FREDERIK BUYLAERT
& MIET ADRIAENS

LORDSHIP, CAPITALISM, & THE STATE IN FLANDERS

*c.*1250–1570

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Lordship, Capitalism, and the State in Flanders (*c.*1250–1570)

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Miet dedicates this book to her father (1954–2020) and her godmother (1959–2019), in loving memory.

Frederik dedicates this book to Tjamke, Jasper, and Robin.

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Contents

List of Illustrations

List of Maps

List of Graphs

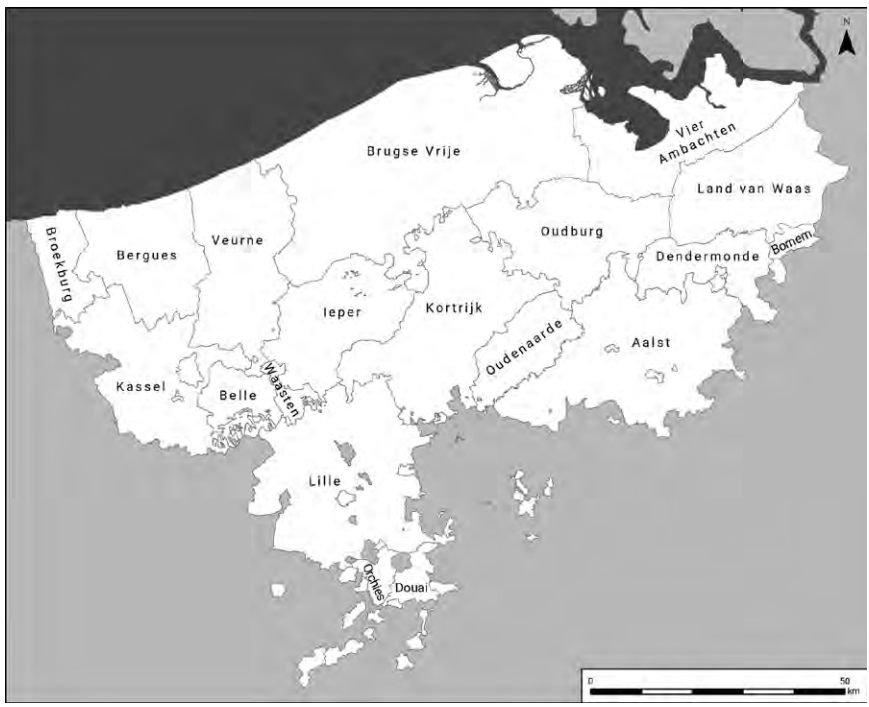
List of Tables and Diagram

Tables

Genealogical Diagram

Note to the Reader

The repertory of the roughly 800 seigneuries, which constitutes much of the empirical basis of this study, is published separately.[1] Here, however, whenever a seigneurie is mentioned in the text, the 'castellany' or rural district in which it was situated is added in parentheses. Flanders was divided into eighteen castellanies. Three of these, the francophone Lille, Douai, and Orchies which together constituted Walloon Flanders, had an institutional history more closely aligned to that of France, and therefore they are not included in this study. Where 'the county of Flanders' is referred to, the fifteen castellanies that made up Dutch-speaking Flanders are meant. These are shown in Map 1.[2]



Map 1 The county of Flanders, showing the castellanies (please note that these rural districts and their precise boundaries were not completely static, up to the point that the number of castellanies fluctuated over time).

[1] Speecke et al, *Repertorium van de hogere heerlijkheden van het graafschap Vlaanderen*.
[2] For the basis of the maps, see Stapel, 'Historical Atlas of the Low Countries'.

All monetary matters are expressed in pounds *parisis*, a type of money of account that was routinely used in Flanders. One pound contained twenty shillings or 240 pennies. As we discuss in full in Chapter 2, two very different economic systems developed in the county of Flanders, in the areas often referred to as Inland Flanders and Coastal Flanders. Inland Flanders remained a peasant society whereas Coastal Flanders saw the rise of an economic system that Netherlandish historians routinely interpret as a form of 'agrarian capitalism'. A low-skilled rural labourer in Inland Flanders could earn three shillings per day in the fifteenth century, giving him an annual income of roughly forty pounds *parisis*. High-skilled rural labourers (such as a thatcher) could earn twice as much, amounting to an annual income of around eighty pounds *parisis*. In Coastal Flanders, however, wages were twice as high, being in the region 80 and 160 pounds *parisis* for unskilled and skilled labourers. As a rule, wages in towns were also twice as high as in Inland Flanders. Moreover, real income fluctuated over time. The fifteenth century was a 'golden age for labour': in the sixteenth century real wages declined.[3]

[3] See esp. Geens, 'A Golden Age for Labour?'

Introduction

Around 1535 an unknown artist was commissioned to paint a picture of a lord and his family gathered before his castle in his favourite seigneurie, Rumbeke, close to the small Flemish town of Roeselare. As the castle is still exceptionally well preserved we can be sure that the painting gives an accurate depiction of it as seen from a vantage point to the west, close to the road to Roeselare. That the lord chose his castle as the background for the painting is not surprising for it was not only his residence, but also the seat of seigneurial government.

Seigneuries were estates that came with specific rights of governance over the lord's subjects within a particular locality. In the case of Rumbeke, those rights were substantial. Apart from a slew of seigneurial taxes owed by the local peasantry, the seigneurie had 'middle justice' which, as we shall see, included the right to try criminal cases in which the potential verdict was death, by hanging or even by the burying of the convicted felon alive. Seigneuries of that calibre also had their own customs that regulated everything from public order maintenance to waste disposal. In sum, whereas other parts of the county of Flanders were ruled directly by the count and his officials, seigneuries such as Rumbeke had a remarkable degree of autonomy. Such an estate conferred great prestige on its owner, and the painter was clearly under orders to capture that lustre in paint (Figure 1).

The timing of the painting, its composition, and the available information about the lord and his family suggest a visual programme intended to convey to the viewer a high-water mark in the family's history and the promise of even greater things to come.[1] The lord, Thomas I de Thiennes (d. 1558), portrayed in the centre of the foreground on a perfect axis with the castle's tower, had just succeeded his father, Jacob I de Thiennes (d. 1534), a man of such renown that, shortly before his death, he was being considered for membership of the Order of the Golden Fleece, the most exclusive chivalric order of the Burgundian-Habsburg Low Countries.

The noble house of de Thiennes had its roots in a seigneurie on the border of Artois and Walloon Flanders (the smaller French-speaking part of the county), but one branch had taken root in Dutch-speaking Flanders. Thomas's grandfather, Robert (d. 1503), had been an alderman and burgomaster in the Liberty of

[1] We follow the interpretation of this painting as articulated in Callewier, 'De families de Thiennes en de Limburg Stirum en het kasteel van Rumbeke', 85–97. For a detailed discussion of the depicted castle, see Cassiman, 'De bouwgeschiedenis van het kasteel van Rumbeke', 51–6.

Figure 1 Thomas I de Thiennes and his family before the Kaasterkasteel of Rumbeke (*c.*1535 by an unknown master; private collection. CC BYT 4.0 KIK-IRPA, Brussels (Belgium), cliché X039071.)

Bruges, the largest and most important rural district in the county, and had served the dukes of Burgundy as a counsellor and as the bailiff of Belle, another rural district (see Map 1). He already owned several seigneuries, including Caëstre/Kaaster (castellany of Belle), when he acquired Rumbeke, in the adjacent castellany of Ypres, through his marriage to Maria van Langemeersch, the heiress to the estate, in 1467. While the castle soon came to be called the 'Kaaster Castle' (*Kaasterkasteel*) in allusion to Robert's seigneurie in the castellany of Belle, Rumbeke clearly became the favourite residence of their descendants. Robert's son and heir, Jacob I, chose to be buried in Rumbeke's parish church after a career that was even more illustrious than his father's. There are signs of mourning in the painting for the recently deceased Jacob, who is presumed to have commissioned it: Thomas I, who was around 50 at the time of his father's death, stands with his stepmother, Catherine d'Oignies, Jacob's second wife; behind them are Thomas's two half-sisters. All three ladies wear mourning veils.

The painting is not only about the glorious past, however, but also the future. Thomas would prove a worthy successor to his father. Serving first as the master of the court of Margaret of Austria, governor of the Habsburg Low Countries from 1507 to 1530 on behalf of her nephew Emperor Charles V, he would later cover himself in glory in the Habsburg victory over the French at the Battle of Saint-Quentin (1557). Just as importantly, if not more so, Thomas sired a male

heir, Jacob II de Thiennes (d. 1566), whom we see in the painting aged 4 or 5 together with his mother, the high-born lady Marguerite de Haméricourt, and her sister.

Judging from their son's clothing, Jacob II's parents had taken the then common vow to the Virgin Mary to dress the heir in white until the age of 7, thus securing divine protection for the lad. At a time of high infant mortality, the Thiennes–Haméricourt household was certainly not alone in trying to stave off such a disaster. Another painting from early sixteenth-century Flanders is essentially a noble couple's visual prayer to their patron saint to spare their last surviving son from the inexplicable premature deaths—probably from a syndrome akin to progeria—to which four of their five children had already succumbed.[2] The Rumbeke painting, with its references to a past, present, and future lord, represents a noble family's ideal trajectory—an unbroken dynastic chain of male heirs, ruling over the family's seigneurie as a source of lordship, wealth, and status.

The painting also captures a seigneurial family's claims to social prominence. Four liveried servants attend Thomas I and his family. One pours wine and the others, including a young boy, hold books. They are gathered around Thomas's sister-in-law, who has a music book in her lap, so perhaps they are entertaining the family with song. The well-dressed couple on the far left are presumably Jan van Langemeersch and his wife. Jan was Thomas's maternal uncle and, as the comital bailiff of the castellany of Ypres, a powerful man in his own right.

On the right of the painting two ladies—probably also members of Thomas's family—sit on the greensward as a hunt master presents a dead hare. He points towards the castle, where a hunting party is just returning. Hunting was a noble pastime that asserted elite secular control of the seigneurie's meadows and forests. The painting also depicts the religious aspects of lordship, for on the extreme right is the lord's chaplain. Besides officiating at the daily observances in the castle chapel he may also have doubled as the sexton of Rumbeke's parish church, visible in the distance, as the lord of Rumbeke had rights of advowson. The church still bears the imprint of seigneurial claims: the stained-glass windows depicting the Thiennes family arms have disappeared, but the tomb of Jacob I and his wife is still there.

Finally, but critically relevant to this study, the painting contains references to the relationship between the lord and his seigneurial subjects, the local peasantry. We see the windmill, whose use often required the payment of a seigneurial tax, a small farmstead, grazing cattle, folk in everyday dress—all elements that also bring into sharp focus the culture of deference that was at the heart of seigneurial lordship as a social project.[3]

[2] See Born et al., 'The Van Pottelsberghe–Van Steenlant Triptych', 491–516.
[3] See also the comments of Coss, 'An Age of Deference', 31–73.

This portrait of a lord and his family, oozing opulence, authority, and self-confidence, stands in glaring contrast to the current scholarly understanding of lordship in Flanders. For reasons that we discuss below, and unlike those involved in post-war scholarship on England, France, and the Holy Roman Empire, historians of the Burgundian-Habsburg Low Countries have not studied this theme as a subject in itself, although they have articulated a consistent interpretation in the margins of research on adjacent topics.[4] The gist of their pessimistic view is that, politically speaking, lords were deemed to have been particularly weak in Flanders.[5] Sapping their power and influence were, on the one hand, the counts of Flanders, traditionally powerful princes who strengthened their grip on the county via a precociously developed administration, a process that in the late fourteenth century purportedly went into overdrive with the integration of Flanders into an increasingly vast Burgundian-Habsburg composite state. We are told that comital officials such as castellany bailiffs systematically encroached on the rights of local lords, who also saw the authority of their seigneurial assizes undermined by newly established princely courts of law. As 'state formation' went hand in hand with fiscal and military innovation, historians assumed that such things as castles and seigneurial militias had long since become obsolete. On the other hand was the county's precocious urbanization, with great towns such as Ghent, Bruges, and Ypres taking steps to control their hinterlands. Quite apart from their ability to raise militias that dwarfed those of local lords, large and middling-sized towns could grant out-burghership to country-dwellers, enabling them to bring their legal proceedings before the municipal rather than the seigneurial court.

The lords' problems were presumably compounded by economic and demographic change. Labour shortages resulting from the Black Death greatly strengthened the bargaining position of peasants vis-à-vis their lords, so that seigneurial taxes became fixed or reduced. In a similar vein, scholars point out that seigneurial income was eroded by inflation, so that lords may have struggled to keep up with the high costs that came with the noble lifestyle and the running of seigneurial courts.

Considering these elements, specialists of Flanders have speculated that many seigneurial prerogatives, including the right to impose capital punishment, had become a dead letter and that many seigneurial courts ceased to operate by the

[4] A telling illustration of the relative lack of interest in the subject is that the six-page lemma on seigneuries is by far the shortest contribution in the reference work on Flemish institutions and their archives (Mertens, 'Heerlijkheden', 552–7). Apart from this, only three articles have been published on Flemish lordship by academically trained historians, each of which is published in heritage journals rather than in academic journals (we provide an overview and critical discussion in Chapter 1).

[5] We provide references to each of the claims discussed in the following two paragraphs later in this study (see the table of contents for an overview of which topic is discussed in which chapter).

fourteenth century.[6] Just as Michael Camille argued for the fourteenth-century Luttrell Psalter, with its famous miniatures of English lords and peasants, the painting of Rumbeke and its lords was supposedly a social fiction, encapsulating the longing of the De Thiennes family for a bygone age.[7]

With this book, the first study to focus specifically on seigneuries and lordship in Flanders, we develop a third interpretation that sits midway between the roseate image of the Rumbeke painting and the scholars' sombre suppositions. Historians are certainly correct in thinking that Flemish lords faced unusual challenges, but the impact on seigneurial lordship of many momentous changes, ranging from demographic crisis to state formation, requires a different reading. In fact, the importance of seigneuries for Flemish society was just as great and possibly greater at the start of the Dutch Revolt in 1567—the terminus of our study—than it was around the mid-thirteenth century, where this study begins.

In a nutshell, our argument goes as follows. From the mid-thirteenth century, the subjects of Flemish lords managed to restrict their lords' authority and surplus extraction to a bare minimum: seigneurial taxes in Flanders amounted to a mere 4 per cent of the harvest—a figure lower than all the known estimates for other parts of Europe, as far as we are aware. The peasants owed that success not only to their capacity for collective action against their lord, but also to the towns and the prince. In the tenth and eleventh centuries, the county of Flanders was already ruled by princes who, by the standards of the day, enjoyed a strong position of authority over their subjects. Just as elsewhere in Europe, the county became dotted with seigneuries, many of them with considerable rights of governance, but the powerful counts effectively limited the lords' dominion by imposing restrictions that did not exist in other principalities. That process was mirrored by the many towns that flourished in the county from the eleventh century onwards. By the thirteenth century, for instance, great cities such as Ghent and Bruges were curtailing the power of lords in their hinterlands by shielding seigneurial subjects from their lords' arbitrary actions through the institution of out-burghership. By becoming an out-burgher of a town, country-dwellers could largely escape seigneurial justice.

The result was that the seigneurie could only continue to function if it was closely aligned with the interests of its subjects. Peasants took the lead within the seigneurie. By providing the seigneurial administration with the necessary manpower they helped their lord or lady to fulfil his or her traditional obligation to provide public order. In doing so, however, their priority was not so much to

[6] For the encroachments of comital bailiffs on seigneurial rights, see Thoen, 'Rechten en plichten van plattelanders', 469–90. We provide evidence against this claim in Chapter 6. For the presumed collapse of seigneurial courts, see esp. Koch, *De rechterlijke organisatie van het graafschap Vlaanderen*, 39 and 71. For the erosion of criminal justice, see esp. Thoen, *Landbouwekonomie en bevolking in Vlaanderen*, I, 405. We provide evidence against both claims in Chapters 2 and 3.

[7] Camille, *Mirror in Parchment*, esp. 10, 13, 24–5, 40, 46–50, 53–4, 93–5, 113–14, 192, 210–11, 309.

maintain the restricted rights of the lord, but rather to fulfil the needs of the village community as they understood them, such as fire safety, waste disposal, the protection of property and user rights, the organization of parish life, and so on.

Rather than opposing this development, the count of Flanders and his officials accepted and reinforced seigneurial rule. Preoccupied as they were with international politics, including the financing of wars through taxes and credit, the prince and his administration were happy to leave much of rural governance and justice to seigneurial officials. What facilitated this policy was that seigneurial militias were rapidly being superseded by princely armies and urban militias, so that the count of Flanders no longer had anything to fear from his lords, who were becoming increasingly useful to him as courtiers, military commanders, officials, and creditors. In turn, the lords, bailiffs, and aldermen of the seigneuries had a growing tendency to see themselves as occupying the lowest but best-staffed rung of the state administration, not least because the endorsement by regional and supra-regional princely institutions increased their authority within the village community.

That pact between locality and polity persisted until the mid-sixteenth century, when the Habsburg rulers of the Low Countries—first Emperor Charles V and then Philip II of Spain—expected seigneurial administrations to help them quash Protestantism, only to discover that lords and seigneurial officials were sufficiently independent to ignore or block the religious dictates of their sovereign. For that reason, lordship after the start of the Dutch Revolt deserves a study of its own.

The self-governance of Flemish seigneuries under the benevolent but distant oversight of the prince meant that the seigneurie was the forum in which contemporaries made a critical decision, that being how to respond to the new and all-encompassing phenomenon of 'agrarian capitalism'.[8] The Flemish countryside was one of the first regions within Western Europe—and by extension the world—to see experiments with this fundamentally new mode of agricultural production. As early as the fourteenth century, the western, coast-bound parts of the county saw the progressive concentration of two all-important means of

[8] The definition of capitalism is a bone of contention among scholars, but historians of the Burgundian-Habsburg Low Countries routinely use this term to refer to new productive arrangements that took shape in some Netherlandish regions from the fourteenth century onwards, which were premeditated on fully developed factor markets for land, labour, and capital with the constant reinvestment of capital in production. These scholars are aware that many definitions of capitalism also include sustained economic growth: for this criterion, see the estimates in Ryckbosch, 'Economic Inequality and Growth' and also Prak and van Zanden, *Pioneers of Capitalism*, 14–27. Caution is in order because the estimates are primarily based on urban data and the contribution of pockets of agrarian capitalism cannot be measured with the available sources, although it is suggestive that the economic development of England and the Low Countries—the two regions where agrarian capitalism first flourished—outpaced that of the rest of Europe since the fifteenth century (see the seminal Allen, 'The Great Divergence', 411–47). In this book, we speak of agrarian capitalism as a shorthand for a massive shift from small-scale peasant landholding to large-scale landholding by agricultural entrepreneurs and the concomitant rise of a rural proletariat of wage-labourers (see Chapter 2 for a full discussion and references).

production—land and capital—in the hands of a small, investment-minded elite. The other side of the coin was that a rapidly growing number of country-dwellers lost their traditional claims to land, so that they evolved from peasants into farmers making a living as wage-earners in the newly minted large-scale farms of wealthy landowners. Because of the dispossession of the peasantry and the concomitant dismantling of established peasant societies, the rise of agrarian capitalism was extremely contested. In the inland parts of the county of Flanders, where seigneuries were numerous, small and middling peasants thus used their control over seigneurial institutions to effectively block the trend towards agrarian capitalism.

Via seigneuries, village communities could protect themselves from the social polarization that went hand in hand with agrarian capitalism, but this also meant that propertied peasants had a disproportionately large say in how the village community and its interests were defined in the first place. The result was that the seigneurie contributed to the reification and reinforcement of the ideal of the patriarchal peasant household as the cornerstone of society at the expense of women, younger generations, migrants, the landless, and so on.

Even if their power and revenue was limited compared to their peers in other parts of Europe, Flemish lords maintained their high standing in society with this calibrating and recalibrating of social hierarchies. Though no longer able to act as autocrats, lords and ladies still enjoyed considerable influence and prestige in the fifteenth and sixteenth centuries. Increasingly often, lords took up formal or informal positions of prominence in urban and state institutions, which recognized them as the mouthpiece of a class of landed country-dwellers who cherished the seigneurie as a vehicle with which to defend their interests. Inversely, villagers used their lords and ladies as go-betweens with the prince and the towns, so that seigneurial lordship was crucially important for the towns, villages, and princely institutions to interlock in a single political community that, together, ruled the county of Flanders.

In sum, the persistence and transformation of seigneurial lordship into what we might call 'middle-class lordship' had great consequences for Flemish society. First, that process put Flemish peasants in a sufficiently strong position to prevent the spreading of agrarian capitalism from the Flemish coastal plain to other parts of the county. Second, the seigneurie became the fulcrum for the progressive integration of the hundreds of village communities in the principality's political infrastructure.

1. Flanders as an Outlier in the Seigneurial Spectrum

Our reinterpretation of Flemish seigneuries, which became dominated to an unusual extent by their own subjects, is not only of interest to specialists of the

county of Flanders. Because the story of Flemish seigneuries is distinct from that of most other parts of Western Europe, this case study helps to conceptualize what lordship was and how it evolved. Historians have long recognized not only that lordship was widespread in Western Europe, but also that it was a protean phenomenon, changing shape as circumstances altered. The common denominator was that in essence lordship was always about a public authority that also doubled as a private property right, but its exact nature differed greatly from one region to the next.[9] The conceptual merits of the seigneuries in Flanders transcend this principality in that they reveal a part of the spectrum of lordship that has been underexposed so far. A reflection of the position of Flanders in the panoply of seigneurial arrangements and its underlying causes helps scholars to understand which factors shaped this spectrum.

An in-depth comparative discussion of seigneurial lordship and its evolution in Western Europe is well outside the remit of this study, but a rough-brush outline on the basis of the available scholarship is worthwhile.[10] Taken as a whole, the county of Flanders appears as the foil to regions where seigneuries were mainly, if not exclusively, vehicles for elite control over the peasantry. An extreme example of such a region is Catalonia, with Thomas N. Bisson interpreting eleventh- and twelfth-century charters as powerful testimonies to the systematic exploitation, abuse, and maltreatment that lords imposed on their subjects. In a follow-up study, Bisson argues that this case study was in fact part and parcel of a larger pattern that he discerns in many other parts of Europe.[11] What is clear, in any case, is that Catalonian seigneuries were structurally geared towards the interests of lords rather than those of peasants. In the fifteenth century, the relations between lords and their subjects were still so antagonistic that Catalonian peasants did everything they could to delegitimize seigneurial rule, including the propagation of fictitious rumours that their lords used to claim the maidenhood of brides and beat pregnant women.[12]

In the Italian peninsula too, seigneurial lordship was suspended between elite aspirations to surplus extraction and concerns about legitimacy and public order maintenance. Drawing on evidence for Northern and Central Italy, Alessio Fiore has only recently provided numerous examples of local peasants being extorted, beaten, blinded, or killed by ambitious warriors who, in the eleventh century, represented themselves as the lord of this or that village. Conversely, Fiore also

[9] The best discussion of lordship straddling the private and the public sphere is Kaminsky, 'Estate, Nobility and the Exhibition of Estate', esp. 695–705.

[10] There is no Europe-wide survey available, apart from the historiographical review essays in Graham-Goering, van der Meulen, and Buylaert (eds), *Lordship and the Decentralized State in Late Medieval Europe*. For what follows, we draw on the exploratory comparisons in Wickham, 'Defining the Seigneurie since the War', 43–50 and Wickham, 'Conclusions/Perspectives', 497–510.

[11] Bisson, *Tormented Voices*, and Bisson, *The Crisis of the Twelfth Century*.

[12] See Freedman, *The Origins of Peasant Servitude in Medieval Catalonia*, 193. For similar tensions in Andalusia, see Freedman, *Images of the Medieval Peasant*, 183–4.

pinpoints the potential for change. It was precisely because their power was not the delegated authority of a higher-ranking prince that these emerging lords were eager to legitimize their rule. They did so by engaging in contractual agreements with their peasants that outlined the rights and obligations of both lord and subject. In due course such arrangements, which were increasingly often put in writing, provided a tool for well-organized peasant communities to engage in renegotiations with their lord, leading to new, more tolerable interpretations of lordship.[13] This process had its limitations, however, as the balance of power was still tilted towards lords in many seigneuries in the fourteenth and fifteenth centuries.[14] In Southern Italy, the might of lords was more circumscribed in the twelfth and thirteenth centuries because of the presence of strong kingdoms, but lords still claimed one-fifth of the harvest, that is, four times as much as in Flanders. From the fourteenth century onwards the might of lords increased so that Southern Italy became more closely aligned with the rest of the peninsula.[15]

France was home to a wide range of landscapes and societies, but lordship loomed large in every corner of the kingdom, to the point that by the eleventh and twelfth centuries, seigneuries covered the entire French countryside. Historians have observed great regional differences in the nature and intensity of lordship, but a common trend is that in the fifteenth century, seigneuries managed to recover from the combined threat to seigneurial rights and revenues that stemmed from inflation and peasant resistance on the one hand and the destruction caused by the Hundred Years War on the other. As a result, the following centuries saw a range of regional trajectories, though in none of them were seigneuries so well attuned to peasant interests as they were in Flanders. In seventeenth- and eighteenth-century Normandy, for example, seigneurial taxes became all but irrelevant as a source of revenue, but seigneurial regulations continued to be vexatious for various groups in society. While in Burgundy, seigneuries did provide public services to the villagers as they did in Flanders, with the regulation of public spaces, food safety, and so on, but the seigneurial court was not dominated by peasants and thus remained the instrument of the lord, who was increasingly prone to hike his own revenues at his subjects' expense. A more extreme example of that trend has been observed for the hinterland of La Rochelle, where the extractive nature of seigneurial rule was even more pronounced. These and other case studies have recently pushed historians to reconsider discontent with lordship as a factor that contributed to the French Revolution.[16]

[13] Fiore, 'Reconfiguring Local Power and Legitimacy in the Kingdom of Italy', 53–65 and more generally his *The Seigneurial Transformation*, esp. 73–100, 226–35, 242–64.

[14] A recent survey of the extensive historiography in Carocci, 'The Pervasiveness of Lordship', 3–47.

[15] See Carocci, *Lordships of Southern Italy*, esp. 444, 543, 554–6. The author points out the similarities with Castile, where seigneurial lordship also gained in strength.

[16] See respectively Dewald, *Pont-St-Pierre*, Hayhoe, *Enlightened Feudalism*, and Crubaugh, *Balancing the Scales of Justice*.

The Holy Roman Empire was so vast and diverse that it largely defies attempts at generalization, but what is clear is that the German-speaking world was another epicentre of the rise of lords and lordship in the eleventh and twelfth centuries, even if communities of free peasants did persist in some regions. With the passage of time, different parts of the Empire clearly moved along different trajectories.[17] In the east seigneurial surplus extraction was certainly brutal and persistent. Around 1300, in the margravate of Brandenburg, for example, lords claimed a staggering 45 per cent of the harvest. Here too, peasants vigorously defended their interests, so that by 1560 the lord's share was reduced to 23 or 24 per cent, but, just as elsewhere east of the Elbe, that drop was compensated for with increasingly burdensome corvées.[18] Sixteenth-century Prussian peasants were expected to provide two days of free labour per week, which stands in glaring contrast to the two to three days per year that Flemish peasants performed. Here too, arbitrary rule had been constrained by customs negotiated between lords and peasants, but well-documented examples show that fifteenth-century lords were working hard, and with some success, to impose new, more expansive interpretations of their rights on their subjects.[19] Recent research by Tristan Sharp reveals massive destruction in parts of Saxony and Franconia because of seigneurial wars of the sort that Justine Firnhaber-Baker has observed for France during the Hundred Years War, thus giving steel to Gadi Algazi's controversial claim that seigneurial lordship in the Holy Roman Empire was a protection racket enabled by noble feuds.[20] Peasants in the Holy Roman Empire also had to suffer the injustice of seeing their own right to feuding as a form of conflict resolution criminalized, whereas that of noble lords was recognized and sanctioned.

Conversely, some parts of the Empire were similar to Flanders in that there, too, peasants managed to put their lords on the defensive, the duchy of Swabia being a good example. If we are to believe the story that the German Peasants' War of 1524–5 was sparked by lords and ladies ordering their serfs to gather snail shells to be used as spools for thread, local villagers had ample experience with overbearing lords. The dominant pattern, however, was that seigneuries were controlled by large peasants who aggressively furthered their own interests at the expense not only of their lords, but also the lesser peasants. As a result, when those lesser peasants rose in massive protests against their progressive immiseration, only some of which they attributed to seigneurial abuse, they targeted not only their lords, but also village elites.[21] The great difference, then, was that

[17] A good introduction in Scott, *Society and Economy in Germany*, 153–97.
[18] Hagen, 'How Mighty the Junkers?', 85–6, 108.
[19] See for example Algazi, 'Ein gelehrter Blick ins lebendige Archiv', 317–57.
[20] Sharp, 'Seigneurial Predation', which provides a discussion of the critical reception of Algazi, *Herrengewalt und Gewalt der Herren* (see also Algazi, 'Feigned Reciprocities'). For France, see Firnhaber-Baker, *Violence and the State*.
[21] The complex causes and dynamics of this conflict are stressed vis-à-vis older views in Sreenivasan, 'The Social Origins of the Peasants' War', 30–65. See also his *The Peasants of Ottobeuren*,

Flemish seigneuries were based on a compact between greater and lesser peasants, so that seigneurial customs were designed in ways that protected small-scale landownership.

As part of the Low Countries the county of Flanders enjoyed some distance vis-à-vis the heartlands of the seigneurial transformations in the German- and French-speaking areas of Europe. That observation helps to explain why only certain regions in the principality became covered with seigneuries—though as we shall show, seigneuries were much more numerous than specialists of Flanders suspect. Moreover, as already stressed, the might of the counts of Flanders was another factor, as successive counts usually maintained a much stronger position of power over the lords in their territories than was the case in most parts of Europe. Little wonder, then, that the Flemish case study most closely resembles that of England, the oldest and most centralized principality in Western Europe. In the aftermath of the Norman Conquest in 1066, the entire kingdom was covered with manors, with Norman lords enforcing a harsher seigneurial regime over the peasantry than their Anglo-Saxon predecessors. That said, the rights of governance of English manorial lords were more restricted than those of their counterparts on the European continent. Whereas Flemish, French, Italian, Spanish, and German lords often had the right to prosecute serious crimes, to the point that they could impose death sentences on their subjects, criminal justice in England was usually the prerogative of the Crown. This limitation to lordship did not mean, however, that manors were not important. Just as in Flanders, English manors had played a pivotal role in the articulation of a political community in the kingdom of England from the thirteenth century onwards. Manors were the building blocks of the local and regional power bases of great nobles and lower-ranking 'gentry', with both groups also participating in the governance of the kingdom.[22] Around the middle of the fourteenth century, however, English lords had to face the sudden decline of serfdom as an institution, and just as elsewhere in Europe, seigneurial revenues were progressively eroded by inflation and restricted by the pushback of an increasingly assertive peasantry.[23] As in Flanders, the well-to-do villagers developed a considerable measure of control over manorial institutions. Lordship over a manor remained a source of prestige, but in the fifteenth century the records produced by manorial courts came to reflect the wishes of peasants rather than those of lords.[24]

39 for an interpretation of the Peasants' War as the temporary disruption of an ongoing dialogue between lords and peasants.

[22] The key publications on manors, gentlemen, and great lords in the English polity are Harriss, 'Political Society and the Growth of Government', 28–57 and Carpenter, *Locality and Polity*. For references to many follow-up studies, see Fletcher, 'Politics', 163–86.

[23] See esp. Bailey, *The Decline of Serfdom in Late Medieval England*. An analysis of declining surplus extraction by lords in Campbell, 'The Agrarian Problem', 10–18.

[24] See esp. Bailey, *The English Manor*, 37–43, 111, 191 and Birrell, 'Manorial Custumals Reconsidered', 3–37.

Despite these similarities, the trajectory of Flemish seigneuries was clearly not simply a continental equivalent of the English scenario. In contrast to England, criminal justice continued to be a more decentralized affair in Flanders, since the repression of serious crime did not begin to be siphoned away from seigneurial courts until the mid-eighteenth century.[25] In England, then, manor courts often, if not always, remained important, but many of their functions were reconfigured: the late fourteenth century saw the start of a process in which various mechanisms for social control and the moral disciplining of lower-ranking groups in society gradually shifted from local courts—including those of manors—to urban and ecclesiastical courts and the justices of the peace, which is to say royal officials who were recruited from among local notables to take on more and more of the public order maintenance in the English shires.[26] Manors remained a vital instrument for village elites to maintain order in the village, but that concept of order apparently became disconnected, if not in theory then certainly in practice, from a broad conception of the village community. Whereas solidarity between peasants of different stature was still strong up to the fifteenth century, this pattern did not persist. With the flourishing of agrarian capitalism in the English Midlands in the seventeenth and eighteenth centuries, rural society was no longer dominated by small and middling peasants, but by an elite of agricultural entrepreneurs who leased vast tracts of lands from the gentry and who cultivated that land by hiring a rural proletariat of expropriated small peasants.[27] In those parts of Flanders where seigneuries were omnipresent, however, great and small peasants continued to collaborate, partly in their shared commitment to seigneurial custumals that prevented agrarian capitalism.

The case of Flanders thus illuminates a distinct segment in the spectrum of seigneurial arrangements where lordship was caught in a pincer movement between strong princes and towns intent on dominating their hinterlands. Both factors were also present in other parts of Europe, but they rarely intersected as they did in Flanders.

First, strong princes, who became an increasingly frequent phenomenon. In Flanders, just as elsewhere on the continent, the might of the prince was lagging behind the precocious centralization of governance and justice in England, but from the fourteenth century large parts of Europe saw the rise of states. As princes and their administrations were experimenting with standing armies and

[25] Our thanks to Thijs Lambrecht for bringing to our attention archival records that testify to the transfer of seigneurial justice to other institutions around 1750.

[26] The seminal publication is McIntosh, *Controlling Misbehavior in England*, 4, 7, 10, 16, 39, 208–10, 212–13.

[27] The persistent importance of the manor has been stressed in Johnson, *Law in Common*, 19–54 and in Gibbs, *Lordship, State Formation and Local Authority*. For peasant solidarity, see Dyer, 'Partnership among Peasants', 291–312 and by the same author 'The English Medieval Village Community and Its Decline', 407–29. For an inroad to the vast scholarship on agrarian capitalism, see Dimmock, *The Origin of Capitalism in England*.

increasingly robust fiscal systems to pay for those armies, they strengthened their position in relation to the military might of lords.[28]

Towns controlling their hinterlands were rarer phenomena. There were, of course, the Italian city-states, but they were exceptional in the European context. The same goes for out-burghership, which flourished only in a band that ran from the Low Countries across the south-western parts of the Holy Roman Empire into the Swiss Confederacy, which helps to explain why in Swabia, too, peasants enjoyed a relatively strong position vis-à-vis their lord.[29] England represents a more common scenario in which towns had little power beyond the city walls. Like Flanders, England was heavily urbanized, but unlike Flanders, English towns had to leave the governance of the countryside to the Crown.[30] In other parts of Europe, such as Castile, the Crown often used towns as administrative centres for the royal domination of a region, but that arrangement did not give country-dwellers the tools with which to emancipate themselves from seigneurial rule.

What the Flemish trajectory shows is that seigneuries were not doomed to dwindle into obsolescence when strong princely authority and mighty towns came together. Rather, this configuration created breathing space for ordinary country-dwellers to bend seigneurial institutions to their will. The story of Flemish seigneuries thus helps historians to conceptualize the protean nature of lordship in Western Europe as a function of both state formation and urbanization.

2. Three Challenges in the Historiography of Lordship

Apart from its potential for comparative discussions, the case study of Flemish seigneuries also helps to probe three conceptual problems that have recently arisen in the historiography of lordship. Scholarly interest in this topic has mushroomed in the last few decades. A telling indication is that in the JSTOR database, for example, the number of publications on lordship more than doubled between 1990 and 2010 (from *c.*9,000 to *c.*24,000 publications), with similar trends for keywords such as 'manor' (from *c.*14,000 to *c.*35,000 publications), this being a popular translation in academic English of *heerlijkheid* (Dutch), *seigneurie* (French), *Herrschaft* (German), *signoria* (Italian), and so on. This explosion in the number of publications goes hand in hand with thematic diversification. Historians are currently pursuing very diverse lines of enquiry, so diverse that dialogue between

[28] A critical review of the vast scholarship in Watts, *The Making of Polities*.

[29] See Scott, *The City-State* and also Prak, *Citizens without Nations*, 19, 48. For the Low Countries, see also Verbeemen, 'De buitenpoorterij in de Nederlanden', 81–99, 191–217.

[30] See the contributions in Palliser (ed.), *The Cambridge Urban History of Britain*.

the different strands of scholarship is often muted or simply non-existent. In what follows, we first provide a bird's-eye overview of the historiography on lordship. We then outline the three problems that historians have observed in the current state of the field. For each of these problems, we discuss how Flanders provides a useful test case for how to address that challenge.

The best point of departure for a review of the literature is the observation that the growing prominence of lordship on historians' research agendas is largely rooted in the reconceptualization of old questions and debates rather than in the birth of a new topic of historical research. The increasing interest in seigneuries and seigneurial powers is closely entwined with the crisis of 'feudalism' as one of the key concepts of twentieth-century scholarship.[31]

Historians have traditionally situated lords and lordship within a model of medieval society that supposedly derived its vitality from reciprocal relationships between princes, lords, and peasants that were rooted in landed property. The fief as a specific legal arrangement that allowed its owner to delegate the user rights to an estate without abandoning the property claim to that estate was supposedly the basis of these reciprocal arrangements. With the passage of time, however, it became clear that the historical construct of 'feudalism' was not easily squared with the evidence.[32] The case of Flanders provides a good example. While charters from eleventh- and twelfth-century Flanders have played a pivotal role in constructing the grand narrative of 'feudalism', even for this county the preoccupation with fiefs and feudal relations may conceal more than it reveals.[33] As we shall show in Chapter 1, while most of the county's seigneuries were also fiefs, inversely, only a fraction of all Flemish fiefs were also seigneuries. Since the 1970s, historians have come to formulate aggressive critiques of 'feudalism' as a historical construct, so that those who prioritize fiefs as a crucial node of relations between lords and vassals have been put on the defensive.[34]

Still standing in the wake of this conceptual house-cleaning among medievalists is the basic conclusion that the social and political structures of Europe were for centuries dominated by power relations between lords and peasants. The omnipresence of seigneuries is one of the touchstones for *ancien régime* Europe as historians' shorthand for these structural continuities. In the late twentieth century, the conceptual merits not only of 'feudalism', but also the 'Middle Ages'—a term we also avoid in this book—began to be questioned, so that recently historians have stressed the rise of self-conscious seigneurial elites in the eleventh

[31] For a historiographical reflection that sees greater continuity between the scholarship on feudalism and that on lordship, see Feller, 'The Rural Lordship in Europe', esp. 1–7.

[32] The classic critiques are Brown, 'The Tyranny of a Construct', 1063–88 and Reynolds, *Fiefs and Vassals*; see the review of subsequent historiographical developments in Brown, 'Feudalism: Reflections on a Tyrannical Construct's Fate', 15–48.

[33] The Flemish evidence was central to the influential essay of Ganshof, *Qu'est-ce que la féodalité* (see also the many translations). A historiographical discussion in Heirbaut, *Over lenen en families*.

[34] For a recent defence of this perspective, see West, *Reframing the Feudal Revolution*, 261–2.

and twelfth centuries as a major stimulus to the progressive crystallization of a social order that endured until the great upheavals of the eighteenth and nineteenth centuries.[35]

While historians are increasingly prone to see their studies on lords and lordship as part and parcel of a greater conversation about European societies between the tenth and the nineteenth centuries, that does not mean that all these studies come together in a coherent discussion with clear stakes and outcomes. Indeed, the fragmentation of scholarship on lordship has rather increased than decreased in the past decades. Both chronologically and thematically, different debates are ongoing, but they rarely touch. Each of these discussions is anchored in different academic networks, conference circuits, and publications, with the footnotes only rarely revealing any engagement with other approaches to lordship.

Specialists of the tenth, eleventh, and twelfth centuries converge in the so-called Feudal Revolution Debate, a fierce and ongoing discussion that began in the 1990s around the birth of lordship and the extent to which the violence committed by the first generations of lords was intrinsically destructive of both the social fabric and the governance of society.[36] Another important line of enquiry pertaining to those centuries is whether the purchasing power of lay and ecclesiastical lords was an important stimulus for the rebirth of urban economies and networks in Europe from the eleventh century onwards, a development that historians have traditionally explained only as a side effect of long-distance trade.[37]

Historians who focus on the thirteenth to the sixteenth centuries had different priorities. The great challenge in post-war historiography was to chart and explain the great socio-economic transformation from 'feudalism' to 'capitalism' in Western Europe. In practice, much of this scholarship revolves around a progressively refined study of seigneurial accounts as a key source. A good example is offered by the more than thirty so-called *Seigneurs et paysans* studies relating to various parts of France that have been produced by French scholars, a model of scholarship that has often been emulated in regard to other parts of Europe by historians who were captivated by the glamour of the French Annales School. The only detailed discussion of Flemish seigneuries that precedes the present book—Erik Thoen's analysis of seigneurial rents—is partly inspired by that tradition.[38]

That socio-economic approach has produced the most enduring interpretation of 'feudalism' as a concept for historical research. Rather than the

[35] See also the more general comments in Carocci, 'Social Mobility and the Middle Ages', 368.

[36] For a review and an important intervention in the debate, see West, *Reframing the Feudal Revolution*, 1–4.

[37] Verhulst, *The Rise of Cities in North-West Europe*.

[38] The opening salvo was Boutruche, *La crise d'une société*. For a near-exhaustive historiographical review, see Small, *Late Medieval France*.

traditional, legalistic preoccupation with fiefs that we mentioned earlier, the persistently popular definition of 'feudalism' involves a joint discussion of all the political actors—princes, ecclesiastical institutions, towns, guilds, and, last but not least, lords in the strict sense of that term—who in one way or another extracted the economic surplus value produced by peasants via the exercise of power ('rent-seeking' in the terminology of New Institutional Economics) as opposed to market exchange as the fulcrum of capitalist economies.[39] Since the 1990s, the Transition Debate has found a second lease of life in the increasingly intense discussions of why and when a 'Great Divergence' took place in the economic development between the Western and non-Western worlds, because differences in political economy are an important variable in these comparative discussions.[40]

Partly because of the rediscovery in 1992 of an older, extremely contested study published in 1939, historians of the fourteenth to sixteenth centuries also developed a second discussion that is more closely aligned with the Feudal Revolution Debate in its focus on the impact of lordship on governance.[41] One of the great breakthroughs of late twentieth-century scholarship was that historians revealed how, from the fourteenth century onwards, principalities increasingly often developed the fiscal and administrative strike power that was necessary to mobilize ever-larger armies. Because these trends were at the root of the centralized states of nineteenth-century Europe, many historians—the authors of this book included—tend to speak of state formation, even if they have to work hard to avoid the teleological baggage implied in the concept. In the wake of this trend, seigneuries acquired special significance as a proxy to measure whether this concentration of fiscal and military resources was also mirrored in justice and governance.[42] The key question is whether or not the existence of seigneuries as private enclaves with distinct rights of governance within the boundaries of a principality was incompatible with the notion of state formation. That debate, too, is still ongoing. For several polities, including the Burgundian-Habsburg Low Countries, historians have recently proposed jettisoning the 'state' as an appropriate lens for analysis.

Strikingly, there are no such discussions among specialists of the seventeenth and eighteenth centuries. They intuitively assume that the seigneurie was gradually morphing from an independent 'state-within-a-state' to an entity on the lowest rung of the state administration.[43] For those two centuries, research on

[39] A recent reiteration with a discussion in Wickham, 'How Did the Feudal Economy Work?', 3–40.
[40] An overview in Court, 'A Reassessment of the Great Divergence Debate', esp. 645–6, 654–7.
[41] Otto Brunner, *Land und Herrschaft/Land and Lordship*. In Chapter 6, we discuss this debate in full in dialogue with our own empirical research.
[42] For an introduction to the vast scholarship on 'state capacity' as a factor in economic development, see Johnson and Koyama, 'States and Economic Growth'.
[43] For a typical example, coming from an influential specialist on state formation as a social process see Beik, *A Social and Cultural History of Early Modern France*, 40.

lordship is mainly situated in the slipstream of the aforementioned Transition Debate. Historians have invested much time and energy in understanding, for example, the rise of the 'Second Serfdom' in Eastern Europe to explain why that region, like southern Europe, came to lag behind Western Europe economically.[44] In light of the recent Great Divergence Debate, scholars are also becoming increasingly interested in experiments in which European colonial powers transplanted the institution of lordship in their overseas territories.[45]

Until recently, detailed discussions of lords and seigneuries in seventeenth- and eighteenth-century Western Europe were scarce, but this changed rapidly. The theme was long sidelined by specific trends in post-war scholarship on *ancien régime* France as a case study with exceptional impact on the field. With the rise of the New Cultural History in the late twentieth century, revisionist scholarship on the French Revolution was prone to stressing cultural factors at the expense of traditional elements such as the 'anti-feudal' reaction of French revolutionaries, which eventually culminated in the abolition of all seigneurial rights and privileges on the famous night of 4 August 1789. In the past years, however, historians have rehabilitated the importance of seigneuries in that debate by showing that the institution did provoke increasingly fierce resentment among country-dwellers due to its progressively negative impact on revenues and rights on the eve of the Revolution.[46] For other regions, including the Low Countries, a growing interest in seigneurial power and its consequences is taking shape.[47]

Within this prism of different research traditions, in which the light also refracts differently according to the strong regional differences in the nature and strength of seigneurial authority, we can discern some common themes and interests. Approaches and formulations may differ, but reflections on lords and lordship largely revolve around questions of their political and economic impact on contemporaries, rather than, say, pinpointing the factors that explain why lordship was so different in various parts of Europe. As revealed by the title of this book, *Lordship, Capitalism, and the State in Flanders (c.1250–1570)*, and the summary of our argument in its opening pages, we are convinced that the economic and political aspects of lordship are so closely entwined that they require a joint discussion.

Ambitious as it is, this approach faces three conceptual problems. While liberated from the prison of 'feudalism', the current state of the research reveals that three new difficulties have emerged that merit special consideration. The first is

[44] See Cerman, *Villagers and Lords in Eastern Europe*. Similar research is rare for Western Europe, but for an excellent example, see Dewald, *Pont-St-Pierre*.

[45] A random example that includes a good historiographical introduction is Geloso, 'Predation, Seigneurial Tenure, and Development', 747–70.

[46] The intellectual roots of this historiographical shift are discussed in Jones, 'Georges Lefebvre and the Peasant Revolution', 645–63. See also the studies of Jeremy Hayhoe and Anthony Crubaugh that we cited above.

[47] For example Lantink and Temmink (eds), *Heerlijkheden in Holland*.

simply that historians often struggle to define lordship, a problem that is also acknowledged by those scholars who argued that a greater focus on lordship was the perfect antidote to the problems with both fiefs and states as the conceptual hobby-horses of twentieth-century historiography.[48] As David Crouch mordantly put it:

> What is lordship? The word is thrown around in medieval scholarship almost as readily as 'feudalism' once was, and to as little purpose. It is meaningless as a model of how a society could function: a conceptualisation devised for the concept-averse, an absurd reductionism. 'Lordship' is a liquid that can fill a variety of shapes of glass.[49]

Where 'feudalism' creates confusion as a research concept because two different definitions are circulating among historians—a narrow, legal one and a wider socio-economic one—'lordship' is difficult as a research concept because it is not easily squared with the flexible and associative use of lordship in contemporary sources.[50] Apart from the might of lords in the strict sense of the term—namely a mode of domination that doubled as a private property right—contemporaries also thought of God as having lordship. The same goes for the authority of the male head of the household, of the abbot over his monks, and the priest over his parishioners. In many parts of Europe, Flanders included, a village's priest, a town's aldermen, or prince's officials were also addressed as lords as an honorific marker. In a similar vein, lordship was often a plastic, open-ended idea. Fifteenth-century England provides clear examples. When the Pastons, a gentry family in Norfolk, debated in their letters how to secure the 'good lordship' of a noble magnate they were not only or even primarily referring to that nobleman's possession of manors, but rather to his capacity to influence the workings of the courts and administration of the English Crown in favour of his adherents.[51] Understandably, contemporaries were less concerned with strict conceptual definitions than with articulating how elites established or cemented their dominance in society by combining multiple sources of authority, one of which was lordship in the strict sense of the term.

Given the growing inclination in recent scholarship to distil lordship as a historical research concept from the protean and flexible speech acts of contemporaries, confusion is hard to avoid. The most powerful warning in this respect

[48] See esp. Davies, 'The Medieval State: The Tyranny of a Concept?', 295–6.
[49] Crouch, 'Captives in the Head of Montesquieu', 186.
[50] The protean nature of lordship was already explored in the influential call-to-arms of Thomas Bisson to prioritize this topic on the research agenda of historians: Bisson, 'Medieval Lordship', 743–59 and in Carocci, 'I signori: il dibattito concettuale'. See also more recently the wide-ranging contributions in Antonetti and Berardi (eds), *The Various Models of Lordship in Europe*.
[51] Harriss, *Shaping the Nation*, 194–8.

comes from Charles West, who showed that specialists of the Carolingian Empire were projecting the existence of lords and lordship onto the available sources with increasingly frequency. References in surviving texts to exchanges of services and temporary political alliances are often understood as expressions of durable bonds between lords and their subjects, even if those interactions are better understood as clientelism or patronage.[52] One of the two key elements in the strict definition of lordship is missing, in the sense that these modes of domination were not imagined as legal claims or property rights by contemporaries.

In sum, thus, the challenge is to distinguish between the restrictive and the more expansive interpretations of lordship that emerge from surviving textual records. In this study we tackle this problem by devoting the first three chapters to the seigneurie, namely an institutional container of lordship that pertained to a specific, well-delineated territory. Seigneuries cover only a limited part of the broad spectrum of seigneurial power, but the advantage to historians is that to contemporaries they were readily recognizable institutions, a situation that is also mirrored in the sources. Moreover, seigneuries were also anchor points for strict definitions of lordship as legally enshrined power relations. In Chapter 1 we draw on social semiotics to explore the textual evidence on Flemish lordship. This approach reveals that in Flanders the Middle Dutch word *heerlijkheid*, consistently translated here as 'seigneurie', had a fairly stable, well-delineated meaning that we discuss in greater detail in Chapters 2 and 3. Building on this conclusion, in Chapters 4, 5, and 6 we explore the more expansive and protean concept of 'lordship' in Flemish society. Just as elsewhere, lords and ladies had a broad, more nebulous concept of seigneurial might that transcended the well-delineated rights of their seigneurie. Apart from the joint rule of multiple seigneuries, lords also combined their control over a seigneurie with the power they derived from a chivalrous lifestyle or urban or princely office. The subjects of seigneuries contributed to the construction of this expansive concept of lordship because they often had little patience with the precise distinctions between different types of lords, often lumping together urban aldermen, princely officials, and seigneurial lords as 'the lords' of Flemish society. These three chapters do not provide an exhaustive discussion of every possible interpretation of lordship in circulation among contemporaries (priests, for example, were also addressed as lords), but they do give a basic outline of the cultural matrix of lordship, especially since in the case of Flanders the religious and patriarchal components of that concept are sufficiently well documented.

The second problem with the current scholarship on seigneurial lordship is historians' tendency to speak of 'strong lordship' or 'weak lordship'. We can be brief on the issue as it was recently outlined by the Italian medievalist Sandro

[52] West, 'Lordship in Ninth-Century Francia', 3–40.

Carocci, who stressed that prominent lords who significantly influenced princely decision-making, for example, often had little or no impact on the daily lives of the inhabitants of their seigneuries, whereas the opposite was often true for petty lords. The labels of 'great lords' and 'petty lords' thus reveal more about the priorities and interests of historians than about the experiences and perceptions of contemporaries.[53] Insofar as it is possible to measure seigneurial might, this approach implicitly reinforces a top-down perspective on lordship, in which the dynamic relationships between lords and subjects are reduced to a static object.

The case of Flanders provides a telling illustration of this problem. The scholarly reflections on lordship in Flanders reveal that historians of this region instinctively approach the problem through the lens of 'weak lordship'. We aim to sidestep this problem. Drawing on the unusually rich evidence on the perspectives of seigneurial subjects, we will argue that the power and stature of lords and ladies was defined through the growing participation of their subjects in the governance of the seigneurie, a development that helped to ensure the seigneurie's durability. According to parameters such as seigneurial surplus extraction and the role of lords in the governance of the polity, for example, Flanders was home to what were perhaps the 'weakest' lords in all of Europe, but precisely because ordinary villagers had exceptional control over the seigneurie, the institution persisted and flourished as a source of local governance.

To frame our argument we draw on two recent historiographical developments. The first is historians' engagement with the provocative claims articulated by Michel Foucault in the late twentieth century on the cognitive aspects of governance. Historians have pushed back against his assertion that elite domination was largely predicated on the gathering and structuring of information on subjects in ways that facilitated and legitimized coercion. Empirical research on information management and governance has revealed that, more often than not, elites were dependent on the collaboration of their subjects for information gathering and the implementation of policies. Consequently, these processes were largely shaped not only by the interests of elites, but also those of their subjects.[54] So far, historians have prioritized this line of research for nineteenth- and twentieth-century colonial regimes and authoritarian states, but we shall show that this insight also holds good for thirteenth- to sixteenth-century seigneuries.

The second strand of scholarship that is useful for this line of enquiry is most clearly expressed in the recent call of the British medievalist Tom Johnson to imagine jurisdiction as a social process in which stakeholders are constantly communicating and negotiating conflicting views of abstract claims in order to arrive

[53] Carocci, 'The Pervasiveness of Lordship'.

[54] For the best discussion of this historiographical shift, see the 'Editors' Introduction' in Szreter and Breckenridge (eds), *Registration and Recognition*, 1–36.

at practical arrangements.[55] This approach is valuable in relation to seigneuries since, from the ninth century onwards, lordship came into being because claims to public governance were formalized as private property claims.[56] Consequently, the seigneurie was suspended between the interests of the lord and the Common Good of the seigneurie's inhabitants. In Chapter 1, we discuss these private claims to public governance from the perspective of the lord, whereas Chapters 2 and 3 are dedicated to the social context in which these claims were put into effect as an interpretive and communicative process between lords and subjects.

That scholarly conceptions of lordship tend to be static and one-sided has much to do with a third and last problem, namely the persistent framing of lordship in evolutionary models. By and large, lordship owes its recent popularity as a research subject to the collapse of the grand narrative of 'feudalism', but lordship often fulfils a similar role to that of the fiefs in feudalism in recent frameworks of analysis. History is a recursive discipline and the growing preoccupation with lordship among scholars bears the weight of older approaches, often with detrimental effects.

For the political history of lordship, we must start our review in the sixteenth and seventeenth centuries, when proponents of strong princely government formulated claims about seigneurial lordship that often persist to this day. The most effective trick in the book of apologists of princely rule was to equate the state with the princely administration, whereas contemporaries traditionally perceived princely authority as only one of several pillars of public governance, next to, for example, seigneuries. The theorists of French Absolutism, for example, routinely imagined seigneurial lordship as usurpations of princely authority rather than as a separate concept with its own history and legitimacy. Enlightenment intellectuals then supercharged this perspective. Montesquieu for one appreciated the contribution of the seigneurie to French society, but most political philosophers endorsed a darker view, including accusations of sexual depravity by lords who back in the mists of time had allegedly claimed the *ius primae noctis*. Artists cemented this idea in popular culture, with, for example, Pierre de Beaumarchais's influential *Le mariage de Figaro* (1776) and the toned-down reprise by Mozart. Among intellectuals with historical interests, this image of lordship became part and parcel of the ontology of the past itself, in which history as the Great March of Civilization took shape as the suppression of the seigneurie as an illegitimate source of disorder.

This negative view of lords and lordship chimed with the research agenda of the first academic historians. As of the early nineteenth century, history was

[55] Johnson, 'The Tree and the Rod', esp. 23–5, 44–5, 49, 51. See also Liddy, 'Towns and Lords in Late Medieval Europe' for an insightful discussion of lordship as an ongoing process of interpretation and negotiation.

[56] West, *Reframing the Feudal Revolution*, 260–3.

routinely imagined as the unfolding pageant of nation-states. Proceeding from the then-dominant idea that effective government required centralization and bureaucratization and their wish to elevate the nation as the touchstone of politics and collective identities, historians imagined the seigneurie as a stumbling block in the birth of modern nations and states.[57]

Some 200 years later that association of lordship with abuse of power and bad government is still with us, not least because a private claim to public authority—either by individuals or by institutions other than the state—does not sit well with democracy as the political ideology that has become dominant in many parts of the world since the late nineteenth century. One axiom of democracy is that governance belongs to the public sphere, so that the mixing of private interests with public authority is perceived as corruption. Historians are not immune to that reflex.[58]

Inversely, the critique of this paradigm also appears to be *zeitbedingt*. The possibility that to contemporaries lordship was a legitimate source of public order was first articulated in the years between the First and Second World War by a group of German-speaking historians, some of them highly talented, whose interbellum sympathies with fascism led them to embrace a decidedly roseate view of lords and seigneuries in *ancien régime* Europe.[59]

In a similar vein, it is probably no coincidence that historians isolated this valuable line of enquiry from that despicable anti-democratic framework for further exploration in the 1990s.[60] In the late twentieth century, the post-modern critique of history as a March of Civilization—including the erosion of lordship as a stepping stone towards modernity—took hold in academia. Empirically speaking, historians now showed that 'rather than embourgeoisement, Western European societies underwent a process of aristocratization', thus invalidating the social component of this grand narrative at the same time that lordship as a political institution became a fiercely debated topic.[61] What remains, then, also among historians, is a certain ambivalence about the topic of lordship that lends poignancy—with the depressing exception of Season 8—to the HBO monster hit *Game of Thrones* (2011–19) and many other representations of lords and their subjects in popular culture.

Next to the grand narrative of history and the state, there is also a long-standing tradition of imagining lordship as a milestone in trajectories of economic development. Economic historians, certainly if they work in an economics department

[57] We provide references on the nineteenth-century historiography on state formation in Chapter 6.

[58] For a critical discussion of this and other examples among specialists of the tenth to twelfth centuries, see Crouch, 'Captives in the Head of Montesquieu', 185–9.

[59] A pertinent discussion in Miller, 'Nazis and Neo-Stoics', 144–86.

[60] A crucial step was the publication in 1992 of a critical translation of Otto Brunner's study into English.

[61] Zmora, *Monarchy, Aristocracy, and the State*, 2, which provides a historiographical review of the vast scholarship. See also the comments in Crubaugh, 'Feudalism', 227–8.

rather than a history department, tend to keep their distance from the epistemological debates that took shape in the late twentieth century.[62] Then again, they are, as a rule, intimately familiar with the intellectual genealogy of their own research. The debate about the economic impact of lordship is no exception. The black legend of lordship that gained strength with the Enlightenment also had an economic component. Physiocrats saw seigneurial rights, tolls, and rents as impediments to commercialization and prosperity. Theoretically speaking, that point was articulated most clearly by Adam Smith, who used the scholarship on lordship that was available in the 1770s to reflect on how seigneuries were incompatible with level playing fields for all economic actors (*The Wealth of Nations*, Book IV). This paradigm, in which lordship was the epitome of the old socio-economic order that collapsed with the rise of capitalism, was then expanded and modified by Karl Marx (*Das Kapital*, Vol. I and the *Grundrisse*).

To this day, these views still inform much of the so-called Transition Debate. New Institutional Economics, the theoretical framework that has dominated much of economic history since the late twentieth century, is combining the Smithian preoccupation with commercialization with the Marxist stress on social conflict. Little wonder, then, that Douglass C. North and Robert P. Thomas, the founding fathers of that tradition, have highlighted the seigneurie as the epitome of so-called 'extractive institutions', which is to say the opposite of 'inclusive institutions' that benefit not only rapacious elites, but also a broad range of social actors and thus generate greater economic and societal benefits.[63]

While we hasten to acknowledge the merits of the vast scholarship on the socio-economic and political transformations in Western Europe in the past millennium, reductionist assumptions about lordship still persist in present-day historiography. The best illustration is the dichotomy between 'pre-modern' and 'modern' history, a concept of the past that became immensely popular in the late twentieth century.[64] While its phraseology draws on the Post-Modern Turn, this trend is in fact a variation of the grand narrative that was the target of post-structuralist critiques, namely the presenting of contemporary configurations as a self-evident frame of reference, so that both non-Western and older European societies are reduced to mere prefigurations or foils to self-declared modern societies. By pushing the denizens of the past into that position we deny them an agency that we claim for ourselves. Lordship is part and parcel of this sleight of

[62] A pertinent introduction to these debates and their aftermath in Arnold, 'Responses to the Postmodern Challenge', 109–32.

[63] North and Thomas, 'The Rise and Fall of the Manorial System', 777–803 and Acemoglu and Robinson, *Why Nations Fail*, 74–81. It should, however, be noted that the empirical research on the pernicious impact of lordships on peasant communities has often been shaped by traditions other than New Institutional Economics (see, for example, Dewald, *Pont-St-Pierre* and Hayhoe, *Enlightened Feudalism*).

[64] For the English-speaking world, see the quantitative analysis and discussion in Smail and Schryock, 'History and the "Pre"', 709–22.

hand. As Carol Symes has pointed out, all things 'feudal' still loom large in how we routinely imagine modernity and its opposites.[65] In that respect it is telling that in both academic scholarship and popular culture, the detrimental impact of Big Tech on our lives and democratic government is increasingly often framed as a regression of modernity into an era of 'Techno-Feudalism'.[66]

The historiography on the county of Flanders is no exception to this persistence of modernization narratives. One of the main reasons why seigneurial lordship in this region has received negligible critical scrutiny so far is that, since the nineteenth century, historians have been prone to imagining the precociously urbanized Low Countries as a proto-bourgeois society, which was supposedly mirrored in the early erosion of lordship as a social force. In the past thirty years, this interpretive routine has actually gained in strength. With the increasing prominence in academia of competitive funding schemes, in which societal relevance is a close second to academic excellence as an evaluation criterion, Netherlandish historians were prone to pitch their research projects as explorations of modernity's early manifestations.[67]

A discussion of Flemish seigneuries provides an opportunity to push back against this instinctive approach to lordship through the lens of modernization narratives. When we discuss in Chapters 2 and 6 how for ordinary country-dwellers the hundreds of seigneuries in the county constituted the first point of contact with the government in a time when the county of Flanders was integrated in a composite Burgundian-Habsburg state, we do not proceed from the perspective of nineteenth-century centralized nation-states, but of inhabitants of the highly federalized Flemish/Belgian corner of the European Union.

From a socio-economic perspective too, Flemish seigneuries are not easily relegated to the periphery of modernity. Research into seigneurial surplus extraction in, for example, Anglo-Norman England, fifteenth-century Prussia, or eighteenth-century France confirms that seigneuries could function as 'extractive institutions', but the social inflection of seigneuries differed in time and space, with Flanders apparently illuminating a hitherto unknown part of the spectrum where seigneuries displayed characteristics of inclusive institutions and surplus extraction was extremely restricted. From the thirteenth century onwards, Flemish seigneuries were dominated by coalitions of small and middling peasants who, taken together, must have constituted a substantial share of local

[65] Symes, 'When We Talk about Modernity', 715–26.

[66] For an academic example, see the recent paper by Robert Brenner as one of the founding fathers of post-war scholarship on the economic impact of lordship: 'The Transition from Capitalism to Feudalism?' (online paper and workshop organized on 29 April 2021 at University of Massachusetts–Amherst and published via Youtube). For popular culture, see Kaufman, 'Corporate Medievalism', 11–19.

[67] For the intellectual genealogy of this perspective, see the historiographical essays in Boone, *A la recherche d'une modernité civique*. See also the metahistorical comments in Prak, 'The Dutch Republic as a Bourgeois Society', 107–39 and Verbergt, 'Mediëvisten en moderniteit'.

communities, even when they discriminated against the landless, women, and other groups. The obvious parallel appears to be with the better-studied urban citizenry (*poorterij* in Dutch), a substantial part of which was organized in guilds, which in that time included somewhere between half and two-thirds of the population of European towns.[68]

That said, the relative inclusivity of the seigneurie did not produce the sort of economic modernization that is predicted by New Institutional Economics.[69] In fact, when small and middling peasants were confronted from the fourteenth century onwards with the rise of agrarian capitalism in large parts of the county of Flanders, they used the regulatory powers of the seigneurie to prevent that trend affecting their own village. Up to the 1570s, at least, Flemish seigneuries developed in tandem with capitalism rather than embodying an earlier, more primitive arrangement. That the milieus that controlled the seigneurie decided to thwart capitalist experiments does not detract from this observation: the choice they made is just as modern as our own ongoing struggle with the rapidly mounting ecological and social costs of industrial and financial capitalism.

3. From Sources to Narrative

Thanks to team-based research—a more positive effect of the recent shifts in research funding mentioned above—this study draws on an extensive corpus of primary sources.[70] The basis of the book is a survey study which has revealed the existence of roughly 800 seigneuries with substantial rights of governance in the county of Flanders. These seigneuries with 'high justice' or 'middle justice' differ from the far more numerous seigneuries with 'low justice', that being a set of economic privileges but only limited claims to public authority. The geographical scope is that of Dutch-speaking Flanders. Walloon Flanders, a much smaller part of the principality consisting of the rural districts around Lille, Douai, and Orchies, where French was spoken, is excluded from our analysis, for that region had an institutional history of its own that was much more closely aligned with that of France. Demographically speaking, around 1475, Dutch-speaking Flanders

[68] See the recent synthesis in Prak, *Citizens without Nations*, 19, 48: this historian, who studies citizenship as a broad range of social practices rather than as a well-delineated legal status, has already pointed to the possibility that citizenship was just as present in the countryside as in towns. In Chapter 2, we show that Flemish seigneuries provided a rural equivalent to urban healthcare, poor relief, property registration, and so on.

[69] For urban guilds too, claims about its beneficial effect on economic development are the subject of a fierce critique that also draws on the insights of New Institutional Economics. See Ogilvie, *The European Guilds*. Theoretically speaking, we are also indebted to the reflections in Ogilvie, 'Choices and Constraints in the Pre-Industrial Countryside'.

[70] See Verbergt, 'The Price of History', 209–304.

had roughly 660,000 inhabitants or roughly 1 per cent of Europe's population (both the Ottoman and Russian empires are excluded from this estimate).[71]

Our database of the roughly 800 'higher' seigneuries provides us with a near-exhaustive overview of the Flemish seigneurial landscape. We carried out cross-checks by mapping seigneuries with low justice in parts of the county and comparing the result with the higher seigneuries. As we shall see in Chapter 1, the societal impact of seigneuries with low justice was fairly limited compared to those with high or middle justice, and therefore, in the rest of the book, we prioritize the relationships between lords and subjects in those higher seigneuries. Moving from seigneuries to lordship, we develop our argument in six chapters, each focusing on specific themes and sources.

In Chapter 1 we explore the ways in which contemporaries defined seigneuries. We privilege legal sources and perspectives for the simple reason that lordship entered the stage in European history when domination was conceptualized as a private property right, as a legal claim in other words.[72] First we confront the reflections of contemporary legal specialists on the nature of the seigneurie with a corpus of several hundred *dénombrements*, that is, detailed and legally binding descriptions of fiefs that the holder of a fief submitted to his or her overlord. By the thirteenth century at the latest, most if not all Flemish seigneuries also happened to be fiefs, and when fief-holders registered their feudal arrangements they were careful to list the seigneurial rights that made that fief a seigneurie with high, middle, or low justice. Proceeding from a quantitative analysis of seigneurial rights, we then discuss whether the legal definition of seigneuries matched the way in which seigneuries were imagined in other contexts. A comparison of descriptions of seigneuries contained in feudal registers and *dénombrements* with references to seigneuries in charters, letters, accounts, chronicles, and so on reveals that people in Flanders had relatively well-defined ideas about what seigneuries were, even if there was an interpretive no man's land between seigneurial and non-seigneurial estates which has so far escaped scholarly scrutiny.

Whereas Chapter 1 reveals the viewpoint of lords, the perspective of their subjects takes centre stage in Chapter 2. When committing their seigneurial privileges to paper, lords understandably preferred a maximalist interpretation of their claims. The image of the seigneurie that emerges from feudal documents is misleading, up to a point, because the power of Flemish lords was circumscribed from the start by the count of Flanders, who enjoyed an unusual degree of control over his principality. From the thirteenth century the burgeoning towns imposed yet more restrictions on seigneurial lordship. Via the institution of outburghership, they enabled country-dwellers to pursue matters in civil law before

[71] See Prevenier and Blockmans, *The Burgundian Netherlands* and de Vries, *European Urbanization*.

[72] West, *Reframing the Feudal Revolution*, *passim* and esp. 260–3.

the aldermen of a nearby town rather than before the seigneurial court of their home village. We first probe the impact of this development on seigneuries by drawing on earlier research on seigneurial accounts, which suggests that Flemish seigneurial taxes were the lowest in all of Europe. Next to this, we focus on a corpus of fifty-odd seigneurial custumals, the earliest dating from the second half of the thirteenth century. These formal agreements between lords and their subjects inform us about the normative framework that seigneuries imposed on village communities. Together with a handful of sixteenth-century registers of seigneurial courts, the custumals show that peasants had great control over the seigneurie and that they used its regulatory powers to protect themselves against experiments with agrarian capitalism that were undermining the livelihoods of small peasants in those parts of the county of Flanders where seigneuries were thin on the ground.

Chapter 3 cements our interpretation of the seigneurie as an arena of lords and subjects with the discussion of an exceptional source, the Dadizele Manuscript, composed in 1480–1 by the lord of Dadizele, a seigneurie that was typical of the 800 or so seigneuries with high or middle justice in the county. For reasons that we discuss in a separate publication and in Chapter 6, Jan, lord of Dadizele, embedded the memoirs of his deeds as a lord, knight, courtier, and princely official—a text that is in fact typical of other surviving noble chronicles—in an unusual mix of other texts which taken together constituted a literary monument to Good Lordship.[73] The other texts were mainly copies of official documents, including feudal *dénombrements*, letters of appointment, seigneurial customs, princely privileges for setting up a market and an archery guild, and so on. Sir Jan also added self-authored descriptions, including a description of Dadizele, his family tree, an overview of his seigneurial officials, the members of the seigneurial militia, and so forth. In the rest of this book, we repeatedly draw on Sir Jan's manuscript to reconstruct the ways in which lords perceived a wide range of topics. In Chapter 3 we use the Dadizele Manuscript to show how a lord could only put his claims to governance over a seigneurie into operation if he collaborated with various interest groups and institutions in the village. As a result, his manuscript reveals much about the perspective of seigneurial subjects who have left no documents of their own.

Whereas the first three chapters focus on the seigneurie, Chapter 4 looks at lords. More than elsewhere in Europe, Flemish lords could only rule effectively if they represented themselves as the mouthpiece of village communities. This begs the question of how much prestige they still derived from their seigneuries. Revisiting the sources that we use in the first chapter, we show that only seigneuries with high or middle justice allowed the use of seigneurial titles

[73] Buylaert and Haemers, 'Record Keeping and Status Performance', 131–50.

('the lord/lady of…'). These sources also reveal that those seigneuries were a source of nobility for their holders, just as they had been in earlier centuries. It was precisely because the seigneurie was closely attuned to the needs and interests of village communities that it remained a vital institution and thus a source of prestige. That said, the evidence also shows that the cachet of lordship was not as great as in other polities. In France, for example, seigneuries with limited rights of governance became a source of *noblesse*, just as English manors doubled as the basis of 'gentility' as a new, watered-down foil to the nobility of English peers. There was no such trickle-down effect in Flanders. Our analysis of the marriage strategies of noble lords shows that they preferred to ally themselves with the leading families of the great Flemish towns, who matched them in wealth and influence, rather than with the men and women who happened to rule over a seigneurie with low justice, a choice that thwarted aspirations to upward social mobility among lesser lords.

Chapter 5 continues the discussion of the social reproduction of lords through the lens of gender. Drawing on a wide range of sources that inform us about the holders of seigneurial lordship, we argue that, in practice, seigneurial lordship was not as dominated by patriarchal ideas as is suggested by contemporary treatises. Apart from their pivotal role in continuing the seigneurial dynasty and the noble family—two concepts that were closely entwined—women usually constituted one-fifth of all holders of a seigneurie at any given moment. Moreover, their informal role in the governance of the seigneuries of their fathers, brothers, husbands, and sons was also likely to have been substantial. The most important constraint on women wielding seigneurial power was not so much the patriarchal inflection of chivalry and nobility, but that seigneurial administrations were dominated by male peasants. In the rest of this chapter, we discuss how the intermarrying between seigneurial dynasties, combined with the occasional lack of male heirs, led to situations in which an individual or a family gained control over multiple seigneuries. On the one hand, such arrangements gave rise to absentee lordship and thus to greater autonomy for the villagers staffing the seigneurial court. On the other, lords and ladies derived influence and prestige from that control over multiple seigneuries, which was more than the sum of all the individual rights encapsulated in those seigneuries. That said, Flanders appears to differ from many other polities in that the clustering of seigneuries in the hands of an ever smaller and more prestigious group was less pronounced than elsewhere. A side effect of the increasingly numerous marriages between nobles and urban elites was that more and more city-dwellers acquired a seigneurie of their own through gift or marriage, thus combining the power they wielded as urban aldermen with that of seigneurial lordship.

In the sixth and last chapter, we show that seigneurial lordship was combined not only with urban office, but also with princely government. Lords and their families provided a significant and growing percentage of the officials that staffed

the princely administration. The strong position of this elite in princely government ensured that the rapidly growing fiscal, military, administrative, and ideological might of the prince strengthened the seigneurie rather than undermining it. From the late fourteenth century, and possibly earlier, the county of Flanders saw the birth of a superior court of law with extensive prerogatives to interfere in the workings of lower-ranking courts, to the point that villagers could thenceforth challenge a seigneurial sentence in that appellate court. Our excursions into the vast archives of the Council of Flanders reveal that—contrary to what earlier scholarship suggests—the prince and his leading officials did not aim at eroding seigneurial privilege. In fact, they were increasingly prone to support the decisions of the peasant aldermen that staffed Flemish seigneuries. In terms of law and justice, the centre and the periphery of the principality became increasingly integrated. Chapter 6 also gauges the conceptual implications of this observation: historians often suggest that the existence of seigneuries precluded states and state formation in the Weberian sense of those terms, that is, as institutions with a monopoly on the legitimate use of physical force in the enforcement of its order within the territory. Surviving reflections on the nature of seigneurial and princely authority suggest, however, that contemporaries imagined that princely officials, lords, and subjects were united in a conception of the polity, in which princely institutions and seigneuries were distinct but complementary pillars of government. Princely and seigneurial authority each had a history and legitimacy of their own, but they were united in their ideological subservience to the Common Good, an ideal that was, in practice, defined by landowners of fairly limited stature.[74]

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[74] The Common Good as a site of interpretive conflict is discussed in Lecuppre-Desjardin and Van Bruaene, 'Introduction: du Bien Commun à l'idée de Bien Commun', 4.

1
Seigneuries, Seigneurial Rights, and Seigneurial Landscapes

1. Introduction

Lordship has been a subject high on historians' research agendas since the late twentieth century. Given how malleable the concept is, it has also been a contentious one. Lordship (*dominium* in Latin) interests historians because contemporaries were quick to use the word, but it was clearly a blanket term under which many different meanings could neatly be tucked.[1] Contemporaries tended to depict the paterfamilias as the lord of the family, for example, just as they also thought of God—and by extension clerics as his representatives on earth—as a lord. In Flanders, for instance, priests were invariably addressed as 'lord' (*her*, as opposed to *mijn here* for seigneurial lords), as were the burgomasters and aldermen of the county's powerful towns.[2] Similarly, lordship was invoked not only in allusion to seigneurial rights in the strict sense of the term, but also to the influence a nobleman wielded among kinsmen, friends, comrades-in-arms, vassals, and servants. Thus many sources of power could warrant a reference to lords. This creates complications for historians wanting to distinguish between different power relationships in order to understand how societies functioned.

To tackle this thorny issue as it relates to the county of Flanders, in this and the following two chapters we focus on the seigneurie, which might be described as an institutional container of lordship over a well-defined territory. The seigneurie encompassed only some of the wide range of practices that contemporaries associated with the exercise of seigneurial power, but because that form of lordship was formalized in an enduring institution it can be identified in surviving records.[3]

What, then, were the essential elements that enabled contemporaries to speak of a seigneurie? Before we can answer that question we must first determine whether the notion of 'seigneurie' had a fixed meaning or whether it could also cover entirely different forms of power. In principle a seigneurie consisted of an

[1] This issue is discussed at greater length in the Introduction.

[2] In the thirteenth century, city aldermen were already addressed as *dominus* and in later centuries were routinely referred to as *onse heeren scepenen* (see Buylaert, *Eeuwen van ambitie*, 263–5).

[3] See the opinions in Melville, 'Institutionen als Geschichtswissenschaftliches Thema', 1–24.

amalgam of seigneurial rights pertaining to a particular area, but in practice there may have been a good many other things the seigneurie was associated with.

In this chapter we develop a semasiological approach in which we determine the conceptual diversity—or lack of it—encompassed by a specific word, in this case 'seigneurie' (*heerlichede*). It shows that 'seigneurie' had a fairly precise meaning and so provides a firm basis for a study of seigneurial power in Flemish society. With a few exceptions, contemporaries associated the word with private-law claims relating to governance, justice, and taxation. Depending on whether specific rights were included or not, they made a further distinction between seigneuries with high or middle justice and those with low justice.

Our analysis of the definition of the seigneurie also helps us to speculate, later on in this chapter, on this institution's earliest beginnings. What is clear from the outset is that the Flemish seigneuries that are referenced in fourteenth-, fifteenth-, and sixteenth-century sources had already been in existence for hundreds of years and were generally fairly small in extent, seldom being larger than a parish. Historians routinely situate the birth of seigneuries in Flanders in the tenth century, with the rate at which they were created already falling by the early eleventh century and eventually coming to a stop altogether,[4] thus making Flanders a forerunner in what post-war historians have described as the 'Feudal Revolution'. In 1952 the French historian Georges Duby proposed the influential thesis that in the eleventh century Western Europe was reorganized to form a patchwork of seigneuries. The cause, Duby argued, was the decline of the public authority of Carolingian kings, which allowed regional rulers to shrug off their role as Carolingian officials and step forth as lords with personal and hereditary claims to power over a particular region. Eventually that process would be replicated at a local level, where ambitious military men forged their own spheres of influence that would thenceforth be protected as a family possession by their heirs and successors.[5] However that may be, it is certainly the case that in the county of Flanders many seigneuries known from later centuries can already be identified in eleventh- and twelfth-century charters, or at least be seen as originating as offshoots of those older seigneuries.[6] Even those seigneuries that were later to emerge were already in existence on the eve of the fourteenth century. A good example is Rode-Nieuwenhove near Bruges. Seigneuries tended first to form in fertile agricultural areas, for in that kind of environment sufficient surplus could be extracted by way of taxes to make the seigneurie financially viable, but Rode-Nieuwenhove arose on relatively poor sandy soils and the name itself—'Rode

[4] See the literature review in Opsommer, *Het leenrecht in Vlaanderen*, I, 120–5.

[5] For a historiographic discussion, see Cheyette, 'Georges Duby's *Mâconnais*', 291–317.

[6] Many of the earliest references to Flemish '*domini*' can be found in the appendices in parts III and IV of Warlop, *The Flemish Nobility*. See also the views in Thoen, *Landbouwekonomie en bevolking*, I, 387.

New Court', literally translated—indicates a fairly late foundation.[7] As in other regions, the seigneurial regime that emerged was already largely consolidated by the thirteenth century.[8] New seigneuries might also be created later on, but generally speaking they were not the result of organic developments, but were comital gifts, by which the count's jurisdiction over a certain area was purposely consigned to a private individual. That phenomenon was exceptionally rare in Flanders, however: between 1300 and 1550 we know of only a handful of examples of seigneuries founded by the count as a highly unusual reward for the extraordinary merits of a comital confidant.[9]

There is nothing to indicate that the many hundreds of seigneuries that originated centuries earlier were also comital foundations, but presumably their creation was condoned by the counts of Flanders.[10] Ever since the 1980s, the aforementioned idea of a 'Feudal Revolution' has been a contentious one, as Duby and his followers advocated an image that depicted the first lords as establishing their power over the peasantry by the indiscriminate use of force, resulting in a structural disturbance of public order that princes could undo only slowly and with great effort.[11] While acknowledging that peasant communities lost their freedom through the advent of lordship, and that the use of violence was often involved, current scholarship does take seriously the possibility that seigneurial authority was compatible with notions of social order and legitimate government.[12] That is also applicable to Flanders, where the inception of seigneuries occurred in dialogue with the emergence of an unusually strong principality.

The evolution of the county of Flanders began in the late ninth century when a regional Carolingian official—the count or *comes* of the so-called *pagus Flandrensis*, a part of West Francia—became the eventual overlord of a fairly extensive territory. Feudally speaking, the county straddled the boundaries of the kingdoms of East Francia and West Francia, the dividing line being the River Scheldt. In later centuries, the count of Flanders would continue to pay liege homage to the king of France for Crown Flanders (lands west of the Scheldt) and to the Holy Roman Emperor for Imperial Flanders (east of the Scheldt). In practice, the counts enjoyed a considerable degree of autonomy from their liege lords, which in the eleventh and twelfth centuries enabled them to develop a strong framework for the public administration of their principality, including the

[7] See Van Rompaey (ed.), 'De keuren en statuten van de heerlijkheid Rode-Nieuwenhove', 114.

[8] In the Netherlands the structural stability of the seigneurial landscape has recently been demonstrated for Guelders: van der Meulen, 'Seigneurial Governance and the State', 33–40 (see esp. table 1).

[9] Those foundations and the fierce resistance they provoked are discussed in Chapter 6.

[10] In the introduction to Chapter 2 we cite fourteenth-century musings on the origin of their seigneuries which reference not a princely but a communal origin.

[11] This view is defended in Bisson, *The Crisis of the Twelfth Century*. This comparative study also emphasizes the relatively strong position of the count of Flanders.

[12] See esp. Fiore, 'Reconfiguring Local Power and Legitimacy', 33–67; see also Boston, *Lordship and Locality*.

division of the county into rural districts or 'castellanies', each of which was overseen by a comital official, the castellany bailiff. The counts' powerful hold on their county is also evidenced by the early and effective suppression of violent feuds, a phenomenon that almost completely disappeared after the mid-twelfth century.[13] Thus the comital and seigneurial structures in Flanders emerged in symbiosis.

One significant side effect of that symbiosis of powerful count and local lords is that Flemish seigneuries tended to be comparatively small in size. The counts of Flanders themselves were not sovereign rulers, but they were great princes, clearly concerned about the potential formation of large power blocs within their own borders which other lords might use as bastions of opposition, as was the case, for example, in the palatinate of Chester in England.[14] So it is hardly surprising that within the county of Flanders there were no large seigneuries ranking as counties or duchies. Charters from earlier centuries show the existence of baronies, but by the fourteenth century there were only three remaining in Dutch-speaking Flanders that gave the possessor the rank of *beer* of Flanders (*beer* being a corruption of the French *pair*—a great noble whom the count acknowledged as a peer).[15]

It was typical of the count's prevalence over his lords that even these baronies—Boelare (castellany of Aalst), Eine, and Pamele (both castellanies of Oudenaarde)—were, like Steenhuize (castellany of Aalst and the one 'princedom'—*prinsdom* in Middle Dutch—in the county), no larger than other seigneuries.[16] They dominated their eponymous villages, but seldom extended much further. Flemish seigneuries usually contained only a single parish and often only a part of it. The parish of Sint-Martens-Latem (near Ghent), for example, had no fewer than four seigneuries within its borders. One of those four lay entirely inside the parish, but the other three were protrusions of seigneuries whose centre was elsewhere. The first of those three, Overmeers, was a fief of St Peter's Abbey that included the entire parishes of Afsnee and Sint-Denijs-Westrem and parts of the parishes of Nazareth and Drongen. Most of the second seigneurie, 's Graven Hazele, lay in the parishes of Deurle and Zevergem. Nevele, the third and last, encompassed no fewer than seventeen parishes, ten of which were almost entirely within the seigneurie. Then again, Nevele was also one of the greatest seigneuries in the county, equalled in size only by one or two domains in the east of Flanders,

[13] A good introduction in Ganshof, 'La Flandre', 343–426. For the curbing of vendettas, see Heirbaut, *Over heren, vazallen en graven*, 207. This is unusually early from a European perspective: see Firnhaber-Baker, 'Seigneurial Violence in Medieval Europe', 248–66.

[14] For the independence of large English lordships such as Chester, see esp. Coss, *The Aristocracy*, 355–7, 388–9.

[15] See Feuchère, 'Pairs de principauté et pairs de château', 973–1002; Van Trimpont, *Het land en de baronie van Boelare*; Castelain, 'De baronie van Pamele, Maerke en Ronne', 29–54; and Castelain, 'Over het ontstaan van de baronie van Pamele en van de landen tussen Maarke en Ronne', 41–54.

[16] Van den Berghe, 'De oorspronkelijke heren van Steenhuize', 161–219.

such as the Land van Gavere.[17] What makes the situation more complicated still is the fact that seigneuries were not necessarily contiguous territories, but could also be very fragmented, so that a parish was sometimes a mosaic of seigneurial jurisdictions.[18] The relationship between seigneuries on the one hand and centres of settlement or parish boundaries on the other was therefore anything but clear-cut. The eleventh- and twelfth-century counts of Flanders had clearly succeeded in breaking up large and potentially menacing seigneuries.

The sixteenth century witnessed a new phenomenon—the upgrading of existing seigneuries by the prince. The earliest known example is the aforementioned Land van Gavere (castellany of Aalst), one of the county's oldest and most prominent seigneuries, with authority over no fewer than eleven parishes. In 1519 Gavere became a county and in 1540 a princedom. The object of such an exercise, however, was primarily to improve the position of the lord—that being Jacques de Luxembourg (d. 1530) and subsequently Lamoraal van Egmont (d. 1568) in the case of Gavere—in the ranks of the nobility. There was no essential change in Gavere's seigniorial rights or geographic scope.[19] The same was true of the equally uncommon procedure by which the prince permitted existing seigneuries to be integrated, as occurred in 1487, for example, when five adjacent village seigneuries in the castellanies of Aalst and Dendermonde were amalgamated to form the Land of Wedergrate.[20] That this happened when it did is no accident. From the fifteenth century onwards, Flanders was part of the extensive Burgundian personal union, which ensured that thenceforth a local lord could no longer pose a threat to the count, an effect that was further augmented when the Burgundian Low Countries became part of the Habsburg Empire in 1482. Nevertheless, rulers still preferred to avoid the formation of large power blocs. The upgrading of Gavere to a county was a kind of consolation prize for Jacques de Luxembourg, whose hopes of merging Gavere with the adjacent Zottegem, another unusually large seigneurie, were dashed by Emperor Charles V in 1517. Flanders remained a county of small seigneuries.

To determine the nature of these seigneuries, we start by looking at the written ruminations on seigneuries and seigneurial rights of two fifteenth-century lords with legal expertise, and then test their claims in practice by a quantitative analysis of *dénombrements*—detailed descriptions of fiefs that the fief-holder occasionally had to present to his liege lord for verification. Since not all seigneuries were fiefs these sources have their limitations; nevertheless they do provide a legally binding overview of any seigneurial rights that might have been attached to a fief. If a legal dispute arose, the *dénombrement* was used as a guideline. In

[17] Van Rompaey, 'De heerlijkheid als heem van onze voorouders', 127–8.
[18] For a meticulous cartographic reconstruction of such a mosaic of lordships in a parish, see Debacker, 'De heerlijkheden van Ruiselede in kaart', 149–65.
[19] De Limburg-Stirum, 'Les seigneurs de Gavre', 63–6.
[20] De Waele, 'The Acquisition of Seigneuries', 157–92.

1552, for instance, when the lord of Op- en Nederhasselt (Aalst) initiated a case against the count of Flanders to determine precisely which rights he could exercise in his seigneurie, the case was complicated by the lack of a *dénombrement*.[21] An examination of the *dénombrements* of 400 fiefs that contemporaries explicitly designated as seigneuries shows which seigneurial rights combined to make a seigneurie. Proceeding from those criteria, we developed a survey analysis that shows that Flanders had around 800 seigneuries with high or middle justice, which is to say seigneuries that conferred administrative rights over the local population, as well as a greater number of lesser seigneuries whose rights were economic only. Among these lesser seigneuries were many petty fiefs with such limited seigneurial rights that contemporaries did not readily refer to them as seigneuries.

In the last section of this chapter we examine whether or not the relatively well-defined legal concept of the seigneurie dominated contemporary perceptions. Besides the *dénombrements*, references to seigneuries also occur in chronicles, epitaphs, charters, accounts, muster rolls, letters, and so on. A comparison with those other references reveals that contemporaries' intuitive understanding of the seigneurie in everyday life was essentially no different from the seigneurie's legal definition. The 800 seigneuries that operated as a source of governance and justice held a particular appeal to the imagination. Above all, the seigneurie was an institution in which the power of public governance over a specific area was not the prerogative of the count of Flanders, but was incorporated in the private property title of the lord. There were, however, a few dozen exceptions, with contemporaries referring to seigneuries in relation to domains that had few if any of the seigneurial rights that take centre stage in *dénombrements*. Invariably these were large estates whose owners could claim a good deal of local power acquired via other channels, so that in practice they probably had the same effect as formal seigneuries. Lordship may be frustrating for historians in being a blanket term for all kinds of hierarchical relationships, but in Flanders the word 'seigneurie' was linked with a specific and stable concept that was only slightly blurred around the edges.

2. Contemporary Views of Seigneurial Rights

The proper place to start our study is with contemporary views of Flemish seigneuries. Here, we have the words of two fifteenth-century lords. The first are those of Jan van den Berghe, a nobleman who from 1407 was lord of Watervliet (in Merkem and Langemark, north of Ypres) and who for a time was also bailiff

[21] State Archives in Ghent, Raad van Vlaanderen, no. 7535, fols 72v–74r.

and castellan of Wijnendale, an important seigneurie near Bruges that belonged to the count of Namur up to 1410 and then to Mary of Burgundy and her husband Adolf of Cleves. He also sat on the bench of aldermen of the Liberty of Bruges and fulfilled diverse functions as castellany bailiff for the count of Flanders, who eventually also appointed him to the Council of Flanders, the county's highest court. In the years before his death in 1439, he recorded his extensive practical experience of Flemish customary law.[22] His *Juridictien van Vlaendren* was never completed, but the text survives in several manuscripts from various Flemish legal institutions, which suggests that contemporaries regarded it as a useful manual.[23]

Flanders was a patchwork of hundreds of customary law systems and therefore conflicts of jurisdiction were commonplace. As a guide to this complex legal landscape, Jan van den Berghe took under review various forms of justice and lordship (*juredictien ende heerlicheden*), two concepts that he considered to be inextricably linked. In general, he distinguished three levels of justice—low, middle, and high—with each level having differences of emphasis. The lowest level, 'low justice' (*nedre justicie*), was itself split into two grades. First, estates with limited claims to public authority that related primarily to landownership and use (*de zaken spruuten huuten gronde*): this grade of low justice allowed the imposition of fines of up to three pounds *parisis* for specific offences, a fairly small sum. The second grade of low justice involved more extensive powers insofar as all offences punishable by that three-pound fine could be penalized even when they were not strictly property-related issues. Among the other things this so-called *cleene viscontier* justice involved was the right to impose tolls (*tol*) and the right to claim items of property found within the seigneurie and otherwise unclaimed (*vond*) as well as the chattels of bastards and the stray goods of strangers to the seigneurie (*bastaardgoed* and *stragiersgoed*). Tolls were levied on transactions involving goods and animals, though this right pertained only to places with their own markets. The rights relating to found property and strangers allowed the lord to confiscate goods that no longer had a recognized owner or had been left by a stranger. *Bastaardgoed* arose from the discrimination against illegitimate children and gave the lord the right to claim the estate of 'bastards'.[24] Just as with the landed rights mentioned above, these four rights also pertained to the use and ownership of property, but some of these rights were linked to the legal status of seigneurial subjects.

[22] Strubbe, 'Jean van den Berghe', 387–406 and esp. 398–9 for the *Juridictien van Vlaendren*, which dates from after 1431.

[23] See Berten (ed.), 'Un document de vieux droit coutumier flamand', 5–37, which is based on a sixteenth-century manuscript used by the feudal court of St Peter's Abbey in Ghent.

[24] An explanation in Maddens, 'Hoogmosscher', 9–10. For the right of bastardy, see Carlier, *Kinderen van de minne*, 140–2.

The second level of justice was 'middle justice', which Jan van den Berghe classified as the prerogative of *groete viscontiere*. Lords with this status had much wider powers. In addition to all the rights included in low justice they also had jurisdiction over criminal matters and in such cases could impose fines of sixty pounds *parisis* or multiples of that amount (120 pounds, 240 pounds, and so forth). They also had the right to send thieves and murderers to the gallows or, in specific cases that usually involve women, sentence them to be buried alive (*pit ende galghe ende moghen daer mede berechten van manslachten ende van dieften*). Most of those lords entitled to exercise middle justice could also sentence an individual to perpetual banishment from Flanders (*de meeste menichte bannen uut Vlaenderen*). What they could not do, however, was condemn a criminal to execution by the sword or at the stake, nor could they use torture or grant pardons without liaising with officials of the count of Flanders. The same thing applied to 'composition', a process by which the competent justiciary—in this case the seigneurial bailiff—allowed the accused to pay to have the prosecution quashed.

The third level was 'high justice'. In addition to low and middle justice, certain lords were entitled to exercise high justice. The only misdeeds outside their authority were counterfeiting, rebellion, and violence against officials, three unusually serious criminal matters reserved for comital jurisdiction. Nor could they grant pardons or offer compositions without the involvement of the count or his officials. An exception was made for the extremely few great lords who held their seigneurie in appanage from the count of Flanders (*in partagen jeghen den princhе van den lande*): only the children of the reigning house were entitled to such a provision. According to Jan van den Berghe, the only power that was unconditional and unlimited belonged to the count himself, exactly like the power wielded by a sovereign ruler. Even so, high justice entailed very extensive judicial authority.

Jan van den Berghe's review of Flemish lordship can be compared with a second and somewhat more cryptic text by Filips Wielant, whose treatise on feudal rights in Flanders, written in 1492, includes a passage on seigneurial rights. Wielant, too, knew what he was talking about. He was the most important jurist of his generation and, as the scion of a family of officials who had acquired various seigneuries since the 1430s, he himself was a lord.[25] His fellow members of the Council of Flanders, for whom he had written the work, addressed him as 'Noble, honourable, wise, dear, and beloved lord, Master Filips Wielant, lord of Eversbeke…' (*Edele, weerde, wijse, lieve, ende beminde heere, Meester Philips Wielant, heere van Eversbeke…*), thus referring to Filips's lordship of Everbeek, a village in the so-called 'Debatable Land' (*terres de debat*) between the counties of Flanders and Hainaut.[26] The council members' positive response to the treatise

[25] For a detailed outline, see Buylaert, *Eeuwen van ambitie*, 214–19.
[26] Wielant, *Tractaet van den leenrechten*, 8 (the address by fellow-judges), 19–20 (the opinion).

suggests that Wielant's opinions were not at odds with their own understanding of customary law.

Early on in the treatise, Wielant noted that some Flemish fiefs had seigneurial rights attached to them. Within the group of fiefs with seigneurial power, he discerned three levels that were similar, though perhaps not entirely identical, to Jan van den Berghe's typology. His succinct summary runs from high to low:

> Some fiefs have jurisdiction and all jurisdiction, high, middle, and low; other fiefs have jurisdiction of the viscount (*jurisdictie viscontiere*); other fiefs have justice of the soil (*justicie fonciere*); others have no justice.
>
> The prerogatives of the lord with high justice. In Flanders, the lord with high justice, together with his bailiff and men [i.e. aldermen and/or fief-holders], is entitled to sit in judgement on all criminal acts that take place in his fief or within its jurisdiction; and he wields justice with the sword, just like the count [of Flanders] himself. He can also confiscate goods and is entitled to the rights of toll, the right over abandoned goods [*vondrecht*], the right to the goods of bastards [*bastaardgoed*], the right over the goods of strangers [*stragiersgoed*], and all fines of sixty pounds *parisis* or less.
>
> The prerogatives of the lord with the jurisdiction of the viscount. This lord is entitled to the rights of toll, the right over abandoned goods, the right to the goods of bastards, the right over the goods of strangers, fines of three pounds *parisis* or less. He is entitled to appoint a bailiff so that, together with his men [i.e. aldermen and/or fief-holders] he has a full seigneurial court, or he can work with men whom he borrows from his overlord, so that he can dispense justice to everyone who asks this of him as long as the case falls under his jurisdiction.
>
> The prerogatives of the lord with justice of the soil. This lord is entitled to do justice only in affairs pertaining to his rents and he is entitled to appoint a serjeant or another official; he also can impose fines of three pounds *parisis*. But vassals often have more or fewer rights, according to the authority they received in earlier times from the prince, or according to custom if they acquired that right after long usage.[27]

[27] 'Enighe leenen hebben iurisdictie en alle iusticie hooghe, middele, ende nedere, ander iurisdictie viscontiere, andere iusticie fonciere ende ander negheen iusticie. | De kennisse vanden hooghen iusticier. In Vlaenderen de hooghe iusticier neemt kennisse by zijnen bailliu ende mannen van allen faicten ende ghebuerende op zijn leen oft op de resorten van dien ende exerceert de selve iusticie metten sweerde ghelijck de Grave selve ende heeft de confiscacie van den goede onder hem wesende metgaders tol, vondt, bastarden ende stragiers goet, ende de boeten van lx. pont parasisen ende daeronder. | De kennisse vanden viscontier. De viscontier heeft up zijn leen tol, vont, bastaerden ende stragiers goet, de boete van drije ponden parasisen, ende daer ondere: ende vermach te stellene eenen bailliu om met zijnen mannen, opdat hy vol hof heeft, oft daer nemen met mannen die hy ontleent ieghens zijnen overheer te doene recht, wet, ende iusticie elcken diet begheert van sake, tzijn der kennise toebehoorende. | De kennisse vanden fonssier. De fonssier vermach alleenlijck iusticie omme in te doen commene zijne renten ende mach daer toe stellen eenen sergant oft andere officiers ende heeft de boete van iii l. parasis: maer van deser iusticien useren de vassalen diverschelijck meer ende min naer de auctoriteyt die hemlieden de princen hier voortijts gheghеven hebben, oft nae de usancien up hemlieden vercreghen metter langher tijt.'

Like Jan van den Berghe, Wielant started by differentiating between three levels of justice: high, middle, and low. That terminology originated in France. In the twelfth century a discourse commenced in the Parlement of Paris—the highest court of the kingdom—in which the terms high, middle, and low justice (*haute, moyenne, et basse justice*) began to be used. The judges received appeal cases from the furthest corners of France, each with its own seigneurial arrangements, and the three-level classification of seigneurial rights that they applied to the cases they adjudicated subsequently became established in France and evidently in Flanders as well.[28] Between 1320 and 1521 the inhabitants of Crown Flanders—the western part of the principality which the count held in fief from the king of France—could take an appeal to the Parlement of Paris, which explains how Flemings became familiar with the legal terms used there. They adopted that lexicon only slowly, however: references to high, middle, and low justice did not become common in Flanders until the fifteenth century.[29]

Jan van den Berghe and Filips Wielant both used that tripartite division to differentiate the levels of seigneurial rights, although they may have struggled with their precise application. The difficulty for the lords-cum-jurists lay in reconciling that division with an older, local typology that was based on *viscontiere* power, another notion that occurs in both treatises. The term itself probably derived from the power of hereditary viscountcies (*comitatus* in Latin) through which the counts of Flanders originally co-ruled the castellanies of their principality until the thirteenth century, when they started to employ castellany bailiffs as salaried officials whom they could appoint or dismiss as they saw fit.[30]

As to the exact connection between the old and new terms, Van den Berghe and Wielant seem to differ. They agree that, with a few exceptions, high justice accorded the right to pass sentence on any and all crimes (*faicten*) and, like the count himself (*ghelijck de Grave selve*), even to decapitate felons with the sword. The right to use a sword in executions was apparently what distinguished lords with high justice from lords with middle justice, who were also entitled to pronounce death sentences. When we shift our focus to lower seigneurial rights the situation becomes more complicated. According to Jan van den Berghe, *viscontiere* power formed a bridge between middle and low justice as being respectively the powers of the *groete* and *cleene viscontier*. Wielant's text differs in that it

[28] Guenée, *Tribunaux et gens de justice*, 77–81, 529–30. See also Koch, *De rechterlijke organisatie*, 22–3, 28–9 and Koch, 'L'origine de la haute et de la moyenne justice'.

[29] See Dauchy, *De processen in beroep uit Vlaanderen bij het Parlement van Parijs*. This typology is not yet found in the compendious Flemish fief register of 1365–6, for example, but is firmly established in the registers drawn up in the 1470s. What may have contributed to this development is that many Netherlandish jurists had studied at universities in France, even if feudal law was not part of the curriculum (see De Ridder-Symoens, *Recrutement géographique des étudiants* and many other publications by the same author).

[30] Koch, *De rechterlijke organisatie*, 29.

suggests a staggered pairing of middle justice with *viscontiere* justice and low justice with the rights of the *fonssier*.

The equating of low justice with all judicial affairs pertaining to property rights (*grondrechtspraak*) and middle justice with *viscontiere* justice is explicit in another treatise that dates from the early sixteenth century and which is usually attributed to Filips Wielant. The so-called 'General Customs of Dutch-speaking Flanders' (*Generale costumen van den lande van Vlaenderen flamingante*) was an attempt to refine the legal rules that the various local customary laws had in common. In the surviving manuscripts of this text, reference is made to 'middle justice, which is called *viscontier*' (*de middele justicier die men heet viscontier*). In contrast to the treatise on feudal law, this text states quite specifically that such lords did have the right to execute reoffending thieves, either by hanging them or burying them alive. Similarly, the author of this text refers to 'low justice, which is called *fonchier*' (*de neder justicier die men heet fonchier*)—in other words a package of rights that had no criminal dimension and related solely to land rents (*cijnzen*).[31]

Possibly the different allocation of seigneurial rights made by Jan van den Berghe and Filips Wielant reflects a shift in views that took place between the early fifteenth and early sixteenth centuries. Another option is that even those learned in law struggled to reach consensus on how to divide and group the full range of seigneurial rights. In short, the surviving jurisprudential considerations relating to seigneurial rights raise many questions about how they all worked in practice.

3. From Seigneurie to Fief and Back Again

Feudal sources are the best starting point for ascertaining whether those theoretical reflections accurately represent the way in which contemporaries dealt with the wide range of seigneurial rights. Jan van den Berghe and Filips Wielant both associated seigneurial power with fiefs. Jan van den Berghe made regular reference to 'lords and vassals' (*heeren ende vassalen*), lords, that is, who also happened to hold fiefs from the count of Flanders. The same is also the case in the synthesis of customary law that was presumably drawn up by Wielant, which refers to seigneuries as 'vassalages empowering all justice' (*vassalereyen vermoghende alle justicie*).[32] In a similar vein, the other reflections that we can attribute with certainty to Wielant were part of a treatise on feudal law.

Van den Berghe and Wielant were by no means the only noble legal theorists to associate seigneurial power with fiefs. An anonymous treatise written in the early

[31] Berten (ed.), 'Ancien projet de coutume générale', 196–202.
[32] Berten (ed.), 'Ancien projet de coutume générale', 222.

fourteenth century also emphasizes the importance of fiefs and feudal law (*thofrecht*) to the continuance of lordship and seigneurial power (*de herlichede*).[33] For contemporaries who reflected on seigneurial rights, the fief was apparently the perfect starting point for discussing lordship.

That association of fief and seigneurie merits some further explanation, for it has led to considerable confusion among historians, who since the nineteenth century have tended to think of seigneuries as part of a 'feudal system' (*féodalisme* in French)—witness also the aforementioned post-war trend characterizing the emergence of seigneuries in Europe as a 'Feudal Revolution' or a *mutation féodale*, for example.[34] That conflation of fief and seigneurie is unfortunate, however, because the two institutions could exist independently of each other. Seigneurial rights could relate to lands, rents, or offices that were not fiefs but allods, a concept that approaches present-day ideas about property. Often it was only with the passage of time that those allodial seigneuries were converted into fiefs. This occurred when the land, rent, or office in question became the subject of a feudal relationship in which a liege lord retained the title of ownership, but granted the usufruct of the fief to a vassal in exchange for certain services, an arrangement that soon acquired a hereditary character. Feudal arrangements could relate to seigneuries, but certainly did not necessarily do so.

In historical studies the distinction between fief and seigneurie has often been overlooked, but in 1952, when Georges Duby wrote the seminal text of the post-war 'feudal' interpretation of 'medieval' societies, he emphasized that in his case study—the Mâconnais in France—the seigneuries that took shape in the tenth century as allodial possessions were only converted into fiefs in the two centuries following.[35] A similar process took place in Flanders, but was never fully completed.[36] Dentergem, for instance, was an allod until 1399, when the lord at that time, Sir Pieter van der Zijpe, received the count's permission to convert Dentergem into a feudal seigneurie that was held thenceforth from the comital feudal court of the castellany of Kortrijk. Similarly, in 1409, the knight Boudewijn II De Vos would convert the lordship of Pollare from an allod into a fief. Once Boudewijn, as vassal, had sworn an oath of fealty to the count of Flanders, as liege, Pollare was registered among the fiefs of the Ghent Oudburg, the comital feudal court for the Ghent hinterland. Three years later, Herseaux underwent a similar process when its then lord and lady, Tiercelet de la Bare and Yolande de Courtroisin, had it converted into a fief held from the feudal court of the

[33] This treatise is cited and discussed in the introductions to Chapters 2 and 4.

[34] For a historiographical discussion by the historian who discharged the critical opening salvo in 1974, see Brown, 'Feudalism: Reflections on a Tyrannical Construct's Fate', 15–48.

[35] This less well-known aspect of van Duby's work is examined in Cheyette, 'Georges Duby's *Mâconnais*', 294–5.

[36] See the anecdotal evidence in Van Rompaey, 'De heerlijkheid', 125, 130; Maddens, 'Hoogmosscher', 3–13 and Mertens, 'Heerlijkheden', 552.

castellany of Kortrijk.[37] Other seigneuries still retained their allodial character in the sixteenth century, however, such as the ecclesiastical seigneuries of Zaffelare and Letterhoutem (both possessions of St Peter's Abbey in Ghent) and the lay seigneuries of Ooigem, Poesele, Leeuwergem, and part of Zottegem.[38] Thus a seigneurie was not always automatically part of the feudal system.[39]

It is the case, however, that in Flanders, too, the great majority of seigneuries were fiefs. As mentioned earlier, most of them originated in the eleventh and twelfth centuries—a phase in European history with an underdeveloped monetary economy but a fairly large amount of available land. In that context, territorial rulers would primarily organize their followers and territory either by forcing the existing local lords into a hierarchical relationship of vassalage or by carving out new seigneuries from their own domains and immediately granting them as fiefs to local elites as a way of procuring their allegiance.[40] In the rare event of the count of Flanders establishing a new seigneurie, as occurred in later centuries with Middelburg-in-Vlaanderen (1444), Watervliet, and Philippine (both 1501), it was conceived from the outset as a fief.[41]

In turn, eleventh- and twelfth-century lay lords willingly went along with converting their allodial seigneuries into feudal ones, as with that process came great advantages in perpetuating the power and status of their family. Allodial law usually required an estate to be divided between all the heirs, whereas feudal law often allowed a fief to be handed down intact to a single heir, even when several heirs were involved. There was a great contrast between the two legal systems in the county of Flanders, where allodial law prescribed that all the legal heirs, both male and female, should inherit equally, while feudal law favoured the eldest male heir. Thus, for families who aimed to keep their power base intact over the long term, it was important to convert allodial seigneuries into fiefs in order to avoid the fragmentation of their seigneurie.[42] That was what motivated the aforementioned elevation of Pollare from allod to fief, for instance, since Boudewijn De Vos aspired to the founding of a secure and enduring noble dynasty.

[37] For Pollare, see D'Hooghe and Balthau, 'Een bijdrage tot de studie van het stadspatriciaat', 9–11. For Herzeeuw, see Opsommer, *Het leenrecht in Vlaanderen*, I, 205 (see also II, 564 for the example of Sint-Denijs-Boekel in the castellany of Aalst, which was fitted into the feudal pyramid of the Oudburg of Ghent in 1414) and State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080, fol. 478v and the published 1412 comital charter in Coulon, *Histoire de Mouscron*, I, 45–9.

[38] These examples are cited in Van Rompaey, 'De heerlijkheid', 150 and Maddens, 'Hoogmosscher', 13. For a number of other examples, see Koch, 'Het Land tussen Schelde en Dender', 58–9 (nn. 10–11).

[39] Heirbaut, *Over lenen en families*, 37.

[40] Evergates, *Feudal Society in the Bailliage of Troyes* and Evergates, *The Aristocracy in the County of Champagne*.

[41] These new foundations are discussed in Chapter 6.

[42] The evolution of Flemish feudal law is studied in Heirbaut, *Over lenen en families*. The main features remained unchanged in the fourteenth and fifteenth centuries (see Opsommer, *Het leenrecht in Vlaanderen*).

Consequently, by the fourteenth and fifteenth centuries the vast majority of Flemish seigneuries were feudal in character.[43] Contemporaries were prone to using the conceptual apparatus of feudal law when referring to allods, too, saying that they were held in fief 'from God and from the Sun'—not from a human lord, in other words.[44] The feudal seigneurie was thus the norm and the allodial seigneurie the exception. Little wonder, then, that jurists instinctively approached seigneurial rights from the perspective of feudal law.

That fiefs and feudal law were the usual framework for seigneuries and seigneurial rights is an important observation because feudal sources enable us to critically review Jan van den Berghe's and Filips Wielant's assertions. Private archives of Flemish lay lords only survive in small numbers, so while seigneurial accounts and administrative documents do occasionally provide rich case studies they are less useful as the basis for a systematic approach. For fiefs the situation is a little more favourable. By the fourteenth century, Flanders was highly feudalized. A speculative estimate oscillates around 10,000 fiefs, together covering from a quarter to half the entire county, and the large majority of Flemish seigneuries could thus be placed in that well-documented cluster of fiefs.[45]

Quite a few fiefs were held from abbeys and monasteries, but the backbone of the feudal system was made up of the comital fiefs. As the feudal overlord of Flanders, the count still derived significant income from all kinds of feudal taxes and obligations even after 1300, and therefore his officials invested a great deal of time and effort in developing a survey of the fiefs that were held from the comital feudal courts. Dutch-speaking Flanders—the county minus the region around Lille, Douai, and Orchies, which is referred to as Walloon Flanders and had developed with its own history and customs—was divided into fifteen castellanies, each having its own feudal court. Some had colourful names such as the Stenen Man van Oudenaarde, the Burg van Veurne, the Oudburg van Gent, and the Steen van Aalst. Each was run by the comital bailiff of that particular castellany, whose duties involved the supervision of the rights and obligations of the court's fief-holders. In addition to feudal courts of the castellany there were also fifteen feudal courts of the comital domains that organized the fiefs that were held from a part of the comital patrimony, such as the feudal court of Ninove or Menen, or of Oostburg (near Sluis). Finally, a small number of fiefs were brought together in the Legal Chamber of Flanders (*Wetachtige Kamer*), which was a comital institution superior to the feudal courts of the castellanies and doubled as a court of appeal in feudal matters. Around 1500, Dutch-speaking Flanders therefore had just under thirty comital feudal courts.

[43] Thoen, *Landbouwekonomie en bevolking*, I, 409.
[44] Van Rompaey, 'De heerlijkheid', 130.
[45] Opsommer, *Het leenrecht in Vlaanderen*, I, 115 (n. 9), 120, 142–3 and Opsommer, 'De Wetachtige Kamer', 147–8. For a critical discussion of that estimate, see Heirbaut, *Over lenen en families*, 36–7 (n. 130).

For most of those feudal courts, surviving sources from the mid-fourteenth century onwards enable us to form a picture of a good number of the Flemish fiefs and seigneuries. In that context we should note a distinction between two types of feudal registers, namely *leenboeken* and *leenregisters*, albeit the two categories sometimes overlap. The *leenboeken* give a brief description of each of the fiefs that were held from a comital feudal court with particular attention to the count's fiscal income. Many of them date from around 1470. At that time, Charles the Bold, duke of Burgundy (1467–77) was constantly in search of funds to pay for his foreign wars and therefore he had, among other things, instructed his officials to prepare a survey of the feudal obligations owed to him for each of his principalities in the Low Countries. The idea was that fief-holders could then be pressurized into commuting those obligations into a monetary payment. Contrary to the practice in Holland, for example, the result for Flanders was not a single voluminous *leenboek*, but a cluster, each devoted to a single comital feudal court. The more detailed *leenregisters*, on the other hand, are not linked to the fiscal experiments of Charles the Bold and contain copies of *dénombrements*—detailed descriptions of a particular fief that were drawn up by the fief-holder himself then ratified by a comital official.

While the count's interest was usually, if not always, in potential income the fief-holders themselves were primarily concerned with recording their rights.[46] Since they themselves also benefited from the process that gave rise to *leenboeken* and *leenregisters* it is hardly surprising that the information from the *leenregisters* corresponds well with the details in the *dénombrements*, and that both abbreviated and highly detailed *dénombrements* regularly turn up in the archives of the lords themselves. In 1480, when the lord of Dadizele (Kortrijk) was writing a manuscript about himself, his seigneurie, and his family, he started by copying out a few descriptions of his fief that had been drawn up initially for the comital records.[47] The first had been prepared by his great-grandfather Rogier in 1376 for the feudal court of the castellany of Kortrijk (the *casteele van Curtrycke*):

> Rogier of Dadizele holds a fief from my lord of Flanders, namely the estate at Dadizele, to which pertains land, sub-fiefs, subjects [*laten*], lordship, rents, and the entire parish of Dadizele, all of which is held from him by fief-holders or by subjects, as well as the lordship [*heerscip*], including the right to sit in judgement on theft and manslaughter, and all lesser crimes. This fief comes with a full

[46] In some cases, the comital administration was more preoccupied with the registration of rights than with tabulating feudal revenues. When comital officials organized a survey of the fiefs of the castellany of Kortrijk in 1502, they were only interested in fiefs 'with jurisdiction and a bench of aldermen' (*jurisdictie en vierschaer*).

[47] Ms Dadizele, fols 4r (deed of 1376) and 6r–v (deed of 1457). This manuscript is examined in detail in Chapter 3. In the second deed we have added paragraph divisions and punctuation to distinguish the different parts of this so-called vidimus.

> feudal succession tax as well as the duty to serve my lord in war, in his court of law, just as the other comital vassals; because of this fief, the aforesaid Rogier is one of the *burchtgenoten* of my aforesaid lord for the feudal court of the castellany of Kortrijk.[48]

This text states that Dadizele was a fief with seigneurial power (*heersceip*) attached to it, adding that the lord could exercise both criminal and civil justice in the village (*den dief of manslachten te verwysene ende te berechtene ende al datter onder es*), but is otherwise very brief.

One of the lord of Dadizele's next transcriptions is much more detailed. It reproduces the receipt that the author received in 1457 from the Kortrijk bailiff for a *dénombrement* of the feudal seigneurie. Also transcribed is the *dénombrement* itself, dating from the year before, 1456, which provides a typical illustration of the statements that were now and then bound together in *leenregisters*. As these *dénombrements* are one of the cornerstones of this study and the text is a good example of the core elements of a feudal seigneurie, we shall discuss the document step by step:

> I Jacob Scaec, counsellor of my formidable lord the duke of Burgundy, of Brabant and of Limburg, count of Flanders and so on, and his bailiff for the town and castellany of Kortrijk and all that pertains to it, proclaim to everyone that, today, I received from noble and honourable Jan, lord of Dadizele, the size and description of his aforesaid seigneurie, fief, and *burchtgenootschap* of Dadizele, preserving the rights, pre-eminence, and lordship of my aforesaid formidable lord. In what follows [a description of the seigneurie and its rights]:[49]

It begins with the statement by the comital bailiff of the feudal court of the castellany of Kortrijk confirming that the nobleman Jan, lord of Dadizele, had submitted to him a *dénombrement* for Dadizele, which was one of the twelve most important fiefs of that feudal court (the twelve *borchghenootsceipe* as they were

[48] 'Rogier van Dadiselle houdt een leen van minen heere van Vlaendren, dats te weitene tgoet te Dadiselle, daertoe behoirt landwinninghe, manscepen, laten, heersceip, rente, ende al de prochie van Dadiselle, gheheel van hem houdende te manscepe of in laetscepe, ende heerscip, den dief of manslachten te verwysene ende te berechtene ende al datter onder es, ende dit leen staet te vullen coope ende minen heere te dienen te zinen orloghe, te zynen hove ende te zynen ghedinghe ghelyc zynen ghemeenen mannen, ende hierof es Rogier voorseyd burchghenoot myns heeren voorseyd van den casteele van Curtrycke.'

[49] 'Ic Jacob Scaec, raedt myns gheduchten heeren s'hertoghen van Bourgoignen, van Brabant, ende van Limborch, grave van Vlaenderen, enz. ende zyn bailliu van ziere steide ende castellerie van Curtrycke ende datter toebehoirt, doe te weitene allen lieden dat ic up den dach van heden ontfaen hebbe van eedelen ende weerden Jan, heere van Dadiselle, de grotte ende overgheven van zynen hersceipe, leene ende borchghenootsceipe van Dadiselle voorseyd, behouden den rechte, hoocheit ende heerlicheide van mynen voorseyden gheduchten heeren in der manieren hier naer volghende.'

called, a sort of Ivy League of castellany fiefs). What follows is a reproduction of the 754-word *dénombrement* that the lord of Dadizele had copied out:

> This is the size of the fief that I, Jan, lord of Dadizele, hold in fief and vassalage from my formidable lord the duke of Burgundy and Brabant, count of Flanders, and so on, from the feudal court of his castellany of Kortrijk, namely my fief and seigneurie at Dadizele, which consists of a little more or less than 25 *bunders* [a Flemish unit of measurement]. To this fief also belongs a money rent of three pounds *parisis* and four shillings, to be paid twice per year, namely one half on the feast day of St Bavo and the other half on Christmas Eve; a rent in kind namely a rent of 144 *rasieren* [a Flemish measure of volume] of oats to be paid on the feast day of St Andrew, six geese on the feast day of St Bavo, sixteen capons and three hens on Christmas Eve, which rents pertain to several tenures of land situated within the aforesaid parish of Dadizele; the subjects holding these tenures are also under the obligation to fertilize the land belonging to my manor with marl and to mow the grass of two *bunders*. Because of this fief and seigneurie, I, the aforesaid Jan, lord of Dadizele, am also one of the twelve *burchtgenoten* of the aforesaid feudal court.[50]

This extract describes Dadizele not only as a fief, but also specifically as a seigneurie (*myn goet en heerlichheide*). It goes on to detail the demesne (*minen hove*), which is to say that part of a seigneurie that was utilized by the lord or lady themselves and on which their manor house or, more rarely, their castle stood.[51] In the case of Dadizele, the demesne comprised around thirty-three hectares of agricultural land, ponds, meadows, and woods, which, it should be noted, did not necessarily form a continuous area.[52]

The actual jurisdiction of the seigneurie extended well beyond the demesne lands. The seigneurie's boundaries are never precisely defined in the *dénombrement*, but from documents that we discuss in Chapter 3, we learn that the entire

[50] 'Dit es de grootte vanden leene dat ic, Jan van Dadiselle, houdende bein in leene ende in mansceipe van minen gheduchten heere hertoghe van Bourgoingne ende van Brabant, grave van Vlaenderen enz. van zynen casteele te Curtrycke, twelke es myn goet en heerlicheide te Dadiselle, groot wesende onder landt, mersch, busch, ende watre xxv bundere littel min of meer, daertoe behorende in pennincrente iii I iiii sch. p. sjaers vallende deen helft te Baefmesse ende dander helft te Kersthavende, in even rente cxliiii rasieren, een havot uphoopte mate vallende Sinte Andriesdaghe, vi ganzen vallende te Baefmesse, xvi cappoenen ende iii hoenderen vallende ende gheldende alle jaren telken kersavond voornoemd, streckende up diverschen gront van erven gheleghen binder voorseyde prochie van Dadiselle, de welke myn laten van dien ghehouden zin den hof maerle van minen hove up myn landt te doene ende ii bundere meerschen te mayene; item van desen minen leene ende heerlicheide bein ic Jan van Dadiselle voornoemd een vander xii borchghenooten vanden voorseyden casteele.'

[51] For the scarcity of castles, see the analysis based on fief registers in Ramandt, 'Kastelen en walsites', 87–137.

[52] See the comments in Maddens, 'Hoogmosscher', 5 and Opsommer, *Het leenrecht in Vlaanderen*, I, 227–8.

parish of Dadizele, or an area of about 600 hectares, lies within them. Most of the seigneurie's land was granted in hereditary usufruct (*gront van erven*) to the village peasantry, who as the lord's subjects (*myn laten*) were thus under his jurisdiction. In exchange for the use of these so-called *cijnsgronden* they were bound to pay a twice-yearly rent (*cijns*), partly in money and partly in kind. They were also required to perform certain tasks on the lord's demesne, in this case mowing the meadows and marling the fields. We shall return to these seigneurial rights in Chapters 2 and 3 to discuss what they tell us about the power relations between lords and subjects in the county of Flanders.

The next part of the *dénombrement* relates not to seigneurial rights but to Dadizele's feudal component. It lists the twenty sub-fiefs (*achterlenen*) that were themselves held in fief from the feudal seigneurie:

> Also, twenty fiefs are held in sub-fief from my aforesaid fief, one of which is held by my lord of Gracht, situated in Ledegem and subject to the inheritance tax of *beste vrome*; another fief [is held by] Jan van Moorbeke, situated in the parish of Gits and subject to the inheritance tax of *beste vrome*; from this fief, sixteen fiefs are held in sub-fief; [the third fief is held by] Jan van der Leinze, situated in Middelkerke and subject to the succession tax of *beste vrome* and the offering of a penny if I so command; [the fourth fief is held by] Jan van Schoren, situated in Middelburg and subject to the inheritance tax of *vullen coope*; from this fief, three fiefs are held in sub-fief…[the description of the remaining sixteen fiefs follows the established pattern].[53]

Besides the names of the sub-fief-holder, the parish in which the sub-fief is situated is recorded, and whether that sub-fief also had sub-fiefs. In this case, thirteen of the twenty sub-fiefs were (partly) situated in Dadizele itself, so their inhabitants came under the jurisdiction of the lord of Dadizele. The other seven sub-fiefs

[53] 'Item men hout van minen voorseyden leene xx leenen in manscepen danof een hout mynheere vander Gracht, ligghende in Ledeghem ter bester vrome, Jan van Moorbeke, een ligghende in de prochie van Gheits te vullen coope, ende van desen leene hout men xvii leenen; Jan van er Leinze, een ligghende in Middelkercke ter bester vrome ende eenen offerpenninc als ict vermane, Jan van Schoren, een leen ligghende in Middelkerke te vullen coope, ende van desen leene hout men iii leenen, Lodewyc vander Gracht, een in Dadiselle te vullen coope ende van desen leene hout men v leenen, Jan Blomme een ligghende in Dadiselle ende in Ledeghem te vullen coope, Roellandt de Valckenare hout ii leenen ligghende in Dadiselle te vullen coope ende vanden eenen leene hout men iii leenen, Olivier Cannaert hout een leen in Dadiselle te vullen coope, de wedewe Lauwers ghenaemt Lysbette Witincx een leen ligghende in de prochie van Ledeghem te vullen coope, Jan de Conde een in Dadiselle te vulle coope, Tristram vander Woestine een ligghende in Dadiselle te halven coope, Denys vander Meersch een leen in Dadiselle te halven coope, Thomaes Bollin een leen in Dadiselle te halven coope, Pieter Ghiselin een leen in Dadiselle te halven coope, Goudin vander Voorde een leen in Dadisselle te I schellingen, Daniel, bastard van Dadiselle, een leen in Dadiselle te I schellingen parisys, Jan Palster een leen in Dadiselle te I schellingen, ende noch een leen dat brocht es in sheeren handen die Roellandt den Valkenare, omme in te ervene Wouter Patin of die hem ghelieven sal, ende es een tiende streckende in de voorseyde prochie van Dadiselle ligghende te x ponden parisys van relieve.'

lay in neighbouring or more distant parishes. Some of these fiefs fell under the jurisdiction of Dadizele, such as the fief that encompassed the neighbouring village of Ledegem (this fief was a seigneurie with low justice that was staffed by the aldermen of the seigneurial court of Dadizele). Other sub-fiefs fell under the jurisdiction of another lord or formed an independent seigneurie. Lastly, the *dénombrement* also mentions the tariff to be levied when a sub-fief-holder died and the heir was thus required to pay a feudal inheritance tax, or when the fief was sold and a transaction tax had to be paid (*ter beste vrome* was the equivalent of the value of the best harvest in the past three years, for example, while a *volle koop* entailed a tax of ten pounds *parisis*).[54]

The following section once again relates to seigneurial and feudal rights, listing the inheritance and purchase taxes payable by the lord's fief-holders and tenants when their fief or plot of *cijnsgrond* changed hands (respectively the value of the annual *cijns* and a tax of 6.25 per cent of the purchase price). Next, the lord of Dadizele provides a detailed overview of the administrative and judicial powers he has within his seigneurie and which officials he can appoint to put those rights into practice:

> Also, I Jan, lord of Dadizele, am entitled to the inheritance tax of *doodkoop*, owed by all my subjects, namely a sum equivalent to their annual rent; also [I am entitled to] a purchase tax whenever a piece of land changes hand to the rate of fifteen pennies per pound. Also, my fief and seigneurie comes with rights of justice, namely the right of sword, pit, gallows, banishment under pain of death for one hundred years and one day from my aforesaid seigneurie and also from the land of Flanders. Next to this, I have toll, the right to the goods of bastards [*bastaardgoed*], the right over the goods of strangers [*stragiersgoed*]; the fines of ten pounds *parisis* and of three pounds *parisis* and all lesser fines and I also have the right to confiscate goods when appropriate, the right to an annual judicial inquest in mid-March as well as to an inquest in response to a criminal act, in accordance with custom; the right to inspect streets [*straetscauwinge*], fishing rights, the right to catch birds and partridges on my aforesaid fief and all that pertains to it, including a windmill with all the milling rights belonging to it. Also, on this aforementioned fief, I have a bailiff, under-bailiff, and sergeant to keep the peace, a [feudal] court of men [i.e. fief-holders], a full bench of aldermen to dispense justice in all affairs when this is required.[55]

[54] For a detailed discussion, see Opsommer, *Het leenrecht in Vlaanderen*, I, 265–553.

[55] 'Ende voort zo hebbic Jan voorschreven ter doot van mynen laten dootcoop, te weitene also veile als zy jaerlicxs sculdich zyn van renten, ende ter veranderinghe vander erven den voorschreven orlof van elcken ponden parisys xv d. p. ende up dit voorseyde leen ende heerlicheide vermach justicie, te weitene: zweert, pit, galghe, den ban van c jaren ende eenen dach uut myner voorschrevene heerlicheide ende voort uuten lande van Vlaendren up tlyf, tol vander bastaerde ende stragiers goet, de boete van x l. parisys ende iii l. parisys ende der ondere ooc me de confiscatie van goede alst valt, deurgaende waerheide eens sjaers, singulere waerheiden van faicten ende clachten alst ghevalt ende van

It appears from this description that the lord of Dadizele had considerable public authority: he could condemn convicted criminals to death—by beheading (*zweert*), or hanging (*galghe*), or by being buried alive (*pit*)—or banish them not only from his own seigneurie, but even from the entire county of Flanders, on pain of death (*uuten lande van Vlaendren up tlyf*). This is followed by a whole series of additional rights, such as the aforementioned reversion of the estates of bastards and strangers, the so-called *straatschouwing* (which involved the inspection of roads and public spaces), and the so-called *waarheden* or 'inquests', an assembly of the seigneurial subjects for collective questioning, yearly or in response to a crime or complaint (*faicten en clachten*).[56] These rights will be explored in greater detail later in this chapter, while the seigneurie's officials—the bailiff, the bench of aldermen, and a feudal court that oversaw the twenty sub-fiefs—are discussed in detail in Chapters 2 and 3.

The *dénombrement* ends by itemizing the feudal obligations that the lord of Dadizele himself owed to the count of Flanders as his liege lord, which amounted to a tax of ten pounds *parisis* on the inheritance or sale of the feudal seigneurie, in addition to some lesser taxes such as the *kamerlingeld* (a registration tax that was paid to an official of the comital administration). Finally, in his explicit, Jan declares that he has drawn up the report to the best of his ability and adds the date and his seal.

> The aforementioned fief and seigneurie is subject to the feudal inheritance tax of ten pounds *parisis* and also when it changes hand by purchase, the tenth-penny tax is owed as well as the tax to the chamberlain [of the count]. Considering that my aforementioned fief is held in fief and vassalage from God in Heaven and from my aforementioned formidable lord, I submit an accurate description as his *burchtgenoot*. In testimony to all above, I, the aforementioned Jan van Dadizele, have handed over this description, which is sealed with my seal on the sixth of July in the year 1456.[57]

nood es naer de costumen als behoirt, den ban van half maerte ende straetscauwinghe, visscherie, voghelrie, en pertriseiren, up myn voorschreven leen met datter toebehoort, wintmuelne daer up staende metter mollage daertoe behorende; item up dit voorseyde leen hebbic eennen bailliu, onderbailliu, sergeant omme de justicie te bewarene, hof van mannen, eennen vullen banc van vii scepenen omme wet te doene van alle zaken alst heescht.'

[56] For an introduction to his understudied procedure, see Strubbe, 'Het houden van de doorgaande waarheid', 249–53 and Mariage, 'La dénonciation institutionnalisée', 23–56.

[57] 'Twelke myn voorseyden leen ende heerlicheide es gheleghen te trauwe ende te waerheiden ende teenen relieve van x l. p. ter doot ende alst men verandert by coope, zo eist schuldich coop ende tiende penninc metten camerlynck ghelde daertoe dienende, dit myn voorseyden leen also groot alst ghestaen ende gheleghen es met allen zynen toebehoirten boven verclaerst dat advoert te houdene van Gode van hemelrycke ende van mynen voorseyde gheduchten heere, in leene ende in mansceipe, ende in dese maniere zo ghevic over voor een goet rappoort als zyn borghenoodt te trauwen ende te waerheide also vooren gheseit es. In orconsceipe van desen zo hebbic, Jan van Dadiselle voorseyd, dit rappoort ende overgheven ghezeeghelt met mynen zeghele uuthanghende, ghedaen den vi^{e} dach van hoymant in tjaer duust vierhondert zesse en vichtich.'

The receipt from the count's bailiff Jacob Scaec ends with a paragraph in which he confirms the accuracy of the description of the fief and its associated rights in the name of the count of Flanders, thus creating a legally binding document regarding the division of powers between the count and Jan van Dadizele, as the local lord.[58]

> In cognizance of the truth, I Jacob Scaec, the aforementioned bailiff, have sealed this letter with my seal to acknowledge receipt on 5 June 1457.[59]

As this detailed example shows, feudal sources can be extremely informative about seigneuries and the specific rights attached to them. Moreover, the information is highly reliable since it was written as part of a procedure that was advantageous to both liege lord and vassal, in which the claims of the fief-holder were only ratified once they had been verified by the liege lord. Besides running the comital court, a castellany bailiff was also responsible for maintaining public order in the castellany, so bailiffs like Jacob Scaec were undoubtedly well aware of the region's administrative organization and the role that local lords played in it.[60] The count could also order an investigation. In 1455, for example, a procurator was sent to verify the claims to high justice in the *dénombrements* submitted by various lords from the rural district of Tielt (a part of the castellany of Kortrijk).[61] It was not easy for a lord to commit fraud, even if we must point out that not all lords were punctual in submitting their *dénombrements*.

Many feudal documents have been lost, yet enough *leenboeken* and *leenregisters* survive to allow a large-scale study of seigneuries and seigneurial rights, albeit with a couple of reservations. The first is that allodial seigneuries remained outside the scope of the feudal administration, but this is not a problem since by the fourteenth century the vast majority of seigneuries in Flanders were feudal seigneuries. The second is that feudal registers prioritize fiefs that were held directly from the feudal court and do not always contain much information about the sub-fiefs that in turn were held from such a fief. As the 1456 Dadizele *dénombrement* illustrates, that was a frequent phenomenon: Dadizele itself had twenty sub-fiefs. They were usually smaller fiefs with few seigneurial rights, if indeed they had any at all, but there were certainly exceptions. The seigneurie of Heule, for instance, which was also held from the feudal court of the castellany of Kortrijk, had the sub-fief of Grijspere, which made its owner the lord of large

[58] The legal validity of *dénombrements* is also explicitly referred to as a basic principle of Flemish customary law: Berten (ed.), 'Ancien projet de coutume générale', 236–7.

[59] 'In kennessen der waerheiden zo hebbic, Jacob Scaec, als bailliu boven ghenoemd, desen presente lettren, in vormen van recepisse, ghezeghelt met mynen zeghele den v^{e} dach van wendemaent in tjaer Ons Heeren M IIII^{c} LVII.'

[60] See Van Rompaey, *Het grafelijk baljuwsambt*.

[61] Discussed in Braekevelt, 'Jean Coustain en de hoge rechtsmacht te Lovendegem en Zomergem', 94 (n. 32).

parts of the parish of Lendelede. Even among the sub-fiefs of sub-fiefs, a seigneurie can sometimes be found.[62] For example, the seigneurie of Ten Broucke (in Tiegem and Anzegem) was a sub-fief of the seigneurie of Ter Schage (in Anzegem), which in turn was the most important sub-fief of the seigneurie of Vichte, which was itself listed in the register of the castellany court of Oudenaarde.[63] The picture provided by feudal registers is therefore far from complete, but for seigneuries with high or middle justice the gaps can be filled to some extent by anecdotal references gathered from other sources.

4. The Characteristics of Flemish Seigneuries

To unlock the potential of feudal registers, we need to have a clear idea of precisely which rights made an estate a seigneurie because seigneuries are not systematically named as such in the *dénombrements*. Once again the Dadizele documents provide a clear example. The detailed *dénombrement* of 1456 specifically refers to a seigneurie (*twelke es myn goet en heerlicheide te Dadiselle*); the short summary from 1376 does not, mentioning only an estate (*tgoet te Dadiselle*) with seigneurial rights (*ende heerscip*). From other sources, however, it appears that 'lords and ladies of Dadizele' were already being referred to in the early fourteenth century, so in this case the status of seigneurie was self-evident and the fact that it was not recorded as such in 1376 was probably due to scribal caprice. In other cases matters are less obvious. Contemporaries navigated a complex landscape in which many fiefs had no seigneurial rights (*negheen iusticie*, as Wielant puts it), others had a few restricted rights, while still others had a wide range of them. Before we can recognize seigneuries that are not specifically labelled as such in the sources we need to know which rights a fief had to include before contemporaries would describe it as a seigneurie.

The first thing to appear from the surviving descriptions of feudal seigneuries and their rights is that the reality was less orderly than the neat threefold division into seigneuries with high, middle, and low justice proposed by Jan van den Berghe and Filips Wielant. Even in the detailed *dénombrements*, this typology is only in partial evidence. For example, the descriptions of Dadizele cited above show that seigneuries were not systematically sequenced into high, middle, or low justice. The 1376 text by 'Rogier van Dadiselle' shows that the lord of Dadizele passed judgement on serious crimes (*den dief of manslachten te verwysene ende te berechtene ende al datter onder es*), and this becomes clearer in the more detailed 1456 *dénombrement*, which states that the lord could impose both the death sentence and banishment as punishment (*justicie, te weitene: zweert, pit, galghe, den*

[62] Roelstrate, 'Heule', 338–9.

[63] Blockeel and Maddens, *Van der Vichte*, 118, 126–8.

ban van c jaren ende eenen dach). This set of rights apparently occupied an indeterminate area between middle and high justice. In a charter dated 1462, Dadizele is categorized as a seigneurie with middle and low justice, yet in July 1514, based on the same rights, we find it explicitly stated that the then heiress of Dadizele, Maria of Dadizele, could exercise high justice (*hooghe justicie, middele, ende nedere*) on the grounds of the same list of punishments already included in the 1456 *dénombrement*.[64] While this document does tally with the association both Jan van den Berghe and Filips Wielant make between high justice and the holding of all the judicial powers that were exercised elsewhere in the county by the count himself, the boundaries between high and middle justice seem rather arbitrary. In any case, contemporaries did not automatically use that terminology when they described feudal seigneuries.

A crucially important document that helps us with this conundrum is a detailed description written in 1514 for Voormezele, an important seigneurie situated to the south of Ypres that was held in fief from the feudal court of the castellany of Ypres. Voormezele had the right to dispense high, middle, and low justice and the 1514 *dénombrement* is unique in that it states the exact degree of justice for each of the ninety-four sub-fiefs. At that time, the lady of the seigneurie was Jacquemine van de Karrest, who was probably unusually well-versed in legal matters. She came from a family with substantial administrative expertise and legal training and her late husband, Paul de Baenst, had been one the greatest legal specialists of his time. Paul was president of the Council of Flanders from 1479 until his death in 1497 and he must have been intimately familiar with the treatises of Jan van den Berghe and Filips Wielant.[65]

The unusually detailed discussion of the sub-fiefs of Voormezele submitted by Jacquemine reveals much about the precise boundaries between different types of seigneuries. Only twenty-one of the ninety-four sub-fiefs (22 per cent) possessed sufficient seigneurial rights for the author of the *dénombrement* to attribute to them a particular category of seigneurial justice. Of those twenty-one seigneurial sub-fiefs there were thirteen with low justice only, two with low and middle justice, and six with low, middle, and high justice.[66] Thus this exceptional source suggests that only a small minority of the many thousands of Flemish fiefs were seigneuries, and that within that small number fiefs with rights of high or middle justice were again a minority.

This *dénombrement* also corresponds well with Jan van den Berghe's assertions about the differences between high and middle justice. As alluded to above, he postulated that in both cases extensive penal powers were involved, but that lords with high justice could order execution by sword while lords who had only

[64] Archives Départementales du Nord (Lille), Série B, no. 4010, fol. 48v.
[65] See Buylaert, 'Sociale mobiliteit', 201–51 and Cockshaw, *Le personnel de la chancellerie*, 73–4.
[66] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1112, fols 38r–57r.

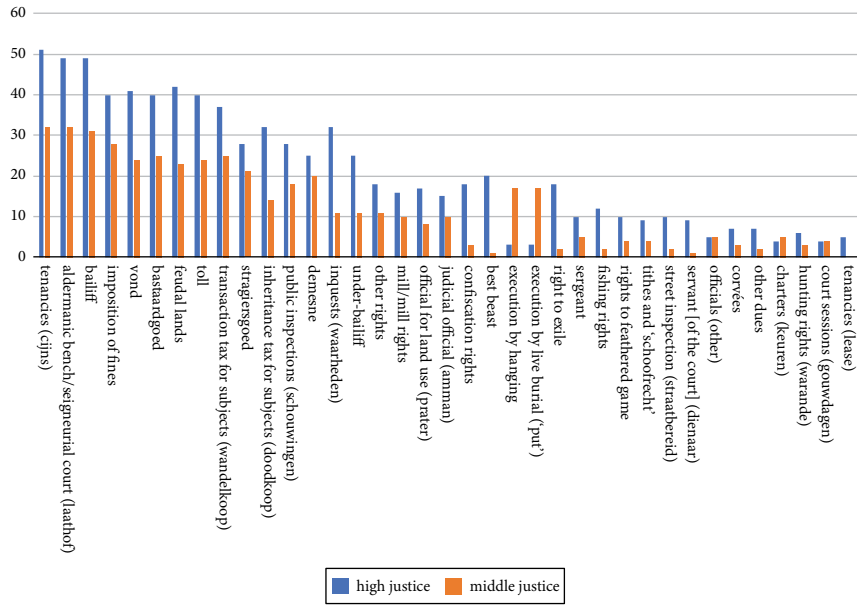
middle justice could only execute thieves and murderers by having them buried alive or hanged (the right of *put en galg* or 'pit and gallows'). The two sub-fiefs with only middle justice that were held from the high-justice lordship of Voormezele did indeed have that specific power without making any reference to execution by sword.

To test these impressions systematically we have built up an extensive corpus of 418 fiefs that were explicitly referred to as seigneuries at least once. The sources for the corpus are eleven early sixteenth-century comital castellany *leenregisters* for seven castellanies, those being the Liberty of Bruges (one register, complemented with the *leenregister* for Wijnendale and Praat, two important seigneuries in the Liberty that had their own feudal courts), the Land van Waas (one register), the Oudburg of Ghent, the Four Districts (*Vier Ambachten*) (together one register), and the castellanies of Kortrijk (three registers), Ypres (one registers), and Veurne (two registers). These seven castellanies form a contiguous area that includes most of Dutch-speaking Flanders, and thanks to the hundreds of *dénombrements* in those registers we usually know the rights of those 418 seigneuries. In barely five cases nothing is known about the seigneurie except that it was a seigneurie, and in a further twenty-one the information is too meagre to permit any categorical statements to be made. Thus we have 392 seigneuries whose constituent rights are well defined, which is enough to determine exactly which rights combined to form a seigneurie.

First we discuss high and middle seigneuries. Even detailed *dénombrements* are not always specific about the precise level of a seigneurie's justice, but fifty-four seigneuries are distinctly described as having high justice and thirty-four as having middle justice. A quantitative comparison of the rights enumerated in the *dénombrements* shows that the differences between the two types of seigneurie were fairly small. We provide a more general discussion of the whole range of seigneurial rights below, when we include seigneuries with low justice in the analysis. Suffice it to say for now that there was considerable overlap between the rights enjoyed by seigneuries with high and middle justice and, conversely, that very few rights are exclusively associated with either one or the other category.

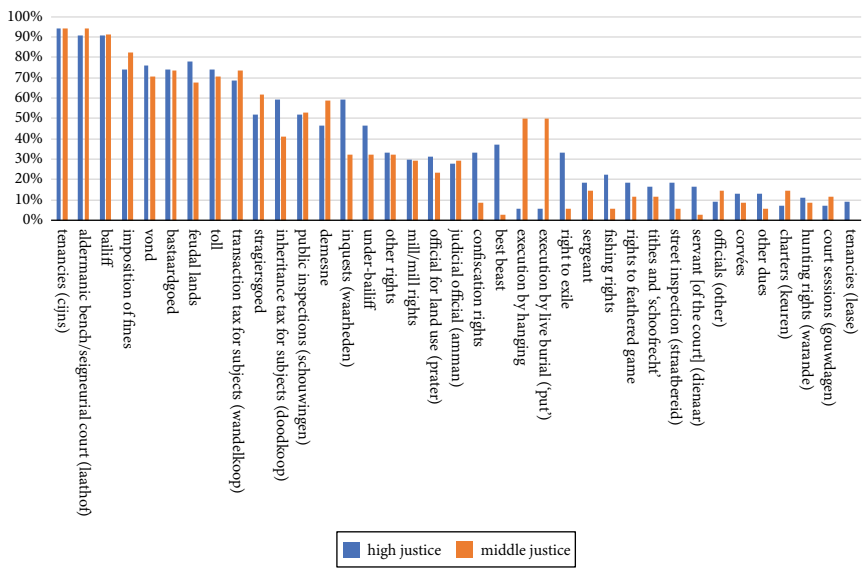
Graphs 1 and 2 show that the right of 'pit and gallows'—death by being either buried alive or hanged—pertained almost entirely to seigneuries with middle justice, which bears out the impression that seigneuries with high justice were distinguished by the exclusive right to execute by sword.

The particular right of 'pit and gallows' also appears to be primarily, though not exclusively, linked to the enigmatic notion of *viscontiere* justice referred to in the jurisprudential treatises. As we have seen, Jan van den Berghe referred to *cleene viscontier* as being a package of rights of low justice and linked *groete viscontiere* to middle justice, whereas Wielant's text suggests that middle justice corresponded to *viscontiere* rights. The latter tallies best with the sources: in the surviving *dénombrements*, *viscontiere* rights are generally associated with the



Graph 1 The rights of fifty-four seigneuries with high justice and thirty-four seigneuries with middle justice in *c.*1500–*c.*1525 (absolute).

Note: some terms are not translated in the graphs (for example *bastaardgoed* and *vond*), but they are discussed in this chapter, with the exception of *schoofrecht*, that is, the lord's right to 8 per cent of the proceeds of lands he gave up for reclamation.



Graph 2 The rights of fifty-four seigneuries with high justice and thirty-four seigneuries with middle justice in *c.*1500–*c.*1525 (relative).

right of 'pit and gallows', the criminal prerogatives proper to middle justice. The *dénombrement* drawn up in 1457 for the lordship of Beaulieu near Zwevegem (Kortrijk), for example, mentions '*vicontiere* justice, to wit, the thief' (*justicie vicontiere, te wetene den dief*), or the right to hang criminals, which was also included in the right of 'pit and gallows'. In the *dénombrement* made in 1502 for the same seigneurie, the scribe simply mentions middle justice.[67] Similarly, the seigneurie of Hofland (Kassel) has 'the right of manslaughter' (*trecht van manslachte*) based on having *viscontiere* justice, a power that belonged to middle or high justice.[68] According to the testimony of a lord in 1505, it was also the understanding of the high-ranking comital officials at the Chamber of Accounts at Lille that middle justice came with the right to execute thieves by hanging.[69]

Some rights evidently pertain almost exclusively to seigneuries with high justice. The right of banishment falls into that category, although Jan van den Berghe also allocated that right to seigneuries with middle justice. We see something similar with the right of 'best beast' (*beste hoofd*) or 'best chattel' (*beste kateil*), a sort of death duty that allowed the lord to claim the finest animal from the deceased's cattle herd or the most valuable item of movable property, which went much further than the prevailing inheritance taxes such as mortmain (*dodehandsrechten*). That right is recorded in relation to nearly 40 per cent of the seigneuries with high justice, but for virtually none of those with middle justice. We find comparable figures for certain rights of confiscation. Fishing rights also appear almost exclusively in reference to seigneuries with high justice, though it should be said that those rights are attested in barely 20 per cent of the seigneuries in question, while rights to feathered game occur in seigneuries with both high and middle justice.

In short, the differences between high and middle justice appear not only to be rather limited, but also, more importantly, unsystematic, given that the rights that do essentially distinguish the one from the other are not always in evidence. Even the right of 'pit and gallows' occurs in only half of the seigneuries with middle justice. To some extent, that could simply be a matter of scribal economy, with said scribe assuming that which method of execution belonged to which level of justice was common knowledge—but it is still clear that high and middle seigneuries rubbed shoulders. In both cases, the lord or lady of the seigneurie had extensive penal powers over their subjects.

[67] State Archives in Kortrijk, Familiearchief Descantons de Montblanc (de Plotho), no. 1352 (1457) and State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080, fols 259v–261r (1502).

[68] Archives Départementales du Nord (Lille), série B, no. 3949 (1515).

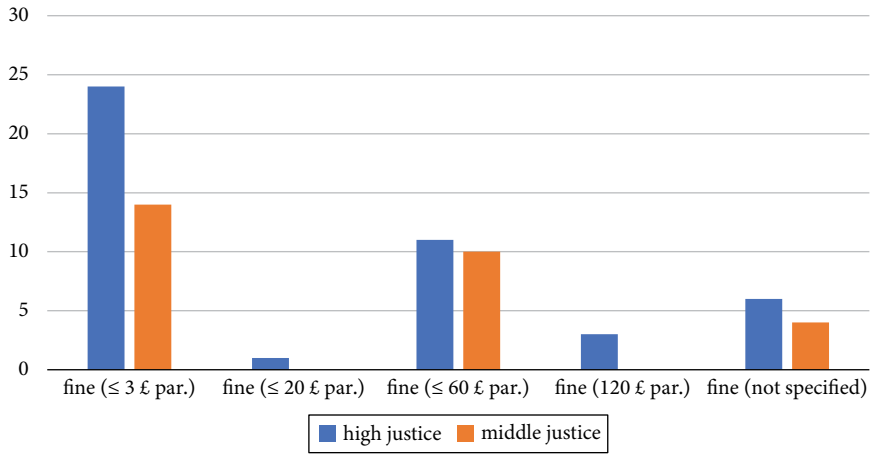
[69] See also State Archives in Ghent, Schenking de Breyne, no. 106, fol. 65v for this lord with middle justice claiming the right to 'hang thieves who had deserved it; and so I was told in Lille, after certain customs of the Chamber of Lille' (*zoude wel moghen doen hanghen eenen dief indien hy 't verdient hadde. Aldus was 't my ghezeit te Rysele, van eeneghe costumenen, ja naer de wetten van der Zale van Ryssele*).

Clearly jurists also realized that in practice high and middle justice were closely aligned for they both entailed the right to punish serious crimes by death. In Jan van den Berghe's treatise, which is rhetorically framed as a dialogue between a scholarly elder and a youth, the young man asks how he can distinguish between lords with high justice and lords with middle justice. The old scholar's answer is remarkably practical: lords with high justice (*hoghe justicier*) had a gallows equipped with iron chains or an iron hook, whereas the gallows of a lord with middle justice (*grote viscontier*) had no such hardware. Moreover, when hanged by lords with middle justice, criminals were to have their hands tied behind their backs, whereas lords with high justice not only had the privilege of decreeing decapitation by sword—considered a more honourable instrument of death—but could also tie the convict's hands in front, signifying that the crime in question came into the high-justice category. Thus, the difference between lords with high justice and lords with middle justice was based on honorific privileges rather than substantive differences in judicial power. This suggests that lords with high justice were entitled to sit in judgement on high-status suspects, whereas lords with middle justice had to transfer such cases to princely courts.[70]

Available information on the degrees of penalties reveals that in practice the border between high and middle justice was fairly fluid. Wielant represented the situation quite simply: lords with high justice could collect fines up to and including the sum of sixty pounds *parisis*, while lords with *viscontiere* (middle) justice or low justice could only collect fines up to three pounds *parisis*. Then again, Jan van den Berghe's treatise states that, based on the forensic powers they possessed, seigneuries with middle justice could also impose fines of sixty pounds *parisis* or multiples thereof. In practice, things were not quite so cut and dried. In seventy-three out of the eighty-eight seigneuries with high or middle justice, the *dénombrement* specifies the exact level of fine (Graph 3).

These data show that Jan van den Berghe was correct in stating that seigneuries with middle justice could also collect fines exceeding three pounds *parisis*, though it should be noted that the three seigneuries which were entitled to impose fines of 120 pounds *parisis*—Praat (Liberty of Bruges), Loker (castellany of Veurne), and Nevele (Ghent Oudburg and the castellany of Kortrijk)—were all seigneuries with high justice. By the same token, the levels of financial penalty some seigneuries with high justice were able to impose were fairly low. Cauwerburch (Waas), a seigneurie with high justice, could collect fines of up to twenty pounds *parisis* only, while quite a few seigneuries with high and middle justice recorded only fines of up to three pounds *parisis*—the rate that Jan van den Berghe associated with low justice.

[70] For the porosity between high and middle justice as a source of confusion for contemporary researchers, see also the comments in Strubbe, 'Jean van den Berghe', 399.



Graph 3 The level of fines that could be imposed in fifty-four seigneuries with high justice and thirty-four seigneuries with middle justice in *c.*1500–*c.*1525 (absolute).

That last observation raises the question of whether seigneuries with high and middle justice were indeed so clearly distinguished from fiefs with low justice. In their treatises Jan van den Berghe and Filips Wielant both suggest that in principle lords with high and middle justice had criminal jurisdiction, while lords with low justice were limited to enforcing the seigneurial land taxes (*cijnzen*) owed to them by their subjects (*alleenlijck iusticie omme in te doen commene zijne renten*). The Voormezele *dénombrement* already revealed that rights pertaining to criminal justice were the prerogative of seigneuries with high or middle justice. It is not inconceivable, however, that other seigneurial rights themselves formed rather a fluid spectrum between seigneuries with higher and low justice. After all, Filips Wielant notes that quite a few lords with only landed rights (*fonssier*) also enjoyed all sorts of authority that had either been granted to them by the count or which they had claimed on the basis of custom (*maer van deser iusticien useren de vassalen diverschelijck meer ende min naer de auctoriteyt die hemlieden de princen hier voortijts ghegheven hebben, oft nae de usancien up hemlieden vercreghen metter langher tijt*). Possibly this variation in rights in seigneuries with low justice was so great that the distinction between them and seigneuries with high and middle justice was rather theoretical.

For a critical review we need to widen our perspective to include all of the 392 well-documented seigneuries known to have been held from the aforementioned seven castellanies (the Liberty of Bruges, Land van Waas, Oudburg of Ghent, Four Districts, Kortrijk, Ypres, and Veurne) in the first quarter of the sixteenth century. The analysis is based on three sub-groups: (1) the seigneuries with high and middle justice; (2) the seigneuries with low justice; and (3) a small residual group of seigneuries that for the moment elude clear categorization.

The first group is made up of the fifty-four seigneuries with high justice and thirty-four seigneuries with middle justice discussed above. Proceeding from the information gleaned from the Voormezele *dénombrement*, we added another twenty seigneuries whose exact level of justice is not stated as such in the source, but whose *dénombrement* mentions the right of 'pit and gallows', which was closely linked with middle justice. The result is a group of 108 'higher seigneuries' with extensive administrative and judicial powers.

The second study group consists of 251 seigneuries that almost certainly only had low justice. Apart from exceptions such as the *dénombrement* of Voormezele, the sources seldom explicitly refer to low justice per se, but judging by the situation in the Voormezele sub-fiefs—thirteen of the twenty-one seigneuries recorded had low justice—this was undeniably the most common type of seigneurial lordship. Again taking our cue from the Voormezele *dénombrement*, we have allocated to this category all the seigneuries with a seigneurial court consisting of a bailiff and a bench of aldermen, the right to impose fines up to three pounds *parisis*, and the aforementioned right of *tol*, *vond*, *bastaardgoed*, and *stragiersgoed*.

The residual group comprises thirty-three seigneuries whose level of justice is not explicitly stated and which did not have rights such as 'pit and gallows' to aid categorization, but which did enjoy considerable rights of governance: more specifically, two rights that have already been touched on in relation to Dadizele's *dénombrement*, namely the *straatschouwing* and the *waarheden*. The *straatschouwing* implied that the lord or lady could inspect the seigneurie's streets, squares, churchyards, and other public spaces and bring offenders to book. The *waarheden* gave the lord the right to announce a 'general inquest' or public meeting of his subjects who were then supposed to point out the guilty party when the lord or his bailiff read out a list of questions aimed at identifying those who had committed particular offences.[71] A rare and spectacular example of such a list comes from Sint-Eloois-Vijve and Ingelmunster (Kortrijk). Drawn up in 1577 the first questions on that list clearly reflect the growing concerns about Protestantism and witchcraft that were preoccupying the Catholic lord of those two higher seigneuries:

> Whether one knows of someone who has despised God or his honourable mother or any of his saints, or who has blasphemed against them.
>
> Also, whether one knows of someone who is reputed to engage in witchcraft or the Black Arts.

[71] These rights are discussed at greater length in Chapters 2 and 3.

> Also, whether [one knows of] someone who has worked, or who has ordered someone else to work, on a Sunday or a Feast day and who did not respect godly worship.[72]

Usually the questions were somewhat more conventional, in that the seigneurial regulations—more on that in Chapter 2—were simply read out in question form, but as this example shows, that process could bring capital offences such as heresy into sharp focus. So these rights hover somewhere between the wider criminal powers which generally belonged to seigneuries with high and middle justice and the narrower range of fines and taxes that in principle came within the purview of low justice.

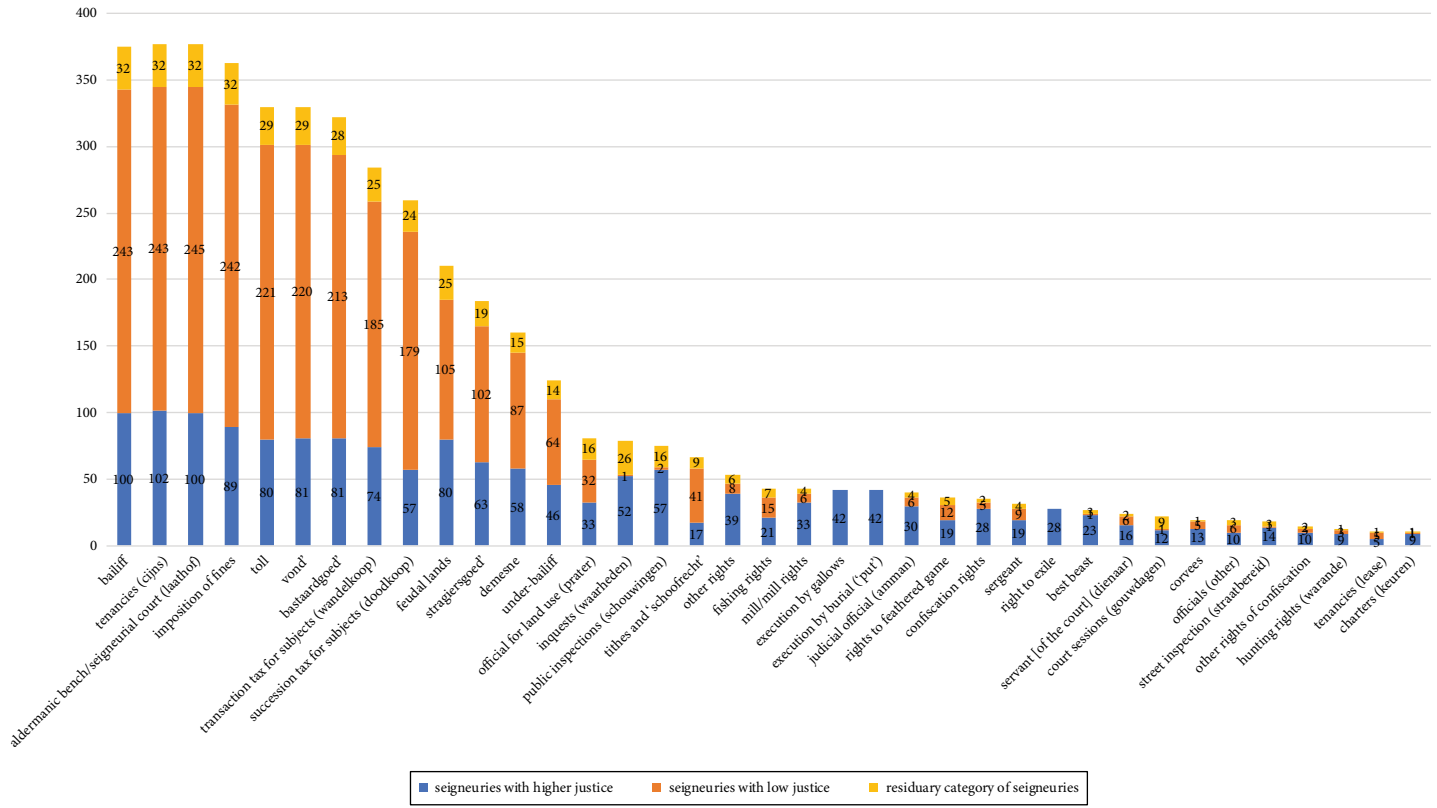
It should be noted that the analysis of listed rights is limited to those rights that appear more than ten times in the corpus of *dénombrements*. Seigneuries sometimes had rights that were unique or extremely rare, and *dénombrements* were drawn up by lordly individuals, so they were far from standardized and sometimes contain an exceptional number of details compared to other sources. For example, five *dénombrements* refer to the prestigious right to keep swans, while another mentions the right to appoint a bread-weigher.[73] In the following graphs these highly uncommon rights are included in Graph 4 under 'other rights'. Their omission does not affect our conclusions as they are usually fairly exclusive rights held by seigneuries with high justice. The seigneuries that had the right to keep swans, for instance, are in any case registered as high-justice seigneuries.

The analysis of the 392 fiefs that were manifestly recognized as seigneuries by contemporaries helps us to evaluate the residual group of thirty-three seigneuries that did not have the power of capital punishment associated with high or middle justice, but whose lord or lady could make far-reaching interventions in public order through the *doorgaande waarheden* or 'general inquests' (the right to convene regular public gatherings of the villagers and question them collectively, village regulations in hand) or *feitwaarheden* (special inquests in response to serious crimes), or the regular supervision of roads and other public spaces (Graph 5).[74] Which level of justice these seigneuries held is not known. They may have had only low justice in theory, but perhaps in practice they had acquired a number of powers that were normally the prerogative of seigneuries with higher justice.

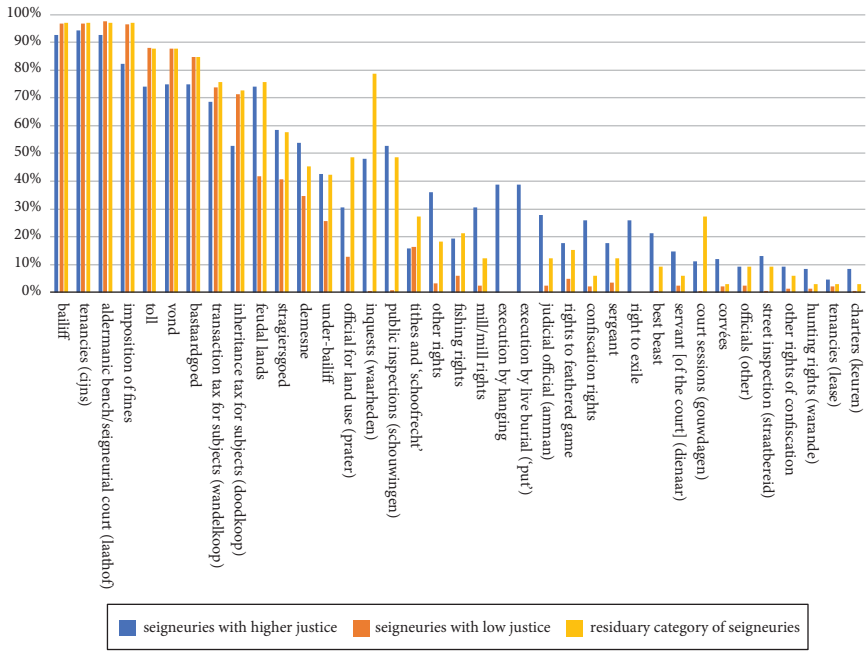
[72] 'Alvoorens of men niemant en weet die Godt ende zijne weerde moedere ofte eenighe van zyne helighen zoude mueghen veracht ofte gheblasfemeert hebben.
Item ofmen niemant weet suspect ende befaemt wezend van tooveriee ofte zwarte conste.
Item van te wercken ofte doen ende laeten wercken tzondaeghs ofte verboden helighe daeghen ende de dienst godts niet en hantieren.' State Archives in Kortrijk, Fonds Descantons de Montblanc (de Plotho), no. 10808.

[73] For the prestige of the right to keep swans, see Buylaert, De Clercq, and Dumolyn, 'Sumptuary Legislation, Material Culture and the Semiotics of "Vivre Noblement"', 404.

[74] On these procedures, see Langaskens, '"De doorgaande waarheid"'.



Graph 4 The rights listed for (1) seigneuries with higher justice (n: 108), (2) seigneuries with low justice (n: 251), and (3) a residuary category of seigneuries (n: 33) in *c.*1500–*c.*1525 (total n: 392) (absolute).



Graph 5 The rights listed for (1) seigneuries with higher justice (n: 108), (2) seigneuries with low justice (n: 251), and (3) a residuary category of seigneuries (n: 33) in *c.*1500–*c.*1525 (total n: 392) (relative).

Alternatively, they may have been seigneuries with higher justice whose status was simply not stated as such in the *dénombrement*. And indeed, the tabulation of seigneurial rights in Graphs 1 and 2 shows that these two rights, *waarheden* and *straatschouwingen*, only appear in around half of the 108 seigneuries with middle or high justice. Be that as it may, given their significant administrative powers, seigneuries with these privileges thus form a sort of no man's land between seigneuries with low justice and seigneuries with high and middle justice.

The analysis of the 392 fiefs also throws up a second observation: from an economic point of view the distinction between seigneuries with higher justice and seigneuries with low justice was not all that great. Though the *dénombrements* do mention some economic rights that are more likely to be assigned to higher-justice seigneuries than low-justice seigneuries there are not many of them, nor is there a strict dividing line between them. This is the case, for example, for the mill and fishing rights and the right of 'best beast' (*beste hoofd*), mentioned above, and for corvée (a subject's obligation to provide a set number of days of unpaid labour service on his lord's demesne). Nor are these rights always referenced in the *dénombrements* of seigneuries with high and middle justice: we find mill

rights, for instance, in 20 to 30 per cent of the higher seigneuries, and usually an even lower percentage for the other rights. Most seigneurial taxes occur in virtually every seigneurie, however. Practically every Flemish seigneurie included seigneurial rents (*cijnzen*) as well as a bailiff and a bench of aldermen able to impose fines on the lord's subjects if they failed to pay the rents or fulfil some other seigneurial obligation. That the percentages for each of the three sub-groups are just above 90 per cent is probably the result of under-recording. These seigneurial features were so self-evident that some lords and ladies saw no need to spell them out when they drew up their *dénombrement*. Two other rights also appear to be particularly widespread, those being *doodkoop* and *wandelkoop*, respectively a seigneurial inheritance tax on the estate of the deceased and a transaction tax on the sale of a piece of land within the fief's jurisdiction. Again, at least 70 per cent of the seigneuries with low justice possessed these rights, and it was likely the same for the seigneuries with high and middle justice, with those rights probably being so self-evident that they were less systematically written down in the *dénombrements*. Thus, collecting and enforcing a seigneurial tax, especially the seigneurial rent for land use (*cijns*), was the most widespread and basic form of seigneurial power.

Finally, analysing the economic rights makes it possible to map out the lower limit of the seigneurie. Both Jan van den Berghe and Filips Wielant considered the very lowest level of seigneurial rights to be the power of the landlord (*den fonssier*), or the power to collect taxes that were linked to land use and to adjudicate disputes over property rights and land-use rights (*de zaken spruuten huuten gronde*). Jan van den Berghe saw this package as constituting the lower half of low justice, while the upper half comprised those lords who also held a number of seigneurial rights that were linked to the personal status of his subjects, namely tolls, *vondrecht*, *bastaardgoed*, and *stragiersgoed* (respectively the right to claim unclaimed goods, the inheritance of illegitimate children, and that of strangers to the seigneurie). Both types of rights could give rise to a *heerlichede*, in Van den Berghe's view, but in practice contemporaries used a more stringent concept. As suggested by the Voormezele *dénombrement*, they apparently spoke of a seigneurie only when a fief not only had landed rights, but personal rights as well. Our analysis sheds light on the rights of the fiefs that we labelled as seigneuries with low justice. The right to tolls and *vondrecht* can be identified in at least 70 per cent of the fiefs with low justice, as can the right to claim the estate of 'bastards', though again, under-recording should probably be taken into account. The right to claim goods left by strangers or persons unknown was less common, but in this case too around 40 per cent of the seigneuries with low justice had it. Fief-holders with only *fonssier* rights hardly ever described their fief as a seigneurie. This is a significant finding. Historians often make the distinction between 'judicial seigneuries' (Dutch: *rechtsheerlijkheden*; French: *seigneurie banale*) and 'landed seigneuries' (Dutch: *grondheerlijkheden*; French: *seigneurie foncière*; German:

Grundherrschaft), but when it comes to Flanders these research concepts are of little use as contemporaries only recognized the first type as a seigneurie.[75]

The analysis of just under 400 seigneuries thus shows that in feudal documents the word 'seigneurie' was indeed invariably associated with seigneurial rights, which had to include both landed and personal rights. Within those seigneuries there was a good deal of variation in exactly which seigneurial rights they possessed, and that does not entirely correspond to the neat threefold division into seigneuries with high, middle, and low justice that Jan van den Berghe and Filips Wielant espoused. The primary features of their views are certainly correct, but in practice there was a more rudimentary, somewhat porous twofold division between 141 seigneuries with wide administrative and judicial powers and 251 seigneuries with mainly economic rights.

In addition to the conclusion that a fief possessing only low justice or landlordship (*fonssier*) was rarely referred to as a seigneurie, it should be pointed out that the degree of institutionalization was also a critical criterion in whether contemporaries used this word or not. Low justice involved all kinds of seigneurial taxes (see Graphs 4 and 5), which naturally required the lord or lady to employ seigneurial officials to collect them. The exact terminology used in this context differed from region to region. In the Oudburg of Ghent, the Four Districts, and the Land van Waas, people spoke of a so-called *laathof*, or 'court of the seigneurial subjects', while in the Liberty of Bruges, the castellany of Veurne, and the castellanies of Ypres and Kortrijk, they referred to a bench of aldermen. Whatever the institution was called, the function was the same, namely to collect the rents (*cijnzen*) and taxes to which the lord was entitled. Some fiefs were so small and some seigneurial rights so limited that the lord or lady could not run to a complete seigneurial administration of seven aldermen and a bailiff, but only to a smaller number of aldermen. In other cases, the entire bench of aldermen might

[75] This influential terminology was developed by Georges Duby and other post-war historians primarily on the basis of French sources, with landed seigneurie/*seigneurie foncière* corresponding to estates to which contemporaries attributed *justice foncière* or *plaids du fonds*, while the judicial seigneurie/*seigneurie banale* corresponds to those estates which in addition to all landed rights also had rights that contemporaries identified as *haute justice* or *droits de ban*. This typology is also established in earlier research into Flemish lordships (see for example Thoen, *Landbouwekonomie en bevolking*, *passim*). Yet this terminology is also controversial. The emergence of a shared vocabulary did not mean that its terms were interpreted identically wherever they were used. Even in France that was not case. For instance, *basse justice* meant one thing in Normandy, but something else in the Île-de-France (see the comparative analysis in Dewald, *The Formation of a Provincial Nobility*, 165–6). Moreover, contemporaries often found it difficult to assign a specific right to one of the categories. An additional problem with Duby's terminology is the assumption that the rights of the *seigneurie banale* were rooted in the usurpation of princely rights of government (the Frankish *bannum*), whereas that is not always empirically demonstrable. Flemish lords, for instance, believed that judicial seigneuries came into being as a result of local communities' 'natural need' of strong leadership (see the evidence discussed in the introduction to Chapter 2, where no reference is made to princely power as the source of the origins of lordships). See more generally Wickham, 'Defining the Seigneurie Since the War', 44–5.

be borrowed from a more substantial seigneurie.[76] A lord might very easily have all kinds of seigneurial rights in theory, but only a few in practice. Around 1375, for example, the lord of a fief with low justice held from Corbie Abbey's feudal court admitted that the seigneurial aldermen had met (*wet ghedaen hadde*) only three times in the last twenty-two years, so the seigneurial rights in that case were clearly on the wane.[77] Such a scenario was probably more likely to play out in seigneuries with only a few officials.

It is not surprising, therefore, that contemporaries mostly tended to perceive fiefs with a 'full' bench of seven aldermen as fully-fledged seigneuries. The castellany of Ypres is a good example. In the surviving early sixteenth-century *dénombrements*, twenty-two fiefs are specifically referred to as seigneuries with low justice; of those, fifteen had a bailiff and a full bench of aldermen while the other six relied on the aldermen of another seigneurie for their operation. Those *dénombrements* also mention a further twenty-six fiefs with low justice, none of which is explicitly called a seigneurie. Six of those fiefs had a full aldermanic bench, so scribal inconsistency probably explains why they were not described as seigneuries. The other seventeen fiefs borrowed aldermen from another seigneurie, which leaves us wondering whether contemporaries did indeed regard the least important fiefs as fully-fledged seigneuries. The cut-off point was apparently reached at fiefs that were institutionally lacking, either because the fief-holder had few rights or because the fief itself was too small, fragmented, or thinly populated. A large fief accommodating (part of) a hamlet or village, with substantial seigneurial rights and taxes attached, administered by a lord and his bailiff and aldermen, was unmistakably a seigneurie, but a small, thinly populated, or uninhabited fief with few seigniorial rights or a pond with a seigneurial tax on it was another story. In sum, contemporaries worked with a sliding scale between fully-fledged seigneuries and a long series of ever smaller fiefs with ever fewer rights and inhabitants.

5. The Seigneurial Landscape

In what follows in this study we focus primarily on what we call the 'higher seigneuries', the aggregate of seigneuries with either (1) high justice; (2) middle justice; (3) the right of 'pit and gallows' as being a right closely related to middle

[76] See the examples in Maddens, 'Hoogmosscher', 8–9. Caution is called for because the presence of a bailiff in a description of a fief does not necessarily indicate seigneurial rights: a fief with seven or more sub-fiefs was entitled to appoint a bailiff, whether it was a seigneurie or not. In that case the bailiff's job was not to enforce seigneurial rights, but to ensure that the sub-fief-holders' feudal obligations to the fief-holder were observed, including the payment of inheritance and transaction taxes when that sub-fief changed hands (see Opsommer, *Het leenrecht in Vlaanderen*, *passim*). It is not always easy to tell feudal bailiffs and seigneurial bailiffs apart.

[77] Thoen, *Landbouwekonomie en bevolking*, I, 454.

justice; and (4) the right to summon *waarheden* or *straatschouwing*. What these four categories have in common is that they gave the lord substantial administrative and judicial power over the local population, something that was lacking in seigneuries with low justice. They were pre-eminently the seigneurial institutions that shaped Flemish society.

To study that social impact we developed a near-exhaustive survey of all the higher seigneuries in Dutch-speaking Flanders. Given the conclusion we reached in the foregoing—that seigneuries were linked to specific seigneurial rights—we can now trace in the feudal sources those seigneuries that the scribe, for whatever reason, did not explicitly name as such. If we re-examine the feudal registers of the seven castellanies analysed above, for instance, we can pinpoint more seigneuries with high or middle justice than the 418 fiefs that were specifically described as such in their *dénombrement*, albeit not many. In the registers for the castellany of Veurne, for example, thirteen fiefs are unequivocally referred to as seigneuries at least once by the author of the *dénombrement*, while only four fiefs that had high or middle justice are not. In the castellany of Ypres, in addition to twenty-seven 'explicit' seigneuries, only five 'implicit' higher seigneuries appear. Going through the same process for the Four Districts and the Oudburg of Ghent produced nothing at all. Thus, contemporaries showed little hesitation in using the word 'seigneurie' when referring to fiefs with high or middle justice.

Our overview of higher seigneuries is chiefly based on the feudal registers of the comital castellany courts, extant from the mid-fourteenth century onwards. The earliest key source is a *leenregister* compiled in 1365–6 which gives an overview of the principal fiefs of the comital castellany courts of the entire county. It was drawn up after Louis of Male, count of Flanders, bought back from the Knights Templar the previously alienated feudal taxes for the principal fiefs.[78] We also consulted surviving registers from other feudal courts, including those of ecclesiastical institutions and great lay lords, as well as the domanial feudal courts of the count himself.

We also relied on individual charters and heritage publications to track down the higher seigneuries that are poorly documented in feudal registers. A case in point is Beveren-Waas, a large seigneurie that encompassed four parishes and also had significant geopolitical importance due to its location on the banks of the Scheldt. In times of war, the lord could close the river, effectively cutting off access to Ghent. As Ghent was the most rebellious city in the county, the strategically important seigneurie was bought in 1335 by Louis of Nevers, count of Flanders, from its previous lord. Subsequent counts of Flanders did not alienate it again until the mid-fifteenth century, when Philip the Good, duke of Burgundy, gifted it to his illegitimate sons Corneille and Anthony, so that it was

[78] Archives Départementales du Nord (Lille), Série B 3679; see also Opsommer, *Het leenrecht in Vlaanderen*, I, 142.

still controlled by the princely dynasty, even if indirectly.[79] Beveren-Waas was held directly from the Legal Chamber of Flanders, whose earliest records are poorly preserved, and no *dénombrement* has survived. Nevertheless, additional research reveals that it was a seigneurie with high justice.[80] Thanks to available historical studies with a local focus we also traced the very few allodial seigneuries with high or middle justice, though we hasten to acknowledge that there may be an element of under-recording in this instance too, compared to the better-documented feudal seigneuries.

Be that as it may, our examination of sources reveals 800 higher seigneuries attested within the borders of Dutch-speaking Flanders up to the eve of the Dutch Revolt.[81] By mapping these seigneuries, it becomes clear that the higher seigneuries were very unevenly distributed across the county of Flanders (Map 2).

There were not many higher seigneuries in the coastal plain (the castellanies of Veurne and Sint-Winoksbergen, and the Liberty of Bruges) or the Scheldt estuary (the castellany of Waas and the Four Districts). In the castellanies further inland they became increasingly numerous, particularly so in the castellanies of Aalst, Oudenaarde, and Kortrijk, which were almost completely covered by seigneuries. Flanders therefore comprised two seigneurial landscapes. In one, seigneuries were an anomaly, so much so that those parts of Flanders are comparable to the rare parts of Western Europe without seigneurial lordship (Frisia, for instance). To the 125,000 or so inhabitants of the Liberty of Bruges around 1470, for example, high or middling justice was almost unknown. The criminal and administrative powers over the Liberty's 100+ parishes were mainly in the hands of the comital bench of aldermen of the castellany.[82] In the other landscape, seigneuries were so numerous that they practically covered the entire countryside, a situation that was not unlike that in England and France.

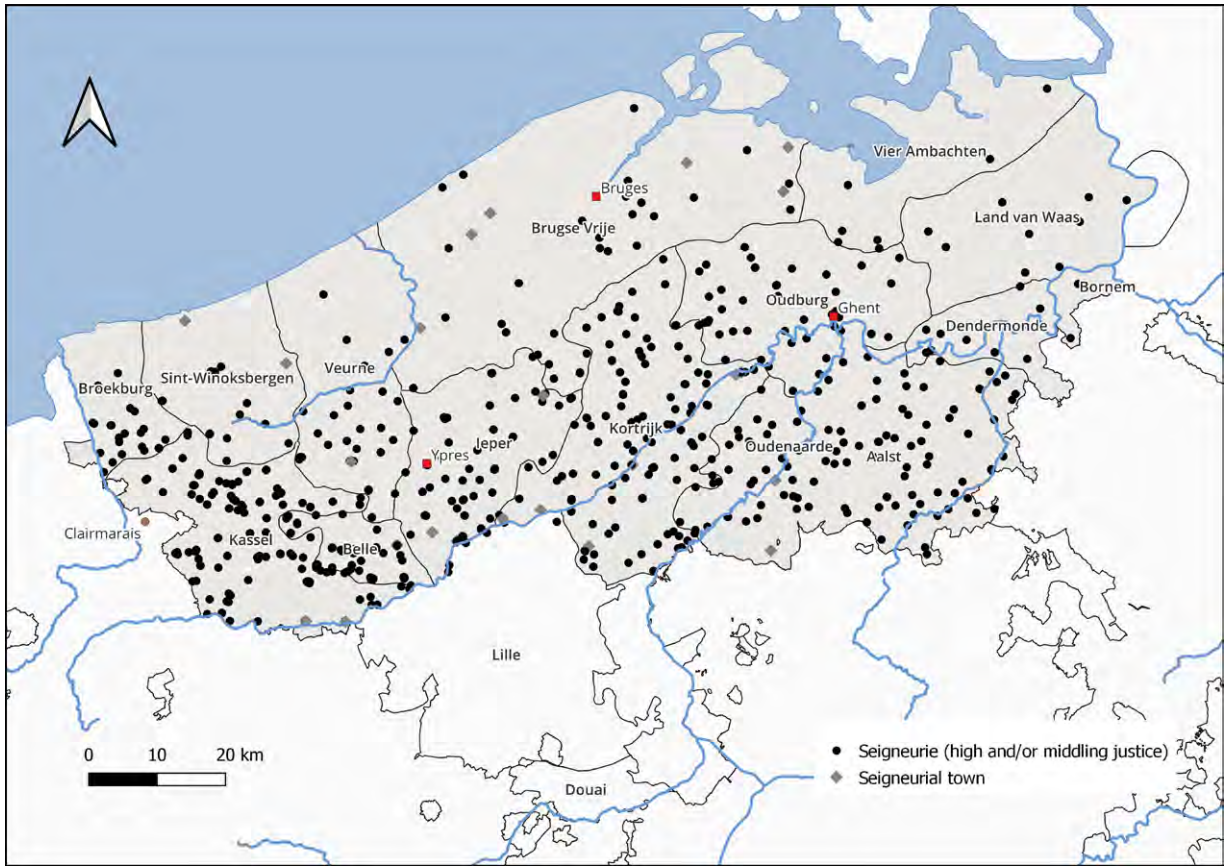
Though necessarily speculative, what follows is a first suggestion that as from the tenth century the county formed from a West Francian *gauw* (shire) of which Bruges was the centre. When the count put aside his role as a Carolingian official and assumed the mantle of an independent ruler, that *pagus flandrensis* must have been an area over which he exercised great control compared to the other regions that accrued to the county with time. Accustomed to the practice of direct rule, he is unlikely to have permanently alienated power over a particular village

[79] Buylaert and Verroken, 'Een adellijk altaarstuk', 85–6.

[80] Thanks to previous research, we also gained an idea of a fairly small number of fiefs which, though situated in the research area, were held in fief from feudal courts outside the county of Flanders: for several examples from the castellanies of Aalst and Oudenaarde, see Van den Berghe, 'De oorspronkelijke heren van Steenhuize', 162–3; Opsommer, 'Het Nordrhein-Westfälisches Hauptstaatsarchiv', 167–90; and Castelain, 'De baronie van Pamele, Maerke en Ronne', 53–4.

[81] Speecke et al., *Repertorium van de hogere heerlijkheden van het graafschap Vlaanderen*.

[82] See Dombrecht, 'Plattelandsgemeenschappen' and Vervaeke, 'Met recht en rede(n)'.



Map 2 The higher seigneuries of Dutch-speaking Flanders that are attested with certainty before the start of the Dutch Revolt in 1567. The lordship's principle parish is always taken as geographical anchor point in QGIS. Out of the 800 known seigneuries, twelve could not be plotted in QGIS because the location is unknown or the seigneurial jurisdiction extended over several places. Adjacent seigneuries that were traditionally held by the same lord (such as Burcht and Zwijndrecht in the Land of Waas) are indicated with a dot. As no fief registers survive for the Land of Bornem (adjacent to the Land of Waas and Dendermonde), this is a blind spot.

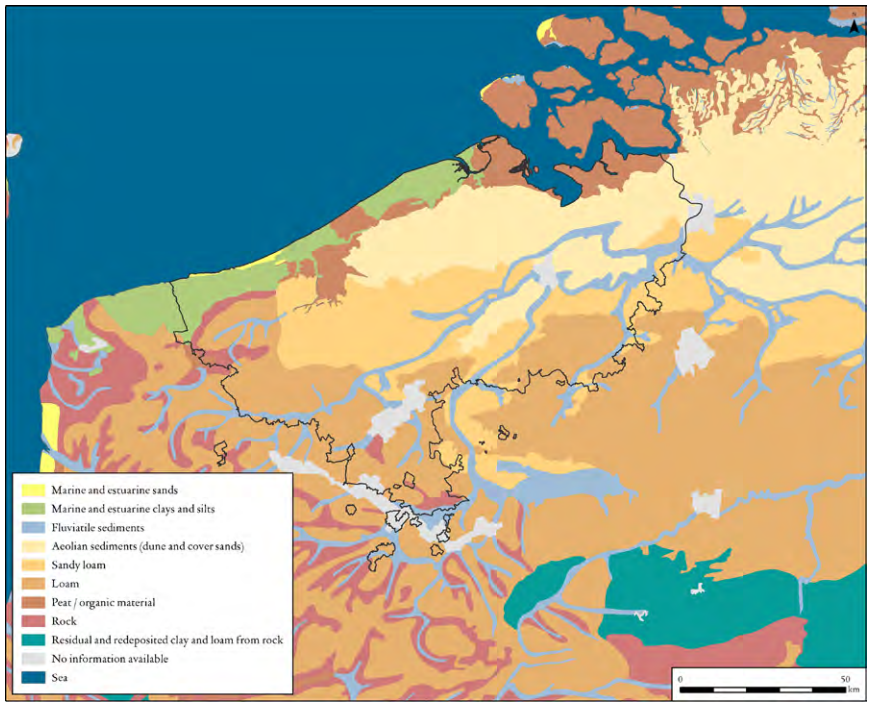
very often.[83] Consequently, the Liberty of Bruges ended up with few higher seigneuries, and of those, four were only created after 1450 as comital foundations (Middelburg-in-Vlaanderen, Watervliet, Philippine, and Nieuwvliet).

We do need to be cautious when examining this hypothesis, for in the wake of the 'Feudal Revolution Debate' historians are less and less inclined to see strong princely authority and seigneurial power as communicating vessels. That in the twelfth and thirteenth centuries the counts of Flanders evolved into relatively powerful rulers with a progressive framework of administrative functionaries such as comital bailiffs and receivers does not necessarily rule out the possibility that local elites could raise their profiles by constructing seigneuries. Nor does this hypothesis explain why seigneuries were scarce in the IJzer plain and the Scheldt estuary. The regions that eventually materialized as the castellanies of Veurne and the Waas, and the Four Districts were outside the ambit of the first Flemish counts' power.

Another and perhaps more convincing explanation is that the formation of seigneuries reflected the patterns of economic and demographic expansion that took shape in the tenth to the twelfth centuries. A seigneurie could only originate when a local community produced enough agricultural surplus to provide a lord with a significant income from rents. In the main, therefore, seigneuries appear in affluent areas. Warwickshire in England is an obvious example. That part of the Midlands encompassed two disparate landscapes divided by the River Avon. To the south the Feldon valley consisted of fertile lowlands that were precociously populated and were covered with a patchwork of manors. To the north was the Ardern, a hilly, heavily wooded area that was fairly barren and therefore sparsely populated. After 1300 it was only in this part of Warwickshire that there was still some room for the laborious reclamation of new land and, consequently, for new settlements and manors.[84] There was a similar development in Guelders in the Low Countries. In the infertile, thinly populated Veluwe there were barely four seigneuries, whereas the Quarter of Nijmegen, which largely coincided with the fertile valley of the River Waal, had almost sixty which, not coincidentally, were often located along the river, the region's most important economic artery.[85] In Flanders, too, we can see a link between landscape, agricultural economy, and the formation of seigneuries. A map of the county's soil composition shows that in the coastal plain and the northern parts of Flanders the quality of soil that was useful for agriculture was inferior to that of the soil further inland (Map 3).

The coastal plain, which stretched inland via the south bank of the Scheldt, consisted of clay soil that was less suitable for the cultivation of cereal crops.

[83] See also the review of the available evidence in Tys, 'Een middeleeuws landschap', esp. 266–72, 276–8, 344–409, 506, 566, 605–6.
[84] Carpenter, *Locality and Polity*, 22–3.
[85] van der Meulen, 'Seigneurial Governance and the State', 36–7 (table 1 and map 1).



Map 3 Soil composition of the county of Flanders.

Moreover, the coastline itself was prone to shifting. Large tracts of land along the coast or in the Scheldt delta regularly disappeared beneath the waves and often were only reclaimed after a great deal of effort.[86] The coastal plain was eventually cultivated as good agricultural land became scarcer, but as the costs of water management were borne by the local peasants, neither the prince nor ambitious laymen had much leeway for imposing seigneurial rights on the local population. Although from the thirteenth century the coastal plain would be the locus of strong economic growth it was not the most densely populated or prosperous region during the developmental phase of seigneuries.

Conditions were also less than optimal on the sandy soils in the immediate hinterland of the coastal strip and the area to the north of Ghent. Here, too, seigneuries were rare, with some of those that did exist, such as the Land of Nevele (Oudburg of Ghent and Kortrijk), being unusually large for the very reason that they would otherwise generate too little agricultural surplus to be viable. In some parts of the county, seigneuries struggled to take shape. The Land van Waas, for instance, was only brought into cultivation in the thirteenth century. This was mainly the work of free and propertied peasants, who were unlikely to tolerate

[86] Soens, *De spade in de dijk*.

the founding of seigneuries and seigneurial taxes. The Four Districts and Waas were still known as poor, scantily populated regions, even as late as the fifteenth and sixteenth centuries.[87]

That situation was in sharp contrast to the southern parts of Flanders, which were largely formed by fertile loess.[88] The many agricultural communities in that region provided the economic basis for the hundreds of seigneuries that appeared there. The castellany of Veurne offers a striking illustration of the contrast between what historians often refer to as Coastal and Inland Flanders. The IJzer basin, the northern half of the *ambacht*, was part of the coastal plain, while the parts of the *ambacht* south of the IJzer had different soils.[89] Nearly all the seigneuries with higher justice are in the southern half of the *ambacht*. The seigneurial landscape that appears from the fourteenth century on was therefore the petrified legacy of earlier socio-economic patterns.

It is clear from the sources that the distribution of seigneuries with low justice follows the pattern that was found for those with high and middle justice, but it is hard to give exact figures. In any case, seigneuries with low justice were much more numerous than the higher seigneuries. As mentioned above, 251 (64 per cent) of the 394 seigneuries that were specifically referred to as such in the *leen-registers* of seven castellanies were low seigneuries, a ratio which suggests that in addition to around 800 higher seigneuries Dutch-speaking Flanders had at least 2,400 seigneuries with low justice. We cannot be more exact than that owing to the no man's land that existed between seigneuries with low justice and a long string of fiefs that could exercise rights proper to seigneuries with low justice, but which contemporaries did not categorize as fully-fledged seigneuries.

6. Seigneuries without Seigneurial Rights

The feudal sources that have taken centre stage so far only convey the perspective of the lords and comital bailiffs within the context of a specific administrative process, that being the recording of feudal and seigneurial rights. But could those same lords and officials, alongside all the other social groups, also have had other ideas about what seigneurial lordship meant? Although we can identify a coherent concept of the seigneurie within the legal sphere, in which the word was only used in allusion to the collection of significant seigneurial rights outlined above,

[87] An introduction in Daels and Verhoeve, 'De Vier Ambachten', 35–8 and see esp. Vervaet, 'De middeleeuwse ontginning van het Land van Waas', 73–100.

[88] An introduction to the literature on soils and agriculture in van Bavel, *Manors and Markets*, 15–26.

[89] For a detailed discussion of landscape and economic development, see Vandewalle, *De geschiedenis van de landbouw in de kasselrij Veurne*, 116–17, 120–2, 387–8.

contemporaries may well have referred to seigneuries much more loosely or differently in everyday life.

To examine this possibility we have recourse to a large body of primary source references relating to Flemish noble families between roughly 1350 and 1500. In that corpus are a good many references to lords because seigneuries were a source of nobility, an association we consider in greater detail in Chapter 4. It not only includes feudal sources, but also charters, epitaphs, seigneurial accounts, military muster rolls, chronicles, and so forth. An epitaph in the parish church of Nevele, for example, refers to the seigneurie of Nevele, which included the parish of Nevele itself and those adjoining it:

> Here lies the nobleman Charles de Montmorency, son of my lord Sir Jean de Montmorency, knight, lord of Nevele. He died on 18 June.[90]

In a similar vein, five charters drawn up in the 1480s by the administration of the castellany of the Liberty of Bruges consistently refer to Joos van den Berghe—the son of the jurist already mentioned in this chapter—as being the *seigneur de Watervliet*.[91] Both Nevele and Watervliet had higher justice, so in these two cases the seigneuries referred to also meet the legal definition. But does this wide range of sources, none of which is a by-product of feudal record-keeping, also contain references to seigneuries that differ from the legal definition?

We consider the use of seigneurial titles at greater length in Chapter 4: suffice it to note here that when contemporaries referred to the lord or lady of this or that seigneurie it was generally in reference to the same domains that were defined as a seigneurie in feudal sources. As a rule, seigneurial titles were linked to one of the 800 seigneuries with higher justice or—though this was much rarer—to a large seigneurie with low justice. Thus the concept of the seigneurie that we find in the feudal sources also governed the image of the seigneurie in everyday life.

Yet there were exceptions, and while they are not numerous they do reveal that sometimes, besides the strict and legally valid definition, contemporaries also employed a looser and more malleable notion of seigneuries and seigneurial power. In Dutch-speaking Flanders there were several lords who did not have even low justice.

A first cluster of lords without seigneuries is situated in the Liberty of Bruges, the castellany that covered the greater part of the coastal plain, where there were few seigneuries in the strict sense of the word. According to the sources there were lords of Assebroek, Dudzele, Heist, Maldegem, Moerkerke, Oostkerke,

[90] 'Hier licht begraeven edele Carle van Montmorency filius mijns heeren mer Jans van Montmorency, ruddere, heere van Nevele, obiit den 18 wedemaendt.'

[91] See Buylaert, *Repertorium van de Vlaamse adel*, 68 (van den Berghe), 499 (Montmorency), 827–37 (a survey of all the primary sources consulted).

Straten, Uutkerke, and Varsenare: the basis in all nine of those cases was one or more fiefs held from the feudal court of the Liberty of Bruges. Remarkably enough, the *dénombrements* for each of those fiefs refer only to a fairly extensive domain with a large number of sub-fiefs and a few rents, yet they mention not a word about low, middle, or high justice.[92] In the sources we consulted only three out of the nine were explicitly regarded as seigneuries—Assebroek, Maldegem, and Moerkerke—but in all nine cases contemporaries did acknowledge that the local community had to put up with the authority of a lord.

In these cases, then, the notion of seigneurie was sustained by sources other than seigneurial rights. The information available suggests that this small group of fief-holders gradually assumed the role of lord through the combination of feudal landownership with comital offices that gave them control over the so-called *ambachten*.[93] Over time, the coastal plain was divided into those comparatively large administrative districts—Dudzele *ambacht* included the parishes of Dudzele, Koolkerke, and Ramskapelle, for instance—which, though necessarily leaving criminal justice to the castellany administration of the Liberty of Bruges, did have a number of lesser administrative responsibilities.[94] In at least some cases, local justiciary offices such as those of the *amman* or *schout* gradually became encapsulated in feudal offices, with the hereditary right of appointment linked to a large fief. Either that right of appointment belonged to the fief itself, or it was a separate fief that was always inherited in tandem with that large fief. For the fiefs of Maldegem, Dudzele, Moerkerke, Oostkerke, and Varsenare this feudal office was always linked to the eponymous *ambacht*, and for Assebroek to Ijzendijke *ambacht*. Straten, on the other hand, was a fief with the right to appoint the so-called *amman* of the parishes of Sint-Andries and Varsenare. The odd one out is Heist, which was made up of three fiefs, namely De Duinen, the Hof ten Polre (with no fewer than 119 sub-fiefs), and the hereditary marshalship of Flanders. Most likely the latter was an honorific relic from a distant past when court offices occupied by the count's retainers were held as fiefs. For instance, in 1481 there is a reference to *Jan, heere van Heys, erfachtich marscalc van Vlaendren*, but there is little evidence that this office still had any meaning at the Burgundian-Habsburg court.[95] Be that as it may, in eight out of the nine cases there was demonstrably a hereditary claim to the local administration somewhere.

[92] An exception can perhaps be made for Maldegem since the lords of Maldegem had long been lords of the neighbouring seigneurie of Leischoot (in Oostwinkel), which did have high justice (see Notteboom, 'Feodaal Oostwinkel', 16–17), but here too Maldegem seems to have been the family seat: they went through life as the 'Van Maldegems' and as 'lords of Maldegem', whereas the first known reference to the 'lord of Leischoot' only dates from 1563 (see Buylaert (ed.), 'Sociale hiërarchisering', no. 714).

[93] Tys, 'Een middeleeuws landschap', 349, 507–20, 528–30, 606, 616–18 points out that eleventh- and twelfth-century *ammans* and other comital officials in the Liberty of Bruges appear in the sources as *milites* (knights) and *fortiores* (mighty men).

[94] See the detailed reconstruction in Dombrecht, 'Plattelandsgemeenschappen', 14.

[95] The relevant sources are cited in Buylaert, *Repertorium van de Vlaamse adel*, 347–8.

That the *ambachten* of the Liberty of Bruges came to form a seigneurial power base was by no means an automatic development. In the sources we looked at there was no reference to a 'lord of Esen', for instance, even though this fief was coupled with the *ammanie* of Esen and Zarren, Straten, and Houtave.[96] Perhaps this fief was overshadowed by the neighbouring viscountcy of Diksmuide. Be that as it may, the *ambachtsheren* referred to did constitute a significant power factor in the coastal plain.

Another source of authority that contributed to the seigneurial cachet of those nine lords without seigneurial lordship was that they were often the site of a fortification that carried some geopolitical weight. Contemporaries were slow to use the word 'castle', so much so that even the unusually detailed 1501 fief register of the Liberty of Bruges only mentions ten in the whole region, but it is no coincidence that some of those ten are situated in the fiefs discussed.[97] Moerkerke's *dénombrement*, for example, mentions 'the manor and castle' (*thof ende casteel*) and Dudzele's alludes to 'the ruined castle…with motte, circumvallation, ditch, and all that pertains to it' (*tghebroken casteel…metter mote, walgracht, synhele ende datter toebehoort*). When Bruges rebelled against Maximilian of Austria in his role as regent for his underage son, Philip the Fair, in 1488, Jacob II van Gistel, then lord of Dudzele, sided with Maximilian, upon which the Bruges urban militia destroyed the castle. That event suggests that fortified sites still held a certain strategic importance, as was indeed confirmed in so many words in the case of the Hof van Straten. From the stronghold at Straten one of the vital routes to and from Bruges—running from the city to Aartrijke and thence towards Ypres and Torhout—could potentially be cut off, which led to considerable tensions between Bruges and the Van Straten dynasty, which included knights in its ranks, in the twelfth and thirteenth centuries.[98] Later centuries probably saw little change in the threat level, for in the late fourteenth century Straten fell to the lord of Dudzele, giving that branch of the high-born house of Gistel control of two military strongholds only a few kilometres to the north and west of the city. It appears from the legal proceedings begun by the Van Gistel family after 1488 to obtain compensation for the almost complete demolition of the castle in Dudzele that the Bruges militia had intended to put an end to that threat once and for all.[99] As regards the curious cases such as Maldegem, Varsenare, and Oostkerke, which dominated a local *ambacht*, it is often only in later centuries that a castle is mentioned, but they do go back to older fortified sites that could have a similar effect on the local population. The combination of administrative and military power thus put these fiefs on the same level as seigneuries.

[96] Ramandt, 'Kastelen en walsites', 109 (n. 75).
[97] Ramandt, 'Kastelen en walsites', 106–9.
[98] See Noterdaeme, 'De ridders van Straten', 23–30.
[99] State Archives of Belgium in Brussels, Fonds Grote Raad, register 803, no. 143 (pp. 1189–95).

The first priority for contemporaries was not to do justice to each and every nuance of the legal landscape, but rather to succinctly sum up local power relations by alluding to the effective domination of a local family. They were perfectly well aware that this local power base could stem from a variety of sources, and that the notions of 'the seigneurie', and certainly that of 'the lord', were not strictly limited to formal seigneurial rights.

The nine cases from the Liberty of Bruges represent the majority of the examples we know of, but sometimes analogous situations in which the seigneurial status of a family was partly based on hereditary offices can also be identified elsewhere in Flanders. The castellany of Kortrijk is a case in point: a document from 1474 refers to the 'noble and mighty lord, my lord Sir Jacob van Halewijn, knight, lord of Roosbeke and Desselghem' (*edelen ende moghenden heere minen heere mer Jacop van Halewin, rudder, heere van Roosbeke ende van Desselghem*). The first title, 'lord of Roosbeke', was founded on a seigneurie with middle justice, but Desselgem was a hereditary *meierij* (rural district) held in fief from St Peter's Abbey (*den heerscepe van Dersselghem … ende es gheheeten van ouden tijden tgoed ter Meyerie*, according to a charter from 1457).[100] There is also the Oudburg of Ghent, where Filips van Massemen appears in the sources alternately as *here van Zomerghem* (1422) and *escoutete heritier de Somerghem* (1416).[101] That office of *escoutete* or *schout* was clearly a piece of the puzzle of Zomergem and Lovendegem, two adjacent seigneuries with higher justice that were always jointly ruled by a single lord. A similar case from the northern castellanies comes to light in an epitaph from the Church of the Holy Nativity in Ghent:

> Here lies the noble and honourable lord Sir Jan van Saemslach, knight, hereditary sheriff of Lokeren, Daknam, Waasmunster, and Alversele, who died on 4 August 1535; and the noble and honourable lady Lady Catherine Bacx, daughter of esquire Arnould, spouse of Sir Jan, who died in 1547.[102]

This nobleman, Jan van Saemslach, was a scion of the De Schoutheete family, also referred to sometimes as 'van Zaamslach', who from the early fourteenth century onwards appeared in the sources as lords of Zaamslag, a seigneurie in the Four Districts. By the late fourteenth century the family had also gained a foothold in

[100] State Archives in Ghent, Leenhof Sint-Pietersabdij, nos 697, 868 (1474), and 857 (1457); see also 687 and 833. See also the repeated references in 1502 to 'edelen ende weerden Robert dOlhain, schiltcnape, heere vander Meyerie te Desselghem' (State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1180, fols 233r, 255v, 316r, 480r).

[101] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 14111 (1416) and Ghent City Archives, Reeks 301, no. 26, fol. 95r (1422).

[102] 'Hier ligt begraven edele ende weerde heere mer Jan van Saemslach, ruddere, erfachtich schouteete van Lokeren, Dackenam, Waesmunster ende Aelversele, die overleet den IIII augusti anno XVcXXXV; ende edele ende weerde vrauwe vrau Catherine Bacx, filia joncheer Arnaults, gheselnede van mer Jan, die overleet anno 1547.' Epitaph published in Despodt, 'Gentse grafmonumenten', III, no. 1.1/004.

Lokeren, in the neighbouring Land van Waas, and as the epitaph shows, they were still there in the 1530s. Here too the basis was a hereditary office whose remit included the four adjoining places Lokeren, Daknam, Waasmunster, and Alversele. What is particularly noteworthy in this case, however, is that an office of that kind is included in an epitaph in much the same way as the usual mention of the seigneurial titles held by the individual in question, such as Charles de Montmorency, whose epitaph in the parish of Nevele was cited earlier. Admittedly, in these examples from the castellany of Kortrijk, the Four Districts, and the Ghent Oudburg, the hereditary offices had only a subsidiary character, in the sense that the holders of those offices were also lords of estates that were also seigneuries in the strict sense of the word. It would seem, therefore, that the more elastic definition of seigneurie was especially popular in the coastal region and the Scheldt estuary, where seigneurial rights were exceptionally rare. As we discuss in full in Chapter 4, we also know of two exceptional cases in which ambitious individuals used this unwonted, looser definition of lordship to present themselves as a lord—and thus as a nobleman—even if they did not have seigneuries.[103] As a rule, however, ambitious citizens craving noble status tried to procure an existing seigneurie by purchase or marriage to the heiress of a seigneurial dynasty.

Next to castles and rural districts, the parish too could be a source of lordship. There were also men and women who appear as lord or lady of this or that village because they happened to own the land on which the parish church was situated, a phenomenon that we discuss in full in Chapter 4.[104] Quite often, the parish church was situated within the confines of a seigneurie, but in some cases the estate did not have seigneurial rights. In the latter case, contemporaries still spoke, for example, of the lord of Bavikhove, Egem, Kanegem, Ledegem, and so on. Just as with *ambachten* or castles, we see that a source of local authority—in this case a measure of control over the parish church as the heart of the village community—conferred a seigneurial cachet.[105]

All in all, Flanders was thus home to a few dozen exceptional cases in which contemporaries spoke of lords and seigneuries even if there were no seigneurial rights in play. While this phenomenon deserves further research, the intuitive idea of the seigneurie used by contemporaries in everyday life was by and large based on the legal definition of seigneurie as a collection of seigneurial rights.

7. Conclusion

The meaning of a word is determined by the ways in which it is employed by the contemporaries who use it. Those meanings may also change over time or acquire

[103] See Chapter 4, Section 2 for the exploits of Joos Vijd and Hue de Grammez.
[104] Chapter 4, Section 2.
[105] For a more extensive discussion of the parish and lordship, see Chapter 3, Section 4.

different connotations because other contemporaries perceive a certain subject or process differently or use particular words as blanket terms for similar things. The latter was certainly the case with 'lords' and 'lordship'. By contrast, our examination of the notion of 'seigneurie' as a social process shows that this word had a well-defined meaning, albeit one that could be quite fluid round the edges.

The predominant idea of the seigneurie was an aggregate of seigneurial rights, only very occasionally sustained by other sources, such as a feudal office or a castle or some other source of power. What the strictly legal and the more malleable definition of the seigneurie had in common, therefore, was that in one way or another authority over a local community rested with a private individual or institution rather than with the count of Flanders as the guardian of public power in the principality.

That observation reveals to us that the meaning of the seigneurie was structurally stable. Historians see 'lordship' appearing in tenth-century Western Europe when, with Carolingian reflections on power, it became conceptually conceivable to view a claim to public government as a private property right as well.[106] Centuries later, that very idea was still central to Flanders, as our analysis of exactly which seigneurial rights were amalgamated in fiefs shows. The gamut of seigneurial rights was huge, ranging from limited landlordship (*de zaken spruuten huuten gronde*) to extensive judicial powers that approached those enjoyed by the count himself. The notion of seigneuries was linked to a number of threshold values. In the first place, contemporaries seldom described allods or fiefs with only landed rights as seigneuries. Economic rights might suffice to allude to a fief, but in addition to the ubiquitous rents, personal rights should be involved, which was only the case from low justice or above. Moreover, contemporaries expected that those rights related to a worthwhile number of subjects and were actually applied, since small or institutionally immature seigneuries are less likely to appear as such in the sources.

Central to contemporaries' imagination were the 800 or so estates with broad criminal and civil powers.[107] These are pre-eminently the institutions that contemporaries routinely referred to as seigneuries. In many of the county's village communities, public administrative power was encapsulated in private institutions to a greater degree than historians have hitherto suspected. This finding raises the question of who controlled the seigneuries and what they used that power for. The *dénombrements* central to this chapter are misleading in that they

[106] West, *Reframing the Feudal Revolution*, 260–3. In addition, there is a limited tradition in which historians define 'lordship' on the basis of economic rights to land, with seigneurial power then being traced back to the late Roman period, but that claim does not correspond very well to the definitions used in Flanders. For this tradition, see for example Goldsmith, *Lordship in France, 500–1500*, xiii–xiv, 1–5, 10–15, 325–6, 381–2.

[107] See also Chapter 4 where we show that only seigneuries with higher justice were sources of nobility.

emphasize the rights of lords and ladies and thus conjure up a picture of the seigneurie as a vehicle of elite interests. In Chapter 2 we shall argue that Flemish seigneuries were controlled to a surprisingly large extent by small and middling peasants, so that the absence of seigneuries in the Flemish coastal region helps to explain why agrarian capitalism—and the associated demise of the peasantry as a class of small and middling landowners—emerged there early, but failed to find a foothold elsewhere in the county.

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2
Lords, Peasants, and Agrarian Capitalism

1. Introduction

In the previous chapter we established that to the people of the county of Flanders the seigneurie was a fairly well-defined concept, namely an institution which to a greater or lesser extent comprised public authority over (part of) a local community while simultaneously doubling as a title of ownership of private property. In seigneuries with high or middle justice, local government was largely entrenched in the seigneurie, while seigneuries with low justice exercised economic rights only. The question now is how did seigneuries constitute and reflect the power relationships between lords and subjects, and how did those relationships change, if indeed they did, between the thirteenth and sixteenth centuries?

This question is inextricably entwined with what contemporaries expected seigneuries to do. There are very few extant testimonies that tell us in so many words what contemporaries regarded as the reasons for a seigneurie's existence or which social functions they assigned to it to give it its legitimacy, but the perspective of the lords is well documented. As we have seen in Chapter 1, Flemish seigneuries were usually if not always fiefs, and a treatise on Flemish feudal law written by an anonymous author in the first half of the fourteenth century opens with a brief reflection on how seigneuries contributed to the Common Good.[1] The treatise must have been popular for we know of no fewer than twenty-three copies of the text, several of which were owned by lords and their kinsmen. Part of the appeal was undoubtedly that—as we argue in full in Chapter 4—the seigneurie was a source of nobility for its lord, but what matters for our current line of enquiry is that they clearly believed that the seigneurie was a divinely ordained institution, created for the benefit of society. In a nutshell, the argument is that seigneurial lordship over an estate (*die heerlicheid van der stede*) provided local communities with much-needed leadership and governance.

Adopting an organic metaphor popular at the time, the author of the treatise compared the community to the human body, with the lord being its

[1] No research is available on the concept of the Common Good on the Flemish countryside, but the ideal was already clearly articulated in twelfth-century Flemish towns: see Stein, Boele, and Blockmans, 'Whose Community?', 149–70 and Prevenier, 'Utilitas communis', 205–16.

indispensable head. Flemish feudal law, which was structured in ways that made it near impossible to split a seigneurie between multiple heirs, was necessary to protect the integrity of seigneurial lordship as a cornerstone of society, for

> …otherwise, all lands would become internally divided. In this way, nobility came into existence, and for all those reasons, it is good and fitting that every land and every high-ranking house is kept unified under one head, as the world, the land, the [seigneurial] estate and the lineage cannot survive without it, no more than a man can live without a head.[2]

Feudal seigneuries were thus explicitly compared to family and kingdom, whereby paterfamilias and prince were respectively the source of concord and good government. This was a classic element of an old and influential political theory whose roots could be found in the Bible, as evidenced, for example, by the passage in Matthew (12:25) in the Vulgate version of the New Testament, which predicts the downfall of every kingdom, city, or house that is internally divided: 'Every kingdom divided against itself shall be made desolate: and every city or house divided against itself shall not stand' (*Omne regnum divisum contra se desolatur et omnis civitas vel domus divisa contra se non stabit*). A subject's obedience to their lord was thus a moral duty if the well-being of the entire community was to be ensured.

What is not explicitly spelled out in this passage is that the lord's subjects were obliged to pay a whole variety of taxes to maintain the seigneurie. It is alluded to indirectly, however, insofar as the passage posits that the emergence of seigneuries was coupled with the genesis of the nobility ('In this way, nobility came into existence…'). Nobility was thus the special distinction of lords and their families, a statement that is indeed correct as regards the holders of seigneuries with high and middle justice in the county of Flanders, as we will show in Chapter 4.[3] Diverse evidence reveals that, like their peers elsewhere in Western Europe, Flemish nobles vindicated their own social prominence by asserting that, in their dual role of lord and chivalrous military specialist, they served society by ensuring good governance and protection against domestic and foreign threats. To fund the chivalrous lifestyle and the operation of the seigneurie, it was necessary for the peasantry to relinquish part of their income so that these beneficial institutions could be maintained.[4] Thus the seigneurie was conceived as a hinge in the commonly understood 'three estates' model, in which the labourers (*laboratores*) and the warriors (*bellatores*) reciprocated services as God had ordained.[5]

[2] We cite this opening paragraph in full in Chapter 4, Section 3.
[3] The association of seigneuries with nobility is discussed in Chapter 4.
[4] A detailed discussion in Schreiner, 'Religiöse, historische und rechtliche Legitimation', 376–430.
[5] For the persistence of this ideal in the Low Countries, see Raupp, 'Visual comments', 277–306.

In what follows, we examine the extent to which the basic social function of Flemish seigneuries was consistent with the ideals espoused by their lords. We know of at least one example in which lords, drawing on the ideals of lordship and chivalry, did indeed play an important part in protecting the rural population, that being during Louis XI of France's attempt to conquer the Low Countries in 1477, but such events were rare.[6] How the seigneurie worked in peacetime, however, is something of an enigma. After all, a lord's subjects may have had a very different view of lords and lordship. Many contemporaries thought that, in practice, the ideal of the Three Orders did not benefit the peasantry at all.[7] As elsewhere in Europe, the legitimacy of the nobility was sometimes questioned in Flanders, as evidenced, for instance, in a passage from a chronicle written by Rombout de Doppere. Born into Bruges's artisan milieu, De Doppere was well educated and later enjoyed a long ecclesiastical career. The death of Karel van Halewijn, high-born lord of Maldegem and Uitkerke (both in the Liberty of Bruges), gave him the opportunity to record his opinion of the nobility:

> On Sunday 8 July 1498, Sir Charles van Halewijn, son of Charles, lord of Maldegem and Uutkerke, died in Bruges. Rumour has it that Charles was corrupt, evil, drunk, and lustful, as a nobleman is wont to be.[8]

A degree of caution is warranted since this judgement comes from an urban rather than a rural cleric, but at least it shows how contemporaries evaluated noble claims to moral superiority and social service. Clearly it was possible to have serious reservations about lords, and perhaps by extension about seigneuries as well. Joos van Halewijn, Karel van Halewijn's grandfather, had been an unpopular lord whose idea of public service left much to be desired. In 1437 the inhabitants of Uitkerke (Liberty of Bruges) had complained to the Bruges town council about him for demanding 16 per cent of the grain ground in the mill, while only half that amount was owed to him:

> …and also because he had forbidden the inhabitants of Blankenberge [the settlement in the seigneurie of Uutkerke], under threat of fines, to buy grain in Bruges or elsewhere, not even to make a small white bread to make porridge for their children.[9]

[6] This is discussed in detail in Chapter 6, Section 3.

[7] For this ideal and contemporary critiques, see Freedman, *Images of the Medieval Peasant*, 4, 6, 15–35, 40–55.

[8] 'Die dominica 8 julii [1498] obiit Brugis Carolus Haluinus, filius Caroli, ordo equester, dominus Maldeghemensis, dominis Vutkercanus; […] Fama erat hunc Carolum corruptum fuisse, crapula, ebrietate et libidine, more nobilium.' Dussart (ed.), *Fragments inédits de Romboudt de Doppere*, 73.

[9] '…ende oec omme dat hy die van Blankenberghe [i.e. the settlement in the seigneurie] ghedwongen hadde, up certeyne boeten te verbuerne, te Brugge oft elders te coepene alsoe vele als een witte broet van III miten, ome hare kinderen eenen pappe te makene.' Blommaert and Serrure (eds), *Kronyk van Vlaenderen*, II, 69–70 and De Smet (ed.), 'Laetste deel der Kronyk van Jan van Dixmude', III, 73.

Historians are, in any case, sceptical about the purported social usefulness of seigneuries. The revenues claimed by lords might well be legitimized by grandiose notions of seigneurial leadership and chivalrous protection, but many researchers doubt whether the peasants got their money's worth. That scepticism is most pronounced among Marxian historians who define 'lordship' not only or even primarily as the institutions contemporaries referred to as seigneuries, but as a broader historical research concept encompassing every form of surplus extraction that was based on the exercise of power rather than market forces. Glimmering through that influential tradition is the idea that lords and seigneuries actually had an adverse effect on society because seigneurial impositions kept the peasantry poor. Since that putative fiscal exploitation left peasants without the capital to invest in new agricultural techniques, the existence of seigneuries would also influence societies' ability to develop more productive forms of organization in the form of a transition from 'feudalism'—a model of society dominated by lords and peasants—to capitalism.[10]

That negative assessment of the seigneurie as an economic institution is shared by historians who work in different research traditions, albeit for slightly different reasons. The liberal interpretations that derive from the work of Adam Smith have long construed the seigneurie as an impediment to the single markets that provide a level playing field for every economic actor. That idea is also reprised in New Institutional Economics, a trend whose successful combination of the Malthusian focus on demography, the Marxist emphasis on social conflict, and the Smithian preoccupation with commercialization has been influential since the late twentieth century. The seigneurie is imagined as an extractive institution that hampered economic growth.[11]

At the same time, economic historians also recognize that it was a rare thing for contemporaries to question the existence of the seigneurie, at least before the eighteenth century. For example, Chris Wickham, a leading representative of the Marxian tradition, acknowledged in 2007 that, while seigneurial rights invariably relied on the threat of physical force as a last resort, peasants generally accepted many of the burdens they had to bear.[12] Flanders was no exception. Complaints such as those voiced by the subjects of the lord of Uutkerke are exceedingly rare: indeed, we know of only one other example. By the same token, peasant revolts seldom took place, and even when they did occur they were not about seigneurial lordship. Some historians have speculated that the 1323–8 Flemish Revolt—also sometimes referred to as the Flemish Coast Uprising—was the work of exhausted

[10] The most recent contribution to that long-standing debate, providing an inroad to the vast scholarship, is Wickham, 'How Did the Feudal Economy Work?', 3–40, followed by Ghosh, 'Chris Wickham on "The Economic Logic of Medieval Societies"' and Wickham, 'A Reply to Shami Ghosh'.

[11] The classic publication is North and Thomas, 'The Rise and Fall of the Manorial System'.

[12] Wickham, 'Conclusions/Perspectives', 500–4.

peasants rising in rebellion against seigneurial taxes, but in light of our reconstruction of the seigneurial landscape in Chapter 1 that interpretation is untenable: the revolt took place in the very parts of the county where seigneuries were almost completely absent.[13] In the centuries that followed the 1323–8 Flemish Revolt only one uprising occurred in a region that included a large number of seigneuries, that being the peasant rebellion that took place in the castellany of Kassel between 1427 and 1431. Research shows that this revolt, too, was not the result of a hatred of the local lords, but—like the Flemish Revolt—a consequence of the frustration of a well-organized peasant community with the fiscal demands of the count of Flanders.[14] Nor are we aware of comparatively minor incidents, such as the murder of a lord by (one of) his subjects.[15] And while it is the case that the sixteenth-century regulations of the seigneurie of Bossuit (Aalst) stated that anyone who injured the lord would lose his hand (*verbuert de vuyst*), there is in fact no trace of violence being offered to lords in the county of Flanders.[16]

Briefly put, historians tend to waver between the notion that contemporaries generally saw the seigneurie as a legitimate institution and their own assumptions that seigneuries disadvantaged the rural population's standard of living and inhibited economic innovation. In this chapter we examine that disjunction as it relates to the county of Flanders, which is an unusually important case study within the Low Countries and Western Europe. In recent decades, the issue of the role of seigneuries in economic development has acquired unusual urgency for the historiography of the Low Countries. In 1997, Jan de Vries and Ad van der Woude published their seminal study of the seventeenth-century 'Dutch miracle', speculating that the Dutch Republic owed its economic efflorescence largely to the relative weakness or absence of seigneurial structures in the county of Holland.[17] The comparative lack of seigneurial regulation made possible, among other things, the metamorphosis of Holland's agricultural economy, which in the sixteenth century was transformed from a traditional peasant economy into a textbook example of agrarian capitalism. That controversial proposition has not yet been empirically substantiated, but it is very influential and has been expanded and applied to the whole of the Low Countries.[18] In fact, Holland was

[13] TeBrake, *A Plague of Insurrection*, esp. 4–5, 19, 26–8, 54, 68, 80, 82–3, 87, 91, 133–4.

[14] Dumolyn and Papin, 'La révolte paysanne à Cassel', 79–92.

[15] This phenomenon is highlighted in the influential article by Jacob, 'Le meurtre du seigneur', but see the pertinent criticism in Firnhaber-Baker, *The Jacquerie*, 101–2 that the claim that such incidents were not uncommon is insufficiently empirically substantiated to be convincing.

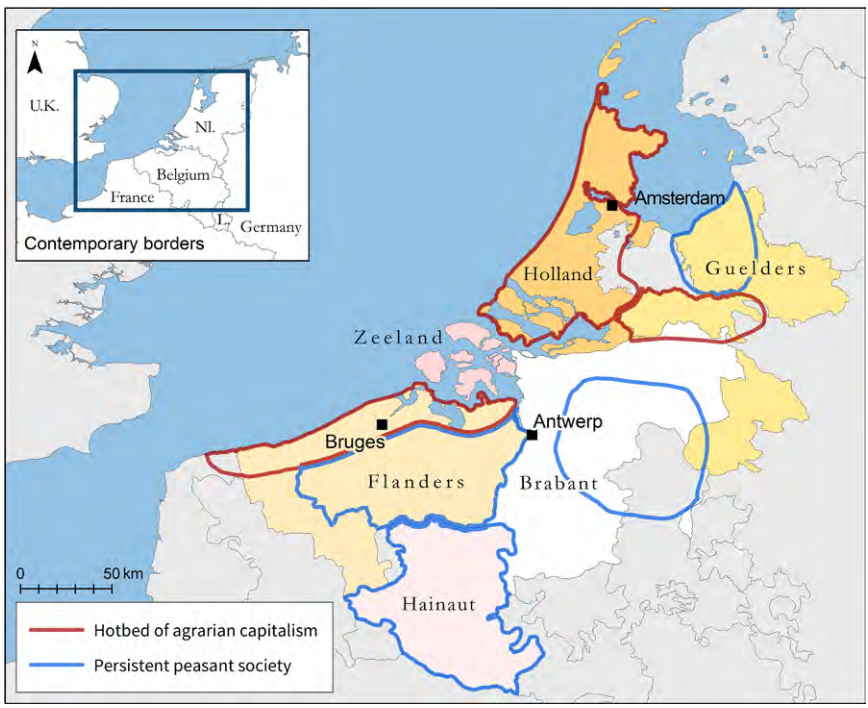
[16] Beaucarne (ed.), *Notice historique sur la commune d'Eename*, 26.

[17] de Vries and van der Woude, *The First Modern Economy*, esp. 159–61.

[18] For a sceptical discussion of this thesis, see Gelderblom and Jonker, 'The Low Countries', 314–56. A similar scepticism is also evident in van Zanden, 'The Revolt of the Early Modernists', 636–8, but this author has revised his opinion and is now convinced of the validity of the thesis (see van Bavel and van Zanden, 'The Jump-Start of the Holland Economy', 504, 525–6 and van Zanden, *The Long Road to the Industrial Revolution*, 95–100. As the title indicates, this thesis is also a central

not the first region in the Low Countries to develop agricultural capitalism. In the western parts of the county of Flanders and parts of the county of Guelders, that process had already been underway for two centuries (Map 4).

Whether a society should be called capitalist or not will always depend on where exactly one puts the goalposts, but historians of the Low Countries routinely use the concept of agrarian capitalism for those parts of the Low Countries where peasant smallholdings were merged into large-scale agricultural enterprises run by agricultural entrepreneurs with large amounts of wage labour, much of it provided by expropriated peasants and their offspring.[19] Those scholars regard this new productive arrangement as capitalist because of the combination of fully developed markets for land, labour, and capital with the constant reinvestment of capital in production, even if they are fully aware that most definitions of capitalism also list sustained economic growth as a requirement, a factor that is impossible to ascertain with the available sources. In what follows, we use 'agrarian



Map 4 Hotbeds of agrarian capitalism and peasant societies in the Low Countries (*c.*1350–1650) (© van Bavel, *Manors and Markets*, 26).

element in the most important recent synthesis, namely van Bavel, *Manors and Markets*. The specific references for Flanders are discussed later in this chapter.

[19] The best overview of the vast literature is van Bavel, *Manors and Markets*.

capitalism' as shorthand for the outlined shift from small-scale peasant landholding to large-scale landholding by agricultural entrepreneurs and the concomitant rise of a rural proletariat of wage labourers.

In regard to Flanders there are sufficient sources to put Jan de Vries and Ad van der Woude's thesis to the test. Although little evidence from ordinary villagers has survived, it is possible to reconstruct the experiences of country-dwellers with lords and seigneuries and to measure the macro-economic effects. The reconstruction of the seigneurial landscape developed in Chapter 1 does confirm that seigneuries were exceptionally scarce in those parts of Flanders where agrarian capitalism had been developing since the late fourteenth century, whereas seigneuries were numerous in those parts of Flanders where peasant smallholding persisted until the nineteenth century. In this chapter, we explore the causal mechanisms that underpin this strongly negative correlation between the spatial distribution of feudal lordship and agrarian capitalism.

In the second and third section of this chapter, we first examine whether Flemish peasants groaned under the burden of seigneurial taxation. They did not. In fact earlier research into the economic evolution of Flemish seigneuries suggests that lords claimed less than 5 per cent of the harvest, which is considerably lower than estimates for other parts of Europe. From the thirteenth century onwards the power of Flemish lords was limited by both the count and the towns, which considerably weakened the position of lords vis-à-vis their own subjects. Consequently, those well-organized subjects were extraordinarily effective in limiting seigneurial rights and taxes.

In the third and fourth parts of the chapter we explore the seigneurie's potential utility for the Flemish peasantry, an aspect that we can flesh out thanks to an unusually rich corpus of seigneurial regulations. These documents provided a normative framework for the seigneurie's everyday affairs, and while the regulations recorded in them were often enacted in the name of the lord, in reality they were the result of a dialogue between the lord and his subjects. The administrative priorities laid down in them suggest that, at least from the thirteenth century, Flemish seigneuries were generally shaped to suit the interests of the prosperous villagers who put a check on the lord's power on one hand and on the other kept the landless segments of the rural population in their place.

In the fifth and final part of this chapter, we examine the economic consequences of the finding that the seigneurie was not so much the instrument of a high-handed lord as of a broader societal coalition. Those consequences were indeed considerable. In Coastal Flanders, where seigneuries were few and far between, a radical transformation of society began to take place in the fourteenth century as the traditional peasant economy was wiped out by successful experiments with agrarian capitalism, but for centuries there was no such development in Inland Flanders, where peasant communities used the seigneurie to maintain the socio-economic order that benefited them. Flemish nobles may well have

mused on the seigneurie as the mainstay of a divinely ordained social order in which the lord reaped the rewards of the peasants' hard labour in order to provide the latter with military protection and good governance, but in practice that ideal of seigneurial justice and peace was shaped by the socio-economic needs of a propertied class of small and middling peasants.

2. Seigneurial Taxation

Seigneurial taxes are by far the best studied aspect of Flemish seigneuries to date, thanks to Erik Thoen's comprehensive study of two castellanies in which seigneuries were relatively numerous, namely Oudenaarde and Aalst. Thoen's review of surviving seigneurial accounts suggests that, although seigneuries provided significant revenues for the families who held them, they did so without imposing a great burden on the shoulders of the peasantry.[20]

As each seigneurie differed in size and rights, so too did its income, but as a rule seigneuries with high and middle justice yielded significant revenues. At the lower end of the scale were, for example, the seigneuries of Voorde and Berchem-bij-Avelgem (both in the castellany of Aalst), which in the late fifteenth century produced a gross income of 240 pounds *parisis* and 330 pounds *parisis*. That was respectively around double and triple the annual income of a skilled urban craftsman at the time, though it should be noted that the fifteenth century saw a peak in the value of wage labour that would not be equalled again for centuries. Mid-scale seigneuries with higher justice, like Pittem (Kortrijk), for instance, brought in 500 pounds *parisis* and we can assume a similar sum for Roesbrugge and Zwijnland (castellany of Veurne), which were leased together for 1,000 pounds per annum in 1491.[21] More prominent village seigneuries such as Steenhuize (Aalst) and Spiere (Kortrijk) yielded 760 and 905 pounds *parisis* respectively. At the upper end of the scale were seigneuries with exceptionally high revenues, such as Avelgem and the barony of Pamele (both Oudenaarde), which produced 1,770 and 1,367 pounds *parisis* respectively. As a rule, once the operating costs were deducted the lord or lady was left with some three-quarters of the gross revenue.[22]

At the same time, even the possession of a substantial seigneurie with high and middle justice did not equate to freedom from financial cares. According to contemporaries, the average fifteenth-century nobleman was expected to have an annual income of around a thousand pounds, the equivalent of seven to eight

[20] See also Chapter 3, Section 3 for seigneurial revenue in the seigneurie of Dadizele (castellany of Kortrijk).

[21] See Mertens, 'Enkele aspekten van de heerlijke financies', 27–38; for Roesbrugge and Zwijnland, see State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7515, fols 302v–303v.

[22] Thoen, *Landbouwekonomie en bevolking*, I, 606–7.

years' wages for a skilled urban craftsman.[23] Nobles could meet that expectation by owning several seigneuries, for example.[24] Most of the figures mentioned above are known from the 1481 household accounts of Lodewijk van Gruuthuse, one of the richest and most high-born Flemings of his time, who owned a conglomerate of seven seigneuries in the castellanies of Kortrijk, Oudenaarde, and Aalst alone. As to the greater number of nobles who had only one seigneurie with higher justice, that seigneurie was usually part of a much larger portfolio of possessions. For instance, we know the income of Karel de Grutere, who was not only lord of Eksaarde (Waas), but also regularly occupied a seat on Ghent's aldermanic benches between 1535 and 1556, as his ancestors had done before him. He owned not only houses in Ghent, but also a whole series of leaseholds in rural areas that made him a wealthy man: the sums that his agent transmitted to him from the seigneurie of Eksaarde constituted only a quarter of his annual income.[25] Thus, while the revenue from a single seigneurie with higher justice might have been a good step on the way to a noble fortune, it was not enough in itself.

That may seem surprising, given that seigneuries with high and middle justice generally covered at least a large part of a village and some even took in several villages, with a single parish potentially encompassing many hundreds of hectares of agricultural land. The reason underlying the relatively small return on what were in themselves substantial property titles is that seigneurial property was very different from present-day notions of property.

Technically speaking, the land within the seigneurie was the property of the lord or lady, but what belonged to them was the so-called *dominium directum*—the title of ownership and the associated rights to collect seigneurial rents, for instance, or the right to dispose of the seigneurie, for example by selling it. The seigneurie's inhabitants, on the other hand, owned the *dominium utile*, or usufruct, with each of them independently working a small part of the seigneurie in exchange for a fixed rent (*cijns*) paid to the lord. The peasants occupied a strong position in the sense that they had great control over the land entrusted to them by the lord. In principle, the lord had the right to repossess and reallocate the cultivated land if one of his subjects defaulted on the rent or died, but in practice it soon became the norm for that land to descend to the subject's heirs in return for the payment of an inheritance tax. Thus, in the case of the seigneurie, the firm control of the land implicit in the modern concept of ownership was restricted to the demesne—that part of a seigneurie which was utilized directly by the lord or lady themselves and on which the manor house stood.

Historians usually group the wide range of revenues from this complex arrangement into two large clusters, namely the incomes from landlordship and

[23] Buylaert, 'The Late Medieval "Crisis of the Nobility" Reconsidered', 6–7.
[24] This subject is discussed in detail in Chapter 5, Section 4.
[25] Baguet, 'Politieke elites en sociale verandering', 103.

those that accrued from the lord's judicial powers.[26] The revenue from landlordship was mostly made up of taxes and the rents owed by tenants (*cijnzen*) mentioned earlier, to which were added such things as income from ponds, meadows, and woodlands, the leasing of the seigneurie's mill, and so forth. The judicial revenues were usually related to the seigneurie's governmental, administrative, and juridical powers, which were touched on in the previous chapter. For instance, revenue was generated by the obligation to register the purchase, sale, or inheritance of immovable property with the lord, as a tax had to be paid immediately on every transaction (the so-called *markgeld* or 'market money'). Similarly, subjects could be liable to their lord for an inheritance tax, with either a double tax having to be paid once from the estate of each tenant, for example, or a sum equivalent to the worth of the deceased's most valuable movable property (the *beste kateil* or 'best chattel') or head of cattle.

Likewise, when a sub-fief held from a feudal seigneurie was inherited the heir was liable for the same sort of tax. There were also special levies on such things as unclaimed goods (*vondrecht*) or on the estates of persons of illegitimate birth (*bastaardgoed*), 'bastardy' being stigmatized in matters of inheritance. In addition, judicial revenues also consisted of fishing rights, the right to erect watermills or windmills, the right to require the inhabitants to use only the seigneurial mill and thus to pay the concomitant taxes (the so-called milling rights), tolls, income from fines imposed by seigneurial justice, and so on.

Finally, there were rights that fall into neither cluster as they could arise from both the landed and legal components of the seigneurie. This was the case for corvée—the requirement that a subject give their lord a number of days of unpaid labour, an obligation that could be linked to the land the subject worked or to their personal status as a (servile) subject.[27]

From at least the fourteenth century, though probably even before that, most of the lord's or lady's income was derived from land.[28] For instance, in the Land van Rode, a conglomeration of four village seigneuries, judicial rights yielded between 13 and 15 per cent of revenues with the rest coming from landed rights in the fourteenth century. That situation was still basically unchanged in the mid-sixteenth century, when the revenue from judicial rights fluctuated between 8 and 14 per cent. The more typical seigneuries with higher justice, which contained only a single village, show a similar pattern: the judicial revenues in Herzele (Aalst) and Eine (Oudenaarde), for example, were also around the 15 per cent mark. Only in the aftermath of wars, when landed revenues fell for a while as fields went partly or wholly unworked, did the relative importance of judicial revenues temporarily increase.

[26] For the following discussion, see Thoen, *Landbouwekonomie en bevolking*, I, 451–3.
[27] Lambrecht, 'Boeren, heren en karweien', 141–2.
[28] For the following estimates, see Thoen, *Landbouwekonomie en bevolking*, I, 415–19, 475–91, 609–11, 846.

The unequal financial importance of judicial and landed rights can be explained by the fact that judicial rights were seldom particularly profitable and could even produce a loss. The income from the seigneurie's jurisdiction was particularly meagre and often not even enough to cover the legal costs involved. Even a single criminal case that required interrogation under torture, for which a specialist was usually hired from a nearby town, could push the accounts of the seigneurial court into the red.[29] The one prerogative that did generate a profit was the right to collect tolls, especially in seigneuries that were situated on a busy road. Half of all the barony of Pamele's revenues, for instance, came from a lucrative toll on the River Scheldt, one of the county's main economic arteries.[30] As a rule, however, a seigneurie's financial underpinning was provided by landed revenue, most of which came from the annual land rent (*cijns*) that the peasants had to pay, supplemented by lesser incomes from tithes or the shorter-term lease of mills, a pond, woodland, or a piece of farmland belonging to the demesne. That demesne was in itself a significant source of income. This part of the seigneurie, which the lord controlled directly and on which the manor or castle of the seigneurie stood, was usually one of the largest agricultural holdings in the village. From the thirteenth and fourteenth centuries it became increasingly common for the lord or lady to lease out demesne land rather than utilizing it themselves, particularly if they owned several seigneuries and seldom spent much time, if any at all, in one or other of them.[31]

The most important finding is that although lords and ladies derived a wide range of revenues from their seigneuries, the peasants were liable for only a small part of them. Erik Thoen has calculated that the taxes paid by the peasants to their lord usually represented around 4 per cent of the harvest, and this chimes with our own estimates for the seigneurie of Dadizele (Kortrijk) (see Chapter 3). More burdensome were the ecclesiastical tithes and comital taxes, each of which fluctuated around 10 per cent of the harvest's value.[32] Seen from a European perspective these are extremely low figures for seigneurial surplus extraction. Even those regions in Italy where lords claimed around 17 per cent of the harvest are at the lower end of the spectrum of known estimates.[33] The best-documented point of comparison comes from England. In the late eleventh century, Norman nobles who had received lands from William I demanded between 25 and 42 per cent of agricultural production. Two centuries later that had fallen to around 18 or

[29] See the detailed example in Van der Hoeven, 'De heerlijkheid Herzele', 171, 178.
[30] Thoen, 'Het dagelijks leven van adel en ridderschap', 127–8; Castelain, 'De baronie van Pamele', 29–30, 37, 52–3; Castelain, *De mentaliteit van boeren en burgers*, 23–4.
[31] Thoen, *Landbouwekonomie en bevolking*, I, 492–3. See also Chapter 5, Section 4 for absentee lordship.
[32] Thoen, *Landbouwekonomie en bevolking*, I, 490, 612, 640.
[33] Carocci, 'The Pervasiveness of Lordship', 13.

20 per cent, which is still much higher than the percentage commonly claimed in Flanders.[34] Corvée presents a similar picture: this duty was limited to a few days per year and was often commuted to the payment of a small sum, or the work was done in a hurry.[35] Certainly the possession of a seigneurie with high or middle justice provided a stepping stone to a wealthy lifestyle, but the lord or lady raked off only a very modest part of the agricultural surplus, which grew in the centuries under discussion thanks to technical innovations and new farming methods.[36]

The reason for that situation is that many seigneurial revenues were not in line with the market and increasingly lagged behind the real economic value of a seigneurie's agricultural acreage. That was only rectified when the lord or lady leased out their own demesne land for short terms of five, seven, or nine years and for each new lease a price was agreed on that corresponded to the market value of the land at that moment. However, the greater part of the seigneurie was held by tenants who were liable for the payment of the heritable land rent (*cijns*). Those land taxes were fixed from at least the thirteenth century, either as a set amount of money or as a payment in kind. The judicial taxes (*talliae*) were also often fixed at an agreed amount. These monetary levies and taxes were inflation-sensitive, declining in real value from at least the 1270s, a process that would accelerate dramatically in the fourteenth century with the relative devaluation of the agreed sums of money through currency depreciation and a rapidly increasing cost of living. From surviving accounts for the aforementioned Land van Rode, for instance, Erik Thoen has calculated that between around 1320 and 1370 or thereabouts the revenues from that conglomerate of seigneuries had risen by about 60 per cent, whereas the price of manufactured goods had increased by 300 per cent.[37] That rise in absolute revenues, which has also been established for other seigneuries, was the result of the lord's increasing assiduity in collecting the fixed land rents (*cijnzen*), coupled with a long delay in the rise of materials and labour costs after the recurrent waves of plague that had begun in 1349 made labour much scarcer.[38] Yet, taken all together, the main beneficiaries of the rise in the prices of agricultural goods were clearly the peasants, and the amount of agricultural surplus that was skimmed off by their lords was very small. There was no question of seigneurial caprice in the collection of land rents (*cijnzen*) and

[34] Campbell, 'The Agrarian Problem', 10–17 and esp. 15 (table 2).

[35] Lambrecht, 'Boeren, heren en karweien', 143, 148.

[36] The increase in agricultural surplus is discussed in Thoen, 'The Birth of the "Flemish Husbandry"', 69–88.

[37] Thoen, *Landbouwekonomie en bevolking*, I, 410–11, 413–14, 498–9, 554–9, 564, 639, 642–7. See also the more general reflections in Verhulst, *Précis d'histoire rurale*, 87–130.

[38] Despite the stubborn cliché, the Low Countries were indeed badly affected by the plague. Recent research has been collected and expanded in Roosen and Curtis, 'The "Light Touch" of the Black Death', 32–56. On the slow adjustment of prices for wages and materials, see Thoen, *Landbouwekonomie en bevolking*, I, 546–50.

seigneurial taxes, and Flemish lords and ladies were not powerful enough to adjust long-established rents and taxes to reflect the greatly changed circumstances.[39]

3. Seigneurial Rights between City and State

The relative weakness of lords and ladies was rooted in the collective power of the peasants, who by the twelfth and thirteenth centuries were already sufficiently well organized to pressurize their lords into making clear agreements on a whole range of seigneurial taxes.[40] That dialogue between lords and their subjects was increasingly reflected in seigneurial regulations—more about that shortly—that have survived from the late thirteenth century and whose origins in some instances undoubtedly lie in older, oral agreements.

That peasants had already held much of the initiative, long before their labour became scarce in the aftermath of the Black Death, is evident from the minor importance of serfdom in the county of Flanders. The idea that some peasants had restricted personal freedom as serfs of their lord was not unknown here. But as a status, serfdom was conceived in such a way that it was only heritable through the female line, so that every marriage of a female serf with a freeman led to a reduction of the group of serfs within the village community as the children from that marriage were born free. Consequently, the group of individuals who owed the lord not only a land rent (*cijns*), but also specific seigneurial rights owed by anyone with servile status, dwindled over time. Moreover, a number of surviving thirteenth-century charters of franchise also show that it was not unusual for wealthy serfs to purchase their freedom. By the fourteenth century, thus, serfdom had virtually disappeared. Even in the castellanies of Oudenaarde and Aalst, where seigneuries were stronger and more numerous than in the more westerly castellanies, it had become a thing of the past.[41] Only in seigneuries held by the count himself could small groups of serfs still be found in the sixteenth century. Thus serfdom came to an end in Flanders at least half a century sooner than it did in England, for example, where the turning point came in the mid-fourteenth century.[42]

At the same time it is clear that peasant pushback does not in itself explain the extremely limited seigneurial surplus extraction in Flanders, given that elsewhere in Europe peasants also collectively defended their interests against their lords. The exceptional situation in Flanders seems to be explained mainly by the

[39] See also the observations in Mertens, 'De ekonomische leefbaarheid van de lekenheerlijkheid', 485.

[40] For early traces of the collective organization of peasants, see Devroey, 'Le petit monde des seigneuries domaniales', 165–203.

[41] Thoen, *Landbouwekonomie en bevolking*, I, 420–8.

[42] Bailey, *The Decline of Serfdom*, *passim*.

relatively strong position of both the count and the towns, which gave the rural population unusually effective ways of moderating the power of the lords.

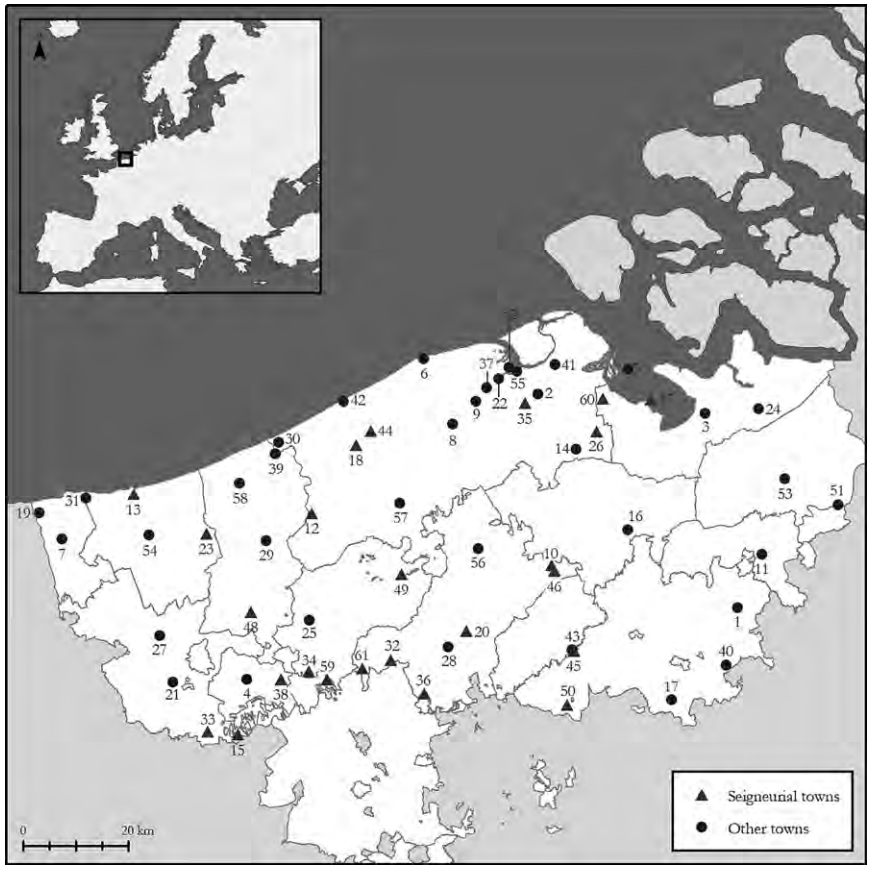
The county of Flanders had long been subject to the formidable authority of its count, which left little scope for high-born lords to alter or augment their rights. Unlike many other parts of Western Europe, where princely power was initially limited or even non-existent in the tenth and eleventh centuries, in Flanders seigneuries were formed in circumstances in which the count always maintained political ascendancy over his lords.[43] Fiscal pressures reflect that balance of power, in that a seigneurie's judicial revenues—including the *talliae* or seigneurial taxes—were generally less than half the value of the taxes levied by the count. As comital fiscal pressure increased, especially under the Burgundian dukes, lords probably had little if any latitude in demanding new judicial taxes from their subjects.[44]

The greatest restriction on seigneurial power came from the Flemish towns, however.[45] Flanders was a precociously urbanized society. By the fourteenth century, the principality was home to a dense urban network consisting of fifty-odd towns (Map 5). Even if urbanization declined from between 33 and 36 per cent in 1400 to 25 per cent in 1500, this remained well above the European average of roughly 10 per cent. Moreover, those towns had acquired unusual political clout. That the flourishing of Western Europe's towns and cities from the eleventh century onwards had major political consequences was already evident in Flanders by the early twelfth century, when in 1127–8 a complex dynastic crisis in the comital house was resolved as much by the positions adopted by the citizens of large towns as those taken by great lords. The next 500 years saw no change in that respect. Unlike England and France, where great lords acted as a counterweight to royal caprice, in Flanders that part was played by Ghent, Bruges, and Ypres, three major cities which towards the fourteenth century became the political leaders of the Flemish urban network. While they never became or sought to become city-states, Ghent, Bruges, and Ypres did strive for control over their own hinterlands, even, in moments of political ascendency, dividing the county into three 'quarters', each under the respective authority of one of them. Ghent's sphere of influence included seven castellanies, namely the Oudburg of Ghent, the Four Districts, Waas, Dendermonde, Aalst, Oudenaarde, and Kortrijk. Ypres dominated its eponymous castellany and also Belle and Kassel. Bruges aspired to control the Liberty of Bruges and the rural districts (*ambachten*) of Veurne, Sint-Winoksbergen, and Broekburg, but in the fourteenth century the count would elevate the Liberty of Bruges to the status of 'Fourth Member', next to Ghent,

[43] See for example the comparative reflections on Flanders and Normandy in Carocci, 'The Pervasiveness of Lordship', 9. See also the literature discussed in Chapter 1.

[44] Thoen, *Landbouwekonomie en bevolking*, I, 611–12, 639.

[45] The following discussion of the out-burghership is mainly based on Stabel, *Dwarfs among Giants*, 94–106.



Map 5 The towns of Dutch-speaking Flanders: 1. Aalst; 2. Aardenburg; 3. Axel; 4. Belle; 5. Biervliet; 6. Blankenberge; 7. Broekburg; 8. Bruges; 9. Damme; 10. Deinze; 11. Dendermonde; 12. Diksmuide; 13. Duinkerke; 14. Eeklo; 15. Estaires/Stegers; 16. Ghent; 17. Geraardsbergen; 18. Gistel; 19. Grevelingen; 20. Harelbeke; 21. Hazebrouck; 22. Hoeke; 23. Hondschote; 24. Hulst; 25. Ypres; 26. Kaprijke (received an urban charter in 1240); 27. Kassel; 28. Kortrijk; 29. Lo; 30. Lombardsijde (lost its urban charter in 1413); 31. Mardijk (this village had an urban charter but it collapsed demographically after 1200); 32. Menen; 33. Merville/Meregem (received an urban charter in 1451); 34. Mesen (received an urban charter around 1300); 35. Middelburg-in-Vlaanderen (established as a seigneurial town in 1444 but demographically speaking, it remained a village); 36. Moeskroen; 37. Monnikerede; 38. Nieuwkerke; 39. Nieuwpoort; 40. Ninove; 41. Oostburg; 42. Oostende; 43. Oudenaarde; 44. Oudenburg; 45. Pamele-bij-Oudenaarde (fused with Oudenaarde in 1593); 46. Petegem-aan-de-Leie (received an urban charter in 1293 but fused with Deinze in 1469); 47. Philippine (established as a seigneurial town in 1501, but demographically speaking it remained a village); 48. Poperinge; 49. Roeselare (received an urban charter in 1250); 50. Ronse (established as a seigneurial town in 1293); 51. Rupelmonde (received an urban charter in the fourteenth century); 52. Sint-Anna-ter-Muide; 53. Sint-Niklaas; 54. Sint-Winoksbergen; 55. Sluis; 56. Tielt; 57. Torhout; 58. Veurne; 59. Warneton/Waasten; 60. Watervliet (established as a seigneurial town in 1501, but demographically speaking it remained a village); 61. Wervik. Note that this overview includes both settlements with an urban charter and population centres. More strictly speaking, Flanders would have counted roughly fifty towns in the centuries under consideration, twenty-three of which were also seigneuries for a shorter or a longer span of time.

Bruges, and Ypres, so as to weaken the grip of the three capitals on the rural areas of Flanders. Much more so than rural revolts, Flanders repeatedly saw urban uprisings against the count of Flanders, a pattern that eventually contributed to the Dutch Revolt of 1567.[46]

Towns endeavoured to control their own hinterlands because urban communities depended on a constant supply of food, labour, and raw materials from the surrounding countryside. From the early thirteenth century in Flanders this took the form of *buitenpoorterschap* or 'out-burghership', as it was called.[47] This was a means by which someone living outside a town could acquire all the rights of someone living within it: in return for a fee they became a *buitenpoorter* or 'out-burgher'. Thenceforth, they were entitled to have a case in which they were involved transferred from a seigneurial court or castellany bench of aldermen to the aldermanic bench of the town. Should an out-burgher be summoned before the aldermen's bench of the seigneurie in which he lived, for example, he could inform the town, which would then send a so-called 'letter of court closure' (*brief van hofsluiting*) to the seigneurie, or in other words an order to stop the proceeding against the out-burgher at once and to hand the matter over to the aldermen of the town. An additional advantage of out-burghership was that it brought tax exemptions with it. For instance, out-burghers and sometimes their families too escaped having to pay the 'best chattel' (*beste kateel*), a seigneurial tax on the most valuable object in a villager's estate.[48]

The proliferation of out-burghership helps to explain the comparatively light tax pressure applied by seigneuries in the county of Flanders. By the late thirteenth century, out-burghership had become an extremely popular status, especially in the south-east of the county. Historians have often been puzzled by the glaring unevenness of out-burghership distribution, with towns like Ghent, Aalst, Geraardsbergen, and Kortrijk having a particularly large number of out-burghers while those like Bruges, Veurne, Eeklo, and Hulst had only a few. That unequal distribution simply reflects the seigneurial landscape outlined above, seigneuries with higher justice being much more numerous in the Oudburg of Ghent and the castellanies of Aalst, Kortrijk, and Ypres than in the more westerly and northerly districts. In castellanies where seigneuries were numerous, out-burghership assumed enormous proportions over time. Kortrijk and its environs provides a well-documented if rather extreme example. By the fourteenth century, this medium-sized town already had around 5,000 burghers and some 7,800

[46] The extensive research on urban revolts is summarized in two classic syntheses, namely Boone and Prak, 'The Great and the Little Tradition of Urban Revolt', 99–134 and Dumolyn and Haemers, 'Patterns of Urban Rebellion', 369–93.

[47] The most recent discussion is De Waele, 'Subjects' Strategies against Lordship'.

[48] The exact rights differed from seigneurie to seigneurie and the extent to which the out-burghership granted exemption also differs from city to city. See Thoen, *Landbouwekonomie en bevolking*, I, 431, 433, 441, 444–5. See also his 'Rechten en plichten van plattelanders', 469–90.

out-burghers.[49] Comparison of a surviving list of out-burghers from 1440 and the list of subsequent hearth count registrations from 1469 suggests that in the villages of the castellany of Kortrijk an average of around 70 per cent of the rural population enjoyed out-burgher status, with peaks of up to 77 per cent in the immediately adjacent seigneurie of Heule.[50] The seigneuries with higher justice in Flanders came to be overshadowed by towns, which imposed greater restrictions on both seigneurial taxation and seigneurial justice than was the norm in other parts of Western Europe.

Out-burghership was rooted in the power of the towns, which was greater than the power of individual lords. That power ratio is well illustrated by an incident that took place around the mid-fourteenth century involving Kortrijk, a medium-sized town, and the nobleman Eulard de Mortagne, the lord of Spiere, which is a short distance away. When a messenger from Kortrijk arrived with a letter of court closure to prohibit the trial of one of the town's out-burghers, Eulard forced him to eat the letter. The Kortrijk aldermen responded to this insult by sending the urban militia to destroy the lord of Spiere's castle.[51] Thus the spread of out-burghership was a juridical reflection of the balance between urban and seigneurial power.

No such incidents are known to have occurred in the fifteenth or sixteenth century. This is not to say that lords now acquiesced to out-burghership. A group of lay and ecclesiastical lords, for example, presented Duke John the Fearless in his capacity of count of Flanders (1404–19) with a petition in which they complained about how they 'lived under the shadow of [out-]burghership…, which in many ways greatly reduced our seigneuries and lordship, and the traditional profits pertaining to them' (*onder de scaduwe van den porterscepe…bij vele pointen vervorderen zwaerlic te verminderne onse vors. heerlicheden ende herehede ervachteghe proffiten daer an clevende*).[52] Rather than resorting to armed resistance, however, they settled their conflicts with the towns by legal means before the Council of Flanders, a comital institution which from the late fourteenth century functioned as the highest court in the county, where all conflicts of jurisdiction were resolved.[53] In 1544 a case that would have lasting importance came before the Council when Oudenaarde brought proceedings against the lord of Avelgem, whose bailiff had confiscated a couple of cows from an out-burgher for being behind with his land rent (*cijns*). Equipped with a letter of court closure the out-burgher demanded that his case be heard by the Oudenaarde aldermen,

[49] Stabel, *Dwarfs among Giants*, 103.
[50] The estimate derives from D'Hoop, 'Sociaal-ekonomische strukturatie', 57.
[51] This incident, which led to a spiral of violence between the towns and some Flemish lords, has been reconstructed in Buylaert, *Eeuwen van ambitie*, 251–2.
[52] Edited in De Smet (ed.), 'II. Requête présentée à Jean sans Peur', 37–42 (our thanks to Tom De Waele).
[53] This development is discussed in detail in Chapter 6, Sections 4 and 5.

but the lord of Avelgem persisted with it and thus the whole case ended up before the Council of Flanders. The judges decided in favour of Oudenaarde and their verdict was cited in later disputes to underline the rights of out-burghers. It is certainly worth noting that during the trial the lord of Avelgem maintained that in the past he had always successfully opposed claims of out-burghership of Oudenaarde, as had the neighbouring lords of Vichte and Moen (both on the border between the castellanies of Oudenaarde Kortrijk).[54] And indeed there were similar proceedings in which lords did prevail. A century earlier, for example, in 1450, the high-born nobleman Andrieu de Mastaing had brought a case against Aalst on behalf of his wife, Margaretha van Massemen. As lady of Sint-Maria-Lierde, a seigneurie with high justice, Margaretha claimed the estate of a certain Katheline van de Oortgate, as warranted by the right of *bastaardgoed*. Katheline was illegitimate, and the legal discrimination against children born out of wedlock meant that all her possessions within Sint-Maria-Lierde would accrue to her lady. Oudenaarde opposed this because Katheline was an out-burgher of the town, but the Council of Flanders ruled in favour of Margaretha van Massemen.[55] Further research is badly needed on the exact evolution of the out-burghership, as apparently some seigneuries with high justice were only finally resigned to the undermining of their seigneurial taxes in the mid-sixteenth century.

At the same time the popularity of out-burghership obviously did not mean the end of seigneurial justice, for it was precisely in matters of criminal justice—which was the essence of middle and high justice—that the seigneuries carried the day. Towns claimed jurisdiction over all manner of judicial proceedings according to the personal status of the accused (*ratione personae*), namely their position as a burgher or out-burgher. Initially towns intervened in both criminal and civil disputes: witness surviving injunctions ranging from unauthorized tree-planting to rape or murder with a breach of peace. In the fifteenth century, however, under influence from the Council of Flanders, it became increasingly common to give preference in criminal matters to the judiciary in the place where the crime or arrest occurred (*ratione loci*).[56] Thereafter, seigneuries sometimes prevailed in discussions with the towns. In 1543, for example, the town of Eeklo would bring a case against the bailiff of Watervliet and Waterland, a seigneurie with high justice in the Liberty of Bruges, for arresting someone on suspicion of theft. The suspect was an out-burgher of Eeklo, so as far as the town's aldermen were concerned it was their case to handle, but the Council of Flanders disagreed,

[54] Martyn, 'Stad versus dorp', esp. 15–8. Until the late eighteenth century Oudenaarde would fiercely defend its out-burghers, but there are indications that Oudenaarde proceeded with caution where the lords of Avelgem were concerned. In 1559, an out-burgher of Oudenaarde in Avelgem challenged the judgement of the seigneurial court by appealing to the aldermen of Oudenaarde, but the latter sided with the seigneurial administration of Avelgem (discussed in Castelain, 'De Oudenaardse poorterij', 167–8).

[55] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7511, fols 123v–124v.

[56] This development is outlined in Monballyu, 'Het gerecht in de kasselrij Kortrijk', 362–3, 622–4.

noting that it was 'a well-known custom and routine' (*notoire coustume ende usancie*) that in criminal cases the matter should be dealt with where the offence or arrest had taken place, a legal principle that perpetuated the penal powers of rural seigneuries.[57]

That principle was indeed firmly established in seigneurial custumals. The late fifteenth-century regulations of Sint-Pieters-Lede, an ecclesiastical seigneurie with high justice a stone's throw from Ghent, even claimed quite explicitly that arrests were not blocked by a letter of court closure:

> Also, the aforesaid seigneurie is entitled to arrests, given that it is competent for all legal affairs, whether actions for recovery of property, damages, or both, without the possibility of the court's closure [due to the invocation of out-burghership]…[58]

Judging from the detailed records that survive for Herzele (Aalst), the result of the policies of the Council of Flanders appears to have been that out-burghership could only be invoked for minor crimes, which were routinely handled with civil law procedures rather than the rigorous procedure for criminal law. In 1463, for example, two villagers escaped punishment for a tavern brawl by invoking their status as out-burgher (*brochten brive van poorteren*). That said, out-burghership did not fatally undermine the seigneurie's capacity for public order maintenance: of the 163 crimes registered in Herzele in the three decades between 1456 and 1486, only 8 per cent were not punished or fined because the culprit was an out-burgher.[59] For serious crimes, the prerogatives of the seigneurial court remained intact, even in the face of attempts at urban interference. In 1551, for example, the bailiff of the Land van Schorisse (Aalst), a seigneurie with high justice, triumphed in a twofold confrontation with the town of Aalst which came before the Council of Flanders. In one case the bailiff had arrested two men for theft and Aalst had tried to have them released from the Schorisse jail: both men were out-burghers and, what is more, the aldermen of Aalst had already ruled on the case. The Council overturned those verdicts and fined Aalst for a miscarriage of justice because the men 'were detained for a crime, not for a civil matter' (*ghedetineert waren omme crym ende niet omme eenighe civile zaecken*). In the other case, which was dealt with at the same time, the lord and his bailiff were the plaintiffs. In that case too, Aalst tried to intervene in the handling of complaints against a suspect, a certain Olivier De Wulf, who was in the habit of

[57] Martyn, 'Stad versus dorp', 16–17.

[58] 'Item de voornoemde heerelichede vermach te useren van arresten, mitsgaders heeft kennisse van alle actien, soo personele, reele als mixte, sonder dat hofsluytinghe eenige plaetse heeft…' (Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, 311).

[59] See the analysis in Van der Hoeven, 'De heerlijkheid Herzele', 133, 156, 161.

> going out with a long knife and a gun, and thus to be absent from his home and domicile for two or three weeks on end, making rounds among ordinary villagers to demand money and whatever he could get…, even if he did not have any goods nor any professional services to make a living; also, during the last annual inquest [in the seigneurie] he stood accused of serious blasphemy and the swearing of evil oaths against God and his Divine Kingdom.[60]

In a statement that tallies well with the noble reflections on the seigneurie as a source of social order, discussed above, the bailiff maintained during the trial that with Olivier's arrest he had fulfilled his duty as a seigneurial official, namely 'to purify the land, insofar as it falls within the boundaries of his aforesaid jurisdiction, of criminals so as to secure the peace, prosperity, and well-being of the local inhabitants' (*tlandt, zo verre tdistrict van zijnder voorseide jurisdictie extendeert, te suveren van quaetdoenders ter gherusticheyt, welvaert ende tranquilliteyt van insetenen*). In this case too, the Council of Flanders ruled that the out-burghership of the accused did not outweigh the seigneurie's criminal jurisdiction.[61]

With that important restriction taken into account, it is clear that out-burgher status gave Flemish peasants the opportunity to avoid all kinds of seigneurial taxes as well as having their civil law disputes dealt with by the aldermen of a neighbouring town if they so chose, rather than by the officials of the seigneurie in which they lived. That, of course, gave them an extremely strong hand in negotiations with their lord, and ultimately meant that they had to hand over a much smaller share of their harvest than was the case elsewhere in Western Europe.

4. The Governance of the Seigneurie

With the punishment of local troublemakers, the benefits the seigneurie brought the village enter the picture. Those benefits, as we argue in the rest of this chapter, were not confined to fighting crime. There are ample indications that the seigneurie's subjects were in such a strong position vis-à-vis their lord or lady that they could more or less determine how the seigneurie operated. In return for the payment of very modest taxes, village communities had an institutional framework that enabled them to promote their interests—especially those of the better-off peasants—in a variety of ways.

[60] '…uut te gaene, voorsien met eenen langhen messe ende busse, ende alzo hem tabsenteerene van zijnder woenstede ende domicilie bij veerthien daghen ofte drie weken tijds, ghaende upden ghemeenen huusman om ghelt ende zulcx als hij ghecrighen conste…, zonder nochtans eender goed noch ander houdt thebbende noch neeringhe doende omme hem te ontdraghene den cost te winnene, ende danof hem tzelve zoude moghen commen ende ende boven dien oock belast zijnde inde letste jaerkeuere van groote blasphemien ende quaede eeden te zweerene in versmadeneesse van God van Hemelrycke.'

[61] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7534, fols 430r–432r and 433r–437r.

Our principal source of information on the social services seigneuries provided consists of an unusually large corpus of seigneurial custumals, which list the regulations that applied to the seigneurie's territory. Recent research by Klaas Van Gelder and Kaat Cappelle has brought to light no fewer than fifty regulations pre-dating the seventeenth century.[62] Most date from the fifteenth and sixteenth centuries (fourteen and thirty regulations respectively), but the four earliest ones are from the second half of the thirteenth century, with a further two dating from the fourteenth century. Many of the custumals also refer to previous versions that have since been lost. For instance, the Zwevezele regulations of around 1526–33 allude to earlier rulings from 1408. Seigneurial regulations may derive in part from earlier oral agreements between lords and subjects, which in the late thirteenth century began to be written down with increasing frequency. When the inhabitants of Wieze (Aalst) drew up their regulations in 1380 they asserted that the provisions were not new, but were 'old customs and usages observed and maintained every day' (*oude costuymen ende usaigen daeghelijcx gheobserveert ende onderhouden*) and stemmed from agreements made in 1106–8.[63] Be that as it may, this customary-law corpus reveals the negotiations between lords and subjects that took place in the thirteenth century.

The fifty surviving custumals relate to fifty-three different seigneuries whose geographical distribution roughly corresponds to the unequal diffusion of seigneuries within the county. In some cases, different sets of regulations come from the same seigneurie. For Ename (Aalst), for instance, we have regulations from the fifteenth century and two revised versions from the sixteenth century. Conversely, some custumals covered several seigneuries. This is the case for one of the very earliest regulations, for example. Dating from 1248 or 1268 it relates to Desteldonk, Sleidinge, and Lovendegem, three seigneuries in the Oudburg of Ghent, all owned at that time by the count of Flanders. What all the seigneuries whose regulations survive probably had in common was high or middle justice. At least forty-three of the fifty-three were higher seigneuries. As to the remaining ten, their seigneurial regulations often contain provisions that can be related to criminal law, so they too almost certainly had higher justice. In long-held seigneuries with high or middle justice and extensive powers the inhabitants would have nailed down its operation in a set of regulations more quickly and more often than the inhabitants of seigneuries with low justice.

Custumals were usually unique, but not always. Sometimes those who drew them up used the regulations of another seigneurie as a template for their own. For example, some of the provisions in the sixteenth-century custumals of

[62] The following discussion is partially indebted to the introduction to Van Gelder, *'Politie' in de heerlijkheid*.

[63] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Wieze', 15.

Ter Borcht in Meulebeke, Zwevezele, Ingelmunster-Vijve, and Maandagse near Bruges match literally word for word. Those five seigneuries were all in the Liberty of Bruges or the adjacent castellany of Kortrijk, and three of them also had something else in common, being held from the feudal court of the castellany of Dendermonde, so if villagers wanted to draw up or amend their own regulations they had examples aplenty to hand.[64] Similarly, the custumals of Nieuwvliet (Liberty of Bruges) appear to have been based on those of the seigneuries of Proosse and Kanunnikse, which were partly inside and partly outside the city of Bruges. In turn, Nieuwvliet's regulations were used when the inhabitants of the seigneurie of Rode-Nieuwenhove (Liberty of Bruges) updated their own village rules in 1533, a decision made all the easier by the fact that the two seigneuries had the same lord, the wealthy, Bruges-born Jan Adornes. The most extreme example of shared seigneurial customs comes from the castellany of Ypres, where local lords agreed on a set of customs that was then ratified and enforced not only by the seigneurial courts, but also by the castellany's bench of aldermen.[65] Yet that exchange process only went so far: even though the seigneurie of Zwevezele was a sub-fief of Rode-Nieuwenhove their respective regulations were totally different from each other.[66] As custumals reflected highly individual and important negotiations with their lord, rural communities were not prone to standardizing their customs.

To some extent the enduring diversity of seigneurial custumals was also rooted in unique circumstances. The seigneuries of Waterdijk and Philippine, on the Scheldt estuary, are a case in point. Their regulations, drawn up in 1565, laid particular emphasis on the management of mussel beds and the oversight of the mussel harvest, something that is naturally not to be found in the regulations of inland seigneuries.[67] Moreover, some custumals were extremely comprehensive as they repeated the principal provisions of the inheritance laws that obtained in the region, for example, while those who drafted more concise regulations took it for granted that other sources of customary law were familiar and only included those clauses that were specific to the seigneurie. It is worth noting in this connection that seigneurial regulations rarely if ever refer to princely ordinances. Lords were expected to proclaim comital legislation throughout their seigneuries, although that legislation had no effect on the standardization of the form and content of seigneurial regulations, at least until the Dutch Revolt.

Consequently, the surviving custumals are not a well-defined genre, but should rather be seen as an adjustable aggregate of documents, all regulatory in character. The names by which they were referred to reflects that fluid situation. In Middle

[64] Monballyu (ed.), 'Een dorpskeure te Meulebeke', 260–1, 274–5.
[65] Discussed in Gilliodts-Van Severen (ed.), *Coutume de la salle et chatellenie d'Ypres*, 24–39.
[66] Van Rompaey (ed.), 'De keuren en statuten van de heerlijkheid Rode-Nieuwenhove', 116–17.
[67] Gilliodts-Van Severen (ed.), *Coutumes des petites villes et seigneuries enclavées. Tome cinquième: Sysseele. Thourout. Watervliet*, 474.

Dutch, they were variously known as *costumen*, *keuren*, or *jaargeboden*, while from the fifteenth century comparable texts made an increasing appearance under the title of 'policy ordinances' (*politieverordeningen*), with the concept of 'good policy' (*goede pollicie*) being chiefly informed by the Aristotelian notion of good governance.[68]

All the variations in form and content notwithstanding, the surviving regulations do evince a consistent view of what good governance entailed.[69] Several themes recur, albeit expressed with different intensity and wording. Following up on a quantitative study of princely and urban rule-giving in the Holy Roman Empire, Klaas Van Gelder and Kaat Cappelle tabulated the provisions in our corpus of fifty surviving regulations by placing them in five categories: (1) 'Social order and religion'; (2) 'Public safety and order'; (3) 'Social services, health care, education, culture'; (4) 'Economic order, work and professional regulations'; and finally (5) 'Land regulations'. Each category is further subdivided. For example, the first runs from (1.1) 'Religious matters' to (1.7) 'Inheritance law'.[70] To a certain extent that classification is both arbitrary and porous, given that a single article from a single set of seigneurial regulations frequently falls into several categories, but what this quantitative screening does reveal is what was customary and what was not. For instance, there is virtually no reference to sumptuary legislation (category 1.4: 'Excess and luxury') in the seigneurial regulations, the only exception being one provision in the seigneurial regulations of Ingelmunster and Sint-Eloois-Vijve (Kortrijk). Conversely, no fewer than twenty-nine of the fifty custumals contain provisions relating to marginal groups (category 1.3), while for agriculture (category 4.1) that figure rises to forty-two of the fifty regulations. These last two items were probably also of importance in seigneuries in which they were not explicitly included in the regulations, but in all likelihood they were transmitted and discussed orally or recorded in separate documents that have not survived. In what follows, we look at the main concerns that were dealt with in the seigneurial context.

The first thing to deal with is how the seigneurie worked as an institution, for it is clear from the provisions that seigneurial custumals were not unilaterally imposed on the subjects by the lord or lady, but instead were formulated to suit the subjects' needs. Indeed, the abbot of St Peter's Abbey, who was the lord of Zaffelare (Oudburg of Ghent), said so in so many words, declaring that he had given his approval because the inhabitants of the seigneurie had asked for it. The most eloquent testimony comes from the lord of Lieferinge, a seigneurie in the

[68] See the introductory discussion in Van Gelder, *'Politie' in de heerlijkheid*.

[69] This conclusion has also already been made on the basis of limited comparisons (see Monballyu (ed.), 'Een dorpskeure te Meulebeke', 261).

[70] See Härter (ed.), *Policey und frühneuzeitliche Gesellschaft*, 1–20. We are especially indebted to Klaas Van Gelder and Kaat Cappelle, who have singled out this analysis for our specific corpus from their broader examination of seigneurial regulations throughout the *ancien régime*.

castellany of Aalst that was held in fief from the chapter of Our Lady's Church in Cambrai. The regulations date from 1437, though presumably they derive largely from an earlier version of 1362, when the nobleman Gerard van Massemen purchased the fief.[71] Running right through the regulations is the notion of the benevolent lord of a high-ranking house, just as is the case in the anonymous treatise cited at the start of this chapter. At the same time it is clear that in practice this ideal was shaped by the desiderata of his subjects:

> We, Gerard van Massemen, said of Axel, lord of Lieferinge, proclaim to all who read this document or who hear it when others read it aloud, that, for the honour of God and the benefit of our soul and those of our ancestors, who have passed on this seigneurie to us in virtue, and also for the benefit of our soul and that of who come after us, and to improve our village and for the love that we bear our subjects, we have dispensed justice to our subjects in the seigneurie of Lieferinge [in the form of a custumal] as explained below. And we have received this fief from our just overlord, the lord and treasurer of Cambrai, and we have done all this according to the advice of our men and our subjects in our village of Lieferinge.[72]

The villagers' recommendations must have had a fairly mandatory quality since the regulations also include a clause on how to deal with new issues that might arise in the future. In that event every decision was to be taken in concert with the subjects (*dat soude men handelen metten mannen oft metten laten*), a provision that can already be found in thirteenth-century regulations for three seigneuries owned by the count himself.[73]

It is evident from the final phrases that the village community is an equal counterparty. On behalf of his predecessors and successors as lord, Gerard van Massemen swears on everything he holds sacred that his rule over the seigneurie will not deviate from the agreements made, and he affixes his seal to the document. Then it was his subjects' turn:

[71] For the date, see Van den Haute and Van de Perre, 'Enkele nieuwe elementen', 48.

[72] 'Wij, Gheeraert van Massemijn die men seyt van Axele, heere van Lieffringhen, maecken condt ende kennelijck allen die den ghenen die desen brieff selen sien ofte hooren leesen, dat wij puerlijck up Gode ende up onzer zielen wille, ende up die zielen van onsen voorouderen, daer wij aff comen sijn, die ons dese heerlijckheijt uijt deuchden ghegheeven hebben, ende up die zielen die van ons ende naer ons comen selen, ende up de verlichtenisse van onsen dorpe, ende up de minne die wij tonsen lieden weert dragen, ghegheven hebben onsen lieden van onser heerlijckheijdt van Liefringhen, alsoe ghedaen recht als hier naer volcht, ende beschreven es, ende onse voirouderen van oude tijden ghegheeven hebben, ende wij dat van onsen gherechten leenheere aenden heere den tresorier van Camerijcks te leen ontfaen hebben, ende dat wij ghedaen hebben bij raide onser mannen ende onser ondersaeten van onsen dorpe van Lieffringhen.' De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge', 9.

[73] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Desteldonk, Sleidinge, Lovendegem', 13.

> And we, men of Lieferinge, for the Common Good of all those of the parish who came before us and those who will come after us, we accept this custumal and this sentence from our just lord Gerard van Massemen, said of Axel, who, for the benefit of his soul and that of those who come after him, has contributed to the Common Good by proclaiming and issuing this custumal and sentence…[74]

The villagers also fixed their seals (*onzen zeeghelen*) to the document, which underlined the contractual nature of the seigneurial regulations. That every one of the villagers would have had a seal to fix is unlikely—in Flanders only well-to-do peasants had their own seal.[75] Possibly the aldermen and bailiff of the seigneurie attached their seals on behalf of the village as a whole. That was the case in 1566, for example, when the regulations of both Watervliet and Philippine (Liberty of Bruges) were signed by the lord and the magistracy after the provisions had been read aloud to the entire community and a written version had been posted in a public place (*openbaerlick ghepubliceert*).[76]

The provisions relating to the composition of the seigneurial magistracy are similar in spirit to the Lieferinge regulations in that they placed the government of the seigneurie largely in the hands of local notables, with several clauses intended to ensure that those governors could act independently of the lord's wishes and interests.

Of all the lord or lady's rights, the most important was the power of appointment of a bailiff and a bench of aldermen. Large seigneuries often had additional support staff as well, such as a clerk or secretary who were appointed jointly by the lord and aldermen. Together those officials were responsible for the seigneurie's administration and forensic affairs. The bailiff carried out arrests and acted as prosecutor before the aldermen, who then passed a sentence which the bailiff executed. Bailiffs remained in office for years, but there were quite a few rural seigneuries whose regulations required that aldermen be appointed on an annual basis, as was the case in Flemish towns and cities. In principle, aldermen were personally responsible for every decision taken. If someone brought an appeal against a judgement to the Council of Flanders, they were proceeding against the individuals who had made that decision, as happened in 1550, for example, when a certain Jan van Migrode brought a claim against the seven aldermen who had been in office in the seigneurie of Berchem in 1547 (*wethouders ende scepenen*

[74] 'Ende wij, mannen van Lieffringen, om gemeijnen orbore alle diere vander prochien voer ons ende voor allen den geenen die na ons selen comen, ontfaen wij dese weth ende dit vonnesse van onsen gerechten heer Geraert van Massemijn die men seijt van Axele, die up sijnder zielen wille ende alle der genere die na hem comen selen, up ghemeijnen orbore sijnder liede dese weth ende dit vonnesse heeft ghestadicht ende gegeven…' De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge', 22–3.

[75] Warlop, *Héraldique*, 26.

[76] Gilliodts-Van Severen (ed.), *Coutumes des pays et comté de Flandre: Watervliet*, 518.

vander heerlichede van Berchem vanden jare XVc XLVII).[77] Sometimes regulations also mention the *wepelplicht*, a rule also in force in towns and cities, which prohibited aldermen from serving in successive years. The regulations of Noord- en Zuidschote (castellany of Veurne) dating from 1266 stipulated a period of three years between two terms of office; they also prevented the lady of the seigneurie, the abbess of Messines, from appointing two persons as aldermen who were connected by marriage or kinship.[78] That last measure was also in general usage in Flemish towns, and was apparently adopted in rural communities as well.[79]

Given that a seigneurie's aldermen were largely, if not exclusively, recruited from the small circle of wealthy families who collectively formed the village elite, such provisions were necessary, a fact acknowledged in the regulations of the seigneurie held by St Peter's Abbey in Ghent: if an aldermen died, the abbey's provost, the bailiff, and the aldermen of the seigneurie together nominated three notable individuals 'of good name and fame' from the seigneurie (*dry notable personen, upsetenen deser heerlichede, van goeder fame ende name*), one of whom would be chosen to be the new alderman by the abbot as the seigneurie's lord.[80] Those notables were men of means, who owned a relatively large amount of land within the seigneurie.[81]

To forestall the ever-present danger of conflicts of interest, regulations often contained provisions to prevent the abuse of power. For instance, the custumals of Berkel (castellany of Veurne) stated that aldermen were not permitted to act as guarantors in cases that could be tried before the seigneurial aldermen's bench. Correlative control should also ensure peace of mind. The custumals of Denderwindeke (Aalst), for instance, aimed to prevent forgery or the misuse of office by keeping the aldermanic seal and the seigneurie's important documents in a chest with four different locks and four different key-holders—the bailiff, two aldermen, and the clerk.[82] Some seigneuries also had rules like those in Temse (Waas): four of the aldermen had to come from the village of Temse itself while the other three were to be chosen from the neighbouring hamlets that also belonged to the seigneurie.[83] Public support was clearly a concern.

There were also rules governing procedure. Quite a few seigneuries required their aldermen to meet once a fortnight to hear and adjudicate claims. Usually such a regular court session (*ordinairen dinghedach*) had to start on a Saturday

[77] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 2504, fol. 191r. Resistance to seigneurial justice is discussed in detail in Chapter 6.

[78] Gilliodts-Van Severen (ed.), *Coutume des pays et comté de Flandre: Quartier de Furnes*, 57.

[79] See Van Leeuwen, *De Vlaamse wetsvernieuwing*.

[80] Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, 318–19.

[81] We demonstrate this in Chapter 3.

[82] State Archives of Belgium in Brussels, Handschriftenverzameling (I, 667), no. 720, p. 9 (Berkel); State Archives in Kortrijk, Familiearchief Descantons de Montblanc (de Plotho) (504/1), no. 378, fol. 38r (Denderwindeke).

[83] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Temse', 70.

before ten o'clock in the morning and the aldermen could adjourn a case a maximum of three times. Finally, the intention to administer justice fairly is also demonstrated by the Zaffelare regulations, which specified that during a trial both the plaintiff and the defendant should assign one of the aldermen as counsel.[84]

In view of that abundance of detailed provisions, it speaks volumes that the regulations never refer to even the slightest involvement by the lord in the actual dispensation of justice. The only possible exception was the granting of a pardon. In 1474, for example, Pierre de Roubaix, lord of Herzele (Aalst), claimed in the *dénombrement* of his fief the right to reverse sentences of banishment passed by his bailiff and aldermen (*wederroupen ende quijtscelden*).[85] But this is the only example we know of, and it is likely no coincidence that it comes from a high-born confidant of Philip the Good, who as count of Flanders assumed the right of pardon himself. The lord of Herzele was probably the last to claim that right. In the sixteenth-century Low Countries, Charles V allowed only two lords—one in Zeeland and one in Brabant—the right of issuing letters of pardon.[86] Just as in France, where the lord had to resign the administration of justice to a *juge*, the powers of a Flemish lord or lady were, at least from the thirteenth century, unmistakably limited to appointing the aldermen and the bailiff.

Other seigneurial rights were equally subject to rules. Villagers had long since agreed fixed times and modalities with their lord for the payment of all the seigneurial taxes. Even seigneurial labour service could not be demanded arbitrarily and without warning at times that did not suit the peasants, as witnessed, for example, by the pertinent provisions relating to corvée in the seigneurie of Dadizele (Kortrijk):

> According to custom, the corvées are organized in July or August, namely before the corn harvest or in between both harvests; preferably on Tuesdays, Wednesdays, or Thursdays, and this according to the proclamation made in church by the lord on the preceding Sunday.[87]

Similarly, Gerard van Massemen recognized in 1437 that his servants or officers (*knapen ofte officieren*) could not simply commandeer the horses or wagons they might need for a job from the inhabitants of Lieferinge, even expressly acknowledging that the villagers had the right to offer violent resistance if his men should

[84] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Zaffelare', art. 63.

[85] Jansen-Sieben (ed.), *Het denombrement van Herzele*, 5–6 (our thanks to Thijs Lambrecht).

[86] Vrolijk, *Recht door Gratie*, 48. On the princely right to issue letters of pardon, see Chapter 6, Section 6.

[87] 'Costumerlic houdt men ze in hoymaent oft in ougstmaent, te wetene voor den coorne ougst ofte tusschen beede den ougsten, gherne 's donderdaechs ende emmer 'sdisendaechs, 'swoensdaechs ofte 's donderdaechs, ende datte ten aysemente van den heere, te zulken daghe als men ghebiet sondaechs der voren inne de kerke…' Ms Dadizele, fol. 12v (for details about this manuscript, see Chapter 3).

try to lay hold of them anyway (…*ende woude hijt hem nemen, sijns ondankckens, hij moges hem weren, sonder mesdaet ieghen ons te verbeurene*).[88] Thus the seigneurie was not conceived as a simple extension of its lord's power—rather the contrary, in fact.

The aldermen who presided over the seigneurie had to protect both the rights of the lord and the interests of the community. When the bench was replaced each year, the new aldermen had to swear an oath in the choir of the parish church. The oaths used in Wieze, Gijzegem (both in the castellany of Aalst), and Moorsel (on the border of the castellanies of Aalst and Dendermonde), three seigneuries belonging to the chapter of the Church of Our Lady in Dendermonde, have all have survived.[89] The fifteenth-century oath reflects the aldermen's dual obligation—to their lord and to the community:

> So you swear to be an alderman of the lords of the Chapter of Our Lady of Dendermonde for their seigneuries of Moorsel, Gijzegem, and Wieze and all that pertains to them: to be good and loyal to the lord; to provide good and just sentences wherever you are, as you are obliged to do towards those who appeal to you and who summon you; to defend the Holy Church, including her privileges, rights, and customs; to protect widows and orphans and all sorts of men who clamour for justice; to consult with the [other] aldermen; to advise aldermen; not to manipulate or corrupt aldermen; and to do all that a good and loyal alderman is supposed to do. So help you God, his sweet mother Mary, all God's saints, and your honour as a man.[90]

Plainly the seigneurie derived its legitimacy from the idea of serving society with justice and fairness. Like the reflections of Gerard van Massemen cited above, this ideal was emphatically ingrained in the Christian ideal of a divinely ordained social order.

Given that the aldermen served not only the lord, but also the community, conflicts between the bench and the lord or lady were bound to arise. Some of the

[88] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge', 14.

[89] For an example of oath-taking in the parish church of a lay seigneurie, see State Archives in Kortrijk, Familiearchief Descantons de Montblanc (de Plotho) (504/1), no. 378, fol. 29v.

[90] 'Dat zweerdi scepene te sine vanden heeren van den capittele vanden ouden provenen te Dendermonde, van haerlieder heerlicheit in Morsele, Gheverghem ende Wiese ende dat daeran cleeft; den heeren vorseid goet ende ghetrauwe te sine; goede gherechtighe vonnessen helpen te wisene als ghi zijt ter stede ende ter plecken, daer ghi sculdich zijt te sine, ende ghi ghemaent zijt van den ghenen, die u sculdich es te manene; de helighe kerke in rechte te houdene, haerlieder privilegien, rechten ende costumen te onderhoudene; weduwen ende weesen in rechte te houdene ende alle maniere van lieden in rechte te houdene die recht versoecken sullen; ten scepenen rade te gane; scepenen raet te gheven; scepenen niet te helene ende niet te reformerene, ende al te doene dat een goed ghetrouwe scepene schuldich es te doene. Alsoe helpe u God, Marie, zijne lieve moedere, alle Gods helighen ende uwe manwaerhede.' De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Wieze', 21–2.

many provisions that were intended to prevent the misuse of power were clearly aimed at the lord. For instance, one of the earliest regulations to survive, those of Scheldewindeke (Aalst), prescribed that when the aldermen dealt with case in which their own lord was involved (*daer de heere windre of verliesere an es*), they were not to accept witnesses who were in the lord's service or affiliated to him in any way.[91]

Villagers pushed back when the lord or lady unilaterally pursued their own interests in the seigneurie. The high-born lord of Parike (Aalst), Simon de Lalaing, for example, found himself prosecuted before his own seigneurial court by two local brewers when he attempted to raise a seigneurial tax on beer production and consumption.[92] As the highest court in the county the Council of Flanders—on which more in Chapter 6—also occasionally dealt with legal disputes between several actors in the same seigneurie. Around 1550, for example, the aldermen of the barony of Pamele (Oudenaarde) haled their own lord, the high-born knight Josse de Joigny, before the Council. The aldermen were out of patience with de Joigny and his expectations of being treated to 'diverse excessive and large meals' every time the annual appointment of the seigneurie's new aldermen came round. The main bone of contention, however, was the allocation of offices within the seigneurie. Previously, Josse de Joigny had finagled the secretaryship of the seigneurial alderman's bench into the hands of 'Jooris van Pamele his bastard brother' (*Jooris van Pamele zijns bastaerden broedere*); when Jooris died he tried once again to assign the post to his own appointee. His plan was frustrated when the aldermen sought the aid of the Council of Flanders, whose judgement left the baron van Pamele in no doubt that he had no say in the appointment of seigneurial or ecclesiastical officials except in proper consultation with the plaintiffs.[93] While it was not unheard of for a lord to appoint an illegitimate relative as secretary, alderman, or even bailiff, it seems it could only be done within boundaries that the notables deemed acceptable.[94]

The men who ran the seigneurie saw the lord or lady as playing a well-defined role within it, one that went so far and no further. But they clearly took great account of the wishes of the community, especially those of the well-to-do villagers, the group from which they were recruited.

On one hand, the regulations contained provisions that underlined the dignity of the aldermen vis-à-vis the villagers. Like the aldermen of large towns, the aldermen of the seigneurie held by St Peter's Abbey at Ghent, for example, received an official robe every year, and wearing these they were entitled to walk immediately behind the abbey monks in the annual Palm Sunday procession.

[91] Berten (ed.), 'Coutume de Scheldewindeke', 274.
[92] Van Twembeke, 'De "wettelichede" of de keure van Parike', 67 (the outcome of the trial is unknown).
[93] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7534, fols 27r–31v.
[94] We discuss a well-documented example in Chapter 3, Section 5.

On the days when they convened, they also received a meal with wine, a drink that emphasized their social prominence.[95] And in Ingelmunster and Sint-Eloois-Vijve (Kortrijk), only the aldermen and schoolchildren were to sit in the choir of the parish church when Mass was celebrated.[96] Many seigneurial regulations also included heavy sanctions for insulting or criticizing the bailiff or aldermen, as was the case in Herlinkhove (Aalst), where saying that 'one had been judged harshly' (*Ic hebbe een hert vonnesse*) was punishable by a sixty-pound fine plus another ten pounds for each of the aldermen.[97] Such incidents did indeed occur. For example, in 1550 or thereabouts, a certain Joris Cacke, who described himself as a 'poor, simple, meek country fellow of good family' (*scamel, simpel, paisivelick lantsman es van goeder familie wesende*) had snapped at one of the aldermen for the otherwise unknown seigneurie of 'Hughene' that 'he was not worthy to sit on the bench of justice…' (*dat hij niet weerdich en was te zittene in de banck van justicie…*). The aldermen and bailiff had him arrested on the spot and he was subsequently sentenced to a fine, a penitential pilgrimage, and a public apology.[98]

On the other hand, these incidents suggest that the social distance between the villagers and the aldermen was not great, which could well be the case as the seigneurie was staffed by 'peasant aldermen' and the annual replacement of the entire bench meant that sooner or later prominent male villagers became aldermen themselves.[99] When the abbess of Messines successfully asked Philip the Bold, then count of Flanders, to ratify her right to the seigneurie of Noord- en Zuidschote (castellany of Veurne) in 1394, she lamented that she was having difficulties in appointing aldermen because the seigneurie had been largely depopulated by the excessive mortality of the past decades.[100] In any case, in Flanders a seigneurie could only function if it met the requirements of those who lived in it, for if they wished to, all but the very poorest villagers could evade the civil-law aspects of seigneurial jurisdiction by becoming an out-burgher.

In that context it was understandable that the seigneurie's leading officials regularly reported back to the village community. Quite a few regulations include provisions like those of Lieferinge, cited above, whose aldermen had to ask advice within the village on important issues. In Scheldewindeke (Aalst) this was understood in a more exclusive sense and aldermen only had to consult with the notables (*den goeden lieden*), as was also the case in Noord- en Zuidschote (*preudommes notables*). There was greater public involvement in the Liberty of Lille (castellany of Veurne), where the aldermen had to submit matters of importance

[95] Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, 318.
[96] Vandewiele, 'De keure van Ingelmunster en Vijve', art. 71.
[97] Vangassen, 'De Keur van Herlinkhove', 202. For other examples see Beaucarne (ed.), *Notice historique sur la commune d'Eename*, 26, 30.
[98] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7533, fol. 156r. This incident is known through Joris's appeal to the Council of Flanders, which upheld the aldermen's verdict.
[99] We return to the socio-economic profile of aldermen in Chapter 3, Section 5.
[100] Gilliodts-Van Severen (ed.), *Coutume des pays et comté de Flandre: Quartier de Furnes*, III, 137.

to the landed inhabitants' appraisal (*den upsittenden laten*).[101] Evidently these provisions were not merely a dead letter. For example, the villagers soon entered the picture when the aldermen of Sint-Lievens-Houtem (Oudburg of Ghent) accused the bailiff of abuse of power and dereliction of duty in regard to 'the customs of the village, which he himself had sworn to and which the good people had requested of him' (*de costumen van den dorpe die hij zelve bezworen hadde ende de goeden lieden an hem verzocht hadden*). The bailiff retaliated by complaining to the lord, St Bavo's Abbey in Ghent, which in turn brought a suit before the Council of Flanders, accusing the aldermen of exceeding their authority. When summonsed, the aldermen responded by immediately issuing by church banns an invitation to all the parishioners of Sint-Lievens-Houtem to deliberate on the matter together.[102] Conflicts of this kind were rare, as were the cases in which a villager decided to appeal to the Council of Flanders against an aldermanic judgement.[103] As a rule, the governors of the seigneurie must have had a good sense of the interests of those concerned and consequently would have known whether the latter would find a decision welcome, or acceptable, or at least bearable.

5. Seigneuries and Public Services

That the seigneurial balance between the interests of the lord and those of the village community tipped well towards the latter is also evident from provisions in seigneurial regulations that were unconnected with the seigneurie's governance. In all fifty surviving regulations the great majority of provisions relate to the wants or wishes of the subjects rather than the lord. Some conditions did favour the lord, of course: witness, for instance, the sixteenth-century regulations of Zwevezele (Liberty of Bruges and Kortrijk) which admonished everyone to keep dogs away from the lord's rabbit warrens on pain of a fine or the loss of the lord's good will (*up de vrienscepe van de here*).[104] But provisions of that kind form only a very small percentage of the regulations. Only one, or possibly two, of the forty-three clauses in those Zwevezele regulations deal with the rights of the lord—even the proviso about the lord's rabbit warrens was deleted in the manuscript (the other one stipulated that the use of certain hunting gear required the lord's permission). This was not a recent development. Of the thirty-seven articles in the custumal of Temse (Waas)—issued in 1397—not a single one involved

[101] See respectively Berten (ed.), 'Coutume de Scheldewindeke', 251 and Fourdin, 'Une keure des seigneuries', 500–1. For another example, see De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Temse', 70–1.

[102] The case is discussed at length in De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Sint-Lievens-Houtem', 11–14.

[103] See the quantitative analysis of those appeals in Chapter 6, Section 5.

[104] Arickx (ed.), 'De keuren van Zwevezele', 222.

seigneurial rights, though they came with the caveat that the lord could check that the regulations were being observed as often as he wished, something to which limitations were often applied in regulations elsewhere.[105] The few conditions to do with seigneurial rights will often also acknowledge that right as well as impose restrictions on how these rights were to be implemented, witness the example from Dadizele mentioned above or one of the opening provisions in the regulations of Herlinkhove (Aalst), which stipulates the exact day on which a certain seigneurial rent had to be paid.[106] Thus the seigneurie was supposed to protect the rights of both the lord and the community, but the majority of provisions suggest that the community's interests were paramount.

In anticipation of the in-depth study by Klaas Van Gelder and Kaat Cappelle, we shall only briefly outline the basic features of seigneurial policy here. One subject that always recurs is the maintenance of public order, or 'the lord's peace' (*den heeren vrede*).[107] The most important theme was the proscription of violence. The exact wording always differs, with some of the earliest regulations citing an eye-for-an-eye, tooth-for-a-tooth approach that disappears in later regulations, but the issue is to be found in almost every custumal and the penalties for transgressions are similar if not identical in all of them. Some custumals, such as Zaffelare's, itemize a plethora of potential incidents ranging from specific punishments for pulling someone's hair or hitting them on the chin (*kinbaes smeten gheheven*) to causing serious injury with grievous or fatal consequences.[108] That preoccupation with public order also gave rise to all kinds of other provisions. In addition to infrequent articles affirming the right to legitimate self-defence, the regulations are packed with miscellaneous interdictions against the carrying of weapons. The regulations of Destelbergen (Oudburg of Ghent), for example, forbade 'long knives, pikes, steel bows, and steel bonnets' on pain of a fine of three pounds *parisis* (*langhe messen, pycken, stalen boghen, noch stalen bonnetten, up de boete van III lb.par.*).[109] In regulations from the late fifteenth and sixteenth centuries diverse firearms are added to the list. The emphasis in this case was clearly on military weapons rather than pocket knives and agricultural implements, both of which frequently appear in extant accounts of violent incidents. Seigneuries with high or middle justice were distinguished by their criminal competences, with the regulations—as well as the occasional reference in the sources to an execution or banishment—making it clear that that responsibility was taken seriously.[110]

[105] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Temse', 73.
[106] Vangassen, 'De Keur van Herlinkhove', 196–7.
[107] Cited in Beaucarne (ed.), *Notice historique sur la commune d'Eename*, 26.
[108] State Archives in Ghent, Sint Pietersabdij Gent—Deel I (K96), 1bis, art. 14.
[109] Berten (ed.), *Coutumes des seigneuries enclavées dans le Vieuxbourg de Gand*, 143–4.
[110] Examples of executions and banishments are discussed in Chapter 3, Section 5.

Four other interconnected topics that constantly recur are fire safety, waste disposal, disease control, and the public infrastructure of the seigneurie. The lord, aldermen, and bailiff instructed inhabitants to take several steps in this regard. Among other things they were to have fire buckets and ladders in their houses, to sweep the chimney regularly, plaster ovens and hearths, or, if they built fires outside, to keep them at least forty feet away from houses. In this respect the Flemish countryside was not so very different from the towns, where the fear of fire was proverbial, as evidenced by the strict penalty clauses from Meulebeke (Kortrijk):

> Also, everyone must watch his fire so that it causes no harm, because if a fire spreads from a house because of bad guardianship [of the fire], the owner of the house will be banned from the land and seigneurie.[111]

Similarly, seigneurial regulations reflect municipal by-laws in their concern with waste disposal: they included a ban on littering, assorted provisions relating to the pollution of waterways and the proper functioning of drainage ditches and sewers, the obligation to clear away cattle carcasses within three days, and so forth.[112] In the seigneurie encompassing Sint-Pietersdorp and its agricultural lands, held from St Peter's Abbey in Ghent, for example, anyone without a brick-lined lavatory (*ghemetste aisement*) was required to relieve themselves in a latrine pit that was at least four feet deep and a minimum of five feet away from the neighbours' property 'so as to avoid all corruption and contagions or infectious stenches' (*umme te schuwene alle corruptioen ende contagieusen ofte smettelicken stancken*).[113] At a time when the theory of humoralism was prevalent, odour nuisance was associated with risks to health, so those provisions segued into concerns about hygiene and epidemiological dangers. The regulations of the large seigneurie of Beveren (Waas), updated in 1527, provide an excellent example:

> Also, in whose house there is an infectious disease, the owner will highlight his house by tying a straw fish to the door, leaving it up there for the term of six weeks. The fine [for non-compliance] is three pounds *parisis*.
>
> Also, in whose house there is the aforesaid infectious disease, it is forbidden for any inhabitant of that house to enter the streets, the church, or any other gathering, barring expeditions for necessities; in that case, the inhabitant will never

[111] 'Item dat elc zyns selfs vier beware datter geen grief of en comme, want uute wiens huuse dat eerst uuteslaende comt by quader waerden ende grief dede, die wert ghebannen ute den lande ende heerlichede.' Monballyu (ed.), 'Een dorpskeure te Meulebeke', art 25. See Garrioch, 'Towards a Fire History'.

[112] For an urban point of comparison, see Coomans, 'The King of Dirt', 82–105.

[113] Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, 322–3 (art. 79).

> approach other houses and always have in his hand a white stick of one ell and a half to warn off others. The fine [for non-compliance] is six pounds *parisis*.[114]

Concerns about the potentially harmful consequences of perishable goods also highlight the many regulatory provisions governing their sale. The seigneurie's administrators frequently issued conditions and set prices for the sale of fish and meat, as well as basic consumer goods such as bread, candles, mustard, and so forth. In Herzele the aldermen appointed four beer inspectors who fixed an annual price that was linked to grain prices and production costs.[115] We see a similar social reflex in the regulations of Temse (Waas), which stipulated that the lord, four aldermen, and four notables could inspect the bakeries at any time and, if the bread was found to be short weight, they could cut the undersized loaves in two and distribute them to the poor (*ende daer men tbroet te cleine vint, dat sal men ontwee sniden ende deelen den armen*) as well, of course, as fining the offender.[116] Similar provisions covering the inspection of taverns to check the measures for beer and wine were evidently taken seriously, since the bailiff of Elene and Leeuwergem (Aalst) began legal proceedings when his judgement was called into question.[117] Some regulations even included rules that applied to the weekly market and annual fair, as well as the village kermis—all occasions when market operations merited special superintendence. Clearly the seigneurie was meant to maintain the village's moral economy, where goods should be available to everyone at the 'just price'.[118]

Concomitant with that concern for the circulation of people, capital, and goods, the lord, bailiff, and aldermen also regarded the village's infrastructure as being within their remit. They carried out inspections to make sure roads, market halls, and other public spaces were properly maintained, using the right of *straatschouwing*, for example, which is referenced in the *dénombrements* of many seigneuries with higher justice.[119]

One public space that was particularly subject to consideration in the seigneurial custumals was the church and churchyard. As mentioned earlier, the seigneurie's

[114] 'Item, in wiens huuse de sterfte es, sal voorsien zyn deure ende zynen dam met eenen grooten stroowisch te binden, ende daer laten den termyn van zes weken lanck geduerende, op de boete van III lb.par. | Item, in wiens huuse de voorseide sterfte es, wert verboden dat hem niemant en vervoordere te commen up de strate, in de kercke och in eenighe vergaderinghe van volcke, dan een alleene uyt elcken huuse, omme te halene huerlieder nootdurft, zonder te commen in eenighe huusen, maer staende altyt van verden, hebbende in de hant een witte roede, onderhalf elle lanck, altyts schuwende tvolck; telcken als men contrarie vint, op de boete van VI lb.par.' (De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Beveren').

[115] Jansen-Sieben (ed.), 'Het denombrement van Herzele', 3–4.

[116] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Temse', 71.

[117] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7534, fol. 278r.

[118] The similarity with the town is conspicuous in this respect too: see De Kerf, *De juiste prijs*.

[119] See Chapter 1.

very right to exist was founded in a Christian worldview, and from a practical point of view as well the village church was the ideal place for conveying information to the seigneurie's subjects in the form of an announcement by the lord or bailiff following Sunday Mass. Consequently, the seigneurial regulations of Beveren (Waas), for example, contain provisions relating to the churchwardens' and almoners' accounts, which had to be submitted to the lord and aldermen for annual audit, as well as a general prohibition on playing games in the church or churchyard.[120] The regulations of the seigneurial towns of Watervliet and Philippine (Liberty of Bruges), drawn up in 1565, are evocative of the *Zeitgeist* on the eve of the Iconoclastic Fury. With the Habsburg placards on heresy in mind, the seigneurie's administrators sought to prevent expressions of blasphemy, imposing fines for a first or second offence, but penalizing repeat offenders with 'criminal or exemplary punishment' (*criminele ofte exemplaire pugnitie*). Another provision in those regulations was a classic of the genre, namely the ban on tavern-keepers serving customers with drink during the high Mass or sermon. Poor folk who were reliant on alms, especially those provided by the parish almonry, were threatened with fines or the loss of their dole if they begged on Sundays or in the church.[121]

The seigneurial magistracy's concern for the moral fabric of village society was expressed in other ways, too. The regulations often state which forms of recreation were permitted and which were not. The goose game (*'tverkeerspeel*) posed no problem, but popular games of chance such as dicing were often forbidden, at least in theory.[122] In practice that was probably a hard rule to enforce. Some lords and aldermen were evidently fairly pragmatic, stipulating, for instance, that prostitutes could enter the village, but only stay for a single night—long enough to provide peasants and wage-labourers with their sexual services.[123] The regulations of a seigneurie held from St Peter's Abbey near Ghent (Oudburg of Ghent)—an ecclesiastical lordship, thus—were less accommodating: 'scoundrels, corrupted minds, pimps, brothel keepers, all those who damaged the community' (*deuchnieten, ledichgangers, berverlycke gheesten, putiers, bordeelhouders, schaedelich der ghemeente*) should be stripped to their undershirt and flogged, then driven out of the seigneurie to the clamour of bells and public taunts and jeers (*openbaere uutroepinghe*). An even crueller fate awaited anyone involved in sodomy, an umbrella term for a variety of then criminalized sexual acts such as anal penetration or bestiality:

[120] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Beveren'.

[121] Gilliodts-Van Severen (ed.), *Coutumes des petites villes et seigneuries enclavées. Tome cinquième: Sysseele. Thourout. Watervliet*, 488 (blasphemy), 466 (taverns), 490 (alms).

[122] For the omnipresence of dice games in Low Countries taverns, see Brown, 'Passing the Time'.

[123] Arickx (ed.), 'De keuren van Zwevezele', 223.

> All sodomites, buggers, [carnally] knowing persons or beasts, will be burned in the [village] square, together with the involved persons and beasts.[124]

It would be a mistake to think that provisions like this were never acted upon or were only to be found in the regulations of ecclesiastical seigneuries. A chilling letter survives, written in 1462 by the lay lord of Zwevegem (Kortrijk), in which he recounts how he had recently had someone burned at the stake for sodomy.[125] How severe the bailiff and aldermen may have been in enforcing their rights is something we shall probably never know: no doubt it varied from seigneurie to seigneurie and from one day to another, but 'the lord's peace' was unquestionably a moral project.

As elsewhere in Europe, the measures mentioned above pertaining to recreation, religion, and sexuality correlate with a wider aspiration on the part of the seigneurial administrators, namely to define, patrol, and protect the permeable borders where the public and private realms met.[126] For instance, some regulations safeguarded the autonomy and privacy of the family with strict penalties for adultery, excessive noise, gossip, and eavesdropping.[127] In similar vein, Zwevezele prohibited the beating of someone else's children or servants and was certainly not the only seigneurie to do so.[128] Conversely, 'disciplining' one's own offspring or personnel was evidently acceptable, for not one of the surviving regulations prohibits that. This is the major blind spot in the regulations: despite their obsession with maintaining order they contain no provisions that touch on domestic violence, the most common form of physical and emotional aggression, then as now.[129] In fifteenth-century Herzele (Aalst), for example, the aldermen were extremely reluctant to act on the rumour that one Joos Boudens had beaten his wife to death (*zijn wijf soe meshandelt hadde dat zij daer af quam van levene ter doet*), not least because Boudens was one of the village notables.[130] In nearby Boelare, the seigneurial court imposed a harsh penance on a young man named Joos Lyllareel who had repeatedly assaulted his father with a knife and battered his mother, thus greatly transgressing the prevalent ideals of filial respect and obedience, especially to one's father. Joos was whipped three times around the seigneurial court and the oak of justice until the blood flowed. The following

[124] 'Alle sodomiten, buyghers, converserende met lieden ofte beesten, sal men verbranden ter voor plecke, t'samen lieden ende beesten ter doodt toe.' Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, respectively 324 (art. 87) and 319 (art. 44).

[125] Archives Départementales du Nord (Lille), Lettres reçues et dépechées, B 17690. For the context, see Roelens, *Citizens and Sodomites*.

[126] See the pertinent considerations in Schneider, *The King's Bench*, 1–2, 7.

[127] For example Vandewiele (ed.), 'De keure van Ingelmunster en Vijve', art. 28 and 30.

[128] Arickx (ed.), 'De keuren van Zwevezele', art. 37.

[129] See the considerations in Hayhoe, *Enlightened Feudalism*, 112–14. For a more general discussion of domestic violence, see Skoda, *Physical Brutality*, 193–231. For the Low Countries, see Coomans and Marschall, 'Childhood and Public Health', 17.

[130] Van der Hoeven, 'De heerlijkheid Herzele', 166.

Sunday, he was made to walk to the scaffold in naught but his shirt, barefoot and bareheaded, carrying an unburnt candle bearing the seigneurial coat of arms. There he was to beg the forgiveness of his lord, the aldermen, and his parents before being banished from the barony of Boelare for ten years on pain of death.[131] Practices could vary widely, but the patriarchal household was the pole star in the moral compass of the lord, bailiff, and aldermen.[132]

The material foundation of the private realm was, of course, property, and the protection of property rights is the last major theme in our bird's-eye history of seigneurial policy. Many provisions related to this subject. As was the case in towns and cities, the interests of the family took precedence over those of the individual.[133] Seigneurial regulations sometimes stated in so many words that young women who married without their parents' or guardians' consent automatically forfeited all claim to the estate.[134] Lieferinge's regulations not only prescribed the death penalty for rapists, but also anticipated scenarios in which a girl or woman refused to give up a relationship that her family disapproved of: in that case too disinheritance was the result.[135] The preoccupation with upholding property rights found a more positive outlet when the care of minors was involved. In practically every seigneurie the bench of aldermen had an important role in protecting the material interests of orphans. When a minor lost a parent, a guardian was appointed whose name was entered in the official orphans register. Every year the aldermen would examine the guardianship accounts to check whether the estate was being properly managed. The seigneurie of Nieuwvliet, for example, also included extra provisions whereby transactions relating to orphans' goods were only legally valid if the guardian had approved them.[136] Seigneurial custumals, moreover, invariably contain provisions against theft. We get a good glimpse of these in the aforementioned Lieferinge regulations of 1437, which warn that anyone stealing something worth less than five shillings would be mutilated (*teeckenen*). If they stole again, the penalty would be the forfeiture of life and property.[137] A comparable condition, perhaps more easily reconciled with contemporary sensibilities, is the thoughtful clause in another set of regulations

[131] Van Herreweghen, 'Een vonnis te Boelare in de 15e eeuw', 220.

[132] For a critical discussion of villages as gendered space, drawing on English evidence, see Olson, 'Women's Place and Women's Space'. In Chapter 5, Section 3 we discuss how the patriarchal ideal of the lord as head of the household and leader of the local community did not always correspond to reality and also how the domination of the seigneurial administration by male peasants imposed constraints on seigneurial rule by ladies.

[133] See Delameillieure, *Marriage by Abduction*.

[134] For example Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, 320.

[135] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge', 13.

[136] Gilliodts-Van Severen (ed.), *Coutumes des petites villes et seigneuries enclavées. Tome troisième: Ghistelles, Houcke, Lichtervelde, Maldeghem, Merckem, Middelbourg, Mude, Munikerede, Nieuvliet, Oostbourg*, 398.

[137] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge'.

which gave a person who had signed a contract while under the influence of alcohol (*in taverne te wyne of te biere*) the right to retract their commitment until noon the following day.[138]

Because land was the main source of wealth in rural societies the seigneurial regulations largely tend to anticipate disputes over its ownership and use. Every self-respecting seigneurie had prohibitive clauses such as those of Ingelmunster and Sint-Eloois-Vijve (Kortrijk), where boundary markers could only be moved with the consent of the lord and the parties involved (*by consente vanden heere ende by partyen*).[139] In any case, the seigneurial aldermen kept a supervisory eye on property relations in the village. In thirteenth-century regulations of Desteldonk, Sleidinge, and Lovendegem (Oudburg of Ghent) the lord, bailiff, and aldermen already required every sale or lease of land in the fief to be registered with them.[140]

Altercations over the tenure and use of land made up most of the judicial activities carried out by the seigneurial bench of aldermen, who acted not only as administrators, but also as judges, settling disputes. We have hardly any extant written sources relating to seigneurial justice from the period before the Dutch Revolt, but there are a few seigneuries whose court registers (*ferieboeken*) have survived. They record the days on which the court was in session and the aldermen's attendance fees as well as the cases that came before the bench. The earliest court registers are frustratingly cryptic, however. The registers of the unusually large seigneurie of Nevele (Oudburg of Ghent), extant from 1507 onwards, are a good example in that respect. They show that in this seigneurie too the aldermen endeavoured to hold a fortnightly session, although it seems that they were not always successful, meeting on only nine occasions in 1509 and ten in 1510. Given that both the judges and those to be judged were peasant-farmers, frequency was lower in the spring months and at harvest time. Furthermore, the registers' formalistic layout does not reveal much about the court sessions. The minutes of the court days mainly record the conveyance of fiefs through inheritance or purchase, because in Nevele—as was often the case in the eastern parts of the county—the aldermanic bench coincided with the seigneurie's feudal court, the latter institution having authority over the feudal seigneurie's sub-fiefs. On top of which, the court registers from 1509 and 1510 mention only one court case and say nothing about what was at stake or what the verdict was.[141]

[138] Gilliodts-Van Severen (ed.), *Coutumes des petites villes et seigneuries enclavées. Tome cinquième: Sysseele. Thourout. Watervliet*, 492 (art. 103).

[139] Vandewiele (ed.), 'De keure van Ingelmunster en Vijve', art 59.

[140] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Desteldonk, Sleidinge, Lovendegem', 13. For another example, see Berten (ed.), *Coutumes des seigneuries enclavées dans le Vieuxbourg de Gand*, 147.

[141] State Archives in Ghent, Fonds Baronie Nevele, no. 941, fols 3v–9r.

The surviving late sixteenth- and early seventeenth-century court registers from Zillebeke (Ypres) are already a good deal more informative than those of Nevele. They also mention actions that the aldermanic bench itself took in response to violations of the seigneurial regulations, such as a case against a certain Maarten Vuylsteke for quarrelling (*ter cause van twiste*) in 1608.[142] Later registers are even more detailed. Around 1700 the aldermen's bench in Ardooie (Liberty of Bruges and Ypres) dealt with some seven or eight cases per year, by far the most of which concerned broken agreements relating to land and labour with a much smaller number involving cross-border conduct, tax evasion, breaches of local regulations, and so forth.[143] The sizeable seigneurie of Avelgem (Oudenaarde) then handled about ninety cases per year and there too the great majority involved issues regarding agreements that fell under civil law, mainly with a financial component, next to just a handful of criminal cases.[144] This was no different from two centuries earlier. Our sample taken from the court records of the Council of Flanders from around 1450, 1500, and 1550 yielded a hundred cases in which villagers appealed against a judgement made by the seigneurial aldermen's bench.[145] The results of those reconsiderations show that the original cases almost always concerned lease debts, failed transactions, disputed plot boundaries, and so on.

The aldermen probably heard many more cases than just those mentioned in the court registers, only putting notes on paper when a case was fought to the bitter end instead of being resolved with an informal post-mediation settlement. The detailed *dénombrement* drawn up in 1474 for the large seigneurie of Herzele (Aalst) expressly states that the bailiff and aldermen were not only authorized to hear legal cases, but also to mediate (*te makene vrede tusschen pertien die in gheschille zijn*), with any contravention of 'the lord's peace' thus arrived at resulting in the highest fine possible, sixty pounds *parisis*.[146] An extreme specimen of mediation is known from Ingelmunster (Kortrijk). In 1502 the seigneurie's bailiff received a dressing down from the Council of Flanders for ordering a pair of ruffians either to make up their differences over a couple of tankards of ale or to fight with sticks, to the satisfaction of both parties or to the death (*ghij drinct pays of vecht pays of slaet elc anderen doot*).[147] The more usual scenario probably saw the bailiff and aldermen working out an agreement via informal mediation that made further proceedings superfluous.

Taken all in all, the custumals reveal that Flemish villagers could agree with their lords' lofty words about the seigneurie as a source of good governance and

[142] Stadsarchief Ieper, Fonds Kasselrij Ieper, fol. 215r.
[143] Vervaeke, 'Met recht en rede(n)', 148–54, 168.
[144] Martyn, 'Boerenschepenen en geleerd recht', 398–400.
[145] Discussed at length in Chapter 6, Section 5.
[146] Jansen-Sieben (ed.), *Het denombrement van Herzele*, 4–5 (our thanks to Thijs Lambrecht).
[147] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7515, fols 376v–377v.

especially why they did so. From at least the thirteenth century, those villagers had a strong grasp of what seigneurial governance and law entailed, and how much it would cost them. Those costs, paid in the form of seigneurial taxes, were much lower than elsewhere in Europe and the intrinsic power of the seigneurie was used for purposes that generally benefited the interests of the village community—or at least the well-to-do male part of it. Many aspects of everyday life were regulated by the seigneurial alderman's bench acting as the mouthpiece of the landowning subjects, rather than the lord.

In the matter of justice, things were a little more complicated, but here too the subjects' interests were by no means subordinate to the lord's. The most significant conclusion that the surviving registers of seigneurial courts allow us to draw is that seigneurial justice in Flanders was not routinely used to affirm the rights of the lord as precisely as possible. The rare cases we know of in which the seigneurial bench did pronounce on the interests of the lord are also notably ambivalent. Around 1550, for example, a group of eight private individuals from Morbecque (Kassel) appealed to the Council of Flanders against the seigneurial aldermen's bench. The group had earlier lodged a complaint with the aldermen against their own lord, the young nobleman Jean de Saint-Omer, who was not yet of age, and his mother and guardian, Antoinette de Bailleuil, whom they believed had wrongfully raised a seigneurial rent (*cijns*) that was to be paid in wheat, as well as some other seigneurial taxes. The Morbecque aldermen had ruled in favour of the young lord and his mother in the matter of the wheat rent (*cijns*), so the plaintiffs eventually took their case to the Council of Flanders. At the same time, the seigneurial aldermen were clearly not simply serving their lord's agenda, for concurrently with the group's appeal process, Jean de Saint-Omer and his mother had also appealed against the same verdict, for while they had won in the matter of the rent to be paid in wheat they had lost the discussion about a contested rent that was to be paid in the form of capons (*litigieuse cappoenen*).[148] The seigneurial bench of aldermen—whose verdict had been upheld by the Council in both appeal cases, by the by—had apparently sought a balance between the rights of all those involved.

Seigneurial justice in Flanders thus stands in sharp contrast to France, for example, where the balance was heavily weighted towards the interests of the lord. In eighteenth-century Burgundy, for instance, the seigneurie espoused a similar concept of social service as it did in Flanders; even so, no less than 10 per cent of cases involved a lord's attempt to compel one of his subjects to pay a rent or tax. For the same period, even higher figures are recorded for seigneuries in the hinterland of La Rochelle, where the percentage of cases involving seigneurial rights sometimes reached 20, 35, or even 40 per cent of all cases.[149] The institutional

[148] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7534, fols 269r– 272r; fols 272v–274v.
[149] Hayhoe, *Enlightened Feudalism*, 45–7, 49, 60, and Crubaugh, *Balancing the Scales of Justice*, 63.

set-up of the seigneuries in both French regions was thus very different from that of Flemish seigneuries. Where a Flemish lord was only allowed to choose a magistracy of seven from among the local notables, justice in those French seigneuries was entrusted to a single *juge* who came from outside the seigneurie and had often penned an obsequious letter to the lord, soliciting the job and pledging to raise the revenues from his rights as high as possible. That situation drove the local population into the arms of intellectuals and jurists who advocated the reform or complete abolition of the seigneurial system.[150] There was none of that in fifteenth- and sixteenth-century Flanders, where not a trace of structural dissatisfaction with the seigneurie is to be found.

6. Seigneuries and Agrarian Capitalism

Having established that Flemish seigneuries were primarily, if not exclusively, dominated by the village community, we can return to one of the main hypotheses about their impact on society, namely that as an institution they acted as a brake on economic growth, especially on the emergence of capitalism as an interplay of profit-oriented investment and open markets for labour, goods, and capital.

That conjecture is correct, albeit not necessarily for the reasons that historians often cite. What is not correct is the frequently heard assertion that lords taxed peasants so heavily that the latter had nothing left to invest in new agricultural techniques. On the contrary, in Flanders the burden of seigneurial taxes was exceptionally light. Rather, we argue, the reverse is the case, with peasants having such a strong hold on the seigneurie that they used its power to block structural socio-economic changes that were pushed through in regions where seigneuries were rare.

As mentioned in the introduction to this chapter, over the last thirty years Flanders has proved to be an unusually important case study in discussions about the earliest history of capitalism. Within the county's borders a gradual division began to emerge in the fourteenth century between Coastal Flanders, where agricultural capitalism flourished, and Inland Flanders, which had to wait until the nineteenth century for that to happen.[151]

In the early fourteenth century the coastal plain encompassed several large ecclesiastical and comital domains, but was primarily dominated by smallholdings of less than five hectares. Due in part to rapidly rising comital taxes, it was

[150] A cited example with discussion in Hayhoe, *Enlightened Feudalism*, 45.

[151] For an introduction to the literature on property relations in inland and Coastal Flanders, see Thoen, '"Social Agrosystems" as an Economic Concept', and Thoen and Soens, 'The Family or the Farm', 195–224.

increasingly difficult for those small peasants to pay the obligatory contributions to the essential diking and ditching that protected the vulnerable coastline and hinterland from flooding.

Eventually the viability of such small concerns was reduced to the point where the peasants' only option was to sell out to prosperous peasants or wealthy burghers from neighbouring towns, who merged the small farms into much larger agricultural operations. Some estimates from the Liberty of Bruges show just how drastic that process was. In 1388 the water board (*watering*) of Oud Yevene (near Oostburg) still had 1,461 farms of less than five hectares; in 1550 only 448 remained—less than a third. Conversely, in the same period the number of large farms of more than twenty-five hectares had quadrupled from nine to twenty-eight. In Romboutswerve (near Damme) the number of small peasants in the water board almost halved between 1456 and 1545, while the number of large farms increased from one to four.[152]

Those large farms were market-oriented enterprises that aimed for a relatively low return on land and a high return on labour, by investing in improved agricultural equipment among other things. The labour was provided by former smallholding families and their descendants, who would thenceforth spend their lives as mobile wage labourers fulfilling short-term contracts at different farms. Even before they showed signs of appearing in those other precursors, the English Midlands and Holland, the core elements of agricultural capitalism had developed in the Flemish coastal plain, ranging from a readiness to invest in techniques to raise labour productivity to a split between a small elite who controlled the means of production (in this case large estates) and a mass of wage labourers who came together in open markets for labour, capital, and goods.

In Inland Flanders, smallholdings simply continued to exist. The probate inventories of a number of families from fifteenth- and sixteenth-century Haaltert and Kerksken and a tax document from sixteenth-century Lede (all three in Aalst), for example, reveal a sustainable combination of small to very small farms, often comprising less than two hectares, with a handful of medium-sized farms with five to ten hectares of land.[153] The situation was similar in Markegem (Kortrijk): in 1571–2 nearly 45 per cent of the area consisted of smallholdings of less than one hectare and another 35 per cent was made up of farms of between one and five hectares. Ten per cent of the area consisted of medium-sized farms of five to ten hectares, with the only really large agricultural operation (more than twenty hectares) formed by the farm that operated the land of Ter Hoyen, Markegem's largest seigneurie. In Inland Flanders, small farmsteads were predominant for centuries.[154]

[152] For these two examples, see Tim Soens, 'Funding Drainage and Flood Control', 350.
[153] Thoen, *Landbouwekonomie en bevolking*, II, 850–66.
[154] Lambrecht, *Een grote hoeve in een klein dorp*, 16, 21.

Such structural continuity in property relations should not be taken to mean that nothing even changed in Inland Flanders. Over time, one of the ways in which smallholders ensured the viability of their volatile and fragmented aggregate of privately owned land and leased plots was to exploit a high return on land by means of the often labour-intensive cultivation of industrial crops, such as flax and dye plants, or fruit and vegetables. All these things soon found their way to urban markets, which in Flanders were never far away. That progressive commercialization of the agricultural economy strengthened the position of the propertied peasant class, with the children either working on their parents' farms or moving away to find employment as servants in the town or on a large farmstead in the coastal area before acquiring a smallholding themselves by way of a dowry or inheritance.

The great contrast between Coastal and Inland Flanders which manifested at such a comparatively early date naturally appeals to the imaginations of historians who have set themselves the task of articulating the variables that explain the emergence of capitalism as a highly unusual socio-economic configuration. The striking thing is that in those discussions the county of Flanders is often conceived of as an ideal testing ground for comparisons. Historians certainly recognize the differences in soil conditions of Coastal and Inland Flanders and that the interior was untroubled by costly water management, but that aside, they chiefly emphasize the comparable characteristics of the two regions before each went its own way in the late fourteenth century.[155]

Our study of seigneuries suggests that this is a misconception. We argued in Chapter 1 that differences in soil composition determined tenth- and eleventh-century settlement patterns and that these, in turn, shaped the seigneurial landscape for the following centuries. Seigneuries easily coalesced around a single settlement established on the fertile farmland in the south-eastern parts of the county. In the belt of poor sandy soils that extended north of that area the creation of a seigneurie was a tougher proposition and often had to encompass several villages and hamlets in order to be viable. On the then thinly populated clay soils along the coast and the Scheldt estuary, seigneuries rarely if ever got off the ground. Thus, in the region where agricultural capitalism debuted in the fourteenth century, seigneuries had always been few and far between, whereas they were numerous in the area in which peasant society persisted. From the eleventh century on, therefore, Coastal and Inland Flanders had a completely different political economy. The consequences were momentous.

The custumals suggest that seigneuries were a decisive hindrance to the emergence of agrarian capitalism in Inland Flanders. The ideal of the seigneurie was the continuance of social order, for instance by preventing 'one segment of the

[155] Thoen, '"Social Agrosystems" as an Economic Concept to Explain Regional Differences', esp. 62–3.

community [from] drowning the other part, this being a source of strife and conflict' (*soo dat niet en draghen deen deel van der ghemeente, omme dander te verdrinckene, dwelck is verwecken twist ende tweedracht*) as one fifteenth-century custumal put it.[156] In a rural community, this took the form of solidarity between the small and middling peasants. Thijs Lambrecht has exposed the symbiotic relationships between small and larger farms. For instance, small peasants might borrow a draught horse from a larger peasant for a few days to plough their own plots, and in return would work on the larger peasant's farm, thus saving the larger peasant the cost of wage labour. That subsidiary work could also be remunerated by the loan of tools, the provision of credit, the leasing of small plots of land—all things that helped the operation of small concerns. As the larger peasants benefited from this system they implemented measures to protect it in their capacity as seigneurial bailiffs or aldermen.

That protection took the form of the maintenance of the aforementioned *dominium utile* or usufruct. The viability of smallholdings of less than five hectares was partly dependent on access to the seigneurie's common land—usually woodland or pastureland—which was owned by the lord, but which villagers were free to use, perhaps to graze that one valuable cow for which there was no room on the peasant's own plot, or to glean firewood, and so on. The common lands were protected by seigneurial regulations. In Destelbergen (Oudburg of Ghent), villagers had to inform the aldermen before the first Sunday in May which animals they wanted to graze so as prevent the exhaustion of those precious public resources. Common lands were also off limits to outsiders with 'foreign beasts'.[157] Neighbouring Nevele also maintained proportional access to common pastures.[158] Such rights of usage were increasingly the subject of debate, especially in the early sixteenth century, as landowners strove for stricter control over their landholdings: seigneuries were therefore protecting the users of common land long before the Council of Flanders issued an ordinance safeguarding the existing usufruct in 1547, thus pre-empting the proliferation of enclosures that would occur in England.[159]

Furthermore, the seigneurial administration regularly supported the small peasants' livestock by obliging the lord or his agent to keep a bull or boar that could roam freely around the seigneurie. Smallholders could use those male animals, whose upkeep was expensive, to cover their own cow or sow, a regulation that was sometimes explicitly conceived as a service the lord owed to his subjects in exchange for corvée.[160] Thanks to these protected rights of usage, small

[156] Van Lokeren (ed.), *Chartes et documents de l'abbaye de Saint Pierre*, II, 317.
[157] Berten (ed.), *Coutumes des seigneuries enclavées dans le Vieuxbourg de Gand*, 143–5.
[158] Berten (ed.), *Coutumes des seigneuries enclavées dans le Vieuxbourg de Gand*, 501.
[159] We consulted the edition of the ordinance in the Placard books of the Council of Flanders (Ghent: Anna Vanden Steene, 1639), 682–91 (our thanks to Thijs Lambrecht).
[160] Lambrecht, 'Boeren, heren en karweien'.

peasants in Flemish seigneuries were less likely to find themselves in a situation where they were forced to sell their smallholding, as was happening with increasing frequency in the coastal plain.

Another measure intended to help small peasants avoid financial failure was the regulation of capital markets. Given the nature of farming, which required large injections of capital to bridge the gaps between harvests, rural credit was vitally important. In the seigneurie of St Peter-near-Diksmuide (Liberty of Bruges), for example, a person could only be arrested for debt if the loan that was defaulted on had been approved by the local aldermen.[161] Such measures may have been motivated by a desire to keep small peasants within socially controlled credit relationships with the local larger peasants.

Seigneuries also prevented realignments in existing property relationships by making the land market an intrinsic part of the social framework. For instance, many seigneurial custumals emphasized and facilitated the right of first refusal for members of the family of someone selling their land. In Zaffelare, for example, anyone planning to sell a piece of land was obliged to announce that intention in the church three weeks beforehand.[162] That made it much more difficult for, say, a rich burgher from a nearby town to swoop in and buy it up with a view to putting together a large-scale farming enterprise. In Inland Flanders that sort of project, which was commonplace in the coastal region, was regarded with a hostility that was sometimes expressed in blatant terms. The aldermen of Lieferinge (Aalst), for instance, had a sliding scale of extra charges for potential land purchasers from outside the seigneurie, starting at fourpence for would-be buyers who lived within the first few miles and quickly increasing for every mile after that (*van binnen der eerster mijlen vier stuyvers, ende buyten der mijlen van elcker mijlen elck persoon eenen grooten vlaemsch*).[163] If a piece of ground was up for sale in the seigneurie of St Peter-near-Diksmuide and the right of first refusal had not been exercised by the seller's kin, that right then devolved on every inhabitant of the seigneurie (*een ghezeten dats woenede inde hierlichede*) before the land could finally be bought by an outsider (*eenich forain*).[164] Given that land transactions usually had to be registered with the aldermen's bench, it may be supposed that the leading peasants informally ensured that the local land market facilitated the social reproduction of small peasant-farming families rather than experiments with large tenant farms.

[161] Gilliodts-Van Severen (ed.), *Coutume des pays et comté de Flandre. Quartier de Furnes*, 111–12.
[162] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Zaffelare', arts 24–5.
[163] De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge', 16.
[164] Gilliodts-Van Severen (ed.), *Coutume des pays et comté de Flandre: Quartier de Furnes*, 8 (art. 12).

The same attitude explains the numerous provisions that restricted the free use of land. Many seigneurial regulations included some version of the prohibition issued by the seigneurie of Berkel (castellany of Veurne) on leaving houses empty or demolishing them, or—conversely—the requirement to properly maintain or repair them.[165] Similarly, breaking up a farmstead, by splitting off and selling land for example, was often forbidden. Even lease arrangements always covered the entire farming operation, at least when the lessee did not live in the seigneurie.[166] Consequently, through both landownership and land use, the route to a large agricultural enterprise by merging small farms was cut off.

Finally, in addition to land and capital markets, the labour market was also tightly bound with rules that differed considerably from those in Coastal Flanders.[167] Quite a few seigneuries had rules against luring away man- and maid-servants by offering higher wages; conversely, masters could not dismiss them summarily or without good reason.[168] Provisions of that kind promoted the maintenance of 'good order' in the patriarchal household, but they too were often aimed at discouraging the kind of large-scale agricultural labour that was the life-blood of the large tenant farms of the coastal plain. The thirteenth-century charter of Scheldewindeke (Aalst) already prohibited the accommodation of a flexible labour force and the same sort of provisions are still to be found in the sixteenth-century regulations of Meulebeke (Kortrijk), proscribing the renting out of houses to people of limited means from outside the parish.[169] In Berkel (castellany of Veurne) renting out houses, rooms, attics, or stables to 'foreign persons' was allowed, but only with the approval of the bailiff and aldermen.[170] Since the young adult sons and daughters of the small peasants of Inland Flanders spent the years prior to their marriage or inheritance as maids and servants in the town or on the large tenant farms on the coast, these provisions reflect not so much the xenophobia of extremely stay-at-home village communities, but rather the urge to protect one's own community from agrarian capitalism and the social polarization that went with it.[171]

[165] State Archives of Belgium in Brussels, Handschriftenverzameling (I, 667), no. 720, fol. 7v. Another example in Gilliodts-Van Severen (ed.), *Coutumes des pays et comté de Flandre. Tome premier*, 214–15.

[166] For example Gilliodts-Van Severen (ed.), *Coutumes des petites villes et seigneuries enclavées. Tome troisième: Ghistelles, Houcke, Lichtervelde, Maldeghem, Merckem, Middelbourg, Mude, Munikerede, Nieuvliet, Oostbourg*, 420; Fourdin, 'Une keure des seigneuries', 492; Van Rompaey (ed.), 'De keuren en statuten van de heerlijkheid Rode-Nieuwenhove', 127.

[167] The differences with the labour legislation of Coastal Flanders are discussed in Lambrecht, 'The Institution of Service in Rural Flanders', 50–4.

[168] See for example Gilliodts-Van Severen (ed.), *Coutumes des petites villes et seigneuries enclavées. Tome cinquième: Sysseele. Thourout. Watervliet*, 491–2.

[169] Berten (ed.), 'Coutume de Scheldewindeke', 259–60 and Monballyu (ed.), 'Een dorpskeure te Meulebeke', art. 84.

[170] State Archives of Belgium in Brussels, Handschriftenverzameling (I, 667), no. 720, addendum of 22 April 1574, p. 10.

[171] For rural labour migration, see especially Vervaet, 'Women and Wage Labour', 220–5.

Although there is no real evidence, presumably those young man- and maid-servants felt the difference between their home village and the situation in the coastal villages where they went to work for a while. Granted, village communities in the coastal region were organized in parishes and rural districts, but they had relatively little self-government because most administrative powers were concentrated at castellany level. From the fifteenth century, castellany governance was increasingly dominated by nobles.[172]

The position of those nobles was ambiguous. The ideology of the Flemish nobility was socially conservative, but in practice it was more complex. The nobles were often lords themselves and, as we shall see in Chapter 3, they, like their subjects, cherished their own seigneurie as the cornerstone of the well-ordered and stable village community. Moreover, the seigneurie was and remained a source of wealth. Peasants had to hand over only a very small percentage of their harvest to the lord and provide labour service for only a few days per year; nevertheless, the accumulated revenues and free labour were still fairly significant to the lord or lady. Outside their own seigneurie, however, lords and their noble relatives often benefited from the proletarianization of the small peasants in the Flemish coastal plain. The best available estimate comes from Dudzele near Bruges. Between 1447 and *c.*1567–1577, the number of landowners fell by half, from around 600 to 300, but in the same period the share of the nobility grew from twenty-one nobles owning 9 per cent of the land to forty-three nobles owning 22 per cent of the land.[173] Moreover, in the same period, many of those nobles also smoothly integrated into the wealthy elites of the medium-sized and larger towns—another milieu that with its large-scale investments in out-of-town land acted as a driver of agrarian capitalism.[174] Consequently, nobles such as the administrators of the Liberty of Bruges would not stop the dispossession of small peasants, but instead would tend to encourage it.

These milieus and stimuli could also be found in Inland Flanders, as evidenced by Gerem Borluut (d. 1448) and his wife Margaretha van Vaernewijck, for example. Gerem owned land in twenty-one parishes and came from an old Ghent family of burghers who after his death gradually took on the persona of noble lords of Sint-Denijs-Boekel (Aalst). Margaretha owned land in thirteen parishes and was descended from the old noble family of the lords of Eksaarde (Waas), which also became increasingly involved in Ghent's municipal politics.[175] The

[172] See Buylaert and Ramandt, 'The Transformation of Rural Elites', 39–69 and Buylaert and Braekevelt, 'Rural Political Elites and Social Networks', 87–113.

[173] Dombrecht, 'Plattelandsgemeenschappen', 88–90 (table 8) (this study also offers the most strongly substantiated discussion of the political structures of villages in Coastal Flanders). In the castellany of Furnes nobles also owned almost 20 per cent of the land in the late sixteenth century (Vandewalle, *De landbouw in de kasselrij Veurne*, 122–33).

[174] We discuss this development in Chapter 4, Section 4.

[175] For landownership, see Thoen, *Landbouwekonomie en bevolking*, I, 523–4. For the social status of those involved, see Buylaert, *Eeuwen van ambitie*, 288–93.

difference between them and their counterparts in Coastal Flanders was that their huge out-of-town landholdings could not easily be reshaped into large farms. The possibility of that happening was baulked by the seigneurie, which shielded the community from structural social and economic change.

7. Conclusion

Caution is required because sources relating to practice are so scarce, but the absence of revolts against lords, the extremely light seigneurial taxes, the tight regulation of seigneurial rights, the grip of village notables on seigneurial governance and, finally, the small percentage of matter supporting seigneurial interests in custumals and seigneurial court records all point in the same direction: from at least the thirteenth century the subjects of Flemish lords and ladies had an unusual measure of control over seigneurial power and the purposes for which it was used. As elsewhere, in Flanders the seigneurie was an institution that was not only intended to defend the rights and revenues of the lord, but also to safeguard the interests of the community. In Flanders, however, it was the latter that weighed more heavily and gave the seigneurie a lasting legitimacy.

Some historians have romanticized that community interest, but in reality this ideal was articulated in unequal societies. Seigneurial regulations, for all their variety, shared the common goal of alleviating basic social requirements, such as guarding against fire, but the interpretation of that malleable concept of 'good governance' was very disproportionately influenced by the interests of wealthy male peasants who became the seigneurie's officials. Their keen instinct for social reproduction led to a preoccupation with such things as adultery and migration and, conversely, to the neglect of issues like domestic violence or the right of self-determination of individuals of all stripes, who were pushed to the margins of a self-confident peasant patriarchy.

That moral ambivalence also manifests in the structural impact of seigneuries on the long-term development of societies. In addition to the just-mentioned ideal of the harmonious, socially cohesive village community, historians sometimes use the seigneurie as a canvas on which to paint a particularly pessimistic picture of 'pre-modern' societies in which the excessive exercise of power and a lack of market forces caused much human misery. Neither does that cliché correspond to the Flemish situation.

What is certainly correct is that the great fragmentation of agricultural land into smallholdings proved a fundamental impediment to rural economic development and living standards by inhibiting capital investment in labour-saving techniques,[176] which does not mean that those small farms were not market-oriented, despite

[176] See esp. the reflections in Campbell, 'The Agrarian Problem'.

the structural limitation of production possibilities. Flemish seigneuries were positioned in one of the principal loci of the commercial revolution that began in eleventh-century Europe, at which time Inland Flanders also embraced the market. What we do see, however, is that the seigneurie was and continued to be a vital institution, for it allowed the inhabitants of Inland Flanders to steer that progressive process of commercialization in such a way as to stop it going in the same direction as in Coastal Flanders. The choices made by the seigneurie's inhabitants were not those of a society for which capitalism was an unthinkable concept from a still unknowable future. Seigneurial policy was mapped out in an implicit and intuitive dialogue with the trajectory of Coastal Flanders, where commercialization went hand in hand with an increasing separation between capital and production methods on the one hand and labour on the other.

Their rejection of the latter route is understandable. In itself agricultural capitalism was not without its advantages. Since it was a much more productive system than the traditional peasant economy, food crises gradually became a thing of the past. Moreover, in time, agrarian capitalism also became an incentive for the government to create social safety nets as capitalist entrepreneurs were willing to pay the taxes necessary to fund them in order to facilitate the flexibility of the wage labourers required by a wage-labour-based economy. However, those advantages lay far in the future, while the immediate consequences were mostly negative, ranging from expropriation and peasant impoverishment to biodiversity loss.[177] It is hardly surprising, therefore, that the leading forces within the seigneurie opted for social stability when agrarian capitalism came to fruition in neighbouring regions.

Seigneuries are often reduced to a vignette of pre-capitalist and thus also premodern society, but for contemporaries—and also for historians—the moral project of the seigneurie had been and still is linked to that of capitalism, with all its attendant ambivalences, ever since the fourteenth century.[178] We respect our own struggles in balancing the benefits of capitalism against its ever-increasing social and environmental costs—the choices made by the protagonists of this chapter deserve the same respect.

The causes of the unusual situation in Flanders are clear. Seigneuries were unevenly distributed across the county in a reflection of the county's soil composition and as a frozen snapshot of the demographic, economic, and political structures of the tenth and eleventh centuries. In later centuries, this had a decisive influence on the emergence of two different economic trajectories in Coastal and Inland Flanders. At the same time, those developments are not a simple carbon

[177] The negative nature of the immediate effects of economic modernization for rural inhabitants in the Low Countries is strongly emphasized in van Bavel, 'The Medieval Origins of Capitalism', 45–79.
[178] See the historiographical considerations in the Introduction to this study.

copy of the formation of the seigneurial landscape.[179] That the seigneuries made the difference was inextricably linked to another factor, that being the precocious urbanization of the county, which had a decidedly political slant. Towns and cities are often seen as driving economic innovation due to the influx of urban capital in the rural economy, but in the case of Flemish towns the desire to dominate the land around them created a countervailing power. Because the majority of rural inhabitants could evade the civil-law aspects of seigneurial authority via out-burghership if they wished, thenceforth the seigneurie could only continue to function if it was aligned to the interests of the larger and smaller peasants—the milieu that had the most to fear from the destabilizing effects of urban capital.

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[179] That idea of path dependency is highlighted in van Bavel, *Manors and Markets.*

3
Considering the Seigneurie from Within

1. Introduction

In the first two chapters we provided a somewhat abstract picture of Flemish seigneuries. In this chapter we aim to present a rather more three-dimensional image of a single seigneurie, Dadizele, in the castellany of Kortrijk. That part of Flanders encompassed a plethora of seigneuries and a profusion of towns. Dadizele was surrounded by five: two large and three smaller ones. Around fourteen kilometres to the east was the middle-sized Kortrijk; seventeen kilometres to the west was Ypres, one of the county's three 'capitals'. Some thirteen kilometres north of Dadizele was the small town of Roeselare and eight or nine kilometres south, finally, were Wervik and Menen, both on the border with Walloon Flanders. Dadizele is also a clear example of a village seigneurie with high and middle justice. The seigneurie included the village and parish of Dadizele itself and parts of adjoining parishes, and the lord of Dadizele exercised low and middle justice and eventually high justice as well. Thus, a detailed description of Dadizele provides a fairly representative picture of the 800 or so seigneuries with high or middle justice in the county. Dadizele is also typical in the sense that it was ruled by a lay lord, as only 100 or so of these 800 seigneuries were in the hands of an ecclesiastical lord, a town, or the count of Flanders himself.[1]

In this chapter, not only do we set out to add some light and shade to Chapters 1 and 2, but also to address the question of how a seigneurie with higher justice actually worked. As with any form of power, a lay lord's authority was not a clear-cut static entity, but a dynamic and multifaceted relationship between those who exercised power and those over whom it was exercised.[2] Granted, the lord or lady had a legitimate claim on local governance and justice, but he or she needed help in realizing those claims. The jurisdiction of this or that seigneurie described in *dénombrements* was not a self-evident fact, but an assertion of authority that had to be communicated to those involved, who themselves were not passive actors waiting to be told exactly how to interpret and carry out those concise rulings.[3]

[1] For the ownership of seigneuries, see Chapter 4, Section 1 and Chapter 5, Section 4.
[2] See the classic considerations in Mann, *The Sources of Social Power*.
[3] A conceptualization of jurisdiction in terms of claims to power that must be communicated and interpreted in Johnson, 'The Tree and the Rod', 23–5, 44–5, 49, 51.

Moreover, maintaining law and order was labour intensive and required the power to use coercion. Subjects could undermine the authority of their lord or lady, if only by withholding cooperation or by passive resistance. As power is socially embedded in the interests and convictions of those involved, this study of seigneuries must also include the local community. Underlying simple umbrella terms such as 'lordship' to historians and *heerscip* or *dominium* to contemporaries were complex contextual processes that determined how much muscle a seigneurial claim to power had in specific situations. This chapter reconstructs that area of tension in fifteenth-century Dadizele.[4]

The extent and nature of the power lords wielded over their subjects is a crucial question in relation to Flanders. In the previous chapter we indicated how the power of Flemish lords was undermined by out-burghership—how, from the thirteenth century, people living in the countryside could choose to place themselves under the jurisdiction of the town's bench of aldermen rather than the lord's or the castellany's. And how, as a result, towns were able to curb seigneurial power by strengthening the position of well-to-do seigneurial subjects. From the mid-thirteenth century onwards surviving seigneurial customs and accounts reveal that seigneurial subjects had imposed considerable constraints on seigneurial rights, to the point that lords only claimed around 4 per cent of the harvest. This is not to say that the seigneurie became irrelevant. Peasants successfully pushed for seigneurial regulations and public services that were useful to the landed community. Also, the seigneurial courts, staffed by aldermen, did not systematically fall into disuse as some historians have suggested. Lords occasionally abandoned certain rights. In 1502, for example, the lord of Ten Hove in Astene (Kortrijk) frankly admitted in his *dénombrement* that he was entitled to hold public inquests (*waarheden*), but that he had stopped doing so long ago.[5] The customals and *ferieboeken* that we discussed in Chapter 2, however, reveal that, as a rule, seigneurial courts continued to flourish in response to the growing consumption of justice in the form of tutelage arrangements, dispute arbitration, land deeds, and so on. In this chapter we shall also show that criminal justice—the crux of rights of high and middle justice—was alive and well. For example, Erik Thoen has questioned whether Flemish lords with middle or high justice still carried out the death sentences they were in principle authorized to do, but the evidence reveals that seigneurial courts continued to exile and execute individuals who stood convicted of serious crimes.[6]

[4] For contemporary references to *heerscip* for Dadizele see the 1376 *dénombrement* cited in Chapter 1.

[5] This right was still listed in the *dénombrement* of 1514 without any comments about its implementation (see respectively State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080, fol. 409v and no. 1104, fol. 74r).

[6] Thoen, *Landbouwekonomie en bevolking*, I, 405. See also the more nuanced Gunn, Grummitt, and Cools, *War, State, and Society*, 127–32, 334, and esp. 163.

To understand how those life and death decisions were put into effect, as well as more mundane interventions in the lives of villagers, we need to explore the various stakeholders within the seigneurie, their interactions, and, last but not least, how those interactions did—or did not—give steel to seigneurial authority. There is virtually no extant documentation dating from pre-Dutch Revolt Flanders to show how seigneurial jurisdiction and the conflicts and coalitions within a seigneurial community operated, but Dadizele is a fortunate exception. The accounts have long been lost, but a manuscript memoir written in 1480–1 by the lord of Dadizele survives and offers a unique glimpse into his village seigneurie. Even in the case of Dadizele, how the seigneurial regime functioned on a day-to-day basis is still often a matter of guesswork, but there are enough starting points for a critical reflection on the exercise of power in seigneuries with higher justice.

We must be cautious, not only because there are no sources that enable us to compare the exact situation in Dadizele with those in other village seigneuries, but also, and especially, because the memoir paints a rather rosy picture of the lord's power.[7] In 1480 the lord of Dadizele took up his pen to regale a select circle of family and friends with an account of his personal triumphs and the many ways in which they conferred lustre upon himself, his family, and his seigneurie.

As the possessor of a single seigneurie with higher justice, Jan van Dadizele's place was obviously among the lower echelons of Flemish nobility. But most of his life was spent in the orbit of two of the county's most illustrious noble dynasties—the houses of Lalaing and Cleves—both holders of dozens of seigneuries in Flanders and other parts of the Low Countries. Everything changed in early January 1477, when the unexpected death of Charles the Bold plunged the Burgundian Low Countries into crisis. Louis XI of France saw a chance to annex large parts of the Low Countries and sent in his armies, only to be confronted by an alliance of the towns and Charles's daughter, Mary of Burgundy, whose expeditious marriage to Maximilian of Austria had secured Habsburg military support. The conflict with France would drag on for years; in the meantime political friction between the major Flemish towns and the ducal couple increased. It was in this tense situation that the lord of Dadizele, then 45 years old, would come to prominence. In the temporary absence of his patron, Josse de Lalaing, Jan was appointed comital bailiff of Ghent, the largest city in Flanders, and led a combined force of Ghent's urban militia and his own seigneurial soldiery to defend Flanders's southern border against French incursions. His bold effective actions attracted attention; soon he received command of the Flemish army. Following the Battle of Guinegate in August 1479, when the war turned decisively in favour of the

[7] The following discussion is based on a previous analysis of this manuscript in Buylaert and Haemers, 'Record Keeping and Status Performance', 131–50. That study also discusses and corrects the problems with the only available edition of this source. In what follows our reference is always to the original manuscript.

Burgundian-Habsburg Low Countries, Jan was the first member of his family to be knighted and he was also awarded prominent court appointments and duties by Maximilian of Austria and Mary of Burgundy.

In turn, Jan used his advancement to augment his own seigneurie. In 1480, with the approval of the princely administration and his own sub-fief-holders, he bought the seigneurie of Ter Heule—hitherto Dadizele's most important sub-fief—and the fief of Vlienderbeke. According to a *dénombrement* from 1456, the part of the seigneurie directly controlled by the lord (the demesne or so-called *foncier*) then covered twenty-five *bunder* (around thirty-three hectares), but from comparable documents we can see that in 1480 this almost doubled to forty-six *bunder* (some sixty hectares).[8] This was not the first time Jan had improved his seigneurie. In 1462, for instance, he asked for and received from Philip the Good, duke of Burgundy, a privilege for a weekly market. The following year he obtained a privilege for the creation of an archers' guild. It may be that the lord of Dadizele owed the favourable response to his petitions to the support and mediation of the noble Lalaing and Cleves families. Although their intervention did nothing to change the level of penal power Jan could exercise, it was enough to nudge the scales. In the 1462 market privilege the seigneurie was described as having middle and low justice (*la justice moyenne et basse*), but by 1514 it had acquired high justice as well (*hooghe justicie, middele, ende nedere*), according to the *dénombrement* drawn up on behalf of Jan's daughter Maria, lady of Dadizele.[9] Jan's career had reached far greater heights than a low-ranking nobleman could normally expect, and in May 1480—the same month in which he had attached those two fiefs to Dadizele—he sat down to write an account of his seigneurie, his family, and his own life. By combining copies of existing documents such as the aforementioned village privileges with his own judiciously edited memoirs, family trees, and other texts, Sir Jan represented himself as an exemplary lord, paterfamilias, knight, and courtier. What should be borne in mind throughout this chapter, however, is that the key source is written from the distinctly one-sided perspective of a lord who did not propose to hide his light under a bushel. Consequently, what follows is an emphatically contrarian reading of the Dadizele Manuscript in which we seek the perspective of the villagers who have left no texts of their own. The emphasis is on the seigneurie's social base.[10]

[8] See Ms Dadizele, fols 140v–141v (1480), fols 6r–7v (1456), fols 8r–10r (1480); State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080, fol. 131r (1502) and Archives Départementales du Nord, série B, no. 4010, fol. 47r (1514). Vlienderbeke was a sub-fief of Ter Heule, owned by the lord.

[9] Ms Dadizele, fol. 87v (1462): a later hand has inserted *haute* above *moyenne*. Since the manuscript remained in the possession of the lords of Dadizele in later centuries, this interpolation is presumably by a sixteenth- or seventeenth-century lord of Dadizele.

[10] Theoretically, this approach is based on the tradition of 'resistant reading' or 'reading against the grain' that developed in the post-war study of texts.

That approach is made somewhat easier by the lord of Dadizele's own methodology. He may have assumed that as a nobleman his word would be beyond doubt, for he evidently saw no need to produce an irrefutable text that would never be brought into critical question (unless and until it was compared with other sources). He seems to have had few qualms about being economical with the truth or keeping the family's dirty washing well out of sight. Nevertheless, comparison with other documents shows that he transcribed his chosen extracts accurately and on occasion even included information that contradicts his own assertions. He invariably represented himself as 'Jan, lord of Dadizele', for example, claiming in the manuscript's first chapter that his family had held the seigneurie since time immemorial and that his own family name was therefore derived from it. Yet elsewhere in the manuscript we learn that his family only acquired the seigneurie in 1332, when the dynasty who held it originally died out. Although his actual name—Jan van Veerdegem—appears nowhere in the manuscript, the text is a fairly transparent document, and he seems to have relied on his friends and family having the courtesy to go along with the fiction that his noble status, lordship, family tree, and coat of arms could be traced back through the mists of time.[11] What contributed to the relatively reliable composition of the manuscript is that Jan also sought accurately to record matters that could give rise to disputation at some point. He mentions, for instance, that his family trees would help his descendants to know what their claims to their inheritance were and to enforce them in court if necessary.[12] All in all, the manuscript shows us something about the power relationships within the seigneurie, even if these relations do not always correspond to the image of an energetic lord.

Our interpretation of Dadizele as a seigneurie with high justice hovers between the sanguine image depicted by Jan, lord of Dadizele, and the gloomy view of post-war historians. This case shows that a seigneurie was only one element in a web of institutions and interest groups that together gave direction to a local village community. In the next section we outline the morphology of the seigneurie of Dadizele. Then, in the third section we show how Dadizele's peasantry was also successful in regulating and curtailing a local lord's demands. Taking centre stage in the fourth section is a factor of no small importance in relationships between lords and peasants, that being the organization of the latter into a village community that largely revolved around the parish. For the parish could act not only as a support to a lord, but also as a counterweight. That a lord was apparently dependent on the cooperation of the village's leading families to put his claims to authority into practice is revealed by the evidence we discuss in the fifth and final section The exceptional case study of Dadizele suggests that the lord

[11] See esp. Buylaert and Haemers, 'Record Keeping and Status Performance', 139–44. For a full discussion of Jan's family name, see Chapter 5, Section 2.

[12] Ms Dadizele, fol. 16r.

who had lost the support of his villagers must have been virtually powerless, but if he identified himself as the mouthpiece and leader of local elites his administrative claims would have been buttressed by the socio-economic divisions within the local community. When an entente existed between a lord and his most well-to-do subjects, lower-ranking social groups faced a seigneurial regime with a considerable capacity for coercion and control. That social collaboration between lords and village elites is what gave staying power to the self-confident image projected by the lord of Dadizele in his memoir and, for that matter, by the lord of Rumbeke in the painting described in the opening pages of this book.

2. The Seigneurie of Dadizele in Word and Image

The Dadizele Manuscript is a paper manuscript containing 238 paginated folios divided into 42 chapters. It has a table of contents and the chapters are copiously cross-referenced. The meticulous layout and the complete absence of deletions or erasures gives the impression that the lord of Dadizele devoted considerable thought to the project before he (or his clerk) put pen to paper.[13] The descriptive title shows that Sir Jan had a clear idea of what his manuscript was to cover:

> Register begun in the year 1480. Concerning Jan, lord of Dadizele, knight, namely a part of his life, the seigneuries, fiefs and other properties belonging to him with all their appendants, either in a feudal or allodial manner; his kinship relations; copies of the letters of commission of the offices he fulfilled as well as many other texts concerning many diverse topics.[14]

In October 1481 Sir Jan was assassinated, a victim of the increasing intrigues and tensions at court: consequently his memoir was never completed.[15] He had intended it to double as a memorial to his own triumphs and, presumably, as the start of what would become a family chronicle, since he left parts of it blank, to be filled in after his death—spaces in which to complete the list of lords of Dadizele (Ms chapter 4) and the genealogy of his own family (Ms chapter 5), for instance. His descendants left his work unfinished, perhaps from a feeling of pious respect for Jan, who meanwhile lived on in the collective memory as a tragic paladin whose end came not on the battlefield, but as a victim of the antipathy between

[13] Jan had received an excellent education, discussed in Buylaert and Haemers, 'Record Keeping and Status Performance', 137–8. He also had a clerk in his service in 1479 (Ms Dadizele, fol. 43r).

[14] 'Register beghinnen maken int jaer duust vierhondert ende tachentich. Angaende Jan, heere van Dadiselle, ruddere, te wetene een ghedeel van zijnen levene, de heerlicheden, leenen ende andere goedijnghen hem toebehoorende met al datter toebehoort ende af ghehouden es in leene ende in erve; tmaechscip van zijnen kinderen; coppien vanden commissien daer af hij de officien excerceerde ende van vele andere lettren metgaders vele andere diversche zaken etc.'

[15] We discuss the circumstances of his death in Haemers and Buylaert, 'Murder as "Good Lordship"'.

the Flemish towns and the Burgundian-Habsburg court that spilled over into a decade of civil war (1482 to 1492). Although some details were never filled in, the manuscript is still sufficiently complete for us to follow the arc that Jan had in mind. It starts with the presentation to the reader of Sir Jan van Dadizele as a nobleman with middle justice. The first chapter is a survey of the so-called *borch-ghenootsceipe*, the twelve most important seigneuries held from the feudal court of the castellany of Kortrijk. The names of the men who were the lords of each of those seigneuries in 1480 are listed, together with their coats of arms (Figure 2). Jan himself appears in eighth place as 'Jan, lord of Dadizele. He has the [family] name, the full coat of arms, and the seigneurie' (*Jan, heere van Dadiselle. Hij heift de name, vulle wapene ende heerlichede*). As mentioned above, and as discussed in full in Chapter 5, by using that wording, Jan van Veerdegem was attempting to create the erroneous impression that his dynasty could be traced back into the distant past along an unbroken chain of lords of Dadizele, whereas in reality, his antecedents, though notable enough, had only acquired the seigneurie and the concomitant noble cachet in the early fourteenth century.

The chapter continues with a more detailed description of Dadizele based on the transcription of three *dénombrements*, the earliest having been submitted by his great-grandfather in 1376 and the most recent by himself in 1456. The second chapter contains a comprehensive account of Dadizele as it was in May 1480, the month in which the manuscript was started, and the third chapter gives only a further explanation of several seigneurial rights. Then the focus shifts to the lords of Dadizele and their families. The fourth chapter is a review of the successive lords and ladies of Dadizele from the thirteenth century onwards, while the fifth begins with the genealogy of the Van Veerdegem family, starting from Jan's grandfather, and continues with the lineage of Jan's mother (the Patijns, a Kortrijk family). After briefly enumerating some of the many illegitimate children of his noble house (*Bastaerden van der name van Dadiselle*), Jan concludes the chapter with the ancestry of his wife's family (the Breydels of Bruges).[16] In the sixth chapter he turns his attention to the seigneurie once more, listing some of its diverse rules and customs. He elaborates on these in the seventh chapter, which also contains a list of all the office-holders (*dienlinghen*) of the parish church and seigneurie as of July 1480. Similarly, the eighth chapter records all Dadizele's sub-fief-holders, as well as those of Ter Heule, the largest of the two fiefs that Jan added to Dadizele that year. In chapter 9 the perspective shifts from peace to war as Sir Jan lists the names of the villagers who fought under his leadership in the summer of 1479: in campaigning against the French he not only deployed Ghent's urban militia, but also frequently mobilized his own seigneurial militia and encouraged neighbouring lords to do the same. The tenth chapter brings the first part of the manuscript

[16] For a discussion of the family's marriage patterns, see Chapter 2, Section 5.

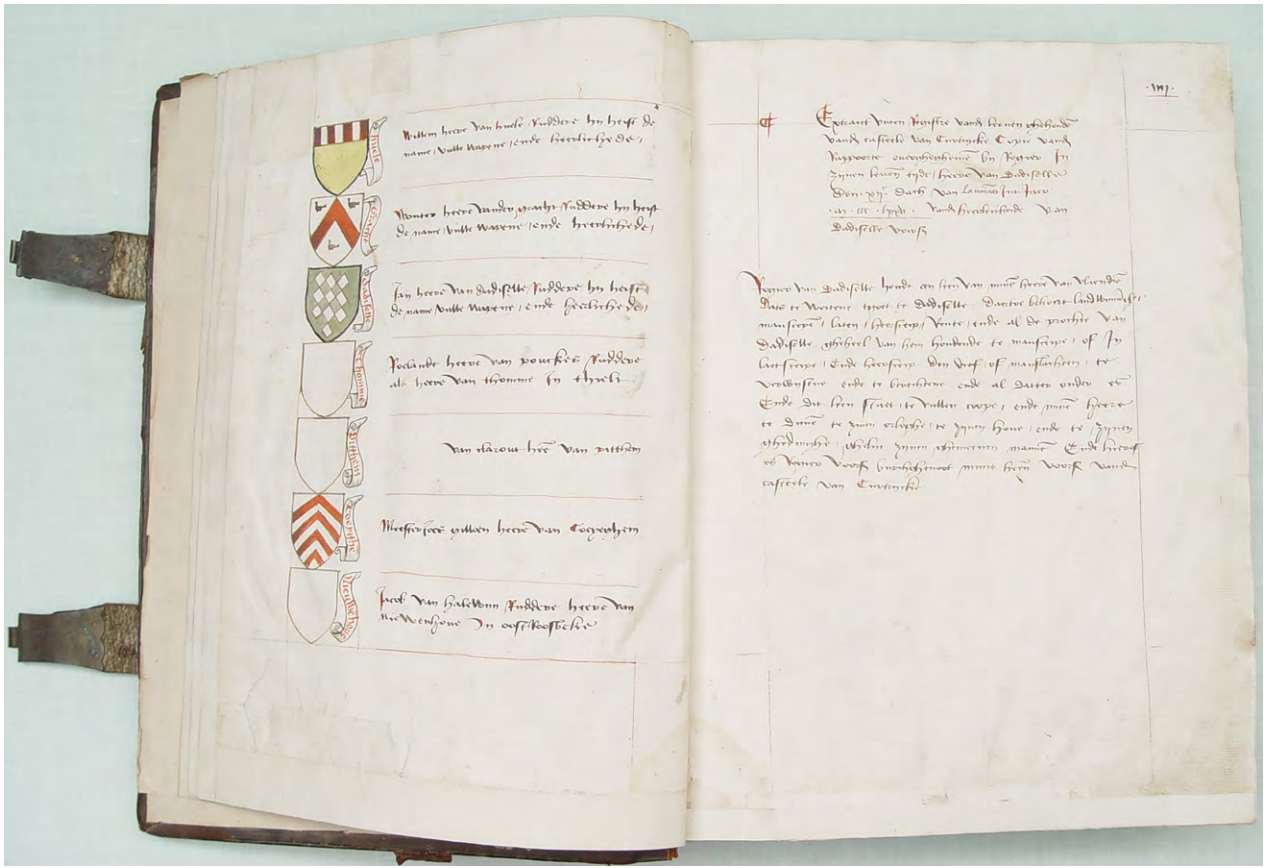

Figure 2 The Dadizele Manuscript, fols 3v–4r. The photograph shows, on the verso, the last page of the first chapter. Dadizele is in third place, with the author's name and coat of arms. On the next page is the transcription of the short *dénombrement* submitted in 1376 by Rogier van Veerdegem, Jan van Dadizele's great-grandfather.

to a close with a gallimaufry of items pertaining to the seigneurie, ranging from the date of the first archery competition held after the guild was founded in 1463 to a list of all the dignitaries—including scions of the ducal family and several high-born foreign nobles—who had made the pilgrimage to the popular shrine of Our Lady of Dadizele and whom Sir Jan had invited to dine at his table.

The second part of the manuscript begins with chapter 11. It consists of some fifteen folios of personal memoirs that were never finished (Jan still had another ten folios to fill, but his murder in the autumn of 1481 brought his tale to a premature end). Jan's autobiographical narrative scrupulously followed the conventions of the genre. Like other noblemen, his emphasis was not on his own development or analytical historiography, but on the inventorying of illustrious exploits.[17] Having noted his birth in 1432 and his succession to the seigneurie at the age of 9 following his father's death in 1441, he spent no more than a page describing his studies with a schoolmaster in Lille and Arras, his further training as one of Simon de Lalaing's retainers, his first experiences of military action during the suppression of the Ghent Revolt in 1449–53, and finally his marriage and the birth of his children. The memoir then continues with extremely detailed descriptions of his military and political activities from the late 1460s up until the eve of his death (we provide an analysis in Chapter 6). A barrage of supporting documentation follows—copies of letters of appointment, accolades, and important items of correspondence—to make up chapters 12–30. This second part of the manuscript builds on the first in the sense that the memoir deals extensively with Jan's actions involving Dadizele's village militia. Also among the many copies are the three aforementioned charters that enhanced his standing as lord—the privileges enabling him to hold a market (Ms chapter 14) and found an archers' guild (Ms chapter 15), and for the annexation of Ter Heule (Ms chapter 28). Thus the second part of the manuscript not only shows how Sir Jan used his position as lord as the basis for his role as knight, military commander, and courtier, but also how those activities reciprocally elevated the seigneurie.

The third and last cluster of texts (Ms chapters 31–42) rounds off the manuscript by itemizing Jan's other possessions. Heading the list are the 'diverse small seigneuries' (*diversche cleene heerlicheden*) that he owned in addition to Dadizele. He then enumerates all the fiefs and other possessions that he owned himself or that had accrued to him through his mother or wife, as well as the sub-fief-holders of those fiefs. Finally, Jan returned to Dadizele with two chapters listing some of the seigneurial rents in the village.

The structure of the manuscript corresponds remarkably well with the findings outlined in the first and fourth chapters of this study. First, Jan made a very clear distinction between seigneuries with higher justice and seigneuries with low justice. The description of his one seigneurie with higher justice, Dadizele, is the

[17] Harari, *Renaissance Military Memoirs*.

starting point and rationale for his entire literary project, whereas the seigneuries with low justice are tucked away at the end. The common denominator of the 'diverse small seigneuries' is that none of them had the rights which, as described in Chapter 1 of this book, were associated with high or middle justice. Second, reflecting a key finding in our Chapter 4, Jan privileged his one seigneurie with higher justice because it could convey a seigneurial title and a claim to noble status, which seigneuries with low justice could not, however many a lord might own. In the manuscript's title, Jan presents himself categorically as a nobleman, a knight, and a lord. That he had the right to do so appears from the transcription of a receipt he received in 1457 from the nobleman Jacob Scaec, then bailiff of Kortrijk, acknowledging the arrival in good order of a *dénombrement* from the 'noble and honourable Jan, lord of Dadizele' (*eedelen ende weerden Jan, heere van Dadiselle*), also as described in our Chapter 1.[18] Thus the manuscript shows how seigneuries with higher justice were the basis of nobility and how that nobility was put into exemplary practice by Jan.

The first ten chapters of the manuscript, to which details from later chapters have been added as well as a number of other *dénombrements*, paint an unusually sharp picture of a seigneurie with higher justice in the late fifteenth and early sixteenth centuries. We begin with the core of the seigneurie, namely the demesne or *foncier*, the part of the seigneurie that was under the lord's direct control. Covering an area of around sixty hectares it formed a continuous piece of land, the only enclaves being the church, the churchyard and presbytery (*de priestrage*), and the land on which a few houses were built. The seigneurial residence stood next to the parish church and churchyard and consisted of two parts, the upper court and the lower court. In 1480 Jan described it as follows:

> The manor [*tHof*] at Dadizele, the house standing on the motte, circumvallated and with a drawbridge connecting the lower court and the churchyard. The lower court with all buildings, barns, the horse mill, the brewery, and the gatehouse roofed with stone tiles, and a back gate…[19]

Like his contemporaries, Jan was not prone to referring to his home as his castle, but it was obviously a fortified manor house built on top of a motte and surrounded by a moat. The lower courtyard, housing various outbuildings such as the brewery and stables, was probably fortified as well, given the reference to a stone gatehouse. Seen as a whole it no doubt made for a great contrast with the village's single-storey cottages, often still built of wood or daub and thatched.

[18] This text is reproduced in its entirety in Chapter 1.

[19] 'tHof te Dadiselle, de huzinghe up de mote metter dobbel brugghe gaende up 't kerckhof ende in 't nederhof. T'nederhof met alle den husynghen, scuere, stallen, orsmuellene, brauwerie, voirpoorte steenin ghedect met teghelen, ende eene achterpoorte…' Ms Dadizele, fol. 220r.

Today nothing remains of the seigneurial manor house or the outbuildings, but we can get some idea of what they looked like from Vichte, a better preserved seigneurie on the other side of the castellany of Kortrijk, close to the border with Oudenaarde. Vichte's demesne had a similar morphological structure with an upper and lower court next to the parish church (Figure 3). The present chateau dates from the eighteenth century, but the gatehouse (Figure 4) and the free-standing dovecote are from the early fifteenth century and one of the brick barns (Figure 5) was built between 1502 and 1523 during the lordship of Jacob van Speelt and his wife Florentina Wielant, daughter of the jurist Filips Wielant whose treatise on feudal rights was discussed in Chapter 1.

The descriptions of Dadizele make no reference to a dovecote like the one in Vichte, which is curious when we consider how effectively it could be deployed as a weapon in asserting a lord's or landowner's ascendancy over the local peasants. Pigeons gorged on grain scattered in the fields, which reduced the harvest yield, so keeping pigeons for the table was only feasible for someone with the power to prevent peasants from killing the birds in much the same way as rooks and crows were systematically exterminated in parts of the county. In Flanders, keeping pigeons was not a noble privilege, as it was in England, for instance; even so, paintings of

Figures 3, 4, and 5 Aerial photograph of the upper and lower courts of the seigneurie of Vichte (the original moat between the upper and lower courts has been filled in). The parish church lies to the north of the manor. Figure 4 shows the gatehouse. Figure 5 shows one of the great barns with the coats of arms of Jacob van Speelt and Florentina Wielant incorporated in the brickwork. (Philippe Despriet, V.Z.W. Archaeology South West Flanders; see also his publication *De dorpsheerlijkheid*, 22, 26–7).

Figures 3, 4, and 5 Continued.

noble families often featured a dovecote.[20] Whatever the case, Dadizele's lower court certainly included barns, stables, a brewhouse, and a horse mill (*orsmuellene*), whose shutters and doors were presumably painted in the lord's heraldic colours—argent and sinople (silver and green).[21]

Dadizele village itself lay mainly to the east of that double core of parish church and seigneurial residence, at the crossroads of highways connecting Kortrijk and

[20] For a detailed early sixteenth-century example, including references to other examples, see Born et al., 'The Van Pottelsberghe–Van Steenlant Triptych', 508–12. For England, see Creighton, *Designs upon the Land*, 106. We have also relied on Thijs Lambrecht's ongoing research.

[21] This is the case in the well-preserved courtyard at Nieuwenhove-Waregem (Despriet, *De dorpsheerlijkheid*, 104).

Figures 3, 4, and 5 Continued.

Ypres and Bruges and Lille respectively. Evidence for other seigneuries suggests that the nucleated village only constituted some 5 per cent of the surface area of the parish of Dadizele.[22] The 1469 hearth count shows a community of 178 households, of which nine were too poor to pay taxes and presumably made frequent application to the lord's two almoners.[23] Thus, based on the current estimate that an average household consisted of four or five individuals, there would have been between 800 and 900 people living in Dadizele when Sir Jan was its lord.[24]

[22] See esp. Van der Hoeven, 'De heerlijkheid Herzele', 9, 16.

[23] In addition to a bailiff and under-bailiff, a bench of seven aldermen, and a sergeant, Jan also mentions two almoners among the staff of his seigneurie (Ms Dadizele, fol. 40r).

[24] De Smet, 'Le dénombrement de foyers', 130. A critical discussion of this source and the available attempts at demographic extrapolation in Stabel, *Dwarfs among Giants*, 24.

Those figures put Dadizele somewhere between the large villages and the smallest towns in the county. At that time most small towns had a population of at least 2,000, but Roeselare, a townlet some thirteen kilometres away, had between 1,200 and 1,500 inhabitants and Broekburg, in the extremely rural Broekburg castellany, had barely a thousand.[25] Dadizele was thus the largest village in the Roede van Menen, as the part of the castellany in which it was situated was called. The nearby villages of Geluwe and Wevelgem each had around 700 inhabitants, as did Izegem, slightly further away. Gullegem and Moorsele both had populations in the region of 600; Heule and Lendelede each had around 500 inhabitants. Bringing up the rear were Emelgem and Bissegem, two hamlets with 300 and 100 inhabitants respectively.[26]

Population figures were not the only factors to determine whether or not a settlement had an urban allure: its outward appearance also mattered. Interestingly in that connection, Jan's description suggests that parts of the village were walled, which would contribute to a certain small-town cachet:

> The church, the presbytery, the upper court, the lower court with horse mill and brewery, the square [*plaetse*], the market, many neighbourhoods and several orchards are demarcated with gates, ramparts, hedges, and water; it is a beautiful site of pilgrimage with great appeal, a beautiful church where every day the seven services and high mass are held with a dean and sub-dean, as well as many other masses and godly services…[27]

In the absence of archaeological research we can only guess at how much of the community was actually surrounded by walls, but given the references to the 'east gate' (*oistpoorte*) and the 'west gate… of the Ypres road' (*westpoorte… vander Yperstrate*) there were gatehouses at the points where the highroads entered the village.

The extract above also refers to the factor that explains why Dadizele was heading towards small-town stature. With the increase in Marian veneration the parish church, dedicated to Our Lady of Dadizele, had become a popular place of pilgrimage, with at least twenty-five miracles attributed to the local Marian cult by the mid-sixteenth century.[28] In 1480, Dadizele had a fully-fledged hospital

[25] Stabel, *Dwarfs among Giants*, 30, 35.

[26] D'Hoop, 'Sociaal-ekonomische strukturatie', 57. This older estimate of population figures based on the 1469 hearth count assumes a coefficient of 4.8, which would amount to 854 inhabitants in Dadizele.

[27] 'De kercke, priestrage, upperhof, nederhof met orsmeulene ende brauwerie, de plaetse, de maerct, veel ghebuers ende diversche boomgaerden zyn tsamen bevreit met poorten, vesten, haghen ende water; het es een scone pelgrimage, groot appoort, scoon kercke daer men doet alle daghen de vii ghetyden, de hoogmesse met dyaken, subdyakene, ghegheurt, ende veil andere messen ende godlic dienst…' Ms Dadizele, fol. 10r.

[28] Coulon, *Geschiedenis van Dadizeele*, 157–67.

(*gasthuus*) and no fewer than ten inns, the equivalent of one inn per eighty or ninety inhabitants, whereas the more usual ratio was around one inn per 200 inhabitants.[29] The village also boasted a blacksmith (*de smesse*), a school (*de scole*), and 'the hall' (*de halle*). The evidence for another seigneurie, Herzele (Aalst), reveals that the hall was a building with a dual function. The fifteenth-century hall of Herzele consisted of two interconnected buildings. One had an imposing edifice with a stone roof and a vault in which to keep the administration of the seigneurial court, as well as a mechanical clock with a single hand indicating the hour. The aldermen gathered here to govern the village and to issue sentences. The pillory was situated in front of this permanent seigneurial court. The other building, which was larger though its roof was only of thatch, combined the stalls of the meat market with stables for cattle who were brought there for slaughter or sale.[30] We may suspect that the Dadizele hall was fairly similar, and that it was adjacent to the marketplace. In 1462, Jan had winkled a privilege out of the duke in 1462 for a weekly market on Wednesdays and an annual fair (*france foire*) on 15 September—although, as he noted in 1480, the latter had never got off the ground.[31] In any case, the economic stimulus from wealthy visitors explains Dadizele's ample service facilities and relatively large population.

Surrounding the seigneurial demesne and the village were the parts of the seigneurie that consisted of pastureland, orchards, woodland, ponds, and meadows. As a rule, most of the agricultural land would have been parcelled out to peasant families as tenancies in exchange for a fixed seigneurial land rent (*cijns*) rather than cultivated by the lord himself. How extensive the whole seigneurie was remains a question. *Dénombrements* state only the area of the demesne and a general indication of the territory over which the lord had jurisdiction. In the case of Dadizele, seigneurial jurisdiction covered the entire parish of Dadizele, as well as parts of the parishes of Ledegem and Geluwe, the centres of those villages being situated respectively one kilometre east and six kilometres south of Dadizele. At least some parts of Geluwe previously fell under the aegis of the bailiff of Kortrijk. Contemporaries would have had little doubt about the exact boundaries of the seigneurie of Dadizele, as it was customary to mark jurisdictional borders with posts, hedges, ditches, or by particular topographic features.[32] The twenty subfiefs that belonged to the seigneurie in 1480 will have been situated mainly within the jurisdictional territory of the lord.[33]

Taken as a whole, by Flemish standards Dadizele was obviously a substantial seigneurie with a lord holding sway over a comparatively sizeable village

[29] Soly, 'Kroeglopen in Brabant en Vlaanderen', 570.
[30] Van der Hoeven, 'De heerlijkheid Herzele', 21–2, 80.
[31] These facilities are listed in Ms Dadizele, fols 220r–222v.
[32] Johnson, 'The Tree and the Rod', *passim*.
[33] Evidence that *justicie ende heerlichede* followed the fief in Opsommer, *Het leenrecht in Vlaanderen*, I, 250.

community. The privilege granted by Philip the Good in August 1463, allowing Sir Jan to establish an archers' guild, literally says as much: the petition was reasonable, it states, because the seigneurie was a large one (*assez grande et spacieuse*), but whether this referred to the size of the fief's jurisdiction, the number of inhabitants, or a combination of both, is anyone's guess.[34] Today, virtually nothing remains of the seigneurie, but aerial photographs do show that the church and the seigneurial residence were next to one another.

The morphology of the estate is probably also accurately depicted in an etching of Dadizele that dates from the second quarter of the seventeenth century (Figure 6). The church in the etching is not the one that was rebuilt in Jan's lifetime to accommodate the increasing number of pilgrims—that building was burned down by a small army of Scottish Calvinists in the early 1580s.[35] Whether the three-storey stone-tiled *'sHeeren-huys*, home to Martin de Croix, the lord at the time, was still the same edifice in which Jan had lived a century and a half earlier, we can only speculate. The De Croix family, who had ruled Dadizele since the early sixteenth century, did own other seigneuries as well, but Martin would die in Dadizele

Figure 6 Dadizele as illustrated in Sanderus, *Flandria Illustrata*, II, 444. The illustration was produced in the 1630s by Vedastus du Plovich, a land surveyor, who demonstrably went on location on behalf of Sanderus (see Lauwers, 'Studie van het iconografisch corpus', I, 54–67). Provided by Ghent University Library.

[34] Ms Dadizele, fol. 91v and corroborated by another copy (State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7351, fol. 230v).

[35] Coulon, *Geschiedenis van Dadizeele*, 94–5 and 71–5 for a survey of the lords and ladies.

in 1651 and his nephew and successor was born there in 1618, indicating that the family spent at least part of their time in Dadizele, so may have invested in the renovation or perhaps even the rebuilding of the seigneurial residence. While the strictly laid-out parterre reflects the seventeenth-century fashion for formal gardens, the relative disposition of the church, the village, and the upper and lower courts, including a drawbridge, gatehouse, and back gate, is a good match for Jan's descriptions cited above.

The spatial arrangements of the seigneurie were not innocuous, but an important forum for both articulating and contesting seigneurial power. The seigneurie derived its power not only from the lord's formal legal rights, but also from its existence as a material and spatial object. The privileged position of the seigneurial residence next to the parish church gave the impression that this was the secular and religious centre of the community, while the moat and its drawbridge was a reminder not only of the military prominence of noble lords, but also that public access to the lower and upper courts depended on the lord's authorization. At the same time, those spaces were often crucial to the community. Seigneurial justice was sometimes conducted out in the open, or under a tree, although in England the manor house's great hall was usually the preferred venue and this may also have been true for some Flemish seigneuries. In Dadizele, the aldermen probably convened in the *halle* rather than in the lord's residence, but this building too was owned by Jan.[36] In any case, the subjects of Dadizele had to enter the lower court through the gatehouse to hand over seigneurial rents and taxes that were paid in kind, or for the use of the mill and brewhouse. The seigneurie was essentially a private property claim to public powers and the seigneurial demesne was consequently both a private residence and a public space which always reminded those involved of that arrangement.[37]

Contemporaries intuitively sensed how the perception of space could contribute to the lord's power because they themselves felt how their freedom of movement was restricted. A particularly fine example in this context is Middelburg-in-Vlaanderen (Liberty of Bruges), a new seigneurie created in 1458 by Philip the Good for Pieter Bladelin, one of his confidants and financial advisers. Bladelin had amassed a huge fortune and could therefore envisage his seigneurie in far grander terms than Jan, lord of Dadizele. Even so, his basic structure was much the same, with an upper and lower court implanted together with the church next to the actual settlement. But Bladelin planned his upper and lower court along the lines of a full-scale castle, and he aimed at the foundation of a town rather than a village. To visitors and subjects alike the entire design was a very conspicuous

[36] In the seigneurie of Avelgem (Oudenaarde), the seigneurial tribunal met on four stone benches under three lime trees: Martyn, 'Hoge justitie in Avelgem', 257. For the seigneurie of Terdegem (Kassel), we know that the seigneurial aldermen met in a tavern (see Chapter 6, Section 3).

[37] See the reflections in Neuschel, *Word of Honor*, 183; Neuschel, 'Noble Households', 618–21. See also Coss, *The Foundations of Gentry Life*.

command to acknowledge the lord's presence. Middelburg-in-Vlaanderen lay on the Aardenburg to Bruges road, which ran straight through the town before curving around the foot of the castle and continuing directly to Bruges. The castle itself was also designed to impress, with Bladelin's emblems interwoven with those of his Burgundian patron in expensive tilework. Presumably the various ducal pilgrimages to the Church of Our Lady of Dadizele produced a similar effect: Philip the Good came in 1463, followed by his successors Charles the Bold in 1469 and Mary of Burgundy and Maximilian of Austria in 1478 and again in 1479. That no less a prince than the duke of Burgundy would come to Dadizele must have dazzled the villagers and enhanced Jan van Dadizele's power, for not only did he host the ducal parties on those occasions, but also demonstrated that he had enough contacts at court to acquire two privileges, in 1462 and 1463.[38] Be that as it may, the fact that the owner-cum-architect of Middelburg-in-Vlaanderen replicated the spatial organization of Dadizele or Vichte, albeit on a much grander scale, suggests that such a layout advantaged the lord.

At the same time, this spatial perspective also evokes the powers opposing the seigneurie. In the wake of Michel de Certeau, historians are increasingly aware that in everyday life the intended victims of such spatial arrangements struck back by deviating from the paths they were meant to use.[39] Given the lack of sources the historian can only imagine what daily life in Dadizele would have been like in the late fifteenth and sixteenth centuries: that said, it is not hard to envisage Jan's exasperation on discovering his subjects making their uninvited way into the courtyard or even the manor house via the back gate, ignoring his convenient covered hall, and using shortcuts and detours to subvert the circumscriptive purpose of gates, roads, and hedges. Over time those choices became embedded in the landscape, for unlike Middelburg-in-Flanders, most seigneuries had grown organically. Lords and their abetters, such as Antonius Sanderus, projected an ideological and jurisdictional fiction in their texts and images relating to seigneuries, but this was in constant tension with social processes in which the initiative was far from always being with the lord, or so we argue in the rest of this chapter.[40]

3. Lords and Peasants

In the village community of Dadizele peasants were undoubtedly the largest group. As discussed in Chapter 2, peasants had considerable control over the land they worked in exchange for paying their rents (*cijns*) to the lord, to the point that

[38] De Clercq, Dumolyn, and Haemers, '"Vivre Noblement"', 1–31.

[39] The key contribution is 'Walking in the City' in de Certeau, *The Practice of Everyday Life*, 91–130, 218–21.

[40] For the ideological approach in the work of Sanderus, see Lauwers, 'Studie van het iconografisch corpus', 142.

their tenancies were inheritable. The firm control of the land implicit in the modern concept of ownership was limited to the demesne—that part of a seigneurie reserved for the lord's own use. By the time Jan became lord of Dadizele it had already been the case for centuries that as long as they paid their seigneurial rents it was virtually impossible to deprive peasants of their usufruct.

Although there are no studies of Dadizele itself as yet, the property ratios and the landscape enable us to hazard some guesses. In the fertile sandy loam region of Inland Flanders, where Dadizele was situated, the landscape was largely in the hands of peasants living on small farmsteads (up to five hectares) or limited landholdings (five to ten hectares), who together dominated around two-thirds of the agricultural acreage. The rest of the land was taken up by medium-sized farms (ten to twenty-five hectares) and the occasional sizeable farm such as the lord of Dadizele's own demesne, which was enlarged from thirty-three to sixty hectares in 1480.[41] The region around Kortrijk was thick with fiefs, which in principle could not be split up and divided among multiple heirs, thus contributing to the fact that there, more than elsewhere in Inland Flanders, there were still one or two larger agricultural operations in the sea of small and very small farms. Those somewhat larger farms were often owned by prosperous townspeople who, between 1250 and 1450, had systematically bought up small pieces of land and merged them into larger properties that were subsequently leased to well-to-do agricultural entrepreneurs from the region, but that trend was never typical of Inland Flanders. The smallholders perpetuated their use of their large percentage of the land into the nineteenth century, employing the highly developed land market for generation after generation to piece parcels of land together into ever smaller farms for each of their children. That those smallholdings continued to be viable was to some extent due to symbiotic exchanges of capital and labour with their larger neighbours. For instance, as mentioned in the previous chapter, a smallholder would often work on a larger farm and in return would be allowed to borrow a valuable draught horse to plough his own land.[42] He and his family could also earn extra income by growing industrial crops (such as the flax from which linen was made), vegetables, or fruit for the urban market. Before they were given their own farms, the peasant's young sons and daughters would often work as seasonal labourers on a large farm in the village or on the sizeable agricultural operations in Coastal Flanders, or as maids and servants in urban households, which also brought in additional income. Because the small-scale peasants earned enough to support themselves and pay their seigneurial rents, they could not be evicted from their farms. Thus, regardless of the lord's

[41] The typology is taken from Soens, *De spade in de dijk*, 73–4, *passim* and esp. 62 for the presence of larger farms in heavily feudalized Kortrijk. See further esp. Soens, Stabel, and Van de Walle, 'An Urbanised Countryside?', 56 for a discussion of property ratios in Beselare, which lay next to Dadizele.

[42] See esp. Lambrecht, *Een grote hoeve in een klein dorp*.

opinion on the matter, they could continue to make their own decisions and manage their own enterprises.

One of the main reasons for a lord's limited authority over the local peasantry was out-burghership. As mentioned in the previous chapter, in Flanders rural inhabitants could escape their lord's judicial control by becoming an out-burgher of a town. Quite a few of Dadizele's peasants took advantage of the opportunity, most of them choosing to become out-burghers of Kortrijk, some fourteen kilometres away. In the fourteenth century that middling-sized town of around 5,000 inhabitants already had 7,800 out-burghers.[43] Comparison of a surviving list of out-burghers from 1440 with the list of subsequent registrations to the 1469 hearth count suggests that by 1470 no fewer than 280 of Dadizele's villagers—almost 30 per cent—had out-burgher status. Comparable estimates for other villages in the castellany of Kortrijk are often even higher—77 per cent in the case of the seigneurie of Heule, for example.[44] In such circumstances, the lord's judicial powers could not be brought to bear on smallholders.

Another reason why peasants were able to defend their interests is that they probably had little trouble paying their seigneurial rents. By the fifteenth century these were already so negligible that even poor peasants could still pay them. The seigneurial rents of Dadizele, which were meticulously documented by Sir Jan, provide a clear example. The lord of Dadizele not only made a note of what his own seigneurial rents were, but also how they had evolved since the early fourteenth century. In his manuscript Jan referred to the state of the seigneurie at the time of Adelise, lady of Dadizele, until her death in 1332. Adelise had a right to an annual cash rent of 15 pounds *parisis*, an oat rent of 148 *rasier* (a measure of grain equivalent to around 132 litres in the castellany of Kortrijk), sixteen capons, six geese, and finally three hens. In the *dénombrement* that Jan had drawn up in 1456 there is no change in the numbers of fowl demanded, but the cash rent has risen to 54 pounds *parisis* and the oat rent has fallen to 144 *rasier*. In 1480, when Jan enlarged his seigneurie with the acquisition of Ter Heule, the oat rent rose to 178 *rasier* due to the 34-*rasier* oat rent attached to the added land. The 54 pounds *parisis* cash rent remained unchanged. In the century and a half between Adelise's death in 1332 and Jan's murder in 1481, both the cash rent and oat rent had increased, but the main features of the revenues from seigneurial rights were more or less fixed. That the seigneurial rents in Dadizele were paid in kind was to Jan's advantage. In previous centuries many a lord had agreed to the commutation of payment in kind into a fixed cash sum, which over time had been devalued by inflation. The lord of Dadizele's rents were therefore not only fairly stable, but also inflation proof.

[43] Stabel, *Dwarfs among Giants*, 103.

[44] The estimate is taken from D'Hoop, 'Sociaal-ekonomische strukturatie', 57. State Archives in Kortrijk, Oud Stadsarchief Kortrijk, Poorters- en buitenpoorterslijsten, no. 7 (belastingrol poorters) (fol. 69r–v in the modern foliation) (my thanks to Thijs Lambrecht).

Like any seigneurie with higher justice, of course, Dadizele had a substantial range of other rights and privileges, including the criminal and administrative powers that distinguished it from seigneuries with low justice, but these probably generated little if any revenue. Available studies on seigneuries elsewhere in Europe suggest that while seigneurial justice gave a lord prestige it also cost money, with revenue from fines and confiscations not always enough to cover the expenses that came with criminal sentences.[45] Some seigneuries had banal rights, which obliged inhabitants to use the lord's mill or oven or brewery, or his winepress or oil press, and to pay a user-tax for doing so. But in his manuscript Jan made it clear that no one was forced to use the horse mill or the brewery in his lower court.[46] Some twenty years later, when Jan's daughter Maria ruled the seigneurie, windmill and mill rights had been acquired (*metter molage daer behooren*), but that mill was probably not in the lower court.[47] As far as a seigneurie's revenue was concerned, land rights were particularly important, which in the case of Dadizele mainly took the form of the aforementioned seigneurial rents (*cijnzen*).

The exact value of those rents confirms the impression that the peasants of Dadizele were well able to stand up to their lord. The aforementioned geese, hens, and capons that were due to the lord each year were replaced by a small sum of money (*te ghelde ghesleghen*), but the oats were delivered to the barns in the lower court, probably to be used or sold by the lord as horse fodder.[48] From 1480 onwards the lord or lady of Dadizele received an annual 178 *rasier* of hard oats—in volume around 24,000 litres. At that time around eight hectares of land would normally be needed to produce that quantity of oats, suggesting that Jan received the equivalent of the annual yield of one fairly small farm.[49] As the peasants' tenancies probably covered about 240 of the roughly 600 hectares of land in the parish (40 per cent), that volume of oats comprised only just over 3 per cent of the tenants's harvest, which is closely in line with Erik Thoen's previous estimate that, on average, seigneurial taxes only amounted to 4 per cent of the harvest.[50] A review of the monetary value of these rents yields a similar picture. Prices fluctuated wildly in the late fifteenth century so such calculations should be treated with caution, but assuming a nine-year average with the 1480–1 crop year being

[45] The limited value of administrative rights has also been confirmed for Flemish seigneuries in Van der Hoeven, 'De heerlijkheid Herzele', 171, 178, 180–1, and esp. 186.

[46] Ms Dadizele, fol. 38r.

[47] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080, fol. 133r.

[48] From the mid-fourteenth century, oats were used less and less for human consumption.

[49] Based on the estimate by Vandewalle, *De geschiedenis van de landbouw*, 280.

[50] Our estimate for the share of tenancies is derived from the detailed analysis for Herzele (Aalst), where the tenancies constituted 302 of the roughly 750 hectares of land in the seigneurie (39 per cent) (see Van der Hoeven, 'De heerlijkheid Herzele', 9, 14–15, 63–4, 68 (table 7). For the estimate of the surface area of Dadizele, see Mussely, *Histoire de Dadizeele*, 25. We must point out that our estimate of seigneurial surplus extraction is conservative because the seigneurie of Dadizele was larger than the parish alone. For the estimates by Erik Thoen, see Chapter 2, Section 2.

the mid-point, those oats would be worth around 188 pounds *parisis*.[51] When the 54 pounds *parisis* in money rents is added, the lord of Dadizele's income from seigneurial rents would have been around 242 pounds *parisis*. In comparison, an unskilled urban labourer would generally receive an annual wage of 66 pounds *parisis* and a skilled worker 112 pounds *parisis* in that period. Assuming that the income of a small peasant approached that of an unskilled worker, the surplus extracted by the seigneurie in rents would be worth around three and a half times a peasant's annual wages. That was a small burden to bear for a community of nearly 180 households, most of them engaged in farming. Economic historians have repeatedly shown that by the fourteenth and fifteenth centuries seigneuries were often under pressure in the sense that the value of rents due to the lord was considerably less than the market value of the land, and Dadizele was obviously no exception to that trend.

At this point it should be stressed that even if fiscal pressure was generally low in the Flemish countryside there would have been some villagers who suffered from seigneurial taxation. In every village there were families who owned no land. That landless underclass was not exempt from specific seigneurial taxes, especially the inheritance tax of the 'best beast' or 'best chattel', and as historians it is hard not to be moved when we read in seigneurial accounts of the village poor (*scamel* or *arme lieden*), who had just suffered a loss in their midst, walking to the castle to present their lord or his steward with a broken toy (a *quaet kerrekijn*) or a small kettle (*een cleen potkin die so sobere was ende seer cleene*) as their best piece of movable property. Sometimes the lord would waive this right in an act of seigneurial grace to subjects whose welfare he had sworn to protect, but not always, and the poor had to ask for it. Most villagers, however, belonged to peasant households with tenancies that provided them with a secure income, and we see them routinely buying off these taxes with sums of money. Sometimes the sums were fairly substantial, as in addition to livestock, well-to-do peasants could own high-end clothing or furniture, armour, or other valuable objects.[52]

That impression of peasant resilience is strengthened when we turn to the seigneurial right of corvée, which required a lord's subjects to provide unpaid labour on his demesne.[53] In Jan's day corvée seems to have been even less of a burden than the seigneurial rents. The third chapter of the Dadizele Manuscript elaborates on the descriptions of the seigneurie contained in the first two chapters, giving an overview of the tasks to be performed. The most back-breaking job was undoubtedly the annual muck-spreading—the fertilization of the lord's demesne (*mesleede*) with animal manure or marl (natural carbonated earth). Every summer Jan's

[51] We have used Verhulst, 'Prijzen van granen, boter en kaas', II, 3–70, and measures are based on Vandewalle, *Oude maten, gewichten en muntstelsels* (our thanks to Lies Vervaet for advice).

[52] See the analysis in Van der Hoeven, 'De heerlijkheid Herzele', 11, 52, 57, 136–7, 141–3, which reveals that in roughly 20 per cent of the cases, the objects submitted for 'best chattel' were worthless.

[53] The following analysis is based mainly on Lambrecht, 'Boeren, heren en karweien', 140–50.

subjects had to gather into eleven groups, each with a cart and three draught horses, to dig over and fertilize six of the forty-six *bunder* of demesne land. Most likely those peasants who were rich enough to own horses and carts provided the transport, leaving the lowlier smallholders to load and unload the slurry and spread it on the fields. It would have been hard and filthy work, but failure to do it could result in the sequestration of the subject's land. However, Jan's description makes it very clear that the peasants had put a limit on the amount of corvée they were prepared to perform. The lord of Dadizele had to give notice of the day on which he wanted the work to be done, announcing it well in advance in church on a Sunday: he also had to lay on food and drink for his labourers. The peasants' improved position in the aftermath of the Black Death is neatly expressed in the Dadizele regulations. In the early fourteenth century the peasants of Dadizele received only two meals, but by Jan's day they were owed three meals apiece with precise agreements about the food and drink:

> For breakfast, they are served with bread, fresh milk, butter, and fried tripe; for lunch, with bread, bacon, peas, meat, cheese, and beer; all day long they receive small beer and the horses get fresh hay; in the evening, when they stop work, a small bread with a piece of cheese and this is also given to each child attending [the distribution of food]. Notwithstanding that in earlier times the cost was not so prohibitive.[54]

The lord of Dadizele could probably rely on his subjects for no more than a few days' labour service a year. The assumption was that it would take one day only to manure the fields, as evidenced by the provision that if they failed to finish within that time they would have to continue the next day at their own cost (*up huerlieder cost*). Jan's aside about rising food prices prompts one to wonder whether the entire enterprise was actually still profitable.[55] In another seigneurie with similar corvées, the cost of the meals amounted to eight pounds *parisis*—the equivalent of fifty-three daily wages of a low-skilled labourer.[56] Analogous studies relating to

[54] 'Men gheeft hemlieden ten intbyte broodt, ghesoden zoetemelc, buetere ende peinssen ghefruyt; 's noenens broodt, spec, aerweiten, vleesch, caes ende bier; al den dach duere grusin bierken, ende den peerden nieu hoy; 'snavens als zy werc laten, elc een cleen broodekin ende een sticke caes daer up, insghelycx elcken kinde datter comt. Niet jeghenstaende dat hier voortyds den cost niet zo groot en plach te zyne.' Ms Dadizele, fols 12v–13r, with an older description of this right on 11v.

[55] For similar examples from France, see Belotte, *La région de Bar-sur-Seine*, 134–41, who calculates that a maximum of six to nine days of work per year was provided, and Leguai, *Le bourbonnais pendant la Guerre de Cent Ans*, 26, 33–4, who puts it at three to four days. In the Bordelais region it was also three days per year, according to Boutruche, *La crise d'une société*, 333–9, and often still less in Brittany, according to Nassiet, *Noblesse et pauvreté*, 55. For the phasing out or disappearance of corvée in England, see Saul, *Knights and Esquires*, 214–16, 233 and Hare, *Wiltshire in the Later Middle Ages*, 117–18, 119, 124; see also the more general considerations in Dyer, 'The Ineffectiveness of Lordship in England', 76–8, 80–1, who notes that labour service was already limited by the late thirteenth century.

[56] Van der Hoeven, 'De heerlijkheid Herzele', 181–2.

England and France show that by the mid-fourteenth century this kind of corvée was generally much curtailed, and that what little labour was still enforced was mainly intended to underline seigneurial authority. Several historians see the emphasis on labour service in the texts lords have left as an admission of weakness camouflaging the fact that the lords were in a feeble position vis-à-vis their peasants.[57] The labour performed was by no means lacking in value, so this interpretation may be going too far, but corvée was not all that important and in any case there were compensations, such as the lord's costly obligation to keep bulls or boars at large that could be used to inseminate the villagers' cows and sows. In many seigneuries it was not uncommon for corvée simply to be bought off. It is striking to note in his connection that although the Dadizele Manuscript references another task, the mowing of the seigneurie's common pasturelands (*de latemersch*), Jan has not filled in its description. Maybe he was no longer able to insist on that right or perhaps it had been bought off. In any case, the earlier description relating to Adelise's day shows that in the early fourteenth century the number of mowing days was already limited to five or six, during which the labourers also had to be fed.[58]

Before we start feeling too sorry for Sir Jan and his peers it should be stressed that the minor economic importance of seigneurial rights did not mean that lords were impoverished, as has often been thought in the past.[59] Revenue was also generated by the exploitation of a lord's own demesne—a large agricultural complex by prevailing standards.[60] What Dadizele's revenues might have amounted to we have no way of knowing, as no seigneurial accounts have survived, but presumably it came to the same sum—around 250 pounds *parisis*—as the seigneurial rents. That, at least, is suggested by Pittem, another seigneurie from the castellany of Kortrijk and comparable to Dadizele. Like Dadizele, Pittem had middle justice and a similar number of inhabitants (around 1,100 compared to around 900 in Dadizele). The Pittem demesne was in the region of thirty-five hectares, a close match for the thirty-three hectares of Dadizele's demesne before it was almost doubled in 1480 by the purchase of Ter Heule. Pittem's accounts show that, around 1400, the seigneurie was producing revenues of some 500 pounds *parisis* per year, and this is very likely indicative of the income that the lord of Dadizele could expect.[61] When Jacob van Wingene leased his two seigneuries, Koolskamp and Assebroek, in 1450 the rent amounted to 840 pounds *parisis*, giving a similar picture of revenues.[62] Some seigneuries were more profitable: Herzele (Aalst), for example, yielded almost 1,500 pounds *parisis* per year, with 46 per cent of the

[57] Wickham, 'Conclusions', 508–9 and Campbell, 'The Agrarian Problem', 37–8, 40.
[58] Ms Dadizele, fols 11v and 12r. [59] Buylaert, 'Crisis of the Nobility'.
[60] As a rule of thumb, farms with more than twenty hectares of land are considered as large-scale landholdings.
[61] Mertens, 'Enkele aspekten van de heerlijke financies', 27–38.
[62] For this lease, see Ghent City Archives, Reeks 301, no. 40, fol. 1r–v.

revenue coming from the demesne and the rest from seigneurial taxes and, more unusually, ecclesiastical taxes that the lord had been able to buy (the revenue from fines imposed by the seigneurial court was negligible).[63] All together, with its revenues of around 500 pounds *parisis* per year a seigneurie like Dadizele produced an annual income equivalent to twelve years' wages of an unskilled rural labourer.[64] Although this is a pittance compared to the revenues that such a large area, hundreds of hectares in size, generated when run in strict landownership, it was still enough to elevate the lord above most of the villagers.[65]

Moreover, the Dadizele revenues were not all that Sir Jan and his family had to live on. Judging by his purchase of the property he attached to Dadizele in 1480, he was not strapped for cash. Most of his income probably came not from the seigneurie, but from an extensive real estate portfolio that we find listed in the third and final part of the manuscript. Jan and his wife Catharina Breydel, who came from a prominent Bruges family, owned at least 335 hectares of land in thirteen different villages and the adjacent town of Menen. Catharina also expected to inherit another seventy-five hectares in the Liberty of Bruges. At eighty-seven hectares, the properties in Dadizele represented somewhere between a quarter and a third of their estate, so most of their income was clearly derived from the leasing out of their various possessions rather than their position as lords.[66] In this respect, too, Jan and his dynasty were typical of their milieu, for they were certainly not the only noble family to adapt to the changing circumstances of the fourteenth and fifteenth centuries by switching the fount of their fortune from seigneurial rights to the market-based exploitation of large landholdings through short-term leases. In the fourteenth century a process was set in motion in the Flemish coastal plain that saw an ever growing number of smallholders failing to keep their heads above water and their lands falling into the hands of wealthier people, many nobles among them. The entire design of the Dadizele Manuscript shows that the seigneurie with higher justice was appreciated and maintained as a source of power and prestige, but from an economic point of view it was but a shadow of what it must have been in centuries gone by.

4. The Church and the Parish: Cornerstone and Complication

The economic erosion caused by the robust organization of the seigneurie's peasants brings another cornerstone of Dadizele into the picture, that being the parish. As parishioners, the people of Dadizele defined themselves as members of

[63] Van der Hoeven, 'De heerlijkheid Herzele', 180–1.
[64] An analysis for the Brabant margravate of Aarschot produced a similar result (Van Uytven, 'De Brabantse adel', 82).
[65] The nineteenth-century parish covered some 600 hectares (Mussely, *Histoire de Dadizeele*, 25).
[66] This calculation is taken from Dessein, *Dadizele*, 63–5.

a community, which also created a basis for shared decision-making in the form of weekly contacts at Mass, as well as more occasional social gatherings at baptisms, weddings, funerals, and other seminal moments in a Christian's life. From a practical point of view there was an obvious logic to the lord of Dadizele communicating his demand for labour service by way of an oral announcement on Sunday in the parish church, since that was where the village was gathered; but by the same token it was also a context in which to organize collective opposition and thus force the lord to come to acceptable terms with his subjects.[67] This observation calls into question the way in which Sir Jan portrayed the parish church in his manuscript, namely as an extension of his seigneurie: he simply refers to 'his parish church' (*zyn prochiekerke*).[68]

As mentioned earlier, when he wrote the second chapter of his manuscript in 1480 Jan was fully alive to the advantages of having a fine church (*scoon kercke*) and pilgrimage site (*scone pelgrimage*) in his seigneurie. In the tenth chapter he listed all the secular and ecclesiastical aristocrats who had visited Dadizele as pilgrims in his lifetime, often attaching the gratifying addendum that the eminent visitor had stayed to enjoy his hospitality (*hy adt ende dranc sheeren van Dadiselle*). Those two passages form the beginning and end of a motif that runs throughout the first ten chapters of his manuscript—his regular treatment of church, parish, and seigneurie as a single entity.

This entanglement of seigneurie and parish took various forms. In the first place Dadizele's lords stamped their presence on the parish church of Our Lady of Dadizele as a material space. In his second chapter Jan refers to the tombstone of Adelise, lady of Dadizele, who died in 1332, as a source of information about her marriage, her position as lady of Dadizele, and the date of her death. All these data were to be found on her tombstone, which in Jan's day doubled as the altar dedicated to St Catherine in one of the church's chapels.[69] This was only the tip of a funerary iceberg, since the lords and ladies of a village seigneurie would by custom be interred in the parish church itself, not the churchyard, and their coats of arms were often depicted in the stained-glass windows as well. In the case of the aforementioned seigneurie of Vichte, archaeological investigation of its well-preserved church has shown that the choir and side chapels contain the graves of several successive lords, who are also portrayed in the windows complete with their families and coats of arms.[70] The situation in Dadizele was similar, for the successive lords of Dadizele from at least Jan's grandfather up to and including Jan's own son and daughter were all buried in the parish church.[71] The only one of

[67] The key publication is Bijsterveld, 'De kerk in het midden', 91–119.
[68] Ms Dadizele, fol. 9r.
[69] Jan contradicts himself, referring to both the north and the south chapel as the location of the tombstone (cf. Ms Dadizele, fol. 10v and 14r).
[70] Despriet, *De dorpsheerlijkheid*, 19.
[71] Coulon, *Geschiedenis van Dadizeele*, 71–3 gives a survey of the epitaphs.

their tombs to survive is that of Jan and Catharina themselves. Their epitaph reads as follows:

> Here lies Jan, lord of Dadizele, knight, who, in his life, was counsellor and chamberlain of my formidable lord the duke of Burgundy, count of Flanders, and who was high bailiff of the city of Ghent when he departed this world on 20 October 1481. Pray for his soul. Here lies lady Katheline Breydel, wife of the aforesaid Sir Jan, who died on 1 July 1499.[72]

Today, thanks to the custodianship of the local community, we can still see not only the tombstone (Figure 7), but also Jan's sword (Figure 8.1), spurs (Figure 8.2), and gauntlets (Figure 8.3), as these relics have been preserved at the castle for centuries.

From a lord's point of view, therefore, the parish church was not only a public space for the whole parish, but also a mausoleum for his own family, or at least for the string of lords and ladies who had ruled the seigneurie before him. He would also expect recognition of his special position in the community when he attended Mass. Other seigneuries provide enough pointers to show that a lord and his family occupied the front pew in church, and some high-born nobles even had their own family gallery, such as Lodewijk van Gruuthuse (d. 1492): in 1482 he had a corridor built between his town palace and the adjacent Church of Our Lady which gave him direct access to his private oratory overlooking the altar.[73] In some village seigneuries, such as Moen (Oudenaarde), the lord's escutcheon simply hung above the church door.[74] Judging from the gift by Isabelle de Roubaix, lady of Herzele, of a small statue to the parish church of Herzele in 1501, we may suspect that even the objects of Christian veneration were themselves often imbued with a seigneurial cachet.[75] Similarly, in Wevelgem, Lauwe, and Kooigem (all three in the castellany of Kortrijk), for example, the church bells bore the lord's coat of arms, the implication being that temporality was shaped not only by nature and the church calendar, but also by the lord.

The regulations of both parish and seigneurie did indeed converge. The sixth chapter of Jan's manuscript, which lists all kinds of practical rules and regulations, contains a number of provisions pertaining to public order that slip seamlessly into the morality embedded in church life:

[72] 'Sepultuere van *Janne, here van Dadiselle*, ruddere, in zijnen levene raed ende camerlinc mijn gheduchts heeren shertogen van Bourgoignen, grave van Vlaenderen, ende overleet der weerelt hoech bailly vander stede van Ghend den XX dach in October int jaer M.CCCC.LXXXI. Bidt over de ziele. Sepultuere van vrauwe Katheline Breydels, svorseide mer Jans gheselnede was, die starf int jaer M.CCCC.XCIX, den eersten in hoymaent.'

[73] For privileged seating in churches, See Balthau, '*Ruutheden* over een vaste plaats in de kerk', 4.

[74] Despriet, *De dorpsheerlijkheid*, 17, 20. The bells cast in 1622 and 1667 and hung in the Dadizele parish church bear the names of both the priest and the lord at those times (Coulon, *Geschiedenis van Dadizeele*, 16–17).

[75] Van der Hoeven, 'De heerlijkheid Herzele', 55.

Figure 7 The restored tombstone of Jan van Veerdegem, lord of Dadizele, and Catharina Breydel in the crypt of the Church of Our Lady of Dadizele (Jelle Haemers and Frederik Buylaert). The recumbent figures are not portraits, but generic types. As usual with monuments of this kind, the tombstone was made in an urban workshop—in this case in Ghent—by artisans who had never known Jan. Hence the similarity to other commemorative figures of Flemish nobles in the rendering of the clothes and facial features (compare the tomb of Jan's contemporary Jan III De Baenst, for example). The coat of arms and surcote correspond to Jan's coat of arms (compare with the coat of arms in Figure 2).

Note: For Jan's tombstone, see De Valkeneer, 'Inventaire des tombeaux', 134–5. Jan's tombstone was restored in the nineteenth century by Léopold Blanchaert (1832–1913). For a picture of the tomb of Jan De Baenst, see Vermeersch, *Grafmonumenten te Brugge*, II, 326.

> The priests and other servants of the church are not supposed, not for the lord nor to please anyone else, to rush Mass or other godly service, but rather they must do at the appointed hour.
>
> On Sunday or a Mass day, while High Mass, Vespers, or Lauds are taking place in Dadizele, there must be no staging of plays, no juggling, no dancing, no shooting, no playing of ball games [seven different ball games are mentioned, not all of them identified], no playing of shoals, no hunting parties, no walking

Figure 8.1, 8.2, 8.3 The sword, spurs, and gauntlets of Jan van Veerdegem, lord of Dadizele in the crypt of the Church of Our Lady of Dadizele (Heemkundige kring Dadingislila vzw).

> on stilts, no throwing of sickles or horseshoes. And at no time are games of dice permitted [in addition to *dobbelen* the unidentified games of *qweeken* and *poutrainen* are listed].[76]

Besides repressing games of chance, therefore, the measures Sir Jan imposed were aimed at maintaining the sanctity of worship. He extended that ecclesiastical line into the short seventh chapter, which is laid out in two columns, with the clergy attached to the parish church on the left and the officials of his own seigneurie on the right. The Church of Our Lady of Dadizele was a popular place of pilgrimage and as such it was well staffed, having a priest, four chaplains, a sexton, a scholaster who presumably taught in the village school, an organist, a bell ringer, and, finally, three churchwardens.[77] In Jan's eyes, church and seigneurie were obviously interlocked institutions, there to provide the local population with the guiding lights they needed.

[76] 'De priesters, noch andere dienlinghen vander kercke, en behoren omme den heere noch omme yement te beydene, noch te verhaestene, messe, noch andere godsdienst, maer doent ter huere daertoe ghestelt. [. . .] | Sondaechs, noch 's mesdaechs, de wyle dat men hooghmesse, vespren of 't lof doet te Dadiselle, niet laten esbatementen, jongheleurs spelen, dansen, scieten, caetsen, pollien, rollen, clooten, bollewerpen, balslaen, siollen, jaechstoeten, ter bare loopen, niet zickelen, noch houfysers weerpen. Ende gheenen tyd keghelen, qweeken, dobbelen, noch poutrainen.' Ms Dadizele, fol. 38r. For an explanation of all the games, See Dessein, *Dadizele*, 74–5.

[77] Ms Dadizele, fol. 40r.

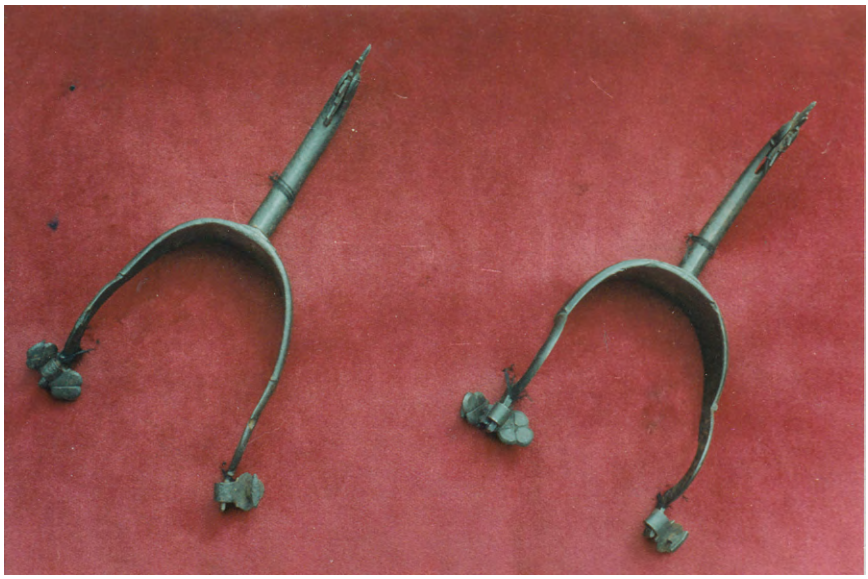

Figure 8.1, 8.2, 8.3 Continued.

Figure 8.1, 8.2, 8.3 Continued.

Jan's underlying mindset is clear: both seigneurie and chivalry were nurtured by nobles as divinely ordained institutions. When Sir Jan was writing his manuscript, chivalry had for centuries been theologically embedded in the idea that noble knights should wield their swords to combat enemies of the church and the sanctified authority of the prince, as evidenced, for instance, by the image of society as a coordinated ensemble of labouring peasants and artisans (*laboratores*), praying clerics (*oratores*), and militant nobles (*bellatores*). The bellicose tendencies of lay elites were in fact a constant matter for debate, for excesses of violence were hardly consistent with that doctrine, but Sir Jan was certainly not the only one who cherished the notion of the puissant lord and knight fulfilling a God-given task: Jan's peer and contemporary Roeland De Baenst, who owned a copy of the anonymous fourteenth-century treatise discussed in the previous chapter, is a good example. Not only was he in no doubt that good leadership and order in society were attributable to the creation of the seigneurie and nobility, but also that this was a development ordained by God. His copy of the treatise ended with the following prayer:

> You noble and powerful man, you would do well to prevent the corruption of these rights that gave rise to your nobility and continue to do so, because the dreadful consequence of losing those rights would be that your nobility would be greatly diminished. Upstarts would be the first to diminish you. All those who protect these [rights] and will do so in the future are under the protection of God, who will grant them eternal life after this life. Amen.[78]

We have already seen that in practice peasants could mount a strong resistance to their lord's power (*moghenthede*) and that chivalry was not without its critics, yet it was still a widespread doctrine in society—the iconographic vignette of the three estates retained its popularity in the Low Countries well into the sixteenth century, for example.[79] In the case of Dadizele, too, some social actors obviously concurred in Jan's view of 'his' parish church. One of the letters that he copied into his manuscript makes particular mention of a ritual punishment imposed by the city of Ypres in December 1479 on one Hannekin Stucke, found guilty of spreading the rumour that Sir Jan had pocketed part of his troops' pay. This would undoubtedly have concerned and embarrassed the aldermen of Ypres since at the time Jan was leading the Ypres militia into battle against the troops of the

[78] 'Ghij edele ende ghij moghende, ghij doelt zeere dat ghijlieden *dese rechten daer hu edelheit ende hu moghenthede* in begonste ende bij ghehouden zijn laeten vercrancken in onrechte want het es zeere te duchtene ware dese rechten verloren, uwe edelheit zonder zeere bij vermindert worden. Die scalke die souden deerste zijn die hu lieden verminderen souden. Alle dieze wel ghehouden hebben ende houden sullen, *God moet se wel bewaren* ende nar dit leven dat eewichghe leven. Amen' (authors' italics). Bruges City Library, Ms 442, fol. 31r (this passage is also cited in Buylaert, *Eeuwen van ambitie*, 57, albeit without an interpretation of the spiritual dimension).

[79] See Raupp, 'Visual Comments of the Mutability of Social Positions'.

king of France. Remarkably enough, they decided on a form of punishment that required the rumour-monger to atone for his slander by restoring Jan's good name in the eyes of Jan's own subjects, the people of Dadizele. The aldermen's letter to Sir Jan informing him of the sentence to be carried out reads as follows:

> Noble and honourable lord, we present ourselves to you cordially considering that Hannekin Stucke, the bearer of this letter, was recently sentenced by us to do penance; he is ordered to proceed to Dadizele on the next Christmas day, bareheaded and without his belt, bearing an unburnt candle of wax weighing one pound; he is to go in procession before the high altar of the church of Dadizele and to beg you, or in your absence your most important official, forgiveness for slandering and hurting you by saying that you had robbed your soldiers of their pay, one groat or mite per day; after he has begged for forgiveness, he must place the candle on the high altar and he must return with a certificate granted by you or your principal officer that he has done his penance; for this reason we cordially ask you to grant him this certificate so that the sentence that we imposed on him is implemented as it should. Noble and honourable lord, God be with you. Written this Christmas Eve 1479.[80]

It is not hard to guess why the lord of Dadizele deemed this letter worthy of inclusion in his manuscript alongside other important correspondence from those war years, for in it one of the three major cities in Flanders explicitly acknowledged him as a lord and a nobleman. The penitential pilgrimage itself, in which Hannekin Stucke was to beg Jan's forgiveness in the parish church—undoubtedly packed to the rafters on Christmas Day—would also appeal to him mightily as it demonstrated that Ypres recognized his claims to authority over the community. That must have been all the sweeter since cities were usually more inclined to undermine the power of lords in the county by granting out-burgherships. Ypres was obviously no exception in that respect, given that in 1465 the city had registered some 1,500 heads of households as out-burghers, some of whom probably also lived in

[80] 'Edele ende weerde heere, wy ghebieden ons vriendelic tuwaerts, omme dieswille dat Hannekin Stucke, bringhere deis brief, onlancx by ons ghewyst zekere heerlicke beteringhe te doene, ende onder andere te gane voor processie Kertsdaghe eerstcommende te Dadiselle bloots hooft, onghegort, met eenne wassinne kerse onghebrant van eennen ponde, ende ten incommene vander zelver processie voor den hooghoutaer vander kerke van Dadiselle voorscreven u te biddene verghevenesse, oft in uwe absentie uwen principalen officier, aldaer in de name van u, ghesproken u injurierende ende belieghende, segghende dat ghy uwe lieden onthouden hadt van huren gaigen ende sauldee, elcken alle daghe eennen grooten oft eennen blancke, ende de voorseyde verghevenesse by hem also ghebeden zynde, terstont de voorseyde kerse te stellene ende latene op den voorseyden hooghoutare ende te bringhene van u oft uwen voorseyden officier certificatie dat hy dit aldus vuldaen sal hebben, mids welken wy u vriendelycke bidden hiertoe te willen verstane ende hem gheven de voorseyde certificatie, omme ons voorseyde ghewysde vonnesse te zyne vulcommen also dat behoort. Edele ende weerde heere, God zy met hu. Ghescreven desen kersavond, anno LXXIX.' Ms Dadizele, fol. 135v.

Dadizele.[81] In any case, the way Ypres dealt with the affair shows that Jan's view of the church as a forum of seigneurial power was also shared by outsiders.

At the same time, however, other contemporaries would certainly have emphasized the independence of the church and parish from the lord. This was probably true not only of the peasants, who as parishioners could easily unite in opposition to the lord, but also of the Catholic Church itself. By Jan's day the situation in which lords relied heavily on the administration of the local church was already centuries old, but the church also had a long tradition of resistance to lords who, in the role of patrons and so-called advocates (*advocati*) of churches and abbeys, helped themselves to ecclesiastical revenues and rights of appointment. Although the lords' hold was not completely broken, the outcome of the Investiture Controversy was significant in that clerics were not usually appointed by a layperson. A small number of seigneuries with high justice owned the advowson, which gave the lord the right to appoint a nominee to a vacant benefice, but they were few and far between and Dadizele was not one of them.[82] For instance, Steven van der Luere, the parish priest of Dadizele in Jan's time, was appointed not by the lord but by the monks of Hasnon Abbey and the bishop of Tournai, in whose diocese Dadizele lay.[83] In 1466 Bishop Guillaume Fillastre had visited Dadizele and while he was there had given Jan's 7-year-old son a tonsure, at the time a popular practice amongst pious laypeople. Despite his good relationship with Jan, the bishop would have found the lord of Dadizele's view of the parish church one-sided, to say the least.[84]

In addition we should not underestimate the input of the ordinary parishioners in the church management, which was probably galvanized by the construction of a new parish church tailored to the flourishing pilgrimage cult. In the tenth chapter of his manuscript Jan recalls with satisfaction how he himself had laid the first stone of the new choir in 1462, and how his 9-year-old son, the future lord of Dadizele, had laid the first stone of the tower in 1468, but this groundbreaking role should not to be misinterpreted as full control.[85] The Dadizele church's building accounts no longer survive, but research into the construction of better-documented churches in England shows not only that the local gentry left their mark there too in the form of tombs, stained-glass windows, and sometimes even a local advowson, but also that the cost of building a church would have far outstripped the pecuniary possibilities of most gentlemen.[86] Flanders was no different in that respect; hence, the construction of the new church should

[81] Deschodt, 'De Ieperse buitenpoorterij', 153–8.
[82] Despriet, *De dorpsheerlijkheid*, 55.
[83] See esp. Coulon, *Geschiedenis van Dadizeele*, 90–1; Dessein, *Dadizele*, 183, 186, 200–1.
[84] Ms Dadizele, fol. 44v. For the tonsuring of laymen, see Callewier, *De papen van Brugge*, 274–6.
[85] Ms Dadizele, fol. 44r. This ceremony was a source of prestige: Van Uytven, 'Eerste stenen', esp. 293–5.
[86] Byng, *Church Building and Society*, 1–3, 6–7, 122–6, 226, 242–4, 280. Comparable sources for Flanders are scarce, but occasional finds suggest the situation was similar to England: Balthau, 'De aankoop van de oude torenspits', 15–32; Balthau, 'Bouwwerken aan de kerk', 49–55.

best be understood as teamwork involving both lord and community. In 1458 Jan's uncle, Gidolf van Veerdegem, had contrived to extract indulgences from Pope Calixtus III to support the construction of the new church and in 1463 a similar initiative by Pius II mentions generous donations from Sir Jan himself, so the lord and his family certainly set the ball rolling, but the search for income from indulgences also shows that they were not the sole sponsors of the new building.[87] Given the villagers' crucial contribution to the funding it is inconceivable that the church functioned exclusively as the lord of Dadizele's personal playground.

5. The Strengths and Limitations of the Lords of Dadizele

The Dadizele Manuscript allows us to take a closer look at the role of the villagers in the administration of the church and the seigneurie. As discussed in Chapter 2, the aldermen of the seigneurial court were recruited from among the notables, which is to say villagers who owned land. Usually, though not always, these men belonged to the village elite. A surviving tax list allows us to make a financial assessment of nine men who served on the bench of aldermen in Ingelmunster, another important seigneurie in the castellany of Kortrijk, between 1515 and 1520: six of the nine aldermen came from the top 10 per cent of taxpayers, but one alderman, Gheldolf de Rync, was assessed at a tax rate of sixty-two pennies, which is near identical to the average sixty pennies.[88] In Dadizele things were undoubtedly similar. Usually we know nothing at all about who was involved in the care and maintenance of the church fabric or the seigneurial administration, but as mentioned earlier, the seventh chapter contains an overview of both the ecclesiastical and seigneurial personnel of Dadizele in July 1480, and the eighth chapter lists the seigneurie's then sub-fief-holders.[89] The information Jan provided in his manuscript suggests that a handful of affluent families played an inordinately large part in running the village community.

The overlap between the three circuits of the church, the seigneurial bench of aldermen, and the feudal court is immediately obvious.[90] The most important sub-fiefs of a seigneurie were usually in the hands of other lords and their kinsmen, and these men only rarely appear as local office-holders, but the holders of the lesser sub-fiefs were keen on taking up offices in the parish and the seigneurial

[87] Coulon, *Geschiedenis van Dadizeele*, 90–1 and Dessein, *Dadizele*, 186.

[88] We owe this estimate to Thijs Lambrecht, who cross-checked the names of the aldermen listed in Warlop, *Inventarissen van de archieven van kerkfabrieken*, 42–4 with the 1518 income tax preserved in State Archives in Kortrijk, Fonds Descantons—de Montblanc (de Plotho), no. 13492.

[89] Ms Dadizele, fol. 40r (chapter 7), fols 40v–41r (chapter 8), and fols 211r–215v (chapter 39).

[90] Our conclusion chimes with recent scholarship on English manors and parishes: Forrest, *Trustworthy Men*, 131, 137–44, 155–7, 163–209, 265, 351–2 and Gibbs, *Lordship, State Formation and Local Authority*, 176–202.

administration.[91] The three churchwardens, Simon Gheldolf, Antoine Bollin, and Jan Drubbele, are good examples from which to start. Simon Ghedolf was one of the Dadizele sub-fief-holders, so was clearly a man of substance, as is likewise evident from his other role as organist, which suggests a musical education. Antoine Bollin combined his churchwardenship with one of the seven seats on the lord's aldermanic bench, and was more than likely related to Thomas Bollin, the lord's bailiff. Jan Drubbele, the third churchwarden, was in all probability a close relative of alderman Lodewijk Drubbele. Another of the seigneurie's aldermen, Sacres van der Buere, also held a Dadizele sub-fief, like the bailiff Thomas Bollin. Quite a few of the other twenty sub-fief-holders were descendants of the region's noble families, but the list also includes the names of local worthies, some of whom demonstrably owned other landholdings.[92]

Two notable names among the sub-fief-holders are Pieter van Dadizele, who served as the seigneurie's under-bailiff, and Willem van Dadizele, who not only sat on the aldermen's bench, but also represented the lord when the Kortrijk castellany's annual accounts were rendered.[93] Pieter and Willem both belonged to illegitimate branches of the seigneurial dynasty. Jan's grandsire, who was lord of Dadizele until his death in 1424, fathered no fewer than twelve illegitimate children, most of whom had children in turn.[94] This was not an unusual situation. In noble milieus begetting 'bastards' was a common phenomenon until well into the sixteenth century. There was little social stigma involved for the noble sire, who was expected to provide for his illegitimate offspring's livelihood. Children born out of wedlock were barred from inheriting from their father, so they would usually be gifted a small part of the patrimonial land. Willem, for instance, owned land in Dadizele that he probably received through his father's family. Illegitimate children were in a dependent relationship with their legitimate relatives, which ensured their loyalty to the family. As a result, they were well cut out for a role in the seigneurie's administration. The combination of land and offices, even though minor, gave high-born 'bastards' a certain consequence within the community, despite being peripheral descendants of the noble family.[95]

The impression that the local churchwardens, the aldermen of the seigneurial bench, and the officers of the feudal court were all men of a certain distinction and wealth is reinforced by the reappearance of some of them in the last two chapters of Sir Jan's manuscript, which list houses to which seigneurial rents were attached. Sacres van der Buere and one of his daughters each owned a house,

[91] Our conclusions for Dadizele chime with the prosopographical analysis of the seigneurial aldermen of Herzele (Van der Hoeven, 'De heerlijkheid Herzele', 65–70, 74, and appendices 13.7 and 13.9).

[92] See Ms Dadizele, fol. 175r for references to properties owned by Thomas Bollin and Willem van Dadizele.

[93] For Willem as a representative of the lord and his landed property, see Dessein, *Dadizele*, 70.

[94] This is mentioned in the family tree (Ms Dadizele, fol. 16r).

[95] Carlier, *Kinderen van de minne*, 259–62, 277.

as did Lodewijk Drubbele's daughter. The name of another alderman, Jan de Ael, also appears as the owner of a house. The most interesting reference in this connection is to Joos de Poortere, who is listed as the lord's *sergant*. Joos not only owned a house, but was also married to Catharina Gheldolf, undoubtedly a relative of Simon Gheldolf, the alderman and churchwarden. That same Simon Gheldolf, it transpires, was also the owner of The Hart (*De Hert*), one of the village's ten hostelries. Another inn, The Angel, (*De Engel*), belonged to Pieter van Dadizele, the lord's under-bailiff.[96]

That at least two members of the ecclesiastical and seigneurial bodies were the owners of an inn is interesting because innkeepers had a questionable reputation. Purely to protect their own income they were often inclined to shield their customers from prosecution for gambling or prostitution, or vandalism or brawling while under the influence of alcohol, and so on. Indeed, in 1541 the Habsburg administration would issue a ban preventing innkeepers from taking any part in the local administration.[97] In general, of course, it was in the interest of the village worthies to maintain social order, but the position of the innkeeper suggests that for that very reason their specific interests did not always coincide with a lord's moral obligation to provide his subjects with good governance. Thus the presence of at least a couple of innkeepers and large fief-holders in the administration suggests that for the smooth running of his seigneurie the lord of Dadizele was tacitly dependent on people who in turn expected his policies to respect their interests. Inevitably a lord had to have officials of a certain stature to manage a seigneurie, but he could not ride roughshod over them; the well-heeled burghers of his community required respect.

To what extent the robust position of a small number of notables could inhibit the lord's scope is a question that becomes all the more pointed when we note that the men in question were usually out-burghers. A comparison between the list of Dadizele's bailiffs and aldermen and the list of Kortrijk out-burghers from 1440 is illuminating. The first name on the out-burghers list is that of the lord of Dadizele himself, namely Sir Jan's father, who died in 1441, followed by several scions of the illegitimate branches of the seigneurial family, as well as descendants of the aforementioned Bollin, Drubbele, Van der Buere, and Gheldolf families. People not mentioned previously, such as Pieter Ghiselin (a sub-fief-holder in 1480) or Jan de Beer (an alderman in 1480) belonged to families with out-burghers in their ranks in 1440. Thus, most of the leading families in the village were immune to the seigneurial justice they helped facilitate.

That the seigneurie was evidently a vehicle not only for the interests of the lord himself, but also for the village elite was not entirely a disadvantage for Sir Jan and his peers. The active cooperation of leading villagers could give the lord extra

[96] Ms Dadizele, fols 220v, 221r, and 222r.
[97] Soly, 'Kroeglopen in Brabant en Vlaanderen', 570.

clout when they put their combined shoulders to the seigneurial wheel. That support could make all the difference when the lord came to deal with a manifestly articulate and well-organized peasantry that recognized the seigneurie and the seigneurial taxes as legitimate, but at the same time wanted to keep them within bounds. Conversely, notables could cement and strengthen their own property, status, and interests when they were involved in the church and seigneurie. Anecdotal evidence suggests that the situation in Dadizele was typical of the county's seigneuries with higher justice, not least because in the south and east of the county the feudal courts often exercised criminal powers, so that feudal court and alderman's bench coincided, as it were.[98]

In the case of Dadizele, the lord and the leaders of the village community clearly came together in a shared experience of sociability. Jan's memoirs say nothing about his day-to-day life, but given that in 1463 he went to the trouble of obtaining a privilege from Philip the Good for the creation of an archery guild of up to forty members we can probably assume that he cultivated friendships with the local notables. Although comparative research suggests that it was not until the sixteenth century that such village bowmen's guilds became almost prohibitively exclusive, they were clearly already attracting the wealthier residents.[99] Dadizele was no exception. The copy of the privilege registered by the Council of Flanders lists the names of the thirty men who became members when the guild was inaugurated in 1463, and among them we find Thomas Bollin, Jan de Beere, Simon Gheldolf, Jan Gheldolf, and Jan Drubbele, as well as Daniel, Willem, and Pieter van Dadizele, and one of the four chaplains of Dadizele's church, Joris Gosseel.[100] The lord and the leading men of the village probably spent time together shooting at the butts and holding archery competitions.[101] When the construction of

[98] Information about the administrative frameworks of other lordships is extremely scarce, which makes comparison problematic. In the case of Zwevezele (Kortrijk and Liberty of Bruges), however, a certain Lodewijk de Hurtere is known to have been the lord's alderman around 1430. He was a member of the family that until 1530 owned the important sub-fief of De Hurtere (Arickx, 'De heerlijkheid en de heren van Zwevezele', 38, 41). In sources relating to the seigneurie of Beveren-Waas, there is also some overlap between fief-holders and seigneurial aldermen. Around 1425, for instance, we find a reference to *Jehan Stullekin, homme de fief et eschevin de mondit seigneur a Bevre* (State Archives of Belgium in Brussels, Fons Rekenkamers, Acquits de Lille—Portefeuilles, no. 1023). In 1396 Joos van den Vivere was an alderman in the same seigneurie and Zeger van de Vivere was a sub-fief-holder (State Archives in Ghent, no. 2331 (1394–6), fol. 261r). A list of all the aldermen of Beveren-Waas in 1406 actually contains the names of three noblemen—Rogier Vilain and Filips and Jan van Steenlant—who can certainly be included among the local large landowners, as can Claus and Jan van den Diewaren, who owned the eponymous seigneurie with low justice (State Archives in Ghent, no. 2335 (1405–7), fols 137r–138r (our thanks to Bert Verwerft for sharing his research on Beveren-Waas with us). For the criminal powers of feudal courts, see Opsommer, *Het leenrecht in Vlaanderen*, I, 116.

[99] The best social analysis relating to Dudzele, but also providing information about shooting competitions, is Dombrecht, 'Plattelandsgemeenschappen', 296–315, 435–41.

[100] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7351, fols 230v–231r. The list is also discussed in Huys, 'Ledenlijsten van Vlaamse schuttersgilden', 233–4.

[101] Gunn, 'Archery Practice', 64, 66, 80 sees a prominent role for lords in archery practice in English villages.

the Dadizele church tower, begun in 1458, was completed, Sir Jan marked the event by announcing that on 9 September 1464 the first popinjay—a target in the shape of a wooden bird—would actually be mounted on the tower.[102] The terms of the privilege allowed the guild to travel outside its own seigneurie armed with bow and arrow. This was a necessary clause as archers' guilds regularly competed with each other, a practice that must have fostered a sense of community within a guild.

That feeling of being part of a group may have been enhanced by a chamber of rhetoric. We do not know for certain, but Dadizele could have been one of the growing number of villages in the first half of the sixteenth century to support an association of rhetoricians, given that in 1528 people from Dadizele performed tableaus and plays (*toochen ende spelen*) at the Blankenberge kermis.[103] That might have been just a one-off, and whether the lord was involved or not is impossible to say in the absence of evidence, but the high level of literacy required to compose pieces for such events suggests that it was primarily the well-to-do villagers—large peasants, innkeepers, seigneurial officials, and local clergy—who foregathered for sessions of literary and musical leisure.[104]

Societies such as shooting guilds and chambers of rhetoric often had tentacles in prosperous urban milieus. For instance, the list of founding members of Dadizele's archers' guild includes the name of Willem Patijn, while a certain 'joncvrauwe Perchine Patyns' appears on the list of Dadizele's sub-fief-holders. The Patijns were a Kortrijk family who sent several aldermen to the town council as well as a judge to the Council of Flanders.[105] Like so many well-heeled townsfolk, the Patijns owned land outside the town, some of it in Dadizele. Indeed, Jan's own mother, Catharina, was a Patijn. The archers' guild thus appears to be a forum in which higher and lower elites came together. Local worthies and their families mingled easily with the less well-to-do, illegitimate offshoots of the seigneurial house, and the more exclusive, interlinked milieu of lords and wealthy townspeople were not above spending time with them either. Marriage might have been a step too far—lords and their kinsmen and kinswomen married other nobles or the members of powerful urban families such as the Patijns, not village notables or lower-ranking lords, but camaraderie in other contexts was perfectly acceptable.[106]

That alliance between the lord and the village's important men comes into sharp focus in wartime. The privilege Jan obtained in 1463 for an archers' guild specifically states that the bowmen who joined were expected to use their training

[102] Ms Dadizele, fol. 44r. [103] Coulon, *Geschiedenis van Dadizeele*, 111.

[104] Van Bruaene, *Rederijkerskamers*, 101–12. Van Bruaene gives examples of Brabant chambers of rhetoric in which the local lord played a prominent role.

[105] Much available information about the family has been collected by Jan Dumolyn via the entry 'Patin, Gilles' at <www.bourgondische-ambtenaren.ugent.be/>.

[106] See Chapter 4, Section 4.

to support the duke in battle, which was still a very real possibility. Although firearms were becoming increasingly common in Jan's day, and some shooting guilds in the Low Countries were swapping their bows for hackbuts, there would be no decline in the archers' military importance until the second quarter of the sixteenth century, when they began to be rapidly superseded, disappearing altogether by the end of the century.[107] During the war with France, when Sir Jan frequently mobilized his seigneurial militia, we see the village's leading men ready to risk life and limb under the leadership of their lord. In the ninth chapter of his manuscript Jan notes the composition of one of the seigneurial expeditions undertaken in 1479. At that time, it appears, a village of some 900 inhabitants could muster a company of fifty men—three arquebusiers (*culleuvriniers*), two crossbowmen (*crenquiniers*), twenty-three archers, and twenty-two pikemen. Here again we find the well-known names—Gidolf, Pieter, Willem, and Jan van Dadizele, Joos and Willem Drubbele, Rogier and Willem Patijn, Jan, Willem, and Hannet Gheldolf, Wouter Bollin, Jan de Beer, and Sacres van der Buere, among others. Not all of them returned unscathed: in some cases Jan also had to record a sad fate, such as Willem Drubbele's, who was wounded in the leg and died at Dadizele on 23 August, and Joos Drubbele, whose jaw was injured—(*Willem Drubbele, ghequetst in zyn been, staerf te Dadiselle den xxiii*^{e} *dach van ougst; Joos Drubbele, ghequetst deur zyn cake*). Existing comradeships were then hardened in the fire of battle.[108]

The military power of the lord and his followers brings us back to the core of the seigneurie with higher justice, that being the right to prosecute grievous crimes and execute convicted felons. Lords set great store by this privilege, for in the county of Flanders it represented a very clear distinction between the comparative few who had high and middle justice and the many who had only low justice, but its implementation raises questions. The arrest, detention, and ultimately the execution of a suspect requires a certain superiority of power, which was no sinecure in a society of independent, partly militarized peasants and townsfolk in which the princely government as yet had neither the ambition nor the means to provide any kind of local policing.[109] Being a knight or squire the lord himself was naturally supposed to be the military specialist par excellence, but even if he was a man in his prime and not incapacitated by age or infirmity he would be little match for a cornered suspect who had the covert support of friends and relatives. Therefore lords needed people of their own to give teeth to their claims to power. In Jan's case, this was obviously not a problem. When he mobilized his men during the first French–Habsburg war (1477–82) it was probably not the

[107] See esp. Knevel, *Burgers in het geweer*, 28–30 and Gunn, 'Archery Practice', 64, 66, 73–7, 80.
[108] Ms Dadizele, fols 42r–43r.
[109] Lists of objects handed over to the lord as their 'best chattel' reveals that even peasants who did not belong to the village elite often owned military equipment (Van der Hoeven, 'De heerlijkheid Herzele', 52, 143).

first time he had done so. In 1461 Jan had fallen out with his brother-in-law, Boudewijn van de Woestijne: accompanied by a group of armed men (*acompaigne de plusieurs compaignons armez et embastonnez*) he had forced his way into Boudewijn's mansion in Ypres, recovered his sister Anna and her dowry, and brought them back to Dadizele, an affair which naturally did not find its way into his manuscript.[110] Given that ability to mobilize armed men it is hardly surprising that in Dadizele the lord had little trouble enforcing compliance with seigneurial justice. As is true of practically every Flemish seigneurie before the Dutch Revolt, there are no surviving court records or lists of verdicts from Dadizele, but thanks to Jan's manuscript we know that in 1437 Dadizele's bailiff—a certain Daniel of Dadizele, most likely also a 'bastard'—arrested and incarcerated one Jan Pieters for failing to attend the lord's annual *doorgaande waarheid* or 'general inquest' and then refusing to pay the fine thus incurred. In this case, a jail was improvised in the home of a certain Alysen Oliviers (*in vanghenesse gheleit in thuus van Alysen Oliviers*), but in the seigneurie of Vichte, nearby, there was a permanent purpose-built prison in the lower court gatehouse (see Figure 4).[111] In Herzele (Aalst), suspects had both legs put in irons in the castle prison (*met beede den beenen in d'ysere*).[112] It is clear from the observations made earlier about the social backgrounds of the seigneurial aldermen responsible for sentencing malefactors that seigneurial policing was backed by the tacit but tangible force of a network of case-hardened notables surrounding the lord.[113]

Taking everything into account there seems to be little justification for the belief held by some historians and cited in the introduction to this chapter that lordship and seigneuries had become 'obsolete'. One of the most interesting passages in the Dadizele Manuscript comes at the end of the second chapter, where Jan describes Dadizele as it appeared in May 1480. He rounds off his sketch of his seigneurie with a list of three individuals who, to his knowledge, had been banished from Dadizele, and by extension from the county, in the fifteenth century for murder or manslaughter:

> Jan de Wildeghe, on the [blank] day of [blank] in the year 14[blank] because of the death of Zeger van der Beke.
>
> Jan [blank], as family member, on the [blank] day of [blank] in the year 14[blank] because of the death of Jan van Coolgen.

[110] State Archives in Ghent, Fonds Piers de Raveschoot, no. 1577.
[111] Ms Dadizele, fols 85r–86r. For the prison at Vichte, see Despriet, *De dorpsheerlijkheid*, 93.
[112] Van der Hoeven, 'De heerlijkheid Herzele', 124.
[113] It is unclear whether the lord himself was involved in passing sentence: this was not the case in France. For Flanders, the jurist Filips Wielant does emphasize that a lord or his bailiff made an autonomous decision as to whether they proposed a composition to the suspects of crimes: Opsommer, *Het leenrecht in Vlaanderen*, I, 410.

> Passchier van der Beke, on the [blank] day of [blank] in the year 14[blank] because of the death of Hendrik de Cardinael.[114]

A good deal of data is missing that Jan would doubtless have filled in over time with the help of court records. Nonetheless, the information we do have clearly shows that the prosecution of serious crimes was not left tacitly to the comital bailiff or the castellany of Kortrijk, even when families of a certain standing were involved. The Van der Bekes, who had both a victim and a perpetrator in their ranks, also had a founding member of the archers' guild established in 1463 in the family, as did the De Cardinaels. That the list is a short one is not surprising. Establishing reliable crime figures for *ancien régime* societies is a notoriously difficult issue among historians, but that a village the size of Dadizele had seen only a small handful of murders in roughly eighty years is more or less in line with available estimates for better-documented English villages.[115]

What is also striking is that in all three cases the sentence was banishment rather than execution by the sword (*justicie metten zweerde, metten baste*) or 'pit or gallows', all available punishments according to Dadizele's *dénombrements*. Quite apart from considerations of mercy, the preference for exile over hanging or decapitation was probably financially motivated, for an execution was a costly affair, amounting to the annual wage of a low-skilled labourer.[116] Rather than burdening their lord or lady with hefty expenses, seigneurial courts preferred to banish convicted offenders. Like many other lords with middle justice in Flanders, Sir Jan had the right to banish someone for life from the entire county on pain of death (*den ban c jaer ende eenen dach uuter heerlichede…ende voort uuten lande ende graefscepe van Vlaenderen up tlyf*, according to the 1480 *dénombrement*). This provision shows how seigneuries with higher justice were also perceived by the lords themselves as part of a larger political entity—a matter discussed in detail in Chapter 6. Suffice it to say for now that criminal justice was manifestly still being applied at seigneurie level. Of the 163 crimes on which the aldermen of Herzele (Aalst) sat in judgement, for example, just over half (52 per cent) were settled with a fine, whereas in 37 per cent of the cases the aldermen sentenced the felon to exile. More unusual, but not unheard of, was physical punishment such as cutting off the malefactor's ears. For the highly gendered crimes of slander and gossip, the aldermen were partial to sentencing the convicted woman to carry a heavy stone while the victim chased her around the village with a pointed stick. In around half of the convictions the bailiff and aldermen allowed the offender to

[114] 'Jan de Wildeghe den [blanco] dach van [blanco] in 'tjaer M. IIII^{c} [blanco] van der doot van Zeghere Vander Beke. | Jan [blanco] als maegh den [blanco] dach van [blanco] in 'tjaer M. IIII^{c} [blanco] van der doot van Jan van Coolgen. | Passchier Vander Beke den [blanco] dach van [blanco] in 'tjaer M. IIII^{c} [blanco] van der dood van Heinryc De Cardinael.' Ms Dadizele, fol. 10r.

[115] For an introduction to this complex debate, see Butler, 'Violence and Medieval England', 29–40.

[116] Van der Hoeven, 'De heerlijkheid Herzele', 171, 178.

buy off the sentence (so-called composition), but it was thus not unusual for a convict to be banished from the seigneurie. First-time offenders could return after a short while, but recidivists could face perpetual banishment on pain of death.[117] Banishment was no light punishment. In societies without governmental social safety nets, cutting someone off from their network of family and friends could be as effective as a death sentence.

While exile was the norm, seigneurial courts could and sometimes did decide to execute convicted criminals. Death sentences were indeed carried out in Dadizele and in other seigneuries in the region. In 1623, for instance, two men were hanged in Dadizele for breaking into the lord's residence. In Avelgem (Oudenaarde) in 1678 someone was hanged for murder.[118] These were not new practices encouraged by the draconian persecutions accompanying the seventeenth-century witch-craze. Zwevezele, which sits just on the border of the castellany of Kortrijk and the Liberty of Bruges, is another interesting example. In 1456, when questions were asked about the jurisdiction of its lady, Beatrice van den Rijne, some of the oldest villagers were summoned before the aldermen of Bruges to declare under oath that the seigneurie had long had rights of low, middle, and high justice. To prove that these rights had not fallen into disuse, they referred not only to a banishment in 1430, but also to the execution of a certain Joorkin de Grave. The execution had taken place many years before, but the spot where Joorkin had been beheaded (*ghejusticieert metten sweerde*) was still known as 'Joorkin's Grave' (*te Joorkin's Graven*), a play on his name (*graven* also means 'to dig') that aptly reflects how much of an impression such an execution must have made on the local community. A century later, in 1555, Zwevezele saw another execution: the old gallows had rotted away, but with the Habsburg administration's permission a new gallows was erected and put into use.[119] We can also imagine the traumatizing effect on the villagers of an execution for attempted arson that took place in Herzele on 21 December 1484. The church bell was rung from the moment that the convict was led from the castle jail until the lord and the aldermen returned from the place of execution, several hours later.[120] Thus, while the use of the death sentence had obviously not disappeared from the seigneurie, the sort of serious crime that merited that sentence in the eyes of contemporaries was rare.

6. Conclusion

Historians have been rather too previous in pronouncing the seigneurie with higher justice 'obsolete'. Higher justice at village seigneurie level had certainly not

[117] Van der Hoeven, 'De heerlijkheid Herzele', 160–2.
[118] Coulon, *Geschiedenis van Dadizeele*, 59–60 and Martyn, 'Hoge justitie in Avelgem', 255–62.
[119] Arickx, 'De heerlijkheid en de heren van Zwevezele', 38–9.
[120] Van der Hoeven, 'De heerlijkheid Herzele', 158, 164–73.

ceased to be carried out in the fifteenth and sixteenth centuries, which explains why contemporaries regarded the possession of such seigneuries as an enduring source of prestige, as shown by the Dadizele Manuscript and the evidence that we discuss in Chapter 4.

At the same time, the seigneurie with higher justice was a more complex and fragile phenomenon than the lord of Dadizele evidently wished it to appear. The seigneurial rights itemized in *dénombrements* were proudly cited in his manuscript and were similarly key to Chapter 1 of this study, but the documents are misleading in the sense that those rights were neither unchanging nor self-evident. Claims to possess them had to be repeatedly communicated and enforced against various social actors, each of whom had their own interests and views which could differ considerably from the lord's. The lord or lady could count on a certain willingness to listen on the part of those potential objectors. Seigneurial rights were generally perceived as legitimate by contemporaries, not least because the seigneurie with higher justice was regarded as part of the county of Flanders, as evidenced, for example, by the right of banishment, which related not only to the lord's own territory, but also to the count's, or by Jan's decision to begin his manuscript by situating Dadizele within the castellany of Kortrijk as one of the rural districts of the county. In Chapter 6 we shall look more closely at the exact relationship between the lords and the comital administration, but what is already certain is that this integration of seigneuries in the county underlined the legitimacy of seigneurial lordship, for Flanders was a political entity that had provided its inhabitants with a natural frame of reference for centuries.[121]

That broad ideological support for the existence of seigneuries with higher justice in no way alters the fact that the precise interpretation of what seigneurial rights should mean in practice was not unilaterally imposed by the lord, but was instead the result of a collective process involving diverse groups and institutions. As we have seen in Chapter 2, the result was a view of the seigneurie as an institution that should complement the interests of both a propertied peasant class and those urbanites whose shadow extended over almost the entire countryside. Within those parameters the precise definition of seigneurial rights was mainly shaped by the relationship between the lord and the village notables. Undoubtedly the situation varied from village to village. On one hand we have Jan's scenario, in which a coalition of interests between the lord and the notables meant a firm shared grip on the local community. On the other, it is easy to imagine how a breach of trust between the lord and the notables would have been fatal to any attempt to establish seigneurial claims.

An intriguing case study in that respect is Eksaarde, a seigneurie north of Ghent, where a massive conflict erupted between the lord and his subjects.

[121] For the interweaving of local and regional identities, see Demets, *Onvoltooid verleden*.

The lord, Jan van Vaernewijck, who may have been suffering from post-traumatic stress syndrome following his return from the horrific Battle of Nancy on 5 January 1477, now came into conflict with the villagers by pursuing an extremely broad interpretation of his seigneurial rights as well as other provocative actions. Tellingly, Jan demanded that one of his peasants should carry out his corvée duties on the wedding day of his son. The villagers' response was collective non-compliance, and Jan was soon forced to prosecute no fewer than ninety-six individuals for dereliction of seigneurial duties before the Council of Flanders. This in itself was a tacit admission that pursuing his rights before the seigneurial court—presumably staffed by the very individuals with whom he was clashing—was not feasible. On this occasion the judges of the princely court sided with the lord, and seventy-two individuals were fined for avoidance of corvée, but in 1480 Jan van Vaernewijck himself was sued before the Council of Flanders by 163 plaintiffs, that is, nearly every head of household in Eksaarde. Two years later, when the villagers again took legal action against their lord, the plaintiffs are simply described as 'the aldermen and subjects' of the lord. The leading villagers who dominated the seigneurial administration had thus allied themselves with lower-ranking subjects to present a united front against their lord. The result was chaos. Jan van Vaernewijck and his handful of allies had lost control over the local community, thus reducing the seigneurie of Eksaarde to an empty shell, much to the concern of the judges of the Council of Flanders. As an institution, the seigneurie functioned to the extent that it merged with society itself, while being reinforced by inequalities in the local community. This seems to be the most important lesson of the unique Dadizele Manuscript and the legal disputes of Jan van Vaernewijck, whose 'bad lordship' appears as the perfect foil to the 'good lordship' of Jan van Dadizele.[122]

We must, however, conclude with a caveat. In this chapter we have looked at the seigneurie as if at a completely autonomous entity with both the lord and the subjects interacting only with each other. More often than not, the situation was more complicated. Increasing numbers of lords and ladies were holding multiple seigneuries, so that more and more villagers were experiencing absentee lordship. In such a scenario, involving an absent lord, village elites would have exerted even greater pressure on seigneurial policy than was the case in Dadizele. Moreover, lords were becoming increasingly involved in the princely administration and the town councils. At least occasionally, they used their authority as urban aldermen

[122] A publication on the crisis of lordship in Eksaarde is in preparation by Thijs Lambrecht and Frederik Buylaert, which is to be published in a special issue edited by Spike Gibbs and Tanja Skambraks in *Jahrbuch für Wirtschaftsgeschichte/Economic History Yearbook* under the working title *The Economics of Lordship in Late Medieval Europe*. For an example from later centuries of such a breach of trust between a lord and the local notables, see De Clercq, 'Een proces wegens majesteitsschennis in Ingelmunster', 163–97.

or as comital officials to further and protect the interests of their seigneuries, which must have enhanced their standing within the seigneurie. These changes in how seigneuries and seigneurial lordship were connected to other sources of power and their consequences for the balance of power within the seigneurie take centre stage in Chapters 4, 5, and 6.

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4
Lordship, Chivalry, and Urban Society

1. Introduction

In this chapter we examine what seigneuries meant to the men and women who owned them. The question is an important one, for the workings of a seigneurie were complex. As we have seen in the first three chapters, wide administrative and judicial powers were embodied in the 800 or so seigneuries with high and middle justice in the county of Flanders, and seigneurial regulations governed the villagers' everyday lives. Conversely, it is clear that more than anywhere else in Europe, in Flanders the seigneurie was not so much the instrument of the lord as that of the subjects. A lord or lady depended on the cooperation of their subjects because the seigneurial aldermen's bench had to be filled by local notables. At the same time, by becoming an out-burgher of one of the county's many towns, peasants could avoid certain seigneurial taxes and, if they chose to, could also settle their civil law cases before the town's court rather than the seigneurie's. Thus, the subjects impinged on seigneurial policy: seigneurial taxes were reduced to a minimum and the seigneurie was aimed primarily at public service rather than facilitating the whims of the lord or lady. In that context, exactly what the possession of a seigneurie meant to the lords and ladies of the county of Flanders is open to conjecture.

We must stress at this point that in Flanders, lay lordship was much more important than institutional lordship. Of the 800 or so seigneuries with high or middle justice, more than 700 were routinely ruled by lords and/or ladies. The count of Flanders could also own seigneuries, but this was never a priority for him: between the mid-fourteenth and mid-sixteenth centuries, only twenty-eight seigneuries were permanently under his control (3.5 per cent). In another twenty-three we see that the count took control of a seigneurie at a certain point, only to relinquish it again soon afterwards. With the rise of Protestantism, for example, Charles V and Philip II would occasionally confiscate the seigneurial estate of this or that lord or lady who refused to conform to Habsburg religious policy. The preferred course was not to integrate these seigneuries permanently into the comital domain. Rather, the seigneurie was soon returned to the family of the original lord or lady, or sold or given away to someone favoured by the prince.[1]

[1] Speecke et al., *Repertorium van de Vlaamse heerlijkheden*, nos 16, 38, 45, 96, 140, 177, 213, 244, 260, 280, 292, 308, 331, 334, 343, 347, 371, 409, 428, 446, 486, 515, 528, 626, 627, 635, 654, 658 (for short-term control, see 40, 50, 83, 173, 233, 312, 325, 339, 389, 431, 447, 474, 480, 504, 510, 521, 550, 559, 582, 587, 645, 678).

Towns too were not particularly interested in acquiring seigneuries in their hinterland. Bruges controlled Maandagse and Ypres was the lord of Vlamincambacht, but as a rule the Flemish towns' practice of out-burghership already gave them sufficiently strong control over rural lordship, so that they saw no need to become lords themselves.[2] Ecclesiastical lordship, then, appears to have been more important than comital or urban ownership of seigneuries. For example, each of the two leading abbeys of St Peter and St Bavo (both near Ghent) controlled multiple seigneuries with high or middle justice. In the period under discussion, monasteries and other religious institutions had permanent control over sixty-six seigneuries (8.2 per cent), with another nine under the control of an ecclesiastical lord for a shorter span of time.[3] While this is a respectable share, ecclesiastical lordship in Flanders was a limited phenomenon compared to other parts of Europe. In the hinterland of Lyon, for example, the bulk of the great seigneuries were in the hands of important monasteries.[4] In fourteenth-century England churchmen also controlled many manors, with ecclesiastical landlordship claiming slightly more than half of all rural revenue.[5] Thus for reasons that are not fully clear, Flanders presents us with a different trajectory in which lay lordship was the norm, with almost 90 per cent of the 800 or so seigneuries with high and middle justice usually having a lord or lady.

Our contention is that the seigneurie had great and lasting importance to its owners. Not only did a seigneurie with higher justice still bring in enough revenue to make its owner wealthy, as was shown in Chapters 2 and 3, it also continued to be a source of authority and prestige. It would be a mistake to think that because they had to share control of the seigneurie with their subjects, lords and ladies were completely powerless. The previous chapter focused on the manuscript written around 1480 by Jan van Dadizele, in which the author is at pains to portray himself as a 'good lord'. It is obvious from the picture Jan gives us of himself that he was perfectly conscious of the need to rule in collaboration with his subjects. Within the village community he positioned himself as a pivotal figure between the various institutions, ranging from the seigneurial bench of aldermen to the parish organizations. Importantly, he also presented himself as the community's spokesman vis-à-vis the outside world, using his successes as a knight, courtier, and officer of the comital court as a lever to prise all kinds of privileges for Dadizele from the count of Flanders, something that must have raised his authority and prestige enormously in his subjects' estimation. Thus the lord of Dadizele

[2] On out-burgership, see Chapter 2, Section 3.

[3] Speecke et al., *Repertorium van de Vlaamse heerlijkheden*, nos 11, 21, 43, 79, 95, 105, 107, 137, 145, 146, 148, 174, 175, 176, 181, 189, 216, 245, 259, 309, 313, 317, 344, 353, 357, 370, 382, 390, 400, 401, 426, 429, 436, 460, 464, 465, 488, 493, 494, 517, 523, 524, 527, 530, 531, 532, 533, 534, 535, 556, 567, 578, 596, 597, 605, 639, 657, 659, 663, 673, 679, 670, 680, 767, 776, 777 (for short-term control, see 13, 55, 71, 143, 147, 361, 381, 412, 640).

[4] Lorcin, *Les campagnes de la région lyonnaise*, 113, 117, 120, 167, 170–8, 182–5, 190, 466.

[5] Campbell, 'The Agrarian Problem', 12 (table 1).

was well aware that his power was a negotiated power, determined through dialogue with his subjects, but no less tangible for that.

Presumably the situation in fifteenth-century Dadizele was the rule rather than the exception, for contemporaries had unabating respect for a seigneurie's potential for the exercise of power. In the second section of this chapter we show how the holders of seigneuries proudly bore the titles of 'Lord of…' or 'Lady of…' and that the use of such titles was also established among the rest of society. Jan van Dadizele, for instance, began his manuscript by introducing himself to the reader as 'Jan, lord of Dadizele. He has the [family] name, the full coat of arms, and the seigneurie' (*Jan, heere van Dadiselle. Hij heift de name, vulle wapene ende heerlichede*). He and other owners of seigneuries were indeed often, though not always, recognized by contemporaries as lords; to cite a random example, the owner of the seigneurie Eksaarde (castellany of Waas), who appears in a charter of 1369 as 'Sir Jan Mulaert van Gavere, lord of Exaerde'.[6] Judging from muster rolls, which we discuss below, the use of seigneurial titles as a handle for designating the political hierarchy increased rather than decreased between the fourteenth and sixteenth centuries, suggesting that a seigneurie continued to be a source of status.

In the third section of this chapter, we expand on that suggestion with a discussion of the seigneurie as a source of nobility. Before legislation was passed by the Habsburgs in 1595 and 1616 officially determining who was and was not recognized as noble by the administration, noble status was first and foremost a social issue. At that point, nobility was not legally controlled by the princely government, but rather a social cachet that contemporaries claimed or ascribed as they saw fit.[7] Letters of nobility were not unknown in the Burgundian-Habsburg Netherlands, but were still a negligible phenomenon that barely impinged on the composition of Flemish nobility.[8] What did determine who belonged to the nobility was the possession of seigneuries. Since the twelfth century, nobility had been closely associated with both the ideal of chivalry and seigneurial power, so that control of a seigneurie was a crucial element in contemporaries' considerations of whether to rank someone as noble. As elsewhere in Europe, the acquisition of a seigneurie doubled as an entrée to the nobility.

At the same time, we must emphasize that the unusual situation in Flanders, where the balance of power in the seigneurie tilted towards the subjects, certainly left its mark on the seigneurie's social significance. Historians have noted that elsewhere in Europe the use of seigneurial titles and the noble cachet of seigneurial power extended to small seigneuries or seigneuries with only very basic rights, but that was not the case in Flanders. There that status-enhancing effect was limited

[6] State Archives in Ghent, Oorkonden van de graven van Vlaanderen—Charters Saint-Genois, no. 1813.

[7] For an introduction to this subject, see Buylaert, *Eeuwen van ambitie*.

[8] This revolution is discussed in Janssens, *De evolutie van de Belgische adel*.

to seigneuries with high or middle justice. With a few exceptions the thousands of small seigneuries with low justice in the county did not endow their owners with the same social kudos. Thus, opinions on what made someone a lord or lady depended on the political prerogatives embodied in seigneuries with higher justice rather than on the economic rights associated with seigneuries as a whole.

To explain the singular trajectory of the county of Flanders, in the fourth section we discuss how lords and ladies positioned themselves socially in a highly urbanized society. The degree of urbanization in Flanders was well above the European average of around 10 per cent of the population, and the large cities also had an unusual amount of political power. Apart from the aforementioned institution of out-burghership, which left lords watching impotently as neighbouring towns subverted their civil authority over the local population, the large cities of Ghent, Bruges, and Ypres dominated popular representation vis-à-vis the prince. Lords and ladies reacted to the cities' power by increasingly allying themselves with the urban elites through marriage and becoming directly involved in urban politics. In that way they could defend their seigneurial interests via the cities, but by the same token the connections between lords and ladies with high or middle justice on the one hand and lords with low justice on the other were not as close as they were elsewhere, so that the latter remained outside the milieu of the Flemish nobility.

In this chapter, therefore, we take a first step in widening the perspective from the seigneurie as an institution to seigneurial lordship as a malleable concept. As mentioned in the Introduction to this book, to contemporaries 'lordship' was an umbrella term for various forms of power. Because of the association of lordship with nobility, seigneurial power—in the strict sense of the word, as the authority embodied in a seigneurie—had also long been linked to the ideal of chivalry, or the power that the male possessors of seigneuries derived from their martial life-style as knights. On the eve of the Dutch Revolt, that association of seigneurial power and chivalry weakened as lords and their noble relatives increasingly abandoned the military way of life. Meanwhile, seigneurial authority had become interwoven with a new element, namely urban power. Between the fourteenth and sixteenth centuries, Flemish lords would increasingly combine the power they derived from their seigneurie with the power of Flemish town councils.

2. Seigneuries and Seigneurial Titles

Contemporaries regarded the seigneurie not as an autonomous entity, but as part of a cultural matrix in which seigneurial power was linked to many other elements.[9] We came across one of those associations in Chapter 1, where it was mentioned

[9] The classic theoretical formulation is Geertz, *The Interpretation of Cultures*, *passim* and esp. 5 and 89 for the historical dimension of that process.

that seigneurial power was encapsulated in fiefs since feudal law enabled a seigneurie to be transferred intact to the eldest male heir, rather than being split up among all the heirs. That connection between seigneurial power and feudal primogeniture is a key point in a synthetic account of Flemish customary law, probably written around 1500 by Filips Wielant. In the light of those considerations, however, other factors routinely associated with the seigneurie also emerge. Wielant cited several elements that were always transferred from the testator to the heir together with the fief:

> To wit: jurisdiction and seigneurie, name and title, the cry and the coat of arms. Item, the horse and armour from the body of the deceased…[10]

Thus, what was handed down with the fief-cum-seigneurie were the family name and seigneurial title and the things essential to a knight's military lifestyle—a horse, armour, and a battle cry (*den roep*).

As to the name, we can be brief. As shown in the previous chapter, lords nurtured an ideal situation in which their family name was identical to the name of their seigneurie: the author of the Dadizele Manuscript went so far as to cultivate the fiction that he was called Jan van Dadizele, lord of Dadizele as this suggested—wrongly—that his family was a seigneurial dynasty that had existed for centuries rather than belonging to the Van Veerdegem family, which had somehow acquired the seigneurie when the original lords of Dadizele died out in the 1330s.[11] In Chapter 5 we show that, in the fourteenth century, for a noble house still to own the seigneurie from which it derived its family name was already rare. In what follows, we focus first on seigneurial titles and then discuss the association of seigneurial power with the noble ideal of chivalry.

Men and women who ruled over a seigneurie in their own name had the advantage of using a seigneurial title, a practice that dates back to the emergence of seigneuries in the tenth and eleventh centuries.[12] Bearing a seigneurial title was still desirable in the late fifteenth and early sixteenth centuries. A simple example is the epitaph of Pauline van Axpoele (d. 1485). As the last lawful heir of an old noble family, she had inherited the seigneuries of Axpoele (Kortrijk) and Hansbeke (Oudburg of Ghent), and her position as lady of those seigneuries is emphasized in her epitaph in a Ghent monastery church:

> Here lie the nobleman Pieter De Wale, doctor of both laws [i.e. civil and ecclesiastical] and counsellor to the archduke of Austria and count of Flanders,

[10] 'Te wetene: justitie ende heerlichede, naem ende title, den roep ende de wapenen. Item 't peirt ende harnas van den lichame van den dooden…' Published in Berten (ed.), 'Ancien projet de coutume générale', 270. For a more detailed discussion of this source, see Chapter 1, Section 2.

[11] Discussed in full in Chapter 3, Section 1.

[12] Many of the earliest references can be found in Warlop, *The Flemish Nobility*, Vols III and IV.

> who died on 19 April 1499, and the no less noble and generous lady Pauline van Axpoele, his wife and the secular lady of Hansbeke and Axpoele, whose life ended on 12 August 1485.[13]

Contemporaries of lords and ladies also followed this custom. When a document was drawn up in 1526 involving Willem De Wale, Pauline's son and heir, the clerk meticulously writes 'Sir Willem de Wale, knight, lord of Axpoele and Hansbeke' (*mer Willem de Wale, ruddere, heere van Axcpoele ende van Hansbeke*).[14] This usage was not universal in all written documents—lords and ladies were frequently referred to by their given name and surname only in bills or other bookkeeping-related documents, for example—but it was a common practice.

We can analyse the unwritten rules of this practice by examining a survey of seigneurial titles collected as part of a study of the social composition of the nobility in Dutch-speaking Flanders between around 1350 and 1500.[15] The study also took in quite a number of sources from the first half of the sixteenth century, though not to the same extent as the 150 years before 1500. This exploratory survey covered a sizeable corpus of diverse sources—charters, epitaphs, seigneurial accounts, military muster rolls, chronicles, and so forth—in which indicators of nobility are listed, such as titles like knight or squire. Seigneurial titles have also been systematically collected.

Although this survey covers only a small part of all the surviving source material, it was carried out with a certain system and thoroughness. Indeed the cornerstone of that research on the social composition of the Flemish nobility was based on the regular attempts by contemporaries to list all the militarily competent noblemen of the county, in which the seigneurial title of the person concerned is also mentioned with increasing regularity. A significant development in this context is that chivalric titles became increasingly rare.[16] In the late fourteenth century, around 80 per cent of noble families had at least one knight in their ranks, so that contemporaries used knighthood as a handle to name the nobility. For example, a survey of combat-ready noblemen from 1384 to 1386 is entitled 'Names of the Knights of Flanders' (*Namen van den ridders van Vlaenderen*).[17] From the early fifteenth century, however, far fewer nobles were knighted, so that

[13] 'Sepultura nobilis viri Peter de Wale, iuris utriusque doctoris, imperatoris archiducis Austriae comitis Flandriae conciliarii, qui obiit XIX aprilis 1499; nec non nobilis et generosae domicellae Paulynae ab Axpoele, eius uxoris, dominae temporalis de Hansbeke et d'Axpoele, quae vita perfuncta est XII augusti 1485.' Published in Despodt, 'Gentse grafmonumenten', III, no. 2.8/002 (our translation).

[14] State Archives in Ghent, Algemeen Familiefonds, no. 7374, fols 29r–33v.

[15] Buylaert, *Repertorium van de Vlaamse adel*, with a survey of sources consulted on 827–37.

[16] Buylaert, 'Lordship, Urbanisation and Social Change', 65 (graph 4 and table 5).

[17] Buylaert et al. (eds), 'De adel ingelijst', text edition no. 1.

contemporaries came to use seigneurial power rather than knighthood as a synecdoche for the nobility. The last known muster roll compiled with a view to mobilizing Flemish nobles for a campaign dates from 1540–3, and under the heading of 'Names and Surnames of the Nobles and Vassals in Flanders' (*Noms et surnoms des nobles et fiefvéz en Flandres*) it no longer lists even personal names, but only around 175 lords, starting with:

> Le seigneur de Bevres
> Le seigneur de Praet a cause de la terre de Woestine, Vlamerdinghe et Elverdinghe etc.
> Le seneschal de Haynnau a cause d'Agro[…] et Pont à Rosne
> Le seigneur de Renaix
> Le prince d'Oraigne a cause de Warneston
> Le seigneur de Pamele
> Le seigneur de Watervliet
> Le seigneur de la terre de Wedergrate
> Le seigneur de Woestene, hoir de Ghyselbrecht Jacqueloot
> Le seigneur de Couchy en Langhemarc, seigneur de Huele
> Le seigneur de Nevele

Notwithstanding the title, ordinary vassals (*fiefvéz*) feature rarely in this survey, which actually listed the owners of the most important Flemish seigneuries.[18]

This and comparable muster rolls help to catalogue the most common seigneurial titles, from which it immediately becomes clear that while lords and ladies often owned several seigneuries they were usually referred to by one title only. In the case of the second individual named on the list—Lodewijk van Vlaanderen (d. 1556), a knight of the Order of the Golden Fleece and a prominent counsellor and diplomat of Charles V—most of his important seigneuries are mentioned, namely Praat (Liberty of Bruges), Woestijne (Oudburg of Ghent), Elverdinge and Vlamertinge (Veurne), but the same man is referred to in another source from 1542 as Sir Lodewijk van Vlaanderen, knight of the Order of the Golden Fleece, lord of Praat, etc. (*mer Lodewijc van Vlaenderen, rudder vander ordene vanden gulden vliese, heere van Praet etc.*).[19] Likewise the eleventh name on the list: though only one of his many seigneuries is mentioned, the lord of Nevele (Oudburg of Ghent and Kortrijk), the renowned Philip de Montmorency (d. 1568), was also the count of Horn (in the Meuse valley) and lord of the Flemish seigneuries of

[18] Buylaert (ed.), 'Sociale hiërarchisering en informatiebeheer', text edition no. 8.
[19] See the entry in Cools, *Mannen met macht*, 301.

Huise (Oudenaarde) and Burcht and Zwijndrecht (Waas).[20] Thus, lords represented themselves with as much status as possible, shuffling their less prestigious seigneuries to the end of the list. Seigneurial titles were a device that enabled easy identification, making variation in seigneurial titles undesirable. An extreme offshoot of this phenomenon is the count of Flanders himself. He too owned a few seigneuries, such as Sijsele (Liberty of Bruges), but of course the successive counts of Flanders are never referred to in the sources as 'lords of Sijsele'. The same observation applies to ecclesiastical institutions that were the owners of seigneuries with higher justice: we have not come across a single source in which an abbot or abbess appears with a seigneurial title. As we discussed above, however, only about 12 per cent of all seigneuries with higher justice were in ecclesiastical or comital hands. The main reason why some seigneuries did not give rise to a seigneurial title was the clustering of seigneuries in the possession of individual lay lords. As we shall show in Chapter 5, more than half of the seigneuries with higher justice were included in clusters of seigneuries held by a single noble house. Many lords thus had multiple seigneuries, but were usually referred to in the sources by one seigneurial title only. In many cases, therefore, a seigneurie had no matching seigneurial title, although such a title would devolve upon the owner so long as they did not possess a more important seigneurie. Presumably seigneurial titles were coined more quickly for higher seigneuries with authority over an entire village or parish than for those that ruled only a limited territory.

The survey of sources relating to the Flemish nobility contains around 360 different seigneurial titles. Of these around 100 can be jettisoned right away. First, we can get rid of references to seigneuries that lay outside the county of Flanders. Prominent nobles such as the aforementioned Philip de Montmorency often owned seigneuries in several principalities. For example, Flemish sources mention the lord of Kruiningen's seigneurie in Zeeland.[21] Second, we focus on rural seigneuries and so leave out references to the lords of twenty-one seigneurial towns, such as the lord of Gistel or the viscount of Harelbeke. Third, we omit ambiguous references (such as the incomplete place name in the third seigneurial title in the 1540–3 list). Scribes were not always familiar with the place name in question, so names of seigneuries were sometimes mangled. This leaves us with 252 seigneurial titles by which contemporaries referred to the lords of Flemish seigneuries in around 1350 to 1550.

While this list is by no means complete, it does immediately show that the use of seigneurial titles was usually limited to the county's roughly 800 seigneuries with higher justice. Of the 252 seigneurial titles only 49 (19 per cent) could not be

[20] An introduction to the accumulation of these possessions can be found in Groenveld, 'Filips van Montmorency', 48–56.

[21] For this example, see Buylaert, *Repertorium van de Vlaamse adel*, 402–4 and cf. van Steensel, *Edelen in Zeeland*.

directly linked to a seigneurie with high or middle justice. This estimate relates to an aggregate of seigneurial titles filtered from a wide range of sources, but a snapshot produces a similar picture. The best source available is the aforementioned *c.*1540–1543 muster roll of great Flemish lords, which lists around 175 individuals as the owners of 219 different seigneuries. Here too, eleven must be omitted as they refer to seigneuries outside the county. Aarschot, for example, is in the duchy of Brabant, but the lord of Aarschot is on the list because he also owned seigneuries in Flanders. Of the remaining 208 seigneurial titles, only 33 (16 per cent) are not directly traceable to a seigneurie with higher justice.

Within the aggregate of higher seigneuries, there was no demonstrable correlation between the precise level of justice and the appearance or otherwise of seigneurial titles. Seigneuries with middle justice were just as likely to bear a seigneurial title as a seigneurie with high justice. This was the case for Moorslede and Mosserambacht (Ypres), for example: in a document from 1502 the owner repeatedly referred to himself as 'I, Joos vander Poorte, lord of Moorslede and Mosserambacht' (*ic Joos vander Poorte, heere van Morslede ende van Mooscherambacht*).[22] Similarly, a few seigneurial titles appear to relate to the rather small group of seigneuries with only the more limited rights of *waarheden* (the right to convene regular public gatherings of the villagers for collective questioning) and *straatschouwingen* (the regular supervision of roads and other public spaces), such as Oostkamp (Liberty of Bruges), Geluwe (Kortrijk), and Passchendaele (Ypres), for instance. Apparently, therefore, various judicial and administrative powers were also a basis for a seigneurial title.

To understand why some seigneurial titles could not be linked to a seigneurie with high or middle justice, we must first take note of the peculiar phenomenon of 'village seigneuries'. As discussed in Chapter 1, many parishes were home to more than one seigneurie and, generally speaking, the lord of the village was that lord on whose land the parish church was situated.[23] A good example is Wingene, a large parish south of Bruges (Liberty of Bruges and Kortrijk) that was home to two seigneuries with substantial rights, namely Hof van Wingene and Sint-Amands. As the parish church was situated within the territory of Sint-Amands, this seigneurie was linked with the title of 'lord of Wingene'.[24] Similarly, the title of 'lord of Bavikhove' (Kortrijk and Ypres) was not tied to the important seigneurie of Ten Koutere, but to the smaller seigneurie of Ter Kercke, which, as the name reveals, included the parish church (*kerk* being the Dutch word for 'church').[25] As it happens, both seigneuries in Bavikhove belonged to a single family, but in other cases local lords could clash fiercely over who was entitled to call himself the lord

[22] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1180, fols 114r, 490r, 494r.
[23] The best available discussion is Maddens, *De beden in het graafschap Vlaanderen*, 122, 133, 141.
[24] A detailed discussion in Patteeuw, 'Feodaal overzicht van Wingene', 13.
[25] Huys, 'Bavichove', 23; Vuylsteke, 'Historische schets van Bavikhove', 310–11.

of the village.[26] Where things get complicated is that sometimes the parish church was situated on a plot of land that did not belong to a seigneurie. In that scenario too, contemporaries could also speak of the lord of this or that village, even if the individual in question was not, strictly speaking, a lord. This helps to explain why not all seigneurial titles were rooted in a seigneurie. At this point, we should also recall a phenomenon that was discussed in Chapter 1, namely the existence of roughly ten estates, mainly in the Liberty of Bruges, that were technically not seigneuries with high or middle justice, even if the owners of those important estates were routinely referred to as the lord of Dudzele or of Straten, and so on.[27] In a similar vein, we can note a flexible use of seigneurial titles for individuals with claims of governance over small rural districts within this or that castellany (so-called *meierijen*). Last but not least, we see that contemporaries sometimes invented seigneurial titles as a shortcut by which to refer to specific individuals. The best example is one of the most resounding titles in the county of Flanders, that of the 'lord of Gruuthuse'. During his lifetime, Lodewijk van Gruuthuse (d. 1492) was one of the county's most prominent nobles. Although he owned not a few seigneuries with higher justice, including the 'princedom' (*prinsdom*) of Steenhuize (Aalst), he bore a seigneurial title that was derived not from a village seigneurie, but from the *gruutrecht*, the valuable tax on beer production and consumption in Bruges that was the basis of his family's wealth and eminence.[28] 'Gruuthuse' quickly became a term used in Flemish society to designate the possessor of an unusually large conglomeration of higher seigneuries. Seigneurial titles were thus somewhat flexible in nature.

What matters for our line of enquiry is that seigneurial titles were only rarely linked to seigneuries with low justice. To be clear: some of the most important seigneuries with low justice could also bear a seigneurial title, especially if the lord in question also held a seigneurie with high justice elsewhere. Schardauw, a feudal seigneurie in the castellany of Kortrijk, is a case in point. With its fortified manor house, bailiff, and complete bench of aldermen, it was manifestly a significant source of public order in Sint-Eloois-Winkel. As far as we have been able to establish, the earliest occurrence of the title 'lord of Schardauw' is dated 1475, and it is probably no coincidence that it was in this period that this seigneurie with low justice was owned by Sir Adriaan van der Gracht, a descendant of the prominent noble family that had held the higher seigneurie of Ter Gracht in fief from the feudal court of Kortrijk since at least the fourteenth century.[29] So perhaps the aura of exalted nobility wafted from the Van der Grachts, as nobles with high justice, all the way over to Schardauw. This example, however, is not unique, though the

[26] See Chapter 6, Section 5 for a well-documented clash over the seigneurial title of Heestert.
[27] See Chapter 1, Section 6.
[28] Buylaert, *Eeuwen van ambitie*, 113–16.
[29] Archives Départementales du Nord (Lille), série B, no. 4008/3, fols 6v, 7r, 19v, and supplement with Buylaert, *Repertorium van de Vlaamse adel*, 486–8.

other cases, such as Oekene (Ypres), Zotschore (Liberty of Bruges), Vaernewijck (Oudberg of Ghent), and Wintvelde (Waas), tended to involve less nobly-born owners. These were generally fiefs that are explicitly referred to as seigneuries in the sources and were fully developed institutionally, in the sense that they each had a bailiff and a complete bench of aldermen or *laathof*—seven aldermen who were responsible for seigneurial justice. This latter entity was in contrast to the many seigneuries with low justice which were so small that the volume of seigneurial jurisdiction required fewer aldermen, or aldermen borrowed from another seigneurie. At most, therefore, only a few dozen seigneuries with low justice had a seigneurial title. The foremost conclusion remains that the 2,000 to 3,000 seigneuries with low justice in Flanders did not, as a rule, give rise to a seigneurial title and that the bulk of seigneurial titles in circulation was linked to seigneuries with higher justice.

The strict rules surrounding seigneurial titles in Flanders make for a marked contrast with other parts of Europe. Particularly neighbouring France, where seigneuries with higher justice were numerous and where contemporaries were increasingly using seigneurial titles for seigneuries with low justice. As we mentioned in Chapter 1, in Flanders the notion of the seigneurie was used much more easily for higher seigneuries than low ones, but in France the idea of the seigneurie with low justice was much more assimilated. A well-documented example is the Vannetais, a Breton region encompassing some sixty parishes. Around 1480 this area had more than 300 estates that made the owner a *sieur*, but only fifteen to eighteen of them had high justice. Moreover, there was clearly some leeway for the creation of smaller seigneuries and associated titles, for around 1535 the number of *sieuries* had already risen to around 450.[30] Exactly where the line was drawn in reference to seigneuries varied from region to region, but more often than not seigneuries with low justice were recognized as such.[31] The ease with which ambitious individuals assumed a new seigneurial title is striking. Around 1588, for example, the inhabitants of La Loupe in the Beauce region (south of Paris) complained of men-at-arms who terrorized the local community while claiming titles such as lord of the pool, the pond, the moat, the hedge, and suchlike (*pris titre de seigneurie comme le vivier, le rotoir, la fosse, le buisson, l'épine, l'étang, la borde, la queue et autres tels et semblable*).[32] Nor were such actions unique to 'warlords' in wartime: witness the Breton nobleman Noël du Fail (d. 1591), lord of La Hérissaye, for example, who inveighed against the presumption of ambitious crown officials and merchants who

[30] Gallet, *La seigneurie bretonne*, 11, 78–80, 81–93, 118, 125–6, 242–7, 310–12, 317–23, 326–7, 332–7, 398, 410–12, 415, 431–4, 476–7, 524–8, 545, 547–8, 563–4, 595–6.

[31] See the comparative discussion in Fourquin, *Seigneurie et féodalité*, 165–75.

[32] Cited in Constant, *Nobles et paysans en Beauce*, 56–7, 519. For similar incidents in the Hundred Years War, see Wright, *Knights and Peasants*, 44–6, 50, 52, 60–1, 127.

> take upon themselves the title of 'lord' after some small dwelling that they own, such as lord of the moat, of the vineyard, of the orchard, of the green hat, of the suckling sow, and the like, all this in imitation of the old insignia of nobles [*gentilshommes*] which they gradually efface so as to replace them with their own.[33] [authors' translation, omitting the unclear *blandureau*]

Similar diatribes against new lords often included the specific complaint that those self-proclaimed lords had no jurisdiction (…*qui n'ont point de juridiction*), which again goes to show that seigneurial titles were much easier to come by in France than in Flanders.[34]

Such remarkable do-it-yourself designating, whereby a small number of individuals gave themselves a seigneurial title without owning a seigneurie, was not entirely unknown in Flanders, but it was extremely uncommon. The more usual scenario, albeit still very rare, involved the count of Flanders giving someone the wherewithal to claim a seigneurial title, either by upgrading a seigneurie with low justice to one with middle or high justice or by creating a completely new higher seigneurie.[35] And as mentioned earlier, there were special circumstances covering eleven large fiefs, mostly in the Liberty of Bruges, which were not seigneuries, but whose holders were still recognized as 'lord of…', though that situation derived from at least the fourteenth century and often even earlier. We know of only two cases where a new seigneurial title was introduced without an accompanying higher seigneurie.

The first of those cases is Cortewalle, a sizeable fief with extensive land rents and twenty sub-fiefs in Beveren-Waas. In the early fifteenth century, the then owner, Joos Vijd, persuaded the count of Flanders to sell him the *meierij* rights over the parishes of Beveren, Melsele, and Kallo: thenceforth he and his heirs exercised the equivalent of low justice in the Cortewalle vicinity. He also began the steady enlargement of what had been the fief's manor house into a fully-fledged castle. Although technically not a seigneurie, from the sixteenth century contemporaries spoke of the 'lords of Cortewalle', an assessment based on the conjoint handing down of a large fief, a castle, and the local *meierij* (a rural district within a castellany).[36] Joos Vijd was the younger son of a family that a few years earlier, in 1397, had secured a place amongst the ranks of the nobility by purchasing Pamel and Ledeberg on the border of Flanders and Brabant, but that large seigneurie

[33] '…titrer et qualifier du mot de Monsieur, soubs le nom de quelque closerie qu'ils auront, Monsieur du fossé, de la vigne, du capendu, du chappeau verd, de la truie qui file, du blandureau, et autres de telle farine, contrepetans et suivans au grand galop les anciennes marques des gentilshommes, que peu à peu ils effaceront, pour y supplanter les leurs.' Cited and discussed in Autrand, 'Perception et appréciation de l'anoblissement', 17.

[34] Cited in Contamine, *La noblesse au royaume de France*, 227–8. For other examples, see Bitton, *The French Nobility in Crisis*, 99.

[35] We discuss this in more detail in Chapter 6.

[36] A discussion in Buylaert and Verroken, 'Een adellijk altaarstuk', 85–6.

was a fief and by right of feudal primogeniture went successively to his two elder brothers. Cortewalle's expansion gave Joos Vijd a certain amount of seigneurial cachet himself, and around 1416–18, both his elder brothers having died without legitimate issue, he inherited the seigneurie of Pamel and Ledeberg. That the wealthy and influential Joos Vijd ultimately became the owner of an undisputed seigneurie with high justice may have contributed to the increasing perception of the 'lords of Cortewalle' as being analogous to the 'lords without seigneurial lordship' who for centuries had been in evidence in the Liberty of Bruges.

The other example of a new seigneurial title without a higher seigneurie to go with it comes from the Liberty of Bruges itself. Around the middle of the sixteenth century, a twelfth fief was added to the list of 'lords without seigneurial lordship'. The driving force behind the project was a certain Hue de Grammez, who, rightly or not, claimed kinship with the high-born d'Antoing dynasty, owners of the seigneurie of Grandmetz in Hainaut. Be that as it may, Hue's ancestors had held possessions in Flanders since the late fourteenth century, and now he used his impressive career in princely service as leverage in building up a fief with a seigneurial cachet. Hue was a member of the Council of Finance and in 1545 his patron Charles V granted him permission to merge two fiefs he owned in the parish of Dudzele into a single estate with a manor house that was thenceforth held in fief from the Burg of Bruges under the name 'Grammez'. He was soon describing himself as 'lord of Grammez, Wingene and Wulfsberge', although only Wingene and Wulfsberge were seigneuries in the strict sense of the word. In this case too the seigneurial title of Grammez probably caught on because the owner also possessed a seigneurie with high justice, that being Wingene.[37]

3. Seigneuries and Nobility

In Flanders and elsewhere in Europe people sometimes asked their prince to create a new seigneurie for them, or they might experiment with seigneurial titles, for these were both routes by which they could rise from burgher to noble. The seigneurie had long been a source of nobility, so acquiring the cachet of lord or lady provided a lever for upward social mobility. Similarly, when members of established noble families wished to stress their nobility, focusing on their seigneurie was the obvious way to do so. The Dadizele Manuscript discussed in Chapter 3, in which, around 1480, the knight Jan van Veerdegem unabashedly introduced himself to his readers as 'lord of Dadizele', is a case in point.

That association of nobility with seigneurial power was an ancient one. The personal claim to the public exercise of power was probably the oldest reason for

[37] A discussion in Baelde, *De Collaterale Raden*, 265.

the assertion of social superiority embodied in the idea of a noble class. In Western Europe the earliest known references to noble status (*nobilis* in Latin) date back to the tenth and eleventh centuries and were used to allude to great aristocrats with authority over entire regions within the Carolingian or post-Carolingian world. Over time this social cachet became accessible to a wider elite and was assumed by lords of a somewhat more modest stature. The more large parts of Europe were covered with local seigneuries in the eleventh and twelfth centuries, the more quickly these new lords were recognized as nobles.[38]

An important factor in the opening up of the originally exclusive concept of nobility to include purely local rulers was the simultaneous development of a chivalric culture in the late eleventh and twelfth centuries. The title of knight then began to lose its strictly military connotations and to become a title of nobility, propelled by the idea that, under the leadership of the prince, knights made themselves worthy and useful to society by providing protection against adversaries ranging from neighbouring princes to enemies of Christianity and local troublemakers. The considerable and escalating cost of permanent military preparedness and the equipping of a heavily armed knight meant that the rank of knight and the concomitant ideal of chivalry was increasingly confined to wealthy landowners, the milieu in which the new village lords emerged.[39]

Ideologically, the dispensation of justice was a common denominator between the seigneurie and knighthood as the two pillars of nobility. The seigneuries created in the eleventh and twelfth centuries often had judicial rights, while knights were expected to use their swords to see that justice prevailed. Seigneurie and chivalry interlocked because to keep law and order in the seigneurie, lords benefited from the military expertise they had acquired as a knight or a squire (a title for lesser nobles that became established from the thirteenth century). In a society in which there was no professional law enforcement by police forces funded by a centralized state, a lord had to be able to use a credible threat of violence to enforce the payment of seigneurial taxes and the observance of the verdicts of the seigneurial aldermanic court. It is hardly surprising, therefore, that lords both great and small enthusiastically subscribed to chivalry as a martial social ideology, given that the creation of thousands of new seigneuries was presumably viewed with dismay by large parts of the peasantry of Europe, who thereby lost their customary freedoms.

In practice, the ideal of chivalry was not enough to maintain the seigneurie. As we noted in Chapter 3, in the long run lords often had no option but to cooperate

[38] The literature on the origin of seigneuries is touched upon in Chapter 1, Section 1. Lordship as a source of nobility is especially stressed in Kaminsky, 'Estate, Nobility and the Exhibition of Estate', 695–702 and in Bisson, 'Medieval Lordship', 754–5.

[39] The seminal study that was already attentive to the close association of chivalry with lordship is Keen, *Chivalry*, esp. 11, 16–17, 25–6, 28–9, 32, 42, 68, 143–4. For the vast scholarship that developed in its wake and a recent synthesis, see Crouch, *The Chivalric Turn*.

with their subjects, with all the limitations on their power that entailed. Helped by a band of followers aggressive lords could certainly terrorize a village for a time.[40] Many seigneuries probably originated in this way, as evidenced by the above-cited examples from France where roving men-at-arms took control of a village, but this was not a workable situation in the long term. Often, peasants also had their own military traditions as well as numerical superiority over a lord with a handful of helpers, not to mention the more ordinary situations where a seigneurie was ruled by a lady or a lord too young, too old, or too sick to make practical use of whatever military expertise he might have.[41]

At the same time it is clear that, although the reality was more complex, the idea of seigneurial power and chivalry were closely interlinked. Flanders was certainly no exception in that respect. As Filips Wielant noted around 1500, that ideological association was actually embedded in Flemish feudal law, manifest in the stipulation that on the death of the lord the attributes of knighthood—horse and armour, battle cry and coat of arms—should be transferred to the feudal seigneurie's new owner, to the exclusion of all other heirs. In Chapter 6, we also give a detailed discussion of the memoirs of Jan, lord of Dadizele. With its inclusion of an overview of all the military campaigns in which he took part, Jan of Dadizele clearly thought that his prowess, first as a squire and later as a knight, was intertwined with his seigneurial lordship. The help of his seigneurial militiamen was an important element in fulfilling his role as a military protector of society and, inversely, his military training and skills make him a natural leader for a village elite that occasionally had to use physical force to maintain public order in Dadizele.[42]

In relation to Dutch-speaking Flanders we can turn once again to the anonymous fourteenth-century treatise first referred to at the beginning of Chapter 2, whose author explicitly reflects on the nature and *raison d'être* of noble elites. The unknown writer described the main characteristics of Flemish feudal law, expressly focusing in his introduction on the idea that nobility was the particular cachet of lords and their families who, together with the prince, safeguarded society from internal agitations and external threats. The text remained popular for centuries: we know of no fewer than twenty-three copies, several of which come from the libraries of Flemish lords. Here we cite in full the introduction from the copy owned by the nobleman Roeland De Baenst around 1480:

[40] In any case, this is attested in the aftermath of the Ghent War of 1379–85. See Verwerft, 'Een blauwdruk van het Bourgondische beleid', 35–7, 40.

[41] The militarization of peasant communities has been touched upon in Firnhaber-Baker, 'The Interpretation of Public Order and Legitimate Authority', 361–2, 364. For the use of violence in the creation of seigneuries and questions of legitimacy, see Fiore, 'Refiguring Local Power and Legitimacy', 53–63, 68. This topic is discussed in more detail in Chapter 3, Section 5.

[42] See Chapter 6, Section 3. For public order maintenance in the seigneurie, see Chapter 3, Section 5.

> As feudal property is the highest and the most lordly thing on earth, and few people are familiar with it [i.e. feudal law], I want to elaborate on those feudal rights, since they are useful and necessary. Without fiefs, the world cannot be governed and nobility would not last, because everyman would soon want to be equal. One might realize this by looking at burghers who are unfamiliar with feudal law and who are, in consequence, all of equal state. If they would have a lord, being their lord by homage, they would not last, because if their lord or their children were to die, the property would be divided. As a result, the property would have many lords in a short span of time, and each man would want to claim his part of it. Therefore, it is proper that the eldest son inherits the lordship of the estate by himself and be the only lord, thus keeping the property intact, so that he might possess it legitimately, having authority over everyone, providing for his brothers and sisters and protecting and furthering his lineage as he ought to do. In this way he is the head of his house, which has to abide by him, and the land must be ruled in similar fashion, because otherwise, all lands would become internally divided. In this way, nobility came into existence, and for all those reasons, it is good and fitting that every land and every high-ranking house is kept unified under one head, as the world, the land, the estate and the lineage cannot survive without it, no more than a man can live without a head.[43]

The seigneurial power embodied in a fief made its possessor the head of his house and the head of the local community. In noble eyes this was the only way to ensure unity and strong leadership, with that source of unity safeguarded by being passed down from generation to generation according to the precepts of feudal primogeniture. In Flanders, too, the idea that the creation of seigneuries

[43] 'Omme dat leengoet dat hoecste ende heerlichte dinc vander werelt es ende niet lettel menichte van lieden bekent zijn, so willic verclaers doen van den rechten want zij nuttelic ende noetsakelic zijn gheweten, want en ware leengoede de werelt ne soude niet zijn gheregiert, edelhede ne soude niet ghedueren want elc zoude in corten jaren willen wesen heven goet. Dit mach men beseffen bij den porterscepe van den steden die thofrecht niet en weeten ende by dien zijn vele porters van ghelike state. Adden zij eenen heere, die by leene haeren heere ware, zij en mochten niet ghedueren, want storve haerelieder heere of haerelieder kinderen, men soude gaen deelen de stede. Zoe soude in corten daghen de stede hebben vele heeren ende elc soude zijn deel van dier stede willen hebben. Hier omme eyst orborlic dat de outste zone hebbe de herlichede vander stede alleene ende blive alleene heere zo dat de stede eendrachtich blive ende dat hy se houde in rechte te syne dat hy ghebot hebbe over al ende dat hy goede zijn broeders ende zusters in andere goet ende dat hij mach zijn gheslachte bescermen ende behoeren vorderen ende oec hoeft zijn van al tgheslachte om van hemlieden ghedient te zijne ende aldus eyst oec van lantscepe, want aldus souden oec alle landen in ghescille worden. In deser manieren begoenste eerst de edelheede, ende al dus zoe voert ghehouden in elc lant ende in elc hoghe gheslachte eenpaerlic bleven een hoeft ende by dese redene eyst bequamelic gode ende horborlic der weerelt ende niet meer en mach lant, stede noch gheslachte ghedueren zonder hoeft dan de mensche zonder hoeft leven.' Bruges City Archives, Ms 442, fol. 15r (this extract is also cited in Buylaert, De Clercq, and Dumolyn, 'Sumptuary Legislation, Material Culture and the Semiotics of "Vivre Noblement"', 406–7, but the suggestion made there that Roeland De Baenst is the intellectual author of this extract is not correct). For an overview and discussion, see Opsommer, 'Bewaarplaats archief of bibliotheek', 212–16.

was also the genesis of nobility was likewise prevalent ('In this way, nobility came into existence').

That association of nobility and seigneurie was still firmly entrenched in practice in the fourteenth, fifteenth, and sixteenth centuries. The usual way to address a Flemish nobleman at that time was 'noble and honourable lord' (*edele ende weerde here|noble et discret seigneur*), while the salutation proper to high-born nobles was 'high and mighty lord' (*hoge ende moghende here/hault et puissant seigneur*).[44] Claims to noble titles such as squire were also based on possession of a seigneurie, something we find powerfully expressed in a financial record from 1395–6 that designates the Aalst nobleman Michiel de Montengy as 'squire and noble lord of his seigneurie' (*Michiel de Montengy, escuier et noble homme sur sa seignorie*).[45] The title of *jonker* (a noble title that came into vogue for young noblemen who—unlike many squires—could reasonably expect to be knighted later in life), which also appears in the sources around 1400, was clearly linked to a seigneurie—witness, for instance, a charter from 1401 that mentions *Geeraerd…, joncheere van Zantberghen* (Aalst) or another document from 1502 that alludes to *mijn jonckere van Clesseneere*.[46] And as a last example, the seigneurie's noble cachet was explicitly referred to around 1550 by Pieter van Edingen, who described his seigneurie of Op- en Nederhasselt (Aalst) as his 'noble property' (*edel eyghendom*) in a case he brought before the Council of Flanders.[47] At a time when belonging to the nobility was still a matter of social perception, nobles referred to their seigneuries when they sought to emphasize their claim to noble status and a noble lifestyle.

The question that must be answered now is whether all Flemish seigneuries conferred noble status upon their owners or, as was the case with seigneurial titles, only those with higher justice.[48] In this connection the marked emphasis on

[44] Buylaert, *Repertorium van de Vlaamse adel, passim* and esp. 13.

[45] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 13546.

[46] Archief Gent, Reeks 330, no. 12, fol. 90r (Zantberge) and State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1180, fol. 70r (Klessenare).

[47] State Archives in Ghent, Fonds Raad van Vlaanderen, fol. 72v–74r.

[48] That every Flemish seigneurie made its owner a nobleman was suggested in 2011 by Frederik Buylaert in Buylaert, De Clercq, and Dumolyn, 'Sumptuary Legislation, Material Culture and the Semiotics of "Vivre Noblement"', 411–12 (the two co-authors of this publication, Wim De Clercq and Jan Dumolyn, were not responsible for this section of the article). However, the empirical basis of that claim is problematic. The focus was exclusively on the Liberty of Bruges, while Chapter 1 makes it clear that this region had its own particular seigneurial landscape compared to inland Flanders. Moreover, even for the Liberty of Bruges, the research population of fifty-one seigneuries is not solid. The survey of seigneuries was based on the so-called *appendante en contribuante heerlijkheden* of the Liberty of Bruges (that is, places with a special fiscal status within the castellany) as well as two lists of seigneuries and their owners drawn up respectively in the seventeenth century by Johannes Ludovicus de Joigny de Pamele (d. 1697), a noble canon from Ypres, and in the early twentieth century by the Belgian Viscount de Ghellinck de Vaernewyck (De Limburg—Stirum (ed.), 'Chanoine de Joigny', and De Ghellinck Vaernewyck (ed.), 'Les seigneuries de la Flandre'). Although these antiquarian projects have their value, including the correct mentioning of listed owners, comparison with the primary sources discussed in Chapter 1 shows that in this earlier study a number of fiefs have been too quickly classed as seigneuries. Local historians were misled by the problem of the lords without seigneurial

high justice in a statement by the high-born nobleman Louis de Luxembourg (d. 1475), count of Marle, is suggestive. He referred to his authority over the castellany-cum-seigneurie of Broekburg as the basis of his noble lifestyle as 'the land and seigneurie of Bourbourg, which he held nobly in all justice, high, middle, and low' (*la terre et seigneurie de Bourbourg, laquelle il tenoit noblement en toute justice haulte, moyenne et basse*).[49] So the question is, how were seigneurial power and nobility interlinked in practice?

We begin with seigneuries with high and middle justice, taking a group of 248 higher seigneuries in the Oudburg of Ghent, the castellanies of Kortrijk, Ypres, and Veurne, the Liberty of Bruges, the Four Districts, and the Land van Waas. Those higher seigneuries, whose owners are often well documented, made up around 31 per cent of the county's 788 higher seigneuries, which is enough to make informed statements about the status-enhancing effects of seigneuries of this type. To get a dynamic picture, we have divided the period between around 1470 and around 1550 into eight decades in which between 40 and 70 per cent of the lords and ladies are known. We can determine their status by using the aforementioned survey of the noble families in Dutch-speaking Flanders between around 1350 and 1500 and additional sources relating to Flemish nobles in the early sixteenth century (Table 1).[50]

Of the known owners of seigneuries with higher justice, around 90 per cent came from a noble family and there was probably no question about their noble credentials in the eyes of their contemporaries. Every so often the distinction

Table 1 Profile of the owners of 248 seigneuries with high and middle justice (absolute and relative)

	1470–9	1480–9	1490–9	1500–9	1510–19	1520–9	1530–9	1540–9
Seigneuries with known owners	148 (59.7%)	117 (47.2%)	123 (49.6%)	174 (70.1%)	151 (60.9%)	118 (47.6%)	102 (41.1%)	105 (42.3%)
Non-noble	19 (12.8%)	7 (6%)	8 (6.5%)	24 (13.8%)	17 (11.2%)	9 (7.6%)	9 (8.8%)	8 (7.6%)
Noble	129 (87.2%)	110 (94%)	115 (93.5%)	150 (86.2%)	134 (88.8%)	109 (92.4%)	93 (91.2%)	97 (92.4%)

lordship in the Liberty of Bruges discussed above, and they also seem to have pre-dated the seigneurial cachet of certain fiefs in later centuries to the late fifteenth and early sixteenth centuries. Apart from these problems with the research population, Buylaert's study also made no distinction between seigneuries with higher or low justice.

[49] State Archives of Belgium in Brussels, Fonds Grote Raad, register 790, no. 32, fols 117r–121v; no. 52, fols 186r–187r.

[50] In the rare case where more than one owner is known for that decade, the profile is listed as noble if at least one of those owners belonged to a noble family.

between noble and non-noble birth could be found in the same family, as the poorer branches of a noble house sometimes included burghers, but since this survey represents individuals with a personal title to at least one seigneurie with high or middle justice it is unlikely to contain any half-forgotten or penniless relatives with debatable noble aspirations.

This observation indicates that seigneuries with higher justice were indeed a source of nobility, and that families were noble for the very reason that they owned a higher seigneurie. The social composition of the community of lords changed rapidly. We shall discuss this in detail in Chapter 5, but here it suffices to note that seigneuries passed from one family to another with great regularity. Some families died out in the male line and the seigneurie passed to another family through a daughter, as was the case with the aforementioned Axpoele and Hansbeke, which until the late fifteenth century belonged to the noble Van Axpoele family and were subsequently inherited by the De Wale family through the marriage of the heiress Pauline Van Axpoele to Pieter De Wale. In other cases, seigneuries were sold, exchanged, or given away as a dowry. Consequently, in the mid-sixteenth century, a seigneurie was often in different hands than it had been eighty years earlier. At the same time, the fact that the percentage of nobles in possession of higher seigneuries remained more or less unchanged can only be explained by those seigneuries themselves being the agents that made the possessor and his immediate relatives noble.

This interpretation is supported by the observation that the moment a burgher acquired a higher seigneurie the way he was perceived by others began to change. Andries Andries is a good example. In 1495 he purchased the seigneurie of Wakken (Kortrijk) from Filips Utenzwane, a nobleman who had run into financial difficulties. Wakken was a seigneurie with high justice and a seigneurial title. It was soon evident that the new lord's social status was becoming the cause of some uncertainty. Referring to him in 1502, one contemporary still addressed him as 'honourable, wise, and worthy Andriez Andries' (*eerweerdeghe, wijsen ende notabelen Andriez Andries*), but as far as another was concerned he was no longer merely a worthy, but the 'noble and prudent Andries Andries, lord of Wakene' (*edelen ende voorsienighen Andries Andries, heere van Wakene*). A third, when writing to him, addressed him as 'squire'.[51] This is noteworthy because unlike the title of knight, the noble title of *jonker* or *schildknaap* was not granted by a prince or high-born nobleman, but simply used by contemporaries as they saw fit, with the possession of a seigneurie apparently being a determining criterion.[52] The acquisition of a seigneurie set in train a process of ennoblement. Along with

[51] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1180, fols 75r–v, 83r, 240r, 421r.

[52] Unlike the title of knight, the rank of squire did not have to be formally bestowed by the prince or a high nobleman. For a discussion, see Buylaert, *Repertorium van de Vlaamse adel*, 12.

comparable examples that can be followed over a longer period, it is clear that figures like Andries Andries were the originators of new noble families.[53]

The small minority of non-noble owners of higher seigneuries in Table 1 is therefore mostly made up of such transitional figures and their families, who were still crossing the no man's land between burghership and nobility. The foremost case is that of the Van Heckes, who appear from the 1470s as lords of no fewer than four higher seigneuries, namely Groot Eekhoute, Lotenhulle near Dendermond (both Oudburg of Ghent), Maalstapel in Ruiselede, and Het Voormezeelse (both Oudburg of Ghent and Kortrijk). This was followed in 1517 by the purchase of Cleyhem in Zuienkerke (Liberty of Bruges) by Wouter van Hecke, who described himself explicitly as 'lord of Cleyhem' and a nobleman, but that status only becomes definitive in 1542, when scions of the Van Hecke family are included on a list of nobles in the Liberty of Bruges.[54] Similarly, the Weyts family, who had owned Bulskamp (Kortrijk) since the 1470s, and the Wouters family, who had owned an unnamed higher seigneurie at Dikkebus (Ypres) since the 1510s and Vinderhoute and Merendree since the 1540s, are ranked as non-noble in Table 1 because the earliest known reference to both families' noble status dates only from the late sixteenth century. Likewise the Claeyszone family, who ruled the seigneuries of Schaubroeck (Oudburg of Ghent) and Wallebeke (Kortrijk) from at least the 1530s, only occur on a list of nobles in 1572.[55]

Also included in the non-noble group are individuals who appear only once or only briefly as lord or lady of a seigneurie with higher justice. These are probably cases in which the family failed to keep lasting hold of the seigneurie. Other cases involve relatively unimportant properties. For instance, we see the Godschalcs, a burgher family, as lords of a nameless seigneurie with middle justice in the hamlet of Wijtschate (Ypres). Just as was the case for seigneurial titles, it would have been mainly fully-fledged village seigneuries that formed the foundation for noble families.

Some conundrums do remain, like the Barbezaens, a prominent aldermanic family from Bruges who owned the village seigneurie of Erkegem (Liberty of Bruges) in the late fifteenth and early sixteenth centuries. Insofar as the number of powerful families from large towns and cities who acquired a seigneurie with higher justice was constantly increasing, the Barbezaens were typical, but whereas there is no doubt that those other families were ennobled, in the Barbezaens' case we lack the same sort of evidence. However, around 1500 Willem Barbezaen, as lord of Erkegem, married the daughter of a nobleman from northern France, Jean de Rebreviettes, lord of Thibouville, which suggests that at any rate the family moved

[53] Various examples in Buylaert, *Eeuwen van ambitie*.

[54] The relevant sources are published in Buylaert (ed.), 'Sociale hiërarchisering', nos 238, 487, 489, 504.

[55] The relevant sources are published in Buylaert (ed.), 'Sociale hiërarchisering', nos 340, 437, 565 (Wouters), 497 (Claeyszone).

in noble circles.[56] In-depth research is needed to determine the exact social position of such families and the exceptional circumstances that may have been in effect. Taken all in all, it is clear that the 800 or so seigneuries with higher justice in Dutch-speaking Flanders endowed their owners with nobility, just as they did elsewhere in Western Europe.

It was a different matter for the thousands of seigneuries with low justice in the county. As a point of comparison we took an early sixteenth-century *leenregister*—a feudal register containing copies of *dénombrements*—for each of seven castellanies: the Oudburg of Ghent, Kortrijk, Ypres, Veurne, the Liberty of Bruges, the Four Districts, and the Land van Waas (the Oudburg of Ghent and the Four Districts were combined in one *leenregister* in 1504). We then focused exclusively on those fiefs that were definitely seigneuries, but did not have any right that was associated with high or middle justice (as we discussed in Chapter 1, contemporaries only rarely explicitly referred to seigneuries with low justice as seigneuries). In the castellany of Veurne there were no fiefs explicitly designated as seigneuries with low justice, as far as is known, but the other six castellanies did contain fiefs with low justice that were often classed as seigneuries or were recorded as having a bailiff and a bench of aldermen, which was an indicator of seigneurial justice.[57] Table 2 thus shows a representative sample of the seigneuries with low justice that were relatively important. That those who owned them were not always nobles is clear when the list of their lords and ladies is compared with the list of Flemish nobility around 1500.

Table 2 reminds us of the great differences in the seigneurial landscape in Dutch-speaking Flanders, with an inland castellany such as Kortrijk having many

Table 2 Profile of the owners of 248 seigneuries with low justice (absolute and relative)

	Castellany of Kortrijk (1502)	Castellany of Ypres (1514)	Four Districts/ Oudburg of Ghent (1504)	Land van Waas (1528)	Liberty of Bruges (1502)
Number of seigneuries with low justice	189 (100%)	15 (100%)	14 (100%)	16 (100%)	14 (100%)
Non-noble	112 (59.2%)	5 (33%)	6 (42%)	7 (43.7%)	6 (42%)
Noble	71 (37.5%)	8 (53%)	7 (50%)	7 (43.7%)	6 (42%)
Uncertain	6 (3.2%)	2 (13%)	1 (7%)	2 (12.5%)	2 (14%)

Note: except for the castellany of Kortrijk, the absolute numbers are too small for an evaluation in percentages, but to make comparison with Kortrijk possible rounded percentages have been listed.

[56] See Du Fresne de Beaucourt (ed.), *Mathieu d'Escouchy*, II, 220.
[57] For this method, see the more detailed discussion in Chapter 1, Section 4.

more seigneuries compared to the coastal castellanies. At the same time, the table shows no significant variations in the social profile of lower lords and ladies, with only half—if that—belonging to a noble family.[58] The aggregate of lesser lords was something of a mixed bag. It included scions of noble families who had both higher seigneuries and seigneuries with low justice in their property portfolio as well as burghers who owned seigneuries with low justice only and who may well have ranked among the region's worthies, but were certainly not noble, nor did they become so by virtue of their ownership of a seigneurie with low justice.

Only a seigneurie with higher justice was a source of power and consequently of nobility. The conspicuous inequality of the social cachet conferred by higher and lesser seigneuries is also apparent from the Dadizele Manuscript examined in Chapter 3. When Jan van Veerdegem devised his text in 1480, his whole argument was constructed around Dadizele, his one seigneurie with middle justice, while references to his 'diverse small seigneuries' (*diversche cleene heerlicheden*) were tucked away at the back of the manuscript.[59] The understanding that a seigneurie with low justice had too little social influence to make its possessor a nobleman was spelled out in so many words by the jurist Filips Wielant. In his treatise on feudal law in Flanders, written in 1492, he made a distinction between noble and non-noble fiefs, pointing out that the latter lacked the political weight to have a status-enhancing effect:

> The fief that is not noble and villein is the one that belongs to the least among the vassals of the count or among the other vassals, of limited value and without any office, administration, or dignity; and this [fief] cannot endow its owner with nobility.[60]

A last observation: controlling seigneuries with higher justice was by far the most important source of nobility in Flanders, with that importance reaching a peak in the sixteenth century. The Flemish nobility was a remarkably small community. In a population estimated at 660,000 inhabitants in around 1470, only 250 to 300 noble houses could be identified at any given moment. It is impossible to give more exact demographic estimates because a noble house often united several nuclear families with the same surname, but the Flemish nobility represented

[58] In the case of some lords and ladies the current state of research does not enable us to determine with certainty whether, for example, Pieter Van der Meersch or Joos van den Brande, as the lords of two nameless seigneuries in Lendelede and Bellegem respectively (both in the castellany of Kortrijk), belonged to the noble families of those names, but these doubtful cases are so rare that they cannot essentially tilt the picture one way or the other.

[59] See Chapter 3 for a detailed discussion.

[60] 'Leen onedele ende vilain is tghene dat compt van desen minsten vassalen oft vanden grave oft eenich vanden anderen vassallen in cleender weerden ende sonder eenich officie, administracie ofte digniteyt ende dit en mach sinen besitters gheen edelheyt gheven.' Wielant, *Tractaet van den leenrechten*, 17–18.

only a fraction of the population. Its remarkable stability and small size is understandable when we bear in mind that only the 800 or so higher seigneuries gave a family noble status and that more than half of those seigneuries were included in clusters owned by the same family, a topic that we discuss in full in Chapter 5.

As mentioned above, chivalry was also a source of nobility, but nothing like to the same extent as ownership of a seigneurie with higher justice. A few who were knighted by the count of Flanders or another high-born nobleman in recompense for some meritorious deed or service were ennobled by receipt of a personal title, but this was a rare event and those lucky few could only pass on their new status to their descendants if they also acquired a seigneurie with high justice. The Bruges merchant and politician Jan van Nieuwenhove is a typical example of this route to nobility. In August 1479 he was knighted by Maximilian of Austria for his bravery on the battlefield at Guinegate, quite possibly through the mediation of Jan van Dadizele. The lord of Dadizele was connected to Jan van Nieuwenhove through marriage, after all, and as lord of a seigneurie with middle justice he had been knighted himself just the day before. Thenceforth, Jan van Nieuwenhove took on his persona as the noble head of a noble family, but he also went to great lengths to acquire a number of seigneuries. One of them was the seigneurie of Rode-Nieuwenhove in Oostkamp (Liberty of Bruges). Apart from high justice, it had the remarkable advantage of enabling Jan to maintain that his surname derived from an estate that had been entailed on his family for centuries. From 1488 he appears in the sources as 'noble and honourable lord, Sir Jan, lord of Nieuwenhove, knight' (*edele ende weerde heere mer Jan, heere van Nieuwenhove, rudder*), just as his friend Jan van Veerdegem was fond of referring to himself as 'Jan, lord of Dadizele'.[61] Noble status based on knighthood rather than a seigneurie rarely endured, and families whose nobility lasted when gained in this way seem to have been particularly rare. Indeed, we know of only one example, namely the Van der Beerst family. The Van der Beersts enjoyed a certain social predominance over the settlement of Beerst, a stone's throw from Diksmuide, being the owners of a particularly large fief with a moated site, but they had neither seigneurial rights nor a seigneurial title. What they did have was a martial tradition that successfully produced knights—and therefore nobles—generation after generation.[62] Thus the Van der Beersts closely resembled the so-called 'lords without seigneurial lordship' discussed above and in Chapter 1, who owned large fiefs, mainly in the

[61] State Archives of Belgium in Brussels, Fonds Rekenkamers, Oorkonden van Vlaanderen, 2e reeks (oorkonde van 14 juli 1488). See also Gilliodts-Van Severen (ed.), *Inventaire des archives de la ville de Bruges*, VI, 329 for a deed dated 1489 that references '*domini Johannis, domini temporalis de Nieuwenhove, militis*'.

[62] Bruges City Archives, Leenregister Burg van Brugge (1501), fols 156r–157r. For the acquisition of seigneuries, see Bruges City Archives, Fonds Familiearchief Adornes, no. 601 and Brussels, State Archives of Belgium, Fonds Rekenkamers, no. 17414, fol. 3r and State Archives in Bruges, Burg van Brugge, fols 64r, 205r. The family ties between the lord of Dadizele and Jan van Nieuwenhove are discussed in Haemers, 'Le meurtre de Jean de Dadizeele', 231–3, 238, 244.

Flemish coastal plain and the Scheldt estuary, that lacked seigneurial rights but did have seigneurial prestige, and who were deemed to belong to the Flemish nobility, as is evident from the regular inclusion of knights among them. But such exceptions were no more than a thin and wavering fringe on the Flemish noble milieu, which in essence consisted of lords with higher justice and their relatives.

In the fifteenth and sixteenth centuries, moreover, the importance of chivalry as a source of nobility declined—the paradoxical consequence of the growing prestige of the title of knight. In the fourteenth century, knighthoods were still regularly granted to nobles of modest stature who only possessed a single higher seigneurie, for example, but under the dukes of Burgundy it increasingly became a badge of honour for higher-ranking noble families who owned several seigneuries with high justice. Furthermore, it seems that until around 1550 most Flemish nobles faithfully maintained the military lifestyle that gave meaning to knighthood, but after that date a process of demilitarization began. Since the thirteenth century the character of warfare had been gradually changing, and by the fifteenth and sixteenth centuries most wars were being fought by large princely armies that placed less reliance on the mobilization of the nobility to provide the cavalry.[63] Thenceforth, only a few representatives of noble families would follow a military career in princely service, and if other nobles hung on to a sword it was mostly as an heirloom kept in remembrance of their ancestors' illustrious deeds. The aforementioned muster roll of 1540–3 is, as far as we know, the silent witness of the last time that the majority of adult Flemish nobles embarked on a military campaign. Thus, in the sixteenth century the association of nobility with higher seigneurial rights reached its peak.

By clinging to the ideology of nobility as the preserve of lords with high justice, Flanders seems to be characterized by an unusually conservative view of that estate, for in other parts of Europe a process had been going on for centuries whereby lords with low justice and even individuals with no seigneurie at all could also join its ranks.

As already mentioned above, in France, over time, seigneurial titles were also established for many low seigneuries, so there is every likelihood that the same observation holds good for the noble cachet of seigneurial power. In twelfth-century France, *noblesse* was probably still the prerogative of lords with *haute justice*, but by the fourteenth and fifteenth centuries that restrictive category had certainly been opened up to lords with *basse justice*. In time the hundreds of *sieurs* with only low justice in the Vannetais region of Brittany or in neighbouring Normandy came to enjoy the same exemption from tax as was granted to nobles by the French Crown, as, too, did the lords with low justice in the hinterland of Toulouse or Lyon who routinely styled themselves as *écuyers* or *nobilis* in the

[63] See the historiography of state formation examined in Chapter 6.

sources they have left behind.[64] From the sixteenth century, a significant part of the French nobility also derived its status from royal letters patent rather than from a seigneurie—a phenomenon not seen in Flanders until the seventeenth century.

We see similar trends in England, which is surprising, given that there only high-born nobles routinely used a seigneurial title, such as duke or earl, and so on, and manors usually only had the equivalent of what on the Continent was called low justice—jurisdiction over all judicial affairs pertaining to property rights. In the twelfth century, manorial lords embraced the code of chivalry, which embodied the noble ideal of knighthood. In that respect there was no essential change when, in the fourteenth century, a distinction began to be made between *nobilitas minor* or 'gentry' and *nobilitas major* or 'nobility' in the strict sense of the word, which was thenceforth reserved for an exclusive aggregate of high-born nobles that came to be known as the peerage.[65] Virtually every manor, no matter how small, gave the owner a cogent claim to 'gentility', to be part of the new class of 'gentry'. The importance of belonging to the gentry is evidenced in a typical case from fifteenth-century Worcestershire involving the division of landed property, in which a certain John Ardern asked his elder brother Walter to grant him one of the family's manors in Worcestershire 'to leve upon lyke a gentilman'.[66] The powers of the manorial court over a village, though modest in judicial extent, were a cornerstone of the gentlemen's perceived superiority over lower social groups.[67] Eventually the status of gentry extended to persons who were not the owners of a manor, but did practise an honourable profession such as the law or were in royal service.[68]

Finally, for large parts of the vast and diverse Holy Roman Empire, we can also see that low-ranking lords profiled themselves as nobles. In various regions, the lesser nobles emphatically claimed this status on the basis of their seigneurial courts, setting up the operation of those courts in such a way as to escape as much as possible the supervision of the principalities that had gained much power from the fourteenth and fifteenth centuries. By the mid-sixteenth century, that linkage of local seigneurial courts and nobility had become firmly cemented across much of the Holy Roman Empire, with varying case studies suggesting that lesser lords also often used seigneurial titles to underline those claims to seigneurial authority

[64] Gallet, *La seigneurie bretonne*, 165; Lorcin, *Les campagnes de la région Lyonnaise*, 345–6; Bourgine de Meder, 'Lords and Lordship in the *bailliage* of Caen', 91–127; Van de Voorde, 'Lords and Lordship in Languedoc', 87–148.

[65] Acheson, *A Gentry Community*, 33–4, Saul, *Knights and Esquires*, 6–7, 29, 255; Coss, *The Origins of the English Gentry*, 2–3, 7; and Heal and Holmes, *The Gentry in England and Wales*, 15–17.

[66] Cited in Carpenter, *Locality and Polity*, 122–3, 212. For similar testimonies, see Saul, *Knightly Families*, 25–6.

[67] See the considerations in Coss, 'An Age of Deference', 32, 34 and Coss, *The Foundations of Gentry Life*.

[68] See esp. Keen, *The Origins of the English Gentleman*.

and noble status.[69] It is no coincidence that those parts of the Empire that did not follow this trend, but leaned closer to the Flemish trajectory, were also situated in the Low Countries. In the county of Holland, for example, seigneurial titles and nobility were mainly to be found among the possessors of high seigneuries, whereas both were much less, or perhaps not at all, the case for the so-called *ambachtsheerlijkheden*, equivalent to seigneuries with low justice, which had no higher judicial competence.[70] We shall postpone further comparisons of the Flemish situation with other Dutch principalities until Chapter 5. Here it suffices to note that Flanders deviated from the dominant trend in Western Europe.

4. Seigneuries and Urban Society

In large parts of Western Europe, therefore, a process occurred in which nobility was originally the prerogative of a handful of great aristocrats, but became accessible to powerful lords in the twelfth century, trickled down to the owners of seigneuries with low or limited rights of governance in the fourteenth and fifteenth centuries, and eventually even to notables and worthies with no seigneuries at all. In Flanders, this process came to a premature halt, so that the line between nobles and commoners came to lie between lords with higher and low justice.

This unusual trajectory was likely caused by the county's precocious urbanization. In the eleventh and twelfth centuries, Flanders evolved into a centre of economic growth. In tandem with the flourishing of export-oriented textile industries, a dense patchwork of around fifty towns developed, which in time housed an unusually large part of the population. While in the rest of Europe levels of urbanization fluctuated around an average of 10 per cent, in Flanders by around 1400 that figure stood at 36 per cent before falling back to a still exceptional 24 or 25 per cent a century later. Even from the smallest village in Flanders, the town was never far away.[71]

Moreover, the middling-sized and large towns acquired an unusual amount of political power. As we noted in Chapter 2, in Flanders, more than any other part of Western Europe, the towns dominated their hinterland by offering outburghership. Manpower was the lifeblood of urban industries and so, to ensure the mobility of that essential labour force, towns undermined the authority of local lords. Furthermore, popular representation was also shaped to an unusual degree by the largest towns. Over time the network of Flemish towns came to be

[69] For an entry to the extensive literature, see Schneider, *Spätmittelalterlicher deutscher Niederadel* and Hechberger, *Adel im fränkisch-deutschen Mittelalter*. Caution is warranted, however, given the vast regional differentiation in the empire and the predominance of familial case studies compared to the relatively rare studies of entire communities of lords and nobles (our thanks to Hillay Zmora for advice).

[70] See esp. Janse, *Ridderschap in Holland*, 154.

[71] The classic introduction to the urban network is Stabel, *Dwarfs among Giants*.

increasingly dominated by Ghent, Bruges, and Ypres, cities that with tens of thousands of inhabitants were way larger than the middling-sized and small towns.

While formally recognizing the authority of the counts of Flanders, in practice those three cities provided a political counterweight to comital authority. By the early twelfth century they were already playing a decisive part in matters of comital succession, not least because comital revenues depended heavily on tapping urban wealth through loans and taxes. That they could also mobilize a formidable military force became clear in 1302 when urban militias defeated a large French army of knights. The development of popular representation reflects this strong hierarchy within the Flemish urban landscape as dialogue with the count became the privilege of Ghent, Bruges, and Ypres to the detriment of the smaller towns and castellanies. From the late fourteenth century only the Liberty of Bruges, supported by the count of Flanders in an attempt to offset the power of the three major cities, could maintain some degree of parity with Ghent, Bruges, and Ypres as the 'fourth member' of the 'Members of Flanders'.[72] The end result was that contemporaries conceived of the county as consisting of three 'quarters'. Ghent held sway over the Ghent quarter, which included the Oudburg of Ghent, the Four Districts, the Land van Waas, the Land van Dendermonde, the Land van Aalst, and the castellanies of Kortrijk and Oudenaarde. The Ypres quarter encompassed the castellanies of Ypres, Belle, and Kassel. Bruges, finally, represented the castellanies of Broekburg, Sint-Winoksbergen, and Veurne, and immediately pushed the Liberty of Bruges back into the role of subordinate castellany during every revolt against the count.[73] These cities were not city-states, but they certainly had every intention of influencing comital policy whenever it was in their interest to do so.[74]

In the fifteenth century, the balance of power in the county gradually leached away from the three major cities as Flanders was subsumed in the developing union of the Burgundian-Habsburg dynasty and the fiscal and military resources of an ever-increasing number of principalities could be deployed against Ghent and Bruges, as evidenced, for example, by the military repression of the uprisings in Bruges (1436–8) and Ghent (1449–53). This did not mean the end of the cities as political actors, however. As cooperation between cities in Flanders and the rest of the Low Countries increased, so the seeds were sown for the large-scale Flemish Revolt against the regency of Maximilian of Austria in the 1480s and the Dutch Revolt that erupted in 1567.[75]

Thus the character of Flemish society differed significantly from that of England and France. Diverse estimates suggest that in England the urbanization

[72] An introduction to the extensive historiography in Van Bruaene, Blondé, and Boone (eds), *City and Society*.

[73] See Map 1 in Note to the Reader.

[74] See the comparative discussion in Scott, *The City-State in Europe*.

[75] A survey of the extensive historiography in Dumolyn and Haemers, 'Patterns of Urban Rebellion', 369–93.

rate was between 10 and 20 per cent of the population. There was also considerable disparity in size between Flemish and English cites—with the exception of London, cities in England were generally fairly small compared to the urban centres of Flanders, and in political matters they were invariably submissive to the monarch. Rather than dominating their rural hinterlands, England's cities defended their interests by cultivating patronage relationships with the great aristocrats of the region.[76] In that respect France was largely similar to England. Although matters were different in Paris and the belt of southern towns that swept in an arc from Bordeaux to Lyon, the central and northern parts of France had an urbanization rate close to the European average, and even the large French cities rarely if ever came close to replicating the independent character of fourteenth-century Ghent, Bruges, and Ypres.

In Flemish society it was by no means self-evident that lords with only low justice received the subservient respect that was necessary for nobility, which was essentially a claim to social superiority over other groups. The leading citizens of the middling-sized and large Flemish towns would have been particularly unimpressed by fiefs with low justice and a mere handful of seigneurial rents, for they possessed the self-confidence derived from their large fortunes and the governance of thousands of townspeople.[77] Their attitude to noble pretension is tellingly exemplified in an anecdote that was carefully cultivated in the urban chronicles concerning an incident that apparently occurred in 1351 when a delegation from the Flemish cities visited John II of France. Greatly put out because they had not been provided with squabs to sit on at the banquet, the Flemish townsmen bid their royal host a disdainful farewell, ostentatiously leaving behind the costly cloaks they had been obliged to repurpose as cushions, much to the consternation of the French court.[78] Apocryphal or not, the tale speaks volumes about the self-image of Flemish urban elites. As late as 1478, when the defeated French nobleman Maurice de Neufchastel refused to yield to a *vileyn*, the captain of Ghent's city militia was so offended that he promptly slit his prisoner's throat.[79] Thus, the early existence of strong urban elites put a damper on the noble aspirations of lesser lords in a way that was unheard of in many other parts of Europe.[80]

[76] See the essays in Palliser (ed.), *The Cambridge Urban History of Britain. Volume I*.

[77] See the pertinent consideration in Prevenier, 'Elites, middengroepen en arbeiders', 74–6.

[78] This story can be found in various versions of the Flemish chronicle traditions. Blommaert and Serrure (eds), *Kronyk van Vlaenderen*, I, 222–3; Lambin (ed.), *Dits de cronike ende genealogie*, 241–2; and Van der Meersch (ed.), *Memorieboek der stadt Ghendt*, I, 71. In any case, these elites commanded the respect of the knightly circles in France. The Hainaut chronicler Jean Froissart, who wrote for those circles, gives clear evidence in this connection (Kervyn de Lettenhove (ed.), *Oeuvres de Froissart*, IX, 158: 'Le pais [de Flandre] estoit si plains et si remplis de tous biens que merveilles seroit à raconter et à considerer, et tenoient les gens ens bonnes villes si grans estas que merveille estoit à regarder…').

[79] Recounted in De Jonghe (ed.), *Nicolaes Despars: Chronycke*, IV, 168–70.

[80] This is not to say that the trajectory in Flanders was completely unique: historians sometimes suggest that in other parts of Europe too the members of some urban elites were not always inferior to the local nobility in status and self-awareness and often overshadowed them. See Maczak, 'The Nobility–State Relationship', 205.

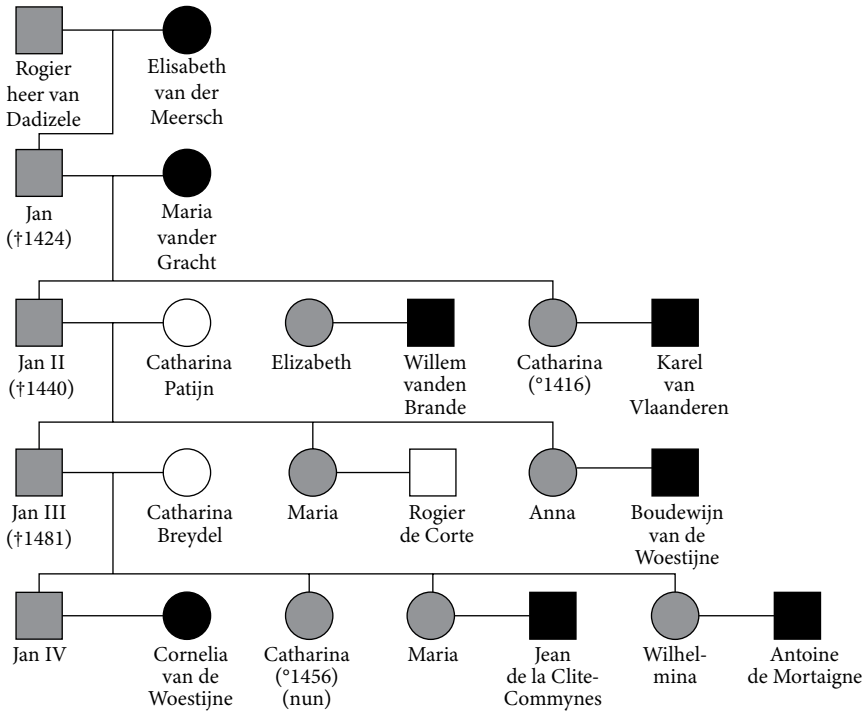
The position of lords with only low justice was further complicated by the increasing tendency of lords with high or middle justice to invest in good relations with urban elites, who were far from averse to lords bearing noble titles. Although towns and cities had put an effective restraint on seigneurial power since the thirteenth century, through the medium of out-burghership, townspeople still invariably recognized higher lords and their families as nobles. It is evident from the political choices the major cities made that they had respect for the milieu that wielded much of the judicial and administrative power over the Flemish countryside via the roughly 800 higher seigneuries. In 1488, for instance, when the major Flemish cities once again rose in revolt against Maximilian of Austria as regent for Philip the Fair, the underage count of Flanders, an alternative regency council was formed whose membership included not only representatives of Ghent, Bruges, and Ypres, but also four higher lords, namely Philip of Cleves, lord of Ravenstein, Lodewijk van Gruuthuse, Philip of Burgundy-Beveren, son of Anthony the Great Bastard, and the jurist Filips Wielant.[81] That mutual respect between higher lords and urban political elites resulted in a growing number of marriage alliances between the two milieus. While the marriage networks of English and French lords formed a sliding scale ranging from great aristocrats to the humble possessors of a single manor or *seigneurie*, Flemish lords who exercised higher justice clearly preferred a partner from a prestigious urban family to a spouse from a family of rural lords with only low justice.

This is exemplified by the marriage networks of the lords of Dadizele. The family tree of the legitimate descendants of the family is exceptionally well documented as regards the fifteenth and early sixteenth centuries thanks to the manuscript written by Jan van Dadizele (see Genealogical Diagram 1). The family is also interesting because they owned only one seigneurie with middle justice and were thus at the lower end of the noble scale compared to noble families with two or more higher seigneuries.[82]

The Van Veerdegem family, which controlled Dadizele between the early fourteenth and the early sixteenth century, was connected through marriage with five other noble families and three burgher families. That Dadizele was embedded in a close-knit nexus of powerful towns and cities clearly affected the choice of marriage partners. Catharina Patijn and Rogier de Corte both belonged to wealthy and politically influential families from nearby Kortrijk, while Catharina Breydel came from one of the oldest political dynasties in Bruges. Willem van den Brande, lord of Bavikhove, also had an urban background. He came from a Kortrijk burgher family whose fortune was made in the wine and textile trades and who acquired two seigneuries in the parish of Bavikhove (Kortrijk) in the fourteenth century.

[81] Haemers, *De strijd om het regentschap over Filips de Schone*, 274–5.

[82] The following genealogy and discussion is taken from Buylaert, *Eeuwen van ambitie*, 127–30, but here the absence of lower lords is noted for the first time.



Genealogical diagram 1 The Van Veerdegem family, lords of Dadizele.

Source: Dadizele Ms, fols 16r–20r (drawn up by Jan III). Men are represented by squares, women by circles; noble spouses are infilled in black, non-noble spouses in white, and direct family members in grey. The family tree respects the documented order of birth, but the eldest male heirs, who formed the dynastic chain of the lords of Dadizele, are always represented by the squares on the left.

Thus, the marriage networks of the lords of Dadizele and their close relatives included both traditional rural nobility and prominent townspeople, some of whom owned seigneuries with higher justice. Conspicuously absent are well-to-do country-dwellers who owned seigneuries with low justice only, even though this was a particularly large group in the castellany of Kortrijk (see Table 2). In Flanders the conspicuous inability of lesser lords to acquire noble prestige probably stemmed from the difficulties they would have had in joining the milieu of higher lords. Unlike their counterparts in France, England, and much of the German-speaking world, they could not enjoy the prestige that came with close social relations with higher-ranking lords.

Those who did were the prominent Flemish townspeople. From the fourteenth century the most powerful political dynasties of the large and middling-sized towns increasingly became nobles themselves as they acquired higher seigneuries. Sometimes they did so through purchase, as in the case of the Van Nieuwenhoves of Bruges, mentioned above, but inheritance must have been the rule. Since a seigneurie with high or middle justice was what gave its possessors nobility it

would only be sold in extreme circumstances. Marriages between nobles and prominent city-dwellers were so numerous that the latter regularly inherited a seigneurie with high or middle justice from a noble relative. Some urban families were even able to acquire several higher seigneuries over time. The De Beers of Bruges, for instance, combined their sustained commitment to the Bruges town council in the late fifteenth and sixteenth centuries with the seigneuries of Grammene, Lendelede, Meulebeke (all three Kortrijk), and the so-called Halewijnse near Izegem, Kalvekete, and Merkem (all three Liberty of Bruges). Thus higher seigneuries that became ownerless because noble dynasties regularly died out in the male line systematically came into the hands of urban elites rather than those of families that only owned low seigneuries.

The strong and increasing interlinkage of urban and seigneurial overlords becomes clear when we extend our discussion of the marital choices of the lords of Dadizele to sixteen noble families. We have made a distinction between four high-born noble families, six families that had long been established as part of the rural nobility (including the Van Veerdegems as lords of Dadizele), and six families that joined the ranks of the Flemish nobility in the fourteenth and fifteenth centuries (Tables 3a–c).

It appears from these tables that, when seeking a spouse, only nobles of the highest birth restricted their choice to other nobles. Contemporaries made a distinction between 'ordinary' nobles, whom they addressed as 'noble and honourable lord' (*edele ende weerde here*), and unusually wealthy and powerful nobles, whom they addressed as 'high and mighty lord' (*hoge ende moghende here*). That exclusive milieu of high-born nobles usually made up only 15 to 20 per cent of the approximately 250 noble families identifiable in Flanders at any given time.[83] The greater part of the Flemish nobility had no objection to a marriage alliance with burghers: the six established noble families, including the Van Varsenares as an example of the 'lords without seigneurial lordship' discussed above, married

Table 3a Marriage patterns of families belonging to the high nobility in *c.*1350–1550

	Number of marriages	Marriages of nobles	Marriages of non-nobles
Brugge-Gruuthuse	9	9	0
Gistel	60	60	0
Halewijn	49	49	0
Vilain	38	31	7
Total	156 (100%)	149 (95.1%)	7 (4.9%)

[83] Buylaert, *Eeuwen van ambitie*, 131–7.

Table 3b Marriage patterns of established noble families in *c.*1350–1550

	Number of marriages	Marriages of nobles	Marriages of non-nobles
Braderic	18	11	7
Triest	35	16	19
Utenhove	88	31	57
Vaernewijck	45	25	20
Varsenare	12	7	5
Veerdegem-Dadizele	9	6	3
Total	207 (100%)	96 (46.4%)	111 (53.6%)

Table 3c Marriage patterns of families entering the nobility in *c.*1350–1550 with reference to the time when the family is first mentioned as having noble status

	Number of marriages	Marriages of nobles	Marriages of non-nobles
Aertrycke (*c.*1410)	24	4	20
Borluut (*c.*1470)	43	14	29
Metteneye (*c.*1380)	31	14	17
Nieuwenhove (*c.*1480)	20	7	13
Raveschoot (*c.*1470)	13	9	4
Wielant (*c.*1430)	11	9	2
Total	142 (100%)	57 (40.1%)	85 (59.9%)

Source: These marriages were recorded on the basis of the primary sources and secondary literature consulted for Buylaert, *Repertorium van de Vlaamse adel*, 827–67.

equal numbers of nobles and burghers, particularly those from urban elites. That the six families that entered the ranks of the nobility came from the governing class of Bruges (Aertrycke, Metteneye, and Nieuwenhove), Ghent (Borluut and Raveschoot), and Kortrijk (Wielant) is therefore not serendipitous. The Flemish nobility, responding to the growing power and wealth of the urban centres, shifted its spouse-recruiting base from the countryside to the town.

Not only did prominent urban families become nobles, but an increasing number of established noble families augmented their connection with their spouse's town by becoming aldermen themselves. In the mid-fourteenth century, some 12 per cent of noble families were involved in the administration of a Flemish town through the provision of at least one alderman, but by the early sixteenth century that figure had risen to 44 per cent and in some cases was even

higher.[84] This is a conservative estimate, as some Flemish lords were also active in the major cities of adjacent principalities. Jan IV Bernage, for example, was not only lord of Moen (castellany of Kortrijk), but between 1417 and 1432 he regularly occupied a seat on the aldermanic bench of Brussels, in the duchy of Brabant. The consequences for the towns themselves were tangible. In the fourteenth century the number of nobles on urban benches was still negligible, but by the mid-sixteenth century they filled around a fifth of all the offices in the magistracy of Ypres, a quarter in Bruges, and almost half in Ghent.[85] Thus the Flemish nobility increasingly combined the seigneurie as its traditional power base in the countryside with the power inherent in urban governments.

The fulcrum of this growing interlinkage of urban and rural political elites was that leading city-dwellers and lords with higher seigneuries had much in common, namely wealth and administrative experience. In principle, both the town council and the seigneurie were expected to provide those they dominated with justice and good government. Indeed, contemporaries also classified the authority of town councillors as 'lordship' in the broadest sense of the word. In theory, the governance of towns and cities belonged to the count of Flanders, who in practice delegated it to municipal councils that assumed administration in his name. Certainly there was a considerable difference between a noble family's hereditary claim to a seigneurie with high justice and taking up a twelve-month mandate on an urban bench of aldermen. Conversely, the core of urban elites was formed by political dynasties. For even with the legally required year off between each term of office, leading families continuously occupied a multitude of functions, supplying a town's administrators generation after generation.[86] The power of a burgomaster or civic alderman was also greater in practice than the dominion of a noble lord who nominally exercised authority over his seigneurie yet stood on the sidelines while in their roles as seigneurial aldermen and village bailiffs, village worthies passed judgements and determined policy.

Whatever the case, it is clear that urban politicians were routinely regarded as lords, even if they were no such thing in the strict sense of owning a seigneurie. Contemporaries had addressed them as lords for centuries. Before the political upheavals around 1302, for instance, the oligarchy of families that governed Ghent had surnames such as serBraem, serSanders, or serSimoens (*ser* being derived

[84] See the quantitative analysis in Buylaert, 'Lordship, Urbanisation and Social Change', 44–9. This is a minimum estimate because the analysis is limited to Ghent, Bruges, Ypres, Oudenaarde, Kortrijk, Sint-Winoksbergen, Aalst, and Dendermonde. The nobility was virtually absent in the small towns.

[85] For Ypres, see De Jaeger, 'De politieke elites van Ieper', 56–7; for Bruges, see Buylaert, Baguet, and Everaert, 'Returning Urban Political Elites', 16; for Ghent, see Baguet, 'The Transformation of an Urban Political Elite', 645–7.

[86] An introduction to the scholarship in Buylaert, Baguet, and Everaert, 'Returning Urban Political Elites', 568–88.

from the genitive form of *heer* or 'lord'). From the fourteenth century onwards, aldermen in practically every Flemish town were addressed as *her*, a title that recognized them as rulers, but also marked the distinction between them and knights, who were referred to as *mer*, and noble lords, who were addressed as *edele ende weerde here*—'noble and honourable lord'.[87] In the three 'capitals' of the county, Bruges, Ypres, and Ghent, the entire political elite obviously enjoyed an aura of lordship. In Bruges, moreover, the term 'lordship' was used then to denote an entire upper class. For example, the notables of Bruges were also alluded to in a chronicle as 'the lords' (*de heeren*) as distinct from 'the commons' (*de ghemeente*).[88] In Ypres, from the 1440s aldermen were consistently referred to as lords.[89] In Ghent, in 1456 aldermen were addressed as 'our lords aldermen' (*onse heeren scepenen*), for example, while surviving sources from the early sixteenth century portray the city's political dynasties as 'noble citizens' (*edele poorters*), even though many of those families had neither a seigneurie with high or middle justice nor a knightly title and therefore no convincing claim to nobility.[90] This shift of lordship as the shared project of urban and rural lords was encouraged by, from the late fourteenth century onwards, the growing number of prominent townsmen with a higher seigneurie and the concomitant noble cachet. In this connection Jan de Grutere (d. 1515), descendant of an old and prominent family that had long provided Ghent with aldermen, presents an amusing, not to say ingenious example. Jan had inherited the high seigneurie of Eksaarde (Land van Waas) from his uncle, the nobleman Jan van Vaernewijck. Jan's own surname, De Grutere, was most likely derived from the brewing activities which probably formed the basis of the family fortune—*gruit* was an ingredient that made beer keep longer—but Jan was soon smartly styling himself 'Jan de Gruutheere, temporal lord of Exaerde' (*Jan de Gruutheere, tijdelic heere van Exaerde*) and his descendants maintained the lordly spelling of their surname.[91] Exactly what lordship meant to society was determined by its interaction with other paradigms, and over time the seigneurie in Flanders became less and less defined by its traditional relationship with the ideal of chivalry and more and more by its association with the city as another source of power.

The urban tincturing of seigneurial power offered opportunities to lords and seigneuries. Since the thirteenth century, the Flemish towns had put an effective restraint on the seigneurie's civil jurisdiction through the medium of

[87] Blockmans, *Het Gentsche stadspatriciaat*, 345–7, which for Bruges, for instance, can be supplemented with examples from the Bruges City Archives, Oud archief, no. 114 (Register van de wetsvernieuwingen van de stad Brugge), 1477, fol. 79r–v.

[88] Dumolyn, *De Brugse opstand*, 162, 216 (n. 621).

[89] See the lists of magistrates for 1443–80 drawn up by the chronicler Pieter van der Letuwe in which the aldermen are always given the title of 'lord' (Diegerick (ed.), *Pieter van der Letewe*).

[90] Ghent City Archives, reeks 330, no. 27 (1455–6), fol. 126v. For the 'edele poorters', see Buylaert, De Rock, and Van Bruaene, 'City Portrait, Civic Body and Commercial Printing', 818–20.

[91] Cited and discussed in Buylaert, De Clercq, and Dumolyn, 'Sumptuary Legislation, Material Culture and the Semiotics of "Vivre Noblement"', 413.

out-burghership, but within those parameters they did accept the seigneurie as a source of order and justice, and as Wim Blockmans has pointed out, some lords used their growing prominence in the forums of popular representation to protect their seigneuries.[92] In contrast to other parts of Europe, where noble lords were institutionally united as the second of the three estates—the clergy and the burghers being the first and third respectively—popular representation in Flanders was the remit of the Four Members—Ghent, Ypres, Bruges, and the Liberty of Bruges as the largest rural district. Increasingly often the leading politicians of all four Members were noble lords or their confederates who, when they held the office of burgomaster or alderman, had no compunction about looking after their own interests when negotiating with the count of Flanders. Bruges, for instance, sprang to the aid of one of its prominent politicians, Jacob Ruebs, when his low-justice seigneurie of Steenacker (Kortrijk) was confiscated by the nearby town of Wervik. It is also noteworthy that the Four Members asked the duke of Burgundy to reconsider his intention to quarter soldiers in Merkem, one of the few seigneuries with high justice in the Liberty of Bruges. It is probably no coincidence that the then lord of Merkem was one of the most active members of the Liberty's aldermanic bench and its delegations to the Four Members. Similarly, Ypres asked for and got the support of the other Three Members when it protested to the count about the seizure of Vlamincambacht, a higher seigneurie in Langemark that was owned by the city.

The successful integration of noblemen into urban society also helps to explain why, at least on some occasions, towns were respectful of seigneurial courts, even when out-burghership was a factor. When the aldermen of the town of Geraardsbergen were asked by the aldermen of the nearby seigneurie of Herzele not to interfere in their prosecution of one of the seigneurie's leading villagers, for instance, the Geraardsbergen aldermen agreed. The accused, a wealthy farmer and a former seigneurial official, was an out-burgher of Geraardsbergen. Nevertheless, the urban aldermen conceded that the case was best settled in Herzele, given the suspect's involvement in several conflicts that had upset the village. Still, we must be wary. Initiatives of this kind were not always successful and they have to be weighed against the conflicts of competence between seigneuries and towns that were fought out before the Council of Flanders, a subject that is examined in Chapter 6. In any case, the Herzele aldermen would certainly have minded their Ps and Qs when they made their request, since the immunity of Geraardsbergen out-burghers from seigneurial taxes such as 'best chattel' had been a given since at least the 1380s.[93] Bearing these structural constraints in mind, it is clear that the lords with higher justice successfully adapted to the power of the Flemish cities.

[92] This paragraph is based on Blockmans, 'Pursuit of Nobility'.

[93] Van der Hoeven, 'De heerlijkheid Herzele', 97, 130–1 (see also 153–4, 166 for similar examples of Ghent aldermen agreeing to give precedence to the Herzele seigneurial court).

5. Conclusion

In this chapter we have set out the first major changes in the social configuration of lordship that took place between the late thirteenth and late sixteenth centuries. As we saw in the first three chapters, the definition, operation, and administration of Flemish seigneuries remained stable through those centuries, but exactly what seigneurial power meant was also determined by the seigneurie's association with other factors. This cultural entrenchment did change radically, and with it seigneurial power as an aggregate of flexible social practices.

As elsewhere in Western Europe, since the twelfth century the seigneurie had been linked to nobility as a claim to social pre-eminence and chivalry as the martial lifestyle of rural elites. Flanders also conformed to broader trends, for there too, from the fifteenth century, the seigneurie once again divaricated from the chivalric ideal. The breaking point came around the mid-sixteenth century and, like elsewhere in Europe, the causes must be sought in both the escalating exclusivity of the title of knight and the progressive demilitarization of large parts of the nobility in response to the increasing scale and the changing nature of warfare.

At the same time, Flanders followed its own singular trajectory because the association of seigneurie and nobility was understood there much more narrowly than in many other parts of Western Europe. In Flanders there was a great and consistent distinction between being lord of a seigneurie with higher justice and lord of a seigneurie with low justice. Lordly titles and the cachet of nobility were reserved almost exclusively for higher seigneuries, while elsewhere it had trickled down to seigneuries with low justice by the fourteenth century and in the following two centuries nobility was even increasingly often attached to princely offices. As we shall show in Chapter 6, Flemish lords also adapted successfully to the growing power of princes, but the idea of an 'official' nobility, whose status was derived from princely letters patent rather than knighthood or a seigneurie, would not flourish in Flanders until the seventeenth century.

This unusual development was rooted in the other major change in the social entrenchment of the exercise of seigneurial power, that being the interlinkage of seigneuries and urban power that had begun in the late fourteenth century. The noble lords of Flanders had been confronted, at least since the thirteenth century, with the uncommon challenge of adapting to the growing power of urban centres over their hinterlands and the forums of popular representation, but they successfully employed the power and prestige inherent in the higher seigneurie to gain traction in merging with urban elites.

In the following chapter we explore the lords' ability to adapt to changing circumstances by focusing on the social reproduction of the seigneurial dynasty that formed the backbone of the noble family. In doing so, we shall pay special attention to a phenomenon that came to the fore in this chapter, namely that

many nobles and noble families held several higher seigneuries. Much more than was the case elsewhere in Western Europe, Flemings clung to nobility as a concept that was locally embedded in a lord's authority over the inhabitants of a substantial seigneurie. This prompts the question of what the possession of several seigneuries meant for lords who could not be everywhere at once, and especially to what extent the absence of lords increased the independence of their subjects.

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5
Lords, Ladies, and Families

1. Introduction

Between the late thirteenth and late sixteenth centuries the social profile of the owners of Flemish seigneuries underwent a fundamental change. In the previous chapter we outlined how, from the late fourteenth century, the milieus of higher-ranking lords and the townsmen who governed the county's large and medium-sized towns coalesced. Noble families acknowledged the growing power and wealth of the Flemish towns and were increasingly inclined to marry their offspring to the sons and daughters of prominent urban families. A significant consequence of that alliance between old and new elites was the growing number of city-dwellers who inherited a rural seigneurie or were sufficiently well connected to buy one. In this chapter we continue our discussion of the social reproduction of the milieu of higher-ranking lords and ladies. We focus on another profound change that took place as a result of the attempts of lords and ladies to maintain their prominent social position, namely the growing concentration of seigneuries in the possession of a shrinking number of families. It became increasingly unusual for the lord or lady to be present in the village, not only because they now spent a large part of their time in a nearby town, but also due to their progressive ownership of several seigneuries at the same time, obliging them to delegate the administration of many of these to stewards and local elites.

Paradoxically, that increasing level of absentee lordship stemmed from the enduring importance of the seigneurie with high or middle justice. Although seigneurial taxes were limited and lords could only rule in an equal dialogue with their well-to-do subjects, the seigneurie with higher justice continued to be a source of wealth and power in Flanders, which was also reflected in the noble prestige attached to the possession of such a seigneurie. Understandably, lords and ladies sought to pass on their wealth, power, and status to their descendants, with the result that over time more and more seigneuries became concentrated in the hands of an increasingly exclusive milieu of seigneurial dynasties connected by marriage, with the members of those families having to divide their time between a constantly rising number of estates.

The second section of this chapter examines the social organization of the noble family, a concept largely built around the seigneurial dynasty as a succession of

lords descended from one another in the male line.[1] Given the patriarchal structure of the noble family, which restricted the continuance of the family name to its male members, noble families were invariably forced to navigate between the Scylla of handing down the seigneuries intact to the eldest male heir and the Charybdis of high-born younger sons and daughters becoming so aggrieved by potential downward social mobility that harmonious family relationships became impossible. The latter danger could be circumvented if younger children were—if possible—also given a seigneurie. Depending on the exact circumstances, those two factors determined how seigneuries passed from hand to hand via inheritance and gifts. It was also inevitable that sooner or later those strategic considerations would be rendered moot by the lack of legitimate male heirs to carry on the noble line, so that seigneuries passed from one family to another with great regularity via heiresses.

In the third section we take the crucial role of women in the distribution and redistribution of seigneuries between families as a starting point for discussing the gender aspects of lordship. To what extent not only lords but also ladies could exercise seigneurial power is a crucially important question since ladies held around one-fifth of the seigneuries with higher justice. The role of women as seigneurial heirs determined the social circulation of seigneuries in the upper levels of Flemish society, which is not to say that it was easy for a lady to wield the power that the seigneurie brought with it. The greatest obstacle to a lady who sought to exercise her seigneurial power was not so much the patriarchal concept of marriage or noble culture. While ladies were legally under their husbands' guardianship and were excluded from the chivalric ideals and martial lifestyle their lords embraced, the frequent absences of those lords occasioned by their political and military obligations left the ladies to preside over the noble family and administer the seigneurie in their stead. The main constraint on the lady of the seigneurie in using her ostensible power was rather to be laid at the door of the village notables who made up the seigneurial administration. While ladies could indeed acquire a seigneurie and play a leading role in the noble family, they continued to be disbarred from such executive functions until the end of the *ancien régime*.

The fourth and final section focuses closely on the structural consequences of noble families' diligent attempts to preserve for posterity the power and status their seigneurie gave them, namely the increasing clustering of seigneuries in the hands of an ever smaller number of families. The repeated extinction of seigneurial dynasties in the male line meant that other families inherited several seigneuries.

Processes of this kind have been particularly well studied in relation to principalities, where dynastic and geopolitical considerations led to increasingly large

[1] The best conceptualization is provided in van der Steen, 'Dynastic Scenario Thinking', 87–128, which lays a strong emphasis on cooperation between dynasties that belonged to the same family.

personal unions. The encapsulation of the county of Flanders in the Burgundian-Habsburg composite union is a clear illustration of that development. The marriage that took place in 1369 between Margaret of Male (d. 1405), daughter and heiress of Louis of Male, count of Flanders (d. 1384), and Philip the Bold, duke of Burgundy (d. 1404), marked the start of a long process which, through a fortunate combination of marriages, inheritances, conquests, and purchases, led to the Burgundian branch of the French royal house uniting a patchwork of principalities lying between France and the Holy Roman Empire that had previously been ruled by a handful of independent princely houses. In 1477 the heiress to this complex of territories, Mary of Burgundy (d. 1482), married Maximilian of Austria (d. 1519). Thus the Low Countries became part of the Habsburg possessions. In turn, the only son of Mary and Maximilian to reach adulthood, Philip the Fair (d. 1506), married the heiress to the union of Aragon and Castile and its overseas territories, Joanna of Castile (d. 1555), thus laying the foundation of the vast Empire of his eldest son, Charles V, Holy Roman Emperor (d. 1558). Charles made only occasional visits to the Low Countries and Flanders. This was in marked contrast to the Burgundian Valois, who enjoyed holding court in the cities of the southern Low Countries, and was at even greater variance with Louis of Male, who lived almost permanently in the county.[2]

Historians have already pointed to signs of such concentration processes at a local level in various principalities in the Low Countries, instances in which this or that family have added one seigneurie to the next like an ever-lengthening string of beads. Based on a comparison of the available figures for the adjacent principalities of Brabant, Holland, and Zeeland, we discuss this development in Dutch-speaking Flanders. As large parts of the Flemish nobility were open to the idea of marital alliances with affluent urbanites, the clustering of ever more seigneuries in the hands of ever fewer families was less pronounced than in those principalities in which nobles preferred to marry among themselves. Nonetheless, it became increasingly common for a family to possess two, three, or even more seigneuries that in earlier times had been the entailed estates of different noble houses.

Since lords and ladies could not be everywhere at once, the distance between themselves and their subjects in their various seigneuries inevitably increased. The self-image nurtured by Jan van Dadizele, whose identity and career were inextricably linked to his seigneurial rule over a single village, as discussed in Chapter 3, was becoming rare by the time of his death in 1481. A trend had set in that would reach its peak in the eighteenth century: the lord or lady would now spend the summer in a favourite seigneurie, but the rest of the year in a town

[2] No detailed biography or itinerary exists for Louis of Male, but his mobility patterns are to some extent reflected in his charters (see De Limburg-Stirum (ed.), *Cartulaire de Louis de Male*). For a quantitative analysis of the residence patterns of the Burgundian Valois, see Lecuppre-Desjardin, *La ville des cérémonies*, 381–4. For Philip the Fair, see Cauchies, *Philippe le Beau* and on Charles V, see a biography with a special focus on the Low Countries: Blockmans, *Emperor Charles V*.

manor in Ghent or Brussels, where once a year they would receive the stewards and hear an accounting for a whole series of seigneuries which they rarely if ever visited. For the village notables who controlled the seigneurial and parochial institutions, such a lord or lady could be important for extracting information or favours from the Habsburg administration, but the chief consequence was undoubtedly that those notables had to take less and less account of the lord or lady in the running of the seigneurie.

2. The Interests and Aspirations of the Seigneurial Dynasty

The most usual way for seigneuries with higher justice to pass from one owner to the next was by inheritance rather than conquest, confiscation, or purchase. Composite unions of principalities were often established or enlarged by force of arms, cases in point being the conquest of Holland and Zeeland by Philip the Good in the 1420s and the annexation of the kingdoms of Navarre and Naples by Ferdinand of Aragon around 1500, but there is no evidence of such seizures among Flemish lords. Not that they were unfamiliar with the use of violence. Up until the middle of the sixteenth century, noble lords enthusiastically cultivated the martial attitude so central to chivalry, occasionally using or at least threatening to use physical force to defend their honour or enforce their demands. At the same time, the rule of law in the county was not so fragile that lords could claim each other's seigneuries by force of arms. For instance, in Chapter 3 we mentioned how Jan van Dadizele had forcibly entered his brother-in-law's home in 1461 to fetch his sister and her dowry back to Dadizele—and also how Sir Jan had been required to answer for his actions before the Council of Flanders following his brother-in-law's complaint.[3] This course of events can also be noted in comparable incidents involving Flemish nobles. In 1502, for example, Jan van Poeke, lord of the seigneurie of Poeke, just to the south of Aalter, was sentenced to lifelong banishment and the confiscation of his seigneurie for having committed a murder. A year later the sentence was remitted and Jan regained his seigneurie, but it was clear that the violent acquisition of seigneuries would not be tolerated.[4] In this respect the county of Flanders was no different from England and France, where the armed occupation of a seigneurie occurred only on the rare occasions that royal authority was plunged into deep crisis.[5] As a rule, wars of conquest were confined to principalities.

[3] State Archives in Ghent, Fonds Piers de Raveschoot, no. 1577.

[4] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7515, fol. 375r–v and also discussed in Patteeuw, 'Feodaal overzicht van Wingene', 40. Various case studies of elitist violence are discussed further in Arnade and Prevenier, *Honor, Vengeance, and Social Trouble*, 15–16, 38–41, 61–3, 138–46.

[5] The only example we know of is that of Jan IV De Baenst who, during the Flemish revolt against Maximilian of Austria in 1482–5, occupied the castle of Middelburg-in-Flanders, a seigneurie with higher justice to which he had a disputed legal claim. see Haemers, 'Middelburg na Pieter Bladelin', 222–49.

Conversely, seigneuries must have been bought and sold more often than principalities, though we can reference Philip the Good's purchase of the county of Namur from Jan III of Namur, the last of the Dampierre counts, in 1421, for example. With seigneuries, inheritance was the rule, but sale was not uncommon. As we mentioned in Chapter 1, most of the seigneuries with higher justice were fiefs, with only a handful of allodial seigneuries in the east of the county. The existence of a vibrant real estate market in fiefs has been demonstrated by Rik Opsommer who, in reference to fifteenth-century Flanders, calculated that out of a corpus of 495 payments of *verhefgeld*—the sum each new fief-holder had to pay to the overlord when doing homage—70 per cent of transfers were brought about by inheritance and 30 per cent by gift or purchase.[6] Occasionally, fiefs that were also seigneuries with high justice were also sold. Landergem (Oudenaarde), a seigneurie that extended over parts of the parishes of Anzegem, Tiegem, and Ingooigem, is a good example. Landergem was first sold in 1452 by Jan van Hemsrode to his cousin Jan van Meetkerke, lord of Snellegem (Liberty of Bruges) and Marke (Kortrijk), to whom he still owed a large debt. On Jan van Meetkerke's death in 1458, his widow paid off the outstanding debts of her husband's estate by selling Landergem to Jan Wielant, father of the jurist whose writings on seigneuries were discussed in Chapter 1.[7]

Sometimes a lord had to sell a seigneurie because of liquidity problems or to pay off debts. Seigneuries with higher justice were usually sold only in direst need, for they were a source of power and nobility, but it did sometimes happen when debt or problems of liquidity had overtaken the owner.[8] This was the case, for example, for Filips Utenzwane, who had been selling fiefs since 1484 'to extinguish and pay various debts' (*omme te blusschene ende betalene diversche sculden*) and in 1495 had apparently become desperate enough to dispose of Wakken (Kortrijk), his only seigneurie with high justice.[9] Although lords with financial problems can be identified in every generation, these examples are rather exceptional. In the twentieth century, historians assumed that nobles were often in financial difficulties because of the structural depreciation of seigneurial rents, but that is no longer seen as an accurate picture. Many lords made up for shrinking revenues by expanding their landholdings, then leasing out those lands at competitive prices. Case studies suggest that the share of the nobility in rural landholdings actually doubled from around 10 to over 20 per cent between the mid-fifteenth and mid-sixteenth centuries, suggesting that noble families were generally financially strong enough to shield their seigneuries with higher justice from the vagaries of the real estate market.[10]

[6] Opsommer, *Het leenrecht in Vlaanderen*, 267, 425 (the remaining percentage related to new loans), 587.
[7] Van Betsbrugge, 'De bezitters van Landergem', 199–201.
[8] See also the comments in van Nierop, *Van ridders tot regenten*, 121.
[9] Quoted in Baete, De Decker, and De Vleesschauwer, 'Het "Prinsenhof" van Assenede', 41.
[10] Dombrecht, 'Plattelandsgemeenschappen', 88–90 (table 8).

Seigneuries could also be given away, but only in particular circumstances. Feudal law, the legal system that applied to most seigneuries, was largely aimed at defending the interests of the family rather than the individual.[11] Consequently, the rule was that testamentary dispositions of fiefs required the count's approval, something that was not easy to arrange.[12] An exception of this kind was made for Middelburg-in-Flanders, where Pieter Bladelin, the childless founder of that seigneurial town, had received from the duke the privilege of naming his own successor in his will. His choice fell on his distant relative Jan IV De Baenst, but typically in this context another distant relative, Joos Van Varsenare, successfully invoked Flemish customary law to declare that arrangement invalid and lay his own claim to the seigneurie.[13] In general, therefore, it was not easy for an individual to impose his or her personal preferences at the family's expense.[14] In the same vein, feudal law also provided a right of pre-emption, meaning that if they so wished, a family member could step into the purchaser's place when a relative sold a fief. Normally, therefore, in their quality as fiefs, seigneuries with high justice were not alienated by sale or testamentary gift. What did often happen was that parents would give away a seigneurie as a marriage settlement for one of their children. It was then regarded as an advance on that child's inheritance, and clear agreements were usually made within the family about how the property would be passed on to the next generation.

Thus, the most common way in which seigneuries were transferred was through inheritance. As a rule, inheritance was restricted to the legal family, namely to persons born of a legitimate marriage. Both allodial and feudal inheritance law stipulated that illegitimate children could inherit from their mother, but not from their father.[15] Until well into the sixteenth century, begetting 'bastards' was not exactly stigmatized among noble lords, but those illegitimate children could only inherit a fief from their father in the rather rare event that the father had legitimized his child. Most noble lords seem to have supported their illegitimate children by assigning to them allodial lands, rents, or houses, rather than seigneuries. In practice, only the count of Flanders himself could do that, with both the fourteenth-century counts and the Burgundian Valois regularly gifting a seigneurie with high justice to a comital 'bastard'. For instance, Louis of Male gave the large seigneuries of Woestijne (on the border of the Oudburg of Ghent, the Liberty of Bruges, and the castellany of Kortrijk) and Praat (Liberty of Bruges) to his illegitimate son Louis 'the Frisian', who thus acquired the necessary lordship,

[11] The following discussion is based on two in-depth legal historical studies, namely Heirbaut, *Over lenen en families* and Opsommer, *Het leenrecht in Vlaanderen*. For the preponderance of feudal as opposed to allodial fiefs among seigneuries, see Chapter 1.

[12] Godding, 'Dans quelle mesure pouvait-on disposer de ses biens par testament', 279–96.

[13] Discussed in Braekevelt (ed.), *Pieter Bladelin*, CXXV–CXXVI (n. 559) and CXXXIV.

[14] Opsommer, *Het leenrecht in Vlaanderen*, I, 338.

[15] For the following section, see Carlier, *Kinderen van de minne*, 52–4, 135–70 and Opsommer, *Het leenrecht in Vlaanderen*, I, 320–3.

wealth, and status to establish a noble dynasty that would not die out until the sixteenth century. Similarly, in 1439 Philip the Good gave the important seigneurie of Beveren-Waas to his favourite illegitimate son, Corneille of Burgundy, and after Corneille's death in the Ghent Revolt (1449–53) he gave it to another illegitimate son, Anthony of Burgundy, whose descendants ruled the seigneurie until the start of the Dutch Revolt.[16] As just mentioned, illegitimate children could inherit from their mother, but in practice this happened only rarely. For a noblewoman, giving birth to an illegitimate child resulted in shame and disgrace, as evidenced, for instance, by the dreadful story of Antonia van Claerhout. In 1455, Antonia, then 24 and unmarried, fell pregnant. Terrified of the reaction of her uncle, the lord of Lichtervelde (Liberty of Bruges and Kortrijk), she hid her pregnancy and eventually killed her newborn child and concealed the body.[17] We know of only one instance of an illegitimate child inheriting a seigneurie with low justice from his mother, and none at all of a seigneurie with high justice being passed on in this way.[18] Thus, seigneuries generally circulated within the network of families connected by marriage.

The dreams and expectations surrounding the inheritance of seigneuries within the legitimate family are nicely portrayed in the manuscript written by Jan van Veerdegem—or Jan van Dadizele as he preferred to call himself—in 1480–1, which was the focus of Chapter 3. The fourth chapter of the manuscript consists of a list of the lords of Dadizele, starting in the thirteenth century and ending with the comment that Sir Jan, the present lord of Dadizele, had a son who would succeed him after his death. Dadizele had probably passed to the Van Veerdegem family on the death of Adelise, lady of Dadizele, in 1332, and what catches the eye is that the seigneurie subsequently passed from father to son, that succession being emphasized by the given name. Like himself, the lord of Dadizele's father and grandfather were both called Jan, and that name had been given to his only son as well. In the fifth chapter of the manuscript, which contains a genealogy of the entire Van Veerdegem family and the families connected by marriage, the highlight for Sir Jan was once again the inclusion of his son and successor. Moreover, he left room for his son to continue the manuscript after Sir Jan's own death by completing the line with the seigneurial title and perhaps the title of knight as well, turning the manuscript into a family chronicle and heirloom. Particularly striking is the way Sir Jan emphasized that his son forged a new link in a chain that went back at least four generations:

[16] For these and other examples, see Buylaert, *Eeuwen van ambitie,* 227–34.

[17] Antonia's letter of pardon is published in Petit-Dutaillis, *Le droit de vengeance*, 5–6, 19–22 with a discussion and English translation in Arnade and Prevenier, *Honor, Vengeance, and Social Trouble*, 108–10, 116–18.

[18] Carlier, *Kinderen van de minne*, 152.

> Jan [blank] van Dadizele [blank], son of Sir Jan, [son of] Jan, son of Jan, lords of Dadizele, and Catherine Breydel; so he is the fourth Jan [blank] van Dadizele in a row; he was born on 28 August 1459.[19]

This passage says a great deal about the value placed on the ideal of an uninterrupted dynasty of lords, with the repetition and numbering of the given name embodying the continuity of the institution, just as with princes or popes.

When Sir Jan was writing his memoir, the desire to perpetuate a seigneurial dynasty in the male line had already been enshrined for centuries in feudal law. Whereas an allod had to be divided equally among all the legitimate heirs irrespective of gender, feudal law had taken an entirely different direction in order to meet the dynastic aspirations of eleventh- and twelfth-century fief-holders. In principle, fiefs were transmitted to the eldest male heir. Dadizele was also a feudal seigneurie, and a comparison of the list of lords included by Sir Jan (fourth chapter) and the genealogy of the whole family (fifth chapter) gives us a good illustration of the application of the rules of feudal inheritance. Sir Jan's paternal grandparents, namely Jan van Veerdegem (d. 1424) and Maria van der Gracht (d. 1426), had twelve children, five of whom—two sons and three daughters—reached adulthood. The seigneurie was passed in its entirety to the eldest son, Sir Jan van Dadizele's father, who on his early death in 1441 in turn bequeathed the seigneurie to Sir Jan to the exclusion of both the older and younger sisters. Judging by the extract cited above, Jan anticipated a similar settlement on his own death, since in alluding to his successor as lord of Dadizele he refers only to his son Jan, born in 1459, not to his daughters who were born earlier, in 1456 and 1458. In other parts of Europe, 'co-lordship' was common, with sons and possibly daughters too each receiving a share in the seigneurie, which they then administered together. But in Flemish feudal law male primogeniture developed at an early stage, an essential characteristic that would persist through the following centuries.[20] This approach to feudal law allowed families to safeguard the seigneurie with high justice—the basis of both lordship and noble status—from fragmentation.

That male primogeniture was cemented in feudal law does not mean that younger children were left to fend for themselves. The introductory opinions in a number of treatises on Flemish feudal law written at the time reveal that contemporaries perceived a lord's dynasty as the backbone of an extended family of individuals who all shared the family name—the *geslacht* or noble house. On one

[19] 'Jan [blanco] van Dadiselle [blanco] filius Jans, ruddere, Jans ende Jans heeren van Dadiselle, ende vrauwe Katheline Breidels, dus es hy de vierde Jan . . . van Dadiselle achtervolghende, hy was gheboren den xxviii^{e} dach van ougst, in 'tjaer M. IIII^{c} LIX.' Ms Dadizele, fols 14r–15r (Ms chapter 4) and 20r (citation from Ms chapter 5).

[20] For an introduction, see the special issue on *coseigneurie* published in *Mélanges de l'École française de Rome—Moyen Âge* (2010), 122.

hand, as head of the family the lord could expect obedience from his sisters and younger brothers; on the other, he should make every effort to ensure their well-being (*dat hy ghebot hebbe over al ende dat hy goede zijn broeders ende zusters in andere goet ende dat hij mach zijn gheslachte bescermen ende behoeren vorderen ende oec hoeft zijn van al tgheslachte om van hemlieden ghedient te zijne*).[21] That care for the other children is also partly embedded in feudal law, which from the late twelfth century stipulated that daughters and younger sons were entitled to a part of the feudal estate.

In the thirteenth century, cracks began to appear in Flemish feudal law in the sense that post-mortem settlements differed from region to region, with most of Flanders following the principle that the second son was entitled to one-third of the eldest son's fiefs, the third son was entitled to one third of the second son's fiefs, and so on, including daughters. In the castellanies of Aalst and Waas things were settled slightly differently, with all the younger children together being entitled to one-third of the fiefs that were handed down to the eldest male heir. In the castellanies of Kassel, Belle, and Waasten, the younger children were entitled to a fifth rather than a third. These regions also differed in the extent to which those feudal rights of inheritance did or did not require younger children to renounce their share of the allodial estate in exchange.[22] Whatever the case, the result was that feudal seigneuries were occasionally split. For example, the Hof te Rode in Kachtem, a seigneurie with middle justice in the castellany of Ypres, was divided between two brothers, the elder, Hoste van Kooigem, receiving two-thirds of the seigneurie and the younger, Gerard van Kooigem, one-third. When Hoste died childless, his part of the seigneurie came to Gerard as his brother's heir. Subsequently, in 1459, Gerard asked for and received the count's permission to reunite the two fiefs into one feudal seigneurie.[23] Keeping the seigneurie intact as a power base remained the norm.

It was because of this desire to safeguard the seigneurie as a single entity that, when the time came to apportion out an inheritance, those involved generally chose not to follow the strict local guidelines of thirds or fifths, but opted for a settlement that avoided the breaking up of the eldest son's feudal seigneurie, yet still gave the younger children a portion or dowry in line with the income appropriate to the social milieu in which they were born. The eldest son had the right to put forward a proposition to buy out his younger brothers and sisters, and from the fifteenth century the younger children's consent was no longer even required when planning such a scheme. For instance, Gelein van Halewijn, a second son, received no part of Uutkerke (Liberty of Bruges) when his elder brother Joos

[21] The full passage and a similar passage are cited extensively in Chapter 2, Section 4.
[22] Heirbaut, *Over lenen en families*, 211–12.
[23] Opsommer, *Het leenrecht in Vlaanderen*, I, 282; II, 613. see also the more extensive discussion in De Zaeyer, 'De economische positie van een lage edelman', 20–7.

inherited that feudal seigneurie, but was given several fiefs and rents. Second sons may not always have been happy with the arrangement, third and fourth sons even less so: their share was so small (respectively one-ninth and one twenty-seventh part of the feudal inheritance) that accepting another property as compensation was more attractive.[24] As noble families typically possessed a large property portfolio of fiefs and allodia, they were able to work out ways of dividing the estate so that obligations to younger children were met while the feudal seigneurie passed intact to the eldest son.

No doubt such settlements were also crucial to the preservation of the county's few allodial seigneuries. In principle, whenever the owner of an allod died the estate had to be divided equally among all the legitimate heirs, both male and female. In theory, therefore, an allodial seigneurie could only form the cornerstone of a noble dynasty if each lord produced only one male descendant. In practice, the younger children's rights were bought off. This was the case for Erpe (Aalst), for example, a 'fine old seigneurie, held in fief from no one but from God and from the Sun [i.e. an allod] adorned with diverse old rights and prerogatives, and entitled to high, middle and low justice' (*schoone oude heerlichede van eyghendom van niemant gehouden dan van Gode van hemelrycke verchiert met diversche oude rechten ende prerogativen vermoghende alle justicien hooghe, middele ende nedere*). Erpe had remained intact for centuries as the basis of the eponymous noble family, even though that family often produced several male descendants. That the representatives of each new generation had to agree among themselves to maintain the integrity of the seigneurie was of course not without risk. In the mid-fifteenth century, when Filips van Erpe, lord of Erpe, died, leaving the seigneurie to his daughter Catharina, her husband, Boudewijn de Schoutheete, converted Erpe into a feudal seigneurie which thenceforth was held from the feudal court of Aalst.[25] That decision to raise the seigneurie to a fief can be seen repeatedly among the remaining allodial seigneuries of the fifteenth century, which suggests that feudal law was still regarded as the best guarantee for the long-term objectives of lords and their families.[26]

Families owning several seigneuries often chose to pass on a feudal seigneurie to the second or even third son. As with other elites, downward social mobility was the norm amongst the younger children of noble lords because their own claims to nobility were already much less a matter of course than those of their elder brother, who could exercise middle or high justice. Nevertheless, some were fortunate enough to become lords themselves.[27] Antoine van Speelt was one such lucky individual. When his father Olivier, lord of Vichte (Oudenaarde), died in

[24] Opsommer, *Het leenrecht in Vlaanderen*, I, 280–3, 367.
[25] Cited in De Mol, '15e en 16e eeuwse denombrementen van leen in Erpe', 41–4 and De Wilde, 'De financiële perikelen van de adellijke familie van Erpe-Van Zuylen', 2.
[26] For other examples, see Chapter 2.
[27] See the classic considerations in Herlihy, 'Three Patterns of Social Mobility', 623–47.

1463, Antoine, who was the second son, became the new lord of Nieuwenhove near Waregem (Kortrijk and Oudenaarde), a seigneurie some four kilometres north of Vichte. Antoine became the progenitor of a new seigneurial dynasty which until the late sixteenth century paralleled the line of lords of Vichte perpetuated by his elder brother. Together the dynasties of Vichte and Nieuwenhove formed the noble house of Speelt.[28] When a family branched into several seigneurial dynasties it could take on impressive forms. For instance, in the fifteenth century the high-born Van Gistel family consisted not only of the dynasty of the lords of Gistel and Ingelmunster, but also four lateral branches that organized themselves respectively around Dudzele and Straten (Liberty of Bruges), Axel and Moere (Four Districts), Ekelsbeke (Sint-Winoksbergen), and Beveren-aan-de-Leie (Kortrijk). Although, in practice, the dynastic ties weakened as two or more seigneurial dynasties originating from one house were successively continued by brothers, nephews, second cousins, and so on, fifteenth- and sixteenth-century Flemish nobles still attached great importance to this notion of their house as a group of nuclear families that derived a collective identity from a shared patrilineal lineage. That sense of solidarity was primarily embodied in the bearing of the same family name and coat of arms, with each cadet branch adding a small mark or 'brisure' to the arms to distinguish itself from the senior branch.[29] Within each seigneurial dynasty, the inheritance of a particular seigneurie with higher justice was always essential in order to maintain the dynasty's power and status.

While Olivier van Speelt was confronted with the challenge of providing for two sons, others faced the reverse, having no sons at all to carry on the seigneurial line. In the absence of male heirs, the feudal seigneurie went to the eldest daughter on the lord's death. That daughter would usually marry, taking the seigneurie with her to another family, which is what happened in the aforementioned case of Erpe: on the marriage of Catharina, lady of Erpe, to Boudewijn de Schoutheete, the seigneurie passed from the Van Erpes to the De Schoutheete family. Jacquemine de Visch is another good example of such an heiress. In the early fifteenth century she inherited Capelle (castellany of Veurne), a seigneurie with high justice, from her father, the knight Martin de Visch. Jacquemine was married to one of the county's foremost noblemen, Wouter van Halewijn, the lord of Halluin in Walloon Flanders and the owner of a series of seigneuries and fiefs in Dutch-speaking Flanders. That Jacquemine brought with her a substantial seigneurie made her doubly desirable as a matrimonial prospect, hence her eventual marriage to a great nobleman like Wouter. Indeed, it would not be the only time that the Van Halewijns acquired a seigneurie through marriage. In turn, Wouter and Jacquemine's eldest son, Jan van Halewijn, married Jeanne de la Clite, the heiress of Komen, an important seigneurie on the border of Dutch- and French-speaking Flanders.

[28] A discussion in Blockeel and Maddens, *Van der Vichte*, 219–20.
[29] A more comprehensive discussion in Buylaert, *Eeuwen van ambitie*, 67–79.

A couple of generations later the roles were reversed when Jan and Jeanne's grandson, also named Jan, the lord of Halluin and Komen, fathered only a single daughter, Jeanne. When Jeanne van Halewijn (d. 1559) married, Halluin and Komen, both seigneuries with high justice, passed into the possession of the Croÿ family. Thus, through this game of marriage and inheritance, seigneuries shifted from one family to another with great regularity, with some families sometimes acquiring the seigneuries of several extinct seigneurial dynasties.

That increasing numbers of seigneuries would come to be possessed by decreasing numbers of families was not necessarily a given, however. Since it was desirable to keep daughters and younger sons within the noble milieu, families often preferred not to concentrate newly acquired seigneuries in one hand, but neither did they dispose of them again. In this respect the way in which Capelle was further handed down is illustrative. The conjunction of the seigneuries of Halluin and Capelle through the marriage of Wouter van Halewijn as lord of Halluin and Jacquemine de Visch as heiress of Capelle was quickly undone by the couple themselves. They divided the properties, assigning Halluin to their eldest son Jan van Halewijn (d. 1437) and Capelle to a younger son, Joos van Halewijn. When Joos died without issue, Capelle passed to his younger sister Maria van Halewijn, who was married to Marc de Montmorency, scion of a high-born French family and lord of Croisilles.[30] Capelle made Maria an attractive matrimonial candidate, but her marriage meant that yet again the seigneurie passed to another house. Thus the transfer of seigneuries sat squarely at the crossroads of the twin desires to perpetuate the power and status of the family and to prevent daughters and younger sons from moving down the social ladder.

That Maria van Halewijn was the heiress of her childless brother, the lord of Capelle, shows that the circulation of seigneuries via the marriage market was stimulated by a significant provision in feudal law which stated that when a fief-holder who had been pre-deceased by his children died himself, the fief did not accrue to the count of Flanders or the deceased fief-holder's parents, but to collateral relatives—siblings, cousins, second cousins, and so on. They took priority over any grandchildren the deceased fief-holder might have had.[31] In cases of collateral inheritance, the family from which the fief had descended was always first to be considered. In this scenario, therefore, feudal seigneuries generally remained within the family and new dynasties could be built around them. What the example of Capelle also shows, however, is that in cases of collateral inheritance seigneuries would often go from brother to sister: when that sister married she conveyed the seigneurie to her husband as a dowry just as a daughter who

[30] See the source excerpts cited in Buylaert, *Repertorium van de Vlaamse adel*, 500–1, 732–6.

[31] Given that four out of five marriages left descendants, the number of collateral inheritances was limited. The most reliable estimate, drawn up for the feudal court of Kortrijk between 1429 and 1445, suggests that this amounted to a maximum of 21 per cent of inheritances (Opsommer, *Het leenrecht in Vlaanderen*, I, 277 and see 289–90 for inheritance by grandchildren).

inherited from her parents would have done. Thus the game of marriage and inheritance contained not only the potential for a process of concentration, but also of renewed fragmentation of the estates of the families fortunate enough to own several seigneuries.

3. Gendered Lordship

Before moving on to discuss whether the clustering and redistribution of seigneuries balanced each other out we must examine the crucial position of women. Given the not infrequent lack of male heirs and the use of seigneuries as dowries, women occupied a significant place in the transmission of these possessions.

Previous research suggests that within the seigneurial milieu that is the focus of this study, generally one in five marriages were without issue and in another one in five only daughters survived into adulthood.[32] As most seigneuries owned by childless couples passed to collateral male relatives, this means that around one-fifth of feudal properties would be inherited by daughters. This estimate is indeed well in line with the available data on gender ratios among Flemish fief-holders. A series of snapshots from thirteen different feudal courts between the early fourteenth and early sixteenth centuries shows considerable variation, with a lower limit of barely 7 per cent of fief-holders being female in the feudal court of Dranouter in 1504 and an upper limit of no less than 33 per cent of fief-holders being female in the feudal court of Baarzande in 1503, but on average some 20 per cent of the fiefs were held by women.[33]

Within the aggregate of fiefs, seigneuries with higher justice occupied a somewhat unusual position because they were so important to the power and the pronouncedly patrilineal self-image of the noble family. More often than ordinary fiefs, therefore, they were probably the subject of special arrangements that made the seigneurie's transmission to a man possible. This is apparent from our reconstruction of the gender ratios among men and women for an aggregate of 182 higher seigneuries from seven castellanies—the Oudburg of Ghent, the Liberty of Bruges, the Land van Waas, the Four Districts, and the castellanies of Veurne, Kortrijk, and Ypres—between around 1450 and around 1560. Table 4 brings together by decade the available references to the lords and ladies of these seigneuries in the primary sources.

On average, 15 per cent of the known owners of the seigneuries with higher justice were women. Then again, we often only know the name of the lord or lady in

[32] See Nassiet, 'Parenté et successions dynastiques', 621–44. This estimate is also empirically underpinned for Zeeland between *c.*1431 and 1535, where 38 per cent of the high and middle nobility had either only daughters or no descendants at all (van Steensel, *Edelen in Zeeland*, 92).

[33] Opsommer, *Het leenrecht in Vlaanderen*, I, 317.

Table 4 Gender ratios in 182 seigneuries with middle and high justice per decade between *c.*1450 and *c.*1560

Period	1450–9	1460–9	1470–9	1480–9	1490–9	1500–9	1510–19	1520–9	1530–9	1540–9	1550–9
Known owners	51 100%	79 100%	137 100%	74 100%	57 100%	132 100%	110 100%	88 100%	55 100%	72 100%	89 100%
Number of women	7 13.7%	9 11.4%	22 16%	18 14.3%	11 19.3%	25 18.9%	19 17.3%	23 26.1%	6 10.9%	7 9.7%	8 9%

a given decade for fewer than half of the 182 seigneuries. If we take only the three decades for which we know more than a hundred lords and ladies—the 1470s, 1500s, and 1510s—the average proportion of women rises to 17 per cent.[34] It is clear from these figures that even in higher seigneuries, feudal law was usually applied, albeit arrangements were apparently put in place from time to time to enable male successions. Caution is necessary, given the considerable spread within the snapshots, but the average percentage of female owners in higher seigneuries is apparently slightly lower than in ordinary fiefs.

In this respect seigneuries with low justice, which were not a source of public authority and nobility, leaned more towards ordinary fiefs than seigneuries with high justice—at least that is what is suggested by our analysis of the 189 known seigneuries with low justice in the castellany of Kortrijk, where 19 per cent were owned by women in 1501–2.[35] Be that as it may, the most important observation is that women also played an important role in seigneuries with higher justice. Most of those seigneuries had a lord in each generation, but over time a seigneurie almost inevitably passed into female hands.

That one in five marriages led to an heiress taking a seigneurie to her husband's family shows that the association of a particular seigneurie with a particular lineage was not immutable, however much noblemen might dream of their family name, coat of arms, and seigneurie—*de name, vulle wapene, ende heerlichede* as the protagonist of Chapter 3, Sir Jan van Dadizele (d. 1481), put it—being handed down in unbroken succession from father to son.[36] In practice, that trinity could seldom be maintained for more than a few generations. Sooner or later the male line would fail and a daughter would inherit, causing the inevitable separation of the family name and coat of arms from the seigneurie the heiress conveyed to her husband. This would also be the fate of Sir Jan's seigneurie of Dadizele. When he composed his manuscript in 1480–1, Sir Jan could still proudly record that Dadizele had been in his family for generations, consistently passed down from father to son, and that on his own death a son would inherit in turn. As it transpired, that son—'the fourth Jan'—was the last of the Van Veerdegem lords of Dadizele, for he died childless in 1493 and the seigneurie passed to his eldest sister, Maria van Veerdegem. She governed Dadizele together with her husband Jan de la Clite-van Komen until her death in 1525 and was succeeded as lady of Dadizele by the couple's only daughter Adriana de la Clite. Through Adriana's marriage to Georges de Croix, Dadizele eventually passed to the De Croix family, who in the matter of male heirs were more fortunate than most, producing a steady succession of lords of Dadizele until the abolition of seigneurial lordship

[34] These figures tally well with those for Holland in *c*.1500–1650, where women typically owned between 14 and 20 per cent of seigneuries (van Nierop, *Van ridders tot regenten*, 132).

[35] For this *leenregister*, see State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080.

[36] Ms Dadizele, fol. 3v.

in 1795.[37] The patrilineal ideal of a seigneurie rooted in a seigneurial dynasty, or at least kept within its own noble house, generally had a limited expiration date in a social system in which around one-fifth of seigneuries with higher justice were transmitted from one house to another via heiresses with each generation.

How an heiress perceived and used this privileged position as lady of a seigneurie with higher justice is a difficult question to answer. The standard sources are ingrained with a patriarchal ideology in which governance and justice—the essential indicators of higher seigneuries—were ranked as a purely male affair. One of the oldest treatises on Flemish feudal law legitimizes the privileged position of the eldest male heir with statements to the effect that only a man is 'worthy to bear a sword, to pass a judgement, and to dispense justice' (*werdich [is] te draghene tzweert, vonnesse te wisene, justicie te doene*).[38] In Flanders and elsewhere, women were excluded from chivalry as a military practice.[39] The surviving testimonies of noble lords on their involvement in war also make it abundantly clear that they thought military prowess and the willingness to risk life and limb were cardinal touchstones in the elite definition of masculinity.[40] In principle women had no legal competence; it was generally only widows and women who were legally separated by ecclesiastical dispensation who could issue an official document without their husband's consent.[41] The *dénombrement* that was prepared for Dadizele in 1502 was therefore drawn up by Jan de la Clite-van Komen in his capacity of husband and guardian to Maria van Veerdegem (*ic Jan van Comene, schiltcnape . . . als kerkelic voocht van Marye van Dadizeelle*). By 1515 Jan was apparently dead as the *dénombrement* for that year is in the name of Maria herself.[42] At the same time, the ideological fiction of women's incompetence as administrators and warriors clearly did not always prevail in practice. Feudal law was shaped in such a way that a woman without military capability, such as a testator's sister, could not only inherit a fief with military obligations, but also took precedence over that testator's militarily competent grandson. Men with a physical disability that excluded them from battle could also inherit fiefs, so clearly the feudal law system's top priority was not to secure fighting men for the count of Flanders, but to defend the interests of prominent families, and allowing women to inherit feudal seigneuries was one way of doing so.[43]

[37] Dessein, *Dadizele*, 40–1.

[38] Cited in Opsommer, *Het leenrecht in Vlaanderen*, I, 274.

[39] See Wilkinson, 'Gendered Chivalry', 219–20, 222. This contribution also provides a historiographical review.

[40] The most detailed testimony for Flanders is that of the lord of Dadizele, which we discuss in Chapter 6, Section 3. More generally, see Karras, *From Boys to Men* and Bouchard, *'Strong of Body, Brave and Noble'*.

[41] Opsommer, *Het leenrecht in Vlaanderen*, II, 429–30, 517. Fiefs were not held as joint property, however: husband and wife each held their individual claims. As a rule the investiture for fiefs acquired during the marriage was assigned to the man (Heirbaut, *Over lenen en families*, 120–1).

[42] State Archives of Belgium in Brussels, Fonds Rekenkamers, no. 1080, fol. 131r (1502) and Archives Départementales du Nord (Lille), Série B, no. 4010, fol. 47r (1515).

[43] See esp. Opsommer, *Het leenrecht in Vlaanderen*, I, 276, 429–30, 517.

The frequently propagated image of docile noblewomen leaving the exercise of seigneurial rights to their husbands was to some extent offset by other clichés, such as Iustitia or 'Lady Justice', the personification of justice derived from the classical world.[44] Fifteenth- and sixteenth-century *romans* and books of advice written for the upbringing and edification of young nobles also accentuated the noblewoman's significant, albeit informal, role. One recurring theme sees a young hero endeavouring to escape his thraldom to a female mentor. Certainly she inculcates in him important skills, values, and knowledge—a sense of responsibility, courtly manners, a Christian sense of morality including a commitment to justice, and so forth—yet at the same time holds him back from the pursuit of fame that is the proper preoccupation of every true nobleman.[45] Christine de Pizan, a writer at the French court who was also widely read in Flanders and throughout Europe, put an altogether more positive spin on the role of high-born women. Her *Livre des trois vertus à l'enseignement des dames* or 'Treasure of the City of Ladies' (1405) includes a chapter on the duties of noblewomen, among which were the supervision of seigneurial officials and the noble household and, in the absence of husbands, brothers, and fathers, even the heading of garrisons and troops. Whenever the menfolk were away from home, either fighting or fulfilling their roles as princely officials, or were simply dead, noblewomen had an active part to play, asserted Christine de Pizan.[46] Thus contemporaries' reflections reveal an important line of thought, namely that not only heiresses but all women could play an important role in the governance of a seigneurie. In recent years, historians have also unearthed evidence to that effect. Elite women were excluded from chivalry as a military vocation, but they often took the lead in defending this or that castle if the circumstances required it. All in all, women thus played 'a central, if subordinate, role' in lordship and chivalry.[47]

It is no simple matter to discover what the role of women in the day-to-day doings of a seigneurie involved. In the past two decades a good deal of research has been done on well-documented queens and consorts, from which it can be seen that the operational capabilities of high-born noblewomen commended by Christine de Pizan were indeed rooted in practice.[48] Whether women of somewhat less elevated birth were similarly competent is harder to establish. Nevertheless, although pre-seventeenth-century sources that reveal the internal workings of a seigneurie are exceptionally scarce, there are occasional nuggets to be found

[44] See Hayaert, 'The Paradoxes of Lady Justice's Blindfold', 201–21. The image of the blindfold alluded to both impartiality and arbitrariness, so that the image did not have exclusively positive connotations.

[45] See Naber, 'Bourgondische edelen en hun opvoeding', 239–53. For recent scholarship on noble education as a moral project, see Wittig, *Learning to be Noble*.

[46] Willard (ed.), *Christine de Pizan, Le livre des trois vertus*, 149–52. See also Bennett, 'Manuals of Warfare and Chivalry', 275–6.

[47] Wilkinson, 'Gendered Chivalry', 219–20, 22, 227–9.

[48] For a historiographic survey, see Graham-Goering, *Princely Power in Late Medieval France*, 1–35.

which suggest a similar ability to deal with matters that might normally have been their husbands' province. As we saw in Chapter 1, we have the unusually detailed *dénombrement* submitted by the legally adroit lady of Voormezele (Ypres), Jacquemine van de Karrest, which has proved a crucial source for determining exactly which seigneurial rights constituted a seigneurie in Flanders. There was also the aforementioned Jeanne de la Clite, heiress of Komen and widow of the lord of Halluin, who according to chroniclers exercised considerable influence over Mary of Burgundy, duchess of the Burgundian Low Countries (1477–82), to whom she was lady-in-waiting. Moreover, Jeanne was so rich that she was able to lend money to Nijmegen when that town was in sudden and urgent need of a large sum to pay an aide to the duchess.[49] Similarly, around 1500 we see Margaretha van Stavele, lady of Izegem (on the border between the castellanies of Kortrijk, Ypres, and Veurne) and widow of Adriaan Vilain, bringing a suit before the Council of Flanders on behalf of herself and as the legal guardian of her underage son Maximilian Vilain, lord of Rassegem (*over huer ende voorts als tgouvernement hebbende van joncheere Maximilaen Vilain, heere van Raesseghem, hueren zoone*).[50] Women thus came to the fore as guardians and business managers.

Noblewomen also played a prominent role in the religious and political crisis that engulfed the Low Countries from 1566, women such as Petronilla van Praat van Moerkerke (d. 1584) and her niece Catharina van Boetzelaer. Petronilla, the daughter of a Flemish nobleman, was married to Herman van Bronkhorst, lord of Batenburg, in the duchy of Guelders. In 1556 Herman died and Petronilla took over the administration of Batenburg. Strikingly enough, she continued to govern the seigneurie even after her eldest son Willem had come of age and assumed his lordship. To some extent this may have been because Willem and his younger son had embraced Calvinism and joined the armed resistance against the duke of Alva, sent by Philip II of Spain to suppress Protestantism in the Low Countries. Petronilla, a Calvinist herself, made Batenburg a haven for Protestant preachers. When the provincial governor of Guelders wrote to Willem van Bronkhorst in 1566, warning him that failure to apply Habsburg legislation against Protestants in his seigneurie would result in the governor doing so in his stead, it was Petronilla who tartly replied that Batenburg had high justice and therefore criminal justice within the village was the exclusive prerogative of the lords of Batenburg. A similar scenario occurred in the case of Catharina van Boetzelaer, a Guelders noblewoman and Petronilla's niece, who had followed the opposite route to her aunt, having married the Flemish nobleman Jacob van Vlaanderen, heir to the lord of Praat and Woestijne (Ghent Oudburg and the Liberty of

[49] This appears from a case brought by Jeanne against the city of Nijmegen before the Great Council in 1485 for defaulting on repayments: State Archives of Belgium in Brussels, Fonds Grote Raad, Register 798, no. 31, pp. 260–2 (Sententiën).

[50] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7534, fol. 319r (verdict of 19 September 1551).

Bruges). Jacob's poor health meant that Catharina had a significant hand in exercising her husband's seigneurial rights, making Aalter and its surroundings a refuge for Protestants. In 1566 Jacob died, but Catharina remained steadfast in her course, urging on the men in her family and helping to organize what ultimately proved to be an unsuccessful campaign of resistance to Habsburg rule in the southern parts of the Low Countries.[51] While these ladies may have had unusually strong personalities, their actions show how firmly women, not only as heiresses, but also as wives, sisters, and mothers, could stamp their mark on the family and, consequently, on the family's seigneuries.

That strong women were able to come into their own was largely connected to a circumstance already mentioned by Christine de Pizan—the absence of men. Noble culture was not only a matter of exercising seigneurial power, after all; it was most clearly expressed in the observance of chivalric and military duty.[52] In a militarized social elite the obligations men were expected to fulfil often took them away from home, giving women the opportunity to step into the breach, which many of them did with panache. This is also a phenomenon that cannot be expressed in figures, but once again the Dadizele Manuscript provides some pointers. Like every other fifteenth- and sixteenth-century nobleman who penned his memoirs, Sir Jan spent very little time on quotidian matters and even less on the role of women. Yet in his preoccupation with listing the worthy deeds of noblemen like himself it is precisely what he does *not* say which reveals the significant place that women came forward to fill. Jan van Dadizele's life is one of the best documented of all Flemish lords, and a striking aspect of it is his repeated and lengthy absences from his seigneurie, something he had in common with most lords.[53]

Jan van Dadizele was born in 1432, as he tells us at the start of his autobiographical sketch. In 1441, when he was 9, he lost his father and being the only legitimate son he thus became lord of Dadizele. Who acted with the seigneurial administration on behalf of the underage lord is unknown. Jan had an uncle, Gidolf van Veerdegem, but the more likely candidate is his mother Catharina Patijn, who was then 29 and would remain a widow until her death in 1475. Jan makes very little mention of his uncle in his manuscript, whereas his mother had a significant claim on the seigneurie, as in feudal law she had dowager rights which entitled her to half of the estate's revenues.[54] Moreover, since she came from a prominent Kortrijk family that also had connections among the Dadizele village elite, Catharina was well placed to promote her son's interests.[55]

[51] Valkeneers and Soen, 'Praet, Bronkhorst en Boetzelaer', 265–84.
[52] The association of lordship with chivalry is discussed in Chapter 4.
[53] The memoirs form the eleventh chapter in the manuscript (Ms Dadizele, fols 46r–60r.
[54] Heirbaut, *Over lenen en families*, 120–2, 209 and Opsommer, *Het leenrecht in Vlaanderen, passim*.
[55] See Chapter 3, Section 5.

It was, in fact, quite some time before Jan took up the reins of the seigneurie himself. In 1443 he left Dadizele and was away for the next twelve years, spending the first six at school in Lille and Arras and the next six as a squire in the retinue of the high-born nobleman Simon de Lalaing. Only in 1455, when he was 23, did he return to his seigneurie. In that same year he married Catharina Breydel, the daughter of a prominent Bruges family, and the couple had four children, in 1456, 1458, 1459, and 1463. Jan makes no further reference to travelling until 1465, so seems to have been in Dadizele more or less constantly for a decade, an impression reinforced by his obtaining of two comital privileges for the seigneurie, in 1462 and 1463.

From 1465, however, Jan was away from home with increasing frequency, according to his memoirs. Under the leadership of Simon de Lalaing, whom even as an adult Jan referred to as 'his master' (*zyn meester*), he took part in practically every one of Charles the Bold's campaigns against the king of France, the rebellious cities of Dinant and Liège, and so on. There is only one year, 1469, that seems to have passed without some military expedition or other taking Jan away from Dadizele for months at a time. During one of the first of these absences, which lasted for almost ten months, he sent for his wife to join him. It was December 1465 and Jan was in Hainaut at the court of Simon de Lalaing, lord of Montignies-Saint-Christophe. The phraseology he used in recording the event is typical of the prevailing patriarchal view of marriage: 'at his order his wife came to him at Montigny' (*by zynen bevele quam zyn wyf by hem te Montigny*). Yet it also displays respect and perhaps even affection, as Jan apparently wanted to have Catharina by his side at Christmas. Under the patronage of Simon de Lalaing, Jan's career flourished. Besides the regular campaigning he also acted as castellan of Wijnendale (Liberty of Bruges), an important seigneurie owned by the high-born Cleves family, and from 1475 he deputized for Josse de Lalaing—Simon's son and successor—in his capacity as sovereign bailiff of Flanders. Those increasing responsibilities must have called Jan away from Dadizele with ever greater regularity; indeed, from 1477, when the French–Habsburg war started, he was almost permanently absent. It was the brilliant role he played in that conflict that eventually prompted him to set down in writing a record of his own life when a lull in the fighting enabled him to return to Dadizele in the summer months of 1480. In a nutshell, Jan van Dadizele's manuscript not only evidences his involvement in the seigneurie of Dadizele: reading between the lines it also allows us to suppose that that involvement was often mediated first by his mother and then by his wife.

Thanks to the coalition we discussed in Chapter 3 between Jan van Dadizele and the local notables who provided the seigneurie's bureaucratic manpower, serving as aldermen, officers of the feudal court, and churchwardens, the seigneurie largely ran itself. Nevertheless, we can be fairly sure that Sir Jan also relied on his mother and wife to keep things on an even keel. We have already referred to Jan's armed raid on the home of his brother-in-law Boudewijn van de Woestijne in 1461 to

fetch his presumably unhappily married sister Anna and her dowry back to Dadizele, but we have not as yet mentioned one of the most striking aspects of it: according to the complaint Boudewijn made, while Jan was the leader of the enterprise (*conduiseur dudit malefice*) he was aided and abetted by Catharina Patijn and Catharina Breydel, his mother and wife.[56] As touched on earlier, the head of a noble family was expected to help his sisters and younger brothers and Jan obviously took that duty seriously. As daughters and sisters, women could, in principle, rely on the support of their own families to ensure that their personal well-being and rights, including their widow's portion, were respected by their husbands' families. And as mothers, sisters, and wives, those women no doubt aided their lords with frequent support and advice.

The support the women received from their brothers and/or fathers is often reflected in the loyalty they showed to their own house, and that in turn is sometimes demonstrated by their place of interment. The usual practice was for husband and wife to be buried side by side, but some women made different choices. That might have been prompted by a bad marriage, as was the case for Elisabeth Utenzwane, a noblewoman who was legally separated from the Ghent knight Gillis Hagelinc and subsequently stated in her will that she wished to be buried next to her parents in the Church of Our Lady in Dendermonde.[57] Or a woman might be equally attached to her spouse and her own family, as was probably the case for Elisabeth Borluut (d. 1443). The daughter of a prominent Ghent family, who not long after her death would assume the title of noble lords of Sint-Denijs-Boekel (Aalst), Elisabeth and her husband Joos Vijd, lord of Pamel and Ledeberg (a Brabant seigneurie on the border with Flanders), were on sufficiently amicable terms in their later years to jointly commission the building of a spectacular chapel in St John's Church (subsequently St Bavo's Cathedral) in Ghent. The furnishings included the *Adoration of the Lamb* altarpiece, painted by Hubert and Jan Van Eyck, on which Elisabeth and Joos are portrayed kneeling in prayer. Nevertheless, husband and wife were not buried together. Joos is assumed to have been interred alongside his father in the Koningsdal charterhouse in Ghent and Elisabeth was laid to rest in the Borluut family mausoleum in Ghent's Augustinian monastery.[58] Thus women defined themselves as permanent links between their husband's family and their own, if only because in a practical sense the support of their own relatives helped to enforce their rights as wives and widows should the family into which they were married prove dilatory in respecting them.

Conversely, that linkage meant that a wife could give her husband access to important contacts and open interesting perspectives for cooperation. Of course, relationships with in-laws could sometimes go badly awry, as shown by the marriage of Anna van Veerdegem and Boudewijn van de Woestijne, but in more

[56] State Archives in Ghent, Fonds Piers de Raveschoot, no. 1577.
[57] Ghent City Archives, reeks 301, no. 49 (1467–8), fol. 114r–v.
[58] Buylaert and Verroken, 'Een adellijk altaarstuk', 58–9.

conducive circumstances those relatives-by-marriage formed a significant network for a lord. Notably, Sir Jan not only included the Van Veerdegem genealogy in his manuscript, but also compiled equally detailed family trees for the Patijns and Breydels. In fact, Jan's assassination in the autumn of 1481 was probably a consequence of colluding with his wife's relatives in Bruges. By 1481, Jan of Dadizele was an exceptionally powerful lord. In the summer of that year he seems to have used that power to successfully lobby for the candidacy of the Bruges merchant Jan van Nieuwenhove for a place on the comital committee responsible for the annual renewal of the aldermanic benches of the Flemish towns—elective procedures involving a good deal of influence and money. Jan van Nieuwenhove was related to the Breydels through the marriage of his sister Margaretha to Cornelis Breydel, Catharina Breydel's brother. Evidently these machinations so incensed the ousted commissioner, the Brabant nobleman Filips van Horn (d. 1488), lord of Gaasbeek, whom Jan van Nieuwenhove replaced, that he arranged the elimination of the lord of Dadizele.[59] Women were not only key figures in the biological and social reproduction of families, but possibly in political networks as well.

Jan van Dadizele's life and career shows that even lords with only one seigneurie were often absent for months at a time. It is possible that the frequency with which Sir Jan was away on campaign was rather exceptional. He was, after all, an adherent of the high-born Lalaings, who had linked their fate to the immense ambitions of the Burgundian Valois. Moreover, Jan's fighting prime coincided with the reigns of both the warlike Charles the Bold and his daughter and heiress Mary of Burgundy, who on her succession was immediately required to deal with a French offensive. Then again, Flemish noblemen were regularly called up to fight up until the mid-sixteenth century. Not all of them came home: the code of chivalry to which noblemen subscribed meant that they went into battle themselves and did not always live to tell the tale. Jan IV, lord of Gistel, and Louis of Nevers, count of Flanders, both fell at Crécy, fighting for the French against the English in 1346. At Agincourt in 1415 history repeated itself: Jan VI of Gistel's only two legitimate sons both fought on the French side and both perished, so that when Jan VI died in 1417 the family's many seigneuries were inherited by Isabella van Gistel, the eldest of his eight daughters. As to how many lords died of disease during a campaign, we can only guess. The Black Death may have claimed more female victims than male, but armies were breeding grounds for bacteria and viruses and the majority of those who succumbed were of course men.[60] It may be that the relatively high proportion of women holding seigneuries with higher justice between the 1470s and the 1520s compared to earlier and later periods (see Table 4) reflects a certain excess mortality among the noblemen whose

[59] The complications that led to his death are reconstructed in Haemers, 'Le meurtre de Jean de Dadizeele', 231, 238 and Haemers and Buylaert, 'Murder as "Good Lordship"'.

[60] See Curtis and Roosen, 'The Sex-Selective Impact of the Black Death', 246–59 and Govaerts, *Armies and Ecosystems*, 190–8.

lifetimes coincided with the reigns of Charles the Bold and Mary of Burgundy and the Flemish uprising against Maximilian (1482–92). As mentioned in Chapter 4, around the middle of the sixteenth century Flemish lords began to abandon the bellicose chivalric ideal and from then on the dangers of dying on the battlefield were generally confined to those noblemen who deliberately chose a career as an officer in the princely armies. Given the outbreak of the Dutch Revolt in 1567, however, it may well be that only from the seventeenth century were lords called away less often from their seigneuries because of military obligations.[61] Be that as it may, as has been observed for other militarized political elites, demographic and social trends meant that women played a much greater role than men's patriarchal ideals suggest.[62]

The most effective curtailment of noblewomen's seigneurial power came not from their own milieu, but from their subjects. It is evident from the seigneurial regulations discussed in Chapter 2 and the picture of Dadizele examined in Chapter 3 that the administrations of Flemish seigneuries were largely independent from the lord or lady, and that they were made up of prosperous male peasants who took as read a pronouncedly patriarchal interpretation of the community's interest when formulating their policies—one which excluded women from occupying any position in the seigneurial administration.[63] In 1550 or thereabouts, when the noblewoman Antoinette de Bailleul endeavoured to uphold the rights of her son, the underage lord of Morbecque (Kassel), by raising the seigneurial taxes, part of her claim was blocked by the seigneurie's aldermen. Antoinette then appealed to the Council of Flanders, but that body too was staffed entirely by men, who would eventually ratify the verdict of Morbecque's aldermen.[64] Although the latitude enjoyed by noblewomen should not be underestimated, women probably had less seigneurial power in Dutch-speaking Flanders than in most other parts of Europe, where seigneuries tended to be run much more for the benefit of their lords and ladies than their subjects. At this point, we must return to the problem of absentee lordship, as the ability of local peasants to ignore or to thwart their lady was augmented over time by the increasing clustering of seigneuries among an ever smaller number of families.

4. The Clustering of Seigneuries and the Rise of Absentee Lordship

With around a fifth of seigneuries with higher justice passing to a daughter in every generation and lords sometimes forced by necessity to put a seigneurie up

[61] See Chapter 4, Section 3.

[62] See for example the similar conclusions in Saller, *Patriarchy, Property and Death in the Roman Family*.

[63] See Chapter 3, Section 5 for examples of the patriarchal inflection of the policies pursued by peasant aldermen on themes such as domestic violence, partner choice and sexual violence, and so on.

[64] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7534, fols 269r–272r; fols 272v–274v.

for sale, the rate of change among the seigneurie-owning families was quite high. After three or four generations, or roughly a century, around 60 per cent of seigneuries would have shifted from one family to another. But in what direction did those seigneuries shift? As examples cited earlier illustrate, families often acquired several seigneuries, particularly by snapping up eligible heiresses in the marriage market. This opens up a potential scenario in which over time the seigneuries came into the hands of a dwindling number of fortunate families who were lucky enough to inherit the seigneuries of the many dynasties that gradually became extinct in the male line. Conversely, couples with several seigneuries often chose to assign one of them to a younger child. A noble dynasty could choose not to pass on all their seigneuries to the eldest son, but to divide them among the younger sons and daughters instead, the daughters then taking the seigneurie to another family when she married. If this happened often enough, it is quite possible that the distribution of seigneuries among individuals and families remained constant or even increased.

Research carried out in relation to several neighbouring regions suggests that the preponderant trend was towards the concentration of seigneuries among families and individuals. The initial impetus for studies of this kind came from Raymond Van Uytven, who devised an exploratory exercise for the duchy of Brabant based on 55 seigneuries. In 1415 each of those seigneuries was owned by a different lord. In 1490, those same 55 seigneuries were owned by 45 lords, some of whom thus owned several seigneuries. That trend obviously continued, for in 1565 the number of lords owning the 55 seigneuries had fallen to 33. Over time a small number of noble families with resounding names like Lalaing, Croÿ, Nassau, Glymes-Bergen, Merode, Brimeu, and so on, had risen far above their peers.[65] Van Uytven, who was at pains to describe his group of seigneuries as a 'superficial sample', does not state how many lineages these lords represented, but the decreasing number of lords presumably implies that over time those seigneuries came to be controlled by ever fewer families.

Henk van Nierop conducted comparable research in relation to Holland, albeit on a larger scale. His calculations were based on a list of 240 seigneuries drawn up in 1555. The distribution of those seigneuries among the ninety-two lords mentioned was uneven. Twelve lords, who together made up barely 13 per cent of all the lords mentioned, together owned no less than 45 per cent of the seigneuries. It is typical of the interlinkage among the high-born nobility of the various regions of the Low Countries that this group was partly made up of families that also produced some of the great lords of Brabant, such as Glymes-Bergen, Merode, and Nassau. Conversely, the bottom half of the group of lords consisted of forty-six individuals who held only one seigneurie. Strikingly, this group

[65] Van Uytven, 'Vorst, adel en steden', 110 and partly reproduced in Van Uytven, 'De Brabantse adel als politieke en sociale groep', 85–6.

together controlled only one-fifth of the 240 seigneuries on the list.[66] Recent research has shown that the list was far from complete, but the distribution of seigneuries among families appears to be roughly correct.[67] This situation had its origin in the marriage preferences of Holland's nobles, who were far less inclined than their Flemish counterparts to marry into the leading families of towns such as Haarlem, Delft, or Leiden. From at least the thirteenth century the so-called *ridderschap* of Holland—the institutional core of the county's nobility—married almost exclusively among themselves, so that the seigneurie of a family that died out in the male line invariably ended up with a family by marriage that already owned a seigneurie. By the mid-sixteenth century this had led to a division between families of a rather modest stature on one hand and on the other a smaller group of families, each of which possessed a whole assemblage of seigneuries and could therefore compete in prestige with the high-born families of neighbouring principalities. The custom of high-born nobles to intermarry explains the prominence of foreign families among the county's largest seigneurie owners on the 1555 list.[68] Thus developments in Holland were probably similar to those in Brabant.

The best estimates relate to the county of Zeeland between the early fifteenth and early sixteenth centuries. Zeeland, it must be said, is a special case. The seigneurial landscapes of Holland and Brabant were similar to Flanders—both were dotted with a mix of seigneuries with high justice wielding considerable administrative and judicial power and seigneuries with low justice with economic rights only. Moreover, in Holland and Brabant seigneuries did not blanket the entire countryside, thus excluding the existence of free peasants. In Zeeland, they did. The seigneurie ownership ratios in Zeeland evolved in a way that was very similar to those that have been suggested for Brabant and Holland. The detailed reconstruction by Arie van Steensel shows that in the fifteenth century the number of nobles in Zeeland was fairly stable, with some 200 lords in 1431 and 1475, but sixty years later, in 1535, that number had fallen sharply to 151.[69] At the same time, the percentage of seigneuries with low justice—the so-called *ambachtsheerlijkheden*—owned by this group hovered around 80 per cent (the rest were owned either by the towns or the count). The drop in the number of lords was particularly noticeable among the lesser nobility. While the number of high-born nobles fluctuated steadily around eleven, twelve, or thirteen individuals, the number of lesser nobles fell by around a half. Because remaining families acquired the released seigneuries by inheritance and, to a lesser extent, by purchase, the division of seigneuries was more unequal in the early sixteenth century

[66] van Nierop, *Van ridders tot regenten*, 130–2.
[67] See the comments in Prins, 'Heren van Holland', 40–8.
[68] Janse, *Ridderschap in Holland*, 102–9, 129–36, 146–58, and 230–8. Caution is advised, however, because segments of the lower nobility remained beyond the scope of this study.
[69] For what follows, see van Steensel, *Edelen in Zeeland*, 121–7.

than it had been before. The proportion of seigneuries held by middling nobles increased from 32 to 38 per cent between 1431 and 1535: those held by high-born nobles increased from 48 to 59 per cent. As in Brabant and Holland, this process coincided with the increasing presence of families whose primary estate lay outside the region. A growing number of lords did not come from families with deep roots in Zeeland, but rather in Holland (Brederode, for example), Flanders (Bruges-Gruuthuse, for example), and Hainaut (Lalaing, for example). Thus, control of Zeeland's seigneuries came increasingly into the hands of a small group of nobles who rarely if ever resided there.

To discover whether Flanders conformed to this pattern we focus on a group of 165 seigneuries with high or middle justice whose owners in *c.*1365–1366 and *c.*1560 are known. This group constitutes around 23 per cent of the 700 higher seigneuries in the county that were controlled by noble families, which is probably a sufficiently representative sample to highlight trends. As discussed in Chapter 4, around 100 seigneuries with high or middle justice were more or less permanently under the control of either an ecclesiastical institution, the count of Flanders, or a town, and we thus excluded these seigneuries from our analysis. We did, however, include a number of seigneuries that moved back and forth between institutional lords and lay lords between the mid-fourteenth and the mid-sixteenth centuries.[70] It should also be noted that because most of the data for 1365–6 were derived from a fief register that listed the principal fiefs in all the comital castellany courts, the majority of seigneuries in the sample were quite important ones. Consequently our sample gives little information about lesser seigneuries that were sub-fiefs of other seigneuries with high justice and had jurisdiction over only a small part of a parish. The emphasis is therefore on seigneuries such as Dadizele, that were large and important enough to assure their owners of a place in the ranks of the Flemish nobility.

Our methodology is slightly different from the procedures used in the studies cited above, however, in that we focus on the distribution of seigneuries among noble houses, but not on how they were distributed among individuals within those families. This is because the data we have are not always precise enough to enable us to say with certainty which member of a family held which seigneurie. In some cases it is obvious that most of the seigneuries in a noble family's possession belonged to one individual, whereas in others—a noble family with two seigneuries, for instance—each seigneurie was held by one of two brothers or cousins. Adding to the difficulty of systematically determining who owned what is the tendency of noble families to select their legitimate children's first names from a rather small cache (unusual first names were common for illegitimate children). Consequently, the sources are full of individuals with the same forenames and surnames and it

[70] See Chapter 4, Section 1 for a full discussion.

can be hard to distinguish one from another.[71] To take just one example, the noble Van Gistel family had numerous branches. Genealogical research reveals that around 1400 there were five lords with the same name. In addition to Jan van Gistel, lord of Gistel and Ingelmunster (d. 1417), and his son Jan van Gistel (d. 1415), there were also three cousins: Jan van Gistel, lord of Dudzele and Straten (d. 1430), Jan van Gistel, lord of Ekelsbeke and La Motte (d. 1434), and Jan van Gistel, lord of Moere and Couderborch (d. 1436–7). This kind of research is not available for every family, however, and therefore we concentrate on the distribution of seigneuries among lineages for which we can produce estimates without too great a margin of error.[72]

When we look at the situation in 1365–6, the predominance of lay lords is striking. Not one of the 165 seigneuries in the group was owned by an ecclesiastical institution and only three were possessions of the count of Flanders. This leaves 162 seigneuries in the hands of lay lords who in turn came from 107 noble families. A second important observation is that by the mid-fourteenth century it was already quite unusual for a noble family still to be in possession of the seigneurie from which it derived its family name. In the thirteenth century, family bynames became fixed surnames, with noble families generally taking their surname from their original estate. In the centuries that followed a noble family only rarely changed that surname, even when it had come to rule over other seigneuries. In 1365–6 we can still identify thirty families that demonstrably owned the seigneurie from which they took their family name (28 per cent of those 107 families). We see the Van Steenhuize family in possession of the seigneurie of Steenhuize (Aalst), for instance, and the Van den Hove family as the owners of the seigneurie of Ten Hove in Astene (Kortrijk). Both families died out in the male line in the mid-fifteenth century and Steenhuize and Ten Hove passed to other families. That in 1365–6 fewer than a fifth of the seigneuries were still ruled by the noble family to which they had given their name is not surprising. Those 162 seigneuries were already centuries old and with the regular failure of legitimate male issue most of them had already passed from one family to another several times.

No doubt those families who did still hold their titular seigneuries enjoyed particular prestige, for it would have been clear to see that they could trace their seigneurial ancestry back in an unbroken line to a dim and distant but undoubtedly glorious past when seigneuries had spontaneously sprung from a local community's

[71] Lind, 'Name Styles and the Perception of Social Reality', 233 who states that prosopography is essentially based on 'the use of names as a tool when linking together information on the individuals', while also warning that this is problematic because of the practices of first name giving among *ancien régime* elites.

[72] A limited test sample of thirty-eight seigneuries that we could follow at an individual level during three reference periods, namely 1470–9, 1500–9, and 1550–9, suggests no major changes in how seigneuries were apportioned within families.

need for strong and upright leaders whose social superiority was—it was thought—bred in the bone and passed down from generation to generation.[73] Very likely it was that desirable prestige that explains five unusual cases among those 107 families—instances in which the original surname was overlaid or lengthened in order to suggest a time-hallowed familial association with a particular seigneurie. As we have seen, this was the case with the Van Veerdegems and van Speelts, who by the 1360s had long owned Dadizele (Kortrijk) and Vichte (Kortrijk and Oudenaarde) respectively. Scions of those two houses were often referred to—by others as well as themselves—as 'Van Dadizele' and 'Van der Vichte', although the true family name would never completely disappear. We see something similar in the branch of the old Van Gavere family that bound its dynastic identity to the Land van Schorisse, an important seigneurie with a castle in the castellany of Aalst. Around 1365 the lord at that time, Arnoud van Gavere, sometimes appears in the sources as 'Sir Arnoud van Schorisse' (*mer Arnoud van Scorisse*), and his descendants likewise used both 'Van Schorisse' and 'Van Gavere—called van Schorisse' as their surname (as in a deed registered with the Ghent aldermen in 1451, for example, which refers to *madame Katherine de Gavre dit d'Escornais, bourgoise de Gand*).[74] These, however, are exceptions. In the cases of 72 out of the 107 families (67 per cent), by the mid-fourteenth century there was no longer any congruence between the family name and the name of the seigneurie they owned.

The periodic passing of seigneuries from one family to another between their creation and the mid-fourteenth century is also evidenced by the unequal distribution of the 165 seigneuries among those 107 families. The bulk was made up of seventy-three families, each holding one of the listed seigneuries with high justice. Twenty-two families owned two seigneuries. At the top were five families with three seigneuries each, four families with four seigneuries each, two families with five seigneuries each, and finally one family—the Van Halewijns—holding no fewer than seven of the 165 seigneuries in the group. These were families which had undoubtedly inherited seigneuries from other seigneurial dynasties that had died out in the male line, and which had possibly added to those by purchase. What also becomes instantly clear is that Flemish lords often married into families from outside the county, and as a result of those marriages, seigneuries in Dutch-speaking Flanders sometimes ended up as possessions of those 'foreign' families. The important seigneurie of Gavere (Aalst) was no longer owned by the Flemish Van Gaveres, but by the high-born French De Lavals, while another Aalst seigneurie, the Land van Wedergrate, was in the hands of a branch of the De Trazegnies family from Hainaut. Long before the Burgundian Valois united

[73] See the testimony cited in Chapter 4, Section 3. For the then widely held belief that moral qualities were inherited, see Karras, *From Boys to Men* and Bouchard, *'Strong of Body, Brave and Noble'*.

[74] See the source excerpts cited in Buylaert, *Repertorium van de Vlaamse adel*, 237–50. Similar practices can be identified for the De Trazegnies–Van Wedergrate and Spiere–Mortaigne families.

Table 5 The distribution of 165 seigneuries with high or middle justice among families

	1365–6	***c.*1560**
Families with 1 seigneurie	73	47
Families with 2 seigneuries	22	16
Families with 3 seigneuries	5	7
Families with 4 seigneuries	4	7
Families with 5 seigneuries	2	6
Families with 6 seigneuries	0	0
Families with 7 seigneuries	1	1
Total number of families or institutions	107 families[a]	83 families;[a] 1 institution

[a] The comital dynasty is treated as a single family in this table.

Flanders with its neighbouring regions in a personal union, the community of Flemish lords was already interwoven with the nobility of other areas and a process had begun whereby some families owned several seigneuries.[75]

When the position around 1365–6 and the position around 1560 are compared, we can see that the process of more seigneuries being concentrated in fewer hands had steadily continued (Table 5).

On the eve of the Dutch Revolt, those 165 seigneuries were still largely in the hands of lay lords. The number owned by the comital family—by then the Habsburgs—had risen slightly from three seigneuries with higher justice in 1365–6 to four in *c.*1560, but that was still only a fraction (2.4 per cent) of the whole. In 1491 one seigneurie, Diepenzele in Poperinge (Veurne), was bought by Eversam Abbey in Stavele, which suggests that the percentage of seigneuries held by ecclesiastical lords in Flanders was still rather modest.

The characteristics of the group of lay lords had changed considerably. For one thing it had shrunk, having fallen from 107 families to 83, and there was also a sharp drop in the number of families owning only one or two seigneuries. Conversely, the number of families with three, four, or five seigneuries had greatly increased. There was not much change at the top: one family owned seven seigneuries, but it was no longer the Van Halewijns (they were relegated to the cluster of families with five seigneuries). They had ceded pride of place to the Van Liedekerkes, whose original estate was Liedekerke, a seigneurie with high justice and a castle in the castellany of Aalst.

Those changes in the composition of the seigneurial class were precipitated by the high social turnover in seigneurial dynasties. Of the 165 seigneuries only twelve (7 per cent) were still ruled by the same lineage in *c.*1560 as they had been

[75] Historians have suggested that this interregional networking was a side effect of the formation of the Burgundian-Habsburg Netherlands as a personal union, but this is incorrect: see Buylaert, 'La noblesse et l'unification des Pays-Bas', 3–25.

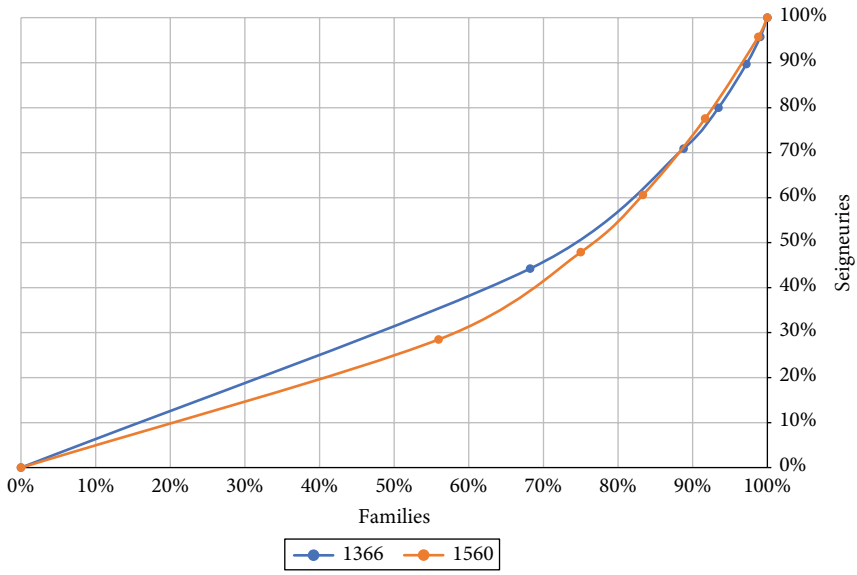
in 1365–6 and in one of those twelve cases the appearance of continuity proves to be deceptive (in the late fifteenth century the Van Maldegems lost control of Leischoot (Liberty of Bruges) to the Van Halewijns, but regained it shortly before 1560). Standing out amidst all these changes is the aristocratic de Melun family: originally from Île-de-France, they held sway over the viscounty of Ghent and the associated seigneuries of Heusden and Haasdonk from the thirteenth century right up until 1738. Among the remaining nine families who retained a seigneurie between 1365–6 and *c.*1560 there were also two who still ruled over their original estate: at the start of the Dutch Revolt in 1567 the noble Van de Walle and Van Idegem families still owned their seigneuries of Ten Walle (Kortrijk) and Idegem (Aalst) respectively, but by then such a situation was a rarity.

When we look at families instead of seigneuries we see that in addition to the ten that still owned their original estates there are also six that had lost the seigneuries they held in 1365–6, but by *c.*1560 had gained another of the 165 seigneuries in the study group. Out of the total 107 families in 1365–6 those 16 families (15 per cent) still represented 19 per cent of the population since in the two centuries between our parametric dates the number of families had fallen to 84. A high rate of change in the seigneurial milieu was thus the normal course of events. This is consistent with the earlier observation that in those centuries the Flemish nobility lost around 15 per cent of its constituent families per quarter-century, chiefly due to the extinction of noble houses in the male line. It therefore comes as no surprise to find that few families were able to maintain a lasting hold on one of the county's seigneuries with higher justice for two centuries.

To compare the situation in 1560 in Flanders with the aforementioned estimates for Holland and Zeeland we can contrast the relative distribution of seigneuries among families in the two reference periods using a Lorenz curve (Graph 6). This has its limitations as it camouflages the reduction of the seigneurial milieu from 107 families to 84, but it allows us to compare the relative proportion of families with only one seigneurie vis-à-vis families with several seigneuries.

The graph provides a good point of comparison with Henk van Nierop's calculations for Holland and Arie van Steensel's assessments for Zeeland, though it should be borne in mind that their estimates refer to individuals and ours relate to noble houses. That said, we see that in Holland around 1555 the bottom half of the population of lords controlled barely 20 per cent of the seigneuries. The situation in Flanders was slightly better, with the lower half of the families with the fewest seigneuries collectively holding a quarter of the seigneuries. Two centuries earlier that group had still held around a third.

Conversely, we see that of the aggregate of seigneuries the part held by the top group of families was slightly less pronounced than in Holland and Zeeland. Arie van Steensel has shown that between 1431 and 1535 the percentage of Zeeland *ambachtsheerlijkheden* in the hands of the high nobility rose from around 50 per cent to 60 per cent, while in Holland a small group at the top, which together



Graph 6 The relative distribution of 165 seigneuries among families in *c.*1365–1366 and *c.*1560 (percentage).

made up barely 13 per cent of all lords, owned around 45 per cent of seigneuries. In Flanders that process was less marked, insofar as in both 1365–6 and in *c.*1560 the top group of the wealthiest 20 per cent of families invariably controlled around 45 per cent of the 165 seigneuries. The trends were the same, in the sense that in Flanders, too, the ranks of families with only one or two seigneuries were depleted in favour of the higher segments of the seigneurial class, but the effect was somewhat more limited than elsewhere.

We have already touched on the cause of these differences in Chapter 4, namely the great willingness of Flemish nobles to look for their marriage partners among the sons and daughters of powerful burgher families.[76] In Holland and Zeeland, noblemen and women married almost exclusively within their own circle, even though the lack of new blood meant the inevitable extinction of noble families. In Flanders, however, that pattern was only replicated in the highest echelons of noble dynasties, which comprised around one-fifth of the nobility. Among lower-ranking noble families around half the marriages were within their own circle and the other half with prominent urbanites. Consequently, the number of marriage and kinship ties among noble lords and ladies was high enough to ensure that through inheritance from noble relatives a noble family would add an extra seigneurie or two to its own seigneuries with great regularly. At the same time, the accumulation of seigneuries proceeded at a slower rate in Flanders than in

[76] Chapter 4, Section 4 (esp. Table 3).

Holland and Zeeland since some of these estates were acquired by ambitious townsmen who thus achieved the cachet of a noble lord that was previously denied to them. While the nobility of Holland became ever smaller and more exclusive as the centuries passed, the size of the Flemish nobility remained stable until at least the early sixteenth century thanks to the recruitment of burgher families into the seigneurial class.[77] Although we often see such ennobled families then going on to own two or more seigneuries, they did slow down the concentration of seigneuries among the high nobility.

There are, however, two things to bear in mind when interpreting this sample. The first is that in our analysis of 165 seigneuries with higher justice the power and wealth of the most prominent nobles is underestimated. Among the families who, around 1560, possessed three or more seigneuries not only do we find prominent Flemish houses (such as Van Brugge-Gruuthuse, Van Claerhout, or Van der Gracht), but also the resounding names of the very highest noble families in the Low Countries and, by extension, north-western Europe (Nassau, Croÿ, Egmont, Cleves, or Montmorency, for example). These were often the very same families that also formed the cream of the seigneurial community in neighbouring Brabant, Hainaut, Holland, and Zeeland, or regions further afield.[78] Some members of those families were princes, such as William of Nassau, who from 1544 combined an enormous number of seigneuries in the Low Countries with the principality of Orange in Provence. An even more extreme example is Antoine of Bourbon (d. 1562). He was the first prince of the blood in France as well as *jure uxoris* king of Navarre. In one way or another he also became the new owner of the Land van Rode (Aalst), one of the most important Flemish seigneuries. Antoine was succeeded as lord of Rode by his son, who came to the French throne in 1589 as Henry IV. In turn, in 1602, Henry sold the Land van Rode to Simon Rodriguez de Evora (d. 1618), scion of a Portuguese Jewish family of bankers and merchants. Thus the analysis of those 165 seigneuries does not reflect the growing polarization between the noblemen of a more local stature, owning one or at most a handful of seigneuries, and the emerging international aristocracy consisting of noble houses that combined ownership of dozens of seigneuries in different principalities.

Those aristocratic families derived their growing prominence from a virtually self-perpetuating concatenation of circumstances. In addition to and as a result of long-term survival in the male line—in itself no mean feat—they inherited the seigneuries of many families less fortunate in that regard, and so, over time, their patrimony grew to be such an enormous source of wealth and political power that princes had little option but to further underpin those families' rise with gifts, offices, and advantageous ordinances, since the cooperation of such puissant

[77] Buylaert, *Eeuwen van ambitie*, 83.
[78] Several of those families are the focus of Cools, *Mannen met macht*.

noble dynasties was often necessary to safeguard the control of an area against another prince or other rivals.[79]

The second thing to bear in mind concerns the systematic underestimation of the clustering of seigneuries among noble lords who are apparently at the lower end of the seigneurie-owning scale. Many of those families also held other seigneuries in addition to those included in the 165 seigneuries with higher justice that we can follow between 1365–6 and the 1560s. Take the De Beers, for example. In Table 5 they rank among the families owning three of the 165 seigneuries around 1560, in the De Beers' case those three being Grammene, Meulebeke (both Kortrijk), and Kalvekete (Liberty of Bruges). In reality, this ennobled Bruges family also controlled three other seigneuries with higher justice that were not part of the sample, namely Lendelede (Kortrijk), the Halewijnse near Izegem, and Merkem (both Liberty of Bruges). While our sample probably does give an accurate reflection of the relative distribution of seigneuries among families, the families with only one seigneurie were proportionally fewer within the aggregate of holders of all 800 seigneuries with higher justice in the county. Moreover, as we cannot say how often noble families with multiple seigneuries presented each of those seigneuries to different individuals rather than clustering them in a single person's ownership, it is impossible to determine the exact evolution of absentee lordship.

In that respect, however, there is an obvious trend. The picture Jan van Dadizele paints for us in the Dadizele Manuscript became an increasingly unusual one. In 1365–6 the almost permanent residence of the lord or lady in the village and their personal involvement in the management of the seigneurie was probably still the norm in around half of the roughly 700 seigneuries with high or middle justice that were controlled by noble families rather than the count of Flanders, a town, or an ecclesiastical institution. The under-registration in the sample of families with several seigneuries is balanced by those families probably choosing one of them as their preferred place of residence, be it temporarily or for a more protracted period.[80] But that preferred seigneurie was not necessarily in Flanders. For example, thanks to Sir Jan's memoirs we know that his patron, Simon de Lalaing, did not spend the Christmas period in one of his three Flemish seigneuries with higher justice (Nederbrakel, Parike, and Zarlardinge, all three in the castellany of Aalst), but in Montignies-Saint-Christophe, his Hainaut estate. Two centuries later, on the eve of the Dutch Revolt in 1567, the clustering of seigneuries with higher justice had increased considerably, so that absentee lordship was more or less the rule.

[79] See esp. Scott, *Forming Aristocracy* (with grateful thanks to the author for sharing the manuscript).

[80] The best discussion of the noble household as a dynamic concept, which was not necessarily linked to one house, see Neuschel, 'Noble Households', 595–622.

That trend is unlikely to have made much difference to the financial operation and maintenance of the seigneurie. As Erik Thoen points out, for the collection of the lord's rents and taxes it hardly mattered whether the lord lived in the seigneurie or not. By keeping a close eye on the accounts rendered by the seigneurie's bailiff and receiver a lord or lady could stay abreast of their finances and protect their revenues, while the village notables kept their own copy of the accounts.[81] As was mentioned in Chapter 2, the fiscal pressure on seigneurial subjects was kept to a minimum and from the thirteenth century the lord's rights were subject to strict customary rules, which must have made it easier to set up workable arrangements with their agents in the seigneurie. Something similar can also be inferred from the surviving accounts of the Hof te Rode in Kachtem (Ypres). Every year, Gerard van Kooigem, who ruled this seigneurie until his death in around 1494, received a detailed financial report from his seigneurial bailiff, who was usually a younger or illegitimate son of a noble family who owned no seigneuries himself, but could still regard himself as part of the milieu of noble lords through the office of seigneurial bailiff. Those accounts show that Gerard was willing to invest in the upkeep of the Hof te Rode manor house and pay for other works, such as building a bridge, even though the Hof te Rode was the least important of his three seigneuries with higher justice. There are numerous indications that Gerard spent most of his time in Walloon Flanders, where his important seigneurie of Hallennes was situated, and especially in his two houses in Lille and Ypres. While those are undoubtedly also the places where his wife and legitimate children lived, the accounts for the years between 1459 and 1467 reveal expenses for the maintenance of two illegitimate daughters, Jeanette and Grietkin, at the manor house in Kachtem. For at least a few years of his life, stops at the Hof te Rode had apparently provided a sexually and perhaps emotionally meaningful haven in Gerard's life, however peripheral that seigneurie was for his finances and a political career that included the office of bailiff of the castellany of Kortrijk and a seat on the Council of Flanders.[82]

Absentee lordship could even have its advantages for the lord or lady in their role as guardians of a seigneurial community, for lords were increasingly building networks outside the seigneurie that were potentially useful to the local population. We have already seen how Jan van Veerdegem, whose heart clearly lay in Dadizele, adroitly obtained privileges for his home village from Philip the Good, and such manoeuvres were not impossible even when the distance between lord and subject was greater. When a bailiff or steward visited their absentee lord or lady to render the accounts, or a cart from a seigneurial grange arrived with fruit, grain, meat, or fish for the noble household (many seigneurial granges

[81] Thoen, *Landbouwekonomie en bevolking*, I, 609. For explicit references to one copy of accounts for an absentee lord and one for the local notables, see Van der Hoeven, 'De heerlijkheid Herzele', 18.
[82] De Zaeyer, 'De economische positie van een lage edelman', 26, 28, 51, 59–60.

maintained fish ponds for this purpose, including the Hof te Rode), it was quite possible that they also carried letters from their seigneurial officials.[83] The detailed accounts for Herzele (Aalst) reveal that its aldermen were in regular contact with their lord, Pierre de Roubaix, who resided chiefly in Roubaix in Walloon Flanders. Besides routine letters about rents and leases, they also sent messages about events that could impinge on seigneurial revenue. Pierre once received a report about the theft and retrieval of a costly component of the seigneurial mill (*het diefelic gestolen ijzere vandre wintmolen*), for instance, and his daughter and heiress Isabelle, who ruled Herzele from 1498 onwards, was contacted about an exile who was apprehended in Herzele. As breach of banishment carried the death penalty, the aldermen apparently wanted to be sure she was willing to bear the considerable expenses that came with an execution. In the margins of these communications, the lord and the local notables also made a point of sharing news about peace treaties and political developments in Roubaix, Ghent, Bruges, and Brussels.[84] Local notables were well aware that through their lord or lady they had access to the outside world and potentially to favours that would be advantageous to their seigneurie.

In Chapter 4 we showed how lords used their growing involvement in the governance of Flemish towns and the Four Members of Flanders to protect their seigneuries. On the other side of that coin we also find the inhabitants of seigneuries making the most of their lord's contacts in the comital administration. In that respect a rather unusual example is provided by Nieuwkerke, a seigneurie close to Ypres. The aldermen of Ypres were vigorous in protecting the interests of the city's textile guilds, hence their endeavours to suppress cloth production in nearby villages by imposing a ban on rural textile production. In the late fifteenth century Nieuwkerke's cloth industry was booming and thus the village became one of the aldermen's key targets. But Nieuwkerke's drapers responded with an unusual move. At the time the seigneurie's ownership was in a state of flux. Somehow the drapers raised the very substantial sum—1,200 pounds *parisis*—needed to purchase the estate. This they then presented to Jacques II de Luxembourg, lord of Fiennes, a knight of the Order of the Golden Fleece and one of the foremost noblemen in the Habsburg Low Countries. In 1504, just a year after he was invited to become the new lord of Nieuwkerke, he was appointed stadtholder of Flanders and Artois for Emperor Charles V. As the lord of many seigneuries, several of them more important than Nieuwkerke, Jacques did not meddle in local affairs, but at the request of his new subjects he did negotiate on their behalf with Ypres. Jacques and his successor must have been effective protectors of Nieuwkerke's burgeoning textile industries, for in 1545 the drapers of Ypres grumbled that

[83] See also Whittle, 'The Food Economy of Lords, Tenants and Workers', 27–57.
[84] Van der Hoeven, 'De heerlijkheid Herzele', 42, 53, 61, 118, 162.

> under the guise of being subjects of the late Count of Gavere, and before that of his father, the late lord of Fiennes, who were both grand governors in our land and county of Flanders and feared accordingly, [the people of Nieuwkerke] have meddled with and acted against the aforesaid decree and bylaw [against rural textile production].[85]

This remarkable affair should not lead us to romanticize seigneurial guardianship. In other situations we see local communities working hard to rid themselves of their lord. This was the case in Kaprijke, a small town to the north of Ghent. Traditionally under comital rule, in 1414 Kaprijke had been sold by John the Fearless to Daniel Alaerts, one of his leading officials in the Council of Flanders and scion of a family of local notables. Six years later, however, Alaerts was forced to give Kaprijke back to the duke in return for a financial compensation. Apparently, the inhabitants of Kaprijke contributed 2,400 pounds *parisis* to this settlement in exchange for the duke's promise that neither he nor his successors would ever alienate the town again.[86] The case of Nieuwkerke and similar case studies do show, however, that an absentee lord or lady was not necessarily an impediment to the promotion of seigneurial interests.[87]

The growth of absentee lordship chiefly affected local policy. The peasants who manned the seigneurial bench of aldermen no doubt received an increasingly free rein in their policy choices, given that absent lords were unlikely to be involved in matters of waste disposal, quarrels between neighbours, fire safety, public works, parish life, the maintenance of local ownership structures, and all the other topics that were covered by the seigneurial regulations we examined in Chapter 2. Thus, paradoxically enough, the peasants' growing control of the seigneurie was reinforced by the enduring importance that noble families attached to the possession of a seigneurie with higher justice and their efforts to secure it for the next generation.

5. Conclusion

The worlds of the lords and ladies who witnessed the outbreak of the Dutch Revolt in 1567 and their mid-fourteenth-century predecessors were as different as chalk and cheese. In the mid-fourteenth century, for instance, when Louis of Male was count of Flanders, Flemish lords still rode into battle against the neighbouring

[85] For this quote and a reconstruction of this affair, see van der Meulen, *Woven into the Urban Fabric*, 10–13.

[86] See Dumolyn and Van Tricht, 'De sociaal-economische positie van de laatmiddeleeuwse Vlaamse adel', 42. The contribution of the local population is discussed in De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Kaprijke', 47–60.

[87] A well-documented case study for Brabant in Adriaens and Cools, 'Tot profijt van de stad', 77–107.

duchy of Brabant (in the War of the Brabantine Succession, 1356–7), yet two centuries later they saw themselves and the county of Flanders as part of the political union of the Low Countries, which in turn was part of the huge Habsburg Empire.[88] Similarly, in the sixteenth century, the worldview of those lords and ladies was expanded by improving knowledge of Africa and Eurasia and the growing awareness of the existence of the Americas.[89] They also had to position themselves vis-à-vis the increasingly fierce criticism of the Catholic interpretation of Christianity and the image of history it presented. It is true that some Flemish lords had been seriously at odds with their count in view of their different positions on the Western Schism (1378–1417), but the religious strife of the sixteenth century was of an altogether different calibre.[90] Lords believed that the seigneurie and nobility were institutions ordained by God to maintain the social order, but that conviction was of little help in that dilemma, so that some ladies and lords used their seigneurial power and influence to endorse Protestantism while others sat on the fence or had more affinity with the religious priorities of the Habsburgs.

The seigneurial class itself had also changed in those two centuries—the ironic result of a sustained family strategy whose origins were already rooted in twelfth-century Flemish feudal law and in which women played an important, if rather informal, role. Because eminent families saw the ownership and accumulation of seigneuries as a pillar of their prominence in their own milieu, seigneuries became ever more concentrated in the hands of ever fewer families. In Flanders, unlike Holland and Zeeland for instance, that process was tempered by the openness of the seigneurial class to alliances with urban elites, yet there too it became increasingly unusual for a noble family to own only one seigneurie. We may suppose that over time the aggregation of seigneuries made it easier to avoid tensions within the noble family; lords could often give their younger sons the means to lead the life of a noble lord like their parents and eldest brother—something that the forebears of those lords could only have done in their wildest dreams.

For the peasantry, this clustering of seigneuries meant an increase in absentee lordship. Admittedly, even when the lord did live in the village he might often be absent for months at a time due to the myriad obligations that were part and parcel of the noble lifestyle, but that was even truer of lords with several seigneuries. So while the result may have been that a village was deprived for a time of the benefits of a powerful patron who regarded the community's interests as his own, more often it must have meant that the local notables no longer had to take into

[88] For that identification with the whole of the Low Countries, see Buylaert, 'La noblesse et l'unification des Pays-Bas', 24.

[89] Classic discussions of that changing worldview in Elliot, *The Old World and the New* and Lach and van Kley, *Asia and the Making of Europe: Vol 2*.

[90] In 1386–91, for example, the revenues of the lordship of Pittem were collected by comital receivers as the lord's Urbanist sympathies had led to his imprisonment by Philip the Bold (Douxchamps, *La famille de la Kethulle*, II, 12; 43–4).

account the lord's opinion on those matters which affected the community most closely, such as local property relationships. Consequently, the increasing clustering of seigneuries among a shrinking number of families was the catalyst for a process that had begun in the thirteenth century at the latest, in which the balance of power within the seigneurie shifted from lords and ladies to peasants.

An important question still unanswered is whether the encapsulation of Flanders in a composite union of Netherlandish and Burgundian principalities had far-reaching consequences for seigneuries. Many historians argue that the clustering of principalities ruled by a dwindling number of princes not only involved a process of increasing scale, but also went hand in hand with a qualitative transformation in the ideological, military, fiscal, and administrative fields which they often sum up under the heading of 'state formation'. The interactions between seigneurial and princely power and the state formation debate are the focus of the sixth and final chapter.

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6
Seigneuries and State Formation

1. Introduction

The hundreds of Flemish seigneuries that are central to this study did not exist in a vacuum. Each and every one of them lay within the borders of the county of Flanders, which in turn, in the fifteenth and sixteenth centuries, became a part of the Burgundian Low Countries and eventually part of the Habsburg Empire. This final chapter focuses on the power relationships between the lords and their prince and in particular on the role of seigneuries in those relations.

Alongside the relationship between seigneuries and capitalism discussed in Chapter 2, the role of seigneuries in state formation is by far the most controversial aspect of the history of seigneurial lordship. It is an issue that historians have grappled with since history emerged as an academic discipline in the nineteenth century. The fledgling field was framed to suit a subjective research agenda and historians did their bit for the already existing or newly forming states that were generally intent on maximizing the centralization of power and stirring up nationalistic sentiments in their subjects. Their contribution to that process was to gift the nineteenth-century states with a pre-history. The histories of particular *ancien régime* principalities were arranged in a teleological narrative in which the emergence of a specific modern state was the inevitable outcome. The histories of Aragon, Castile, Navarre, and León, for instance, were treated not as independent subjects of study, but rather as the raw material for the creation of Spain, with matters such as the personal union of Aragon with, say, the kingdom of Naples being relegated to the margins of scholarly enquiry.[1] Lords and seigneurial lordship got short shrift in interpretations of this kind because nineteenth-century states and states in the making defined themselves in accordance with the ideal of a constitutional, parliamentary regime with sovereign power over the entire nation and its territory. As a result, the genesis of the state often became the story of visionary princes who in times gone by had reduced the internal fragmentation of their principalities by systematically sidelining high-handed lords and their seigneurial privileges through dynamic leadership and legislative initiative. In this interpretation of history, seigneuries were inconvenient impediments to the rationalization of government and the development of a national consciousness.[2]

[1] Tamm, 'Writing Histories, Making Nations', 1–29 offers a historiographical introduction, with an accessible discussion of the distorting effects of this perspective in Davies, *Vanished Kingdoms*.

[2] See Kaminsky, 'The Noble Feud in the Later Middle Ages', 55–83.

In the twentieth century, historians gradually jettisoned their predecessors' assumptions and ideological baggage, but the interactions between seigneurial and princely power are still a challenging topic. The underlying reason is that in this intellectual spring cleaning historians began to define their research concepts more deliberately. In referencing the notion of 'state' they took on board the definition of the modern state as formulated by Max Weber in 1919, namely an institution that 'successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order' within a clearly defined territory, and it has steered the study of 'state formation' in the *ancien régime* ever since, with historians classifying a principality or—more rarely—a republic as a 'state' according to how closely the political developments within that polity correspond to Weber's definition.[3]

In the years between the twentieth century's two world wars medievalists were already starting to see that seigneuries simply did not fit into this perspective. Seigneuries were perdurable institutions distinct from the prince and his administration, the latter usually being regarded by historians as the crux of the emerging state.[4] Contemporaries, however—including the princes who ruled over the lords of those seigneuries—generally saw seigneurial power as legitimate. In Flanders, and also elsewhere in Europe, seigneuries were widely held to be divinely ordained institutions that were essential to social order, and that the use of physical force by lords and their families served a higher purpose, being mediated by a chivalric ideal.[5] It was the seigneurie's legitimacy in customary law that led Marc Bloch in his *La société féodale* (1939) to depart from the commonly held view in French historiography that all seigneuries originated from the usurpation of royal rights, a discourse which they adopted from the texts of royal officials.[6] The Austrian historian Otto Brunner went much further in his *Land und Herrschaft* (1939). Based on the respect shown in the German-speaking world for the right of noble lords to use violence in defence of their interests, he argued that historians could only understand the political logic of pre-modern principalities if they recognized that prince and lords were equal players, none of whom could claim a monopoly on legitimate physical force. The search for states in the *ancien régime* thus concealed more than it clarified, namely the existence of seigneuries as independent and legitimate enclaves within the principality.

For various reasons this critique of the state formation paradigm was only fully taken on board in the late twentieth century and even today historians still struggle with its implications.[7] In 2003, for example, the Welsh-British historian Rees

[3] Weber, *The Theory of Social and Economic Organization*, 154. See also the historiographical consideration in Carpenter, 'Political and Geographical Space', 117–34.

[4] See the discussion in Reuter, 'The Medieval German *Sonderweg*?', 210.

[5] For Flanders see the sources cited in Chapter 2, Section 1 and Chapter 4, Section 3.

[6] Bloch, *Feudal Society*, 244–5, 248–51, 361–8, and 372.

[7] Marc Bloch's study became influential almost immediately, but this precise point has been little taken up in French-language historiography since Georges Duby, as the most authoritative post-war

Davies argued that as a historical research concept the 'medieval state' should be scrapped, a proposal that brought forth a vigorous response from fellow historians.[8]

In any case, the critical comments on the historiography of state formation have created a breathing space for experiments in which the fourteenth and fifteenth centuries are viewed through the lens of polycentric political polities rather than that of states and the associated assumption of centralized government. According to this interpretation, political change was driven by the generally constructive actions of a combination of interest groups—the prince, noble lords, towns, representative bodies, and so forth—so that from the thirteenth century princely administrative frameworks increasingly gave contemporaries direction without ever silencing those other stakeholders in the project of government.[9]

Within such a polycentric configuration, the precise relations between princely and seigneurial rulers were thus more equal than those between a modern state and its subjects. Studies of noble cultural patterns repeatedly confirm that even in the fifteenth and sixteenth centuries, nobles cultivated a self-image as independent political agents whose capacity to act differed from that of princes only in scale. A typical example is the chronicle of the nobleman Blaise de Lasseran de Massencôme, *seigneur de Monluc* (d. 1577), who treated the military exploits (honourable or otherwise) of various nobles on the same footing as the large-scale confrontations between François I of France and Emperor Charles V that essentially determined the balance of power in sixteenth-century Europe.[10] That self-image was more than a literary fiction. Nobles often took the lead in revolts against monarchs. In the fourteenth and fifteenth centuries the kings of England were regularly confronted with military challenges by coalitions of great lords—we need only think of the removal from power of Edward II, Richard II, and Henry VI, for example, or the difficulties between Edward IV and Richard Neville, earl of Warwick. Similarly, the kings of France were frequently faced with defiance by high-born nobles, a tradition that only gradually disappeared after the Fronde (1648–53).[11] Thus lords and their noble relatives saw themselves as historical protagonists who

historian on this subject, championed the view that all seigneurial power was unlawfully claimed governmental power. The dissemination of Brunner's work was hampered by the author's Nazi affiliations and the waning importance of German as a language of science. A few of his ideas and those of kindred spirits soon appeared in English translation in Cheyette (ed.), *Lordship and Community in Medieval Europe*, but their influence was mainly limited to specialists of the period 1000–1300. For later centuries, the breakthrough only came with the translation in 1992 of Brunner's key work (Brunner, *Land and Lordship*).

[8] Davies, 'The Medieval State' and Reynolds, 'There Were States', 280–300 and 550–5.

[9] See esp. Blockmans, Holenstein, and Mathieu (eds), *Empowering Interactions* and Watts, *The Making of Polities*, 34–5. An overview of recent scholarship in Graham-Goering, van der Meulen, and Buylaert (eds), *Lordship and the Decentralized State*.

[10] A detailed discussion of this and many other noble chronicles in Harari, *Renaissance Military Memoirs*, 159–75, 179–80. Similar conclusions have been made previously in Neuschel, *Word of Honor*, esp. 16–17, 202.

[11] For England, see Valente, *The Theory and Practice of Revolt*. For France, see Jouanna, *Le devoir de révolte*.

had every right to impose their own views, by force of arms if necessary, even if those views went directly counter to the prince to whom they had sworn their fealty.

However noteworthy, these conflicts should not be taken as a reason to return to the nineteenth-century version of history in which lords were dismissed as irresponsible troublemakers who failed to understand the signs of the times, but rather as the temporary derailment of structural cooperation between princes and elites in a common political project.

In the late twentieth century light began to be shed on that cooperation by historians who focused on state formation as a combination of military, fiscal, and bureaucratic innovation rather than the ideological and judicial initiatives of princes that earlier generations of historians had highlighted. They followed the sociologist Charles Tilly in emphasizing that from the fourteenth century onwards conflicts between principalities and city-states on the European continent had set in train an arms race in which, for the first time since the fall of the Roman Empire, princes established a tax system that enabled them to finance ever larger and better equipped armies which were increasingly kept permanently under arms. Those polities that failed to keep up in that process disappeared—around 1500 there were some 500 independent polities in Europe; by 1900 there were twenty-five—but the princes who were able to hold their own had far greater revenues, administrative structures, and armies than their predecessors. They used their growing power not only against other princes, but also to dominate their domestic populations, which is likewise the main reason why many medievalists find it hard to do away with the notion of the 'state': the increasing power of the prince might not have meant a monopoly on physical force, but the roots of modern states can certainly be found in the innovations and increases in scale introduced since the thirteenth century.[12]

For lords and their noble relatives the consequences of this development were far from clear-cut. On the one hand, the military weight the nobility represented was diminishing. Until well into the sixteenth century, knights were valued as military specialists, but they formed an ever smaller proportion of princely armies, which had long overtaken seigneurial militias in size and strength.[13] On the other hand, the concentration of constantly increasing fiscal, bureaucratic, and military resources around the figure of the prince was only possible thanks to the support of elites who, in return, gained access to those resources and involvement in the decision-making process that determined how they were used. The trend that towards the sixteenth century saw many noblemen quitting military activity while others represented themselves as army officers was part of a long evolution in which nobles provided indispensable support to princes as creditors, advisers,

[12] The classic study is Tilly, *Coercion, Capital and European States*, to be supplemented with the research that has been summarized in the essays in Reinhard (ed.), *Power Elites and State Building*.

[13] See the comparative analysis in Firnhaber-Baker, 'Techniques of Seigneurial War', 90–103.

military leaders, and officials. Consequently, the patrimonial interests of those nobles percolated through the principality's institutions, so that princes had to take those interests into account as they pursued their policies.[14]

Many nobles were thus no longer reliant solely on their own seigneurial rights for their power, which now often included, or even mainly consisted of, the ability to deploy the princely administration for their own ends. When English gentry such as the fifteenth-century Pastons of Norfolk sought the 'good lordship' of a noble magnate it was not so much the rights that were strictly proper to his lordship they were hoping to benefit from as the protection that lord could offer by interceding in the workings of the courts and administration of the English Crown.[15] In the Low Countries, too, we find examples of lords intimidating their own subjects with troops they commanded as princely officers or who could simply have complaints against them dismissed thanks to contacts at court. In the 1420s, for example, we see the nobleman Jan II van Wezemaal terrorizing his subjects in two seigneuries in Brabant, Herselt, and Westerlo. Faced with peasant resistance to his extremely broad interpretation of his hunting rights, Jan responded with threats of torture, blinding, and execution. When his subjects then complained to the nearby towns of Antwerp and Leuven, and eventually to the duke, John IV of Brabant, himself, Jan's influence with the duke enabled him to get away with his actions. A century later, we find another nobleman, Jean IV de Glymes, intimidating his subjects in several seigneuries in Hainaut with the princely troops he commanded in his capacity as governor of Hainaut for Emperor Charles V.[16] As far as we are aware, there are no instances of such intimidatory tactics being used to quash peasant resistance in Flanders, though as discussed in Chapter 5, lords did use their influential positions in princely government to secure privileges for their seigneuries, often at their subjects' instigation. Noble power was thus increasingly seen as stemming from the interaction between lords and princes, with the leading bodies within the nobility being formed by those families with access to the ear and resources of the prince.

As a rule, therefore, rebellious nobles were not so much concerned with undermining or contesting the growing power of princely authority, but rather with maintaining their involvement in its application. They could urge individual rulers to change course, always referring emphatically to the Common Good of the polity, through alliances such as the Ligue du Bien Public or League for the Public Weal, a coalition of prominent nobles who in 1465 rose up against Louis XI of France. Nobles supported the notion that the defence of the prince's subjects and the associated control of the growing apparatus of government was not

[14] A review in Zmora, *Monarchy, Aristocracy, and the State*, supplemented with Scott, *Forming Aristocracy*.

[15] Harriss, *Shaping the Nation*, 194–8.

[16] See Van Ermen, 'Het ambtenarenkorps in enkele laatmiddeleeuwse heerlijkheden', 303–6 and Rosenfeld, *The Provincial Governors of the Netherlands*, 51 respectively.

the sole privilege of the monarch, as envisaged in the then emerging doctrine of princely sovereignty, but was the joint responsibility of the prince and the elites, with the discussion being stoked occasionally by disputes over dynastic legitimacy or—from the sixteenth century—by questions of religion.[17]

What has been lacking in research to date is the precise role of the seigneurie in this sometimes tense dialogue between princes and noble elites.[18] Although the existence of seigneuries and seigneurial force was instrumental to the outlined critique of Weber's definition as a lens through which to comprehend political developments in the *ancien régime*, historians have paid less attention to the effect of the growing apparatus of princely government on the functioning of seigneuries. In this respect Justine Firnhaber-Baker's study of seigneurial wars in fourteenth-century France is an important exception. Despite the assumption in older historiography of an early and effective pacification of the countryside by the French Crown, violent conflicts between lords or with neighbouring towns was a common phenomenon, with somewhere between seventy and ninety seigneurial wars—substantial, organized hostilities waged between important people with significant economic and political interests at stake, as Firnhaber-Baker puts it—being fought in Languedoc and the Auvergne alone between 1250 and 1400. The Crown's response was equivocal. Secure in their belief in royal sovereignty, successive kings clearly had no problem with the idea of a Weberian monopoly on the legitimate use of physical force, since from the thirteenth century a series of royal ordinances had prohibited seigneurial warfare and made such actions a criminal offence throughout the kingdom. At the same time it is clear from a survey of the records of the Parlement of Paris—the highest court in France—that royal officials only occasionally used that legal framework to resolve those conflicts. Arbitration was preferred, not only because the Valois kings were often distracted by conflicts with their English foes, but likewise because the Crown also recognized that seigneuries were legitimate institutions and that the lords' use of force was necessary to assert their rights and maintain order. The repression of seigneurial violence was reserved for those cases in which force was used improperly, which is to say outside the lord's own jurisdiction and in contravention of the rights of the Crown, which did reserve the right to intervene in French seigneuries by temporarily placing those involved in a conflict under royal protection that the lords had to respect. In turn, lords accepted this new phenomenon of royal intervention because the Crown was sufficiently tactful towards lords and seigneuries and because the clearing up of conflicts often helped them to defend their own interests.

[17] For Flanders, see especially Haemers, *For the Common Good*.

[18] See Firnhaber-Baker, *Violence and the State*. This monograph forms the basis for the following section, supplemented by a key article by the same author: 'Seigneurial War and Royal Power', 37–76.

This ambivalent combination of theoretically unlimited princely sovereignty with enduring respect for seigneuries is also expressed in the operation of seigneurial courts themselves. In France, from the thirteenth century onwards it was possible for aggrieved parties to appeal against a seigneurial judgement in a royal court, but in practice this was so rarely done that it did not undermine the operation of the seigneurie.[19]

In what follows we develop a comparable analysis for the county of Flanders. First, we outline the main lines of what historians of the Low Countries usually, though not always, classify as a 'process of state formation'. Then we examine how Flemish lay lords experienced these developments by once again turning to the manuscript of Jan, lord of Dadizele. Then, the reverse perspective is discussed, namely the attitude of the prince and the princely administration towards seigneuries: the core of the argument revolves around a quantitative and qualitative study of the interactions between seigneuries and the Council of Flanders, the most important princely court of the county. Based on our observations, we reject the notion that seigneurial justice was eroded by princely justice and endorse the recent emphasis on the cooperation between princes and lords. Earlier generations of historians were right to see enhanced political integration in the Burgundian-Habsburg Low Countries, but they were wrong to suppose that it was at the seigneurie's expense. The great and enduring respect of princely officials for the independent operation of seigneurial courts cannot easily be reconciled with the influential idea of state formation as centralization.

2. The Sense and Nonsense of 'State Formation' in the Low Countries

All the elements that were encountered in our brief history of the state formation debate can also be identified in the historiography of the county of Flanders and, by extension, the Low Countries. Historians regard Flanders as a forerunner in the restoration of strong princely authority following the collapse of the Carolingian Empire and a cornerstone of the formation of the Burgundian-Netherlandish political union in the fifteenth and early sixteenth centuries.

The county of Flanders began to take shape in the tenth century on the border between the West- and East-Francian polities. In the centuries that followed the count paid feudal homage to the Holy Roman emperor for the eastern part of the principality and to the king of France for the larger, western part. This intermediary position enabled the comital dynasty to play a comparatively independent role on the international stage, while successive counts reinforced their hold on

[19] See Section 5 of this chapter for a detailed discussion of this research.

the county itself. As shown in Chapter 1, seigneuries were scarce in the Flemish coastal area anyway, while inland the counts successfully saw to the breaking up of the very largest seigneuries, increasing the distance between themselves and the lords of their principality. Typically, there were only three baronies in Dutch-speaking Flanders, those being Pamele, Eine, and Boelare. Even unusually large seigneuries such as the Land van Nevele encompassed no more than a handful of villages and consequently could never be used as a base from which to contest comital power.[20]

Moreover, in the twelfth century, the seigneuries were incorporated into a comital framework as the principality was organized into fifteen castellanies. The governance and administration of justice in each of those castellanies were in the hands of a bailiff and a bench of aldermen appointed by the count, who had to respect the seigneurial enclaves in their area of jurisdiction. Similarly, the emerging towns were entrusted to a comital bench of aldermen, though it should be noted that certainly in large cities such as Ghent, Bruges, and Ypres, those aldermen regarded themselves equally, or even mainly, as representatives of the urban community. Above this network of towns and castellanies stood the *curia*, which doubled as the count's household and as a court. Cases that threatened public order, such as robbery with murder, suicide, arson, or illegal fortifications had long been reserved to the count, but as that authority was passed to towns and castellanies the so-called Audience was created, a special, periodic, judicial session of the comital court, which from at least the 1370s emulated the French example of hearing appeals against sentences passed by lower courts.[21]

The county's robust administrative and judicial organization was a source of inspiration for the Burgundian Valois, who from 1384 ruled the counties of Flanders and Artois in a personal union with the duchy of Burgundy and the Franche-Comté.[22] Between 1421 and 1443, when they added Namur, Holland, Zeeland, Hainaut, Brabant, and Luxembourg to that complex of territories, they would, for example, establish a comital court for Holland and Zeeland that was modelled on the Council of Flanders, an institution created in 1386 and which by 1408 had replaced the comital Audience. Flemish councillors were seconded to the Court of Holland and Zeeland in order to structure the operation of the new institution on a Flemish-Burgundian pattern.[23]

[20] For what follows, see Ganshof, 'Les transformations de l'organisation judiciaire', 45, 46–7, 49, 57, 59 and Koch, *De rechterlijke organisatie*, 12, 15, 17, 22–3, 30–40, 37, 38–9, 71.

[21] Van Caenegem, *Geschiedenis van het strafrecht*, 3, 21, 331–2.

[22] The historiography of the Burgundian Netherlands is enormous. The classic study is Blockmans and Prevenier, *The Burgundian Netherlands*. In what follows, we have restricted ourselves to specific references to the most important recent contributions, which also provide up-to-date bibliographic surveys.

[23] Dumolyn, *De Raad van Vlaanderen*, 24–9. See Damen, *De staat van dienst* for the impact on Holland and Zeeland, for example.

Conversely, the inclusion of Flanders in a rapidly expanding political union strengthened the prince's position of power within the county. Ever since the twelfth century the wealth of the Flemish towns had given the count of Flanders unusual financial clout, but in return for the loans and taxes they granted the towns demanded a say in comital policy and successfully mobilized their militias against the count if they saw their interests being harmed. The Burgundian Valois could use resources from their other principalities to quash resistance in their county of Flanders. While the Revolt of Ghent (1379–85) had ended in a tie between town and count, the Bruges Rebellion (1436–8) and the Ghent Revolt (1449–53) were crushed by Philip the Good.

In the aftermath of those victories, money invariably flowed from the respective municipal treasuries into the ducal coffers, which fitted in with a broader development in which the Burgundian dukes built up a strong fiscal and bureaucratic apparatus to support their ever-greater military ambitions.[24] In the 1470s, this even led to experiments with a standing army, following similar initiatives launched by the French Crown in the 1440s.

The goalposts were shifting in the ideological and legal fields too. The Burgundian Valois dukes were only princes, not kings with universally recognized claims to sovereignty, yet the legislative actions of Philip the Good (1419–67) betray the articulation of a theory of sovereignty that eroded both the customary liberties of the Flemish towns and the king of France's claims to sovereignty as the count's feudal overlord. The latter claims had become a strictly formal matter long before their formal abolition in 1526–9. The duke and his entourage even adopted the contentious Roman law axiom *Princeps legibus solutus est*—'the prince is not bound by the laws'.[25] The ducal doctrine of sovereignty was further elaborated by the Habsburg successors of the Burgundian Valois. Apart from completing the territorial unification of the Low Countries by the annexation of Tournai (1521), Friesland and the Groningen Ommelanden (1524), Utrecht and Overijssel (1528), and finally Guelders (1543), Charles V reorganized the agglomeration of Netherlandish principalities and the Franche-Comté (the duchy having meanwhile been reappropriated by France) into a new legal entity within the Holy Roman Empire, a single indivisible territory heritable by a single individual. From the 1520s Charles V and Philip II also published an increasing number of anti-heresy placards and other ordinances that were applicable to the whole of the Low Countries, whereas their Burgundian predecessors had in general still respected each principality's legislative autonomy.

Given all these developments it is hardly surprising that historians from the nineteenth century to the present refer to the 'Burgundian-Habsburg state',

[24] See for example Ryckbosch, *Tussen Gavere en Cadzand* and more generally Blockmans, 'The Low Countries', 281–308.

[25] See the important but unpublished Braekevelt, 'Un prince de justice', 1–9, 611–14, 617.

or at least to a composite state or a confederation of states.[26] As in other parts of Europe, a clear process of territorial expansion becomes visible from the fourteenth century that was supported by the increasing centralization of fiscal and military resources in the hands of the prince. That same prince also clearly gained ideological stature by measures such as the construction of a juridical and even legislative programme that gave a frame of reference to the entire patchwork of principalities.

At the same time, the idea of 'state formation' as it relates to the Low Countries is being challenged, as evidenced by recent attempts to explain those developments without relying on the 'state formation' concept.[27] For in spite of all the princely successes mentioned above, the principality remained a polycentric system. Granted, the towns were nominally governed by a comital bench of aldermen, but municipal administrators derived just as much political legitimacy from their representation of the urban community. They upheld a view in which the governance of the principality was the shared project of prince and subject, an idea that also underpinned the popular representative bodies that were forming, including the 'Estates General', the general assembly of representatives of the constituent territories of the Burgundian Low Countries which first foregathered in 1464. When the very existence of the Burgundian personal union was threatened by the unexpected death of Charles the Bold in 1477, all the territories except Guelders opted to continue the still nascent union of the Netherlands. Mary of Burgundy and her Habsburg successors saw their doctrine of sovereignty challenged by their most prominent subjects, who stressed the individuality of each of the principalities (often to the detriment of recently established supra-regional institutions) and regarded the administration of the union as a joint political project of prince and subject. Between 1482 and 1492, Maximilian of Austria managed to suppress a coalition of rebellious Flemish and Brabantine towns and nobles, albeit not without great difficulty, but the even larger-scale revolt against Habsburg religious policy that broke out in 1567 succeeded in bringing about the creation of the Republic of the United Provinces in the northern Low Countries.

Unlike England or France, in the Low Countries revolts were carried out by urban communities rather than by an independent coalition of great nobles, but the lords of the region were certainly not uninvolved in debates about the extent to which a prince could rule his principality on his own. Nobles occupying prominent positions at court often compelled their prince to change tack long before open resistance was mooted. They too had no liking for an ideological project in which a sovereign prince ruled without accountability to or participation by anyone. In 1580, William of Orange, one of the most prominent noble leaders of the Dutch Revolt, had a solid tradition behind him when he issued his famous

[26] The most recent articulation of this paradigm is Stein, *De hertog en zijn Staten*.
[27] The most radical experiment is Lecuppre-Desjardin, *Le royaume inachevé*.

Apology in defence of his actions: he had always served Philip II faithfully, he asserted; it was Philip himself who had broken the customary and legitimate compact between prince and subject with his high-handed behaviour. The same arguments had already been adduced in 1491 by Lodewijk van Gruuthuse, Adolf of Cleves, and Filips of Cleves when defending themselves against accusations of lese-majesty, brought as a result of their opposition to Maximilian of Austria, and there is much to suggest that the view that princely misconduct legitimized rebellion goes back at least to the twelfth century.[28] This ideology is also evident among lower-ranking nobles, whose increasingly close ties with urban elites made it easier to justify joining rebellions in Flanders. The Oudenaarde nobleman Antoon van der Vichte, for instance, declared in 1479 that 'the prince's will was not absolute but on account of his moderation in law, his worthiness, and his virtues' (*den wille van de prinche behoorde en was schuldich te zijne ghemodereert in rechte, in eerbaercheden ende in duechden, ende niet absolutelic*).[29]

At this point the seigneurie inevitably reappears. Given the testimony we cited in Chapter 4 there can be no doubt that contemporaries saw the seigneurie as an independent and legitimate institution, one that had originated organically to give local communities the strong leadership they required. As far as they were concerned, seigneurial power did not stem from the will of the prince, who would delegate part of his power to local elites, but was a source of public authority with a history all its own. This observation also means that historians focusing on the county of Flanders should take into account the criticism made by Otto Brunner, who emphasized that the Weberian state formation paradigm projects a princely monopoly of legitimate physical force onto what was in reality a polycentric society.

Nor can historians simply assume that in practice seigneuries were weakened by the growing power of the prince. Several historians have taken it as read that this process substantially diminished seigneuries and seigneurial jurisdiction and that by the fourteenth century at the latest lords in Flanders would have lost their right of high justice, all of which is entirely consistent with the notion of state formation as a centralizing progression.[30] Caution is called for, however. As we established in Chapters 2 and 3, Flemish seigneuries continued to be important sources of local legislation and justice and historians were mistaken in thinking that the criminal powers of seigneurial courts—including imposing the death

[28] Haemers, 'Opstand adelt?', 586–608.

[29] Cited and discussed in Haemers, 'Adellijke onvrede', 195.

[30] See for example Koch, *De rechterlijke organisatie*, 39 and 71, who argues that Flemish lay lords and ecclesiastical lords had lost their high justice by the fourteenth century at the latest as a result of 'de landsheerlijke centralisatie', and more recently and for the entire Netherlands the similar but much more nuanced tone of Gunn, Grummitt, and Cools, *War, State, and Society*, 127–32, 334, and esp. 163: 'Justice had been a prime role of medieval noblemen and continued to be exercised in their seigneurial courts, but noble justice was in retreat as princely institutions drew business out of private courts and noblemen's role in those centralising tribunals simultaneously declined. Military jurisdiction was important in preserving an arena in which noblemen could wield the sword of justice.'

sentence for serious crimes—were defunct. In that respect, it should be noted that before 1600 the seigneurial custumals discussed in Chapter 2 were not yet significantly shaped by princely legislation. A review of customals pertaining to forty-two Flemish seigneuries, which together amounted to thousands of articles, reveal that only twenty-two of those articles refer explicitly to a princely ordinance. None pre-date 1500 and many of those references are to a single piece of legislation on agriculture proclaimed in 1549. Only in the seventeenth century did princely legislation have a significant impact on local custom.[31] Finally, in Chapter 5 we determined that many seigneuries were grouped in the hands of noble families who derived a great deal of revenue and power from them. Lodewijk van Gruuthuse is a case in point: lord of more than ten seigneuries, he was able to play his leading part in the Flemish revolt against Maximilian because his income exceeded the revenues of the entire castellany of Oudenaarde, for instance.[32] Some of those seigneuries also maintained their military importance—Liedekerke, for example, whose strong castle on the county's frontier spared Flanders the miseries that would have ensued had it been taken by the French when war broke out in 1477 (*een sterck slot es, staende up de frontiere van den lande ende bij den welken den lande van Vlaenderen groot onghereif ende ongeval ghesien mochte, hadde dat voirseide slot inghenomen*), according to judges of the Great Council.[33] In the Low Countries, therefore, not only do we see the trends that usually prompt historians to speak of state formation, but also all the elements that lead to criticism of that model. Consequently, if we are to distinguish between sense and nonsense in state formation, we must determine how lords and ladies situated themselves in the political landscape and how the prince and his officials regarded the existence of seigneuries.

3. The County of Flanders through the Eyes of a Lord

Although the nobility was pre-eminently the milieu that controlled the seigneuries with high justice, seigneurial power has as yet found no place in discussions about the role of nobles in the Burgundian-Habsburg Low Countries. The memoirs of Sir Jan, lord of Dadizele, which have already provided a guideline in earlier chapters, throw a unique light on this aspect.

Of striking note is that the lord of Dadizele obviously regarded his own seigneurie as part of a principality. At various times, contemporaries and modern historians have both depicted the seigneurie as a kingdom in miniature or a

[31] See Cappelle, Van Gelder, and Buylaert, 'Princely Legislation and Seigneurial Justice'.
[32] Thoen, *Landbouwekonomie en bevolking*, II, 605–6.
[33] State Archives of Belgium in Brussels, Fonds Grote Raad, Register 796, no. 45, pp. 88–90. For other examples of the geopolitical nature of Flemish seigneuries, see Buylaert, *Eeuwen van ambitie*, 230–2.

state-within-a-state, but Sir Jan saw his seigneurie not as a completely independent enclave, but as part of the county as a whole.[34] In the first chapter of his memoirs he introduced Dadizele as one of the so-called *borchghenootsceipe*, the twelve most important seigneuries in the castellany of Kortrijk, held in fief from Mary of Burgundy as countess of Flanders. The Kortrijk castellany was part of the county of Flanders and Sir Jan stressed this too by placing the comital arms and crest and a banderole inscribed with *Vlaendre* ('Flanders') next to the chapter's title. Then come the coats of arms, names, and current owners of those twelve Kortrijk seigneuries (Dadizele is eighth on the list) (Figure 9).[35]

The rest of the first two chapters are taken up with Sir Jan's presentation of his seigneurie. The detailed descriptions of Dadizele drawn up in 1465 and 1480 specifically state that the lord had the right to punish a serious crime with permanent banishment not only from the seigneurie, but from the entire county of Flanders, the wrong-doer to return on pain of death (*den ban van C jaren ende eenen dach uut myner voorschrevene heerlicheide ende voort uuten lande van Vlaendren up tlyf*).[36] This was no idle boast: the 1456 *dénombrement* was ratified a year later by the comital bailiff of Kortrijk and we also find this provision recurring among the rights of other important seigneuries as described in the *leenregisters* drawn up by the count's officials.[37] Prince and subject were thus united in a concept that sometimes saw prominent lords taking measures that not only related to the territory of their own village seigneurie, but also to that of the entire principality.

Given the interlinkage of seigneurie and principality embedded in the right of banishment it is not surprising that Sir Jan conceptualized the governance of the county of Flanders as a collaboration of elites. This view is expressed particularly in the eleventh chapter of his manuscript, which gives us an autobiographical account of a career that saw the lord of Dadizele gradually rise from purely local office-holder to the highest positions at court.

How this lower-ranking Flemish nobleman, holder of a single seigneurie with middle justice, perceived his own career in princely service merits extensive discussion, given that that career took place at a juncture when the nobility was tightening its grip on the county's administrative structures.[38] This is evidenced at castellany level by the changing composition of the bench of aldermen of the Liberty of Bruges, the largest and most important of the county's castellanies, for example. In 1350–75 around 35 per cent of the aldermen came from the nobility, but by 1500–25 that figure had practically doubled, standing at 65 per cent.

[34] For Flanders, see for example Van Rompaey, 'Het land en de heren van Nevele', 134–5 and Haemers, 'Middelburg na Pieter Bladelin', 221 and 227.

[35] Ms Dadizele, fols 2v–3v.

[36] Ms Dadizele, fols 6r–7v (1456) and 8r–10r (1480).

[37] For these registers, see Chapter 1, Section 3.

[38] The following paragraph is based on Buylaert, *Eeuwen van ambitie*, 185–248; Buylaert and Ramandt, 'The Transformation of Rural Elites', 39–69; Buylaert and Braekevelt, 'Rural Political Elites', 87–113.

Figure 9 The Dadizele Manuscript, fols 2v–3r. The photograph shows the first two pages of the first chapter. On the recto the list of the twelve *burchtgenoten* begins (Jan van Dadizele's coat of arms is on the following page, see Figure 2). On the verso are coats of arms that are similar to Sir Jan's.

A similar development occurred in the adjacent castellany of Veurne. The comital bailiffs—in principal the count's watchdogs, meant to monitor local authorities—likewise included increasing numbers of noble appointees. In 1350–75 around half of the most important comital bailiffs came from a noble background, but a century later this had risen to over 90 per cent. The reason for these trends was always the same: as Charles Tilly and others have pointed out, increasingly large-scale wars forced princes to seek large-scale fiscal and financial support. Because the rising costs of the various geopolitical projects the dukes of Burgundy engaged in were never matched by available funds, often as a result of delayed tax revenues, those princes had a constant and pressing need for credit, which was met not only by wealthy townsmen, but also by the landed nobility. The dukes were more and more willing to look the other way when the richest, most prominent families strengthened their hold on a town or castellany in exchange for a loan or an accommodation of some other sort when once again asked to fork out special taxes. The office of comital bailiff was increasingly leased to the highest bidder, who often had to be prepared to provide additional loans as well. As the dukes were rarely if ever able to repay outstanding debts for local offices, it became common for such offices to be passed on to the outgoing bailiff's preferred candidate. Such mechanisms can also be identified at the Burgundian court itself: in principle its composition was determined by the duke, but in practice it was shaped by the interests of networks of high-born nobles.[39] As elsewhere on the European continent, thus, princes' growing military and financial power went hand in hand with the augmented position of established elites within the administrative bodies of the principality.

In the light of these observations it is not surprising that when Jan van Dadizele composed his memoir in 1480–1, he understood the princely offices he filled not only as marks of honour from a sovereign prince, but equally as the return on the useful contacts he had nurtured with higher-ranking lords who controlled key positions around the prince.[40] At any given moment only around a third of the 250 or so noble families in Flanders sent a bailiff or a higher-ranking official to the Council of Flanders, for example, but Sir Jan was a member of that rather exclusive group, the first of his family to achieve such eminence.[41]

Jan, lord of Dadizele, was born in 1432, lost his father when he was 9, and between 11 and 17 was sent by his family to school in Lille and Arras where he became a pupil of Jean Pochon. As Pochon was long associated with the school of the Collegiate Church of St Peter in Lille, where many of the sons of the ducal family and members of the court were educated, we can assume that it was through

[39] See particularly Brand, 'Appointment Strategies at the Court of Duke Philip the Good', 85–100.
[40] The following paragraphs are an analysis of Ms Dadizele, fols 46r–60r.
[41] For this estimate, see Buylaert, *Eeuwen van ambitie*, 239–41, 246.

these networks that Jan came to the attention of the great house of Lalaing.[42] From 17 to 23, the young lord of Dadizele received further training as a member of the retinue of Simon de Lalaing, lord of Montignies-Saint-Christophe in Hainaut and of the Flemish seigneuries of Zarlardinge and Nederbrakel (both in Aalst). Those years laid the foundation of a remarkably long-lasting relationship: even after Jan returned to Dadizele in 1455 to start a family he continued to take part in various campaigns as a retainer of 'his master' (*zyn meester*) Simon, and when Simon grew old and eventually died in 1477, his son and heir Josse de Lalaing continued the patronage of the lower-ranking lord of Dadizele.

The Lalaings' prominent position in the entourage of the duke of Burgundy made Jan's progression from servitor of distinguished noble families to his debut as a comital official remarkably smooth. It occurred in 1459 and came through Simon de Lalaing, who commissioned his former squire to assist him in his duties as master of the hunt of Flanders, an old comital office that dealt with the observance of hunting rights.[43] Simon was also a counsellor of Adolf of Cleves, one of the Low Countries' greatest nobles, related to the dukes themselves. Adolf had inherited the seigneurie of Wijnendale near Bruges from his mother, a daughter of John the Fearless, and appointed Josse de Lalaing as castellan. When Josse sought a deputy to take over his duties in 1468, his eye fell on the lord of Dadizele, whose appointment was probably helped by his marriage to Catharina Breydel and consequent good contacts with the administrative elite of neighbouring Bruges.[44] These arrangements must have satisfied both parties, for in 1474 Josse de Lalaing delegated one of his most important functions—sovereign-bailiff of Flanders—to the lord of Dadizele. The experience and contacts Jan accumulated gave him a solid grounding for his first appointment in his own right. In early January 1477 the complex of Burgundian lands was plunged into crisis when Charles the Bold was killed at Nancy fighting the forces of the Swiss Confederacy and the duke of Lorraine. Many prominent nobles were taken captive in the battle, including Josse de Lalaing. The major Flemish cities, whose independence Charles had significantly weakened, seized the chance to reaffirm their autonomy in return for supporting Charles's heiress, the young Mary of Burgundy, against the French, who were intent on capturing border territories. It was in this fraught context that in the following month, February 1477, the 45-year-old lord of Dadizele was appointed comital bailiff of Ghent. The need for high-ranking nobles to delegate their many administrative tasks to loyal familiars thus created opportunities for lower-ranking nobles to gain access to positions within the princely administration.

Nobles had no quarrel with the ideological interpretation of their growing influence on the cadre of princely officials. For centuries they had maintained the

[42] For the placing of Jean Pochon, see van der Velden, 'A Reply to Volker Herzner', 139–40.
[43] Ms Dadizele, fol. 86v.
[44] A detailed discussion of the political career in Haemers, 'Le meurtre de Jean de Dadizeele', 227–48.

view that noblemen were more fitted than commoners for princely service since the administration of their seigneuries and the experience of power they wielded as lords prepared them for the duties of a princely official, judge, counsellor, or army commander. This reasoning was reinforced by concepts of nobility as genetic, with qualities like loyalty, bravery, and leadership passed down through the bloodline.[45] It was the argument put forward in a court case brought by the Flemish nobleman Balthazar van Gistel in 1477, for instance, when he claimed how much better suited he was than his rival for the office of bailiff in the Four Districts, for 'the said Balthasar is a nobleman, able-bodied, and a man of honour, and well-suited to exercise the office, so the said office should be allocated to the plaintiff' (*ledit Balthasar est homme noble, habile, prudomme et reseant pour exercer icellui office, ledit office doibt etre adiugié audit demandeur*).[46] While that opinion was perhaps not shared by the rest of society, it does show how lords and their noble kin contextualized the growing concentration of resources around the prince from the standpoint of their own patrimonial interests and social identity.

The memoirs of Jan, lord of Dadizele are exceptionally important, for more than any other contemporary evidence they show that seigneuries occupied a central place in the worldview of the nobility, including those nobles who held positions in princely service.[47] This is expressed particularly clearly in the detailed description of Jan's own part in fighting the French in 1477. At that moment he exceeded every reasonable expectation of a man at the bottom of the noble ladder. He returned from battle with a heroic status that freed him from patronage relationships with higher-ranking lords and gave him the prospect of prominent positions in the entourage of Mary of Burgundy and her husband Maximilian of Austria. Featuring conspicuously in his account of that rise is the identification of his deeds in his capacity as lord of Dadizele as the foundation for his spectacular successes, even to the point of sometimes reducing complex military situations involving multiple actors—princely armies, urban and seigneurial militias—to a coherent tale in which the key elements were seigneurial authority and chivalrous leadership.

Jan's story begins in the spring of 1477, following his appointment as comital bailiff of Ghent. In the summer of that year, he tells us, he witnessed a fierce set-to in Kortrijk between the Ghent militia and a group of mercenaries hired by Mary of Burgundy. He then proceeds to highlight his own leadership skills by describing how he waded in—risking his own life—to stop the fighting and was subsequently

[45] See Vanderjagt, '*Qui sa vertu anoblist*', 35–7, 49–56, 60–4 and more specifically for the county of Flanders, see Dumolyn, 'Les conseillers flamands', 68.

[46] State Archives of Belgium in Brussels, Fonds Grote Raad, Eerste Aanleg, no. 72 (schrifturen).

[47] The following interpretation therefore differs considerably from the earlier interpretations of this source, which mainly emphasize princely service: Verbruggen, *De slag bij Guinegate*, *passim* and Gunn, Grummitt, and Cools, *War, State, and Society*, 144, 164. These researchers had no access to the original manuscript, but only to a problematic 1850 edition that distorted the document's intellectual logic.

involved in the restoration of military discipline.[48] The focus then shifts to his own seigneurie of Dadizele, with Jan using a recurring narrative device whereby not only his position as captain of the Ghent troops, but also—primarily, in fact—his performance as a seigneurial army leader is invariably the stepping stone to greater responsibilities in the service of the towns and the prince.

This device—portraying his personal initiative as a lord as a source of honour and accolades—was used for the first time to record the events of September 1477. It was then, notes Sir Jan, that he learned of the French army's plans to attack Comines, Wervik, and Menen, three strategically located towns on the River Leie, all fairly close to Dadizele. He at once set out for his seigneurie, where he would approach his neighbours with a view to mobilizing a militia (*vergaderende zyn ghebuers in grooten ghetale*) and foiling the French. Jan included in his memoirs a letter from Maximilian of Austria which apparently shows that the lord of Dadizele had informed the Burgundian-Habsburg army command of his successful initiative; Maximilian thanked him for protecting a position where they had much to lose (*ung lieu ou pourrions avoir beaucoup a perdre*).[49] Evidently the Flemish cities also valued his resourcefulness. Shortly after this incident the three capitals of Ghent, Bruges, and Ypres mobilized an army of 15,000 men to aid Mary and Maximilian in the conflict with France. Jan of Dadizele was charged with mustering troops for the city of Ghent and in the following months he led the 5,000-strong army that Ghent had raised, a position which was formalized in June 1478 with his appointment as captain of the army of Ghent and the Ghent Oudburg. Thus he had used his local power base and his knowledge of the terrain to bring himself to the attention of both the prince and the major cities.

That this local power base had a seigneurial cachet is shown by a repetition of that scenario in January 1479. In a passage resounding with the chivalric ideal of protecting society, the lord of Dadizele described how he once again felt compelled to act on his own initiative, taking measures that went well beyond those required of him as captain of Ghent:

> In January 1479, the lord of Dadizele saw the need and suffering in a great part of Flanders, and in particular how many soldiers—they being Frenchmen but above all those soldiers called friends—went about killing, wounding, and raping; claiming wine, white bread, meat, fish, and forcing [others] to give them their fruit, grain, food and drink, and other goods to squander, giving nothing in return but blows and evil words, all of which was heavy to bear. He, ardent to remedy this, first summoned all able-handed men among his subjects in Dadizele, cladding them in white and purple [the heraldic colours of the county

[48] For the contemporary importance attached to the maintenance of troop discipline by army leaders, see Gunn, Grummitt, and Cools, *War, State, and Society*, 274–6, 300–1.

[49] Ms Dadizele, fols 108v–109r.

> of Flanders] and arming them, each according to his estate. After that, the same was done in Menen, Geluwe, Beselare, Moorslede, Ledegem, and Moorsele, all lying around Dadizele, and, eventually, in another twenty-nine parishes. Including Dadizele, thirty-six nearby parishes were called to arms.[50]

Jan's mobilization resulted in a fighting force of no fewer than 5,600 men who could be deployed to protect the local population against both hostile French armies and the rampaging mercenaries employed by Mary of Burgundy and Maximilian of Austria—'those soldiers called friends' (*dat volc van wapene vrienden hetende*), as he dubs them. Noteworthy this time is Jan's explicit statement that part of that force was made up of able-bodied subjects of local lords, though as he mentions the presence of Ghent aldermen at the troop mustering, the Ghent army was obviously also involved. Also particularly striking in this passage is that the seigneurie is depicted as part of the county, exactly as it was with regard to the right of banishment referred to earlier. And indeed, instead of the heraldic colours of the local lords—argent and sinople (silver and green) in the case of Dadizele—the seigneurial militias wore those of the county of Flanders, white and purple (*wit ende peersch*). In this passage, therefore, the lord of Dadizele presents the local lords as protectors of Flemish society which had to be safeguarded from the Burgundian-Habsburg dynasty's failure to keep its mercenaries under control. Two months later, in March 1479, under pressure from the Three Members of Flanders—Ghent, Bruges, and Ypres (the Liberty being temporarily suspended as Fourth Member)—Maximilian would issue an edict enabling the cities to carry out arrests and executions on their own authority with a view to bringing those mercenaries back in line, a document that Sir Jan also meticulously copied and glossed in his manuscript.[51] The particular part that the lord of Dadizele played in this process commanded respect from everyone involved. In April 1479 the city of Ypres would also entrust him with its urban militia and the following month he was given joint command with the high-born Jacques of Savoy, count of Romont, over all the Flemish troops. That a low-ranking nobleman should receive such a position was almost unheard of, but Mary and Maximilian had little choice: the lord of Dadizele's power was not so much based

[50] 'In laumaend anno LXXVIII [1479 n.s.], de heere van Dadiselle ansiende de nood ende last daer inne dat een groot deel van Vlaendre stont, zonderlinghe vele landslieden, van vreesen van den Francoysen en noch meer van der grooter overdaet dat volc van wapene vrienden hetende, hemlieden deden met doot slane, quetsen, vercrachten, thuerlieder nemende wyn, wiltebroot, vleesch, visch, dwynghen te doen halene huerlieder vruchten, graen, spise, dranc ende ander goet tontdomme, over te doene ende te bedervene, zonder yet af te ghevene dan slaghen ende quade woorden, twelcke zwaer was om verdraghen. Hy, zeer gheneghen dat te remedyerene, induceirde eerst zyn ondersaten van Dadiselle, alle weerachteghe mannen, hemlieden abillierene wit ende peersch ende te wapene elc naer zynen staet, daer naer die van Meennine, Ghelue, Beselare, Morslede, Ledeghem ende Morsele als rondsomme naerst Dadiselle gheleghen ende daer naer noch xxix prochien dat waren, met Dadiselle, xxxvi prochien daer rondsomme gheleghen.' Ms Dadizele, fols 54v–55r.

[51] Ms Dadizele, fols 118v–119v.

on princely favour or a great noble's patronage, but the support of the independent cities and the lords of the county of Flanders which Jan repeatedly mobilized in the form of 'great assemblies of knights, squires and commoners' (*groote vergaderinge van rudders, schiltcnapen ende ghemeente*).

Jan, lord of Dadizele, then brought his memoirs to a climax with a narrative twirl in which seigneurial force was once again the basis for princely service, which in turn led to the enhancement of the seigneurie. He first makes a point of mentioning that Maximilian was relying on him to organize the defence of Burgundian lands. In the summer of 1479, Maximilian had asked Jan to conduct the princely artillery train in safety from Lille along the River Leie for the decisive confrontation with the French, a mission that involved the lord of Dadizele in mobilizing an army of 3,400 men from the castellanies of Kortrijk, Ypres, and Belle, plus a contingent of French-speaking mercenaries. The mission was triumphantly accomplished, emphasized Jan, before proceeding to devote an entire chapter to the description of some fifty 'inhabitants of Dadiselle' (*inwonende van Dadiselle*) who had taken part in the campaign. Making up this well-equipped group were two arquebusiers, two crossbowmen, twenty-three archers, and twenty-two pikemen. Their names indicate that they came from the better-off layer of Dadizele society, the class from which the village's bailiffs, aldermen, churchwardens, and suchlike were drawn.[52] Representatives of families like the Gheldolfs, Drubbeles, Bollins, Van der Bueres, and so on were also among the founding members of the Dadizele archers' guild established by Jan, with Philip the Good's approval, in 1463. As we argued in Chapters 2 and 3, the administration of the seigneurie was the joint project of the lord and the village elite, and events after 1477 show that the affluent villagers were prepared to follow their lord into battle. That loyalty was mutual, for Jan meticulously recorded the honourable fates of members of that group who fought at Guinegate on 7 August 1479: Joos Drubbele, a wagoner, was killed in battle, Willem Drubbele was wounded in the leg and died a few days later in Dadizele, another Joos Drubbele was wounded in the jaw, and so on (*Joos Drubbele, waghenare, bleef ter bataille doot; Willem Drubbele, ghequetst in zyn been, staerf te Dadiselle den XIIIe dach van ougst; Joos Drubbele, ghequetst deur zyn cake*…).[53] The Battle of Guinegate received particular attention in Jan's memoirs, not only because it was the decisive encounter that halted the French offensive, but also because it was so successful for him personally. Having given a brief, five-line description of the battle itself and stressing that Maximilian of Austria owed much to the Flemish troops and the 'good knights and the noblemen who fought on foot' (*goede rudders ende edelmannen die met hemlieden te voet waren*), Jan lists the names of the seventeen Flemish nobles, including himself, who were knighted by the prince. Winning his spurs was undoubtedly a high point in his

[52] Sir Jan mentions that two of the twenty-two pikemen came from outside the village.
[53] Ms Dadizele, fols 42r–43v.

life: the title of knight was the touchstone of the chivalrous lifestyle. Moreover, Jan was the first of his family to be granted that honour: his forefathers were mere esquires. In previous centuries, most Flemish nobles were knights, but from the fifteenth century the title had become much more exclusive, with only half of all noble families having knights in their ranks. A knighthood therefore set the seal on the upward social trajectory of a man who had been born in the lowest echelons of Flemish nobility and successfully worked his way up.[54]

Besides the accolade, Jan, lord of Dadizele, received two other rewards for his loyal service to the Burgundian-Habsburg dynasty: he now had the prince's ear and his seigneurial power was recognized. In the (unfinished) chapter containing his memoirs and also elsewhere in his manuscript, he mentions that Maximilian of Austria and Mary of Burgundy honoured him still further by passing through Dadizele as they were returning from Guinegate and accepting his hospitality, eating and drinking at his table (*zy aten ende droncken sheeren van Dadiselle*). By doing so they also contributed to the growing fame of the Church of Our Lady of Dadizele as a popular place of pilgrimage, adding to the lustre already shed upon it by the visits of Philip the Good, his sister, his wife, and his son Charles, as well as a number of other great nobles.[55] All those princely visitations naturally underlined and enhanced Jan's prestige in the eyes of his seigneurial subjects, and his appointment in November 1479 as counsellor and chamberlain at Maximilian's court undoubtedly gave an extra fillip to his standing. The lord of Dadizele was also entrusted with important diplomatic tasks and was given one of the coveted seats on the comital committee that decided on the composition of the aldermanic benches of the Flemish towns each year. Nor was that the end of it, for in March 1481 a promise was made to him that in time he would be appointed as one of the four masters of the court, and that his only son would hold a similar post at the court of Philip the Fair, the heir born to Mary and Maximilian in 1478.[56] In Sir Jan's account, all those honours and offices arose from his leadership of the armies and militias of the Flemish capitals and the Flemish lords, while the prince's task was to recognize and reinforce the lords' power. It is probably no coincidence that it was in the year immediately following the Battle of Guinegate that, with the approval of the princely administration, Sir Jan significantly enlarged his own seigneurie of Dadizele by the addition of two sub-fiefs. This occurred in May 1480, which is when he made a start on his remarkable manuscript. Thus, in Jan's worldview, the seigneurie furnished him with the means to serve the prince and society, while the prince ideally rewarded the services of good lordship by strengthening the seigneurie, which benefited both the lord and the community as a whole.

[54] See the quantitative analysis in Buylaert, 'Lordship, Urbanization and Social Change', 65.
[55] This visit is also touched upon in another chapter: Ms Dadizele, fols 44r–45r.
[56] See the copies of documents in Ms Dadizele, fols 137r ff.

In Jan's memoirs his emphasis on seigneurial power as a pillar of society undoubtedly makes for a distorted picture: the chronicles written in the Flemish cities or at court in the same period put a similar stress on the part played by the princely armies or the urban militias in the war with France.[57] At the same time it is clear that this unique document was not some wild flight of fancy that defied contemporaries' imaginations. Jan's description of seigneurial militias doubling as a comital army is consistent with the capacity of seigneuries with high justice to exile individuals not only from their own areas of jurisdiction, but from the entire county of Flanders. Similarly, his emphasis on his own military initiatives as a lord is perfectly in line with the observation that other lords and ladies also accepted that while in principle having to implement princely legislation in their seigneuries, they alone were responsible for its application. On the eve of the Dutch Revolt, quite a few lords and ladies would refuse to apply the anti-heresy placards in their seigneuries, sheltering behind the contention that princely officials had no right to interfere in a seigneurie.[58] Conversely, in the aftermath of the Iconoclastic Fury of 1566 the Habsburg administration would applaud those nobles who had summoned their seigneurial rank and file to protect the parish church from Calvinists, thus implicitly acknowledging that the princely administration depended on lords' cooperation for effective local government.[59] The lord of Dadizele's writings show how lords still found sufficient points of reference in times of peace and war to assign themselves a significant role in a polycentric system in which the administration of a county was the business of both prince and subject and in which armies indeed still often consisted of a medley of princely mercenaries and town and village militias.[60]

4. Lordship through the Eyes of the Prince and Princely Officials

Jan, lord of Dadizele, maintained—not without reason—that the princely government could only function in conjunction with noble lords, but he also had other less pleasant experiences with the prince, as is evident from an affair that goes entirely unmentioned in his manuscript. The cause was the unhappy marriage of

[57] These sources and perspectives are discussed in Haemers, *For the Common Good*. For other descriptions of the Battle of Guinegate, see Verbruggen, *De slag bij Guinegate*.

[58] Valkeneers and Soen, 'Praet, Bronkhorst en Boetzelaer', 270–1, 273–4, 276–8.

[59] Discussed in Kuijpers, 'Between Storytelling and Patriotic Scripture', 183–202. For Flanders see also Monballyu, 'Het gerecht in de kasselrij Kortrijk', 540–1 and Monballyu, 'De gerechtelijke bevoegdheid van de Raad van Vlaanderen', 9–10, which indicates that in 1545 the Council of Flanders ordered local authorities to apply the heresy placards because they lacked the power to do so themselves.

[60] Gunn, Grummitt, and Cools, *War, State, and Society*, *passim* and to be supplemented with Buylaert, Van Camp, and Verwerft, 'Urban Militias, Nobles and Mercenaries', 146–66.

his sister Anna, who was six years Jan's junior. The genealogical notes in the Dadizele Manuscript record that in 1460, when Anna was 22, she was married to an Ypres nobleman called Boudewijn van de Woestijne, but the marriage soon broke down.[61] A year or so later, Anna's mother and brother decided to fetch her home. According to a later description, they went to Boudewijn's house in Ypres accompanied by a band of armed men (*plusieurs compaignons armez et embastonnez*), forced their way in, and brought Anna back to Dadizele, along with all her household goods and a large sum of money. Given the ease with which Sir Jan repeatedly mobilized his seigneurial militia from 1477 on, the likelihood is that the men were recruited from among the well-off seasoned peasants providing the aldermen who governed Dadizele with Sir Jan. Boudewijn, who had been away when Anna was 'rescued', at first took no retaliatory action, either not daring or not wanting to, but three years later, in October 1464, he finally complained to Philip the Good, who ordered a court official and several members of the Council of Flanders to look into the matter.[62] The outcome of their investigation is not known, but the case does bring to the fore another side of princely power that Jan chose to overlook in his writings. The princely administration might be increasingly dominated by noble interest groups, but that did not mean that the prince and his officials completely neglected the ruler's most important duty, which was to ensure peace in the principality.[63] They might recognize seigneuries as legitimate institutions, but the use of seigneurial force to pursue a lord's personal interests rather than to maintain law and order in the seigneurie was clearly considered contrary to the rule of law guaranteed by the prince.

Before we can say much about the policy of the prince and his officials and the possible consequences for lords and their seigneuries, we must make a distinction between the prince and his entourage on the one hand and the senior officials who staffed higher institutions such as the Council of Flanders or the Chamber of Accounts at Lille on the other. Both groups had their own views on the issue, which sometimes led to conflicts between them.

The most significant development to affect the prince and the court was the aforementioned doctrine of sovereignty that emerged during the reign of Philip the Good (1419–67). Thenceforth, the Burgundian dukes and their Habsburg successors in Flanders and the Low Countries would regard themselves as the sole authoritative source of law and power, which inevitably put them on a collision course with the fiercely independent Flemish capitals. Yet it would be wrong to assume that this concept of sovereignty automatically undermined seigneurial lordship. Indeed, in the county of Flanders one of the earliest and most notorious expressions of the new concept took the form of a new seigneurie, namely

[61] Ms Dadizele, fol. 18r. [62] State Archives in Ghent, Fonds Piers de Raveschoot, no. 1577.
[63] For the central place of *justitia* in the princely ideology, see Van Peteghem, *De Raad van Vlaanderen*, 6–7.

Middelburg-in-Flanders. The creation of this seigneurial town between Bruges and Aardenburg was the prestige project of Pieter Bladelin, one of Philip the Good's most important financial advisers. Having acquired an extensive patchwork of lands and fiefs, in 1458 he sought and received from the duke the privilege that was necessary to elevate that conglomerate to a seigneurie, and in 1463 was granted an additional privilege giving him high justice. Philip's support in enabling Bladelin to achieve his ambition of acquiring noble status by the creation of a seigneurie caused tremendous ructions. Middelburg-in-Vlaanderen lay in a part of the county where seigneuries were rare anyway and the entire project was on a sufficiently large scale to thoroughly disrupt both existing economic interests and the local legal order.[64] Both the Liberty of Bruges and the nearby towns stoutly resisted the seigneurie's creation, but as Jonas Braekevelt rightly remarks, Philip the Good's willingness to relinquish his direct control as count of Flanders over part of his county was not only a way to pay off his debts to Pieter Bladelin, but also an effective method of underlining the fact that when it came to redefining power relationships, he, as prince, was the ultimate authority.[65]

It is not surprising that experiments with notions of princely sovereignty took the form of the granting of seigneurial power. Philip the Good might have taken a new ideological tack, but at the same time he was also perpetuating the policy of previous counts of Flanders, who had often bestowed seigneuries on favourites. Until the early fourteenth century, for instance, the entire Land van Dendermonde was an appanage of a cadet branch of the comital dynasty, before becoming a castellany governed by the count's officials. Similarly, it was customary for counts to secure appropriate noble status for their illegitimate sons by allocating them a seigneurie. In 1376, for example, Louis 'the Frisian', a 'bastard' of Count Louis of Male, received the lordship of Woestijne (Oudburg of Ghent) from his father, who in 1379 would also give him the neighbouring seigneurie of Praat (Liberty of Bruges), which had been returned to the count six years earlier following the demise of Boudewijn van Praat, who died without issue. That tradition was continued by the dukes of Burgundy: in 1464, for example, Philip the Good gifted the recently confiscated seigneuries of Zomergem and Lovendegem to Baldwin of Burgundy, one of his many illegitimate sons.[66] Finally, smaller gifts could also take the form of seigneurial rights, as evidenced, for instance, by the privileges that Jan, lord of Dadizele, obtained from Philip the Good, allowing him to hold a weekly market and annual fair (1462) and establish an archery guild (1463) in his seigneurie.[67] Although, over time, the development of the doctrine of sovereignty

[64] For the spatial distribution of lordships in the county, see Chapter 2.

[65] Braekevelt (ed.), *Pieter Bladelin*, XXXVII–XLVIII; L (n. 150)–LII; LVII–LXIII; LXIII; LXXVII; LXXIX, C–CI (the expanding of the seigneurie), and CXXXVIII–CXLII (the interpretation of the project as an expression of the doctrine of sovereignty).

[66] For these and other examples see Buylaert, *Eeuwen van ambitie*, 229–34.

[67] For a more detailed discussion, see Chapter 4.

would prove to be a crucial factor in the construction of centralized states, actions like those of Philip the Good clearly show that the Burgundian-Habsburg princes perceived that sovereignty rather differently: what they sought was not the centralization of power but the right to arbitrarily intervene in the complex patchwork of seigneurial, urban, and comital jurisdictions that together made up the county of Flanders.

The prince's senior officials viewed things rather differently from the prince himself. Nowadays historians tend to be wary of earlier interpretations by postwar historians, who saw these functionaries as the standard-bearers of a bureaucratic and impersonal style of government that broke with traditional patrimonial arrangements; but at least those officials had an attitude that was 'modern' in the sense that they were nervous of the potential alienation of the count's public authority.[68] In the case of Middelburg-in-Vlaanderen, for example, the most stubborn resistance came from the Lille Chamber of Accounts, which was responsible for the management of the comital demesne in the county of Flanders, among other things. The Chamber's officials fought tooth and nail against the creation and elevation of Middelburg-in-Flanders as a seigneurie with high justice, to the point that Philip the Good was repeatedly forced to threaten his own officials with his personal displeasure before they ratified the privileges granted to Pieter Bladelin.[69] What is striking is that the officials' opposition was motivated by their contention, repeatedly and forcefully stated, that the project damaged the public interest because the comital administration would thenceforth have virtually no say in the seigneurie's jurisdiction. Moreover, they might well have been apprehensive that the Middelburg-in-Flanders case would set a precedent, since in the aftermath of Bladelin's eventual success in 1464 another question about the rightful or wrongful claim to high justice by a lord from Walloon Flanders had been settled in the lord's favour, even though that dispute had been won by the comital officials thirty years earlier.

What those officials were aiming to do was safeguard the integrity of the comital demesne, an obligation which in the fifteenth century was included in the oath that every new count of Flanders had to take when inheriting the county. They kept a list of other cases of alienation of high justice that they planned to roll back. Among recent examples were Philip the Good's sale of the right of high justice over Hondschote (Sint-Winoksbergen) to the local lord in 1430, and John the Fearless's gift of the seigneurie of Wijnendale (Liberty of Bruges) to his son-in-law, the duke of Cleves, in 1408. But as to tackling much earlier giveaways, such as Louis of Male's aforementioned presentation of Praat and Woestijne to

[68] For Flanders, see particularly De Ridder-Symoens, 'Jan van Rompaey, Max Weber en de Bourgondische ambtenaren', 323–39 and esp. Dumolyn, *Staatsvorming en vorstelijke ambtenaren*.

[69] This and the following two paragraphs are based on Braekevelt (ed.), *Pieter Bladelin*, respectively LXV–LXIX, LXIX; CXVII; CXXVII and LXVII (n. 239)–LXVIII; LXXXIX (n. 357), XCIII, XCVI, CXVII.

Louis 'the Frisian' in the 1370s, the officials bided their time. In 1451, furthermore, they had taken to task Pierre de Roubaix, whose father had indeed received the seigneurie of Herzele (Aalst) from John the Fearless, but with the reservation of high justice to the count, a provision that Pierre quietly sought to undermine. Thus, whereas lesser nobles such as the lord of Dadizele and great nobles such as the dukes of Burgundy both saw the increased power of lay lords as a positive development, the comital officials viewed the same process as a violation of the prince's patrimony.

At the same time, the officials' opposition is well documented, and it is clear from those sources that in principle they had no objection to the existence of seigneuries, or even to all the granting of seigneuries. The Chamber of Accounts at Lille found nothing to complain of when Philip the Good gave the seigneuries of Elverdinge and Vlamertinge (castellany of Veurne) to his illegitimate son Corneille of Burgundy in 1435, for example. Both seigneuries had reverted to the duke as count of Flanders the year before, when their lord, Sir Roeland van Vlaanderen, himself an illegitimate descendant of the previous comital dynasty of Dampierre, died without issue. The count's officials did not regard these seigneuries as enduring parts of the comital possessions and therefore had no objection when they were alienated once again. At least, that is what a discussion that took place in 1463 between Philip the Good and the Chamber of Accounts at Lille suggests. Philip wanted to provide another descendant of the ducal family with a seigneurie and was hesitating between Kruibeke (Land van Waas) and Sijsele (Liberty of Bruges). The officials advocated Kruibeke, justifying their recommendation by noting that the seigneurie had been alienated a long time ago and had only recently come back into the count's possession.[70] It would seem that the higher echelons of the princely administration conceived of the county as an entity that over time had become divided between those seigneuries that changed hands among lay lords and those that were directly governed by the count and his officials, whose job it was to ensure that this balance was not upset by ambitious lords or by a prince whose growing claims to sovereignty had to be combined with the traditional obligations of the head of a great noble house.

The key question now is this: how did those princely officials regard the power of lay lords? The alienation of seigneuries or seigneurial rights was actually a rather rare occurrence as such initiatives were the exclusive province of the princely family, high-ranking nobles, and a handful of top officials who had risen from the burgher class. The position the officials took to the many hundreds of seigneuries with higher justice held by lay lords was much more critical in determining the relationship between the central administration and the local

[70] As discussed in Chapter 4, Section 1, the count of Flanders had permanent control over twenty-eight seigneuries between the mid-fourteenth and mid-sixteenth centuries, besides twenty-three seigneuries that were only in comital hands for a shorter span of time.

governments. Since the officials approved certain princely gifts of seigneuries they evidently had no objection to the existence of lay seigneuries in principle, but they may have clipped the lords' wings as a way of augmenting the prince's power.

In this discussion the most important institution is the Council of Flanders, which usually convened in the Gravensteen, the comital castle in Ghent. Erik Thoen has argued that the castellany bailiffs were the prince's primary armaments in curtailing the power of the lords, based on anecdotal evidence that said bailiffs, acting in the count's name, were extremely hawkish in collecting all sorts of seigneurial rights—particularly inheritance taxes such as *bastaardgoed* and the right to the deceased's best chattel—to the loss of local lords. This interpretation warrants a couple of caveats, however.[71] It is possible that in earlier centuries the count had enough control over his bailiffs to have them implement a concerted comital policy that disadvantaged lay lords, but by the fifteenth century this scenario is unlikely. As we mentioned above, under the dukes of Burgundy the offices of bailiff, certainly the most desirable ones, were simply leased to the highest bidder, who then recouped his investment by raking in the official revenues. Although that financial arrangement incentivized the bailiff to collect the various dues as insistently as possible it does not automatically follow that it translated into a consistent policy of usurping lay lords rights. And besides, it was increasingly the case that the lessees were noblemen who, moreover, were ever more often from the region itself, since the dukes attached less and less importance to the principle that a bailiff should be from somewhere other than his place of employment. In that new context it seems highly unlikely that comital bailiffs would go in for the systematic undermining of seigneuries, as this would bring them into conflict with their noble friends and neighbours. As Jan Van Rompaey noted, lords were attentive to their seigneurial rights and resisted overzealous bailiffs by lodging appeals with the Audience and its successor, the Council of Flanders, which was exclusively competent for all conflicts of authority between lords, princely officials, and town and castellany councils.[72] Any undermining of the seigneurie thus came not so much from the bailiffs, but from the Council of Flanders, which perhaps used these conflicts of competence as a reason to systematically weaken the power of the lords with higher justice by supporting the bailiffs.

A second means by which the Council of Flanders could have devised a policy against the lords stemmed from its role as an appellate court. The Council was set up in 1386 both to continue and to replace the comital Audience, which from around 1340 until 1370 functioned as a court of appeal for the lower courts. The Council raised this function to a higher level: whereas the Audience judges met

[71] Thoen, 'Rechten en plichten van plattelanders', 469–90.

[72] Van Rompaey, *Het grafelijk baljuwsambt*. This practice goes back to the Audience, which already handled a dispute between the lord of Nazareth and the bailiff of Deinze and Petegem in 1386–8 (Buntinx, *De Audiëntie*, 201, 215–17, 396–7).

only six or seven times a year and therefore dealt with a limited volume of cases, the Council held three sessions a week.[73] In the Audience's earliest surviving case files, from 1370 to 1378, we already find examples of inhabitants of a seigneurie who fought a verdict handed down by the seigneurial court, which created another opportunity for the Council to upset the seigneurie's operation.[74]

From an international point of view the appellate process in the county of Flanders is exceptionally important as in Flemish customary law there was no appeal against a criminal verdict. It was taken as read that by confessing a defendant effectively convicted himself and thus forfeited the right to appeal his sentence: *confessus non appellat*—a precept that over the centuries had become enshrined in Roman law. Given that in Flanders no one could be condemned to death without a confession, whether it was made voluntarily or extracted by torture, the precept was closely linked to the sentencing of capital crimes. In theory, therefore, customary law protected the judicial rights that distinguished seigneuries with higher justice from those with low justice, since in principle no appeal could be brought against the harshest criminal sentences passed by a seigneurial bench of aldermen.[75] Local courts took a broader view of *confessus non appellat* and prohibited appeals against any criminal verdict. The Council of Flanders, on the other hand, was less draconian in its reading, and only prohibited appeals against judgements involving corporal punishment or the death penalty.[76] It should be noted, however, that when prosecuting serious crimes that were punishable by banishment, seigneurial and municipal benches often preferred to bring civil rather than criminal proceedings, so many such sentences could, after all, be challenged before the Council of Flanders.[77] That limitation aside, theoretically the situation in Flanders was exceptional in the sense that there could be no appeal against the most severe punishments handed out by a seigneurial bench of aldermen. This is in contrast to France, where, from the thirteenth century on, the growing power of the Crown was manifested in the building of royal courts that could, in principle, overturn any seigneurial verdict.[78] As to England, the punishment of serious crimes such as murder or breaches of the peace had always been the prerogative of royal courts since the kingdom originated in the ninth

[73] Buntinx, *De Audiëntie*, 158, 238–47, 257. In 1370–8 and 1380–8, this institution is said to have handled only a thousand trials in total. For the Council of Flanders as a court of appeal, see also Monballyu, 'Het gerecht in de kasselrij Kortrijk', 50, 297 and Monballyu, '"Van Appelatiën ende Reformatiën"', 242–3, 246–7, 260. For the Council's sessions, see Dumolyn, *De Raad van Vlaanderen*, 57–8

[74] Buntinx, *De Audiëntie*. This potential of appeal to subvert lordships has been recognized in Monballyu, '"Van Appelatiën ende Reformatiën"', 237–8.

[75] Monballyu, 'Het gerecht in de kasselrij Kortrijk', 602–4, 609–10, 715–17.

[76] For this discussion, see Monballyu, 'De Raad van Vlaanderen, een souvereine justitieraad in strafzaken?', 90.

[77] Monballyu, 'De hoofdlijnen van de criminele strafprocedure', 63–5, 67–8, 97; Monballyu, '"Van Appelatiën ende Reformatiën"', 263–4; Monballyu, 'Het onderscheid tussen de civiele en de criminele en de ordinaire en de extraordinaire strafrechtspleging', 121–32.

[78] See the comparison in Monballyu, 'De gerechtelijke bevoegdheid van de Raad van Vlaanderen', 21–4.

century. In light of those comparisons, whether the Council of Flanders respected that remarkable protection of seigneurial autonomy or expanded its own power by also handling criminal cases from seigneurial courts on appeal, remains an open question.

If and how the Council of Flanders actually employed the two options just outlined to interfere in the operation of a seigneurie is unclear. Many legal historians described its members as advocates of an aggressive centralization policy.[79] Moreover, it can well be imagined that some of those erudite jurists had concerns about the interpretations and quality of the justice administered by 'peasant aldermen', as they were sometimes called in the seventeenth century. As shown in Chapter 3, that description was not unmerited, given that seigneurial aldermen were indeed recruited from among prosperous landowners who had little familiarity with Roman law. In 1611 the Habsburg government found it necessary to require local aldermen to follow the judicial rules of higher courts such as those of the castellany or the Council of Flanders.[80] Conversely, the jurists must have been aware that prominent fief-holders and the owners of large estates were extremely well acquainted with the feudal and allodial customary law that was the basis of their power, and that this expertise sufficed for practically every case that came before a seigneurial court.[81] That the higher-ranking members of the Council of Flanders respected this customary law is indisputable. For instance, they themselves successfully employed the *confessus non appellat* rule to prevent appeals against criminal sentences they had passed being taken before the supra-regional courts—the Parlement of Paris until 1473 and the Great Council and Privy Council after that date—which is also why those higher courts are not considered in the rest of this chapter.[82]

The judges' respect for customary law was partly rooted in their own social position. Many of them were lords themselves. Jan Wouters, for example, was lord of Hallebast (Ypres and castellany of Veurne) and he would succeed another counsellor, Lieven van Pottelsberghe (d. 1531), as lord of the seigneuries of Merendree and Vinderhoute (Oudburg of Ghent), both with high justice.[83] So the leading officials of the Council of Flanders were not necessarily antipathetic to

[79] Buntinx, *De Audiëntie*, 258–9, 284–5.

[80] Martyn, 'Boerenschepenen en geleerd recht', 395–400. Legal historians also estimate the quality of local aldermen's benches to be lower than those of the towns, the latter deploying more and more university-educated personnel in the administration of justice (Monballyu, 'Het gerecht in de kasselrij Kortrijk', 392).

[81] Heirbaut, 'Who Were the Makers of Customary Law', 257–74. See also specifically Dumolyn, *De Raad van Vlaanderen*, 15–17, 19–20.

[82] In 1471–3 the claim of the Parlement of Paris to have legal authority over Crown Flanders was definitively demolished by Charles the Bold. For the relationship of the Council of Flanders to the Collateral Councils, see Monballyu, 'De Raad van Vlaanderen, een souvereine justitieraad in strafzaken', 77–84, 87, 90. See also De Schepper, 'De Geheime Raad', 39–40, 43–8, which gives some examples of cases from Flanders.

[83] Van Peteghem, *De Raad van Vlaanderen*, 277.

the seigneurie as an institution. The jurist Filips Wielant, whom we encountered in Chapter 1, emulated his father in combining a career in the Council of Flanders with the possession of several seigneuries and in 1492 treated his colleagues to a treatise on Flemish feudal law in which seigneurial rights were also discussed with due regard.

As a final complicating factor there were the expectations of the litigants. Conflicts between a lord's subjects may well have given princely officials an opportunity to intervene in the seigneurie, but a case before the Council of Flanders was generally brought by individuals who were set on effective conflict resolution rather than going through all stages of the judicial process to reach a final verdict. The latter often got in the way of the former. A final verdict only gave a unilateral answer, positive or negative, to a precisely formulated claim between two parties, which often caused more problems than it solved in a society in which the government as yet had no policing system to enforce compliance with that verdict. What contemporaries wanted in civil cases was a workable arrangement, so arbitration and compromise were often preferred. Studies of other courts suggest that a case was often begun as a way of forcing the opposing party to come to the negotiating table rather than in the hope or expectation of arriving at a verdict in the plaintiff's favour. Consequently, it is uncertain whether the Council of Flanders's undeniable potential for judicial centralization was fulfilled in the institution's day-to-day workings.

5. Seigneuries and the Council of Flanders

The archives of the Council of Flanders enable us to tabulate the interactions between comital and seigneurial jurisdiction. Two voluminous though not entirely complete series are of interest. The first and most sizeable series is the *acten en sententiën* or 'acts and sentences'. These registers contain concise notes of the cases heard by the judges on successive court days. They record the identity of the plaintiff(s) and defendant(s) and the legal actions taken that day (for example, an adjournment or a defendant's response). For instance, the notes for 20 March 1450 refer to:

> The case pending between, on the one hand, esquire Pieter, lord of the Land of Boelare, and, on the other hand, the bailiff of the castellany of Aalst because of a best beast. Postponed until the Monday after next.[84]

[84] 'De zake diemen omme tanderen tusschen joncheere Pieteren, heere vanden Lande van Boelaer of een zijde ende de baillu van den lande van Aelst ter cause van eenen besten hoofde of andere. Es uutghestelt in state tot smaendachs naer na den eerstcommende.' State Archives in Ghent, Raad van Vlaanderen, no. 2366, fol. 107r (see also fols 138r and 376r).

This is an uncommon example because it mentions the nature of the case—a conflict of jurisdiction between a lord and the castellany bailiff over who had the right to collect an inheritance tax. But puzzling out the thousands of short references at least allows us to determine how many cases involving a seigneurie were in progress.

The second series, the so-called *sententiën en appointementen interlocutoire* ('sentences and intermediary decisions'), starts from 1412. It gradually took shape because interlocutory injunctions and final sentences were increasingly recorded in separate registers. These are somewhat less voluminous, and although the judgements do not include the reasons why the judges found for one side or the other, they usually mention what was at stake and what the outcome of the disputes was.

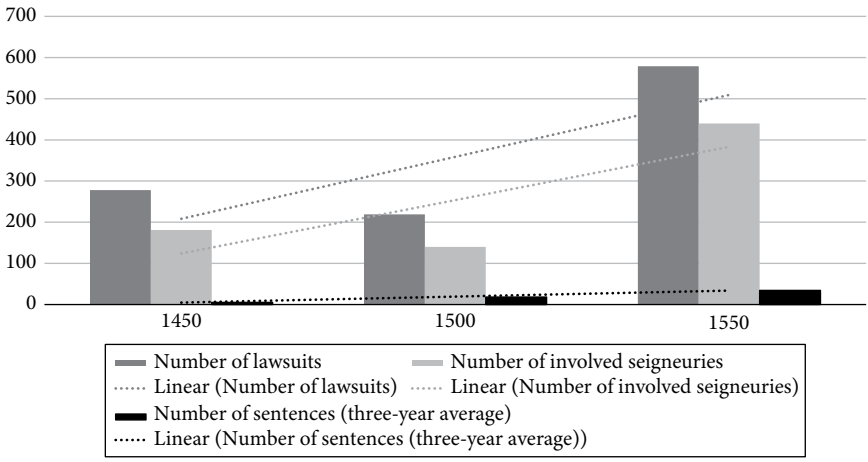
We have taken three samples from each series. From the extremely substantial and labour-intensive *acten en sententiën* we limited the field to the years 1450, 1500, and 1550; from the more manageable sentencing registers we took three-year samples, 1450–2, 1500–2, and 1550–2.[85] The remit of the Council of Flanders covered both Dutch-speaking Flanders and Walloon Flanders (the francophone castellanies of Lille, Douai, and Orchies), but as this study of seigneuries is limited to Dutch-speaking Flanders the cases from Walloon Flanders are omitted.[86] This diachronic analysis covers the first century in which the position of the Council of Flanders had become generally accepted. In the late fourteenth century, the small towns and the lords were already finding their way to the Audience and then the Council, but the large Flemish towns clung to their judicial autonomy until around 1390. The last to submit were Bruges and Ghent, and then only after the suppression of the Bruges and Ghent uprisings in 1438 and 1453 respectively. In any case, by the second half of the fifteenth century, the entire county had become accustomed to the Council of Flanders as the highest court for the resolution of conflicts of jurisdiction and appeals (Graph 7).[87]

The quantitative analysis of the activities of the Council of Flanders provides important starting points for interpreting the interactions between the seigneuries and the princely administration. The first observation is that between 1450 and 1550 there was a marked increase in the number of cases involving at least one seigneurie as a litigant. Based on the reference periods it appears that in the fifteenth and early sixteenth century the Council of Flanders dealt with somewhere between 200 and 300 such cases annually, but that subsequently the number

[85] To keep the comparison consistent, we have omitted the registers of the 'secrete camere' that survive from 1517. We also see no indication that this series would change the results.

[86] In 1522 Tournai and Tournaisis were added to the Council's jurisdiction (Monballyu, 'De gerechtelijke bevoegdheid van de Raad van Vlaanderen', 5). This area is omitted from the sample from 1550–2.

[87] Dumolyn, *De Raad van Vlaanderen*, 29–31, 40–52. The reference point of 1450–2 may have been influenced by the Ghent Revolt, but if so we suspect that the effect is limited. In any case, since the violence only broke out in 1451, it has no impact on the screening of the *acten en sententiën*.



Graph 7 Cases involving seigneuries that came before the Council of Flanders (*c.*1450–*c.*1550).

Note: The figures on which the extrapolations for 1450 and 1550 are based can be found in Table 8, further on in this chapter. For the Council's annual recess, see Van Peteghem, *De Raad van Vlaanderen*, 91 and Dumolyn, *De Raad van Vlaanderen*, 57–8.

Sources and methodology: the number of cases and seigneuries involved is based on State Archives in Ghent, Raad van Vlaanderen, nos 2365–6 (1450), 2434 and 2436 (1500), 2503–5 (1550). These *acten en sententiën* registers are complete for 1500, but not for 1450 and 1550. Due to water damage the register for 1450 includes only eight months, namely January–August, and the register for 1550 includes only four months, May–August. For those two years the figures in the graph have been extrapolated from the data for the available months, bearing in mind that judicial activities were greatly reduced between mid-July and mid-August, when the court was usually in recess (for example, for May–August 1550, 158 individual processes were recorded involving 120 individual seigneuries, giving an estimated 579 processes and 440 seigneuries for the whole year). The number of sentences is based on the registers of the *sententiën en appointementen interlocutoire* that survive in a complete state for the three reference periods, namely State Archives in Ghent, Raad van Vlaanderen, nos 7511 (1450–2), 7515 (1500–2), and 7532–4 (1550–2). The graph shows the average number of sentences passed in each three-year period. The twenty-one seigneurial towns in Flanders are excluded from the analysis because they must have produced a greater number of cases than rural seigneuries.

increased rapidly. Around 1550, the Council was probably handling 500–600 cases of this type each year. The chronology of this trend is suggestive because researchers have largely tended to represent the reign of Charles V (1506–55) as a period of momentum in the 'process of state formation', which is partly correct, as evidenced, for instance, by the increasing legislative activity typically seen in the field of public and criminal justice.[88] At the same time, that trend was obviously not the exclusive by-product of the Habsburgs' political project, for diverse types of court in various parts of Europe show very comparable increases in the volume of cases handled. In addition to the growing ambitions and increasing professionalization of princely courts of law, demographic and economic growth and the associated rise in the

[88] See Monballyu, 'Het gerecht in de kasselrij Kortrijk', 4–5 for the rapidly increasing number of ordinances and more generally Van Peteghem, *De Raad van Vlaanderen*, 47–55, 58, 169–73.

number of credit transactions were also—indeed mainly—responsible for the increasing frequency with which contemporaries took each other to court.[89]

What the parties involved expected from this step becomes clear when we compare the number of cases with the number of judgements. In any given year the Council of Flanders might hear hundreds of court cases involving seigneuries, but a judgement was and continued to be a rarity, with a three-year average of five judgements in 1450–2, eighteen in 1500–2, and thirty-four in 1550–2. The numerical ratio between the number of cases awaiting judgement and the number of judgements given suggests that at most only a few per cent of court cases were seen through to the bitter end. It was the same in other courts: most proceedings did not get as far as a verdict, though in those instances the percentage was probably a little higher.[90] Thus, in Flanders too the use of the princely court was not so much an end in itself, but primarily part of a broader strategy of conflict mediation that made it possible to pressurize the opposition into settling out of court. The parties involved had plenty of time to reach an agreement, for the few cases that were taken all the way to a verdict suggest that the mills of the Council of Flanders ground exceedingly slowly. In July 1500, for example, a certain Simon van der Clinghen appealed to the Council against a verdict delivered by the aldermen of Nieuwland, a seigneurie within the city of Ghent, when those aldermen had ruled against him in a dispute with his neighbours about plot boundaries. Simon's appeal was eventually rejected two years later, in March 1502.[91] The judges themselves must have realized better than anyone that they mainly facilitated an informal forum for conflict mediation rather than applying princely law in every case.

A first observation that helps us to picture the kind of juridical conflicts in which seigneuries were involved is that the number of these per reference period is invariably somewhat lower than the number of processes per se. In the first place this is because cases in which seigneuries were pitted against each other were uncommon. Of the 177 legal actions recorded in the surviving *acten en sententiën* of January to August 1450 there are only three in which seigneuries provided both plaintiff and defendant. It was still a rare phenomenon a hundred years later, with just four such cases out of the 120 dealt with in May to August 1550.

As litigation between seigneuries was rare, information about the nature of such conflicts is obviously scarce, but we can probably assume that most were disagreements over jurisdiction that were usually settled through mediation without much difficulty. One such example is the process between Wijnendale

[89] An entry to the literature in Vervaeke, 'Met recht en rede(n)', 24, 78, and esp. 66, where the unpublished synthesis by Griet Vermeesch and Marie-Charlotte Le Bailly is also discussed.

[90] A few available figures for the seventeenth century in Vervaeke, 'Met recht en rede(n)', 20, 111. In the court of the Liberty of Bruges, for example, 8–13 per cent of cases led to a final verdict.

[91] State Archives in Ghent, Raad van Vlaanderen, no. 2436, fols 224r, 269v and no. 7515, fols 368r–369r.

(Liberty of Bruges) and Lichtervelde (Liberty of Bruges and Kortrijk): the lord of Lichtervelde's plans for a weekly market on Saturday aroused the ire of both the Lady of Wijnendale and the town of Roeselare, since market-goers were lured away from their own weekly market.[92] Such arguments were unavoidable in the complex patchwork of seigneuries, towns, and castellanies, and they probably indicate mutual complementarity rather than insurmountable fragmentation.[93] The archives of the Council of Flanders are full of similar disputes between adjacent castellanies or neighbouring towns, and like the cases involving seigneuries they were usually resolved by mediation rather than litigation.

In some exceptional cases the stakes were higher. Then passions could run high and the proceedings between seigneuries continued until the Council passed a verdict.[94] An example of such a rare incident is the conflict that arose between Avelgem (Oudenaarde) and neighbouring Heestert (Oudenaarde and Kortrijk) in 1543. The nobleman Filips van Liedekerke portrayed himself as lord of Zulte (Kortrijk) and Heestert, and underlined that claim by making his mark on the parish church of Heestert in the form of a stained-glass window. In a later statement Filips declared that:

> …by the supplication and request of his subjects and parishioners, he had ordered the making and painting of an extremely expensive stained-glass window, decorated with his coat of arms and the arms of his wife, [positioned] behind the high altar, as is proper…[95]

Embodying as it did Filips's legal claims, the stained-glass window became the target of the bailiff of Avelgem, who is rumoured to have had it smashed in the churchyard on the day after Christmas 1543 while ranting that Filips was 'a rogue and a thief and only a lord of his own leasehold but not of Heestert's church…' (*een guut ende dief was ende alleenlic een heere van zijnder pachtgoede maer niet van der kercke van Eestert…*). The bailiff was in the service of René van Brugge-Gruuthuse, who as lord of Avelgem also claimed high justice over the surrounding villages of Outrive, Waarmaarde, and Heestert. René informed the judges of the Council of Flanders that his representative in Avelgem, the seigneurial bailiff, had ratified Heestert's church accounts since time immemorial and led the annual procession. Clearly, this case was not about the finer points of the legal boundary

[92] State Archives in Ghent, Raad van Vlaanderen, no. 2366, fol. 55v.

[93] See the views in Dumolyn, *De Raad van Vlaanderen*, 130.

[94] The case consists of two linked processes namely State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7535, fols 9v–12r and fols 14v–15v.

[95] '…ter meester bede, versoucke ende instantie van zijnder laten ende prochiaenen aldaer hadde ghedaen maken schilderen ende stellen een zeere costelicken ghelasenveynster verwapent met zyne wapene ende van me vrauwe zijnder ghesellenede bachten den hooghen oultaer ende hooftplaetse daert hem betaemde…'

between two seigneuries, but about two eminent noblemen quarrelling over control of an entire village.

While the case was exceptional in its intensity, there was nothing out of the ordinary in the way it was handled, namely through a legal process rather than a seigneurial feud or war. The reproaches flew back and forth and Filips felt deeply wounded in his honour as 'a good noblemen…of good fame, name, noble extraction and descent' (*een goet edel man…van goeder fame, name, edele extractie ende descente*), but he did not immediately summon his men to arms as many nobles in the neighbouring Holy Roman Empire or France did in such a case.[96] We see the same restraint being shown by other Flemish lords: seigneurial wars such as those that were frequent in France were virtually non-existent in the county of Flanders. Violence by lords was certainly not unknown, as evidenced by the lord of Dadizele's forcible entry into his brother-in-law's home, mentioned above, and the surviving traces of similar incidents, but in the narrative and administrative sources we know of there is no equivalent for the dozens of seigneurial wars in France involving armies of hundreds of men.[97]

Part of the reason for that difference was probably the substantial degree of control that the large and middle-sized Flemish towns exercised over their hinterlands, which we discussed in full in Chapters 2 and 3. The only episode we know of that might be described as a seigneurial war dates from the mid-fourteenth century and, not coincidentally, it was suppressed by municipal means. The cause of the conflict was the lord of Spiere's mistreatment of a messenger sent by the aldermen of Kortrijk. The city responded to that insult by sending its militia to burn down his castle. The lords of Spiere (Kortrijk) and Halluin (Walloon Flanders) then set about terrorizing the countryside with an armed company. But before long they were captured and on Christmas Eve 1351 they were beheaded in Kortrijk's marketplace.[98] Towns had little patience with seigneurial violence; they also had the means to quash it.

Another explanation for the virtual non-existence of seigneurial war is the significant difference in the seigneurial landscapes of Flanders and France. As shown in Chapter 1, in Flanders the seigneuries with higher justice resembled islands in a countryside that was otherwise administered by the comital castellany. Even in the eastern parts of the county, where seigneuries were most numerous, their borders did not necessarily touch. In France, on the other hand, seigneuries mantled the land, their borders constantly rubbing against each other and overlapping.

[96] For the Holy Roman Empire, see Kaminsky, 'The Noble Feud' and for France, see Carroll, *Blood and Violence*, in addition to the studies by Justine Firnhaber-Baker already cited.

[97] The recent study of this phenomenon is discussed in the introduction to this chapter. Several other examples of elitist conflicts that do not necessarily have a seigneurial cachet in Dumolyn, *De Raad van Vlaanderen*, 96–7. The repression of elite violence already dates back to the twelfth and thirteenth centuries due to the formation of strong comital justice, according to Ganshof, 'L'organisation judiciaire dans le comté de Flandre', 49, 57 and Heirbaut, *Over heren, vazallen en graven*, 207.

[98] A discussion in Buylaert, *Eeuwen van ambitie*, 252.

In regions like Languedoc and the Auvergne, where royal power was often distant and many seigneuries had high justice, those frictions easily flared into fully-fledged seigneurial wars. In Flanders most contretemps of that kind took the form of jurisdictional disputes with neighbouring towns or with the bailiffs and aldermen of the surrounding castellanies. Since both the towns and the castellanies were under the guardianship of the count, lords would doubtless have thought twice before opting for violence rather than a trial before the Council of Flanders.[99]

Apart from the rarity of conflicts between seigneuries, we can also point to another reason why, in Graph 7, the number of seigneuries involved is always somewhat lower than the number of judicial processes: some seigneuries were embroiled in more than one case. For example, the 177 legal actions attested in 1500 involved 140 seigneuries, of which 93 were implicated in one action only (66 per cent). The other 47 seigneuries were divided as shown in Table 6.

These figures warrant some caution. Because claims that were lodged sometimes elicited counterclaims from the defendant, a single conflict could give rise to several suits. Bearing that caveat in mind, the figures do show that seigneuries came into contact with the Council of Flanders fairly regularly. In fact the most important seigneuries were in a constant state of litigation, with the seigneurial bailiff and aldermen no doubt buckling under ever-growing piles of paperwork for each pending case. For example, the unusually large seigneurie of Nevele, which encompassed several parishes in the Oudburg of Ghent and the castellany of Kortrijk, was involved in five actions in 1450, eight in 1500, and one in 1550. The aldermen of Erpe (Aalst), a more typical seigneurie with high justice over a single village, were involved in one action in both 1450 and 1550, but none in 1500. The smaller seigneuries with low justice make only intermittent appearances. The larger the seigneurie and the more rights it had, the greater the likelihood of disputes arising that were partly reflected in processes before the Council of Flanders.

Table 6 Forty-seven seigneuries involved in more than one legal process in the reference year 1500 (44 per cent of all seigneuries)

2 processes	27 (19%)	4 processes	5 (3%)	7 processes	1 (0.7%)
3 processes	11 (8%)	5 processes	2 (1%)	8 processes	1 (0.7%)

Sources and methodology: see key to Graph 7.

[99] Another factor that may have contributed to the prevention of violent conflicts is that the Council of Flanders was strongly committed to *complainte int cas van Nieuwichede*, a temporary arrangement in case of property disputes, according to which the property was restored to the plaintiff if dispossession had taken place while the question of true ownership was only dealt with later (Dumolyn, *De Raad van Vlaanderen*, 97). The equivalent legal formula of 'novel disseisin' in English common law would be an important factor in why England had less lordly violence than France, for example (see the comparative consideration in Firnhaber-Baker, 'Seigneurial Violence in Medieval Europe', esp. 263).

This observation is particularly important because it demonstrates a strong and increasing integration of the seigneuries in the principality. The definition of the seigneurie with higher justice as an independent judicial enclave made it tempting for both contemporaries and historians to represent such seigneuries as miniature kingdoms or states-within-a-state, but by the late fourteenth century this image is only partly accurate as it pertains to the county of Flanders. We have already noted how the lord of Dadizele manifestly saw his own seigneurie with middle justice as a part of the principality, and the frequent contacts between such seigneuries and the county's highest court show that this idea had a firm basis in legal practice. Figures for the number of seigneuries involved in legal actions in 1450 and 1500 (181 and 140 respectively) show that the Council came into contact with some 100 to 200 different seigneuries per year, suggesting that there were no fewer than 5,000 to 10,000 such interactions per fifty-year period. In 1550, the Council dealt with cases involving some 400 or 500 seigneuries, suggesting 16,000 to 20,000 contacts per fifty years. Given that the county contained roughly 800 seigneuries with higher justice and 2,000 to 3,000 or so seigneuries with low justice, practically every seigneurie with high or middle justice must have come into contact with the Council of Flanders on a fairly frequent basis. The psychological distance between the principality's centre and periphery was rather small.

That the Council of Flanders and the judicial circuit of the seigneuries became increasingly enmeshed is not to say that the seigneuries' rights were undermined by the progressive centralization of the judiciary, as becomes clear when we focus more closely on the nature of the legal actions in which the seigneuries were involved.

In themselves, most of those cases were actually attacks on the seigneurie. The survey of the cases dealt with in 1450, 1500, and 1550 shows that lords, seigneurial aldermen, and bailiffs appear as defendants rather than plaintiffs (Table 7).

As a rule, the seigneurie was the plaintiff in a fifth to a quarter of cases, a proportion that may have risen slightly in the first half of the sixteenth century. The brief notes from the *acten en sententiën* show that these were usually cases in

Table 7 The role of the seigneurie in cases that came before the Council of Flanders

Reference year	Plaintiff	Defendant	Unclear and other	Total
1450	41 (22.8%)	131 (72.8%)	8 (4.4%)	180 (100%)
1500	53 (23.5%)	163 (72.4%)	9 (4%)	225 (100%)
1550	45 (27.3%)	116 (70.3%)	4 (2.4%)	165 (100%)

Sources and methodology: because only the relative ratio between plaintiffs and defendants is important, this table does not work with extrapolations for 1450 and 1550, but with the available data from the *acten en sententiën* for January–August 1450 and May–August 1550. These are the numbers used for the extrapolations in Graph 7. The data series for 1500 is complete. 'Unclear and other' contains both cases in which the role of the parties involved is unclear, and a number of rare conflicts *within* the seigneurie's own administration, for instance because a lord proceeded against his own aldermen. Several examples of such internal conflicts are discussed in Chapter 2.

which a lord defended his rights against violations of authority, real or alleged, by the comital bailiffs, neighbouring towns, or castellany administrations. In 1500, for instance, St Peter's Abbey in Ghent, in its capacity as lord of Evergem and Sleidinge (Oudburg of Ghent), lodged a complaint with the Council of Flanders against the sovereign bailiff of Flanders for arresting one of their subjects on suspicion of a crime. The abbot and his bailiff 'demanded that they alone would sit in judgement, given that the crime had occurred within the boundaries of their seigneurie, over which they had all rights of justice' (*versochten de kennesse, judicature ende berecht sustenerende anghesien dat tdelict up huerer voorseide heerlichiede, daer zij alle justicie vermoghen, ghesciet was*).[100] In other cases, the seigneurie's administration took one of the lord's subjects to court to enforce compliance with seigneurial rights.

To determine how the Council of Flanders reacted to seigneuries that tried to affirm their rights we must turn to the sentencing in 1450–2, 1500–2, and 1550–2. Here, too, we need to be wary, for we cannot rule out the possibility that the few cases which proceeded all the way to a verdict were atypical of the far greater number that the Council heard, but which were resolved early on. Fifty of the 174 verdicts reached in those nine years related to cases in which the seigneurie appeared as the plaintiff (29 per cent), which is slightly higher than the percentage of all pending cases from 1450, 1500, and 1550 in which the seigneurie is listed as plaintiff (see Table 8). Nevertheless, those fifty verdicts probably give a rough impression of whether the judges of the Council of Flanders were sympathetic or hostile to the seigneurie as an institution.

Lords who sought support from the Council of Flanders stood a good chance of getting it. They seldom lost such cases. The more likely outcome was that they won their suit or, in a small number of cases, that the judges imposed a specific settlement, though whether it was in the plaintiff's favour or not is something we can no longer determine. Comparing the three reference periods exposes no

Table 8 Sentences passed by the Council of Flanders where the seigneurie was the plaintiff

Reference periods	Number of judgements	Win	Loss	Specific regulation
1450–2	7	4	1	2
1500–2	13	9	2	2
1550–2	30 (100%)	17 (56%)	9 (30%)	4 (13%)

Sources and methodology: see key to Graph 7. For the total number of judgements for each of the three reference periods, see Table 9. This table does not give percentages when n ≤ 30.

[100] State Archives in Ghent, Raad van Vlaanderen, no. 2436, fol. 275r.

obvious trend: more lords won their cases around 1500 than around 1550, but the size of the sample is too small for certainty. The trends in the more numerous judgements involving seigneuries as defendants, which will be discussed shortly, make it unlikely that the success rates of lords as plaintiffs decreased with the passage of time. In any case, in 1550–2 fewer than a third of the seigneuries that appeared as plaintiffs lost their case.

That the judges were not dismissive of a lord's rights and took them seriously is an observation that also holds water when we focus on legal actions taken by seigneuries against princely institutions in the aggregate of all fifty judgements in 1450–2, 1500–2, and 1550–2. Some historians have argued that, acting on the count's orders, the castellany bailiff sought to undermine the seigneuries, but that was certainly not the case, at least not after 1400: the lords won six of the eight cases brought against bailiffs or castellanies, a ratio reflected in the seven actions against towns or the eight actions against other seigneuries. The Council of Flanders also sided with the lord in one case in which the lord of Op- en Nederhasselt appeared as plaintiff against the procurator-general of the Council of Flanders as the representative of the count himself.[101] Finally, it should be noted that the Council of Flanders was not especially eager to take cases into its own hands, as presumably they would have been had the Council wanted to centralize the administration of justice at the seigneuries' expense. After all, the majority of judgements related to cases in which a seigneurie demanded a so-called *renvoi* against private individuals who wanted to bring a particular case before a court other than the seigneurie's—often the Council of Flanders itself. If successful, such a request for *renvoi* ensured that the case would be returned to the seigneurial aldermen for judgement. That request was rejected in only six of the twenty cases.[102] Therefore the lords of the county could reasonably expect their well-founded demands to be respected by the highest court in the county.

But in seven out of ten cases it was the lord himself who was in the dock. These cases also fall into two groups, in which the lord and his officials crossed swords either with outsiders or with subjects of the seigneurie. Some processes mirrored the conflicts of jurisdiction that lords brought against other institutions, with bailiffs, towns, and castellanies bringing charges against lords. In other cases, private individuals litigated against the seigneurie in which they lived, generally contesting a verdict of the aldermen. In case of a successful appeal against a

[101] This observation refutes Jos Monballyu's central thesis that towns generally had the upper hand in a case because the Council of Flanders pursued the strengthening of urban justice in the castellanies (Monballyu, 'Het gerecht in de kasselrij Kortrijk', 594–5, 731–2).

[102] This conclusion confirms an earlier suggestion that the Council mainly assumed a subsidiary role for itself vis-à-vis the lower courts and therefore used its right of evocation sparingly (Monballyu, 'De gerechtelijke bevoegdheid van de Raad van Vlaanderen', 18–21, 597–8, 600 and Dumolyn, *De Raad van Vlaanderen*, 102). The other six adversaries in this cluster of fifty verdicts are a mixed bunch. They include St Peter's Abbey in Ghent, the Harelbeke Spijker, the priests and church wardens of Zinnebeke and Assenede-ambacht, and a hospital in Haarlem. The case of the lord of Op- en Nederhasselt is discussed later in this chapter.

Table 9 Verdicts by the Council of Flanders and the proportion of appeals against seigneurial judgements

Reference periods	Number of verdicts	Number of verdicts given in appeal cases	Number of verdicts ratified on appeal
1450–2	16	8	5
1500–2	55 (100%)	32 (58%)	14 (44%)
1550–2	103 (100%)	53 (51%)	12 (22%)

Sources and methodology: see key to Graph 7. The table does not give percentages when n ≤ 30.

verdict arrived at by the seigneurial bench, not only was the verdict overturned, but the aldermen might also be fined by the count for a miscarriage of justice or abuse of power. For instance, the Council of Flanders summoned the aldermen of the seigneurie of Ter Heye (Ypres) to pay a fine of sixty pounds *parisis* to the count when it upheld the appeal against their judgement in the case of a failed land sale.[103] Handling appeals against seigneurial verdicts probably constituted the bulk of the cases. The exact relationship between the different types of cases cannot be determined with certainty because, as mentioned earlier, the *acten en sententiën* rarely state the nature of the case, but if we once again proceed from the untestable assumption that the few cases that resulted in a verdict were not entirely atypical of all the actions brought, appeals against verdicts of the seigneurial bench of aldermen accounted for around half of all cases (Table 9).

It is clear from the rise in the number of appeals from eight in 1450–2 to fifty-three in 1550–2 that Flemish country-dwellers increasingly saw the seigneurie as part of the legal framework of the principality, rather than as a completely autonomous system. This observation also confirms that in principle the disputes brought before the Council of Flanders gave the judges opportunities to undermine the legal claims of the lords by systematically supporting villagers in their resistance to a seigneurie's authority.

In practice, little hints at the undermining of seigneurial justice; quite the contrary. These samples compiled for 1450, 1500, and 1550 also show that most verdicts delivered by seigneuries with higher justice were simply accepted by the parties involved. If we assume that half of all court cases involved appeals against a seigneurial verdict, then clearly, in the fifteenth century, a maximum of 150 verdicts per year were challenged before the Council of Flanders, a figure that would rise to around 300 on the eve of the Dutch Revolt (see Graph 7 for the number of court cases). That was only a fraction of all the verdicts that were handed down each year in the thousands of Flemish seigneuries. The few fifteenth- and sixteenth-century seigneurial registers of verdicts do not readily lend themselves to quantification, but estimates are available for the seventeenth and eighteenth

[103] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7515, fols 431r–433r.

centuries. The aldermen of Ardooie, a seigneurie with low justice on the border between the Liberty of Bruges and Ypres, handled 38 cases in the period 1698–1702, while the aldermen of Avelgem (Oudenaarde), a seigneurie with high justice, decided 266 cases in 1677–80.[104] Thus the appeal hearings that came before the Council of Flanders related to only a very small segment of the cases dealt with by seigneurial courts.

Care must be taken, however, because an appeal against a seigneurial judgement could also be lodged with the court of the castellany in which the seigneurie was situated, which is a step in the legal hierarchy that is not so well documented. In other cases, an appeal first had to be presented to the feudal court. Judgements against seigneuries that were held from the feudal court of Kassel, for instance, had to be submitted to that feudal court before a further appeal could be lodged with the Council.[105] At the same time, we can assume that this gap in the records does not fundamentally alter the picture, because the verdicts given by the Council of Flanders in appeal cases only rarely mention a previous appeal at a feudal or castellany court. The only reference we are aware of is a judgement passed by the Council of Flanders in June 1550 in response to a complaint made by a certain Pieter Baers, 'lord of Ruddervoorde' against the Liberty of Bruges. The magistracy of that castellany, in which Ruddervoorde was situated, had ruled on a local property dispute after the aldermen of Ruddervoorde had declared themselves not competent in the matter. Pieter objected to this, but the Council upheld the verdict of the Liberty of Bruges.[106] In this case it was probably no coincidence that the plaintiff was a lord with only low justice and therefore had to leave anything that touched on middle and high justice to the castellany administration anyway. Most likely an appeal against a verdict delivered by the court of a seigneurie with middle or high justice went directly before the Council of Flanders.

The experience of the higher Flemish lords was probably not dissimilar to that of Guillaume, *seigneur de Murol* (d. 1440), who ruled a large seigneurie in the Auvergne for sixty years and in all that time was only twice confronted with an appeal process before a French royal court. A century later the situation had not fundamentally changed: around 1550 only four of the 370 judgements pronounced on behalf of Guillaume's successor were challenged.[107] Although every lord or lady of any consequence in the county could expect that sooner or later a

[104] See Vervaeke, 'Met recht en rede(n)', 148–54, 168 and Martyn, 'Boerenschepenen en geleerd recht', 398–400.

[105] Monballyu, 'De ontwikkeling van het hoger beroep', 260–1. See also Vervaeke, 'Met recht en rede(n)', 26–8.

[106] State Archives in Ghent, Fonds Raad van Vlaanderen, no. 7533, fol. 168r. The verdict originally mentioned the 'heere van Ruddervoorde', but this has been struck through and amended, which suggests that Pieter was the lord of one of the four seigneuries in this parish.

[107] Charbonnier, *Un petit seigneur auvergnat*, 274–5, 411–13, 423; Charbonnier, *Une autre France*, 604, 607–8, 623–4, 1139–40. The author also gives estimates for neighbouring Rocheromaine (2 appeals out of 65 judgements) and Aurière (5 appeals out of 151 judgements). See also Schneider, *The King's Bench*, 144–7, who points out that for Normandy around 1700 appeals against seigneurial verdicts accounted for less than 7 per cent of the workload of the Parlement of Rouen.

judgement would have to be defended before the Council of Flanders, the operation of seigneurial justice was not routinely disrupted by appeals, an observation that agrees well with the proposition put forward in Chapter 2 that seigneuries were primarily vehicles for protecting the interests of landed villagers. Precisely those villagers with the wherewithal for the costly appeal process must generally have been satisfied with the seigneurial justice.[108]

That this trickle of appeals did not become a flood as time went on is probably because the Council of Flanders increasingly tended to uphold disputed seigneurial verdicts. Of the eight judgements rendered by the Council of Flanders in appeals against seigneurial verdicts in 1450, 1451, and 1452, five in total would find for the plaintiff. Once again we need to exercise some caution here as we are dealing with only a small number of cases, but the outcomes suggest that at that time dissatisfied villagers had a reasonable chance of winning their case before the Council of Flanders. Fifty years later, not much had changed, though the advantage was leaning a little more towards the seigneurie. Of the thirty-two judgements relating to an appeal against a seigneurial alderman's bench in 1500, 1501, and 1502, slightly fewer than half would uphold the appeal. By the mid-sixteenth century, however, a villager had little chance of successfully challenging the verdict of the seigneurial aldermen. Of the fifty-three verdicts on appeal we recorded for 1500, 1501, and 1502, only twelve were revoked (22 per cent). While initially plaintiff and defendant still had an equal chance of an upturned verdict, by the eve of the Dutch Revolt, the lord and his aldermen could be fairly confident that the Council of Flanders would uphold the judgement.

To a certain extent, this striking development might have been the result of procedural changes and of whatever improvements in the quality of seigneurial justice may have arisen from those changes. Whatever the case, there was a growing tendency for local courts to anticipate a potential appeal to the Council of Flanders. This is apparent from the increasing custom in those courts for verdicts to be recorded in writing as well as being pronounced orally, as had initially been the practice. The motive for this was not so much that those verdicts would be precisely formulated and therefore less open to challenge, but rather that written documents bearing on a case could be used to mitigate the influence of the Council of Flanders on the local judicial process. As from 1495 an increasing number of towns, castellanies, and probably seigneuries as well would apply for a special princely privilege which effectively meant that thenceforth the Council of Flanders could only handle appeals against judgements by those bodies that were recorded in writing at the time of the original court case (the so-called *processen par escript*), rather than hearing the entire case from the beginning again, with a new

[108] This has been empirically substantiated for a later period: see the social analysis of litigants in Ardooie (Liberty of Bruges) in the eighteenth century, where middling groups (including peasants with ten or more hectares of land) and elites were strongly over-represented in a parish in which most peasants owned less than ten hectares of land (Vervaeke, 'Met recht en rede(n)', 172–3, 185–8, 229–30).

forensic investigation, for instance.[109] Presumably seigneuries were not behindhand in this strategic game since for a number of them it is precisely from the sixteenth century that we find verdicts recorded in extant registers and rolls.[110] If the judges' hands were tied in this way they may have found it more difficult to test claims of miscarriages of justice, which would explain the fall in the number of successful appeals. Then again, this explanation is not enough in and of itself, for right up until the Dutch Revolt the Council dealt mainly with appeals against seigneurial verdicts that did not fall under the *par escript* regulation.[111]

A simpler and more probable explanation for the diminishing likelihood of overturning a seigneurial verdict might be that the justice administered by the Council of Flanders reflected the Council's changing composition: between 1450 and 1550 its members increasingly tended to be born into the nobility or to have attained that status for themselves. Under the consecutive rules of Philip the Good and Charles the Bold (1419–77) some 30 per cent of the senior officials of the Council of Flanders belonged to the nobility, so were probably lords themselves or at least part of the seigneurial milieu.[112] Under Charles V, that percentage was much higher: our analysis of the group of sixty-one individuals who, between 1515 and 1555, provided the Council's senior officials—the presidents, the judges, the advocates-fiscal, the procurators-general, the clerks, and the receivers of writs—shows that at least thirty-six of them belonged to the Flemish seigneurial milieu, either because they were lords themselves (sixteen individuals) or because their social networks included lords or ladies to whom they were related through kinship or marriage (59 per cent).[113] Judges and the verdicts they deliver are not immune to their social context, so that the growing grip of seigneurial elites on the princely cadres of officials probably translated into a greater rapport with the seigneurie, the more so because the judges had greater respect for the county's customary laws than did the count himself.

6. Criminal Justice and Princely Pardon

That greater respect shown by the seigneuries for Flemish customs is also apparent when we examine whether or not the Council of Flanders adhered to

[109] Monballyu, 'De ontwikkeling van het hoger beroep', 254–9.

[110] For a discussion, see Chapter 2, Section 5.

[111] An examination of the very few surviving case files (they were usually requested by the litigants following the end of the case) suggests that in seigneuries trials *par escript* were still very unusual. Until the outbreak of the Dutch Revolt, the surviving cases with seigneuries can be divided up as follows: nineteen cases in first instance, five fiscal cases, one case *par escript* (a court case from 1554 to 1555), and twenty-six cases on appeal (Buntinx, *Inventaris van het Archief van de Raad van Vlaanderen*, see no. 23742 for that single case).

[112] Dumolyn, *Staatsvorming en vorstelijke ambtenaren*, 152 (table V).

[113] The analysis is based on the prosopographic appendix in Van Peteghem, *De Raad van Vlaanderen*, 227–416.

the aforementioned *confessus non appellat* precept that prevented appeals against criminal sentences. From an international perspective, Flanders was exceptional in that no appeal against criminal sentences was possible with higher-ranking courts, but the Council of Flanders did maintain that rule for seigneuries. In the sentences passed in 1450–2, 1500–2, and 1550–2—almost a decade in total—we find few if any examples of cases that break that rule.

This is not to say that the Council of Flanders never intervened in cases where violence or false imprisonment were involved. Civil procedures often included elements of coercion. As can be seen from the examples cited above, most verdicts that were appealed before the Council were related to financial disputes—arguments about back rent, defaulted sureties, transactions and loans, discussions about land boundaries, and so on—and some of these cases came with confiscations, imprisonment, and so on. A quick glance at those cases shows that the Council of Flanders did not stray beyond its customary legal competences. The first case relates to Margriete Scupens, alias Kindekins, who appealed against the magistracy of the Land van Gavere (Aalst). It was rumoured that Margriete had 'behaved badly against her husband and had plotted to bring him from life to death' (*qualic gheleeft zoude hebben jeghen haeren man ende haer ghepuut hem te doen bringhene van live ter doot*); consequently the Geraardsbergen town council interrogated her 'under torture with the bank and with water and ropes' (*gheexamineert ten banc met watre ende coorden*). She was eventually released, but in the meantime the Gavere aldermen had confiscated her goods within the seigneurie. It was this that Margriete now contested before the Council of Flanders, successfully as it transpired. Although deep suspicions remained, the aim was not to challenge a criminal verdict, but a seizure of property.[114] Something similar occurred in a case from 1552. In 1546 the bailiff of Oosthove in Wervik (Kortrijk) had jailed a certain Gillis van Westackere until he acknowledged arrears of interest payments, yet the appeal was not about Gillis's deprivation of liberty, but whether or not he had to pay off that debt.[115] The bailiff of the seigneurie of Eke (Oudburg of Ghent) also imprisoned a certain individual in order to make him comply with a seigneurial sentence relating to a boundary conflict: from his place of incarceration the man in question then tried, albeit in vain, to obtain his release through the Council of Flanders.[116] In addition to the use of detention in civil law cases, the Council of Flanders was sometimes required to rule on sentences imposed. For example, in the otherwise unidentifiable 'seigneurie of Hughene', Joos Cacke, a self-proclaimed 'poor, simple, meek country fellow of good family' (*scamel, simpel paisivelick lantman es van goeder familie wesende*) had outraged the seigneurial aldermen by snapping at one of them that 'he was not worthy to sit on the bench of justice…' (*dat hij niet weerdich en was te zittene in de*

[114] State Archives in Ghent, Raad van Vlaanderen, no. 7515, fols 145r–147r.
[115] State Archives in Ghent, Raad van Vlaanderen, no. 7534, fols 374v–376r.
[116] State Archives in Ghent, Raad van Vlaanderen, no. 7535, fols 289v–290v.

banck van justicie…). Joos appealed his sentence, but in the summer of 1550 the Council ruled that the arrest, imprisonment, public apology, and penitential pilgrimage should be upheld.[117] That in this case the Council ruled on imprisonment and a penitential pilgrimage did not amount to a breach of *confessus non appellat* as sentences of this kind were usually imposed through civil proceedings, criminal trials being reserved for the particularly serious crimes that carried the death penalty. We can surmise that a similar chain of events occurred in a fascinating process from Leeuwergem (Aalst), which also shows that inhabitants from allodial seigneuries with high justice likewise found their way to the Council. Two men had become embroiled in a violent argument about which of them should be keeper of the lord's hounds—apparently a great honour: it ended with one of them stabbing the other. Both men survived and we can assume that the seigneurial bench eventually dealt with the matter as a civil case. This gave one of the men the opportunity to go to the Council of Flanders and demand that his sentence should be dismissed and that his adversary should undergo a ritual humiliation in both the Council's chapel in the Gravensteen and the Leeuwergem parish church. The Council ruled in the plaintiff's favour, but limited their verdict to an opinion on the compensation arrangements and the associated property claims, so that the seigneurie's criminal powers were not in debate.[118]

In the only instance we know of in which the Council of Flanders dealt directly with what was probably a criminal case, special circumstances were involved. The plaintiff was the procurator-general representing the count, and he was appearing against the aldermen of a seigneurie, which, not coincidentally, was Hondschote (Sint-Winoksbergen). At the annual kermis on 24 May 1499, a certain Filips Colin had threatened people with a sword. The bailiff arrested him and locked him up in the local jail. But that was not the end of it. Having been conditionally released, Filips, his son, and 'other companions well armed with pikes, halberds, javelins and other stick-weapons' (*met andren ghesellen wel ghewapent ende voorsien van pijcken, haelbaerden, javelinen ende andren stocken*) started a riot in which several folk were injured and the bailiff's authority challenged with the cry of 'Kill the bailiff and all those who aid him in his attempts to capture us!' (*Slaet den bailliu doot ende alle die hem volghen om ons te vanghene!*). The bailiff was wounded in the leg, and it was only after a body of 200 or 300 people had rallied to his aid that he managed to clap the malefactors in irons and present them to the Hondschote court (*int hof tHondscote*). When Filips and his followers were refused bail they lodged an appeal, and thus the whole case ended up before the Council of Flanders, where as plaintiff the procurator-general evidently decided to bring a case against the Hondschote aldermen. In their defence the aldermen argued that some time ago their seigneurie had received extensive privileges

[117] State Archives in Ghent, Raad van Vlaanderen, no. 7533, fol. 156r.
[118] State Archives in Ghent, Raad van Vlaanderen, no. 7515, fols 476v–478v.

from the count of Flanders and therefore the bailiff's actions were legally valid. Nonetheless, the Council ruled against the aldermen, probably because of the very privileges they referred to. In 1430 the then lord of Hondschote, Jan van Hoorn, had exploited Philip the Good's need for money by purchasing from him high justice over his seigneurie for no less than 8,000 pounds *parisis*. As in the case of Middelburg-in-Vlaanderen, that alienation from the comital demesne had incurred the wrath of the Chamber of Accounts at Lille and it can be conjectured that the Council of Flanders used its verdict to make the point that in their view Hondschote was a fief with low and middle justice, while high justice was still a comital prerogative.[119]

This is not to say that the Council's judges sought to completely undermine the seigneurie of Hondschote: they handed down a second verdict which punished Filips Colin in a way that underlined both comital and seigneurial dignity. Not only did Colin have to pay the count a huge fine, he also had to appear bare-headed in both the Council's chapel and the Hondschote church and beg forgiveness. Finally, he was to commission a stained-glass window depicting the arms of the count of Flanders and the lord of Hondschote: it was to cost eight Flemish pounds—ninety-six pounds *parisis*—and to be installed in the parish church (*een glaesvenstre verwapent metter wapenen ons gheduchts heeren ende vander heere van Hondschote van der weerde van VIII lb.gr.*), together with a placard describing his misdeeds.[120] While the judges were probably happy to exploit any loophole that might let them deprive Hondschote of high justice, they nonetheless showed respect for the extent to which public order in Hondschote was the shared concern of count and lord.

Another reason why the Council of Flanders might have wanted to put the Hondschote aldermen in their place in the Filips Colin case is because Colin had made death threats against the bailiff. Building on the prerogatives of the comital court from earlier centuries, the Council claimed the exclusive right to deal with specific cases that were important for keeping the comital peace, such as high treason, blasphemy, counterfeiting, the unauthorized construction of fortifications, and attacks on comital officials.[121] Seigneurial officials were also included in the latter category, the more so as seigneurial benches of aldermen could not handle cases in which their own bailiff was involved. Seigneurial bailiffs who exceeded their powers were therefore brought before the Council, as happened, for example, in the cases of two bailiffs from Deerlijk (Kortrijk) who were charged

[119] Discussed in Braekevelt (ed.), *Pieter Bladelin*, LXV–LXIX; LXVIII (n. 242). For the verdict against the aldermen, see State Archives in Ghent, Raad van Vlaanderen, no. 7515, fols 373r–374v (24 March 1502).

[120] State Archives in Ghent, Raad van Vlaanderen, no. 7515, fols 377v–378r (23 March 1502).

[121] Monballyu, 'De gerechtelijke bevoegdheid van de Raad van Vlaanderen', 6-18, 25–6; and Dumolyn, *De Raad van Vlaanderen*, 93, 96–7. This built on a doctrine dating back to at least the twelfth century (Ganshof, 'Les transformations de l'organisation judiciaire', 47).

with extortion (1571) and heresy and fencing stolen goods (1581).[122] Conversely, when circumstances warranted it, seigneurial bailiffs came under the count's protection. For example, the procurator-general of the Council of Flanders took part in a trial in which the bailiff of Zulzeke-Kwaremont (Aalst) sought—and obtained—the punishment of a person who had 'permanently mutilated' (*eeuwelic verminct*) him.[123] Fifty years later, the procurator-general was also involved in a case brought against the nobleman Vigoreux Cortewille, who, ironically, had sparked off an incident when he and other notables met in a tavern 'to carry out the law and administer justice' (*omme recht te doene ende justitie tadministrerene*) for the seigneurie of Terdegem (Kassel). During a meal at which evidently a great deal was drunk, Vigoreux reached for his sword to avenge an alleged insult by a dinner companion. When the bailiff, Jan Waels,

> …became aware [of that], he had taken his rod of justice, which was close at hand, and imposed his will on the aforesaid Vigoreux by saying: 'I take you prisoner'. And he, Vigoreux, who was displeased by this, had responded to the plaintiff, who was holding him by his shoulder, by biting his fingers so hard that blood flowed and by saying 'You old thief, murderer, brigand! Take me captive, would you?'; and not being content with that and keeping the fingers of the plaintiff between his teeth, he had inflicted wounds on the plaintiff, who was left with huge blue bruises…[124]

Cortewille was eventually overpowered, but not before he had broken the bailiff's rod. The judges of the Council of Flanders sentenced him to pay a double fine: ten carolus guilders for the bailiff and thirty for the emperor, the difference in value making it clear that the violation of the count's peace outweighed the bailiff's bruising. Lords such as Jan, lord of Dadizele, regarded their seigneurie as part of the principality and by analogous reasoning the princely judges were particularly heedful in cases of violence against seigneurial officials.

In summary, the Council of Flanders seems to have respected and supported the criminal powers of seigneuries with higher justice yet made its supervision felt through its special scrutiny of violence against bailiffs or contested seigneurial

[122] Discussed in Monballyu, 'Het gerecht in de kasselrij Kortrijk', 563, 576–7.

[123] State Archives in Ghent, Raad van Vlaanderen, no. 7515, fols 392v–393v. For a similar case from Herzele (Aalst), see Van der Hoeven, 'De heerlijkheid Herzele', 164.

[124] '…ghewaere werdende hadde zijne roede van justicie die aldaer stont ghenomen ende gheanveert ende den voornoemden Vigoreulx zijn ghenoughen ghemaect zegghende: "Ick maecke u mijn ghevangenen man." Ende hij, Vigoreulx, daermede niet te vreden zijnde, hadde den zelven heesscher, die hem over zijn scauderen handvast houdende was, in zijne vingheren fortselick ghebeten datter tbloet naer volchde, zegghende: "Ghij ouden dief, moordenaer, roovere, zoude ghij mij vanghen?" ende daermee niet te vreeden zijnde, houdende den heeschere by zijn vinghere tusschen zijn tanden hadde hem heeschere ghesteecken met beten jeghens des zelfs heesschers bleven oft schenen hem ghevende groote blauwe slaghen…' State Archives in Ghent, Raad van Vlaanderen, no. 7534, fols 485r–488r.

rights, as in the Hondschote case.[125] In any case, the comital judges generally had the last word in any debate about the specific rights pertaining to a seigneurie. Whenever the level of justice of a particular seigneurie was debated, it was the judges who decided whether it was low, middle, or high, according to the *dénombrements* that were presented.

That well-disposed supervision of Flemish lords finds an unusually strong expression in a verdict pronounced by the Council of Flanders in June 1552 at the end of a trial in which Pieter van Edingen, the lord of Op- en Nederhasselt (Aalst), was pitted against the procurator-general of Flanders, an official of the Council of Flanders specifically charged with defending all the count's interests.[126] The reason for the case was the suicide of Jeanne van Mechelbeke, one of Pieter's subjects. As suicide was both a secular crime and, to Christians, a mortal sin, Pieter planned to display Jeanne's corpse on a gallows. But as he did not have a gallows he needed to erect one, for which—at least during the reign of Charles V—the approval of the Chamber of Accounts at Lille was required. The problem for the Chamber of Accounts, however, was that Op- en Nederhasselt was an allodial seigneurie and therefore Pieter van Edingen was unable to present *dénombrements* ratified by the comital bailiff to certify that he had the right of high justice. The gallows application was therefore passed on to the Council of Flanders for a decision, where the procurator-general opposed it. Pieter could submit some documents from the seigneurial administration, but the procurator-general noted that 'most of the documents handed over by the plaintiff were essentially stories about rights of the plaintiff and that they were not legally binding' (*dat den meesten deel van acten…by hem heesschere overgheleyt alleenlick waren narratyf van rechte by den zelven heesschere ghepretendeert noch eenichsins hebbende cracht van behoorlicken tytele*). Moreover, the day-to-day operation of the seigneurie was ambiguous in that the lord had enlisted the support of comital officials in criminal matters. In 1539, for example, the lord and his aldermen had arrested a certain Jan de Vlaminc and sentenced him to death, but they themselves had transferred him to the prison of the comital bailiff of the Land van Aalst in Erembodegem, for fear that he might break out of their own jail (*uut vreesen dat hy weesende in vanghenesse binnen der heerlichede van Hasselt daeruute hadde mueghen breken*). Not long afterwards, in 1542, the bailiff of Aalst also had a certain Hans Vlaminc—a relative of Jan Vlaminc?—transferred from the seigneurie, after which 'the same Hans was executed with the sword by the aldermen and bailiff of the city of Aalst and at the expense of his Imperial Majesty' (*de zelve Hans*

[125] This may have changed in the seventeenth and eighteenth centuries. In 1658–9, the Council of Flanders heard an appeal from Zomergem, a seigneurie with high justice (discussed in Monballyu, 'De Raad van Vlaanderen, een souvereine justitieraad in strafzaken', 77–8; the same researcher also emphasizes elsewhere that in Flanders appeals in criminal cases continued to be impossible until the end of the *ancien régime*: Monballyu, 'De ontwikkeling van het hoger beroep', 237–8, 265–6).

[126] State Archives in Ghent, Raad van Vlaanderen, no. 7535, fols 72v–74r.

gheexecuteert gheweest metten zweerde by de justicie vander bailliu van Aelst ende de costen betaelt van weghen de Keyserlicke Majesteyt). Based on these statements, the procurator-general argued that even if Pieter van Edingen and his predecessors had once had high justice that right had meanwhile lapsed due to disuse and the erection of a gallows must therefore be refused. The collaboration between the seigneurie of Op- en Nederhasselt and the bailiff of the castellany of Aalst described in this verdict provides a significant counterweight to the much better-documented conflicts of jurisdiction between lords and bailiffs discussed above.[127] More importantly still, however, the verdict itself once again underlines the contention that while seigneuries were closely and critically monitored by the higher comital institutions, they were also respected: the Council of Flanders cut through the entire discussion by interviewing a number of Pieter van Edingen's seigneurial officials, whereupon they determined that his seigneurie did indeed have high justice, and granted him permission to erect that gallows.

In the fifteenth and sixteenth centuries the increasing popularity of letters of pardon also made the authority of the prince and his officials more tangible in Flemish villages. Granting pardons for serious crimes was not some time-honoured act of comital power: Philip the Bold, a Burgundian Valois, was the first count of Flanders to issue pardon letters and in doing so was patterning himself on the kings of France.[128] With the development of a fully-fledged doctrine of sovereignty under Philip the Good, this became an undisputed weapon in the prince's judicial arsenal. We have no exact figures for Flanders, but the trend was probably similar to neighbouring Brabant, where the issue of letters of pardon grew exponentially under Charles V. Before 1515, fewer than twenty letters of pardon were issued annually, but after that the number rose to around sixty or seventy letters of pardon per year.[129] In Flanders, too, the letter of pardon increasingly offered a reprieve for people who had been convicted of serious crimes by a seigneurial bench of aldermen, something which in principle was not the intention.[130] In February 1550, for example, the Council of Flanders took note of a letter of pardon which Charles V as count of Flanders had granted to a certain Jan Taetse for manslaughter or murder. Since the bailiff of Merendree (Oudburg of Ghent), a seigneurie with high justice, was also informed at the time of registration,

[127] This kind of cooperation has also been attested for seigneuries with low justice, which in any case handed over the suspects in crimes that fell under high or middle justice to the castellany bailiff (some examples in Monballyu, 'Het gerecht in de kasselrij Kortrijk', 231–4, who on 266–9 also notes cooperation between the bailiff of Deinze and the seigneurie of Drongen, which had high justice).

[128] Prevenier, 'The Two Faces of Pardon Jurisdiction', 177–96.

[129] Dauven, 'Politique de la grâce et approche quantitative', 79. In any case, the verdict registers of the Council of Flanders contain more registrations of letters of pardon in 1550–2 than in 1500–2 or 1450–2.

[130] A discussion of the legal framework in Monballyu, 'Het gerecht in de kasselrij Kortrijk', 289–92, who argues elsewhere that intervention via the right of pardon was still exceptional even in the sixteenth century (Monballyu, 'De gerechtelijke bevoegdheid van de Raad van Vlaanderen', 4). For another opinion, in which the use of letters of pardon is estimated to be higher, see Dumolyn, *De Raad van Vlaanderen*, 106.

we can assume that this was either the beneficiary's place of residence or the scene of the crime.[131] An appeal against a criminal sentence was and continued to be impossible, but a letter of pardon was an expedient measure on the eve of the Dutch Revolt.

This proliferation of letters of pardon should not necessarily be seen as undermining seigneurial high justice. The pardon expunged the sentence, but unlike a successful appeal to the Council of Flanders, it did not carry the implication that the verdict of the seigneurial bench was invalid or illegal; moreover, the guilty party had to come to an amicable settlement with his victim's family.

Local judges themselves may have seen advantages in a princely intervention that both underscored the perpetrator's guilt yet avoided his execution, as evidenced, for instance, by the tendency of Dadizele's bench of aldermen to punish murder or manslaughter by banishment rather than by hanging.[132] Since at least the promulgation of the Perpetual Edict in 1611 and possibly earlier, seigneurial aldermen were expected to ask the advice of trained jurists when dealing with serious cases. For instance, the Council of Flanders demanded to be consulted in an unusual case in which a seigneurial bailiff had offered an individual accused of manslaughter the chance to compose or buy off prosecution (composition for murder—manslaughter under aggravating circumstances—was strictly forbidden).[133] It should not be assumed, however, that peasant aldermen, who rarely had to deal with serious crime, were reluctant to ask for advice when confronted with the intricacies of a criminal trial. When a man was arrested for threatening to burn the entire village to the ground, the aldermen of Herzele (Aalst) first consulted with the aldermen of the nearby city of Ghent and then with the comital bailiff of the castellany of Aalst before ultimately sentencing him to death.[134] Conversely, other cases suggest that seigneurial courts could move quickly to avoid outside interference when they wanted to. In the case of a murder in Avelgem in 1678, for example, there were only five days between the discovery of the body and the sentencing of the perpetrator to death.[135] In that context it seems likely that the cooperation of the seigneurial aldermen was essential if the accused were to have time to plead for a letter of pardon or invoke the advice of the Council of Flanders or the aldermen of a nearby town. Whatever the case, the observation made in

[131] State Archives in Ghent, Raad van Vlaanderen, no. 7532, fol. 390r–v.

[132] This is discussed at length in Chapter 4. A similar observation was also made for the seigneurie of Kuurne in later centuries (Monballyu, 'Het kollege van baljuw, burgemeester en schepenen', 58).

[133] Van Rompaey, *Het grafelijk baljuwsambt*, 21, 41, 291–2 and Monballyu, *Zes eeuwen strafrecht*, 71–4. The Council of Flanders intervened, for example, in Herzele in the 1440s, when the bailiff intended to drop a charge for manslaughter in return for the suspect handing over to him one of his manors (Van der Hoeven, 'De heerlijkheid Herzele', 95–6).

[134] Van der Hoeven, 'De heerlijkheid Herzele', 80–1, 165.

[135] For this case and scepticism in the application of the rule, see Martyn, 'Hoge justitie in Avelgem', 257. A different tone in Monballyu, 'Het gerecht in de kasselrij Kortrijk', 62–6, who suspects that local courts often asked the Council for advice. Further research is called for.

Chapter 3 that seigneuries with high justice continued to carry out executions in the sixteenth and seventeenth centuries still stands.

Taking everything into account, the most typical experience was not that of a lord who was forced to grit his teeth as bailiffs and judges undermined his seigneurial rights and wrested letters of pardon from the prince, but rather that of seigneurial benches of aldermen who increasingly saw their sentences ratified by the Council of Flanders on the rare occasions when their subjects appealed.

Lords were acutely aware of the potential of such a verdict to back up seigneurial claims to power. By way of illustration, we will highlight the lord of Dadizele's manuscript one last time. Once he had regaled his readers with his memoirs (Ms chapter 11), which we discussed earlier in this chapter, the lord of Dadizele filled the following thirty-one chapters with copies of a whole series of documents illustrating his seigneurial power and successes in princely service. The very first of these recorded a verdict passed by the Council of Flanders in 1437. In that year Jan's father, then lord of Dadizele, had been confronted with a contumacious villager by the name of Jan Pieters. Pieters had refused to take part in the annual *waarheid*—the 'general inquest' or public gathering of subjects that the lord could organize—and on top of that he refused to pay the fine that the bailiff, Daniel van Dadizele, imposed. Having been imprisoned by the bailiff, Jan Pieters then engineered his provisional release by appealing to the Council of Flanders, which made a thorough reassessment of the conflict. Pieters failed to come up with a convincing reason why Dadizele's seigneurial rights should not apply to him and was ordered by the judges to return to prison; moreover, he had to pay not only the original fine, but also an additional financial penalty and all the legal costs.[136] Needless to say, in the eyes of the villagers incidents like this only reinforced the claims to power of the lord and his seigneurial administration, so it is small wonder that the lords of Dadizele set great store by that verdict and repurposed it as a literary monument underscoring their own noble status and seigneurial authority. In 1480 the lord of Dadizele may have brushed his less agreeable experiences with the princely repression of noble violence under the carpet, but the synergy between seigneurial and princely power that Sir Jan so painstakingly stressed in his memoirs was indeed mirrored in the relationships that then prevailed between seigneurial and princely justice.

7. Conclusion

Since the nineteenth century historians have routinely imagined the county of Flanders as a precocious case of state formation, but there is merit to the critique that the persistence of seigneuries hardly corresponds to the long-established

[136] Ms Dadizele, fols 85r–86r.

Weberian paradigm of state formation as a progressive centralization of governance and justice under the rule of a prince. The old unthinking reflex of equating states and state formation with princes and their administrations is clearly untenable. More so than urban administrations, which were, after all, official representatives of the count of Flanders, even if they often prioritized urban interests over those of the count, Flemish seigneuries were ideologically distinct from the prince. Contemporaries did not think that seigneurial lordship had emerged through the usurpation of princely authority, but through the needs of local communities for strong local leaders. As the roughly 800 seigneuries with high or middle justice encapsulated the bulk of local justice in the Flemish countryside, both civil and criminal, the count of Flanders was very far from having a monopoly on legitimate physical force, nor was he even moving in that direction. Contrary to what has often been suggested, the count's leading officials, while certainly beady-eyed guardians of princely interests, did not aim at radical reforms in the judicial landscape by undermining seigneurial justice. Princes and their administrations pursued a measure of control over their principalities by navigating a polycentric political landscape rather than imposing a rigorous centralization.

This is not to say that we concur with recent experiments in jettisoning the state altogether. After all, seigneuries were not miniature kingdoms that impeded the growth of governance at principality level. Rather, contemporaries perceived them as part and parcel of a greater political project that saw massive changes between the thirteenth and sixteenth centuries.

Ideologically speaking, seigneurial power was distinct from princely power, but they were inevitably bound together by their shared allegiance to the ideal of furthering the Common Good in Flemish society. For this reason, the count of Flanders accepted that seigneurial courts could exile individuals not only from the seigneurie, but from the entire county, while noblemen such as Jan van Dadizele had no trouble in mobilizing seigneurial militias clad in the livery of the county rather than that of their lord, to defend Flanders against foreign invasion.

Practically speaking, seigneurial and princely administrations became increasingly fused. Shortly after seigneuries originated in the tenth and eleventh centuries, Flemish lords started to see the advantages of holding their seigneuries in fief from the count—so much so that by the sixteenth century allodial seigneuries had become extremely rare.[137] Moreover, from the early fourteenth century on, the count and his administration established a new tax system, and soon seigneuries were recognized as fiscal units.[138] The castellanies, another cornerstone of comital government, became closely aligned with seigneuries, a development illustrated by the way in which Jan, lord of Dadizele, chose to open his manuscript with a presentation of Dadizele as one of the twelve leading seigneuries of the castellany

[137] See Chapter 1 for a full discussion.

[138] See Chapter 4 for a full discussion.

of Kortrijk. In six castellanies, a number of seats on the castellany bench of aldermen were reserved in one way or another for the lords of the greatest seigneuries.[139] Little wonder then, that lords sometimes relied on castellany aldermen to implement seigneurial custom.[140]

In the late fourteenth century, and possibly earlier, judicial integration followed. Now conflicts of jurisdiction and appeals by local villagers against sentences imposed by the seigneurial court both routinely appeared before the count's most important court of law, first the Audience and later the Council of Flanders. The frequency with which seigneurial administrations came in touch with the Council of Flanders greatly intensified in the first half of the sixteenth century, to the point that important seigneuries were in a near constant state of litigation under the watchful eye of highly trained comital judges. While the officials of the Council of Flanders sometimes expressed concern about the lack of formal training by what they rather disparagingly called peasant-aldermen (*boerenschepenen*), they did, in fact, increasingly endorse the seigneurial courts, which continued to do much if not most of the legal heavy lifting in the Flemish countryside in the form of dispute settlement, registration of land sales, tutelage arrangements, and so on. Like the noble lords to whom they were increasingly affiliated, the count's leading officials perceived seigneurial lordship as a legitimate institution and they acted on this and other substantive legal principles rather than blindly pursuing the centralization of the judicial landscape.

Somewhat paradoxically, the persistent decentralization of law and governance owed much to the increasingly successful experiments with fiscal and military centralization that have been mapped by Charles Tilly and others since the 1980s. From the thirteenth century onwards, rulers in Western Europe garnered support among elites for fiscal and bureaucratic innovations that allowed them to field increasingly large armies with increasingly effective but expensive equipment. Nobles demanded that in return for their support the prince shared with them control over the court, the expanding administration, the army, and so on. Little wonder, then, that princely administrations were increasingly recruited from noble milieus and acted in ways that respected elite interests. The case of Flanders shows that the seigneurie, as a source of nobility, also profited from this effect. Increasingly often, lordship was a matter not only of the might that derived from a seigneurie, but also how that might could be combined with the power that more and more lords and their kinsmen wielded as princely officials.

In turn, the considerable stability of comital government in the Flemish countryside clearly owed much to the routine involvement of large segments of the

[139] The evidence for the Ghent Oudburg, Ieper, Kortrijk, Kassel, Oudenaarde, and Veurne-ambacht is discussed in Maddens, *De beden in het graafschap Vlaanderen*, 97–100. For Kortrijk, see De Rock, *Het bestuur van de kasselrij Kortrijk*, appendix 3 (an overview of the men staffing the administration, many of whom were lords).

[140] This was the case in the castellany of Ypres (see Gilliodts-Van Severen (ed.), *Coutume de la salle et chatellenie d'Ypres*, 24–39).

landed classes in the consumption of justice. In Flanders we thus see a prefiguration of the situation outlined by Zoë Schneider for *ancien régime* France, where the judges of both royal and seigneurial courts constituted:

> …the front line of the French state. They kept the king's peace in thousands of parishes, on that vital border where the public commonwealth met the private realm of families. Yet from their court benches, these same magistrates and officers confidently controlled the law in ways which often expressed a startling independence from royal aims.… Here was a judicial world where custom and equity, not the king's law, dominated the law courts…[141]

While the seigneurie remained ideologically separate from the princely administration, the peasants who dispensed justice must have found it increasingly easy to think of themselves as occupying the lowest rung of the ladder of institutions responsible for government and justice.

Considered together, the seigneurial and princely instruments of government can be regarded as a state, albeit according to a different definition than the one derived from Max Weber. Archaeologists and anthropologists have a long-standing tradition of attributing statehood to all systemically stable arrangements of society as a political project, a definition that historians are also familiar with in one form or another.[142] While some refer to polycentric states, others would rather speak of polities to avoid the teleological baggage of the Weberian tradition.[143] Whatever their preference, historians must take note of the progressive integration of various institutions—some princely, some urban, some seigneurial—into an increasingly cohesive and ambitious concept of government in the Burgundian-Habsburg composite union. In that sense, Flanders was certainly a state, one in which the fortunes of seigneuries waxed rather than waned.

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[141] Schneider, *The King's Bench*, 1–2 and also 5. See also more generally Beik, 'The Absolutism of Louis XIV as Social Collaboration', 195–224.

[142] See esp. Genet, 'La genèse de l'État moderne', 3–18, and many of his other publications. That said, lordship was not readily acknowledged as another constituent of the state as a 'crazy machine' (*une machine folle*). Government and justice had taken a backseat to the study of war and taxes, and specialists continued to focus on central institutions and princely legislation over other sites of public order maintenance, even if the local level of 'state formation' was increasingly recognized as a research desideratum. Tellingly, seigneurial lordship was consciously excluded in Padoa-Schioppa (ed.), *Legislation and Justice*, esp. xi. Similarly, seigneurial lordship does not loom large in Reinhard (ed.), *Power Elites and State Building*. Both belong to the seven-volume series The Origins of the Modern State in Europe, 13th to 18th Centuries. Edited by Jean-Philippe Genet and Wim Blockmans and funded by the European Science Foundation, this series is the result of the largest and most ambitious international collaboration on state formation in the late twentieth century.

[143] Watts, *The Making of Polities*.

Conclusion

With this book, we have aimed to do for lordship in Flanders what historians are currently doing for slavery, that is, to understand domination as a process rather than as an institution. In the past decades, the study of slavery has become a flourishing field, but just as with other topics, increasingly high standards for empirical research have led to specialization and specific research traditions. Yet the recent crossovers and exchanges between, for instance, scholarship on slavery in the Roman Empire, the African slave trade and Atlantic diaspora, or Antebellum American slavery demonstrate just how difficult it is to ground interpretations of slavery in its historical context. In the face of the vast body of evidence accumulated by scholars in the past decades, slavery often remains a static concept. Quite understandably, considering the horrors inflicted on the enslaved to this day, reflections on slavery are shaped to a large extent by moral axioms and overarching narratives such as progress in history as the birth of human rights.[1] Similar effects can be noted for academic debates with a teleological inflection, such as discussions on slavery as a stage in the economic development of societies. The result is that the perspectives, motivations, and actions of both the slavers and the enslaved, each shaped by their engagement with what came before them—all those things that together constitute historical context—are not always as central to the interpretation of slavery as one might expect.[2]

As outlined in the opening pages of this book, the booming field on lordship suffers from similar handicaps, not in the least because lordship was originally entwined with serfdom, a concept akin to slavery.[3] Lordship owes its current popularity to its capacity to fill the void that opened up with the crisis of 'feudalism' and 'state formation' as two grand narratives that shaped much of twentieth-century scholarship on *ancien régime* Europe. In the process, the concept of lordship has expanded in many different directions, to the point that it becomes dangerously

[1] For a metahistorical discussion, see Moyn, *The Last Utopia*, esp. 11.

[2] See the influential but controversial analysis in Miller, *The Problem of Slavery as History*, esp. 1–35.

[3] See Introduction, Section 3. For serfdom, see especially Rio, *Slavery after Rome*, who points out that serfdom did not originate in tandem with seigneuries in the eleventh and twelfth centuries. Rather, it was part and parcel of a broad spectrum of arrangements of unfreedom since the fall of the Roman Empire. By the eleventh century, landed elites gradually abandoned other forms of unfreedom—including slavery in the strict sense of the term—for servile arrangements that were economically attractive to landed elites while providing significant liberties for the peasantry in terms of user rights to land, freedom of choice in marriage, and so on.

close to being so open-ended as to be analytically meaningless. At the same time, the interpretation of lordship as a historical phenomenon is often inflexible, with historians routinely evaluating lords and lordship as 'strong' or 'weak', or 'effective' or 'ineffective', in ways that implicitly privilege some perspectives over others. In turn, these choices are often informed by narratives on the progressive modernization of economy and politics, often degrading seigneurial lordship to the antithesis of things to come, a stumbling block on the road to capitalism and modern states. Here too, our own sensibilities come in play. Seigneurial lordship as a patrimonial claim to public authority jars with the separation of powers, especially that between the government and the judiciary, an ideal that most academic historians hold dear, even more so now that it is under sustained attack in liberal democracies such as the United States of America and Israel. Just as with slavery, what often persists is a reified image of lordship, a static institution rather than a historical process that was felt and shaped by contemporaries in dialogue with other developments.

The case of Dutch-speaking Flanders reveals that this effect has shielded from view how seigneurial lordship was meaningful to contemporaries. Contrary to the established view of Flemish seigneuries as moribund institutions, the evidence reveals its persisting importance for large segments of society. As a flexible social arrangement, seigneurial lordship shifted and changed in tandem with the momentous transformations that occurred between the mid-thirteenth and mid-sixteenth centuries. Its defining principle, namely claims to governance enmeshed with property rights, had not changed since its inception by tenth-century Carolingian intellectuals, but its precise meaning was never fully fixed. Much of Flemish lordship had crystallized in institutions, namely seigneuries, but not all of it: historians have so far overlooked the use by contemporaries of the terms 'lord' and 'lordship' to designate arrangements which, strictly speaking, had nothing to do with seigneuries and seigneurial rights as they were then defined in courtrooms and legal treatises. Men and women could be lords and ladies because they happened to own the land on which the parish church stood or because they controlled castles or other sources of local authority whose effect was similar to one of the roughly 800 seigneuries with high or middle justice in the county of Flanders.

More generally speaking, contemporaries often spoke of 'the lords' as the aggregate of elites of different plumage (seigneurial lords, large-scale landowners, urban political elites, princely officials, clerics, and so on) that together constituted Flemish society's ruling class. The speech act of subsuming seigneurial lordship in other forms of domination brings into focus the way in which seigneurial lordship was suspended in a web of concepts and practices that mutually defined each other. As the configuration of meanings changed, the social inflection of seigneurial lordship shifted too.

Traditionally, seigneurial lordship was closely associated with chivalry, that is, a martial lifestyle espoused by landed elites in service of the Common Good,

with those elites having a decisive say over what was 'common' and what was 'good'. Unlike other parts of Europe, where ecclesiastical lordship could be significant, most Flemish seigneuries with high or middle justice were controlled by lay lords rather than an abbey, a chapter, or the count of Flanders himself. Flemish lords took chivalry seriously, though it should be noted that seigneurial wars—a staple ingredient of lordship in France and large parts of the Holy Roman Empire—had been rare occurrences in Flanders since the mid-twelfth century due to the unusual might of the count of Flanders. Chivalric lordship revolved around the idea that the lord, in his capacity as a knight and as the leader of the able-bodied men of the parish, acted as a military protector of the village community as a constituent part of the principality. As revealed by the Dadizele Manuscript, written by Jan, lord of Dadizele, and which has been our guide throughout much of this book, that interpretation of seigneurial lordship was alive and well in the 1480s and it was only in the second half of the sixteenth century that a personal commitment to chivalry became a matter of choice for noble lords and that seigneurial militias ceased to be a significant military force.

While slowly becoming disentangled from chivalry, seigneurial lordship found a new footing and that too is reflected in the exceptional writings of the lord of Dadizele. On the one hand, seigneurial lordship was being combined with urban lordship with increasing frequency. Nobles responded to the growing power of Flemish towns over their hinterlands by insinuating themselves into the urban political arena, often by way of marriage, which in turn enabled leading city-dwellers to acquire seigneuries. As the holders of substantial seigneuries allied themselves with urban political elites, lesser lords, those whose seigneuries had only low justice, found themselves sidelined, to the point where they never enjoyed the pre-eminence that was routinely granted to their counterparts in England, France, and the Holy Roman Empire. On the other hand, seigneurial lordship became progressively entwined with princely government. By the thirteenth century, most seigneuries were already aligned in feudal arrangements with the count of Flanders as overlord, but from the fourteenth century onwards the integration of seigneurial and princely government greatly intensified with the emergence of the fiscal-military state. Seigneurial lords provided critical support to the burgeoning administration of the Burgundian-Habsburg composite union, while princely administrations came to rely on the seigneurie both as a fiscal unit and to provide law and government in large parts of the Flemish countryside. While ideologically distinct, seigneurial lordship thus became increasingly complementary to urban and princely government as the three cornerstones of the Common Good in Flemish society.

These changes went hand in hand with a decisive shift within the seigneurie. More so than in other parts of Europe, seigneurial lordship in Dutch-speaking Flanders was increasingly attuned to the needs of the lord's subjects rather than

serving as a vehicle for elite surplus extraction. From the start, lordship required the collaboration of subjects, if only by accepting the legitimacy of the seigneurie as a site of governance, but thanks to the proliferation of out-burghership and, to a lesser extent, the possibility of appeal in princely courts against seigneurial abuse, local landowners of small and middling stature acquired unusual control over the seigneurie. With the cost of the seigneurie reduced to an absolute minimum, local villagers mobilized seigneurial lordship to implement polities that chimed with their own interests. With peasant aldermen providing an increasingly wide range of public services to country-dwellers, ranging from public order management and the registration of property rights to waste disposal and fire safety, it was their interpretation of the Common Good rather than that of the nobles which came to dominate, a process that was helped along by elite family strategies that led inexorably to the rise of absentee lordship. This is not to say that the seigneurie became less important to lords. On the contrary, noble families continued to cherish the seigneurie as a source of status and wealth. Moreover, given their increasingly prominent positions on the municipal councils of nearby towns and the comital administration, lords also often acted as conduits through which the interests of their rural subjects could be represented in the outside world. However, the routine workings of the seigneurie became the privilege of local notables who harnessed its powers not only to deflect seigneurial caprice from above, but also to assert their dominance over the lower-ranking segments of rural society that were either landless or footloose, as well as maintaining and strengthening the patriarchal inflection of seigneurial lordship.

With peasants deciding how the seigneurie contributed to society, thus pushing their interpretation of the Common Good, Flanders became home to what we might call 'middle-class lordship'.[4] While dominating seigneurial office and expecting deference, the prominent peasants were attentive to the interests of the small peasantry that constituted the bulk of a Flemish village. In that sense, our conclusions mirror those for the better-studied towns of the Burgundian-Habsburg Low Countries. Proceeding from the mountainous body of scholarship that has accumulated since the late nineteenth century, urban historians argue that Netherlandish towns became essentially dominated by people of the middling sort who organized themselves in guilds or other frameworks for collective action to vigorously defend their interests against both elites and the poorest strata of society.[5]

That something similar took shape in large segments of the Flemish countryside via the seigneurie does not mean that we must endorse the modernization narratives that cling so persistently to 'the rise of the bourgeoisie' as a key driver

[4] For a classic introduction to what is a thorny historiographical problem, see Constable, 'Was There a Medieval Middle Class?', 301–23.

[5] See the synthesis of the scholarship in Van Bruaene, Blondé, and Boone (eds), *City and Society*.

of political and economic innovation.[6] While it is not difficult to see similarities between the disproportionate impact of peasant aldermen on the parish and, for example, the role that the 'ten-percenters' play in perpetuating social inequality in present-day affluent societies, the developments that take centre stage in this book were no mere prefigurations of things to come.[7] First, we must stress that landed peasants taking control of the seigneurie lent considerable stability to what was essentially an aristocratic state. Historians sometimes suggest that the precocious development of the English state owed much to the exceptional involvement of lower-ranking landowners in the workings of government and justice, but similar mechanisms were clearly operating in Flanders.[8] As a result, opposition to aristocratic interests and calls for greater accountability for public policies and spending came from the towns rather than the countryside.[9] Second, 'middle-class lordship' was the reason why agrarian capitalism did not spread from Coastal Flanders, where seigneuries were scarce, to Inland Flanders, where they were numerous. As a vehicle for the interests of small and middling landowners, the seigneurie was mobilized to prevent the rise of agrarian capitalism, as those landed peasants fully understood its threat to the established social order in which they occupied comfortable positions. For that reason we do best to think of the 'feudal economy' not as a stage preceding modern market-oriented societies, but as an arrangement that was decidedly modern, in that contemporaries consciously embraced it while pondering ongoing experiments with capitalist production in ways that mirror our own ongoing reflections on the social and ecological costs of capitalism and its possible alternatives.

Rather than a foil to modernity, the story of seigneurial lordship in Flanders helps us to understand why individuals could live with what was essentially an anti-democratic idea, even if they were increasingly in the grip of what Sam Cohn has called a 'lust for liberty' and sufficiently educated and organized to effect real changes in society.[10] Because its outcome was more extreme than that in neighbouring France, England, or the Holy Roman Empire, the wrangling between Flemish lords and their subjects reveals a dialogue that was implicit in every European seigneurie. Today, seigneurial lordship is often regarded as a vignette of

[6] While controversial, this perspective is anything but dead. For an engaging restatement in the field of urban history, see Fynn-Paul, *The Rise and Decline of an Iberian Bourgeoisie*, 299–306.

[7] See for example the evocative and wide-ranging essay of Matthew Stewart published in *The Atlantic* in the June 2018 issue: 'The 9.9 Percent is the New American Aristocracy'. See also the discussion of the ecological impact of the 'ten-percenters' by Damian Carrington, published in the global edition of *The Guardian* on 20 November 2023: 'Revealed: The Huge Climate Impact of the Middle Classes'.

[8] A good example is Masschaele, *Jury, State, and Society in Medieval England*, 2–3, 5–6, 9–12. In dialogue with the scholarship on England, a similar argument has been made for France by Schneider, *The King's Bench*, 2, 7, 28, 43–4, 48–9, 216–18, 224, 227–8, but compare with Crubaugh, *Balancing the Scales of Justice*, which stresses the elitist inflection of lordship in France.

[9] A synthesis of the vast scholarship in Blockmans, *Metropolen aan de Noordzee*.

[10] Cohn, *Lust for Liberty*.

Europe's pre-democratic past, and rightly so, but the evidence on seigneuries also reveals that in *ancien régime* Europe too, power was not a static self-evident concept. Seigneuries and lordship were shaped and reshaped through processes that perpetuated the legal privatization of public authority, but the Flemish example shows that—up to a point—power was also shared more broadly than we often imagine.

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Index

Note: Tables are indicated by an italic '*t*', respectively, following the page number.

Since the index has been created to work across multiple formats, indexed terms for which a page range is given (e.g., 52–53, 66–70, etc.) may occasionally appear only on some, but not all of the pages within the range.