century, inns played a pivotal role by providing fresh horses and lodging for passengers and coachmen.⁴⁵⁰ Not surprisingly, then, carters also deposited or collected their contraband loads at inns. In the morning of 27 December 1806, custom officers who were patrolling the road from Poederlee to Vorselaar encountered a vehicle loaded with numerous suspicious parcels at a roadside inn. Driver Jean Wouters was subsequently apprehended inside.⁴⁵¹ Similarly, Pierre Lasters was arrested in a pub called *Cateleuse* in the

⁴⁴² 'Verteert door de 2 geblesseerde van sondaghs tot swoendagh' AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁴⁴³ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁴⁴⁴ Ibidem.

⁴⁴⁵ 'Verteert met de geemployeerden van het Sluys het welk sij mij selver gevragt hebben', AN, F/7, 8023B, File 199A, Ledgers Wouters.

⁴⁴⁶ A garde champêtre was a kind of constable or rural policeman. AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁴⁴⁷ AN, F/7, 8020, Correspondence Joseph Vandegor.

⁴⁴⁸ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁴⁴⁹ AN, F/7, 8026, File 207A.

⁴⁵⁰ Filarski and Mom, *De transportrevolutie*, 96.

⁴⁵¹ RAA, HAA, 469.

hamlet of Ter Elst on the road from Duffel to Malines.⁴⁵² Some *voituriers* combined a profession as innkeeper with a job in transport. Pierre François Wesenbeek for example, claims to have been a servant at an Antwerp inn called 'Du ligne'.⁴⁵³ Melchior Vandenwynaert not only was coachman and commission agent but was also referred to as *aubergiste* in 1808.⁴⁵⁴

A total of nineteen innkeepers appeared before the correctional court. Twelve of them were arrested after custom officers discovered contraband during house searches. In April 1804, nine pieces of English *mousseline* – with a total length of 1,196 meters – were found in the Oostmalle inn run by 43-year old Marie Verelst.⁴⁵⁵ *Aubergiste* Pierre Jacques De Roover, who ran an inn in Kallo on the left bank of the Scheldt, saw 258 kilograms of unroasted coffee being confiscated on his property.⁴⁵⁶

Like farmers, they had a legal advantage. Strict laws concerning house searches made it very difficult not only to actually search houses and other property, but also to convict owners of this property. Often house searches were not done in the proper manner, so the *procès-verbal* did not hold in court. Article 11 of the law of 10 Brumaire of Year V (31 October 1796) stipulated that customs officers could only search houses if accompanied by an *administrateur municipal*. Even if they found contraband on the premises of an innkeeper, the latter could simply claim it was not his. This led to the acquittal of an astonishing fourteen out of nineteen innkeepers who appeared before the correctional court. Both Marie Verelst – who claimed the goods had been delivered by *des inconnus* – and Pierre Jacques De Roover were not convicted for smuggling.⁴⁵⁷

Notable absentees

It has become clear by now that the typology of smugglers was centered around certain occupations. Yet, historians have ascribed a major role in smuggling to certain actors that were notably absent in the logistics of the Deux-Nèthes smuggling networks. These included craftsmen, women and juveniles, who supposedly started to smuggle as a survival strategy in times of economic hardship. Marzagalli claimed that children, women and the elderly in Livorno and Hamburg, who were hit hard by the decrease in port traffic and the related loss of jobs in urban manufacturing, massively turned to petty smuggling.⁴⁵⁸ De Oliveira, too, argued

⁴⁵² RAA, HAA, 308.

⁴⁵³ RAA, HAA, 204.

⁴⁵⁴ RAA, HAA, 383; d'Hauterive *La police secrète du Premier Empire*, Volume 4, 83.

⁴⁵⁵ RAA, EA, 113, Sentence of 5 Prairial of Year XII.

⁴⁵⁶ RAA, EA, 120, Sentence of 25 July 1810.

⁴⁵⁷ RAA, EA, 113, Sentence of 5 Prairial of Year XII; RAA, EA, 120, Sentence of 25 July 1810.

⁴⁵⁸ Marzagalli, *Les boulevards de la fraude*, 200.

that the contraband trade was the only means of subsistence for those reduced to misery by the Continental Blockade.⁴⁵⁹

Craftsmen and workers were among those singled out by historians to smuggle in times of need. Dufraisse claimed that approximately thirteen per cent of smugglers in the Rhineland were craftsmen.⁴⁶⁰ Likewise, Bertrand asserted that a lot of craftsmen such as coopers and watchmakers, but also construction workers in the Alsace were involved in the smuggling business. She also argued that textile workers resorted to smuggling after the textile industry was troubled by economic hardships.⁴⁶¹ Even though the city of Antwerp, a major regional textile center, did have a sizeable manufacturing community, these professions were not strongly involved in smuggling. Since the Antwerp textile industry came into increasing difficulties in the first years of the 1800s, one would expect textile laborers to be among smuggling offenders.⁴⁶² However, none of the Antwerp suspects brought before the correctional court was a craftsman or a textile worker.⁴⁶³ Contrary to what is often claimed, craftsmen thus seem to have lacked access to the contraband trade. Instead, the majority of Antwerp suspects brought before court worked in either trade (10) or transport (12). Furthermore, most Antwerp suspects seem to have had a migratory background. Of the 29 suspects whose birthplace was known, only 9 were native to the city. 10 offenders were born in the Campine region and might thus have had connections there that eased their entry into the contraband trade.

In his report, Miot claimed that smuggling was the only education that children in the Campine region received by learning the secret signs of smugglers and getting to know the paths and passages they used.⁴⁶⁴ Furthermore, there are indications that children were sometimes used by smugglers to scout the area before a contraband run.⁴⁶⁵ Research into juvenile delinquency has a long tradition in both criminology and the history of crime.⁴⁶⁶ In criminal career research, prevalence of offending is even considered to be most prevalent between the ages of fifteen and seventeen.⁴⁶⁷ Juveniles tended and still tend to get involved in high-volume

⁴⁵⁹ De Oliveira, *Les routes de l'argent*, 400.

⁴⁶⁰ Dufraisse, 'La contrebande', 1045.

⁴⁶¹ Bertrand, 'La contrebande', 290.

⁴⁶² Greefs, 'Choices and opportunities', 233; Lis, *Social change*, 17 – 22.

⁴⁶³ A total of 47 suspects from Antwerp were brought to trial.

⁴⁶⁴ 'Aussi l'art de frauder, les signes pour se reconnaître entre fraudeurs, la connaissance des chemins et des passages est-elle la principale et presque la seule éducation des enfants.' AN, F/7, 4304, Rapport Miot.

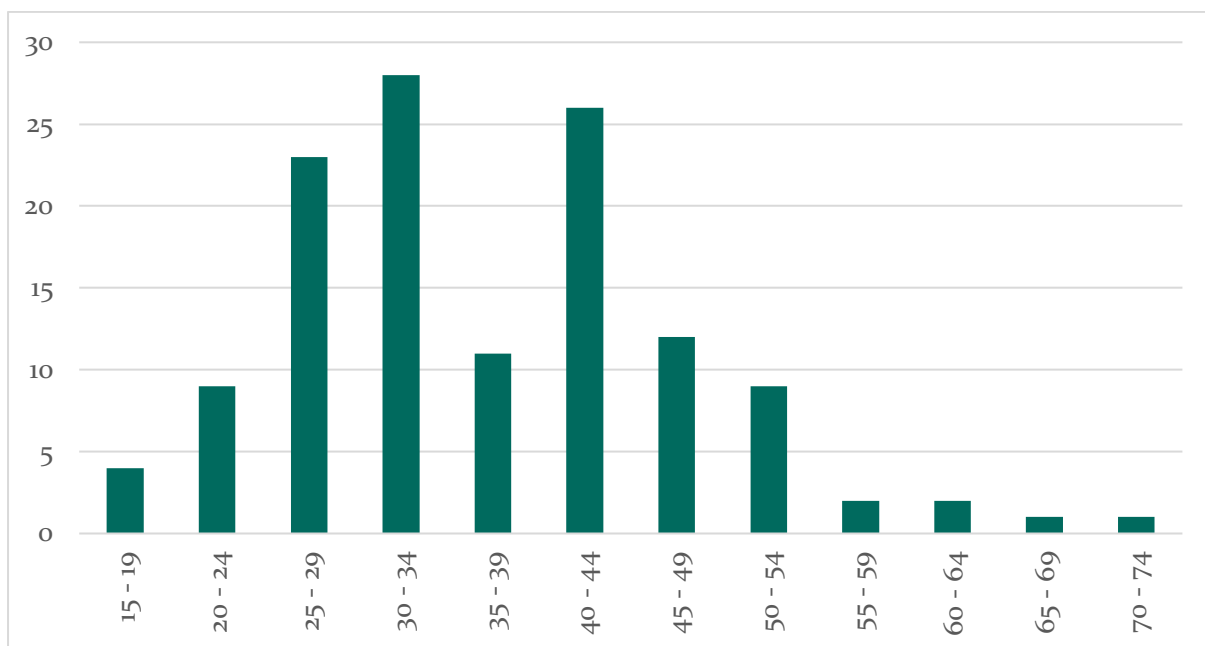
⁴⁶⁵ Bertrand, 'La contrebande', 275.

⁴⁶⁶ Margo De Koster and Herbert Reinke, 'Geheimen van jongeren. De Antwerpse jeugd en haar nachtleven in de vroege twintigste eeuw', *Tijdschrift over cultuur en criminaliteit* 2.2 (2012), 32 – 46; Jenneke Christiaens, *De geboorte van de jeugdgedelinquent. België 1830 – 1930* (Brussel 1999); Catharina Lis and Hugo Soly (eds.), *Tussen dader en slachtoffer. Jongeren en criminaliteit in historisch perspectief* (Brussel 1999).

⁴⁶⁷ Edward R. Kleemans and Christianne J. De Poot, 'Criminal careers in organized crime and social opportunity structure', *European journal of criminology* 5.1 (2008), 69 – 98, 72.

crime such as minor theft.⁴⁶⁸ However, as recent research in criminology has shown, offenders in organized crime are usually older – getting involved in crime when they are more mature.⁴⁶⁹ Kleemans argued that high-volume crime such as property and violent crime has a very low threshold – it is easy to begin with at an early age. Cross-border or transit crime, of which smuggling is the major representative, on the other hand, requires a far more complex involvement. Social relations are more important as they provide access to ‘suppliers, co-offenders, and profitable criminal opportunities.’⁴⁷⁰ Not everyone has access to these contacts. Furthermore, transit crimes are logistically more complex than high-volume crimes. In other words, it takes time to build up a career and network in organized crime.

The age of 128 suspects who appeared before the Antwerp correctional court could be determined. The median age of 35 indeed shows that offenders were relatively old, which might prove that offenders were active at a later stage in life. When we look at age distribution, we see that suspects were mostly in their late twenties, thirties and early forties (see graph 14). Because the sentence books were but a snapshot, it remains impossible to reconstruct careers in order to uncover at what moment in life offenders started smuggling.



Graph 14. Age categories of suspects, Antwerp Arrondissement, 1800 – 1810. Source: RAA, EA, 106 – 120.

⁴⁶⁸ Margo De Koster, ‘Stedelijke criminaliteit en rechtshandhaving in het verleden. Een greep uit recent historisch onderzoek’, *Tijdschrift voor criminologie* 54.4 (2012), 388 – 397, 392.

⁴⁶⁹ Kleemans, ‘Theoretical perspectives’, 43.

⁴⁷⁰ Ibidem.

Nevertheless, juveniles do not seem to have been involved much in the smuggling business. A total of four teenagers was brought to trial; all of them in 1810, when repressive measures against smuggling had mounted substantially. At least two of them seem to have been enticed by adults, who might have been afraid of taking the risks. 16-year old servant Jean Feyen was sent by his employer Guillaume Guren.⁴⁷¹ Similarly, 14-year old Corneille De Beuckelaer claimed to have been ordered by his mother to drive his cart to Antwerp.⁴⁷² Only one of them, 17-year old Antoine Van Aer, carried contraband on his back. The others all transported illicit goods by cart. This might indicate they were not initiated yet in the bands that carried contraband.

Although Anne Montenach claimed that single women in eighteenth-century Lyon were heavily involved in smuggling, their Napoleonic counterparts in the Deux-Nèthes hardly seem to have been involved.⁴⁷³ Smuggling was a predominantly male affair.⁴⁷⁴ This does not mean, however, that women were totally excluded. Instead, smuggling seems to have been a very gendered activity. The settings and means of transport in which they were arrested differed from their male counterparts. Of the known suspects only ten per cent was female. A total of 38 women appeared before court. The median age of 12 of these female offenders was 39. As many of these women had a sedentary occupation such as inn- or shopkeeper (7), it might be assumed that they were primarily involved in warehousing. Meerhout innkeeper Maria Kerselaers, for example, was a pivotal nod in the Friand network, providing services to many porters. Indeed, 15 women were arrested during a house search. Moreover, out of the 9 women that were arrested while on a vehicle, only Femme Ackelay drove herself. The rest were all passengers of a *diligence* or were driven by a *voiturier* and carried illicit textiles as their luggage. Some individual women, however, occupied influential positions as merchants or commission agents and were as important as their male counterparts. The Droeshoudt sisters from Brussels imported for more than 62,000 Francs of contraband during 1804. The widow Schouten from Breda even became one of the most prominent of intermediary alongside Van Son, Vanderschrieck and the Floren brothers (see next chapter).

⁴⁷¹ RAA, EA, 120, Sentence of 20 February 1810.

⁴⁷² RAA, EA, 120, Sentence of 14 February 1810; RAA, HAA, 545.

⁴⁷³ Montenach, 'Creating a space'.

⁴⁷⁴ Petty smuggling or 'filtration', on the other hand, seems to have been a more female activity, as attested by Marzagalli. In our region, however, there are barely indications of this taking place. See: Marzagalli, *Les boulevards de la fraude*, 200.

Conclusion

Lower tier smugglers, thus, were far from a cross-section of society. This chapter has identified the smugglers involved in the supply of contraband. These traffickers were clustered around certain occupations which allowed them to take part in smuggling activities. As such, one's profile was equally important as one's intrinsic or (often assumed) extrinsic motivation to smuggle. The profile created the conditions and opportunities necessary for trafficking. The occupational embeddedness of smuggling was centered around the mobile professions, day laborers, farmers and innkeepers, who, because of their activities, assets and qualities had easier access to the contraband trade.

Based on the means of transport recorded in the sentence books, three types of traffickers could be discerned. Porters, boatmen and carters were charged with the transport of contraband. Day laborers made up the bulk of porters carrying contraband over the border. Their numbers, flexibility and unmarried state were valuable assets that contributed to their usefulness. Becoming night laborers, they proved to be a crucial link in the supply chain. Boatmen provided a similar role in transporting contraband over the border. Being bound to river transport, they were somewhat less flexible and, moreover, easier to be discovered by custom officials. Therefore, they were used less. While carters also transported goods across the border by using the sparse roads that crossed the border, they proved more of use behind the lines. By picking up contraband where porters had dropped it off, carters proved invaluable in transporting the goods further southwards. The opportunity of concealment, bulk, speed and mobility carts offered combined with carter's close ties to commission agents made carters suitable for transporting contraband. Furthermore, a considerable legal ambiguity ensured that many of them were not convicted. Farmers and innkeepers provided other services crucial in the supply chain; storage and warehousing. Their asset was their property which could be turned into makeshift warehouses.

Those presumably hit hard by the Continental Blockade did not feature heavily in the Deux-Nèthes smuggling networks. Though often believed to have turned to smuggling in times of want, craftsmen, juveniles and women possibly lacked the assets to become involved in smuggling. This gives rise to the idea that smuggling as a survival strategy was not as straightforward as often assumed. Of course, as many porters were not arrested and thus elude our gaze, the results might be slightly biased towards other groups. Therefore, smuggling could still be part of a makeshift economy in order to earn some extras. Still, this was only available for certain people who had the right profile. These tailor-made traffickers, however, were not the ones making the profits, which went to the ones organizing the contraband trade.

5

Contraband connections

The traffickers identified in the last chapter did not operate alone. Not only did contraband have to be transported and transshipped, this process also had to be coordinated. This was an immense logistic operation which required numerous people to cooperate. In his report, *conseiller d'État* Miot argued that the highly profitable transit trade had relocated to the other side of the border because of the stringent French custom legislation and was not only organized by trading houses in Amsterdam, Emden and Frankfurt but also by so-called *assureurs* located just across the French border in Holland.⁴⁷⁵ This chapter will take a closer look at the organization of the contraband trade. It will first reconstruct the material, cash and information flows that were necessary to sustain the trade. This will include the transport routes that were taken. Then, to gain insight in the functioning of smuggling networks, this chapter will use a network analysis as a tool to uncover the most central players and essential elements. As a part of this, this chapter will zoom in on two personal networks. Thirdly, the ways a network helped to propel the careers of certain smugglers will be scrutinized. Finally, the ways in which the anti-fraud commission sought to eradicate these networks and the success thereof will be discussed.

So far, our research has mostly depended on court sources. While these enable us to study smuggling on a ground level, they are unsuited to gain a bird's eye view on the organization of the contraband trade. Moreover, they barely focus on the ones profiting of and organizing the trade: merchants and commission agents. The evidence collected by the Parisian anti-fraud commission and the analyses and reports drawn up by this commission, however, offer an insight into the organization of smuggling. The anti-fraud commission of course investigated smuggling on a much larger scale than that prosecuted by the normal courts. As such, the scope of this chapter will be more international than the preceding chapters. The amounts of contraband and its worth is subsequently much more substantial too.

⁴⁷⁵ AN, F/7, 4304, Rapport Miot.

In order to understand how the contraband trade was organized, it is necessary to first discuss the role of merchants. *Négociants*, as they were known during this period, were internationally operating merchants that also were often involved in insurance and banking and represented the elite of the mercantile classes.⁴⁷⁶ They were the main initiators of supply and demand, and, as such structured the contraband market. Many scholars agree that merchants stood at the center of the contraband trade.⁴⁷⁷ Ellis claimed that, behind the scenes, merchants ‘were the men who really controlled the web of illicit trade.’⁴⁷⁸ Heckscher also emphasized the role of merchants, as he claimed that the contraband trade ‘was based on definite business practices, with fixed commissions that varied with the degree of certainty surrounding a successful result or the difficulties in the way of getting through to different places or with different goods.’⁴⁷⁹

To do this, merchants often called in the help of commission agents, who were called *commissionnaires* in the sources. The commission trade was developed gradually since the mid-seventeenth century and gave rise to a new form of merchant: the commission agent. In this system, suppliers send goods to commission agents to sell for him. Customers could also place orders with the commission agent. For these and additional services, such as finance, insurance and transport, the agent was paid a commission, usually a percentage of the invoice price.⁴⁸⁰ Risks were shifted from the commission agent to suppliers and customers, or principals as they became to be called, as goods usually remained in ownership of the latter.

Whereas *négociants* primarily smuggled on their own account, these commission agents charged a premium for their services. This shows a lot of resemblance with the licit commission trade. Indeed, one could argue that the commission trade and its illicit counterpart could not really be seen separately as both merchants and commission agents often combined both practices. Because goods remained in ownership of other merchants, the commission trade was well-suited for contraband practices. It not only meant that commission agents were less at risk, because they invested less capital in the contraband, but it also meant that the ownership of contraband could easily be obscured because the contraband passed through many channels. This made it harder for authorities to uncover the ultimate owner of the goods, while putting the commission agent less at risk. As we will see, some commission agents, based primarily in the Dutch cities of Breda and Bergen-op-Zoom, became so important that, although they still

⁴⁷⁶ Charles Carrière, *Négociants marseillais au XVIIIe siècle. Contribution à l'étude des économies maritimes* (Marseille 1973), Volume 1, 237-265 ; Greefs, *Zakenlieden*, 186.

⁴⁷⁷ Aaslestad, ‘Introduction’, 13.

⁴⁷⁸ Ellis, *Napoleon's Continental Blockade*, 206.

⁴⁷⁹ Heckscher, *The Continental System*, 194.

⁴⁸⁰ Joost Jonker and Keetie Sluyterman, *Thuis op de wereldmarkt. Nederlandse handelshuizen door de eeuwen heen* (The Hague 2000), 84.

traded on a commission basis, they almost entirely focused on organizing the contraband trade. Even though they were still called *commissionnaire* in the sources, these agents will be referred to as intermediaries.

Having discussed all stakeholders, the table below (table 4) gives a schematic overview of the division of work within the contraband trade. While merchants were primarily responsible for initiating supply and demand, commission agents provided services such as insurance, coordination and organization. Transportation and warehousing were carried out by the lower tiers of smugglers discussed in the previous chapter.

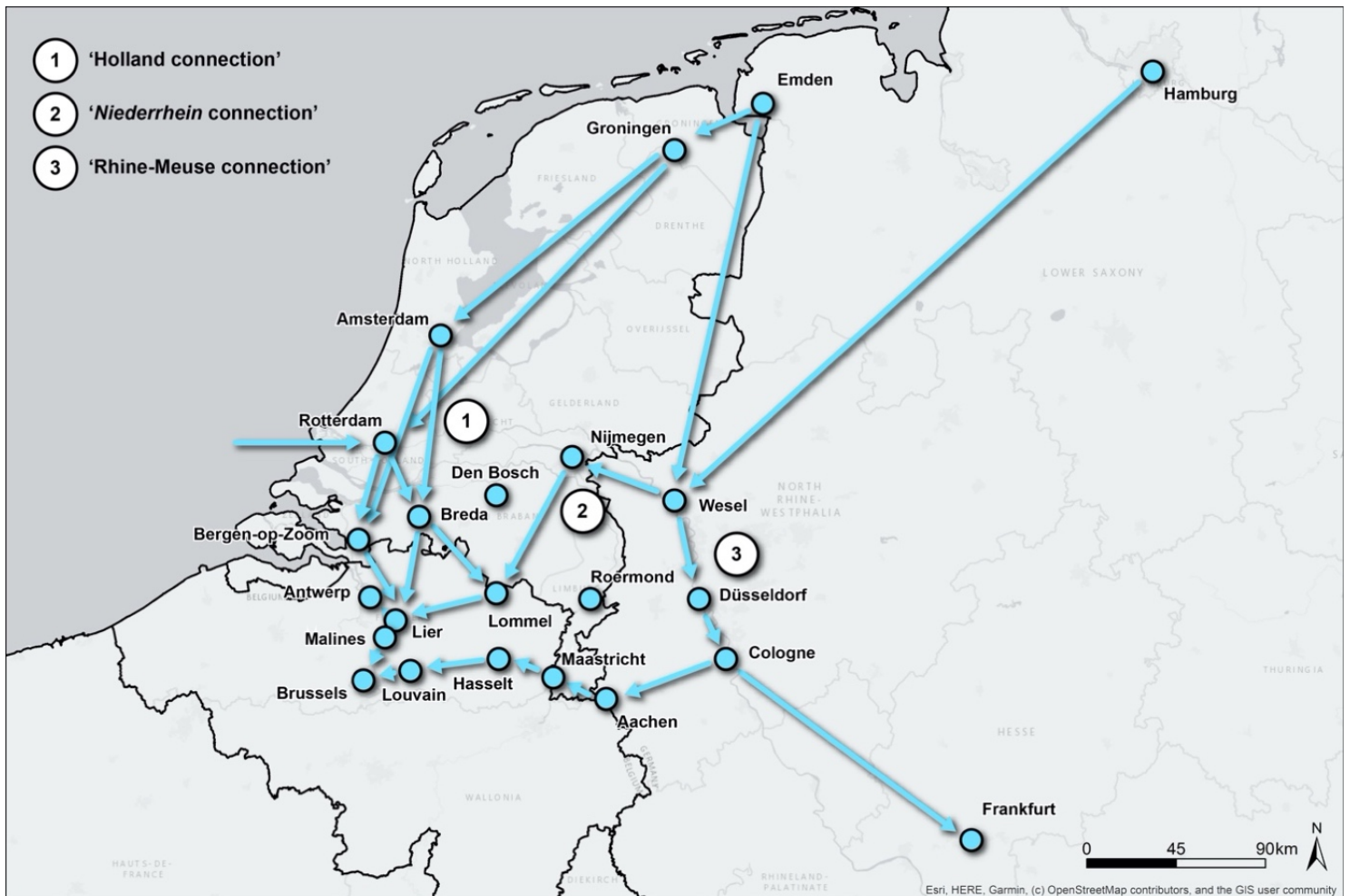
Supply and demand	Services		Logistics	
	Coordination and Organization	Insurance	Transport	Warehousing
<i>Négociants</i>	<i>Intermediaries Commission agents</i>		<i>Porters Carters Boatmen</i>	<i>Farmers Innkeepers</i>

Table 4. Division of work within the contraband trade.

Contraband Flows

Mark Casson distinguished between material flows and information flows.⁴⁸¹ The flow of material objects is, according to him, subjected to information flows that coordinate the former. Importantly, it is necessary to understand how material flows were organized in order to understand how different information flows were used in different circumstances. In the contraband trade, three flows were important which will be discussed in the first part of this chapter. The contraband itself was supplied by distribution networks that encompassed many different chains and participants including merchants, commission agents, intermediaries, insurers, *chefs de bandes*, carters, innkeepers and porters. In order to pay for these goods, a cash flow ran into the opposite direction. This all was structured by an information flow that not only consisted of a physical component, in which the correspondence about smuggling probably went via illicit circuits, but also encompassed the networks of those involved, which will be discussed in the second part of this chapter.

⁴⁸¹ Mark Casson, 'Entrepreneurial networks in international business', *Business and economic history* 26.2 (1997), 811 – 823, 814.



Map 3. Three main routes of the contraband trade distribution network. Credits: Iason Jongepier, *GIStorical Antwerp* (UAntwerp/Hercules Foundation)

Supply Chain

In order to import the contraband, an elaborate distribution system was set up. This supply chain sought out cracks in the system to let contraband enter French territory. The northern – and to a certain extent eastern – borders of the *departements réunis* were extremely porous and notoriously hard to patrol by custom officers. The borders between France and Holland mostly ran through inhospitable heathlands. This deserted landscape was ideally suited to move contraband unseen. However, the journey across the border was only one link in this extensive distribution network. The goods first had to get to the borderland, and – after crossing the border – had to be transported further south.

In a report from April 1805, Emden was singled out as major entry point for English goods that were bound for Brussels.⁴⁸² In the East Frisian town of Emden goods could be unloaded

⁴⁸² AN, F/7, 8024, File 202A, 'Raport au ministre', 20 Germinal of Year XII (10 April 1805).

under neutral Prussian flag.⁴⁸³ The report distinguished between two separate routes the contraband could take from Emden to end up in the *départements réunis*. One route ran southwestwards to Holland, while the other went south to the Prussian city of Wesel. From the latter, the trade flow broke off into two separate routes. Therefore, three distinct ‘connections’ could be distinguished (see map 3).

First and perhaps foremost, the ‘Holland connection’ was used. Dufraisse claimed that contraband from Emden was transported to Amsterdam and Rotterdam through Groningen and the Zuiderzee ports.⁴⁸⁴ Contraband could also be sent directly from England to the port cities of Holland, often transported by North Sea fishermen. The port of Rotterdam, harboring a colony of English merchants during this period, was often used.⁴⁸⁵ The 1805 report claimed the goods were transported southward by land from Amsterdam and Rotterdam to the Batavian Republic cities of Breda, Den Bosch and Lommel.⁴⁸⁶ In Breda and Bergen-op-Zoom, contraband was being collected and stored by the main intermediaries who then distributed it among the principal depot towns along the border such as Lommel.

Prior to 1806, a feasible alternative route to transport contraband into the Deux-Nèthes ran through the Lower Rhine (*Niederrhein*) region. The Prussian city of Wesel, situated on the right bank of the river Rhine, was a prominent axis on this ‘*Niederrhein* connection’. The contraband stored in Wesel presumably came from Emden and Hamburg and had made its way overland to the city on the Rhine.⁴⁸⁷ The route circumvented the Roer department by keeping to the right bank of the Rhine, Prussian at the time, and then entered the Batavian department of Gelderland, where the contraband crossed the river at Millingen and was subsequently transported to Nijmegen.

Merchant smugglers in the *départements réunis* quickly became interested in this connection. In early 1800, commission agent Michel Friand sent his employee J. Truyens to Wesel to investigate the possibilities of opening a smuggling route. In Wesel he found carters willing to transport goods to Nijmegen. In Nijmegen, he made arrangements with Peter Oomen to carry the contraband by cart to Hooge Mierde on the border with the Deux-Nèthes.⁴⁸⁸ Whereas Truyens used to commute between Lier, Roermond, Nijmegen and Hooge Mierde, often accompanying and overseeing the transport of the goods, Friand’s associate Cattoir was

⁴⁸³ Schulte Beerbuhl, ‘Trading networks’, 139.

⁴⁸⁴ Dufraisse, ‘Contrebandiers Normands’, 199.

⁴⁸⁵ Ibidem, 210. See also the forthcoming book of Johan Joor: Joor, *Door de mazen van het net*, 174 – 205.

⁴⁸⁶ AN, F/7, 8024, File 202A, ‘Raport au ministre’, 20 Germinal of Year XII (10 April 1805).

⁴⁸⁷ Dufraisse, ‘Contrebandiers Normands’, 201 – 204.

⁴⁸⁸ AN, F/7, 8023A, File 199A Correspondence Truyens, undated.

permanently stationed in Wesel.⁴⁸⁹ Other merchants, too, acquired goods from Wesel. Brussels' manufacturer Thierry Bartels worked with Wesel commission agents Kühne and Hartman between 1797 and 1804.⁴⁹⁰ When the city was ceded to France after the Schönbrunn treaty of 15 December 1805, and the surrounding territory was incorporated in the Grand Duchy of Berg in March 1806, ruled by Napoleon's brother-in-law Joachim Murat, Wesel lost its prominence as a contraband depot, although smuggling on the right bank of the Rhine never really got eradicated.⁴⁹¹

A third possibility was the 'Rhine-Meuse connection'. From Wesel, goods could flow even further southward to cities such as Düsseldorf, Cologne and even Frankfurt. From there, contraband was being sent overland to Aachen, Maastricht and Hasselt.⁴⁹² Goods were then transported to Louvain and finally Brussels to be distributed over the French heartland.

The Holland side of the border was dotted with depot towns. Here, goods were stored before they were transported over the border. A total of eight towns were used by smugglers (see map 4). On the Scheldt, the Zeelandic town of Bath was the only depot that was used for river-based smuggling.⁴⁹³ However, it might well have been that inland ships came directly from Bergen-op-Zoom, the Eastern Scheldt estuary still being connected to the Scheldt river. Further inland, the villages of Ossendrecht, Hoogerheide and Huijbergen were primarily used for contraband coming from Bergen-op-Zoom that was headed towards Zandvliet and Putte.⁴⁹⁴ The Floren brothers had established a branch of their operations and warehouse in the village of Rijsbergen, ideally suited on the road from Breda to Antwerp.⁴⁹⁵ Nearby Zundert was used to store tobacco.⁴⁹⁶ French exclave Baarle-Hertog, alongside its Holland twin Baarle-Nassau, unsurprisingly was a smuggling den. Merchant Olislager had a depot in the hamlet of Boschoven, near Baarle.⁴⁹⁷ Farther east, the villages of Reusel, Bladel and Weebosch, conveniently located on the Holland side of the extensive heaths, also had depots.⁴⁹⁸

⁴⁸⁹ d'Hauterive *La police secrète du Premier Empire*, Volume 4, 129.

⁴⁹⁰ AN, F/7, 8018, File 118A, *Analyses Kühne and Hartman*.

⁴⁹¹ Rowe, 'Economic warfare', 194 – 195.

⁴⁹² AN, F/7, 8024, File 202A, 'Raport au ministre', 20 Germinal of Year XII (10 April 1805).

⁴⁹³ AN, F/7, 8026, File 209A.

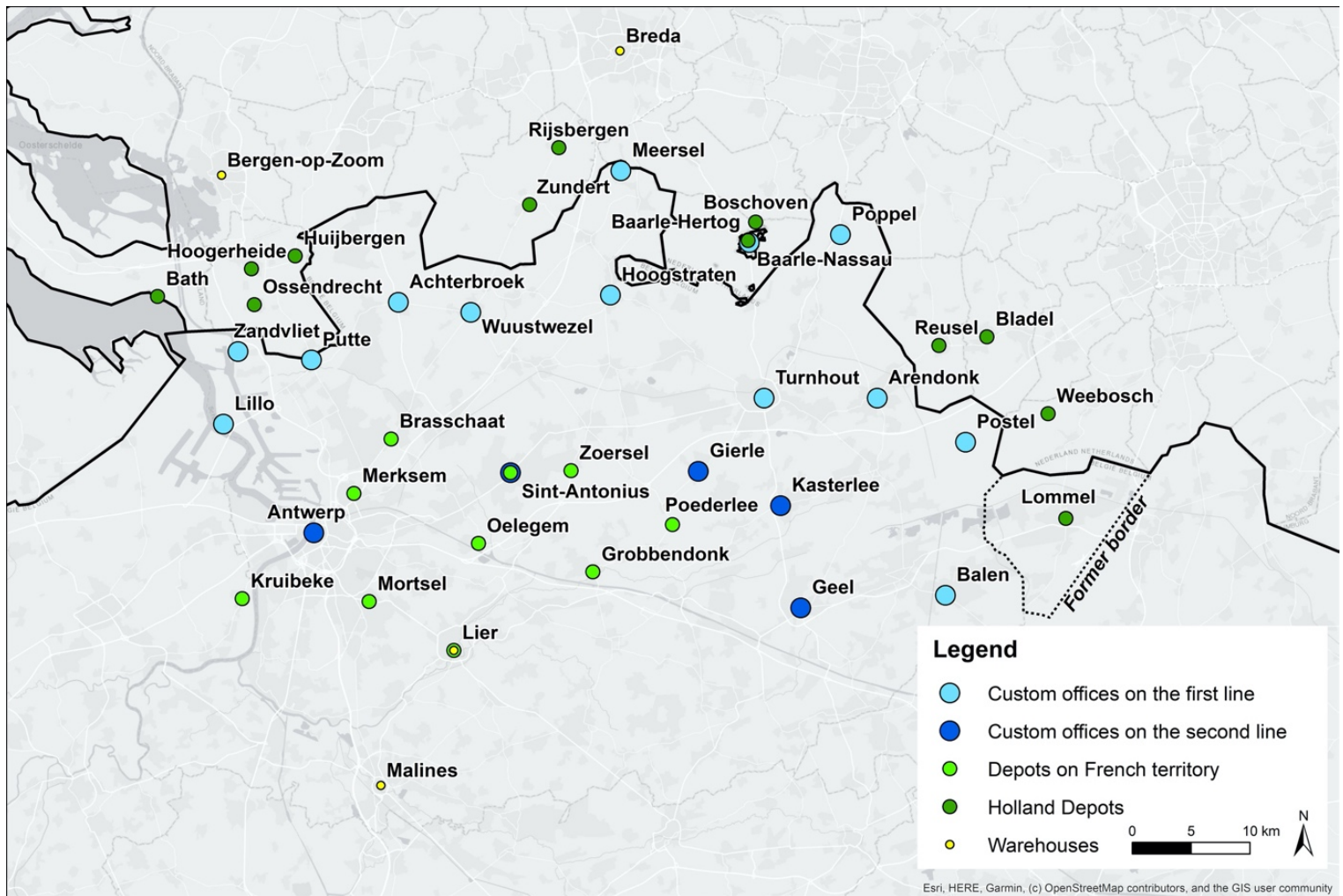
⁴⁹⁴ AN, F/7, 8019, File 120A.

⁴⁹⁵ Herman Theodoor Colenbrander, *Gedenkstukken der algemeene geschiedenis van Nederland van 1795 tot 1840*. Volume 5, Part 1 (The Hague 1910), XVII; AN, F/7, 8018, File 68A, *Analyse Floren*.

⁴⁹⁶ AN, F/7, 8019, File 148A, *Analyse Adrien Maras*.

⁴⁹⁷ AN, F/7, 8016, File 64A, Interrogation Schuermans.

⁴⁹⁸ AN, F/7, 8022B, File 199A, Correspondence Wouters.



Map 4. Depots, warehouses and custom offices in the border region between the Department of the Deux-Nèthes and Holland, 1800 – 1810. Source: Magnien, *Dictionnaire*, 347 – 392; AN, BB/18, 288, ‘Progrès’; F/7, 8016, File 64A; 8018, File 68A; 8019, File 120A and File 148A; 8022B, File 199A; 8026, File 207A and File 209A. Credits: Iason Jongepier, GISHistorical Antwerp (UAntwerp/Hercules Foundation). Note that Sint-Antonius had both a depot and a custom office on the second line.⁴⁹⁹

Lommel was the most notorious of depot towns. Located in Holland, but surrounded by French territory on three sides, the town was ideally located to serve as a depot. Not only did it attract many merchants and commission agents, the town was also scattered with warehouses and other storage space. According to one spy, the town was full of immense warehouses in which millions of English goods were stored. Visiting in 1804, he pretended to be a merchant and managed to gain access to one. The spy reported that it was filled to the brim with *velours*,

⁴⁹⁹ This map is primarily based on anecdotal evidence found in interrogations, correspondence and analyses in the files of the anti-fraud commission. From reference to the location where goods were collected and deposited, a reconstruction of these depots was made. The correspondence was probably less flawed than the interrogations. As such, this is not a systemic analysis, but rather an interpretation of what was indirectly found in the sources. The custom offices were listed in Magnien, *Dictionnaire*, 347 – 392.

casimirs and mousselines.⁵⁰⁰ Despite numerous raids by French customs and the military to confiscate or destroy contraband, Lommel remained a smuggler's den, before it was eventually annexed by the French Empire in September 1808 to quell the contraband trade.

Getting the contraband across the border and custom lines was one of the most perilous tasks of the operation. Smuggling afoot by porters, was, as was shown in the previous chapter, the method of choice, which was further reinforced by the lack of decent roads in the Campine region. To spread risk, goods were not transported in bulk but reduced to smaller parcels weighing about 18 kilograms to be transported afoot. In Lommel, bundles and packages of contraband were prepared and numbered for porters to be picked up in the warehouses.⁵⁰¹ In the evening, porters from across the border came trickling into the depot towns. They had usually started their march in the daytime from the Campine villages from which they hailed. When they reported at the warehouses, the bundles and packages were distributed among them.⁵⁰²

Led by a chef and assisted by *conducteurs* (armed guards) and *guides* (scouts), the porters then started their march down south. Whereas the armed guards served to protect both porters and contraband from confiscation and theft, the scouts guided the groups through the heathlands and scouted for custom officers laying in ambush or patrolling the countryside. A group that transported contraband on 27 August 1800 consisted of 104 porters, 12 guides and 7 guards.⁵⁰³ Often, the groups made use of countless smuggling trails only they knew the existence of.⁵⁰⁴ In order to get beyond the custom lines and thus outside the grasp of custom officers, they often travelled over significant distances. *Chef de bande* Henry Eysemans, for example, led a group of 30 porters over a distance of 23 kilometers from Zundert to Brasschaat.⁵⁰⁵ Porter Guillaume Schuermans transported contraband over a distance of at least 30 kilometers between Baarle and Grobbendonk.⁵⁰⁶ Porters knew beforehand where to unload their cargo, usually at farms and inns. The group Eysemans was split in two when they reached Brasschaat. While he went to a farm with some of his crew, another group went to an inn to unload their contraband.⁵⁰⁷

⁵⁰⁰ AN, *BB/18*, 288, 'Progrès'.

⁵⁰¹ *Ibidem*.

⁵⁰² AN, *F/7*, 4304, Rapport Miot.

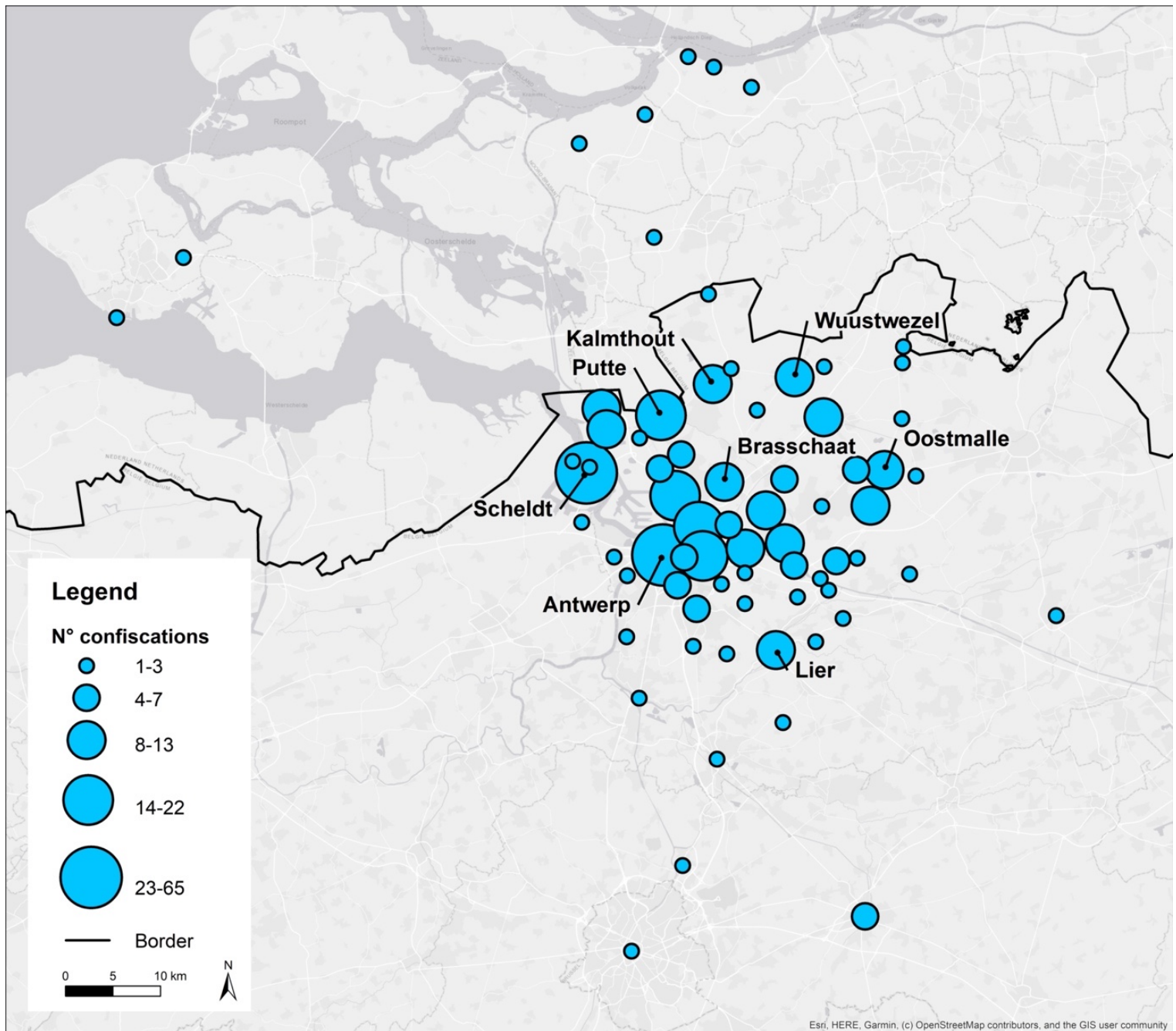
⁵⁰³ AN, *F/7*, 8023B, File 199A, Ledgers Wouters, 26 Thermidor of Year VIII (14 August 1800).

⁵⁰⁴ AN, *BB/18*, 288, 'Progrès'.

⁵⁰⁵ AN, *F/7*, 8026, File 207A, Interrogation Eysemans.

⁵⁰⁶ AN, *F/7*, 8016, Dossier 64A, Interrogation Schuermans.

⁵⁰⁷ AN, *F/7*, 8026, Dossier 207A, Interrogation Eysemans.



Map 5. Confiscations in the Antwerp Arrondissement, 1800 – 1810 (N=434). Source: RAA, EA, 106 – 120. Credits: Iason Jongepier, GISTorical Antwerp (UAntwerp/Hercules Foundation). Note that some confiscations were done outside of the Arrondissement such as Flushing, Brussels and Louvain. These confiscations had to be brought to the Antwerp custom office to be officially weighed. As such, the process-verbal was made up in Antwerp and the case handled by the Antwerp correctional court. The confiscations in Holland were done in the latter half of 1810.

Porters adapted their routes to intensity in repression. An 1810 investigation by government official Vermeulen claimed that contraband flowed increasingly through the town of Beerse, because ‘the other towns were increasingly better guarded.’⁵⁰⁸ Map 5 shows 434 confiscations of which the location was known in the Antwerp Arrondissement. This clearly shows that confiscations were either done in the border zone or around Antwerp, most within the *rayon*. This is somewhat biased, however. Of the majority of confiscations, the exact location remains unknown. Often, custom officials only recorded their surroundings such as the heath (*bruyère*) without reference to any nearby towns. Furthermore, the data for the Turnhout arrondissement is missing. It might be expected, therefore, that more confiscations were done in the *rayon* than visualized here. Whenever smugglers had traversed this zone, they were clear.

The contraband never stayed long in the farms and inns. At the farm of Adrien Boutmans in Oelegem, contraband tobacco was loaded onto a cart, immediately after 25 porters had left.⁵⁰⁹ From these makeshift warehouses, situated well beyond the custom lines, contraband was picked up by carters that transported the contraband to warehouses in bigger cities such as Lier and Malines. The ‘Rhineland connection’ often made use of Diest and Louvain, situated in the Dyle department. Sometimes, porters brought goods directly to these warehouses, however. Malines commission agent Ivo Bosselaerts received his goods directly from Van Son in Breda, brought over by a group of porters ranging from diverse towns and villages in both Holland and the *départements réunis* such as Oosterhout, Breda, Loenhout, Kasterlee and Tielen.⁵¹⁰

Finally, from these warehouses the contraband was mainly brought south to Brussels or west to Antwerp, where many of the recipient merchants were based. According to French authorities, Brussels formed the main collection point of much of the contraband trade that was centered on the Low Countries. In Brussels, ‘il n’est peut-être pas un marchand qui n’ait fait la fraude’, Miot argued.⁵¹¹ As such, it formed the gateway to the markets of the French interior.⁵¹² It remains unknown what happened to most of the contraband when it reached Antwerp or Brussels, but it might be assumed that it was then distributed to retail outlets or shipped further southwards. The recipients of contraband goods sent by Brussels *négociant* Fidèle Joseph Cresson offer us a glimpse of the hinterland of these smuggling networks. Although four were located in Ghent, the majority of customers were based south of Brussels. Nearby Mons, Kortrijk and Lille accommodated respectively three, two and five clients. Seven of his customers were

⁵⁰⁸ AN, F/7, 8030. Rapport du sr. Vermeulen, 12 March 1810.

⁵⁰⁹ RAA, HAA, 362.

⁵¹⁰ AN, F/7, 8015, File 56A, Rapport et instructions Bosselaerts.

⁵¹¹ AN, F/7, 4304, Rapport Miot.

⁵¹² AN, F/7, 8024, File 202A, ‘Rapport au ministre’, 20 Germinal of Year XII (10 April 1805).

based in Paris, while two customers were found in Dunkerque and Rouen. Some were even located as far southwards as Limoges (1) and Toulouse (1).⁵¹³

Some indications show that contraband sometimes was repacked into smaller batches made for retail. In August 1807, Antwerp custom officers found four tobacco *carottes* in the house of Jean Baptiste De Graef and another four charges of tobacco *en feuille* in the basement of Jean Wyns.⁵¹⁴ Similarly, one piece of casimir hidden in a bag of flour was found in the Antwerp inn of Jean Baptiste Peeters.⁵¹⁵ These amounts of contraband were presumably small enough to have been meant for retail. More often, however, house searches found large shipments of contraband in warehouses. In the house of Marie Lyntyns 169 kilograms of indigo was discovered in September 1810.⁵¹⁶ In April 1806, 455 kilograms of tobacco was discovered in the garden of the Minim convent which was used as a warehouse after it had been publicly sold in 1798.⁵¹⁷ Although customs officers might have been more inclined to make larger confiscations, these quantities were probably not yet intended for retail, waiting to be transshipped had they not been confiscated.

Cash and Information Flows

The import of this contraband had of course to be paid for. Because authorities – both courts and anti-fraud commission – primarily emphasized the origin of goods because this could lead to a conviction, it remains relatively obscure how the flow of money between merchants and commission agents was organized. In all likelihood, most payments were done with bills of exchange.⁵¹⁸ Even lower tier *chefs* as Jean Baptiste Peeters got paid with these promissory notes.⁵¹⁹ Sometimes, imported contraband was offset against exported goods that were prohibited in Britain. Norman lace merchant Jean-Baptiste Gaudoit, for example, traded his lace for contraband. Defending his practices, he even claimed he generated a trade surplus; the British refunding the imbalance. This export flow was also facilitated by intermediaries. In the case of Gaudoit, Bergen-op-Zoom intermediary Pierre Vanderschrieck handled the exchange of goods.⁵²⁰

⁵¹³ AN, F/7, 8024, File 202A.

⁵¹⁴ RAA, EA, 117, Sentence of 6 November 1807.

⁵¹⁵ RAA, EA, 113, Sentence of 1 Nivôse of Year XII.

⁵¹⁶ RAA, EA, 120, Sentence of 16 October 1810.

⁵¹⁷ RAA, EA, 115, Sentence of 30 April 1806.

⁵¹⁸ De Oliveira, *Les routes de l'argent*, 408.

⁵¹⁹ AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters.

⁵²⁰ Dufraisse, 'Contrebandiers Normands', 218 – 221.

The prohibition of exporting bullion provides some insight into how cash flow was organized. De Oliveira has shown that a number of large trading and banking houses from Paris, Amsterdam and Hamburg cooperated to illegally export bullion to Britain.⁵²¹ This was primarily organized by Parisian houses that were also involved in some of the contraband networks. It is therefore not inconceivable that payments for contraband by Brussels and Antwerp merchants were done through these Parisian bankers.

Antwerp intermediary merchant Pierre Jean Cas received piastres from the Parisian banks Fould and Rodrigues-Patto. Between 1804 and 1806, he exported 3,590,000F worth of piastres to Britain and received English contraband in return.⁵²² Being a main contact of Cas, Pierre Vanderschrieck seems to have been an important intermediary in facilitating these flows. Cas took on two gendarmes – Louis Hypolite Perrier and Joseph Lesturbe – to transport 1,600 piastres. Because they were arrested on the road to Putte, which lead to Bergen-op-Zoom, it seems highly plausible they were *en route* to Vanderschrieck.⁵²³

Cas closely cooperated with fellow Antwerp merchant Corneille François Colman, who sent gold and silver to the Amsterdam trading house of Anspach & Cie and Rotterdam merchant Mozes Ezechiël, referred to by the anti-fraud commission as ‘banquier du gouvernement anglais’.⁵²⁴ Colman also used Vanderschrieck as intermediary, and employed porters who dropped off the bullion in inns and mills around Putte. In total, he exported for 337,417F worth of gold and silver, on which he made a profit of one per cent. Although he had received different kinds of bullion from Paris trading houses Oliver & Outrequin and Rodrigues-Patto, it could not be proven that these had been exported by Colman.

Flows of information are harder to reconstruct. As is testified by large amounts of correspondence confiscated by the anti-fraud commission, communication between merchants, commission agents, intermediaries and others was numerous. As has been shown by Johan Joor, Rotterdam was a transit point for mail and illegal correspondence that had to be sent to Britain – usually by means of Dutch fishing vessels.⁵²⁵ Clues about the infrastructure of communication, however, are very brief. Still, this illicit postal service too seems to have been organized by intermediaries in Holland. For example, Pierre Van Egeraet, commission agent in Bergen-op-Zoom, was arrested in the Antwerp hamlet of Dam while transporting a load of 27 letters to some Antwerp merchants.⁵²⁶

⁵²¹ De Oliveira, *Les routes de l'argent*, 404 – 412.

⁵²² Ibidem, 406.

⁵²³ RAA, HAA, 26, Arrest 8 and 12.

⁵²⁴ AN, F/7, 8018, File 68A, *Analyse Mozes Ezechiël*.

⁵²⁵ Joor, *Door de mazen van het net*, 174 – 205.

⁵²⁶ RAA, EA, 119, Sentence of 11 July 1809.

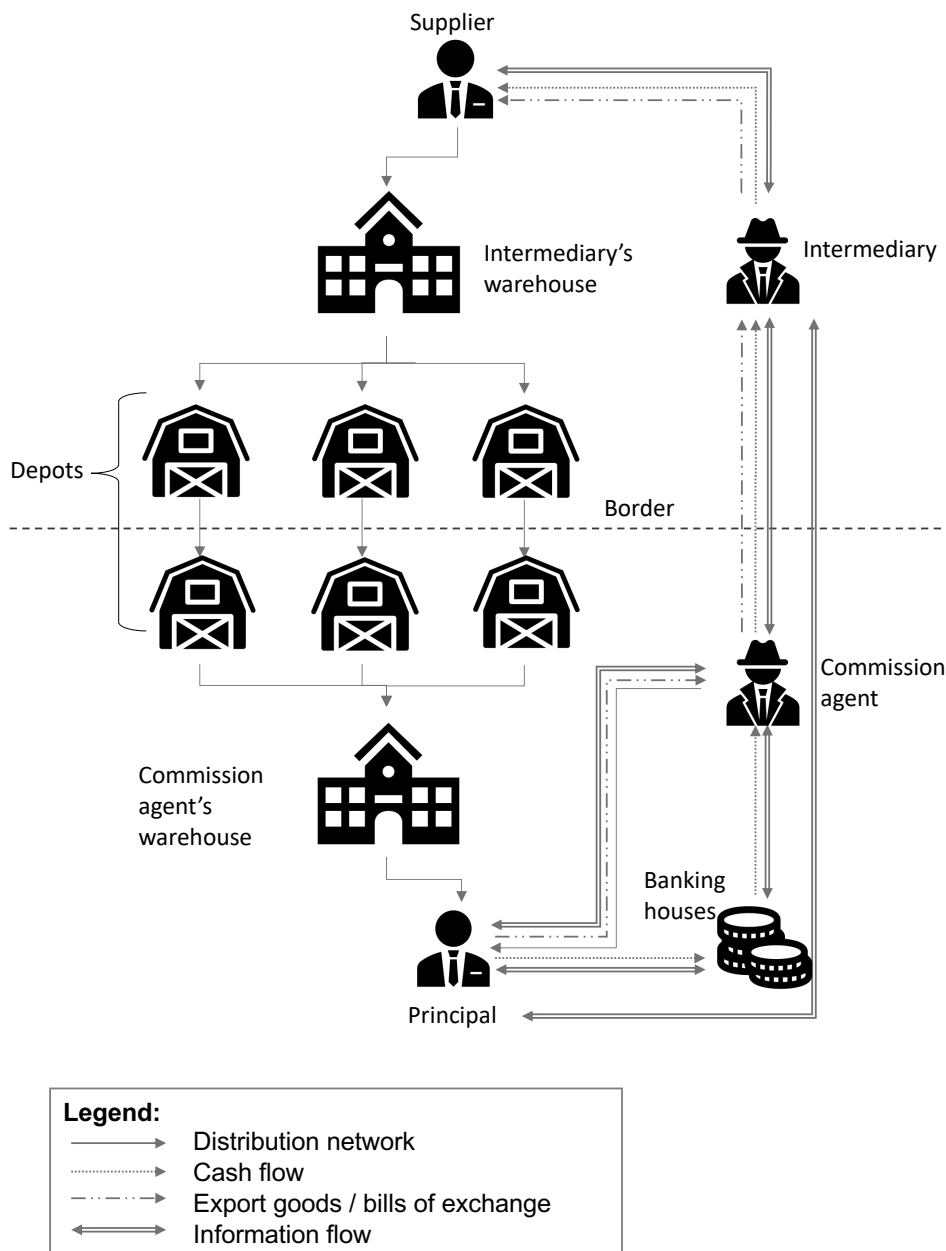


Figure 1. Main flows within the contraband trade. Visualization by Cherie Zhang, Singapore.

Figure 1 presents a schematic overview of these different trade flows. In the left part of the overview the distribution network is depicted. After receiving an order either from *négociants* directly or from commission agents, suppliers sent their goods to the intermediary's warehouse. The intermediary then distributed these goods over the different depots that were located near the border. The contraband was then transported over the border where it again was stored to

be picked up again and be driven to warehouses of intermediary merchants. The products were then sent to the customers or principals who supposedly distributed the contraband further inland. Cash flows then ran the other way, either through bullion, bills of exchange or exports. Again, intermediaries and commission agents played a major role in this, collecting payments and transshipping them to the other side of the border. Banking houses, too, were primarily involved in the export of bullion, perhaps on behalf of principals. Information then flowed between the major actors and was physically collected and distributed by intermediaries.

Smuggling Networks

A wide array of people formed the networks that organized the contraband trade. To uncover how these people were connected and with whom, a social network analysis (SNA) can be applied. This analysis, however, should not be seen as the starting point or main methodology of this research but rather as a tool to gain better insight into the connections and central role of certain actors. Social network analysis has been used by historians not only as a tool to identify networks of people, but also and maybe more rightly so to identify the connectedness between individuals or organizations.⁵²⁷ This way, the relationships between people can be uncovered. An additional advantage of a social network analysis is that it might identify important actors that might have been neglected in a traditional historical analysis.⁵²⁸

Preliminary research into the networks of merchants during the Napoleonic era exists but is often focused on personal networks. Dufraisse mapped out some of the illicit commercial relations of Norman lace manufacturer Jean-Baptiste Gaudoit who also appears frequently in our sources.⁵²⁹ Trading his lace for English goods, Gaudoit used an extensive network of English, Dutch and German merchants to conduct his operations. In a case study of the network of Nathan Mayer Rothschild, Margrit Schulte Beerbühl convincingly showed that kinship relations and access to his father's network proved to be a crucial asset in his contraband endeavors.⁵³⁰ However, both historians have only reconstructed the personal network of just one merchant and have barely been interested in smuggling networks as a whole.

In their groundbreaking research on merchant networks in the Liverpool slave trade, John and Sheryllyne Haggerty have convincingly applied SNA measures in a historical case to

⁵²⁷ John Haggerty and Sheryllyne Haggerty, 'Visual analytics of an eighteenth-century business network', *Enterprise and society* 11.1 (2010), 1 – 25, 2.

⁵²⁸ Haggerty and Haggerty, 'Visual analytics', 16 – 18.

⁵²⁹ Dufraisse, 'Contrebandiers Normands'.

⁵³⁰ Schulte Beerbühl, 'Trading networks'.

uncover various key players.⁵³¹ However, their research was primarily focused on licit business activities. Criminal networks operating in illicit markets might have been structured differently, as criminologists doing research on organized crime have shown in recent endeavors.

For a good part of the latter half of the twentieth century, criminologists have been debating the character of organized crime. Roughly two models have prevailed, before giving way to a third in recent years. Following the US Senate Kefauver and McClellan committee's investigations of Cosa Nostra activities in the United States in the 1950s, organized crime became characterized as 'a large, centrally controlled, highly organized entity.'⁵³² In his highly influential *Theft of the Nation*, Donald R. Cressey laid the groundwork for the bureaucratic and conspiracy model of organized crime.⁵³³ He confirmed the existence of a Cosa Nostra cartel that operated nationwide in the United States. Organized crime thus became to be seen as a formal and hierarchical system which was rationally designed and that maintained a monopoly on the distribution of illegal services and goods through means of force and corruption.⁵³⁴ Although the large-scale 'mob trials' of the 1980s and 1990s confirmed the existence of a hierarchical model among at least some forms of organized crime, it gradually became more criticized.⁵³⁵

Following research by social scientists such as Joseph Albin, the model was deemed as being overly structured. Studying the nature of organized crime, Albin could not establish a strict hierarchy among Cosa Nostra groups. Instead he argued that 'a criminal syndicate consists of a system of loosely structured relationships.'⁵³⁶ Furthermore, the model was too often superimposed on a wide range of criminal activities.⁵³⁷ It also could not establish a true link between organized crime groups.⁵³⁸ Finally, by neglecting the influence of market forces, the hierarchical model too easily assumes that the removal of the ones in charge will lead to the dismantling of these organized crime networks.

In the 1970s, economists took up the issue, giving rise to the entrepreneurial model of organized crime. In his influential *The Mafia Mystique*, Dwight Smith focused on the similarities between legitimate and illicit businesses which both respond to the needs and demands of suppliers and customers.⁵³⁹ The notion of illegal enterprise became more popular, which was subsequently used to 'denote those activities, processes and organizational forms that are more

⁵³¹ Haggerty and Haggerty, 'Visual analytics'.

⁵³² Albanese, *Organized crime*, 106.

⁵³³ Donald R. Cressey, *Theft of the nation. The structure and operations of organized crime in America* (New York 1969).

⁵³⁴ Morselli, *Contacts*, 12.

⁵³⁵ Albanese (2007) 107 – 108.

⁵³⁶ Joseph L. Albin, *The American Mafia. Genesis of a legend* (New York 1971), 288.

⁵³⁷ Morselli, *Contacts*, 11.

⁵³⁸ Albanese, *Organized crime*, 109.

⁵³⁹ Dwight Smith, *The Mafia Mystique* (New York 1975).

informal and flexible.⁵⁴⁰ The organizational consequences of market forces were more profoundly expanded by prominent criminologist and economist Peter Reuter. Because many products procured by organized crime are illegal, he argued that ‘participants in illegal markets are confronted with greater obstacles [...] than their legal counterparts.’⁵⁴¹ These obstacles lead to greater costs as ‘contracts are not enforceable by law’, assets can be confiscated at any time, and ‘participants face the risk of official sanctions, such as arrests or imprisonment’.⁵⁴² Therefore, Reuter argued that, ‘in order to avoid the costs extending from participation in illegal markets’, crime groups are essentially disorganized, coming ‘together in small and ephemeral groups.’⁵⁴³

As the hierarchical model, the enterprise model was also criticized for its inadequacy. Although not discarding the merits of the model entirely, Don Liddick argued that too much emphasis was put on the similarities between legal and illegal businesses. Instead, he stressed the differences between legal and illegal organizations and legal and illegal markets and argued that illegal enterprise cannot be studied with the same theoretical assumptions.⁵⁴⁴ The idea that the market is the dominant force in structuring group efforts of participants in organized crime has recently been criticized – most vocally by criminologist Carlo Morselli. Following the important work of Albert J. Reiss jr. and Pierre Tremblay, Morselli argued that neither the hierarchical model nor the enterprise model accounts for the importance of co-offending.⁵⁴⁵ Indeed, Carrington claimed that ‘criminal enterprise requires the cooperation and coordination of multiple actors, sometimes very distant from one another geographically’.⁵⁴⁶

Borrowing heavily from Mark Granovetter’s work on social network theories and evoking the work of Albin, Morselli emphasized the role of the criminal network.⁵⁴⁷ The network model ‘provides the main structural components that allow the observer to consider and gain insight into both risk-reducing and opportunity-expanding methods of increasing personal capacities.’⁵⁴⁸ This model introduced the importance of ‘criminal capital’, a criminal form of

⁵⁴⁰ Morselli, *Contacts*, 11.

⁵⁴¹ Peter Reuter, *Disorganized crime. The economics of the visible hand* (Cambridge MS 1983), 114.

⁵⁴² *Ibidem*.

⁵⁴³ Reuter, *Disorganized crime*, 109.

⁵⁴⁴ Don Liddick, ‘The enterprise “model” of organized crime. Assessing theoretical propositions’, *Justice quarterly* 16.2 (1999), 403 – 430.

⁵⁴⁵ Morselli, *Contacts*, 15 – 16; Pierre Tremblay, ‘Searching for suitable co-offenders’, in: R.V. Clarke and M. Felson (eds.), *Routine activity and rational choice. Advances in criminological theory* (New Brunswick, NJ 1993), 17 – 36. Also see: Albert J. Reiss jr., ‘Co-offending and criminal careers’, *Crime and justice* 10 (1988) 117 – 170.

⁵⁴⁶ Carrington, ‘Crime and social network analysis’, 246.

⁵⁴⁷ Mark Granovetter, ‘Economic action and social structure. The problems of social embeddedness’, *American journal of sociology* 91 (1985), 481 – 510.

⁵⁴⁸ Morselli, *Contacts*, 23.

social capital. The ‘criminal knowledge and skill that are derived from embeddedness in criminal networks’ were essential, not only to start a criminal career, but also to guarantee long-term success.⁵⁴⁹ As Morselli stated: ‘For participants in criminal enterprise and long-term money-oriented criminal activities in general, tutelage and criminal forms of social capital are themselves key requirements for endurance and any level of achievement.’⁵⁵⁰ In his network model, Morselli emphasized the importance of strategic positions within the network. For this, he applied Ron Burt’s structural hole theory. Burt defined the structural hole as an opportunity to ‘broker the flow of information between people and control the form of projects that bring together people from opposite sides of the hole’.⁵⁵¹

The next section of this chapter will use social network analysis to uncover how the smuggling networks in the *départements réunies* were organized and will therefore test the above-mentioned models of organized crime. Not only will it identify brokers and other key figures within the network, it will also look at the roles of merchants, correspondence between stakeholders and the longevity of relations. Then, we will turn our attention to the role networks had in building criminal careers. The extensive documentation of the Parisian anti-fraud commission allows us to reconstruct networks that were involved in smuggling operations in the *départements réunis*.⁵⁵² The analyses drawn up by the commission and assembled within a single file are exceptionally suitable for this endeavor. Although there were 222 files compiled by the commission, many were empty – having been referred to the courts – or consisted of only one offender, rendering them unusable for a social network analysis. Therefore, only those files that contained at least two connected offenders were selected. This resulted in a selection of 68 files.

Haggerty and Haggerty have rightly observed the methodological issues concerning source centrality in social network analysis.⁵⁵³ Although in their case study it applied to the social network reconstructed from the sources pertaining one individual, it posed a problem in the sources here too. Recording all actors appearing in the analyses at face value would skew the analysis significantly. Brussels merchant Joseph Fidèle Cresson, for example, would stand out as the most connected actor. Because the commission added his entire clientele to their analyses,

⁵⁴⁹ Carrington, ‘Crime and social network analysis’, 246.

⁵⁵⁰ Morselli, *Contacts*, 17.

⁵⁵¹ Ronald S. Burt, ‘Entrepreneurs, distrust, and third parties. A strategic look at the dark side of dense networks’, in: Leigh L. Thompson, John M. Levine and David M. Messick (eds.), *Shared cognition in organizations. The management of knowledge* (New York 1999) 213 – 243. Cited in Morselli, *Contacts*, 24.

⁵⁵² A preliminary paper of this analysis was presented by Hilde Greefs and Dirk Lueb at the 6th Colloquium on Crime and Criminal Justice in Early Modern and Modern Times – Crime, Justice and Elites in Heppenheim on 24 September 2019.

⁵⁵³ Haggerty and Haggerty, ‘Visual analytics’, 7 – 8.

Cresson had 50 connections. In reality, however, he barely appeared in other networks. Reversely, those merchants of whom their clientele was not added to the analyses would be underrepresented. To tackle this issue of source centrality, files were considered to be separate networks. Although this is somewhat artificial, because files were usually based on one or two individual offenders, it does serve the purpose of eliminating the over- and underrepresentation of some actors. Furthermore, it allows to understand how these different networks were connected to each other through different actors, while also showing the most important actors within the networks. Based on the analyses, a total of 68 separate networks could be reconstructed.

One problem of working with small separate networks that are only connected through individual actors is that it has become impossible to calculate most centrality measures such as betweenness centrality, out-degree centrality and closeness centrality. We do, however, have the possibility to identify the most important actors connecting these separate networks. It might be argued that actors able to connect most networks are important players within the contraband trade – those on which most procurers counted or were otherwise important.

A total of 383 different actors participated in these 68 separate networks, of which 61 were connected.⁵⁵⁴ These were the major networks that distributed their contraband in the manner outlined above. They consisted of *négociants* who supplied contraband, merchants that received it, commission agents who stored, insured and transshipped it, and carters and porters used for transportation. Of the 383 selected individuals, the occupation of only a third is known because the commission usually only described their responsibilities within the smuggling networks. Table 5 shows the sectors in which the smugglers were active. It becomes clear that the majority of smugglers were working in trade (85), services (15) and transport (13). This overrepresentation is unsurprising because smuggling is a transit crime. Furthermore, the anti-fraud commission actively targeted merchants. When we take a closer look, this group of traders consisted mostly of *négociants* (54) – internationally operating merchants who were also active in trade-related services such as banking and insurance. This includes some of the most prominent Antwerp merchants at the time, such as Jacques Dirven and Georges Kreglinger. We also find a large group of commission agents (31) within this group. As said, these commission agents acted in name of other merchants and charged a percentage of the transactions for this service. As responsibilities in the network often converged within certain individuals, it was hard to classify these.

⁵⁵⁴ See Appendix 5 for the selection criteria of files.

Sectors	Smugglers
Unspecified	229
Trade	88
Transport	18
Services	15
Public function	11
Industry	8
Retail	7
Agriculture	5
Artisan	3
Other	2
Grand Total	383

Location	Smugglers
Brussels	76
Antwerp	67
Paris	32
Breda	32
Lier	22
Turnhout	21
Ghent	18
Malines	14
Bergen-op-Zoom	13
Rotterdam	13
Amsterdam	12
Sint-Niklaas	10
Aachen	10
Poederlee	8
Lommel	7
Brecht	6
Düsseldorf	6
Louvain	6

(L) Table 5. Sectors in which smugglers were active. Source: AN, F/7, 8008 – 8030.

(R) Table 6. Location of smugglers within the networks (appearing more than 5 times). Source: AN, F/7, 8008 – 8030.⁵⁵⁵

Table 6 shows the locations of smugglers within the networks. Only places that occurred more than five times in the source material are included. It is not surprising that important trade centers often appear, such as Brussels (76) and Antwerp (67) in Belgium, next to Paris, Rotterdam, Amsterdam, Aachen, and Düsseldorf (in order of importance) abroad. Important nodes were also Breda (32) and Bergen-op-Zoom (13) which were located at important transport routes and functioned as ideal places to cross the border from the Dutch regions to the Belgian departments. As smuggling is a transit crime, it comes to no surprise that some border places appear in the files, such as Lommel. Turnhout (21), Lier (22), and Malines (14) then were important local trading hubs within the department of the Deux-Nèthes.

⁵⁵⁵ Note that, in order to show their importance, locations were counted on the basis of appearance within the networks.

Using social network analysis software Gephi, we were able to map out the interconnectedness of these different networks. In figure 2 the entire network that was investigated by the anti-fraud commission is represented. Most actors (323) were only involved in but one network. This does not necessarily mean that they were only incidentally involved in the contraband trade. Through other actors, they were still connected to others in the contraband trade. It does indicate, however, they were probably less crucial to the entire smuggling operation. Some actors clearly stand out and can be seen as central players. To identify the most desirable contacts, Haggerty and Haggerty used the in-degree centrality measure.⁵⁵⁶ This measure is used in social network analysis to identify those actors that are seen as crucial facilitators for others in the network.⁵⁵⁷ As such, these actors are thought of as having a good reputation or a high level of social or, in this case, criminal capital.⁵⁵⁸ The in-degree centrality could be determined for our network, and allowed us to identify the key figures in the network. The actors with the highest in-degree centrality are represented in figure 2 by larger circles in darker colors. The in-degree centrality measure produced a total of seven actors whose score was higher than five; they thus appeared in at least five networks. These seven offenders can be considered as the most connected. As such, these appear in numerous networks. In the figure, Van Son, Florin, Léonard Vandevelde, Pierre Vanderschriek, Jean-Baptiste Gaudoit, Veuve Schouten and the Floren brothers clearly stand out. Who were these central actors and why were they so well-connected?

These central actors were primarily *négociants* and commission agents. The two most prominent of these were Breda commission agents Van Son and Brussels merchant Pierre Florin, both figuring in thirteen different networks.⁵⁵⁹ Bergen-op-Zoom commission agent Pierre Vanderschriek was connected to ten networks. Brussels merchant Léonard Vandevelde, the main culprit according to the anti-fraud commission, figured in nine networks. The Floren brothers and the widow Schouten, both commission agents in Breda, were connected to respectively eight and six networks. Finally, Jean Baptiste Gaudoit, a Parisian merchant, was connected to six networks. Of these, only Vandevelde and Gaudoit mostly smuggled on their own account and were mentioned in the sources as *négociant*. Although Florin was often labelled as *négociant*, he mostly worked on commission for others.

⁵⁵⁶ Ibidem, 11.

⁵⁵⁷ Ibidem, 21.

⁵⁵⁸ Ibidem, 11.

⁵⁵⁹ The Brussels merchant Pierre Florin should not be confused with the Floren brothers who operated as commission agents in Breda.

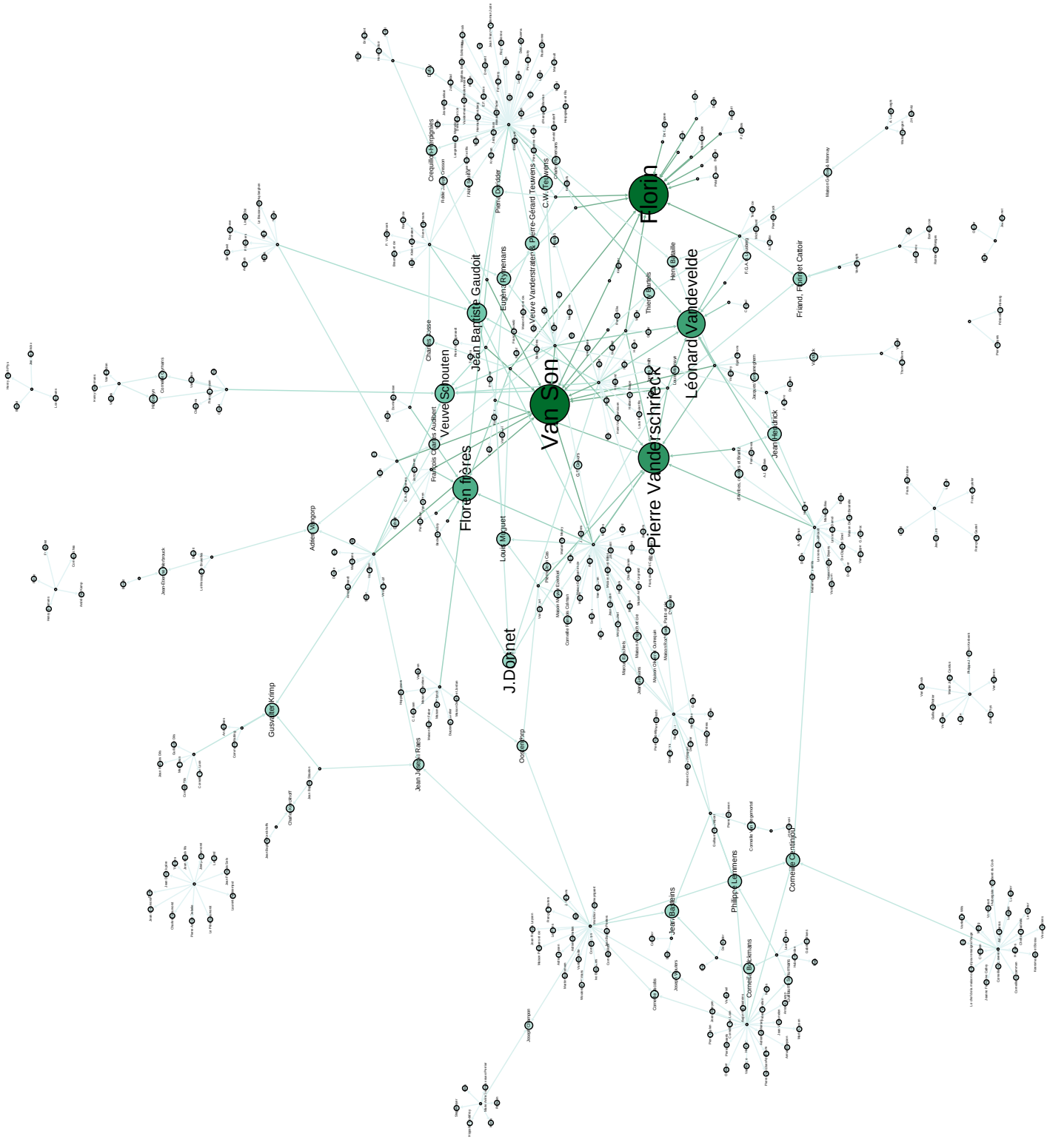


Figure 2. Total connections of offenders with the 68 different smuggling networks. Source: AN, F/7, 8008 – 8030. For an overview of different files used, see Appendix 5.

The commission agents in Breda and Bergen-op-Zoom, located just across the border, provided services crucial to smuggling operations. Because they appear in the highest number of different networks, they apparently played a central role and filled a bridging function within these networks. Although they also provided commercial transactions on commission base, and were as such commission agents, they did much more. Providing warehousing, transport and insurance, they proved to be of vital importance to merchants on both sides of the border. They also provided contacts by brokering between merchants and also commanding and hiring the main smugglers. These essential middlemen channeled ‘between clusters of groups within and across the echelons.’⁵⁶⁰ Their blend of services caused *conseiller d’État* Miot to designate the intermediaries as ‘the true artisans of this trade.’⁵⁶¹ Because of these crucial services, they occupied central roles in the contraband trade and should therefore be referred to as intermediaries rather than mere commission agents.

Their background was surprisingly similar. All four started out as owners of transport companies. In an 1811 survey, the mayor of Bergen-op-Zoom claimed that the Vanderschriek family had operated a *roulage* company and a *maison de commission* for over thirty years. Although the primary route of their carts led to Antwerp, Vanderschriek and similar companies had established relations with Brussels and Ghent and cities in France as far south as Marseille and Montpellier.⁵⁶² They were also located strategically. The company of the Floren brothers was located just outside of Breda in the hamlet of Rijsbergen, which was conveniently located along the road to Antwerp. Furthermore, the brothers had branches in Breda itself and in Antwerp.⁵⁶³ Similarly, Vanderschriek supposedly also had a branch in Antwerp.⁵⁶⁴

⁵⁶⁰ Morselli, *Contacts*, 128.

⁵⁶¹ ‘les véritables artisans de ce commerce’, AN, F/7, 4304, Rapport Miot.

⁵⁶² RAA, PAA, J, 843.

⁵⁶³ Colenbrander, *Gedenkstukken*, Volume 5, XVII.

⁵⁶⁴ *Ibidem*.

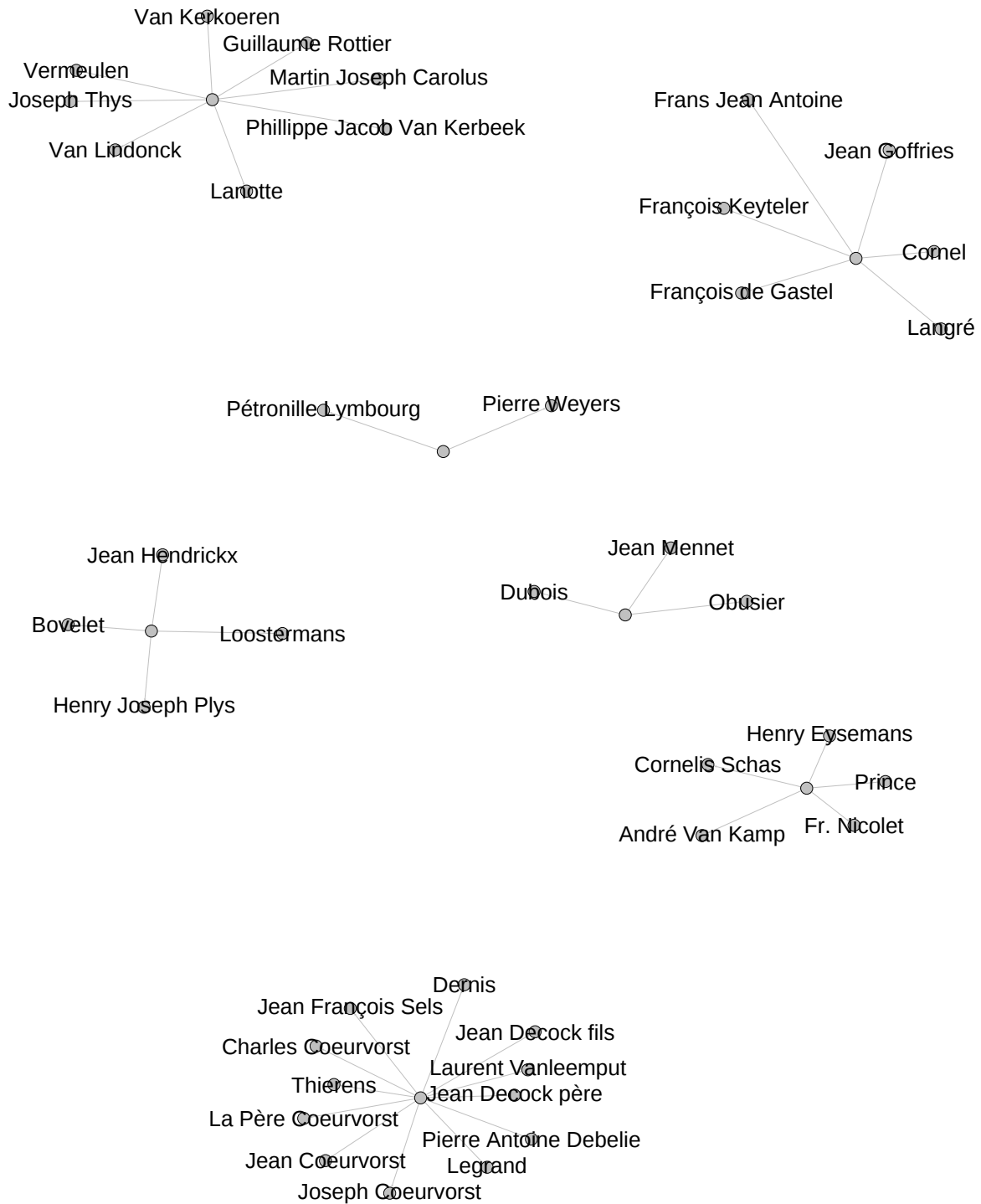


Figure 3. Unconnected networks. Source: AN, F/7, 8008 – 8030.

Seven of the networks investigated by the anti-fraud commission are apparently un-connected to any other network (see figure 3). These were probably small local networks of smugglers operating on their own account or specializing in a niche of the contraband trade or auxiliary services. The network of Antwerp merchant Martin Joseph Carolus, for example, was specialized in running contraband over the Scheldt river but does not appear to have been connected to any of the other networks. Instead, he acquired and stored them himself.⁵⁶⁵ Similarly, the network centered around the Coeurvorst family from Antwerp, which offered merchants to seal contraband tobacco with a stolen pair of tongs, was unrelated to other actors.⁵⁶⁶ The other networks were quite similar. It is noteworthy that no *négociants* were involved in these small networks. As such, they might have lacked substantial capital to participate in the other connected networks and therefore operated on their own account. 39-year old Antwerp trader Jean Hendrickx, for example, bought pepper, coffee and sugar from numerous merchants in Breda and Louvain which he had subsequently shipped to Antwerp. From there he transported it to Malines, where he rented a room from the Bovelet family in which he stored the contraband.⁵⁶⁷ Hendrickx can rightly be called a small-timer. One exception, however, might be the network of Jean Mennet, Dubois and Obusier. These actors might be the same as the merchant Mennet who was connected to Florin, Vanderschrieck and Van Son and P.J. Dubois who was connected to Florin. But, as the sources failed to mention their full names, they were included as distinct actors in the analysis.

Personal networks: Merchants and Commission Agents

In order to understand the functioning of these networks and the way in which people were actually connected by the central actors, it is worthwhile to zoom in on two personal networks of both a *négociant* and a Breda intermediary. As explained above, merchants were the primary instigators of the contraband trade. However, they did not seem to have that central a role in the networks. The case of *négociant* Jean Donnet might shine light on the roles of merchants in general and show how they took initiative and instigated the contraband trade.⁵⁶⁸ Coming to Antwerp in 1793, he was one of the first French merchants to relocate to the port city.⁵⁶⁹ According to the commission, Donnet had been a long-term importer of contraband. He participated in a total of four networks (see figure 4). As many other merchants, he combined

⁵⁶⁵ AN, F/7, 8026, File 209A.

⁵⁶⁶ AN, F/7, 8019, File 170A.

⁵⁶⁷ AN, F/7, 8026, File 208A.

⁵⁶⁸ Donnet was chosen because of the availability of both background information and source material.

⁵⁶⁹ Greefs, *Zakenlieden*, III.

trading on his own account with being a commission agent.⁵⁷⁰ In two of the networks he participated in, Donnet worked on commission (the upper and lower one on the left in figure 4). Between 1797 and 1799, he imported contraband on account of Brussels manufacturer and *négociant* Thierry Bartels, while on other occasions, he worked on commission for Parisian *négociant* Jean-Baptiste Gaudoit.⁵⁷¹ As a *négociant*, he also imported contraband on his own account. For some of his imports, Donnet called in the help of a smuggler named Bertina whose exact occupation remains unknown. We do know, however, that he ran a small local network centered around Putte.⁵⁷² This network is visible on the left.

The bulk of his imports, however, seems to have been supplied by the network on the right. Donnet used numerous of the prominent intermediaries such as Pierre Vanderschrieck in Bergen-op-Zoom, and Veuve Schouten and Van Son in Breda. He ordered goods from James Smith in Rotterdam and the Amsterdam trading house of d'Arribes, Couders et Brantz, who then sent the goods to either Breda or Bergen-op-Zoom. From 1798 to 1802 and again between 1805 and 1807, he supposedly imported for a total of 964,235 Francs worth of contraband. His consignments consisted mostly of textiles such as 'mousselines, piqués, bas, guinées, salempouris, nanquins des indes, guinghams et basins.'⁵⁷³ For all of these transactions, Donnet used Michel Friand as a commission agent, who charged a premium of between 6 and 8% for his services. Although he claimed he could not afford his 12,408F fine, operations like these might have been quite profitable. Donnet belonged to a group of foreign merchants in Antwerp that rapidly amassed a fortune during this era.⁵⁷⁴ In 1810, his capital was estimated to be around 600,000 or 700,000 Francs.⁵⁷⁵

⁵⁷⁰ Jonker and Sluyterman, *Thuis op de wereldmarkt*, 85.

⁵⁷¹ AN, F/7, 8016, File 62A, Analyse Donnet; AN, F/7, 8018, File 118A, Analyse Donnet. Also see Dufraisse, 'Contrebandiers Normands', 227.

⁵⁷² AN, F/7, 8020, File 120A, Analyse Donnet.

⁵⁷³ AN, F/7, 8016, File 59A, Analyse Donnet.

⁵⁷⁴ Greefs, *Zakenlieden*, 124.

⁵⁷⁵ See the prosopography compiled by Hilde Greefs as an annex to Greefs, *Zakenlieden*.

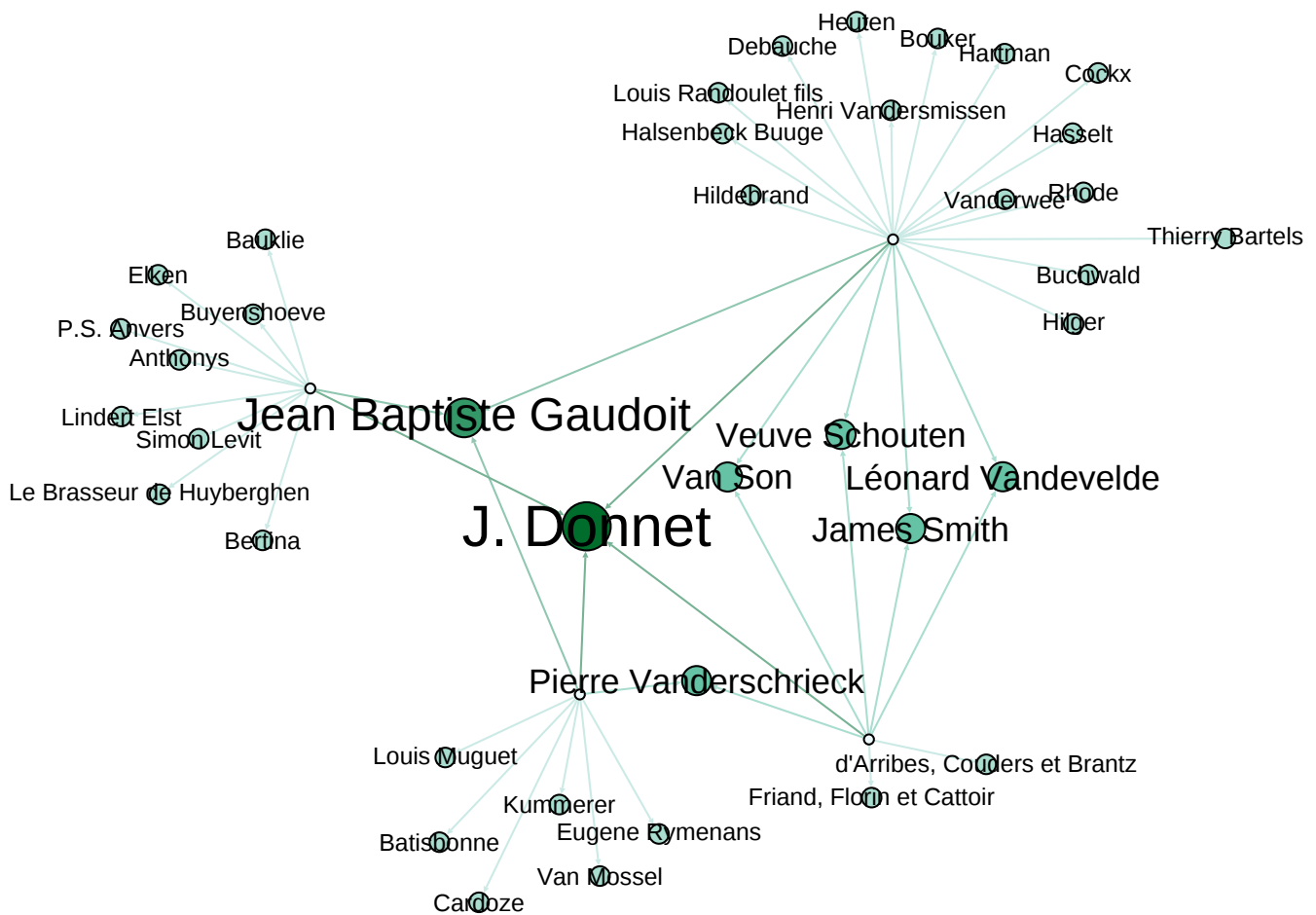


Figure 4. Networks in which Jean Donnet was personally involved. Source: AN, F/7, 8016, File 59A and File 62A; 8018, File 118A; 8019, File 120A.

The personal network of Breda intermediary Van Son serves to understand how he connected different echelons with each other.⁵⁷⁶ His entire correspondence seems to have been kept as evidence by the commission and enables us to reconstruct his personal network of correspondents (see table 7). A total of 258 correspondents were uncovered. It is uncertain, however, whether this correspondence only concerned illicit transactions or that it also included legal business transactions. Although the exact roles of these correspondents remain unknown, their place of residence might reveal what their tasks within the network were. Considering the positions in the distribution network, it might be assumed that correspondents in Holland and Germany (46) were primarily suppliers, while those in Antwerp, Brussels, other

⁵⁷⁶ Van Son was chosen because of the availability of his correspondence and the fact that he was the employer of Jean Baptiste Peeters on whose letters much of the next chapter is based.

cities in the *départements réunis* and France proper (149) were mainly merchants on the receiving end. Those in the Campine region were probably deployed to organize the transport of contraband throughout their region. For some of the correspondents, additional clues from the files corroborate these assumptions. Indeed, among his Campine correspondents appear known offenders such as carters Jean François and Hendrick Dockx, agent Norbert Moreau and Turnhout commission agent Jean Baptiste Straelen who also organized smuggling rings on his own account.⁵⁷⁷

Region	Number of Correspondents
Antwerp	61
Campine	58
Brussels	45
Holland	41
Other cities in the <i>départements réunis</i>	24
France Proper	19
Rhine-Ruhr	4
Unknown	3
Other	2
Northern Germany	1
Total	258

Table 7. Geographic distribution of the correspondents of Van Son. *Source: AN, F/7, 8013A; 8013B; 8014.*

Merchants were by far the most numerous amongst Van Son's correspondents. According to French authorities, he primarily was a middleman, working on commission for merchants in France and Holland.⁵⁷⁸ Gradually, however, he started smuggling on his own account. After the Friand, Florin & Cattoir company had disbanded in 1802, Van Son started a partnership with Florin. The latter had all contraband he handled for other *maisons* sent to Van Son, who received a commission of one per cent to store the goods, verify them and repack them into smaller parcels. The goods were transported from Emden, Wesel or from cities in Holland. Soon after, both men reached a new agreement that lasted until at least 1805, which seemed to primarily benefit Van Son. It was agreed that the goods would be consigned to Van Son by his

⁵⁷⁷ For both Dockxes, see: AN, F/7, 8008, File 1A. For Jean Baptiste Straelen, see: AN, F/7, 8008, File 14A. For Moreau, see AN, F/7, 8022B, File 199A, Correspondence Wouters.

⁵⁷⁸ AN, F/7, 8010, File 56A, Notes sur Van Son.

own agents. In other words, he would acquire the goods himself. This also allowed him to start smuggling all kinds of prohibited goods on his own account with customers in France. The transport on French territory would then be taken care of by Florin. Van Son paid the latter a premium on the condition that all costs, perils and risks would be borne exclusively by Florin.⁵⁷⁹ Van Son not only connected merchants with each other. In this he could also build on his good contacts with Florin. In his interrogation, manufacturer Thierry Bartels admitted having received goods from Florin that had come from Van Son and were meant to be sent to *Maison Elia* in Paris. On a different occasion, Bartels had received goods from Florin coming from his uncle Menninghaus in Mülheim through Breda, presumably via Van Son.⁵⁸⁰

Van Son owed much of his position to being able to organize the transport of contraband. By also commanding and hiring *chefs de bandes*, Van Son was able to bridge the echelons. Although not much is known about the relation between intermediaries and these *chefs*, a collection of 41 letters kept as evidence by the commission, shine light on their dealings. *Chef de bande* Jean Baptiste Peeters addressed his letters directly to Van Son. Based in Beerse, Peeters was directly in charge of a band of smugglers whom he personally recruited and commanded. His letters primarily dealt with routes taken, problems encountered and discussions over commissions. Although only Peeters' letters are included, it seems that Van Son directly instructed his *chefs* about the course of action. This ability of bridging the echelons, by not only brokering between merchants, but also commanding operational smugglers such as Peeters, enabled intermediaries such as Van Son to become prominent figures in the networks. Although important, they still were dependent on merchants that placed orders and that probably provided the capital. Van Son, like the others, remained primarily a middleman.

One of the most distinctive characteristics of organized crime is that it usually persists over longer periods of time.⁵⁸¹ 'Once in cooperation', Morselli argues, 'co-transactors in a given venture have a considerable collective interest in keeping a 'good thing' going.'⁵⁸² According to him, 'this good thing is not simply the potential financial yield of such continuous cooperation and resource mobilization, but the opportunity to repeatedly cooperate within the boundaries of relative security of trusted and network-worthy contacts.'⁵⁸³ Not only were reliability and trustworthiness of contacts important, their ability to offer steady access to new or stable opportunities ensured long-term partnerships. The same logic was visible in legal trade,

⁵⁷⁹ Ibidem.

⁵⁸⁰ AN, F/7, 8018, File 118A.

⁵⁸¹ Albanese, *Organized crime*, 86.

⁵⁸² Morselli *Contacts*, 35.

⁵⁸³ Ibidem.

Francesca Trivellato argues in her work on the Sephardic merchant diaspora in the seventeenth and eighteenth century, where the prospect of future transactions was more important for commission agents than the immediate reward of a payment of the commission, and thus protected against malicious business dealings.⁵⁸⁴ This significance of iterative business activity has also been identified by Haggerty and Haggerty as a main constituent factor in generating trust.⁵⁸⁵ In criminal networks, this importance of trust was an even more pressing issue as we will see in the next chapter.

The analyses made by the commission sometimes mentioned the period of time during which actors made transactions with each other. This made it possible to uncover the duration of transactions between the six most well-connected offenders and some of their contacts (see table 8). All periods the commission recorded of these actors were selected. These contacts were all part of the upper echelons of the contraband trade. They were either *négociants*, commission agents or intermediaries. The commission did not record the amount of time offenders from different echelons, such as chefs or porters, were in contact with each other or their principals. The Holland intermediaries – Van Son, Vanderschrieck, Schouten and the Floren brothers – mostly had contacts with *négociants* in Belgian cities, who either smuggled on their own account or worked on commission in their turn as well. Brussels merchants Vandevelde and Florin mostly kept contact with other merchants.

This case study suggests that these contacts were quite stable. They rarely lasted less than a year. Although it remains unknown how many transactions were made exactly during these periods, they seem to have been quite frequent. Investigating the ledgers of Vandevelde, the commission could prove at least four major transactions from 1801 to 1803 between the Brussels merchant and the Diest firm of B. Tetart & Cie, with a total worth of 156,841 *florins*.⁵⁸⁶ This gives the impression that multiple transactions were made during these periods.

⁵⁸⁴ Francesca Trivellato, *The familiarity of strangers. The Sephardic diaspora, Livorno, and cross-cultural trade in the early modern period* (New Haven 2009), 169.

⁵⁸⁵ Haggerty and Haggerty, 'Visual analytics', 3.

⁵⁸⁶ AN, F/7, 8027, File 214A, Analyse des preuves de fraude contre le sr. Leonard Vandevelde extraites tant de ses propres livres et correspondances que des livres et correspondances de diverses particuliers qui ont fraudé pour son compte.

Actor	Location	1798	1799	1800	1801	1802	1803	1804	1805	1806	1807	1808	Contact	Location	Occupation
Van Son	Breda												Friand, Florin & Cattoir	Brussels	Commission agent
Van Son	Breda												Florin	Brussels	Commission agent
Van Son	Breda												Henri Bataille	Ghent	Négociant
Van Son	Breda												Thierry Bartels	Brussels	Manufacturer
Van Son	Breda												G.A. Kempeners	Liège	Négociant
Pierre Vanderschriek	Bergen-op-Zoom												François Duwelz	Brussels	Négociant
Pierre Vanderschriek	Bergen-op-Zoom												François Devos	Ghent	Manufacturer
Pierre Vanderschriek	Bergen-op-Zoom												C.F. Colman	Antwerp	Négociant
Pierre Vanderschriek	Bergen-op-Zoom												A. Voortman	Ghent	Manufacturer
Veuve Schouten	Breda												François Duwelz	Brussels	Négociant
Veuve Schouten	Breda												Thierry Bartels	Brussels	Manufacturer
Floren frères	Breda												Charles Josse	Paris	Négociant
Floren frères	Breda												G.A. Kempeners	Liège	Négociant
Floren frères	Breda												Oostendorp	Antwerp	Négociant
Florin	Brussels												Ronstorff & Hopfensack	Brussels	Négociant
Florin	Brussels												Charles Josse	Paris	Négociant
Florin	Brussels												Léonard Vandeveldé	Brussels	Négociant
Léonard Vandeveldé	Brussels												Michel Friand	Turnhout	Commission agent
Léonard Vandeveldé	Brussels												A.D. Collin	Lier	Unknown
Léonard Vandeveldé	Brussels												Jean Hendrick	Sint-Niklaas	Négociant
Léonard Vandeveldé	Brussels												B. Tetart et cie.	Diest	Unknown
Léonard Vandeveldé	Brussels												F.G.A.H. Lousberg	Ghent	Manufacturer
Léonard Vandeveldé	Brussels												Gerber & Monnaye	Brussels	Commission agent
Léonard Vandeveldé	Brussels												Thierry Bartels	Brussels	Manufacturer
Léonard Vandeveldé	Brussels												Henri Bataille	Ghent	Négociant
Léonard Vandeveldé	Brussels												François Duwelz	Brussels	Négociant

Table 8. Duration of transactions between offenders. Source: AN, F/7, 8008; 8010; 8016; 8017; 8018; 8027.

The contacts of the intermediaries (Van Son, Vanderschriek, Schouten and the Floren brothers) were most stable, averaging four years. They really seemed to have provided their services to merchants over a long period of time. The two merchants – Vandeveldé and Florin – appear to have had somewhat more fleeting contacts. Vandeveldé and Florin’s transactions were mostly with other *négociants*, such as Henri Bataille in Ghent or Charles Josse in Paris. On the average, their transactions lasted less than two years. Interestingly, the transactions between Florin and Van Son lasted for four years – the longest of any of his contacts. The well-connected intermediary Van Son might have proven a more valuable asset for Florin than any of his other partners. As Morselli argued, ‘participants must have access to an efficient network of working contacts.’⁵⁸⁷ As we have seen, this was exactly what Van Son provided. Although Reuter argued that participants in illegal markets tend to be quite ephemeral, table 8 shows no mishmash of rapidly succeeding alliances.⁵⁸⁸ Instead, relations were started for a longer period and were recurrent, consisting of multiple transactions. It remains the question, however, how these contacts were established and how they evolved over time. This might be shown by looking into the development of criminal careers.

⁵⁸⁷ Morselli, *Contacts*, 35.

⁵⁸⁸ Reuter, *Disorganized crime*.

Criminal Careers

Because of their interconnectedness, it has been argued that brokers were in an excellent position to develop their careers. Their 'brokerage-like, non-redundant networking was the key to ascending through the echelons and assuming a place amongst the privileged few – not necessarily bosses, but participants with access to resources.'⁵⁸⁹ Unfortunately, due to the fragmentary evidence, it is impossible to trace the criminal careers of most smugglers. Although the intermediaries in Breda and Bergen-op-Zoom were very prominent and occupied brokerage-like positions, we do not know how their careers evolved. Of only two others sufficient evidence is available to warrant a criminal career analysis. Melchior Vandenwyngaert and Michel Friand were chosen as a case study because the availability of sufficient material throughout our period. Even though they do not appear to have had central positions in our network analysis, other evidence suggests they played important roles.

Both Vandenwyngaert and Friand acted as commission agents and organized transport of contraband – occupying a similar position as the big four intermediaries – on the Belgian side of the border and the French authorities considered them at a certain point in time to be of crucial importance to the contraband trade. As will be shown, both came from modest backgrounds and managed to rise to prominence very quickly before sliding into relative obscurity. Furthermore, they managed to expand their network and supply goods to some of the most important merchants involved in illicit trade of the era. They did so by being able to connect these merchants to the ones doing the actual smuggling – an asset most of these merchants had no access to.

Melchior Vandenwyngaert fits the profile of an intermediary. Like his Breda and Bergen-op-Zoom counterparts, he had a background in logistics. In 1797, about twenty years of age, he started working as a *voiturier*, presumably in his father's transport company. Four years later, he appeared in a government enquiry into 'entrepreneurs de diligences, loueurs des chevaux, voitures et cabriolets.' Vandenwyngaert operated the *diligence* between Antwerp, Lier and Malines, departing several times a day from the Mechelseplein square in Antwerp.⁵⁹⁰ In 1804, he was first suspected of smuggling by the authorities. That year, Vandenwyngaert and two of his employees – Jean François Ravels and Pierre Luerkens – as well as two supposed customers had to appear before the correctional court. On four separate occasions, the gendarmerie had confiscated a load of refined sugar destined for Antwerp merchants De Prince and Vanloock.⁵⁹¹

⁵⁸⁹ Morselli, *Contacts*, 128.

⁵⁹⁰ RAA, *PAA*, J, 844.

⁵⁹¹ RAA, *EA*, 113, Sentence of 5 Prairial of Year XII; RAA, *EA*, 114, Sentences of 19 Vendemiaire of Year XIII and 23 Vendemiaire of Year XIII (registry numbers 1356 and 1357).

Principal	(39.13%)
Supply	(26.09%)
Transport	(17.39%)
Unknown	(8.7%)
Storage	(4.35%)

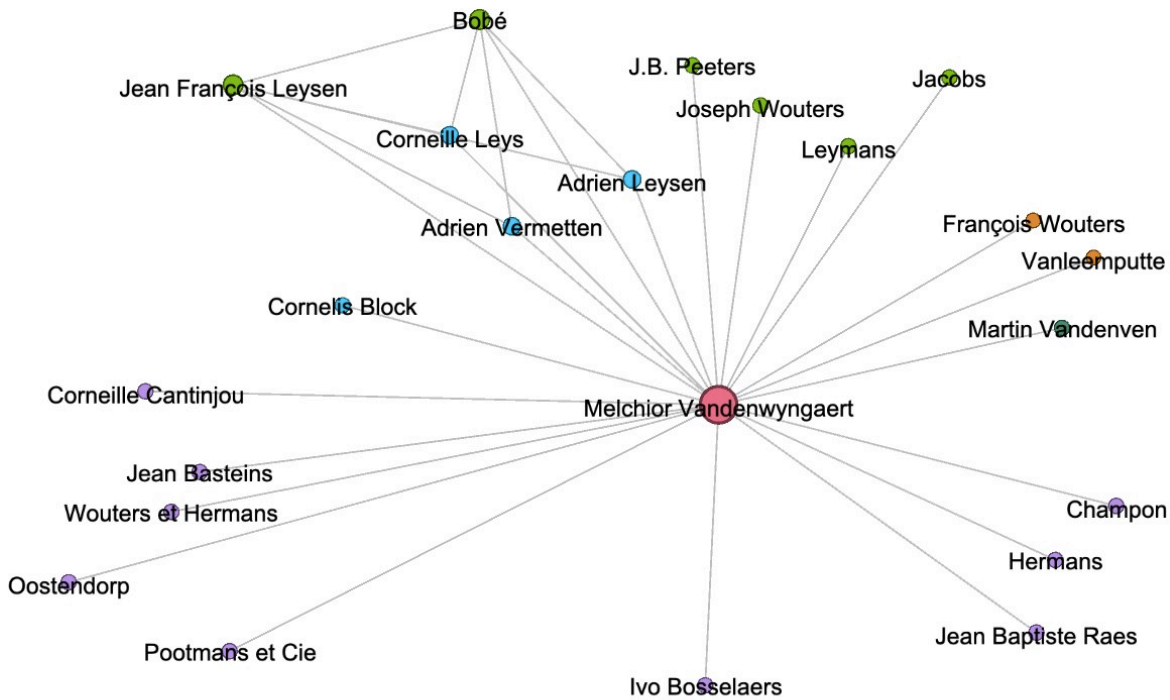


Figure 5. Personal network of Melchior Vandenwyngaert. Source: AN, F/7, 8019, File 171A.

In three of these cases, the proc s-verbal was declared void and the suspects were acquitted. In the case against Vandenwyngaert and De Prince, both got sentenced to five days of imprisonment and a fine of triple the value of the goods. However, in appeal, they got acquitted. Again, the proc s-verbal was declared void. During the appeal in 1805, Le Poittevin, *receveur des douanes*, designated Vandenwyngaert as ‘the principle figure in this war.’⁵⁹² The authorities regarded him an intermediary, who had made himself apparently indispensable by that point.

Acquitted from his crimes, Vandenwyngaert seems to have spent the next years expanding his network to gradually get in contact with more important merchants (see figure 5).⁵⁹³ In 1806, he established a connection with suppliers in the Campine village of Poederlee – about twenty kilometers northeast of Lier. Poederlee was located just outside of the *Rayon*, and thus probably served as a major depot to which porters carried their loads. Jean Franois Leysen, Joseph Wouters and a Frenchman called Bob , who fled to Italy after a police investigation, were his principle suppliers of mostly colonial commodities. The commission could not establish where

⁵⁹² ‘le principal figurant dans les instances de ce guerre.’ RAA, HAA, 375.

⁵⁹³ AN, F/7, 8019, File 171A.

they had procured their goods. These suppliers employed three *voituriers* – Adrien Vermetten, Adrien Leysen and Corneille Leys. He also received contraband from Jean Baptiste Peeters, whom the prefect suspected to be the former *chef de bande* of Van Son. His main customers in 1806 were merchant J.G. Oostendorp and the firms Wouters & Hermans and Maison Pootmans, located in Antwerp. Especially the first was a well-known importer and exporter of contraband. In 1802 and 1803, Oostendorp was involved in the illegal export of *piastres*. He also imported sugar and nankins through the Floren brothers in Breda.⁵⁹⁴

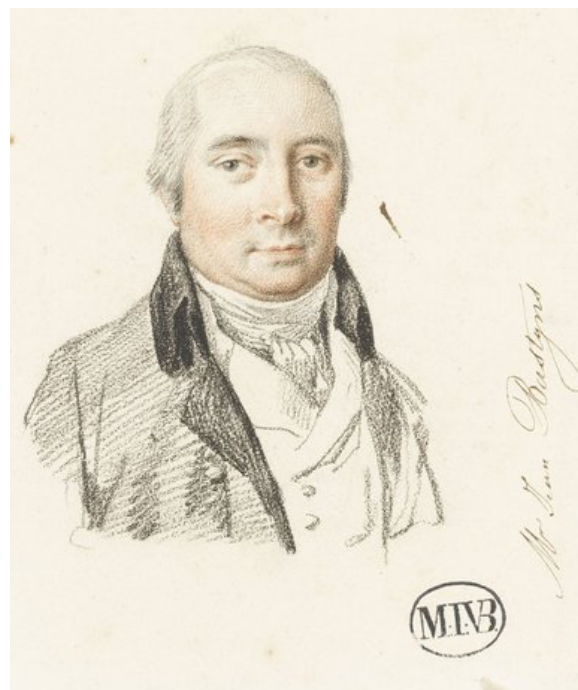


Image 6. Portrait of Jean Basteins, 1803. Source: Matthieu Ignace Van Bree, Portrait de Jean Bastyns (1803), drawing, Paris, Louvre Museum.

Between 1806 and 1808, Vandenwyngaert's clientele grew to include Brussels merchant Jean Baptiste Raes and Antwerp merchants Corneille Cantinjou and Jean Basteins (see image 6). Raes had an extensive network and imported *toiles de coton* via Van Son and the Widow Schouten in Breda. In 1808, Vandenwyngaert was arrested for a second time. During a house search 6,341 meters of *toile de coton* was confiscated.⁵⁹⁵ During his custody, he approached Bellemare to provide intel on corrupt gendarmes and custom officers. He was eventually recruited as an informer by the police commissioner. Bellemare believed that Vandenwyngaert would make a

⁵⁹⁴ AN, F/7, 8009, File 54A,

⁵⁹⁵ RAA, EA, 118. Sentence of 13 July 1808.

great asset to his team of informers, primarily because of his embeddedness: ‘c’est un homme initié dans la fraude, qui saura beaucoup mieux qu’un autre, se procurer des informations exactes.’⁵⁹⁶

Accumulating contacts whilst providing essential services, Vandenwyngaert’s career shows quite a rapid development. According to *négociant* Corneille Cantinjou, Vandenwyngaert approached his clients himself.⁵⁹⁷ At first, he drove goods himself – together with his employees – but he gradually became more sedentary. Operating a diligence company, he became an important link in supplying Brussels and Antwerp merchants with contraband. But he was far from the only one. Most of his customers had other ways of acquiring illicit goods. Raes, for example, had extensive contacts with other commission agents and transport companies in Turnhout (François Charles Audibert) and Malines (Veuve Spruyt) – who came to hold similar positions as Melchior Vandenwyngaert.⁵⁹⁸

Michel Friand, unlike Vandenwyngaert, resembled an old-fashioned bandit-turned-smuggler. Indeed, French authorities explicitly drew a parallel with Louis Mandrin, the infamous smuggler from the Dauphine.⁵⁹⁹ Although some accounts hold that he was born in Pont-à-Mousson in the Meuse, Friand himself maintained he was born in Hainaut. Based in Sivry, the Friand family was involved in smuggling between France and the Austrian Netherlands. After the annexation of the *départements réunis* in 1795, and the subsequent transfer of the custom lines to the north, Friand moved his band of smugglers northwards too. At the start of Year V (1796), they relocated to Turnhout and the surrounding Campine countryside. As professional smugglers, the band apparently made the conscious choice to continue its operations somewhere else when their primary source of income had disappeared after the border had been relocated.

Friand’s band consisted of about 25 mounted smugglers who all originated from the surroundings of Sivry. This band was quite successful and quickly managed to grow into a group of around 120 individuals, attracting locals too. According to French authorities, the band operated in the entire border region between Lillo and Liège. It was notorious for its use of violence. Between May 1798 and October 1800, a total of seventeen violent confrontations erupted between the band and custom officials, during which numerous horses were killed, several smugglers and *douaniers* got injured and Friand’s brother was shot in his leg.⁶⁰⁰ On one

⁵⁹⁶ AN, F/7, 8008, File 9A, Letter of Bellemare addressed to Réal, 2 July 1808.

⁵⁹⁷ AN, F/7, 8019, File 171A, Verhoor Cantinjou, dossier 171A, F/7/8019.

⁵⁹⁸ AN, F/7, 8008, File 16A.

⁵⁹⁹ AN, F/7, 6270, File 5540, Affaire Friand d’Anvers, chef des fraudeurs pour l’exportation des grains aux Anglais, Year IX (1800 – 1801). About Louis Mandrin, see: Kwass, *Contraband*.

⁶⁰⁰ AN, F/7, 6270, File 5540, Notes sur Friand.

of these occasions, on 25 July 1798, the custom officers of Oud-Turnhout and Ravels managed to seize a sizeable amount of sugarloaves and *toile de coton*, which they subsequently transported with eight carts to their office. On their way back, they were ambushed by Friand himself and four of his compatriots who attempted to retrieve their contraband. According to the report, the custom officers fought back viciously and managed to repel the attack.⁶⁰¹

In the beginning, Friand commanded the band himself and frequently joined his smugglers on their march. He provided horses, equipment, had his lieutenants direct their marches and paid his smugglers a *couronne* for each trip. This pay – which was approximately 6 Francs – was about six times higher than the average daily wage for a Campine day laborer.⁶⁰² Facing increasing resistance from armed custom officials, he settled down in Turnhout and started to manage the band from a distance. Becoming more sedentary, this move started his ‘prodigious ascendancy’.⁶⁰³ No longer transporting the contraband himself, he offered his services to third parties, working on commission instead. From an inn in Turnhout he directed his band and expanded his network of suppliers and principals.⁶⁰⁴ Early on, he already reached out to his counterparts in Breda and Bergen-op-Zoom, who started to serve as his main suppliers. Friand established connections with the widow Schouten in December 1797, and with Pierre Vanderschrieck and Van Son in 1799.⁶⁰⁵ Among his main principals during this time were Brussels merchant P.F. Raeymaeckers and the Antwerp trading house Azemar et Cie.⁶⁰⁶

In Turnhout, Friand soon became rooted in local society. According to the French authorities, he exerted his popularity to influence local elections and managed to get himself elected as assessor to the Justice of the Peace, thereby presumably preventing prosecution. He also asserted his influence to gather round him a network of spies consisting of locals and *ex-douaniers* that kept him informed of the activities of customs officials. As some of these spies wrote their reports in Dutch, Friand seemed to have integrated into local society quite well. He employed several carters – including Adrien Vangorp and Jean François Dockx. The former also worked closely with Turnhout commission agent François Charles Audibert in delivering goods to Brussels merchant Jean Joseph Raes.⁶⁰⁷

⁶⁰¹ Ibidem.

⁶⁰² For the value of a *couronne*, see d’Herbouville, *Statistique*, 27; For wages in the Campine region, see: Vanhaute, *Heiboeren*, 241.

⁶⁰³ ‘l’ascendant prodigieux’, AN, F/7, 6270, File 5540, Notes sur Friand.

⁶⁰⁴ AN, F/7, 8022B, File 199A, Correspondence Coppens and Azemar.

⁶⁰⁵ AN, F/7, 8021B, File 199A, Correspondence Vanderschrieck ; AN, F/7, 8023A, File 199A, Correspondence Veuve Schouten ; AN, F/7, 8023B, File 199A, Correspondence Van Son.

⁶⁰⁶ AN, F/7, 8021A, File 199A.

⁶⁰⁷ AN, F/7, 8008, File 16A.

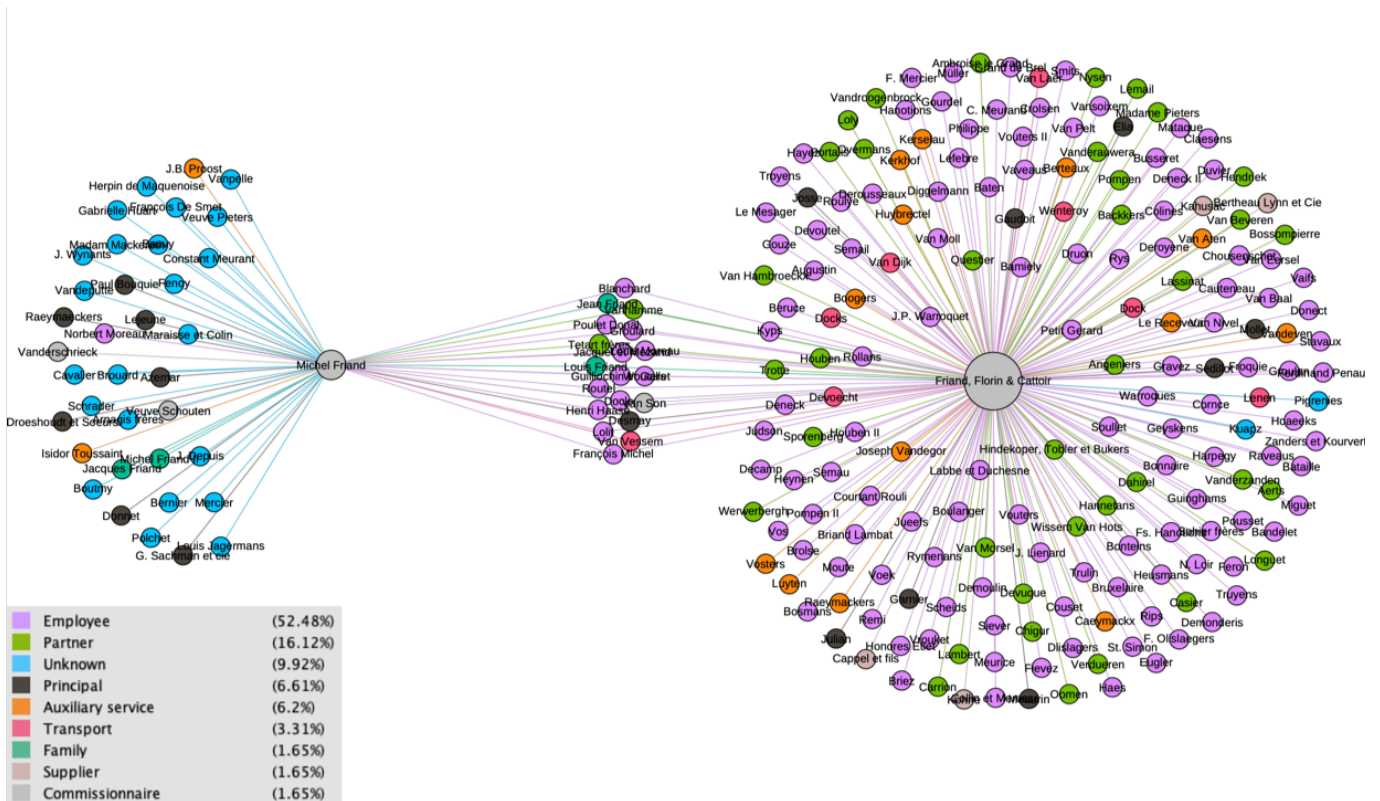


Figure 6. Correspondents (both shared and individual) of Michel Friand and the Friand, Florin & Cattoir company. Source: AN, F/7, 8020; 8021A; 8021B; 8022B; 8023A; 8023B.

In 1799, Friand's career really took off. He started a firm with Brussels merchants Henry Cattoir and Pierre Florin. They established themselves in strategic locations. Whereas Friand remained in Turnhout, Florin managed the business in Brussels. Cattoir established himself in Wesel, where he oversaw the import of contraband from the German territories on the right bank of the Rhine.⁶⁰⁸ Other agents of Friand travelled around to supervise or organize operations. Both Norbert Moureau and J. Truyens called in at Wesel, but were intermittently found in Turnhout, Lier, Herentals, Breda and numerous other towns.⁶⁰⁹ As shown above, Lommel native Truyens helped open up the Wesel connection in early 1800. Before that, he was primarily employed to find smuggling routes in the Campine countryside. Starting out as a *porteur à cheval* in Friand's band, Truyens tried to find a route between Zundert and Loenhout in February 1797 but soon realized the region was teeming with custom officers, which made the risk of confiscation too high. Instead, he decided to take an alternative road, from Bavel to Lommel, which circum-

⁶⁰⁸ d'Hauterive *La police secrète du Premier Empire*, Volume 4, 129.

⁶⁰⁹ AN, F/7, 8021B, File 199A, Correspondence Norbert Moreau; AN, F/7, 8022A, File 199A, Correspondence Truyens; AN, F/7, 8023A, File 199A, Correspondence Truyens.

vented the strict supervision at the border near Loenhout. In 1798, Truyens settled in Lier where he supervised the inland transport of contraband per *voiture*.⁶¹⁰

The Friand, Florin & Cattoir company worked for a variety of merchants. One of the company's principal customers was Léonard Vandeveldé in Brussels. Between 1799 and 1802, it imported for 274,940 florins worth of contraband.⁶¹¹ Other customers included the Droeshoudt sisters from Brussels, Bordeaux merchant Julian Neveu and Brussels merchant P.F. Raeymaeckers. Supplies were sent by intermediaries Van Son and Vanderschrieck who established long term relationships with the company.⁶¹²

After the dissolution of the Friand, Florin & Cattoir company in 1802, each of the partners went his own way. While Florin teamed up with Van Son, Friand retained P.F. Raeymaeckers, Azemar et cie and Léonard Vandeveldé as principals. Prior to the partnership, Friand had already imported for 61,772 florins worth of contraband for Vandeveldé.⁶¹³ Between the years 1802 and 1804 he smuggled for another 130,841 florins of contraband.⁶¹⁴ Figure 6 shows the correspondence of both the firm as the private correspondence of Friand before and after his tenure with the firm, as was classified by the anti-fraud commission. As Vandeveldé, for example, does not appear, the list is probably incomplete. It shows that the firm mostly corresponded with employees and partners. The role of the latter was unclear, but they were described as having 'fait des affaires avec Florin, Friand et Cattoir', and probably had the same role as the correspondents of Friand whose positions remained unknown. There was but little overlap between the two spheres, which might indicate Friand went his own way after the dissolution of the firm. He seems to have retained his own clientele that was primarily located in Brussels, while the company focused more on customers in Paris. Between them they only shared one principal; Parisian merchant Desmay. Shared contacts were primarily employees, some partners such as Van Son and relatives such as father Louis Friand and brother Jean Friand. Losing most of his international clients such as Gaudoit and Garnier, who were primarily located in Paris, might have ushered in the end of Friand.⁶¹⁵

After 1804, we lose track of Friand, although he seemed to have worked for Jean Baptiste Donnet until 1807.⁶¹⁶ In 1808, he resurfaced again when the anti-fraud commission started its investigation. Sometime before, Friand had retired from smuggling. He went back to his native

⁶¹⁰ AN, F/7, 8022A, File 199A, Correspondence Truyens.

⁶¹¹ AN, F/7, 8030, Minutes 19 July 1808.

⁶¹² AN, F/7, 8021B, File 199A, Correspondence Vanderschrieck; AN, F/7, 8010, File 56A, Notes sur Van Son.

⁶¹³ AN, F/7, 8030, Minutes 26 July 1808.

⁶¹⁴ AN, F/7, 8030, Minutes 30 July 1808.

⁶¹⁵ About Gaudoit, see Dufraisse, 'Contrebandiers Normands'.

⁶¹⁶ AN, F/7, 8016, File 59A.

Hainaut region and settled in Renlies, near to his old hometown of Sivry, where he started to trade in marble. During the investigation of the commission, Friand was arrested and interrogated.⁶¹⁷ His name appeared numerous times in accounts that were seized at Vanderschrieck's and Vandeveldé's office. Afterwards, Friand was put under constant surveillance, on orders of *conseiller d'État* Réal. In the spring of 1810, his brother Jean and nephew Michel suddenly vanished from Sivry, giving rise to new suspicions the family was once more involved in the contraband trade. Although the prefect of Jemappes admitted his kin might have gone north to take up smuggling again, he could not establish a link to Friand.⁶¹⁸ In the end, Friand never was convicted.

According to De Oliveira, who relied on the daily bulletins of Fouché, Friand was a *chef de bande*; a mere gang leader providing his services to the highest bidder.⁶¹⁹ This study has shown that Friand was more than that. Certainly, he started out as a gang leader, but he quickly worked his way up to become a commission agent. His career shows that, with the right contacts and the right set of skills, it was possible to rapidly rise within the echelons and establish oneself as an important smuggler.

Prosecution

Despite the importance of the Breda and Bergen-op-Zoom intermediaries within the networks, they were never convicted for smuggling. Whereas many of the merchants investigated by the commission were eventually punished with heavy fines, the intermediaries were let off the hook. All four of them were eventually arrested, but never convicted. The responsibility and the ownership of contraband seems to have played a major role in this difference. Early in his smuggling career, Pierre Vanderschrieck was involved in two court cases. In December 1800, he was prosecuted with one of his employees – a carter named Rootman.⁶²⁰ Due to a technicality in the confiscation of a cargo of textiles, however, they were both acquitted. Five years later, another employee – a carter going by the name of Bors – was sentenced in absentia for transporting a load of hardware.⁶²¹ Later, the commission started to target the intermediaries. On orders of the Emperor, Pierre Vanderschrieck and the Floren brothers were arrested in

⁶¹⁷ d'Hauterive *La police secrète du Premier Empire*, Volume 4, 129.

⁶¹⁸ AN, F/7, 8021A, Letter 19 September 1810.

⁶¹⁹ De Oliveira, *Les routes de l'argent*, 403.

⁶²⁰ RAA, EA, 106. Sentence of 29 Frimaire of Year IX.

⁶²¹ RAA, EA, 115. Sentence of 6 Frimaire of Year XIV.

September 1807 during a French raid on Dutch territory.⁶²² They were subsequently transported to Paris, much to the dismay of king Louis Napoleon, who spoke of a kidnapping of his subjects and wanted them to be tried by Dutch courts.⁶²³ Imprisoned in the Temple prison, both intermediaries offered to inform on merchants they worked for.⁶²⁴ In July 1808, the widow Schouten was indicated by Fouché as running more contraband than Vanderschrieck and the Floren brothers combined.⁶²⁵ In November 1808, both Schouten and Van Son were arrested by Carel Hendrik Ver Huell.⁶²⁶

This tribulation seemingly did not persuade the widow Schouten to cease her operations. By 1810, she apparently had started to smuggle again, prompting Bellemare to start a new investigation. Infiltrator Smet was first sent to Ghent merchant Henri Bataille. Later, he used his connection with the merchant to get acquainted with and gain the trust of the widow Schouten. In Breda, he found out that Schouten shipped coffee and *percales* on a regular basis through the border town of Putte to Antwerp merchant Jean Donnet, who then sold the contraband on behalf of Bataille.⁶²⁷ The efforts of the anti-fraud commission apparently did not deter Schouten or her compatriots. In 1811, all four intermediaries were still active in their hometowns as owners of their shipping businesses and heads of their *maisons de commission*.⁶²⁸

The merchants involved in the networks, however, were not so easily let off the hook. The intermediaries seemed to have been merely used to get at the merchants importing large quantities of contraband. The evidence seized during the arrests of Vanderschrieck and Floren formed the basis for the commission's efforts. Most of the merchants under scrutiny of the commission were eventually instructed to serve hefty fines, as is visible in the following table (table 9).⁶²⁹ Before the anti-fraud commission was disbanded in the spring of 1811, it sent an overview of fines already administered to Savary.⁶³⁰ As none of the Breda and Bergen-op-Zoom intermediaries or even Holland or German suppliers appear to have been indicted, the commission clearly focused on merchants that could be proved to have imported contraband on their own account. Even commission agents on the French side of the border were not indicted. Being a commission agent even became a popular excuse for being involved in the

⁶²² Colenbrander, *Gedenkstukken*, Volume 5, XVII.

⁶²³ *Ibidem*, 21.

⁶²⁴ d'Hauterive *La police secrète du Premier Empire*, Volume 4, 102

⁶²⁵ *Ibidem*, 286.

⁶²⁶ *Ibidem*, 444.

⁶²⁷ AN, F/7,8030, Rapport confidentiel, 23 April 1810.

⁶²⁸ RAA, PAA, J, 843.

⁶²⁹ Others sometimes too were fined. Such as adjunct mayor Hubert Aerden and carter Adrien Vangorp, who had to pay respectively 2,500F and 750F.

⁶³⁰ AN, F/7, 8030, Situations.

contraband trade. Thierry Bartels, for example, worked on commission for the Parisian trading house Elia, for which he imported goods from Van Son and the widow Schouten. Because Elia remained owner of the goods, Bartels argued he was not to blame: 'je n'étais que simple commissionnaire chargé du transport.'⁶³¹ Jean Donnet, too, claimed he only worked on commission in the later years (1805 – 1807) when he was involved in the contraband trade.⁶³²

Fines usually consisted of the proven value of the fraudulently imported goods. Some insurance premiums paid on consignments of confiscated goods could be deducted from the total value. This gave the merchants considerable space to bargain. Interrogations therefore often took the shape of negotiations. Merchants usually admitted having smuggled, but only to that of which the commission had actual proof. At the same time, they always tried to bargain on the fine by inflating their insurance fees. Pierre Vieusseux, associate of the Antwerp trading house Sante, asked for a deduction of about 64,000 francs because of paid insurance premiums.⁶³³ Similarly, Ghent textile manufacturer Abraham Voortman had imported for about 60,000 florins of contraband from Holland. However, 43,000 florins of this amount had already been confiscated by the customs. Furthermore, he had paid an insurance of 4,250 florins. Therefore, he claimed, he could only be held responsible for importing 12,750 florins worth of goods.⁶³⁴ These fines were much less severe than the punishments the official legal system could impose. As might be recalled from chapter two, these penalties usually included prison terms (of up to six months) and a fine three times the worth of the confiscated goods. The commission did not confiscate the contraband, yet reconstructed the value from ledgers, which permitted bargaining for most merchants.

Collecting the fines, which had to be paid to the *Caisse d'Amortissement*, proved to be an arduous undertaking.⁶³⁵ Vandeveldde supposedly was granted postponement of payment several times.⁶³⁶ A state of transferred sums compiled in November 1809 revealed that only 766,163.50 francs had been paid out of a total of 3,572,004 francs.⁶³⁷ Vandeveldde only had paid 500,000 francs, while manufacturers and merchants like Voortman, Lousbergs and Donnet had not paid a single penny. The commission occasionally came up with alternative penalties, especially in the case of perceived liquidity problems. This is testified by the case of Brussels merchant

⁶³¹ AN, F/7, 8018, File 118A, Interrogation Thierry Bartels.

⁶³² AN, F/7, 8016, File 59A, Letter De Bouchard, 12 January 1809.

⁶³³ AN, F/7, 8030. Minutes 2 August 1808.

⁶³⁴ AN, F/7, 8030. Minutes 13 August 1808.

⁶³⁵ The *Caisse d'Amortissement* was instigated to pay off the public debt of the French state.

⁶³⁶ AN, F/7, 12275, Dossiers du bureau de la fraude, notamment pour la Belgique, 1808 – 1814, Undated letter.

⁶³⁷ AN, F/7, 12275, 'État des sommes versées à la caisse d'amortissement par les fraudeurs de la Belgique', 27 November 1809.

Criquisson Herpignies, who was financially down and out. The commission reasoned that it was of no use to serve fines to merchants who were not able to pay. It therefore sentenced the merchant to a prison term of three months.⁶³⁸ Banishment could also be an alternative penalty. Merchant Joseph François Duwelz, for example, was sentenced to a banishment of 30 *lieues* (approximately 150 kilometers) from Brussels because he, according to the commission, was ‘sans fortune’.⁶³⁹

Offender	Place of Residence	Amount of Fine (in Francs)
Léonard Vandevelde	Brussels	2,633,665
Pierre Viesseux	Antwerp	600,000
Hollard et Jordan	Lyon	123,298
Voortman	Ghent	100,000
Lousbergs	Ghent	60,000
Veuve Vanderstraten et Teuwens	Hasselt	57,280
G.A. Kempeners	Liège	42,751
François Devos	Ghent	22,000
Vancaneghem	Ghent	20,649
Charles Josse	Paris	18,174
Colman	Antwerp	15,000
Jean Baptiste Gaudoit	Paris	15,000
J. Donnet	Antwerp	12,408
François Gartner	Brussels	12,000
Ronstorff et Opffesack	Brussels	10,000
Henry Bataille	Ghent	10,000
Basteins	Antwerp	10,000

Table 9. Fines (>10.000 F) imposed upon merchants who imported contraband. *Source: AN, F/7, 8030, Situations.*

In his critique on the hierarchical model of organized crime, Albanese warned against focusing solely on arresting ‘bosses’, arguing that others would ‘emerge because the demand [for illicit goods] remains’.⁶⁴⁰ Morselli, too, claimed that ‘the removal of a key participant or an entire set of participants will generally have only short-term effects’.⁶⁴¹ As such, it might be expected that, with the intermediaries back in place, smuggling might have resurfaced again after 1810. This,

⁶³⁸ AN, F/7, 8030, Minutes 12 August 1809.

⁶³⁹ AN, F/7, 8030, Minutes 2 August 1808.

⁶⁴⁰ Albanese, *Organized crime*, 110.

⁶⁴¹ Morselli, *Contacts*, 128.

however, did not happen. As said in chapter two, the commission itself declared their work was successful in eradicating smuggling in the *départements réunis*. However, other factors might have been of more important influence. The annexation of, first, the province of Brabant and, later, the whole of Holland and the Hanseatic cities, ended the strategic positions that the intermediaries had occupied. Shifting the border was a tried and tested means to eradicate smuggling.⁶⁴² In November 1807, under the Treaty of Fontainebleau, the French Empire had already annexed the Zeelandic port town of Flushing and the important depot town of Lommel for this very reason.⁶⁴³ As the Continental Blockade was enforced more severely in the newly created Dutch and Hanseatic departments, the merchants in the *départements réunis* were also cut off from major supplies. According to Humbert-Convain, the annexation of Holland had indeed helped start the decline of smuggling in the Southern Netherlands.⁶⁴⁴ This might have caused smuggling routes to have been redirected to the outer fringes of the continent, effectively ending the practice in the *départements réunis*.⁶⁴⁵ Alternatively, the establishment of the license system and government sanctioned smuggling in the port of Gravelines might also have created alternative supplies, rendering the contraband trade unnecessary.⁶⁴⁶

Conclusion

The Belgian departments were well located to function as a transit zone for illicit goods and the Dutch border in particular played a key role in the organization of the illicit trade between 1797 and 1810. Many different actors were involved taking care of the sending, storage and transport but also of the insurance of the goods, while internationally operating merchants (*négociants*) made use of their information networks to place orders and instigate the illicit trade. This chapter has shown that the logistics of smuggling consisted of three separate flows. Information flows coordinated both cash and material flows. Cash flows flowed in the opposite direction of contraband. Both are, however, due to the lack of source material, hard to put a finger on. The supply chain was streamlined to get the contraband to customers and its routes and distribution system were organized in such a way to spread risk. From the ports in Northern Germany and to a lesser extent Holland, goods were shipped to Breda and Bergen-op-Zoom; the cities that harbored the main intermediaries. From there, contraband was transported to the depot towns

⁶⁴² Humbert-Convain, *Le juge de paix*, 229.

⁶⁴³ Joor, *Door de mazen van het net*, 197.

⁶⁴⁴ Humbert-Convain, *Le juge de paix*, 215.

⁶⁴⁵ Aaslestad, 'Introduction', 6.

⁶⁴⁶ Daly, 'Napoleon and the 'city of smugglers''.

that dotted the border region on the Dutch side. In these depots, contraband was transshipped and repackaged to be carried over the border by porters. It was carried afoot to makeshift warehouses from where it was transported by cart to larger towns and eventually the principals in Brussels. Then, the contraband found its way onto the French markets, located primarily in Paris, but also cities as Lille and Rouen. In all three flows, the intermediaries played an important role, highlighting their significance in organizing the contraband trade.⁶⁴⁷ It is therefore not surprising these intermediaries appeared as central actors in the social network analysis.

The network analysis shows us that the organization of smuggling networks was characterized by neither a top-down hierarchy as criminologists such as Cressey would have claimed, nor by a disorganized mishmash of rapidly succeeding enterprises as has been argued by Reuter. Instead, merchants made use of the services provided by a select company of intermediaries that occupied a central position within the networks. Connecting merchants with the ones doing the actual transport, these brokers proved to be of invaluable importance and therefore participated in so many networks. This confirms Morselli's emphasis on the criminal network and the significance of strategic positions of brokers that possessed a certain criminal capital. As is shown by the example of Van Son, intermediaries used their criminal knowledge and skill derived from the network to not only organize much of the distribution but also provide auxiliary services such as warehousing and insurance. As 'true artisans of the trade', they were able to bridge the echelons and experienced rapid upward social mobility within the networks as shown by the examples of Melchior Vandenwyngaert and Michel Friand. Their careers show that, with the right contacts and with the right set of skills, it was possible to rapidly rise within the echelons and establish oneself as an important smuggler. At the same time, relations lasted for longer periods of time. Most transactions were embedded in relationships that lasted at least four years on the average. The promise of iterative criminal business activity enticed smugglers to keep a good thing going and guaranteed the network's long-term success.

Although historiography has often put merchants at the center stage of the contraband trade, the network analysis shows that the *négociants* from the *départements réunis* had to share the spotlight with the intermediaries in Breda and Bergen-op-Zoom. Yet, they played an important role as they provided the international connections at different levels – information, cashflows, and connections with suppliers and customers. The example of Donnet shows that

⁶⁴⁷ Because the investigation of the commission primarily started from ledgers and correspondence confiscated from these intermediaries, this might have caused a certain bias in the source material.

merchants seem to have been the ones initiating the contraband trade by placing orders at suppliers or by subcontracting the intermediaries to organize the smuggling for them. The resemblance with the legal commission trade is remarkable. It not only seems to have structured the smuggling networks during this era, but because it could obscure the ownership of the goods, the commission trade also was extremely suited for this purpose. Remaining the owner of the goods, *négociants* also took the risk.

It is quite possible that *négociants* used their existing contacts and legal networks of fellow merchants and transformed them into criminal networks. Greefs has shown that Antwerp merchants – especially those newly arrived and to a lesser extent those from established mercantile families – already had international contacts with their compatriots in cities as Rotterdam and Amsterdam before the annexation by France and continued to do so after.⁶⁴⁸ Whereas legal trade between Holland and the Belgian departments (at least until 1810) on the old trading routes using the Scheldt and inland waterways continued to be used, this new illegal trade necessitated different supply chains that were directed overland and organized by the Breda and Bergen-op-Zoom intermediaries who streamlined the process and adapted it to local circumstances in repression.⁶⁴⁹ The illegality of the contraband, in this way, drove the *négociants* to rely on but a handful of intermediaries who were specialized in criminal activity. Again, this confirms Morselli's notion about brokers as having a certain criminal capital.

In the end, most commission agents got away with their participation in the contraband trade, while merchants smuggling on their own account were punished with heavy fines although not as severely as they would have in a regular court. Still, these offenders operated in illegal markets and had to overcome the consequences of the risk of confiscation or even arrest. The ways in which both merchants, intermediaries and the ones transporting the contraband did so, will be analyzed in the following chapter.

⁶⁴⁸ Greefs, *Zakenlieden*, 106 – 109, 124 – 127.

⁶⁴⁹ About the inland navigation between Antwerp and Holland, see: Veraghtert, *De havenbeweging te Antwerpen*, volume 2, 15 – 16, 23 – 25.

6

Risk mitigation and the practice of smuggling

‘The movements of a windmill, the gestures of a child, the way of drawing a handkerchief, of carrying something, the positions of a light’ were all ways of warning smugglers of approaching custom officers and thus of pending confiscation, Miot argued.⁶⁵⁰ As this quote shows, the practice of smuggling primarily involved a preoccupation of averting risk of confiscation. When discussing the praxis of smuggling, historians have mostly focused mostly on the ‘ingenuity’ of smugglers, i.e. the ways in which contraband was hidden.⁶⁵¹ The previous chapters, however, have already shown that there was an entire logistical infrastructure to perform these tasks successfully. As risk of confiscation grew, smugglers increasingly trafficked good that were worth more and that could be transported in smaller quantities. Occupations, too, served to mitigate risks that came with smuggling. Those with the best profiles often became involved in the contraband trade, while others did not. Both networks and occupational profiles were essential in turning the contraband trade into an efficient operation. It can be argued that both were designed to reduce risks, particularly of confiscation. Networks were partly created to overcome the consequences of product illegality and was in itself a strategy of risk mitigation. This served to improve the efficiency of these networks and to mitigate risks.

Business history has long paid attention to risk management of mainly entrepreneurs. Ways to avert risk included (marine) insurance, access to credit, and the embeddedness of merchants in networks based on a shared religion, kinship or ethnicity.⁶⁵² As Haggerty and Haggerty have rightly observed, networks were often ascribed positive attributes for its members by historians

⁶⁵⁰ ‘Les mouvements d’un moulin, les gestes d’un enfant, la manière de tirer un mouchoir, de porter une cause, la position d’une lumière’, AN, F/7, 4304, Rapport Miot.

⁶⁵¹ Clinquart, *l’Administration des douanes*, 204 – 210; Bertrand, ‘La contrebande’, 278; De Oliveira, *Les routes de l’argent*, 400; Rowe, ‘Economic warfare’, 198.

⁶⁵² For marine insurance, see the extensive work of Sabine Go, including Sabine Go, ‘On governance structures and maritime conflict resolution in early modern Amsterdam. The case of the chamber of insurance and average (sixteenth to eighteenth centuries), *Comparative legal history* 5.1 (2017), 107 – 124. For a general overview of risk mitigation, see Peter Mathias, ‘Strategies for reducing risk by entrepreneurs in the early modern period’, in: Clé Lesger and Leo Noordegraaf (eds.), *Entrepreneurs and entrepreneurship in early modern times. Merchants and industrialists within the orbit of the Dutch staple market* (The Hague 1995), 5 – 24.

because they enhanced trust.⁶⁵³ Furthermore, legal institutions also served to enhance trust as it ensured contracts could be enforced.⁶⁵⁴ In criminal settings, however, co-offending in criminal networks not only served to mitigate risk, but also introduced new risks inherent to working together.⁶⁵⁵ McCarthy *et al* have shown there are numerous risks associated with co-offending for individual offenders.⁶⁵⁶ For offenders, there is always an uncertainty that their co-offenders deceive or betray them, especially in the absence of institutional protection. In case of conflict, for example, one cannot simply go to court.

Therefore, it is necessary to distinguish between external risk – that were out of control of smugglers – and internal risks that originated from within the organization. While networks (and co-offending) might mitigate external risks, they also gave rise to internal ones. The practice of smuggling therefore consisted of a whole set of risk mitigation strategies that were implemented to cover these risks. Importantly, these strategies were implemented on different levels and at different stages during the distribution process. They were not only implemented from above by merchants, commission agents and intermediaries, but also by smugglers from the lower strata. As the following is mainly based on letters from *chefs des bandes*, our attention will naturally shift to the latter group. Although strategies of merchants and intermediaries will occasionally be discussed, there is nevertheless a certain bias towards the lower echelons.

This chapter will take a closer look at both external and internal risks and the strategies implemented to mitigate these risks by especially smugglers from the lower echelons. This will show how smugglers adapted their practices to various forms of repression. First, it will deal with the different external risks that occurred in the contraband trade. The primary external risk was confiscation of goods by the authorities. Then, it will turn towards the different strategies that smugglers implemented to mitigate these hazards. Thirdly, we will analyze internal risks before turning our attention to the ways in which these risks were mitigated.

⁶⁵³ Haggerty and Haggerty, 'Visual analytics', 2.

⁶⁵⁴ Trivellato, *The familiarity of strangers*, 163 – 164.

⁶⁵⁵ Klaus Von Lampe and Per Ole Johansen, 'Organized crime and trust. On the conceptualization and empirical relevance of trust in the context of criminal networks', *Global crime* 6.2 (2004), 159 – 184.

⁶⁵⁶ Bill McCarthy, John Hagan and Lawrence E. Cohen, 'Uncertainty, cooperation and crime. Understanding the decision to co-offend', *Social forces* 77.1 (1998), 155 – 176.

External Risks

There were three major external risks during the transportation of contraband. First and foremost, confiscation by customs officers or *gendarmes* posed great risks. Secondly, armed robbery posed a risk of unsanctioned confiscation. These could both be accompanied with violence. Furthermore, theft could also be a risk. Other risks, such as loss and damage of shipments are considered to be internal risks and will be analyzed in the next paragraph.

As was shown in chapter 3, confiscation occurred on almost a daily basis, and thus formed the main risk to most smugglers. Whether on patrol on the Scheldt river, or laying in ambush on the Campine heathland, customs officers were often on the lookout for smugglers and could be a real nuisance to them. While porters and boatmen were hardly arrested, they did run the risk of losing their load, which could in turn bring them into conflict with their superiors. In his letters, Jean Baptiste Peeters refers to some confrontations between smugglers and customs officers and *gendarmes*. In April 1803, his group of eight porters encountered some *gendarmes*, after they had discharged their loads in Malines. Peeters and his porters were forced to show them the house in which they had unloaded the contraband they had carried. To Peeters' relief, the goods were already moved to a different location.⁶⁵⁷ In September 1803, the threat of patrolling authorities was far from over. According to Peeters, it was 'hard to smuggle because the *gendarmes* are walking that much they catch [smugglers] almost every day'.⁶⁵⁸ Especially the road to Malines – one of Peeters main destinations – was gradually being guarded more. In November 1803 Peeters said he was beginning to develop a 'disgust' of going to Malines because he was being stopped by the police so much.⁶⁵⁹ In December he claimed he never wanted to transport goods there again because the 'danger has become way too big'.⁶⁶⁰

Not only customs officers and *gendarmes* posed a risk. The desolate moorlands of the Campine region formed an excellent hideout for robbers. During the entire eighteenth century, banditry was a widespread phenomenon not only in the Dutch-Belgian borderlands, but in the entire region between Seine and Rhine. Armed robber bands led by infamous bandits such as Baekelandt, Salembier and Schinderhannes roamed the countryside and robbed, assaulted and killed peasants and travelers.⁶⁶¹ Although the French government had succeeded in halting most banditry, it still showed some signs of life in the early 1800s.

⁶⁵⁷ AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 19 April 1803.

⁶⁵⁸ 'Het is tegenwoordigh moeylijk om te werken want de *gerdens* lopen dusdanig zij vangen schier alle dagen', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 8 September 1803.

⁶⁵⁹ 'Disgostingh', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 18 November 1803.

⁶⁶⁰ 'Het gevaer is veel te groot', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 10 December 1803.

⁶⁶¹ Richard Cobb, *Paris and its Provinces. 1792 – 1802* (London 1975), 141 – 207; Florike Egmond, *Banditisme in de Franse tijd*.

Although Xavier Rousseaux claimed that smuggling and banditry were two sides of the same coin, there are barely any clues of a collusion between bandits and smugglers.⁶⁶² In fact, smugglers often were victims of armed brigands. The *bandes noires*, for example, disguised themselves as custom officers and mostly robbed porters. An eighteen-year old smuggler, for instance, was robbed when he was asking directions to Jean Vanderborcht in Veerle. The latter was part of a *bande noire*, alongside his brother-in-law Joseph Maes.⁶⁶³ A band consisting of former smugglers and deserters had chosen the Averbode forest as a hideout in the summer of 1810. The forest – situated in the Dyle department – was used to stage attacks on smugglers and travelers alike in the Deux Nèthes.⁶⁶⁴ In June 1810, two brothers and four others were arrested when they pretended to be custom officers.⁶⁶⁵ Other instances of theft also occurred. A load of contraband tobacco was stolen from Adrien Marras by someone named Meylemans.⁶⁶⁶ After carter Corneil Leys had spent the night at Van Leemputte's inn in Nijlen, he discovered that the load of sugar he was carrying in his cart had been stolen.⁶⁶⁷ These examples form anecdotal evidence however, as clashes between different offenders were often not recorded. It remains unknown, then, how widespread the risk of theft and robbery was.

External Risk Mitigation

To mitigate these risks, smugglers developed a wide scale of different strategies. These strategies were implemented on different levels by different stakeholders and at different times within the supply chain. Prior to the transport, proprietors (mostly merchants) of the contraband could insure the cargo. Similarly, bribes could be paid by the organizers (mostly intermediaries and chefs) to make sure that authorities turned a blind eye to the operation. Finally, during transport, porters and carters implemented numerous strategies to mitigate the risk of confiscation, robbery or theft.

Insurance

Perhaps one of the most extraordinary features of the Napoleonic contraband trade, and well-documented by historians, was the extensive use of insurance to cover against loss, theft and

⁶⁶² Rousseaux, 'Espaces de désordres'.

⁶⁶³ AN, F/7, 8030, Interrogation Vanderborcht, 6 June 1810.

⁶⁶⁴ AN, F/7, 8030, Affaire concernant une bande des fraudeurs et des faux douaniers.

⁶⁶⁵ Ibidem.

⁶⁶⁶ AN, F/7, 8008, File 9A, Interrogation Melchior Vandenwyngaert, 25 June 1808.

⁶⁶⁷ AN, F/7, 8019, File 171A, Interrogation Corneil Leys.

confiscation of contraband.⁶⁶⁸ Insurance of land and inland waterway cargo, however, was a relatively new development, having caught on only in the second half of the eighteenth century.⁶⁶⁹ Being one of the traditional services of merchants in the commission trade, insurance was common in legal business transactions.⁶⁷⁰ It is no wonder, then, that this was extended to illicit trade as well. The insurance of contraband was one of the main auxiliary businesses that came into existence because of the smuggling trade. Although insurance of contraband became a specialization in many a smuggling town, merchants would often get an insurance from the same commission agent who oversaw the transport of goods.⁶⁷¹ In case of confiscation, the insurer had to settle the claim and repay the value of the goods to the merchant. Merchants negotiated an insurance rate with these *assureurs* beforehand. The rate was based on the difficulty of transport, the value of the goods and the risks involved. According to Miot, the going rate was publicly known in commercial transactions.⁶⁷² Nearly all consignments were insured. It might be assumed that rising insurance rates greatly increased transaction costs.

Insurance rates were sometimes quite high and could even exceed over half of the value of the contraband. According to Dufraisse, insurers would sometimes charge up to 25 per cent of the value of the goods.⁶⁷³ The spy who was sent to Lommel in 1804 also made a stop at the village of Tessenderlo to inquire about the possibilities of insuring contraband. The Thys brothers offered him an insurance rate of 25 per cent.⁶⁷⁴ They assured him they were giving him a discount because the normal rate for 'négociants de l'intérieur' was as high as 50 per cent of the value of the goods. Miot, however, recorded rates of up to 58 per cent for refined sugar in 1805 (see table 10). Especially sugar was expensive to insure. As will be recalled from chapter 3, this coincided with the high amounts of sugar being confiscated in 1805. The risk of confiscation was clearly higher for colonial products.

⁶⁶⁸ Aaslestad, 'Introduction', 6.

⁶⁶⁹ Karel Davids, 'Zekerheidsregelingen in de scheepvaart en het landtransport. 1500 – 1800', in: Jacques van Gerwen and Marco H.D. van Leeuwen (eds.), *Studies over zekerheidsarrangementen. Risico's, risicobestrijding en verzekeringen in Nederland vanaf de Middeleeuwen* (Amsterdam 1998), 183 – 202, 191.

⁶⁷⁰ Jonker & Sluyterman, *Thuis op de wereldmarkt*, 84.

⁶⁷¹ De Oliveira, *Les routes de l'argent*, 402.

⁶⁷² AN, F/7, 4304, Rapport Miot.

⁶⁷³ Dufraisse, 'La contrebande', 1043.

⁶⁷⁴ AN, BB/18, 288, 'Progrès'.

Product	Prevalent insurance rate of contraband per 100 francs of value in 1805 as recorded by Miot
Muslins and painted fabrics	16,50
Bazins and piqués	18
Cotton velour	27
Fine broadcloth	23,50
Coarse broadcloth	30
Woolen and cotton hosiery	19
Silk fabrics	15
Cotton fabrics from the Duchy of Berg	15,50
Silk ribbons	15
Scarves	22
Woolen fabrics	17
Hardware	30
Refined sugar	58
Manufactured tobacco	46 per 50 kilograms
Tobacco en feuilles	30 per 50 kilograms
Tobacco en carottes	1,50 per <i>carotte</i>

Table 10. Insurance rates per product, 1805. Source: AN, F/7, 4304, *Rapport Miot*.

Fluctuations of insurance rates is a good indication of the risk of confiscation at a given moment in time.⁶⁷⁵ Because serial sources are lacking for insurance rates in the *départements réunis*, it is hard to reconstruct their development throughout our period. Anecdotal evidence, however, does point towards ever-increasing risks of confiscation. Because suspected merchants could deduct the sums paid for insurance from the value of the goods they illicitly imported, their negotiations sometimes mention going rates. Although it can be argued that merchants had an incentive to exaggerate their claims because it allowed them to serve a lower fine, it does show that rates were on the rise throughout the period. Whereas Brussels merchant Gartner paid a 14 per cent interest rate around 1800, this had already risen to between 14 and 22 per cent in 1803 and 1804 when Teeuwens and the widow Vanderstraten illicitly imported goods. Finally, in 1806, Pierre Florin charged Becker & Acbly a 30 per cent interest rate.⁶⁷⁶

⁶⁷⁵ Not taking into account the variety of different products, Roger Dufraisse claimed that insurance rates in the Rhineland increased throughout the period, rising from 6% in 1800 to 26% in June 1806, before peaking at a staggering 50% in January 1811. He clearly links this to increasing risks of confiscation. See: Dufraisse, 'La contrebande', 1047.

⁶⁷⁶ AN, F/7, 8030, Minutes of 9 August 1808, 14 December 1808 and 23 August 1809.

Bribery

With corruption sometimes rampant, smugglers could turn to bribery as a strategy to avoid detection.⁶⁷⁷ Custom officers received a share of the value of the goods that smugglers wanted to bring in. In return, they promised to turn a blind eye and not interfere with the operation.⁶⁷⁸ Custom officers could also be enticed to turn a blind eye to smuggling by buying them food and drinks. The Beverlo brigade could eat in Maria Kerselaers' inn at the expense of Michel Friand. Similarly, two *gendarmes* and their horses ate there for thirteen guilders and a *stuiver* – again paid for by Friand. *Chef* Wouters paid for the food of the custom officers of Sluis, 'after they've asked for it'.⁶⁷⁹ Direct bribes were also handed out by innkeepers. Friand's brother Louis was given three guilders and five *stuivers* by Kerselaers to hand to the *gardes jampetre*.⁶⁸⁰

Some smugglers were in close contact with custom officers and often were well aware of the opportunities this provided. The town of Beerse was chosen as a transit point in 1810 not only because it was less well guarded, but also because custom officers were 'less expensive there'.⁶⁸¹ In his report on smuggling in the Campine region, Vermeulen claimed it was extremely easy to obtain the right papers from the custom brigades. As long as smugglers were on good terms with them and of course paid a little sum, custom officers would happily provide them with papers to import 1000 pounds of coffee.⁶⁸² Friand was informed by J. Truyens that he had nothing to fear of the custom officers of Vierseldijk. Truyens and two carts had been stopped by them, but after seeing Friand's autograph on the shipment letter, they were 'très content'. The custom officers, Truyens wrote, had even asked how Friand was doing.⁶⁸³ Another employee of Friand, *Chef* Wouters, made a deal with the lieutenant and controller of the customs brigade of Achel. They wanted to visit the village fair on Sunday and had asked Wouters for a small seizure on Saturday evening – presumably to have at least seized something that weekend. For Wouters, the absence of the customs officers provided a good opportunity to move a large amount of contraband across the border on Monday – being the traditional day to recover from

⁶⁷⁷ Bertrand, 'La contrebande', 300; Marzagalli, *Les boulevards de la fraude*, 210 – 212; De Oliveira, *Les routes de l'argent*, 420.

⁶⁷⁸ AN, F/7, 8030. Rapport du sr. Vermeulen, 12 March 1810.

⁶⁷⁹ 'Vertert met de geemployeerde van het Sluys hetwelk zij mij selver gevraegt hebben', AN, F/7, 8023B, File 199A, Ledgers Wouters.

⁶⁸⁰ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁶⁸¹ 'Les marchandises viennent cependant à l'intérieur plus souvent par Beerse que par d'autres communes par ce que la ligne de douane est moins bien gardée en que les douaniers ne sont pas aussi chers', AN, F/7, 8030. Rapport du sr. Vermeulen, 12 March 1810.

⁶⁸² AN, F/7, 8030. Rapport du sr. Vermeulen, 12 March 1810.

⁶⁸³ AN, F/7, 8022A, File 199A, Correspondence Truyens.

hangovers.⁶⁸⁴ He advised Friand to even use carts, implying that there would be no border checks. Even when bribed, customs officers were not fully trustworthy, however. In October 1803, Peeters and his band had only walked '200 steps on Belgian soil', when they were awaited by some customs officers. Peeters was infuriated because, 'treachery is being used by the officers I had given money.'⁶⁸⁵

The Power of Numbers

To diversify the risk of confiscation, porters used the power of numbers. The 499 smugglers who arrived at the Mol inn where *chef de bande* R. Wouters was stationed between 14 and 30 August 1800 were divided over six nights. On the average, this meant that groups consisted of 83 smugglers per run.⁶⁸⁶ Miot estimated that most bands consisted of between 40 to 50 porters.⁶⁸⁷ The sentence books of the correctional court did not record the number of *inconnus* consistently. Usually, they speak of 'un grand nombre d'inconnus' or 'une bande considerable'.⁶⁸⁸ In March 1801, custom officers witnessed over 100 porters deliver goods to the house of Brecht resident Erasme Huijbers. This number does seem a bit overexaggerated because inside the officers found only about 360 kg of rock sugar and 311 meters of *toile de coton blanc*.⁶⁸⁹ Sometimes, they were more specific. For example, in December 1809, the Oostmalle customs encountered some twenty porters carrying coffee.⁶⁹⁰ This inconsistency, however, prevents us from making a reconstruction throughout time to find out whether groups increased in size during times of more intense repression.

⁶⁸⁴ Absenteeism on 'Saint Monday' was high among workers during the eighteenth- and nineteenth centuries. See: E.P. Thompson, 'Time, work-discipline, and industrial capitalism', *Past and present* 38 (1967), 56 – 97, 74.

⁶⁸⁵ 'De comiesen kwamen daer al onder zoo wij nogh maar 200 stappen op het brabantse waeren daer heb ik verlooren no 64. Daer wort schelmerreij onder de comisen gebruikt de die ik geld adde gegeven hadde het afgenomen', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 24 October 1803.

⁶⁸⁶ AN, F/7, 8023B, File 199A, Ledgers Wouters, 26 Thermidor of Year XVIII (14 August 1800).

⁶⁸⁷ AN, F/7, 4304, Rapport Miot.

⁶⁸⁸ RAA, EA, 111, Sentence of 21 Vendemiaire of Year XI; RAA, EA, 112, Sentence of 2 Messidor of Year XI.

⁶⁸⁹ RAA, EA, 107, Sentence of 3 Floréal of Year IX.

⁶⁹⁰ RAA, EA, 119, Sentence of 12 January 1810.



Image 7. Night's watch in Lier, around 1800. Source: Anonymous, *Een Lierse nachtwaker met hond*, houtsnede van de Lierse drukker Le Tellier (ca. 1800). Lier, Stadsarchief (www.kempenserfgoed.be)

By smuggling in these large groups, smugglers tried to avoid customs officers that laid in ambush or were patrolling the countryside. Even if some got caught during ambushes, numerous others managed to get through. Furthermore, they reportedly kept a distance of 200 to 300 meters between them.⁶⁹¹ This way they were scattered across the immense stretches of heath that characterized the Campine border region. This shows that porters had knowledge of the landscape and used it to their utmost advantage. The deserted landscape was ideally suited to traverse unseen – for those that were experienced and who knew the way. As custom officers usually were outnumbered, this tactic was quite successful. If arrests were made, usually only one or some of the porters were arrested. 43-year old Jean Verhoeven, for example, was the only one of his band who was arrested in April 1806.⁶⁹² Similarly, Jean Van Rompay was the only one arrested when his band encountered a customs patrol near the village of Schilde. The others most likely fled and dropped their load which consisted of ten bundles containing 147 kg of coffee and 41 kg of tobacco.⁶⁹³

The Cover of Darkness

Bertrand remarked that smuggling during the French era was primarily a nocturnal activity.⁶⁹⁴ About two-thirds of the cases she studied took place under cover of darkness. According to her, the night provided extra protection from confiscations as the darkness prevented customs officers to discover smugglers. In about 228 sentences the time of confiscations was mentioned (see graph 15). This proves the dominance of the night. By far, most confiscations were done between 2am and 5am. During the afternoon hours or in the evening, not much was being smuggled or at least confiscated. The median time of confiscations was 4.15am. If a day is divided into four equal parts, the night was by far most dominant.⁶⁹⁵ About sixty per cent of confiscations was done at night. Of course, most of the custom patrols probably took place at night too. However, it seems that customs merely adapted to the nocturnal routine of smugglers. Smuggling – especially afoot – usually happened under the cover of darkness. As this strategy was probably fairly efficient, the numbers shown above form an underrepresentation.

⁶⁹¹ AN, F/7, 4304, Rapport Miot.

⁶⁹² RAA, EA, 116, Sentence of 30 May 1806.

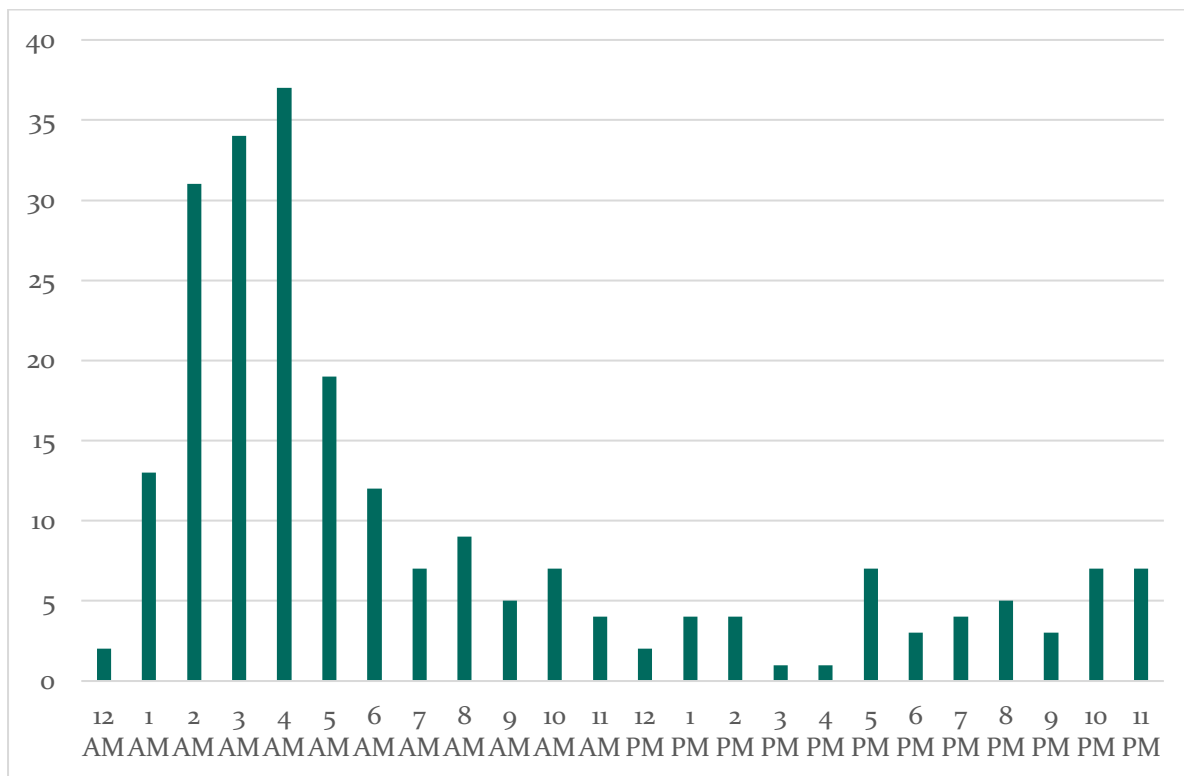
⁶⁹³ RAA, EA, 120, Sentence of 20 February

⁶⁹⁴ Bertrand, 'La contrebande', 275.

⁶⁹⁵ This was classified as follows: 00.00 - 6.00 = night; 6.00 - 12.00 = morning; 12.00 - 18.00 = afternoon; 18.00 - 00.00 = evening.

The dark protected smugglers from the gaze of customs officers as it ensured they stayed out of sight.⁶⁹⁶

Numerous letters of smugglers show the importance of the night. The nocturnal hours were preferred to ‘work’.⁶⁹⁷ *Chef* R. Wouters told his superior Friand he would come and meet him ‘tomorrow morning after work’.⁶⁹⁸ Usually, porter bands left their Campine villages in the late afternoon and early evening to pick up contraband in the depots across the border. Wouters informed Friand that ‘ten porters [were expected in Weebosch] at seven o’clock this night.’⁶⁹⁹ The spy sent by Dyle prefect Doulcet in January 1804 reported that porters poured into the town of Lommel around 7pm before starting their long walk back southwards at nightfall.⁷⁰⁰



Graph 15. Time of confiscations in absolute numbers (N=228), Antwerp Arrondissement, 1800 - 1810. Source: RAA, EA, 106 - 120.

⁶⁹⁶ Dirk Lueb, ‘Het is weer donker maen’. Smokkel en de nacht in de Kempen tijdens de Franse tijd’, *Tijd-schrift* 10.1 (2020), 70 - 81.

⁶⁹⁷ Smugglers invariably referred to smuggling as work or ‘travail’.

⁶⁹⁸ ‘Demain au matin après le travail.’ AN, F/7, 8022B, File 199A, Correspondence Wouters.

⁶⁹⁹ ‘Daer moeten van den Weebos sijn 10 dragers en vertig pakken om 7 ueren desen avont.’ AN, F/7, 8022B, File 199A, Correspondence Wouters. 27 September 1800.

⁷⁰⁰ AN, BB/18, 288, ‘Progrès’.

Smugglers were quite particular about which nights they smuggled. Nights that had a new moon – which also were the darkest – were absolutely preferred. In September 1803, Jean Baptiste Peeters wanted to start smuggling soon because ‘it was dark moon again’, proclaiming that ‘the work would be easier’.⁷⁰¹ The preceding month Peeters wrote Van Son that he was transporting a cargo of contraband to Malines, but asked if the intermediary could already send a consignment of velour and expressed the hope it would reach him in time, because ‘then I hope to be back from Malines to get back to work soon again, while the moon is still dark’.⁷⁰² Conversely, smuggling during the full moon was shunned. In January 1804, Peeters wrote to his employer that he was waiting to smuggle until the ‘light moon’ was gone.⁷⁰³ In the preceding April he claimed he could not ‘work the goods with this kind of light moon’.⁷⁰⁴ The position of the moon was actively being monitored, as is testified by a letter Peeters wrote on 21 March 1803. In it, he asked Van Son to rapidly send him more goods, ‘the sooner the better, because it is almost light moon again.’⁷⁰⁵

Following this significance of nocturnal smuggling, one would expect that it also was a seasonal activity during periods when there was less daily sunlight. Indeed, one French official observed that ‘tout le peuple de la Campine attend l’hiver avec une sorte d’impatience.’⁷⁰⁶ It was in the winter, he argued, that the nights were longer and the Campine smugglers had more time to evade custom officers. Furthermore, one might add that day laborers might have been affected by seasonal unemployment in winter, as agricultural activity slowed down and as such turned to smuggling.⁷⁰⁷ The data, however, suggests otherwise. There was a fairly even distribution of seasons throughout the year.⁷⁰⁸ While most confiscations actually happened in fall when nights were lengthening (306), this season was not so prevalent as to constitute a

⁷⁰¹ ‘Het is weer donker maen, dan gaet het werken gemeynelijk nog wel wat beter’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 8 September 1803.

⁷⁰² ‘Dan hoepe ik van Mechlen thuys te zijn om dan weder spoeydigh aen het werk connen te zijn ter wyl het noch donker maen is’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 15 August 1803.

⁷⁰³ ‘Als het niet te veel meer en regent, en de ligte maen is weg, dan zullen wij proberen, of wij de goederen connen bewerkt krijgen ofte niet’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 27 January 1804.

⁷⁰⁴ ‘Ik kan het goed met zulke ligte maen niet werken’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 5 April 1803.

⁷⁰⁵ ‘Hoe eerder hoe liever want het woort weer haest agt maen’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 21 March 1804.

⁷⁰⁶ RAA, PA, AFT 127/13.

⁷⁰⁷ Seasonal labor and migration formed an important part of the ‘labor cycle’ of day laborers. For this concept, see Jan Lucassen, *Migrant labour in Europe, 1600 – 1900. The drift to the North Sea* (London 1987). Piet van Cruyningen showed that day laborers in *West-Zeeuws-Vlaanderen* worked for the polders and *waterschappen* during the winter months. See Piet van Cruyningen, *Behoudend maar buigzaam. Boeren in West-Zeeuws-Vlaanderen, 1650 – 1850* (Wageningen 2000), 33. Also see chapter 2 of Wout Vande Sompele, *Tussen landbouw en de markt. Ambachten, handelaars en dienstverleners in de Doelpolder, 1613 – 1899* (forthcoming doctoral thesis, University of Antwerp).

⁷⁰⁸ Seasons were based on astronomical seasons. As confiscations for the year 1800 only started in August, this year is considered incomplete and has been kept out of the calculations to prevent biases.

certain seasonality in smuggling. In comparison, 292 confiscations were done in winter. Spring and summer showed respectively 290 and 284 confiscations. Overall, the seasons in which there was little daylight did not form a dominant majority. When seizures are divided by months, no clear pattern can be discerned either.⁷⁰⁹ A breakdown of the dayparts by season does show that in the fall and winter months, seizures were relatively high in the morning when it was of course dark for a longer time. For example, 23 per cent of confiscations in autumn happened in the morning.⁷¹⁰ Conversely, only 15 per cent of confiscations in summer were done in the morning. The insignificance of seasonality can, of course, indicate a certain unwillingness of custom officers to go out in winter. But, more likely, it can also indicate a constant monitoring of the border region. This in turn again shows that the contraband trade was big business in which a constant supply was necessary. It simply could not afford to be a seasonal activity.

Concealment of Contraband and Forgery of Forms

The ploys and deceptions used by smugglers to fool custom officers have long fascinated historians.⁷¹¹ To prevent confiscation, smugglers had a whole array of methods at their disposal. When confronted with custom officers, smugglers hid their contraband in all sort of places such as bushes, under rocks, in caves, hollow walls and in ditches.⁷¹² As we have seen in the previous chapter, carters and boatmen had ample opportunities for concealing contraband. They used double bottoms or concealed contraband underneath normal cargoes of coal, straw or firewood. Porters, on the other hand, did not have these opportunities and seldom tried to conceal their load. They carried their loads in sacks or packs called 'ballots'. Often it was clear to custom officers that these packs contained contraband. Others, however, were quite ingenious. In May 1808, a shepherd led his flock over the Gooreinde heath. His 32 sheep were carrying 28 pieces of cotton textiles.⁷¹³ Contraband was often hidden as well. The gendarmes of Malines found six bales of prohibited textiles in a tree trunk in the garden of one Vanderauwera.⁷¹⁴

⁷⁰⁹ Again, the year 1800 was excluded. The months December and November show 10 per cent of total confiscations, while all other months show 8 per cent. 9 per cent of confiscations happened in June, while 7 per cent took place in February.

⁷¹⁰ Out of a total of 220 confiscations.

⁷¹¹ Clinquart, *l'Administration des douanes*, 204 – 210.

⁷¹² Bertrand, 'La contrebande', 278.

⁷¹³ RAA, EA, 118, Sentence of 15 June 1808.

⁷¹⁴ RAA, EA, 113, Sentence of 26 Prairial of Year XII.

There were other methods than concealment to circumvent customs to get contraband in. Forgery of custom documents such as ‘passavants’⁷¹⁵, ‘acquits à caution’⁷¹⁶ and certificates of origin was common.⁷¹⁷ Especially in port cities, this became a lucrative business. In one of his missives to the Emperor, Fouché claimed that the ‘commissaires des relations commerciales’ in the ports of Holland sold fake certificates.⁷¹⁸ It was estimated there were about 50 companies in Emden that provided prohibited goods with falsified papers so they could pass for legal goods.⁷¹⁹ The extent of the use of forged documents in the *départements réunis* is hard to establish, however. Because there are barely any references made in the courts, it might be assumed its practice was quite successful.

There are some indications, however, that forged documents were primarily used by carters. Indeed, these documents proved most valuable in normal road transport to obscure the origin of goods. The porter system was specifically designed to circumvent customs and thus had no need for forged papers. Employers seem to have provided their carters with the necessary paperwork. Carter Adrien Vermetten was provided with a ‘passavant’ by his employer Jean François Leysen to transport contraband to Melchior Vandenwyngaert in Lier.⁷²⁰ Similarly, Jacques Vangorp was ordered by Pierre Florin to deliver a charge of Nankins to Lille. In order to transport his goods safely, Vangorp demanded Florin to provide him with a ‘passavant’ and a certificate of origin. Although Florin promised to provide one, he failed to do so, and the goods were seized.⁷²¹

⁷¹⁵ According to Savary des Brûlons a Passavant was ‘un billet ou manière d’acquit, que délivrent les commis des bureaux des douanes ou des entrées, pour donner permission ou liberté aux marchands ou voituriers de transporter et mener leurs marchandises plus loin, soit après avoir payé les droits, soit pour marquer qu’il les faut payer à un autre bureau, soit enfin quand elles ne doivent rien et que n’est un simple passage sans commerce.’ See: Jacques Savary des Brûlons, *Dictionnaire universel de commerce, contenant tout ce qui concerne le commerce qui se fait dans les quatre parties du monde, par terre, par mer, de proche en proche et par des voyages de long cours, tant en gros qu’en détail*, Volume 3 (Paris 1748), 718.

⁷¹⁶ According to Savary des Brûlons: ‘un acquit à caution est délivré par les commis des traites à un particulier, qui se constitue pour caution, qu’une balle de marchandise sera vue et visitée par les commis du bureau du lieu pour laquelle elle est destinée, et que les droits y seront payés, si aucuns sont dûs, et à cet effet la balle est cordée, sicolée, et plombée au bureau où l’acquit est délivré, pour qu’elle ne puisse être ouverte, ni les marchandises changées dans la route qu’elle doit tenir; et lorsque la balle est parvenue au lieu de sa destination, et que les marchandises, ou autres choses qui y sont contenues, ont été vues et visitées par le commis visiteur, les receveur et contrôleur, sur le vû du visiteur, en sont payer les droits, supposé qu’il en soit dû, et mettent ensuite la décharge au dos de l’acquit, lequel est après renvoyé à la personne qui s’est rendue caution, pour le représenter aux commis qui le lui ont délivré, afin, de se faire décharger de son cautionnement.’ See: Savary des Brûlons, *Dictionnaire*, Volume 1, 565 – 566.

⁷¹⁷ Marzagalli, *Les boulevards de la fraude*, 208; Aaslestad, ‘Introduction’, 12; Forging documents was also a tried and tested method in the borderland between Flanders and France in the eighteenth century. See Adriaenssens, *Van laken tot linnen*, 1031 – 1070.

⁷¹⁸ d’Hauterive *La police secrète du Premier Empire*, Volume 1, 155.

⁷¹⁹ Schulte Beerbühl, ‘Trading networks’, 139.

⁷²⁰ AN, F/7, 8019, File 171A, Interrogation Vermetten.

⁷²¹ AN, F/7, 8008, File 11A, Interrogation Jacques Vangorp.

In the Deux-Nèthes, one family of forgers specialized itself in applying forged seals to charges of tobacco. In 1806, Pierre César Legrand, employee of the *Droits Réunis*, charged with marking domestic tobacco with a seal according to the law of 24 April 1806, stole a so-called ‘pince’ from his employer.⁷²² This instrument was used to applying seals that was adorned by the French Imperial Eagle on the one side and the words ‘administration des Droits Réunis’ on the other. Legrand then sold the instrument to the Coeurvorst family from Antwerp, that subsequently duplicated the ‘pince’ and started making forged seals. During 1806 and 1807, they sold their services to several merchants including Antwerp merchants Pierre Delocht, Laurent Van Leemput and Jean François Sels, charging two Brabant *stuivers* for each seal.⁷²³ This way, these merchants could convert enormous amounts of prohibited tobacco into domestically produced tobacco.

Smugglers were also quick to adapt to increasing repression. After the anti-fraud taskforce confiscated large quantities of books, ledgers and correspondence, smugglers turned to verbal agreements, so no tangible evidence could be gathered anymore. This greatly impeded the work of the commission, as it complained that the complicity of certain smugglers could not be determined anymore.⁷²⁴ Evidence that still remained was destroyed. Vandevelde’s wife burned all books, ledgers and correspondence after her husband was taken into custody.⁷²⁵ The commission also suspected the wife of German merchant Ronstorff of having burned her husband’s ledgers.⁷²⁶ Ivo Bosselaerts consciously omitted the worth of contraband from his ledgers, making it impossible for the commission to determine the value of his illicit operations and thus impose a fine.⁷²⁷

Last Resort: The Use of Violence

When being confronted by custom officers, porters could resort to violence. To protect against confiscations and threats from armed robbers, bands of porters were usually accompanied by both *conducteurs* and *guides*. As said in chapter 4, the former were armed guards who served to protect both porters and contraband. The latter were guides who scouted ahead to detect custom brigades. Numerous scholars have claimed that smuggling sometimes turned violent. Especially in the eighteenth century, smuggling seems to have been a bloody enterprise.

⁷²² RAA, HAA, 25, Arrest 81.

⁷²³ AN, F/7, 8019, File 170A.

⁷²⁴ AN, F/7, 8030, Minutes 4 January 1809.

⁷²⁵ AN, F/7, 8030, Minutes 18 June 1808.

⁷²⁶ AN, F/7, 8030, Minutes 16 February 1809.

⁷²⁷ AN, F/7, 8030, Situations.

Studying the widespread smuggling of tea on the Sussex coastline, Cal Winslow described it as a ‘widespread conflict’ between smugglers and Excise employees that was particularly violent.⁷²⁸ According to Michael Kwass, smuggling by the Mandrin gang in South Eastern France took on a form of open rebellion. Whereas widespread resistance to arrest, and occasional rescue of smugglers by local crowds were quite common, Mandrin turned to ‘premeditated assaults on ambulatory Farm guards, custom posts, and prisons where alleged smugglers awaited trial’.⁷²⁹ Moreover, violence was often directed at the symbols of power. Mandrin occupied whole towns in military fashion, and forcefully sold contraband publicly to custom officers, characterized by Kwass as a marketing strategy.⁷³⁰ He claims that these symbolic acts gave political meaning to smuggling and therefore served as a form of underground opposition and public protest to government policies.⁷³¹ In the French Revolutionary and Napoleonic era, too, custom officers were met with resistance.⁷³² Rowe argued that assaults, sometimes taking the form of largescale riots, directed at custom officers were common in the Rhineland.⁷³³ Being symbols of the much hated ‘Customs Terror’, toll booths and custom houses were attacked by protesters in Amsterdam in November 1813.⁷³⁴

Symbolic violence or the uprising of entire communities to come to the rescue of a smuggler was barely recorded in the *départements réunis*. The only mention of civil unrest comes from chronicler Jan Baptist Van der Straelen, who, on 6 December 1810, recorded the public response to the ceremonial burning of confiscated goods on the *Groenplaats* square (then known as Place Bonaparte):

‘Such cruel and outrageous display ignited the tempers of the citizens, though nobody dared to take action; the entire city was occupied with soldiers, but profanities and curses directed at Napoleon were heard enough, who was called the cruelest of all tyrants.’⁷³⁵

Because this remark fits perfectly within Van der Straelen’s anti-French attitudes, it remains to be seen whether the sentiments of the general population were truly as agitated as he

⁷²⁸ Winslow, ‘Sussex smugglers’, 120.

⁷²⁹ Kwass, *Contraband*, 121.

⁷³⁰ *Ibidem*, 123.

⁷³¹ *Ibidem*, 138.

⁷³² Marzagalli, *Les boulevards de la fraude*, 214.

⁷³³ Rowe, ‘Economic warfare’, 191.

⁷³⁴ Joor, ‘Significance and consequences’, 267.

⁷³⁵ ‘Zulk wreed en ongehoord vertoon ontstak de gemoederen der inwoonders zoo danig, dog niemand durfde sig daer tegen stellen; de geheele plaets was met soldaeten beset, maer scheldwoorden en verwenschingen op Nepoleon warden genoeg gehoord en die voor den wreedsten van alle tirans uijtgemaeckt wird’. Jan Baptiste Van der Straelen en Jan Frans Van der Straelen, *De Kronijk van Antwerpen. Deel 8. 1803 – 1817* (Antwerpen 1936), 83.

suggests.⁷³⁶ Actual smuggling in the *départements réunis*, however, seems to have been quite violent in the early years. Especially the Friand band gained a reputation for violence. The customs counted seventeen violent clashes between them and members of the gang in the entire border region between Scheldt and Meuse river between May 1798 and October 1800.⁷³⁷ During one of these confrontations in July 1798, five horses were killed and Friand's brother, in charge of one of the groups, was shot in his thighs.⁷³⁸

Violence was far from ubiquitous, however, and seems to have quickly diminished after the turn of the century. In February 1801, special tribunals were founded, primarily to fight banditism.⁷³⁹ The jurisdiction and competence of these courts was quickly extended to criminalize armed smuggling too. The severe punishments might have deterred smugglers from using violence against custom employees. The decree of 16 Frimaire of Year XI (7 December 1802) ruled that every smuggler who resisted arrest, killed or hurt military personnel or custom officers, and all smugglers who were armed, be brought before court.⁷⁴⁰ The law of 13 Floréal of Year XI (3 May 1803) confirmed this again. It stipulated that 'tous contrebandiers, avec attroupement et port d'armes [...] punis de mort.'⁷⁴¹ The Antwerp *Cour de justice criminelle spéciale* recorded only twelve cases in which violence was used against custom officers and military personnel.⁷⁴² Of these, only one suspect was found guilty. 36-year old Jean François Joris attacked two soldiers when they tried to confiscate a load of coffee. He did not get the death penalty but was put on display on a pillory, apparently because 'attroupement' could not be determined.⁷⁴³ In the other eleven cases the court declared itself incompetent or acquitted the suspect. Because smugglers usually attacked in groups, the court often deemed it insufficiently proven that the arrested suspect was actually the assailant. In another case, the court ruled that the weapon used – a 'massue' (club) – was not among those that were prohibited by the law.⁷⁴⁴

⁷³⁶ Brecht Deseure, 'Den ouden luijster is verdwenen'. *Geschiedenis, herinnering en verlies bij Jan Baptist Van der Straelen (1792 – 1817)*, *Belgisch tijdschrift voor nieuwste geschiedenis* 40.4 (2010), 517 – 555.

⁷³⁷ AN, F/7, 6270, Notes sur Friand.

⁷³⁸ These large-scale conflicts largely disappeared after 1800, probably because of the establishment of the special tribunals that cracked down on armed smuggling but also banditism under military criminal law. See: Rousseaux, 'Espaces de désordres'.

⁷³⁹ These were called *Cours de justice criminelle spéciales* from year XII (1803-1804) onwards. They resorted under the *tribunaux criminels*. See Clinquart, *l'Administration des douanes*, 52.

⁷⁴⁰ Clinquart, *l'Administration des douanes*, 53.

⁷⁴¹ Cited in Clinquart *l'Administration des douanes*, 54.

⁷⁴² RAA, HAA, 25 – 26.

⁷⁴³ RAA, HAA, 25, Arrests 24 and 26.

⁷⁴⁴ RAA, HAA, 25, Arrest 38.

Violence against custom officers in the Deux-Nèthes seems to have been merely instrumental.⁷⁴⁵ It served to escape custody or recover one's contraband. In the late afternoon of 27 July 1803, soldier Jean Dauret, stationed in Putte to combat the contraband trade, encountered two men, later identified as brothers Hubert and Pierre Vanhoeydonck, while he was returning to his accommodation at a local inn. Seeing that they were carrying a pack, Dauret approached the men to search them. Immediately, he got pushed away by Hubert, who tried to make a run for it. The soldier caught up with the suspect, however. Meanwhile, his brother Pierre came to the rescue of his brother and hit Dauret in the face with a club.⁷⁴⁶ Sometimes a group of smugglers came to the rescue of their compatriots and contraband, as happened in October 1805. Customs lieutenant Jean Nicolas Dardenne and officer Charles Luynckx were chasing a group of porters when the smugglers took refuge in a couple of houses in the hamlet of Terlo, near Kasterlee. When Dardenne entered one of the houses, he was beaten unconscious with a club. When he regained consciousness, the lieutenant found himself in a room surrounded by six men who began to hit him with canes and pickaxes. He tried to call for help from Luynckx who, in the meantime, saw himself surrounded by other men armed with clubs, pickaxes and pitchforks. When fellow custom officers of the Kasterlee brigade finally came to the rescue, the smugglers took up and left, taking some of the contraband with them.⁷⁴⁷

Violence could also be directed against rival robber bands. While they were crossing the bridge over the Grote Nete river in Berlaar in June 1803, the group of Peeters was attacked by the gendarme brigade of Geel. At first the smugglers had not realized the assailants were police, but thought they were mere 'rascals' – presumably out to steal their goods. Therefore, they immediately went into counterattack. After the threat of the gendarme officers that they would 'cut them into carrion', the smugglers were forced to run, but not before they had 'punched some holes into the heads of the brigades'.⁷⁴⁸ While smugglers usually did their utmost to avoid confrontations, confiscations did sometimes get violent. Violence, however, seems to have been the last resort of smugglers. Other strategies usually prevailed and were far more successful.

⁷⁴⁵ Discussing the social meaning of interpersonal violence, Pieter Spierenburg has distinguished between ritual or expressive violence and instrumental violence. Whereas the former is a form of violence that conveys symbolic meaning, the latter is rather a means to an end: 'usually to exploit the victim's property or body'. See: Pieter Spierenburg, 'Faces of violence. Homicide trends and cultural meanings. Amsterdam 1431 – 1816', *Journal of social history* 27.4 (1994), 701 – 716.

⁷⁴⁶ RAA, HAA, 25, Arrest 61.

⁷⁴⁷ RAA, HAA, 25, Arrest 60.

⁷⁴⁸ 'Zij riepen wij zullen hun in vogel aes kappen [...] de brigeerdens hadde wij gaeten in hunnen kop geslagen', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 19 June 1803.

Internal Risks

Internal risks primarily arose from within the organization. Lacking institutional protection, cooperation in criminal networks was particularly perilous and has thus often been seen as a source of conflict.⁷⁴⁹ As important as trust was in international merchant networks, in a criminal setting it was even more vital. Risks from within the organization could either arise from outside infiltration (by government agents) or from conflict between smugglers (about shipments and payments). Furthermore, the daily operations in the supply chain always entailed the risk that employees made off with the shipment.

There was a justified fear for spies, informants and snitches. Most of the custom officers being native French and therefore lacking local knowledge and connections, some of the confiscations were ultimately caused by intel given by informants and spies. Peeters claimed to have been 'deceived by traitors' at the battle of Berlaar bridge.⁷⁵⁰ According to customs reports it regularly occurred that custom officers started to investigate only after they had received information from a source. Gendarmes Joseph Marie Manchez and Pascal Boulé, for example, only started their investigation after they were given intel that claimed that Guillaume Bruyns was involved in the contraband trade.⁷⁵¹ Some smugglers knowingly or forcibly became informants. Corneil Bolkmans, for example, was recruited by Antwerp police commissioner Jean-François Bellemare to work as an informant. He would be paid about 26 *sols* or 1,3 *francs* a day. According to Bellemare this fitted into the strategy of 'd'employer ces fraudeurs contre les fraudeurs'.⁷⁵² Smuggler Adrien Maras had preceded him and had given useful intel according to the police commissioner.

Spies too, managed to infiltrate the ranks of smugglers. In 1810, a spy named Smet was sent to Breda to monitor the activities of the widow Schouten.⁷⁵³ Being introduced by the unknowing Brussels merchant Henry Bataille, he managed to win her confidence, started working for her and eventually managed to peek into her books and correspondence, before handing over the intel to Bellemare. Another spy was sent by the prefect of the Dyle department to investigate on the contraband trade in the neighboring Deux-Nèthes and Meuse-Inférieure departments.⁷⁵⁴ Disguised as a merchant, the spy tried to get into contact with contraband provisioners in the towns of Diest, Kwaadmechelen and Lommel. He managed to get acquainted with some

⁷⁴⁹ Albanese, *Organized crime*, 8.

⁷⁵⁰ 'Wij zijn door veraders bedrogen' AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 19 June 1803.

⁷⁵¹ RAA, HAA, 447.

⁷⁵² AN, F/7, 8016, File 64A, Letter Bellemare, 29 July 1808.

⁷⁵³ AN, F/7, 8030, Rapport confidentiel, 23 April 1810.

⁷⁵⁴ AN, BB/18, 288, 'Progrès'.

merchants and even gained the trust of a group of porters whom he joined on one of their smuggling trips. All of his experiences and intel were of course neatly shared with the prefect.

Conflicts were usually about money, either wages or payment. One of the biggest grievances Peeters had were the shares in profit that were not in proportion to the risks he and his smugglers had to take. He brought up the topic to his employer Van Son numerous times. In March 1803, for example, he got fourteen per cent for English goods and only twelve per cent for Indian nankeens. Peeters complained that the ‘expenses for transport were very high’.⁷⁵⁵ He demanded higher shares, because ‘it was impossible to work for less’ and there were ‘among us fraudsters who get fifteen per cent.’⁷⁵⁶ Two months later, he even demanded eighteen per cent, because ‘he could not [smuggle] goods for such a low price anymore’, indicating that his low share had made him a laughingstock of his competition: ‘everyone is laughing at me because I work for so little’.⁷⁵⁷

Loss of payment or delay in payment could lead to arguments. Antwerp merchant Simon Michael Levie was accused by his commission agent and supplier Vanderschriek of not paying for a shipment of 87 guilder. Levie nearly exploded in anger, as is testified in his response. He wrote that he ‘found it very bad for a wise man like [Vanderschriek] to accuse someone this rapidly of deceit.’⁷⁵⁸ His courier had forgotten to pick up the bill of exchange, but Levie promised his supplier it was on its way now. The merchant ended the letter by requesting that in the future Vanderschriek ‘kept such accusations and bad words in the pen somewhat longer’, until he ‘found out what the matter was’, because he was not dealing with ‘a fraud.’⁷⁵⁹ Lower down the hierarchical ladder there were issues about payments too. *Voiturier* Adrien Vangorp accused Brussels merchant Florin of being a ‘très mauvais payeur’, claiming that he owed big sums of money to various carters in Turnhout.⁷⁶⁰ Innkeeper Maria Kerselaers from Meerhout had conflicts about a settlement she was owed by Wouters. After confronting him frequently, she went up the ranks and asked leader Michel Friand directly. In a letter to him she asked: ‘I would

⁷⁵⁵ ‘Den oncost van het voor transporteren is zeer groot’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 21 March 1803.

⁷⁵⁶ ‘Mij dunkt het is onmogelijk van voor minder te werken’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 21 March 1803; ‘Daer zijnde bij ons fraudeurs die hebben 15 percent’, AN, F/7, 8014, Correspondence Jean Baptiste Peeters, 25 March 1803.

⁷⁵⁷ ‘Verders [...] kan ik In het toecoemende de goederen voor zulken prijs niet meer bewerken’, ‘Idereen lagt met mij dat ik daarvoor werk’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 2 May 1803.

⁷⁵⁸ ‘Ik vinde het zeer slegt van imand, zoo haestig van bedriegerije te accuseren’, AN, F/7, 8023B, File 199A, Correspondence Vanderschriek.

⁷⁵⁹ ‘Dus verzoeke van in ’t vervolg sulke beschuldiging & slegte woorden wat langer in de penne te laeten, zelfs tot dat gij vernomen hebt hoe de saek staet, [...] want gij moet weten, dat gij met geen bedrieger te doen hebt’, AN, F/7, 8023B, File 199A, Correspondence Vanderschriek.

⁷⁶⁰ AN, F/7, 8018, File 117A, Interrogation Adrien Vangorp.

like to know how Wouters is doing, as he still owes me 25 French crowns and twelve *schellingen*. If you could get a hold of him, you would do me a great favor, because he won't give it to me. If I ask him, he says he still has a big bill to settle with Sir Friand which I do not believe.⁷⁶¹

Losing a load of contraband could lead to conflict or at least mistrust. Jean Baptiste Peeters was accused by Van Son in August 1804 to have sold or at least lost some loads. Van Son then presumably demanded compensation from Peeters, but the latter defended himself by claiming he did not have 'any reason to profit' from selling them.⁷⁶² Amsterdam merchant Nicolet even personally supervised *chef de bande* Henry Eysemans during one of his trips he undertook with his men. Eysemans had lost three loads during different journeys and the merchant suspected him of selling them to the customs.⁷⁶³

Internal Risk Mitigation

To mitigate these risks, smugglers implemented both internal control mechanisms and promoted cooperation with each other. These strategies were primarily applied to keep smugglers from acting in their own self-interest. First, the remuneration of porters encouraged them not to keep contraband to themselves. Second, trust was enhanced through a series of strategies that encouraged smugglers to cooperate.

Remuneration

In order to prevent porters from keeping the contraband for themselves, numerous checks and balances were in place. Although evidence is scarce and fragmentary, wages they earned were quite high and seem to have kept rising during the period (see table 11). According to Miot, porters earned about 6F a day and, if they were arrested, got another 6F allowance for every day they spent as a captive.⁷⁶⁴ In the accounts of *chef* R. Wouters, both porters and scouts earned an amount of 31.5 *stuivers* (about 2.86F) for a trip to Mol in August 1800. Their armed guards had

⁷⁶¹ 'Ik soude ook gerne weten hoe dat het is met Wouters, ik moet daer nog van hebben vijftwintig fransche kroonen en twelf schellingen. Als gij hem die konde onderhouden, gij sout mij groot plesier doen want van hem sal ik niet krijgen. Als ik hem vraag dan segt hij dat hij nog een groote rekening heeft met mijnheer Friant het geen ik niet en geloof, AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers. The French crowns referred to by Kerselaers probably were French *couronnes* as mentioned by Herbouville in his *Statistique*. See: Herbouville, *Statistique*, 27. Schellingen were a currency in use in the Southern Netherlands during the Ancien Régime and were comparable to the French *sou*, see: Charles Verlinden en Etienne Scholliers (eds.), *Dokumenten voor de geschiedenis van prijzen en lonen in Vlaanderen en Brabant III* (Brugge 1972), XXIV – XXV.

⁷⁶² 'Wij hebben geen occasie gehad om daer its voor te proffeeteren', AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 11 August 1804.

⁷⁶³ AN, F/7, File 207A.

⁷⁶⁴ AN, F/7, 4304, Rapport Miot.

to content themselves with only 14 *stuivers* (about 2.27F).⁷⁶⁵ Innkeeper Kerselaers paid two *guilders* and two *stuivers* (1.47F) to three porters, presumably for a slightly shorter trip.⁷⁶⁶ Porter Schuermans, transporting contraband from Baarle to Nijlen in 1808, earned 1.5 *couronne* (7.15F) per trip.⁷⁶⁷ Fellow smuggler Bolkmans was paid two *couronnes* (10.02F) for a trip from Lommel to Tongerlo during the same year.⁷⁶⁸ Twelve soldiers who transported goods from Putte to Antwerp in 1810 and were arrested on their second trip, complained in their interrogation that they only received 18 *sols de Brabant* (4.44F) on their first trip, while they were promised 6F each.⁷⁶⁹ Even though nominal wages in the Campine region, where most porters came from, were quite high during the French era, smuggling seems to have paid really well.⁷⁷⁰ According to Eric Vanhaute, unskilled laborers in Rijkevorsel earned about 1.09F a day between 1791 and 1800.⁷⁷¹ The summer wage of a farm laborer in the Turnhout arrondissement between 1805 and 1812 was about 11.8 *stuivers* (1.07F) a day.⁷⁷² This was about the same as the payment of the *conducteurs* employed by Wouters. Porters earned considerably more. Bolkmans and Schuermans, designated by the authorities as ‘fameux porteurs’ even earned more than seven to ten times as much as a day laborer could earn.⁷⁷³

Riskier operations paid even more. The illegal export of bullion was quite high-risk because of the huge sums of money involved, which could easily be stolen.⁷⁷⁴ *Brigadier de gendarmes* Louis Hypolite Perrier and his colleague Joseph Lesturbe, recruited by the money smuggling ring of Pierre Jean Cas, were paid some 40 *couronnes* each, about 200 francs, to transport eight small bags containing 200 *piastres* each from Antwerp to Holland.⁷⁷⁵ Furthermore, porters were often paid in kind, such as room and board. In the accounts that innkeeper Kerselaers sent to Michel Friand, multiple entries of food and drinks consumed by porters can be found. During three trips in March 1801, for example, they consumed for 13 *guilders* and 2 *stuivers* (27,69F) worth of beer.⁷⁷⁶

⁷⁶⁵ AN, F/7, 8023B, File 199A, Ledgers Wouters.

⁷⁶⁶ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁷⁶⁷ AN, F/7, 8016, File 64A, Interrogation Schuermans.

⁷⁶⁸ AN, F/7, 8016, File 64A, Interrogation Bolkmans.

⁷⁶⁹ RAA, HAA, 26, Arrests 73 and 74.

⁷⁷⁰ Klep, *Groeydynamiek en stagnatie*, 158-159.

⁷⁷¹ Vanhaute, *Heiboeren*, 241.

⁷⁷² Klep, *Groeydynamiek en stagnatie*, 158-159.

⁷⁷³ AN, F/7, 8016, File 64A, Analyses Bolkmans and Schuermans.

⁷⁷⁴ De Oliveira, *Les routes de l'argent*, 404 - 415.

⁷⁷⁵ RAA, HAA, 26, Arrests 8 and 12.

⁷⁷⁶ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

	Payment	French franc p.p. ⁷⁷⁷
Porteurs and Guides Wouters, 1800	31,5 <i>stuivers</i>	2.86F
Conducteurs Wouters, 1800	14 <i>stuivers</i>	1.27F
Three porters Maria Kerselaers, 1801	2 gulden, 2 <i>stuivers</i> together = 48,66 <i>stuivers</i>	1.47F
Schuermans, 1808	1,5 <i>Couronnes</i>	7.15F
Bolkmans, 1808	2 <i>Couronnes</i>	10.02F
Louis Hypolite Perrier, 1807	40 <i>Couronnes</i>	200F
Twelve soldiers of the 19eme regiment provisoire, 1810	18 <i>sols de Brabant</i>	4.44F (Were promised 6F)

Table 11. Payments made to smugglers. Source: AN, F/7, 8016; 8023B; RAA, HAA, 26, Arrests 8, 12, 73, 74.

From whatever evidence there is, it seems that porters were paid per trip they made. It is not clear whether there was a difference in payment in proportion to length of the trip or the sort of goods – with the exception of *piastres* which were much more valuable and therefore perhaps riskier. To limit the risk of porters keeping the goods for themselves, they were usually only paid after the job. Ivo Bosselaerts, working as a commission agent for Van Son, paid out porters only after they had deposited their shipment in Malines.⁷⁷⁸ Furthermore, as the commission had been agreed upon before the trip started, this enticed the porters even more to deliver the goods. This implies that the risk of losing contraband thus lay partly with the smuggler. If the smuggler got caught, lost the shipment or kept it to himself, he would not get paid.

Trust among Traffickers

Trust was another factor that could mitigate internal risks. Trust has long been assumed as a self-evident attribute of both merchant communities and organized criminals.⁷⁷⁹ Inspired by new institutional economics, however, some historians have rehabilitated the role of the legal framework in building trust. In her research on Sephardic merchants in the seventeenth and eighteenth century, Francesca Trivellato has shown that networks of trust were inscribed in social norms, legal customs and rules of communication.⁷⁸⁰ Although merchants usually

⁷⁷⁷ This table mostly consists of data found in accounts and interrogations. As the accounts were used for reimbursement of remuneration paid, they show little distortions. The payments mentioned in the interrogations of Schuermans, Bolkmans and Perrier, however, might be slightly distorted as smugglers might have downplayed their role in the contraband trade. If anything, then, these figures might actually be too low. For the conversion of currencies, see: Verlinden and Scholliers, *Dokumenten*, XXV; d'Herbouville, *Statistique*, 27.

⁷⁷⁸ AN, F/7, 8015, File 56A, Rapport et instructions Bosselaerts.

⁷⁷⁹ Trivallato, *The familiarity of strangers*, 12; Von Lampe and Johansen, 'Organized crime and trust', 160.

⁷⁸⁰ Trivellato, *The familiarity of strangers*, 275.

avoided going to court, instead relying a mix of various resources including internal discipline such as gossip or excommunication to settle disputes, they did have access to legal institutions.⁷⁸¹ Still, commission agency contracts were hard to enforce, Trivellato argues, and required 'extralegal commitments and a great deal of accommodation'.⁷⁸² This resembles organized crime, in which there was almost no access to a legal framework. Indeed, some criminologists have argued that organized crime was characterized by a lack of trust.⁷⁸³ Due to the lack of legal protection, uncertainty and adversity always lurks in criminal networks. Betrayal or deceit of one's co-offenders are an obstacle to trust among offenders. McCarthy *et al* acknowledge that these adversities actually compelled offenders to increase their willingness to trust each other and co-offend.⁷⁸⁴ Relations of trust, therefore, had to be formed carefully.

Bertrand claimed that porters in a band were unacquainted with each other. In order to protect accomplices in case of an arrest, they were hired by strangers, made their trip with strangers, and gave their loads to other strangers.⁷⁸⁵ In the light of co-offending theories, this, however, seems highly unlikely. Given that Bertrand mostly focused on interrogations, it seems even more unlikely. Arrested smugglers could simply deny they knew their accomplice by claiming they were strangers. Co-offending with peers could increase positive outcomes of smuggling and the resilience of these networks. In the *instrumental perspective* of co-offending, it 'is viewed as the result of the decision that co-offending leads to an easier, more profitable or less risky execution of a crime'.⁷⁸⁶ Smuggling with one's peers stimulated cooperation and the resulting peer pressure could keep porters from running off with the contraband. It seems, then, that smugglers knew each other quite well and their bonds were held together by trust. It was said that intermediary Van Son only used porters he trusted.⁷⁸⁷ In the smuggling networks in the *départements réunis*, trust between smugglers was enhanced in several ways. First, sociability could help smugglers build trust, especially between peers, such as porters. Then, gift giving could foster trust and reciprocity between more hierarchical relationships such as employer and employee. Finally, trust could be enhanced through social ties based on residency and kinship.

⁷⁸¹ Ibidem, 153 – 176.

⁷⁸² Ibidem, 173.

⁷⁸³ Von Lampe and Johansen, 'Organized crime and trust', 160; Diego Gambetta, *The Sicilian Mafia. The business of private protection* (Cambridge, MS 1996), 152.

⁷⁸⁴ McCarthy, Hagan and Cohen, 'Uncertainty, cooperation and crime', 174.

⁷⁸⁵ Bertrand, 'La contrebande', 288.

⁷⁸⁶ Frank M. Weerman, 'Co-offending as social exchange. Explaining characteristics of co-offending', *British journal of criminology* 43 (2003), 398 – 416, 403.

⁷⁸⁷ AN, F/7, 8015, File 56A, Rapport et instructions Bosselaerts.

Inns and innkeepers were of central importance to smuggling networks. Inns not only provided room and board and served as warehouses for contraband. They also served as meeting points for smugglers. In early modern Europe, drinking served to strengthen bonds. In a society characterized by reciprocity, public houses were the cornerstone of sociability.⁷⁸⁸ Sociability among smugglers was primarily boosted in inns. As shown in the previous chapter, inns and taverns were often both starting point and final destination of porters. They also served as a meeting points for them and their *chefs de bande*. As a rule, beer was served to smugglers, usually paid for by the boss. Free beer further enhanced sociability. Meerhout innkeeper Maria Kerselaers served ‘8 jugs of beer [to a group of porters] because they worked on foot’.⁷⁸⁹ In a nearby inn in Gestel porters consumed for 27 guilders and 6 *stuivers* worth of beer during six different smuggling trips.⁷⁹⁰ Porter Willem Schuermans got acquainted to the infamous porter Corneille Bolkmans, after the latter had invited him to drink a beer. The inn they decided on going was run by Philippe Lemmens, an innkeeper connected to Augustin Basteins, a wealthy merchant in Antwerp heavily involved in the smuggling business.⁷⁹¹

In the more hierarchical relationships between *chefs de bandes* and intermediaries, other strategies were used to strengthen bonds and enhance trust. Trivellato has shown that early-modern Sephardic merchants frequently invoked the word friend in their communication, exchanged favors and used letters of recommendation to imply reciprocity.⁷⁹² In the seventeenth and eighteenth century, reciprocity also formed the underlying principle in exchanging courtesies and services amongst friends.⁷⁹³ This language of friendship – which was highly utilitarian – could be found in the letters of Peeters too. He frequently invoked the word friend, especially in times of conflict. In December 1803, he showed affection. Although risks were high, Peeters promised Van Son that he ‘would do for you what I wouldn’t do for others’.⁷⁹⁴ In November 1804, he complained that Van Son did not reply to his letters anymore and requested to end their agreement ‘because I see that I cannot obtain your friendship’.⁷⁹⁵ By underlining

⁷⁸⁸ See David Garrioch, *Neighborhood and community in Paris. 1740 – 1790* (New York 1986), 180 – 191; Brennan, *Public drinking*; Kümin, *Drinking matters*.

⁷⁸⁹ ‘8 potten bier als sij hebben gewerkt te voet’, AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁷⁹⁰ AN, F/7, 8023B, File 199A, Ledgers Maria Kerselaers.

⁷⁹¹ AN, F/7, 8008, File 6A, Interrogation Schuermans.

⁷⁹² Trivellato, *The familiarity of strangers*, 181- 182.

⁷⁹³ Luuc Kooijmans, *Vriendschap en de kunst van het overleven in de zeventiende en achttiende eeuw* (Amsterdam 1997), 326 – 329.

⁷⁹⁴ ‘Ik doen voor urd dat ik voor een ander niet zoude willen doen’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 15 December 1803.

⁷⁹⁵ ‘Veerdeers aen urd en zijn in verwondering, dat urd mij geen eens en antwoord over onze zaeken, die ik van urd gerne oude uijt teen zoude gedaen hebben, versoeck altijd van urd vrinscap allens te vol eynde, als het van urd in vrinscap niet kan gevenden. Worden dat zijnde ik tevreden, zo kwaelijk als het urd zal believeen, dus zoude ik geerne

friendship, especially in times of conflict, Peeters tried to enforce reciprocity: he wanted to get things done. Although evidence is scarce, letters of recommendation were used in these smuggling networks to introduce new contacts. It is telling that the spy who was sent to the widow Schouten first acquired a recommendation letter from the Brussels merchant Henri Bataille.⁷⁹⁶ Similarly, Peeters asked Van Son to find work for ‘a young man of good behavior’ who had to flee from his parent’s house to dodge the draft.⁷⁹⁷

Gift giving was another strategy to enhance reciprocity and could reinforce socioeconomic hierarchies.⁷⁹⁸ At the start of the 1803 hunting season Jean Baptiste Peeters offered the first hare he shot to his patron Van Son. He accompanied the hare with a message in which he told Van Son that ‘he deserved it’ and that he hoped that ‘he would be able to use it in good health’.⁷⁹⁹ Two months later, in December, Peeters sent his patron a Christmas card, in which he wished Van Son ‘a blissful high day and much happiness and blessing’.⁸⁰⁰ Of course, this could merely be out of politeness, but it is telling that these gestures were done towards a higher ranking individual especially with the numerous conflicts going on between them. Gifts as the hare could be used as reconciliation. Similarly, *chef* Wouters wrote to Mouron – one of Friand’s commission agents – that he had received a complaint from a ‘friend’ who was owed 6 to 7 *louis d’or* by Friand’s company. Wouters warned that this friend was on his way to Mouron and he advised that Mouron ‘should accept his request and buy him a good bottle of wine’.⁸⁰¹

Trust could further be enhanced by social settings between smugglers. Klaus Von Lampe and Per Ole Johansen have identified four social settings that helped build trust in criminal relations: family, local community, ethnic community and business.⁸⁰² The sentence books of the correctional court of Antwerp mention a total of 191 suspects who acted as co-offenders.⁸⁰³ This is about half of all suspects who appeared before court. This allowed us to uncover the

eene eynde van mijne onnozel zaek zien, ten goeden of ten kwaeden, want ik zinde dat ik van urd in vrinsscap niet zal connen beekoomen’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 8 November 1804.

⁷⁹⁶ AN, F/7, 8030, Rapport confidentiel, 23 April 1810.

⁷⁹⁷ ‘Deezer is eenen goeden vrind van mij ten voorsten te helpen, bij uwe [...] in Breda, om eenen goeden dienst te bekomen, het is eenen jongman van goed gedrag, hij moet om de requisieten van zijne ouders hene gaen’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 27 September 1804.

⁷⁹⁸ Trivellato, *The familiarity of strangers*, 181.

⁷⁹⁹ ‘Volgens beloofden sende u.l. eenen haes den eersten die ik dees iaer hebbe geschoeten en is u.l. uyter herte gegund en hoepe u.l. in goede gezondheid zal mogen comen te gebruiken’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 24 October 1803.

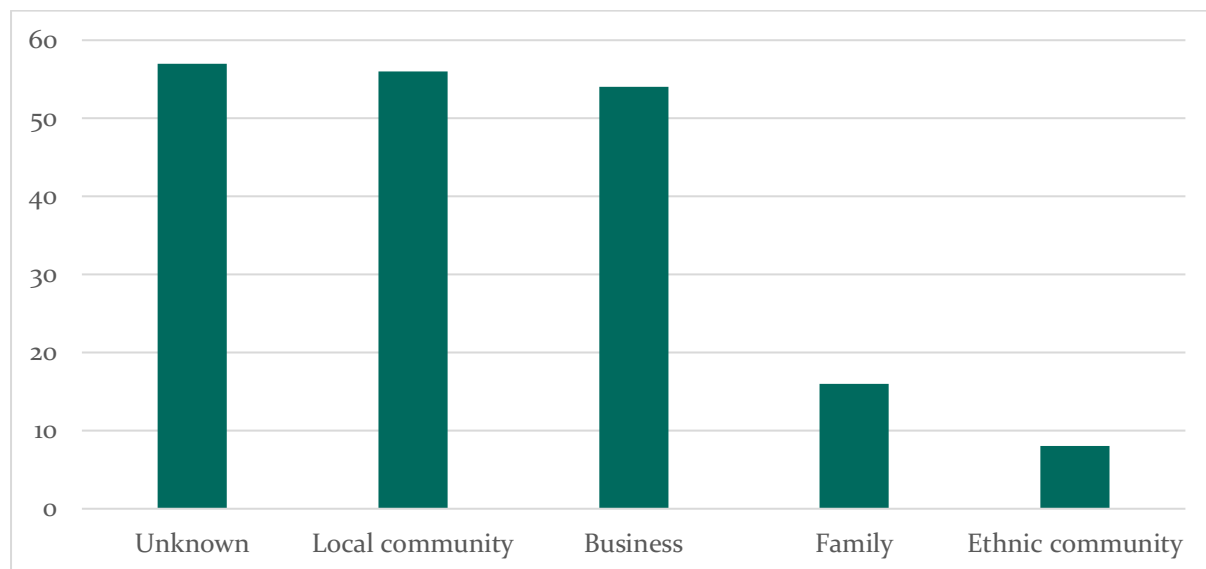
⁸⁰⁰ ‘Urd te saemen wensche een zalig hooghtijt van kersmis, en daer mede veel geluk en zegen’, AN, F/7, 8014, File 56A, Correspondence Jean Baptiste Peeters, 24 December 1803.

⁸⁰¹ ‘Als het mogelijk is dan moet gij hem dese vraag voldoen en hem trakteren een goede fles wijn’, AN, F/7, 8022B, File 199A, Correspondence Wouters, 29 August 1800.

⁸⁰² Von Lampe and Johansen, ‘Organized crime and trust’, 171 – 176.

⁸⁰³ Co-offenders are understood here as offenders who were arrested and tried together or were part of a larger group of whom ‘des inconnus’ managed to flee.

social settings in co-offending of about seventy per cent of the sample (see graph 16). For 57 offenders the exact social setting remained unknown because their co-offenders had run, or their relationship could not be determined otherwise. Following Von Lampe and Johansen the remaining social settings of co-offenders were classified into the four categories of family, local community, ethnic community and business.⁸⁰⁴



Graph 15. Social Settings in co-offending, Antwerp Arrondissement, (N=191). Source: RAA, EA, 106 – 120.

The local community was the most common social setting of co-offenders. This included co-offenders that shared a place of residence.⁸⁰⁵ As Von Lampe and Johansen have theorized, ‘local communities may produce trust through familiarity and conformity.’⁸⁰⁶ According to them, disloyalty in criminal relations would not only be directed against co-offenders, but against the entire community. *Conseiller d’État Miot*, reporting on smuggling in the *Deux-Nèthes* depart-

⁸⁰⁴ This was classified as follows. Local community included all co-offenders that shared the same place of residence. included merchants who were in business with each other, employer/employee relationships and ship crews. Family included those that shared kinship based on the same family name. Ethnic community only included those offenders that were not considered to have been born in the Belgian departments. In case of overlap, a choice was made. Business relations were given priority over the local community. When occurring in family and local community, prevalence was given to the latter if it included others from the community that were not necessarily family, which applied to two offenders. If all co-offenders were from the same family and residing in the same community, they were categorized as family. This was the case in 8 instances.

⁸⁰⁵ Co-offenders of whom other social settings could be demonstrated were excluded from this category. For example, when two co-offenders were family of each other while hailing from the same town, they were included in the family category.

⁸⁰⁶ Von Lampe and Johansen, ‘Organized crime and trust’, 172.

ment, already identified the importance of village solidarity. According to him ‘ces porteurs sont organisés en bandes plus ou moins nombreuses désignées ordinairement par le nom du village ou du hameau auxquels elles appartiennent’.⁸⁰⁷ We have already seen that porters were recruited from local communities and predominantly hailed from the Campine region. Around 56 smugglers were tried together with someone living in the same community. For example, on 6 February 1810, Jean Baptiste Lenaerts and Gerard Van Dyck were apprehended carrying 34 kilograms of tobacco and 9 kilograms of coffee. They both hailed from the village of Ekeren.⁸⁰⁸ Similarly, three day-laborers from the village of Stabroek were caught carrying contraband coffee.⁸⁰⁹ This local embeddedness, however, only applied only to smugglers charged with transporting the contraband. Merchants – operating on a more international level – were embedded in other social settings.

Business relations formed the second largest category and included merchants who were in business with each other, employer/employee relationships and ship crews. Trust among the former, of course, is of another level than that of the latter two. The implications of losing a load or supply problems are much more severe for *négociants* than, for example, porters. Haggerty and Haggerty have shown that merchant networks were not necessarily benign.⁸¹⁰ Kinship, ethnicity and a shared religion not always ensured trust. Instead, eighteenth-century networks more ‘modern’; trust was generated partly on iterative business activity. This resembles Von Lampe and Johansen’s concept of the trust-enhancing qualities inherent in business settings in organized crime. They claim that business settings ‘tend to be characterized by more or less intense cultural cohesion, patterns of repeated interaction, and transparency through social and geographical proximity.’⁸¹¹ Trust was often a result of ‘factors like affectionate bonds, observations of personal conduct, reputation, and the reliance on shared norms and values.’⁸¹² In the previous chapter, we have already seen that iterative business activity ensured that *négociants* and commission agents wanted ‘to keep a good thing going’.

Often, both transporter and recipients of contraband were tried together. These offenders were usually merchants, commission agents, captains and their employees who smuggled together as an extension or alternative to their legal contacts and business. As this usually entailed suspects who worked in commission of each other, these relations are more hierarchical. In the sentence books, these were mainly captains and the merchants on behalf of

⁸⁰⁷ AN, F/7, 4304, Rapport Miot.

⁸⁰⁸ RAA, EA, 120, Sentence of 28 February 1810.

⁸⁰⁹ RAA, EA, 117, Sentence of 13 November 1807.

⁸¹⁰ Haggerty and Haggerty, ‘Visual analytics’, 3.

⁸¹¹ Von Lampe & Johansen, ‘Organized crime and trust’, 175.

⁸¹² Ibidem.

whom they transported goods or commission agents that worked for merchants. The merchants themselves were usually tried with them. In July 1802, for example, captain Pot and Antwerp merchants Azemar and La Ruelle appeared before the court for smuggling a shipment of cotton cloth.⁸¹³

Employers and employees were sometimes tried together too. This happened when employees got caught transporting contraband ordered by their superior, such as Jean François Ravels who was tried together with his employer Melchior Vandenwyngaert for smuggling 260 kilograms of rock sugar and 920 kilograms of sugar by cart in September 1804.⁸¹⁴ In contrast to small vessels, big ships or *navires* were usually confiscated entirely while docked at the port of Antwerp. This meant that, often, crews were still aboard the ship at the time of confiscation. Ship crews – consisting of a captain and one or more sailors – were often tried together. Captain Jean David Hacker and *second à bord* Jean Joseph Demer of the French ship *La Diane*, for example, were convicted for smuggling a large shipment of contraband textiles.⁸¹⁵

Criminologists have long argued that one of the primary social ties that constituted trust in co-offending relations was kinship.⁸¹⁶ According to Von Lampe and Johansen, ‘trust in family members [...] rests on familiarity and conformity, i.e. on individualized trust growing out of continuous interaction, and on generalized trust based on a sense of similarity and shared norms and values.’⁸¹⁷ Kinship, however, was but the third largest category in the sentence books. Kinship only applied to sixteen suspects – those sharing the same name within one case. This included married couples, father and sons, and brothers. A total of four married couples were tried together in smuggling cases. Remarkably, all four were arrested after house searches. Two pieces of percale with a total length of 24,95 meters were, for example, confiscated in the Antwerp residence of lemonade merchant Jean Joseph Sallet and his spouse Barbe Mathieu.⁸¹⁸

Other sources shed some more light on the importance of kinship. The smuggling band led by Michel Friand was partly based on kinship ties. Some of the men that accompanied him when he moved from Sivry on the French border to Turnhout in 1797 were brothers and cousins of him. During one of the many skirmishes between custom officers and smugglers during this era, his brother Louis, who was second in command, was shot in the leg.⁸¹⁹ But these large-scale family-run operations were very rare. Instead, small-scale family relations seem to have been at

⁸¹³ RAA, EA, 110, Sentence of 9 Thermidor of Year X.

⁸¹⁴ RAA, EA, 114, Sentence of 19 Vendémiaire of Year XIII.

⁸¹⁵ RAA, EA, 119, Sentence of 19 July 1809.

⁸¹⁶ Pluskota, “Criminal families”, 287.

⁸¹⁷ Von Lampe & Johansen, ‘Organized crime and trust’, 172.

⁸¹⁸ RAA, EA, 117, Sentence of 12 June 1807.

⁸¹⁹ AN, F/7, 6270, Notes sur Friand.

play. Father-son relationships occurred every now and then. Martin Leysen and his son François were both active as porters in Vorselaar.⁸²⁰ The son of the wealthy smuggler André Cock worked as a porter for his father.⁸²¹ Brothers, too, were involved together sometimes. The Teeuwens brothers worked as agents for several big smuggling merchants, including Joseph François Duwelz – one of the main associates of famous Brussels smuggler Leonard Vandevelde. One of them was based in Antwerp, while the other was strategically stationed in both Lommel and Hasselt, overseeing operations in the eastern part of the *départements réunis*.⁸²²

Although ethnicity has long been seen as an important requirement to foster trust among co-offenders, the ethnic community as a social setting was not dominant among co-offenders of smuggling in the *départements réunis*.⁸²³ As smuggling was a predominantly local affair, this is hardly surprising. Only eight co-offenders could be considered as part of an ethnic community. These were predominantly native Frenchmen who were stationed in the *départements réunis* as soldiers and gendarmes. Three *chasseurs à cheval* were caught transporting 25 kilograms of coffee in 1810.⁸²⁴ Some others who were tried for smuggling were French officials. Three gunners of the French navy were convicted for smuggling 26 kilograms of coffee in 1809.⁸²⁵ Similarly, two gendarmes were arrested when they tried to smuggle about 50 meters of cotton canvas into the city of Antwerp.⁸²⁶

Conclusion

Being an illicit activity, smuggling prevented access to normal institutions of conflict resolution such as the courts. As such, risk mitigation differed from that of normal business transactions. The resulting set of mitigation strategies were implemented by different actors on different levels. External risks consisted mostly of confiscations of shipments. Against this, co-offending (working together with other offenders) and some other strategies proved efficient. While merchants resorted to the insurance of shipments, bribery of officials was implemented by commission agents and *chefs de bandes* on more intermediate level. The latter were also responsible for the forgery of necessary documents. On the lowest level, porters used the power of numbers to spread the risk of confiscation. By smuggling at night, they made use of the cover

⁸²⁰ AN, F/7, 8016, File 64A, Analyse Martin Leysen.

⁸²¹ AN, F/7, 8028, 'Renseignements'.

⁸²² AN, F/7, 8016, File 63A; AN, F/7, 8017, File 65A.

⁸²³ Albanese, *Organized crime*, 110.

⁸²⁴ RAA, EA, 120, Sentence of 14 February 1810.

⁸²⁵ RAA, EA, 119, Sentence of 12 January 1810.

⁸²⁶ RAA, EA, 112, Sentence of 11 Prairial of Year XI.

of darkness to prevent detection. Contrary to what is claimed, smugglers rarely resorted to violence and did not collude with armed robber bands. Indeed, the latter were a nuisance to them too. Only in the last resort, violence was used in an instrumental way to regain shipments.

Although co-offending mitigated numerous external risks, it also introduced new, mostly internal risks. More than normal business transactions, criminal networks were fraught with uncertainty and adversity as whether to trust co-offenders. Co-offenders could be informers, porters could steal loads of contraband and shipments could get lost. High remunerations not only enticed porters to become involved in the contraband trade, it also induced them to finish their run. To ensure they did not run off with their shipments, porters were paid afterwards. Trust, however, was paramount to ensure co-offending was successful. Trust among porters was enhanced partly by sociability. Social bonds were formed in inns, where smugglers met and drank. Gift giving, letters of recommendation and the frequent invoking of a vocabulary of friendship strengthened trust in the more hierarchical and geographical remote relations among actors that usually did not really know each other or did not meet face to face. Furthermore, social settings could strengthen ties among smugglers. This crystalized in both kinship and local community which formed the primary social bonds between lower tier smugglers. *Négociants* and the more hierarchical bonds between employer and employee were embedded in business settings. The promise of iterative business activity enhanced trust. Although ethnicity has usually been seen as an important trust-enhancing factor, few traces of it could be found among co-offenders in the Belgian departments.

Rather than being a mere logistical process of conveying goods from A to B, smuggling was a practice which consisted of numerous checks and balances that served to mitigate both internal and external risks. Most strategies – especially the ones mitigating external risks – were probably not implemented intentionally from the start, but rather grew organically. Over time, smugglers recognized what worked and what did not. Methods such as insurance were already a well-established practice in legal business. Although it is impossible to test the effects, external risk mitigation successfully diminished chances of confiscation. Doubtlessly, most smuggling operations never met any opposition. Internal risk mitigation was quite successful too. Internal conflicts apparently did not lead to infighting or gang warfare. Although the relationship between Van Son and Peeters seems to have gone awry, trust within the networks ensured that smugglers from all ranks were enticed to keep a good thing going. Smuggling thus became a solid and sophisticated process that ensured efficiency and the security that most contraband ended up where it should: the recipients.

7

Conclusion

On 1 June 1797, barely half a year after the custom law of 10 Brumaire of Year V (31 October 1796) was implemented, Antwerp chronicler Jan Baptist Van der Straelen observed that ‘since the trade here has been obstructed by heavy duties on all goods nowadays; and by forbidding some goods to be brought in, committing fraud was incredible, whole convoys of sugar, coffee, tea, etc., also many English goods, were seen being brought in; indeed, it was also to prevent this, that on all (sides) of the border, resided incredibly many and mostly French custom officers’.⁸²⁷ More than a decade later, in January 1810, the situation had not improved as Fouché lamented that smuggling was ‘une activité que rien ne peut arrêter’.⁸²⁸ Smuggling thus showed a remarkable resilience during the entire period. This research has set out explain this resilience. While historiography has mostly focused on the causes of smuggling, the factors explaining its persistency have remained largely underexposed. Scholars have usually attributed the inability to stop smuggling to the inefficiency or inadequacy of authorities. Corrupt custom officials, poor salaries, inadequate training of investigators and overall understaffing of law enforcement agencies all contributed to this perceived incompetence. Even though this is true to some extent, historians have rarely looked at this from the perspective of smugglers.

By applying new perspectives from criminology and the history of crime, this research has shown that the organization and adaptability of smuggling networks was partly responsible for the resilience of smuggling. Combining different sets of sources, most notably sentence books from the Antwerp correctional court and analyses made by the Parisian anti-fraud commission which contained new unique sources such as ego-documents written by smugglers themselves, this research flipped the perspective to study smugglers ‘from below’. An interdisciplinary

⁸²⁷ ‘Ondertusschen moet ik hier zeggen, aengezien de negotie alhier zeer gestremt word door de swaere lasten op alle goederen tegenwoordig gesteld; en door het verbieden van sommige goederen in te brengen, het frauden ongelooftelijk was, geheele convoye met suijker, caffee, thee, etc. ook vele Engelsche goederen, sag men inbrengen; jae het was ook om dit te beletten, dat er ten allen (kanten) op de frontieren, ongelooftijk veele en meest alle fransche commissen resideerden’ in: Jan Baptiste Van der Straelen en Jan Frans Van der Straelen, *De Kronijk van Antwerpen*, Volume 6, 52 – 53.

⁸²⁸ d’Hauterive, *La police secrète du Premier Empire*, volume 5, 302.

approach, studying the material culture of the product range carried by smugglers, social backgrounds of smugglers and risk management of the practice while applying supply chain- and network analysis, led to a holistic in-depth study that enabled us to investigate the internal functioning and organization of the contraband trade. A downside of such an in-depth approach on a case study that spans but a short period is that long-term developments cannot be fully taken into account. A future study on the long-term development of transit crime in this region might be able to add new insights to this study.

This novel approach has shown that smugglers developed an elaborate and sophisticated smuggling organization to deal with the mounting repressive measures that increased throughout the period. Enforcement of custom laws was primarily a responsibility of the customs, which saw its number of agents rising during in the years between 1797 and 1810. On occasion, their numbers were supplemented by members of the gendarmerie and, in rare cases, the army. Although custom officers proved unable to apprehend porters, because they were allowed to keep a part of the contraband, this did result in a willingness to confiscate contraband. Confiscations proved to be one of the main obstacles that smugglers had to overcome. Although it could be explained as a laxity in repression, the decrease in the number of confiscations near the end of the decade might actually indicate a success on behalf of repressive measures as part of the Continental Blockade. This is also testified by numerous smugglers who claimed that it was getting harder to get goods across in the latter years of the decade. While the courts were partly ineffective in prosecuting merchants, the Antwerp correctional court did convict about two thirds of the suspects brought before it. The French government reinforced its struggle against smuggling with the establishment of an extra-judicial anti-fraud commission, established in 1808 to retroactively investigate the networks of internationally operating merchants in the Belgian departments and levied heavy fines to 'hit them where it hurts'.

Smugglers adapted to these measures on many different levels and showed ingenuity in dealing with changes in legislation and repression. Product ranges were modified and different means of transport were deployed where necessary. Supply chains and routes tried to circumvent the risk of confiscation, while networks obscured the ownership of goods. Finally, risk management on both an internal and an external level served to overcome risks such as confiscation, theft and discord between smugglers.

The product range that was carried by the contraband trade proved remarkably diverse and was adapted to both market forces and changes in repression. While in the early years it consisted mostly of cotton fabrics, the product range was increasingly diversified to include

refined sugar, processed tobacco, coffee, cocoa, spices and dyes. Of course, this depended partly on legislation, but the market played an important role too. When, for example, the local industries proved able to supply the domestic market with fabrics, textiles were quickly substituted by colonial products. This diversification was also caused by intensifying repression and changes in legislation. Smuggling as a practice, however, did not appear or intensify with the instigation of the Continental Blockade but was under way long before that. To avoid confiscation, smugglers increasingly opted to traffic goods that were both more valuable and could be transported in smaller quantities. These changes were reflected in the sentence books. However, they only represent a top of the iceberg as most smuggling activities were probably effective in evading controls and confiscations. Even though the court cases only represent a small fraction of smuggling and the economic effects are, as a consequence, difficult to measure, the indications do suggest that smuggling did not transcend or replace legal trade activities. This, however, does not imply that smuggling activities at an individual or group level did not generate important economic assets. Some players certainly were able to enrich themselves during this period of economic distress.

Trafficking itself was done by skilled employees with a certain profile that provided opportunities for smuggling. The occupational embeddedness of smuggling caused the mobile professions, day laborers, farmers and innkeepers to be omnipresent in the contraband trade. These professions provided its practitioners with attributes that were much needed in smuggling. The mobile professions such as boatmen and carters had a means of transport at their disposal that could be utilized in conveying contraband. Local Campine day laborers, who lived close to the border, knew the dangers of the landscape by heart and were strong enough to carry big loads, and provided the backbone of carrying contraband. The indications of remuneration for smuggling do indicate that it could provide them with important additional incomes and as such be part of a survival strategy or economy of makeshifts during this difficult period. Farmers and innkeepers provided much-needed storage space in their attics, barns and sheds that were turned into makeshift warehouses. Although it is often assumed that those hit hard by the Continental Blockade, such as Antwerp textile workers, women, children and the elderly, turned to smuggling as a survival strategy, it is telling that these barely featured in the smuggling networks. They apparently lacked the skill and the profile to become involved in smuggling, and were, furthermore, too far removed from the border to do so. By picking the right people, smuggling could be organized as efficiently as possible. Furthermore, each of these professions was assigned a specific position within the supply chain.

The supply chain and the routes taken were specifically designed to overcome issues such as confiscation. Contraband was transported in bulk to small town warehouses on the northern side of the border, from where porters picked up small batches of contraband. By carrying contraband afoot over the border, smugglers tried to circumvent border patrols by making good use of the landscape. Once the *rayon* – the region where patrols took place – was traversed, the contraband was quickly deposited in the makeshift warehouses owned by farmers and innkeepers. From there it was picked up by carters to be transported in bulk further southwards to cities such as Lier and Malines and finally Brussels and – to a lesser extent – Antwerp.

This supply chain was organized by a network of intermediaries and merchants that formed neither a top-down hierarchy nor a disorganized mishmash of rapidly succeeding enterprises. Rather, the contraband trade was organized by a handful of intermediaries who offered their services to merchants looking to import illicit goods, confirming Morselli's emphasis on the criminal network and the significance of strategic positions of brokers that possessed a certain criminal capital. These intermediaries who were primarily located in cities such as Breda and Bergen-op-Zoom then relied on local traffickers to get the contraband over the border. Resembling legal trade, these middlemen working on commission were less at risk because they did not invest in the contraband, while simultaneously obscuring the ownership. *Négociants*, on the other hand, profited from this arrangement because they were not directly involved in the contraband trade. They ordered and received illicit goods, for which they might have used their pre-existing legal trade networks. By doing this, these merchants did instigate the contraband trade. The anti-fraud commission held them responsible for a good reason and often gave them the heaviest of fines. Because this research focused primarily on smuggling networks as a whole and especially the court sources did not lend themselves well to study merchants, this group might perhaps have remained a little underexposed. The enormous amount of business correspondence, ledgers and books that remains untouched in the archives of the commission merits future systematical research into the role of merchants. Nevertheless, *négociants* cooperated with the intermediaries and, through them, with all other actors in the network.

Cooperation was not without risk. The practice of smuggling shows an elaborate system of internal and external risk mitigation strategies. To spread external risks, of which confiscation was the most common, smugglers bribed officials, insured shipments, smuggled in large groups and primarily at night, concealed contraband, forged documents, or, rarely, resorted to violence. Internal risks, such as theft or discord, were mitigated by a high remuneration of porters and a wide array of trust enhancing mechanisms that was characterized by sociability, gift giving and

operating in social settings that further stimulated reciprocity. By cooperating, these networks were able to develop a sophisticated organization that proved hard to eradicate.

It is significant that this organization never really was dismantled. Of course, traffickers were arrested, and merchants were fined, but the overall structures remained in place. While playing a crucial role, intermediaries were largely left alone. Both courts and the anti-fraud commission could not eradicate the contraband trade. Although French officials occasionally recommended to bring an end to the demand of contraband, such as Miot who advised that Empress Josephine wear French-made dresses, this proved impossible. The only strategy that proved fruitful was to attack the supply lines. The annexation of Flushing, Lommel and subsequently the western part of Brabant and eventually the whole of Holland and the Hanseatic cities made supply lines run dry. This, however, was only a temporary solution as the relocation of the border merely shifted the problem. Smuggling was redirected to the outer fringes of the Empire. Whether or not merchants from the *départements réunis* were involved remains hard to say. Traffickers from the lower tiers, however, lost their vicinity to the border and as such many of the advantages they had. The real crisis only started when they were not able to smuggle anymore.

This research has shown that smuggling in the Napoleonic era was not a form of social protest. Rather, contraband networks capitalized on the implementation of restrictive legislation and used the border to make a profit as borderland studies have repeatedly shown. It also nuanced smuggling as a survival strategy. The people that carried out the smuggling were not small-timers but rather part of a well-oiled machine that was from top to bottom designed to be efficient. While it probably still was part of the makeshift economy for many of the lower tier traffickers, the contraband trade was not open to everyone. Instead, only those with a particular profile were able to participate. As such, smuggling was not the social inclusive activity it is always portrayed to have been. Rewards of smuggling were so high that involvement in smuggling seems to have been a positive choice. As the large reserve army of available porters might have smuggled to earn extra income, poverty cannot be ruled out as a force driving people into smuggling. The practice was nevertheless definitely more worthwhile than most other work.

As smuggling was widespread even before November 1806, the Continental Blockade did not force people – both porter and merchant – into smuggling. Indeed, smuggling was widespread before the advent of the Blockade. Networks seem to have capitalized on the implementation of restrictive legislation long before the Continental Blockade was implemented. For *négociants*, the huge profits offered by the contraband trade rendered it a

positive choice. The higher echelons probably made huge profits through smuggling. Some merchants such as David Parish and Jacob Ridgeway gathered large amounts of capital during this period, while trade had come to standstill.⁸²⁹ Although this profitability cannot be proven by the sources, the high fines levied by the anti-fraud commission indicate that smuggling was quite profitable. The involvement of prominent *négociants* such as Jacques Dirven and Georges Kreglinger also points towards this direction. Rather than causing it, the Blockade indeed seems to have curbed smuggling, as Crouzet rightly observed. Although it did not end the contraband trade, it at least forced smugglers to adapt. From this, it follows that smuggling was merely an alternative for (legal) trade. As the contraband trade could never reach the scale of legal trade, it never substituted or replaced it. Merchants did not massively resort to illicit trade after the implementation of the Continental Blockade. Even more, smuggling seems to have followed the same pattern as legal trade and ran somewhat parallel to it. After the supply from Holland dwindled, both licit and illicit trade stagnated and were paralyzed after 1810.

Although its scale could not match that of legal trade, this does not mean smuggling was small-scale. Instead, this period showed an unprecedented scale of illicit trade. The smuggling networks investigated in this research show a level of sophistication and organization that resembles modern-day organized crime.⁸³⁰ Its organization sought to provide a domestic market with prohibited goods by circumventing mounting repressive measures with a range of rational strategies. The resulting networks proved remarkably resilient by adapting to local circumstances. During the Napoleonic era, it might be argued, the right conditions arose that led to an unprecedented professionalization that saw the birth of organized crime on an international scale.

⁸²⁹ Greefs, 'Choices and opportunities', 230.

⁸³⁰ Organized crime, as put forward by Albanese encompasses 'a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand', Albanese, *Organized crime*, 4.

Appendices

Appendix 1: Confiscations

Confiscations were based on the sentences in which they were dealt with. These sentences were based on the confiscation report or *procès-verbal* of the agency that had seized the contraband. As every sentence dealt with only one confiscation, one sentence corresponds to one confiscation. All sentences in which the custom department was a plaintiff were selected. The plaintiff in correctional cases was always recorded in the margin of the sentence. In the case of custom infractions this was without exception the customs department. With a few exceptions these were infractions of the laws of 10 Brumaire of Year V (31 October 1796), 26 Ventôse of Year V (16 March 1797), 22 Brumaire of Year VII (12 November 1798), 22 Ventôse of Year XII (14 March 1804) and 30 April 1806.

A total of 1280 sentences were thus selected and recorded in a spreadsheet. In the resulting dataset the date of the sentence, the verdict, the violated legislation, characteristics of the suspect⁸³¹ – including name, first name, age, occupation, place of residence and place of birth – means of transport, date of the *procès-verbal*, location of confiscation, time of confiscation, and editor of the *procès-verbal* were recorded.⁸³² As most verdicts were pronounced a couple of months after the confiscation, the date the *procès-verbal* was produced was taken as an indication of the date on which the confiscation had actually taken place.

⁸³¹ If this proved impossible, the suspects were recorded as *inconnus*.

⁸³² Note: confiscated goods were registered in a separate dataset of which the individual number of the confiscation corresponded to this dataset. See Appendix 2.

Appendix 2: Contraband

The sentences of the Antwerp correctional court always recorded the goods that were seized during a confiscation. Of each confiscated product, the sentence also recorded its measurements in either weight, length, volume or amount. This allowed a spreadsheet database to be created in which every confiscated good was recorded once in the corresponding measurement. Because there was a great variety of different goods which were not classified systematically, a classification was deemed necessary. For clarity's sake, sixteen broad categories were chosen (see the table below). In the light of the Continental Blockade, a distinction is often made between British manufactured goods and colonial goods traded by the British. A similar distinction was made here. British manufactured goods such as textiles, glassware, hardware and pottery and colonial goods such as cocoa, coffee, spices, sugar, tea and tobacco were all assigned different categories. As virtually all confiscated fabrics were made of cotton – being the major British export, a further distinction between cotton and woolen fabrics did not prove fruitful. Therefore, all encountered fabrics were classified as textiles.

In our dataset, most goods were recorded by their weight (in kilograms). This included colonial goods, grain, salt and potassium. Sentences unfortunately did not record the surface area of confiscated fabrics. Only the length was usually recorded. Textiles were therefore listed in meters. Some goods such as liquors were recorded by their volume (in liters). Of some goods, however, only the confiscated amount was recorded in the sentences. This included mostly hardware, glassware and pottery, but also textiles sometimes. Without measurement, comparison is hard. Therefore, amounts were usually omitted from subsequent calculations and comparisons.

Measurements were mostly given in the metric system. Especially in the early years, however, many of the innovations of the metric system had not become commonplace yet, rendering some reconversions necessary. Length measurements were sometimes given in *aunes*. Unless specified as a regional variation, this was understood as the French *aune* (=1,20 meter). The regional variation was mostly the *aune de Brabant* (= 0,694 meter). Weight was mostly expressed in kilograms, but sometimes in the now obsolete myriagram (= 10 kilograms). Less frequent was the use of *livres*, which was taken to be a decimal pound, unless further specifics to local measurements was given. In most sentences, the regional weight variation was the Antwerp pound (= 0,470156 kg).

Category	Specifics
Cocoa	Includes cocoa beans, and cocoa powder
Coffee	Includes coffee beans, roasted coffee,
Dyes	Consists of indigo and madder
Glassware	All kinds of glass products such as bottles, glasses, carafes and crystal
Grain	Wheat, barley, rye, buckwheat and different kinds of flour
Hardware	All kinds of metal products such as scissors, razors, needles, cutlery and pots and pans.
Liquor	Rum, gin and eau-de-vie
Other	Products that did not fit in other categories, including watches, wallets, eyeglasses, smoking pipes, pens, rhubarb and mustard
Potassium	Potassium
Pottery	All kinds of earthenware products such as cups, saucers and plates
Salt	Salt
Spices	Pepper, cloves, nutmeg, saffron and Cinnamon
Sugar	Includes sugarloaves, refined sugar and sugar candy
Tea	Tea
Textiles	Broad category consisting mostly of cotton fabrics such as nankeens, piques, mousselines, velour, basins, percales and others. This also includes piece goods such as handkerchiefs, gloves, ribbons and scarves.
Tobacco	Includes cut tobacco (<i>haché</i> or <i>filé</i>) and tobacco packed in <i>carottes</i> .

Table 12. Classification of confiscated contraband

Appendix 3: Prices

To uncover the value of certain colonial goods, the price currents of the Antwerp exchange as published in the *Journal du commerce d'Anvers* were used. With some omissions, these currents were published on a weekly basis between September 1802 and 4 May 1811. These price currents list the prices of a broad range of products on a certain date. As the first editions only recorded prices in guilders, this research used the price currents from July 1803 onwards, when prices were given in Francs. The price currents of all colonial goods encountered in the sentence books were selected and recorded in a data set that allowed us to reconstruct the evolution of prices on the Antwerp exchange. Price currents differentiated between the origin of goods. Tea, for example, was subdivided into 8 different categories based on the origin. As such, a total of 369 price currents of 83 products (including cocoa, coffee, sugar, tea, tobacco, indigo, pepper, nutmeg, and saffron) were used as an indication of market prices of contraband in the *départements réunis*. Price currents were sometimes presented as a price range with a minimum and a maximum price. However, as the minimum price was more widely available than the maximum one, the former was used. This resulted in a more complete overview of prices during

our period, while using the minimum price also indicates the minimum market price that smugglers could charge (although this most likely was higher).

Type of product (in source)	Price currents used
Cloves (<i>Cloux de giroffle</i>)	Price of <i>Cloux de giroffle</i>
Cocoa (<i>Cacao</i> and <i>Poudre à cacao</i>)	Average price of <i>Cacao Caraque, Maragnan, Cayenne and Des Isles</i>
Coffee (<i>Caffé, café brûlé, verts, en fèves</i>)	Average price of <i>Caffé Moka, Bourbon, Java, Martinique, St. Domingue, Chéribon, Triage and Demerary</i>
Indigo	Average price of <i>Indigo Flore guatimalo, Sobre saliente, Cortes, Caraque flore, St. Domingue, Caroline and Bengale en casse</i>
Nutmeg (<i>noix de muscade</i>)	Average price of <i>Noix de muscade saines and piqués</i>
Pepper (<i>poivre</i>)	Average price of <i>Poivre d'Angleterre blanc, d'Angleterre brun, d'Hollande and de Bengale</i>
Saffron	Price of <i>Safran</i>
Sugar candy (<i>Sucre candi</i>)	Price of <i>Sucre candi</i>
Sugar (<i>Sucre blanc</i>)	Average price of <i>Sucre des Indes; blanc, Bengale en sac; blanc, Havane; blanc, Vera Crux; blanc</i>
Sugar (<i>Sucre brut</i>)	Average price of <i>Sucre brut; Jamaica, Démerari, Martinique and Guadeloupe</i>
Sugar (<i>Sucre raffiné</i>)	Average price of <i>Sucre raffiné en poudre; blanc, blond, brun, brunâtre and jaune</i>
Sugarloaves (<i>Sucre en pains</i>)	Price of <i>Sucre d'Anvers; Mélis en pains de 3L</i>
Tea (<i>Thé</i>)	Average price of <i>Thé Boui, Congo, Saotchon, Songlo, Tonkai, Heyswan, Heysan-skin and Campoy</i>
Tobacco (<i>Tabac en carottes</i>)	Average price of <i>Tabac en carottes ire qualité and 2e qualité</i>
Tobacco (<i>en feuilles, haché, filé</i>)	Average price of <i>Tabac Virginie, Maryland, Amersford and du Brésil</i>

Table 13. Classification of price currents

These price currents could then be used to calculate the value of confiscations. Sentences often did not mention the origin or type of product. Therefore, the calculation of the price of most confiscated products uses averages of the different price currents on the exchange were used (see table below). For some contraband, a more accurate price could be determined. The way in which sugar and tobacco were transported allowed for a more accurate price. Whereas sugar was often packed in sugarloaves (*en pains*), tobacco was packed in rolls called *carottes*. The price of the former was included in the price currents, albeit as refined sugars from Antwerp. Although the price of Antwerp sugar is used, the packaging was the same and probably could

not be distinguished. These sugarloaves could pass for Antwerp sugar and be sold at market value. Tobacco *en carottes* was also exchanged at the *bourse*, making it possible to track their value. Prices used were recorded as accurate as possible. For calculating the price of a certain confiscated good, the price current of the date of confiscation or that of the preceding date was used.

Appendix 4: Occupations

Although there was quite some unity in occupational titles, some classification of occupations in the sentence books was necessary. Because smuggling is a transit crime in which transport is important, it is useful to organize these professions into sectors. This might show certain clusters around roles in the distribution chain. Because of this, the use of HISCO-classification as promulgated by the International Institute of Social History proved to be impractical. It would lump most of our professions together in major groups, while overlooking the specifics of certain categories. Therefore, a distinct classification was designed (see table below). Most professions were recorded quite straightforwardly, especially those that were employed in the transport sector. If two occupations were given, the first mentioned was chosen.

The transport sector includes all professions that operated transport. This included captains, couriers, carters, boatmen and sailors. *Capitaines* were included as captains while the different professions that were involved in road transport such as *voituriers*, *charretiers* and *conducteurs de la diligence* were classified as carter. Wage labor includes professions that sold their labor such as servants and day laborers. Agriculture includes farmers that worked their own farms. Trade includes both internationally operating merchants (*négociants*), commission agents (*commissionnaires*) and traders (*marchands*). The term for internationally operating merchants (*négociant*) is used very explicitly in the sources.⁸³³ It also includes *marchands* (traders), which served as a catch-all term for everyone who trades, buys and sells and included wholesale, retail and vending at fairs.⁸³⁴ Catering and lodging consists of victualling professions such as innkeepers and publicans. Craftsmen includes professions that make material objects such as *charpentiers* (carpenters) and *tonneliers* (coopers). Finally, the remaining category included soldiers, priests and gardeners.

⁸³³ In his *Dictionnaire universel de commerce*, Jacques Savary des Brûlons described *négociant* as 'banquier ou marchand qui fait négoce.' *Négoce* in this sense meant 'commerce ou trafic de marchandises ou d'argent.' See : Savary des Brûlons, *Dictionnaire*, Volume 3, 551 – 552.

⁸³⁴ Savary des Brûlons, *Dictionnaire*, Volume 3, 275.

Sector	Occupational category	Occupation as recorded in the sentence
Transport	Captain	Capitaine
	Courier	Courier, Postillon, Facteur
	Carter	Voiturier, Conducteur de la Diligence, Charretier, Cocher
	Boatman	Batelier
	Sailor	Matelot, Second à Bord
Wage Labor	Servant	Domestique, Assistant
	Day Laborer	Journalier
Agriculture	Farmer	Cultivateur
Other	Other	Attaché, Maître d'école, Gendarme, Jardinier, Prêtre, Vacher, Loueur de voiture, Receveur de l'octroy, Hussard, Canonnier, Chasseur, Patron, Boulanger, Boutiquier
	Unemployed	Sans profession
	Manufacturer	Fabricant, Fabricant d'étoffes de lain, Manufacturier
Trade	Commission agent	Commissionnaire
	<i>Négociant</i>	Négociant
	Trader	Marchand, Marchand de dentelles, Marchande en soye, Marchand epicier, Marchand de draps, Marchand forain, Marchand colporteur, Marchand de limonade, Marchand de café, Marchand de bestiaux, Marchand de goudron
Catering & Lodging	Innkeeper	Cabaretier, Aubergiste, Hôte
Craftsmen	Craftsmen	Maître potier, Tonnelier, Tailleur, Meunier, Charpentier

Table 13. Classification of occupational sectors and categories

Appendix 5: Networks

The network analyses made in chapter 5 were based on the *analyses* made by the anti-fraud commission in their investigation on smuggling in the *départements réunis*. These analyses were part of a file that clustered around a single network and contain the names, tasks and other personal details of all co-offenders. The analyses were based on correspondence and ledgers that were confiscated from a number of the chief actors, so there is a certain bias at play. The smugglers that successfully escaped the gaze of the commission do not appear in these files. Furthermore, smuggling networks that were unconnected to the networks investigated by the commission might have been overlooked because they did not appear in any of the evidence. Some actors, on the other hand, appear repeatedly in these networks. Although the commission produced a total of 222 files, not every case was equally useful for our purposes. Certain folders were empty, the cases having been referred to a regular court. Others focused on one offender

only, lacking the mention of possible co-offenders. As such, they were unsuitable for a network analysis. Therefore, all files that contained at least two *analyses* on co-offenders were selected. This resulted in a total of 68 files.⁸³⁵ This included both international networks and several small local networks that represented a different sort of hierarchy and were of a different importance to the commission. Many of them were interconnected, however, which shows that international merchants also had stakes in local networks. Sectors used for table 5 were classified as follows. Note that the first occupation was used when two occupations were specified by the commission.

Sector	Occupation as recorded by the anti-fraud commission
Trade	<i>Négociant, Commissionnaire, Marchand</i>
Transport	<i>Voiturier, Batelier, Porteur</i>
Services	<i>Cabaretier, Aubergiste</i>
Retail	<i>Débitant de tabac</i>
Public Function	<i>Maire, Adjoint-Maire, Employé des droits réunis, Douanier</i>
Artisan	<i>Boulangier, Cordonnier</i>
Industry	<i>Fabriqueur, Imprimeur, Chef ouvrier d'une fabrique</i>
Agriculture	<i>Cultivateur</i>
Other	<i>Avocat, Docteur en médecine</i>

Table 14. Classification of sectors in which actors were active.

⁸³⁵ Files used in the network analysis: 1A, 3A, 4A, 6A, 10A, 11A, 13A, 14A, 15A, 16A, 54A, 55A, 56A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 70A, 114A, 115A, 116A, 117A, 118A, 119A, 120A, 121A, 148A, 170A, 171A, 173A, 188A, 190A, 191A, 192A, 193A, 194A, 195A, 196A, 200A, 201A, 202A, 205A, 206A, 207A, 209A, 209A, 210A, 2011A, 212A, 213A, 214A, 217A, 218A, 220A, 221A, 222A. Found in AN, F/7, 8008 – 8030.

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Summary

While historiography has mostly focused on the causes of smuggling, the factors explaining its persistency have remained largely underexposed. Scholars have usually attributed the inability to stop smuggling to the inefficiency or inadequacy of authorities. Even though this is true to some extent, historians have rarely looked at this from the perspective of smugglers. By applying new perspectives from criminology and the history of crime, this research has shown that the organization and adaptability of smuggling networks was partly responsible for the resilience of smuggling. Combining different sets of sources, most notably sentence books from the Antwerp correctional court and analyses made by the Parisian anti-fraud commission which contained new unique sources such as ego-documents written by smugglers themselves, this research flipped the perspective to study smugglers 'from below'.

This novel approach has shown that smugglers operating in the Belgian departments between 1797 and 1810 developed an elaborate and sophisticated smuggling organization to deal with the mounting repressive measures that increased throughout the period. Enforcement of custom laws was primarily a responsibility of the customs, which saw its number of agents rising during in the years between 1797 and 1810. On occasion, their numbers were supplemented by members of the gendarmerie and, in rare cases, the army. Although it could be explained as a laxity in repression, the decrease in the number of confiscations near the end of the decade might actually indicate a success on behalf of repressive measures as part of the Continental Blockade. The French government reinforced its struggle against smuggling with the establishment of an extra-judicial anti-fraud commission, established in 1808 to retroactively investigate the networks of internationally operating merchants in the Belgian departments and levied heavy fines to 'hit them where it hurts'.

Smugglers adapted to these measures on many different levels and showed ingenuity in dealing with changes in legislation and repression. The product range that was carried by the contraband trade proved remarkably diverse and was adapted to both market forces and changes in repression. While in the early years it consisted mostly of cotton fabrics, the product

range was increasingly diversified to include refined sugar, processed tobacco, coffee, cocoa, spices and dyes. Of course, this depended partly on legislation, but the market played an important role too. When, for example, the local industries proved able to supply the domestic market with fabrics, textiles were quickly substituted by colonial products. This diversification was also caused by intensifying repression and changes in legislation. Smuggling as a practice, however, did not appear or intensify with the instigation of the Continental Blockade but was under way long before that. To avoid confiscation, smugglers increasingly opted to traffic goods that were both more valuable and could be transported in smaller quantities.

Trafficking itself was done by skilled employees with a certain profile that provided opportunities for smuggling. The occupational embeddedness of smuggling caused the mobile professions, day laborers, farmers and innkeepers to be omnipresent in the contraband trade. These professions provided its practitioners with attributes that were much needed in smuggling. By picking the right people, smuggling could be organized as efficiently as possible. Furthermore, each of these professions was assigned a specific position within the supply chain. The supply chain and the routes taken were specifically designed to overcome issues such as confiscation. Contraband was transported in bulk to small town warehouses on the northern side of the border, from where porters picked up small batches of contraband. By carrying contraband afoot over the border, smugglers tried to circumvent border patrols by making good use of the landscape. Once the *rayon* – the region where patrols took place – was traversed, the contraband was quickly deposited in the makeshift warehouses owned by farmers and innkeepers. From there it was picked up by carters to be transported in bulk further southwards to cities such as Lier and Malines and finally Brussels and – to a lesser extent – Antwerp.

This supply chain was organized by a network of intermediaries and merchants that formed neither a top-down hierarchy nor a disorganized mishmash of rapidly succeeding enterprises. Rather, the contraband trade was organized by a handful of intermediaries who offered their services to merchants looking to import illicit goods. These intermediaries who were primarily located in cities such as Breda and Bergen-op-Zoom then relied on local traffickers to get the contraband over the border. Resembling legal trade, these middlemen working on commission were less at risk because they did not invest in the contraband, while simultaneously obscuring the ownership. *Négociants*, on the other hand, profited from this arrangement because they were not directly involved in the contraband trade. They ordered and received illicit goods, for which they might have used their pre-existing legal trade networks. By doing this, these merchants did instigate the contraband trade.

Cooperation was not without risk. The practice of smuggling shows an elaborate system of internal and external risk mitigation strategies. To spread external risks, of which confiscation was the most common, smugglers bribed officials, insured shipments, smuggled in large groups and primarily at night, concealed contraband, forged documents, or, rarely, resorted to violence. Internal risks, such as theft or discord, were mitigated by a high remuneration of porters and a wide array of trust enhancing mechanisms that was characterized by sociability, gift giving and operating in social settings that further stimulated reciprocity. By cooperating, these networks were able to develop a sophisticated organization that proved hard to eradicate.

It is significant that this organization never really was dismantled. Of course, traffickers were arrested, and merchants were fined, but the overall structures remained in place. While playing a crucial role, intermediaries were largely left alone. Both courts and the anti-fraud commission could not eradicate the contraband trade. The only strategy that proved fruitful was to attack the supply lines. This, however, was only a temporary solution as the relocation of the border merely shifted the problem. Smuggling was redirected to the outer fringes of the French Empire.

This research has shown that smuggling in the Napoleonic era was not a form of social protest. Rather, contraband networks capitalized on the implementation of restrictive legislation and used the border to make a profit. It also nuanced smuggling as a survival strategy. The people that carried out the smuggling were not small-timers but rather part of a well-oiled machine that was from top to bottom designed to be efficient. While it probably still was part of the makeshift economy for many of the lower tier traffickers, the contraband trade was not open to everyone. Instead, only those with a particular profile were able to participate. As such, smuggling was not the social inclusive activity it is always portrayed to have been.

As smuggling was widespread even before November 1806, the Continental Blockade did not force people – both porter and merchant – into smuggling. Indeed, smuggling was widespread before the advent of the Blockade. Networks seem to have capitalized on the implementation of restrictive legislation long before the Continental Blockade was implemented. Rather than causing it, the Blockade indeed seems to have curbed smuggling. Although it did not end the contraband trade, it at least forced smugglers to adapt. From this, it follows that smuggling was merely an alternative for (legal) trade. As the contraband trade could never reach the scale of legal trade, it never substituted or replaced it.

Although its scale could not match that of legal trade, this does not necessarily mean smuggling was small-scale. Instead, this period showed an unprecedented scale of illicit trade. The smuggling networks investigated in this research show a level of sophistication and

organization that resembles modern-day organized crime. Its organization sought to provide a domestic market with prohibited goods by circumventing mounting repressive measures with a range of rational strategies. The resulting networks proved remarkably resilient by adapting to local circumstances. During the Napoleonic era, it might be argued, the right conditions arose that led to an unprecedented professionalization that saw the birth of organized crime on an international scale.

Nederlandse Samenvatting

Terwijl de historiografie zich meestal heeft geconcentreerd op de oorzaken van smokkel, zijn de factoren die de hardnekkigheid ervan verklaren grotendeels onderbelicht gebleven. Wetenschappers hebben het onvermogen om smokkel te stoppen gewoonlijk toegeschreven aan de inefficiëntie of ontoereikendheid van de autoriteiten. Ook al is dit tot op zekere hoogte waar, historici hebben dit zelden bekeken vanuit het perspectief van de smokkelaars. Door nieuwe perspectieven uit de criminologie en de criminaliteitsgeschiedenis toe te passen, heeft dit onderzoek aangetoond dat de organisatie en het aanpassingsvermogen van smokkelnetwerken deels verantwoordelijk waren voor de veerkracht van de smokkel. Door verschillende bronnenreeksen, met name de vonnissenboeken van de correctionele rechtbank van Antwerpen en analyses van de Parijse antifraudecommissie die nieuwe unieke bronnen bevatten zoals egodocumenten geschreven door de smokkelaars zelf, te combineren heeft dit onderzoek het perspectief omgedraaid om smokkelaars 'van onderuit' te bestuderen.

Deze nieuwe benadering heeft aangetoond dat de smokkelaars die tussen 1797 en 1810 in de Belgische departementen actief waren, een uitgebreide en gesofisticeerde smokkelorganisatie ontwikkelden om het hoofd te bieden aan de toenemende repressieve maatregelen die in de loop van de periode toenamen. De handhaving van de douanewetgeving was in de eerste plaats een verantwoordelijkheid van de douane, die haar aantal agenten zag toenemen in de jaren tussen 1797 en 1810. Bij gelegenheid werd hun aantal aangevuld door leden van de gendarmerie en, in zeldzame gevallen, het leger. Hoewel het zou kunnen worden uitgelegd als een laksheid in de repressie, zou de daling van het aantal confiscaties tegen het einde van het decennium in feite kunnen wijzen op een succes van de repressieve maatregelen in het kader van de Continentale Blokkade. De Franse regering versterkte haar strijd tegen de smokkel met de oprichting van een buitengerechtelijke commissie voor fraudebestrijding, die in 1808 werd opgericht om met terugwerkende kracht de netwerken van internationaal opererende kooplieden in de Belgische departementen te onderzoeken en zware boetes op te leggen om hen 'te raken waar het pijn doet'.

De smokkelaars pasten zich op veel verschillende niveaus aan deze maatregelen aan en gaven blijk van vindingrijkheid bij het omgaan met veranderingen in wetgeving en repressie. Het assortiment producten dat door de smokkelhandel werd vervoerd bleek opmerkelijk divers en werd aangepast aan zowel marktontwikkelingen als veranderingen in repressie. Terwijl in de beginjaren vooral katoenen stoffen werden verhandeld, werd het assortiment in toenemende mate gediversifieerd en uitgebreid met geraffineerde suiker, verwerkte tabak, koffie, cacao, specerijen en kleurstoffen. Uiteraard hing dit gedeeltelijk af van de wetgeving, maar ook de markt speelde een belangrijke rol. Toen bijvoorbeeld de plaatselijke industrieën in staat bleken de binnenlandse markt van stoffen te voorzien, werd de textiel snel vervangen door koloniale producten. Deze diversificatie werd ook veroorzaakt door de toenemende repressie en veranderingen in de wetgeving. De smokkel als praktijk is echter niet ontstaan of geïntensiveerd met de instelling van de continentale blokkade, maar was reeds lang daarvoor aan de gang. Om inbeslagname te vermijden, kozen smokkelaars steeds meer voor het smokkelen van goederen die zowel waardevoller waren als in kleinere hoeveelheden konden worden vervoerd.

De smokkel zelf werd bedreven door bekwame werknemers met een bepaald profiel dat mogelijkheden bood voor smokkel. De beroepsmatige inbedding van smokkel zorgde ervoor dat de mobiele beroepen, dagloners, boeren en herbergiers alomtegenwoordig waren in de smokkelhandel. Deze beroepen voorzagen de beoefenaars van eigenschappen die hard nodig waren bij het smokkelen. Door de juiste mensen te kiezen, kon de smokkel zo efficiënt mogelijk worden georganiseerd. Bovendien kreeg elk van deze beroepen een specifieke positie binnen de toeleveringsketen. De bevoorradingsketen en de gevolgde routes waren speciaal ontworpen en gekozen om problemen zoals inbeslagname te voorkomen. Smokkelwaar werd in bulk vervoerd naar pakhuizen in kleine dorpen aan de noordzijde van de grens, van waaruit dragers kleine partijen smokkelwaar oppikten. Door smokkelwaar te voet over de grens te brengen, probeerden de smokkelaars de grenspatrouilles te omzeilen door goed gebruik te maken van het landschap. Zodra het rayon - het gebied waar de patrouilles plaatsvonden - was doorkruist, werd de smokkelwaar snel gedeponed in de geïmproviseerde opslagplaatsen van boeren en herbergiers. Van daaruit werd het door voerlui opgehaald om in bulk verder zuidwaarts te worden vervoerd naar steden als Lier en Mechelen en uiteindelijk Brussel en - in mindere mate - Antwerpen.

Deze distributieketen werd georganiseerd door een netwerk van tussenpersonen en handelaren die noch een hiërarchie van bovenaf, noch een ongeorganiseerd allegaartje van elkaar snel opvolgende contacten vormden. De smokkelhandel werd veeleer georganiseerd door een handvol tussenpersonen die hun diensten aanboden aan kooplieden die illegale goederen

wensten in te voeren. Deze tussenpersonen, die voornamelijk gevestigd waren in steden als Breda en Bergen-op-Zoom, vertrouwden op plaatselijke smokkelaars om de smokkelwaar over de grens te krijgen. Deze tussenpersonen, die op commissie werkten, bedreven ook legale handel en liepen minder risico omdat zij niet investeerden in de smokkelwaar, terwijl zij tegelijkertijd de eigendom ervan versluierden. Handelaren daarentegen profiteerden van deze regeling omdat zij niet rechtstreeks betrokken waren bij de smokkelhandel. Zij bestelden en ontvingen illegale goederen, waarvoor zij hun reeds bestaande legale handelsnetwerken konden gebruiken. Deze handelaars waren daarmee de grootste aanstichters van de smokkelhandel.

De samenwerking was niet zonder risico. De praktijk van de smokkel toont een uitgebreid systeem van intern en extern risicomanagement. Om externe risico's, waarvan inbeslagname de meest voorkomende was, te spreiden kochten smokkelaars ambtenaren om, verzekerden zij zendingen, smokkelden zij in grote groepen en voornamelijk 's nachts, verborgen zij smokkelwaar, vervalsten zij documenten, of, in zeldzame gevallen, namen zij hun toevlucht tot geweld. Interne risico's, zoals diefstal of onenigheid, werden beperkt door een hoge beloning van dragers en een breed scala aan vertrouwensversterkende mechanismen die werden gekenmerkt door sociabiliteit, het geven van geschenken en het opereren in sociale verbanden die de reciprociteit verder stimuleerden. Door samen te werken waren deze netwerken in staat een verfijnde organisatie te ontwikkelen die moeilijk uit te roeien bleek.

Het is veelzeggend dat deze organisatie nooit echt werd ontmanteld. Natuurlijk werden handelaren gearresteerd en handelaren beboet, maar de algemene structuren bleven in stand. De tussenpersonen speelden weliswaar een cruciale rol, maar werden grotendeels met rust gelaten. Zowel de rechtbanken als de antifraudecommissie konden de smokkelhandel niet uitroeien. De enige strategie die vruchtbaar bleek te zijn, was het afsnijden van de aanvoerlijnen. Dit was echter slechts een tijdelijke oplossing, aangezien de verplaatsing van de grens het probleem slechts verlegde. De smokkel werd verlegd naar de buitenranden van het Franse keizerrijk.

Dit onderzoek heeft aangetoond dat smokkel in de Napoleontische tijd geen vorm van sociaal protest was. Integendeel, smokkelaarsnetwerken profiteerden van de invoering van beperkende wetgeving en gebruikten de grens om winst te maken. Ook nuanceerde dit onderzoek het smokkelen als overlevingsstrategie. De mensen die de smokkel uitvoerden waren geen kleine scharrelaars, maar maakten eerder deel uit van een goed geoliede machine die van boven tot onder ontworpen was om efficiënt te zijn. Hoewel het waarschijnlijk nog steeds deel kon uitmaken van de scharreleconomie van veel smokkelaars, stond de smokkelhandel niet

open voor iedereen. In plaats daarvan konden alleen mensen met een bepaald profiel meedoen. Als zodanig was smokkel niet de sociale inclusieve activiteit zoals het vaak geportretteerd wordt.

Aangezien smokkel reeds vóór november 1806 wijdverbreid was, heeft de Continentale Blokkade mensen - zowel dragers als kooplui - niet tot smokkel gedwongen. Inderdaad, smokkel was wijdverbreid voor de komst van de Blokkade. Netwerken lijken te hebben geprofiteerd van de invoering van beperkende wetgeving lang voordat de Continentale Blokkade werd ingevoerd. In plaats van ze te veroorzaken, lijkt de blokkade de smokkel juist te hebben beteugeld. Hoewel de smokkelhandel er niet door werd beëindigd, werden smokkelaars op zijn minst gedwongen zich aan te passen. Hieruit volgt dat smokkel slechts een alternatief was voor (legale) handel. Aangezien de smokkelhandel nooit de omvang van de legale handel kon bereiken, heeft deze de legale handel nooit kunnen vervangen.

Hoewel de schaal ervan niet die van de legale handel kon evenaren, betekent dit niet noodzakelijkerwijs dat de smokkel kleinschalig was. Integendeel, deze periode liet een ongekende schaal van illegale handel zien. De in dit onderzoek onderzochte smokkelnetwerken vertonen een niveau van verfijning en organisatie dat lijkt op dat van de hedendaagse georganiseerde misdaad. De organisatie trachtte een binnenlandse markt te voorzien van verboden goederen door de toenemende repressieve maatregelen te omzeilen met een scala van rationele strategieën. De resulterende netwerken bleken opmerkelijk veerkrachtig door zich aan te passen aan de plaatselijke omstandigheden. Men zou kunnen stellen dat in de Napoleontische tijd de juiste omstandigheden ontstonden die leidden tot een ongekende professionalisering die de geboorte van de georganiseerde misdaad op internationale schaal mogelijk maakte.

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