

Maarten Müller, *Misdaad en straf in een Hollandse stad: Haarlem, 1245-1615* (Hilversum: Verloren, 2017, 164 pp., ISBN 9789087046965).

Maarten Müller's recent contribution to the history of crime and punishment takes his readers through four centuries of documentation preserved for Haarlem, a modest-sized Dutch city but one that was increasingly integrated into one of Europe's most urbanized regions since the mid thirteenth century. It is a concise and lucid study, undergirded by three kinds of sources, namely legal ordinances, verdicts, and financial accounts capturing income from fines and expenses related to other penalties. The book is divided into three chapters, each focusing on a subperiod: the mid-thirteenth to late-fourteenth century, the fifteenth and sixteenth centuries (Burgundian-Hapsburg era), and the early years of the Republic, spanning the late sixteenth to the early seventeenth century. There is no general conclusion systematically situating the case study within a number of possible broader contexts, although the author's historiographical agenda, as we shall see, is quite clear. The appendix comprises eleven tables that present information on different offenses and penalties in various subperiods, and are regularly referred to throughout the text, also serving as a basis for the numerous (but alas never numbered) statistical tables. There are also several greyscale illustrations, likewise not numbered or listed, but which briefly and helpfully allude to some cultural aspects of Haarlem's criminal justice in premodernity.

Indeed, the author is mostly uninterested in the cultural study of deviance, its construction and perception, focusing instead on its social, economic and political contexts as the most germane factors behind Haarlem's criminal statistics. An exception is the influential role played by the region's shifting religious landscape since the early sixteenth century, which helped criminalize some activities, such as sexual promiscuity, and decriminalize others, such as doctrinal unorthodoxy. In the former case criminalization does not of course mean that sexual mores radically changed, but rather that they were brought more strictly and visibly under secular jurisdiction.

On the basis of carefully gathered and thoughtfully analyzed data, Müller makes the salient point that, contrary to its modern popular and scholarly reputation, premodern justice was a rational pursuit, grounded in the logic of its times, and geared towards achieving concrete social and political goals. Justice was not, in other words, a misnomer or a euphemism for ruthless violence or barbarism, as evidenced for instance by the preponderance of (commensurable) fines over corporal and capital punishments throughout

the study's chronology. Moreover, as was true for many other regions at the time, corporal punishment was often a commuted sentence or the outcome of defaulting on a fine, and it was meted out both openly and in secret, as the case required from the judges' perspective. Foucault's depiction of public drawing and quartering as a quintessentially premodern punishment was no less wrong for Haarlem as it was for *Ancien Regime* France.

Haarlem's relative autonomy is a leitmotif throughout the book, which also charts the gradual, if hardly inevitable, rise in prestige of the judge, the court and the lord, as reflected for instance in the decline in direct appeasements between injured and perpetrator in homicide cases and the growing popularity of appeals to the court (or lord) for absolution. Müller also remarks on the professionalization of the legal trade, occurring in lockstep with the growing legitimacy of the criminal procedure. These are tentative indicators, of course, given that they record what happened by and within the remit of officialdom, and the author rightly stresses that Haarlem's secular government, however independent at times, had to constantly position itself among diverse stakeholders in seeking to monopolize the settlement of disputes and legitimate its use of violence. In other words, criminal justice was neither inherently tied to political centralization, nor did the latter have a direct consequence as regards the execution of punishment, be it in terms of its publicness or brutality. Proving his case repeatedly, Müller interrogates the cherished narrative known as the Civilizing Process, which traces its roots to Norbert Elias and his main popularizer Pieter Spierenburg. But how many more fine case studies will be necessary to bring orthodoxy's walls tumbling down remains anyone's guess. Meanwhile, major public intellectuals such as Steven Pinker will continue to celebrate the decline of violence in the West, a process that began in early modernity.

No less important for Müller is a more regional legal debate concerning the origins of the inquisitorial or *ex officio* procedure associated with the rise of criminal justice as a distinct domain. There is certainly evidence that, in the Low Countries, such inquests stem from Germanic rather than Roman jurisprudence and procedure. But even assuming the former's influence predates the latter and is more authentic, vernacular or bottom-up, does that deny the possibility of Roman, let alone ecclesiastical, influences in the region by the mid thirteenth century, when Haarlem's earliest court and legal records emerge? At any rate, the author speculates sensitively about the possible interpretations that can be supported by the sources as regards who in fact conducted such inquests, and whether they were actually *ex officio* procedures or (also) a co-production with the original plaintiffs. In this sense, it is a somewhat missed opportunity that Müller refrains from bringing his discussion of the Haarlem sources into dialog with scholarship on other regions, above all the work of Massimo Vallerani on the Italian communes.

*Misdaad en straf in een Hollandse stad* makes no overt claims to typify urban justice in the Low Countries; indeed, the author is careful to a fault in

limiting his conclusions to one city in one era. Müller does cast the occasional comparative glance, however, revealing the depth of his own knowledge and the degree to which criminal historiography for other premodern cities in the region has matured, even for the thirteenth and fourteenth century, when evidence is much thinner on the ground. A regional study for the latter period is long overdue, especially given its potential to challenge many working assumptions of early modern historiography. Meanwhile, readers will profit from the nuanced treatment Müller offers of Haarlem's constantly changing landscape of crime and punishment.

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