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6. From Knights Errant to Disloyal Soldiers? The Criminalisation of Foreign Military Service in the Late Medieval Meuse and Rhine Regions, 1250-1550

Sander Govaerts

Abstract

This chapter examines the territorial implications of a new legal concept – ‘foreign military service’. It focuses on the river basins of the Meuse and Rhine, some of Europe’s most important recruiting grounds. As paying wages to combatants gradually become the norm, it was easier for rulers to recruit soldiers outside their own lands, which gave the soldiers more independence. Both princes and city councils tried to mitigate this freedom by reinterpreting existing laws. The prohibition against fighting a lord to whom one owed loyalty was now expanded to include all unauthorised military service outside one’s home jurisdiction. Legally, a soldier’s geographical origin became more important than all other ties of loyalty. The new laws provided a basis for all subsequent legislation on ‘foreign military service’.

Keywords: soldiers; migration; military recruitment; laws of war; feudal relations

Introduction

Central to all chapters in this volume is the idea – inspired by Stuart Elden – that researchers can avoid an ahistorical approach to the concept of territory by analysing the techniques that states and other political actors actually used to link people and power to space(s). One particularly well-known example is the growing importance of cartography during the Late Middle Ages and early modern period, a development that was closely connected to

Fig. 6.1. The Meuse and Rhine regions, 1400-1600.

military control over land ('terrain').¹ The question to what extent historical armed forces also tried to regulate migration has received far less attention, even though the human aspects of territory formation are a key element in Michel Foucault's interpretation of territory (the turning of 'people' into 'populations').² This article takes a logical next step, and considers attempts to control the movements of one particular social group, namely soldiers, as a territorial practice. It will more specifically study the possible medieval origins of the concept of 'foreign military service', which refers to the practice of enlisting in the army of a potentate outside the territory

1 Elden, 'Land, Terrain, Territory', pp. 801-807.

2 Elden, 'How Should We Do the History of Territory?'

where one was born or lived (*fremde Kriegsdienste, vreemde krijgsdienst, service militaire à l'étranger*).

Whereas several studies comment on prohibitions against fighting in 'foreign' armies during the (early) modern period, few attempts have been made to see similar medieval regulations in a 'territorial' light³ Instead, recent research tends to emphasise the 'international' or even 'mercenary' outlook of medieval combatants.⁴ To be sure, the exact meaning of the word 'mercenary' in a historical context is very much open to interpretation, although most researchers acknowledge that it includes an element of being primarily motivated by material gain, and having little or no attachment to the cause they were fighting for.⁵

It should be noted that medieval societies had no particular word for 'mercenary'.⁶ The word 'soldier' (*soudoyer, Soldener, soudener, souldoyer, soudenair*) was a common and generic term to refer to combatants receiving wages, regardless of their individual motivations or geographical origins. The absence of unambiguous distinctions between different kinds of soldiers might explain why medieval societies were unfamiliar with the concept of 'foreign military service'. The *Tractatus de bello de represaliis et de duello* (1360), for instance, an authoritative legal text on the medieval law of arms, discusses subjects such as the right to start a war, and whether combatants were entitled to wages, but does not mention anything remotely similar to seventeenth- or eighteenth-century laws on 'foreign military service'.⁷

In order to determine whether the concept of 'foreign military service' can be traced back to the Middle Ages and study its development as a territorial practice, this article will first explain the importance of focusing on the Meuse and Rhine regions. It will then examine the main characteristics of paid military service in these same regions within the context of the medieval law of arms, before analysing princes' and cities' initial (fourteenth- and early-fifteenth-century) attempts to use their power over specific spaces to limit soldiers' mobility. The final section will study the actual implementation of 'foreign military service' as a legal concept in the late fifteenth and early sixteenth centuries. The conclusion returns to the main

3 See, however, Nicholson, 'International Mobility'.

4 Lower, 'European Mercenaries'; Pépin, Lainé and Boutouille, *Routiers et mercenaires*.

5 DeVries, 'Medieval Mercenaries', pp. 44-45.

6 The term *condotierri* is often translated as 'mercenary soldiers' or 'mercenary captains', but given that it derives from the Italian word *condotta* ('contract'), 'contractors' or 'soldiers' might be far more close to its original meaning. Caferro, 'Condottieri', pp. 417-419.

7 Legnano, *Tractatus de bello*, pp. 112-123, 254-268.

argument and explains the importance of these findings for future research on territory formation and military service in the pre-modern period.

1. The Meuse and Rhine regions in 1250-1550

This study does not adopt a political framework, but rather studies the territorial aspects of military service in the late medieval Meuse and Rhine regions, or the river basins of the Meuse and Rhine. Studies on late medieval military service generally focus on strong central governments, such as the kingdoms of England and France.⁸ However, as this chapter will demonstrate, the Meuse and Rhine regions also provide an excellent context to examine attempts to control soldiers' movements, because of their political fragmentation and function as some of Europe's most important recruiting grounds. The period under scrutiny ranges from the second half of the thirteenth century, when paid military service became standard practice, to 1550, at which point the concept of foreign military service had become firmly established.

Theoretically, most of the Meuse and Rhine regions were part of the Holy Roman Empire since the disintegration of Lothair's empire in the ninth century. Around 1250, however, imperial power had become relatively weak except in Swabia and the bishoprics of Strasbourg, Mainz, and Trier. The majority of the duchies, counties, prince-bishoprics, imperial cities, free cities, and lordships in these regions can therefore be considered as more or less independent entities. Still, the rising power of the kings of France and later also the dukes of Burgundy caused increasing unease. Notably examples include Henry (III) of Bar's recognition of Philip IV as his overlord for the part of his county lying west of the river Meuse in 1301 (*Bar non-mouvant*), the French siege of Metz in 1444, and Charles the Bold's aggressive campaigning against Liège, Guelders, Neuss, the Swiss Confederacy, and Lorraine in the 1460s and 1470s.⁹

The weakening of imperial authority went hand in hand with, and was indeed partially caused by, the sizeable community of nobles that made the Meuse and Rhine regions their home. Werner Paravicini has rightfully called the lands between the Meuse and the (Lower) Rhine a core area of

8 Baker, Lambert and Simpkin, *Military Communities*; Pépin, Lainé and Boutoulle, *Routiers et mercenaires*.

9 Aïmond, *Les relations*; Jappe Alberts, *Overzicht*; Leukel, *Das Reichsheer*

chivalric culture.¹⁰ This group of noblemen was in fact so important that one herald, the king of the Ruwierien, who was also the highest-ranking herald in the Empire, was the designated specialist for this specific (heraldic) area.¹¹ The lack of a strong central government offered these nobles ample opportunity to pursue martial exploits. Contemporaries such as Lodewijk van Velthem, Jean le Bel, and Jean Froissart depict them as very warlike, but also greedy, and sometimes downright cruel.¹² During the fourteenth century, a well-documented period, they fought in the Hundred Years' War, in northern Italy, and in crusades to Granada, Prussia-Lithuania, Hungary, Scandinavia, Gallipoli, and North Africa. Most also participated in numerous local feuds and wars, and many of their family members joined the Teutonic Order.¹³

The martial reputation of noblemen from the Meuse and Rhine brought them both prestige and material benefits. From the twelfth to the fifteenth centuries it was common for strong rulers such as the kings of England and France, and powerful dukes and counts such as those of Brabant, Flanders, and Holland, to grant fief rents to create ties of loyalty, and encourage nobles to provide military aid when needed. Imperial and free cities, such as Cologne, Metz, Strasbourg, and Frankfurt, typically secured alliances by granting noblemen the status of outburgher (*Aussenbürgher*). Members of the city council also intermarried with noble families living in the surrounding area.¹⁴ By maintaining multiple ties of loyalty even knights bachelor and squires could assert some degree of independence. Most importantly, however, these fief rents played a key role in the transition of a military recruitment system solely based on feudal obligations to one built on contracts and wages.¹⁵ As late as the sixteenth century Philip II of Spain granted numerous pensions to secure the loyalty of high-ranking noblemen in the Holy Roman Empire and to obtain access to the troops they could raise.¹⁶

Changes within noble lifestyles during the Late Middle Ages also exerted a major influence on aristocrats' military activities. In the late

10 Paravicini, 'Ritterliches Rheinland', pp. 239-242.

11 Van Anrooij, *Spiegel*, pp. 67-77.

12 Froissart, *Oeuvres*, vol. 13, p. 277; Le Bel, *Chronique de Jehan le Bel*, vol. 2, p. 238; Luce, *Jeanne d'Arc à Domrémy*, pp. lxii-lxiii; Van Velthem, *Lodewijk Van Velthem's voortzetting van den Spiegel historiel*, vol. 2, p. 221-222 (part 5, book 3, v. 3540-3567).

13 Govaerts, "'Mannen van Wapenen'", pp. 321-323; Paravicini, 'Ritterliches Rheinland'.

14 Marchal, 'Pfahlburger, bourgeois forains, buitenpoorters, bourgeois du roi'; Wübbeke, *Das Militärwesen*, pp. 38-52.

15 Burgers and Damen, 'Feudal Obligation', pp. 791-798; Lyon, 'The Fief-Rente'.

16 Edelmayer, *Söldner und Pensionäre*.

fourteenth and early fifteenth centuries chivalric travel and crusading were increasingly replaced by grand tours and unarmed pilgrimages.¹⁷ The herald Claes Heynen zoon, king of the Ruwieren, wrote a series of poems in the last decades of the fourteenth century, in which he praised the chivalric deeds of noblemen of the Meuse and Rhine regions. He did so, however, at a time in which the majority of his subjects were no longer among the living. His poems might thus have glorified behaviour that had become uncommon.¹⁸

Monarchs, dukes, bishops, counts, and cities for their part actively tried to reduce violence within the Meuse and Rhine regions by promoting so-called *Landfriede* from the twelfth century onwards. These agreements, which also involved knights and squires, sought to solve conflicts among their members in a peaceful manner, and also led to the taking of military action against those who broke the public peace. The object was certainly not to deny noblemen their right to use force, but to repress its unlawful use.¹⁹ Nevertheless, high-ranking nobles continued to engage in feuding well into the sixteenth century. Götz von Berlichingen and Franz von Sickingen are two particularly well-known examples. The spread of *Landfriede* demonstrates that the establishment of a formal ban on foreign military service has to be seen in the context of more general attempts to limit the prevalence of unsanctioned violence.²⁰

2. Military labour and the medieval law of arms

Given the presence of large groups of noblemen, who were relatively autonomous and well known for their martial exploits, it comes as no surprise that soldier recruitment across political boundaries in the late medieval Meuse and Rhine regions mostly involved horsemen. Before the rise of the Swiss *Reisläufer* and German *Landsknechten* in the late fifteenth century, foot soldiers were normally raised from among the local population (often members of shooting guilds). Mounted soldiers were typically organised in 'lances' (*Gleven, glaives, lansen*), consisting of a heavily armoured horseman, a man-at-arms, and his retinue.²¹

17 Paravicini Werner, 'Von der Heidenfahrt zur Kavalierstour'.

18 Van Anrooij, *Spiegel*, pp. 211-214.

19 Buschmann, 'Der Rheinische Bund'; Rothhoff-Kraus, *Die politische Rolle*.

20 Andermann, 'Götz von Berlichingen und Franz von Sickingen'.

21 Gaier, 'Analysis', pp. 254-255; Wübbecke, *Das Militärwesen*, pp. 122-126, 214-216.

These men-at-arms often maintained ties of loyalty to multiple lords and cities. The granting of fief rents by rulers in effect proved to be a double-edged sword: while it allowed princes to create ties of loyalty with noblemen living outside the lands they controlled, it also gave their own fief holders more independence, because their income no longer depended solely on land ownership. The expansion of a monetary economy during the twelfth and thirteenth centuries meant that wages became an increasingly important motivation to provide military service, and that soldiers could enter the service of multiple lords.

This complexity is reflected in military contracts. On 24 June 1297, for instance, Warnier de Dave, a knight from the county of Namur, agreed to serve Guy de Dampierre, count of Flanders and margrave of Namur, in his campaign against the king of France only if he did not have to enter the lands of the bishop of Liège, the count of Hainaut, the duke of Brabant, and the lord of Valkenburg. Members of his retinue – he brought three other knights and 21 squires – who were not fief holders of these lords, were free to enter these lands.²² Similarly, on 3 September 1348 Jehan de la Piere, Nikelos Kese from Saarbrücken, and Simon Xelkin from Montclair (Mettlach) agreed to serve the city of Metz against Bouquart de Fénétrange. None would serve against the duke of Lorraine and the count of Saarbrücken, and each horseman added the name of one other lord to the contract, against whom he would not fight either.²³

Such arrangements were not limited to horsemen living nobly, but also to other high-status soldiers. The contract specifying the conditions under which Johan von Troy became master gunner of Strasbourg in 1370, for example, stipulates that he would remain neutral during any (future) conflicts between the city and one of his other lords (Duke Rupert of Bavaria; Margrave Rudolf of Baden; Count John and Simon Wecker of Zweibrücken-Bitsch; Count John of Salm, the duke of Lorraine; and Lord Huwart Röppe). Still, Johan promised that in such a case he would teach his 'art' to one citizen chosen by the city council.²⁴

One can consider the military service of these soldiers as a kind of 'labour', which required a formal agreement on its conditions, limits, and payments (such as English indentures or Italian *condotta*). The word 'labour' (*arbeyd*, *arbeyt*), which was also used in the context of chivalric romance to denote the making of an effort or experiencing trouble which causes suffering and

22 De Saint Genois, *Inventaire analytique*, p. 267.

23 Mellard, 'Les mercenaires', pp. 29-30; 294-296.

24 Wiegand et al., *Urkundenbuch*, vol. 6, pp. 715-716.

Fig. 6.2. Overview of people prosecuted for foreign service in the Bailiwick of 's-Hertogenbosch, 1393-1550. Source: ARB, 1107 Rekeningen Hoogschout 's-Hertogenbosch, inv. nr 2797, 12990, 12991, 12995, 12996.

pain, appears regularly in military contracts in the more specific meaning of 'work'.²⁵ If medieval men-at-arms can be considered as 'labourers' they were certainly one of the most prestigious kinds, for they offered their service from a position of relative strength. Sometimes soldiers even bonded over shared frustrations against their employer(s). In 1394 former soldiers in the service of Cologne started a feud against the city, claiming that the city council had treated them unjustly.²⁶

The negotiating of such particular duties and exceptions between (urban as well as noble) rulers and their soldiers has to be seen in the context of the medieval 'law of arms'.²⁷ According to Christine de Pisan's *Livre des faits d'armes et de chevalerie* (1410), someone could fight for anyone or any cause, and accept pay for his service, providing only that it was a 'just war'.²⁸ It is worth noting that this section is not included in the earlier fourteenth-century works of Honoré Bovet or John of Legnano on which the legal part of Pisan's book is based. Its addition might therefore indicate that contemporaries increasingly perceived military service across political boundaries or outside one's own region as problematic.

One of the most important implications of this law of arms, which was recognised throughout Christian Europe, was that a soldier could not fight

25 Govaerts, "Mannen van Wapenen", pp. 299-302; Wübbeke, *Das Militärwesen*, p. 182.

26 Lindgren, 'Kölner Fehden', pp. 68-75.

27 See especially Keen, *The Laws of War*.

28 Pizan, *The Book of Deeds*, pp. 152-153.

his own lord. Even captains of military companies, men who possessed many of the characteristics traditionally attributed to mercenaries, generally respected this taboo. There were loopholes, however. A soldier could, for instance, engage in a conflict against his own lord if he did not enter his lord's lands or fight him directly. His participation could also be allowed if his lord was not the main antagonist of his paymaster, but only an ally.²⁹ Despite these exceptions, the political fragmentation of the Meuse and Rhine could lead to difficult dilemmas. In 1395, for example, Archbishop Conrad of Mainz contracted fourteen men-at-arms to provide military service, and had to agree that if they became the enemy of one of their own lords because of him, he would not make peace with that lord before he had made sure that their fiefs would be returned to them.³⁰

The uncertainty about which side a nobleman might choose in the event of a conflict also had direct repercussions for the defence of a ruler's territory. In the fourteenth-century Prince-Bishopric of Liège the Estates stipulated that all castellans had to be 'native' (*'du pays'*). After the unification of the county of Loon with the prince-bishopric in 1361, the castellans of Stokkem, a town that guarded a strategic passageway in the Meuse, also had to swear their oath of loyalty before the councillors of Liège. In this way, the city council wanted to make sure that the castellans did not just safeguard the interests of the bishop, but their interests as well. This was an understandable precaution given that the relationship between the bishops of Liège and their own subjects regularly deteriorated into open war.³¹

3. Controlling military labour

Soldiers' employers – rulers, noblemen, and city councils – did not respond to the weakening of traditional ties of loyalty by simply reasserting existing military obligations, feudal or otherwise, but tried to develop new forms of control by using the existing law of arms as a starting point. This means that soldiers' mobility primarily became a problem when it could be interpreted as treason. A French remission letter from 1445 provides a good example. It concerns a man from Tournai, a member of one of the city's archery guilds, who had joined soldiers from Luxemburg to fight against Metz. They

29 Keen, *The Laws of War*, pp. 83–100.

30 StA Wü, MIB 12 fol. 290v (02), in Die Regesten der Mainzer Erzbischöfe (<http://www.ingros-saturbuecher.de/id/source/3954>).

31 Deprez, 'La politique castrale', pp. 525–526.

changed their allegiance, however, and fought against the French royal army in 1444. The document clearly specifies that this constituted a crime of *lèse-majesté*. The archer in question was held prisoner by the *prévôt* of Tournai, the king's representative in the city, at the time mercy was granted, which means that territorial control was an essential condition for bringing offenders to justice.³²

Other sources confirm this impression. The fiscal accounts of the high bailiffs of 's-Hertogenbosch, the officials charged with maintaining law and order in the northern part of the Duchy of Brabant, the Meijerij (Bailiwick), have been preserved in an almost complete series from 1368 onwards, and include 39 cases of people prosecuted for joining an enemy or foreign army from 1393 to 1550.³³ None of the fiscal accounts uses the specific expression 'foreign military service'. Offenders are punished because they joined 'the enemy', 'Guelders', and 'the French army', or fought against their 'ruler' or 'natural prince'. Thirty-five of these indeed concern soldiers or unpaid servants who had fought against the duke of Brabant. The four exceptions concern two men who participated in the war between the count of Holland and Lord Jan van Arkel (1401-1412), and pursued this conflict within the high bailiff's jurisdiction, and two men who had fought in Frisia against the duke of Saxony in 1497 and 1502-1503. Duke Albrecht of Saxony was a close ally of the Habsburgs, which means that their actions could also be interpreted as enemy service.

These fiscal accounts indicate that enemy service became a major problem in the last decades of the fifteenth and early sixteenth centuries, during the revolts against Maximilian in the Low Countries (1483-1492) and the wars between Charles V and Francis I (1521-1530; 1536-1538). It should be stressed, however, that attempts to prohibit 'foreign military service' had been made as early as the late fourteenth century. In 1396 Duchess Joan of Brabant forbade both her fief holders and other subjects to join the military expedition of Count Albrecht of Holland to Frisia.³⁴ Six years later the high bailiff of 's-Hertogenbosch sent messengers to proclaim in churches that it was forbidden to join either side in the conflict between the count of Holland and the lord of Arkel. Given the limited number of people (two) prosecuted for violating these prohibitions, enforcement of these orders seems to have

32 Tuetey, *Les écorcheurs*, pp. 393-394.

33 Brussels, Algemeen Rijksarchief (ARB), 1107 Rekeningen Hoogschout 's-Hertogenbosch, inv. nr 2797, 12990, 12991, 12995, 12996 (transcript Henk Beijers Archiefcollectie, <http://www.henkbeijersarchiefcollectie.nl>).

34 Janse, *Grenzen aan de macht*, p. 263.

been difficult, or perhaps it was not a priority.³⁵ Revealing in this regard is the charter granted to the crossbowmens' guild of 's-Hertogenbosch of 1453. It stipulates that its members could not enrol in anyone's service or leave the city for more than three days without permission from the city's councillors and the guild's masters. Offenders risked exclusion from the guild.³⁶

City councils were even more anxious that they would be held responsible for the actions of their citizens. When Duke William of Jülich, an outburgher of the city of Cologne, asked its councillors for military aid in late June or early July 1371, they informed him that they would not send help because other signatories of the *Landfriede* were involved in the conflict. Still, they did permit citizens who were fief holders of the duke to join his army. In the fall of 1371, shortly after a combined force of Guelders and Jülich defeated a Brabant invasion army at the Battle of Baesweiler, the councillors had to answer allegations of Duchess Joan of Brabant that citizens of Cologne had fought against her husband and brought their captives and booty to the city. The councillors countered her claim by saying that they had indeed allowed individual citizens to join the army of the duke of Jülich, but sent letters ordering them to return as soon as they realised that the Brabant army carried the imperial banner. They admitted, nevertheless, that five or six of their citizens might have participated in the battle, because the letters did not reach them in time. The city council also requested the duchess not to take retaliatory measures against its citizens and their belongings (an appeal that proved unsuccessful).³⁷

The precarious position of Cologne was not unique. Many cities in the Holy Roman Empire enacted laws during the fourteenth and fifteenth centuries, which prohibited citizens from taking part in conflicts, especially feuds, without the councillors' permission. Offenders could be punished by loss of citizenship, banishment, and fines.³⁸ City councils thus used their territorial control to limit the movements of their citizens. In the case of Cologne, the social bias of the councillors exacerbated existing tensions within the city and caused an open battle between the city's guilds and its patricians (the *Weberschlacht*). While the city council had simply asked the knight Johan Scherfgin to release his prisoner, they arrested Henken vom Turne, a member of the weavers' guild, for participating in

35 ARB, 1107 Rekeningen Hoogschout 's-Hertogenbosch, inv. nr 2818, 44.1.2.3; 12991, 74.2.3.10; 75.4.3.10.

36 Reintges, *Ursprung und Wesen*, 357.

37 Ennen and Eckertz, *Quellen*, vol. 4, pp. 619-624, 650, 660; Rotthoff-Kraus, *Die politische Rolle*, pp. 265-280.

38 His, *Das Strafrecht*, p. 67.

the battle and bringing booty back to the city, and sentenced him to be executed. A complicating factor in this case is that Johan might have lost his citizenship at the time of the battle because he started a feud against the city.³⁹

In practice, most conflicts about 'foreign military service' still concerned soldiers who had broken specific ties of loyalty or the 'laws of war' more generally. In 1397, for example, Margrave Bernard of Baden asked the city council of Strasbourg to release two soldiers from their service, because they had enlisted without his consent. He called them his *Eigenleute* ('bondsmen'), and claimed that they had long been in disfavour, and had sworn not to serve another lord without his permission.⁴⁰ In 1430, by contrast, it was the city council that sent a formal complaint to Emperor Sigismund of Austria regarding the margrave's unlawful actions. These included the stealing of warhorses before a feud had been declared, and the imprisonment of one of their soldiers, who had, not coincidentally, earlier served the margrave.⁴¹

The punishments to which offenders were actually sentenced could be surprisingly lenient. In 1404 King Rupert of the Palatinate accused a certain Heinrich Kemerer, whom he held prisoner at that time, of breaking his oath of fealty. The list of offences included two examples of military service: Heinrich had fought alongside the cities against Rupert's father (probably the conflict between the *Süddeutscher Städtebund* and the *Löwenbund* in the 1380s), even though his father and ancestors had always supported the dukes of the Palatinate, and had recruited soldiers for the duke of Orléans. Rupert's son Louis was married to Blanche of England at that time, which made this enemy service. Nevertheless, Heinrich's name still appears in later charters issued by the king, so it is likely that Rupert granted him mercy. This would be in line with his father's policy: when Rupert (II), elector palatine, took Heinrich prisoner in his war against the cities, he simply made him swear loyalty.⁴²

The fact that in the early fifteenth century geographical origin in itself was not a sufficient reason to allow or prohibit military enlistment can be illustrated by a passage from the chronicle of Jean de Stavelot. According to this narrative the nobleman Jean de Beauraing wanted to organise a

39 Militzer, *Ursachen und Folgen*, pp. 174-177, 276-277.

40 RIplus Regg. Baden 1,1 nr 1760-1761, in Regesta Imperii Online; Wiegand et al., *Urkundenbuch*, vol. 5.2, p. 693.

41 RIplus Regg. Baden 1,1 nr 4301, in Regesta Imperii Online.

42 Regg. Pfalzgrafen 2 nr 3495, in Regesta Imperii Online.

raid in 1425, and asked the inhabitants of Lomprez – a fortress located in the Duchy of Luxemburg – whether anyone wished to accompany him. Three men agreed, but when they understood that they would be invading the Prince-Bishopric of Liège, two declined to go any further. One of them, named Gerart Belle-Jambe, explained that they had sworn fidelity to Everard de la Marck, lord of Lomprez and one of the most powerful noblemen in Liège, and afterwards went to warn the citizens of Dinant of the imminent enemy attack.⁴³

4. The development of foreign military service

While these sources make clear that both rulers and city councils made efforts to control the movement of soldiers and used their power over specific spaces to this end, they provide no indication that they sought to prohibit 'foreign military service' as such. The focus lay on soldiers who joined an enemy force, disregarded their ties of loyalty, and compromised their community's neutrality. This point is also reflected in the memoirs of Olivier de la Marche. In his description of the Burgundian campaign against Luxemburg in 1443, he singles out one man in particular: a certain Jehan de la Plume who was a soldier in Metz and had a wife there, but left his home to join his sovereign lord by birth (*souverain seigneur de nativité*). De la Marche's description does not suggest that there was anything unusual or negative about De la Plume's moving from the Duchy of Burgundy to the city of Metz, but rather depicts him as an example of loyalty and bravery.⁴⁴ The dukes of Burgundy in fact founded the Order of the Golden Fleece to attach higher-ranking nobles, who often had landed possessions in several principalities, closer to their ruler. The so-called *bandes d'ordonnance*, the first permanent military units in the Meuse and Rhine regions, might have served a similar function.

Soldiers' ties of allegiance to multiple potentates, their freedom of action to choose another employer, only became a major problem in the last decades of the fifteenth century, as a result of the large-scale recruitment of foot soldiers combined with the political turmoil following the death of Charles the Bold, and Louis IX's threat to the newly created Burgundian-Habsburg composite state. Emperor Maximilian was especially concerned about

43 De Stavelot, *Chronique*, pp. 362-363.

44 De la Marche, *Mémoires*, vol. 2, pp. 22-23.

imperial subjects enlisting in the French army.⁴⁵ A fiscal account from Hainaut, dating to 1489, mentions the execution of a French soldier on the market square in Mons. The man in question was born in Hainaut, and had lived there for several years, but had 'denaturalised' himself (*'en soy desnaturant'*) by becoming French nine or ten years earlier. He had also acted against the loyalty he owed to his sovereign, and betrayed his 'natural lord and prince' (*'prince et seigneur naturel'*) by raiding the lands of Hainaut, committing arson, and guiding other soldiers to do the same.⁴⁶

The use of the expression 'natural lord' or 'natural prince' means that someone was expected to privilege his relationship with a specific lord above all others. Its use was in itself not new, for it had already appeared in Froissart's chronicle and Christine de Pisan's book on chivalry.⁴⁷ It adopted a new meaning in the political context of the late fifteenth and early sixteenth centuries, however, and paved the way for a new concept: that of foreign military service. By executing the aforementioned soldier from Hainaut, the Habsburgs made known that all people who were born or living in the principalities they controlled owed them loyalty regardless of whether they had sworn an actual oath in the context of a military contract, a feudal relationship, or membership in a shooting guild. This extension might have become necessary because of the increasing importance of paid infantrymen from the Empire (*Landsknechten*) in European warfare.

The expression 'fremde Kriegsdienste' first appears in an imperial decree dated 4 March 1521, during another war with France (an earlier decree, from 1512, already used the term '*fremde Dienste*'). The prohibitions it contains would be repeated and further refined in subsequent years.⁴⁸ By 1551 the concept of foreign military service had become firmly established in imperial edicts. It now included those who accepted military service outside the Empire and/or fought against the emperor. The imperial government considered unauthorised foreign military service as a breach of the public peace, and associated offenders with other 'criminal' migrants, namely discharged soldiers and vagabonds.⁴⁹ The publication of these laws should also be seen in the context of significant social unrest and rebellions, notably the Bundschuh movement (1493-1517) and the German Peasants' War (1524-1526). Other princes within the Empire, the Swiss Confederacy, and imperial

45 Solleder, 'Reichsverbote', pp. 327-337; 345-351.

46 Deloffre, 'Guerres et brigandages', p. 472.

47 Pizan, *The Book of Deeds*, pp. 150-151; Froissart, *Oeuvres*, vol. 13, p. 270.

48 Baumann, *Das Söldnerwesen*, pp. 73-84; May, *Der Kurfürst*, vol. 2, pp. 373-374; Solleder, 'Reichsverbote'.

49 Behr, 'Garden und Vergardung'.

cities published their own proclamations, which could sometimes go against imperial interests. Martin Tann from Hörbach, for instance, was arrested in 1545, because he had disregarded the landgrave of Hessen's prohibition regarding enlistment in the army of Henry VIII, who fought with Emperor Charles V against the king of France.⁵⁰

As argued before, the actual punishment of offenders differed according to their social status and the general political context: Count Emich (VIII) von Leiningen, who remained in French service despite an explicit imperial ban, saw all his belongings confiscated in 1512-1514, but managed to get most of them back after returning to imperial service. Sebastian Vogelsberger, on the other hand, a captain of non-noble origin who tried to recruit soldiers for French service in the Empire, was executed in 1548.⁵¹ The *Urfehden* made before officials of the duke of Wurttemberg in 1520-1550 indicate that soldiers convicted of joining a foreign army, the French in most cases, simply had to swear that they would never enlist in a foreign army again without prior consent. Some were also forbidden to carry arms without permission, or had to provide guarantors for their good behaviour. This might be related to the duke's anti-imperial stance at that time (he joined the Schmalkaldic League in 1536).⁵²

The high bailiffs of's-Hertogenbosch by contrast executed offenders in 13 of 39 cases, but many of these soldiers were also charged with other crimes, such as deserting from the imperial forces and pillaging. It is noteworthy, nevertheless, that all executions date to the 1498-1550 period, meaning that punishments did become harsher over time. Enforcing restrictions on the movement of soldiers seems in fact to have been very difficult, despite the introduction of passports in the last decades of the fifteenth century.⁵³ When the landgrave of Hessen granted pensions in 1536 and 1539 to two armed servants, a captain and a horseman respectively, to secure their services in event of a conflict, he specified that they could not take up service with another ruler without his permission.⁵⁴

At first glance, the introduction of the concept of *fremde Kriegsdienste* had thus relatively little effect. The main emphasis still lay on the prosecution of those who had joined an enemy army or broke personal bonds of loyalty. In fact, military service across political boundaries became more common in

50 Regesten der Landgrafen von Hessen, nr 15255.

51 Baumann, *Das Söldnerwesen*, pp. 82-83; Solleder, 'Reichsverbote', pp. 327-333.

52 Landesarchiv Baden-Württemberg, Hauptstaatsarchiv Stuttgart, A 44 Urfehden, nr 111, 137-140, 643, 947, 2456, 2581, 2585, 2839, 3181, 4687, 4727.

53 Groebner, *Der Schein der Person*, pp. 124-130.

54 Regesten der Landgrafen von Hessen, nr 15462, 15493.

the Meuse and Rhine regions during the late sixteenth and early seventeenth centuries. The long-term effects of this new legal concept should not be underestimated, however. It meant that soldiers could now be prosecuted simply because they joined an armed force not in the service of the potentate who controlled the lands where they were born and/or had been living in. In this way, the laws introduced by the Habsburgs in the early sixteenth century provided a basis for all subsequent laws on foreign military service, and paved the way for nineteenth-century national armies.

Conclusion

Soldiers' autonomy in choosing their own paymaster became restricted long before the introduction of conscription and national armies. While fighting for several lords was still an integral part of a chivalric way of life in the fourteenth-century Meuse and Rhine regions, by the 1550s it had turned into a criminal act. A soldier's connection to a specific space by birth or residence gradually became more important than other ties of loyalty, and could even be enforced violently. In this way, the establishment of a formal ban on foreign military service can be considered as a medieval territorial practice, in which both princes and cities played an important part.

The spread of a monetary economy during the High Middle Ages, which brought about a transition from feudal to contractual armies, gave combatants initially more independence towards their lords. In order to curtail perceived excesses resulting from this development, in terms of the supply of manpower and the maintenance of public order, both princes and cities experimented with new form of control. The existing law of arms, which stipulated that someone could not fight against a lord to whom he owed fealty, served as a legal basis. As a result of these new policies, the notion of having a 'natural lord' or 'natural prince' slowly evolved into a formal claim on someone's loyalty based on geographical origin rather than personal bonds.

The Habsburg government introduced 'foreign military service' as a legal concept in the early sixteenth century in order to control the movements of their subjects in the context of major political disorder (rebellions, peasant revolts) and ongoing conflicts with the French monarchy. The large-scale recruitment of paid infantry (*Landsknechten*) might have been a further stimulus, because it increased the number of itinerant soldiers, and mostly

involved men of non-noble backgrounds who did not maintain feudal ties with their employers.

While the practical enforcement of new laws on foreign military service still left much to be desired, at least from the point of view of rulers and cities, their long-term consequences were still very significant. Governments, both princely and urban, expressed an intention to control the movement of soldiers by linking people to spaces, to the specific lands they controlled, as early as the fourteenth and fifteenth centuries. Even more remarkable is that these policies were not introduced in strong centralised governments but rather in the politically fragmented Meuse and Rhine regions. It draws attention to the importance of the periphery in the construction of territories.

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