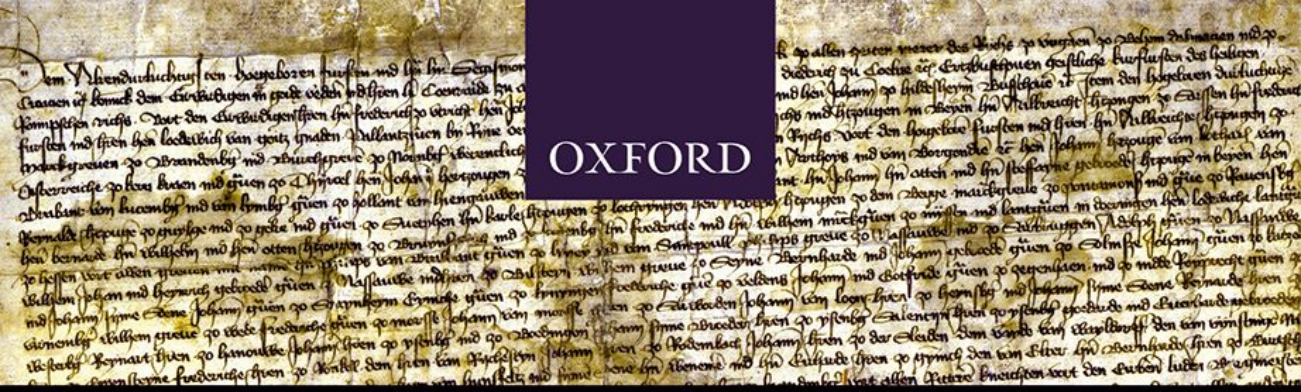

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MAGNANIMOUS DUKES AND RISING STATES

The Unification of the Burgundian Netherlands, 1380–1480

ROBERT STEIN

OXFORD STUDIES IN MEDIEVAL EUROPEAN HISTORY

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Acknowledgements

It seems so simple: in the fifteenth century the Duke of Burgundy subjected many principalities to his rule, creating a new state that extended the boundaries of the Netherlands. The rise and fall of the Burgundian house has fascinated historians for centuries, and I, too, was enthralled by the spectacular events of the fifteenth century. Hidden behind the apparent success of the Burgundian dynasty lies the regional world of the former principalities. The rise to power of the new dynasty was a fascinating process of integration and social change, of continuity and discontinuity, rather than a straightforward centralization of government. In this book I investigate the background of the unification of the Netherlands, not primarily from the perspective of a dynasty aiming at centralization, but from the viewpoint of the former principalities that continued to exist as provinces in a composite monarchy.

The present book goes back a long way. It is a translation of the Dutch *De hertog en zijn Staten* that appeared in 2014. The writing and translation of a book is not a solitary work. It evolves over the years, as a result of many discussions with—and suggestions by—colleagues, students, and friends. I am indebted to the staff of the many archives and libraries in Belgium, France, and the Netherlands, who are the guardians of our historical culture, indispensable to the present study. In the Leiden University library in particular I found a stimulating and warm welcome. I would like to thank the students at Leiden University, who over many years took my classes on Burgundian history and on state formation, and who never failed to challenge me with their critiques, curiosity, and inquisitiveness. I am very grateful to my colleagues for their intellectual generosity in sharing their knowledge, insights, and findings. There are a few colleagues I want to mention explicitly. First of all, those who were involved in the NWO project that laid the roots of this book: Wim Blockmans, Marc Boone, Mario Damen, Jan Dumolyn, Walter Prevenier, and Hilde De Ridder-Symoens.

The Department of History at Leiden University is a very stimulating place to work. It is where I often discussed my ideas with my direct colleagues at the section of Medieval History, Peter Hoppenbrouwers, Hans Mol, Aart Noordzij, Louis Sicking, Claire Weeda, and especially Justyna Wubs-Mrozewicz. My research assistants Justine Smithuis, Maurits den Hollander, and Anne Beckers helped me to phrase, rephrase, and correct my text; Marilyn Hedges undertook the difficult task of translating the book, with all its complex institutional terminology, from Dutch into English.

Three people deserve an extra mention. My wonderful former colleague and mentor Wim Blockmans closely followed the genesis of this book, and was always prepared to counsel me and to discuss and modify my interpretations. Secondly,

I want to thank Antheun Janse, with whom I had so many stimulating discussions in the corridor between our offices over the decline of the Holland dynasty and the rise of Burgundian power. Finally, I want to thank my mother, Tineke Stein-Wilkeshuis, not just for the interest she showed during the research for and the writing of this book, but also for reading through the manuscript.

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AB	Annales de Bourgogne
ADCO	Dijon, Archives départementales de la Côte d'Or
ADN	Lille, Archives départementales du Nord
AR	Brussels, State archives of Belgium
ASRAB	Annales de la Société royale d'archéologie de Bruxelles
ASAN	Annales de la Société archéologique de Namur
BCRALO	Bulletin de la Commission royale des anciennes lois et ordonnances de Belgique
BCRH	Bulletin de la Commission royale d'histoire
BG	Bijdragen tot de Geschiedenis
BMGN	Bijdragen en mededelingen betreffende de Geschiedenis der Nederlanden
BMGelre	Bijdragen en mededelingen Gelre
BNB	Biographie nationale de Belgique
BVGO	Bijdragen voor de vaderlandsche geschiedenis en oudheidkunde
BY	Jan van Boendale (and continuator), Brabantsche Yeesten
CC	Brussels, AR Chambre des Comptes
KAWLSK	Koninklijke akademie voor Wetenschappen, Letteren en Schone kunsten
KB	Koninklijke Bibliotheek / Royal Library
LMA	Lexikon des Mittelalters
MA	Le Moyen Age
MD	Brussels AR, Manuscrits divers
MNW	Verwijs, Verdam, *Middelnederlandsch woordenboek*
MSDB	Mémoires pour l'histoire du droit et des institutions des anciens pays bourguignons, comtois et romands
NA	The Hague, National Archives
NAGN	[New] Algemene Geschiedenis der Nederlanden (15 vols, Haarlem 1980–1983)
NBW	Nationaal biografisch woordenboek
PCEEB	Publications du Centre Européen des études Bourguignonnes
PSHIL	Publications de la section historique de l'Institut royal grand-ducal de Luxembourg
RBPH	Revue Belge de philologie et d'histoire
Rekreg	NA, Grafelijkheidsrekenkamer, registers
Rekrek	NA, Grafelijkheidsrekenkamer, rekeningen
RN	Revue du Nord
SAL	Leuven, Stadsarchief
SL	Standen en Landen
TRG	Tijdschrift voor rechtsgeschiedenis / The legal history review
TVG	Tijdschrift voor geschiedenis

1

The Burgundian Union

By Way of Introduction

1.1 LIMITS

On 7 October 1430, a funeral procession proceeded from the Leuven court chapel to the nearby parish church of Tervuren. A large number of princes, bishops, abbots, priests, and townspeople accompanied Philip of St Pol, Duke of Brabant, to his final resting place. His body, shrouded in black cloth, was at the heart of the procession. Sixteen high nobles gathered around the late duke, their hands resting on the bier. These in turn were surrounded by 250 men, all dressed in black, who had been the duke's heralds, secretaries, falconers, valets, kitchen servants, and others who had belonged to his household. For several years they had shared their destiny with him through thick and—more often—through thin. Some of them may have cast their minds back to the events of the previous few months, when the duke conceived the plan to arrange a wedding with a royal princess, how he suddenly died under mysterious circumstances, how the States of Brabant had an autopsy performed on his body, and how the body was laid out for two months in the Leuven court chapel, because the States could not decide who they should inaugurate as his successor. That was all over now. The vivid colours of the festive wedding finery may still have shown through the sombre black of the mourning robes. At another point in time, no trouble or expense had been spared in dressing all courtiers in ceremonial garb for the wedding. Now the Duke was dead and the money had run out. The treasurer had the brightly coloured cloth dyed black to save money.[1]

Philip of St Pol's death was an end point in several respects. With the childless duke, the independent duchy of Brabant, a principality that had been of great political significance in the Low Countries for centuries, went to its grave. With him, the Brabantine court that had played a leading role in the thirteenth and fourteenth centuries disappeared. And for the courtiers, too, the funeral meant a turning point. This was the last time they gathered around their lord. They dispersed, and most of them sank into anonymity.

[1] This reconstruction is based on the distribution of mourning cloth in 1430 (Brussels AR, CC 2408, f. 33r–38) and the description in the continuation of the *Brabantsche Yeesten* (*BY* VII vs. 18020–35). The composition of the funeral procession is partly derived from the funeral of Duke Anton: Brussels AR, CC 131, f. 177r–178v and CC 2399, f. 98v–106r. Compare: Stein, 'Gifts'; Chevalier de Gottal, 'Funérailles', 79–88.

Le duc est mort, vive le duc. A day after the funeral, Philip the Good, Duke of Burgundy, Count of Flanders, and prince of many other counties and lordships, was inaugurated in Brussels, to displays of great joy and delight and with festivities and enormous honours (*met minnen, met bliscapen, feesten, met groter eere*).[2] For Brabant this heralded the start of a period of transition. The duchy now became part of a much larger territorial polity, which would soon encompass almost the whole of the Low Countries. It became absorbed into the international ambitions of the new dynasty. More importantly, the existing administrative, financial, and judicial organization was partially dismantled, and partially encapsulated in new structures. New institutions were formed, staffed by new servants. Brabant was not the only principality that fell into the hands of the Burgundian dynasty in this period. John III, Count of Namur, died almost at the same time as Philip of St Pol; six years later, Jacqueline of Bavaria, Countess of Hainaut, Holland, and Zeeland, passed away, followed fifteen years later by Elisabeth of Görlitz, Duchess of Luxemburg. All died childless, and their principalities were added to the rich list of duchies, counties, and lordships in the possession of the Burgundian dynasty.

The rise of the House of Burgundy can be read as the success story of a dynasty that in little over a century managed to assemble a great number of principalities, thus creating a new state. In 1363, the French King John II gave the duchy of Burgundy to his youngest son, Philip the Bold. A century later Philip's grandson, Philip the Good, ruled over ten medium-sized principalities, located in the border regions of the Empire and France. In the south, his possessions consisted of Burgundy and Franche-Comté; in the north, of important parts of the Low Countries. In 1475 his son Charles the Bold succeeded in connecting the northern and southern parts by obtaining the interjacent territories. Burgundian power had expanded so far that the dukes attempted repeatedly to transform their lands into a single kingdom with an independent status, free of the disruptive interference of the Emperor and the King of France. Ultimately their success backfired on them. The final years of Charles the Bold were enveloped in a cloud of gunpowder, and when he perished in 1477, many of the earlier gains were lost, including the duchy of Burgundy that had been the start of the whole affair more than a century earlier. What remained was a series of possessions in the Low Countries and Franche-Comté, now under the authority of Maximilian of Habsburg, who had married Charles' daughter Mary in 1477.

All this raises the question of what was the nature of the polity created by the Burgundian dynasty. In 1930, the Dutch cultural historian Johan Huizinga (1872–1945; Figure 1.1) taught a course at the Sorbonne on *L'État bourguignon*, the Burgundian state. Obviously Huizinga was well aware of the problematic nature of the central concept of 'State'. He started his discourse by giving the term a more subtle shade of meaning. In his view, a true Burgundian state only existed between 1477 and 1579, from the time when the Netherlands definitively broke away from France, until its equally final separation into a northern and a southern

[2] Quote: *BY* VII 18040–1.

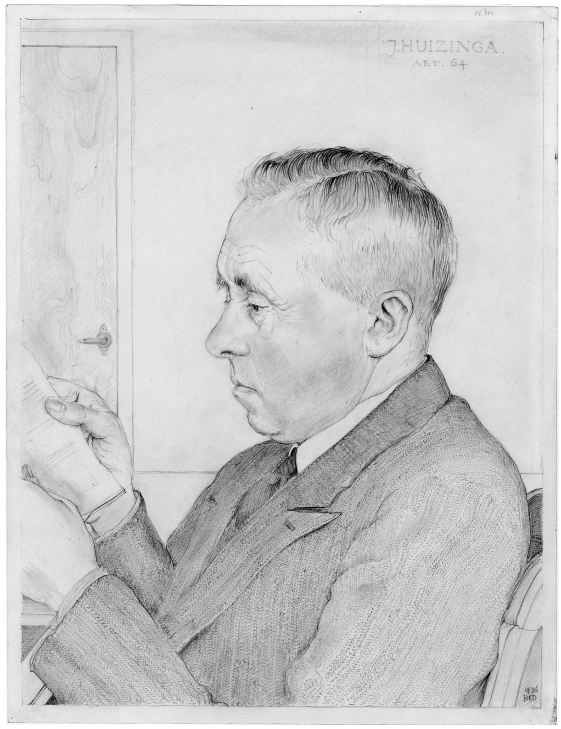


Figure 1.1. Johan Huizinga (1872–1945). Leiden University Library, Icones Leidenses, nr. 360

part.[3] But Huizinga's course actually focused on the previous period that stretched from 1363 to 1477, when the great dukes of Burgundy, Philip the Bold, John the Fearless, Philip the Good, and Charles the Bold, reigned over a myriad of principalities and lordships. The convenience of the term *Burgundian state* led him to use it for the earlier period as well. Huizinga was cautious, but others used the expression *État bourguignon* with less restraint: Henri Pirenne (Figure 1.2) as a chapter title in his monumental *Histoire de Belgique*, and the French historian Bertrand Schnerb as the title of a book. The latter was not so much concerned with the relationship between the Burgundian union and France, but with how it was organized, how the institutions of state were established, and how they developed over time.[4]

The hesitation in referring to an *état* and the caution with which the term was used are symptomatic. The development of Burgundian power and the institutionalization inherent in it are an unmistakable part of a process of state formation, of

[3] Huizinga, 'État', 161. In reality, the Netherlands only in 1529 became independent from France. At the same time, one may wonder how 'Burgundian' this state still was: France annexed the duchy of Burgundy in 1477.

[4] Schnerb, *État*, 8–9.

Figure 1.2. Henri Pirenne (1862–1935). KIK IRPA, object number 20007645

centralization, rationalization, and expansion and of the establishment of a state monopoly.[5] But did this result in the formation of a true Burgundian state? A state is the intended end product of state formation. In a modern state, the government has a high degree of sovereignty over its territory and population; however, in the late Middle Ages, this ideal was still a long way off. It is only under a very general definition that the Burgundian union can be regarded as a state; such a definition is Bernard Guenée's trichotomy territory-population-government: *Il y a État dès qu'il y a sur un territoire, une population obéissant à un gouvernement*.[6] There was indeed something resembling a central government, formed by the Burgundian dukes and their administration, who ruled over a sizeable, more or less recognizable territory inhabited by a large population. But, in that case, what is the relationship between subjects and government? In other words, if the Burgundian union—or any other medieval polity—is characterized as a 'state', or *état*, does this not overemphasize its centre? Should it not be regarded rather as a personal union, comprising diverse principalities, each with its own institutions and customs?

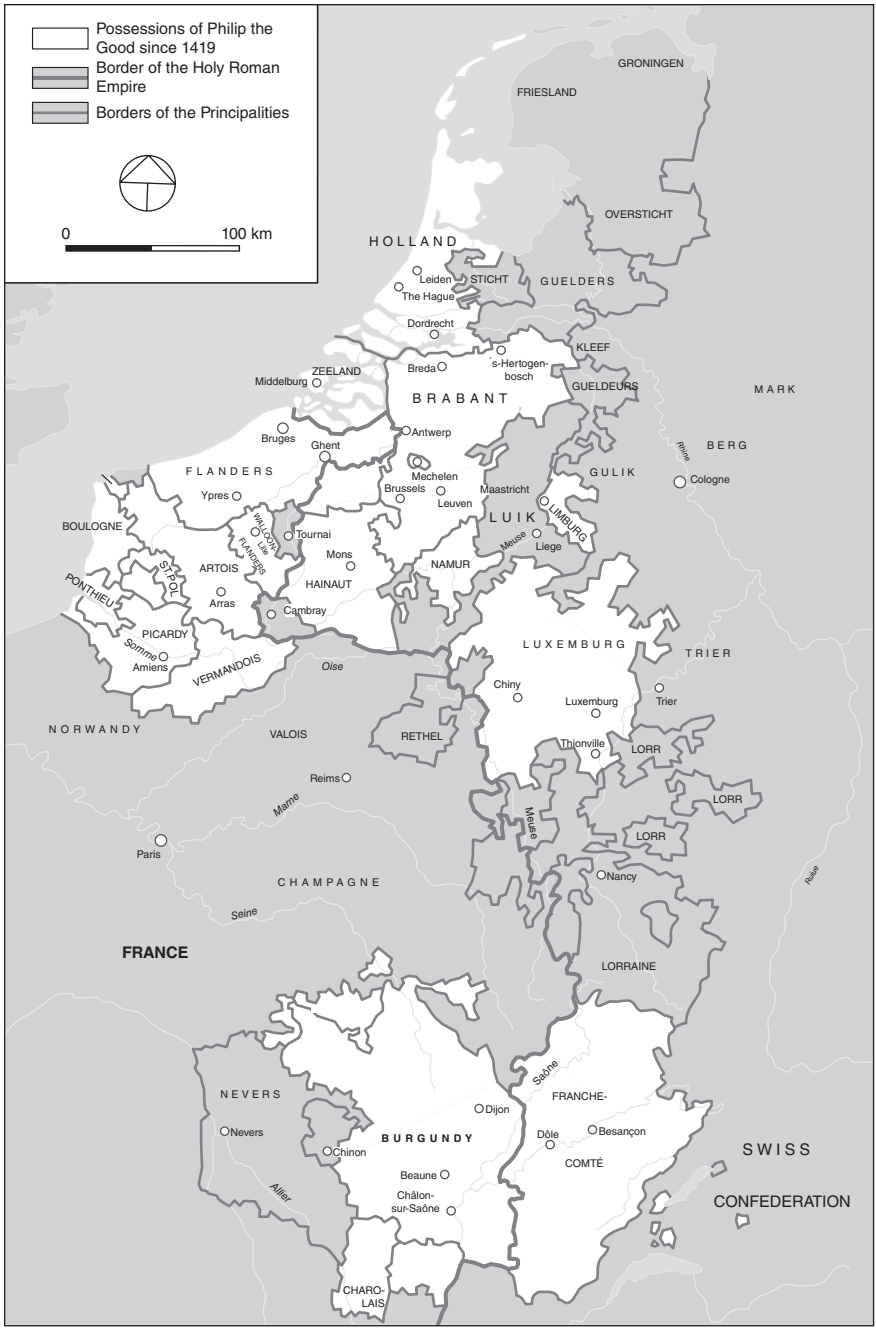
This present study focuses on the administrative establishment of the Burgundian Netherlands, namely the organization of governance, justice, and finance. The dukes of Burgundy were heirs to a large number of regional dynasties. Inevitably, the rise of Burgundian power led to a series of profound institutional changes given that, along with the regional dynasties, the princely courts that had traditionally

[5] Elias, *Civilisatieproces*, 266. [6] Guenée, *Occident*, 62–3.

been the centres of administration and justice also disappeared. The expansion of Burgundian power was accompanied by a professionalization of administration, the renewal of the financial and judicial institutions and the introduction of systematic tax collection. Even so, these new institutions were indebted to those that had developed in the principalities over the previous centuries. All in all, it is safe to say that there was both continuity and change. Some of the institutions of the former principalities were incorporated into the new structure; some of the former structures remained in place, and a number of new ones were created.

However, I intend more than to write just an institutional history of the Burgundian union, more than simply to reconstruct the composition and competence of a series of late medieval institutional bodies. Institutions, whether they have administrative, judicial, or financial tasks, play a role in society, be it in the service of the central government in its efforts to strengthen its power or improve its access to finance, or in serving the subjects, maintaining law and order, and enabling proper monitoring of the government. Institutions can therefore only be understood from their social and political contexts. Applied to the Netherlands in the fourteenth and fifteenth centuries, the ambitions of the Burgundian dukes were confronted, sometimes frustrated, by those of their new subjects. In this book I will examine the development of the institutions in the field of tension between ruler and subject, between centralization and particularism. Who were the dominant players? Did the dukes create an unstoppable movement of centralization and rationalization when they tried to encapsulate the principalities in their structures of government and finance? Or did the subjects weigh the benefits of unity and institutional security and find them important enough to make financial and political sacrifices?

In terms of geography, this study focuses primarily on the Netherlands. It is impossible to give a precise indication of the perimeters of the Netherlands. We find only incidental sources in the late Middle Ages that seem to relate to this area, and even then, the references are not very clear. It was not until the middle of the sixteenth century—probably as a result of the incredibly successful edition of Guicciardini's Descrittione di tutti i Paesi Bassi (first edition Antwerp 1567)—that it became clear where the borders lay. In the fifteenth century the area that Guicciardini described as Paesi Bassi had no logical demarcation at all. It was intersected by the language border, by the borders of ecclesiastical territories, and above all, by numerous borders of principalities and lordships. At a higher level, the border between the Empire and France divided the region into two unequal parts. The largest part, to the east of the Scheldt, belonged to the Holy Roman Empire; a much smaller part—in essence Flanders and Artois—belonged to the Kingdom of France. I will take as my basis the area controlled by the house of Burgundy around the middle of the fifteenth century. This was a highly changeable and dynamic territory, being increased and reduced according to the tide of the dynasty's military, diplomatic, and political success. To keep the scope of this book manageable, I will limit myself to the political and institutional integration of ten former principalities in the Netherlands, with a clear emphasis on the so-called core provinces of Flanders, Artois, Brabant, Hainaut, Holland, and Zeeland (Map 1.1).



Map 1.1. The Burgundian lands at the time of Philip the Good

The period under discussion is demarcated by the government of the four great Burgundian dukes: Philip the Bold (1363–1404), John the Fearless (1404–19), Philip the Good (1419–67), and Charles the Bold (1467–77). The period started with the appointment of Philip the Bold as duke of Burgundy in 1363 and ended with the death of his great grandson Charles the Bold in 1477 and the incorporation of the Netherlands into the much greater Habsburg personal union. Given the importance of the reign of Philip the Good for the unification of the Netherlands—in the years from 1421 to 1433, Namur, Brabant, Hainaut, Holland, and Zeeland were added to the Burgundian union—I will focus particularly on the period of his reign.

1.2 STATE FORMATION IN THE BURGUNDIAN NETHERLANDS

When researching the rise of the modern state, most sociologists take the administrative centre as their starting point. The core of this approach lies in the definition of the modern state, as formulated by, for example, Max Weber: 'a compulsory association which organizes domination. It has been successful in seeking to monopolize the legitimate use of physical force as a means of domination within a territory.'[7] A comparable definition is proposed by Charles Tilly, who defines states as 'Coercion-wielding organizations that . . . exercise clear priority in some respects over all other organizations within substantial territories'.[8] From this perspective it seems obvious that the centre, where all state power is concentrated, is the logical starting point for a long historical development. The origin of the modern state can thus be sought in the high and late Middle Ages, when a slow process of centralization began. The reasoning is more or less as follows: initially a ruler faced a large number of competitors, with whom he competed to maximize the size of his territories. In a continuous struggle, a survival of the fittest, only those princes survived who were ambitious, powerful, and ruthless enough to eliminate their rivals. It therefore comes as no surprise that the waging of wars has a prominent place in this approach. The prince had to deal not only with external enemies but also with rivals within his own territory, such as the important nobles and the privileged towns. These groups had to be subjugated to the prince's authority, and they had to provide him with the personal and—most important—financial means needed to be able to engage in the inevitable wars. Central administrative, legal, and financial institutions acted as instruments of the prince—later the government—to impose sovereignty on the competing legal powers within the prince's territory. Seen in this light, it is hardly surprising that Charles Tilly characterized state formation as 'organised crime'.[9]

The process of exploiting, pacifying, and subjugating a territory and its inhabitants, and enforcing a monopoly of violence by imposing taxes and military, legal,

[7] Weber, 'Politics as a vocation', 82–3. [8] Tilly, *Coercion*, 1. [9] Tilly, 'War making'.

and political institutionalization has thus become the dominant model within the discussion on state formation.[10] A good example is the development of the Kingdom of France. Starting in the late tenth century, from the relatively small territory of Île de France, the kings of the Capetian dynasty successfully built an enormous kingdom, literally centred on Paris. This process took centuries and was typically punctuated by external threats, wars, indoctrination, dynastic continuity, and the imposition of a monopoly of violence. Counties and duchies were subjected to Paris and new central institutions—an audit office, a high court, a council of finances—were established to channel the financial resources to the centre, and to impose royal jurisdiction on the subjects.

There are at least three reservations that should be made in applying this model in a more general sense to state formation during the late Middle Ages. Firstly, the principle is strongly teleologically coloured, focusing on the creation of the European states of the twentieth and twenty-first century that exhibit a more or less similar organizational structure. This certainly did not apply to the polities of the late Middle Ages. When Wim Blockmans made a classification of the different types of governments in Europe, he identified no fewer than twelve different types, determined by their size and demographic and geographic status, from the small peasant communities in the Alps and in Friesland, via the autonomous towns in northern Italy and the medium-sized principalities of Central Europe, to the kingdoms and empires with holistic pretentions. Most of these no longer have any political significance today, even if they may live on in the names of provinces and regions. This enormous variation has no place in most models of state formation.[11]

Reticence is also needed on a second point, that of the violent nature of state formation and the dominant role of warmongering. Indeed, the formation of a military power gave the princes and their administrations the means of expanding their territory and keeping their subjects in check. However, expansion and oppression are not the only character traits of state formation. Political scientist Stein Rokkan pointed out that—besides violence—economic, cultural, and legal factors also played a role.[12] Social scientist Michael Mann added ideological factors to this list.[13]

A third reservation relates to the emphasis on the princes or administrators as actors, who tried to impose the monopoly on violence on their subjects, who in turn were forced to endure it; at times, they may have complained, but in general, they were resigned. But is a state exclusively the child of princely aspirations for power? Was it just the government that, by using force, extended its power over society? In more recent literature (Ertman; Spruyt), it is understood that interdependence between prince or government and subjects was fundamental to state formation.[14]

[10] See, for example: Tilly, *Coercion*, 75, 96–8; Elias, *Civilisatieproces*; Koenigsberger, 'Dominum'.
[11] John Watts too pointed out the importance of smaller 'polities' in the medieval context: Watts, *Making of polities*.
[12] Rokkan, 'Dimensions'. [13] Mann, *Sources*, 1–33.
[14] Ertman, *Birth of the Leviathan*; Spruyt, *Sovereign state*, esp. 61–7.

On the one hand, the prince depended on the nobility and towns—especially the urban elites—for political and financial support. In exchange, these demanded the political stability, law, and order that were crucial to their commercial interests and to the prosperity of the country. In other words they had an interest in strengthening the prince's public role. This approach is for instance taken by the New Institutional Economics, a school that emphasizes the role of the state and its institutions in the public sphere, in safeguarding rights of property, and as the supplier of the indispensable lubricants of commercial economy: safety, peace, order, access to markets, stable currency, and a dependable legal system. Considered from this perspective, state formation is located expressly in the interaction between prince and subjects. This is the approach taken by Bernard Guenée in his masterly *L'Occident aux XIVe et XVe siècles* that first appeared in 1971 and was translated into English in 1985.[15] Guenée doesn't study the states of the fourteenth and fifteenth centuries in a chronological sequence ending in modern times, but judges them on their own merits, examining not just political realities but also the emotions, imaginations, ideas, expectations, identities, rights, and obligations of both prince and subjects. Jean-Philippe Genet and Wim Blockmans pointed out the interdependence of princes and the towns, and the importance of urbanization for state formation: 'as long as princes and towns found a common rival in feudal nobility, they were allies to each other's advantage'.[16] More recently, this concept was expanded in a volume, entitled *Empowering Interactions*.[17] Perhaps this view is best summarized by John Watts: 'The stronger polities of the later fifteenth century were forged as much from below, or from within, as they were from above'.[18]

It is striking that the late medieval Netherlands played only a limited role in the theoretical discussion about state formation. In literature, the rise of Burgundian power is most often considered to be a disruption in the process of state formation by the Kingdom of France.[19] The dukes of Burgundy are generally regarded as 'French' princes, which is, of course, quite correct. They were descended from the French royal house, and the duchy of Burgundy, their oldest possession, fell under the French crown. And possibly even more important: the outside world also regarded them as such. But still, if we take Burgundian polity—and certainly the part situated in the Netherlands—as a whole, this is a simplification of the reality: the emergence of the Burgundian union in itself can be considered in the light of late medieval state formation: the development of a new 'state' in the twilight zone between the Empire and the French Kingdom. The reconstruction of this process is the ambition of this book.

The literature on the Burgundian period is overwhelming. Fascinated or blinded by the Burgundian court spectacle that was unequalled in Europe, or by the striking personalities of the dukes, many authors have paid almost exclusive

[15] The title of the English translation is: *States and rulers in later medieval Europe*.
[16] Blockmans, 'Voracious states', 750. See the impressive series *The origin of the modern state in Europe*, edited by Blockmans and Genet.
[17] Blockmans et al., *Empowering interactions*.
[18] Watts, *Making of polities*, 378.
[19] Recently, by Genet, 'Government of later medieval France and England', 6.

attention to the centre, to the dukes, at the Burgundian court, to the Order of the Golden Fleece and the Feast of the Pheasant. They largely took as their basis the historiographical sources that chroniclers like Georges Chastellain, Jean Molinet, and Olivier de la Marche wrote at the request of the Burgundian dukes. The dukes and the 'state' they created were interesting themes, particularly for Belgian historians. Flanders and Brabant were united by the dukes under a single princely house, and this union would form the basis, first of the Spanish and Austrian Netherlands, later of Belgium. In the nineteenth century the historiography focused primarily on emphasizing the unique character of Belgian society. And how could this better be characterized than by the persistent, proud struggle for freedom of the Belgian cities of Ghent and Liège against the might of Burgundy? Ultimately, this desire for freedom was smothered in blood by the dukes, despots who did not deny their French ancestry. The Ghent historian Paul Fredericq (1850–1920), for example, repeatedly emphasized the 'antinational' character of the corrupt Burgundian dukes, who had no interest in the inherent German love of freedom. The dukes of Burgundy definitely earn a place in the long line of foreign despots who had tried for centuries to enslave the Belgians.[20]

In around 1890 the image of the Burgundian state presented in the historiography changed rapidly. The state of Belgium attempted to make a place for itself on the international stage, but at the same time the Belgian people felt increasingly threatened by the great international powers. Historians paid lip service to these efforts by emphasizing the interests of unity and condemning as narrow-minded and self-interested the urban and provincial particularism that they had so roundly acclaimed just a short time before. The dukes of Burgundy went from being the stooges to the heroes of Belgian unity, patriots who were able to bridge the diversity of the local communities. The work of Henri Pirenne (1863–1935) is both a textbook example of this development and its *pièce de résistance*. Duke Philip the Good was Pirenne's great hero: he guided the different principalities to a new State of the Netherlands, which gained him the name of *conditor Belgii*, a term borrowed from sixteenth-century statesmen.[21] The Burgundian duke shaped what was later to become the Kingdom of Belgium. But, in Pirenne's opinion, Philip formalized something that had already been in existence for a long time. He stated somewhat curiously on the one hand that the unification of the Netherlands was a more or less natural development, while at the same time denouncing the particularism of the towns and principalities that delayed or even obstructed the process. Ultimately, in his view, the Netherlands did constitute a unity and it was Philip the Good who provided it with a political structure.

Pirenne's ideas are not set in stone. Paul Bonenfant, in his biography of Philip the Good (1943), expresses some doubt about the centralist assumptions of earlier

[20] Carlier, 'Contribution', 3–12; Stengers, 'Mythe'. A similar approach can be found in Luxemburg: Péporté et al., *Inventing*, 3–4.

[21] Carlier, 'Contribution', 12–20. The term *Conditor Belgii* is usually attributed to Justus Lipsius or Pontus Heuterus but it seems that it was used by Viglius van Aytta as well: Jongkees, 'Génération', 145 n. 42.

historiography, without actually setting out his reasons.[22] In more recent years, historians with a Flemish background in particular have addressed the problem of unification of the Netherlands and they have decidedly distanced themselves from Pirenne's ideas, from his monarchistic-centralistic point of departure. They have focused not on the prince and his environment, but on the subjects and have studied the consequences of Burgundian state formation for them. Their prime area of interest was urban history, and economic and social aspects in particular. In some ways this means that science is back to square one. In less flowery language than that of Paul Fredericq and his peers, the dukes of Burgundy and their paladins were again painted as cynical despots. The long tradition of revolts—particularly in Ghent and Bruges—makes it clear how deeply the resistance against Burgundian centralization was rooted.[23] In their recent publications Wim Blockmans and Walter Prevenier again looked for a balance between the prince's interests and those cherished by the urban and noble elites, although they too mainly point to the centralizing initiatives of the princely administration.[24] However, one can ask how representative Flanders and the rebelling cities of Ghent and Bruges were of the other provinces and towns in the Burgundian union. Flanders was by far the most urbanized province of the Netherlands and the insurgency was largely confined to the two cities mentioned; there was no comparable tradition of revolt in the towns of Brabant, Hainaut, Holland, or Zeeland. Possibly more importantly, Flanders lay in the Kingdom of France, whereas most other provinces of the Netherlands lay in the Empire.[25]

In the meantime, the theme of Burgundian state formation aroused less interest among Dutch historians. Their agenda was dominated by an obsession with the roots of the Republic, and the Burgundian union was mainly considered in the light of this.[26] The growth of Burgundian power was regarded as a threat to provincial or local autonomy and as a political phase that would inevitably lead to the Revolt, so glorified with teleological and nationalistic zeal. The view held by Leiden historian Robert Fruin (1823–99) is typical; he indicated that even before the formation of the Republic, there was already a profound difference between the northern and southern Netherlands, including in terms of their national character and their history. This vision is revisited in the work of Jonathan Israel, who talks of a 'profound rift which had already long existed' between North and South.

The institutions that came into being in the Burgundian lands have fascinated researchers since the nineteenth century. This was clearly a dynasty at work that liked order, regularity, and methodical systems. The council chambers were seen as the forefathers of the institutions that dominated the legal field right up until the French Revolution, institutions that were still recognizable in the nineteenth and

[22] Bonenfant, *Philippe le Bon*, 122–7; 'Traits'.
[23] See, for example, Boone, *Gent*, 240.
[24] Blockmans, Prevenier, *Bourgondiërs*; Blockmans, *Metropolen*.
[25] Based on the Burgundian possessions in 1465, only 40 per cent of the Netherlands belonged to the Kingdom of France, and roughly half the number of inhabitants. If we include the duchies of Burgundy and Franche-Comté, the figures make up around 50 per cent of the territories and 53 per cent of the number of inhabitants (see Table 1.1).
[26] Fruin, *Tien jaren*, 440.

twentieth centuries. For the audit offices there was and is a much more direct link. Even today the Belgian *Cour des Comptes* and the Dutch *Algemene Rekenkamer* point proudly to their predecessors, the audit offices that were set up in 1386 and in 1447 on the orders of the Burgundian dukes in Lille and The Hague. This explains why studies on institutionalization occupy an important place in the sizeable bibliography about the Burgundian period. While research by Dutch historians often emphasized the autonomous development of the Council of Holland, Belgian historians placed greater emphasis on the fact that the Councils of Flanders, Brabant, and Namur were princely creations that served only to enslave the inhabitants of the Low Countries and to subject them to French mores in favour of royal power.[27] Frequent reference is made in this context to the events of 1477, when the whole Burgundian political system was faltering and one of the main demands of the subjects was that the central Parliament of Mechelen, set up a few years previously by Charles the Bold as high court of law, should be dismantled.

Much of the research stresses that the dukes and the Burgundian administration were the most important actors in the process of unification and institutionalization, which brings us back to the starting point of this study. Undoubtedly they played a major role in the process that led to a unification of the Netherlands, but was it a dominant role? Is it possible to fully understand the cohesion of a union if only the centre is considered, or only one of the parts? If the new institutions were indeed imposed from the top down, if they meant a cynical breach of the rights and interests of the subjects, how can it be that they enjoyed the approval of numerous citizens, who apparently sought guarantees for their legal security? Moreover, how can we explain that even after the disintegration of the Burgundian union these institutions continued in completely different political constellations: in the duchy of Burgundy, situated within the Kingdom of France, with a centralist system of administration, in the isolated, relatively enlightened Spanish enclave of the southern Netherlands and in the Dutch Republic that was dominated by the States?

The union of the Burgundian lands might have existed in the dreams of Philip the Good and Charles the Bold and of the nineteenth-century historians, but in reality things were different. Much more fitting than the image of a centralized state is that of a *composite monarchy*, a term used by British scholar John Elliott in 1992. Composite monarchies are personal unions where the different principalities had their own laws and customs, in some cases even their own constitution. It is true that they had one and the same prince, but he treated them as independent administrative entities; they existed alongside all kinds of other independent polities. The concept of a composite monarchy has mostly been applied to early modern Europe. It is also a good characterization of the late medieval Burgundian union. The sequence of titles of the dukes of Burgundy alone illustrates this: Philip the Good held fifteen titles at the end of his life, as Duke of Burgundy, Lower Lorraine, Brabant, Limburg, etc. The characterization of the Burgundian union as a composite monarchy has consequences for research. Elliot commented: 'If

[27] Jansma, *Raad*; Douxchamps-Lefèvre, *Procureurs généraux*, 1; Lambrecht, 'Centralisatie', 100.

sixteenth-century Europe was a Europe of composite states, coexisting with a myriad of smaller territorial and jurisdictional units . . . its history needs to be assessed from this standpoint rather than from that of the society of unitary nation states that it was later to become'.[28] He is right about this, and the same applies to the Burgundian union. It is impossible to understand its character by looking only at the centre, or at one of the individual parts, like Flanders, for instance, just as it is impossible to grasp the character of the European Union by looking only at Brussels or Portugal or Denmark.

Even at first sight it is clear that there was a high level of diversity among the principalities that belonged to the Burgundian union. The Netherlands is regarded as one of the most urbanized areas in late medieval Europe, but the population was distributed very unevenly. The largest concentration was in what has been termed the 'core provinces': Flanders, Artois, Brabant, Hainaut, and Holland-Zeeland (Table 1.1).[29] In addition, there was a clear difference in political relations. The Flemish metropolises of Ghent and Bruges not only had many more residents than the towns of the other provinces did, they also adopted an independent stance much more frequently. In the other provinces, the towns generally operated as networks.[30] In the agrarian duchies of Limburg and Luxemburg, the nobility played a decisive role. Moreover, there was a big difference in provincial usages and principles. The

Table 1.1. Estimate of the area and the number of inhabitants of the Burgundian provinces in the fifteenth century[31]

Province	Area (km²)	No. of inhabitants	Inhabitants per km²
Flanders	10,230	705,000	69
Brabant	9,800	399,000	41
Holland	4,030	254,000	63
Boulogne	912	231,500	21.2
Picardy	10,000		
Hainaut	7,214	202,000	28
Artois	5,176	176,000	34
Guelders	5,612	135,000	24
Luxemburg	11,121	68,000	6.1
Namur	1,560	18,000	21.2
Limburg	785	15,500	9.7
Total Netherlands	*67,540*	*2,289,000*	*33.9*
Burgundy	25,714	500,000	19.5
Franche-Comté	16,188	242,000	15
Total southern provinces	*41,902*	*742,000*	*17.7*
Total Burgundian lands	*109,442*	*3,031,000*	*27.7*

[28] Elliott, 'Europe', 51; Koenigsberger, *Monarchies*, 202; 'Dominum', 12; compare: Blockmans, Prevenier, *Bourgondiërs*, 39–43.

[29] Blockmans, *Metropolen*, 17; Stein, 'Urban network'.

[30] Blockmans, 'Voracious states', *passim*.

[31] Stein, 'State's officers', 190–1 and the literature mentioned therein, with the addition of Van Schaïk, *Belasting*, 250–69.

position of the prince in Flanders, for example, with its tradition of urban revolts and friction between the towns, cannot be compared with his position in Brabant, where a consensus model predominated, or in Holland, where there were centuries-old conflicts between different parties and factions.

This study examines the formation of the Burgundian union as a composite monarchy. The literature both on the dukes of Burgundy, as well as on the individual principalities, is overwhelming, and this has compelled me to make certain choices. One is that I will focus on the core provinces and will pay less attention to the more peripheral principalities, like Luxemburg and Guelders. A second choice is that I approach the positioning of the 'subjects' from the standpoint of the third order of the representative institutions. The internal urban tensions, riots, revolts, and factional struggles, no matter how relevant they may at times have been, are largely disregarded.

To arrive at a synthesis of how the union came into being, it is necessary to construct the edifice from the ground up; this is what the first part of this book is about (Chapters 2, 3, and 4). First, the substantive monarchy is addressed: how did the Burgundian dynasty acquire all the legal titles of all the principalities, starting with the acquisition of the duchy of Burgundy in 1363 and ending with the incorporation of Guelders in 1473? The representative institutions, the provincial Members, States, and Diets, often regarded as the major opponents of the dukes, were the main guardians of provincial individuality, as is reflected in the adjective *composite*. These are the subject of Chapter 3: how were they composed, how did they function, and what balance of power were they seeking? I then focus on the political history, not on the developments of the centre, around the dynasty, but in the individual provinces. What were the conditions in the decades before the takeover of power by Burgundy?

The extinction of the provincial dynasties was in many cases—although not all—the direct impetus for the assumption of power by the Burgundian dynasty. This simple fact had major consequences. It meant that the princely courts disappeared, that had fulfilled an important role in the administration, in the justice system, and the financial organization of the duchies and counties. A solution had to be found for this. The second part of this book is about the way in which the dukes of Burgundy, always in dialogue with their subjects, organized the institutions within their principalities, and how they endeavoured to create an administrative, juridical, and, above all, financial hierarchy.

2

The Titles

2.1 INTRODUCTION

Early in the month of July 1468, a large crowd gathered in the Flemish city of Bruges. Hundreds of English and Burgundian courtiers were present, along with ambassadors from all corners of the Christian world and some 20,000 observers. The immediate cause of the commotion was the marriage between Charles the Bold, one of the most powerful and wealthy dukes in the West, and Margaret, daughter of the Duke of York, niece of the King of England. No expense or effort were spared in celebrating the union in true Burgundian style. All the streets were richly decorated; all the different nations in Bruges paraded, dressed in their finery, through the streets, to musical accompaniment, while maidens strew wheat, corn, and rose leaves all around. In the midst of this splendour, one thing stood out: a gilded panel, affixed to the southern gate of the ducal palace, flanked to the left and right by statues from which red and white wine flowed the whole day, much to the pleasure of all those present. It depicted the wealth of Charles, ruler over many lands. His personal coat of arms was encircled by the coats of arms of the principalities that formed part of the Burgundian composite monarchy. Anthonis de Roovere, a Bruges rhetorician, described it in these terms:

> Above the South Gate of Charles' court a richly decorated, gilded tabernacle had been made, to hold the beautiful coat of arms of the said Charles, completely gilded, the crest of Burgundy decorated with the lily. This coat of arms was held aloft by two lions rampant. Above the coat of arms were the coats of arms of the five duchies over which he ruled, and flanking these were the coats of arms of the other lands of which he is the lord.[1]

Several years later, an unknown master, who takes refuge under the initials W.A., made a copper engraving of the panel (Figure 2.1).

The central ducal coat of arms can be interpreted as a condensed account of the political successes of the Burgundian dynasty. Three generations earlier, under Philip the Bold, it had comprised the quartered coat of arms of France and Burgundy that in 1468 still formed its basis. It also appears on his seal, although here the coats of arms of Flanders, Artois, and Franche-Comté are depicted floating behind the duke, which is right and proper as Philip governed these lands on behalf of his wife (Figure 2.2). At the time of John the Fearless, the coat of arms of

[1] Brill, 'Huwelijksplechtigheden', 31–2. Compare the description by De la Marche, *Mémoires* III, 103.

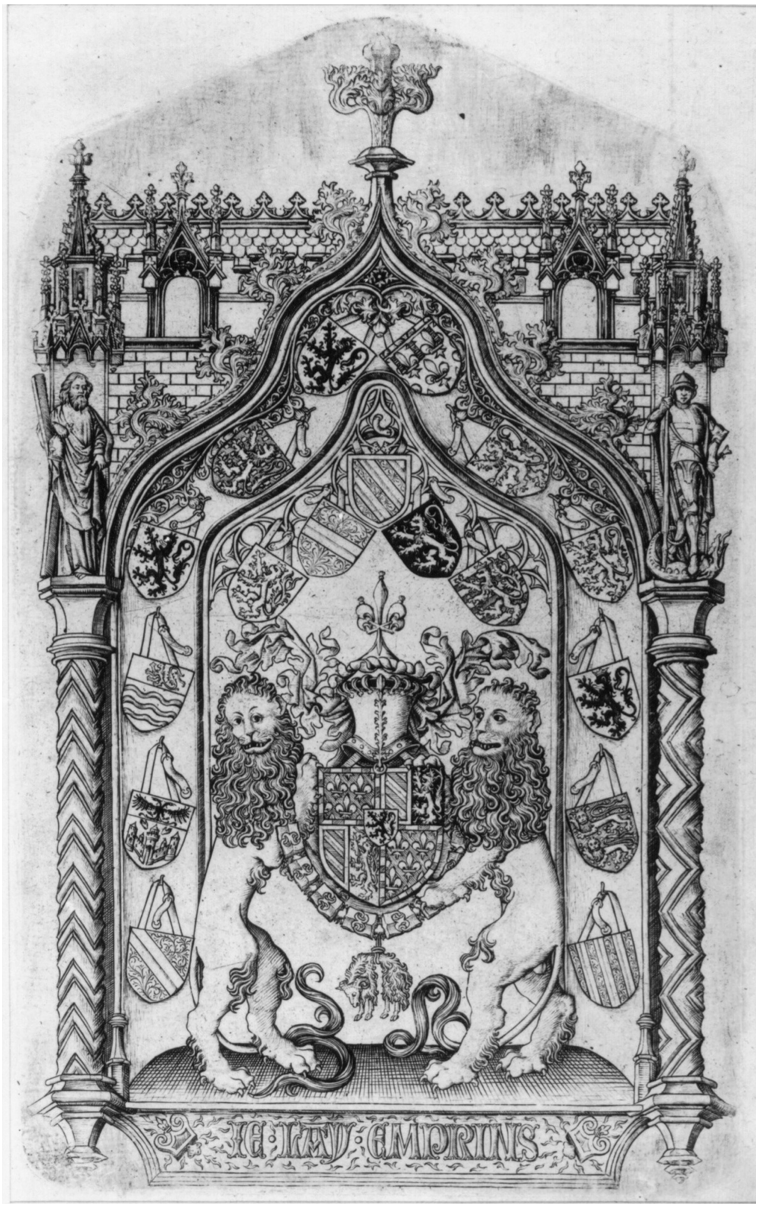


Figure 2.1. Panel by master WA (after 1472), showing the coats of arms of Charles the Bold, surrounded by those of his duchies and counties. Brussels Royal Library S II 62992.

Flanders was given a central position in the ducal coat of arms, as can be seen on the panel by master W.A. In 1430 the States of Brabant demanded that Philip the Bold should bear the coats of arms of the duchies of Lower Lorraine, Brabant, and Limburg and of the margraviate of Antwerp. In the final event, the change was

Figure 2.2. Seal of Philip the Bold (1387). O. Vredius, *Sigilla comitum Flandriae* (Bruges 1639) 67. Leiden, University Library 416 B 16

limited to the addition of the lions of Brabant and Limburg. This was still the situation in 1468 at the time of the marriage ceremony of Charles the Bold and Margaret of York, because the annexation of Hainaut, Holland, Zeeland, and Luxemburg did not result in any further changes.[2]

The panel also shows the political constellation of the Burgundian union in the representation of the seventeen provincial coats of arms of the duchies of Burgundy, Lower Lorraine, Brabant, Limburg, and Luxemburg, of the counties of Flanders, Artois, Franche-Comté, Hainaut, Holland, Zeeland, Namur, and Charolais, the margraviate of Antwerp, and the lordships of Friesland, Salins, and Mechelen.[3] Of course, the panel concealed a much more complex reality. The provincial coats of arms to some extent represented a dream scenario and encompassed historical relicts, whose only purpose was to express princely ambitions or to legitimize the

[2] Laurent, *Sceaux* I, 2, 575–80.

[3] Compare the eighteen feudal titles of Charles the Bold, recorded in the ordinance of Thionville on 8 December 1473: Van Rompaey, *Grote Raad*, 507–9.