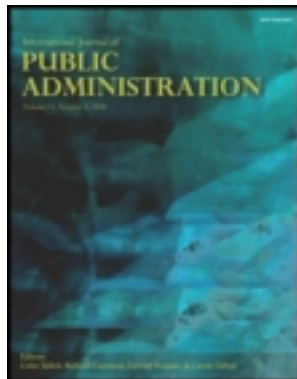


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### Extortion and Abuse of Power in the Dutch Republic: The Case of Bailiff Lodewijk van Alteren

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# Extortion and Abuse of Power in the Dutch Republic: The Case of Bailiff Lodewijk van Alteren

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Administrative systems sometimes need to answer to two normative frameworks, which are mutually incommensurable. Historians give accounts of what happened when one set of values was replaced with another, usually during blatant scandals. What went on in everyday life, when people simply worked with their conflicting systems, is much less obvious. In the case study below, we try to answer that question by looking at a case of “normal” corruption.

Keywords: corruption, polynormativism, scandal, administrative values

Administrative systems sometimes suffer from what Riggs calls “polynormativism”: the need to answer to two normative frameworks, which are mutually incommensurable. Whereas in modern (for instance post-colonial) societies the result might be “formalism,” one system hides behind another (Riggs, 1964), early modern societies sought to balance their two normative frameworks; Von Thiessen calls this “Parallelität von Normen” (2009, 94–98). Balancing values was not the only option early modern administrators had, though. Norms could also support one another, clash, or operate in their own closely circumscribed realms or levels (Schreurs, 2003, 37–39).

Historians sometimes give accounts of what happened when one set of values was replaced with another, usually during blatant scandals. What went on in everyday life, when people simply worked with their conflicting systems, is much less obvious. In the case study below, we try to answer that question by looking at a case of “normal” corruption to try and find out how administrators dealt with their two sets of norms at moments when no great changes in value frameworks were occurring, and where the limits to administrative behavior were.

What were the value systems early modern Dutch administrators had to deal with? As we have written before (Wagenaar, 2006), early modern bureaucracies exhibited traits of what Weber would later call the ideal typical bureaucracy, but contained many “patrimonial” elements

as well (e.g., McFarlane, 1996, 50–57; Robertson Prest, 1991, 67–95; Rubinstein, 1983, 55–86; Waquet, 1992: Introduction). They existed in so-called “face-to-face societies.” Lacking central population registrations, large state bureaucracies, police files, social security, insurance companies, and so on, the members of these societies compensated by simply knowing anyone they had to do business with, and knowing his or her family. One’s credit depended on one’s reputation, and losing reputation could mean losing one’s livelihood. As penal law reflected the face-to-face character of society, punishments were often executed publicly with the goal of purposively disgracing their victims. Being declared infamous in itself was used as a punishment, and it was a severe one. Of course, face-to-face society’s highly personal and “particularistic” norms could easily come into conflict with the impersonal and “universalistic” norms attached to the budding bureaucracy of early modern society (Van de Pol, 1992, 179–181, 184).

What were the options open to early modern bureaucrats when confronted with such conflicting value orientations? Schreurs (2003, 37–39) has conducted research into the question of how conflicting values and conflicting value orientations are handled in public administration theory. She finds that the available literature provides a number of solutions. Administrative theorists discuss the balancing, putting in hierarchies, reconciliation, and melding of value orientations. They also write of value competition and value conflicts. If we want to research how administrators handle such conflicts in practice, then Price’s work can serve as a model. In a study on Ghanaian bureaucracy, Price combines Fred Riggs’ notion of “polynormativism” (part

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of Riggs' famous "prismatic model") with social role theory. Ghanaian bureaucrats, working in imported government structures, are confronted with their society's "traditional" values and norms on the one hand, and with their offices' "modern" norms on the other, which coexist but do not blend. Price's central thesis is "that the Ghanaian social system and culture are essentially hostile to the role behavior formally required by the civil service bureaucracy because the culture is dominated by role orientations and expectations that are not modern" (Price, 1975, 52). To find out how bureaucratic behavior and traditional role orientations interact, he has questioned not only civil servants, but also their clientele. What he finds is that Ghanaian bureaucrats are forced to abandon the "modern" norms that they have been taught in favor of "traditional" ones (Price, 1975).

What Price's Ghanaian administrators do is what Goodsell calls "extremism," completely rejecting one value orientation in favor of another (Goodsell, 1989, 580). Price's administrators worked in what Riggs would have called an "exoprismatic" administration, by which he meant that "modern" norms and structures had been imposed, from the outside, on a society to which they were alien.

Early modern European administrators worked in what Riggs would have called an "endoprismatic" administration. That they could have been extremist is highly unlikely, as theirs was not a case of clashes of sets of values and norms arising out of transplanting western administrative structures to non-western societies, but of tensions arising out of new norms and values slowly materializing in a society still pervaded with older ones. But if "extremism" can hardly have been an option, how did early modern administrators manage? Did they try to balance or meld their values and value orientations? Were they constantly involved in value conflicts? Our findings will, in all probability, differ from Price's, and our research methods must as well. In our case, holding a survey is not possible. If we want to answer the question how exactly early modern administrators dealt with different value orientations, thick description of a single case seems the only viable research strategy.

#### BAILIFF LODEWIJK VAN ALTEREN VAN JAARVELD: THE MAN, HIS OFFICE, AND HIS TRIAL

Lodewijk van Alteren (1608–1657) was the son of a politician from Zeeland, and son-in-law to Amsterdam burgomaster Anthony Oetgens van Waveren (Elias, 1903–1905, 332, 432–3). The reason he was appointed bailiff of Kennemerland in 1640<sup>1</sup> was probably because his

father-in-law had fallen into disgrace. Van Waveren had been part of a conspiracy against a rival faction in the Amsterdam city government—on behalf of stadtholder Fredrick Henry—but had lost, and had to step down from office for ten years. To compensate Van Waveren for his loss, the stadtholder probably helped obtain a lucrative function for his son-in-law (Elias, 1923, 109–112; Meulenbroek & Witkam, 1981, 327; Worp, 1914, 24).

The function Van Alteren had thus obtained, being bailiff of Kennemerland, made him public prosecutor of a rural district in the north of Holland. He administered high jurisdiction (criminal law cases carrying heavy fines and/or corporal punishment), whereas the villages under his jurisdiction themselves exercised low jurisdiction (civil law cases and low fines), and were administered by their village governments. Van Alteren's court met in the town hall of Haarlem (Zoodma, 1995, 5) and consisted of seven judges, a secretary, a messenger, an usher, and a lieutenant-bailiff. Since 1648, the judges were chosen yearly from candidates proposed by the bailiff and judges. Each year, half of the judges were replaced (Wagenaar, 1750, 214–216). If there weren't enough judges present when the court convened, they had to be substituted by men who had been recently nominated, but had not been elected judges (Lams, 1664, 117–121). The bailiff himself was under the authority of the provincial court of Holland.

Van Alteren's court had jurisdiction over the villages of Groet, Heiloo and Oosdom, Limmen, Akersloot and De Woude, Uitgeest and Marken-Binnen, Heemskerk, Castricum, Wormer and East-Knollendam, Jisp, Oostzaan and East-Zaandam, Bennebroek, Berkenrode, Zuid-Schalkwijk and Vijfhuizen, Nieuwerkerk, Heemstede, Schooter-Vlieland, Schooterbosch with Hoogerwoerd and Zaanen, Spaarndam; Sloten with Sloterdijk, and Osdorp and de Geer and Houtrijk, Polanen and Raasdorp, Rietwijk and Rietwijkeroord, and Aalsmeer (Egmond, 1987, 144; Scholtens, 1947, 73; Wagenaar, 1750). Relations between these villages, and the bailiwick they were in, were sometimes less than cordial. Bailiffs constantly tried to encroach on the jurisdiction of the villages, against which the villages then vehemently protested (Mens, 1946). According to Willem Gerritsz. Lams, burgomaster of Wormer, none of his predecessors had been worse in this respect than Lodewijk van Alteren. To guard against such abuses in the future, Lams published a thick book on the rights and privileges of

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van Alteren, heer van Jaarsveld, baljuw van Kennemerland, wegens een menigte knevelarijen en mesusen, ontucht en overspel enz.; Haarlem Record Office, records Consistory Haarlem, Inv. nr. 23, 1648–1659; and on the printed resolution of the Estates of Holland: Staten van Holland (1657). *Resolutien van de Heeren Staaten van Holland en Westvriesland in haar Edele Groot Mog. Vergadering genoomen in den jaare 1657*. The Hague: Staten van Holland and Staten van Holland (1658), and *Resolutien van de Heeren Staaten van Holland en Westvriesland in haar Edele Groot Mog. Vergadering genoomen in den jaare 1658*. The Hague: Staten van Holland, unless literature is cited in the text.

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<sup>1</sup>The ensuing part of this article is based on the following archival sources: National Archives, records Provincial Court, Inv. nr. 5255.7, 1657, Stukken rakende Lodewijk van Alteren heer van Jaarsveld, gesuspendeerd baljuw van Kennemerland; Inv. nr. 5257.31, 1657, Stukken inzake Lodewijk

Kennemerland in 1664, and on the intrusions bailiffs had made on these in the past (Lams, 1664).

Whether it was these constant intrusions on the authority of the village governments or some other complaint that started the inquisitions in the Van Alteren case is unclear. What is clear is the fact that Holland's provincial court suspended Van Alteren, but then found it very difficult to deal with him. Van Alteren was tried according to the "extraordinary procedure," which was usual in criminal law cases. Although he was evidently guilty, he could not be brought to confess, not even when confronted with witnesses. Applying torture to make him confess was something the provincial court shied away from in the case of a patrician like Van Alteren, which meant it had to grant him an "ordinary" trial. Yet, doing such meant that it would become much easier for Van Alteren to defend himself. He would even acquire the right to appeal. While his lawsuit was pending, his office was being fulfilled by a substitute, which was also undesirable. As Van Alteren died during his trial, these matters were never brought to a conclusion. It was the appointment of a new bailiff in 1658 that put everything to rest.

## TWELVE CATEGORIES OF CRIMES

When the provincial court's public prosecutor was preparing his case against Van Alteren, he grouped the bailiff's misdoings—exactly the kind bailiffs were often accused of (Dekker, 1986; Egmond, 2001; Hoenderboom, forthcoming; Van den Bergh, 1857; Wagenaar, 2003; Wagenaar, 2008; Wagenaar & Van der Meij, 2005, 2006)—under 12 headers. Using the differences between impersonal, "Weberian" and face-to-face norms, we can make our own division into four categories. Having to deal with two value frameworks, there were four kinds of transgressions Van Alteren could make: he could sin against "Weberian" norms but not against face-to-face norms; he could sin against face-to-face norms but not against "Weberian" ones; he could sin against both sets; and he could get into trouble because he tried to find a compromise between two conflicting value systems. Sinning against face-to-face norms only seems not to have happened in the Van Alteren case, but violating "Weberian" norms was common.

## VIOLATING "WEBERIAN" NORMS

Seventeenth-century Holland was religiously heterogeneous. This meant that many people had relatives adhering to a different faith and that marriages could be religiously mixed (Pollmann, 2002, 2006). In daily life, people dealt with the situation through a system of "ecumenism of everyday relations" to keep the social peace (Frijhoff, 2002; 39–65). Yet, although the Dutch Republic knew freedom of conscience, there was no freedom of worship. Many laws,

issued between the 1580s and the 1680s, banned Roman Catholicism (Po-chia Hsia, 2002, 1–7). Actually enforcing these laws was a different matter, though, as the majority of the population was Catholic in many parts of the country, and strict adherence to the law would also have been bad for the economy (Van Nierop, 2002, 102–111). Calvinist exclusivism prevented rapid growth of the public church as well (Duke, 1990, 269–293). Therefore, Catholicism managed to survive in Holland and, notwithstanding the many laws that had been issued, there were some 500 priests active in the Dutch Republic in 1650. About a third of the population had remained Catholic, making use of clandestine churches that existed everywhere in the county (Van Eck, 1993–1994, 217–234).

The Westphalian Peace Treaty (1648), which put an end to both the Thirty Years War and to the second phase of the Dutch Revolt, posed a threat to this religious status quo. Calvinist ministers expressed worries that the reason behind intolerance of Catholics would disappear, as many people would no longer regard them as a fifth column and government might grant them all kinds of liberties. In fact, Catholics were growing ever more self-assured in many places at this time. The clergymen's protests had a degree of success: after the peace treaty was concluded, a short period of lesser tolerance followed with governments actually executing the many harsh laws against Catholic practice but, in the long run, it was tolerance that prevailed (Broeyer, 1998, 47–52, 55, 57–8; Knuttel, 1892–1894, 250–261, 267, 276–9). Eventually, in the 18<sup>th</sup> century, government even started "admitting" priests to their office, which gained them a kind of recognition, and the Catholic Church became acknowledged as a legal body (Clemens, 1998, 70–77; Van de Sande, 1989, 85–106;).

In the 1650s, some 65–75 percent of the population was Catholic in the North-Holland countryside (Knippenberg, 1992, 23–24) and Kennemerland seems to have been no exception. According to a report to the Pope from 1656, there were 27 secular and 6 regular Catholic clergymen active in the bailiwick. Nineteen villages had their own priest. Many members of local government in these villages were Catholics as well. Unsurprisingly, the Catholics were quite self-assured in Holland's north. The population did not even shy away from beating up policemen, if these dared disturb Catholic services (De la Torre, 1883, 414–443; Van Gelder, 1972, 188–120).<sup>2</sup> Small wonder, then, that the ministers of the classis Haarlem filed an official protest against Catholic impertinence in 1635. Yet, when the provincial court ordered an inspection in 1643, it turned out that Catholics in Kennemerland simply bribed bailiff Van Alteren to prevent execution of the law (Thiers, 2005, 22–23), as was common in the rest of Holland at the time (Kooi, 1999, 112–117).

<sup>2</sup>I thank Bouke Slofstra for his help with this section.



That Van Alteren's dealings with Roman Catholics were actually brought to court, and that we therefore have detailed knowledge of what went on, makes his a bit of a *cause célèbre* in Dutch historiography. Van Alteren made between 3,800 and 4,000 guilders a year (600 to 800 guilders more than his predecessor) from extorting Catholics, it turned out during his trial. He apportioned this sum over the villages in his bailiwick and made these pay every three months (Rogier, 1964, 388). The villages affected were: Uitgeest, Wormer, 't Kalf, Akersloot, Limmen, Heilo, Castricum, Heemskerk, Osdorp, Sloten, Jisp, and Aalsmeer. When parishes welcomed a new priest, Van Alteren expected to be paid as well. The same went for allowing churches to be opened after they had been closed by the provincial court. Van Alteren permitted the Catholics to simply make a new entrance, thus leaving the provincial court's seals undamaged.

Initially, the Catholics had protested against Van Alteren's exorbitant financial demands, but he had not given in and had brought Catholic service to a complete standstill in Kennemerland for two years. After that, the Catholics decided to pay and Van Alteren made them pay for the two years they hadn't been able to have services as well. Later, Van Alteren would hold the parish priest of the village of Akersloot, Nicolaas Stenius, hostage to extort money, and would try to do the same to the priest of Castricum. The financial demands he made on the Catholic community were so high that the inhabitants of the village of Wormer claimed they could not support their poor anymore because of it. The Catholics of the village of Heilo decided to go to church in the town of Alkmaar, as they couldn't afford to pay the sums Van Alteren demanded.

In exchange for being paid, Van Alteren warned Catholics beforehand when a raid was at hand, and therefore he had regular contact with them. The ensuing relations with priests could become quite close. Sometimes, father Augustinus Blommert, a priest who maintained good working relations with the bailiff, even mediated between Van Alteren and his parishioners when these wanted to settle an offense out of court (Knuttel, 1892–1894, 274–275; Scholtens, 1947, 177–180, 191; Van Lommel, 1881: Wils, 1933, 161–169). Van Alteren had Johan Colterman, notary and attorney, collect the money. Relations between Colterman and the Catholic community became so friendly that the Calvinist consistory feared he would convert.

But there had been more infringements on the "Weberian" value framework. Van Alteren was in the habit of settling tax fraud out of court, which the law did not allow for. Maerten Simonsz. and Jacob Claesz., who had committed fraud in the 40<sup>th</sup> penny (a tax on the sale of real estate), had settled their case out of court for 44 ducats. A certain Aeltge, reputed to be madam of a brothel in Haarlem, had mediated for them. Van Alteren had withdrawn the complaint against these gentlemen, without notifying the judges. When Niesge Pietersdr. from Aalsmeer had become

a widow, she hadn't paid the 20<sup>th</sup> penny succession duty. The bailiff had made her settle this for 16 ducats, but had not made her pay her taxes to the county. In 1652, Van Alteren made Dirck Clock, secretary of the village of Aalsmeer, pay 900 guilders in return for not being prosecuted over a fraud with the 40<sup>th</sup> penny. The amount the bailiff demanded was so enormous that Clock had to take a mortgage on his house, but he paid nevertheless "to save himself, his wife and his children from worse." Yet, the secretary of the village of Slooten, who had received a similar treatment, had not given in.

Several fishermen, who Van Alteren had caught while fishing with nets with meshes that were too narrow, had settled their transgression for a small sum. Van Alteren had then allowed them to go on with their illegal practice. Jan Dircksz. Kaersemacker, Dirck Fransz, and Pieter Philipsz., finally, had clandestinely reclaimed land from the sea without paying their dues to the county. Van Alteren had settled this out of court, but had not made them pay to the county and had allowed them to keep their land.

#### VIOLATING "WEBERIAN" AND FACE-TO-FACE NORMS

Then there were cases in which the bailiff not only violated the official rules, but also the informal ones that governed "face-to-face society." Beating people up in public was a clear example of such rule violation. Not only did official regulations forbid it, being treated in such a manner also damaged the reputation of the bailiff's victims. This went for two boys Van Alteren had thrashed with his sheathed rapier, because he suspected them of theft. One of the boys had been locked up in jail at that, which was even more damaging for his (and his family's) name. It probably also went for a beggar the bailiff had caned. The bailiff was in the habit of subpoenaing people in person in very minor cases—insult, petty domestic violence, minor acts of vandalism—as well, which was highly damaging to reputations. That Van Alteren himself had been caught shooting and stealing ducks, and confiscating a sum of money that had been collected by aldermen from Sloten, Sloterdijk, Osdorp, and De Vrije Geer, to pay the ransom for a fellow-Kennemerlander who had been taken hostage on the Barbary Coast, made such matters even more annoying.

Floris Jansz. van Nieuwerkerck was a fisherman who had caught people hauling in his nets and had pursued the thieves. When he caught up with them, they were waiting for him with "roers."<sup>3</sup> It turned out that the supposed thieves were the bailiff's men. The fisher had then asked his neighbors for help, but the bailiff thrashed these so hard with his rapier that the pommel had flown from the hilt. When

<sup>3</sup>A "roer" is a hunting rifle, perhaps best translated as a caliver.

Van Nieuwerkerck greeted the bailiff very politely, he was thrashed as well. He was then locked up with one of his neighbors for the night until he paid bail.

In some instances, the bailiff's heavy-handedness led to pure extortion. Willem Houtten de Jonge, for instance, who had met the bailiff while riding on horseback, had been caned by him and then arrested. The bailiff made him pay a ransom in the form of six pounds of tobacco, which Houtten paid, as part of his father's land was in Kennemerland and he could not afford to stand up to the bailiff. As compensation, the bailiff allowed him to hunt and fish for free. When the bailiff later found that the tobacco was not to his taste, he put a pistol to Houtten's chest and threatened to shoot him. He also called him a scoundrel, which was no mean matter in 17<sup>th</sup> century Holland, and warned him that "those that eat cherries with great persons shall have their eyes squirted out with the stones" ["'t is quaet kerssen mette heeren te eten"]. A friend of his, Maerten Heijndricxsz., an equerry, had taken part in this deal as well. He received a fishing and hunting permit in exchange for stabling the bailiff's horses when he visited Amsterdam. Gijs Cornelisz, from Sloterdijk, was arrested at night. He managed to escape but the bailiff lodged policemen in his house until Cornelisz. paid to be relieved of the disgrace. This had cost Cornelisz. almost all he possessed. Two farmers, who had made a transaction, but had then decided not to sell/buy, were extorted on accusation of tax fraud. Handling stolen goods needed to be settled as well. Dirck Taenis, who had bought a heifer that later turned out to be stolen, needed to sell a plot of land to pay the bailiff off.

Locking people up in jail and being arrested in public was highly damaging to their name. Therefore, when the bailiff did this without legal reason, he violated two sets of norms, not just the "Weberian" one. This happened in the case of Maerten Maertensz. (nicknamed "double Maerten") who was arrested in the middle of the night, together with Jan Jacobsz., and was brought to the Haarlem jail on an open wagon, in a civil law case. Exactly the same happened to Mr. and Mrs. Uureijt, who had beaten their maids to stop them from fighting, and Jan Pietersz. Jonck, who had come to blows with an inn-keeper. Jan Jansz., a shoemaker from Aalsmeer, had even been tortured, after two pasquils had been found in his house (the bailiff had wanted to know who the authors were) and Herman Claesz. had spent six years in jail. The bailiff appears to have been quite careless with other people's reputations. Abraham Egbertsz. Paternoster, a merchant from Amsterdam, had been shooting at some birds with a small caliver. The bailiff caught up with his wagon and started calling him names immediately. He then accused Paternoster of stealing ducks, and threatened him with his rapier and Paternoster's own caliver. Finally, he searched Paternoster's wagon. On a different occasion, when Van Alteren met Paternoster in an inn, he accused him of not being married to Mrs. Paternoster, threatened him with his rapier, called him a scoundrel and his wife a whore, and

locked Paternoster up in a room. When he met Mr. and Mrs. Paternoster a third time, he intimidated them and urinated on the street in front of them, "moving his manhood in a very indecent manner."

Bailiffs were supposed to maintain Holland's strict moral laws, those against adultery especially. A topos in every pamphlet against bailiffs was, therefore, their own conjugal ethics, as stories about bailiffs involved in indecency cases themselves—and thereby violating two sets of norms—never failed to stir the public's imagination. In Van Alteren's case, such accusations appear to have been true. François Martel, the bailiff's servant, testified to his master's visits to brothels, and many other witnesses could be found. Joris de Wijse, the bailiff's notary, told that he had assisted Van Alteren in his dealings with a Polish gentleman named Van Wijmere, who was blackmailing the bailiff after he had caught him with a married woman. When Van Wijmere was in jail, De Wijse had bought the obligation Van Wijmere had forced Van Alteren to sign for much less money than it was worth. The married woman Van Wijmere had caught Van Alteren with was called Clara de Graeu. The bailiff had visited Clara more often. When De Wijse asked him why he slept with a woman that "had a face that was a remedy against love" ("een tronij hadde, die een remedie tegen de liefde was"), the bailiff answered that she was pretty beneath her clothes. He also told the notary that Clara had been inexperienced in making love initially, but that he had trained her the way a horseman trains a horse. De Wijse himself also slept with Clara, and Van Alteren told him jokingly that that made them brothers-in-law and that De Wijse was now brother-in-law to many other men of influence who would advance his career. De Wijse caught the bailiff in bed with another woman as well, on which occasion the bailiff had bragged that he had made love to her three times in a row. When Van Alteren was himself in De Wijmere's position, i.e., when he found out that a certain Jannetge Claesdr. was carrying an illegitimate child, he had made both Jannetge and her lover—a married man—pay.

Van Alteren had also managed to turn two women into his mistresses. Heijltge Duindams had a father who served Van Alteren as a postman, which is how she met the bailiff. Heijltge herself worked as a seamstress in the household of the lord of Nieuwerkerk. At the end of 1646, she had started to sleep with the bailiff and, after two years, she became pregnant. Van Alteren had then arranged for her to give birth to her child in Amsterdam, in the house of midwife Jannetge Manuels. The bailiff paid for the upkeep of his son until 1653, but then stopped sending money. In Holland, a sworn midwife could only assist unmarried women if they had told her who the father of the child was, which was why unmarried women were often sent to a place where they did not live to give birth (Haks, 1985, 85–86, 91). But Van Alteren's name was known outside of Kennemerland, and that was why Heijltge had told the midwife the father was "Lodewijk Sijmonsz.." Lodewijk Sijmonsz. was Van Alteren's name,

but not the name people knew him by, as he was usually called “the Lord of Jaarsveld.” When men of Van Alteren’s social status decided not to pay for the upkeep of their illegitimate children, there was little women like Heijltge could do. They would always lose if they instituted legal proceedings, but they could threaten to cause a scandal (Haks, 1985, 86–94), and that is what Heijltge did. When she had spent 600 guilders on the upkeep of her son, everything she owned had been brought to the pawnbroker’s shop. She then asked Van Alteren’s notary, Johan Colterman, for help. The bailiff ordered Colterman to pay Heijltge a small sum and appease her with empty promises, which left her little choice than to call on Van Alteren at his home.

Cornelia Innevelt was more assertive. When Van Alteren made her pregnant in 1649, she lived in the house of Dirck Paau, where she had worked as a wet nurse. Paau moved her to The Hague, but the The Hague bailiff found out about the case, so Cornelia had to be moved to Amsterdam after her child had been born. Cornelia signed a deed stating Van Alteren was not the father of her child, but demanded that the bailiff would maintain her. When he wouldn’t send money, and her landlord had confiscated her belongings as she couldn’t pay the rent, she visited Van Alteren at his house and created a scandal in front of his door. Yet, when she was questioned by the provincial court, she still kept protecting Van Alteren. The bailiff had also tried to seduce a lady’s maid of the lady of Brederode, one of his servants later testified.

### THE GREY ZONE

Value systems could also clash, of course. There were instances where Van Alteren acted against one set of norms in order not to violate another. This happened when Van Alteren settled highly degrading high justice cases out of court. As it happens, a bailiff could bring perpetrators to court, but he could also settle offenses out of court by making perpetrators pay a fine to him directly. To do the latter, the permission of the judges was usually required, but in many cases bailiffs settled without asking (Verhaar & van den Brink, 1989). For perpetrators, settling out of court had the huge advantage of leaving their reputation undamaged as it was done in secrecy (Van de Pol, 1996, 179–181). Even if they didn’t settle out of court, bailiffs and sheriffs had a personal financial interest in prosecuting, as they received part of the fines too. But for bailiffs, settling out of court was more attractive than bringing cases before the judges because they received the money faster, could be more certain of receiving it, and because there was no legal maximum to the amount they could charge (Van de Pol, 1996, 235–236, 241–244, 247, 253).

Obviously, settling out of court involved risks as well. Extortion was one of those, and there was also the chance that certain crimes would go without the punishment the law

stipulated, because they had been made commutable (Van der Burg, 1996, 16–17). Some crimes could not be settled, and there was always the risk that bailiffs did so nevertheless, without asking permission. Finally, the existence of the practice made bailiffs and sheriffs very susceptible to the accusation of extortion, even if they were innocent (Van der Burg, 1996, 26). Which crimes could be settled, and which not, remains unclear, but apparently high justice crimes could not be settled, and certainly not without permission of the judges (Hovy, 1980, 414). Theft of large amounts of money or very valuable goods fell in this category.

According to Hovy, who has looked into the cases Van Alteren settled out of court before, the bailiff had settled two thefts with the judges’ permission. The rest had been settled clandestinely (Hovy, 1980, 427–428). Maertge Jansdr., for example, had stolen cloth and gold- and silverware to a total value of about 500 guilders, but had managed to settle this with the bailiff for 30 guilders after a man from Heemstede had mediated for her. Frederick Claesz. had stolen a boat and had managed to settle his theft as well. He had paid the enormous sum of 2,900 guilders and 100 pounds of sugar at 15 stivers per pound. For this amount of money, the bailiff could be persuaded to make the judges declare Claesz’s case fit to be settled out of court.

Formal permission to settle was also obtained in the case of Dirck Egbertsz. from the village of Heemskerk. From Claesz.’ Case, it becomes clear how Van Alteren went about making deals, and how he managed to make people pay such large sums of money. He waited for the accused to come to him and then kept silent while they started offering money. By remaining silent, he managed to make his victims raise the sum themselves. Often, he found it difficult not to burst out laughing whilst doing so and had to leave the room. On such occasions, he told his wife that he had his victims bargaining already and that the rest would be easy (“ick hebbe aen t’ looven, het sal nu wel gaen”). When Aries Jansz. vanden Rhijn stole some sheep, the priest Augustinus Blommert, who had to do business with the bailiff on a regular basis anyhow, acted as mediator. He also lent Aries’ father money to pay the bailiff off. Aries’ father then needed to sell six cows, a horse, some sheep, and a few tools to redeem his loan. What this last example again shows is that the bailiff’s victims had taken the initiative themselves and had actively sought the help of people who knew Van Alteren in order to be able to approach him. In a face-to-face society, being brought to court was much worse than having to pay a large sum of money, and the price wasn’t always high. The son of Cornelis Jacobsz. Steijns got away with paying 70 guilders and an amount of biscuit. In the case of the daughters of Gerrit Cornelisz., it wasn’t money the bailiff was after. They got away after their father offered to act as informer for Van Alteren.

Manslaughter was a crime that could certainly not be settled out of court, not even if the judges had been informed. What a bailiff could do, if he felt the offender

couldn't be blamed for what had happened, was institute a legal procedure called "landwinning," but that could only be done through county government. According to Hovy, Van Alteren nevertheless settled manslaughter out of court, and of course without informing the judges (Hovy, 1980, 425–426). The records prove him right. Trijn Dirxdr. Tæij, for instance, who had killed a neighbor by hitting her with a pot, had gotten away. Her brother had paid the bailiff 100 dollars. The victim had died a few days after she had been attacked and the bailiff had then had the necropsy done in the presence of one of the judges. Yet, he had refused to have the victim's skull opened. Thus he could claim that it had not been Trijn's assault that had killed the victim.

Something similar happened in the case of Cornelis Jansz. Vlamingh, who had stabbed Willem Jansz. Mos in the arm. As Mos hadn't died instantly, it could be claimed that the wound hadn't caused his death. In the case of Claes Dirxsz., who had fled after he had committed manslaughter, the bailiff couldn't even be persuaded to start an investigation. What he did do, though, was seize the offender's inheritance when his mother died, to make his family settle. Claes Cornelisz. settled a manslaughter out of court but, in his case, it proved necessary to also disappear to the East and West Indies. Miller Pieter Jansz. stabbed his sister's son, who was also his employee, to death but could not be prosecuted by the sheriff of the village of Wormer, as he had settled with the bailiff. Van Alteren's lieutenant had sold the killer's furniture to settle the bill. Finally, there was a certain Cees or Claes Kuijt from Oostzaan—some witnesses also identified him as "Pieter metter Cuijten" ("Peter with the calves")—who had allegedly settled a manslaughter with the bailiff and fled, but who's identity could not be ascertained.

If Van Alteren took the initiative, which sometimes happened, he needed to put pressure on his victims, which was illegal (Hovy, 1980, 414). One of the methods he employed was "private incarceration": the use of an (illegal) private prison at his home. This happened to quite a number of the people we've met before: Nicolaus Stenius, for instance; Dirck Egbertsz., and Aries vander Rhijn. It had also happened to Johannes and Abraham Molijn, 18 and 12 years of age, respectively, who had gone fishing, had caught nothing, and had then stolen some small eels from a fyke net. The bailiff had locked them up for eight days, and had not allowed their mother to visit them. He had been after the 600 guilders the boys had inherited. When Mrs. Molijn refused to pay, Johannes was brought to court. The bailiff demanded that he be flogged publicly and then be banished, but the judges set him free. Van Alteren did manage to have Mrs. Molijn pay six dollars, though, in exchange for not appealing against the judges' favorable verdict.

Gerrit Claesz., a ten-year-old, had also been locked up for a few days on the accusation of having smuggled wine, but he had managed to escape through an attic window. Bruijno Bruijnsz., who had been locked up because the bailiff thought he was a priest, had escaped through a

window, as well, by tying his sheets together. Sometimes, Van Alteren seems to have had no other option: in 1644, he had had a quarrel with a certain Blaeuw from Amsterdam. One day, Blaeuw was lying in wait for Van Alteren at his door, with his knife drawn. The bailiff had then managed to pull Blaeuw inside his house and lock him up. Later, he settled this case out of court. Doing the opposite, setting his detainees free without the knowledge of the judges, which Van Alteren did in some of the cases mentioned above, was also illegal.

To get away with all these irregularities, Van Alteren needed to take liberties with procedural law (Hovy, 1980, 428). He was often late with nominating the candidates for the positions of judges, didn't convene the court for months on end, held court with an insufficient number of judges, substituted absent judges with unqualified substitutes (even if qualified ones were at hand), had his private manservant take down testimonies in the presence of one judge only or none at all (instead of the two judges that were required) and then committed forgery to cover this up, used his private servant as a process server, intimidated his victims, and took the initiative to settle out of court. In one instance, when someone had wanted to appeal, he had even demanded money to convene the court. To cover up such financial irregularities, he had stopped keeping accounts a year after he had been appointed. The Estates had intervened in 1648, drawing up new regulations for the court of Kennemerland, but this intervention had obviously not sufficed (Lams, 1664, 129–136).

#### VAN ALTEREN'S DEFENSE

Van Alteren used several strategies to defend himself when the provincial court confronted him with all the evidence. One of these was to slander the witnesses. He asserted they were all "falsifiers, thieves, forsworn adulterers and formal enemies" of his. He also claimed there were witnesses on his behalf as well, namely the notaries De Wijse and Colterman, and his former lieutenant, De Jong. François Martel, the policeman who had stopped the fishermen with a caliver, actually did testify on the bailiff's behalf, claiming that the fishermen had been fishing out of season and had come at him with nine men when he tried to do something about it, which is why the bailiff had had them arrested. Pointing out how honorable and influential his family was served as a defense too, as people without a good reputation were unfit to testify. In slandering the witnesses against him and pointing to the reputation of his family, the bailiff obviously made use of the fact that the two value systems he worked with could support each other.

Van Alteren denied nearly everything brought against him in the hope of gaining access to the "ordinary legal procedure," as we have seen before. He admitted to having seized the inheritance of Claes Dirxsz. but, when lawyers



had explained to him that this was illegal, he had repaid the confiscated money, although he had received a small sum for his expenses. He denied having settled the manslaughter committed by Trijn Taeij. What sometimes happened, he admitted, was that people gave him a small sum prior to payment of the legal costs, which he used to pay the secretary and the process server, but these were not settlements. He had never heard about the manslaughters committed by Pieter mette Cuijte, Claes Cornelisz. or Pieter Jansz., which is why he hadn't prosecuted these gentlemen. When he finally heard about Pieter Jansz., he had been too busy preparing his own trial to act against him. Nor had he ever settled larceny out of court, he claimed. He kept denying having settled the theft Aries Jansz. had committed, even when he was confronted with the witness, Augustijn Blommert, who had mediated between the bailiff and the thief's father.

Van Alteren asserted that he had never settled tax fraud cases either, nor had he made deals with Roman Catholics. What he did do was disrupt Catholic services, as was his duty, and then fine the Catholics. It may have been that father Blommert had testified to the fact that Van Alteren had warned the priests beforehand when two of the provincial court's judges were to inspect and close Catholic churches in Kennemerland, that he had been paid for his help, and that he always demanded money when new priests were appointed. But the bailiff claimed that these sums were voluntary gifts, not bribes, and denied having warned the priests. Colterman had testified to the fact that the bailiff had made all the villages pay regularly for their Catholic churches, and had explained that the codes in Van Alteren's books stood for these villages' quarterly payments.

When the provincial court asked why the fines Catholics paid were always of the same amount, and why they were paid every quarter, the bailiff kept denying that they were quarterly installments. If churches had been opened again, after the provincial court had had them closed, then that had been done without his knowledge during the period he was preparing his own trial (Van Lommel, 1881).

Unsurprisingly, Van Alteren also denied the accusations of adultery. He had never slept with Heijltge Duijndams, he claimed, and he had only sent notary Colterman to her to ask her to keep away from his house, because he didn't want someone of such ill repute to be seen near his home. Nor had he ever made love to Cornelia Innevelt, or been to brothels. He kept denying, even when confronted with Heijltge herself. She had visited him at his home over a matter of money that was due to her brother for land surveying and over a quarrel she had had with the wife of the sheriff of Heemstede, the bailiff claimed. The so-called brothels he had been in were respectable inns, and he had been there in his capacity as bailiff. He hadn't slept with Clara de Graeu either. It was true that he had visited her once, when he had been with friends in Amersfoort and had been a bit tipsy, and that he had then been set up by Van Wijmere. He had agreed

to pay him as he had wanted to preserve his reputation. It was also true that he had then ordered De Wijse to collect the obligation Van Wijmere had made him sign on that occasion, as he would have become the object of mockery if he had done so himself.

## CONCLUSION

What, then, were the limits to administrative behavior in Holland in the 1650s, and how did Van Alteren deal with the two value frameworks he needed to work with? As Van Alteren died during his trial, there never was a verdict and his story has no proper ending. Whether there was any truth in the complaints against the bailiff, we don't know. But, as this is an investigation into the prevailing administrative norms and values of the time, we don't really need to. These values, after all, can be deduced from accusations as well as from a verdict, as accusing someone of something that the court would have accepted makes no sense.

What we can say, on the basis of the accusations, and Van Alteren's defense, is that the bailiff appears to have been accused of playing with his two normative frameworks, picking the set that suited his momentary purposes best. He was said to have used the fact that the application of the official "Weberian" rules was highly disgraceful to exploit offenders by trying to make them settle out of court, something the rules allowed for under some circumstances. Because of the degrading effect of being sentenced in court, offenders were often willing to go along and, indeed, took the initiative themselves.

What the official rules allowed for was none too clear, but settling high justice crimes out of court appears to have been crossing a line, certainly when done without the judges' permission. Yet, the fact that offenses could be punished with fines but also settled out of court enabled Van Alteren to mask one type of payment as another, his accusers claimed. A similar game could be played with legal costs and dues, and with the occasional presents the early modern gift culture asked for.

Making deals with Catholics was also against official rules, but here it seems to have been timing that proved to be fatal. Van Alteren's predecessor in office had done exactly the same. Van Alteren was caught because he was accused of not prosecuting Catholics during the only decade in the history of the Dutch Republic in which strictly applying these rules was politically advisable.

Van Alteren wasn't always successful in having the best of both worlds when he played with the value systems, according to his accusers. Sometimes, official rules (for example against police harassment) *protected* citizens against disgrace. If Van Alteren broke these rules, for instance by dragging people to jail in broad daylight in very minor cases, he violated two value systems. The same went for locking people up in a private prison in his home,

or using disproportionate violence. Yet, when people did not take the initiative to settle, and even stood up against him, Van Alteren seems to have had no other option if he wanted to settle. According to his accusers, he was forced into ever more rule-breaking. Eventually, if we believe the complaints against the bailiff, it was even necessary to tamper with procedural law. He could come in conflict with two value systems at the same time, as well, when he himself violated the laws against adultery. Interestingly, he put preservation of his own reputation forward when defending himself against such accusations. The face-to-face value framework alone could be played with too.

Van Alteren was hardly ever accused of violating the face-to-face value system only, it appears. An exception might have been the indecent behavior towards Abraham Egbertsz. Paternoster and his wife. The picture may have been distorted by the fact that the description of his case is mainly based on the provincial court's files, but it appears that the bailiff behaved exactly as one of Prices' Ghanaian administrators, according to his accusers: he always let face-to-face norms prevail over "Weberian" ones. "Extremism" was a strategy early modern Dutch administrators could follow for a while, therefore, but probably, eventually, not with impunity.

Yet, there is an alternative explanation for Van Alteren's downfall: he wasn't extremist enough. As it happens, not only does the bailiff's story lack a proper ending, it doesn't have a proper start, either. We don't know what started the investigations against him. Was it burgomaster Lams (who wrote a thick volume on Kennemerland's privileges to protect his village from intrusions by bailiffs like Van Alteren in the future) who filed the first complaint? Did the two village secretaries Van Alteren prosecuted for tax fraud start the trial? We don't know, but it seems very likely. And, in that case, it was applying "Weberian" rules, when sticking to face-to-face practices to appease the village elite would have been most advisable, that did for Van Alteren. If that was what prompted Van Alteren's trial, then the differences between Riggs' endoprismatic and exoprismatic government might not have been that large after all.

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