**Title**
Listing Sovereignty: Archive and Rebellion in the Low Countries, 1300-1578



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**Publication Date**
2019

Peer reviewed|Thesis/dissertation

# Listing Sovereignty: Archive and Rebellion in the Low Countries, 1300-1578

By

Ron M Makleff

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

History

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Peter Sahlins, Co-Chair
Professor Geoffrey Koziol, Co-Chair
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Summer 2019

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Abstract

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My dissertation argues that archive keepers created a late medieval information state in Flanders around the year 1400 as part of their escalating response to urban rebellion. I track how documents created power under three dynasties, all of which attended to the charter treasury in the linguistic and political border town of Lille: Dampierre (1244-1385), Valois (1385-1482), and Habsburg (1482-1667). Refining the older traditions of cartulary- and register-keeping, these dynasties' administrators created sophisticated archival lists – inventories – that remained in use for three centuries. These inventories facilitated the confiscation, creation, organization, and mobilization of archival documents that enabled the counts of Flanders to expand their sovereignty, which in late medieval Europe meant magnifying their own power vis-à-vis other local institutions and expanding the range of their authority. This was not a linear process: through their use and abuse, archives were made into spaces of truth and repositories of political power. At different stages, archives might be shared between princes, towns, and churches. Transformations to the ways documents made power had as much to do with the interaction between these different institutions as they did with the innovations of princely authorities themselves.

Around the year 1100, regional princes began issuing charters of privilege to communities in Flanders. Two hundred years later, the charter was a necessary foundation of urban life, and in response to twin traditions of internal rebellion against patrician municipal regimes and urban rebellion against the prince, the counts of Flanders began to regularly revoke and re-issue these charters, integrating archival punishments into long-standing rituals of penitence used to mend the relationship between ruler and ruled in the wake of conflict. As they did so, comital administrators gathered information on the contents of their urban subjects' archives and eventually began to seek monopolies over certain types of archival documents. Initially, princely administrators showed interest primarily in charters of privileges, but over the course of the fourteenth and fifteenth centuries, they began confiscating increasing numbers and types of documents in an attempt to create regional exclusivity over the rights to make war and grant privileges. Only as they built up this informational sovereignty did counts begin to emphasize their own symbolic power by practicing the rites of power previously associated in Flanders with the kings of France. But as the confiscation of archival documents became a routine element of their ceremonial repertoire, the rituals of rebellion and repression became routine. Only a disproportionate repression of urban constitutional rights under Emperor Charles V could break the legal hold of the regime of privilege founded around 1100, but the legacy of privilege and sovereignty established over the previous half century lived on in early modern rebellions.

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# ACKNOWLEDGMENTS

I can think of no greater contrast than that between the communal, chaotic origins of ideas to write down and the solitary nature of putting those words to page. The advice, camaraderie, visions, readings, and gossip (a.k.a. social history) of my colleagues, friends, teachers, and friendly strangers have provided this project with life. The itinerant nature of this dissertation's creation has driven home the importance of community.

Various shapes, sizes, and sorts of intellectual community have engaged me over the past two decades between California and Jerusalem, in ways that I cannot always name but understand deeply. The worldview behind this dissertation is the product of a moment in my life, an accidental immigration or return to Israel/Palestine in the summer of 2006 without which this project would never have come into my head in the same shape. Pensive Saturday mornings in the South Hebron Hills surrounded by sheep and soldiers, agriculturalists and activists prompted me to consider the genealogies of state power, state knowledge, and state borders, as did conversations in Jerusalem with roommates, friends, and comrades such as Jeremy Siegman, Albert Suissa, Haim Noy, Nasser Ghawi, Ofir Feuerstein, and countless customers at the Zigmund Café in Jerusalem. To these discussions a layer of method, passion, and acuity was added by my cohort of former Jerusalemite political scientists now scattered across the disciplines and the world: Adi Livny, Yuli Rzaev, Yaniv Feller, Noam Halpern, and Aviv Cohen.

This project was present within virtually all of my relationships for longer than I care to admit, and so the friends bemused by the struggles of this academic project deserve special thanks and humble apologies: Maya Benbenishty, Nabil Bisharat, Amit Manna, Bryce Druzin, Shannon Gallegos, Brook Hailu, Joe Jackiewicz, David Keyes, Reed Keyes, Nicholas Lahr, Timoteo Lessler, Karla Gleichkauf, Collin McMurdo, Karuan Taha Otmann, Rigo Placensia, Mohammad Salaymeh, Kelly Scott, Fernando Serrato, Michael Smith, Kris Tan, Jonathan Wasserman, and. Members of the Imbala Cooperative in Jerusalem provided optimism, openness, comfort, and inspiration; my studio-mates at Savioney Levinsky moral support, aesthetic taste, and a lifeline out of the library; Pap in Brussels, Coffee with a Beat in Oakland, and countless other baristas provided liquid courage.

The incredible talent, professionalism, and generosity of my community in and around the History Department at UC Berkeley was the dearest part of my doctoral education and that camaraderie has been sorely missed: Paul Bissember, Angelo Matteo Cagliotti, César Bowley Castillo, Liz Chadwick, Emilia Cordero, Talia Di Manno, Maggie Downey, Ari Edmundson, Sophie FitzMaurice, Sourav Ghosh, Katie Harper, Alexandra Havrylyshyn, Trevor Jackson, Joey Kellner, Chris Branson Lowman, Sara Ludin, Raphael Magarik, Natalie Mendoza, Ivana Mircovic, Natalie Novoa, Derek O'Leary, Joel Pattison, Sebastian Peel, Jason Rozumalski, Hayley Rucker, Tehila Sasson, Kerry Shannon, Sarah Stoller, Yotam Tsal, Jesse Watson, Sam Wetherell, Tim Wright, Mirjam Voerkelius, and Julia Wambach. In particular, Robbie Nelson, Megan Svoboda, Aaron Hall, and Sheer Ganor have viewed the darkest depths of my soul and lived to tell about it. I am especially grateful for the friendship and support of my body double, Camilo E. Lund-Montano and his family.

Historians, I believe, have as much to learn from archivists about an ethical and activist approach to their profession as they do about sources. This dissertation was made possible by the patient assistance of archivists and librarians across the world. The Berkeley History librarian Jennifer Dorner was patient, helpful, and overly modest. Hervé Passot at the *Archives départementales du Nord* exhibited rare curiosity and expertise, and the familiar faces of the staff there were all the encouragement I needed to spend every possible minute there rather than exposed to the chilly Lillois winter. At the *Archives générales du Royaume* in Brussels, the staff dealt admirably with a lack of resources and managed my frequent ignorance. At the Stadsarchief Gent, archivist Guy Dupont and

the admirable communal inventorying program ongoing there were extraordinarily generous with their findings. The staff at the Archiv Hansestadt Lübeck was careful and patient.

Negotiating the delicate balance in academia between competitiveness and collaboration requires role models. The scholars, senior and junior – whose unprompted generosity has been a remarkable example of how a profession of voluntarism could and should work – include: Gadi Algazi, Dan Avnon, Eyal Bassan, Ann Blair, Yitzhak Brudny, Natalie Zemon Davis, Thomas Ertl, Ayelet Even Ezra, Guy Geltner, Or Hasson, Randolph Head, Nicole Hochner, Yanay Israeli, Adam Kosto, Amit Levy, Hannah Murphy, Iddo Nevo, Oded Rabinovitch, Yosefa Raz, Ray Schrire, Omri Shaffer-Raviv Moshe Sluhovsky, Yael Sternhell, Filippo de Vivo, Rachel Wamsley, Yfaat Weiss, Shira Wilkof, and Megan K. Williams. The participants and teachers, fellows, and staff at the early modern European archival history summer course at the Herzog August Bibliothek in Wolfenbüttel and participants in the CLIR-Mellon dissertation research fellowship managed to balance professionalism and passion admirably. The generosity of the UCB-ULB graduate student exchange program enabled me to conduct a final round of research in Brussels, introducing me not only to a whole new set of sources, but to the incredible metropolis of Brussels and a challenging forum to share my research at the History department. In this context, my sincerest thanks are due to Alexis Wilkin and Michèle Galand. The same goes to Frederik Buylaert who graciously hosted me in Ghent. These were only several of the supportive and insightful scholars who introduced me to their students, their work, and their homes, including Élodie Lecuppre-Desjardin and Jean-Baptiste Santamaria. A look of recognition shared with Tineke van Gassen over a table filled with archival inventories in Ghent became a fruitful comparison.

This being a work about the untold aspects of documentary culture, I would be remiss were I not also to thank the students who collected and returned to the shelves countless piles of library books, the attendants who fetched hundreds of archival boxes and registers, the staff at the many institutions I patronized, and the invisible hands that scanned millions of pages of primary source editions and publications for online editions of books. Their labor is as underappreciated and undertheorized as that of the medieval and early modern scribes that only rarely appear between the lines of archival texts I write about here.

The teachings, writings, readings, and discussions of the scholars of Dwinelle Hall presented me with the tools to compose this piece of work: Frank Bezner, Déborah Blocker, Thomas J. Brady, III, Brian DeLay, Paul Duguid, Tom Laqueur, Maria Mavroudi, Maureen Miller, Sugata Ray, Jonathan Sheehan, Nicholas Paige, Diego Pirillo, and Michael Wintroub. The humor, patience, and support of my advisor and dissertation Co-Chair Peter Sahlins was indefatigable, and nearly as reliable as his constant demand for terminological precision and titular clarity. Geoffrey Koziol, my second dissertation Co-Chair, has read my work more closely than any graduate student could hope. To the two of them I owe, in large part, the shape of this dissertation.

I am full of gratefulness to my family of rootless cosmopolitans scattered across the globe. The calming presence, incessant encouragement, and stone-cold realism of my sister Shelly have been unparalleled. She, her partner Guy, and her friends in Stanford, New York, Amsterdam and San Francisco have provided spare bedrooms, sage advice, and ways of being in the world. In anticipation of the impending expansion of my own family, I cannot help but wonder at my parents Orna and Amir's total devotion to my well-being, my need for a haircut, and my growling belly. No two personalities are more recognizable within my own.

Above all, this dissertation would be unrecognizable without the brilliance of my partner, muse, and closest friend of over a decade, Adi Livny. Without her endless curiousity, none of these ideas would be remotely so strongly felt or sharply stated. It is to her that I dedicate this work.

Tel Aviv, August 2019

# INTRODUCTION
# The Information State's Unstable Archive: Paper Trails of Sovereignty in the Low Countries, ca. 1300-1600

This is a study of the information state as it emerged in late medieval Flanders, told through a cultural and administrative examination of a single princely archive and the tools of sovereignty developed in and through it. The material and institutional history of this archive, the *trésor des chartes* (charter treasury) of the counts of Flanders at Lille, serves as the setting for a novel account of European sovereignty and a case study in the emergence of the information state. This specific type of regime that "prioritized the collecting, interpreting, manipulating, and disseminating of information as a primary mode of exercising and maintaining power" has been identified in a number of sixteenth- and seventeenth-century contexts in Europe. But the *tools of informational sovereignty* that made this early modern information state possible were created in late medieval Europe, in a number of institutional settings that did not necessarily practice centralization, rationalization, and bureaucratization, the core tenets of Weberian state formation. I define this late medieval iteration of the information state as a form of polity that expanded its sovereignty by confiscating, collecting, and hoarding more and more textual artifacts (books, documents, and registers), which it then actively used to subordinate rival institutions within a certain jurisdiction.[1] In Flanders, such a polity took shape as comital administrators incorporated documents into the rituals of penitence forced upon defeated urban rebels in the wake of rebellions.

Instead of tracing the power of writing wielded by the kingdoms that became modern states, my research is guided by questions about the role of documents in relations between princes and other late medieval institutions: which political contexts, institutions, and interactions were responsible for the type of information state that emerged on the threshold of the modern period in Europe? How did princely administrators turn archives into tools of sovereignty, and what violence did this entail? What impact did these uses of documents have on populations' and sovereigns' credence in archives themselves? Was a growing administrative corps, increasing rationalization, and geographic centralization necessary for the emergence of the information state? What continuities in both everyday and textual practices limited the power of the information state? My approach to this set of questions is to trace the accumulation of what Bourdieu called symbolic and informational capital (see below) by Flemish counts between the thirteenth and sixteenth centuries, when the administrators of three successive dynasties – Dampierre (1246-1385), Valois (1385-1482), and Habsburg (1482-1667) – founded and expanded the same *trésor des chartes* at Lille.

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[1] I have drawn especially on the definition of Nicholas Popper, "An Information State for Elizabethan England," *The Journal of Modern History* 90, no. 3 (August 21, 2018): 503. Black is typical in arguing that information became the key to political and economic power during the long nineteenth century. Higgs, meanwhile, is eager to prove that no centralized surveillance state existed before the nineteenth century, but suggests that diffuse (non-centralized) information gathering existed in pre-modern England. Jeremy Black, *The Power of Knowledge: How Information and Technology Made the Modern World* (New Haven: Yale University Press, 2014); Edward Higgs, *The Information State in England: The Central Collection of Information on Citizens since 1500* (Basingstoke, Hampshire: Palgrave Macmillan, 2004). Other contexts in which the information state has been said to emerge, all in sixteenth- and seventeenth-century Europe, are described in Filippo de Vivo, *Information and Communication in Venice: Rethinking Early Modern Politics* (Oxford: Oxford University Press, 2009); Jacob Soll, *The Information Master: Jean-Baptiste Colbert's Secret State Intelligence System*, Cultures of Knowledge in the Early Modern World (Ann Arbor: University of Michigan Press, 2009); Geoffrey Parker, *The Grand Strategy of Philip II* (New Haven: Yale University Press, 1998). On textual artifacts, see Matthew S. Hull, *Government of Paper* (Berkeley: University of California Press, 2012), 10.

I argue that the interaction between towns and princes had a special role in the emergence of the information state in Flanders, a process that had three main phases in our period of study. First, often violent interaction with rivals and urban subjects prompted princely states to accumulate informational capital. Some two centuries after hundreds of charters of privilege were issued far and wide by European lords (peaking in the late twelfth century), Flemish comital administrators began to confiscate charters and other documents from urban archives in the wake of repressed rebellions and to collect, study, evaluate, and copy out more and wider varieties of these documents. Out of these confiscations, the administrators adopted and adapted new kinds of lists that made information in archives accessible or traceable and helped frame arguments for the prince's rights. By collecting, organizing, summarizing, and mobilizing documents, these tools helped counts tighten and extend their authority and to supersede other local institutions. I call this process the expansion of sovereignty because it was directed at the goal of carving out comital exclusivity over certain fields of action such as war-making or privilege-giving.[2] The issuance and revocation of charters of privilege and the creation of archival inventories that summarized each document in the archive according to a uniform rubric were especially effective means of expanding the informational sovereignty – and the polity – of the Flemish counts in the fourteenth and fifteenth centuries. Only after they built informational sovereignty did Flemish counts seek the more ceremonial or symbolic elements of sovereignty, the kind enjoyed during princely entries, coronations, oaths, and other "rites of power," that made up a regime's basic ruling rituals.[3]

Charles Tilly's suggestion that "war made the state and the state made war" is not quite true of the Flemish case. In fact, Tilly and his generation of state formation theorists never sought to understand the hundreds of polities that existed in Europe at the close of the Middle Ages, but only to explain how France, England, Italy, or Germany acquired their modern characteristics.[4] Still, it

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[2] In defining the expansion of sovereignty, I have drawn upon Ellen Kittell's work tracing the emergence of "those institutions we now recognize as constitutive of the modern state" in thirteenth- and fourteenth-century Flanders. "Such institutions evolved as the means by which a prince implemented the principle that his own interests superseded local ones... as princes tightened and extended their authority over territories and peoples beyond their original domains." Ellen E. Kittell, *From Ad Hoc to Routine: A Case Study in Medieval Bureaucracy*, Middle Ages Series (Philadelphia: University of Pennsylvania Press, 1991), 1. I do not mean this in the sense of territorial expansion. For the relationship between the two, see, among a vast scholarship Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1989); Charles S Maier, "Transformations of Territoriality: 1600-2000," in *Transnationale Geschichte: Themen, Tendenzen und Theorien*, ed. Gunilla-Friederike Budde, Sebastian Conrad, and Oliver Janz (Göttingen: Vandenhoeck & Ruprecht, 2006).

[3] Or, as Jelle Haemers has recently suggested, what he calls "the symbolic capital of a monarch gives him a creative, semi-divine power, which makes him capable of governing the state, ruling subjects, and fighting rivals." Jelle Haemers, *For the Common Good: State Power and Urban Revolts in the Reign of Mary of Burgundy, (1477-1482)*, Studies in European Urban History (1100-1800) 17 (Turnhout: Brepols, 2009), 5. Haemers cites Pierre Bourdieu, "Sur le pouvoir symbolique," *Annales* 32, no. 3 (1977): 405–11. See also Sean Wilentz, ed., *Rites of Power: Symbolism, Ritual, and Politics since the Middle Ages* (Philadelphia: University of Pennsylvania Press, 1999); Jean-Philippe Genet, "Introduction: Which State Rises?," *Historical Research* 65, no. 157 (June 1, 1992): 119–33.

[4] Charles Tilly, "Reflections on the History of European State-Making," in *The Formation of National States in Western Europe*, ed. Charles Tilly and Gabriel Ardant, Studies in Political Development 8 (Princeton, N.J: Princeton University Press, 1975), 10, 42, 48. Tilly's work on state formation was path-breaking but very problematic. Tilly, to his credit, recognized a parallel danger: that the state might "cover its own tracks" because it controlled the archives on the basis of which history was written. Federico Chabod provided another early warning about the pitfalls of state-formation models: If we set out to discover signs of modernity in the early political structures which later developed into modern states, we "end by coaxing the texts, without worrying too much about niceties." Federico Chabod, "Was There a Renaissance State?," in *The Development of the Modern State*, ed. and trans. Heinz Lubasz (Toronto: Macmillan, 1964), 27. His project, however, was funded by the Ford Foundation, with the explicit goal of using medieval European precedents to guide the development of stable, unitary, capitalist states in Asia, Africa, and Latin America. On the participation of Strayer with the CIA's state-building efforts in the global south, see W.C. Jordan's preface to the new edition of Joseph R. Strayer, *On*

was in the violent context and aftermath of urban rebellion that princely archivists, chancellors, and scribes working for princes of all ranks came up with new ways of furnishing the technical basis for a late medieval information state. Thus, the information state as it emerged in late medieval Flanders was the product of an administrative response seeking to repress local traditions of urban solidarity and anti-seigneurial rebellion.

Lille, its *trésor des chartes*, and the Burgundian state

In our period of study, Lille was a linguistic and political frontier town in Walloon Flanders that, despite great wealth, political autonomy, and a regional tradition of revolt, avoided open rebellion against its sovereign. Along with its more famous neighbors of Douai and the *drie steden* (three towns) of Ghent, Bruges, and Ypres, Lille was recognized as one of five autonomous towns of Flanders by Philip of Chieti, son of the imprisoned count of Flanders in 1304. The count himself was imprisoned by the king of France, who was eager to incorporate the urban network of the Low Countries – at the peak of their medieval prosperity in the middle of the thirteenth century – into the royal domain. He had good cause: in terms of population density and the productivity of its cloth industry, the Flemish towns had no European rival before the economic growth of northern Italy in the fourteenth century. Lille's own textile industry may have suffered somewhat between 1312 and 1369 from its temporary cession, along with the neighboring castellanies, to the king of France, whose poor relations with England hampered its most important source of wool. At crucial moments in Flemish history, the right to import wool from England was at the center of conflict between the towns and their rulers. Flanders' ample waterways, coastal location, and its ease of accessibility to the most important trading networks and fairs of medieval Europe, were responsible for the early emergence of a merchant class in Lille and its neighboring towns. But urban wealth had its rural foundations: both Lille and the county as a whole benefited from impressive developments in rural agriculture. The ongoing growth of urban centers, moreover, created a demand for labor and arable land even as the budding merchant class imported grain in rising quantities. Save an apparent dip in population in the mid fourteenth century, Lille boasted a substantial population that fluctuated between 20,000 and 30,000 inhabitants from 1300 to 1560.[5]

Flemish agriculture and trade were especially fertile ground for the development of political autonomy and governmental institutions of all kinds. A trope oft repeated during Flemish uprisings

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*the Medieval Origins of the Modern State*, 1st Princeton classic ed (Princeton, N.J: Princeton University Press, 2005) and John Cavanagh, "Dulles Papers Reveal CIA Consulting Network: Panel met secretly at Princeton" The Forerunner 4.29.1980, available at <http://www.cia-on-campus.org/princeton.edu/consult.html> accessed 4.9.13. Tilly and his colleagues were inheritors of the older tradition of Barrington Moore. Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966).

[5] Even when grain imported from the Baltic increased fivefold in the first half of the sixteenth century, the ongoing growth of the urban centers of the Low Countries meant both the arable land, its output, and its labor increased in the countryside as well. Flanders produced higher crop yields, planting density, and agricultural wages than elsewhere in Europe. For agricultural and population information, see Jonathan I. Israel, *The Dutch Republic: Its Rise, Greatness and Fall, 1477-1806*, Oxford History of Early Modern Europe (Oxford: Clarendon Press, 1995), 111, 114; Robert S. DuPlessis, *Lille and the Dutch Revolt: Urban Stability in an Era of Revolution, 1500-1582*, Cambridge Studies in Early Modern History (Cambridge, U.K.; New York: Cambridge University Press, 1991), 233; James D. Tracy, *Erasmus of the Low Countries* (Berkeley: University of California Press, 1996), 8–9. The counts of Flanders developed important fiscal means during this period to compensate, setting up their chamber of accounts (*renenge*) at the Mâle castle near Bruges. See Marc Boone and Maurice Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre au bas Moyen Âge : intérêts économiques, ambitions politiques et sociales," in *À l'ombre du pouvoir: Les entourages princiers au moyen age*, ed. Alain Marchandisse and Jean-Louis Kupper, Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège 283 (Geneva: Librairie Droz, 2003), 295–99.

was the idea of a federation led by its towns, an idea that periodically took the form of joint political and economic institutions. For example, Lille had been among the five towns represented by the *scabini Flandriae*, urban aldermen who represented their towns' interests in negotiations with the English crown, as early as 1208. Like Flanders' larger towns, Lille also had robust traditional institutions of self-governance confirmed by a charter of privileges first issued in 1066 under Count Baldwin V (r. 1035-1067). By the time the town began incorporating neighboring villages and ecclesiastical jurisdictions in the thirteenth and fourteenth centuries, it had a robust set of municipal institutions. The production of a late thirteenth-century compilation of Lillois civic codes known as the *Livre Roisin* illustrates the role of urban clerks as guards and interpreters of the law almost wholly independent of comital officials, and seems to indicate the presence of a municipal archive as early as 1235.[6]

But unlike its neighbors in the Flemish urban network, Lille also had a growing presence of princely institutions of rule. In the middle of the thirteenth century, while the counts of Flanders were removing their archives from the chapter of Saint Donat in Bruges (chapter 1), they were founding financial and judicial institutions in Lille. The most important among these was the *renenge* of the counts of Flanders, which later became the *chambre des comptes* or financial comptroller's office, namesake of the archival *fonds* at the center of this study.[7] This corps of financial accountants oversaw tax farming and the expenditures of comital officials from within the comital fortress, the *château de la Salle*. That castle and the nearby collegiate church of Saint Pierre were also completed under Baldwin V, whose devotion to the town was such that he was remembered as Baldwin of Lille. He and his successors were responsible for founding most of the churches, hospices, and monasteries that made Lille so dense with institutions of the written word: by the year 1300, at least twenty churches, monasteries, hospitals, and hospices dotted the town. A town hall founded in 1233 was promptly made the site of a municipal archive as well.[8]

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[6] On Flanders and Lille's economic situation in general, including a comparison with Italy, see David Nicholas, *Town and Countryside: Social, Economic and Political Tensions in Fourteenth-Century Flanders*, Rijksuniversiteit Te Gent. Werken Uitgegeven Door de Faculteit van de Letteren En Wijsbegeerte 152 (Brugge: De Tempel, 1971), 53; Jan De Vries, *European Urbanization, 1500-1800*, Harvard Studies in Urban History (Cambridge, Mass: Harvard University Press, 1984); on the years of direct French rule and the Lillois textile trade, see Robert Marquant, *La vie economique a Lille sous Philippe le bon*, Bibliothèque de l'Ecole des hautes études. IVe section, Sciences historiques et philologiques ; fasc.227 Y (Paris: Librairie ancienne Champion, 1940), 24–25; on the scabini Flandriae, see Marc Boone and Maarten Prak, "Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries," in *A Miracle Mirrored: The Dutch Republic in European Perspective*, ed. Karel Davids and Jan Lucassen (Cambridge: Cambridge University Press, 1995), 103. For the use of the term "cinq villes," a reference to the mutual assurance of autonomy between Ghent, Bruges, Ypres, Lille, and Douai in 1304, see Commission royale d'histoire, *Compte rendu des séances de la Commission Royale d'Histoire, ou Recueil de ses bulletins*, vol. 3, 2nd (Brussels: Hayez, 1852), 27. On the *Livre Roisin* and Lillois institutions, see the following notes.

[7] The B series at the *Archives départementales du Nord* are known as the archives de la chambre des comptes, which was indeed the custodian of a vast repository: over 20,000 registers, cartons, folders, and dossiers filling 722 linear meters. Max Bruchet, "Histoire des archives de la Chambre des Comptes de Lille," *Annales du Comité flamand de France* 32 (1921): 14. But the *chambre des comptes* only became the custodian of the *trésor des chartes* in the late sixteenth century, making this title a serious misnomer. Historians studying the *chambre des comptes* have nevertheless studied the history of the *trésor* almost as if it was an element of their archival functions. From an examination of their own inventories, it is clear that the financial accountants had only limited need for documents of the type lying in the *trésor des chartes*. See Mireille Jean, *La Chambre des comptes de Lille (1477-1667): l'institution et les hommes*, Mémoires et documents de l'Ecole des chartes 36 (Paris: Ecole des chartes, 1992). On the town's jurisdiction, see Nicholas, *Town and Countryside*, 54; Marquant, *La vie economique a Lille sous Philippe le bon*, 23.

[8] These numbers and dates are taken from the historical summary included in the lovely sixteenth-century map of Lille (and dozens of other Flemish and Brabantine towns in Jacob van Deventer, *Atlas des villes de la Belgique au XVIe siècle. Cent plans du géographe Jacques de Deventer, Exécutés sur les ordres de Charles Quint et de Philippe II, reproduits*, ed. Émile Ouverleaux and Joseph Van den Gheyn (Bruxelles: Weissenbruch, 1884). On municipal institutions, clerks, and law codes, see Simon

The density of overlapping institutional forces within the urban space has recently caught the attention of scholars, who have noted that late medieval political action happened at the confluence of various institutional networks. To use Patrick Lantschner's phrase, medieval politics, especially urban politics, were polycentric.[9] In Flanders, the emergence of state institutions had as much to do with the interactions between ecclesiastical, municipal, and princely forces within towns as it did with the innovations of the princely apparatuses that would eventually form modern states. All of these polities built institutions, to borrow John Watt's usage, and all of them developed tools of informational sovereignty.[10] While Lantschner has pursued the consequences of polycentric politics for understanding the prevalence of contentious politics in certain towns, I believe the concept also holds important consequences for understanding the emergence of sovereignty.

The archives of municipal administrators were sites of urban memory and identity. The thousands of chirographs held in urban archives in Flanders and northern France during the late Middle Ages are perhaps the best illustration of this. They were produced from a single parchment with several iterations of a text cut into jigsaw pieces only verifiable by placing the pieces one alongside the other. This embodied what Brian Stock called a "textual community," now enacted within the urban space and through municipal institutions.[11] Moreover, municipal institutions and

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Boisier-Michaud, "Étude du Livre Roisin: Recueil médiéval et moderne de la loi de Lille" (Thesis, Université de Montréal, 2011), 63. On the *renenghe*, see Kittell, *From Ad Hoc to Routine*; and on the comital chancellery until the rise of the Dampierre, see Els De Paermentier, "Une chancellerie complexe. La production d'actes dans l'entourage comtal pendant l'union personnelle des comtés de Flandre et de Hainaut (1191-1244)," *Revue historique* 665, no. 1 (2013): 23–56.

[9] Patrick Lantschner, *The Logic of Political Conflict in Medieval Cities: Italy and the Southern Low Countries, 1370-1440*, Oxford Historical Monographs (Oxford, UK: Oxford University Press, 2015); John Lovett Watts, *The Making of Polities: Europe, 1300-1500*, Cambridge Medieval Textbooks (Cambridge, UK; New York: Cambridge University Press, 2009). Peter Burke, moreover, suggests that many modern state practice had ecclesiastical origins. Peter Burke, *A Social History of Knowledge: From Gutenberg to Diderot, Based on the First Series of Vonhoff Lectures given at the University of Groningen (Netherlands)* (Cambridge, UK; Malden, Mass.: Polity Press; Blackwell Publishers, 2000), 120–22. He suggests that "the first European bureaucracy was not secular but ecclesiastical. In the thirteenth century, Pope Innocent III was already concerned with the retrieval of information from official registers." On urban space as an inherent part of politics rather than simply a scene for it, see Henri Lefebvre, *The Production of Space* (Oxford: Blackwell, 1991); Marc Boone and Martha C. Howell, eds., *The Power of Space in Late Medieval and Early Modern Europe: The Cities of Italy, Northern France and the Low Countries*, Studies in European Urban History (1100-1800) 30 (Turnhout: Brepols, 2013); Peter Arnade, *Realms of Ritual: Burgundian Ceremony and Civic Life in Late Medieval Ghent* (Ithaca, N.Y: Cornell University Press, 1996).

[10] For Watts, this means we must speak not of state-building or state-formation, but of "polity formation," an option I reject for its obvious analog to "state formation." On ecclesiastical institutions and territorial governance see: Robert F. Berkhofer, *Day of Reckoning: Power and Accountability in Medieval France*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 2004); John Sabapathy, *Officers and Accountability in Medieval England 1170-1300* (Oxford: Oxford University Press, 2014); Dominique Iogna-Prat, *Ordonner et exclure: Cluny et la société chrétienne faceà l'hérésie, au judaïsme et à l'islam, 1000-1150*, Collection historique (Paris: Aubier, 1998); Sébastien Barret, *La mémoire et l'ecrit: l'abbaye de Cluny et ses archives (Xe-XVIIIe siecle)*, Vita regularis. Abhandlungen, Bd. 19 (Münster: Lit, 2004). And on leagues, see Laurence Buchholzer-Rémy and Olivier Richard, eds., *Ligues urbaines et espace à la fin du Moyen Age / Städtebünde und Raum im Spätmittelalter* (Strasbourg: Presses universitaires de Strasbourg, 2012); Gianluca Raccagni, "An Exemplary Revolt of the Central Middle Ages?: Echoes of the First Lombard League across the Christian World around the Year 1200," *The Routledge History Handbook of Medieval Revolts*, November 25, 2016, 130–51; Stuart Jenks, "A Capital without a State: Lübeck Caput Tocius Hanze (to 1474)," *Historical Research* 65, no. 157 (1992): 134–49.

[11] Brigitte Bedos-Rezak, "Civic Liturgies and Urban Records in Northern France, 1100-1400," in *City and Spectacle in Medieval Europe*, ed. Barbara A. Hanawalt and Kathryn L. Reyerson (Minneapolis: University of Minnesota Press, 1994), 34–55; Brian Stock, *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton, N.J: Princeton University Press, 1983); Andrew Butcher, "The Functions of Script in the Speech Community of a Late Medieval Town, c. 1300-1550," in *The Uses of Script and Print, 1300-1700*, ed. Alexandra Walsham and Julia C. Crick (Cambridge: Cambridge University Press, 2004), 157–70; Jennifer Bishop, "The Clerk's Tale: Civic Writing in Sixteenth-Century London," *Past & Present* 230, no. suppl 11 (January 1, 2016): 112–30. See also Thomas Behrmann, "Genoa and Lübeck: The Beginnings of Communal Record-Keeping in Two Medieval Trading Metropolises," in

documentary cultures were not developing in isolation from princely and ecclesiastical institutions. The establishment of royal *prévots* in the French "bonnes villes" in the twelfth and thirteenth centuries was only one example: administration in towns – whether it was princely administration or not – was institution building. In the German empire, Ernst Schubert suggests, this process happened only later, in the fourteenth and fifteenth centuries, when the *Residenzburg* of princes were increasingly exchanged for urban palaces with a *brivkammer* (chancellery) and other administrative institutions. He suggests that, from these urban centers, rulers became more adept at limiting urban autonomy and establishing the primacy of princely judicial institutions.[12] I argue that this oppositional view is too limited: towns and princes rose together as often as they were opposed to one another. In short, the emergence of informational tools of sovereignty maps snugly onto the urban belt, where municipal, ecclesiastical, and princely institutions overlapped and interacted most frequently.

Lille, for one, was particularly loyal to its sovereign, perhaps because of the abundance of princely institutions established there beginning in the eleventh century. Of the dozens of anti-comital urban disturbances of the final two decades of the thirteenth century, for example, only one (in 1285) seems to have caught on in Lille, which continued only rarely to join its fellow towns in the frequent rebellions that roiled Flanders. Exemplary of Lille's position during times of county-wide rebellion was the town aldermen's decision to put on a feast for visiting military commanders and French lords in the wake of the defeat of rebel troops at the hands of French and comital troops at the Battle of Roosebeke (1382). This obedience may have owed to the town's relatively large petit bourgeoisie, which was able to moderate the opposition between various craft guilds, or to its urban constitution, which granted the sovereign and his representatives the power to maintain relative tranquility. Patrick Lantschner points out that Lille's centrality in the comital administration meant the town had means of expressing political opposition to comital policy without entering open revolt – through the count's own courts, for example. In any case, the same outward loyalty to hierarchy was on display when sectarian hedge preaching, Iconoclasm, and the religious and political conflict that came with it swept the Low Countries in the middle of the sixteenth century, and Lille's Catholics resisted with an "energetic and violent" devotion to their Catholic Habsburg overlords.[13] The town's relative calm was surely one reason why, for centuries, Lille was a frequent launching point for comital military expeditions, its burghers were the count's favorite lenders, and its castle one of his favorite residences.

Scholars believe that the same *château de la Salle* in Lille held a document repository no later than the middle of the thirteenth century, though no surviving inventory exists before from before

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*Archives and the Metropolis: Papers Delivered at the "Archives and the Metropolis" Conference, 11-13 July 1996*, ed. M. V. Roberts (London: Guild Library Publications, 1998), 11–21; Jacoba van Leeuwen, "Municipal Oaths, Political Virtues and the Centralised State: The Adaptation of Oaths of Office in Fifteenth-Century Flanders," *Journal of Medieval History* 31, no. 2 (June 1, 2005): 185–210. In my Master's Thesis, I argue that urban archival practice was far more adept at this kind of community building than royal practice. See Ron Makleff, "Knowing the City: Municipal Archives in Late Medieval Western Europe and the Narrowness of State Formation Theory" (Thesis, Hebrew University of Jerusalem, 2010).

[12] On *prévots*, see Michael Wolfe, *Walled Towns and the Shaping of France: From the Medieval to the Early Modern Era* (New York: Palgrave Macmillan, 2009), 16, 20. For Schubert, see Ernst Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter*, 2nd ed. (Berlin, Boston: De Gruyter, 2006), 79.

[13] The relationship between Lille and the count of Flanders is described in Marquant, *La vie economique a Lille sous Philippe le bon*, 26–27; and on the Troubles of the sixteenth century, see DuPlessis, *Lille and the Dutch Revolt*, 309–16; Israel, *The Dutch Republic*, 150, 159–60. Lille's means of protest beyond the "weapons of the weak" are discussed in Patrick Lantschner, "Voices of the People in a City without Revolts: Lille in the Later Middle Ages," in *The Voices of the People in Late Medieval Europe*, Studies in European Urban History (1100-1800) 33 (Turnhout: Brepols, 2014), n. 49. The "plaintes" of the Flemish towns in the late thirteenth century are described by Jan Dumolyn, "Les «plaintes» des villes flamandes à la fin du xiiie siècle et les discours et pratiques politiques de la commune," *Le Moyen Âge* 121, no. 2 (2015): 15.

the fourteenth century: the Lille *trésor*. As an institution, this archive was remarkably stable. During transitions between dynasties, there was only minor turnover of administrators in charge of it. Only once was the entire *trésor* moved, probably in the wake of a 1509 fire at the *château*; it was gradually transported to the *chambre des comptes*, housed after 1413 in the *rue Equermoise*, where a new *tour des chartes* was completed to accommodate it in 1578. By that time, the *trésor* had been surveyed by a team of scribes at least three times, had grown to accommodate the documents of dozens of principalities and towns defeated by its sovereigns, and become the destination for thousands of documents from repositories at other provincial centers in a kind of mirror of the growth of the Burgundian state (chapter 3). It had also been overseen by at least a dozen *gardes des chartes* (charter guards, or archivists) whose keys and inventories effectively controlled access to and use of the repository. Each *garde des chartes* dutifully passed these keys and inventories along to his successor before an official from the *chambre des comptes*. Officially, only the chancellor, count, or *garde des chartes* had the authority to remove a document from the archive, though in practice the latter often lent his key to various other officials. Such consistency might suggest the "the exercise of control on the basis of knowledge" that, per Peter Burke, characterized modern bureaucracy.[14] But while it may have enjoyed institutional calm, the documents of the archival collection itself were far from stable.

At the *château de la Salle*, the *trésor* lay near the inner workings not only of the comital institutions based in Lille, but also of the princely court when it was in town. As Sebastien Barret has noted, even when the "archive enjoyed a growing autonomy" in the later Middle Ages, "it is always to be viewed in its relationship to other components of the relevant institution." Moreover, the *château* hosted a number of important ceremonies, such as oath-swearings, at which access to records of precedent was useful. There was also the ritual of penitence known as *amende honorable*, in which rebels were forced to kneel in submission before the sovereign. By the fourteenth century, the *amende honorable* became the forum for repeated confiscation and destruction of urban privileges: at ceremonies held not only in Lille but in Brussels, Liège, and Ghent, between a dozen and several hundred documents were presented by conquered towns as part of their punishment in 1329, 1348, 1382, 1409, 1438, 1458, 1469, 1477, 1485, and 1539-40. Whether such ceremonies were held there or in another regional palace, or at the site of the defeated rebellion, confiscation of archival materials from other institutions led to the growth of the repository at Lille. This was far more than "empty" ceremony, bearing important symbolic meanings and practical consequences for the practice of sovereignty. Until around 1400, the king was the sovereign before whom rebels knelt, while the count was the prince to whom they submitted their confiscated documents. At times, certainly, these confiscations were carried out for purposes of spectacle, because they symbolized urban autonomy.

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[14] Burke, *A Social History of Knowledge*, 24. On Flemish institutional history, see François-Louis Ganshof, "La Flandre," in *Histoire des institutions françaises au Moyen Age*, ed. Ferdinand Lot and Robert Fawtier, vol. 1 (Paris: Presses universitaires de France, 1957), 357, which remains a succinct introduction to the foundational centuries of institutional history in the county of Flanders. The earliest evidence for Flemish princely archiving Jean-François Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile," in *Les archives princières, XII-XVe siècles*, ed. Xavier Hélary et al. (Arras: Artois Presse Université, 2016), 43–65. See also the recent Aurélie Stuckens, "Les hommes de l'écrit: agents princiers, pratiques documentaires et développement administratif dans le comté de Flandre : 1244-1305" (Dissertaion, Université de Namur, 2016). The authority on the Lille *chambre des comptes* under the Habsburgs, also the archivist at the Archives départementales du Nord in Lille, is Jean, *La Chambre des comptes de Lille (1477-1667)*. On the same institution under the Valois, see Francine Leclercq, "Étude du personnel de la Chambre des comptes de Lille" (Thesis, École des chartes, 1958); Jean-Baptiste Santamaria, *La chambre des comptes de Lille de 1386 à 1419: essor, organisation et fonctionnement d'une institution princière* (Turnhout: Brepols, 2012). Determined parchment and paper thiefs could and did break into archival repositories, for example those of the *parlement* of Paris in 1494 breached by Bertrand Grebert and again in 1557 and 1620. On medieval and early modern archivists and their role as guards, see Markus Friedrich, *The Birth of the Archive: A History of Knowledge*, trans. John Noël Dillon, Cultures of Knowledge in the Early Modern World (Ann Arbor: University of Michigan Press, 2018), chap. 5.

But over the course of more than two centuries, these document confiscations left an indelible mark on the Flemish information state. They also impacted the practice of ceremonial sovereignty, as counts began to accuse rebels of *lèse-majesté* against them and to demand *amende honorable* be performed before them, rather the king.

Neither did a change of dynasty do much to modify this dynamic. After the death of Louis of Mâle (r. 1346-1384) without male heir, Artois and Flanders – including Lille and its comital *trésor* – were passed from of the House of Dampierre to the House of Valois Burgundy. This cadet branch of the French royal family (since 1328 the Valois), was founded with the granting of an appanage over the Duchy of Burgundy in 1365. Duke Philip the Bold (r. 1365-1405), on the basis of these two inheritances, built what has often been called the Burgundian state, a collection of non-contiguous jurisdictions that, over the course of a "long century of Burgundy," expanded roughly in the shape of a crescent from the duchy and county of Burgundy in the south along the borderlines of the French royal and German imperial domains all the way to the Low Countries (see Map 1). The Valois dukes were French princes, often at the royal court, and for decades their first title – before even duke of Burgundy – was "son of the King of France." But by the early fifteenth century, the dukes became wealthy, powerful, and arrogant enough to challenge the French crown itself, even allying with the English to occupy Paris for over a decade.[15] This, incidentally, was also when the counts of Flanders, now proudly calling themselves dukes of Burgundy, began to give themselves pride of place in the ceremonies of submission in the wake of revolts. Indeed, by 1385 and 1408, towns repressed by Valois princes could expect not only administrative, financial, and corporeal punishment to municipal structures, institutions, and individual rebels, but also ceremonial submissions directly to the count, rather than the king (chapter 2).

Under the Valois, the Lille *trésor* had its first titular *garde des chartes*, formalizing a series of tasks that secretaries and chancellors had informally completed. Thierry Gherbode (d. 1422), a Flemish secretary, archivist, financial officer, and negotiator for the counts of Flanders of the Dampierre and Valois dynasties, became the archivist of Flanders and Artois, a position fulfilled in Burgundy by Guy Rabby since the 1360s. Numerous other parallels and official links developed between the two territorial bases of the dukes (*par-deça* and *par-delà*), including sets of financial, judicial, and archival institutions. Scores of lawyers trained at the university of Dôle in the Franche-Comté, a French-speaking territory held by the dukes as a fief of the Holy Roman Empire, populated the administrative offices and courts of the Low Countries. In fact, the institutional connection between

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[15] Appanage is a serious matter to be accounted for here. Philip the Bold, in 1385, set up a number of institutions on the model of the French crown's. Alphonse of Poitiers had "transplanted established Capetian institutions in his capital of Toulouse, such as a Parlement" Wolfe, *Walled Towns and the Shaping of France*, 39, 42. On appanage see also Charles T Wood, *The French Apanages and the Capetian Monarchy, 1224-1338* (Cambridge, Mass.: Harvard University Press,1966). On the connections between Burgundy and Flanders, see Lucien Febvre, *Philippe II et la Franche-Comté: étude d'histoire politique, relgieuse et sociale* (Paris: Flammarion, 1970), 46–48, 61. As late as 1531, Charles V's sister, governor of the Low Countries, was also considered to be the regent of the Franche-Comté because of her "great affection" for the faraway land." One such lawyer, though he did not study at Dôle, was Mercurino di Gattinara, probably the most important architect of Habsburg power in the early sixteenth century. Rebecca Ard Boone, *Mercurino Di Gattinara and the Creation of the Spanish Empire*, Empires in Perspective, number 23 (Brookfield, Vermont: Pickering & Chatto, 2014); John M. Headley, "Gattinara, Mercurino Da," in *Contemporaries of Erasmus: A Biographical Register of the Renaissance and Reformation*, ed. Peter G. Bietenholz and Thomas Brian Deutscher, vol. 2, 3 vols. (Toronto: University of Toronto Press, 1985); John M. Headley, *The Emperor and His Chancellor: A Study of the Imperial Chancellery under Gattinara*, Cambridge Studies in Early Modern History (Cambridge, UK; New York: Cambridge University Press, 1983). The most recent monograph on the dukes considers them French princes to the end, and not a state. Élodie Lecuppre-Desjardin, *Le royaume inachevé des ducs de Bourgogne: XIVe-XVe siècles*, Collection Histoire (Paris: Belin, 2016). Lecuppre-Desjardin also doubts that Paris was ever the ducal capital, as Prevenier suggests. Werner Paravicini, "Paris, Capitale Des Ducs de Bourgogne?," in *Paris, Capitale Des Ducs de Bourgogne*, ed. Bertrand Schnerb and Werner Paravicini, Beihefte Zu Francia 64 (Ostfildern: Thorbecke, 2007), 471–77.

Burgundy and the Low Countries, and particularly between the unofficial administrative capitals of Dijon and Lille, outlasted the Valois Burgundian regime. After the fourth Valois duke, Charles the Bold, died without male heir in 1477, a series of rebellions and foreign wars against his daughter Mary the Rich were gradually eased by a marriage alliance with the Habsburgs, bringing Flanders, along with Lille and its *trésor*, under the control of the future Habsburg emperor Maximilian I.[16] Much like the transition from Dampierre to Valois rule, so too the period of transition from Valois to Habsburg was eased by continuity among the administrative corps under Mary the Rich (1457-1482), Maximilian of Austria (1459-1519), and their son Philip the Handsome (1478-1506). Both regimes tended to collect the bulk of their documents and keep financial accounts and registers at Lille, but also kept other regional administrative centers active, including provincial *trésors des chartes* in towns such as Arras and Namur. This process of regional rather than regime-wide centralization, begun under the Valois, was facilitated in the new context of the vast Habsburg Empire by the newly-established Habsburg postal network and the distribution of archival inventories among regional capitals.[17]

In terms of scale, the Habsburg and Valois polities were incomparable. From the defunct line of dukes, Flanders passed into the greatest empire that had ruled Europe in millennia under Charles the Bold's great-grandson, the Emperor Charles V. But, as a series of scholars has pointed out, both were "composite states" that loosely tied together distinct jurisdictional entities – whether they be Flanders, Artois, and the Duchy of Burgundy or Castile, Flanders, and Peru. While Flanders' place within the union shifted, continuity in the administrative tradition of the Low Countries was overwhelming: administrators kept most of the registers and inventories updated for decades. The rich tradition of urban uprising was also preserved. Charles the Bold may have become obsessed with being crowned a king, but most of the conflicts of his tumultuous reign (1467-1477) were vis-à-vis towns. As he set out to conquer Champagne and make his two territorial bases of Burgundy and the Netherlands into a contiguous swath of territory, his enemies were the towns of the Swiss

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[16] This period of transition has been studied extensively. See, for example, Jean-Marie Cauchies, *Philippe le Beau: le dernier duc de Bourgogne*, Burgundica 6 (Turnhout: Brepols, 2003); Haemers, *For the Common Good*; Larry Silver, *Marketing Maximilian: The Visual Ideology of a Holy Roman Emperor* (Princeton ; Oxford: Princeton University Press, 2008).In his *Weisskunig*, Maximilian portrayed his marriage to Mary as an instance of knightly heroism. More broadly, what Graeme Small has called "the long Burgundian century" of control over the Low Countries, between 1386 and 1477, or – according to other interpretations, 1482, 1506, or 1515 – is a well-established field of research with rich contributions to economic, cultural, and prosopographical research that are too numerous to name here. For an overview, see Graeme Small, "For a Long Century of Burgundy: The Court, Female Power and Ideology," *BMGN - Low Countries Historical Review* 126, no. 1 (2011): 54–69. On the cultural cachet of this court, followed by an army of chroniclers, artists, and heralds, see Richard C. Trexler, "Introduction," in *The Libro Cerimoniale of the Florentine Republic*, Travaux d'humanisme et Renaissance, no 165 (Genève: Droz, 1978), 10.

[17] On the post, of which Gattinara and Margaret of Austria were probably the most frequent users, see for example Wolfgang Behringer, *Im Zeichen Des Merkur: Reichspost Und Kommunikationsrevolution in Der Frühen Neuzeit*, Veröffentlichungen Des Max-Planck-Instituts Für Geschichte, Bd. 189 (Göttingen: Vandenhoeck & Ruprecht, 2003); Wolfgang Behringer, "Communications Revolutions: A Historiographical Concept," *German History* 24, no. 3 (2006): 333–74. The archival inventories are sometimes referenced in lists of attachments at the end of official letters to be taken by the post. Inventories of the Lille repository can be found across Belgian and French archives, though they did not reach beyond the Low Counties and northern France to more faraway Habsburg administrative centers of Innsbruck or Valladolid. Subsequently, Lille was then a prized conquest of the young Bourbon king Louis XIV of France, who wrested it from Habsburg Spain in 1667taking charge of the Lille *trésor* as well and refusing the Spanish request to remove it from the town. During a brief episode of the War of Succession, Lille was taken over by the Prince of Savoy; however, much to the chagrin of Belgian archivists of the nineteenth century, the archive seems to have been untouched during this brief occupation. Élie Benjamin Joseph Brun-Lavainne and Élie Brun, *Les sept siéges de Lille: contenant les relations de ces siéges, appuyées des chartes, traites, capitulations et de tous les documents historiques que s'y rattachent, avec trois plans aux époques de 1667, 1708 et 1792* (Paris: D. Derache, 1838).

League, Liège, and Flanders. Just years earlier, he had forced an unwilling administrative corps to combine three Low Countries *chambres des comptes* at the planned royal capital of Mechelen/Malines. This peak of Burgundian centralization, however, was also the background for a hasty diffusion of power after his death. Federalism run by the *drie steden* seemed momentarily possible with the issue of new urban and regional charters of privilege in 1477, and until 1492 the towns fought Mary and Maximilian tooth and nail to give the federalist idea life.[18]

And indeed, the series of dynasties and polities that ruled Flanders – and their relationship to the economic and political might of their towns – has always presented a challenge for students of the state. This is perhaps the clearest proof that the terminology of state formation – founded in sources and institutions based in European capitals – does not provide the proper tools with which to understand the emergence of power. Élodie Lecuppre-Desjardins has recognized this in arguing that, even as Charles sought a crown and territorial contiguity, the dukes of Burgundy remained French princes, not heads of state. This did not make them any less sovereign, as plenty of ordinances issued by their chancellery suggest. In fact, it was scholars' own reification of the modern state that made the Low Countries seem an outlier to the classic examples of France, England, or Spain. If the Valois polity was "less 'statelike'" than some theoretical entity that was centralizing, linguistically-, juridically-, and territorially united, the same was true of most states in Europe before the nineteenth centuries.[19] The most sophisticated versions of the war-tax models of state-formation found euphemisms for the powerful towns of the Low Countries, suggesting that the correct balance between coercive capital and economic capital was sure to forge a strong state, or that bargaining metropoles managed to retain much autonomy while also providing the capital necessary for state formation.[20]

All of these theoretical difficulties and linguistic manipulations are solved by looking at the building of sovereignty rather than at the formation of the state. Sovereignty, from the French *souverainété*, derives from the reconstructed Latin root *superanus* (literally meaning over or above with respect to others). By the thirteenth century, the term meant supreme power or authority, and within a century, according to the *Trésor de la langue française*, it could also mean "preeminence." Scholars' hesitance to use the terminology of sovereignty to describe medieval polity formation seems to follow from the difficulty to "define in principle and locate in practice" the concept. Jens Bartelson, for this reason, compares sovereignty to fire. Susan Reynolds, in an otherwise convincing historiographical essay surveying the historiography of the medieval state and opposing the use of the word sovereignty in the medieval context, concedes that middling princes (dukes, counts, or

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[18] Wim Blockmans, "Alternatives to Monarchical Centralization: The Great Tradition of Revolt in Flanders and Brabant," in *Republiken Und Republikanismus in Europa Der Frühen Neuzeit*, ed. Helmut G. Koenigsberger and Elisabeth Müller-Luckner, Schriften Des Historischen Kollegs, Kolloquien 11 (Munich: R. Oldenbourg, 1998), 145–54; Haemers, *For the Common Good*.

[19] Richard Vaughan, *Charles the Bold; the Last Valois Duke of Burgundy* (London: Longman, 1973); Lecuppre-Desjardin, *Le royaume inachevé des ducs de Bourgogne*. Quote from Michael Mann, *The Sources of Social Power, Volume 1: A History of Power from the Beginning to A.D. 1760*, vol. 1 (Cambridge: Cambridge University Press, 1986), 438ff. Harald Gustafsson, "The Conglomerate State: A Perspective on State Formation in Early Modern Europe," *Scandinavian Journal of History* 23, no. 3–4 (1998): 194–95. Gustafsson calls it a conglomerate rather than a composite state. Note that Pirenne terms the Burgundian state a "hybrid state" for somewhat different reasons: a hybrid of (and antidote to) the larger French and German states around it. H. Pirenne, "The Formation and Constitution of the Burgundian State (Fifteenth and Sixteenth Centuries)," *The American Historical Review* 14, no. 3 (1909): 479.

[20] On this see the newer version of Tilly's thesis, and work he carried out with historians of urban Europe. Wim Blockmans, "Voracious States and Obstructing Cities: An Aspect of State Formation in Preindustrial Europe," in *Cities and the Rise of States in Europe, A.D. 1000 to 1800*, ed. Charles Tilly and Wim Blockmans (Boulder: Westview Press, 1994), 218–50; Charles Tilly, *Coercion, Capital, and European States: AD 990-1992*, 2nd ed. (Cambridge, Mass., USA: Blackwell Publishers, 1992).

prince-bishops) often "profited more from the new technologies of government" and came to "look much more like states" than the neighboring kingdoms or even the German empire.[21] If so, why not make these "technologies of government" themselves the object of study rather than the states?

## The Archival Turn and the History of Archives

Historians of early modern Europe have a place of distinction in the coming of the archival turn. Natalie Zemon Davis and Arlette Farge both wrote in the late 1980s encouraging scholars to examine the archival water in which they swim so naturally. This was part of a broader set of attempts to identify and critique leading cultural and historical narratives, especially those with roots in national traditions. Research on *lieux de mémoire* (realms or sites of memory) led by Pierre Nora examined museums, symbols, concepts, and libraries as well as archives, in an effort to trace the "symbolic element of the memorial heritage of any community." Contemporaneous writing on the invention of national traditions came out of the same impulse, if not the same scholarly approach.[22] Still, especially in the wake of Derrida's *Archive Fever* (1995) and the impact of Foucault in the United States, the archive seemed to emerge as a particularly ripe field for deconstruction. Tuned to the importance of archives' origins, uses and development, historians, theoreticians, and other scholars and thinkers have made a striking "archival turn" in recent decades, identifying the archive not only as a site of research but as a subject of scholarship and committing to look at archives rather than through them.[23] The work of anthropologists has encouraged a closer examination of the

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[21] By the end of the fifteenth century, in ordinances of King Louis XI, *souverainété* referred to the power to pass judgment without any possibility of appeal. "Souveraineté," in *Trésor de la langue française informatisé*, 1994, https://www.cnrtl.fr/definition/souveraineté. Quotes in this paragraph are taken from Susan Reynolds, "The Historiography of the Medieval State," in *Companion to Historiography:*, ed. Michael Bentley (London and New York: Routledge, 1997), 119, 128, 132. Reynolds cites international relations theorists and political scientists as the worst culprits in abusing the term sovereignty, who she says "take their medieval history from old textbooks." A good example of the latter, which follows the Weberian paradigm for the emergence of sovereignty in kingdoms as emperor and pope struggled for power, is Robert H. Jackson, *Sovereignty: Evolution of an Idea*, Key Concepts (Cambridge, UK; Malden, MA: Polity, 2007), 8. For a full description of Weber's theory of the emergence of the state, never completed, see Karl Dusza, "Max Weber's Sociology of the State" (Dissertation, Columbia University, 1986), 121–22. For a critique of this genealogy of sovereignty, see Kenneth Pennington, *The Prince and the Law, 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley: University of California Press, 1993), 30, 101; Jens Bartelson, *A Genealogy of Sovereignty*, Cambridge Studies in International Relations 39 (New York: Cambridge University Press, 1995); Stéphane Beaulac, *The Power of Language in the Making of International Law: The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia*, Developments in International Law 46 (Leiden; Boston: Martinus Nijhoff Publishers, 2004).

[22] *Lieux de mémoire* are "any significant entity, whether material or non-material in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community." Pierre Nora, "From Lieux de Mémoire to Realms of Memory (Preface to the English Language Edition)," in *Realms of Memory: Rethinking the French Past*, ed. Pierre Nora and Lawrence D. Kritzman, trans. Goldhammer, European Perspectives (New York: Columbia University Press, 1996), xvii. A slightly different usage of *lieux de mémoire* emphasizing the ways that sites became "mnemonics by which genealogies, marriages, and feuds could be remembered, to be recollected and passed down." Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas*, Utrecht Studies in Medieval Literacy 19 (Turnhout: Brepols, 2012), 538–39. The *lieux de mémoire* project included Krzysztof Pomian, "Les Archives: Du Trésor des chartes au Caran," in *Les lieux de mémoire*, ed. Pierre Nora, vol. III: Les Frances (Paris: Gallimard, 1984), 163–233. In the same vein is Yann Potin, "L'État et son trésor," *Actes de la Recherche en Sciences Sociales* 133, no. 1 (2000): 48–52. On the invention of tradition, see E. J. Hobsbawm and T. O. Ranger, eds., *The Invention of Tradition*, Past and Present Publications (Cambridge, UK; New York: Cambridge University Press, 1983).

[23] For elegant statements of this commitment, see Yael A. Sternhell, "The Afterlives of a Confederate Archive: Civil War Documents and the Making of Sectional Reconciliation," *The Journal of American History* 102, no. 4 (2016): 1025; Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham, N.C.: Duke University Press, 2010), 125; de Vivo, *Information and Communication in Venice*; and for a recent reflection on the archival turns, see Eric Ketelaar, "Archival

epistemology of the archive, perhaps most compellingly in Ann Laura Stoler's call to interrogate the hidden assumptions of the creators of colonial archives by reading "along the archival grain."[24] What assumptions are contained within the cultural layers of the archive regarding truth, representation, and authority?

Even as scholars have contracted archive fever and learned to read both along and against the archive's internal logic to understand the epistemologies of colonial (and other) regimes, sizeable gaps between discourses of archival theory and the history of actual archival repositories remain. Derrida's equation of control of the archive with political power, while evocative, has become particularly problematic in this regard. His lecture was a response to Yerushalmi's learned psychological interrogation of one of Freud's most speculative and esoteric works, *Moses and Monotheism*. Should a tendentious Freudian consideration of elisions in the biblical corpus become a model for understanding actual archives of literature, history, or art? For one, as I suggest in chapter 1, the Derridean archive implies a sovereign power to control the historical record that, in the context of late medieval Europe, simply did not exist. In parallel with the polycentric nature of medieval politics, the medieval culture of the copy meant that even those sovereigns most committed to effacing certain documents from the record had to compete with the medieval scribal culture of the copy, especially in urban settings of high institutional density (chapter 2).[25]

This is only one example of the often tenuous relationship between archival history and archival theory, a gap that has made the valiant attempts to sketch out a trajectory of European – let alone global – archival history seem risky propositions.[26] Therefore, the place from which to embark

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Turns and Returns," in *Research in the Archival Multiverse*, ed. Anne J. Gilliland, Sue McKemmish, and Andrew J. Lau (Clayton, Victoria: Monash University Publishing, 2017), 228–68. Foucault's impact in the field has been less direct, in part because the archive he describes is a discursive one rather than a sovereign repository. See, however, the preface to Michel Foucault, *The Order of Things an Archaeology of the Human Sciences*, 1st American ed, World of Man (New York: Pantheon Books, 1971). For Derrida, see subsequent notes.

[24] While Derrida's lecture was the most influential, a number of scholars around the same time made similar assessments. Sonia Combe, *Archives Interdites: Les Peurs Françaises Face à l'histoire Contemporaine* (Paris: Albin Michel, 1994); Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford, Calif: Stanford University Press, 1987); Arlette Farge, *Le Goût de l'archive*, La Librairie Du XXe Siècle (Paris: Editions du Seuil, 1989). And more recently: Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009); Antoinette Burton, ed., *Archive Stories: Facts, Fictions, and the Writing of History* (Durham and London: Duke University Press, 2005); Mario Wimmer, *Archivkörper: Eine Geschichte Historischer Einbildungskraft* (Konstanz: Konstanz University Press, 2012).

[25] Jacques Derrida, *Mal d'archive: une impression freudienne* (Paris: Galilée, 1995) was writing in response to.Yerushalmi's own learned treatment of Sigmund Freud, *Moses and Monotheism*, trans. Katherine Jones (New York: A.A. Knopf, 1939). See Yosef Hayim Yerushalmi, *Freud's Moses: Judaism Terminable and Interminable* (New Haven: Yale University Press, 1991). Drawing on science studies, Actor-Network Theory, and critical theory, scholars have interrogated the Foucauldian idea of the archive: a set of invisible discursive rules completely divorced from actual historical archives, as described in his Michel Foucault, *The Archaeology of Knowledge*, trans. Alan Sheridan (New York: Pantheon Books, 1972). As ever a contradictory figure in this discussion, Foucault was no stranger to historical archives and did in fact discuss information power in the context of state repression in a series of lectures, focusing on the Nu-pieds and Chancellor Séguier (1639): Michel Foucault, *Théories et institutions pénales: cours au Collège de France, 1971-1972*, ed. Bernard E. Harcourt, Hautes études (Paris: EHESS Gallimard Seuil, 2015). For an important attempt to bring materiality into resistance studies, see Anton Törnberg, "Resistance Matter(s): Resistance Studies and the Material Turn," *Resistance Studies Magazine*, 2013; Tony Bennett and Patrick Joyce, eds., *Material Powers: Cultural Studies, History and the Material Turn*, Culture, Economy and the Social (London; New York: Routledge, 2010), Introduction. Find a critique of the Derridean archive in Brien Brothman, "Declining Derrida: Integrity, Tensegrity, and the Preservation of Archives from Deconstruction," *Archivaria* 48 (1999).

[26] After a long hiatus, historians are beginning to attempt sweeping analyses of archival history more generally. See the forthcoming Randolph C. Head, *Making Archives in Early Modern Europe: Proof, Information, and Political Record-Keeping, 1400–1700* (Cambridge: Cambridge University Press, 2019), https://doi.org/10.1017/9781108620659; and the recent Friedrich, *The Birth of the Archive*; originally published as Markus Friedrich, *Die Geburt des Archivs: eine Wissensgeschichte* (München: Oldenbourg, 2013)..

upon such an exploration of the archival turn and the history of archives is from a definition. Most simply, archives are the collections of parchment, "paper, books, and other substrates of information... and the institutions that house and manage these objects.[27] But as Sébastien Barret points out, the archive cannot be considered separately from the documentary practices that surround it. An archive, I suggest, is any intentionally-arranged set of unique written documents that is engrained in a series of everyday activities and practices – from acquisition and organization to modification and destruction, confiscation, distribution, collection, duplication, and summarization. At various points, its documents can be mobilized in making claims of legitimacy, which made it a site for competition between various political actors. Nor was the archive an inherently stable or truth-giving institution. Riveting case studies ranging from the Bakunin family archives to the archives of the Confederacy, the Allerheiligen Abbey, and Cluny have made clear just how fickle and historically contingent archival documents could be, in accordance with the political situation into which they were mobilized.[28]

Archaeologists have found evidence of chanceries and record-keeping repositories in the palaces of city-states and empires as far back as the third millennium B.C., an extremely centralized model of information management.[29] In cities of the Greek world and later the Roman Mediterranean, official records were kept either in temples or in the *arkhon*: the seat of the magistrates and etymological foundation of the Romance words for "archives." Cicero referred to the central archive set up at the *tabularium* under the Roman Republic, calling it *memoriam publicam*, but nevertheless feared it remained inferior to similar institutions in the Greek world. From 449 B.C., important documents of state administration were held in the *Aerarium populi Romani* alongside the treasury. Across the Roman Empire, late antiquity and the Muslim empires, "archive walls" in many cities hosted texts that could be engraved, effaced, and replaced. In fact, even before the temple archives of the third millennium B.C., the earliest archives were probably stone inscriptions on display in Mesopotamian town squares. But alongside these inherently public archives, municipal and imperial officials and notaries nevertheless held *scrinia memoriae* (memory boxes) of their own.[30]

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[27] Ann Blair and Jennifer Milligan, "Introduction," *Archival Science* 7, no. 4 (2008): 289. See also Alexandra Walsham, "The Social History of the Archive: Record-Keeping in Early Modern Europe," *Past & Present* 230, no. suppl 11 (January 1, 2016): 9–48. For the following reference, see Sébastien Barret and Gert Melville, "Archives and Registers," in *Brill's Encyclopedia of the Middle Ages*, August 9, 2016, http://dx.doi.org/10.1163/2213-2139_bema_SIM_033802.

[28] These case studies are examined in Eric Ketelaar, "Tacit Narratives: The Meanings of Archives," *Archival Science* 1, no. 2 (2001): 131–41; John Randolph, "On the Biography of the Bakunin Family Archive," in *Archive Stories: Facts, Fictions, and the Writing of History*, ed. Antoinette Burton (Durham and London: Duke University Press, 2005), 209–31; Sternhell, "The Afterlives of a Confederate Archive: Civil War Documents and the Making of Sectional Reconciliation"; Thomas Hildbrand, *Herrschaft, Schrift Und Gedächtnis : Das Kloster Allerheiligen Und Sein Umgang Mit Wissen in Wirtschaft, Recht Und Archiv (11.-16. Jahrhundert)* (Zürich: Chronos, 1996); Barret, *La memoire et l'ecrit*. Hildbrand argues that registries accelerated the dynamic of desemiosis, transsemiosis, and resemiosis inherent in document storage and use. On archival change over time, see also Ernst Pitz, *Schrift- und Aktenwesen der städtischen Verwaltung im Spätmittelalter: Köln - Nürnberg - Lübeck : beitrag zur vergleichenden Städteforschung und zur spätmittel alterlichen Aktenkunde.* (Köln, 1959). The relationship and difference between archive and memory is explored at length in Francis X. Blouin, Jr. and William G. Rosenberg, eds., *Archival Documentation and Institutions of Social Memory: Essays from the Sawyer Seminar* (Ann Arbor: University of Michigan Press, 2007).

[29] Ernst Posner, *Archives in the Ancient World* (Cambridge: Harvard University Press, 1972). See also Lionel Casson, *Libraries in the Ancient World* (New Haven: Yale University Press, 2001). Some scholars have traced the origins of a Western archival tradition in the elaborate instructions given to Moses on the construction of an Ark of the Covenant between 1400 and 1200 B.C, Paul Delsalle, *Une histoire de l'archivistique*, Collection Gestion de l'information (Sainte-Foy: Presses de l'Université du Québec, 1998), 20–22. The best evidence for Mesopotamia exists for Ebla, where a palace burnt around 2300 B.C. yielded a find of over 16,500 cuneiform tablets. See Delsalle, 12.

[30] On *arkhon* and archives in the Greek world more generally, see Delsalle, *Une histoire de l'archivistique*, 27–28; Posner, *Archives in the Ancient World*; Jacques Derrida, "Archive Fever: A Freudian Impression," trans. Eric Prenowitz, *Diacritics*

Thus, for thousands of years, archival materials have been kept by institutions and communities in ways that promote and reflect very different understandings of truth, proof, and visibility of power.

Central authorities were not the only institutions that maintained archives. Notaries and ecclesiastical authorities were also important keepers of documents in western Europe. While along the Mediterranean coastline, notarial practice long outlasted the Roman Empire, further north scholars have found a remarkable geographical overlap between archival density and areas of concentrated monastic presence during European late antiquity and the early Middle Ages.[31] But while scholars once believed the clergy had an almost complete monopoly on script in the early Middle Ages, the evidence for lay preservation of documents has recently been re-examined convincingly. M. T. Clanchy describes the diffusion of literacy across social categories beginning in the eleventh and twelfth centuries in England, but suggests that faith in documents (as opposed to objects, for example) as purveyors of truth was slower to develop. A rusty sword presented at the thirteenth-century *quo warranto* (by what warrant) hearings – while the story in question may be apocryphal – was at least conceivable as a means of proof. Nor were medieval royal archives always effective tools in the late Middle Ages. English kings were perennially disappointed by the ability of their own archives to actually turn up needed documents and proofs, and they often commanded monastic "chronicles, registers, and other archives" delivered to them instead.[32]

In fact, whatever stability royal archiving had in the Middle Ages was often born out of crisis and destruction. One of the earliest detailed normative texts on medieval administration, the *Dialogus de Scaccario* (Dialogue of the Exchequer) reveals, for example, that the peripatetic kings of the High Middle Ages often "carried around" the items of their treasuries, including large amounts of documents. The same was certainly true of the French king, Philip Augustus, who under ambush abandoned his baggage containers to Richard I of England at the Battle of Frétéval in 1194. This included a stock of records and other archival documents that Philip's young secretary spent years attempting to recreate. Even when princes did establish sedentary political archives, these were subjected to the vagaries of dynastic politics, mislaying, and were frequently moved in times of

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25, no. 2 (1995): 9. For Cicero's quote, see Cicero, Pro Milone, 73. For the Latin see Marcus Tullius Cicero, Albert Curtis Clark, and William Peterson, *M. Tvlli Ciceronis Orationes*, Scriptorum Classicorum Bibliotheca Oxoniensis (Oxonii: E typographeo Clarendoniano, 1900). "eum qui aedem nympharum incendit ut memoriam publicam recensionis tabluis publicis impressam exstingueret." Barret writes of the Aerarium and provides important information on early papal archiving as well. Barret and Melville, "Archives and Registers."

[31] Behrmann, "Genoa and Lübeck: The Beginnings of Communal Record-Keeping in Two Medieval Trading Metropolises"; John Drendel, "Notarial Practice in Rural Provence in the Early Fourteenth Century," in *Urban and Rural Communities in Medieval France: Provence and Languedoc, 1000-1500*, ed. Kathryn Reyerson and John Drendel, The Medieval Mediterranean 18 (Leiden: Brill, 1998), 209–35.

[32] On early medieval lay documentary culture, see Matthew Innes, "Archives, Documents and Landowners in Carolingian Francia," in *Documentary Culture and the Laity in the Early Middle Ages*, ed. Warren Brown et al. (Cambridge: Cambridge University Press, 2013) and the entire volume; Delsalle, *Une histoire de l'archivistique*, 199 describes monastic and archival overlap, and at 101 the instability of royal repositories. M. T. Clanchy, *From Memory to Written Record: England 1066-1307*, 2nd ed. (Oxford: Blackwell, 1993), 152–53 describes the 1291 order to monasteries to find documents regarding Edward I's claims over Scotland. His nuanced account of the *quo warranto* episode does not take the tale at face value, and his description of the use of objects as proof remains useful at 35-43. Much of the anthropological scholarship on orality and literacy has aged poorly, especially when contrasting literacy and orality. Jack Goody, *The Domestication of the Savage Mind* (Cambridge: Cambridge University Press, 1977) which does have a fascinating chapter on lists; Jack Goody and Ian Watt, "The Consequences of Literacy," *Comparative Studies in Society and History* 5, no. 3 (1963): 304–45. See also Walter J. Ong, *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason*, University of Chicago Press ed (Chicago: University of Chicago Press, 2004). For a survey of the scholarship on medieval literacy and its weaknesses (especially Stock and Clanchy), see Adam Kosto et al., eds., "Introduction," in *Documentary Culture and the Laity in the Early Middle Ages* (Cambridge: Cambridge University Press, 2012), 9–10.

invasion or crisis.[33] Well into the sixteenth century, kings frequently took mobile archives with them on their frequent travels. Charles the Bold's baggage carriage was also lost in the midst of battle in the 1470s, which resulted in the loss of the Milanese ambassador's mobile archive, and possibly Charles' as well. All of this makes Ernst Schubert's rule of thumb – that the setting up of a permanent archive was a good stand-in for the end of itinerant government and the establishment of rule based on writing – seem suspect.[34]

True, many princes established more secure archival repositories in the twelfth and thirteenth centuries. Secure spaces such as the Tower of London, town halls, church sacristies, and belfries included *trésors*, which were locked containers, chambers, or rooms where the documents of a house, town, or community were held. Princes, especially, were eager to provide special chests for the "high status charters and privileges intended for a long life."[35] This may have contributed to archives' symbolic power, but it did very little to make them useful repositories. For that, finding aids – tools of informational sovereignty – were necessary.

## Cartulary, Register, and Inventory

Princely archives had to be turned into tools of informational sovereignty, and into repositories where of documents widely recognized as authentic. This was done by means of written tools of informational sovereignty, first and foremost registers (*registrum* or *registre*): "edited collections, in books or rolls, which had been compiled from primary sources from separate pieces of parchment."[36] A flexible form, administrators found new applications and variations of the register for a number of different challenges. In the early Middle Ages, cartularies were the most common

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[33] Richard Fitzneale, *Dialogus de Scaccario: The Course of the Exchequer*, ed. and trans. Charles Johnson, Oxford Medieval Texts (Oxford: Clarendon Press; Oxford University Press, 1983), bk. 1 ch. xiv. And on Frétéval, see John W. Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley: University of California Press, 1986), 408–9. The mission of Gauthier de Nemours is described in Cornelia Vismann, *Files: Law and Media Technology*, trans. Geoffrey Winthrop-Young (Stanford, Calif: Stanford University Press, 2008), 76. The year 1194 seems to have been a landmark year for archives on both sides of the Angevin-Capetian struggle, with evidence of the preservation of treaties and correspondence between the two beginning in the final decade of the twelfth century and the first normative source ordering the existence of public local archives across England ordered by Hubert Walter to regulate loans by Jews. Clanchy, *From Memory to Written Record*, 71. On the instability of charter treasuries, see also Delsalle, *Une histoire de l'archivistique*, 101.

[34] On the loss of the ambassadorial archive at the Battle of Murten, see Paul Marcus Dover, "Deciphering the Diplomatic Archives of Fifteenth-Century Italy," *Archival Science* 7, no. 4 (March 27, 2008): 312. Schubert suggests that, from the fifteenth century, Urkunden were no longer kept in light, transportable sacks but rather in Scrhraenken, Archivladen; and they were no longer understood as the property of the lord but rather as the equipment (Zubehor) of the land. The end of itinerancy is marked by the stabilization of archives. No coincidence that he moves from there straight to the "fehlende Gewaltmonopol." Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter*, 79–81. Bautier describes a period between the thirteenth and sixteenth centuries, when princes "secularized" archives by setting up their own *trésors* in place of the ecclesiastical institutions that had once held them. Robert-Henri Bautier, "La phase cruciale de l'histoire des archives : la constitution des dépôts d'archives et la naissance de l'archivistique, XVIe - début du XIXe siècles," *Archivum* 18 (1968): 141. Randolph Head complicates this, suggesting that archiving in this period underwent "a complex process of *differentiation* among spaces, materials and practices." Randolph C. Head, "Configuring European Archives: Spaces, Materials and Practices in the Differentiation of Repositories from the Late Middle Ages to 1700," *European History Quarterly* 46, no. 3 (July 1, 2016): 500.

[35] See Paul Bertrand, "Revolution(s) of Writing: Northern France, Tenth–Fourteenth Centuries," ed. Laura L. Gathagan, William North, and Charles C. Rozier, *The Haskins Society Journal: Studies in Medieval History* 29 (2017): 48. On express archival edifices, see the Duke of Lorraine built an octagonal tower for the ducal archives at Nancy in 1488. On the *chartrier of Flandre*, see Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile," 56. For a general archival history of the period, see Delsalle, *Une histoire de l'archivistique*, 98–101.

[36] Clanchy, *From Memory to Written Record*, 103.

form of register, and the sharp increase in their number in the eleventh and twelfth centuries is testament to their continued usefulness. Beginning in the twelfth and thirteenth centuries, registers of the kind known as *Registratur* became common in princely chancelleries (though the first surviving papal register of this kind dates from the late ninth-century pontificate of John VIII). These too came in an almost infinite variety, but were most commonly sequential records of outgoing correspondence or charters issued, whether in summary or full copy form. In the thirteenth century, archival inventories begin to appear in small numbers, and their number expanded greatly in the fourteenth century. The cartulary, *Registratur*, and inventory should not be seen as a progression: they were used and created in parallel and were not mutually exclusive. But the adoption of these three types of *registrum* at the chancellery of the counts of Flanders does correspond more or less to European-wide chronologies, so I will discuss these roots of the archival inventory in that order.[37]

M. T. Clanchy defines a cartulary as a "collection of title-deeds copied into a register for greater security," though most included documents not relating directly to property ownership. Whatever texts they did include, these were not only preserved, but also frequently "modernized and improved, or even forged." Translating them into Latin to make them more widely acceptable, for example, was a common modification. Cartularies were typically monastic, and often quite explicit about their purpose: in the *Book of Benefactors* (c. 1170), Ramsey Abbey "collected together in one volume our chirographs and the charters of our privileges."[38] The relationship between cartularies and archive-keeping is a curious one. On the one hand, Michel Declercq suspects that original parchment documents were destroyed or reused after being copied into cartularies: only rarely do originals and cartulary copies exist in parallel. Geary points out that "many institutions preserved their cartularies and *Traditionsbücher* with more care than they did the originals." And yet the legal value of cartularies and other registers was still very much in question as late as the fourteenth century. Around 1300, an English scribe could scrawl a reminder in the flyleaf of a register that "the content of this book is to be used for evidence here in the Exchequer and not for the record." It "did not have the authority of the… authentic official records."[39]

Administrators' doubts about the legal status of copy books like cartularies, corresponded with original documents taking on a value that was never inherent to them. Indeed, this accords with

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[37] Barret and Melville, "Archives and Registers"; Bertrand, "Revolution(s) of Writing"; Patrick J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton, N.J: Princeton University Press, 1994), chap. 3; Georges Declercq, "Habent sua fata libelli et acta: La destruction de textes, manuscrits et documents au Moyen Age," in *La destruction dans l'histoire : pratiques et discours*, ed. David Engels, Alexis Wilkin, and Didier Martens (Bruxelles: Peter Lang AG, 2013), 152; Karl Heidecker and Georges Declercq, eds., "Originals and Cartularies: The Organization of Archival Memory (Ninth-Eleventh Centuries)," in *Charters and the Use of the Written Word in Medieval Society*, Utrecht Studies in Medieval Literacy 2000 (Turnhout: Brepols, 2000).

[38] Cartularies were probably in continual use since Carolingian times, and the earliest surviving ones from France date to the ninth century. The famous Domesday Book compiled in 1086 shared many traits with a medieval cartulary, but it was referred to at least once as a *registrum*. Moreover, it was particularly early for England. Fewer than 30 cartularies survive from before the year 1200 in England, but the practice became common enough over the course of the thirteenth century that by 1322 a Northamptonshire gentleman, Henry de Bray, wrote his own cartulary. The Ramsey *Book of Benefactors*, they went on to explain, was produced due to the insecurity of the late twelfth century, punctuated by civil war and the stark if fading memory of the Norman conquest of 1066. Quotes from Clanchy, *From Memory to Written Record*, 101–3. Bertrand, citing a quantitative study of library catalogs in France and Belgium, found almost none before the eleventh century, but exponential growth from that point. Bertrand, "Revolution(s) of Writing," 26–27; Geary, *Phantoms of Remembrance*, 86–87.

[39] Clanchy, *From Memory to Written Record*, 103; Declercq, "Habent sua fata libelli et acta: La destruction de textes, manuscrits et documents au Moyen Age," 152; Geary, *Phantoms of Remembrance*, 82, 180. Clanchy explains that in England, registers of outgoing documents were, however, treated as official records, the earliest of which resulted from the provisions made by Hubert Walter for registering Jewish chirographs of loans and receipts on rolls in designated centres throughout England, kept from 1194.

the more general rise in the credibility of written texts in the eleventh and twelfth centuries, just as cartularies were becoming widespread tools in princely chanceries. What is generally called the re-emergence of Roman law around 1200 was actually the fusing "of norms and rules derived from natural law, customary law, ancient Roman law, feudal law, and canon law," into a "common law" or *ius commune* between the twelfth and seventeenth centuries. Part of this meant the replacement of trial by ordeal with the primarily written *ordo iudicarius* of Roman-canonical law in the twelfth and thirteenth centuries. The same was true of written proof more broadly: one study of charters of freehold land transfer in medieval England found that "such records were transformed from an aide-memoire of an essentially oral act, to the indisputable proof of the act they recorded and, finally, to the very embodiment of the act itself."[40]

Running registers of outgoing documents (*Registratur*) emerged, like cartularies, rather late (after 1300) in the princely chancelleries of the Low Countries. While Walter Prevenier attributes this to the relatively small size of the princely *chartriers* – that there was not yet a large enough mass of charters to require it – the sudden appearance in the fourteenth century of a wide variety of registration forms suggests a more intentional shift in the use of writing by the Dampierre dynasty. In any case, a number of running registers were already in use at the Flemish chancellery by 1330. Under "continual registration," the records would be updated with the creation of original charters on a regular, sometimes daily basis. This could be done in a single series of chronological registers or under various thematic rubrics, within which a certain chronological order was maintained.[41] In Lille, the copying of documents issued by the count and his chancellor into registers was an integral part of their issue and execution. Separate chronological series of registers for letters patent, charters, the record of the comital audience, and a diary of the daily tasks of the financial accountants of the *chambre des comptes* had been set up by the end of the fourteenth century.[42] Thus, even as they were

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[40] Heather MacNeil, "From the Memory of the Act to the Act Itself: The Evolution of Written Records as Proof of Jural Acts in England, 11th to 17th Century," *Archival Science* 6, no. 3–4 (2006): 313; Bertrand, "Revolution(s) of Writing," 31. On the *ius commune* and the place of law – or rather, legal theorists – in the emergence of European sovereignty more generally, see Pennington, *The Prince and the Law, 1200-1600*, 1, 6. Legal value varied between regions, no doubt: Charles the Bald "had specifically enjoined the ecclesiastical institutions of his realm to preserve the originals of royal and papal privileges," and this was the general tendency in West Frankish monasteries except when copies were presented on a specific issue in pursuit of specific legal claims. In this way, cartularies also enabled monastic houses to compete over the acquisition of lands. Clanchy, *From Memory to Written Record*, 101–2; Geary, *Phantoms of Remembrance*, 98. On the *ordo iudicarius*, see Pennington, *The Prince and the Law, 1200-1600*, chap. 4. On the *ius commune* and the place of law – or rather, legal theorists – in the emergence of European sovereignty, see Pennington, 1, 6.

[41] Walter Prevenier, "La conservation de la memoire par l'enregistrement dans les chancelleries princères et dans les villes des anciens Pays-Bas du moyen âge," in *Forschungen zu Reichs-, Papst- und Landesgeschichte*, ed. Karl Borchardt and Enno Bünz, vol. 1 (Stuttgart: Anton Hiersemann, 1998), 556. The latter was preferred under the counts of Flanders: Among the tasks of the *gens des comptes* as of the late fourteenth century, was also the "diligent registration in the said Chambre of all the mandates, charters, privileges, and other letters touching the gifts, treaties, partages, taxes (*assietes*) and purchases (*achas*), alienations of the domain and service of my said seigneur, in whatever manner that they be, and that also all these things being treated and determined, touching my said seigneur and his domain and otherwise, be registered as the case may require." These instructions come from an undated late fourteenth-century order, "Instruction donnée par Philippe-le-Hardi à la Chambre des Comptes de Lille," reproduced in Louis-Prosper Gachard, *Inventaire des archives de la Belgique. Inventaire des archives des Chambres des Comptes*, vol. 1 (Brussels: Hayez, 1837), 77.

[42] On the paperwork flow of domainal finances – the accountants could voice their objections on the verso of the original letter before sending them along to the appropriate ducal officer for execution, validated by the seal of one of the accountants and subsequently copied into the appropriate register, at times after having a colleague check the veracity of the copy ("coll[ati]on est fait") – see Jean-Baptiste Santamaria, "La chambre des comptes de Lille de 1386 à 1419: essor, organisation et fonctionnement d'une institution princière" (Université Charles de Gaulle, 2009), 555–56. The legacy of Flemish archiving has been somewhat obscured by an important historical tradition in France studying the role of *chambres des comptes* in the building of official accountability, a crucial innovation of medieval administration. Still, study of the *chambre des comptes* inventories alongside *trésor* inventories indicates that the archival needs and initiatives of

keeping a record of institutional activity, they were making sense of political information as well by creating rubrics that could later be more easily accessed.

Another tool of informational sovereignty developed in Flanders (as elsewhere) was the thematic register. This compilation typically began with an historical overview of relevant documents on a certain topic – say, charters of privilege of the Flemish towns – before describing or transcribing subsequent documents on that topic. Thematic registers allowed an overview of all documents on a specific topic in one sequence of entries, and made an excellent tool for collecting and evaluating information. In this way, they resembled the topic-based policy guides and document compilations that Jacob Soll argues made the seventeenth-century administrations of Louis XIII and Louis XIV so groundbreaking.[43] Officials of count Louis of Nevers, just after the defeat of a widespread Flemish rebellion in 1328, began to consolidate comital power through this new tool of informational sovereignty: a register containing the privileges of the towns of Flanders that had rebelled against Louis, which were confiscated as part of the towns' punishment. In this case, revolt made Flemish counts realize the value of a written record of their own past acts.[44] This register was also visually striking, with a number of illuminations in the margins (chapter 1).

Registers had not, in fact, always been purely practical tools. Those produced at the court of Emperor Frederick II (r. 1220-1250) had been displayed as "visible signs of power" in parades, proudly displaying imperial magnificence. Subsequent rulers preferred the "banishment" of administrative documents "in obscure offices," argues Cornelia Vismann. Behind the trellis (the screen, or *cancellum*, that gave the chancellery its name) of the keepers of the archives, documents then took on a powerful mystique perhaps best captured by Franz Kafka. Kafka was aware, in fact, of the chancellor's original historical function: a "door steward" not unlike the guard in his dystopian bureaucratic nightmare, "Before the Law." As chancellors became the arbiters of access to the documents, they eventually became the highest of all imperial officials.[45] The oldest archival inventories were typical products of administration behind the trellis: practical tools without any adornment, save perhaps for a small symbol or geometric shape serving as a shelf-mark.

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the financial accountants and the *gardes des chartes* were distinct. It was the accountants' custody of the *trésor* beginning in the late sixteenth century that has placed much of the archival history of Lille under the aegis of financial history and accountability, not to mention the naming of the B series ("Archives de la chambre des comptes") although it holds the *trésor des chartes* as well as many other collections. See Jean-Philippe Genet, "Conclusion: Chambres des comptes des principautés et genèse de l'état moderne," in *La France des principautés: les chambres des comptes, XIVe et XVe siècles: colloque tenu aux Archives départementales de l'Allier, à Moulins-Yzeure, les 6, 7 et 8 avril 1995*, ed. Philippe Contamine and Olivier Mattéoni, Histoire économique et financière de la France. Etudes générales (Paris: Comité pour l'histoire économique et financière de la France, 1996), 267–80.

[43] Such registers solved a number of challenges, for example allowing the registration of a single text under two different matters. On the seventeenth-century policy papers prepared by such scholars as the Dupuys or Godefroys, see Soll, *The Information Master*; William F. Church, *Richelieu and Reason of State* (Princeton: Princeton University Press, 1972); Caroline R. Sherman, "The Genealogy of Knowledge: The Godefroy Family, Erudition, and Legal-Historical Service to the State" (Dissertation, Princeton University, 2008).

[44] Jean Richard argues that inventories were not completely disengaged from the cartulary tradition before the sixteenth century, See Jean Richard, "Les archives et les archivistes des ducs de Bourgogne dans le ressort de la Chambre des Comptes de Dijon," *Bibliothèque de l'école des chartes* 105, no. 1 (1944): 125, n. 1. Richard is discussing the first inventory of the *trésor des chartes* of the Franche-Comté, also created around 1330. "L'inventaire ne sera pas encore dégagé du cartulaire au XIVe siècle." See also Prevenier, "La conservation de la memoire par l'enregistrement dans les chancelleries princères et dans les villes des anciens Pays-Bas du moyen âge," 556.

[45] On the etymological origins of chancellery, see Vismann, *Files*, xiii, 17–18. Before the Law appears within *The Trial*. Franz Kafka, *The Complete Novels: The Trial, America, The Castle*, trans. Edwin Muir and Willa Muir, Vintage Classics (London: Vintage, 2008). For more on common law, written by a pre-eminent scholar of European and Netherlandish legal history, see R. C. van Caenegem, *Legal History: A European Perspective* (Bloomsbury Publishing, 1990) especially the chapter titled "Methods of proof in Western medieval law."

From the thematic register, the distance was very short to the archival inventory. Its basic function was to list and describe in some detail the physical objects, including texts, present in a certain space, and to indicate where and how they could be found. They shared this quality with library catalogs, which also appear in large numbers around the thirteenth and especially the fourteenth centuries. Libraries and archives were also similar in that they were regularly surveyed and re-organized when a sense of disarray prevailed. Their catalogs and inventories, respectively, were then typically discarded, but when they survive, they can provide ample historical evidence on the organization and availability of knowledge at their home institutions.[46] Because inventories contained not only titles but summaries of documents, they could be a storehouse of knowledge even when the original documents went missing or were destroyed (see chapter 2). Daniel Smail, studying inventories from the records of late medieval Mediterranean debt collectors, notes that "inventories are our way into the actual material world of the Middle Ages."[47]

The contemporary purpose of inventories, of course, was primarily as a finding aid and organizing tool. Documents were frequently as good as lost in archives and treasuries where their keepers had trouble sorting and accessing them. Examples abound, from the Lille *trésor* as elsewhere, and it is worth noting that kingdoms were not typically the first to find technical solutions to these problems. The medieval English crown's inability to find documents within its *Thesaurus* persisted even after Bishop Stapledon's survey of the archive in the 1320s; elaborate forgeries continued to go unnoticed. Meanwhile, the City of London's Husting Rolls, which survive in continuous fashion from 1311 to 1460, were made much more navigable with the use of an inventory featuring the first letters of names in the margins as well as a chronological guide meant to make the records searchable by date.[48] Other formatting innovations were far older: blank space, for example, to draw the eye to certain details such as a date or cross-reference. Registers made ample use of blank space, enabled by the affordability of paper arriving from the Islamic world after the eleventh century.[49]

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[46] Mary A. Rouse and Richard H. Rouse, *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts*, Publications in Medieval Studies 17 (Notre Dame, Ind: University of Notre Dame Press, 1991), 352. They have concluded that the first library catalog of the Sorbonne's books was produced on the heels of a series of large bequests which nearly doubled its contents in the 1270s. It was identified in the nineteenth century, heavily damaged, but still useful.

[47] Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Cambridge, Mass: Harvard University Press, 2016), 11. Smail continues with a number of examples: "when a thief takes something and the victim lodges a complaint at court; when a husband dies and leaves things to his wife; or when, in more joyous times, a bride marries, and the items that form her trousseau are piled high on carts or donkeys and paraded through the streets to her new home." We may speculate, with Randolph Head, that inventories became a useful alternative to cartularies when the lengthy texts of charters became unwieldy and difficult to copy, and a broader picture of the institution's holdings was needed. See Randolph C Head, "Structure and Practice in the Emergence of Registratur: The Genealogy and Implications of Innsbruck Registries, 1523-1565" (Conference of the Arbeitsgruppe Frühe Neuzeit, München, 2013).

[48] On finding aids, see Ann Blair, *Too Much to Know: Managing Scholarly Information before the Modern Age* (New Haven: Yale University Press, 2010). On Stapledon, see Clanchy, *From Memory to Written Record*, 154, 162, 171. On alphabetization and the Husting rolls, see Geoffrey Martin, "Alphabetization Rules," in *International Encyclopedia of Information and Library Science*, ed. J Feather and P Sturges (London: Routledge, 1996), 9–10; Geoffrey Martin, "English Town Records," in *Pragmatic Literacy, East and West, 1200-1330*, ed. R. H. Britnell (Woodbridge, Suffolk, UK: Boydell Press, 1997), 119–30.

[49] No lesser a figure than Ernst Kantorowicz proposed a link between the keeping of registries under Frederick II, the steady ticking of state administration, and the conceptualization of time posited by Thomas Aquinas, whose father had worked in Frederick's chancellery. Vismann, *Files*, 79–82; for more on the power of spacing, see Paul Henry Saenger, *Space between Words: The Origins of Silent Reading*, Figurae (Stanford, Calif: Stanford University Press, 1997); Ernst Hartwig Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology*, 1997, 275–84. Vismann notes that any vertical list is a far easier medium in which to find information than a block of flowing text. In thirteenth-century imperial registers, she explains, the left margin was reserved for dates and addressees. On paper making its way from the Islamic to the Christian worlds, see Jonathan Bloom, *Paper before Print: The History and Impact of Paper in the Islamic World* (New Haven: Yale University Press, 2001), 203.

Although inventories exist from about the same time as regular princely register-keeping in the Flemish chancellery, the earliest inventories do not contain most of these formatting tricks and devices. A collection of administrative notes in the hand of the Flemish chancellor Guillaume d'Auxonne (mistakenly known as the *cartularire oblong* or *premier cartulaire de Flandre*) contains a copy of what seems to be a rudimentary archival inventory (chapter 1). But by the late fourteenth century a distinct corpus of archival inventories was being produced by the Flemish authorities, especially *garde des chartes* Thierry Gherbode. While his tasks were diverse, Gherbode specialized in the creation of archival lists of several kinds. As I explain in chapter 3, the entries in his archival inventories had a nearly formulaic way of including the crucial information about a document in succinct summaries, leaving room for marginal notes on the later fate of the document and assigning a number, letter, or symbol as a shelf mark for each document summarized. A series of single-repository archival inventories represent his most long-lasting work, but he also labored on several inventories that combined the contents of multiple archives in a single codex and another that tracked documents removed from various archives over the course of 12 crucial years of Burgundian expansion. The inventories he created of the two main archival repositories of the counts of Flanders – the Lille *trésor* (1399) and Rupelmonde *trésor* (1388) – served as the basis for examinations, searches, and inventorying projects of these archives for centuries to come. Scribbled comments, cancellations, and manicules can be found in the margins in numerous hands. Flemish officials, Lillois patriots, and amateur historians sought copies of his inventories well into the seventeenth century.

Archival inventories, beyond transforming archives into tools of informational sovereignty and playing an active role in the maintenance of the archives they summarized for decades and centuries, also had a somewhat more abstract role in shaping the information state in Flanders. In addition to creating accountability for documents, facilitating the transfer of princely rights, providing intelligence for dynastic expansion, and tracking documents from afar, inventories were also tools with which administrators and princely legists thought and conceived of their worlds and their polity's place within it. The categories into which administrators separated their inventories at times reflected the arrangement of containers in the archive, but at other times the creation of inventories prompted them to re-imagine the arrangement of both the archive and their political visions of the world it represented. Like thematic registers, inventories involved a built-in conceptualization of a set of documents, presenting them "in an epistemically meaningful order," per Markus Friedrich. The ordering of archives often seems even to have encouraged the creation of actual territorial order: the abstract organization of archival series served as a model, Jean-Philippe Genet suggests, to create coherent categories in reality, not just in assigning boxes to topics.[50]

According to Jean-François Nieus, moreover, inventories must be understood not only as historical evidence but as political interventions in the historical circumstances surrounding their creation. As formats of information collection and organization, they shaped the symbolic and conceptual possibilities for princely administrators. The time-intensive initiatives taken by princely administrators in setting up archives in the fourteenth century was part of a wider struggle to attain

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[50] Friedrich, Markus, "How to Make an Archival Inventory in Early Modern Europe: Carrying Documents, Gluing Paper and Transforming Archival Chaos into Well-Ordered Knowledge," *Manuscript Cultures* 10 (2018): 161. See also Eric Ketelaar, "Records out and Archives in: Early Modern Cities as Creators of Records and as Communities of Archives," *Archival Science* 10, no. 3 (2010): 203. As Friedrich has pointed out elsewhere, the production of inventories involved remarkable amounts of physical labor: "getting dusty and dirty was an inherent consequence of inventorying," and archival tasks were "embodied epistemic practice[s] dependent upon sophisticated intellectual, cultural and physical resources." Friedrich, Markus, "How to Make an Archival Inventory in Early Modern Europe," 163. "L'inventaire d'archives n'est pas un témoin froid de l'historie, il en est un intervenant à part entière." Jean-François Nieus, "Introduction : Pour une histoire documentaire des principautés," in *Les archives princières, XII-XVe siècles*, ed. Xavier Hélary et al. (Arras: Artois Presse Université, 2016), 21. See also Genet, "Conclusion: Chambres des comptes."

and secure the documentary bases for claiming legitimacy, a struggle that was going on in various institutional settings. The documents of Philip VI, the first Valois king of France, for example, were moved from the Valois family's archives in the tower of Nesle into the Sainte Chapelle and the *chambre des comptes* in Paris when he took power in 1328. Margaret II of Flanders (d. 1279) and Alphonse of Poitiers (d. 1271) were engaged in ambitious political programs when they moved or reorganized their archives.[51] The best evidence is the creation of the inventories themselves. For a number of Low Countries territories, the first extant inventories were created in the middle decades of the fourteenth century: in Hainaut (1321), Flanders (1337), the Dauphiné (1346), and Brabant (1361).[52] Each of these inventories corresponded to a political agenda implemented in response to a moment of crisis. The movement of princely archives and their summarization in inventories were part of a search for legitimacy often prompted by challenges to the authority of princes.

All of this points to the fact that archives were being made into tools of sovereignty. Much labor and various technical prowess went into that process. In other words, the formation of charter treasuries beginning in the thirteenth century was no more than a phase in the centuries-long competition between all kinds of institutions over the documentary bases of legitimacy. Archives were made into tools of sovereignty not only in princely settings, but within numerous different institutions: towns, princely polities, churches, kingdoms, or anywhere administrators developed various forms of information technologies – registers, cartularies, and inventories – that could use archival documents to advance sovereignty. Exclusive unitary sovereignty was not an inherent element of this process. In chapter 3, I show how a dynastic dispute over the inheritance of the duchy of Brabant led to decades of joint use of the archive of the duchy by its two claimants in the late fourteenth century. The dukes of Brabant, under the *Blijde Inkomst* or Joyous Entry of 1356, were obliged to share the same archive with Brabant's main towns, which could control access to the repository. Eventually, before the duchy of Brabant was brought into the Valois Burgundian polity, its administrators gained access to copies of inventories of its archival repositories. This indicates that, under specific circumstances, clever use of tools of informational sovereignty could mobilize archives in advancing a polity's sovereignty at the expense of another.

## Writing Power, Rebellion, and Archival Violence

The state, Weber argued in a 1919 speech, is "that human community which (successfully) *lays claim* to the monopoly of legitimate physical violence within a certain territory."[53] I have intentionally placed emphasis here on the part of this clever definition that connects his idea of the state to the building of informational sovereignty: the state as the supreme claim-making body within a certain territory. How did the state go about acquiring such a monopoly? Did it do so successfully? In other words, what violence was inherent in the construction of informational sovereignty?

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[51] Nieus writes: "les récolements s'inscrivent dans l'immédiateté d'un agenda politique, répondent à une sollicitation qui, à n'en pas douter, oriente le travail des archivistes."Nieus, "Introduction : Pour une histoire documentaire des principautés," 21. For the case studies referenced here, see Xavier Hélary et al., eds., *Les Archives Princières, XII-XVe Siècles* (Arras: Artois Presse Université, 2016).

[52] While very few have survived from the thirteenth century, a recent volume of case studies suggests the oldest inventories are contemporary with the establishment of princely archives and their first cartularies: "les plus vieux inventaires sont contemporains de l'essor des fonds princiers et des primiers cartulaires." Nieus, "Introduction : Pour une histoire documentaire des principautés," 19.

[53] Max Weber, "Politics as a Vocation," in *Max Weber: Essays in Sociology*, trans. C. Wright Mills and Hans H Gerth (New York: Oxford University Press, 1948), 78. In the original German from that 1919 lecture: "Staat ist diejenige menschliche Gemeinschaft, welche innerhalb eines bestimmten Gebietes – dies: das »Gebiet«, gehört zum Merkmal – das Monopol legitimer physischer Gewaltsamkeit für sich (mit Erfolg) beansprucht."

That rulers have long been aware of the symbolic power of writing is almost too obvious to merit mention. But from the thirteenth century, episodes of spectacular symbolic violence seem to indicate that European rulers were eager to assert their exclusive authority over certain types of writing power. Edward I's conquest of Wales (1277-83), one of the first campaigns to be funded by merchant-bankers, culminated in the destruction of the seals of the Welsh region of Gwynedd and their melting into a chalice for his favorite abbey. This was all the more significant because seals, as Brigitte Bedos-Rezak has argued, were tools of authentication imbued with great symbolic value for communities, individuals, institutions of all kinds. In Aragon, a *Unión* of towns and nobles formed in 1283 succeeded in guaranteeing local liberties through a *privilegio general* secured from Peter III (1239-85). It stood until Peter the Ceremonious (1319-87) tore up the *privilegio* and – in what must have been a scene of horrific violence – poured the molten metal of the unionists' bell down their throats. Bells were, across Europe, associated with revolt for their presence in the urban rebel soundscape.[54] Symbolic violence against markers of autonomy and rebellion associated with writing could be particularly visceral.

Not just the desecration of such symbols of writing power as seals, but seemingly mundane uses of that power could function as assertions of a ruler's rights: the collection of information was also an exertion of exclusive authority. The Domesday inquest ordered by William the Conqueror in 1085-86 makes this abundantly clear. While the Anglo-Saxon Chronicle surely exaggerates in suggesting that "there was not a single hide of land throughout the whole of [England] of which he knew not the possessor," the inquest does seem to have met resistance from the Saxons, who were humiliatingly defeated, conquered, and tallied down to the last domestic animal. In fact, M. T. Clanchy suggested nearly forty years ago that the Normans had carried out the survey, "which epitomized power through writing," primarily as a memorial and illustration of their triumph, and not as a useable survey.[55] A similar dynamic can be observed somewhat later in Flanders and much of the Low Countries, with the *relevés de feux*, or hearth surveys. Records of these inquests survive from the middle of the fourteenth century and reach a peak in the 1470s, when seven surveys were carried out between 1469 and 1473 (Picardie, Hainaut, Artois and Saint Quentin, Flanders, Liège, Brabant, and Luxembourg). Patrice Beck notes that the surveyors, in short prologues, "spoke of the opposition of the communities" to the surveys and described the violence often prompted by their administrative activities. As Michel-Rolph Trouillot points out, the etymological similarity between census and *censor* is no accident: "he who counts heads always silences facts and voices."[56]

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[54] On Gwynedd, see Robert Bartlett, *The Making of Europe: Conquest, Colonization, and Cultural Change, 950-1350* (Princeton: Princeton University Press, 1993), 287; James Given, *State and Society in Medieval Europe: Gwynedd and Languedoc under Outside Rule* (Ithaca, N.Y.: Cornell University Press, 1990). On Aragon, see Watts, *The Making of Polities*, 103. Seals have been studied extensively by Brigitte Bedos-Rezak, *Les sceaux au temps de Philippe Auguste*, La France de Philippe Auguste, 1982; Brigitte Bedos-Rezak, *Women, Seals and Power in Medieval France, 1150-1350*, Women and Power in the Middle Ages, 1988; Brigitte Bedos Rezak, *When Ego Was Imago: Signs of Identity in the Middle Ages*, Visualising the Middle Ages, v. 3 (Leiden ; Boston: Brill, 2011). On rebel soundscapes, see Carol Symes, "Out in the Open, in Arras: Sightlines, Soundscapes, and the Shaping of a Medieval Public Sphere," in *Cites, Texts and Social Networks, 400-1500: Experience and Perceptions of Medieval Urban Space*, ed. Caroline Goodson, Anne E Lester, and Carol Symes (Farnham: Ashgate, 2010).

[55] From the *Anglo-Saxon Chronicle,* sub anno 1085, as it appears in J.H. Robinson, *Readings in European History*, vol. 1 (Boston: Ginn and Co., 1904). On resistance, see Alan Cooper, "Protestations of Ignorance in the Domesday Book," in *The Experience of Power in Medieval Europe, 950-1350*, ed. Robert F. Berkhofer, Alan Cooper, and Adam J. Kosto (Aldershot: Ashgate, 2005), 169–81. Clanchy's quote on Domesday Book appears in M. T. Clanchy, "Does Writing Construct the State?," *Journal of Historical Sociology* 15, no. 1 (March 1, 2002): 69. He addresses Domesday more fully at Clanchy, *From Memory to Written Record*, 25–26. See also, on a similar 1279 survey, Sandra Raban, *A Second Domesday?: The Hundred Rolls of 1279-80* (New York; Oxford: Oxford University Press, 2004), 342–43.

[56] Norman J. G. Pounds, "Population and Settlement in the Low Countries and Northern France in the Later Middle Ages," *Revue Belge de Philologie et d'Histoire* 49, no. 2 (1971): 369–402, https://doi.org/10.3406/rbph.1971.2865; Maurice-

But all told, the information state built by the counts of Flanders ca. 1300-1600 was not the kind of technocratic surveillance state described by scholars interested in what Peter Burke has called "the dark side" of Weberian modernity.[57] In fact, scholars have recognized that many of the repressive means later adopted by modern states were developed in autonomous cities, and that the most sophisticated surveillance tools were those developed by churchmen. "Intimate connections existed" between ostensibly opposed elites in these different institutions.[58] Likewise, the preponderance of revolt in the late medieval Low Countries had to do with the volatility of shifting allegiances between guilds, the urban patriciate, and nobles – including members of the ducal or imperial administrations – and the fate of a rebellion could often be determined by the success of one or another temporary coalition of this sort.[59] Nicolas, Baruque, and Vilfan go so far as to posit that "popular resistance—if only indirectly—facilitated the rise of the modern state... [T]he mediating role of the monarch in social conflicts" limited seigneurial authority and thus reinforced royal power. This dynamic was certainly present, and it was not new, but rather markedly similar to the crisis of lordship in the twelfth century as described by Thomas Bisson (see chapter 1). But it did not necessarily leave the tools of informational sovereignty in the hands of kings. In chapter 1, I

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A. Arnould, *Les relevés de feux*, Typologie des sources du Moyen Âge occidental, fasc. 18 (Turnhout: Brepols, 1976); Patrice Beck, *Archéologie d'un document d'archives: approche codicologique et diplomatique des cherches des feux bourguignonnes, 1285-1543*, Etudes et rencontres de l'école des chartes 20 (Paris: Ecole des chartes, 2006), chap. 1, para. 15. Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston, Mass: Beacon Press, 1995), 51. For a detailed study of an urban regime conducting a census, see David Herlihy and Christiane Klapisch-Zuber, *Tuscans and Their Families: A Study of the Florentine Catasto of 1427* (New Haven: Yale University Press, 1985); Gene Brucker, "Florentine Voices from the 'Catasto', 1427-1480," *I Tatti Studies in the Italian Renaissance* 5 (1993): 11–32.

[57] Burke was referring primarily to James C. Scott's work on "high modernism," a late modern mentality that imposes the state gaze upon lived realities. See Peter Burke, "Reflections on the Information State," in *Information in Der Frühen Neuzeit: Status, Bestände, Strategien*, ed. Arndt Brendecke, Markus Friedrich, and Susanne Friedrich, Pluralisierung & Autorität, Bd. 16 (Berlin: Lit Verlag Dr. W. Hopf, 2008), 51–64 for his comment on Scott's work. Scott's understanding of resistance, I would suggest, tends to assume that writing is a tool of power only in the hands of the state. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1992); James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, Yale Agrarian Studies Series (New Haven: Yale University Press, 2009); James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale Agrarian Studies (New Haven: Yale University Press, 1998).

[58] On the dark legacy of German cities, see Almut Höfert, "States, Cities and Citizens in the Later Middle Ages," in *States and Citizens: History, Theory, Prospects*, ed. Quentin Skinner and Bo Stråth (Cambridge, U.K. ; New York: Cambridge University Press, 2003), 63–75. Surveillance tools of the medieval church are studied in James Given, "The Inquisitors of Languedoc and the Medieval Technology of Power," *The American Historical Review* 94, no. 2 (1989): 336–59. "[C]onnexions intimes existant entre les officiers du pouvoir central et les intérêts parfois opposés des élites urbains dont ils faisaient partie," note Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 299–300. On empowering interactions more generally, see Wim Blockmans, André Holenstein, and Jon Mathieu, eds., *Empowering Interactions: Political Cultures and the Emergence of the State in Europe, 1300-1900* (Hants, England ; Burlington, VT: Ashgate, 2009); Wolfgang Reinhard, ed., *Power Elites and State Building*, The Origins of the Modern State in Europe (Oxford, England: Clarendon Press, 1996).

[59] On these twin rebel traditions, see Boone and Prak, "Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries." In their wake have come, to name only the most recent, Jelle Haemers, "Social Memory and Rebellion in Fifteenth-Century Ghent," *Social History* 36, no. 4 (November 1, 2011): 443–63; Elodie Lecuppre-Desjardin, *La ville des cérémonies: essai sur la communication politique dans les anciens Pays-Bas bourguignons*, Studies in european urban history (1100-1800) 4 (Turnhout: Brepols, 2004); Frederik Buylaert, "La Noblesse et l'unification Des Pays-Bas. Naissance d'une Noblesse Bourguignonne à La Fin Du Moyen Âge ?," *Revue Historique* 312, no. 1 (653) (2010): 3–25; Jan Dumolyn and Jelle Haemers, "Takehan, Cokerulle, and Mutemaque: Naming Collective Action in the Later Medieval Low Countries," in *The Routledge History Handbook of Medieval Revolt*, ed. Justine Firnhaber-Baker and Dirk Schoenaers, 2017, 39–54. For similar trends in scholarship outside of the Low Countries, see for example Christian D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250-1530*, Oxford Studies in Medieval European History (Oxford: Oxford University Press, 2017).

show that the counts of Flanders were even more capable than French kings of using tools of informational sovereignty to build their power, filling the gap created when kings insisted primarily on the ceremonial and ritual components of their sovereignty. Thus in Flanders, the repression of popular resistance strengthened not the monarch but the seigneurial authorities. Still, the point that sovereignty was not simply built through the forceful imposition of power is no less apt.[60] As Lantschner has pointed out, Marxist and conservative historians alike have tended to reify the conceptual paradigm of the "oppressing elites and oppressed subjects…, replicat[ing] a similarly monolithic conception of late medieval politics."[61] There was no dichotomy between princely tools of sovereignty and urban or ecclesiastical tools of sovereignty: rule by princes was not inherently more or less violent than other kinds of rule. Writing power was a matter of tools rather than states.

Moreover, as a growing body of literature has illustrated, writing and archiving were just as often tools of solidarity and power from below as they were the long arm of princely repression from above. German lords created law, in many instances, not by imposition but by eliciting the oral tradition from local peasants.[62] Communes formed by *coniuratio*, or sworn agreements of self-government, were an easily-replicable model of political organization by the tenth century. Only several centuries did communes become dependent on the charters of privilege granted in growing numbers by lay and ecclesiastical lords. Neighboring towns, urban groups, and associations continued to come together in alliances and leagues and to confirm these with sealed charters, not just in Flanders but in Italy, central Germany, and – perhaps most effectively – on the North Sea.[63] That the letters of alliance produced in Flemish towns became particular targets of princely repression in the early fifteenth century in fact says less about the princely state's growing power than the ongoing vitality of horizontal links of urban solidarity (chapter 2).

The ceremonies of archive destruction and seizure held by thirteenth- through sixteenth-century counts of Flanders do not seem to be unique to Flanders. Though the documentary culture of Flanders was particularly contentious, there were ancient precedents for document confiscation. The conquering Roman armies ordered local towns to "bring with them all the archives and documents wherever they were deposited" throughout defeated Macedonia, where the locals, according to Livy, were cowed by this novel humiliation.[64] Much of the medieval zeal for textual

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[60] Jean Nicolas, Julio Valdeón Baruque, and Sergij Vilfan, "The Monarchic State and Resistance in Spain, France, and the Old Provinces of the Habsburgs, 1400-1800," in *Resistance, Representation, and Community*, ed. Peter Blickle, The Origins of the Modern State in Europe (Oxford: Oxford University Press, 1997), 107. Wolfgang Reinhard had harshly critiqued this idea of "state-building from below." Still, his own confessionalization thesis suggests that the institutions and practices of the Catholic and Protestant Reformations partnered with princely authorities to shape bureaucracies, social discipline, and identities. See his Reinhard, *Power Elites and State Building*; Wolfgang Reinhard, "Reformation, Counter-Reformation, and the Early Modern State a Reassessment," *The Catholic Historical Review* 75, no. 3 (1989): 383–404.

[61] The dialectic histories on urban conflict "privilege an understanding of the political order in which the intrusive governments of centralizing late medieval states were seen as increasingly asserting their control over recalcitrant subject populations." Lantschner, *The Logic of Political Conflict in Medieval Cities*, 3. Lantschner cites Tilly, *Coercion, Capital, and European States*, 1–3; Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1979), 15–16; Bernard Guenée, *States and Rulers in Later Medieval Europe*, trans. Juliet Vale (Oxford, UK ; New York, NY: B. Blackwell, 1985), 6. See also Jean-Philippe Genet, "L'état moderne: un modele opératoire?," in *L'état moderne. Genèse, bilans et perspectives* (Paris: CNRS Éd, 1990), 261–62.

[62] Gadi Algazi, "Lords Ask, Peasants Answer: Making Medieval Traditions in Medieval Village Assemblies," in *Between History and Histories: The Making of Silences and Commemorations*, ed. Gerald M. Sider and Gavin A. Smith, Anthropological Horizons 11 (Toronto: University of Toronto Press, 1997), 199–229; Simon Teuscher, *Lords' Rights and Peasant Stories: Writing and the Formation of Tradition in the Later Middle Ages*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 2012).

[63] On the Italian city leagues, the German city leagues, and the German *Hansa*, see note 9 above.

[64] Book 45 of Livy's *History of Rome* goes on: "Though they were accustomed to the display of royal power, this novel assertion of authority filled them with fear." Titus Livius, *History of Rome*, trans. Canon Roberts (New York: E.P. Dutton

confiscation and destruction was of the theological rather than the political kind: the enthusiasm of Louis IX (1214-1270), for example, seems to have left no surviving copy of the Talmud in France, to name but one example. But by the sixth century, there is evidence that administrative documents met similar fates: Gregory of Tours (d. 594) recounts the throwing of registers of the *fisc* into a fire to mark the exemption on a tax. Such episodes have late medieval analogues such as the periodic regime-sanctioned riots in which the debtors of Ferrara were allowed to burn the debt records.[65]

In the Low Countries, this documentary violence was dialectical. Archival documents often took on a power more akin to the symbolic power of flags or banners in other rebellions, and sometimes were treated with the reverence of a relic, paraded around urban spaces to foment political action. Guild members, ducal officials, and regional nobles all chose at times to display and manipulate documents in public in Flemish towns. In the fifteenth and sixteenth centuries, rebels even targeted various items from the archives of Flemish counts, crossed off or ripped out the summaries of these documents from the count's archival inventories, and destroyed the originals in public ceremonies (chapter 4). They destroyed comital regulations on the use of guild banners (1411), despised past capitulations such as the treaties of Arras and Gavère (1477), and the so-called *Calfvel* (1539). In Flanders there was a nexus of revered urban archives, public display of documents and violence against them, capable archival administrators, and a relatively stable set of information technologies and comital archival repositories. This forged a particularly ceremonial expression of informational sovereignty.[66]

In his *Economy and Society*, Max Weber deigned to answer the anarchist Mikhail Bakunin. If the Revolution had only targeted papers rather than persons, Bakunin argued in 1870, it may actually have succeeded in ending the *ancien régime*: "this mountain of useless old papers," as he called it in his "Letter to a Frenchman on the Current Crisis."[67] Weber's response was to diminish somewhat his emphasis on the importance of documents in bureaucracy. "The naive idea of Bakuninism of destroying the basis of 'acquired rights' together with 'domination' by destroying the public documents overlooks that the settled orientation of *man* for observing the accustomed rules and regulations will survive independently of the documents."[68] In his eagerness to refute the anarchist Bakunin, then, Weber pointed to an inherent bureaucratic nature of humanity. While the preservation of and access to documents of state praxis had been central to his previous

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and Co, 1912), bk. 45.29, http://data.perseus.org/citations/urn:cts:latinLit:phi0914.phi00145.perseus-eng3:29. I am grateful to Clifford Ando for this reference.

[65] On destruction of the *Talmud,* see Jacques Le Goff, *Saint Louis* (Paris: Gallimard, 1996), 804-7. On documentary violence in Ferrara, see Richard Brown, "Death of a Renaissance Record-Keeper: The Murder of Tomasso Da Tortona in Ferrara, 1385," *Archivaria* 1, no. 44 (January 1, 1997): 1–43. For an excellent overview of the topic (though the argument on destruction after copying into cartularies is somewhat speculative), see Declercq, "Habent sua fata libelli et acta: La destruction de textes, manuscrits et documents au Moyen Age," 152.

[66] Some similarities can be found in late medieval Italian towns. See the special volume of *European History Quarterly* edited by Filippo de Vivo, Andrea Guidi, and Alessandro Silvestri, "Archival Transformations in Early Modern European History," *European History Quarterly* 46, no. 3 (July 1, 2016): 421–34. Samuel Cohn describes the role of banners in in rebellion in his Samuel Kline Cohn, *Lust for Liberty: The Politics of Social Revolt in Medieval Europe, 1200-1425: Italy, France, and Flanders* (Cambridge, Mass: Harvard University Press, 2006), chap. 8.

[67] "When this mountain of useless old papers symbolizing the poverty and enslavement of the proletariat goes up in flames – then, you can be sure, the peasants will understand and join their fellow revolutionists, the city workers." Mikhail Bakunin, "Letters to a Frenchmen on the Present Crisis, 1870," in *Bakunin on Anarchy: Selected Works by the Activist-Founder of World Anarchism*, ed. and trans. Sam Dolgoff (New York: Vintage Books, 1971), 183. There was mass confiscation and sale of seized archival materials in the 1790s. Judith M. Panitch, "Liberty, Equality, Posterity?: Some Archival Lessons from the Case of the French Revolution," *The American Archivist* 59, no. 1 (January 1, 1996): 30–47.

[68] Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1963), 988.

understanding of bureaucracy, now he accused Bakunin of fetishizing the documents themselves and overlooking documentary culture. Little did the anarchists know, thought Weber, that bureaucracy was a culture, not an apparatus of registers and paperwork. Yet, as I show in chapter 4, destruction of documents by Flemish rebels was actually a rather effective tactic. In fact, the Flemish case begs one final paradox of archival history: that the destruction of documents actually contributed to societal trust in archives and the truth of the documents they held. Fundamentally, I suggest, archives were made into (or were made to seem like) "truth-giving" sites not by being stable but by doing work in the world around them: as archives were effectively deployed, often with violence, they gained credibility. Moreover, once their efficacy had been established, their contents could not be confined to one archive, but with time were extremely likely to spread.

The leading English-language manual of archival practice of the first half of the twentieth century was Hilary Jenkinson's *A Manual of Archive Administration*. Jenkinson was generally of the opinion that archives "cannot tell [the student of history] anything but the truth." Set aside for a moment the terrible irony of Jenkinson's involvement in the systematic destruction of embarrassing World War I records from official archives. Medieval Flemish townsmen believed the same, according to Michel Duchein: "the very fact" that documents were in the town's archive "gave them legal force."[69] But there was nothing inherent about the archive's truth-giving power. Randolph Head gives one example of how the chancelleries and archives of monarchies, churches, and communes "appropriated the public faith" that had once been placed in the Roman notarial record, or *tabellio*. In the sixteenth century, Denis I Godefroy put it succinctly: "Documents produced out of public archives provide public testimony." A century later, Nicolaus Mylerus could write that "the entire force of an archive, and of its records, depends on the authority of him in whose power the archives are." This was the central message of a sixteenth-century legal discourse known as *ius archivi*, which emerged to guide judges and litigants in imperial courts on "how to decide which documents deserved credence when sovereignty and privileges were at stake." Many of these scholars were themselves chancellors of small imperial principalities. They hoped the proofs taken from their masters' archives would be accepted as authentic when they came before the imperial courts so they argued to produce the concept of inherent archival truth.[70]

The Flemish case suggests that the truth-giving power of archives was also produced by less legalistic means. As I argue in chapter 2, the efforts of sovereigns to efface certain types of documents from urban archives in the wake of rebellion were hampered by deeply rooted-traditions of summarizing, copying, and authentication of ecclesiastical, municipal, and guild administration. With time, a text copied and entered into another archive or copy book was likely to be copied once

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[69] While this may fly in the face of Jenkinson's involvement in the systematic culling of embarrassing evidence from British archives after World War I, the statement is not as egregious as some have suggested. Jenkinson qualifies his "anything but the truth" with several caveats, but nevertheless states unequivocally that "an unblemished line of responsible custodians" was reason enough to consider documents authentic. The quotes appears in Hilary Jenkinson, *A Manual of Archive Administration* (Oxford: Clarendon Press, 1922), 11–12. See the incredible findings of Denis Winter on the involvement of Hilary Jenkinson – probably the leading Anglo archival authority of the first half of the twentieth century – in a massive cover-up of archival materials. Tim Cook, "Haig's Command: A Reassessment," *Archivaria* 42 (1997). For a thorough examination of the question of archival authenticity, see Luciana Duranti, *Diplomatics: New Uses for an Old Science* (Lanham, Md: Scarecrow Press, 1998); Friedrich, *The Birth of the Archive*, 10–12.

[70] Head also indicates how important these middling chancellors were in producing "a flood of practically oriented publications on the Empire's law." All quotes drawn from Randolph C. Head, "Documents, Archives, and Proof Around 1700," *The Historical Journal* 56, no. 4 (2013): 909–12, 917. The once-dominant proposition that archival documents cannot help but tell the truth has been set firmly aside in favor of an understanding of archives as "discursive aspects of bureaucratic representations." Matthew S. Hull, "Documents and Bureaucracy," *Annual Review of Anthropology* 41, no. 1 (2012): 258. Denis I Godefroy was the grandfather of Denis II Godefroy, on whom see note 43 above.

more and become nearly impossible for a sovereign to efface.[71] Even more importantly, the frequent movement of documents between archives, their submission in rituals of *amende honorable*, their mobilization in the theater of street politics, and thus their very meanings were often quite drastically transformed. In dramatic fourteenth-, fifteenth- and sixteenth-century episodes, documents were placed at the center of the conflicts between town and princes. In punishment for urban uprisings, documents were seized by comital authorities and later returned once the other conditions of the punishment had been met: they served as hostages to guarantee the fulfillment of punitive measures. Documents were even symbolically cancelled, defaced with a knife to revoke the rights or obligations granted within them. These mobilizations of archival documents within the urban space demonstrated the efficaciousness of archival documents and helped lend the archives containing them their truth-giving capacity.[72]

[71] Hillel Schwartz, *The Culture of the Copy: Striking Likenesses, Unreasonable Facsimiles* (New York: Zone Books, 1996).

[72] On the idea that, despite the threat of violence, the taking of hostages could be contractual, see Adam J. Kosto, *Hostages in the Middle Ages* (Oxford: Oxford University Press, 2012).

# CHAPTER 1
# Urban Charters and the Penitential Repertoire of Sovereignty in the Low Countries on the Eve of the Hundred Years War

If one considers charters as a vehicle for the projection of lordly authority, the great profusion of urban charters of privilege during the second feudal age (ca. 1100-1300) was an explosion of lordship suggesting changes to the very nature of sovereignty. If, instead, they were a new technology that merely reflected existing power relations, they represent a transformation in the power of writing. Indeed, there is little reason to assume that the sudden upsurge in these extant charters, also known as charters of franchise because of the freedoms they granted urban communes, corresponded to any kind of drastic shift of power between princes and urban communities. The "autonomous town governments" that received charters were not new in the twelfth century, argues Susan Reynolds; it was thanks to "new economic and political conditions" that "values and habits of association that were already established in both rural and urban life were translated into a new range of institutions." The town charter was a new medium for an old message, a picture of urban-princely relations frozen in textual form at one point in time. We must especially examine changes in that relationship where they can be found, Reynolds continues:

> perhaps communities as such were always there, in the sense that groups of people acted together over long periods... If so, what we need to study are the ways in which communities and their responsibilities and solidarities changed; the ways their autonomy was increased, reduced, or circumscribed by formal, recorded rules; and the ways that the new conditions provoked new conflict, solidarities, and methods of internal government.[73]

The arrival of urban charters of franchise themselves represented such a change. Between the late eleventh and late twelfth centuries, Flemish counts and bishops issued dozens of charters of this kind, more or less apace with the phenomenon across Europe. Even if these charters were merely a new medium restating older social forms, however, the stark increase in their number demands consideration. Yet the actual original sources for this "much vaunted" period in Flemish urban history are thin and have been studied only rather summarily. Lille received a law code from Baldwin IV the Bearded (r. 987-1035) as early as the 1030s and its first charter of privileges under Baldwin V (r. 1035-1067), who also completed construction of a castle and enough churches there to become known as Baldwin of Lille. Pretenders to the county of Flanders issued another series of urban charters of privilege in the 1120s, and by the late twelfth century the largest towns of Flanders and the neighboring regions had all received charters from princes. In Flanders, Philip of Alsace (r.

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[73] See Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, 2nd ed. (New York: Oxford University Press, 1997), 155 and xli for the respective quotes in this paragraph. On the communal movement and the late thirteenth-century challenge to its founding patriciate, see Marc Boone, "Urban Space and Political Conflict in Late Medieval Flanders," *The Journal of Interdisciplinary History* 32, no. 4 (2002): 625–27; and especially Otto Gerhard Oexle, "Die Kultur der Rebellion: Schwureinung und Verschwörung im früh- und hochmittelalterlichen Okzident," in *Ordnung und Aufruhr im Mittelalter*, 1995, 119–37; Otto Gerhard Oexle, "Gilde Und Kommune. Über Die Entstehung von 'Einung' Und 'Gemeinde' Als Grundformen Des Zusammenlebens in Europa," in *Theorien Kommunaler Ordnung in Europa*, 1996, 75–97.

1168-1191) confirmed law codes for Lille and Bruges and issued Ghent (1165-77), Ypres (1171), and Arras (1157-63) their first charters of privilege.[74]

Evidence suggests that the issuance of such charters was part of a negotiated transaction. Most fundamentally, the prince recognized a group of townsmen as a political entity and granted them a series of rights, exemptions, and liberties in exchange for their recognition of his own authority. Charters are hard to categorize because they dealt with a multitude of topics, ranging from weights and measures to the purview of municipal and judicial institutions to tolls and security matters. Moreover, they were complex documents that incorporated the demands of numerous urban interests. For the most part, however, townsmen were able to secure the rights they hoped for; the incentives offered in the charters of *bastides* founded by European princes to attract new townsmen illustrate how much leverage towns had in the twelfth and thirteenth centuries vis-à-vis princes eager for urban subjects and the incomes they promised. In Flanders in the wake of Count Charles the Good's assassination (r. 1119-1127), rulers were especially willing to provide generous provisions that would serve the interests of urban elites. They not only confirmed the urban right to a commune, but added "many more privileges and immunities" in an effort to gain the support of the urban magnates with their great stone towers and their powerful genealogies (*potentes parentela et turribus fortes*).[75] Philip's father Thierry of Alsace came to power in 1128 thanks to the support of the townsmen of Saint Omer, to whom both he and his rival William Clito issued charters with remarkably generous provisions, including the right to mint coins.

And yet, almost exactly two centuries after the issuance of Saint Omer's generous charters, the count of Flanders turned urban privileges into a cudgel against his most powerful towns. In 1328, Bruges – along with Alost, Damme, Oudenbourg, and the other towns that had joined the prolonged rural rebellion – had little choice but to accept the new *mauvais privilèges* (bad privileges) issued by Count Louis of Nevers, which were meant not to enlist their support but to punish their transgression against his authority. Understanding how charters of privilege became a necessary technology for the expression of a town's existence as a political entity between 1128 and 1328 is beyond the scope of this study. What we can hope to understand here, however, is how the treatment of charters of privilege – not only their issuance, but their confirmation, rescinding, and

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[74] Bruges and Saint Omer seem to have been issued similar charters, apparently iterations of the text known as the Grande Keure of Philip of Alsace. Eugène Tailliar, "Nouvelles recherches sur l'institution des communes dans le nord de la France et le midi de la Belgique," *Bulletin de la Commission royale d'Histoire* 8, no. 8 (1844): 115, 135, 162. The assassination of the Count of Flanders Charles the Good in 1127 has long been seen as a turning point in the crystallization of the towns' rights in established written from. Henri Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, Harper Torchbooks. The Academy Library (New York: Harper & Row, 1963), 39. The most succinct overview of the state of the field can be found in van Caenegem, *Legal History: A European Perspective*, 41, 63–68. Often, the magistrates appointed by counts themselves (scabini or échevins, often translated as aldermen) were granted their positions for life, and the communio was recognized or confirmed.

[75] R. C. van Caenegem quotes Gislebert of Mons: van Caenegem, *Legal History: A European Perspective*, 56, 66–68. The case of Saint Omer, with seven surviving charters issued between 1127 and 1199, is uniquely well known and worth pausing on for a moment. The first two were issued by William Clito (r. 1127-1128) and Thierry of Alsace (r. 1128-1168) in 1127 and 1128, respectively. This period of instability may have created unique circumstances, but this is not the only twelfth-century charter that might be called "a list of the burgesses' desires and ambitions," as van Caenegem does. The commune of Saint Omer knew precisely what it wanted in exchange for recognition in 1127: an autonomous law court, an autonomous town government, and economic liberty. See also Tailliar, "Nouvelles recherches sur l'institution des communes dans le nord de la France et le midi de la Belgique," 115; Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 39. On *bastides*, see Adrian Randolph, "The Bastides of Southwest France," *The Art Bulletin* 77, no. 2 (1995): 290–307; Wolfe, *Walled Towns and the Shaping of France*, 57–64.

modification – reflected new means of informational sovereignty by princes.[76] By the fourteenth century, I argue, lordship, the power of writing, and rituals of penitence were inherently linked.

This chapter examines the incorporation of charters of privilege into a new apparatus of informational sovereignty in the fourteenth century. This process is particularly intriguing in the Flemish context, moreover, because informational sovereignty there preceded many of the rites of power that gave political power a ceremonial form. As late as the 1380s, counts of Flanders did not consider themselves sovereigns, or at least did not use the term. Flanders was part of the French royal domain, so sovereignty was reserved for the king of France, at whose court the count of Flanders was at various points one of the more powerful peers. Instead, they subscribed to a shared understanding of sovereignty in which their role was clearly subordinate, at least symbolically, to the French crown. Not until the fifteenth century did Flemish counts begin to use the vocabulary of sovereignty, for example by accusing rebellions against their own authority of committing *lèse-majesté*. But around 1330, on the heels of a truly humiliating decade of rebellion, contempt, imprisonment, and powerlessness on all fronts, Flemish administrators working for Count Louis of Nevers began building what I call informational sovereignty.

So were urban communes conspiracies against lordship, or were they the foremost partner with which princes grew their power in the second feudal age? If we trace the relations between Flemish towns and princes through their most distinctive diplomatic representation, the charter of privileges, we find that this regime of privilege lasted over four hundred years. When we look not only at the issue of charters but at the politics surrounding their interpretation, confiscation, and confirmation in subsequent centuries, moreover, we see that this regime of privilege was built in direct coordination with a series of rituals of penitence forced upon rebel townsmen in the wake of their defeats. After confiscating the charters of privilege issued by his predecessors, Louis of Nevers' chancellor Guillaume d'Auxonne created a new archive and a new register that would help expand the count's informational sovereignty out of comital repression.

## Charters and the Medieval Repertoire of Political Penitence

Belgium's conquest of its medieval past, like that of its international empire, was part of a coordinated effort to construct its own statehood. Nineteenth-century Belgian historians, archivists, and publicists – romantics of a yet unclaimed national past – identified an amorphous medieval "communal movement" in the precocious "early democracies" of the towns of the Low Countries described by Pirenne and his predecessors. These new directions in urban history were not unique to Belgium, unsurprisingly, because Europeans of the nineteenth century built their national visions through their lived experience. For the liberal professionals who laid the historical foundations of nineteenth-century nationalism, this experience was overwhelmingly urban. There were competing legacies, of course. The histories of provinces rather than towns met the political needs of royalists and counter-revolutionary aristocrats in France seeking anti-statist histories. For the liberal nation-builders active at various stages of the topsy-turvy nineteenth century, however, the medieval town and the advent of a medieval communal movement was a wind in the sails. This was true whether their explanations for the communal movement's rise were ethno-linguistic, economic, or legal. But in telling the history of urban freedoms in the Low Countries as that of the Belgian people or

[76] On the idea of technology power and technological interventions in human relations, see Bruno Latour, "Technology Is Society Made Durable," *The Sociological Review* 38, no. S1 (1990): 103–31.

nation-state, Belgian romantics failed to see that the achievements of these medieval townsmen were no less contested and contingent than their own political efforts, coalitions, and maneuverings.[77]

Whatever their own biases, scholars today are somewhat more hesitant to identify such a medieval "communal movement." Instead of an orchestrated movement, the medieval commune is largely considered a form of cooperation: "a sworn association with common interests and some form of self-regulation," as John Watts writes. This is a far cry from talk of a wave that "swept through Europe, liberating townsmen and peasants from the rule of kings and lords and laying the foundations for future democracy," as one nineteenth-century proponent of the idea of a communal movement imagined it.[78] Still, it does leave the commune as a form of solidarity that served as an important and easily replicable model for collective action. This perspective also doubts the rhetoric of some contemporaries of the communes, who at various stages considered their very existence tantamount to rebellion. In fact, historians have recently identified communes primarily as a framework within which the leading men of a locale could act in tandem. On this even the liberal historians of the middle nineteenth century were in agreement. Eugène Tailliar, a French magistrate, historian, and publisher in the Walloon Flanders town of Douai, argued explicitly that the communal institutions of the Flemish towns were meant to assure the preponderance of the bourgeois aristocracy and prevent their displacement by the inferior classes. Communes were at least as much a conspiracy to maintain a certain order as they were a movement, let alone a revolution, opposed to the existing order.[79]

Nor was communal cooperation particularly novel in the High Middle Ages. Instead, rural and urban communes, militias, humble artisan guilds, and wealthy merchant guilds alike seem all to have had deep, old, and common roots. They emerged, Otto Gerhard Oexle argues, out of early Frankish prayer associations that, by the tenth century, had developed into decision-making and self-defense groups merging earthly and spiritual concerns. In other words, medieval Europeans, like humans in so many other places and times, lived interrelated lives. They formed groups and institutions, through which they coordinated and controlled lives in common. Though medieval communes appear in the sources beginning in the tenth and eleventh centuries, Susan Reynolds points out that they almost certainly existed long before. Thus it would be anachronistic to consider urban communes as something apart from other means of horizontal collective action. More than anything inherent about medieval towns, then, the nineteenth century's commitment to a

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[77] Marc Boone, "Cities in Late Medieval Europe: The Promise and the Curse of Modernity," *Urban History* 39, no. 2 (2012): 329–49 explains the nineteenth-century discourse nicely; far more complete, of course, is Stéphane Gerson, *The Pride of Place: Local Memories & Political Culture in Nineteenth-Century France* (Cornell: Cornell University Press, 2003). Such civic or urban nationalism thrived elsewhere, notably in Germany, where urban traditions were considered inherent to the character and history of the nation. The classic is Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*. It is based on earlier research from a series of ground-breaking articles on Flemish urban constitutions he published in the 1890s in *Revue Historique*. The first of these is Henri Pirenne, "L'origine des constitutions urbaines au Moyen Age," *Revue Historique* 53, no. 1 (1893): 52–83; two of Pirenne's predecessors were Tailliar, "Nouvelles recherches sur l'institution des communes dans le nord de la France et le midi de la Belgique"; and Thierry Limburg-Stirum, *Codex diplomaticus Flandriae, inde ab anno 1296 ad usque 1325; ou, Recueil de documents relatifs aux guerres et dissensions suscitées par Philippe-le-Bel, roi de France, contre Gui de Dampierre, Comte de Flandre*, 2 vols. (Bruges: A. de Zuttere, 1879).

[78] For a broad definition of the "communal movement" as a reproducible set of institutional forms as early as the twelfth century, see Watts, *The Making of Polities*, 98–99.

[79] Eugene Taillar wrote that "toutes les institutions communales furent combinées de manière à assurer la prépondérance de l'aristocratie bourgeoise, et à prévenir l'envahissement des classes inférieures." Tailliar, "Nouvelles recherches sur l'institution des communes dans le nord de la France et le midi de la Belgique," 115. On Tailliar's place within the nineteenth-century debate over the communal movement, see Gerson, *The Pride of Place*, 27.

hagiography of the Third Estate is probably more responsible than anything for the birth of the idea of a "communal movement."[80]

So where did Pirenne and his fellow travelers get the idea from? They had a strikingly large, geographically distributed base of sources that they labored extensively to publish, and from which such an argument naturally followed: urban charters of privilege. This corpus of texts traced the relationship between lords and communes in the Middle Ages. These charters led Pirenne to important distinctions, for example identifying two types of commune: those founded in the shadow of episcopal rule (the Liège model) and those founded *ex nihilo* (the Flanders model). The fundamental difference between the two models, for Pirenne, was the existence of a sovereign and interlocutor. When towns rose in the shadow of cathedrals, bishops like that of Liège were forced to deal with the demands of the burghers. The issuance of charters soon followed. When Bishop Théoduin granted the burghers of Huy a number of privileges in the form of a charter issued in 1066, the population was actually purchasing concessions that were ratifications of "the burghers' political programme." What followed, according to Pirenne, was a kind of competitive advancing of the rights of the burghers, as Huy strenuously built the "machinery for the government of their town" in the face of lordly power.[81]

Those towns of Pirenne's Flemish model, on the other hand, rose free of the immediate oversight of episcopal lordship. There, "municipal institutions were established without collisions or conflicts with the prince, and were developed much more completely." For Pirenne, the driving force of this "Flemish model" of urban constitution was above all commercial and industrial. The cloth trade that dominated Flanders meant that "nowhere in fact were the towns so entirely the offspring of commerce." This was one of the reasons why, as Michael Wolfe notes, towns and lords rose together in the twelfth and thirteenth centuries: "feudatory rulers benefited from urban growth, none more so than in Flanders, Brabant, Hainault, and Artois," all areas that later became the purview of the Flemish counts. The counts of Flanders came to recognize the profit to be gained

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[80] For an argument on the common roots of guilds, communes, and other sworn associations, see Oexle, "Gilde Und Kommune. Über Die Entstehung von 'Einung' Und 'Gemeinde' Als Grundformen Des Zusammenlebens in Europa." Others have expressed slightly more skepticism about the similarities between the different types of horizontal grouping. See Janet Loughland Nelson, "Peers in the Early Middle Ages," in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, ed. Pauline A Stafford, Janet Loughland Nelson, and Jane Martindale (Manchester: Manchester University Press, 2001), 38. Reynolds is the most eloquent advocate for a long history of human communal cooperation in both town and countryside, especially in the preface to the second edition of *Kingdoms and Communities*. Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, xli. Daniel Lord Smail touches on these issues: Daniel Lord Smail, *On Deep History and the Brain* (Berkeley: University of California Press, 2008).

[81] Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 35–36. To see that Pirenne did identify the rural nature of the initial revolt, see Henri Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction* (Bruxelles: Imbreghts, 1900), xx, xxxiii–xxxiv; David Nicholas, *Medieval Flanders* (London ; New York: Longman, 1992), 253–54; WIlliam H. TeBrake, *A Plague of Insurrection: Popular Politics and Peasant Revolt in Flanders, 1323-1328*, Middle Ages Series (Philadelphia: University of Pennsylvania Press, 1993), 133, n. 2. The better known Pirenne thesis – the idea that Muslim conquest of the Mediterranean and choking off of its trade forced Carolingian Europe to look inwards – has its local Belgian parallel in the resurgence of long-distance trade in the eleventh century. In his *Histoire de Belgique*, among other places, Pirenne argued that this rebirth of trade sprouted an unprecedented flowering of wealth, urban autonomy, and even democracy in the Low Countries. This too has been challenged by evidence of such long-distance trade predating the urban boom of the High Middle Ages. See especially Martha C. Howell, *Commerce before Capitalism in Europe, 1300-1600* (Cambridge ; New York: Cambridge University Press, 2010). On the Pirenne Thesis and its criticism based on archeological findings indicating the persistence of long-distance trade throughout the Early Middle Ages, see Richard Hodges, *Mohammed, Charlemagne & the Origins of Europe: Archaeology and the Pirenne Thesis* (London: Duckworth, 1983). See also Michael McCormick, *Origins of the European Economy: Communications and Commerce A.D. 300-900* (Cambridge ; New York: Cambridge University Press, 2001).

from vigorous commerce in their realm, and they issued charters of their own. In Pirenne's view, these urban constitutions turned the economic partnership between princes and towns into institutional relationships preserved in textual form. They became an institutionalization of the burgher's economic interest and the first urban constitutions.[82]

Pirenne's perceptive distinction between the Flemish and Liégeois models left aside racialized distinctions in favor of economic ones: both the Liège and the Flanders regions were bilingual long before the emergence of these two institutional models, so variations in medieval constitutions of the Low Countries could not be linked to the two linguistic and ethnic traditions of what Pirenne would call medieval *Belgica*: "the meeting point of the two great nationalities (Latin and Germanic), which were to work out the civilization of the Middle Ages." Because Pirenne hoped to successfully merge these linguistic and ethnic groups into a bilingual Belgian nation (his own Francophile politics and elitism notwithstanding), he found it easier to rest his faith in their urban constitutions and their economic success.[83]

For Pirenne, communes of the Liège model were forced upon their princes. In response, the bishops of Liège repeatedly appealed to the emperor to decree that such "conjurations" and "communes" be prohibited. And in seeing the communal movement effectively as a bourgeois challenge to the feudal order, Pirenne was resting on decades of close study of primary sources, where he saw that rulers frequently opposed the horizontal oaths of fidelity that lay at the center of communes. Like other forms of horizontal association, rulers often found these oaths dangerous. As Jan Dumolyn and Jelle Haemers have pointed out, various kinds of collective action were considered conspiracies, or *coniuratio*: from the strike funds collected by specific worker's guilds, to wealthy long-distance cloth trading guilds such as the Bruges *Hansa* or Mechelen *Gilde*, to the rebel gatherings of the fourteenth and fifteenth centuries. All "had the same purpose: assembling people with a common background and collective claims."[84] Therefore, they all reflected upon and reinforced the idea of the urban commune as a conspiracy against the existing order. In this light, it is not entirely surprising that, by the twelfth-century peak of the founding of new communes, there was already a long history of rulers attempting to suppress horizontal oaths of fidelity. Janet Nelson has noted that "the very same [Carolingian] capitularies that are concerned with oaths to the ruler, or to other lords, are those which prohibit oath-swearings of the mutual kind." Such mutual "oaths sworn *in conjuratione*, or *in conspiratione*... were clearly linked with political subversion." Guibert of Nogent was only one of a number of twelfth-century writers to express a loathing for the communes. Indeed,

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[82] Wolfe, *Walled Towns and the Shaping of France*, 35, quote at 7-8. Wolfe makes the intriguing point that the granting of charters by a lord tended to go hand-in-hand with the creation of town walls. See also Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 36–38. I examine the issuance of an urban constitution for Ghent by King Philip the Fair in 1301 in chapter 4.

[83] This argument against the racial basis for Flemsih urban freedoms does not imply that Pirenne was writing in the bloody early years of Belgium's colonial ravaging of the Congo, had any difficulties supporting the colonial mission. In fact, in meetings of the department of History at the University of Ghent, Pirenne thought colonialism would be of great benefit to Belgian science, and their university in particular. See Sarah Keymeulen, "Henri Pirenne: Historian and Man of the World," *BMGN - Low Countries Historical Review* 131, no. 4 (December 20, 2016): n. 10. See also Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa*, 1st Mariner books ed (Boston: Houghton Mifflin, 1999). For the distinction between the Liège and Flemish models of medieval urban constitution, see Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 35–36.

[84] Pirenne discusses the Bishops of Liège and their response to communes in Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 36. On the etymology of rebellion terminology, see Dumolyn and Haemers, "Takehan, Cokerulle, and Mutemaque," 48. For more examples of opposition to communes, see Thomas N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, N.J: Princeton University Press, 2009), 353.

many writers who identified with knights and other middling lords were convinced that communes were "violent and pestilent communities" set on "oppressing knights."[85]

But horizontal oaths and territorial rule were far from inherently opposed. Instead, communes and sovereigns found broad realms of agreement. For one, communes joined many lords in fighting the bad governance of castellans and smaller lords. As Bisson points out, even before these charters of liberties are considered as evidence of urban life or relations between towns and the princes that issued them, they represent a moment of crisis for minor lords. In issuing these charters with their invocations against arbitrary taxation, kings and princes were answering calls from towns and villages to limit the power of the princes' own officials. To Bisson, charters were in fact the clearest expression of this: charters of franchise, these "instruments of lordship" that appeared in their hundreds in the twelfth century "represent the earliest perceptible impulse of cultural reaction against the institution of exploitative lordship."[86] The most common elements of these charters – the renunciation of arbitrary taxes, for example – were meant primarily to constrain local agents rather than the lord-king himself. This joint interest was related to another point of agreement between towns and lords, who largely cooperated in encouraging commerce. Finally, towns and lords ended up sharing a mutually-reinforcing credence in the predominant written form of their legal relationship: the charter of privileges or franchise.

M. T. Clanchy has traced both the spread of writing in England "down the social scale – to most barons by 1200, to knights by 1250, to peasants by 1300" and the contemporaneous increase in documents issued by the royal chancery. The amount of sealing wax used by the English royal chancery, a proxy for the growth in its charters issued, increased from 3.63 pounds per week in the 1220s to 31.9 pounds by 1270. Further research on European "documentary culture" has pushed this timeline much further back, and provided much-needed nuance. For example, Simon Teuscher has identified different ways in which documents were used: an older means that saw documents as standalone texts and objects, which was gradually replaced by a newer inter-textual means of using documents – a distinction developed to counter simplistic notions of literacy and orality. What this growing field makes entirely clear is that administrative writing, or *Pragmatische Schriftlichkeit*, was already a complex part of medieval power.[87]

This is not the place to introduce the field of diplomatics or recent critiques that have built upon it as part of the material and archival turns. For now, we can suffice with the truism that charters reveal as much through their physical presentation as they do in their textual content. Bisson notes that the charters of the counts of Flanders were particularly imposing in terms of their size and language. Physically, they were monumental – "to be commemorated" – and their terminology "demanded deference and exuded an image of condescending grace." The sheer number of comital charters swells after the year 1050, less than a century before the real explosion in the issuance of charters of franchise. For Bisson, burgeoning charter production was among the best

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[85] Nelson, "Peers in the Early Middle Ages," 38, cites the Capitulary of Thionville (805). Nelson also suggests that the oath was the forbidden part, rather than the horizontality of the relations. For background on oaths in the context of political office, see Leeuwen, "Municipal Oaths, Political Virtues and the Centralised State."

[86] On bad lordship, and writers' opposition to the communes, see Bisson, *The Crisis of the Twelfth Century*, 351; on the excesses of castellans, see also Wolfe, *Walled Towns and the Shaping of France*, 12.

[87] For this particular argument of Teuscher's see Simon Teuscher, "Document Collections, Mobilized Regulations, and the Making of Customary Law at the End of the Middle Ages," *Archival Science* 10, no. 3 (2010): 211–29. He makes a more detailed argument in Teuscher, *Lords' Rights and Peasant Stories: Writing and the Formation of Tradition in the Later Middle Ages*; for the argument linking wax use to the spread of literacy, see Clanchy, *From Memory to Written Record*, 59. The classical statement of a transition from orality to literacy – one deeply implicated in the nineteenth-century colonial roots of anthropology – is Goody and Watt, "The Consequences of Literacy." In response to critique, this was somewhat stepped back in Goody's subsequent work.

signs that the twelfth-century French king Louis VI (r. 1108-1137) and his contemporaries "came of age and power in a society of pullulating lordships" – a period marked by lordship's spread and fragmentation. This was reflected, at the French court, in a time of prosperity for chancellors, seneschals, and chamberlain. Perhaps unsurprisingly, this period of royal weakness vis-à-vis the great aristocracy was a period of baronial administration.[88]

Chaplains accompanying the *curia* of the Flemish count were typically the ones who wrote out charters. By the late eleventh century, they became the first chancellors of Flanders. Alongside their administrative tasks, they were also part of a complex repertoire of symbolic communications: even as the issuance of urban charters of privilege was accelerating most quickly, in the twelfth century, Bisson suggests that lordship remained performative in important ways. As opposed to its later connotations of administrative governance and scribal culture, the princely *curia* referred to in twelfth-century sources still referred to a "celebratory assemblage" – a travelling court. If the stresses and strains of the emergence of something resembling government was, for Bisson, the crisis of the twelfth century, then the symbolic meanings of these charters must be at the center of our analysis.[89]

Contemporary French kings also granted charters as a means of forging closer connections with populations and institutions. Issuing charters to urban communes within neighboring fiefdoms, including Flanders, was particularly effective under King Philip II Augustus (r. 1180-1223) as a means of absorbing territories into the royal domain. The issuance of these charters can be seen as transactional affairs that worked to strengthen both royal sovereignty and the local groups benefitting from the charter. Typically, Capetian kings insisted on the building of a tower near a town's walled perimeter (though not within it) when they granted it a charter. As they forged these relationships with towns outside their immediate sphere of influence, "these places effectively marked the course of future Capetian expansion." While kings changed the urban topography, the presence of royal officials based in towns forged strong institutional connections. French royal *prévôts* (provosts) – of which there were forty by 1150 – were royal officials in charge of administrative districts throughout the kingdom. They were based in towns, where they oversaw tax collection, relationships with local lords, and the execution of royal justice. By the reign of Louis VII (r. 1137-80), another layer of royal jurisdiction was in place, represented by the *baillis* sent to supervise the *prévôts*. At the very moment that kings were issuing charters of franchise to dozens of towns, then, they were emerging as the essential site at which royal administration established itself as well.[90]

Therefore, the issuance of charters to towns by princes was often mutually beneficial in the High Middle Ages, at least to certain segments of the population. Michael Wolfe has noted that the construction of town walls before the middle of the thirteenth century "served as a symbol of princely domination before it became a sign of municipal independence." Something very similar seems to have happened with charters of privileges, except that charters tended to prioritize the needs of certain social groups over others. The charters of Philip II Augustus favored urban merchants and professional groups – in other words, *coniuratio* – over local churchmen and nobles. This was the case not only under the royal watch of the Capetians, but also in Flanders, where each town's charter may have varied in its specific contents, but certainly favored the urban elites.[91]

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[88] Bisson, *The Crisis of the Twelfth Century*, 163, but see also 143 and esp. 350ff.

[89] Bisson, *The Crisis of the Twelfth Century*; Geoffrey Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca, N.Y: Cornell University Press, 1992).

[90] Wolfe, *Walled Towns and the Shaping of France*, 20, quote at 35-36; Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 38ff; Tailliar, "Nouvelles recherches sur l'institution des communes dans le nord de la France et le midi de la Belgique."

[91] See Bisson, *The Crisis of the Twelfth Century*, 147. Also Wolfe, *Walled Towns and the Shaping of France*, 35–38.

Not only princely courts but, of course, towns too had much to gain from the market in charters. In a seminal article building on the work of scholars such as Clanchy and Brian Stock, Brigitte Bedos-Rezak focused on charters in her description of thirteenth-century towns in northern France towns as "textual communities." Other objects of civic pride and autonomy – seals, belfries, market squares, saints' days – were no less important, but Bedos-Rezak points out the particular power of the "civic liturgy" that could form around urban charters of privilege. Bedos-Rezak recounts several episodes in which towns sought multiple sealed originals of their charters of privileges issued by lords – even when they had previous, identical copies. These were often kept in special chests within the municipal archive. The town of Aire-sur-la-Lys, for example, used a 1374 fire as an excuse to request a new charter from Countess Margaret of Flanders. Though the townsmen claimed the charter had burned, the archive had in fact been spared: this was "simply a ploy to obtain yet another icon representative of the town's chartered status." This was a "recurrent goal of city officials," Not only in northern France, but also in the German empire.[92]

With the issuance of such a charter of privileges, typically, came also an opportunity for its "performance." This could mean any number of gatherings, processions, prayers, or speech-acts centered upon the charter's presence as either text or object. Generations of scholars have identified and described the wider repertoire of symbolic actions that existed within the medieval town. Lords, urban patricians, guild leaders, and rank-and-file members, and princely and ecclesiastical officials all engaged in specific actions time and again, using specific objects, at specific sites. These were repertoires of political culture that could be used to foment, foil, and navigate a whole range of political challenges there, including revolt. The objects (relics, documents, banners), and actions (oaths, processions, drafting of demands, confiscation of archives, and tearing of charters) in question frequently revolved around communal and institutional memory and with the memory of past revolts and their repression (chapters 2 and 4). The squares, buildings, and streets of a town, as scholars have known at least since the French sociologist Henri Lefebvre, was not just empty space in which events occurred but a stage that was itself produced and could henceforth shape proceedings. Peter Arnade has described the towns of the Low Countries as "realms of ritual" in which the resonance of the past and the spatial enacting of politics frequently brought the sacral and the temporal together.[93] Each town was host to its own repertoire of symbolic actions, in accordance with the political actors, sites, objects, and traditions it hosted. These repertoires, frequently both reinforced and stretched in and after times of revolt, began to include charters by the thirteenth century.

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[92] The quotes are in Bedos-Rezak, "Civic Liturgies and Urban Records in Northern France, 1100-1400," 34 and 39–40; on municipal archiving in the Empire, see Behrmann, "Genoa and Lübeck: The Beginnings of Communal Record-Keeping in Two Medieval Trading Metropolises," 20. On textual communities, see also Stock, *The Implications of Literacy*; Teuscher, "Document Collections, Mobilized Regulations, and the Making of Customary Law at the End of the Middle Ages"; Butcher, "The Functions of Script in the Speech Community of a Late Medieval Town, c. 1300-1550."

[93] See the classic Lefebvre, *The Production of Space*. The literature on revolt and urban space in the Low Countries has grown vast in the past decade and a half. See, in addition to Arnade (subsequent note), the collection by Boone and Howell, *The Power of Space in Late Medieval and Early Modern Europe*; Boone, "Urban Space and Political Conflict in Late Medieval Flanders"; Symes, "Out in the Open, in Arras: Sightlines, Soundscapes, and the Shaping of a Medieval Public Sphere"; Paloma Bravo and Juan Carlos D'Amico, *Territoires, lieux et espaces de la révolte: XIVe-XVIIIe siècle*, Histoires (Dijon: Éditions universitaires de Dijon, 2017). For an overview of what has been called the performative turn, see Jean-Marie Moeglin, "« Performative turn », « communication politique » et rituels au Moyen Âge," *Le Moyen Age* Tome CXIII, no. 2 (August 1, 2007): 393–406; Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas*, chap. 1. Performance studies in history owes much to Victor Witter Turner, *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca: Cornell University Press, 1970); Clifford Geertz, *Negara: The Theatre State in Nineteenth-Century Bali* (Princeton, N.J: Princeton University Press, 1980).

Almost exactly two centuries after their initial surge in Flanders and elsewhere, new attitudes towards urban charters of franchise reveal a subsequent transformative moment in the practice of sovereignty. At this time, new means of regulating charters began to emerge – or at least became newly visible. This chapter focuses first on the roots of the revolt that shook Maritime Flanders in 1323-28, then on the revolt itself, and finally on its repression. At all these points, the privileges of Flemish towns as expressed in their charters were in flux and interacting closely with contentious politics.[94] The new order that emerged after the revolt was put down featured new means of exerting sovereignty, or at the very least made clear distinctions between different ways of being sovereign. To the already well-established symbolic language of repression in the wake of revolts, in the late thirteenth and early fourteenth century princely states began to incorporate the re-interpretation and re-issue of charters. Studied closely, the mechanics of this administrative practice are one of our best guides to the shifting meanings of sovereignty in late medieval Flanders. Following the career of archivist, chancellor, and bishop Guillaume d'Auxonne through rebellion, repression, and administrative praxis between 1323 and 1344, I argue in this chapter that lords increasingly came to rely on the revocation of charters as a means of exerting influence over the communes of Flanders. Out of this practice emerged a distinction between informational and ceremonial sovereignty that attached to counts and kings, respectively, and which shaped the Hundred Years' War that began with another Flemish uprising in 1337. Finally, I argue that urban revolt in particular prompted this princely agenda, leading to the creation of several important relics of informational sovereignty in the decade following the repression of the rebellion.

## The Flemish Uprising of 1323-28

The spread of urban charters of privilege between the late eleventh and the thirteenth century was not primarily a response to rebellion or a product of opposition to territorial rulers. But by the late thirteenth century, charters and rebellion were becoming inextricably related. Before understanding how, we must first make an observation regarding the incredibly diverse vocabulary used to describe medieval revolt. A single source might list more than a dozen offenses associated with a single uprising. In one fifteenth-century example from the Low Countries we shall meet below, there is talk of "delitz, excez, entreprises, offenses, rebellions, desobeissances, pilleries, seditions, conspirations, monopoles, et commocions."[95] One sixteenth-century historian called the 1323-28 uprising "la grande mutinerie"; others called it a *wapeninghe, commocien*, *conspiratio*, *meute*, or *tumult*. Cohn has noted that contemporary sources tend to use local equivalents for revolt, rebellion, rising, and other terms somewhat interchangeably to describe political conflicts, and concludes that our own terminology need not be exacting. Patrick Lantschner, on the other hand, chooses to use the verb "revolt" and the nouns "rebel" and "rebellion." His examination of rebellion focuses on the polycentric logic of politics, suggesting that densely overlapping institutional networks – ecclesiastical, municipal, guild, neighborhood, kin – increased a town's likelihood of rebellion. A rebellion was thus an alignment of forces more than an uprising of what we would call a certain class. Like any choice, this terminology has its own difficulties. Revolt, for example, implies a certain hegemonic relation, a pre-determined hierarchy of authorities nevertheless. I choose to adopt the same vocabulary as Lantschner because, in addition to consistency, "revolt" avoids the centuries of

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[94] Charles Tilly and Sidney G. Tarrow, *Contentious Politics* (Boulder, Colo: Paradigm Publishers, 2007).

[95] Documents used to pardon revolts, like this one, are often repetitive in this way; many of these are near synonyms, and any translation would be largely arbitrary. The list is taken from the archival inventory description of the 1453 Treaty of Gavère, itself a contentious document that was subsequently destroyed by rebels (see chapter 3). ADN B113 fol. 6v. For more on the vocabulary of revolt, see Dumolyn and Haemers, "Takehan, Cokerulle, and Mutemaque."

ideological and historiographical assumptions about social classes and hatreds that go along with the words "revolution" or "uprising." This is especially useful for the Low Countries, because the coalitions that led urban and rural revolts could in fact be remarkably varied, supple, and surprising.[96]

As we shall see, the historiography of medieval revolt is rife with assumptions that recent scholars have only partially managed to dispel. While it was once thought (or at least taught) that revolt was an urban phenomenon, and thus limited to the "urban belt" of northern Italy, France, and the Low Countries, recent scholarship has done away with such ideas. In Flanders, urban-rural coalitions were crucial to most fourteenth-century rebellions. Their geographical range was remarkable, too, and spread far beyond the hotspots of urban development. Both revolt and the very model of the commune were not exclusive to these regions or to urban environments in general; many of the impulses out of which communes emerged were certainly present in rural communities as well, and urban and rural rebels often found common cause.[97] The events in Flanders between 1323 and 1328 encapsulate the dynamics of revolt and repression between town, countryside, and lord in all its complexity.

To Pirenne, the "Rising of Maritime Flanders" was a monumental conflict between the merchant class – representing the urban "early democracies of the Low Countries" – and the feudal order represented by the count of Flanders and the king of France. True, this conflict would indeed evolve into one between the count, many of his noble officials, wealthy abbeys, and much of the urban patriciate supported by the king, on the one hand; and peasants, urban artisans, a smattering of nobles and small landholders on the other. But it was not a conflict between an urban world of freedoms and a rural realm of serfdom. Recent scholarship has stressed that the revolt was both initially and primarily a peasant movement. Though Pirenne himself identified this rural character of the early rising, he insisted that the merchant bourgeoisie was the revolt's driving force. While certain guilds and urban commoners eventually did lend it crucial support, unlike Pirenne we cannot see their economic interests as the impetus for the revolt. In the countryside, the rallying cry seems to have been the great wealth and routine cruelty and violence of rural nobles. Soon peasants began "gatherings in villages and attacks on the country gentry and the Count's officials." After swearing oaths of solidarity and taking up arms, the villagers brought their complaints to the comital administration and to the leading towns of their districts. The peasants' demands indicated a remarkable awareness of the tools of their oppression: they demanded the right to inspect the documents the documents used for local tax assessments, for example, which they suspected exaggerated their obligations. To understand the depth of noble contempt for the peasants, one need look no further than the *Kerelslied*, a fourteenth-century Flemish knight's song of revenge against the contemptuous rebel *kerels* (peasants).[98]

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[96] See on these coalitions especially Haemers, *For the Common Good*; my analysis here largely follows Lantschner, *The Logic of Political Conflict in Medieval Cities*, 5. Lantschner's analysis is useful as well because it challenges certain prisms of thought – shared by Marxist and non-Marxist scholars alike – that see revolts "as stand-offs between state-centred elites organized around central or urban governments, on the one hand, and social forces, on the other hand." See chapter 2 below, as well as Cohn, *Lust for Liberty*, 111. More recent work on rebellion in Flanders includes Haemers, *For the Common Good*; Jan Dumolyn and Jelle Haemers, "Patterns of Urban Rebellion in Medieval Flanders," *Journal of Medieval History* 31, no. 4 (December 1, 2005): 369–93. See also Jan Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," *The Legal History Review* 68 (2000): 494.

[97] On the urban belt in general, especially in the context of state formation, see Thomas A. Brady, Gerhard Dilcher, and Wim Blockmans, "The Urban Belt and the Emerging Modern State (Pt. V)," in *Resistance, Representation, and Community*, ed. Peter Blickle, The Origins of the Modern State in Europe (Oxford: Oxford University Press, 1997), 217–324.

[98] The violence was remarked upon with disgust by contemporary chroniclers. For Pirenne, the atrocities of the rebel side surpassed even the violence of the *Jacquerie* of 1358 or the English Rising of 1381. On the *kerelslied*, see Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, 27, n. 2. A monk of Clairmarais,

The "violent tenor of life" described by Huizinga may have been reflected in the sources on the rural conflict, but the meaning of the rebellion should not be reduced to such violence. One comital chronicler described the revolt as "a tumult so great and so dangerous that the like had not been seen for centuries." The complaints presented by peasants regarding the behavior of the rural nobility met with support especially in the towns of Ypres and Bruges, and before long the peasant uprising spread to the towns. Long-standing phenomena within the towns encouraged them to make common cause with the rural rebellion. Certain groups within Flemish towns had felt their interests crowded out by the urban patriciate for decades. The fundamental problem was that the provisions in charters of privilege provided by princes had largely overlooked the interests of guilds and urban commoners. The guilds were eager, for example, to protect the industries of their own town against competition in their urban hinterlands and in other towns. Nevertheless, the powerful towns of Flanders were unable to forge a common cause, and Ghent and Bruges remained on separate sides of the conflict. We shall approach the question of alliances between different towns in chapter two. What is certain is that by the late thirteenth century, a "second patriciate" of entrepreneurs once excluded from political office began vying for influence. Together with the ordinary townsmen and women who were disproportionately burdened by the *ongeld* tax, they helped the revolt spread and gain momentum in Flemish towns.

In Flanders under the Dampierre counts, this political struggle within the towns had long carried a unique dynamic reflecting Flanders' status as a principality of the French crown. The urban elites of Ghent – organized for much of the thirteenth century as a ruling council of Thirty Nine aldermen – tended to receive support from the French king. The Dampierre counts and countesses, meanwhile, repeatedly found it advantageous to champion the guilds and commoners. As early as the 1220s, the comital charters issued to the town began to place limitations on the elite's power over urban institutions, for example by restricting lifetime appointments into year-long terms and prohibiting family members from serving together on town councils. Over and over, thirteenth-century counts strove to limit the elite's hold over municipal institutions and comital governmental petitions within Flemish towns. In 1274, Margaret of Constantinople even went so far as to cancel the entire charter of privileges that was the grounds for the patrician regime of the Thirty Nine. When the Bruges town hall burned down in 1281, Count Guy of Dampierre refused to renew the charters lost in the fire, in no small part because of his support for the commoners in opposition to the urban patriciate that would most benefit from such a renewal. By 1285, the patrician *leliaerts* (from their preference for the French *fleur de lis*) were openly calling for royal intervention to counter Guy's moves against their power. According to Wayne Tebrake, "royal agents operated openly in Flanders, stirring up discontent" and generally countering the count's every move.[99]

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according to the *Chronicon comitum Flandrensium*, wrote: "Quod taederet homines vitae suae." See also his Henri Pirenne, *Histoire de Belgique*, 3rd ed., vol. 2 (Brussels: Lamertin, 1922), 84. On the relatively peaceful expansion of the rural revolt and the bloody events at Courtrai, respectively, see TeBrake, *A Plague of Insurrection*, 10, 85. As an example of the unreliable accounts of national historians, consider one nineteenth-century account, which describes count Louis as ordering the burning down of Courtrai in "un esprit de vertige et d'erreur."

[99] On the situation generally, and especially for the situation before 1300 and the push to expand access to political power in the towns, see TeBrake, *A Plague of Insurrection*, 30–31. On the charters, see Tailliar, "Nouvelles recherches sur l'institution des communes dans le nord de la France et le midi de la Belgique," 125–26, 130–31; Pierre d'Oudegherst, *Les chroniques et annales de Flandres* (Antwerp: Chez Christophe Plantin Imprimeur du Roy, 1571), chaps. 120, 123. A pair of 1228 charters had struck a relative balance: while one set up the rule of the thirty-nine aldermen, the second prohibited native Ghentenaars from becoming comital bailiffs, thus distancing the urban elite from a key position in the comital administration. Margaret's sister and predecessor, Countess Jeanne of Flanders, issued Bruges a new charter requiring the annual renewal of échevins, the town's most important municipal officials who had once been assigned their positions for life. Now they would be forbidden from serving successive terms or serving alongside an uncle, nephew, father, or brother. Margaret temporarily abolished the Thirty Nine in 1274, according to d'Oudegherst: she

This became too much in January 1297, when Count Guy renounced his allegiance to King Philip in favor of an aborted alliance with England. Flemish nobles, "forced to choose between honoring the oaths of allegiance they had sworn to both the king and count, decided to side with the French king." With the French army's occupation of the entire county in May 1300, Flanders "ceased to exist as an independent principality," but popular opposition to the royal governor, Jacques de Châtillon, was fierce. Peasants became convinced that he "intended to destroy the traditional liberties of Flanders and reduce the entire land to slavery, and they consequently developed a deep hatred for him and his *leliaert* supporters."[100] King Philip soon began issuing his own charters of privilege to the Flemish towns. For Bruges, he "confirmed to that town all their privileges that had been burnt in the Belfry" in 1299. The charter issued to Ghent in 1301, meanwhile, was billed as a compromise between the warring interests in the town and granted remarkable powers over urban institutions to the sovereign. The first attempt to implement this charter's new means for electing aldermen ended in a further violent uprising and concessions from Châtillon. The tide would turn several more times in the coming years: a memorable defeat of royal knights at the hands of urban militias and allies from the countryside outside Courtrai in May 1302 known as the Battle of the Golden Spurs was reversed by a subsequent royal victory leading to the Treaty of Athis (1305). In the end, the County of Flanders was reestablished as a semi-independent principality, but the war indemnities to be paid by the towns in exchange for direct rule by the restored counts were astronomical. As the payments became increasingly resented in the 1310s, violence against French tax collectors erupted regularly.[101]

By the 1320s, suffice it to say, urban commoners held long-frustrated complaints against the urban patriciate similar to those of peasants in the midst of their own uprising against castellans and rural nobles. Townsmen successfully leveraged the pressure from the countryside to fight the patriciate's stranglehold on power in their own towns.[102] But while the rural nobility had real rancor

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"cassa l'ordonnance du Conte Ferrant, touchant les trente neuf de Gand." At times the count explicitly took the side of the commoners, for example when supporting their demand to inspect city finances in Ghent in 1279 and subsequently refusing to renew the town's charters, "which had been burned with the [town] hall burned" (*qui avoient esté bruslez quant la halle brusla*). For Guy's conflict with the town of Bruges in the final decade of the thirteenth century, specifically, see Philippe Wielant, "Recueil des antiquités de Flandre," in *Corpus Chronicorum Flandria sub auspiciis Leopoldi Primi, Serenissimi Belgarum Regis / Recueil des chroniques de Flandre publié sous la direction de la commission royale d'histoire*, ed. Joseph Jean de Smet, vol. 4 (Brussels: Hayez, 1865), 289–90.

[100] TeBrake, *A Plague of Insurrection*, 30–36. These different levels of sovereignty came into play in the nobles' decision: refusal to collaborate with the king meant the certain confiscation of their possessions after a French invasion – while any confiscation from the count would likely be offset by the king.

[101] According to Wielant (see chapter 3), the king agreed to confirm Bruges' privileges while count Guy had not: "Le roy Philippe le Bel ayant acquis la ville de Bruges sur le conte Guy, confirma à icelle ville tous leurs priviléges qui avoient esté bruslez ou beaufroy." Wielant, "Recueil des antiquités de Flandre," 248. Quotes from the Treaty of Senlis are taken from the edition published in Marc Boone, "Het 'charter van Senlis' (november 1301) voor de stad Gent. Een stedelijke constitutie in het spanningsveld tussen vorst en stad (met uitgave van de tekst)," *Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent* 57 (2003): 43–45. King Phiilp subsequently confiscated the Brugeois charters in 1301 and had two coffers full of archival materials, presumably from Bruges, stored at the abbey of Saint Vaast in Arras. He eventually refused to return them in violation of an agreement with the town in 1312, fearing that returning the privileges would make him look weak. On the conflict over the Bruges privileges of 1311-12, see Joseph Marie Bruno Constantin Baron Kervyn de Lettenhove, *Histoire de Flandre: La Flandre communale depuis les origines jusqu'aux dernieres croisades*, 5th ed. (Brussels: S. Lebégue, 1898), 115. On the memory of the Battle of the Golden Spurs, see also Gevert H. Nörtemann, "Memories and Identities in Conflict: The Myth Concerning the Battle of Courtrai (1302) in Nineteenth-Century Belgium," in *Narratives of Low Countries History and Culture: Reframing the Past*, ed. Jane Fenoulhet and Lesley Gilbert (London: UCL Press, 2016), 63–72.

[102] On the patrician welcome for the French king in 1300, see Boone, "Het 'charter van Senlis' (november 1301)," 5. See also David Nicholas, "In the Pit of the Burgundian Theater State: Urban Traditions and Princely Ambitions in Ghent, 1360-1420," in *City and Spectacle in Medieval Europe*, ed. Barbara A. Hanawalt and Kathryn L. Reyerson (Minneapolis: University of Minnesota Press, 1994), 273; and for a narrative account of the issue of the treaty of Senlis and its

for the peasantry, Count Louis took his most decisive measures against the towns that joined the rural rebellion. In an appeal to his legislative power as ruler of the Low Countries, Louis of Nevers revoked the privileges of Bruges in 1325. With the rebel armies controlling much of coastal Flanders, Louis enlisted the services of a local Audenarde notary to draw up a legal declaration in Latin proclaiming the privileges and liberties of the town of Bruges annulled and revoked. Without the submission of Bruges to his rule, however – without the staging of a ceremony of submission – the step remained theoretical, especially since the charter itself must have remained in the possession of the Bruges municipal government. Thus he attempted to punish not the peasant army that was by mid-1325 in control of the bulk of coastal Flanders, but their most prominent urban ally, Bruges. He blamed Bruges explicitly, as we shall see, but was more or less powerless to punish the town, which remained the epicenter of the rebellion.[103] Still, this episode – among the first steps taken by Count Louis' new ruling council (the *raad* appointed June 9, 1325) – suggests that Louis' new administrators understood the potential power of the charters of privilege that had been so freely distributed to European towns in the twelfth and thirteenth centuries: they could become cudgels with which lords could punish towns that went against his will.

After annulling Bruges' charter, Louis managed to raise a noble force to oppose the rebels, but a series of blunders led to utter embarrassment for the count. The rebel army had managed a "rapid and surprisingly bloodless expansion of the revolt." Intent on thwarting its onward march, Louis gathered his forces at Courtrai, site of the iconic 1302 defeat of French noble forces by Flemish urban militias. This memory surely guided the nobles as they rushed to fortify the town against attack. The town's Overleie quarter, they feared, was overly exposed to an impending attack from the rebel force marching from Bruges. In order to gain a better view of the countryside, they opted to burn the quarter down, but the fire spread out of control and destroyed much of the town. Enraged townsmen soon rose against Louis and his allies in the municipal government and a bloody street battle ensued within town. The count's tutor was killed, as were scores of knights. The count himself was taken prisoner. Three of the four members of his newly-appointed *raad* had been killed, and the count was taken as a prisoner to Bruges, the capital of the rebellion and the target of his recent charter cancellation.

The likely architect of that particular policy, the sole surviving member of the comital council, was Guillaume d'Auxonne, a humble-born cleric and lawyer trained at the University of Paris and a man whose mark on sovereignty in the Low Countries is central to the processes

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aftermath, Anonymous, *Annales Gandenses: Annals of Ghent*, ed. and trans. Hilda Johnstone (Oxford: Clarendon Press, 1985), 12.

[103] Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 519; R. C. van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw*, Vlaamse Academie voor Wetenschappen, Letteren en Schone Kunsten van België. Klasse der Letteren. Verhandelingen 19 (Brussel: Palais der Academiën, 1954), 203–8. The sovereign's right to determine when a violation of a privilege justified its revocation is reminiscent of Carl Schmitt's definition of the sovereign as he who determines the state of exception. See his Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, Studies in Contemporary German Social Thought (Cambridge, Mass: MIT Press, 1985); and on Schmitt, Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Meridian (Stanford: Stanford University Press, 1998). The act by which Louis annulled and revoked the privileges of Bruges is in Adrianus Kluit, *Historia critica comitatus Hollandiae et Zeelandiae ab antiquissimis inde deducta temporibus*, vol. 2 (Middelburg: apud P. Gillissen et I. de Winter, 1782), 1064–66. "adnichilavit et adnichilat et ad se totaliter revocavit et ex nunc revocat" the "privilegiis, gratiis et libertatibus." Louis also seems to have revoked own Audenare's privileges at the time, suggesting this was part of his response to that town's attempt to join the rebellion. Raymond Cazelles, *La société politique et la crise de la royauté sous Philippe de Valois*, Bibliothèque elzévirienne. Études et documents. Nouvelle série (Paris: Librairie d'Argences, 1958), 53. On the cancellation of privileges, see chapter 4. Certainly, Derrida's own rhetoric of the archive resembles Schmitt's state of exception. On the *raad,* see TeBrake, *A Plague of Insurrection*, 83.

described in this chapter.[104] D'Auxonne's first intervention had proved disastrous. In fact, Louis' move to annul the privileges of the Brugeois seems to have encouraged the town to cooperate ever more closely with the peasant armies. The 5,000 Brugeois who would march on Courtrai, according to the monastic author of the *Chronicon comitum Flandrensium*, had done so based on reports that Louis had ordered the arrest of Bruges citizens. Thus Bruges' willingness to act on its alliance with the rural rebellion was really its defense of a prototypically urban right: the free passage of its citizens. With Courtrai now fallen to the rebels, Louis' position was desperate. A peasant army led by Nicholas Zannekin moved into the district of Ypres just as urban artisans in Ypres itself took to the streets and forced the conservative patrician oligarchy into exile. As a prisoner in Bruges, the count was forced to make a number of concessions – promising to pardon the rebels of Bruges, and appointing his uncle Robert of Cassel governor, for example – but was ultimately able to secure his release in November 1325. The threat of a French royal army marching on Flanders had certainly contributed to his release.[105]

The count's release would not have been secured unless King Charles IV (r. 1322-28) felt his own sovereignty challenged by the revolt in Flanders, where the situation was becoming increasingly worrisome. A peer of the French crown was imprisoned by a rebel town; urban elites supportive of the French crown were fleeing from towns across Flanders, several of which had already discarded French as the language of municipal administration. Signs of revolt within the heart of the French royal domain, in Francia and Picardy, were perhaps the most alarming. The king prohibited commerce between France and Flanders, a step that was effective in exploiting the divergent economic interests of the revolt's urban and rural elements, since the peasantry were less directly impacted by the royal sanctions against commerce, while the towns were in greater need both of long-distance trade and of the recognition of their privileges by King Charles and Count Louis. In a letter sent to all bishops with jurisdiction over Flanders, Charles accused the rebels of *lèse-majesté*, indicating that he considered the revolt an action against his legitimate authority as king. Indeed, unlike other European principalities, *lèse-majesté* remained in Flanders an act of rebellion explicitly against the king. Until well into the fifteenth century, uprisings against the count were still described as a "betrayal of Monseigneur" (*meffait devers monseigneur*) rather than *lèse-majesté*.[106]

Flanders prepared for a royal invasion. Residents of the castellany of Furnes, for example, asked the abbey of Dunes in February 1326 to accept their archives for safekeeping. Though King

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[104] See J.-J. Carlier, "Robert de Cassel, seigneur de Dunkerque, Cassel, Nieppe, Warneton, Gravelines, Bourbourg," *Annales du Comité Flammand de France* 10 (69 1868): 152. On Louis de Nevers' capture in June 1324 and release in November 1325, see Pirenne, *Histoire de Belgique*, 2:93; Cazelles, *La société politique et la crise de la royauté sous Philippe de Valois*, 53; Jules Viard, "La guerre de Flandre (1328)," *Bibliothèque de l'école des chartes* 83, no. 1 (1922): 362; TeBrake, *A Plague of Insurrection*, 95. On d'Auxonne, see TeBrake, 85; Paul Thomas, "Une source nouvelle pour l'histoire administrative de la Flandre : Le registre de Guillaume d'Auxonne (chancelier de Louis de Nevers, comité de Flandre)," *Revue du Nord* 10, no. 37 (1924): 14–15.

[105] TeBrake, *A Plague of Insurrection*, 85.

[106] On fifteenth-century rebellions, see chapters 3 and 4. The spread of rebellion to Picardy is discussed in TeBrake, 94. On the increasing concern over the revolt among European princes and the papacy during the summer of 1325, see TeBrake, 93; Henri Stein, "Les conséquences de la bataille de Cassel pour la ville de Bruges et la mort de Guillaume De Deken, son ancien bourgmestre (1328)," *Bulletin de la Commission Royale d'Histoire*, série 5, 9 (1899): 600. On the use of lese-majeste in Flanders, see Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 490, 508, 519; Werner Paravicini, "'Mon souverain seigneur,'" in *Power and persuasion: essays on the art of state building in honour of W.P. Blockmans*, ed. P. C. M. Hoppenbrouwers et al. (Turnhout: Brepols, 2010). While imprisoned, Louis was convinced to appoint his uncle Robert of Cassel regent (*ruwaart*) of Flanders. This position was contested by comte Louis' great uncle, John of Namur, the leader of the loyalist opposition, who apparently forged a document in which Louis named him regent; while his power play was not accepted in Flanders, King Charles IV of France confirmed John as regent. TeBrake, *A Plague of Insurrection*, 86. On the punishment of Robert of Cassel, with the seizure of his lands in northern France, see Viard, "La guerre de Flandre (1328)," 362. The urban-rural divide in the context of revolt is often overstated.

Charles never managed to raise an army against Flanders, his measures were effective in breaking the revolt's momentum, forcing rebel allies to take sides, and ultimately spurred negotiations. The resulting Peace of Arques, signed in April 1326, nominally restored Louis of Nevers' authority over Flanders, but nonetheless made clear his dependence on the French crown for his authority. The wording of the agreement paints a complex image of complementary sovereignty shared by the count and the king: it dictates that the Flemish "return the said count to his said county of Flanders and make those of the land of Flanders obey him as their lord, as well as us [the king], in all matters pertaining to our sovereignty and to the said broken peace [of Athis, 1305]."[107] Charles was to receive full payment for unpaid war debts dating back to 1305, and Louis would be returned to power. The "our sovereignty" of the Peace of Arques was little more than the delegation of a royal "we."

Yet restoring the peace meant returning his officials and noble allies to their positions. When Count Louis, his bailiffs, and much of the former ruling oligarchies returned to the towns and villages from which they'd been ousted in West Flanders in September 1326, they were met with immediate hostility, certainly from the municipal governments – now led by coalitions of guild-leaders and other members of the second patriciate. Over much of the next half year, Louis began to reach certain agreements of his own with the three main towns of Flanders and their craft guilds; the latter eventually forgave him for "following bad advice." For his part, Louis agreed to reside in Flanders, appoint only Flemings to comital office, and allow locals to be tried only in local courts. In a document issued in early 1327, the count granted a full amnesty for previous rebel actions, even opening up the comital archives to municipal officials. In what must have been the nadir of informational sovereignty for the Flemish counts, he committed to "submit for examination by the experts of the said towns, all the charters adorned with his seal."[108]

In the countryside, too, re-establishing the princely regime was challenging. The rebellion's initial stages had been localized and spontaneous responses to bad governance, exorbitant taxation, and routine violence by nobles and their bands. But once the peasants saw that Count Louis' commitment to reform were mere empty promises to assuage their complaints, according to Tebrake, the rebellion "became an organized movement." The rural population had every reason to fear violent vindictiveness from the lords and rural officials slated to return after both the 1324 and 1326 peace agreements that momentarily ended the violence. The extent to which this happened is difficult to estimate. The sparse account of the *Chronicon comitum Flandrensium* – which loses much of

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[107] The peace ordered the removal of all new fortresses in rebel districts, the resumption of long-unpaid war indemnities imposed on Flanders after the 1305 Treaty of Athis, and specifically condemned the oaths of solidarity that forged the peasant captains' power. In exchange Charles promised to lift the bans of excommunication and end the prohibition on trade with Flanders. See TeBrake, *A Plague of Insurrection*, 98–99. "…pour remettre le dit comte en sa dite contée de Flandres et li faire obéir de ceus dou pays de Flandres, comme à leur seigneur et à nouz [the king], pour tant comme il nouz appartient pour case de nostre souvraineté et de la dite pais brisiée." Limburg-Stirum, *Codex diplomaticus Flandriae, inde ab anno 1296 ad usque 1325; ou, Recueil de documents relatifs aux guerres et dissensions suscitées par Philippe-le-Bel, roi de France, contre Gui de Dampierre, Comte de Flandre*, 388. The lasting impact of the Peace of Arques seems to have been the final divorce of the urban and the rural elements in the Revolt of Maritime Flanders. Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, 24; Pirenne, *Histoire de Belgique*, 2:94; TeBrake, *A Plague of Insurrection*, 108.

[108] TeBrake, *A Plague of Insurrection*, 68–71, 109–11, 114–17. The February 1327 charter can be found summarized in Prudens Van Duyse and Edmond de Busscher, *Inventaire analytique des chartres et documents appartenant aux archives de la ville de Gand* (Ghent: C. Annoot-Braeckman, 1867), 112 (item 339). "Il fera examiner par des experts des dites villes [the rebel towns of Bruges, Ypres, Courtrai etc], toutes les Chartres munies de son sceau, alors qu'il n'était pas en sa profession." This pardon, or a similar one, was among the items confiscated from Ghent in 1540, item no. 339. Louis also agreed to confirm those acts issued in his absence not to the liking of the Flemish municipal governments (those of Robert of Cassel), and confirmed those they prefered (those of the count of Namur).

its detail and is far more difficult to corroborate after 1326 – suggests that the worst violence of the rebellion occurred after the Peace of Arques. It was this source that prompted Pirenne to argue that, once the violence resumed in 1326, it became more brutal than either the 1358 *Jacquerie* or the English uprising of 1381 (see chapter 2). Since Pirenne's time, of course, the *Jacquerie* and the English Rising have been the subject of significantly more nuanced perspectives that disengage from the narrative accounts of unharnessed rebellion.[109]

Neither does this newer reading of the Flemish revolt stand up to the remaining evidence. This evidence suggests that the very orderliness of the rebel regime presented the greatest threat to nobles and princes. Rather than indiscriminately looting the property of such wealthy urban exiles as Ghis du Boos of Dunkirk, the rebel peasants "appropriated for the common good" the bricks, wheat, oats, wood, livestock, and equipment of the wealthy and redistributed them equally. One of the most intriguing findings of recent work on the *Jacquerie* of 1358 is that the peasants attacked nobles not only because of the "weight of local lordship," heavy though it was. The Jacques only rarely attacked their own lords, but consistently attacked "les nobles" more generally. Something similar seems to have taken place thirty years earlier in Flanders. Mollat and Wolff suggest that de Deken and his rural partners Nicolas Zannekin and Jacques Peyte "attacked every kind of hierarchy" and were "intent on establishing a new regime in Flanders, essentially independent of the count's authority."[110] This was certainly how the Flemish rebellion of 1323-28 looked from the perspective of the French crown. Indeed, King Charles saved his strongest words of condemnation for the urban rebels' disrespect for their count: "the inhabitants of Courtrai had disturbed the order of the entire government" (*turbato ordine regiminis universi*) by fighting Louis and his men.[111]

Some accounts also suggest that the rebellion rejected the existing religious authorities. According to the monastic author of the *Chronicon comitum Flandrensium*, for example, one rebel leader from Bourges, Jacob Peyt, boasted to his broad following that he had never "set foot inside a

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[109] TeBrake, *A Plague of Insurrection*, 68–71, 109-111 114-17; Justine Firnhaber-Baker, "The Eponymous Jacquerie," in *The Routledge History Handbook of Medieval Revolt*, ed. Justine Firnhaber-Baker and Dirk Schoenaers, The Routledge History Handbooks (Abingdon, Oxon ; New York, NY: Routledge, 2017), 56; Steven Justice, *Writing and Rebellion: England in 1381*, The New Historicism 27 (Berkeley: University of California Press, 1994).

[110] TeBrake, *A Plague of Insurrection*, 124; on the radical attack against hierarchy, see Michel Mollat and Philippe Wolff, *The Popular Revolutions of the Late Middle Ages*, trans. A.L. Lytton-Sells, The Great Revolutions Series 6 (London: George Allen & Unwin, 1973), 90. The Jacques, according to letters of remission issued later, destroyed dozens of castles – but seem not to have occupied or used them for their own military purposes. Moreover, "the entire system of social difference" was anathema to them, and so "fourteenth-century castles' military uses were inherently odious" no less. On the *Jacquerie,* I have used the excellent arguments of Firnhaber-Baker, "The Eponymous Jacquerie," 64–66. See also Nicholas Wright, *Knights and Peasants: The Hundred Years War in the French Countryside*, Warfare in History (Woodbridge, Suffolk, UK: Boydell Press, 1998), chaps. 4–5.

[111] The text of Charles' letter reads: "habitatores Cortraci cum multis sibi adherentibus notorie violantes, horrendum, nephandum et manifestum scelus perpetrando, turbato ordine regiminis universi, quo omnis anima debeat esse sublimioribus potestatibus obediens et subjecta, et dilectum et fidelem Ludovicum, comitem Flandrie, nepotem, hominem legitime justiciabilem nostrum et parem Flandrie, dominum suum, seditione suscitata et convocatione facta, cum magna multitudine armatorum in villa sua Cortraci…" Printed in Limburg-Stirum, *Codex diplomaticus Flandriae, inde ab anno 1296 ad usque 1325; ou, Recueil de documents relatifs aux guerres et dissensions suscitées par Philippe-le-Bel, roi de France, contre Gui de Dampierre, Comte de Flandre*, 2: 375. The relative order of the rebel regime was confirmed by a 1329 commission to determine compensation for those whose goods had been seized. Tebrake is skeptical of the prevailing viewpoint – that the rebellion in its late stages became increasingly extreme, atrocity-filled, and anti-clerical. TeBrake, *A Plague of Insurrection*, 114–15, 133 n. 2; Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, xx, xxxiii–xxxiv; Nicholas, *Medieval Flanders*, 253–54. On the *Kerelslied* the relative order of the rural revolt, and to see that Pirenne did identify the rural nature of the initial revolt, see Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, xx, xxxiii–xxxiv; Nicholas, *Medieval Flanders*, 253–54; TeBrake, *A Plague of Insurrection*, 133, n. 2.

church…[and] would happily see the last priest in the world hanged." The author of the *Chronicon*, understandably, took this seriously. In fact, Pirenne found that the "communistic" tenor of the Flemish Revolt of the 1320s was encouraged by a number of priests and monks who continued to tend to their parishioners even after papal and episcopal edicts excommunicated them. Remarkably, Pirenne suggested these priests had a role in the organization of an "ardent class hatred" as part of the broader rebellion. Yet other evidence suggests that Peyt and his followers merely organized a boycott of payments to the churches and clergy in his district of Bourges.[112]

Indeed, there is ample reason to doubt that rebels in either countryside or the towns had any unequivocal desire to transform either the social or the religious order. While they targeted the hoarding of wealth, pursued the replacement of corrupt officials, and attacked specific nobles, time and again they suggested replacing these officials with those of the same social rank. They pressured Count Louis to appoint his uncle – a noble and the seigneur of Cassel – as governor of Flanders. In fact, even as Mollat and Wolff are eager to show the rebellion's radical credentials, they concede that the rebels "substituted a kind of administration parallel to the Count's." Most importantly, the rebel leader from Bruges, Willem de Deken, encouraged King Edward III of England to declare himself king of France and thus overlord of Flanders – a ploy repeated by Jacob and Philip van Artevelde in subsequent Ghentenaar uprisings (chapter 2). This should give us pause before lending much credence to arguments about the rebels' subversion of the order. Overwhelmingly, peasants were responding to events at the local level and to their political subjugation by rural elites. The same seems to have been true of the urban rebels. Nevertheless, we shall see that the princes who punished their rebellions thought otherwise.[113]

By the time King Charles died without male heir on February 1, 1328, Louis was desperate to put down the rebellion by force. All told, he was a remarkably weak count: since inheriting Flanders in 1321, he had been expelled from the bulk of his county, imprisoned by a rebel town, and spent the majority of his reign fighting off steady and repeated assaults on his authority. As one of the nine peers of France, however, Louis now had an important role in choosing the next king. The eventual choice as regent, Charles' cousin Philip of Valois, used an interregnum of several months to consolidate support for his succession among the peers. Possibly, some agreement was reached between the dispossessed count and the aspiring – or, according to his critics, "found" – king. In any case, at the May 29, 1328 coronation (*sacre*) itself, Count Louis exploited his ceremonial position as peer to openly encourage Philip's intervention in Flanders. Chronicles report that, at the coronation ceremony, Louis publicly reiterated this demand for royal intervention in Flanders. In

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[112] TeBrake, *A Plague of Insurrection*, 117–18. Certainly, there was violence against the church and against clerics, which was condemned by temporal and ecclesiastical leaders. On this question more broadly, see John H. Arnold, "Religion and Popular Rebellion, From the Capuciati to Niklashausen," *Cultural and Social History* 6, no. 2 (2009): 149–69. For Pirenne's take on this question, see Pirenne, *Histoire de Belgique*, 2:92. He writes there: "Des moines, des prêtres se déclairant pour le peuple. Une propagande, où l'idéal évangélique se mêlait confusément à de vagues aspirations communistes et à une ardente haine de classe, s'organisa." Samuel Cohn's latest book, which analyzes hundreds of medieval revolts, suggests that the involvement of priests fades in the later fourteenth century. See Cohn, *Lust for Liberty*, 105. This question has been treated more recently in Justine Firnhaber-Baker and Dirk Schoenaers, eds., *The Routledge History Handbook of Medieval Revolt*, The Routledge History Handbooks (Abingdon, Oxon; New York, NY: Routledge, 2017), 92–93, 187–80, 211.

[113] On the 1337 extension of this offer to the English king, see ADN B1337, where a letter from the échevins of Louvain informs the count of three individuals from Ghent caught in their town on the way to pass a secret message to the English king. See also below on the Hundred Years War. See also Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 90.

Froissart's telling, Louis announced that he was a count in name only; he refused to extend the sword before him (*ceindre l'épée*) in protest.[114]

The prospect of reconquering Flanders for the embattled count of Flanders also presented Philip of Valois, the new king, with an important opportunity. As his predecessor's letter condemning the revolt suggests, royal sovereignty was at stake here: Charles' letter (see above) had saved its strongest condemnation for the attack by townsmen on Count Louis at Courtrai and on his imprisonment at Bruges. Both Count Louis and King Charles IV had taken steps to restore their authority in the face of the uprising. But in the absence of military intervention, their letters, condemnations, pardons, negotiations, and declarations of the revocation of urban privileges did not succeed in quelling the revolt. In the end, the arguments that seem to have most persuaded the French monarchs to intervene had to do with the increasingly anti-noble tenor of the revolt and signs it may have been spreading to Picardie and Francia, in the heart of the royal domain, and to nearby Liège and Huy.[115] If nothing else, Philip's concern with accusations that he was an appointed rather than a born king encouraged him to raise an army in late July 1328 to march on the rebels in Flanders.

After a lengthy march that lasted much of August, Philip and his army of around 4,000 knights reached Flanders, according to narrative accounts, flying 196 different banners, including the famous *oriflamme*. Outside Cassel, they met one of three contingents of the rebel army that had mobilized to meet the royal invasion: it was an army of 6,550 to 8,000 men from Furnes, Bergues, Bourbourg, Cassel, and Bailleul. When they met the royal forces, the peasant army mocked Philip with a banner referring to him as the "found king." Philip, for his part, sent raiding parties out to burn nearby villages in an attempt to lure the rebel army off their advantageous position atop the Mont de Cassel. On 23 August, led by the merchant and adventurer turned rebel Nicholas Zannequin, the peasants launched a surprise attack that nearly reached the king's tent, only to be swiftly turned away and slaughtered *en masse*. The surviving rebel soldiers were pursued to the gates of Cassel. The town was burned down by the French army while the king returned to his tent to chant a *Te Deum* thanking God, the Virgin, and Saint Denis for his victory and the miraculous clearing of the fog by the powers of the *oriflamme*.[116]

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[114] The royal heralds, according to one version, three times called upon Louis to perform his ceremonial task, but he did not respond, explaining to the king that he was Louis of Nevers but not the count of Flanders: "Sire, il est vrai que j'en porte le nom, mais je n'en possède point l'autorité. Les bourgeois de Bruges, d'Ypres, de Poperinghe et de Cassel, m'ont chassé de ma terre et il n'y a guère que la ville de Gand où j'ose me montrer." Lettenhove, *Histoire de Flandre*, 159. See also Cazelles, *La société politique et la crise de la royauté sous Philippe de Valois*, 54–57. Cazelles is essentially an administrative historian, and despite his close analysis of the camps at court, saw the more mundane jobs of minting money, guarding the treasury, extracting money from the Jews, and dispensing gifts of land from the royal domain as decisive. Note also that before marching on Flanders, Philip first set the ideological grounds for his war, ordering the archbishop of Reims to excommunicate all the échevins, burgmasters, and residents of Bruges, Ypres, Cassel, Dnukerque, Bergues, Courtrai, and other rebel towns. This he justified by citing not only their breach of the latest peace by refusing to destroy their fortresses and fortifications and the payment of war indemnities, but also their crimes against the less radical Brugeois, several massacres, and the occupation of a church by armed troops. Viard, "La guerre de Flandre (1328)," 365.

[115] In addition to the unpaid indemnities from the 1305 treaty (see previous note), Bruges' attempt to prohibit the circulation of royal coin in Flanders and its seizure of the crown-controlled castle of Helchin seem to have been decisive factors in bringing about the invasion. Many royal advisors seem also to have been eager to avenge the defeat of French aristocratic cavalry at Courtrai in 1302. The Flemish rebels' negotiations with England, as later in the fourteenth century (see chapter 2), seem also to have been a factor. TeBrake, *A Plague of Insurrection*, 94. See also Cohn, *Lust for Liberty*, 131.

[116] On the *oriflamme* see Viard, "La guerre de Flandre (1328)," 379. As for the march towards Flanders, the *Chronicon comitum Flandrensium* reports that the royal army destroyed the lands along its path: "Ignis ubique per terram ponitur, spolia diripuntur, nulli parcitur." Viard, 367. On the division of rebel troops into three armies, see TeBrake, *A Plague of Insurrection*, 119. The Brugeois militia was occupied by Louis de Nevers' forces in the east, and would reach Cassel only after their brethren's defeat. The rebels were very astute in their mockery of Philip of Valois' path to the throne,

Postwar Sovereignty: Kings, Chancellors, and Counts in the Wake of Rebellion

The idol of origins decried by Marc Bloch has a particular pull in a field as reflexive about the historical record as archival history. But in Flanders, sources that provide information about how archives were organized and used are rare before the fourteenth century, certainly outside of monasteries. In seeking the appropriate moment in time to begin such an inquiry, even the most cursory of glances at a medieval archival inventory from the Low Countries suggests the 1330s as transformative of the written record of the legal rights of the Flemish towns vis-à-vis their rulers. In the fourteenth-century inventories of the Lille *trésor des chartes*, category after category of documents held there attested to the accelerated issuance of charters to Flemish towns at this time: entire pages are filled with summaries of documents distributed between 1328 and 1340. As we shall see, the first surviving evidence of inventories of archival materials directly held by the Flemish counts also date from this historical moment. The events following the Battle of Cassel in 1328 were fundamental in shaping the Flemish comital regime, and the regime's archival practice is both a good example and a crucial piece of evidence for this process.

Yet the regime of the counts of Flanders was not the only one to be shaped by the aftermath of this revolt. The victory at Cassel was also an auspicious beginning for Philip of Valois as king of France. His ceremonial First Entry to Paris in June 1328 had merited no more than a laconic description squeezed into a few terse sentences in the *Grandes Chroniques de France*: his coronation at Saint Denis, on to Notre Dame in Paris, and finally the royal palace, where he dined with a number of barons. The title of this entry is telling in itself. It suggests just how central the Flemish campaign was to Philip's regime: "How the king Philip prepared to move against the Flemish soon after his coronation" (*Comment le roy Phelippe mut pour aler sus les Flamens tantost après son coronnement*). Yet, the effusive descriptions of his second entry – in the wake of his resounding victory in Flanders in October 1328 – provide a stark contrast. The *Grandes Chroniques* follows the king through the same itinerary, but this time with far more pomp (and many more adjectives): King Philip came to Saint Denis "en très grant devocion" to thank the saint for "le mercier de la glorieuse victoire." He returned the *oriflamme* to its place and continued on to Notre Dame of Paris clad in the arms he had worn at Cassel. Both the armor and the horse, the chronicle continues, he donated to the church. A statue was promptly erected of Philip of Valois on horseback outside. It stood for four centuries.[117]

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displaying a banner with a cock against a red background inscribed with the verse: "Quant ce coq ci chanté ara,/ Le roi trouvé ça entrera." According to other chronicles, the inscription may also have been "Quand ce coq chanté aura Le roy Cassel conquestera," or "Quand cest cocq chantera / Le roy franchoiz Cassel prendra." "Roy trouvé" was an allusion to Philip's somewhat arbitrary succession. Viard, "La guerre de Flandre (1328)," 369, nn. 5 and 6. Various chronicles reported the number of dead on the rebel side between 12,000 and 19,000. On the French side, if we believe the sources, the primary victims were horses – "equorum permaximus numerus" according to the Continuateur de Guillaume de Nangis, quoted in Viard, 372–74, 375, n. 1. A force of Bruges militiamen arrived the same evening to aid their fellows from Cassel but turned back after seeing the battle's aftermath. As news of the defeat spread, villagers came in increasing numbers to beg the king's mercy; some were inadvertently killed in the havoc.

[117] For the June 1328 Entry, see Guenée, *States and Rulers in Later Medieval Europe*, 47. From the *Grandes Chroniques de France*: "Aprés le coronnement et la dicte feste passee, le roy s'en retourna a Saint Denis son patron, et la fun honnorablement receu. Et aprés, ala a Nostre Dame de Paris et depuis s'en retorna au palais ou le disner fu appareillié tres sollempnement; et la disa le roy et aveques li plusseurs barons de son royaume." The October 1328 entry in the *Grandes Chroniques* reads: "En ce temps vint le roy Phelippe à Saint Denis en très grant devocion, visiter monseigneur saint Denis son patron et le mercier de la glorieuse victoire que Dieu li avoit donnée par les prieres de Nostre Dame et de monseigneur saint Denis et des autres sains de Paradis, et li rendi sur son autel l'oriflambe qu'il avoit prise quant il s'estoit parti à aler contre les Flamens. Et puis s'en ala à Nostre Dame de Chartres, et quant il fu là, il se fist armer des armes qu'il avoit portées en la bataille des Flamens, et puis montra sus I destrier, et ainsi entra en l'eglise de Nostre

Philip had already begun demonstrating his sovereignty long before his return to Paris, however. Immediately after the Battle of Cassel, residents and representatives of towns and villages began arriving at the royal camp from across Flanders, appearing "in their undershirts" (*en chemise*) to submit themselves to him and beg for mercy. In the words of the *Grandes Chroniques*, "all of Maritime Flanders came to submit to him" (*toute la basse Flandre s'en vint rendre à lui*).[118] In the coming weeks, Philip's priority was to punish the offending towns with spectacles of submission to his moral authority and the exemplary punishment of rebel leaders. After destroying the town of Cassel on the day of the battle, the king took the road to Ypres, whose deputies hastened to meet him at his encampment at the village of Westoutre, hoping that by coming to the king to make their submission, their town might be spared destruction at the hands of the French army. Solemnly swearing an oath on the gospels, the Yprois submitted themselves to him, pledging obedience and *véritable amendement* (true reparation) for their past misdeeds. Within two weeks of the battle, sixteen other towns had already made similar submissions.[119]

In staging these ceremonies of submission, Philip and the defeated towns were inventing very little: by the fourteenth century, princely states could draw upon a diverse and more-or-less consistent repertoire of punishments for political crimes in the wake of revolts. This repertoire involved spaces, objects, and actions that accumulated meanings over time. Urban patricians, guild leaders, and princely officials repeatedly engaged in specific actions (oath-swearing, processions, drafting of demands, etc.) using specific objects (documents, banners, relics, etc.) in order to foment, foil, and navigate a whole range of political challenges. The buildings and loci of the medieval town were more than empty settings for these actions but were themselves products of symbolic communication; likewise, the repertoire of punishments regularly followed specific sites such as belfries, churches, guildhalls, squares, and town halls. These objects, sites, and actions frequently revolved around the memory of past revolts and their repression. This was particularly true in the

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Dame de Chartres, et très devotement la mercia et li presenta ledit cheval où il estoit montez et toutes ses armeures." See both Jules Viard, *Les grandes chroniques de France* (Paris: Société de l'histoire de France, 1920), vols. 9: 79, 90–91; Jean Froissart, *Oeuvres de Froissart publieés avec les variantes des divers manuscrits*, ed. Joseph Marie Bruno Constantin Kervyn de Lettenhove, 2nd ed. (Osnabruck: Biblio Verlag, 1867), 227. Sometime in October of 1328, he made an offering to the Virgin of his battle horse. Outside of Notre Dame, for at least four centuries, a wooden statue in the church's nave reminded Parisians of this victory and Philip's second entry to Paris. Viard, "La guerre de Flandre (1328)," 379, n. 4. On the royal entries, see Bernard Guenée and Francoise Lehoux, *Les entrees royales francaises de 1328 à 1515*, Sources d'histoire medievale (Paris: Editions du Centre national de la recherche scientifique, 1968). Accounts of the entries begin to gain length and detail beginning in the late fourteenth century. *Worth asking when the titles in the Grandes Chroniques were added?*

[118] Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 130; TeBrake, *A Plague of Insurrection*, 123; quote from Viard, *Les grandes chroniques de France*, vol. 9: 90. By September 6, 1328, the Avignon pope had sent the French king and queen letters of congratulations. According to an anonymous Parisian chronicle, thirty villagers were killed by the French troops upon arriving at the king's camp to beg for mercy, in a supposed misunderstanding. News of the battle also travelled further afield rather quickly. Mollat and Wolff describe the arbitrary collective punishments. TeBrake, *A Plague of Insurrection*, 112, 123–24; Stein, "Les conséquences de la bataille de Cassel pour la ville de Bruges et la mort de Guillaume De Deken, son ancien bourgmestre (1328)," 654; Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 310. More generally, see Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders."

[119] Villagers and townsmen came in increasing numbers to beg the king's mercy. Over the coming week, representatives of Dunkirk, Furnes, Nieuport, Lombartzijde, Reninghe, Vlamertinghe, Elverdinghe, Zuydschote, Nordschoote, Locre, Woesten, Poperinghe, Ypres, Oudenbourg, Courtrai, and Bruges would submit themselves to royal justice. Viard, "La guerre de Flandre (1328)," 376. Among them was the castellan of Mons/Bergen, who according to Froissart brought the keys to his castle to the king, who passed them along to the count. Froissart, *Oeuvres de Froissart publieés avec les variantes des divers manuscrits*, 225–26.

towns of the Low Countries, "realms of ritual" where the resonance of the past and the spatial enacting of politics frequently brought together sacral and temporal symbols of power.[120]

Perhaps the most iconic means of punishing revolts – in Flanders as elsewhere in the Middle Ages – were the shocking episodes of exemplary violence against specific rebel leaders. Daniel Smail has suggested that nineteenth-century editors of medieval sourcebooks may have been overly generous in their inclusion of such episodes in their collections: these scholars read episodes of brutal pre-modern violence as justifications for the modern nation-state. Yet in the wake of Cassel, the chronicles provide plenty of such "hangings, spectacular beheadings… [and] even drawing and quarterings." Probably most widely known at the time was the pursuit of Brugeois rebel leader Willem de Deken, who fled to the neighboring duchy of Brabant. He was caught and swiftly hauled away to Paris, interrogated, placed in the pillory, and subsequently executed in a public display of exemplary justice in late December, at a time when the city was still in the midst of an extended celebration of the king's Flemish victory. Philip was largely protecting his own sovereign status by targeting de Deken for his overtures to the English crown. But the surviving interrogation record indicates that the Parisian officials who tortured him were concerned about de Deken's challenge to the social order more generally. Their first accusations dealt with his taking up arms against the king, and subsequent ones named him the "cause, promoteur, faiseur, et exécuteur" of all the damage to the counts of Flanders and Namur. Deterrence was certainly one goal of these individual punishments, which projected an image of sovereignty based in justice and retribution.[121]

The repertoire of repression also included collective punishments, which do more to indicate the logic of sovereignty because they often strove to impact entire groups and bring about structural change. In Flanders, such punishment was meted out liberally. As a whole, collective punishment almost always included the collection of large war indemnities (*amende profitable*); the banishment of certain groups such as the members of specific guilds; the destruction of urban fortifications or important buildings; the forced signing over of hostages; and rituals of penance before the princes (*amende honorable*). To this more-or-less well known list, we must add the revocation, confiscation, and reissue of urban charters of privileges. Moreover, the choice of which collective punishments to implement and how they were carried out suggest important clues to the ways that medieval princes understood their own power. King Charles' letter condemning the Revolt of Maritime Flanders, the declarations of the papacy, and the ceremonial actions of King Philip of Valois – all these emphasized the ways in which rebellion challenged the sovereignty of the king and the authority of the count of Flanders. A closer examination of precisely which means of punishment was employed by each prince suggests that their shared sovereignty began to diverge in the wake of this rebellion into informational and ceremonial sovereignty.

Philip's motives are even more apparent when we turn our attention from the material and exemplary punishments to the ceremonies of submission themselves. Ceremonial sovereignty was on full display when Philip arrived in Ypres on September 1, a week after the battle. Though deputies from Ypres had already submitted to the king, a force of 2,000 men nevertheless entered

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[120] On the penitential tradition in the Low Countries, see Lecuppre-Desjardin, *La ville des cérémonies*, 119–20. In English towns, as Christian Liddy has recently shown, the limits of civic jurisdiction were signaled by stones inscribed in the landscape that distinguished "the furthest point of the liberties and franchise of the town." Liddy, *Contesting the City*, 53.

[121] TeBrake, *A Plague of Insurrection*, 127; Stein, "Les conséquences de la bataille de Cassel pour la ville de Bruges et la mort de Guillaume De Deken, son ancien bourgmestre (1328)." While de Deken's punishment was extraordinarily brutal, the record of his interrogation indicates that his overtures to the English king were far from the only crimes that outraged the Parisian royal officials tasked with interrogating him. On sourcebooks, see Daniel Lord Smail, "Violence and Predation in Late Medieval Mediterranean Europe," *Comparative Studies in Society and History* 54, no. 1 (January 2012): 7–34. On the role of justice in state formation see for example Richard W. Kaeuper, *War, Justice, and Public Order: England and France in the Later Middle Ages* (Oxford: Oxford University Press, 1988).

the town. They confiscated all the townsmen's weapons, destroyed the beloved clock in their town's belfry, and replaced the municipal government with a knight, appointed captain of the town by the king. A letter of submission was drawn up to confirm these punishments, for example describing the disarming of the commoners (*li menus communs*). It further obliged the town to destroy its ramparts, banish 500 weavers and 500 fullers from Flanders for three years, and severely limit the participation of the remaining guild members from serving in municipal government. King Philip had a specific understanding of the symbols and institutions of urban autonomy that had motivated the rebellion and the social groups most directly responsible. He then took concrete steps to limit the power of those dangers of urban autonomy and marked the new order with a ceremony.[122]

The relationship between ruler and subject having been breached by a rebellion, the post-revolt repertoire also provided means by which it could later be patched over and restored through the series of actions known as *amende honorable*: a public act of penitence originally meant to restore the honor of the victim of a transgression. This was initially a tool in private law (cases between individuals) and as a means for parishioners or subjects to be pardoned before bishops and other ecclesiastical lords. But by the later Middle Ages, identifiable aspects of the same *amende honorable* were being used to resolve political conflict in public law as well. Jean-Marie Moeglin has identified this as "a dossier of rituals of humiliation and submission in the Middle Ages." The repertoire typically included the offenders kneeling bareheaded in undershirts, often with a noose around their necks, begging for mercy. When paired with the financial restitution of *amende proufitable*, *amende honorable* enabled communities that had revolted to be returned to the sovereign's grace. While some individual leaders of a revolt might be executed rather than pardoned, the collective underwent this legal-ceremonial means of mending the frayed relationship between ruler and ruled frequently enough that it became almost routine in the late medieval Low Countries. Claude Gauvard points out that these ceremonies were less legal sentences than they were social actions: in demanding *amende honorable*, princes were not typically interested in defining or punishing the specific crimes of rebellious towns or groups. Instead, like letters of remission, the individualized acts of grace they paralleled in so many ways, these resolutions were expressions not of law but rather of negotiated honor. Thus, humble supplication in various forms of undignified clothing and positions of submission – especially kneeling – were the most frequent forms taken by these castigations.[123]

Scholars have long recognized how issuing letters of remission to offenders and, later to entire political communities, could serve to exhibit sovereign or suzerain power and magnanimity. The *amende honorable*, in expressing the social logic of submission, served much the same role. In fact, this repertoire of pardon and submission had deep roots in ecclesiastical expressions of power, elements of which had been incorporated into temporal lordship as early as the ninth century, as Geoffrey Koziol has argued. In fact, this ritual of supplication was precisely the means by which

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[122] See footnote 50 below on the submission of Ypres. The guild members who stayed behind were forbidden from serving as governor, *échevin*, or any other municipal office. For Philip's movements, I have used Jules Viard, "Itinéraire de Philippe VI de Valois," *Bibliothèque de l'École des chartes* 74, no. 1 (1913): 91.

[123] On the *amende honorable* and *harmiscara* see Claude Gauvard, *"De Grace especial": crime, état et société en France à la fin du Moyen Age*, Histoire ancienne et médiévale 24 (Paris: Publications de la Sorbonne, 1991), 564–67; Jean-Marie Moeglin, "Pénitence publique et amende honorable au Moyen Age," *Revue Historique* 298, no. 2 (1997): 225–69; Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw*, 290–91. For some application to the Low Countries, see Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 509–10; Peter Arnade, *Beggars, Iconoclasts, and Civic Patriots: The Political Culture of the Dutch Revolt*, Cornell Paperbacks (Ithaca: Cornell University Press, 2008), 27–28. On the famous burghers of Calais, see Jean-Marie Moeglin, *Les bourgeois de Calais: essai sur un mythe historique*, L'évolution de l'humanité (Paris: Albin Michel, 2002); Jean-Marie Moeglin, "Edouard III et Les Six Bourgeois de Calais," *Revue Historique* 292, no. 2 (592) (1994): 229–67; Susan Rose, *Calais: An English Town in France, 1347-1558* (Woodbridge, Suffolk ; Rochester, NY: Boydell Press, 2008).

tenth- and eleventh-century chroniclers presented "a stable polity." Penitential supplication was the act that signified the restoration of a violated political order. The political culture of the Low Countries was particularly amenable to this type of political expression: as Peter Arnade argues, "Burgundian public ritual functioned not so much as a lever for social solidarity or a tool of social control as it did a cultural strategy through which participants claimed legitimacy and maneuvered for concrete political concessions." A regular element of these princely and urban ceremonies involved the swearing of oaths, the granting of privileges, and other exchanges of texts and the documents that held them. Such acts of submission and penance reappear regularly in the wake of the revolts examined in this study. Jean-Marie Moeglin has written extensively on the ways this *deditio* ritual – a set of ritual punishments ranging from hanging and drowning to begging for mercy and kneeling in submission – entered the princely repertoire of punishment, including dozens of examples.[124]

Much like Count Louis' punishment of Bruges during the rebellion, in its wake Philip reserved his punishments for the towns rather than the rural communities. From Ypres, he passed through several villages during the first week of September. There, rather than punish the villagers or their communal institutions, he prepared certain documents relating to the punishment of towns: documents were drawn up in his presence at Berthen and Wytschaete, where on September 9 and 10 citizens of the town of Oudenbourg submitted to the king. Like the citizens of Ypres, Oudenbourg's representatives, too, swore on the gospels (*les mains touchées les saintes euvangiles*) to protect "before all and against all" (*envers tous et contre tous*) the king's person, *estat*, honor, rights, and sovereignty.[125]

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[124] The quote from Koziol is at Koziol, *Begging Pardon and Favor*, 146; see also 185. The subsequent quote is at Peter Arnade, "City, State, and Public Ritual in the Late-Medieval Burgundian Netherlands," *Comparative Studies in Society and History* 39, no. 2 (1997): 308. *Harmiscara*, or *hachée*, for which there is medieval evidence as early as the ninth century, was a related ritual punishment connected to the forced carrying of humiliating items like a dog, saddle, or axe. Jean-Marie Moeglin, "Harmiscara - harmschar - hachée. Le dossier des rituels d'humiliation et de soumission au Moyen Âge," *Archivum latinitatis medii aevi* 54 (1996): 11–65; Moeglin, "Pénitence publique et amende honorable au Moyen Age." On letters of remission in a slightly later context, see Davis, *Fiction in the Archives*. The use of letters of pardon by dukes and counts followed the example of Philip the Handsome (r. -1314) and later French kings. On letters of remission and the Dukes of Burgundy, see Rudi Beaulant, "Fonction et usage de la lettre de rémission chez les ducs de Bourgogne à la fin du Moyen Âge," *Annales de Janua* 3 (2015): para. 1; Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 508. On Philip the Handsome's use of such letters, see Gauvard, *De Grace especial*, 64. On tenth-, eleventh-, and twelfth-century ritual kingship, see Koziol, *Begging Pardon and Favor*; Geoffrey Koziol, "England, France, and the Problem of Sacrality in Twelfth-Century Ritual," in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed. Thomas N. Bisson (Philadelphia: University of Pennsylvania Press, 1995), 124–48.

[125] It is at least conceivable that Philip did in fact punish villages, but that sources for this were not made or are not extant. For Philip's movements, I have used Viard, "Itinéraire de Philippe VI de Valois," 91. For the Saint Denis chronicle account of Philip's actions after the battle, see M. Paulin-Pâris, *Les grandes chroniques de France : selon que elles sont conservées en l'Eglise de Saint-Denis*, vol. 5 (Paris: Techener, 1836), 319. The initial submission of Ypres, was recorded in a document under the royal seal, dated a week after the battle, required the Yprois deputies, according to Diegerick, to "se rend à la volonté du roi, sauf les droitures du comte de Flandre et de ses successeurs, sauf la vie des personnes, les franchises et lois de la ville, et sauf les traités de paix antérieurs entre la France et la Flandre." Ypres was to submit itself to the will of the king, except for those rights reserved for the count of Flandres and his successors. The submission nevertheless allowed Ypres to retain its franchises and laws (presumably including its privileges), in accordance with earlier treaties between France and Flanders. Isidore Lucien Antoine Diegerick, *Inventaire analytique et chronologique des chartes et documents appartenant aux archives de la ville d'Ypres*, vol. 2 (Bruges: Vandecasteele-Werbrouck, 1853), 50–51. On Oudenburg, see Desire van de Casteele and E Feys, eds., *Histoire d'Oudenbourg, accompagnee de pieces justificatives comprenant le cartulaire de la ville et nombreux extraits des comptes communaux*, vol. 2 (Bruges: Aimé de Zuttere, 1879), 7. The oath-takers promised to "receu premierement le serment des procureurs de la dicte ville ou nom de eulx et desdits habitans, leur mains touchées les saintes euvangiles, que ilz seront doresenavant feal et leal a nous et a noz sucesseurs roys de France et garderont nostre persone, nostre estat, nostre honeur et noz droiz, et notre souveraineté envers tous et contre tous." At Berthen a document was issued excepting those knights who had fought at Cassel from paying the war subsidy. On the pardon of the Yprois hostages on September 17, 1328, see the subsequent document in Diegerick.

While both rural and urban rebels were punished as individuals, then, only towns were punished collectively as disloyal; there was a specific protocol through which the legal relationship between a ruler and an urban community could be mended, one which had no exact parallel for rural communities. Sovereignty for Philip of Valois was declarative, ceremonial, and expressed most enduringly vis-à-vis his urban subjects, who were in turn most in need of the documents that acknowledged their political community.

Philip continued to pursue his ceremonial sovereignty after his return to Paris, not only through spectacles of exemplary justice or the erection of statues but through the issuance of formal judgments of rebel towns. In a judgment issued at Paris in December 1328, Philip of Valois proclaimed that the Brugeois' rebellion and misdeeds had been against God, law, reason, and justice; had caused great grief and damage to his cousin the count; and had "derogated from the sovereignty of our royal majesty" (*preiudice de la souveraineté de nostre Maieste Royal*). The judgment proceeds to describe a ceremony at which four royal representatives presented the conditions of Bruges' submission before a crowd of Brugeois officials: the *bourgmaistre* (mayor), *échevins*, council, and the "entire community," who had been assembled by the sounding of their clock. The assembled townsmen ratified and approved all the conditions of their submission, swore an oath, and handed over the required hostages demanded by their submission. The fates of 500 Brugeois were thus tied to the town's promises to destroy its fortresses, disarm its guilds, and abstain from further revolts. By submitting, the document continued, Bruges was returning to reason and justice, to peace, and to obedience of "the sovereignty of our royal Majesty and that of the said count, our man, their seigneur." Philip, according to this document, was sovereign in Flanders. Louis, it seems, also had authority there, but was the king's man as much as he was lord of Bruges. This clarity about Philip's sovereignty and ambiguity about Louis' was not accidental: there is reason to believe that Philip of Valois actually considered claiming direct control of Flanders in 1328 much as his predecessor Philip the Fair had in 1300. At the very least, the clerics at Saint Denis found it appropriate to suggest as much, and inserted a dialogue in their *Grandes Chroniques de France* to that effect. Before returning to Paris, it reports, Philip issued a stern warning to Louis of Nevers: any further royal mobilization of this scale would not occur again without the incorporation of Flanders into the royal domain and the dissolution of Louis' lordship over Flanders.[126]

Once Philip left Flanders sometime after September 17, his officials, based in Saint Omer continued to pursue the fulfilment of the towns' financial obligations in accordance with the conditions of their submissions. Yet even this seemingly routine financial campaign was pursued with attention to the king's authority in Flanders. As Pirenne points out, Philip of Valois confiscated goods from the rebels of Flanders by invoking the law of *lèse-majesté*, which in late medieval French jurisprudence encompassed any assault on the person of the king, his sovereign power, or on his patrimony, officers, servants, or the authority of his commands. In extracting these resources, moreover, he managed to further illustrate his sovereign magnanimity. First he set in motion

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[126] For the judgment of December 1328, see Louis Gilliodts-Van Severen, *Inventaire des archives de la Ville de Bruges*, vol. 1 (Bruges: Gaillard, 1871), 401–2. The pardon was granted "considerans leur affection quil ont de venir de raison et de justice, a la pais, lamour et lobeissance de la souverainete de nostre Maieste roial, et du dit Conte, nostre homme, leur seigneur." On the assembled Brugeois: "assembles pour ce faire a son de cloche, aient ratifie et approuve en la dite ville des Bruges, toutes les offres et la sousmission, qui faites nous avoient este par leur procureur si comme dit est, fait le surment sur ce, et aussi baille tant dostages comme dessus est expresse." Philip of Valois' warnings to Count Louis of Nevers are found in Paulin-Pâris, *Les grandes chroniques de France*, 5:319. "Conte, gardez-vous des ore en avant que par deffaute de justice ne nous faille plus par deçà retourner." The addition in a separate manuscript is more explicit: "Conte, je suis là venu avec mes barons, que j'ai traveillié pour vous et au miens et à leur despens. Je vous rens votre terre acquise et en pais; or faites tant que justice y soit gardée. Et que par vostre deffaut, il ne faille pas que plus revienge. Car se je I revenoie plus, ce seroit à mon profit et à vostre dommage."

inquiries to identify the individuals and institutions responsible for the rebellion and established the administrative apparatus necessary to carry out a wide campaign of confiscations. Once he had done so, however, Philip subsequently granted a third of the value of confiscated goods to the lords of the specific jurisdictions involved: Count Louis of Nevers in Flanders and Robert of Cassel in the lordship of Cassel. Before leaving, he ordered the release of 200 of the 1,000 Yprois hostages. By January, he had provided a list of those guild hostages to be released, and forbade his officers from troubling them. The same month, he ordered French bishops to lift the excommunication against the rebels that had helped justify his invasion of the county. As far as Philip was concerned, the punishment of the rebellion was drawing to a close.[127]

Philip's motive does not seem to have been purely or even primarily financial. The bulk of the rebels subjected to confiscations "possessed very little: a poor house, a little land, and the meager remains of inherited property," as Mollat and Wolff point out. Nor did the confiscations yield enormous sums for the crown: the collective indemnities and taxes from across the kingdom raised to assuage the cost of the invasion dwarfed the amount obtained from these individual confiscations. Incidentally, the inventories of peasant possessions created by royal accountants do confirm that this was not a revolt born out of economic misery: the leaders of the rural revolt included the owners of significant plots of land, and one even owned a seal. But the detail with which these accounts were made suggests a deeper purpose of the confiscation inquiries: their very creation. Much as the Domesday Book marked the Saxon defeat in eleventh-century England by humiliatingly tallying them down to the last domestic animal, Philip's careful survey of rebel goods and lands served to emphasize that he had the exclusive right to confiscate rebel property; only through his magnanimity would other princes ruling under his sovereignty be allowed to collect a portion.[128]

The goal of the *amende honorable* seems to have been achieved: the moral damage to Philip's authority had been assuaged, and his goals in the repression of the rebellion would soon be met. The financial and moral recognition of his nominal authority as sovereign of Flanders was secured, and his claim to the French throne had been reinforced in battle and in obsequious ceremony. But much was left or Count Louis to consolidate in Flanders.

## Guillaume d'Auxonne and Informational Sovereignty in the Wake of the Battle of Cassel

The sanctions administered by Louis of Nevers against his subjects in Flanders were significantly more far-reaching. King Philip had been concerned primarily with the symbolic markers of sovereignty: ceremonies of submission, the confiscation of rebel property under *lèse-majesté*, and hauling away hostages to guarantee the payment of indemnities. But the work of re-establishing princely authority in Flanders was left primarily to Count Louis. Louis and his advisors sought rather

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[127] On *lèse-majesté*, see Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 489; Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction.* On the reduction of his demands of Ypres, see Diegerick, *Inventaire analytique et chronologique des chartes et documents appartenant aux archives de la ville d'Ypres*, 2:56.

[128] See Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 90. Registers of these confiscations were drawn up by Lombard and other officials working for the crown in 1331 and later deposited in the *chambre des comptes* in Paris. Vane Guy, Philip of Valois' Lombard fiscal officer, brought over 3,400 pounds to Paris on 14 October, 1329, "de bonis quondam Flamingorum occisorum ante Cassellum;" along with an inventory of the goods confiscated from rebels killed and banished. See BNF, Archives et manuscrits, Français 10366. Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, xl. See also Jacques Mertens, "Les confiscations dans la châtellenie du Franc de Bruges après la bataille de Cassel," *Bulletin de la Commission royale d'Histoire* 134, no. 1 (1968): 241–42. On princely vengeance after Cassel, see also TeBrake, *A Plague of Insurrection*, chap. 4. For this reference to Domesday Book, see, among many others, Clanchy, *From Memory to Written Record*, 6–7. On Domesday and subsequent surveys, see Raban, *A Second Domesday?*

to transform the towns' relationship with the princely state, and much of this work revolved around the seemingly routine chancery activity of rescinding and issuing charters. Before and during the revolt, Louis had held very limited power vis-à-vis his subject towns. He had conceded important powers to them in the fields of criminal justice, the selection of aldermen, and the towns' control over their hinterlands. Some of the stipulations in the privileges issued in the early 1320s to the strongest Flemish towns – Ghent, Bruges, and Ypres – seem expressly designed to evade his authority: under the previous Bruges charter, for example, outgoing aldermen had gained the right to select their own successors if the count had not made his own selections within eight days.[129] This situation would change drastically in the wake of Cassel.

The first phase of Louis of Nevers' post-revolt response began while King Philip's punitive tour of the county was still ongoing, that is, before the king reached Paris on September 26, 1328. Like the king, Louis had many rebels executed over the coming months. Though one chronicler surely exaggerated in putting the number put to death across Flanders at 10,000 – and most chronicle accounts seem not to distinguish between executions overseen by the king and by the count – the executions do seem to have been spectacles attended from across Flanders. The *Chronicon*, for example, reports horrific scenes of publicly-staged punishment: the capture and torture of Brugeois rebels, hunted down quarter by quarter in the town; the bloody execution of the Ypres' guild leaders; the last rebel holdouts made to march nude through the streets of Bruges, where they were burned at prominent intersections and finally decapitated. Beginning in late September – that is, as the king prepared to leave the county – the towns that had already submitted themselves in ceremonies of *amende honorable* to the king began making separate submissions to the count. Louis further launched his own investigation into the rebels responsible, charging an official to record their first and last names in a list.[130]

Among the suite of moves meant to weaken the towns and strengthen his government, Louis recalled or rescinded all the charters of privileges of the rebel cities and towns in the wake of the battle. It is difficult to say how exactly this was carried out from existing sources, but each town may have handed over their charters during the ceremonies of submission in September and October. In any case, comital authorities collected the original charters of the Flemish towns after the battle and brought them to Lille, but were in no hurry to provide new ones. The count was at the French royal court in June of 1329 when representatives of Bruges approached him requesting a new charter. This set off the second stage of Louis of Nevers' punishment of the Flemish rebellion of 1323-28, the forging of what I call his informational sovereignty: almost a year after the Battle of Cassel, he convened the legists on his council to draft a set of stipulations for inclusion in a new set of charters for the towns of the Low Countries, which would come to be known as the *mauvais privilèges*. These included remarkable provisions giving the count's financial officers the right to examine municipal financial accounts, impose stern regulations on the town's administration of criminal law, prohibit the enactment of taxes by town aldermen, and ban the guilds from electing captains and deans. Not all of the 44 guidelines proposed by his councilors were eventually included

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[129] On this provision in Bruges' 1324 privilege, see Jan Van Rompaey, "De Brugse Keure van 1329 en de aanvullende Privileges," *Bulletin de la Commission Royale des Anciennes Lois et Ordonnances de Belgique / Handelingen van de Koninklijke Commissie voor de Uitgave der Oude Wetten en Verordeningen van Belgie* 21 (1965): 37–40..

[130] The executions are described in TeBrake, *A Plague of Insurrection*, 123; Viard, "La guerre de Flandre (1328)," 377. For more lurid details of the chronicle accounts of the punishment, see J. B. M. C. Kervyn de Lettenhove, *Histoire de Flandre: Époque Communale, 1304 - 1384: Depuis le traite d'Athies jusqu'à la bataille de Roosebeke*, vol. 3 (Brussels: Vandale, 1847), 153–55; J.-J. De Smet, ed., *Corpus Chronicorum Flandria sub auspiciis Leopoldi Primi, Serenissimi Belgarum Regis / Recueil des chroniques de Flandre publié sous la direction de la commission royale d'histoire*, vol. 1 (Bruxelles : Hayez, 1837), 207. On Louis' inquiry, see Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, xxxvii; edition at 184.

in the new privileges of the Flemish towns, but they served as the basis for a "common core" of far more restrictive entries inserted in the towns' new charters.[131]

Guillaume d'Auxonne's role in their drafting is obscured in the text of the August 1329 ceremony at which Bruges once more submitted to the count and received its new privilege: he was described in the account of this ceremony merely as a *clerc*. This was a serious understatement of his role. For one, he was almost certainly the source of two older charters issued to Bruges by Louis of Nevers' predecessors in 1281 and 1304. These were rigorously analyzed and adapted by the council of legists, and entire articles were lifted from them and inserted into the new 1329 charter.[132] This was only one consequential example of historical research conducted by d'Auxonne: he also studied the history of the Flemish chancellorship as far back as the eleventh century. On the basis of this research, he had chosen in 1325 to take not the traditional title of the chancellor of Flanders, a hereditary position passed down with the office of provost of Saint Donat in Bruges – and thus not chosen directly by the count – but chancellor of the Count of Flanders. Neither was this timing accidental. The same year, the provost of Saint Donat was imprisoned for disclosing to the count's uncle, Robert of Cassel, that the count wanted him killed. D'Auxonne's remarkable knowledge of the position's history and his access to the 1281 and 1304 Bruges charters indicates that he already controlled a significant trove of old documents of his own. In any case, there is proof that he was signing documents as the count's chancellor no later than 1332: *Guillelmus de Auxonia, legum professor, canonicus parisiensis et cancellarius potentis principis Ludovici, comitis Flandriae, Nivernensis et Regitestensis*. This was an important distinction, as Paul Thomas argues: the choice of the title of chancellor of the count of Flanders was a new step towards the independence of his position and the construction of an administrative apparatus under the direct control of the princely state.[133] In fact, his labelling as a mere clerk in the record of the ceremony of submission says much more about attendance of episode than it does about his role. The public notaries present to document the proceedings were unfamiliar with d'Auxonne's role in shaping the post-revolt regime in Flanders.[134]

D'Auxonne also pushed through other changes to the comital court in the wake of the rebellion, suggesting there may have been some merit to the claims of bad government as a cause for the uprising. The comital finances were a shambles: even including the 300,000 *livres parisis* taken from the rebels in confiscations and war indemnities in the three years following the repression of the revolt – almost ten times his "ordinary revenue" – the count remained 357,000 in debt. At d'Auxonne's admonition, the court began cutting back on comital liveries and the purchase of horses: "Restrain yourself little by little, and begin to reduce the costs which ensue," he wrote Louis.

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[131] TeBrake, *A Plague of Insurrection*, 125; Van Rompaey, "De Brugse Keure van 1329 en de aanvullende Privileges," 35–40; Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*, xxxi–xxxii. On the various submissions, see also ADN B118 fol. 89; ADN B253 no. 6074; ADN B1562 fol. 246v; Archives nationales de France J569. See also Charles Piot, *Inventaire des chartes des comtes de Namur, anciennement déposées au château de cette ville* (Brussels: Hayez, 1890), pts. 502, 516; Gilliodts-Van Severen, *Inventaire des archives de la Ville de Bruges*, 1:400ff; Louis Gilliodts-Van Severen, ed., *Coutumes des pays et comté de Flandre: Quartier de Furnes* (Bruxelles: J. Goemaere, 1896), 3:84; Louis Gilliodts Van Severen, ed., *Coutumes des petites villes et seigneuries enclavées. Quartier de Bruges* (Bruxelles: Imp. de F. Gobbaerts, 1890), vols. 1:595, 4:135-36.

[132] Van Rompaey, "De Brugse Keure van 1329 en de aanvullende Privileges," 46–48.

[133] The text of the eventual privileges issued beginning in August 1329 did not directly follow the legists' recommendations; some went further, and others did not reach the same level of severity. But van Rompaey argues that they were certainly drafted in response to the request by residents of Bruges to provide a new charter, and that a shared core of most of the articles were subequently included in the privileges for the other Flemish towns that had rebelled. Van Rompaey, 39–40. On d'Auxonne and the chancellorship, see Thomas, "Une source nouvelle pour l'histoire administrative de la Flandre," 17–19.

[134] For more on d'Auxonne, see Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 300; see also TeBrake, *A Plague of Insurrection*, 83.

Bluntly, he also informed the count that "you already have enough" jewels. In the aftermath of the 1323-28 uprising a permanent and sedentary financial institution was established at the Mâle castle near Bruges, and a clear path was established towards the creation of a team of domainal accountants later in the century in the fifteenth century, that institution, the *chambre des comptes*, would inherit the archives of the count.[135]

The privilege issued to Bruges in August 1329 illustrates Philip of Valois' and Louis of Nevers' divergent understandings of their roles in ruling Flanders. While Philip had frequently sought in the submission of towns and in his December 1328 judgment of Bruges to establish his nominal sovereignty (*souveraineté*), Louis now demanded the Brugeois "solemnly swear to us to firmly hold and guard in the following manner our person, *seigneurie*, honor and rights." He would allow them to keep those of their previous franchises and customaries which were "reasonable" and did not contradict the new privilege of August 1329, but the privileges or franchises that were contrary to these (*contraire ou desraissonables*), "we are removing and annulling them for good and reducing them to nothing" (*les autres contraires ou desraisonables, nous ostons et annullons de tout et mettons a nient*). Whether this means he seized the town's earlier charters (or already had), or simply announced them invalid, he certainly took steps to secure future charters of franchise. Louis wanted the sealed original of the newly-issued charter to stay with him, while the town would suffice with a sealed copy known as a *vidimus*. Two of these would be produced, according to article 87 of Bruges' new charter: one for the town's own records, and the second "to deliver to [Count Louis:] a document under their seals in which they oblige themselves and promise to keep, guard, and obey all these things as they are written here, in which document our ordinance shall be recorded word-for-word." Louis would have on hand not only the original charter but also a pledge to uphold it, reinforced by the town's seal. Among other things, the new privileges required the town to submit their financial accounts to comital officers and set the procedures for prosecuting crimes within the town, including false testimony. No guild leader would be elected to a public position in town, and any "assembled congregations of the commune or the guilds" (*congregations essamblees du commun ou de mestiers*) would be forbidden in perpetuity without the consent of the count or his successors. In subsequent additions to this *mauvais privilège* of Bruges, Louis of Nevers reserved the right to interpret any articles that might prove controversial.[136]

The *mauvais privilèges* are the surest sign that Louis' power over the cities had grown exponentially. Moreover, the towns' role in the rebellion was tied closely to the provision of the new charter. In fact, the wording of Louis' excoriation of the revolt and acceptance of the Flemish towns' *amende* also used remarkably explicit political language: the count had "long suffered this

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[135] For d'Auxonne's comment on the jewels, see ADN B1596 fol. 71v: "si vous restraingniez petit a petit, et commenchiez a restraindre les fraiz qui sensuivent." See also M. G. A. Vale, *The Princely Court: Medieval Courts and Culture in North-West Europe, 1270-1380* (Oxford: Oxford University Press, 2001), 90. On the founding of this *chambre des renenghes*, see Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 299; Kittell, *From Ad Hoc to Routine*. Consider adding here on the other registers d'Auxonne began. For more on d'Auxonne's financial administrative methods, including reference to his autograph marginalia in registers of ecclesiastical amortisements, see Paul Thomas, "Textes historiques sur Lille et le Nord de la France avant 1789 (suite)," *Revue du Nord* 18, no. 71 (1932): 218–19.

[136] See edition of the 1329 privilege, article 87, for the reservation of the right to interpret subsequent questions of meaning. The articles on murder (10), false testimony (54 and 55), against guild leaders serving in office (71), and against assemblies of the commoners and guilds (77) can also be found in the edition published by Van Rompaey, "De Brugse Keure van 1329 en de aanvullende Privileges." For more on the *mauvais privilèges* see Henri Nowé, *Les baillis comtaux de Flandre : des origines à la fin du XIVe siècle*, Mémoire de la classe des lettres. Collection in-8°. Académie royale de Belgique (Brussels: Lamertin, 1929). A record of this aact also made it into the archive the county of Namur and may have been distributed even more widely. See Piot, *Inventaire des chartes des comtes de Namur, anciennement déposées au château de cette ville*, pts. 502, 516.

malfeasance, increasingly since the time at which we came to be count of Flanders, especially in our town of Bruges." Inverting the discussion of sovereignty in King Charles' letter of 1326, Louis went on: Bruges "was the chief and sovereign and supporter of all those evils and malefactions that were done in recent times, and which were so notorious in all parts of the world, so great, so enormous, so horrible that it is grotesque to consider."[137] But while the guilds and the commoners of the city most eager to revolt against him were expressly punished in the new legislation of the summer of 1329, the rural nature of the initial revolt was never addressed collectively: Louis overwhelmingly blamed Bruges itself rather than its rural allies. The choice to punish the towns rather than the rural rebels suggests an evolving relationship between the communes and the princely states upon which they were dependent for recognition of their privileges. Certainly, early modern writers saw the issue of the 1329 privileges as a landmark moment in the history of Flanders. Philip Wielant, a former mayor of the Franc of Bruges serving as a jurist under the Habsburgs in the early sixteenth century, referred to them in his *Antiquités de Flandre* (see chapter 4), as did the poet and historian Jacques de Meyere in his posthumous *Commentarii siue annales rerun Flandricarum libri septendecim* (1561) and the jurist and bailiff Pierre d'Oudegherst (1571) in his *Chroniques et Annales de Flandres*.[138]

This would have pleased Louis of Nevers and his advisers, who made their own efforts to preserve the memory of these privileges. They commissioned or created a manuscript compiling all the old and new privileges of the Flemish towns in one volume, collected into what Walter Prevenier calls "a somewhat strange mix of a retrospective cartulary and a comital register." This book was both a record of the count's legal relationship with the towns and an object memorializing the repression of the revolt that precipitated its creation, an elegant manuscript held at the Koninklijke Bibliotheek in the Hague today.[139] The manuscript, remarkably, preserves the division of sovereignty between king and count. In a remarkable set of illustrations on the verso of the third folio, the citizens of Bruges are depicted in an act of submission before royal deputies. Within the illuminated "A" that begins the text below, small portraits of the crowned king and queen appear surrounded by vines. In the top margin of the same folio, the four commissioners sent by the king to receive the town's submission stand within a tower, holding a document inscribed "Carte de Brugg" – the charter of Bruges. A scepter protruding from the window likely symbolizes the chastising of the townsmen kneeling below in front of a large church. Their heads are bare and several extend their hands towards the officials. The illustration accompanies a text of the town's submission to the king in September 1328, the same one reproduced in the December 1328 royal judgment of the town.

D'Auxonne and the preparers of the register evidently found the ceremonial enacting of the king's sovereignty an appropriate image to accompany the recording of its charter, visually tying the *amende honorable* to the provision of the new charters of the Flemish towns. The new, punitive charter

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[137] : "...longuement souffrir les malefachons ont esté si acreues des le tamps que nous venimes a la conté de Flandres, especialement en nostre ville de Bruges, qui a esté chief et souveraine et sousteneresse de tous les maux et malefachons, qui ont esté faites dou temps chi devant, les quelz et queles ont esté si notoires en toutes les parties dou monde, qu'il ne puent estre celes, si grans, si enormes, si horribles que c'est hideurs du penser, abhominations et orrour de racompter et incitement de dure et aspre volonté maintenir et pardurer, se piteis ne nous movoit." Van Rompaey, "De Brugse Keure van 1329 en de aanvullende Privileges," 65.

[138] Wielant, "Recueil des antiquités de Flandre"; Jacques De Meyere, *Commentarii siue annales rerum Flandricarum libri septendecim: Opus novum & nunquàm antea typis euulgatum, cum Indice rerum & materiarum copiosissimo* (Antwerp: In aedibus Ioannis Steelsii, 1561); Oudegherst, *Les chroniques et annales de Flandres*. But the first scholar to publish a modern edition, Jan van Rompaey, was astounded to discover that no modern scholars had bothered to describe or publish them, though abundant copies existed scattered across the archives of the Low Countries, France, and the Netherlands.

[139] On the reissue of urban charters of privileges during the course of 1330, see Prevenier, "La conservation de la memoire par l'enregistrement dans les chancelleries princères et dans les villes des anciens Pays-Bas du moyen âge"; Van Rompaey, "De Brugse Keure van 1329 en de aanvullende Privileges." For the granting of a new set of laws to the town of Ecluse, see Piot, *Inventaire des chartes des comtes de Namur, anciennement déposées au château de cette ville*, 151, charter no. 516.

of privileges was meant to keep the guilds and commoners subdued, the town at peace and under firmer comital control. While those scholars who have remarked upon this illustration have assumed that the count and his men are those depicted presenting the new privilege, I believe this is mistaken. There are clearly four individuals in the tower (see figure), and the illuminator's apparent use of red ink to title the text indicates that the illustrator knew the contents of the text in question. Thus, rather than the presentation of the new privileges to the town of Bruges in August 1329, this image would seem to depict the handing down of the royal sentence in December 1328. Unless the manuscript was undertaken by the royal court, then the count's absence from this depiction further strengthens the limited sense in which he saw himself as the sovereign of Flanders.[140] Certain types of sovereignty – what I have called ceremonial sovereignty – were only for kings in fourteenth century Flanders.

Nevertheless, the type of power Louis did wield in the wake of the revolt hatched a Flemish information state. A clear division of sovereignty between the king of France and the count of Flanders began to take shape. While Philip was eager to display his sovereign might by forcing the defeated towns to submit to him, hand over hostages, and pay individual and collective indemnities, Louis went several steps farther by collecting, examining, and reforming the towns' charters of privilege. In repressing the rebellion, both rulers granted pardons and demanded indemnities. Crucially, while only the king used the word sovereignty in admonishing the rebels, only the count employed the aftermath of the Battle of Cassel to collect information on the rights of his towns. The documentary evidence he collected and his assertion of control over the towns' privileges transformed his power over his urban subjects. He issued new urban privileges with nearly twice as many stipulations as the previous ones, including renewed regulations on the practice of criminal law within the town, comital supervision of the selection of aldermen, and a prohibition against guild leaders joining municipal government. Before issuing the new privileges beginning in the summer of 1329, he also mandated the delivery of the towns' previous charters of privileges to him, annulling but nevertheless preserving them in a handsome register that laid out a succinct before-and-after of their legal relationship. The new *mauvais privilèges* were later revoked by the count in 1338 as concessions to the towns he hoped to pry away from Ghent's revolt (chapter 2). But in the register, Louis not only had a book of Flemish urban rights on hand for consultation, but also a monument to the towns' subjugation.

Pirenne suggests that the towns had hoped to "definitively reverse the established order." If the existing order had been the target of any element of the rebellion, however, it was the radical peasant uprising, the leaders of which pursued the common good in a remarkably effective and orderly fashion.[141] Still, we doubt Pirenne's proclamation that it was a revolt of the urban bourgeoisie rising at our own peril: our analysis of the princely state's reaction to these events suggests that the Flemish count, for one, did single out urban institutions for punishment. These institutions, so emblematic of the bourgeoisie's interests, were of great enough concern to his regime that – even though it had been Bruges and the other Flemish towns that joined a radical anti-

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[140] See description of the illustration appears in Vale, *The Princely Court*, 270. The explanatory line, in red ink, explains that the scene was "la submission que cil de la ville de bruges fisent au Roy de France." Squeezed in between the text and adorned margin, "et plus au co[n]te de flandres" been added. Vale, 88. The text is dated the day of Our Lady in September 1328, makes reference to the violation of the 1326 Peace of Arques, and recalls the handing over of hostages by the town. The text quoted is said to be "scellees du grant seel de la ville de Bruges qui furent faites et donnees le Jour notre dame en septembre l'an de Grace mil CCC vint huit. Et est assavoir que ceste lettre est double." On this Hague cartulary (The Hague, Koninklijke Bibliotheek, 75 D 7), see also Frans Blockmans, *Le contrôle par le Prince des comptes urbaines en Flandre et en Brabant au Moyen Âge*, Studia historica Gandensia 14 (Ghent: Afdeling Geschiedenis, Faculteit der Letteren en Wijsbegeerte, Rijksuniv. Gent, 1964); Vale, *The Princely Court*, 88, 151, 270.

[141] The quote from Pirenne: "renverser définitivement l'ordre établi." Pirenne, *Histoire de Belgique*, 2:83.

seigneurial revolt born in rural Flanders – the towns paid the heaviest price. The urban guilds who had brought the resources of their towns behind the revolt were severely limited after Cassel, and municipal institutions were subjected to much closer supervision in the judicial, administrative, and financial fields.

It is worth noting that the communes themselves requested these new privileges from the count, harsh though they must have anticipated their new provisions would be. Only two centuries after their initial distribution to Flemish towns, municipal institutions considered charters of privilege an absolute necessity of urban life. This was the paradox of urban autonomy in fourteenth century Flanders: despite their frequent rebellions, the communes needed recognition by the prince, and in submitting to him indicated that they had very little interest in the creation of a new political order. Ironically, just as the towns of Flanders saw the ranks of their political class violently expanding to include guilds and commoners around 1300, they became ever more dependent on the confirmation of the commune's legal status by the counts who violently opposed that expansion and were themselves bent on ever-closer control of urban politics.

## Domination and the Archive: The *Trésor* of Rupelmonde

Historians once considered cartularies "the undisputed star of medieval diplomacy," and believed that it remained the dominant form of medieval information organization well into the fifteenth-century autumn of the Middle Ages. But more recently, scholars working on the administrative histories of mostly French-speaking principalities have identified the crucial, even founding role of archival inventories in the establishment of princely writing power. The inventories, which survive in large numbers beginning in the thirteenth century and fourteenth centuries, are not only a valuable source for understanding the contents of medieval archives and their organization. The political context into which administrators introduced them means they were tools of informational sovereignty.[142] Thus it should come as no surprise either that the renewed attention to records of political rights in the wake of the Battle of Cassel quickly brought with it more official attention to archive-keeping, or that Guillaume d'Auxonne again played a central role. Already responsible for what was probably the first large-scale appropriation of political documents by the comital regime in medieval Flanders after the Battle of Cassel, he proceeded to create the oldest surviving inventory of an archive held directly by officials of the counts of Flanders.

Examples of thirteenth-century innovations in the field of information organization abound, as Jean-François Nieus has noted in the introduction to the recent volume *Les archives princières*. Though the cartulary was a technology developed in ecclesiastical chancelleries, princely regimes began producing impressive ones of their own beginning in the 1210s. Princely inventories appeared soon after, of the sort created for the archives of Alphonse de Poitiers in the 1250s; of the counts of Namur in the 1260s; and the counts of Vienne in the 1270s. All of these were important first steps in the keeping of archives directly by princely administrations. These and later inventories often shared not only function but form, the result of several factors: common training of the medieval administrator through schooling and university, the limitations and possibilities of the "medial forms" of medieval technologies of writing, and the spread of administrative methods through networks of officials.[143]

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[142] Jean-François Nieus calls the cartulary "le star indétrônable de la diplomatique médiévale." Nieus, "Introduction : Pour une histoire documentaire des principautés," quote at 16; Bautier, "La phase cruciale de l'histoire des archives."

[143] On the thirteenth-century inventories across the French principalities, see Nieus, "Introduction : Pour une histoire documentaire des principautés," 18–21. On the Flemish case, see Robert-Henri Bautier and Janine Sornay, *Les sources de*

This rise of the inventory can also be said to parallel the "secularization" of princely archives, in Flanders as elsewhere. Since the eleventh century at the latest, the counts of Flanders had entrusted a trove of documents to the clerics at Saint Donat, the church that had dominated the Burg Square at the center of Bruges since its founding in the tenth century by Count Arnulf I of Flanders to house the relics of Saint Donatian. For centuries, the provost of Saint Donat functioned *ex officio* as chancellor of Flanders, as receiver of the count's domainal revenues, and as director of the notaries and other chancellery personnel. The provost also held a sizeable archive for the count: at least 270 documents can be traced to the repository held there at the midpoint of the thirteenth century. Galbert of Bruges, the notary who recorded a narrative of the murder of Count Charles the Good in 1127, already referred to this repository, when writing in the 1120s, as a collection of comital "brevia et notationes" (letters and notes).[144]

A real turning point in Flemish administrative history seems to have come under Margaret II of Flanders (Margaret of Constantinople, r. 1244-1278). Under the watch of Gilles de Bredene, a canon at Saint Donat who became one of her closest advisers and officials, the number of acts issued by the comital chancery skyrocketed in the final years of the 1240s, increasing from no more than five per year in 1239-43 to over twenty per year in 1248-50. But the relationship between Saint Donat and Countess Margaret deteriorated after Philip of Savoy became provost-chancellor of the chapter in 1240 and clashed with the countess. The fees charged for applying the comital seal (*émoluments du sceau*) were at the center of their dispute, which spurred the removal of the comital archive from Saint Donat. De Bredene is the official most likely responsible for the physical removal of the comital charters from the church and their placement in one of the Flemish countess' castles, most likely the château de Mâle, just outside Bruges – though it may also have been the Château de la Salle at Lille. Nieus has managed to find remarkably precise evidence for this "secularization" of the Flemish archives – their removal from the ecclesiastical institution once entrusted with it. He notes that comital financial officials in the 1270s seem to have had access to records dating back only to the year 1249, and presumes that the financial documents were apparently not among those smuggled out by de Bredene sometime that year.[145]

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*l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, vol. 1.2 (Paris: CNRS Éd, 1984), 19. See also Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile"; Eg. I. Strubbe, "De Oorkonden Uit Het Vlaamsche Gravelijke Archief Op Het S. Donaasfonds Te Brugge," *Handelingen van Het Genootschap Voor Geschiedenis Gesticht Onder de Benaming Société d'émulation Te Brugge* 77 (1934): 96–112. On the common training of the administrative cadres of Europe in the Middle Ages, see Bartlett, *The Making of Europe*, 288–89; on the limitations of existing medial forms, see Head, "Configuring European Archives."

[144] Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile." Nieus suspects the number may be far higher. A cartulary compiled for the comtesse de Champagne – a thirteenth-century principality of similar size – described 443 documents. More proof comes from the famous account of the murder of Count Charles the Good (1084-1127) recorded by the Brugeois notary Galbert, who makes reference to this archive when he mentions the comital letters and notes (brevia et notationes) located within the church. Galbert de Bruges, *The Murder of Charles the Good, Count of Flanders*, ed. Ross, James Bruce, trans. James Bruce Ross, Records of Civilization, Sources and Studies 61 (New York: Harper Torchbooks, 1967), chap. 35. See also the Latin edition published by Henri Pirenne in 1891: Galbert de Bruges, *Histoire Du Meurtre de Charles Bon, Cte de Flandre (1127-1128) Par Galbert de Bruges, Suivie de Poésies Latines Contemporaines*, ed. Henri Pirenne (Paris: A. Picard, 1891), 57. Galbert, a notary under the supervision of this provost, Bertulf, found his master to be arrogant and overly ambitious. Indeed, Bertulf's allies seem to be responsible for Count Charles' murder. Galbert de Bruges, *The Murder of Charles the Good, Count of Flanders*, 60, 67. The subsequent war between Guillaume Cliton and Thierry d'Alsace over the county of Flanders also resulted in the first of seven sieges on the town of Lille, in 1128. See Deventer, *Atlas des villes de la Belgique au XVIe siècle. Cent plans du géographe Jacques de Deventer, Exécutés sur les ordres de Charles Quint et de Philippe II, reproduits*.

[145] Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile," 57–59. This is supported by his observation that financial accountants working for the count in the 1270s had no access to

De Bredene may or may not have created an archival inventory before losing favor with the countess in 1255. He and his clerks did have means of sorting and tracking documents, however: they recorded dorsal notes on the archival pieces themselves, summarizing the contents in a short phrase or symbol. These notes on the documents themselves reveal a certain regularity of access to the archive later in the thirteenth century. For example, some documents formerly held at Saint Donat reached the archives of the county of Namur – recently acquired by the count of Flanders Guy of Dampierre – in 1263. Overall, however, this period of Flemish comital archiving is murky, possibly because of evidence destroyed during the French invasion of the county in 1297. By the 1330s the picture becomes clearer. At that point, officials working for the count had apparently kept some amount of documents for long enough that they were described as having been "found in ancient writings" (*trove par anciennes escriptures*), and some were old enough to have dated from the archive's time at Saint Donat. Thus, it seems that with his appointment as chancellor, d'Auxonne inherited at least part of the archive that had been removed from the Bruges church 80 years earlier. In this way, he built on the common ecclesiastical forms of administration that Robert Berkhofer describes as transforming monastic rule through new uses of the written word in the High Middle Ages. D'Auxonne, who later became a bishop himself, advanced the project of establishing an active and usable comital archive under the direct control of the regime.[146]

That he established the comital archive at Rupelmonde – a small town isolated in the heart of the Flemish polity – seems to confirm the regime's growing awareness of documents' place in the forging of political power. The castle at Rupelmonde, punctuated by twelve towers that dominated the small town, was easily fortified and supplied by the Scheldt River. It was surrounded by marshland, and far removed from Flanders' main urban centers, where rebellions were increasingly centered beginning in the mid-1320s. The choice of Rupelmonde was also emblematic of a new, more direct means of governance in the county: the castle of Rupelmonde had only recently been bought back by the count from a hereditary castellan, a professor of law named Philppe Villain. The next castellan was both the first in recent times to receive an appointment from the count and the first to be placed in charge of a *trésor des chartes* there.[147] This and other remarkable detail on the

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financial records from before 1249. On de Bredene, see the biography Egied Strubbe, *Egidius van Breedene (11..-1270), grafelijk ambtenaar en stichter van de abdij Spermalie: bijdrage tot de geschiedenis van het grafelijk bestuur en van de cistercienser orde in het dertiende eeuwsche Vlaanderen* (Bruges: de Tempel, 1942).

[146] See Maurice Vandermaesen, "Het Slot van Rupelmonde Als Centraal Archiefdepot van Het Graafschap Vlaanderen (Midden 13de-14de Eeuw.)," *Bulletin de La Commission Royale d'Histoire* 136 (1970): 304–8. On the monastic development of administrative practices, see Berkhofer, *Day of Reckoning*. On d'Auxonne's later career, see Henri Laurent, "Les conventions de Saint-Quentin (juin 1347): contribution à l'histoire de la première phase de la guerre de cent ans dans les Pays-Bas," *Bulletin de la commission royale d'histoire de Belgique* 91 (1927): 89–180. Bertrand notes that, working under d'Auxonne at Rupelmonde was a "maistre des comptes, receverres et gardes de sceaux et de toutes lettres, rolles, munimens, qui en dependent ou aff[ierent] de toutes autres lettres aussi." The source for this quote is ADN B1595 no. 2, fol. 143r. Bertrand finds it remarkable that he was not a specialist from the chancellery but an accountant. Bertrand, "Revolution(s) of Writing," 49–50.

[147] On the castle, see the document marking the purchase referred to simply as given in 1337 (*donn[e] en l'an m ccc et xxxvii*). The castellany had recently been bought back by the count from "Ph[ilipp]e Villain p[ro]fessor de loys." A record of the "rachat" of the castellany of Rupelmonde is referenced in the Lille *trésor* inventory, ADN B114 fol. 12v. The *trésor* at Rupelmonde was inaugurated under the supervision of the castellan, along with secretary Pierre de Douai employed in archival tasks there in the 1330s, see See Vandermaesen, "Het Slot van Rupelmonde Als Centraal Archiefdepot van Het Graafschap Vlaanderen (Midden 13de-14de Eeuw.)," 282, 296–303. See also Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," 792. Mercator, born in Rupelmonde (his Latin name, Gerardus Mercator Rupelmundanus, reveals this) was also imprisoned there on suspicious of heresy. See Nicholas Crane, *Mercator: The Man Who Mapped the Planet* (London: Weidenfeld & Nicolson, 2002). According to some accounts, it was at this point that Lille became the repository for Flanders' French documents, while Rupelmonde retained those of Flemish. There were of course exceptions, and there were Latin texts in both repositories. I suspect that the Borgesian nature of ADN

establishment of this repository are found in a booklet of rare fourteenth-century administrative notes identified by Paul Thomas as those of Guillaume d'Auxonne. The booklet gives a detailed account of the establishment of the new archive: on November 14, 1336, "all the documents of the lord of Flanders were sent away into a new treasury at Rypemonde, organized by section and appearing in a roll glued with bitumen." While the roll in question – probably the original inventory that Guillaume had copied into his notebook – does not survive, d'Auxonne's copy is the first surviving inventory of a Flemish comital archives (figure 7).[148]

Officials in other princely states kept similar administrative notebooks and used similar inventories. The first archival inventory of the count of Hainaut was produced in 1321 when its contents were moved to the castle of Le Quesnoy; the archives of the Dauphiné were inventoried under similar conditions in 1346.[149] Nieus points out that the timing of these new inventories often corresponds to the appearance of a political agenda implemented in response to a moment of crisis or forceful princely political action: in Flanders, the rise of Margaret II of Flanders (1244), in Toulouse that of Alphonse of Poitiers (1249), and in Paris that of Philp of Valois (1328). In this way, informational sovereignty was linked to moments of political consolidation.

Something very much like this occurred in the wake of the Battle of Cassel. This chapter has outlined the political, geographical, ceremonial, and social dynamics that led to the founding of the first known directly-controlled sedentary comital archive organized by means of an inventory in Flanders. The crisis of the 1320s itself changed little about the role of documents in the symbolic representation of power. Urban charters of privilege had been cancelled by counts since at least the

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B121 has succeded in obscuring the truth here, and that the primary movement of documents from Ruppelmonde to Lille occurred in the sixteenth century. Jean, *La Chambre des comptes de Lille (1477-1667)*, 95. The château of Rupelmonde also stars in the 1843 historical novel: Charles F. Ellerman, *The Amnesty; or, The Duke of Alba in Flanders. An Historical Novel of the Sixteenth Century* (London: Longman, Brown, Green, and Longmans: 1843), 1:113. Here too the dual role of the edifice as prison and archive feature prominently, as an imprisoned Reformed preacher sets fire to the château as a means to escape: "The cries of the captives, who shrieked for aid, were heart-rending. Soon was the whole city roused, and burgomaster, sheriffs, and citizens seemed lost in amazement at beholding the conflagration. The cells were speedily opened, and the prisoners allowed to escape, for the authorities only thought of saving the archives."

[148] This series of rare fourteenth-century (ADN B1596) is known as the "cartulaire oblong," though as Thomas points out, it was not a cartulary but a collection of administrative texts kept by d'Auxonne. The booklet records the complex and ongoing punishment of Flandre after its rebellion put down at Cassel in 1328, including hundreds of estates confiscated from the rebels and banishment of hundreds more. See Viard, "La guerre de Flandre (1328)," 382; Gilliodts-Van Severen, *Inventaire des archives de la Ville de Bruges*, 1:417. Paul Thomas claims that the d'Auxonne register further details the confiscation of dozens of archival documents from the rebellious towns, though I have found no evidence that such a documentary confiscation was carried out. Thomas, "Une source nouvelle pour l'histoire administrative de la Flandre," 10–14. For more on the confiscations, see the appendices to Pirenne, *Le soulèvement de la Flandre maritime de 1323-1328: documents inédits publiés avec une introduction*. See also Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile." The quote is on fol. 91v. "dimissi omnes litteras domini Flandrie in nova thesauria Rypemonde, ordinates per partes ut apparet in cedulis bitumine glucinatis in formis que sequuntur." On the importance of this cartulary see Vale, *The Princely Court*, 47–48.

[149] The same was apparently true of the duchy of Brabant: in 1361, in the wake of a meeting of the three orders of Brabant at Antwerp ordered by the count of Flanders, chancellor Seger van der Beke recorded in his register a copy of an inventory of the duchy's charters made that year. Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:399. On Hainaut, see Tineke van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad: ontwikkeling en betekenis van de Gentse archieven te vindene tghuent dat men gheerne ghevonden hadde" (Dissertation, Universiteit Gent, 2017), 134. The following information is drawn from the analysis in Nieus, "Introduction : Pour une histoire documentaire des principautés," 21. On the following cases, respectively, of Alphonse of Poitiers and Philip of Valois, see Gaël Chenard, "Le chartrier d'Alphonse de Poitiers," in *Les archives princières, XII-XVe siècles*, ed. Xavier Hélary et al. (Arras: Artois Presse Université, 2016), 205–24; and Marie Dejoux and Ghislain Brunel, "Intégration et désintégration d'un chartrier princier: les archives des Valois," in *Les archives princières, XII-XVe siècles*, ed. Xavier Hélary et al. (Arras: Artois Presse Université, 2016), 93–120.

1270s, and likely even earlier. Ceremonies of submission in the wake of political conflict, moreover, were already important means of mending breaches in the relationship between subjects and rulers, as they had been in some form or another for centuries. But in the wake of the Battle of Cassel in 1328, the beginnings of a new regime of information emerged in the wake of a particularly intense rebellion in Flanders. This rebellion may have begun in response to particularly brutal rural policies of extraction, but it soon spread to towns where those shut out of municipal office sought to overturn both the urban patriciate and the count. Yet it was the urban rather than the rural rebels whose privileges were subsequently subjected to a systematic investigation as part of a campaign led by chancellor Guillaume d'Auxonne to first understand and then regulate their rights. Before the end of the 1330s, the same d'Auxonne had set up an archive in a castle far from the traditional ecclesiastical and urban power centers of the Flemish polity, and thus safe from future uprisings, for example Ghent's uprising in 1337. Thus the same official responsible for establishing a lay princely archive also helped establish the Flemish princely state's informational sovereignty vis-à-vis its powerful towns.

Moreover, something particular about urban revolt seems to have prompted the response led by d'Auxonne under Count Louis in the decade following his eventual defeat of the Flemish rebellion. By 1336, he held a register that not only reminded its reader of the submission of the Flemish towns to King Philip in 1328, but linked this submission to new, more restrictive charters of privilege issued in the following years. While we know very little about the keeping of Count Louis' archive before and during the rebellion, we can say for certain that within a decade of its defeat, he had created a charter treasury under the supervision of an appointed castellan far from the rebellious urban centers of Flanders. These new tools of Louis' informational sovereignty – the register, the inventory, and the charter treasury – were products of his administrators' political agenda hatched in response not to rebellion against his authority in general, but to the disobedience of the count's urban subjects in particular. Two centuries after the initial wave of their issue in the twelfth century, urban charters of privilege were both a necessity for Flemish towns and a liability. The collection, preservation, and organization of information were becoming tied to the wielding of power in the princely state in new ways.

# CHAPTER 2
# *Ne de cetero fiat* ("Not to be made again"): Sovereignty and the Princely Pursuit of an Archival Monopoly during the Hundred Years War

## Derrida, Freud, and the Silencing of Archives: The Sovereign State of (Archival) Exception

In his *Moses and Monotheism*, Sigmund Freud argues the curious position that *Exodus* actually includes two iterations of Moses: the Israelites had risen up and killed the first Moses out of frustration during their wanderings in the desert, only to select a new Moses who would bring them to the Promised Land. But such a heinous murder of their leader by his own people had to be covered up, Freud continued, following scholars of the Old Testament who found smatterings of evidence for such a cover-up. The textual inconsistencies of the Bible, which became increasingly obvious to some observers with the early sixteenth-century translation projects that rejected the Latin Vulgate, were to Freud signs of a collective psychological panic, an attempt to burrow away this embarrassing truth: "The distortion of a text is not unlike a murder. The difficulty lies not in the execution of the deed but in the doing away with the traces; the attempt to wipe out the memory of that moment." For Freud, the attempt to erase history was doomed to failure.[150]

Jacques Derrida's 1995 lecture and book *Archive Fever* ("Mal d'archives") were a response to Freud's concept of memory, placing a conceptual "Archive" firmly within a discourse about political power, violence, and legibility. The victor mans the entryway to the archive, argued Derrida, and it follows that "archival silences" are the result not of chance but of sovereign power, at times through neglect and at others through outright violence. Certainly, archives can be silent for very mundane reasons: because there was no room to accommodate certain documents, because they were mislaid, rained on, burned, taken home, or otherwise lost. Rather than taking Derrida's word for it, this chapter seeks to examine the means and efficacy of a princely state's attempts to gain this kind of sovereign right: the right to decide what deserves to be archived, or, to adapt the language of Giorgio Agamben, the emergence of a sovereign state of archival exception. Freud purported to trace Moses' murder in the splicing and equivocal elements of the biblical text. The erasure of the traces of the archived past more generally, Derrida extrapolated, were proof that there is "no political power without control of the archive, if not of memory."[151]

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[150] Freud's arguments about Egyptian religion and Mosaic murder, while they continue to arouse interest and scholarship, are largely rejected today. Scholars today believe the story of *Exodus* was largely shaped by politics centuries after the purported events took place: threats from the Egyptian empire against the fledgling Judean kingdom, for example, were ripe context for stories about an escape from slavery in Egypt. Quote at Freud, *Moses and Monotheism*, 64; this book remains hotly debated, for example in Ruth Ginsburg and Ilana Pardes, eds., *New Perspectives on Freud's "Moses and Monotheism,"* Conditio Judaica 60 (Tübingen: Max Niemeyer, 2006). On these scholarly editions of the Bible, see for example Grantley McDonald, *Biblical Criticism in Early Modern Europe: Erasmus, the Johannine Comma and Trinitarian Debate* (Cambridge: Cambridge University Press, 2016), 13–14. See also Anthony Grafton, *Joseph Scaliger: A Study in the History of Classical Scholarship*, 2 vols., Oxford-Warburg Studies (Oxford: Clarendon Press, 1983).

[151] For Derrida's quote, see Derrida, *Mal d'archive*, 15, n. 1. The English translation is drawn from Derrida, "Archive Fever," 10 n. 1. Similar ideas can be found in Paul Ricoeur, *La memoire, l'histoire, l'oubli*, Ordre philosophique (Paris: Editions du Seuil, 2000). There is an unacknowledged debt in Derrida's conception of the archive to Carl Schmitt's understanding of sovereignty. Agamben's use of Schmitt deserves more attention from medievalists. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005). Similar suspicions about erasure have also been raised by historical sociologists examining state formation (see Introduction). Charles Tilly in 1975 already suspected that because the state "has itself been the principal accumulator of the sources available… these biases

In this chapter I argue, along with Freud, that when silences can be traced, they are pregnant with meaning; but suggest that Derrida's Freudian archive actually exaggerates the sovereign's power to silence the past, especially within the documentary culture of the medieval Low Countries. The rituals of penitence and privilege were by no means new during the series of conflicts that came to be known during the nineteenth century as the Hundred Years War (1337-1453). Still, the war did create the setting within which the princely states of the Low Countries sought increasingly invasive means to regulate urban archives. In the wake of two urban uprisings against counts and comital allies around the year 1400, successive counts of Flanders targeted not only charters of privileges, but a widening swath of urban documents. The administrators surveying the documents confiscated from rebel towns were increasingly systematic in their approach; they began creating inventories of the documents and explicitly weighing the permissibility of various document genres and specific archival items. These attempts to regulate and even silence the archives of princely subjects paralleled the state's own grounding of its political legitimacy in written documents (as we shall see in chapter 3).

The reactions of medieval administrators to various genres of urban documents were also a product of their understanding of sovereign power. The sources they created indicate that alliances between towns were considered by the powerful counts of Flanders the ultimate violation of the political order. Especially in the wake of the *Hédroits* rebellion in and around Liège (1406-8), both memory and informational sovereignty were at stake. Alongside the demand for urban archival materials, Count John the Fearless launched a textual, visual, and propaganda campaign to reinforce his ceremonial sovereignty in the wake of the Battle of Othée. Part of this was an attempt to shape memory of the revolt and his own role in putting it down, while also stripping the rebel towns of important archival evidence of this and previous anti-seigneurial coalitions. That many of the documents John's administrators tried to efface actually survived in the archives and cartularies of other urban institutions only indicates the power of networking inherent in medieval documentary culture, which was especially true within the polycentric politics of a town like Liège or Ghent. The inventories of confiscated documents created by comital administrators also suggests that erasure itself can, paradoxically, preserve what it hopes to conceal. Princely states, just as they were busiest forming alliances during the Hundred Years War, sought to strike any evidence from urban archives of past alliances and ties of solidarity, but were ultimately unsuccessful. Most likely, no sovereign attempt at erasure could completely deface the historical record in the context of late medieval documentary culture.

In this chapter, I argue that a distinction must be made between the stories institutions tell about their archives and the realities within those archives. Despite the intriguing and critical conceptions of archival theory developed in recent decades by writers considering a conceptual "Archive," this theoretical work has tended to remain almost completely apart from what the French call *histoire du fonds*, the study of the provenance of actual archival sources.[152] One remarkable development of the archival turn, however, has been the profound impact it has had on the archival profession itself. Alongside the development of social history and post-colonial theory, archivists

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pervade the sources themselves." Charles Tilly and Gabriel Ardant, eds., *The Formation of National States in Western Europe*, Studies in Political Development 8 (Princeton, N.J: Princeton University Press, 1975), 10, 48. A perhaps more fitting name for the Derridean reading of the archive is the "patri-archive," a term proposed by Combe, *Archives Interdites*; quoted in Derrida, *Mal d'archive*. While the archive may indeed be the foundation of sovereignty, as Derrida suggests, this does not imply that the sovereign has total control over it.

[152] See the above Introduction for my critical analysis of the archival turn and an overview of this already vast scholarly literature. *Fonds*, the French word for a series of documents, suggests an organic development of archival sources through its etymological roots in the flowing of water, a remarkably problematic premise itself because it elides the inherently man-made nature of any set of documents.

have been confronting archival silences in new ways. By placing the documents of marginalized populations into archives from which they had once been systematically excluded or ignored, creating people's archives and community archives, and seeking out documents produced by and about previously under-documented populations, archivists are seeking to foster a more inclusive and self-aware professional approach. Often, understanding these documents has required a new type of critical analysis that takes seriously the logics and assumptions of archival repositories, their creators, and their keepers. Anthropologists and art historians, among others, have read both "along the archival grain" and against it in order to understand the epistemologies that helped create silences within the archives of colonial and national regimes alike.[153]

The sources available to historians are not necessarily representative samples of the documents produced in the times and places they study. Much of what historians do is to paint a crude picture of the past on the basis of this limited information. In other words, archival silence is a contradiction in terms: the archive never speaks for itself, but has to be first created, preserved, indexed, and only then read and interpreted. Still, though scholars may know very well how to interrogate the sources before them and the circumstances of their creation, they only rarely confront the idea that there may be intentional lacunae in their source bases. Even when scholars have managed to identify the circumstances that led to the creation of archival silences, the destroyed documents themselves can seem unknowable. This presumed irredeemability of an effaced archival record merely fuels the notion – put forward by Derrida – that the sovereign has ultimate power over the archive. Yet, as I will show, such presumed authority contradicts almost everything scholars today know about pre-modern and early modern societies, presenting a very simplistic notion of power. With Derrida's focus on the sovereign right to decide what gets archived, the nuances and interactions of archival practice yield to the overwhelming power of a single "official" archive or narrative. Derrida's Freudian archive lets the redeemable but papered-over past seem an irretrievable victim of sovereign might.[154]

Derrida's focus on the sovereign archive is an especially poor means of understanding the way documents made power in a society such as that of the late medieval Low Countries. For one, multiple sets of institutions – monasteries, churches, municipalities, courts of law, princely and ecclesiastical councils, guilds, villages, and families – maintained complementary and overlapping

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[153] On reading against the archival grain to find facts about colonial regimes and reading along the archival grain to find how colonial institutions actually worked, see Stoler, *Along the Archival Grain*. Those seeking the voices of subalterns have often found them in long-known sources. This is done masterfully in Amitav Ghosh, "The Slave of Ms. H. 6'," in *Subaltern Studies VII: Writings in South Asian History and Society*, ed. Partha Chatterjee and Gyanendra Pandey (Oxford: Oxford University Press, 1992), 159–220. On restitutional archiving, see Rodney G. S. Carter, "Of Things Said and Unsaid: Power, Archival Silences, and Power in Silence," *Archivaria* 61 (2006): 215–33; and a number of pieces in Burton, *Archive Stories: Facts, Fictions, and the Writing of History*. There are parallel movements in the approaches of museum professionals.

[154] Scholars of literature have been somewhat more imaginative in the face of the inevitabile loss of historical texts. See Richard Michael Wilson, *The Lost Literature of Medieval England* (London: Methuen, 1972). Regarding intentional loss of archives and access to them, consider a note on the website of the UK National archives, which explains that the registers may be useful since "they give a summary of **ALL** correspondence, which includes documents that were 'destroyed under statute' and no longer exist." There are legendary stories of the smoke rising over colonial capitals in the final days of British control there. See "How to Look for Records of Colonies and Dependencies from 1782," UK National Archives, Research Guides, accessed June 20, 2019, http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/colonies-dependencies-further-research/. Historians of particularly contentious or ongoing matters in the twentieth and twenty-first centuries have found that sources they wrote about have been re-classified by state security services and are no longer available. On the Kenyan case in particular, see Anthony Badger, "Historians, a Legacy of Suspicion and the 'Migrated Archives,'" *Small Wars & Insurgencies* 23, no. 4–5 (2012): 799–807; on the security establishment's re-classifying of contentious documents in Israeli archives, see Akevot Institute, "Silencing: DSDE's Concealment of Documents in Archives" (Akevot Institute for Israeli-Palestinian Conflict Research, July 2019).

archives and record-keeping practices. These institutions' repositories of documents were not isolated from each other. The complex networks of kin, churches, municipal institutions, and other associations brought the contents of these archives into contact with one other and with those of princely states. A long-standing tradition – perhaps even an impulse – of copying and summarizing documents, meant that texts split, morphed, and multiplied in a variety of formats and for various reasons. Texts thus had various paths through which to survive attempts at princely repression thanks to the medieval culture of the copy. These paths and forms through which documents could survive reflect the "polycentric order" of overlapping jurisdictions. Urban contexts, Patrick Lantschner reminds us, fostered a particularly robust network of textual reproduction and diffusion since they served as "nodal points which stood at the centre of a clustering of interactions and negotiations." More generally, an examination of archival silences in late medieval Europe must reflect this polycentric nature of politics and the many parallel systems of record-keeping. Focusing on a single "official" corpus of texts or narratives – be it the Old Testament for Freud, the colonial archive for Stoler, or the sovereign (state) archive for Derrida – fails to take the multiplicity of archiving into account. It therefore exaggerates the sovereign's power to shape the archival record by imagining an unrealistic level of control over the *fonds* of history.[155]

Two parallel and mutually-reinforcing sets of transformations in urban politics made possible the changes to princely sovereignty in the decades around 1400. As documented in chapter one, princely states gradually escalated their attempts to regulate the archival holdings of their subject towns. At the same time, new coalitions including trade guilds and a so-called "second patriciate" were themselves transforming towns by challenging traditional power structures and classes. Princes sought ever more violently to suppress the horizontal ties of solidarity expressed in ongoing of revolt. This struggle reached far beyond the textual contents or the physical state of charters of privileges; by the turn of the century it concerned a broad range of urban documents. Princes tried to rescind some communes' very right to possess certain types of documents, or to keep an archive at all. The Valois princely state in the Low Countries was, by the early fifteenth century, engaged in a vigorous attempt to prevent its subject towns from keeping a record of their own autonomy and union. The episodes studied in this chapter suggest that archival texts embodied the types of politics princes hoped to regulate. More than anything, they hoped to silence a basic method of solidarity by attempting to erase examples of it from the record, creating an archival void instead of a usable past. Yet their efforts at imposing their sovereign will on the archives of their subject towns was increasingly futile, revealing instead of archival silence a thriving medieval culture of the copy.

## In-Between Sovereignty During the Hundred Years War

The fourteenth and fifteenth centuries have a mixed reputation when it comes to the formation of lasting political institutions. While some historians have argued that war foiled the development of state institutions, others have claimed that it sparked the development of modern bureaucracy. Focused as he was on sources in national capitals, the medievalist Joseph Strayer, for one, argued that the French crown developed no new ruling institutions in the fourteenth and fifteenth

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[155] On the various forms of copy identified by diplomatists, see Olivier Guyotjeannin, Jacques Pycke, and Benoît-Michel Tock, *Diplomatique médiévale*, vol. 2, 2 vols., L'atelier du médiéviste (Turnhout: Brepols, 1993); Arthur Giry, *Manuel de Diplomatique*, Nouvelle (Paris: Librairie Felix Alcan, 1925). On the difference between media (parchment, paper, ink, wax) and the forms those media take in medieval information management (registers, charters, florilegia, sealed charters), see Head, "Configuring European Archives." On the "polycentric order," see Lantschner, *The Logic of Political Conflict in Medieval Cities*, 8.

centuries. Certainly, the dynastic conflict in which the crowns of France and England were embroiled may have reduced the pace of their development. And while the fourteenth and fifteenth centuries were times of political turmoil for the crowns of Europe, this does not imply that the institutions of the princely state failed to develop across Europe in the later Middle Ages.[156]

Little was unique about the periodic conflicts in northwestern Europe within the chronological window of the Hundred Years War. Scholars have made various arguments in favor of this chronology by pointing to fundamental shifts in the character of warfare and its reach up and down the social ladder, for example. This certainly became the case in the 1340s and 1350s, when English princes set out on a series of destructive *chevauchées* in the French countryside, but the same could be said of the Flemish uprising of the 1320s (chapter 1). Moreover, the character of military conduct and organization actually seems to have changed somewhat earlier. Richard Kaeuper, among others, has identified growth in the size of European armies beginning in the 1280s. With the larger armies came a culture of chivalry, an economy of mercenary warfare, monetary fluctuation, and rising taxes, in addition to the destruction of military campaigns and the destructiveness of the large groups of armed men.[157] There was little unique in military or economic terms about the Hundred Years War.

Perhaps a more compelling argument for the relevance of a set of conflicts called the Hundred Years War would point to the largely popular Flemish rebellions of 1337-48 and 1449-53 that served as its bookends. Throughout this period, Flemish rebels – from elite politicians to humble guild agitators managed an entire repertoire of political action that included recognizing the English king as king of France and count of Flanders and creating an alternative rebel administrative apparatus for the county. Still, the fount of these rebellions was the risings of the large towns against their direct ruler, the counts of Flanders. Nor were such revolts simply responses to circumstances determined by royal power plays. Indeed, the royal dynasties were as often adapting to local circumstances as the other way around. Under this alternative reading, the Hundred Years War was an episodic conflict in which coalitions of kings and other princes allied with different powers, including specific power groups within towns. These coalitions helped define sovereignty primarily at the local level, where princely states responded to rebellions and alliances with whatever tools they

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[156] Some classic treatments of the later Middle Ages, and with it the Hundred Years War, are: Guenée, *States and Rulers in Later Medieval Europe*, esp. 207-8; Philippe Contamine, *Des Pouvoirs En France, 1300-1500* (Paris: Presses de l'Ecole normale supérieure, 1992); Kaeuper, *War, Justice, and Public Order*, 4 notes that warfare may be distasteful to the twentieth-century historian, but was central to life in the fourteenth century. On the war-tax model referenced here, see introduction above and Tilly, *Coercion, Capital, and European States*. While he presents a more complex version of state formation in his book on King Philip the Fair (r. 1285-1314), there are a number of problems with this perspective – even without broaching the twentieth-century implications of his work on state building. Methodologically speaking, such a perspective was firmly rooted in the archives of today's European capitals. It reinforces a bias towards the kingdoms that would eventually become modern states, with their own national historical repositories.

[157] For a broader historiography of the Hundred Years War and a critique of the aforementioned scholars, see Watts, *The Making of Polities*, 20–21. There is little reason, incidentally, to presume that the late Middle Ages were inherently more violent than subsequent periods. When it comes to army size, Watts suggests the tenfold increase between 1500 and 1800 deserves more attention; as for the frequency of wars, there is evidence that the scale is beyond comparison: 311 for the fifteenth century, 732 for the sixteenth, and 5,193 in the seventeenth. For possible explanations of the historiographical bias here, including an analysis of violence in sourcebooks, see Smail, "Violence and Predation in Late Medieval Mediterranean Europe." On historians' changing understanding of the line between political and criminal violence, see Firnhaber-Baker and Schoenaers, *The Routledge History Handbook of Medieval Revolt*. For one justification of the Hundred Years War label, see David Green, *The Hundred Years War: A People's History* (New Haven: Yale University Press, 2014), 4, 15.

possessed.[158] Seen in this light, it is little wonder that the Hundred Years War became a laboratory for the elaboration and deployment of informational sovereignty in the late Middle Ages.

Ghent's place in the early years of the Hundred Years War illustrates nicely the interactions between the different planes of polycentric politics involved. The coalition behind King Edward when he went to war in northern France in 1338 included the counts of Artois and Hainault, the Emperor Ludwig of Bavaria, the dukes of Gelderland and Brabant, and the towns of Flanders. Ghent's opposition to their own count, Louis de Nevers, and thus to the French camp, was especially meaningful: Ghent had remained largely loyal to the comital regime during the revolt of 1323-28, but in the following decade attempted to exert control over its hinterland, where it appointed officials to enforce its monopoly on cloth production. In an effort to prevent the Flemish towns from joining the English coalition and subverting his own rule, Count Louis in 1337 hurried to re-issue many of the charters of privileges he had rescinded at such great effort in 1329, many of which had been issued by his grandfather Count Robert III of Flanders (see chapter 1). Perhaps because these early fourteenth-century charters had tended to favor the traditional municipal elites, however, the tactic failed and popular regimes seized power in many cities in opposition to Louis' rule.[159]

Moreover, King Edward was no less aware of the interests of the Flemings. Following a conference of his continental allies at Antwerp in November 1339, Edward promised Flanders "all the ancient privileges, liberties, and immunities which they have enjoyed in our time and in that of our ancestors the kings of France and England." Soon Edward was also making territorial concessions. In fact, the famous gambit to have Edward III declared king of France was no concession to him. Nor did it show that this was simply a rebellion against a specific lord rather than one against lordship more broadly. While the step was taken to be a repudiation of the Flemish count and his French royal patron, it stemmed from worry in the rebel Flemish towns that a rejecting any and all sovereigns might risk their money deposited in the papal treasury. But mostly, as the chronicler Jean le Bel noted, Edward simply "could not do without the assistance of the Flemings." The latter took full advantage, securing a treaty that granted Bruges a compulsory staple for the export of English wool, promised Flemish merchants freedom from duties across England, and granted rebel Flanders the county of Artois, three additional castellanies, the region known as the Tournaisis, and promises of protection for Flemish ships in the English Channel. The Flemings, for their part, promised to contribute 80,000 troops for Edward's 1340 summer campaign for a price of 140,000 pounds. The king was greeted at the Friday Market of Ghent on January 26, 1340, surrounded by the magistrates of Flanders' three great towns, and was declared king of England and France by the gathered crowd.[160] Yet the Flemish towns did this for their own very good reasons, after extensive courting, essentially weighing the choice between two potential lords and the privileges they were willing to offer.

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[158] The purest argument that the French state did not develop in the late Middle Ages is found in Strayer, *On the Medieval Origins of the Modern State*. Strayer noted that no new ministries were founded between 1300 and 1500, indicating to him that the bureaucratic development of the French crown had halted. For a critique of the twentieth-century historiography, see Watts, *The Making of Polities*, 187; Firnhaber-Baker and Schoenaers, *The Routledge History Handbook of Medieval Revolt*.

[159] David Nicholas, *The Metamorphosis of a Medieval City: Ghent in the Age of the Arteveldes, 1302-1390* (Lincoln: University of Nebraska Press, 1987); Green, *The Hundred Years War*, 15; Jonathan Sumption, *Trial by Battle*, The Hundred Years War 1 (London; Boston: Faber and Faber, 1990), 300–302.

[160] The timing of Bruges' receipt of advantageous privileges in February and April 1338 is telling. See ADN B113 fol. 55v. For the dramatic political developments of 1339 and 1340, as well as the quotes from Jean le Bel, see Sumption, *Trial by Battle*, 300–302.

Jacob van Artevelde, a wealthy broker (or possibly a brewer) with aristocratic aspirations was the mastermind behind most of these arrangements. He leveraged the promise of generous concessions from the English king to build a rebel municipal regime in Ghent that cut across traditional economic and social strata. The five most powerful political forces in the city joined his coalition: the pro-English weavers, the typically pro-count (and thus pro-French) fullers, wealthy *poorters* (landowners within the walled city center), and the small guilds (usually, 53) that were mainstays of fourteenth-century Ghentenaar government. At the peak of his power, Jacob ruled much of Flanders through a personally-controlled administrative apparatus that by 1342 "had developed a regular machinery" of government and was focused on popular policies such as fixing prices on grain, prohibiting hoarding, and opening the city council to such powerful forces as the weavers.[161]

The coalition formed by van Artevelde was remarkable but far from random. An older historiographical tradition "regarded these conflicts as driven by relatively clear divisions between 'patricians' and 'plebians' within the city, as well as between the 'absolutist' powers" of princes and the "democratic" tendencies of towns. Lantschner, along with a series of scholars studying late medieval rebellion in the Low Countries, has complicated the story. For rebellion to be effective, they suggest, multiple planes of polycentric power had to align, often creating surprising coalitions. As Samuel Cohn notes, almost no single "group, profession, or class" acted on its own with any real success. He points to the Flemish revolts of 1297-1304 and 1323-28 as examples of peasants, artisans, patricians, and burghers uniting in rebellion against the sovereign, or the broad coalitions of "menu peuple, bourgeois, and noblemen" allying against royal taxes in France. Such coalitions were necessary for rebellion to be effective. This was no less true of (the better-studied) rebellions of fifteenth century Flanders and – one imagines – in a great number of other times and places. The particular rebellion in Ghent that sparked the Hundred Years War in the late 1330s was born of economic, social, and political tensions involving competition between crowns, towns, and factions within them. Patrick Lantschner gives this observation a theoretical foundation by identifying a range of forms of urban political conflict and suggesting that the likelihood and rates of success of rebellion were linked to the density and interconnectedness of institutions in the town.[162]

Such a polycentric understanding of urban politics views urban politics within the larger context of town-prince relations. Indeed, scholars have identified deep connections between these two related traditions of revolt: the "Little" tradition one of guilds rising against the municipal regimes that ignored their interests, and the "Great" traditional in which these towns – typically led by popular regimes – rebelled against their prince. Marc Boone and Maarten Prak argued in an important 1995 article that the "Great and Little traditions" of revolt in the Low Countries were connected. To the Great tradition of revolt in Flanders identified by Wim Blockmans, they added a Little Tradition of "revolts by burghers against urban elites." These two traditions interacted actively: the demands of burgher movements in the "Little Tradition" often made explicit reference

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[161] Jacob's alliance crumbled in 1343, when he allied with the fullers, who were demanding a wage raise from Jacob's traditional partners, their employers the weavers. The latter were able to assassinate Jacob in July 1345. Jacob's most memorable strategic move was inviting King Edward of England to make his ceremonial entry to Ghent in January 1340. With his rise to chief captain in early 1338, the city fixed prices on grain, prohibited hoarding, and opened up the city council to the weavers and other guilds. The chronicler Froissart calls him a violent man, whose dozens of thugs could be ordered to kill suspected opponents at a moment's notice. David Nicholas, *The van Arteveldes of Ghent: The Varieties of Vendetta and the Hero in History* (Ithaca: Cornell University Press, 1988), 30; on this coalition see 21.

[162] Cohn, *Lust for Liberty*, 145–46; Lantschner, *The Logic of Political Conflict in Medieval Cities*, 98.

to the restoration of earlier privileges, a claim that fed on the achievement of urban political autonomy – the flagship achievement of the Great Tradition.[163]

That the two were related can be illustrated perhaps most elegantly by the Flemish-Brabantine treaty of 1339 that sought no less than to remake the Low Countries in the image of urban power. Physically, it reflects a commitment to the unification of the fates of dozens of towns, each of which hung its seal from the folded-over bottom edge of the massive parchment document (50cm x 68 cm, see figures). It was van Artevelde who "inspired" the union preserved in this document, which amounted to nothing less than an alternate regime spanning Flanders, Brabant, and soon parts of Hainaut, too. Towns would form a majority on the inter-provincial commission founded by the treaty, which would judge conflicts between the principalities, thus controlling decisions that would be binding even on the princes. Outdone, Count Louis fled to Paris in the midst of the treaty's negotiation and the subsequent rebellion, by fabricating a letter calling him to attend to his dying wife. Nevertheless, his seal was applied to the treaty along with dozens of towns, and so was that of the duke of Brabant.[164] Without van Artevelde's orchestration of the fall of urban patrician regimes in other towns of the Low Countries, the treaty of 1339 would have been impossible, making it a particularly salient example of the interactions between different levels of political struggle.

This chapter uses the treatment of archival sources by princely regimes in the wake of revolts to show that these twin traditions of revolt during the Hundred Years War prompted the emergence of a new type of sovereignty: not a sovereignty of royal dynasties or of rebel regimes, but one of the middling duchies and counties challenged from both above and below. As in the wake of previous revolts, princely administrators examined privileges to decide whether they contained any prejudicial provisions; however, such was no longer the primary focus of their work. Their targeting of guild archives, especially beginning in the fifteenth century, was rivalled only by their quest for letters of alliance between the Flemish towns and between towns and other lords. In other words, princes saw these two rebel traditions as one and the same. Thus, instead of calling them the Great and Little traditions of revolt, I suggest we see both inter- and intra-urban ties of alliance as horizontal links of solidarity that threatened existing power structures and forced princes to develop their existing forms of sovereignty. The alliance politics of the Hundred Years War, with its several intertwining planes of political power, prompted the formation of a type of sovereignty in its image.

The volatile context of the Hundred Years War seems to have encouraged revolt to spread. Moreover, as local conflicts flared, they served as venues in which the royal conflict was triggered or intensified. This meant the power to forge alliances was a particularly contentious and important one. So it is perhaps unsurprising that princes sought to frustrate all kinds of alliances in the wake of revolts, and that counts began targeting documents that had forged the alliances within and among towns and groups, as well as those documents that had legitimized and served the trade guilds. The specific politics of the Hundred Years War may not have been responsible for the formation of this

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[163] Quoting from Boone and Prak, "Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries," 100, 129. See also Marc Boone, "The Dutch Revolt and the Medieval Tradition of Urban Dissent," *Journal of Early Modern History* 11, no. 4/5 (November 2007): 351–75; W. Blockmans, "La Répression de Révoltes Urbaines Comme Méthode de Centralisation Dans Les Pays-Bas Bourguignons," *Publications Du Centre Européen d'Etudes Bourguignonnes* 28 (1988): 5–9; Blockmans, "Alternatives to Monarchical Centralization: The Great Tradition of Revolt in Flanders and Brabant."

[164] The text of the treaty can be found in *Den luyster ende glorie van het hertogdom van Brabant, herstelt door de genealogique beschryvinge van desselfs souvereyne princen ende door het ontdecken van den schat der privilegien, ordonnantien [...] der stadt Brussel [...]*., 1699, I: 111; for more on the treaty and its reprinting in 1578, see A. C. De Schrevel, "Le traité d'alliance conclu en 1339 entre la Flandre et le Brabant renouvelé en 1578," in *Mélanges d'histoire offerts à Charles Moeller: à l'occasion de son jubilé de 50 années de professorat à l'Université de Louvain, 1863-1913*, 1914, 207–51; there is an excellent overview of the treaty's provisions in Sumption, *Trial by Battle*, 300–303.

new archival politics or the form of sovereignty it precipitated, but the types of alliance and union between institutions and – even more so – the state's escalating response to this potential alternative order, are revealing. "While emperors, kings and lords could disagree violently about their respective rights and allegiances, there were limits, at any time, to the numbers who could claim their particular kinds of authority," as John Watts describes it. Even when princes were at war, they could agree on the need to limit such associations by non-princely actors.[165]

The same dynamism of Ghentenaar politics that had brought Jacob van Artevelde to power would lead to his assassination in July 1345 by a mob, including a number of weavers and shoemakers, angry at his latest plans to replace the count of Flanders with an English prince. Still, this did not mark the end of the rebellion. Even if van Artevelde's coalition collapsed, the weavers would now lead Ghent once more in its pursuit of the English alliance that was so crucial to the economic interests of its leading craft guilds – those of the textile trade. Count Louis' attempt to entice Bruges out of its alliance with the anti-comital alliance was unsuccessful, and Ghent enjoyed what David Nicholas calls the "at times grudging" support of Bruges.[166] Still, a sustained alliance between the great towns of Flanders remained elusive. Like many counts of Flanders after him, Louis escaped total defeat only thanks to the failure of Flanders' three most powerful cities to cooperate. Ghent had become a citadel of reaction in the 1320s, but now it became the leader of the revolt. Meanwhile, Bruges – which had suffered the harshest punishment for its leading role in the revolt of maritime Flanders in the 1320s – grew slowly closer to the prince. By 1348, it became the first town to recognize Count Louis of Mâle as rightful successor to the county, albeit four years after his father Louis of Nevers' death in 1344. Bruges disengaged itself from Ghent's rebellion and joined Count Louis in confronting the Ghentenaars and their remaining allies. In exchange it received the expected advantages, especially Louis' confirmation of the town's privileges in 1348 and pardoned its earlier participation in the revolt.

Bruges was not the only rebel town treated leniently. In fact, so willing was Louis to compromise that, as part of his settlement with King Edward signed in late 1348 at Dunkirk, he agreed to let the Flemish towns retain their previous agreements with Edward. Louis pardoned the men of Ghent and Ypres and immediately promised to renew their privileges, in spite of their rebellion; as he tried to consolidate his authority over the towns, he distributed at least eight pardons like the one issued to Bruges. Nevertheless, the weavers of Ghent refused to yield, and under their guild banners sought to "move the people against the count" (*esmouvir le peuple contre le conte*). Still, the fishmongers, *poorters* (*landholders*), and butchers opposed them in force under their own banners, those common emblems of revolt. Hundreds of weavers were killed. When the town capitulated in January 1349, their government was finally replaced by a coalition led by the fullers.[167]

Louis may have been able to secure local recognition of his authority from Bruges and soon convinced a number of other towns to go along with the royal support for his succession secured through his mother's position at the French court. Still, he was too weak to inflict a truly exemplary

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[165] Watts, *The Making of Polities*, 107. See also Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, chap. 6. The recent research on seigneurial war by Justine Firnhaber-Baker has sugested what may be a parallel development, but raises the question: is the waning of seigneurial warfare a sign of the rising sovereignty of kings or of the receding of pullulating lordship described by Thomas Bisson? Justine Firnhaber-Baker, *Violence and the State in Languedoc, 1250-1400*, Cambridge Studies in Medieval Life and Thought. Fourth Series 95 (Cambridge; New York: Cambridge University Press, 2014).

[166] For detailed accounts of the evidence on Jacob's assassination, as well as his sons' efforts to avenge this killing, see Nicholas, *The van Arteveldes of Ghent*, 62ff, 152ff.

[167] Philip Wielant reports that the townsmen went so far as to attempt to force Louis of Mâle to betroth an English princess when he came to Flanders in 1347 to subdue the rebellion. On the proposed marriage to the daughter of the English king, see Nicholas, *The Metamorphosis of a Medieval City*, 4; Wielant, "Recueil des antiquités de Flandre," 302–4. On the use of flags and banners in rebellion, see Cohn, *Lust for Liberty*, chap. 8.

punishment on the rebels. So minor was the punishment of this rebellion that the sixteenth-century jurist Philip Wielant – himself a historian with ample primary sources at his disposal – reflected on Louis of Mâle's repression of the revolt only by mentioning that the count "rid the land of bad men and restored justice" (*nectoyer le pays des malvais garchons et en mist le pays et en justice*): a judgment so vague as to stand in stark contrast to Wielant's descriptions of the aftermath of other fourteenth- and fifteenth-century rebellions (see chapter 4). The most he could report was that 290 wool manufacturers were handed over by Ghent as hostages and forced to swear never again to rise against either the count or the town of Ghent. In other words, the new municipal regime and the count were in agreement on the need to punish and weaken the power of the weavers' guild: they had overturned both the municipal and the comital order.[168]

In addition to clarifying these points of agreement between the count and the urban patriciate, the conclusion of this rebellion revealed that Louis of Mâle, like his father in the wake of the 1323-28 rebellion, enjoyed only very loose control of the Flemish towns. There is no record of an *amende honorable* in 1348, suggesting that his ceremonial sovereignty was limited. The most he could muster was the issue of pardons and confirmations of the towns' privileges, essentially renewing the older legal order in exchange for support in confronting Ghent. The most far-reaching concession he granted in the wake of the uprising was explicit permission for the towns to maintain their own treaties with the English king, thus ceding one of the core tenets of his princely authority. Louis "pardoned these towns and castellanies for their disobediences and rebellions against him," thus "confirming their privileges, laws, and custumals which they had enjoyed in the time of the good Count Robert, and with this consenting that they maintain their alliances made with the English and others."[169] In the wake of a subsequent rebellion punished in 1382, these documents would become embarrassing to Louis of Mâle, whose administrators began to contemplate the meanings and potential uses of these letters of pardon and their confirmations of urban privileges. These were informational tools of sovereignty, but completely decoupled from the symbolic elements of comital power.

But while 1348 may have been a nadir of comital sovereignty, both ceremonial and informational, the fluctuating coalitions of the Hundred Years War provided ample opportunities to modify the situation. For even if recent historiography has made clear that the Hundred Years War was not purely a competition between royal courts, the existential crisis of the French crown in the middle of the fourteenth century created certain circumstances that could not but affect the way sovereignty was wielded in the late Middle Ages. The Black Prince's destructive march across France in 1355, the capture of King John II (r. 1350-1364) by the English at Poitiers in 1356, the subsequent revolt in Paris led by Étienne Marcel (1356-58), and the contemporaneous *Jacquerie* (1358) brought the kingdom of France to the verge of dissolution. Once released, John II jettisoned entire portions of the kingdom by delegating appanages – areas of royal jurisdiction with parallel sections of the royal *domaine* and a ducal title – to his younger sons in the 1360s. This helped create stronger local authority at the expense of central power. Meanwhile, John's successor Charles V's (1364-80) military defeat of both the revolts and the English invasion saved the Valois dynasty and

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[168] Louis of Male's mother was daughter of former king Philip V (d. 1322). On the punishment of this revolt, see: Kittell, *From Ad Hoc to Routine*, 171. On the support of Philip of Valois for the Count of Flanders during the uprising, see ADN B113, fol. 138r, in which he grants Margaret and her son a charter allowing them to "soustenir leur estat durant les rebellions" on March 23, 1347. This amounted to a recognition by the king of Louis of Male's rightful inheritance after the death of his father in August of 1346 at the Battle of Crécy. On the hostages, see RAG, Chartes de flandre #643 (of the Wyffels inventory). On the general political situation, see Nicholas, *The Metamorphosis of a Medieval City*, 4; Wielant, "Recueil des antiquités de Flandre," 302–4.

[169] Quote from a summary of these pardons form a 1399 inventory of the Lille *trésor des chartes* created by Thierry Gherbode (see below), ADN B113 fol. 146r.

the French crown. Still, the new situation of limited royal power created a new set of opportunities for princes in the French periphery and borderlands to strengthen their own regimes and, increasingly, claim sovereignty over lands that were nominally within the French royal or German imperial domains, including Flanders, parts of which were under both jurisdictions. Whether they allied themselves with the English or the French kings, territorial princes benefited from the decades of disorder in the French realm to develop more robust princely institutions, as indicated by the growth of these principalities' administrative corps. In this sense, the conflict between England and France was a condition for the possibility of a rich period of administrative innovations by western European princes – especially dukes and counts – who could take over, direct, and enhance what was once "the royal machine" but now "in pursuit of their [own] territorial interests."[170]

Economic circumstances also transformed the relationships between Count Louis and the Flemish towns in mid-century. For centuries, the strong textile industries and guilds of the Flemish towns had tended towards support of the English crown and its provision of high-quality wool: this had been a matter of broad agreement in the towns since 1208, when *scabini Flandriae* (aldermen of Flanders) were assigned to negotiate with the English king on behalf of the common urban interest.[171] But an embargo on English wool imposed in 1336 seems to have hit Ghent particularly hard and was an important spark for the rebellion headed by van Artevelde and a coalition of powerful textile-trade forces. This consensus waned with the defeat of the revolt in 1348, as Bruges – no longer simply Flanders' leading port – was becoming "a genuine world marketplace" where international and local businessmen traded and changed currency. The money and power of a new Brugeois elite of brokers, hoteliers, bankers, and merchants "reshaped the urban economy and repressed the revolutionary aspirations of many urban artisans."[172] That elite also shared the count's strategy for stabilizing his power in Flanders: promote the textile trade in smaller towns at the expense of Ghent and its urban craft guilds. Louis managed for decades to minimize the power of the three great cities of Flanders over their hinterlands, all without overtly antagonizing them. By the 1360s, Count Louis of Male had succeeded in promoting a rural textile industry to rival that of the urban guilds. Within Flanders, his policy took the form of granting generous charters to the smaller

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[170] On the royal machine, see Watts, *The Making of Polities*, 182; on Edward's coalition in 1338, see 169. On the *appanages* of John II's sons (Louis became the Duke of Anjou, John Duke of Berry and Philip Duke of Burgundy and Count of the Franche-Comté) and the centrality of the Hundred Years War to accounts of the late Middle Ages, the crisis of the French crown at mid-century, and the formation of polities in particular, see Watts, 181–82; quote at 182. On the *Jacquerie* see the above historiography in Cohn, Lantschner, Mollat and Wolff, and Pirenne. On the growth of princely administration in the French periphery, see Gerard Nijsten, *In the Shadow of Burgundy: The Court of Guelders in the Late Middle Ages* (Cambridge, UK: Cambridge University Press, 2004); Vale, *The Princely Court*. On the legal situation of Flanders in the twelfth century, parts of which were subject to French royal and German imperial sovereignty, see R.C. van Caenegem, "Law and Power in Twelfth-Century Flanders," in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed. Thomas N. Bisson (Philadelphia: University of Pennsylvania Press, 1995), 151. For more on the growth of administrative corps in the princely states of the fourteenth and fifteenth centuries, see Nijsten, *In the Shadow of Burgundy*.

[171] Boone and Prak, "Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries," 103.

[172] On Bruges' changing economic position, see James M. Murray, "The Liturgy of the Count's Advent in Bruges, from Galbert to Van Eyck," in *City and Spectacle in Medieval Europe*, ed. Barbara A. Hanawalt and Kathryn L. Reyerson (Minneapolis: University of Minnesota Press, 1994), 139. On the Bruges elite's reshaping of the Flemish economy and opposition to guilds and artisans, see also David Nicholas, "The Scheldt Trade and the 'Ghent War' of 1379-1385," *Bulletin de La Commission Royale d'Histoire* 144, no. 1 (1978): 174.

towns and villages to moderate the dominance of the major towns over the county and over their hinterlands.[173]

Thanks to a weaker French crown and the reduced dominance of the "Three Members" over the textile trade, Louis of Mâle managed to maintain Flanders' strict neutrality between the French and English crowns. A commercial treaty with the latter balanced the betrothal of Louis' daughter to the son of the French king – a union that would determine the inheritance of much of the Low Countries. The balance was finally broken when Louis authorized Bruges to build a canal that would challenge Ghent's exclusive rights to trade along the Scheldt River, linking it to the Lys south of Ghent and enabling Brugeois traders to bypass the Ghent grain staple. In the summer of 1379, as work on the canal began, Ghentenaar paramilitaries began attacking workers and soon the town rose in revolt against Louis. They subsequently helped spur rebel factions in Bruges and Ypres to power, if only briefly. The involvement of the guilds in the spread of the 1378-85 rebellion, then, was initially a product of the shifting economic forces at play in the emergence of Bruges as a commercial center before capitalism.[174]

At first, Louis' newest conflict with Ghent remained a local concern. But in 1382, the confrontation became an international crisis pitting England and Ghent against France and the Count of Flanders. By the spring, spies reported to the count that Jacob van Artevelde's son Philip was preparing an alliance between the English crown and the Flemish towns, and was prepared to recognize King Richard as sovereign of both Flanders and France in exchange for a substantial army to assist Ghent against the count. One English army and two French armies swiftly entered Flanders, each with their own hopes and fears. A local rebellion in Flanders once more drew in forces from across Europe.[175]

French military presence in Flanders made Ghent's position difficult. Philip van Artevelde, the son of Jacob, had been called upon to patch together a collapsing coalition of forces in Ghent, where the situation was dire: the town had very nearly been starved out by its smaller neighbors and erstwhile subjects along the Scheldt, who had allied with the count. Philip was not beholden to either religious or military tradition in his efforts to gain the upper hand. He chose May 3, 1382, date of the Procession of the Holy Blood so central to the Brugeois religious and civic calendar, to stage a bold attack on Ghent's great rival and erstwhile ally. After marching all night undetected with a force of 4,000 from Ghent, Philip approached the town in the afternoon. In what was probably the first use of gunpowder weapons in a frontal attack rather than a siege, Philip's troops slaughtered the militias of Bruges and the troops organized by Count Louis of Mâle – all of whom were "full of meat and wine" from the festive celebrations. As the drunk militiamen fled back through the gates –

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[173] Louis of Mâle's balancing of French and English power is discussed in J. J. N. Palmer, *England, France and Christendom, 1377-99* (London: Routledge & Kegan Paul, 1972), 20; Nicholas, *The Metamorphosis of a Medieval City*, 9. On his relationship with the smaller towns of Flanders, see Nicholas, *Town and Countryside*, 204.

[174] See on Bruges Howell, *Commerce before Capitalism in Europe, 1300-1600*; James M. Murray, *Bruges, Cradle of Capitalism, 1280-1390* (Cambridge University Press, 2005).

[175] Louis of Mâle's embargo on importing wool from England as a means of quashing the rebellion helped spur the joint French and English invasions, but J.J.N. Palmer suggests the driving force was the English crown's fear of a French prince, Louis' son-in-law, and heir Duke Philip of Burgundy, uncle of the French king, inheriting the rich county of Flanders. He even goes so far as to call this episode the "War of Burgundian Succession." See Palmer, *England, France and Christendom, 1377-99*, 20–22. Since Philip and Margaret of Mâle had married in Bruges in 1369 – and Philip had thus long been heir to Flanders – Palmer's description seems somewhat exagerrated. For more on the continued cooperation between Ackerman, Ghent, and the English crown, see Palmer, *England, France, and Christendom, 1377-90*, 23; Appendix 2 has the text of an April 1382 letter from the spies in England to Louis, with some interesting evidence of their capacities and means of disguise, in a transcription and translation of ADN B1337 no. 14596. For more on van Artevelde's pursuit of the war, see Nicholas, *The van Arteveldes of Ghent*, 172–73. On Louis of Male's escape and the Gentenaar attack on Bruges, see Wielant, "Recueil des antiquités de Flandre," 308.

possibly betrayed by the weavers and fullers of Bruges – Ghentenaar forces were able to follow them in and take the town. Philip van Artevelde punished the town with vengeful force, unleashing a reign of terror: Bruges' fortifications were destroyed, the count's residence was sacked, and massive food stores were raided and sent to relieve embargo on Ghent. Philip forced the residents to swear allegiance to a new municipal regime, executed the count's supporters, and sent wealthy Brugeois as hostages to Ghent to guarantee the payment of a steep war indemnity, a rebel version of the punitive repertoire established in the previous century.[176]

## Writing and Rebellion in Northwest Europe, 1380-82

The rebel forces could not find Count Louis of Mâle, who was in town to attend the procession; he had managed to slip out of town, legend has it, by disguising himself and swimming across the moat in the unassuming costume of a peasant and fleeing to the nearest French town, Lille (*en habit dissimulé et se tira vers Lille*). His government, certainly in Flemish-speaking Flanders, swiftly collapsed as the rural mansions of the nobility were raided by townsmen. His own castle of Mâle, outside Bruges, was raided and burned, and the mob seized his baptismal font and childhood cradle; they smashed them to pieces and sent them to Ghent as trophies.[177] Soon Louis headed to France to join his son-in-law and successor, Philip of Burgundy, who would spend the next half year accompanying the young King of France Charles VI (r. 1380-1422) in suppressing a number of revolts in Paris and Rouen. His experiences in the company of the French court and the horrifying specter of rebellions he observed disturbing the order across Flanders and northern France in a series of revolts of which he orchestrated the repression shaped his exercise of sovereignty as the next ruler of Flanders. Perhaps thanks to these experiences, he would manage to improve both his informational and ceremonial sovereignty in the wake of the repression of this Ghentenaar rebellion.

Nor was the princely trepidation necessarily unfounded. Many have noted rebellion's tendency to spread, and even pointed to different means of its spreading in different regions. During the rash of protests two decades earlier, the urban revolt led by Étienne Marcel in Paris had adopted "Gand!" as a war cry. Now, in 1380-82, uprisings in Rouen, Amiens, and Paris made the cry "Vive

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[176] An entertaining and exhaustive description of Bevershoutsveld appears in Robert Douglas Smith and Kelly DeVries, *The Artillery of the Dukes of Burgundy, 1363-1477* (Boydell Press, 2005), 60–63. See also Palmer, *England, France and Christendom, 1377-99*, 20; and Jonathan Sumption, *Divided Houses*, The Hundred Years War 3 (London: Faber and Faber, 2009), 456–57. Philip van Artevelde opened access the city council to guild members, but the regime was not as democratic as nineteenth-century Belgian national historians suggested. As Mollat and Wolff point out, Jacob was a "wealthy broker… whose career fell within the framework of the political traditions and economic interests of the narrow elite that had governed Ghent during the thirteenth century" – "the opposite of a people's man." Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 61. In January 1382, in an elaborate courting described with flourish by Froissart, Philip was 'miraculously' pulled from the pages of history and anointed leader. He died at the Battle of Roosebeke the same year. Froissart's account of Philip's choice as leader is followed by an account the English rising of 1381, indicating the sense in the early 1380s that revolt was ubiquitous. On Philip van Artevelde, see Froissart, *Oeuvres de Froissart publieés avec les variantes des divers manuscrits*, vol. 9: 377. See also Nicholas, *The Metamorphosis of a Medieval City*, 10; Nicholas, *The van Arteveldes of Ghent*, 171–85. On Philip's return to Flanders and on the Battle of Roosebeke, where the French once again brought the *oriflamme* to battle, see Palmer, *England, France and Christendom, 1377-99*, 49. Book 3, chapter 15 of the *Chronique du Religieux de Saint-Denys* reports a rousing speech by Philippe van Artevelde to the troops of the Flemish militias. Philip noted that "vain appearances contribute nothing to success. You will see an [French] army glittering in gold and silver…But for a long time you have known this apparel of shining insignia, and your enemy is no more terrifying for it." Quoted and translated in Samuel Kline Cohn, *Popular Protest in Late Medieval Europe: Italy, France, and Flanders / Selected Sources Translated and Annotated by Samuel K. Cohn, Jr.*, Manchester Medieval Sources Series (Manchester: Manchester University Press, 2005), 286, source number 140; for the burning of Courtrai by the French army, see the subsequent source.

[177] Sumption, *Divided Houses*, 458.

Gand!" in honor of the latest van Artevelde rebel regime there.[178] Beyond the slogans and war cries that inspired rebels in different cities to action, their links became more institutionalized. As early as 1265, the towns of Liège, Huy, Sint Truiden, and Dinant had formed interurban alliances to oppose their sovereign, the Bishop of Liège. No later than 1274, the weavers and fullers of Ghent were coordinating with colleagues in Bruges and Brabant to withhold their labor from their patrician bosses. Since at least the year 1300, documents recording alliances between towns appear periodically between Flemish, Brabantine, and Liégeois towns. As Cohn points out, the revolts of 1297-1304 and of 1323-28 had not been "revolts of Bruges, Ypres, or Courtrai per se but were regional, even international revolts that crossed the borders of Flanders, Hainault, and Liège as well as the Flemish-French frontier."[179] The invasion of Philip IV the Fair of France in the year 1300 was countered by an alliance known as the Cinq Villes, one including towns on both sides of the French-Flemish border and that reappeared in various institutional forms over the following centuries.[180] While these were often alliances of convenience, networks of communication and assistance between rebel groups in France and Flanders seem to have played a role. The chronicler of Saint-Denis, for example, described how the *peste rebellionis* reached Paris: it "came from the Flemish, …spread by their messengers and leaders and by the example of the English, who, at the same time, were rebelling against their king and the magnates of the realm." Froissart also attests to the wider impact of the Flemish militia's defeat at Roosebeke:

> If the villains had achieved their purpose, the commoners would have engaged in rebellion everywhere, committing unprecedented ravages and atrocities against the nobly born. The citizens of Paris with their long hammers became more cautious. How did they like the news of the defeat of the Flemings and the death of their leader? They were not cheered by it. Neither were the Good men in a number of other towns.[181]

But even if this tendency of Flemish rebellion to spread was neither new in 1382 nor exclusive to Flanders, the timing of Ghent's rebellion was fateful. Charles VI's succession to the French crown in 1380 as an eleven-year old and the powerful duke of Anjou's departure for an

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[178] For more on the shared feeling of these revolts, see Godefroid Kurth, *La Cité de Liège Au Moyen Âge*, vol. 1 (Bruxelles, 1909), lxix. The rebels of Ghent had drawn encouragment from "an insurrection at Malines, itself encouraged by Liége," say Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 165. Cohn, *Lust for Liberty*, 163–64. These chants can be found in Mirot, *Les insurrections urbains*, pp. 92, 98, 110. See also Froissart, who goes into depth on the Flemings' role in inspiring other revolts, even juxtaposing portions of his account of the uprisings of France, England, and Flanders in the early years of the 1380s.

[179] Cohn, *Lust for Liberty*, 161–62. For the example of a specific rebel, possibly under the influence of torture, admitting to inter-city contact between Bruges and Geraardsbergen, see Dumolyn and Haemers, "Patterns of Urban Rebellion in Medieval Flanders," 383.

[180] See, for example, reference to a 1431 iteration of these cinq villes de Flanders in a lettre close of the échevins of Ghent to those of Lille, confirming that the latter "estoit l'une des cinq villes de Flanders et la quatrième en ordre, et se ils se volloient joindre avec ceux dudit pais d'Artois pour avoir trèves comme ceux du pays de Bourgogne, ils s'en rapportoient à eux." A copy of this text appears in a twentieth-century copy at the Bibliothèque Municipale de Lille, Fonds Godefroy, manuscript 210, fol. 435.

[181] Both Froissart and the Saint-Denis chronicler are quoted and translated in Cohn, *Popular Protest in Late Medieval Europe*, 164. Such links and connections were apparent in the *Jacquerie* of 1358, when surviving chants and letters written by rebels linked the rebels in Normandy, Orléans, Montpellier, and Paris – where the rebel leader Étienne Marcel adopted the war cry of "Gand!" in reference to Jacob van Artevelde's battle with the Flemish count in the 1340s. Marcel also sent letters seeking support for his revolt to the towns of Ypres and Ghent, eventually inspiring them to rise against the Flemish nobility in 1359 and 1360. See Cohn, *Lust for Liberty*, 162; and Cohn, *Popular Protest in Late Medieval Europe*, doc. 101. Some have suggested that the very idea of urban autonomy may have spread from Italy through the Dominican order, and pointed out that these ideas often spread through elite schooling as well. Boone and Prak, "Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries," 104–5.

Italian campaign the next year meant a revision of the crown's priorities. Now the most powerful royal uncle at court, Charles' uncle Philip of Burgundy anticipated taking control of his wife's inheritance in Flanders, and was intent on restoring his father-in-law Louis of Mâle's authority there. While appanages had ensured the survival of the French kingdom, moreover, they had greatly reduced the crown's tax base, which was siphoned off into the regional tax revenues of the dukes of Berry, Burgundy, and Anjou. The financial burden of fighting the English thus fell on Paris, the Île de France, Normandy, Picardy, and Champagne alone. In all these regions, opposition to royal taxation mounted steadily with the death of King Charles V in 1380.[182]

In England, too, the economic pressures of wartime prompted a broad-based and politically formidable rebellion. A loose coalition of urban and rural rebels marched on London in 1381, ransacked the estates of a number of royal and ecclesiastical officials, summarily tried and hanged some of the king's greatest lords and administrators, and forced the crown to issue charters proclaiming the end of serfdom. The French royal historian Michel Pintoin, in England the week Wat Tyler and his rebel allies took control of the capital, was horrified to hear of the murder of Archbishop Sudbury nearby. Thomas Walsingham, a monk and chronicler at Saint Albans, was equally upset. He described this so-called English Peasants' Revolt of 1381 as the grand conspiracy of a blood-thirsty mob of illiterates. Still, as Stephen Justice has recognized, it was Walsingham's inclusion in his chronicle of five vernacular letters, apparently written by leaders of the rising, that provide the best information on the literacy, nature, motivations, and targets of the English rebels. For while Walsingham's account is filled with hyperbole, these letters and the judicial records created during the perpetrators' subsequent trials speak of more localized violence, not a grand conspiracy. Still, while the uprising may not have been a conspiracy, rebels all over had common targets: foreigners, prisons, agents of the law, and document repositories.[183]

Moreover, in Justice's hands, the actions of the rebels of 1381 reveal both a set of express goals and a remarkable understanding of the power of writing. He contrasts the tone of Walsingham's narrative account of rebel actions – which communicate clearly his view of the rebellion as a conspiracy against the crown and an attack on royal and ecclesiastical officials like himself – with the results of those actions: if the rebels had been an aimless illiterate mob, why did they leave the Oxford library untouched, but attack the university's charters; burn a selection of documents seized from the Savoy Palace, home of John of Gaunt, but skewer others on a pitchfork and march them around; demand specific older charters of privilege at monasteries and create new ones in which they mimicked the vocabulary and form of royal documents? So focused on documents were the rebels that manorial courts would retroactively refer to the rising as "the uproar and the burning of the court rolls" (*tempore rumoris et combustionis rotulorum curie*). Justice points out that few contemporary readers of Latin would need to be convinced that the 1381 rising was abominable, and that no writer of Latin would have taken lightly the demands of an angry mob demanding access to its charters. Precisely this situation transpired at Walsingham's home monastery of Saint Albans, where the gathered crowd demanded certain charters and rolls of the house and proceeded to toss them into the flames (*flammis consumpserunt*). But then, Walsingham continues, they went on to insist on "a certain ancient charter confirming the liberties of the villeins, with capital letters, one of gold and the other of azure." In other words, they asked the abbot for a charter older even than that with which he ruled them. And yet, to Walsingham, the mob's goal was "that the

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[182] Philip was also less adamant than Anjou in his opposition to the English. Sumption, *Divided Houses*, 441–42; Justice, *Writing and Rebellion*. The war-tax model of state formation referred to here is stated most clearly in Tilly, *Coercion, Capital, and European States*; see also John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783* (Cambridge: Harvard University Press, 1990).

[183] Sumption, *Divided Houses*, 443.

memory of ancient things would vanish, and their lords would never again have a law to punish them with."[184]

While the rebels frequently burned documents, they did so "with a specificity that shows their familiarity and competence with the forms of literate culture. The insurgent animus against the archive was not the revenge of a residually oral culture against the appurtenances of a literacy that was threatening because alien and mysterious." Administrative sources suggest instead that it targeted those who controlled official writing, monopolizing it as a tool of power. Another account of the Rising, the *Anominalle Chronicle*, describes the destruction of "all the registry books and rolls of the chancery" found at Sudbury's home. To know that they would find these parchments there, they had to know that Sudbury was both archbishop and chancellor of the realm, and thus responsible for documents of the royal chancery. Participants in the rising thus exhibited an acute awareness of the power of documents and sought to counter this elite monopoly over official documents. While the peasants, townsmen, and preachers may have risen against the king's government in 1381, both sides exhibited an awareness, if not an acceptance, of the same documentary culture. Not only was the Rising far more organized than the elite narrative sources reveal, it was also far more discerning of the intricacies of knowledge-power, aware of the locations, uses, and intricacies of the power of writing.[185]

Only months later, similar episodes of violence erupted in France, only a week before King Charles VI's new taxes were to come into force in February 1382. Rouen, dominated by the labor-intensive industries of woolen cloth manufacture and shipbuilding, was experiencing similar economic difficulties to the Flemish towns still in revolt to its northeast: widespread unemployment, rampant immigration from the countryside, and a growing gap between rich and poor. The chronicler of Saint-Denis reports that a group of Rouennais craftsmen's assistants (*et qui publicis officionis mechanicis inserviebant artibus*), emboldened by drink and rumor of opposition to the tax elsewhere in the kingdom, staged an elaborate mockery of it: they chose a particularly fat cloth vendor, raised him onto a chair and the chair onto a chariot. "The cry of a herald" added to this late medieval parody "so ridiculous that it even justifiably made prudent men laugh." The newly-crowned "king" proceeded to encourage the mob to audacious acts of violence against tax collectors, and other buildings thought to hold public records. They stormed the charter tower at the church of Saint Ouen and "disrupted and tore to pieces the monastic privileges." Another chronicle, written by a Rouen resident and likely eyewitness, describes their entry into the monastery somewhat differently: the rebels, who he calls the "wrongheaded and badly-advised commoners," held several large assemblies in the chapter house of Saint-Ouen. They then "forced the monks to bring out their property charter" and "wished to force the monks, abbot, and monastery of Saint-Ouen to surrender and renounce all claims and end all their law suits against the city." In a third chronicle account, Pierre Cochon describes how the crowd drew up such a document themselves, proceeded to tear up the privileges of the church's landed dominion, grant themselves the right to appoint priests, and make their way to the wine cellar. According to the probable eyewitness account, the crowd "forc[ed] the monks to draft many invalid ordinances."[186]

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[184] Justice, *Writing and Rebellion*, 44, 258.

[185] Quotes at Justice, *Writing and Rebellion*, 40, 41, 43; on the audience of chronicles, see pages. 258-59. For more on writing and the 1381 Rising, see Nicholas Brooks, "The Organization and Achievements of the Peasants of Kent and Essex in 1381," in *Studies in Medieval History: Presented to R.H.C. Davis*, ed. R.I. Moore and Henry Mayr-Harting (London: Hambledon Press, 1985), 247–70; Susan Crane, "The Writing Lesson of 1381," in *Chaucer's England: Literature in Historical Context*, ed. Barbara A. Hanawalt (Minneapolis: University of Minnesota Press, 1992), 201–22; R. H. Hilton, *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381* (London; New York: Routledge, 2005).

[186] The first account is from Cohn, *Popular Protest in Late Medieval Europe*, 276–77, source number 136. For the Rouen resident's chronicle, see Cohn, 289, source number 144. The relevant passages of Cochon's chronicle, the *Chronique*

This kind of violence against, appropriation of, and targeting of government archives in response to the new tax continued to spread with the rebellion. On March 1, 1382, the commoners of Paris rose against their growing tax burden. The first victim was a royal tax collector in Les Halles who was demanding the tax from a simple "woman selling greens, called *cresson* in French [watercress]." The crowd wounded and, according to the chronicler of Saint Denis, killed him. From there they went on to attack more royal officers and stormed "the royal prison of the Châtelet, freed the prisoners and ripped up the registers, acts, and charters they found there concerning the king, his jurisdiction, and his officers."[187] Judging by Thomas Walsingham's distortions of the previous events in England, these descriptions from French chroniclers should be judged with some skepticism, but the rebels' repeated attention to document repositories deserves our attention.

Neither the spread of the revolts nor their repression escaped the attention of contemporary chroniclers. The Rouen chronicler reports something like an *amende honorable*: "the king of France, who was a child, with the duke of Burgundy, his uncle and chief advisor," travelled to the Bois de Vincennes outside Rouen for Lent. There "several bourgeois of Rouen came to plead" on behalf of the town, and the royal retinue was made "well informed about what had happened in this city." After a semblance of order was restored, Philip was at Charles' side during his Joyous Entry to Rouen to celebrate his succession to the crown. The punishment for their tax revolt was the beheading of six "people of the lowest estate [*petit estat*] and of bad behaviour." Royal grace was granted to another six persons, and the townsmen were forced to deliver all their weapons to the castle and dismantle the urban defenses. Finally, King Charles "removed the office of the mayor and Rouen's jurisdiction and control over its commune and placed them into his own hands."[188]

The events of these "années révolutionnaires," as Mollat and Wolff dubbed them, could not have failed to influence Duke Philip of Burgundy, whose army led the repression of the revolts before returning to put down the rebellion in Flanders in November. After accompanying his young nephew the king through this series of tax rebellions and their repression – with the tales of revolt in

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*Normande de Pierre Cochon notaire apostolique à Rouen*, are at Cohn, 292, source number 145. He continues: "And they freed the prisoners from the town hall and those of the vicar general, and they tore up the privileges of the barony of Saint-Ouën and they took over the rights of appointing the priests for Notre-Dame of Rouen. And everything they demanded they drew up in a charter of the rights and liberties of Normandy," before continuing on to raid the wine cellar in the home of a former mayor. On all of these revolts, see also Michel Mollat and Phillippe Wolff, *Ongles bleus, Jacques et Ciompi: les révolutions populaires en Europe aux XIVe et XVe siècles*, Les Grandes vagues révolutionnaires (Paris: Calman-Lévy, 1970); Sumption, *Divided Houses*, 443–47.

[187] Cohn, *Popular Protest in Late Medieval Europe*, 290, source number 244; 278, source number 136. For more evidence of archive targeting around this time, see more archive targeting: Jacoba van Leeuwen, "Rebels, Texts and Triumph: The Use of Written Documents during the Revolt of 1477 in Bruges," in *Strategies of Writing*, Utrecht Studies in Medieval Literacy 13 (Turnhout: Brepols, 2008), 312–16; Maurice Dommanget, *La Jacquerie* (Paris: Maspero, 1971), 81–82; Christoph Mauntel, "Charters, Pitchforks, and Green Seals: Written Documents between Text and Materiality in Late Medieval Revolts," in *Communication and Materiality Written and Unwritten Communication in Pre-Modern Societies* (Berlin, Boston: De Gruyter, 2015). On the subsequent discussion of Walsingham, see the subsequent note.

[188] On the punishment of Rouen, see Cohn, *Popular Protest in Late Medieval Europe*, 290–91, source number 144. Charles' entry to Rouen does not appear in Guenée and Lehoux, *Les entrees royales francaises de 1328 à 1515*. In his edition of Froissart's Chronicles, Gaston Raynaud adds that 300 Rouennais notables were arrested and a portion of them executed. Like Rouen, Caen was granted a letter of remission the following April. Jean Froissart, *Chroniques de J. Froissart*, ed. Gaston Raynaud, vol. 11 (1382-1385) (Paris: Librairie Renouard, 1899), xx.. The *Chronique des quatre premiers Valois*, 297-301 gives no indication that the attacks on tax collectors were punished further, though there is mention of the crown restoring Saint-Ouen's charters. Godefroy's 1653 publication detailed the seizure of charters at Rouen and after the Battle of Roosebeke. Godefroy who would be the archivist of the *trésor des chartes* of Lille between 1668 and his death in 1681 (see chapter 4). Jean (fils) Juvénal des Ursins, *Histoire de Charles VI, roy de France, et des choses memorables aduenuës durant 42 années de son regne, depuis 1380 iusques à 1422*, ed. Denis II Godefroy, Augmentée en cette seconde edition de plusieurs memoires (Paris: Imprimerie Royale, 1653), 14, 17. Gauvard's account of the punishment of Rouen describes Charles VI's use of the right of delivery of prisoners in preparation for his Joyous Entry. Gauvard, *De Grace especial*, II: 922.

England, Paris, and Rouen no doubt still reverberating – Philip of Burgundy and his father-in-law Louis of Mâle returned to Flanders with a royal army and the backing of the young king, where they took on the rebel forces at the Battle of Roosebeke on November 26, 1382. The force raised by Philip of Burgundy, his father-in-law Louis of Male, and the French king Charles VI in late 1382 made short work of Philip van Artevelde. Philip's rebel army, thinking the marshy conditions would be favorable for a confrontation with the horses and artillery of the French troops, entered the field of battle behind the standard of Saint George and "many others, on which the tools of all the craft guilds were painted." Philip van Artevelde's force was decimated, and his corpse was later put on display at Ypres as an example. Immediately after the battle, the French army marched on Courtrai, where they removed the city gates, sacked the town in opposition to the king's orders, slaughtered fleeing townspeople, and "consumed the town in a torrent of hungry flames."[189]

The defeat of Roosebeke was mourned in the workshops of Liège, Paris, and Rouen: as their banners suggest, the spirit of this latest Ghent rebellion was particularly identified with that of the craft guilds.[190] Moreover, within the space of a year, dozens of the most important royal and ecclesiastical archives in England and France had been taken by well-informed, clear-minded, at times even satirical rebels engaged in similar and linked rebellions across northwest Europe. Soon to be count in Flanders, Philip was well-practiced in the repertoire of punitive politics from his repression of the so-called *peste rebellionis* against the French boy king. And whether or not he noticed, contemporary chronicles and court records alike show the revolts of 1380-82 in France, Flanders, and England exhibited a remarkable new fixation with archives and other sites of administrative power.

## Writing and Repression

The punitive repertoire in the wake of the Battle of Roosebeke was familiar. Bruges, and numerous other towns that had more-or-less reluctantly joined Ghent's war against the count, surrendered to the French. The king granted them pardons, starting with a delegation of twelve Brugeois who came to kneel before him at Courtrai. Their plea of forgiveness, recorded in Froissart, blamed the rebellion on Philip van Artevelde and Ghent. The count, apparently convinced by their pleas, joined them in kneeling before the king, and the king promised his troops would spare the town. Then, at Torhout, more "bourgois et habitans de la ville de Bruges" came to proclaim obedience to the king on November 30 and to submit to him, decrying all their "rebellions, faults, and disobediences conducted against him and his predecessors as kings of France (*de toutes rébellions, faultes et desobeissances*

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[189] Mollat and Wolff are cited in Dumolyn and Haemers, "Patterns of Urban Rebellion in Medieval Flanders," 378. On Philip's return to Flanders and on the Battle of Roosebeke, where the French once again brought the *oriflamme* to battle, see Palmer, *England, France and Christendom, 1377-99*, 49. Book 3, chapter 15 of the *Chronique du Religieux de Saint-Denys* reports a rousing speech by Philippe van Artevelde to the troops of the Flemish militias. Philippe noted that "vain appearances contribute nothing to success. You will see an [French] army glittering in gold and silver…But for a long time you have known this apparel of shining insignia, and your enemy is no more terrifying for it." Quoted and translated in Cohn, *Popular Protest in Late Medieval Europe*, 286, source number 140; for the burning of Courtrai by the French army, see the subsequent source. Note that Froissart tells a somewhat different story, one which includes the king's intent to avenge the Battle of the Golden Spurs in 1302. See Froissart, *Chroniques*, chap. 125.

[190] For more on the shared feeling of these revolts, see Kurth, *La Cité de Liège Au Moyen Âge*, 1:lxix. The rebels of Ghent had drawn encouragment from "an insurrection at Malines, itself encouraged by Liége," say Mollat and Wolff, *The Popular Revolutions of the Late Middle Ages*, 165. Cohn, *Lust for Liberty*, 163–64. These chants can be found in Mirot, *Les insurrections urbains*, pp. 92, 98, 110. See also Froissart, who goes into depth on the Flemings' role in inspiring other revolts, even juxtaposing portions of his account of the uprisings of France, England, and Flanders in the early years of the 1380s.

*qu'ilz li ont faictes et à ses prédécesseurs, roys de France*).[191] Much like the submission of 1328, the sovereignty of the French king is emphasized in this submission: the townsmen must "hold… the king of France as their true sovereign." Specific reference is made to letters confirming urban alliances against the count and king: all alliances and federations with enemies of the king were to be considered "null and as if cancelled and moot, and of no value." The town's rebels were to "come prone and make amends before the king and submit to his punishment and justice" (*faire prenre et amener devers le roy pour en fait punition et justice*) suggesting that they were forced to make *amende honorable* before the king; the *amende profitable* was 600,000 francs, 100 *chars* of bread, and 100 barrels of wine to sate the Breton soldiers who would now be prohibited from plundering Bruges.[192] All of this was in accordance with previous submissions under similar circumstances.

Ostensibly, the punitive archival measures maintained a division between royal and comital authority. All the privileges and laws the towns had obtained from past kings of France were to be brought to the king and those issued by the counts of Flanders should be brought to the count "to do with as [each] saw fit." Specific instructions regarding the van Arteveldes' alliances with England – they were to be "cassées" and brought to the king[193]– suggests he saw the alliances with successive English kings as a particular affront to his rule. But while the king had been allowed to receive the submission and grant the pardons, the count would be responsible for collecting these and other documents. Just as the count of Flanders Louis of Nevers (and not King Philip VI) had built up his informational sovereignty in the wake of the Battle of Cassel, Count Louis of Mâle and his successor Philip of Burgundy took full advantage of these opportunities in the wake of the Battle of Roosebeke. The rebel towns were subjected to the most far-reaching collection of urban documents for which there is a record in fourteenth-century Flanders. No general confiscation order survives, but the rebel towns were made aware of their obligation to deliver their documents to comital officials.[194] This is evident from a series of inventories at the Archives départementales du Nord

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[191] The *Chronique du religieux de Saint-Denys* reports that "the princes of the counties…sent ambassadors [to the king] with words and gifts carefully chosen to please him and promptly offered to submit to him in any way." The chronicler may be confusing the submitting towns for lords. Cohn, *Popular Protest in Late Medieval Europe*, 287, source number 141. For the submission of the first twelve Brugeois, see Froissart, *Chroniques de J. Froissart*, 11 (1382-1385):63. The manuscript source for this edition, per the Online Froissart, is Leiden VGGF 9 (vol. 2), provides the text without the modernizations in spellings. There, folio 153r reads: "Car loiaulment il estoient envers leur signeur le conte acquité a le bataille de Brugez, ly rois entendy a leurs parollez, par le moien dou conte Flandrez, qui la estoit presens, qui en pria et s'en mist en jenoulz devant le roy." We can be certain that Froissart is referring to the count kneeling, because, earlier on the same folio, he writes of the Brugeois: "Et le trouverent et sez on clez dalléz luy, si se missent en genoulz devant luy." It is remarkable that the first requirement of the king's pardon was that the Brugeois accept Clement as the true pope. Edouard André Joseph Le Glay, *Chronique rimée des troubles de Flandre a la fin du XIVe siécle, suivie de documents inédits relatifs a ces troubles, publiée d'après un manuscrit de la bibliothèque de M. Ducas, à Lille* (J. Ducrocq, 1842), 106–9, citing a document transcribed in the 7th cartulary of Flanders, fol. 8v.

[192] Furthermore, "hostages, bons et suffisans" were to be handed over in order in order to ensure the submission's provisions were enforced. Le Glay, 108: "nulles et comme cassés et vaines, et de nulle valleur;" "que ilz tendront à tous jours mais doresnavant le roy et tous ses successeurs roys de France, à leur vray seigneur souverain."

[193] The princes would have the right "pour en faire et ordonner à son volonté." From the king's pardon of Bruges, November 30, 1382. See edition in Le Glay, 107. "Item, que toutes fédérations et alliances faites ou consentues par eulx ou aucun d'eulx, ou par aultres quelconques en leur nom, aux Englois ou altres alliez ennemiz du roy, tant du temps de Jaque ou Philippe d'Artevelde comme autrement, en quelque manière que ce soit, faites ou encommenchiés à faire, tendront pour nulles et comme cassées et vains, et de nulle value, et de fait les apporteront au roy."

[194] Joseph-Marie-Bruno-Constantin, Baron Kervyn de Lettenhove (1817-1891), a Belgian historian and politician whose histories of Flanders went through half a dozen editions in the nineteenth century, writes that such an order was given out on the field of battle, but he provides no citation; his determination that the national spirit lived on although "Flemish liberty had lost its titles," should make us skeptical. Lettenhove, *Histoire de Flandre*, 330. In another edition of his history, Lettenhove writes that this was Louis of Male's first act once his authority had been restored: "Par une

listing at least 300 documents collected from dozens of towns, castellanies, lands (*terroirs*), and other jurisdictions at the comital administrative center of Lille in the early months of 1383. The lists of these documents and the commentary recorded by Count Louis' council, which examined the documents, provide partial information on the methods and purposes of collection: the confiscation campaign was not systematic. Nonetheless, their evidence provides remarkable detail on the efforts of the count's officials to survey the archives of his subjects.

Beyond their specific efforts to collect past pardons, privileges, and alliances, the councilors also extracted information from the archives of the defeated towns. At times they suspected, with some justification, that not all the documents demanded had been delivered. Rollers, for example, submitted only one document. Seeing as the document and its seal had been separated because the piece had been poorly kept, the town probably had no better than a rudimentary archive; nevertheless, the count's councilors suspected that there were more such documents the town had failed to submit.[195] This type of non-compliance with the submission was certainly possible, since most of the towns were responsible for delivering their own documents. In other cases, however, comital officials carried out direct confiscations. An order given in Hazebrouck just after the Battle of Roosebeke sent the provost of Bruges, Goessen de Wilde, to the Franc of Ypres (its hinterland) "in order to have removed the privileges and franchises that must later be transported to the castle at Lille." It was de Wilde who also collected the documents of Bruges and the towns and castellanies of West Flanders before delivering them to Lille. Perhaps unsurprisingly these jurisdictions whose document submissions were overseen by de Wilde tended to deliver more documents on average than the others; still, a remarkable degree of compliance seems to have obtained across Flanders.[196]

The comital council's primary concern in sorting through the documents handed over was to determine if they could be detrimental to their lord's interests. If "nothing was found against Monseigneur" (*n'y troeve-on riens contre Monseigneur*) – true for the vast majority – the document in question was to be returned to the entity that had submitted it. One inventory comprised of the documents delivered by twelve towns, two castellanies, and a *terroir* is among the best pieces of evidence from this episode. The corpus it describes is composed of a seemingly representative sample of 106 documents, of which the council recommended only 14 be retained by the count. In some cases, the councilors' comments give a precise reason for the decision to retain them: two identical documents had been delivered, so one was to be kept and the other returned; the custumal delivered by Bourbourc gave the aldermen the right to judge crimes such as murder and rape, a right the count contested; several unsealed documents were also confiscated, presumably because they were of questionable authenticity. There were other, still more eclectic reasons for refusing to return

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mesure générale, Louis de Male avait exigé que toutes les villes de Flandre lui remissent leurs priviléges." Lettenhove, *Epoque Communale. 1304 - 1384. Depuis le traite d'Athies jusqu'a la bataille de Roosebeke*, 3:554.

[195] This latter concern was also noted with regard to the castellany of Ypres (I pardon l'an XLVIII). On Rollers: "une lettre de Monseigneur, donnée l'an XLVIII et sont désevreez de seel et d'escripture pour ce qu'il estoient mal gardeez, et on suppose qu'il en ont plus." Another example was Warneston, which had brought only "un livret en pappier, contenant leurs usages."

[196] More information on the confiscations of 1383 can be found at ADN B263, 1270, 1273, 1313, 1318, 1324, 1361, 1367, 1369, and ADN b19898.2. See Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:196. It is unclear whether documents were eventually delivered to the French crown, but an undated entry in an inventory held in the *trésor des chartes* at the Sainte Chappelle in Paris describes "lettres du dit monseignuer Robert, par lesquelles il promet à oster et restreindre, au conseil du roy et de ses successeurs, les lois, les coutumes, les establissemens, privileges et franchises des villes de Flandres qui sont contre raison, contre le roy ou contre le dit monseigneur Robert, sus ceste fourme." If the Robert referred to here is Robert of Cassel, these may be documents confiscated in either 1328 or 1382. See BNF, Archives et mansucrits, Latin 12726. The order issued at Hazebrouk "Le Glay, *Chronique Rimée des troubles de Flandre*, 142–43. On Wilde, see Bertrand Schnerb, *Jean Sans-Peur: Le Prince Meurtrier*, Biographie Payot (Paris: Payot, 2005).

the documents collected, including several documents on the count's legitimation of bastard children that the council seems to have been curious about and was simply retaining for its own records, with no apparent relation to the towns' punishment.[197] But in general, none of the documents retained seem to be particularly detrimental to the count's interests; one is left with the feeling that the very collection of the documents – and the exhibition of power it implied – was the point.

These inventories of surveyed urban documents also reveal an attempt by comital officials to take control of the legacy of previous Flemish rebellions: seven of the fourteen retained documents listed in that same inventory of 106 pieces were pardons granted to the towns of Flanders in 1348 by Count Louis of Mâle himself – the same pardons of Ghent's 1337-48 rebellion and alliance with the English that were mentioned above. The marginal comments in the inventory of confiscated documents note that these should "never be returned, because it confirms the alliances made with the English" (*ne soit point rendue, car elle conferme les aliances faites avec les Anglois*).[198] As such, they were best not left in the hands of urban administrators. Yet they were not handed over to the royal administration, as King Charles had demanded in the pardon granted to Bruges in November 1382. Instead, once they had reached the count's officials and were examined by his council, these seven pardons were placed in the Lille *trésor des chartes* of the Flemish counts, where that archive's first comprehensive inventory, created in 1399, would describe them in detail:

> *Item*[:] documents of the late Monseigneur Louis [of Mâle], Count of Flanders recently deceased, from the date of CCC xlviii [1348], granted by him to many of the towns and castellanies of Flanders, when the said Monseigneur the count [...] pardoned these towns and castellanies for their disobediences and rebellions against him, and confirming their privileges, laws, and custumals which they had enjoyed in the time of the good Count Robert, and with this consenting that they maintain their alliances made with the English and others[;] after the Battle of Roosebeke [1382] these letters were brought among the other privileges and documents of the said towns that were delivered into the hands of the said Monseigneur of Flanders as confiscated, **were cancelled**, and were not returned to the said towns and castellanies when, after the passing of the late count [Louis of Male (d. 1384)], the

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[197] The quote can be found in Le Glay, *Chronique rimée des troubles de Flandre*, 133. Among the documents that most interested the council-members were several documents regarding the legitimation of illegitimate children issued by the counts of Flanders. While some of the documents confiscated are provided in detail, in others, such as an inventory listing about 80 documents of Bruges and 14 from Sluis/Escluse, there is no indication of the councilors' judgment at all.

[198] Inventory of February 20-21, 1383. ADN B1273. See edition in Le Glay, *Chronique Rimée des troubles de Flandre*, 112–34. The locales included in this inventory are: Listed in the February 20-21 1383 delivery are (in order listed): the towns of Warneston, Bailleul, the castellany of Ypres, Neufport, Poperinghes, Cassel, the terroir de Furnes, the castellany of Berghes including Dunkirk, the terroir de Berghes, Bourbourc, and Mardike, and the towns of Berghes, Mardike, Bourbourc, Dunkirk, Loo, and Rollers. Each locale delivered between one and 26 documents, totalling 106. For the first time in our corpus of revolts, documents were confiscated from castellanies and other rural locales. Moreover, the formatting of the list indicates not only that each of these towns had their own archives where they stored such privileges (or persons or institutions entrusted with them), but that there were also regional institutions which held their own documents. The surveyors of the delivered archives lost patience at some point: the sequence of marginalia explaining why documents are to be retained by the count ends about halfway through; from this point, those destined to be taken away from the towns are simply marked with a cross. The officials on hand when this set of documents were delivered are decribed as: "messire Rogier de Ghistelle, le seigneur de le Gruthuse, messire Grard de Raissighem, le chastellain de Furnes, messire Colard de le Clite, messire Jehan de Halewin, messire Jehan de Grispere, le doyen de Courtray et Henry Lippin, receveur de Flandres." Lippin would create an inventory of the Lille *chambre des comptes* archive – not to be confused with the *trésor des chartes* into which these confiscated documents would be entered – in 1386 (see chapter 2). ADN B1273 contains a second inventory of the documents delivered by twelve more towns: Ghistelles, Oostburg, Ostende, Monckereede, La Mue, Damme, Ysendike, Ardembourg, Blanckenberghe, Houcke, Dixmude, and Oudembourg.

> other letters were returned by the Monseigneur at present [Philip of Burgundy] upon his New Advent as count of the land of Flanders. Signed <⊨>."[199]

This set of thirty-year-old pardons, confiscated by the Flemish count in the wake of a subsequent revolt, was belatedly cancelled (*chancelees*), stored in the comital archive, and inventoried by administrators in 1399.

The decision to confiscate these documents in 1383 is understandable enough. For the second time in half a century, the French king had raised an army to put down a revolt against the Flemish count. In this context, a document containing so permissive a concession by this same count to the English king was an uncomfortable piece of evidence to leave circulating in the archives of the Flemish towns, especially considering that the French had demanded such documents be handed over to them.[200] The decision to "cancel" the documents, then, if remarkable, is not entirely surprising. This was a financial and notarial practice that, in the late Middle Ages, was integrated into political rituals of submission, as I argue in chapter 4. Being cancelled, they would have lost their legal validity. Of course, these documents could simply have been disposed of, reused as binding or scrap, or returned to the towns along with the rest. The decision to keep them at all is a remarkable one to which we shall return in chapter 4.[201]

This confiscation of documents in 1383 was different from that of 1329 primarily in its scope, as another document confiscated in 1383 illustrates. The latter is dated 1326, when Louis of Nevers (d. 1344) had only just been released from his imprisonment at Bruges (see chapter 1). The count hoped a French army would invade the county to re-establish his authority there; as we saw, he pardoned the town of Bruges and reinstated its privileges, which he had rescinded just a year earlier. This document reflected the nadir of Louis of Nevers' comital power, one that in the

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[199] They were described in a section of the 1399 Lille *trésor* inventory within a section labelled "Remissions graces & autres lettres diverses." The entry quoted here was the final item in this category, which was marked with a small image of a two-handled pitcher. ADN B113 fol. 146r: *Item l[etr]es de feu mons[eigneur] loys conte de fland[res] dar[niere] t[re]spasse de la late de l'an mil iii xlviii, ottroiees par lui a plus[ieur]s des villes et chastell[enies] de fland[re]s, quand le dit mons[eigneur] le conte entra? prins? en fland[re] p[ar]lesquell[es] il p[ar]donna a icelles villes et chastell[enies] les desobeissan[ces] et rebellions quell]es] avoie[n]t f[ai]tes cont[re] lui et leur confirma leurs privileges, coustum[e]s & usages...avec ce leur consent, de tenir leurs allian[ces] f[ait]es avec les engls et aut[re]s et autres etc, lesquelles l[ett]res ap[re]s la bataille de rosebeque apportees ent[re] les aut[re]s privileg[es] et l[ett]res des d[i]tes villes qui furent baillpee] es mains du dit mons[eigneur] de fland[re] com[m]e confisquez, furent chancelees, et ne furent pas rendues aux d[i]tes villes et chastell[] quand ap[re]s le t[re]spas du dit feu mons[eigneur de fland[re] les aut[re]s l[ett]res leur furent rendues par mons[eigneur] de p[rese]nt a son nouvel advenem[en]t com[m]e conte ou pays de fland[res]*. This suggets that the documentary practice of the count's administrators had become exhaustive enough that future administrators, and thus future historians, could trace the confiscations of documents from rebel towns. Archivists, by documenting their own actions in the wake of revolts, and in order to evaluate the authenticity and validity of the documents they held, had to become investigators.

[200] There is more evidence that the pardons from 1348 were especially embarrassing: of the 36 documents delivered by the town of Neufport/Nieuwpoort, a neighbor of Dunkirk along the coast facing England, only one was seized. Documents in "latin," "romans," and "flamenc" were listed in an inventory, including a privilege dated 1163. The document to be retained "because it confirms the alliances made with the English" (*car elle conferme les alliances faites avecques les Anglois*), was the pardon granted by Louis of Male in October 1348, forgiving their *mesprinz* and returning their privileges to them. See edition in Le Glay, *Chronique Rimée des troubles de Flandre*, 117.

[201] This is a rare case of the explicit association of cancelled documents with the common late medieval archival category of "nulle" or "petite valeur." In a note just below the above entry, the creator of this inventory of the *trésor des chartes*, Thierry Gherbode, explains that the remainder of the *laye* contains "many more letters of little value and which touch upon Monseigneur only a little or not at all and therefore no repertoire is being made of them [here]." ADN B113 fol. 146r: *Et y a en la d[i]te laye plus[ieur]s aut[re]s l[ett]res de petite valeur et qui touchen peu ou neant a mons[eigneur] et pour ce n'en est cy fait aut[re] rep[er]toire.* We know that Gherbode was a ducal secretary at the time of the confiscation; he was also later involved in drafting the 1385 Peace of Tournai which ended the Ghent War. See chapter three below for a brief biography, as well as the dated but useful Felix de Coussemaker, *Thierry Gherbode sécretaire et conseiller des ducs de Bourgogne et comtes de Flandre Philippe le Hardi et Jean sans Peur et premier garde des chartes de Flandre (13....-1421): étude biographique* (Lille: Imprimerie Victor Ducoulombier, 1902).

aftermath of the Battle of Cassel, his administrative confiscations and the reissue of new, harsher charters of privileges would go a long way to wipe away. But the comital document confiscations in 1328 had not included anything but privileges; thus, Louis of Nevers had never removed this pardon from Bruges' archive. His son, half a century later, sought more documents in the wake of rebellion: unlike the confiscation of 1328, in 1383 the documents collected at Lille went far beyond urban privileges. While privileges were still among the documents taken – a 1380 privilege issued to Bruges, for example – the response of Louis of Mâle's council to the revolt was instead a far more comprehensive attempt to investigate the contents of his subject towns' archives: privileges, law codes, internal documents relating to urban finance, inheritance, and justice. Examining these documents, they began to understand the care with which towns kept their archives, for example by examining the first paragraph of Warneston's law code: "These are the laws, liberties, customs and habits, that the town of Warneston has in its possession, in use and kept up for so long that there is no contrary memory, and is still in its possession and maintained."[202]

As much as Louis' administrators may have hoped to gain from the submission of the rebellion's instigator, Ghent refused the same conditions imposed on Bruges in December 1382. Rather than join the war against and cease trade with England, Ghent chose to continue its rebellion, even with Philip van Artevelde vanquished. Thus the defeat of the Flemish militia at Roosebeke and the killing of Philip van Artevelde did not end the uprising in Ghent: even as most of Flanders submitted to King Charles VI, Ghent refused to accept the conditions imposed upon its fellow towns. In fact, the revolt once again spread from Ghent to Bruges and Ypres, which returned to the comital camp definitively only in mid-1384.[203]

Louis of Mâle died before he had a chance to defeat the revolt. Thus, the re-submission of Bruges became the occasion for his successor Philip the Bold's Joyous Entry, his ceremonial recognition as count, in April 1384. This was a highly-anticipated event that promised to serve the interests of multiple political elites. Bruges, ravaged and bankrupted by the many battles fought there during the War of Ghent, was in desperate need of economic rebuilding and political stability. Even if it was no longer the keeper of the comital archives (see chapter 1), the chapter of Saint Donat was still the traditional "keeper of the dynastic memory of the counts of Flanders." It was key to Philip's succession, in "invoking the memory of dead counts to gain the loyalty of living subjects," and had suffered violence and disorder under the latest van Artevelde regime. Meanwhile, the new count needed Brugeois support to finally put down Ghent's ongoing revolt. All this helps explain why Philip had interceded with King Charles VI and with Louis of Mâle on Bruges' behalf in the wake of Roosebeke, when he helped negotiate a deal "sparing the city in return for a large 'gift' paid to the French" – an *amende profitable* to go along with the kneeling submission of *amende honorable* described above. But after Bruges' defection and re-submission, Philip's own hand was by no means light: he oversaw at least 200 beheadings in Bruges through September 1384 and confiscated the goods of another 300 townsmen.[204]

Philip chose the occasion of his Entry to Bruges to return the bulk of documents confiscated in early 1383, and their return seems to have helped mend relations between the prince and the towns. On the Burg square on 26 April 1384, the celebration of the new peace restored Bruges' former privileges, as did the subsequent return of Courtrai's confiscated privileges. Hoping

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[202] On the 1380 privilege, see ADN B113 fol. 56r. Law codes were confiscated as well, and the opening lines of Warneston's are transcribed in the confiscation inventory. They elegantly began: "Ce sont lois, franchises, coustumes et usages dont la ville de Warneston a esté en possession, en usage et en maintenance de **si long-temps qu'il n'est mémoire du contraire** et encore est en possession et maintient." Le Glay, *Chronique Rimée des troubles de Flandre*, 113.
[203] Palmer, *England, France and Christendom, 1377-99*, 20, 45–47.
[204] Murray, "The Liturgy of the Count's Advent in Bruges, from Galbert to Van Eyck," 139–42, quotes on pp. 141 and 142.

to finally end the rebellion, the heiress Margaret and the new count, Philip, sent a secret envoy to negotiate with Ghent under the supervision of ambassadors sent by King Charles VI. A remarkably lenient treaty was eventually signed on December 18, 1385, known as the Treaty of Tournai. The treaty was "composed in the form of a pardon," writes Jan Dumolyn, and it describes an idealized version of the *amende honorable*: "two hundred and fifty of the most noble persons of the town" would kneel before Philip and Margaret in humble supplication. But, as Philippe Wielant recounts: "those of Ghent were so fierce and obstinate that they did not want to bend their knees to beg mercy." They "said that they had no obligation to do so, since the peace had not been a result of their initiative." Count Philip was furious at this refusal of the symbolic gesture of kneeling genuflection; it was by now common practice in the granting of *amende honorable* in pardoning a rebellion. According to Wielant, the tension was only relieved when several of the noblewomen present, members of the comital entourage, knelt in their place. Philip's brother-in-law, Duke Albert of Bavaria, encouraged his daughter to "show obedience in the name of the Gentenaars." She was joined by the Flemish heiress herself: Margaret, daughter of the count who had four times repressed Ghent's revolts. Philip may not have been pleased with this ceremonial compromise, but the women's submission was accepted: he was sufficiently assuaged not to call off the negotiations, and the peace stood.[205]

Not only did the Ghentenaars keep their knees clean, the town's archives were spared the fate of their Flemish allies. The Treaty of Tournai even gave Ghent say over the fate of the privileges of the towns in its hinterland that it had controlled in the course of its revolt. The very first stipulation of the treaty in fact concerned the privileges of Courtrai, Audenarde, Grantmont, Tenremonde, Ninove, Rupelmonde, Alost, Hulst, Axelle, Deinse, Biervliet and "others which previously were held by [the Ghentenaar] party." This indicates that Ghent's own rebel regime had seized the privileges from the towns that joined or were subjected to the rebel regime. After the Treaty of Tournai, these privileges were to be examined by a team of officials from Ghent, the subject towns, and the duke; a resolution would be found to the satisfaction of both the Ghentenaars and their neighbors. Ghent's own charters, at the time held at the Franciscan monastery in town, were left untouched.[206] Not until well into the fifteenth century would the town's privileges be confiscated by the counts of Flanders (see chapter 3).

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[205] On the return of the privileges, see Murray, 140; J. A. Van Houtte et al., *De geschiedenis van Brugge* (Tielt: Lannoo, 1982), 121. See also Kervyn de Lettenhove (ed.), *Istore et croniques de Flandres*, ii, 367-83 in *CRH*, 2 vols, (1879-80: Brussels); St Denys, I, 404. Extant documents regarding the peace are listed in Otto Cartellieri, *Phillipp der Kuehne*, (Leipzig: 1910), pp. 120-3. The refusal to kneel, per Wielant: "lesdictz de Gand estoient si fiers et si obstinez qu'il ne voldrèrent ploïer le genoul pour requérir merchy, mais dirent qu'ilz n'en avoient point charge, aussy que la paix ne venoit point à leur requeste." The duke's reaction: "ce que le ducq print si mal qu'il eust volentiers rompu la journée; mais le conte Aubert trouva l'expédient que la ducesse de Brabant et la contesse de Nevers feroient l'obédience au nom de ceuls de Gand, comme elles feisrent. Et la ducesse de Bourgoigne, Marguerite, véant la grande humilité desdictes deulx princesses, s'éleva du costé le ducq son mari et se alla mectre à genouls avecq elles." Wielant, "Recueil des antiquités de Flandre," 312; discussed in Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 511. Dumolyn calls the peace of Tournai a draw, but the manner of its implementation – the lack of a real submission and the fact the town kept its privileges, especially in contrast to the harsh punishments meted out against Ghent's somewhat reluctant allies – makes to seem a definite victory for Ghent. Palmer, *England, France and Christendom, 1377-99*, 60–61 agrees; see also Froissart, *Oeuvres de Froissart publieés avec les variantes des divers manuscrits*, vol. 21, pp. 555–56. On the need for the appearance of a real possibility of punishment to make the *amende honorable* effective, see Moeglin, "Pénitence publique et amende honorable au Moyen Age." Gauvard notes that the continuation of the revolt after Roosebeke was met by particular disgust, inspiring comparisons to Judas and rare references to treachery in contemporary French jurisprudence. Gauvard, *De Grace especial*, II: 565.

[206] Wielant, "Recueil des antiquités de Flandre," 312. On the smaller towns' privileges: "et aultres qui aultreffois avoient tenuz leur party." On the resolution of the differences regarding them: "fust dict que les priviléges seroient veues et on feroit tant que lesdictz de Gand et lesdictz villes et chastellenies seroient contens." Van Gassen notes that the documents

This curious iteration of *amende honorable* is not why 1385 is typically considered a landmark year in the history of Flanders. In that year, Count Philip the Bold issued a number of important directives establishing or re-organizing the comital ruling institutions in Lille. For those historians of Valois Burgundy (c. 1385-1482) interested in record-keeping and archiving, the foundation of the *chambre des comptes* at Lille was considered transformative (a view I critique in chapter 3). In 1385, moreover, the relationship between the county and the French crown changed drastically. Philip, of course, was one of the most powerful figures in the French court, a royal uncle the English were afraid would turn Flanders definitively to the French camp. Nor were the English the only ones to fear Valois Burgundian hegemony in the Low Countries. The towns of Flanders would repeatedly express their opposition to Philip and his Valois successors in periodic rebellions against them (the Great tradition), and their urban patriciates continued to be challenged by the guilds (the Little tradition): links of inter- and intra-urban solidarity were stronger than ever. While the count's councilors, in the wake of the Battle of Roosebeke, had helped build the informational sovereignty of his regime, he had continued to relinquish the more ceremonial aspects of sovereignty to the King of France.

## Solidarity in a Handbasket: The Pursuit of an Archival Monopoly on Alliances

By the first years of the fifteenth century, the princely politics of Flanders had already taken a somewhat different shape. Philip's successor John the Fearless was a formidable presence not only in the Low Countries but also in the shaping of policy at the French court. The previous year, as he would later confess, he had been responsible for hiring the assassins of the king's brother, Louis of Orleans. This murder created a vendetta that would famously end John's own life in 1419, by which time the count had acquired a dozen titles and vastly expanded the Valois princely state.[207] Chapter 3 will examine the use of archival lists in expanding the reach of Valois sovereignty in these decades. For now, suffice it to say that the broader Burgundian sphere of influence stretched to include the neighboring duchies, counties, and bishoprics, where brothers, cousins, and other Valois allies ruled. John and his successor Philip the Good (r. 1419-1467) would successfully take direct control of many of them in the coming decades.

In 1406, a rebellion against of one of these allies, the count's brother-in-law John of Bavaria, spun the prosperous nearby bishopric of Liège and the *pays* of Looz into political turmoil once more. John of Bavaria's appointment as prince bishop had been controversial from the outset. As a teenager, he had refused even to join a religious order before taking his episcopal seat in 1389. His appointment required special permission from the pope, but his family was powerful enough that

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of Ghent were held until 1401 with the Franciscans, who were on good terms with the city council; there is mention in a number of registers of privileges held among the friars in 1380, 1381, 1382, 1389; there is even evidence of yearly visits of the council to visit the charters in the monastery. Moreover, several documents mention the move of documents to the belfry in 1401. van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 56.

[207] His title is worth noting in full, to get an idea of the type of "composite state" he controlled: "Jehan, duc de Bourgongne, comte de Flandres, d'Artois, et de Bourgongne palatin, seigneur de Salins et de Malines." With John's marriage to William's sister, the dukes of Burgundy would soon also be "comte palatin du Rin, comte de Haynnau, de Hollande, de Zellande, et segneur de Frise." On the composite state, see J. H. Elliott, "A Europe of Composite Monarchies," *Past & Present*, no. 137 (1992): 48–71. On the rise of the dukes of Burgundy and for a general overview, see the four biographies by Richard Vaughan, especially Richard Vaughan, *John the Fearless: The Growth of Burgundian Power*, vol. 2, 4 vols., The Dukes of Burgundy (Boydell Press, 2002). On the titles, see Robert Stein, "Seventeen: The Multiplicity of a Unity in the Low Countries," in *The Ideology of Burgundy: The Promotion of National Consciousness, 1364-1565*, ed. D'Arcy Jonathan Dacre Boulton and Jan R. Veenstra, Brill's Studies in Intellectual History ; v. 22 145 (Leiden; Boston: Brill, 2006), 223–85.

the appointment was ratified immediately; his father, the Count of Hainault, Holland, and Zeeland, accompanied him with great pomp to his episcopal seat, escorted lavishly by a thousand horsemen. Perhaps unsurprisingly, Bishop John quickly showed himself to be dismissive of the city's extensive privileges and autonomy. Rebels from the leading municipal, communal, economic, and (to some degree) religious institutions of Liège rallied nearby communities of varying size against the prince bishop, ejected and replaced him, and took direct control over the government of the town and its hinterland. Like previous iterations of this anti-episcopal coalition, the rebellion raised in 1406 was made possible by this inter-urban collaboration. While it may only have been the latest in a series of confrontations over the bishopric's creeping temporal powers over the *pays*, collaboration between towns, powerful families, and guilds were common factors in raising revolt. All these factors would become apparent in the repression of this revolt in 1409.

Along with his allies, John the Fearless had every intention of restoring his deposed cousin the prince bishop to his episcopal seat. But this was not enough for the young, ambitious John the Fearless: he would also do his utmost to shape the political possibilities for communes in the Low Countries by minimizing the autonomy of towns and delegitimizing the types of inter- and intra-urban coalitions that had removed his brother-in-law from power. The new rebel regime became known by the moniker *hédroits*: "those who hate the law." They were accused of crimes against God by the University of Paris; John the Fearless referred to their rebellion as a harbinger of "universal rebellion" (*rebellion universelle*). This was to be done through the exorbitant and humiliating punishment of the rebellion, and it would include exhaustive new means of archival confiscation.[208]

Though the rebel towns were not subject to John the Fearless' direct control – and the bishopric would never become more than a protectorate of Valois Burgundy – the rebellion of the *Hédroits* presented him with an ideal opportunity to solidify his own power. Though it took place outside of Flanders, he personally led the bloody repression of this rebellion with great enthusiasm. This included drowning or decapitating hundreds of those accused of sedition, much like the punishment of uprisings against his Flemish predecessors in the fourteenth century, carried out under royal supervision. His officials oversaw what both administrative and narrative sources indicate was the systematic survey of documents in the repression of the revolt. The concern with urban documents became still more explicit than in previous rebellions: three of the first four articles of the towns' capitulation dealt with the handover of documents from the towns to the conquering princes.

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[208] For a detailed if partisan account of John of Bavaria's career, see Le Roy, Alphonse, "Jean de Bavière," in *Biographie nationale*, ed. Académie royale des sciences des lettres et des beaux-arts de Belgique (Brussels: Bruylant-Christophe, Bruylant, 1889 1888). For an overview of the rebellion, its immediate background, and subsequent reovlts, see Lantschner, *The Logic of Political Conflict in Medieval Cities*, 95, 120; Geneviève Xhayet, *Résaux de pouvoir et solidarités de parti à Liège au Moyen Age (1250-1468)* (Geneva: Droz, 1997); Yves Charlier, "La bataille d'Othée et sa place dans l'histoire de la principauté de Liège," *Bulletin de l'institut archéologique Liégeois* 97 (1985): 138–278. Contemporary documents call the rebel communities: "the City of Liège as well as the towns of the country of Liège, the county of Looz and the land of Hesdin, Saintron and the land of Buillon." Stanislas Bormans and Matthieu Lambert Polain, eds., *Recueil des ordonnances de la principauté de Liége: sér. 974-1506*, I (Brussels: F. Gobbaerts, Imprimeur du Roi, 1878), 423. (Looz was at this point no longer a county; having been purchased by the bishopric of Liège in the fourteenth century, it was now merely a *pays*). The twelve other towns that joined the City of Liège were the towns of Huy, Dinant, Saint Trond/Truiden, Tongres/Tongeren, Thuin, Hasselt, Herck/Herk-de-Stad, Bilzen, Masseyk, and Beeringen, Viseit, and Looz. On the confiscation of archives, see Alain Marchandisse, "Vivre en période de vide législatif et institutionnel: l'après-Othée (1408-1418) dans la principauté de Liège," in *Faire bans, edictz et statuz: Légiférer dans la ville médiévale. Sources, objets et acteurs de l'activité législative communale en occident, ca. 1200-1500. Actes du colloque international tenu à Bruxelles les 17-20 novembre 1999*, ed. Jean-Marie Cauchies (Publications Fac St Louis, 2001), 540; and Ron Makleff, "Sovereignty and Silence: The Creation of a Myth of Archival Destruction, Liège, 1408," *Archive Journal*, no. Special Issue: Archive Matters (August 2017): n.p.

The bulk of chronicle accounts suggest that the fate of Liège's documents came swiftly: they indicate that, within a week of the battle itself, newly-reinstated Bishop of Liège John of Bavaria had all the city's documents destroyed, ordering that "each and every writing, letter, instrument, register, and muniment rendering the liberties, privileges and franchises of the city and its guilds be brought to him, all of which were burnt up by fire and annulled, along with the banners of the guilds."[209] This told a familiar tale, one in which an errant town disobeyed its direct ruler and endured its punishment as a result. Such violence against documents may have been a relatively new element, but it was certainly in the spirit of the repressions of 1329 and 1383. Yet the chronicle quoted here, by Cornelius Menghers of Zantfliet, made no mention of the stony seriousness with which Counts John the Fearless and William of Bavaria's administrators responded, above all else, to the horizontal oath-swearing organizations and alliances that they believed had enabled the rebellion: alliances, guilds, pacts, and oaths. In an exhaustive survey, they decided which documents could be returned to the towns and which would be destroyed. I will return to the shifting chronicle accounts at the end of this chapter.

The punishment of the *Hédroits* was fierce, by all accounts. In the weeks after the battle, the princes went from one rebellious town to the next, appointing new urban leaders to agree to their demands. In town after town, dozens were beheaded and drowned in the Meuse River. According to the chronicle of Enguerrand de Monstrelet (d. 1453), the new urban leaders submitted lists of those townsmen who had been most active in promoting the rebellion, as well as lists of individuals the prince could take as hostages to guarantee the fulfillment of their punishment. Several chroniclers – even those sympathetic to John the Fearless, John of Bavaria and their allies – note with dismay that churchmen and lay women were among those executed. Monstrelet suggests that, after the scenes of corporeal punishment, representatives of the subjugated towns were forced to capitulate unconditionally and took oaths pledging the towns' submission to whatever conditions the princes and the bishop might demand.[210]

The conditions dictated in these oaths were then spelled out in a detailed *Sentence* of thirty articles delivered several weeks later, on October 24, 1408 at a ceremony in Lille. According to eyewitness accounts, hundreds of people were gathered in the Grand Salle at the Château de Lille to hear the conditions of the towns' capitulation: Count John and Count William and their courts; Bishop John and representatives of the cathedral, churches, town, and *pays* of Liège; the two hundred or so hostages who had been marched from Liège to Lille after the battle; and representatives of other towns appointed to be present for the reading of the Sentence. This was a

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[209] Translation is mine. The original, from Zantfliet, col. 392-3: "*...jussit sibi deferri omnes & singulas litteras, cartas, instrumenta, registra & minumenta confecta super libertatibus, privilegiis & franchisiis civitatis & ministeriorum, quae omnia cum vexillis minisetialium igne concremata sunt & annulata.*" *Annulata* can just as easily be translated as "annulled" or as "annihilated."

[210] On these executions, see Enguerrand de Monstrelet, *La chronique d'Enguerran de Monstrelet en deux livres avec pièces justificatives 1400-1444*, ed. J.A. Buchon (Paris: Verdière, 1826), chap. 50; Bormans and Polain, *Recueil*, 420 contains the oaths. By October 3, the representatives of Liège were already denouncing Perwez and his son, calling them "seducieurs et detenus de nous." See Bormans and Polain, *Recueil*, 420. The narrative accounts give a brief glimpse of the replacement of an urban patriciate and the re-distribution of power and goods from rebels to loyalists. Those citizens said to have been skeptical of the rebellion were given immense power, including the right to choose the hundreds of citizens who would be sent as hostages to Mons, Lille, and Ypres as guarantees of the towns' promises to the victorious princes. See Jean de Stavelot, *Chronique de Jean de Stavelot*, ed. Adolphe Charles Joseph Borgnet and Stanislas Bormans (Brussels: Hayez, 1861); Cornelius Zantfliet, "Chronicon Cornelii Zantfliet Ab Anno MCCXXX Ad MCCCCLXI (1230-1461)," in *Veterum Scriptorum Monumentorum Amplissima Collectio*, ed. Edmond Martène and Ursin Durand, vol. 5 (Paris: Montalant, 1729). For more on the use of hostages as guarantees of the Sentence of 1408, see also Bormans and Polain, *Recueil*, 322 n. 1; Monstrelet, *La chronique d'Enguerran de Monstrelet*, chap. 47; de Stavelot, *Chronique de Jean de Stavelot*, 123. On the redistribution of seized land, see Charlier, "La bataille d'Othée et sa place dans l'histoire de la principauté de Liège," 226–27.

serious departure from post-revolt practice in the fourteenth century: counts had once largely relinquished to kings the ceremonial elements of sovereignty, but now John the Fearless, at his ancient comital palace, staged an elaborate ceremony of *amende honorable* on his own. Hubert Carrier has argued that the timing of the Battle of Othée and the staging of this *amende* at Lille were perfectly timed to restore John the Fearless' reputation at the French court, less than a year after the murder of Louis of Orleans.[211] In fact, this mise-en-scene arranged at Lille was part of a strategy that suggested a much fuller understanding of ceremonial sovereignty than that of his predecessors.

Informational sovereignty also meant taking control of narratives of current events, and for the lavish court of Valois Burgundy that accompanied John the Fearless, this was part of a broader approach to expanding his sovereign power. The Valois Burgundians sponsored a number of official chroniclers who left behind incredibly detailed, if not always accurate, accounts of their prince's deeds.[212] While they often disagree on the details, the comital chronicles and their ecclesiastical and municipal counterparts all agree that the alliance of princes mobilized on behalf of John of Bavaria made short work of the larger but more disorganized rebel army, which was by some accounts fifty-thousand strong. The force raised by John the Fearless and his cousin William of Bavaria – the prince bishop's brother – defeated the rebel army at the Battle of Othée.[213] News of the Burgundian victory at Othée reached the courtroom where John the Fearless was being accused of the murder of Louis of Orleans in absentia; reports say it made a grand impression. The day after the battle, Duke John sent a letter to his brother Antoine, Duke of Brabant (chapter 3), in which he described the glory of the battle. This text was subsequently made available to the chronicler Enguerrand de Monstrelet (d. 1453), and thereby distributed. Several months after the battle, the count paid Jehan de La Ruelle to write a panegyric poem about the battle, entitled "La bataille de Liège." Finally, in 1410 John the Fearless commissioned a set of tapestries depicting the Liégeois submission to his punitive *Sentence* of 1408, which hung on the walls during the Congress of Arras in 1435 and

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[211] The crowd is reported differently in several chronicle accounts. Monstrelet, *La chronique d'Enguerran de Monstrelet*, chap. 50, has the hostages, "or at least most of them" as well as other townsmen present. De Stavelot, *Chronique de Jean de Stavelot*, 131, has the ducal, comital, episcopal and other church and town officials there as well. The bureaucacy of ceremony plays a role here. For an extensive and convincing rumination on the matter, see Richard Trexler's introduction to the *Libro Cerimoniale* and the role of different officials. Francesco Filarete and Angelo Manfidi, *The Libro Cerimoniale of the Florentine Republic*, ed. Richard C. Trexler, Travaux d'humanisme et Renaissance, no 165 (Genève: Droz, 1978). On the place of Othée within John the Fearless' strategies at the French court, see Hubert Carrier, "Si vera est fama. Le retentissement de la bataille d'Othée dans la culture historique au XV e siècle," *Revue Historique* 303, no. 3 (619) (2001): 640.

[212] The prestigious list of Burgundian court writers includes figures such as Jean Froissart (1337-1405) and Enguerrand de Monstrelet (c. 1400-1453) and Georges Chastelain (c. 1405-1475). The chronicle tradition was of course strong in cities and religious institutions as well. See, for example, the chronicles of Jean de Stavelot (1388-1449), Cornelius Menghers de Zantfliet (d. 1461), and the anonymous author of the *Chronicon regni Johannis de Bavaria,* just for the City of Liège in the early fifteenth century.

[213] On the battle, versions vary. For example, the timing of John of Bavaria's arrival at the battlefield is unclear. It was around midnight the day of the battle, according to de Stavelot, *Chronique de Jean de Stavelot*, 119–20. Monstrelet, *La chronique d'Enguerran de Monstrelet*, chap. 50, has him arriving the next day around noon. Jean arrives the next day but orders Perwez's head put on a lance himself in Sylvain Balau, ed., "Chronicon Regnis Johannis de Bavaria," in *Chroniques Liégeoises*, vol. 1, 43 (Brussels: Kiessling, 1913), 43. Michel Delewarde, *Histoire generale du Hainaut*, vol. 4 (La veuve Preud'homme & J. Varret, 1719), 339–41, following Zantfliet, "Chronicon Cornelii Zantfliet Ab Anno MCCXXX Ad MCCCCLXI (1230-1461)," col. 391, collapses the events into a summary account. According to one of these chronicles, Bishop John was under siege by the armies of the allied towns in the town of Maastricht, when the armies of his cousins appeared. The townsmen were led by Thierry Lord of Perwez and his son (appointed bishop after John's ouster), and met a smaller but better-armed and -trained force commanded by John the Fearless and Count of Hainaut, William of Bavaria. By the time Jean de Bavière arrived at the scene of the battle (the siege having been lifted), it seems he would have found the rebel leader Perwez's head on a lance. See also Lantschner, *The Logic of Political Conflict in Medieval Cities*, 95.

subsequently adorned the walls of the ducal palace.[214] The chronicles were also part of this narrative offensive waged in the wake of Othée, and we shall return to them at the end of this chapter.

Since the bulk of this study focuses on the archival practice of the counts of Flanders vis-à-vis their subjects within Flanders, the focus on this Liégois rebellion requires some explanation. I have already argued that the polycentric logic of politics was an important factor in shaping the likelihood and results of rebellion. Indeed, the title *Hédroits* may have been partisan hyperbole, but there is no doubt that the town of Liège was an almost ideal site at which to raise an anti-seigneurial revolt. There was a long history of popular protest and a high level of institutional density. Liège had powerful trade guilds deeply involved in urban politics; patrician families holding the reins of power within church institutions, guilds, and municipal offices; wealthy and ancient ecclesiastical institutions; old and well-established privileges issued by emperors, bishops, counts and dukes; a collective memory of urban autonomy and past alliances; and a law code that had been shared—in a common form of medieval urban solidarity—with numerous neighboring towns.[215] Thus, the approach of the Valois princely state to the revolt of the *Hédroits* in Liège is a telling example of its response to the prospect of inter- and intra-urban links of solidarity more generally.

Counts John and William may have sought any means that would corral these networks of urban power, but – in spite of Zantfliet's chronicle version cited above – this did not include the burning of the Liégeois towns' archival documents near the battlefield in 1408. Nevertheless, the princes did seek to establish control over the memory of the revolt and new regime in Liège. First, the cities' charters and other documents were put through the laborious machinery of late medieval administration.[216] A set of inventories drawn up in 1409 and a number of letters and administrative memos written in the year or two after the battle make up the primary corpus of items mentioned here. The type of documents to be collected had already been stated in the *Sentence*'s first four articles: "First, we [will] take into our hands all the franchises, custumals, laws and privileges ... of the City of Liège and [the] other towns" (article 1). All letters of "alliances, confederations, and pacts" in the possession of the conquered towns were also to be handed over (article 3). Any towns that failed to deliver their documents would have all their documents seized permanently – "privés à jamais" (article 2). All the relevant documents were to be presented under oath to six officials at the Abbaye des Écoliers in the town of Mons, three representing Count John and three representing Count William. Mons seems to have been chosen because it was more or less equidistant from all the towns

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[214] See Alain Marchandisse and Bertrand Schnerb, "La bataille du Liège," in *Écrire la guerre, écrire la paix*, ed. Simone Mazauric (Paris: Comité des travaux historiques et scientifiques, 2013), 37; Charlier, "La bataille d'Othée et sa place dans l'histoire de la principauté de Liège," 246–49. On Monstrelet and the diffusion of his chronicle, see Hanno Wijsman, "History in Transition: Enguerrand de Monstrelet's Chronique in Manuscript and Print (c. 1450-c. 1600)," in *The Book Triumphant Print in Transition in the Sixteenth and Seventeenth Centuries*, ed. Malcolm Walsby and Graeme Kemp, Library of the Written Word 15 (Leiden ; Boston: Brill, 2011), 199–252. Tapestries were produced to commemorate both Othée and Roosebeke, though neither are extant. See Jeffrey Chipps Smith, "Portable Propaganda: Tapestries as Princely Metaphors at the Court of Philip the Good and Charles the Bold," *Art Journal*, 1989, 123–29; Laura Weigart, "Chambres d'Amour: Courtly Tapestries and the Texturing of Space," *Oxford Art Journal* 31, no. 3 (2008): 317–36; Peter Arnade, "Carthage or Jerusalem? Princely Violence and the Spatial Transformation of the Medieval into the Early Modern City," *Journal of Urban History* 39, no. 4 (July 1, 2013): 734.

[215] Xhayet, *Résaux de pouvoir et solidarités de parti à Liège au Moyen Age (1250-1468)*; Hendrik Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change*, Princeton Studies in International History and Politics (Princeton, N.J: Princeton University Press, 1994), 163 n. 57; Lantschner, *The Logic of Political Conflict in Medieval Cities*.

[216] A set of inventories drawn up in 1409 and a number of letters and administrative memos from the year or two after the battle make up the primary corpus of items mentioned here. Some have been published, and others are at the Archives départementales du Nord (ADN) in Lille and the Archives Générales du Royaume in Brussels. See the meticulous Émile Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, Académie royale des sciences, des lettres et des beaux-arts de Belgique, Brussels. 47 (Bruxelles: Palais des académies, 1937).

delivering documents.[217] Subsequently, it would be the princes' prerogative to organize and do with the documents as they pleased (*pour en faire et ordonner a leur plaisir*) – almost precisely the wording dictating the confiscation of documents in 1382 (see note 193 above).[218]

The 1408 *Sentence* connects documents with the building of sovereignty in the punishment of rebellion more directly than any previous Flemish episode in evidence. From the collection of documents out of rebel archives, the victorious princes of the Battle of Othée stood not only to gain political knowledge for their own use, but also to severely limit the Liégeois towns' future use of their own archives. At the very least, the towns' potential arsenal of past privileges, alliances, liberties, and other rights would now be known to princely administrators. Considering the pride and care that towns took with their urban archives by the fifteenth century (chapter 4) this had the potential to crush future efforts to strengthen urban autonomy and the alliances and coalitions that built rebellions.[219]

The *Sentence*'s provisions on the collection of documents reverberated through the defeated towns in the following weeks. On November 8, 1408, according to surviving notarial records preserved to demonstrate the town's compliance with the punishment, municipal officials in Huy, led by the recently-appointed mayor, ordered inhabitants to turn in any of the requested documents that might be in their possession: letters of franchise, custumals, laws, privileges, ordinances,

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[217] The letter commissioning Gherbode and his colleagues (Guillaume Bonnier for the Duke of Burgundy and Broignart de Henin and Baudin de Fromont for the comte of Hainaut) to take charge of the documents is Charte de la cathédrale de Saint-Lambert no. 940, published in Bormans and Polain, *Recueil,* 421. The officers who eventually worked on the examination of charters were, for the Duke of Burgundy "Thierri Gherbode, Jacques de la Tanerie, Jean de le Kéthule" and for the Count of Hainaut "Jacques de la Tour, Etienne Wiard et Jean de Binche." Fairon, xxix–xxx.

[218] Bormans and Polain, *Recueil*, 420–22. Article 1: "Premierement, nous mettons en nos mains touttes les franchises, usages, lois et privilleges que avoient et ont ceuls de la cité de Liege et des autres villes du pays de Liege, de la noté de Loz, du pays de Hasbain, de Saintron, de la terre de Bouillon et des appartenances, aians privileges, lois, franchises et usage, ordonnons que ceuls de la cité de Liege et autres dessus-nommés apporteront en la ville de Mons en Haynnau, le lendemain du jour de Saint-Martin prochain, qui sera xiime jour de novembre, en l'abbaye des escolliers audit lieu de Mons, touttes leurs lettres de privillege, de lois, libertés et franchises, et les bailleront es mains de certaines personnes qui à icelles recevoir seront commises de par nous, et lesquelles seront auxdis jour et lieu; et seront tenus ceux qui icelles apporteront, de jurer, es ames d'euls et de ceuls qui les y auront envoié, que aucunes lettres de privilleges, de lois, de libertés ou de franchises ils n'auront delaissié frauduleusement en leur puissance." Article 2: "Item, ordonnons que se aucunes lettres de privilleges, lois, franchises et libertés estoient delaissis à apporter audit jour et lieu par deviers nosdis commis à ce, que dès lors ceuls desdites cité, villes et pays de Liege et des appartenances en seront privés à jamais." Article 3: "Item, nous ordonnons que es mains d'iceux nos commis, aux jours et lieux dessus declairiés, touttes lettres d'alliances, confederations ou pactions que ceuls desdites cité et ville ont touchant ycelles villes et pays... seront apportees et baillies ausdis nos commis, soubs semblable serment et paine comme dessus est dit...." Article 4: "Item, ordonnons que, apres, [on fera] la visitation des lettres desdis previlleges, franchises et libertés; et que lors on en polra rendre aucun, ou de nouviel ordonner que, outre ceuls desquels, il sera lors appointié et ordonné, aux habitans desdites cité, villes et pays ne aucun d'euls, par les evesques de Liege et leur chapittre, ne puist estre donné nouviel previllege, que ce ne soit par le consel, advis et consentement de nous ou de nos successeurs, ducs ou contes des duchiés ou contés dessusdis."

[219] The relevant provision here (it is not printed in the edition in Bormans and Polain's *Recueil*) is in ADN B835 n. 21200: "…et les autres lettres non Rendues nosdis seigneurs deterront par devers eulx pour en faire et ordonner a leur plaisir." See also article 2 of the *Sentence*, in the previous note. On the role of documents in forging urban autonomy and a "textual community," see Bedos-Rezak, "Civic Liturgies and Urban Records in Northern France, 1100-1400." Bedos-Rezak places the documentary practices around northern French municipal archives at the center of a "civic liturgy." On textual communities, see Stock, *The Implications of Literacy*. On the uses of script to forge urban solidarity see also Butcher, "The Functions of Script in the Speech Community of a Late Medieval Town, c. 1300-1550," 166. For an apparently similar role for peasant archives, see Randolph C Head, "Knowing Like a State: The Transformation of Political Knowledge in Swiss Archives, 1450-1770," *The Journal of Modern History* 75, no. 4 (2003): 760. The municipal archives of Ghent have recently been studied with an eye to these communal elements by van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad."

alliances, confederations, and pacts were to be handed to the group of townsmen appointed to deliver the town's documents to Mons in four days' time.[220] They managed to collect 74 documents pertaining to the town of Huy and another 43 from the various guilds in town, including nine from the *drapiers* (cloth makers), six from the *tanneurs* (tanners), and six from the *fèvres* (metal-workers). The documents delivered by Huy included the prized, sealed charter of privileges issued by Bishop Théoduin in 1066, numerous thirteenth-century privileges and alliances, and clusters of documents from fourteenth-century moments of rebellion: the 1316 Peace of Fexhe, a set of inter-urban alliances forged in 1328 and again in 1343, 1394, and 1402, as well as four instances of the so-called Peace of the Twenty-Two drawn up in the 1370s.[221]

The representatives from Huy appeared in Mons as ordered, and notarial records describe the delivery of their documents in a small leather trunk (*en une malette de cuir*) on November 12.[222] The deputies from Huy and other towns "affirmed and swore on their own souls and those of the aforementioned city and towns that had sent them, that all the [relevant] documents that were in their possession and could be found" were being delivered into the hands of the officials. They formally renounced the validity of any other documents "fraudulently retained."[223] The Hutois' documents were delivered and preserved in an act witnessed by twenty-three of its burghers who had been "specially declared and named" for the purpose.[224]

The submission of Liège's documents was treated with even greater gravity. A delegation of six men delivered the documents of the city and its guilds, also on November 12. They carried them "in two sealed, iron-clad baskets" that contained over 300 documents and two registers – volumes into which municipal scribes had for years copied charters, receipts, and other documents. The Liégeois contingent included two members of the powerful Datin family, who – though they were associated with the *Hédroits* – managed to disassociate themselves from the revolt. In Mons, Waltier Datin presented the documents delivered by the city and swore the oath as dictated by the *Sentence*.

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[220] Bormans and Polain, *Recueil*, 423. See there an edition of Charte de la cathédrale Saint-Lambert, n. 943. The inventory contains a preface explaining that on November 8, "à la requeste et priere des bourgois et habitans de la ville de Huy, au maieur de tres hault et tres puissant prince nostres chier et tres redoubté seigneur et prince monseigneur de Liège, de faire publier et denonchier par tout ladicte ville de Huy que toutes et quelxconques personnes qui euissent et avoir peuissent ou deussent par devers eulx lettres de franchises, de usages, de loix, de privileges, d'ordenances, d'aliances, de conferedacions ou pactions quelxconques servans à ladite ville, fussent apportees et delivrees en le main desdits bourgois." The implications of such an order on the late medieval diffusion of archival documents amongst the townsmen have not been sufficiently accounted for in the literature, though historians have recently begun examining the documentary culture of the medieval laity. Adam J. Kosto et al., eds., *Documentary Culture and the Laity in the Early Middle Ages* (Cambridge: Cambridge University Press, 2013).

[221] The summaries of these documents are in ADN B146 no. 2 and no. 3. They are reproduced in Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, secs. IV and V. On the various iterations of the Peace of the Twenty Two, see Joseph Daris, *Histoire du diocèse et de la principauté de Liège*, vol. 2 (Liège: Demarteau, 1890), 616ff. On Fexhe and the other agreements of the fourteenth century, see Geneviève Xhayet, "De la Paix d'Angleur (1313) au sac de Liège (1468). Aspects des luttes socio-politiques à Liège aux XIVe et XVe siècles," *Bulletin de la Société d'Art et d'Histoire du diocèse de Liège* 70 (2012 2011): 75–88.

[222] Sentence de 12 août 1409 of Count John the Fearless and William of Hainaut, published in Bormans and Polain, *Recueil*, 429–44.

[223] "Que c'estoient touttes les lettres touchans lesdis previleges, lois, franchises, libertés, alliances, pactions et confederations qui estoient en leur puissance et qu'ils avoient peu trouver, sans aucunes avoir fraudulleusement retenues." Such items would be "renonchoient et comme de nulle valleur"). From the August 12, 1409, Moderation of the October 24, 1408, Sentence. See Bormans and Polain, *Recueil*, 432.

[224] These twenty-three were "specially declared and named for this" ("pour ce especialment bukiez [huchiez = declared] et appellez"). See Bormans and Polain, *Recueil,* 422, n. 1, an edition of Charte de la cathédrale Saint-Lambert, n. 943. The hostages were held for years. In 1411, those hostages from Liège held in Brabant were apprehended anew because Liège had not paid all of its war debt to the princes. They were held until June 1412 after being held away from home for over three years. De Stavelot, *Chronique de Jean de Stavelot*, 124–25.

To attest to the truth of his statements, fifty-seven hostages from Liège were present at the abbey; they had accompanied the comital retinue towards West Flanders after the executions and banishments in the wake of the Battle of Othée, and were being held – almost as collateral – in Mons.[225] Datin further explained that other relevant documents couldn't be found due to the disarray of the rebellion in Liège, since they had been taken by the rebel leaders such as the rebel-appointed bishop Perwez and by guild leaders, and thus could not be located.[226] Datin and his family would in 1433 join several guilds in raising a revolt; but in the face of comital repression, he was quick to attribute the blame for the uprising to the guilds rather than to his own milieu, the urban patriciate – no small part of which had in fact joined the *Hédroits*.

The *Sentence* of 1408 had suggested that the delivered documents were to be subjected to triage: "After the inspection [*visitation*] of said letters of privileges, franchises and liberties, several may be returned." The explicit purpose of this was to grant Counts John and William control over the towns' legal rights: "new privileges will not be given without our counsel, advice and consent or that of our successors" (article 4). This would therefore establish some formal authority for these two territorial rulers within the bishopric of their relative. Within a month, each count had assigned three officials to oversee the triage and create inventories of the delivered documents. The princes hoped their officials could review and summarize the documents as early as January 1409; after being delivered to Mons in November 1408, the baskets, bags, and chests of documents had been left in the abbey's care. The princes asked that the "*inventoire ou répertoire*" of the documents be sent to them for their consultation.[227] As the team of officials subjected the documents to an exhaustive examination, they created a total of twelve inventories listing 582 documents and five register-books. Each scribe was assigned a stack of documents to survey, and the documents of each town or guild were recorded in separate sections, each entry corresponding to a single document; depending on

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[225] There is no evidence on the collection of documents within Liège before their delivery at Mons. On the Datins, who managed to ingratiate themselves with a series of Bishops of Liège and manned many of the powerful churches in town, a useful set of connections in times of conflict with authorities or other groups in town, see Lantschner, *The Logic of Political Conflict in Medieval Cities*, 64–68; Xhayet, *Résaux de pouvoir et solidarités de parti à Liège au Moyen Age (1250-1468)*, 141–42, 172–73, 347–50. According to Monstrelet, the hostages been marched to Mons as a guarantee of the towns' goodwill by Count John as he returned to his lands after his brief occupation of Liège. See Monstrelet, *La chronique d'Enguerran de Monstrelet*, chap. 47. On the use of hostages in such situations more generally, see the excellent Kosto, *Hostages in the Middle Ages*, 93–94. The first examples Kosto found of princes demanding hostages from towns – rather than members of other princely families – is in 1158, when Frederick Barbarossa sought to force the Italian towns to negotiate in good faith. De Stavelot, *Chronique de Jean de Stavelot*, 124–25 discusses the re-apprehension of the Liège hostages; they were held until June 1412.

[226] The documents were carried in two sealed metal panniers ("en deux paniers serrez et seellez"). See Bormans and Polain, *Recueil,* 422, n. 1, for an edition of this document from *Charte de la cathédrale Saint-Lambert*, n. 941. They also noted that a number of letters of alliance remained in the hands of one of the leaders of the rebellion, Thierry de Perwez – though the duc of Brabant ought to have copies of some of these. It could also be, they noted, that some of governors of Liège guilds had died during battle with relevant document in their custody – if such were found, they would be subsequently sent to Mons.

[227] The quote can be found in Léopold Devillers, ed., *Cartulaire des comtes de Hainaut, de l'avènement de Guillaume II à la mort de Jacqueline de Bavière [1337-1436]*, vol. 3 (Brussels: F. Hayez, 1881), 355–57. In Mons, they were "guarded and well-secured in the treasury of the said abbey of Ecoliers" ("mises en gard soubz bonne seurté en la tresorie de ladicte abbeye des Escoliers"). The delays owed in part to the same officers being busy collecting massive war indemnities from the defeated towns. According to Fairon, the six appointees finally conducted the work during two weeks in June and July 1409. Coussemaker, *Thierry Gherbode sécretaire et conseiller des ducs de Bourgogne*, 96–97; Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, xii–xiii. For the Sentence, see Bormans and Polain, *Recueil*, 424 (article 4): "Apres la visitation des lettres desdis previleges, franchises et libertés; et que lors on en polra rendre aucun ... ne puist estre donné nouviel previllege, que ce ne soit par le consel, advis et consentement de nous ou de nos successeurs." A letter written either December 13, 1408 or one month later can be found at Bormans and Polain, *Recueil*, 422, n. 1. It orders all subjects to diligently assist the administrators assigned to survey the documents.

the perceived importance of the document, the entry describing it could stretch from several lines to several folios in length, and the most egregious examples of inter-urban alliances were copied out in full. Like in the inventories of Valois archives created by the same officials (see chapter 3), certain data points were regularly included: the date of the document being described, the actors involved in the transaction the original document memorialized, and a more or less detailed summary of the thematic contents of the document. These inventories, it seems, were created over the course of two weeks of intensive work in the summer of 1409.[228]

The officials' working process left an indelible image of their understanding of princely sovereignty. It began from wide agreement that the *Sentence* against the rebel towns was too harsh: Bishop John of Bavaria – who from the affair of Othée gained the nickname "sans Pitié" (the Pitiless) – was moved to ask his brother, Count William, and his brother-in-law, Count John the Fearless, to moderate its conditions. An important part of this moderation entailed the return of many of the documents taken more than half a year earlier. So, once the inventories were complete, Thierry Gherbode – John the Fearless' first secretary and *garde des chartes* (archivist) of Flanders – made notes in the margins of the inventories they had created. These marginalia would decide the fate of the documents: an "R" for *restituatur* (returned) or a "d" for *destruatur* (destroyed) were inserted alongside each entry. Destruction was deemed insufficient for some documents: these were to be *destruatur cum inhibitione ne de cetero fiat*, prohibiting the future creation of any similar documents. Still other documents were to be "R[estituatur] cum protestatione" (returned, but with some kind of warning or instruction). When the officials could not decide what to do with a certain item, they wrote "*loquatur*" in the margin: the corresponding documents would have to be "discussed" with the lords.[229] Gherbode was summoned to Saint-Quentin by Count John, Count William, and Bishop John in late June 1409 to hold these discussions. They ordered him to "bring with [him] all the repertoires and extracts [they] had made of the charters and documents" of Liège and its allies. After discussion with the princes and churchmen, the majority of items marked "l" (for *loquatur*) were eventually designated for destruction, indicating that the princes and Liégeois episcopal officials may have been less liberal in their evaluation than their administrators.[230]

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[228] The inventories they created were later discovered and published by the City Archivist of Liège in the 1930s and are held today at the Archives départementales du Nord in Lille in several booklets under the signatures B146, B834, and B835. The archivist, Emile Fairon, was fully committed to the publication of these inventories as an act of civic patriotism, especially as a means of further understanding the urban constitutions of the thirteenth and fourteenth centuries, many of which were lost in 1408. The documents of Liège were further separated into letters of alliance between Liège and the duc de Brabant, letters of alliance between Liège and other lords, and law codes. The registers would be composed of the most important documents passing through each town's administrative apparatus. See Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, xxxiii. ADN B287 n. 15154.63.6, dated July 10, 1409, asks Gherbode to be present at Mons to carry out the inventorying work by Friday July 18. See also Devillers, *Cartulaire des comtes de Hainaut*, 3:356–57; Emile Fairon, ed., *Régestes de la Cité de Liège*, vol. III: 1390 to 1456 (Liège: Éditions de la commission communale de l'histoire de l'ancien pays de Liège, 1938), sec. 686.

[229] The amount of the war indemnities was also reduced in the moderated sentence, issued on August 12, 1409. See Fairon, *Régestes de la Cité de Liège*, vol. III: 1390 to 1456, sec. 673; Bormans and Polain, *Recueil*, 445. Archives départementales du Nord, B 834 no. 18406, folio 1r contains one example of a document "ne de cetero fiat." Three copies of the Peace of Winghone of 1328 were described with the "r. cum protetestatione" marginal note, in ADN B834 n. 18406 f10v-11r. Several examples of "loquatur" are to be found in ADN B146.2 fol. 5v and B146.4 fol. 16r.

[230] Archives départementales du Nord, B 835 no. 18689, letter from Duke of Burgundy to Thierry Gherbode, 20 June 1409: "bring with you all the repertoires or extracts that you have made concerning the charters of the said land of Liège" ("aportez avec vous tous les Repertoires et extraiz que vous avez faiz touchans les chartes et lettres dudit pays de Liege"). The letter was delivered to Gherbode in Lille on June 25, according to a note on the back, leaving Gherbode five days to make his way to Saint Quentin. At times, the princes' decision seemed to be quite emphatic: an undated set of laws in the form of a privilege sealed by the town of Saintron (Saint Trond), initially marked "loquatur" in the margin, was so quickly ruled upon and the booklet so quickly closed that the line striking out "*loquatur*" and the "d" written below it seem to have bled onto the opposite folio even before the ink could dry. ADN B146.4 f16r.

The triage of the documents and the creation of the inventories was labor-intensive, but the result was by no means a neutral administrative product: this was a deliberate process aiming to document and eliminate what the princes considered to be abuses of urban political autonomy and the dangers of inter- and intra-urban alliances. Gherbode's verdicts, inscribed in the margins of the inventories, make this quite clear. Any number of factors might have guided Gherbode's judgment of the documents' fate: the authority of its issuer, the physical state of the document and its seals, the identity of the document's recipient, the diplomatic type of document (chirograph, letter, privilege, ordinance, etc.), or its specific content, to name just several of the most obvious. While no specific guidelines for the triage of the seized documents survive, a close reading of the inventories and their marginalia indicates a rough set of parameters guiding this particular late medieval princely understanding of the proper hierarchy of politics. The fundamental element was the comital administration's opposition to horizontal links of solidarity: agreements and alliances between different Liégeois towns and between different groups within each town were anathema.

No single statistical metric can predict the fate of the documents, although age does provide some hints. Seventeen of the oldest 22 documents delivered by the City of Liège were returned in 1409, though very few survive. Meanwhile, the most recent documents – those coinciding with the revolt of 1406-8 – were largely retained by the counts and presumably destroyed (21 of 23).[231] Of all the 184 documents delivered by Liège, those returned were, on average, 30 years older than the others (1307 and 1337, respectively). But while the date of a document's issue shows some correlation with Gherbode's verdict on its fate, his decision-making process must have been more focused on the matters of concern to someone of his profession. As *garde des chartes*, Gherbode dealt with authenticity, authority, and established documentary traditions that came in the form of seals, signatures, and official titles. So it should come as no surprise that the identity of the issuer of a document was also of great import to the administrators' decisions. Unsurprisingly, documents issued by lords were more likely to be returned to the towns than those issued by towns. Indeed, only rarely was a document retained by the princes when it had been issued by a political actor – whether a king, duke, count, bishop, or pope – the administrators would have considered legitimately able to issue authoritative acts. Of 184 documents delivered by the City of Liège, more than half (98) were marked "d." Only 14 of these were the sovereign acts of a lord, and this number included four acts of the rebel bishop Perwez, which would have been confiscated under any criteria. Moreover, the presence of an imperial seal was important enough to override other imperatives. An imperial vidimus on a document tying Liège with Aix-la-Chapelle seems to have been the only reason for its return to the town in 1409: in the inventory listing Liège's letters of alliance, it was the only one with such authentication (*vidimus*, literally meaning "we have seen"), and also the only one spared.[232]

This was an extraordinarily rare fate for a letter of alliance placed in the hands of the comital administrators. Such documents had been among the explicit targets under the *Sentence*'s archival provisions. Accordingly, these letters – especially the ones consummating important historical partnerships between regional towns – were described in inventory entries of greater length: the counts preferred to have a good record of them for themselves, but to remove them from the coffers of the towns. Another sign of the importance of letters of alliance is that the administrators separated them into different categories. Liège's letters of alliance with Brabant and Brabantine

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[231] My quantitative analysis focuses on the documents delivered by the City of Liège, recorded in two booklets, ADN B834 no. 18406 and ADN B146 no. 5. See the chronological table in Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, xxxvi–xxxvii; 331–36; 361–65.

[232] ADN B146.5 f3r. The margin contains an "*R[estituatur]*" above a crossed off notation which seems to read "*l[o]q[uat]ur.*"

towns – all seven of which, ranging from 1286 to 1399, were marked "d" – were separated from the next sixteen, letters of alliance made with other lords (*Lettres d'alliance faictes avecques d'autres seigneurs)*. The type of document was not typically a strictly determining factor in its fate: among the wide variety of other document forms that were surveyed by the administrators, some of each were returned and others were retained. The exception was this near total rejection of letters of alliance, one of the unequivocal findings of my analysis of these inventories of confiscated documents. For Dinant, for example, one in three privileges, statutes, and ordinances were returned (9 of 28); but only one letter of alliance out of 14 was returned to the town. For Liège, as noted, the rate was one letter of alliance returned out of the 23 listed in that category. Moreover, of the 98 documents delivered by the city that were marked with a "d," 59 were letters of alliance of some kind. Of these, 33 were documents forging inter-urban alliances (peace agreements, pacts of mutual assistance, and the like linking Liège with other towns); six created intra-urban links of solidarity (like those between municipal and ecclesiastical institutions or guilds within the city of Liège), and twenty were alliances between lords or knights and the city, typically against the prince bishop.[233]

Alliances – and often surprising ones, as we have seen – became extremely important tools of war during the Hundred Years War. Letters of alliance were the sealed covenants marking those alliances, and it is not difficult to understand why these circumstances would encourage princely states such as that of John the Fearless in Flanders to strive to limit who could create and keep them. In this sense, the politics of letters of alliance in the Hundred Years Year recall lords' responses to communes in the early Middle Ages, when "oaths sworn *in conjuratione*, or *in conspiratione*... were clearly linked with political subversion," according to Janet Nelson. There is evidence in the inventories that documents that preserved oaths involving towns and townsmen were of particular concern. One 1346 alliance is described as such: "how an alliance and confederation was made, by faith and oath, between this town [of Huy] and the city of Liège and the town of Saint Trond" (*comment une aliance et confederation avoit estet faitte, par foy et serement, entre ycelle ville [de Hui], le cité de Liège et le ville de Saintron*). This kind of sensitivity to the oath-swearing elements of rebellion are unsurprising, considering recent contributions to our understanding of late medieval and early modern oaths. Not only were they political tools that could be wielded in quite rational ways; the use of oaths as tools was gradually monopolized by early modern states seeking to bind individuals to larger political entities.[234]

No less than intra- or inter-urban alliances, guilds were the medieval oath-swearing institution *par excellence*. Indeed, the inventories of documents confiscated from the urban guilds in 1408 require no quantitative analysis to illustrate, because they were categorically condemned. Documents originating from guilds were not even marked with an "R" or a "d" individually in the

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[233] While my analysis focuses on the documents of Liège, this predominance of letters of alliance among the documents slated for "d[estruction]" was also true of the other ten towns that delivered documents to the administrators. Liège's alliances made with "other lords" included those with generations of counts of Luxembourg, Flanders, and Los, with local castellans, and with towns. Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, 55–63. Of the Dinant letters of alliance, of the four within the category "Lettres d'alliances et autres" returned are one economic arrangement with another town, one episcopal document regarding the papal schism, and one copy book

[234] See chapter 1 for my discussion of horizontal oath-making and the emergence of the communes. See especially (including for the above quote on oaths in the early Middle Ages), Nelson, "Peers in the Early Middle Ages," 38. On the Bishops of Liège in this context, see Pirenne, *Early Democracies in the Low Countries; Urban Society and Political Conflict in the Middle Ages and the Renaissance*, 36. The 1346 alliance between Huy, Liège, and Saint Trond appears in ADN B834 no. 18406 fol. 6v-7r. More recent scholarship on oaths includes Leeuwen, "Municipal Oaths, Political Virtues and the Centralised State," 186; Eberhard Isenmann, "Ratsliteratur Und Städtische Ratsordnungen Des Späten Mittelalters Und Der Frühen Neuzeit: Soziologie Des Rats, Amt Und Willensbildung, Politische Kultur," in *Stadt Und Recht Im Mittelalter*, 2003, 215–479; John Spurr, "A Profane History of Early Modern Oaths," *Transactions of the Royal Historical Society* 11 (2001): 37–63.

margins; instead, a single marginal note on the first folio of the lists of each town's guild documents dictates that they all be destroyed. For Liège, the marginalia read: "None of the documents of the guilds of Liège mentioned below is to be returned." The same blanket judgment was applied to the documents of other towns' guilds as well. And indeed, only four of the 136 documents delivered by the Liégeois guilds is known to posterity (no more than 1 guild document collected from the other towns is known). Gherbode's marginal comment here is remarkably frank: "It seems the letters of the guilds of Liège that are mentioned below should be deliberated at length, but the examiners are of the opinion that they must not ever be returned." During Gherbode's discussion with the princes in the summer of 1409, it seems his opinion was confirmed by his superiors: the second portion of the sentence has been crossed off and replaced with "must not be returned at all." It was clear to all parties involved that guilds were illegitimate political actors in the wake of the rebellion of 1408.[235]

The terminology used in the scribes' descriptions of the confiscated documents – which frequently quoted from them directly – suggest good reasons for their trepidation. A 1346 alliance between Saint Trond, Huy, and Liège promised that the two communities would "aid and comfort each other in any situation, with and without arms, to hold and guard their freedoms, customs, governments, and ancient habits against anyone who may hinder them" (*aidans et confortans en tous cas, à armes et sans armes, à tenir et garder leur frankisez, coustumez, gouvernemens et usagez anchiens contre tous qui empecher les voroient...*); the document added that while other towns would be welcome to join, the alliance was to categorically exclude any lords (*sans aliance faite à signeur terryen*). A 1309 pact of mutual aid between Liège and Huy is described in the inventory as "being established to guard, defend, and pursue the ancient and established rights, liberties, laws, privileges, and customs of the two towns" (*establit que pour warder, deffendre et poursuiwir lez drois, franchisez, lois, previllèges et coustumes anchiens et aprouvéez*); the alliance was to "make [of the towns] a body and hold them in aid of one another like the limbs of a single body" (*il seront un corps et tenus d'aidier l'un l'autre comme membres à un corps en tous besoings*). This terminology suggests the intermittent coalitions that formed in the region of Liège could take on – at least on the rhetorical level – the cohesion of a real inter-city league. Common in some parts of Germany and Italy earlier in the Middle Ages, city leagues were at times real military challengers of princely sovereignty. Indeed, evidence of the conduct of war by Liège and other towns was the apparent cause for the destruction of other confiscated documents. Particularly egregious would have been a 1307 alliance made by Liège and Huy with the castellan Libert Butoir, lord of Clermont, who granted the townsmen access to his fortresses.[236]

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[235] The guilds of Liège: ADN, B146 no : 8 fol. 1r. "*Il semble que les lettres des mestiers de Liège dont cy aprez est faire mencion ~~doit estre parlé a plus grand deliberacion mais les visiteurs sont d'opinion qu'elles ne doivent point estre rendues~~ ne doivent aucunement estre rendues, et que en la sentence de mes seigneurs les ducs doit estre declairie que chancun des diz mestiers doit requerir a monS de liege d'avoir ordonnances nouvelles pour et il les leur doit devra baillier bonnes et raisonnables par les avis de nos dit seigneurs que les confermeroms.*" The struck-out text indicates that the decision never to return guild documents was confirmed by an authority. In B146.10 folio 2r, the wording is slightly different in dealing with the guilds of Huy, but the result is identical: "Soit ordonné des lettres de ces mestiers comme l'on a avisé des mestiers de Liège." Hasselt's documents are described in ADN B146 no. 10, and present something of an outlier: of the 19 documents provided by the town, only four were from the town itself – alliances, pacts, and a statute, whereas the remaining fifteen come from guilds, including seven from the tisserands and drapiers alone. The text of only one of these 19 is known today, severely limiting our ability to find sources on the town's late medieval history. The copy was preserved in Liège, which we shall see was no mistake.

[236] The first example (1346) comes from ADN B834 no. 18406 fol. 6v-7r; the second (1309) is at fol. 1v, where its description is 32 lines long, filling the entire folio; the third (1307) in ADN B146 no. 5 fol. 3r-v. They are reproduced in Fairon, 15, 2, 6115, 2, 61Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, 2, 8, 15, 61. On the best-known city-leagues, those of Italy in the twelfth and thirteenth centuries, the most recent work is being done by Gianluca Raccagni, "When the Emperor Submitted to His Rebellious Subjects: A Neglected and Innovative Legal Account of the Peace of Constance, 1183," *The English Historical Review* 131, no. 550 (June 1, 2016): 519–39; Raccagni, "An Exemplary Revolt of the Central Middle Ages?" See also, on the Hanse association of trading guilds, which could at times mobilize as a city-league, Jenks, "A Capital without a State."

If the administrators' goal was the eradication of these letters of alliance marked "d" or "d cum ie" from the archives of the rebel towns, then they were wildly successful. Indeed, at first glance, the counts' effort to take charge of urban archives, to regulate their contents and limit their use as a storehouse of municipal rights, freedoms, and alliances, seems a success: of the 98 documents from Liège they hoped to strike from the town's archives, 76 are apparently lost. But in other cases, the comital seizure of a document encountered the power of the medieval culture of the copy: some of the documents John the Fearless would have been most eager to destroy survived in the form of copies inscribed in registers, authenticated iterations present in other archives, or legal compilations known as *paweilhars*. My analysis found 48 such documents of the 600 collected from all the towns: their texts have survived to our day, passed down in copies or originals unknown or unavailable to the comital administrators responsible for carrying out the survey of seized documents. The networks of medieval archives worked slowly, so their age seems to have affected the rate of survival of documents slated to be destroyed by the princes: of the 98 documents marked "d," those 22 the counts did not succeed in erasing were, on average, a decade older (1340) than those that appear to be lost (1330). Moreover, when a document tied together multiple actors, and thus necessitated the production of multiple copies, its chances of survival increased.

One example is a 1300 charter delivered by both Liège and Dinant preserving an alliance made by the Liégeois towns with John and Guy, sons of the imprisoned Count of Flanders Guy of Dampierre (see chapter 1). It was marked "d" because it represented an alliance between a town and a lord – though it may have had some special meaning because it contained evidence of John the Fearless' predecessor and ancestor conspiring with the towns of the *pays* of Liège against its rightful lord (the Bishop of Liège) and his own rightful lord (the King of France). Like many others, the text of this agreement survived in the form of a vidimus held at the cathedral of Saint Lambert in Liège. Another example is the famous Peace of Fexhe (1316), delivered in copies by Dinant, Huy and Liège. Considered by many a Liégeois *Magna Carta*, the suspicious administrators marked the summary of each copy of this peace with a "d" and described them in long entries in the corresponding inventories of confiscated documents. But the Peace of Fexhe was a crucial bellwether for debate around representation and power in the politics of the principality of Liège. By 1408 it had been subject to almost a century of debate; thus, it is no surprise that this 1316 peace remained extant in numerous cartularies and *paweilhars* around the principality and evaded the comital attempt to wipe it from the record.[237]

In towns like Liège, where rebel coalitions could easily form because guilds, kinship networks, ecclesiastical institutions, and other institutional networks overlapped, there were not only more opportunities for the creation of rebel coalitions, but also more opportunities for texts to be copied into registers, cartularies, or authenticated copies in a parallel institution. The confiscation inventories make this quite clear. For one, towns that had larger municipal archives (or at least submitted more documents) also managed to find more guild documents to deliver: 136 from the guilds of Liège (which delivered 184 documents); 43 from Huy's (alongside 73 from the town); and 11 from the guilds of Dinant (alongside 48 from the town). Towns that delivered fewer than 40 documents tended also to have very few guild documents: neither Saint-Trond, nor Tongres, Thuin, Beeringen, Bilsen, Herck, or Maaseyck delivered more than three guild documents, with Hasselt being the sole exception. This suggests that the prominence and institutionalization of guilds in

[237] The 1300 alliance, according to Fairon, exists in a 1303 *vidimus*. Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, 341. It is printed in Fairon, *Régestes de la Cité de Liège*, II: 55. The Peace of Fexhe was delivered in three iterations. It is published in Bormans and Polain, *Recueil*, I: 154. On the peace, see Christophe Masson, "La Paix de Fexhe, de sa rédaction à la fin de la principauté de Liège," *Bulletin de la Commission Royale des Anciennes Lois et Ordonnances de Belgique* XLVII (2006), where he notes the important context of the Great Famine of 1314-15 in prompting the peace and explores the peace's afterlife as a center of debate about princely power.

towns such as Liège, Huy, and Dinant was linked in some way to the presence of robust municipal record-keeping practices: in short, that the overlapping institutional frameworks of the medieval town, whether they were municipal, ecclesiastical, or guild, interacted synergistically. Indeed, not only were the "saved" documents disproportionately from these three towns (Liège 26, Huy 11, Dinant 5, or 87.5% of the saved documents; these three towns made up 495 of the 600 documents delivered, or 82.5%), they were the only ones for which guild documents were "saved" at all (Liège 4, Huy 1, Dinant 1). This suggests that the comital "silencing" of archives was less likely to succeed vis-à-vis towns with more institutionalized guild activity. In short, the rates at which documents slated to be destroyed were preserved by means of copies extant in other institutions also corresponded to the level of institutional density to be found in those towns: 26 for Liège, 11 for Huy, 5 for Dinant, and no more than two for any of the other towns.[238]

Lest it seem the rate of survival owed simply to these three towns having more documents that could potentially find a path to survival, there is more evidence that Liège and its religious and guild institutions played a central role in the survival of documents. The most common known path of survival for these documents was through the charters and cartularies of the cathedral of Saint Lambert in Liège. Twelve of the 48 surviving texts survived through the *Liber primus cartarum*, the *Liber supernumerarius*, and through *vidimus* copies held at Saint Lambert. Even a statute of Dinant's *confrérie des batteurs* – not strictly speaking a guild but an urban horizontal oath-swearing institution nonetheless – was successfully preserved through a *vidimus* kept at Saint Lambert. Other Liégeois religious institutions, including the Benedictine abbey of Saint Jacques, preserved four additional surviving texts. Thus, at least one-third of the surviving documents of 1408 survived within religious institutions housed in the capital of the *Hédroits* rebellion. Moreover, a number of the *paweilhars* mentioned earlier, the origins of which are hard to trace, must have originated in Liège; these were responsible for another 21 surviving texts. Municipal institutions in other towns, including Dinant, Floreffe, and Thuin preserved another six. But identifiable cases of textual survival in the face of comital destruction owed, overwhelmingly, to the culture of copying and overlapping structures of power within the municipal, ecclesiastical, and guild institutions of Liège.[239]

The unequivocal rejection of guild power and urban alliances I have identified in the confiscation inventories had been made clear in the *Sentence* itself: article 8 had abolished the guilds and confirmed the confiscation of their banners, while article 10 had forbidden the Liégeois towns from forging alliances or holding assemblies. These types of urban solidarity – whether between various towns or between individual townsmen – were considered twin enemies of princely authority. Neither were these new phenomena, as the numerous thirteenth- and fourteenth-century letters of alliance seized by John the Fearless make clear. Nor were guilds being targeted for the first time in the wake of this revolt: the *Chronique Rimée*, a contemporary account of the 1379-85 Ghent War, described the guilds in hateful terms and accused them, especially the governing weavers, of being an organization premised on violence against the patriciate. Still, guilds had not previously been subjected to the kind of archival punishment inflicted by the count in 1408. And while the limited available scholarship on guild archives suggests that the guild halls where they were held were only established in the fifteenth century, evidence preserved in the confiscation inventories of 1408 (among many other sources) suggests the institutionalization of Low Countries guilds was well under way in the thirteenth century. Thus, guilds must have kept documents such as privileges,

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[238] Numbers of documents delivered by each town, by its guilds, and which were "saved" by the culture of the copy (with the number of additional "saved" guild documents in parentheses): Liège 184, 136, 22 (4); Huy 74, 43, 10 (1); Dinant 48, 11, 4 (1); Saint-Trond 20, 1, 2 (0); Tongres 32, 1, 1 (0); Thuin 6, 0, 2 (0); Hasselt 4, 15, 1 (0); Beeringen 4, 0, 0 (0); Bilsen 4, 0, 1 (0); Herck 4, 3, 0 (0); Maaseyck 12, 0, 0 (0). On Hasselt, see note 235 above.

[239] The archives of the Duke of Brabant were further to thank for the preservation of six documents (the total reaches beyond 48 because some documents were preserved in two places.

exemptions, and internal organizational statutes in the fourteenth century as well. Yet previous archival confiscations in 1328 and 1382 did not target guild documents, no matter the animosity nobles and patricians felt towards them.[240] Therefore, the targeting of such documents of urban solidarity in the wake of Othée reflected a change in the Flemish princely state's capacities and ambitions to regulate the archives of their urban subjects and carve out a monopoly over the forging of alliances, rather than a strictly new opposition to guild power.

If the power of guilds and the danger of inter-urban alliances were clear targets of the administrative response to the *Hédroits* rebellion of 1406-8, comital opposition to more everyday forms of urban autonomy was less apparent, however. Of those 98 Liège city documents taken and slated for destruction, only 25 represent acts of urban government such as statutes, ordinances, taxation, judgment, economic regulation, and the like. The documents listed in one confiscation inventory under the category of "statutes" of Liège were marked "d" only two times out of every three (45 of 67). This suggests that urban autonomy over certain governing functions – which had been very much at issue in the post-rebellion punishments of the fourteenth century – was not categorically rejected by the early fifteenth century. By 1408, in the context of the Hundred Years War, the perceived threat of links of solidarity were considered more dangerous to comital power. Indeed, chirographs – a medial form that was particularly suited to and characteristic of late medieval urban recordkeeping and governing practices – were nevertheless returned to the towns at significant rates: exemplars created by Liégeois officials in 1231 and 1273 were returned to Liège, while others dated 1276, 1299, and 1303 were to be "d[estruatur]."[241]

Perhaps most striking in this regard was the treatment of charters of privilege, probably the documents that most closely embodied an ethic of urban self-rule. Here too the results were mixed. A charter confirming Liège's privileges, issued with an imperial seal, was returned; so were Huy's privilege of 1149 and the affranchisement issued to the villages around Tongres by Bishop Henry of Guelders in 1261. But the prized 1066 charter of liberties of Huy was confiscated, as was another issued to Beeringen by Louis, Count of Looz in the year 1211. This suggests that the content of the privileges was taken into consideration when deciding their fate – precisely the kind of analysis applied by Guillaume d'Auxonne in 1329 after collecting the Flemish urban privileges for study (chapter 1). Yet as a whole, the majority of privileges were returned to the towns in 1409, even when it came to the revolt's instigator, Liège. In fact, all thirteen of the items in the section titled "Privilèges" in the first repertoire of Liège's confiscated documents are marked "R" (though only

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[240] The *Sentence* can be found at Bormans and Polain, *Recueil*, 429. On guild archiving, see Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, xxxix–xl; Le Glay, *Chronique Rimée des troubles de Flandre*; Sabapathy, *Officers and Accountability in Medieval England 1170-1300*, 2 mentions Andrew Horn (d. 1328) depositing books at London's Guildhall. The moderated *Sentence* of August 1409, it should be noted, backtracked from the abolition of the guilds, but did insist that the the guild banners remain with the princes. For more on the history of guilds in the Low Countries, see chapter 1. Some of the earliest contributions to this question were Pirenne's: Henri Pirenne and Georges Espinas, *Les coutumes de la gilde marchande de Saint-Omer* (Paris: Bouillon, 1900); Georges Espinas and Henri Pirenne, eds., *Recueil de documents relatifs à l'histoire de l'industrie drapière en Flandre, première partie: Des origines à l'époque bourguignonne*, vol. 2, 2 vols. (Bruxelles, 1906); see also Maarten Roy Prak, "Corporate Politics in the Low Countries: Guilds as Institutions, 14th to 18th Centuries," in *Craft Guilds in the Early Modern Low Countries: Work, Power and Representation*, ed. Maarten Roy Prak et al. (Aldershot, England; Burlington, USA: Ashgate Pub, 2006), 82–114.

[241] On the importance of chirographs for urban archiving, see note 11 above and Brigitte Bedos Rezak, "Cutting Edge: The Economy of Mediality in Twelfth-Century Chirographic Writing," *Das Mittelalter* 15, no. 2 (2010): 134–61. The rate of destroyed statutes (67%) was still higher than the 53% of destruction of all the Liégeois documents taken together, but by a far lower rate than letters of alliance or guild documents.

three appear to be original, complete, sealed charters of privilege – what the scribe described as "un previlège").[242]

While the physical charters of privilege were returned to Liège at the moderation ceremony in Lille in August 1409, its Bishop John and his allies the counts John and William refused to grant the town a newly sealed charter of privileges to govern its affairs. But even if they had no charter of privileges, Alain Marchandisse has shown, Bishop John gradual relinquished the prohibitions of the *Sentence* in subsequent years: he allowed the selection of magistrates, the continued presence of guilds in Liège, and even the re-formation of urban militias by 1414. New *iurati* were elected in Dinant as well as early as 1411. This demonstrates that the "legislative vacuum" created by the institutional changes and archival confiscation of 1408 was unsustainable, and that John himself had worked to end it, in no small part because he wanted the city to prosper financially so that he could too. In any case, it was not until 1417 that Emperor Sigismund granted the City of Liège a new privilege, the text of which is rather curious. It heaps equal measures of praise upon Liège and Sigismund himself, whose granting of the privileges is described as "innovation, approbation, ratification, and confirmation." Actually, Sigismund's privilege is little more than a compilation of earlier ones: it quotes in full one of the privileges returned to the town in 1409, pulling entire articles on subjects ranging from the management of debts to the price of bread. Never mind that many of the provisions in Sigismund's privilege had already been quietly granted by John of Bavaria in 1414 and 1416: the emperor was eager to emphasize (per Jean de Stavelot) that "by his grace he amplified and enlarged the said privileges more grandly than his predecessors" had. No doubt, Sigismund was also eager to receive the golden cross adorned with precious stones, the golden orb, and the loan of 5,000 florins he collected from the town the following Christmas.[243]

But most crucially, Sigismund had cancelled (*cassa*) the *Sentence* of Lille of 1408 and declared it contrary to the law of the Empire. The re-establishment of Liège's privileges in 1417, then, was not a matter of providing the tools to govern, but of marking the end of a punitive cycle. So the return of Liège's and the other towns' privileges is a good reminder of the fundamentally transactional nature of the politics of urban charters of privilege, and the centrality of ceremony to that transaction. There had long been important incentives not just to rescind but to re-issue charters of privilege. Count of Flanders Louis of Nevers may have waited for the Flemish towns to request new privileges before re-issuing them in 1329, but he showed himself quite eager to provide new *mauvais privilèges* when they did so (see chapter 1). From the lord's perspective, indeed, the basic logic of issuing a charter of privilege – and, perhaps, of returning a seized one – was establishing his sovereign right to grant a town its privileges.[244] We have seen that this was not the case with documents forging urban links of solidarity.

Just as granting the privileges in the first place had been a means of establishing their authority, the return of the privilege was an act of magnanimity for lords. The text of the moderated *Sentence* of August 1409, in fact, emphasizes that it has been given in response to complaints about

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[242] Charters of privileges are, in fact, the items mentioned whenever modern historians' accounts mention documents at all in descriptions of the Battle of Othée. The three charters mentioned were issued by King of the Romans and Bishops of Liège. Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, xxxvii; 48–54.

[243] This was the privilege issued by Philip of Swabia, King of the Romans, granted to Liège in 1208. The quotes are at de Stavelot, *Chronique de Jean de Stavelot*, 156-57 and 152, respectively; Liège's gifts to Sigismund are described at 160. Marchandisse argues that Sigismund was only confirming the transformation of the political system of Liège headed by Bishop John of Bavaria, who realized that the city could not be ruled without a semblance of consent and functioning institutions. The legislative and institutional vacuum left by the Sentence of Lille was filled by the piecemeal re-establishment of earlier urban institutions by Bishop John, who in fact found it difficult to rule effectively without them. Marchandisse, "Vivre en période de vide législatif et institutionnel: l'après-Othée (1408-1418) dans la principauté de Liège," 547–53; Charlier, "La bataille d'Othée et sa place dans l'histoire de la principauté de Liège," 242.

[244] Achille Luchaire, *Les Communes Françaises*, ed. Louis Halphen (Paris: Culture et civilisation, 1964).

the harsh treatment of the lands of Liège and Looz after their defeat. In total, 142 documents were returned, almost a quarter of the 600 originally collected. These included 69 documents being returned to Liège, 27 to Huy, and 13 to Dinant.[245] To the text of the newly moderated *Sentence* read during the moderation ceremony – also at Lille – a list of the documents being returned was added. It is phrased to emphasize the counts' magnanimity; the language further suggests that the towns had never expected to see these confiscated documents again. They "agreeably received" the letters being returned and "expressly renounced" all the others as being "of no value."[246] Even Saint Trond, which had delivered only 21 documents to Mons but had – it would later emerge – withheld 26 others that ought to have been delivered to Mons, was rewarded with the return of seven documents, including one concerning the election of officials to administer the town's merchant guilds.

Indeed, compliance with the sentence was never enforced with physical force.[247] It was part of the punitive calculus that saw the urban right to keep documents – and protect the privileges and proofs they entailed – suspended in exchange for a pardon. Only urban links of solidarity in the form of guild documents and letters of alliance were categorical exceptions to this logic. Comital administrators, then, may not really have hoped to silence the archives of their subject towns, but neither did they merely seek to regulate them more closely: they were certainly trying to remove from circulation certain forms of political alliance, and they nearly succeeded.

## Conclusion

It goes without saying that, if hundreds of documents were delivered from urban and guild archives across the bishopric of Liège and the county of Looz to the abbey at Mons on November 12 and subsequently inventoried, then the chronicle version quoted above (page 123) must be apocryphal. Zantfliet's chronicle suggested Liège's documents were burned in the aftermath of the Battle of Othée in late September 1408. But if this was the case, they could not have been collected by comital administrators in November, let alone inventoried and sorted for return to the towns in August 1409. In fact, it seems Zantfliet's account was second- or third-hand at best. Scholars do not believe he began writing his chronicle until well into the 1440s, and his own experiences seem to enter into the account only beginning around 1421, long after the Battle of Othée.[248] It is extremely unlikely that Zantfliet had even second-hand knowledge of what transpired after Othée.

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[245] The inventory returning documents appears in ADN B146.1. It is printed in Bormans and Polain, *Recueil*, 432–44.

[246] Chartes de la cathédrale de Saint-Lambert, n. 976 and 979, printed in Bormans and Polain, *Recueil*, 445. "nous advons aussi agreablement receu," the letters to be returned are to be "en renonchant expressement à touttes les autres lettres comme de nulle valleur."

[247] Bormans and Polain, *Recueil*, 430. Compliance was close to complete, though the moderated sentence notes that Liège had apparently neglected to provide its foundational law code and Visé/Viseit seems not to have delivered any documents at all, to which the princes expressed their disapproval but don't seem to have placed any actual sanctions. Morevoer, there is no evidence that any officials ever set foot in the archive of any of the defeated towns in the aftermath of the Battle of Othée, though some of the officials traveled to these towns in the fall, winter, and spring of 1408-1409 on matters related to the enforcement of the treaty. See, for example, ADN B835, no. 18689. Emile Fairon cross-checked inventories of the documents delivered to Mons against later (seventeenth-century) inventories from several of these cities, and found that very few surviving documents pre-dating 1408 would have been among those the princes demanded the towns hand over. Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, introduction.

[248] Zantfliet's *Chronicon* covers the history of Liège and much of the Low Countries through the 1460s, but he only became a monk shortly before 1430. Pieter-Jan De Grieck, "Menghers, Cornelius," in *The Encyclopedia of the Medieval Chronicle*, ed. R. Graeme Dunphy (Leiden: Brill, 2010). De Grieck also lays out the sources of Zantfliet's chronicle.

As was customary, Zantfliet in fact copied entire passages from older chronicles to which he had access. One of these was the anonymous *Chronicon regni Johannis de Bavaria*, of which the manuscript edition held at Norbertijnen van Averbode Abbey in Belgium presents an account strikingly similar to Zantfliet's:

> Thereafter, on November 8, 1408, on order of **the said princes**, all the writings, charters, privileges, instruments, registers, and muniments concerning franchises and liberties the citizenry of **the said towns and the guilds** were accustomed to using were sent in bundles to the dukes in the same form and transmitted, to be put into order and arranged as it pleased each [prince]. On Monday, December 3, all the banners of the Liège guilds were burned up and the prior franchises, liberties, and privileges were **renounced**.[249]

Some details from Zantfliet's depiction are clearly lifted from this passage of the *Chronicon regni Johannis*: the list of document types is identical, as is the juxtaposition with the fate of the guild banners. But Zantfliet baldly manipulates or badly misunderstands his source. Regarding the collection of documents, he turns "the said towns and the guilds" into "Liège and its guilds"; the figure ordering the collection of documents has in Zantfliet become "Bishop John" instead of "the said princes" (Counts John and William) in the *Chronicon regni Johannis*; and Zantfliet has transformed the burning of the guild banners and renunciation of the franchises, liberties, and privileges into the burning and annulling of all of Liège's delivered documents along with the guild banners.[250]

The *Chronicon regni Johannis* is itself the continuation of an older chronicle, apparently written by the Liégeois patriot Jean de Stavelot, which would also have been available to Zantfliet: the *Chronique Liégeois*. De Stavelot became a monk at the Benedictine Abbey of Saint Laurent of Liège in 1403 and thus seems to be the only chronicler present for at least some of the events described.[251] His version does not mention the burning of any documents. Instead, he describes the sending of

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[249] Emphasis mine. The only printed edition of the *Chronicon regni Johannis* omits any mention of documents in the wake of the Battle of Othée. The two folios relating to the destruction of Liège's documents are inexplicably omitted in Balau, "Chronicon Regnis Johannis de Bavaria," 204. I have consulted the only known manuscript, Anonymous, "Chronicon Regni Johannis," n.d., Archief, IV, Hs. 9, folio 116-140v, Adbij der Norbertijnen van Averbode. The quote, in the original Latin, appears on folio 133r: "*Denique die 8.e novembris de iussu* ***dictorum principum*** *omnes littere, cartes, privilegia, instrumenta registra et munimenta super franchisiis et libertatibus dictes civitatis oppidorum, ac ministerialum uti consueverunt fordellata fuerant eisie?, ducibus in eadem forma transmissa ad ordinandum faciendum et disponendum de ipsis ad eorum libitum voluntatis. Die Lune 3.e decembris fuerunt combusta omnia vexilla ministeriorum Leodiensis et* ***renunciarunt*** *francisiis libertatibus et privilegiis pristinis*." My thanks to Professor Geoffrey Koziol for suggesting that "*francisiis, libertatibus et privilegiis pristinis*" is in the dative because the chronicler, while writing in Latin, was thinking in either German or French, in which the verb "*abschwören*" or "*à renoncer*," both take the dative, and not because the privileges, franchises, and liberties were burned along with the banners.

[250] This may in part be due to his focus on the religious elements of the conflict between the princes and the towns; his narrative is soon to shift to the Council of Pisa, which tried to resolve the Papal Schism by deposing both papal claimants and choosing a new one. Zantfliet, "Chronicon Cornelii Zantfliet Ab Anno MCCXXX Ad MCCCCLXI (1230-1461)," col. 393. Moreover, the date given (November 8, the date of the collection of documents in Huy), indicates that either the author of the *Chronicon regni Johannis* or Zantfliet may have conflated the collection of documents with their destruction.

[251] De Stavelot's perspective is exclusively local, describing in great detail the selection of hostages to be sent by the defeated towns to Flanders and Hainaut as guarantees of the fulfillment of the Sentence handed down by the princes. R. Graeme Dunphy and Christian Dury, "Jean de Stavelot," in *The Encyclopedia of the Medieval Chronicle*, ed. R. Graeme Dunphy (Leiden: Brill, 2010). De Stavelot even uses the first person to describe his experience of the battle: "And I left the battle."de Stavelot, *Chronique de Jean de Stavelot*, 119, 123. The depth of detail he provides and its focus on the goings-on within the conquered towns themselves means his account is relatively trustworthy, if not exhaustive. For example, Stavelot does not mention the second Sentence handed down on August 12, 1409, which includes descriptions of a number of documents being returned to the cities. For more on the chronicle versions see also Carrier, "Si vera est fama. Le retentissement de la bataille d'Othée dans la culture historique au XV e siècle."

"all the letters of franchise of the city and the other *bonnes villes* of the land of Liège" to the officers of the princes on November 8, which is in perfect agreement with surviving notarial sources. He further describes the burning (*arses*) of the banners of the guilds of Liège the following Saturday November 17, but makes no mention of the documents themselves. This confirms the version in the *Chronicon regni Johannis* and the evidence of the archival inventories: the documents of the towns were never destroyed on or near the battlefield by the victors. Instead, they were filtered through the sieve of comital administration.[252]

So what did happen to the documents? They may have been slashed with a knife and cancelled, an increasingly common manner of invalidating documents while leaving their texts legible (chapter 4). This practice was certainly known to the administrators examining the towns' documents in 1408: in the description of a 1328 privilege granted to the City of Liège by its bishop Adolph, the scribe notes that any alliance between Liège and other cities were being made "null, slashed, and recalled for all time" in exchange for the provision of the privilege.[253] Once slashed, the documents retained by the counts could certainly have been burned later on, though we have already seen that other cancelled documents were kept in this invalidated state within comital archives. Alain Marchandisse suggests the confiscated documents were left, possibly slashed, at Mons. Some were certainly retained by Count John's archivists in either Lille or Brussels, as we shall see in chapter 3.[254]

There are many possible explanations for Zantfliet's perversion of his apparent source: writing under the reign of John of Bavaria's successor, John of Heinsberg (r. 1419-1456), he may have sought to enhance the legacy of the Liégeois bishops in the interests of advancing his own abbey's reputation. As an ecclesiastic observing largely lay rebellion, he may have shared some of the biases implied by Walsingham's chronicle of the English Rising. Alternatively, Zantfliet may simply

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[252] De Stavelot, *Chronique de Jean de Stavelot*, 140: "toutes les lettres des franchizes delle citeit et des aultres bonnes villes de paiis de Liege furent enporteez à Mons en Henau aux commissaires deputeis de part les devantdis sangneurs."The Hutois notarial record of November 8, 1408, mentioned above also confirms the Stavelot and *Chronicon regni Johannis* chronicles (Bormans and Polain, *Recueil*, 423). See there an edition of Charte de la cathédrale Saint-Lambert, n. 943. The prior of Huy, "... de faire publier et denonchier par tout ladicte ville de Huy que toutes et quelxconques personnes qui euissent et avoir peuissent ou deussent par devers eulx lettres de franchises, du usages, de loix, de privileges, d'ordenances, d'aliances, de confederacions ou pactions quelxconques servans à ladicte ville, fussent apportees et delivrees en le mains dudits bourgois."

[253] ADN B146.5 f11v. "… all the alliances that had been [made] between those of the City [of Liège] and the other towns, clerical and lay, to aid and adhere to one another must be nullified and cancelled and forever recalled." The 1571 account in the *Annales de Flandre by* Oudegherst, confusingly, suggests that the items *not* returned were actually "cassées," or slashed. Oudegherst, *Annales de Flandre de P. d'Oudegherst, enrichies de notes grammaticales, historiques & critiques, & de plusieurs chartres & diplomes, qui n'ont jamais été imprimés, avec un discours préliminaire servant d'introduction à ces Annales*, chap. 187. [was this seized after Cassel? after Roosebeke? what is the context for its seizure?]

[254] The only narrative account that describes the treatment of the charters after their collection is from the Habsburg official and amateur historian, Pierre d'Oudegherst, who wrote in 1571 that those documents not returned in 1409 were slashed, while the banners of the town were returned and those of the guilds and confraternities were sent to the Chateau of Lille. Pierre d'Oudegherst, *Annales de Flandre de P. d'Oudegherst, enrichies de notes grammaticales, historiques & critiques, & de plusieurs chartres & diplomes, qui n'ont jamais été imprimés, avec un discours préliminaire servant d'introduction à ces Annales*, ed. Jean Baptiste Lesbroussart (Gand, P.F. de Goesin, 1789), chap. 187. The conclusion drawn by Fairon is that the documents marked "d" were destroyed, probably burned, at a later date. See Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, introduction. On the Mons thesis, see Marchandisse, "Vivre en période de vide législatif et institutionnel: l'après-Othée (1408-1418) dans la principauté de Liège," 546. My research in the archives of Lille, Brussels, and Ghent have not turned up any of the charters marked "d"; nor did the work of Fairon, Carrier, or Marchandisse, or Schnerb. However, Michael Delewarde claimed in 1714 to have seen an inventory of 52 additional documents returned to the city in 1416 at Saint Jacques Abbey. Incidentally, this was precisely where Cornelius Menghers of Zantfliet wrote his chronicle alleging that the entire archive of Liège had been burned after the battle. The set of documents was said to have been returned by Duke John and "placed in a coffer in the abbey," according to Michael Delewarde, who saw an inventory of the returned documents there in 1714. Delewarde, *Histoire generale du Hainaut*, 4:343.

have misread or treated his Latin sources too loosely. Whatever the reason, Zantfliet's chronicle helped create the illusion of an archival silence where, in fact, copious documentation remained, presumably in the very building where he was writing. In Zantfliet's version, the destruction had been unilateral and swift. But in fact, far from rampaging through the towns of Liège and Looz and swooping up the conquered archives by force, the victorious princes chose to pursue a policy that obliged the conquered cities to sworn compliance, then carefully examined hundreds of documents before deciding which were permissible and which forbidden.

Over the course of the fourteenth and fifteenth centuries, the counts of Flanders radically transformed both their informational and their ceremonial sovereignty. This was reflected in their behavior in the wake of rebellions. No longer satisfied with the collection and re-issuing of charters of privilege (1328) or the haphazard seizure of assorted documents from their own rebel subjects in the towns of Flanders (1382), after the Battle of Othée (1408), Count John the Fearless' *garde des chartes* made an almost exhaustive survey of the archives of twelve towns in the neighboring bishopric of Liège. He nearly erased an entire genre of document, the inter-urban letter of alliance, from the archival record of those towns, not to mention the bishopric's guild archives. All this took place in the midst of a new devotion to ceremonies of punition in which the count put his own magnanimity and grace in the center. The return of seized documents in 1409 was carried out during one of these ceremonies held at the *château de la Salle* in Lille, the same fortress where Gherbode was patiently building, inventorying, and keeping tabs on thousands of documents inherited from counts dating back three centuries and more. In other words, the horrors of the Hundred Years War and its weakening of the French crown failed to arrest the process of state formation in Europe. Sovereignty in this princely polity was being built at breakneck speed, spurred on by the repeated formation and dissolution of alliances between kings, princes, towns, and elites. The upper strata of royal dynastic politics and the urban rebellions interacted so as to create a volatility of alliances. This spurred the princely states in the middle to consolidate their informational sovereignty.

This was only one element of the legend of Othée. The other was a myth built by a series of poems, tapestries, and chronicles written over the course of the first decades of the fifteenth century. The chronicles, building on and modifying information from previous ones, gradually transformed the narrative of the repression of the conflict, including its account of how documents were dealt after the battle. They turned a consensual delivery of documents by municipal officials accompanied by dozens of hostages, ordered by two neighboring territorial princes as part of an *amende honorable* into the wholesale burning and annulment of all the towns' documents and guilds' banners in a dramatic (but fictional) ceremony of symbolic subjugation. As the account was diffused from de Stavelot and the *Chronicon regni Johannis* to Zantfliet and later accounts, and as the Battle of Othée passed from current events into recent memory and on into legend, a complex agreement between princes and subjects became destruction and naked subjugation. The archival record shows the intricacies of documentary culture at the beginning of the fifteenth century. Informational sovereignty could be expanded in violent ways, but in this case at least, it was a very deliberate and considered process. Nonetheless, the tale of Othée became a myth of archival silencing.

In reality, so far was this situation from archival silence that, even after returning hundreds of the confiscated documents in a manifestation of their generosity and magnanimity, they retained a detailed record of all the documents being returned and destroyed. In fact, they had made a point of copying out in full into the inventories the documents they found the most egregious.[255] Their efforts at effacing letters of alliance were often successful, but in important cases the medieval culture of the copy prevented the count of Flanders John the Fearless from taking complete control of the Liégeois archives. While Gherbode, in consultation with the counts and the bishop, assigned

[255] Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, 16, 17, 88.

53% of Liège's documents a "d" for destruction (98 of 184), copies of enough of them existed in other archives and compilations that a full 41% of those 184 texts are known to us in full. But the most obvious arguments that must be levied against Derrida's suggestion that there exists a sovereign right of (archival) exception are the very inventories the count's archivists created. Weeks of painstaking work in executing the archival aspect of the towns' punishment actually created some of the best sources on the region's urban constitutions and legal codes. These traces of the very silencing of the archives have enabled them to be put back into words: the Liégois archivist Fairon, whose diligent work on the confiscation inventories facilitated my own research, was able to recreate the 1066 charter of Huy seized in 1408 on the basis of the confiscation inventories studied here. As Freud said of what he imagined was the murder of Moses by the Israelites: "The difficulty lies not in the execution of the deed but in the doing away with the traces."

Scholars today know much more about scribal culture and the creation of the Biblical canon than Freud, and their findings suggest some nuance can be applied to our understanding of archival silence. Michael Satlow, for example, argues masterfully that the middle chapters of the Book of Deuteronomy were brought into the canon only under King Josiah (r. 640-609 BC), when a mysterious scroll was taken from the library of the Temple in Jerusalem, read aloud, and celebrated as a vision. Of course, its purpose when composed a century earlier had been far different: a scribe's utopian vision written very much against the spirit of its times. Josiah unknowingly advanced this scribe's speculative hope against hope into the biblical canon. Likewise, the very Exodus from Egypt that Freud studied in his *Moses and Monotheism*, we now know, was almost certainly composed by scribes writing around Josiah's time, when his Kingdom of Judea was fighting off a newly-powerful Egyptian Empire. It was politically expedient to incorporate a story of Israelite Exodus from Egypt, one that would serve the interests of Josiah's own time.[256] Of course, we must consider the context of Zantfliet's work in similar ways. Writing in the middle of the fifteenth century, might his chronicle have sought to warn current and future Liégeois readers that armed resistance to the prince bishop was destined to end in tragedy and the loss of the town's autonomy? As he wrote his chronicle, Liège was engaged in further rebellions, most prominently in the 1430s and the 1460s, involving many of the same figures and institutions of the *Hédroits* uprising. The townsmen would have rued their decision to ignore his advice, couched even though it was in a distortion of history, when the count of Flanders Charles the Bold demolished the city entirely in 1469 in response to the town's latest rebellion and confiscated a number of its charters of privileges (chapter 4).

What Zantfliet called the silencing of the archives of Liégeois towns in fact sheds new light on the pervading documentary culture, archival practice, and tools for building sovereignty available to the princely state in the early fifteenth-century Low Countries. John the Fearless' administrators were explicitly seeking a monopoly on certain types of documents within Low Countries archives. If they failed to eradicate these texts from the historical record, they nevertheless managed to keep the sealed originals of letters of alliance out of the archives of Liégeois towns. Also around the year 1400, counts adopted ceremonial practices such as the *amende honorable* that had theretofore been reserved for the kings of France in the wake of repressing Flemish rebellions. The volatile alliance-building of the Hundred Years War, in other words, not only prompted the counts of Flanders to develop new tools of informational sovereignty, but also to build up their ceremonial sovereignty. Within the inventories of these supposedly silenced archives are tales about documents' destruction, their treatment as textual hostages and symbolic objects, and revelations about the hierarchy of society and links of solidarity cutting across its strata. The oaths sworn over these documents' confiscation, the inventories, extracts, and marginalia used to describe them, can help outline the mechanics of sovereignty and undo archival silences more complex than Derrida imagined.

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[256] Michael L. Satlow, *How the Bible Became Holy* (New Haven: Yale University Press, 2014).

# CHAPTER 3
# The Charter Guard's Travelling Inventories: Lists and the Mobilization of Archives, ca.1350-1450

## Lists and Orders

Copying and listing: these were the medieval administrative practices that, even more than the archivists or the rebels they were sent to punish, were the protagonists of the previous chapter. Far from enjoying a kind of sovereign right of archival exception, as Derrida seems to imply, I showed that the counts of Flanders ultimately failed to wipe the historical record of the evidence of horizontal links of solidarity between towns and within towns. The lists created by fourteenth- and fifteenth-century scribes, meant to document the rights of the urban communes as they were being taken away, in fact preserved them; the widespread (and especially urban) culture of copying and summarizing texts also contributed to their preservation. At the same time, these listing and copying practices helped the counts expand their informational sovereignty and nearly succeed in delegitimizing the creation of inter-urban alliances. In this chapter, I explore lists more closely as the instruments comital archivists used in the struggle to control information and expand their lords' sovereignty.

Rather than consider the list – or writing more broadly – as "constructing the state," I prefer to consider lists as a sub-category of writing that served late medieval European rulers (and surely many others) as tools of sovereignty. The lists at the center of this chapter are mostly of a very specific type: fourteenth- and fifteenth-century archival inventories, known in the sources as *inventaires, inventoires,* or *répertoires*. The list as a medium, and these lists of archival materials in particular, have three primary functional characteristics of relevance here: first, they were tools of information compression; second, as finding aids, a way of collecting and keeping placeholders, cross-references, or addresses; and third, they served as an impetus to create concepts and categories and imbue them with value.[257]

As tools of information compression, to borrow media studies terminology, lists combine large amounts of information into visually and mechanically simple parameters. As Liam Young suggests in his recent *List Cultures*, by shedding certain details, lists refine a compilation to contain only precisely the data necessary to a user. By shedding the formulaic elements of an archival text and compiling many of them in one place, certain types of archival inventory could become archive-books in the sense that they became summaries of an entire archive: folio after folio of succinct, more-or-less uniform descriptions of archival documents – made available in a single volume of between dozens and several hundred folios. Now portable, and presented in convenient visual form, to quote Cornelia Vismann, these lists could "engender circulation" of information.[258]

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[257] Clanchy suggets routinization of writing made the English state in Clanchy, "Does Writing Construct the State?"
[258] See Liam Cole Young, *List Cultures: Knowledge and Poetics from Mesopotamia to BuzzFeed*, Recursions: Theories of Media, Materiality, and Cultural Techniques (Amsterdam: University Press, 2017), 34; quotes at Markus Krajewski, *Paper Machines: About Cards & Catalogs, 1548-1929*, trans. Peter Krapp, History and Foundations of Information Science (Cambridge: MIT Press, 2011), 31–32; and Vismann, *Files*, 6, respectively. On archive books, see Nigel Ramsay, "Archive Books," in *The Cambridge History of the Book in Britain:*, ed. Nigel J. Morgan and Rodney M. Thomson, vol. 2 (Cambridge: Cambridge University Press, 2008), 416–45; Elizabeth Yale, "The Book and the Archive in the History of Science," *Isis* 107, no. 1 (March 1, 2016): 106–15.

Second, and in some ways the inverse of the first: archival inventories contained placeholders for the longer, more complex texts they summarized. These lists compiled what amounted to series of cross-references: a list of addresses that, properly kept up to date, could "account for units that threaten to disappear among countless masses" of items. The string Saramago's hero ties to his leg as he wanders through the archive in *All the Things* was meant to keep him from losing his way in the stacks. The inventory, and the other types of list this chapter examines, served as a kind of Ariadne's threat tying each archival document to its potential user, preventing archival documents from being mislaid. An inventory was a finding aid that could direct its user to the location of the referenced item within the physical archive.[259]

Finally, the very form of the list "encourages the ordering of the items" it contains, according to Young. The list has, as Jack Goody suggests, "a clear-cut beginning and a precise end, that is, a boundary, an edge, like a piece of cloth." This finite nature of the list makes the sequencing of items potentially quite meaningful, and seems to have something to do with its efficiency as a tool. Young adds that "arguments and conclusions are implicit in the order or presentation" of a list. For Goody, this "existence of boundaries, external and internal, brings greater visibility to categories, at the same time as making them more abstract."[260] Meanwhile, in the hands of Umberto Eco, the poetics of the list gestures at the infinite: a "*topos* of ineffability." But whether the list breeds the finite or the infinite, Eco and Goody agree that lists can shape thought and even cognition. George Lakoff points out that categories are everywhere, indeed are fundamental to human (and institutional) functioning, but remain almost entirety implicit. The bellowing laughter Michel Foucault describes in the preface to his *The Order of Things* seems to imply the same: the Celestial Emporium of Benevolent Knowledge invented by Borges much to Foucault's delight is an illustration – or perhaps a satire – of the infinite possibilities of dividing up and making sense of things in lists.[261]

The archival inventory presents one such division of institutional knowledge into meaningful categories. Moreover, such divisions could shift and evolve, and archival inventories changed forms with them. As the repositories they represented grew and evolved, so too did categorizations of their contents. I argue that around the year 1400, administrations in the Low Countries began creating inventories of a specific shape that may have been an answer to certain institutional demands, but were more attuned to the princely state's push to expand its informational sovereignty. In doing so, inventories – not just archives – became tools of sovereignty. Indeed, from archival inventories as mobile, place-holding, categorizing machines, it is only a short distance to the inventory taking on a power of its own, as a tool summarizing the archive but also replacing some of its functions. In this sense, lists such as the archival inventory did not simply reflect, but also shaped political realities. Saramago's Senhor José, the Central Registry clerk who used string as a finding aid for himself, ultimately found the archive could not be extricated from the real world it supposedly only represented.

Scholars believe lists were the first medium in which alphabetic writing was produced. Young goes so far as to suggest that "informational writing" like the list even had a "constitutive connection [to] the emergence of the modern state," citing the Peace of Westphalia as one

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[259] In addition to the works cited in the previous note, see José Saramago, *All the Things*, trans. Margaret Jull Costa (San Diego: Harcourt, 2001).

[260] Goody, *The Domestication of the Savage Mind*, 81; Young, *List Cultures*, 34–35.

[261] Foucault, *The Order of Things an Archaeology of the Human Sciences*; Jorge Luis Borges, "The Analytical Language of John Wilkins," in *Other Inquisitions, 1937-1952*, Texas Pan American Series (Austin: University of Texas Press, 1964); Umberto Eco, *The Infinity of Lists*, trans. Alastair McEwen (New York: Rizzoli, 2009); George Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal about the Mind* (Chicago: University of Chicago Press, 1987).

example.[262] In what way might the list have a "constitutive connection" to modern sovereignty? Adhering to a dated if convenient account of the emergence of a system of sovereign states in the seventeenth century, Young points to the role of lists of territories, maps, and signatures in the Peace of Westphalia, an "informational event" of the highest order. In this chapter I suggest instead that lists – and archival inventories in particular – had become tools of sovereignty at least two hundred years earlier. Not that archival inventories were static tools. On the contrary, those studied here changed quite drastically in the final decades of the fourteenth century. While the earliest surviving princely inventories for the Low Countries were mere reflections of the dynastic politics of their time and place, by 1400 or so inventories boasted a nearly uniform format and could present documents from multiple archival repositories in a single volume. They separated the items in question into dozens of categories divided according to several common measures: location, institution, or document type.

## Dynastic Politics, Joint Archives, and the Inventory ca. 1350

The fourteenth-century transformations in comital politics brought about increasing interest in urban archives, as documented in chapters 1 and 2. The same, of course, was true of their own archives. When Guillaume d'Auxonne founded the first Flemish archive to be controlled directly by comital administrators in 1336, it already held "ancien escriptures," as we saw in chapter 1. It was established at the rural castle of Rupelmonde only seven years after the repression of the Uprising of Maritime Flanders (1323-28) and just as tensions were bringing a subsequent rebellion to the fore, and the Hundred Years War with it. Across the Low Countries, other clerks, scribes, chancellors, and archivists were equally responsive to the needs of their princes. Indeed, it was during the first half of the fourteenth century that archival inventories became the leading technology of archive-keeping, at least in the institutional setting of independent archives set up by princely administrators rather than ecclesiastics serving the prince as stewards of their administrative or financial apparatuses. Their archives, typically no longer housed in churches or monasteries, were moved to the urban and rural castles that served as administrative centers. Even when archives remained in monasteries or churches, they became subject to more vigorous and direct control at the hands of ducal officials. And while the circumstances that led to the institutionalization of archival repositories varied widely, clear chronological tendencies can be identified.

While the level of organization and institutional arrangement varied widely, no self-respecting western European prince or princely state lacked an archive by the thirteenth century. The archival tradition of Artois, for example, reflected its political history during the centuries when Artesian politics were frequently subject to dynastic maneuvers and royal marriages. French king Philip II Augustus (r. 1180-1223), in the first year of his reign, married Isabelle of Hainault, who brought the county of Artois as her dowry. The county came under crown rule and its territories entered the royal domain. Artois was ruled intermittently from both Paris and Arras, while the count's two oldest document repositories, it seems, were both in Paris. Yet much like the county of Flanders, Artois' subjection to royal control didn't prevent it from developing a rich and eventful archival tradition of its own, especially during the brief periods of Artesian autonomy throughout the thirteenth and fourteenth centuries. Oeudes de Saint-Germain, an Artesian clerk and well-known singing poet who served as a clerk in the county's archives around 1270, was among its more colorful figures. Under Count Robert II of Artois (1250-1302), he would have had access to three archival repositories connected to the county, the distribution of which also reflected Artois' subject

[262] Young, *List Cultures*, 73.

position vis-à-vis the French crown. One was at the Cour-le-Comte castle in Arras, the principal administrative center within the county. Two more were in Paris, the preferred residence of the counts and countesses, at the hôtel d'Artois (purchased in 1270), and at Saint-Martin-des-Champs (apparently the oldest of the three.)[263]

The rule of Robert's daughter Mahaut d'Artois left behind over 10,000 archival items, from accounts and charters to receipts and rolls. Following the deaths of her father and husband at the Battle of the Golden Spurs (see chapter 1), she inherited the county. This prompted the production of the first inventories of the county's documents for which evidence is extant. Possibly produced by Thierry d'Hérrison, later dubbed a "Mazarin" because he had his hands in every matter of government, this inventory took the form of three rolls, one for each repository. These scrolls are composed of relatively detailed descriptions of the documents and their location with the archival "coffins." Some descriptions also record the names of actors involved in the transactions described in the documents, and the date of the document is typically also recorded (the most recent document recorded in the inventories dates from 1299). Together, the scrolls record some 120 entries, all dating from the thirteenth century and divided by jurisdiction, whether the county of Artois, the bailiwick of Arras, or the bailiwick of Aire.[264]

There is little evidence to shed light on how often these documents were accessed, but they were certainly prized. In a letter written to Charles II, King of Sicily and Jerusalem on August 22, 1303, Countess Mahaut excoriated the former governor of Artois, Renaud Coignet, who had "secretly, furtively and maliciously removed charters, muniments, chirographs, privileges, and all the letters of stipulation, and instruments, laws, and liberties, all of which belongs to us and to our county."[265] Nor was Coignet's coup the only archival scandal in the early fourteenth-century history of Artois. D'Hireçon, Countess Mahaut's Mazarin, was suspected of aiding her nephew Robert of Artois' famous, if fraudulent, attempts to claim the county. This involved the fabrication of archival documents that were ostensibly under d'Hireçon's purview.[266]

In the wake of these repeated episodes of archival insecurity, Mahaut's successors learned to keep a tighter grip on the comital archives, apparently preferring to keep their most precious documents close at hand. Their frequent voyages between the preferred comital residences in Paris, Hesdin, and Arras leave evidence of their documentary baggage and the frequent need to move documents between one repository and another. Thus a 1321 payment for a courier "pour apporter les escripts de Calais à Arras," for example, or the 1330 purchase of an armoire to be placed in the *conciergerie* in Paris to house Mahaut's accounts, which suggests that, in some dynastic contexts,

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[263] On the history of Artesian archives, a still-valuable resource is Adolphe Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640* (Paris: Imprimerie nationale, 1896), 2. See also Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:239.

[264] The inventory exists at Archives départementales du Pas de Calais, A48[12-14]. Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640*, 4.

[265] Jules-Marie Richard, *Inventaire-sommaire des archives départementales antérieures à 1790: Pas-de-Calais: Archives civiles, série A [Le Trésor des chartes d'Artois]*, vol. 1 (Arras: Imprimerie de la société du Pas-de-Calais, 1878), ii. "… cum cartas, munimenta, cyrographa, privilegia et litterarum alias cauciones et instrumenta, jura, librates et alia ad nos et comitatum pertinencia continentes seu continentia subtraxit furtive, maliciose, latenter…" The quote is taken from Archives départementales du Pas-de-Calais (ADPC) A49, no. 23. She asked King Charles to consider Coignet responsible for the loss of these documents.

[266] Dana Lynn Sample, "The case of Robert of Artois (1309-1337)" (Ph.D., City University of New York, 1996), https://search.proquest.com/dissertations/docview/304243517/abstract/4B764FCCBD5949FAPQ/1; Dana Lynn Sample, "Philip VI's Mortal Enemy: Robert of Artois and the Beginning of the Hundred Years War," in *The Hundred Years War. Different Vistas (Part II)*, ed. L.J. Andrew VIllalon and Donald J. Kagay, 2008, 261–84; Jules-Marie Richard, *Une petite-nièce de Saint Louis, Mahaut, comtesse d'Artois et de Bourgogne (1302-1329); étude sur la vie privée, les arts et l'industrie, en Artois et à Paris au commencement du XIVe siècle* (Paris: H. Champion, 1887).

archival materials were not considered strictly exclusive to one ruler or another. Such sharing of documents was surprisingly common in the fourteenth century, and especially so, as we shall see, in the history of the archives of Brabant.[267]

The middle decades of the fourteenth century were especially salient for the institutionalization of the archives of Artois. Beginning in 1337 the comital records indicate an annual salary of 80 livres for Guillaume Goolin (or Goly), a Dijonnais clerk licensed in canon and civil law. The same year, he and the count's chamberlain received another seven *livres* for work on an archival inventory.[268] In executing this work, they travelled between the different repositories of Jeanne III, countess of Burgundy and Artois. The two went "to Paris to prepare the inventory of all the charters of Monseigneur at Saint Martin des Champs and at the hotel of Artois," a journey for which Goolin was paid half his yearly wages of 24 livres. This inventory was not structurally distinct from the early fourteenth-century inventory created under Mahaut: each roll corresponded to the documents in a separate repository. Such an organizational scheme merely reflected the contents of the different archives, without any thematic categorization, even if some degree of chronological order was maintained.[269]

Archives became particularly useful tools in time of war, so it is no surprise that the middle decades of the fourteenth century – those same decades of intensive alliance building, rebellion, and brutal *chevauchées* during the Hundred Years War – were busy ones not only for Artesian but also for Brabantine archivists. But while Artois' archives were largely in Paris, and Flanders' had recently been established at both Rupelmonde and the *château de la Salle* in Lille, those of Brabant were entangled in a more complex political balancing act. Flanders and Brabant shared a similar level of urbanization, complex economies with strong guilds and international traders, and powerful ecclesiastic institutions. Moreover, these neighboring polities were interconnected at a number of institutional levels. Such fundamental similarities made possible Jacob van Artevelde's campaign for a union of cities ruled by a representative commission: he orchestrated the charter of union between the towns and princes of the two principalities in 1339, its seals visually reflecting the challenging diplomacy involved in the project (figure 9 – see also chapter 2).[270]

Although Brabant and Flanders were the two core regions comprising all the historical polities that preceded the modern Belgian state, their political and institutional situations were different in important ways. For one, the fundamental relationship between towns and prince was very different in Brabant, especially when it came to local traditions and practices of inheritance. The two principalities also differed, in the fourteenth century in particular, in the constitutional solutions found to balance the interests of their separate overlapping jurisdictions. While the negotiation of governmental power between towns and princes was frequently violent in fourteenth- and fifteenth-century Flanders, in Brabant ducal-urban relations were less likely to end in open rebellion. John Watts notes that "a succession of ducal minorities opened the way to power-sharing between the rulers and the larger towns." Relations were less rosy than this suggests: the agreements reached between the towns and the dukes of Brabant were often rote contracts copied out by tradition and only loosely followed. In fact, various towns, especially Brussels, were able to leverage ducal power one against the other. Moreover, the gradual rise of the counts of Flanders in the latter decades of

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[267] Richard, *Inventaire-sommaire des archives départementales antérieures à 1790*, 1:ii, 3. See Archives départementales du Pas-de-Calais A378 and A393, respectively.

[268] Guesnon provides the names of fourteen *trésoriers des chartes* between 1330 and 1633. Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640*, 2. Goolin and the chamberlain travelled "à Paris en faisant les inventoires à Saint Martin des Champs et à l'ostel d'Artois de toutes les chartres et lettres de Mons.gr,"

[269] Guesnon, 4–5. See also ADPC A629.

[270] On Jacob van Artevelde, see chapter 2. On the urban belt, see Brady, Dilcher, and Blockmans, "The Urban Belt and the Emerging Modern State (Pt. V)"; De Vries, *European Urbanization, 1500-1800*.

the fourteenth century tended to draw all the other Low Countries princes closer to their towns: both townsmen and regional princes such as the dukes of Guelders dreaded dominance by a too-powerful count of Flanders. While in Flanders, as we have seen, the counts increasingly wrested the county's archives away from traditional ecclesiastical officeholders and urban communes, in Brabant a variety of factors conspired to bring archives into a different constellation of institutional cooperation, one that eventually became a gateway to Burgundian expansion.[271]

In a reflection of Brabantine politics, the duchy's archives seemed momentarily to be a resource shared by various institutions in the duchy: prince, towns, Estates, and churches. Until 1356, evidence suggests the *trésor des chartes* of the dukes of Brabant was held at the Saint-Pierre church in Louvain, but the upheavals of the 1350s prompted the creation of a separate archival repository just for the duke and duchess.[272] In 1347, the count of Flanders Louis of Mâle had contracted to marry Margaret, heiress of Brabant (1323-1380). The marriage contract dictated that in case her father, Duke John III of Brabant, died without male heirs, Louis would inherit the towns of Antwerp and Malines, seigneurial enclaves of the bishopric of Liège lying within the territory of the duchy.[273] So with John's death in late 1355, shortly after the death of his only two sons, his eldest daughter and heir Jeanne of Brabant (1322-1406) and her husband Wenceslaus of Luxembourg (1337-1383) were pressured to fulfill the conventions of Louis and Margaret's marriage contract by relinquishing the two wealthy towns. Yet the towns of Brabant, led by Louvain and increasingly by Brussels – strongly opposed this arrangement. The traders and magistrates dreaded the separation of Antwerp and Mechelen from the duchy, especially because increased transport duties were sure to fall on traders and inevitably raise prices. A political standoff ensued so bitter that the towns refused to release the duke's body for burial as a means of delaying his replacement.[274]

Among other arrangements made in the wake of John III's death was the transport of his archives into a fortified room of the tower of Saint Peter's church in Louvain. This was a compromise between the towns and the two dynasties hoping to secure the duchy. The towns, meanwhile, opposed domination by the House of Luxembourg just as they later bristled at Valois rule. They insisted upon a number of structural limitations on sovereign power in the duchy before consenting to Wenceslaus and Jeanne's accession to power. A contract was drawn up and signed in January 1356. It was called the *Blijde Inkomst* (Joyous Entry) of the dukes of Brabant because it was meant to ensure that, in exchange for a number of concessions to the towns, the ceremonial entry of the ducal couple would not be disturbed. Crucially, in the context of the Hundred Years' War, the

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[271] See Watts, *The Making of Polities*, 187. On Brussels, see Claire Billen, "La construction d'une centralité: Bruxelles dans le duché de Brabant au bas Moyen Âge," in *The Power of Space in Late Medieval and Early Modern Europe: The Cities of Italy, Northern France and the Low Countries*, ed. Marc Boone and Martha C. Howell, Studies in European Urban History (1100-1800) 30 (Turnhout: Brepols, 2013), 29–42. On warfare in medieval Brabant more broadly, see Sergio Boffa, *Warfare in Medieval Brabant, 1356-1406*, Warfare in History (Woodbridge; Rochester, NY: Boydell Press, 2004); De Schrevel, "Le traité d'alliance conclu en 1339 entre la Flandre et le Brabant renouvelé en 1578"; Henri Laurent and Fritz Quicke, "La guerre de la succession du Brabant (1356-1357)," *Revue du Nord* 13, no. 50 (1927): 81–121. On regional princes such as the dukes of Guelders, see Nijsten, *In the Shadow of Burgundy*.

[272] Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:399. See introduction. Bautier, "La phase cruciale de l'histoire des archives."

[273] The seigneurial status of Malines (Mechelen) would become an important factor in Charles the Bold's choice to center his administrative institutions there in 1473. See chapter 4 below. See also L. Th. Maes, "Pourquoi la ville de Malines est-elle devenue la capitale juridique des pays de par deça," in *Droit privé et Institutions régionales : études historiques offertes à Jean Yver* (Publication Univ Rouen Havre, 1976).

[274] The primary opposition to the separation of Antwerp and Mechelen seems to have been economic: merchants were averse to paying new taxes when crossing into Flemish enclaves. For more on Brussels' rather successful leveraging of the inheritance dispute to make itself the central city of the duchy through a bold *furta sacra* is brilliantly described in Billen, "La construction d'une centralité: Bruxelles dans le duché de Brabant au bas Moyen Âge."

charter's measures for urban power-sharing with Jeanne and Wenceslaus included significant limitations in the military sphere: Wenceslas and his successors well into the fifteenth century were denied the right to declare (anything but a defensive) war without the consent of the towns and estates of Brabant; the same was true of any alliance concluded with another lord using the duchy's Great Seal. Thus while the same forces encouraged princes and towns to contest the right to make alliances in Brabant as they had in Flanders, the disputed inheritance of the duchy allowed its towns to demand remarkable limitations on princely power – at least in theory. So far-reaching were these concessions that, under the *Blijde Inkomst*, any conquests won in war, instead of attaching to the ducal domain, were to "remain and belong to our common land of Brabant."[275]

In addition to these remarkable concessions on the conduct of war and peace, the charter dictated that the duchy's archives were to be shared between the towns and their sovereign. While the documents were officially to be placed under the guard of the ducal administration, three keys were necessary to access the chests holding the charters; the duke of Brabant held one of these, and the towns of Louvain and Brussels the other two. Moreover, since the archive itself was in Louvain, that town had the additional power of controlling access to the town.[276] Nor were the towns bashful about exploiting this situation. When Louis of Mâle invaded the duchy in June 1356 to enforce his claim to Antwerp and Mechelen, the towns were able to appropriate the supposedly shared archives to produce proof that might compel Jeanne and Wenceslaus to oppose the invasion. And though they found precedents dictating that the couple were obliged to protect the duchy's territorial integrity, Louis of Mâle's invasion of Brabant in 1356 achieved its aim: on August 4, 1357, the treaty of Ath granted him Antwerp and Mechelen in exchange for his recognition of Jeanne's succession to the rest of Brabant.[277]

Much like the Flemish examples explored in previous chapters, an urban uprising could also serve as a convenient excuse to appropriate archival materials. In 1361, a number of craft guilds joined Pierre Cotereel, sheriff of Louvain – still home of the duchy's archive – in a rising against Duke Wenceslaus. The archival arrangement imposed by the *Blijde Inkomst*, understandably, was no longer to the liking of the duke and duchess. At the first opportunity, Wenceslaus had the archive removed from Louvain and sent to two repositories controlled by reliable ducal allies: the church of Saint Gertrude in Nivelles, about 30 kilometers south of Brussels (and 45 kilometers southwest of Louvain) and the nearby ducal palace of Genappe.[278] At these new sites, instead of sharing the

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[275] On the *Blijde Inkomst* and especially its military and territorial implications, see Boffa, *Warfare in Medieval Brabant, 1356-1406*, 80–82.

[276] Hubert Nelis, "Notice historique sur le Chartrier de Brabant (XIIe siècle - 1936)," *Archives, Bibliothèques et Musées de Belgique* 15, no. 1 (1938): 5. The Joyous Entries of subsequent ducs in 1406 (Antoine de Bourgogne, brother of Phililppe le Hardi), 1427 (Philippe de Saint-Pol), 1430 (Philippe le Bon), 1467 (Charles le Téméraire), and 1494 (Philippe le Beau) confirmed this stipulation regarding the charters of Brabant, even though they were then held primarily at the Sainte-Gertrude church in Nivelles.

[277] The elites of Brussels also utilized religious symbolism, launching a yearly procession to commemorate the Virgin of the chapelle Notre-Dame du Sablon (dozens of meters from the ducal palace in Brussels), a statue once neglected in a church in Antwerp, according to legend. The first annual procession occurred several days after Louis de Mâle announced his intention to invade Brabant. Boffa, *Warfare in Medieval Brabant, 1356-1406*, 80; Billen, "La construction d'une centralité: Bruxelles dans le duché de Brabant au bas Moyen Âge," 189–90. For more on the urban seizure of the duchy's archive, see Piet Avonds, *Brabant tijdens de regering van hertog Jan III (1312-1356): de grote politieke krisissen* (Brussels: Koninklijke academie voor wetenschappen, 1984), 197–208. See as well Blockmans, "Alternatives to Monarchical Centralization: The Great Tradition of Revolt in Flanders and Brabant," 149.

[278] On the 1361 uprising, see Jelle Haemers, "Governing and Gathering about the Common Welfare of the Town: The Petitions of the Craft Guilds of Leuven, 1378," in *La Comunidad Medeival Como Esfera Publica*, ed. Rafael Oliva Herrer et al. (Seville: Sevilla University Press, 2014), 157. We have a record of Wenceslaus' order to remove the archive from Louvain, dated December 5, 1361: "Ende dat hertoghe themwaert hebben ende nemen soude de privilegien van

archives with the Brabantine towns, as the *Blijde Inkomst* had dictated, Jeanne and Wenceslaus now began to share the duchy's archives with her sister. Both Jeanne and Margaret of Brabant hoped to secure inheritance of the duchy along with their husbands (Wenceslaus of Luxembourg and Louis Count of Flanders, respectively); shared control over documents was one way sovereignty over Brabant was increasingly shared between the sisters. Shortly after the removal of the Brabantine archives from Louvain by Jeanne and Wenceslaus, a joint team of Brabantine and Flemish officials surveyed the portion of the collection held at the château of Genappe. The resulting inventory was created by a bailiff of the duke of Brabant and two clerks of Brabantine origins also in the service of the duke (Nicolas and Jean de Gravia), as well as two officials for the count of Flanders, including the provost of Notre Dame of Bruges. The inventory summarized the contents of these charters in brief entries in Latin, French, and Dutch, reflecting the multi-lingual contents of the archive itself and the light hand of the inventory makers, who had no intention to process the data, only to compress it. The brevity of the inventory suggests it was a summary of the archive's contents rather than an attempt to categorize and thematize the documents held there. It was not designed to capture much detail: not even documents' dates were included.[279]

The Brabantine archives of the middle of the fourteenth century, then, present a distinct if complex model of inter-dynastic archival cooperation that emerged out of a disputed inheritance, broken promises to powerful towns, and a tradition of negotiated rather than violent resolutions to conflicts between those towns and their rulers. Initially, Brabant's towns and estates were able to leverage dynastic rivalries to advance their autonomy. They gained a charter that purported to make the territorial integrity, the archives, and war and peace in Brabant the concern of the duchy rather than the personal concern of the duke of Brabant. But the right to make alliances and to justify war – as in Flanders (see chapter 2) – remained at the center of conflict between the Brabantine duke and towns. In the Brabantine case, sovereignty was at stake, if anything, even more explicitly than in Flanders. Did Brabant's the archives and territories belong to the duchy or to the duke? Was its integrity as a political unit to be defended, or could the marriage contract of its second-eldest princess supersede it? This indicates that the building of informational sovereignty in Brabant was not carried out from within the ducal court. The strongest advocates for Brabant's territorial integrity and unity throughout the inheritance crisis were the duchy's towns rather than the princes vying to rule it. As for the Count of Flanders Louis of Mâle, his war to conquer Antwerp and Mechelen should certainly be seen as an expansion of his sovereignty, but it is worth noting that it only further complicated the relationship between territory, jurisdiction, and sovereignty in the Low Countries by deepening the intricacy of the jurisdictional enclaves in the duchy. Finally, even if the duke of Brabant could quickly ease back the concessions of the *Blijde Inkomst* in practice, there was significance to the existence of these provisions in writing. As we shall see in chapter 4, such medieval episodes remained powerful political cards that could be drawn upon by fifteenth-century rebels against Valois counts or sixteenth-century rebels against the Spanish Habsburg Empire. No

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Brabant, de welke wilen bi den ghemeenen lande te Lovene in den com gheleit waren." From Jan Frans Willems and Jean Henri Bormans, *De Brabantsche yeesten: of Rymkronyk van Braband* (Brussels: M. Hayez, 1843), vol. II: 584.

[279] The husband of their younger sister, the duchess of Guelders, also maintained some pretensions to the duchy. Nelis, "Notice historique sur le Chartrier de Brabant (XIIe siècle - 1936)," 6–7. The Genappe documents were deposited in twenty-five layettes labelled with letters, though rather remarkably out of alphabetical order, suggesting they had been moved around into a more intuitive arrangement: A, V, X, Y, Z, Q, R, E, O, F, P, I, O, S, H, C, N, M, K, D, and finally B. The Genappe inventory can be found at AGR, manuscrits divers no. 1, fol. 103.

Brabantine duke before the nineteenth century did away with the core concessions of the *Blijde Inkomst*, although they were able largely to ignore it.[280]

More broadly, this account suggests the archives of the county of Artois and the duchy of Brabant were largely reflections of the general political realities of these polities in the middle of the fourteenth century. Their administrators created inventories that reflected the archives' contents more than the demands the administrators might make of the archival materials. Thus, at mid-century the archival lists of the Low Countries were largely reflections of the politics of each principality, but the rise of Burgundian power in the late fourteenth century prompted a new uniformity.

## Thierry Gherbode's Travelling Inventories

When Thierry Gherbode was sent to survey and triage over 600 documents and registers delivered by Liège and its allied towns in the summer of 1408, he had already been in the service of the Flemish counts for thirty years (chapter 2), and had been preparing archival inventories for at least twenty. We know little about his life before becoming a comital secretary except that he was raised and trained by members of powerful ecclesiastical institutions allied to the counts of Flanders. An act nominating his father Jean to a canon's stipend at the cathedral of Saint Donat in Bruges gives us some indication of the prominence and proclivities of his family. Born in either Wervicq (the site of his burial) or Ypres, Thierry followed his father's footsteps into the church before entering the service of the Flemish count.[281] Such hiring of a cleric by territorial princes was not rare: princely administrations were often staffed with church officials, among whom rates of literacy were far higher than the general population.[282] Many had also gained experience administering church lands and keeping records, and their stipends could be paid by the monastic and ecclesiastical institutions to which they belonged, thus reducing the prince's direct financial obligations.

These may be some of the reasons why Thierry Gherbode entered the employ of the Count of Flanders Louis of Mâle of the House of Dampierre in either 1378 or 1379. While there is little evidence about his work from these early years, by 1385 he was certainly a comital secretary and participated in drafting the Treaty of Arras that ended Ghent's rebellion against the count that year

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[280] Blockmans, "Alternatives to Monarchical Centralization: The Great Tradition of Revolt in Flanders and Brabant," 149. Regarding the parallels between territorial jurisdiction and the expansion of sovereignty, see the important Lucien Paul Victor Febvre, "Frontière: The Word and the Concept," in *A New Kind of History : From the Writings of Febvre*, ed. Peter Burke, trans. K Folca (London: Routledge and K. Paul, 1973).

[281] Thierry's brother Gauthier succeeded their father Jean in this prébende at Saint Donat; Thierry too would receive one from the same cathedral in the early years of the fifteenth century. Though Thierry's successor to the title of *clericus diocesis Tornacensis* (clerk of the diocese of Tournais) had the title "presbyter" (elder) the same description is not used in Gherbode's own appointment. Thus he seems to have been a clerk only by dint of his receipt of tonsure, which accords with the evidence that he had a number of children. Gherbode was in 1902 the subject of a book-length biography written in the positivist national tradition in Belgium, divided into three parts: family origins and personal life, his work as ducal secretary and archive keeper, and his role as a ducal negotiator and representative. A document from 1384 mentions he had already been in service to count Louis de Mâle for five years. Coussemaker, *Thierry Gherbode sécretaire et conseiller des ducs de Bourgogne*, 28–29.

[282] Saint Donat, built in the tenth century and destroyed in 1799, had a central role in the medieval administration of Flanders. See Introduction above, and Murray, "The Liturgy of the Count's Advent in Bruges, from Galbert to Van Eyck," 142. Gherbode's epitaph is reproduced in Jules, Baron de Saint-Genois, *Inventaire analytique des chartes des comtes de Flandre, avant l'avènement des princes de la Maison de Bourgogne, précédé d'une notice historique sur l'ancienne trésorerie des chartes de Rupelmonde* (Ghent: Vanryckegem-Hovaere, 1843), xxix; Champollion Figeac, *Documents historiques inèdits tirés de la Bibliothèque Royale et des archives ou des bibliothèques des départements*, vol. 2, Collection de documents inédits sur l'histoire de France (Paris: Typographie de Firmin Didot Frères, 1843), 47.

(see chapter 2). With the death of Count Louis and his succession by Philip the Bold (r. 1384-1404), Gherbode continued to serve as comital secretary. In accordance with the order of Philip's titles, which (after designating him "fils de roy de France") began with "duc de Bourgogne" before listing "comte de Flanders et Artois," Gherbode's signature can be found on dozens of surviving official letters signed: "pour monsieur le duc. T Gherbode."[283]

Gherbode may have begun as a secretary, but beyond the typical utensils of the medieval scribe (see figure 3), his work came to involve several tools specific to the late medieval archivist. These included sets of keys used to access the *trésors des chartes* of Lille and several other archival repositories across the Low Countries, and lists of the contents of those archives: archival inventories. Starting in the late 1380s, Gherbode spent months at a time producing dozens of painstakingly detailed archival inventories, when he travelled widely across his lord's lands in Flanders, Brabant, Artois, and beyond, at times reaching as far as Dijon in the duchy of Burgundy. In these inventories he developed a distinctive ekphrastic language both formulaic and abstract, which he used to described the thousands of documents that passed through his hands. He also created more laconic lists of the furniture, weapons, banners, ships, and supplies held at various castles controlled by the counts. Indeed, he described even documents as objects, putting special emphasis on their seals and other marks of authenticity. Like other members of the comital bureaucracy, Gherbode became an important land owner controlling at least two fiefs around Lille and an active figure in Lillois politics. Gherbode accumulated numerous positions in the Valois administration of Flanders, all of which stemmed from his long experience within the archives of the Low Countries. He was officially named *maître des comptes* (financial accountant) in 1407 and ducal councilor in 1419 in addition to his appointment as *garde des chartes* (archivist) in 1399. The latter appointment will be examined at length below.[284]

Gherbode never attended university, but unlike many of his contemporaries, he thought highly enough of the institution to send one of his sons to study at Paris. (In 1403, this son was responsible for introducing the count-in-waiting John the Fearless to a rector at the university named Pierre Cauchon, who would later become bishop of Beauvais and a strong supporter of the Burgundian camp, eventually entrusted with the trial of Joan of Arc). In the course of Gherbode's career under the counts of Flanders, he encountered and worked with many university-trained lawyers, as well as those practitioners of customary law still suspicious of universities, who sent their own sons to apprentice with nobles in lieu of university legal training. By the middle of the fourteenth century a cadre of townsmen whose university studies had often been funded by their urban communes were entering the administrations of princes like the count of Flanders in large numbers, a process that took shape across western Europe.[285] According to Robert Bartlett,

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[283] On the ecclesiastical innovations in lordship, see Berkhofer, *Day of Reckoning*. The financial motivations for bringing ecclesiastics into princely administration and the resulting growth of the official apparatus is discussed in Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 301.

[284] Gherbode's castle inventories, including ADN B3533, and his journeys between inventorying jobs were typically carried out with Gilles le Foulon, another less senior ducal secretary. See discussion of Rupelmonde below and Pierre Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre sous les ducs de Bourgogne de la maison de Valois: 1384-1477* (Kortrijk-Heule: UGA, 1982), 204. Gherbode's familiarity with the documents were the justification for his appointment as honorary *maître des comptes*. See appendix (Pièces justificatives) #112 in Santamaria, "La Chambre des comptes de Lille de 1386 à 1419." Gherbode's appointment as *conseilier* in 1419 is reproduced in Louis Prosper Gachard, *Rapport à monsieur le ministre de l'intérieur, sur différentes séries de documents concernant l'histoire de la Belgique, qui sont conservées dans les archives de l'ancienne chambre des comptes de Flandre, à Lille* (Brussels: Hayez, 1841), 397. On the tools of the medieval scribe, see Guyotjeannin, Pycke, and Tock, *Diplomatique médiévale*. See also Giry, *Manuel de Diplomatique*.

[285] The name of this son studying at Paris is unknown, as is that of Gherbode's wife, but a number of his illegitimate children and their mothers are known to us because of documents from their legitimation. Coussemaker, *Thierry Gherbode sécretaire et conseiller des ducs de Bourgogne*, 28–29. The development of customary law in parallel and not necessarily in

universities were "one of the most powerful instruments of cultural homogeneity to arise in the High Middle Ages." At the same time, a similar shared training was emerging within administrative institutions themselves. Jean-Philippe Genet argues that a certain division between municipal and princely administrative practices began to dissolve in the late fourteenth century with the increasing influence of universities, where various circles of learned people, texts, and genres began to mix.[286]

Many genres were also impacted by this growing confluence of learned experiences. Élodie Lecuppre-Desjardin notes that genres of chronicle and history in the late medieval Low Countries developed in parallel around princely, urban, and ecclesiastical institutions, and that humanism made inroads in all of these administrative fields. In a parallel trend, the primarily noble, knightly, and ecclesiastical staff of eleventh- through fourteenth-century *curiae* were subsequently replaced by the "clercs-administrateurs," whom Boone and Vandermaesen describe as early "technocrats." As I show in chapter 4, urban and princely administrative practice also interacted with greater frequency over the course of the fifteenth century. The town of Ghent, for example, carried out a comprehensive survey and reorganization of its prized archive in 1432, in the midst of heightened expansion of the Burgundian principality under Count Philip the Good, whom Gherbode served in the final years of his career. When urban officials did begin to prepare archival inventories, they resembled princely inventories, broadly speaking. In fact, the structure, format, and purpose of archival inventories bore a remarkable resemblance not only within the overlapping urban, ecclesiastical, and princely jurisdictions of the Low Countries, but as far away as Simancas and Vienna.[287] Bartlett argues that this similarity may owe to the experiences of administrators: "the uniformity to their technical language, intellectual habits, pedagogic expectations and teenage memories" shaped by the university's "standard educational experience" of the "non-military élite of the Latin West."[288]

Yet alongside this growing uniformity of administrative practice was a traditional legal culture, one that privileged experience over university training. The figure of Gherbode, who never trained at a university, challenges the idea of increasing administrative conformity across Europe. For all the convergence of administrative cultures brought on by the universities, there remained enormous variations in registering, sealing, signing, and summarizing practices. Such was the case even within the principalities of northwestern Europe, where French was steadily replacing Latin as

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isolation from Roman law, and the disregard of traditional Flemish practitioners of law for university training – a common view in fifteenth-century Flanders – is discussed by R. C. van Caenegem, "Bookish Law and Customary Law: Roman Law in the Southern Netherlands in the Late Middle Ages," in *Law, History, the Low Countries and Europe*, ed. Ludo Milis et al. (London: Hambledon Press, 1994), 130. See also Pennington, *The Prince and the Law, 1200-1600*.

[286] On universities' role in this regard, see Bartlett, *The Making of Europe*, 288, argues for the university as an engine of homogeneity. On communes funding their sons' university studies, see Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 299. The convergence of urban and princely administrative practice is discussed in Genet, "Conclusion: Chambres des comptes," 274–76. See also Vale, *The Princely Court*; Nijsten, *In the Shadow of Burgundy*.

[287] There are some indications, in fact, that among the highest princely officials in fifteenth-century Flanders, a large number hailed from the most rebellious cities – not necessarily a rare dynaimc according to Lecuppre-Desjardin, *Le royaume inachevé des ducs de Bourgogne*; and Haemers, *For the Common Good*. For more on the most senior Valois administrators, see Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 297–98. For an English perspective focusing especially on the late twelfth-century *Dialogue of the Exchequer* and English royal domainal accounting, see Sabapathy, *Officers and Accountability in Medieval England 1170-1300*, chap. 2. On the archive of the town of Ghent, see chapter 4 and the recent van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad."

[288] This uniformity in the form of inventories may have as much to do with the spreading of administrative models through individual administrators and temporary rule from afar. See Jean-Marie Cauchies, "Das Burgundische Vorbild (le «modèle bourguignon») et sa «réception» dans les principautés habsbourgeoises: arguments et perplexité," *Publications du centre européen d'etudes bourguignonnes* 46 (2006): 77–90.

the language of administration. Even a cursory glance at the inventories or registers produced in Artois, Brabant, and Flanders in the first half of the fourteenth century makes abundantly clear how much variety remained. Rather than bringing Flemish practice in line with a European norm, then, Gherbode's career helped create a Valois administrative style. Gherbode thus embodied the interaction between an older, more vernacular and experiential legal culture and the new Europe-wide shared language and form of administrative records that were promoted by widespread university training.

This style was remarkably visible in his inventories, which became a particularly important tool both in achieving the expansion of informational sovereignty and in defeating the challenges of distance posed by a lack of territorial contiguity. The archival inventory as a tool of Valois informational sovereignty, as I argued in the introduction, was a particular form of register organized not chronologically but topographically or thematically. When topographical, an inventory reflected the physical arrangement of items in the archive; when thematic, it categorized them by some other logic, such as geography or political hierarchy. The inventory was a form of register similar to the medieval cartulary, and thus part of an intertextual tradition dating back centuries. In other ways, however, the archival inventory was a form of catalog, exhaustive, systematic, and strictly organized. Means of organizing information – spacing, enlarged capitals, indentation – made the archival inventory a finding aid no less than the library catalogs created at university and court libraries. As in the ecclesiastic, princely, and university libraries where catalogs were created, the need to keep documents secure in archives was closely related to their organization and the keeping of lists to track them. Thematic registers such as the one created by Guillaume d'Auxonne in the wake of the Rising of Maritime Flanders indicated the medium's flexibility as tools of sovereignty.

Perhaps most crucially, the inventories of Gherbode and his successors were tools not only of compression but of abstraction. An inventory's initial purpose might be as a finding aid directing a user to the original document. But by grouping documents on a certain topic together and summarizing them, administrators began to treat the inventory as a succinct overview of a polity's documentary treasures. The summaries themselves, for some administrative purposes, could stand in without any need to access the original. Gherbode's inventories flatten the variety of medieval documents and place them within a more-or-less fixed rubric with specific data points. Handwriting, languages, diplomatic forms, physical size, different styles of dating, dorsal notes, and so on were all translated into a single code. A model entry in an inventory – beginning with Gherbode's but stretching well beyond his career – read something like:

> [Number] of [document type] in [language] with [vidimus, seal, or other authenticating marks] by which [institution or political actor] grants, requests, confirms, etc. to [institution or political actor], given by [institution or political actor] on [date] of [year]; marked with [number, letter, or drawing].

Limited though this scheme may appear, it yields, upon a close reading, the priorities of the administrator preparing the inventory. It also divulges precious information about the legal culture of proof in practice as well as the potential needs of the inventory's user. Moreover, this format helped not only to make archival documents more easily accessible, but also changed the ways in which arguments could be mobilized to serve the interests of the sovereign, his or her administrators, and their subjects. The rubrics chosen to categorize documents in the inventory, over time, impacted the categories of administrative thought as well. More, according to recent media studies analyses on lists and paperwork, this abstraction may have helped shape the Valois

Burgundian state's understanding of sovereignty and helped its administrators do battle with the challenges of space and time.[289]

Even after their creation, inventories remained as dynamic as the archival pieces they described. This is clear from notes scribbled by officials in the inventories' busy margins, the quires they pasted in, the texts they struck out, and the brief explanatory prefaces they added to describe what work had been done to keep the inventory up to date. It is also evident, if unsurprising, that times of political upheaval, the acquisition of new territories, and moments of dynastic intrigue spurred the reorganization of princely archives and the movement of documents between them, leaving their mark in inventories as well.[290] Complex episodes of inheritance, princely coalition building, and disputes over princely rights and prerogatives also precipitated the expanded circulation of documents around the Burgundian realm. Objects as well as texts, the mobility of archival documents allowed their owners to successfully wield them in struggles over rights and prerogatives.

Close study of the archival inventories of fifteenth-century Flanders, Artois, and Brabant (the core territories of the Valois' steadily expanding territories in the Low Countries) indicates that late medieval bureaucracy did not require geographic centralization to pool information that could be used to forge arguments for political legitimacy and dynastic expansion. Lengthy travels by archive-keepers and regular movement of documents between different princes and repositories reflected but also generated the administrative shape of the Valois Burgundian state: a multi-focal network of information controlled by a small number of officials in each of the regime's territorial hubs, who made little sustained effort to effect geographic centralization but did often move archival documents between several different locations. Access to them was shared among princes (and occasionally towns) across the Low Countries, as we shall see in the case of Brabant, and the production and distribution of archival inventories themselves became a powerful tool for building claims to legitimacy whether or not princes had the original documents on hand. All this occurred in the absence of a single, stable state archive.

Gherbode was involved in the creation of nearly every single extant archival inventory from Flanders and Brabant created during his career as secretary, and the number of extant Low Countries archival inventories spiked during these decades. It is certainly possible that some other explanation exists for their disproportionate number among the extant archival inventories. Perhaps a greater portion of his personal archive, if one existed, was delivered to his successor. Nevertheless, his distinctive hand and the *mise-en-page* of his inventories are the best indication of a notable consistency in the character and mode of tracking comital documents. The prolonged use, multiple copies, and evidence in the margins of Gherbode's inventories indicates that his finding aids were regular tools of Burgundian administrators.

When Guillaume d'Auxonne set up the archive in Rupelmonde in 1336, we have seen, he hoped to move the count's charters away from Ghent, Bruges, and the other frequently rebellious towns of Flanders. Even the distance and isolation of Rupelmonde, however, were not enough to insulate this comital archive from the structural challenges of governing Flanders and its largely

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[289] My thinking on space and communications owes much to Behringer, *Im Zeichen Des Merkur*. See also his Behringer, "Communications Revolutions." The reference to the annihilation of space comes from the common nineteenth century phrase, "the annihilation of space by time," used by Marx in *Gründrisse* 10, among others. But see also Young, *List Cultures*; Ben Kafka, *The Demon of Writing: Powers and Failures of Paperwork* (New York: Zone Books, 2012). On the separation between originals and copies in a different archival context, see Head, "Knowing Like a State: The Transformation of Political Knowledge in Swiss Archives, 1450-1770," 757. On the impact of categories on fields of thought, see Ong, *Ramus, Method, and the Decay of Dialogue*.

[290] This practice would continue under Habsburg control as Charles V ordered increased security measures for the archive held in the castle of Ghent in 1540. See chapter 4.

autonomous towns. Rupelmonde also periodically served as a prison where politically-sensitive prisoners of the count were held, and a particularly contentious one was held at the castle when Gherbode was sent to there in 1388, a captured Ghentenaar military leader and spy (see chapter 1). Gherbode and a colleague were sent to survey the comital archive at the castle and transport a number of documents to the *Trésor* at Lille. They wrote to Philip in Lille to update him on their work on the castle's archives, but their attention was diverted. Gherbode seems primarily to have been prompted to write the duke not for archival reasons but due to the presence of the prisoner at the castle. Ghentenaar officials were launching increasingly frantic efforts pushing for his release, and pressure was mounting.[291]

The prisoner was Clay van Lit, *cannonier* or *engienmeester* of Ghent and a renowned expert in new military technology of artillery. The town of Ghent had recruited him in 1380 during its war against the count of Flanders. Following Ghent's defeat, refusal to submit, and signing of the Treaty of Tournai in which Gherbode was involved as a secretary, van Lit became involved in a ring of spies facilitating secret negotiations between the towns of Flanders and the English crown, their long-time economic and occasional political allies. Once this illicit communications network was discovered by Count Philip the Bold, van Lit was imprisoned and taken in secret to Rupelmonde.[292] In February 1388, when van Lit had already been imprisoned at Rupelmonde for several months, his allies in Ghent got wind of the arrest. Gherbode and his colleague Blanchet had recently arrived to begin their work on the castle's archive. They wrote to the duke in early February to express their frustration with the decision to keep van Lit in Rupelmonde. Though it was some distance from the town of Ghent, the castle was "still in the castellany of Ghent," they reminded the count; they suggested van Lit could be held more securely in Lille or another location, and warned of the "grand remour" that was rising in Ghent. By late February, the castellan was increasingly ill-at-ease over Ghent's uproar around van Lit's imprisonment. The next month, in a panic, he handed the prisoner over to Ghent's municipal authorities, who tried and convicted him themselves, on a relatively minor charge, to the great displeasure of the count.[293]

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[291] See Blockmans, "Voracious States and Obstructing Cities: An Aspect of State Formation in Preindustrial Europe" for a typology of different city-prince relationships. A record of the "rachat" of the castellany of Rupelmonde is referenced in the Lille *trésor* inventory, ADN B114 fol. 12v, where it is described simply as having been given in 1337 (*donn[e] en l'an m ccc et xxxvii*). On the castle of Rupelmonde and its history as a prison, see Crane, *Mercator*. This was true not only in the middle of the fourteenth century but also two centuries later, when the famous cartographer Gerard Mercator was imprisoned there on suspicion of heresy. Mercator (Gerardus Mercator Rupelmundanus, reveals this) was born in Rupelmonde and later imprisoned there on suspicion of heresy. In the sixteenth century, the fortress at Simancas would also serve a dual role as prison and as archive. The fortress of Rupelmonde also stars in the nineteenth-century historical novel Charles F. Ellerman, *The Duke of Alba in Flanders: Or,The Amnesty. An Historical Novel of the Sixteenth Century* (London: Newman, 1844), I: 113. Here too the dual role of the edifice as prison and archive feature prominently: an imprisoned Reformed preacher sets fire to the château as a means to escape: "The cries of the captives, who shrieked for aid, were heart-rending. Soon was the whole city roused, and burgomaster, sheriffs, and citizens seemed lost in amazement at beholding the conflagration. The cells were speedily opened, and the prisoners allowed to escape, for the authorities only thought of saving the archives."

[292] There were periods of the Hundred Years' War when the Dampierre and later Valois counts were allied with the French rather than the English. See chapter 2 on coalitions in this context. Van Lit was arrested for serving as a conduit between Francis Ackerman, the prominent Ghentenaar rebel who had defected with a small fleet to the English after the Battle of Roosebeke in 1382 and later that winter besieged the port of Sluis as part of Ghent's continued war against its count. See chapter 2 above, and Palmer, *England, France and Christendom, 1377-99*, 47. Van Lit also consulted the Brabantois. See Napoléon de Pauw, "Claus van Lit, maître de l'artillerie de Gand au XIVe siècle," *Bulletin de la Commission royale d'Histoire* 83, no. 1 (1914): 233–34.

[293] On the "grand remour" raised by the Ghentenaars see ADN B18822, no. 23164, 8 February 1388 (n.st.). Van Lit's punishment amounted to fifty years banishment, which Count Philip viewed as altogether too lenient.

Van Lit was not the only difficulty Gherbode and Blanchet encountered in their task to "view, examine, and place in order the charters and other letters and writings of Monseigneur [the count] located in his castle of Riplemonde."[294] The same early February letter shows Gherbode and Blanchet asked the count to apply his seal to a number of documents. One authorized Gherbode to hire a scribe named Johannes to assist in the archival survey. They further updated Philip that they had delivered certain documents to William of Namur, an important comital ally and cousin of Countess Margaret. (His son John eventually sold the county to the Valois counts in 1421, thus adding Namur to the growing Burgundian princely state, as described below). Most important, they lacked the critical tools of the archival profession: the castellan, it seems, did not have the keys to open the armoires of the *trésor*, such that Gherbode and Blanchet were busy examining only the documents that could be found in three unlocked hutches (*huis*) that they called "de peu ou de nulle valeur."[295]

Even worse, Gherbode and Blanchet had been unable to find the old repertoire of excerpts of the charters held at Rupelmonde on which they had hoped to base their work – most likely d'Auxonne's inventory described in chapter 1. Despite searching at the *chambre des comptes* of Lille, the relevant shelves at Saint Donat in Bruges, and the castle in Rupelmonde, they had come up empty-handed. There is evidence of a long-standing tradition of sending copies extracted from archival inventories for far-away officials. One such extract from the Rupelmonde *trésor* described relations between the Count of Flanders Louis of Nevers (d. 1346) and Flemish ecclesiastical institutions. A single folio of this extract survives, suggesting that Flemish counts – even before the rise of the Valois counts – administered their state through somewhat regular communication of archival information. None of this was any help to Gherbode. Instead of methodically comparing the archive's contents with its archival inventory, they invested an extraordinary amount of labor in creating a new inventory from scratch: 134 days work. For a good survey of this archive – only fifty years old at the time – the count of Flanders was willing to invest remarkable manpower and resources.[296]

Gherbode and Blanchet's original inventory of the Rupelmonde archive is lost to us, but it exists in a number of sixteenth century copies, which show that it never languished in disuse: the scribes' half year in Rupelmonde produced an elaborate inventory that was copied out at least a

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[294] Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 201. According to some accounts, it was in 1388 that Lille became the repository for Flanders' French-language documents, while Rupelmonde retained those of Flemish. Gherbode probably did transport some documents from Rupelmonde to Lille, but from my study of the inventory I suspect that the Borgesian nature of ADN B121 – it has been passed down to us in a copy of a copy of a copy – has succeded in obscuring the truth here, and that the primary movement of documents from Rupelmonde to Lille occurred in the sixteenth century. Jean, *La Chambre des comptes de Lille (1477-1667)*, 95.

[295] ADN B18822, no. 23164, 8 February 1388. They did not have the keys: "Aussie notre tresespecial seigneur pour ce que nous n'avons peu trouver les cleifs de la treserie y a Rupplemond," and thus decided to make do: "nous avons fait ne lever les serures de iii huis qui y sont et y a grand foison de lettres dont il en y a vertu de peu ou de nulle valeur." On the sale of Namur, see below, as well as Lotte Hellinga, *Incunabula in Transit: People and Trade* (Brill, 2018), 7.

[296] They were compensated at the rate of 2 francs per day, and Gherbode received 268 francs for his work in Rupelmonde. See Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 201. The extract was sent to Lille during the reign of Louis of Mâle, and the remains of a red wax seal typically used for correspondence and the note "Recepisse" jotted down on the outside cover – along with the lack of a specific addressee on the dorsal side – indicate that the courier was familiar with the recipient. This evidence suggests periodic if not frequent exchanges of information between Rupelmonde and Lille. The extract in question can be found at ADN B1461 no. 17879. Moreover, this regular distribution of documents is the likeliest explanation for the extraordinarily broad geographic range of items from the Ruplemonde archive, from Ghent to Paris, Brussels, Bruges, Lille, and Mons. Nieus, "Les archives des comtes de Flandre jusqu'au milieu du XIIIe siècle. Chronique d'une naissance difficile," 2. For more on the late medieval communications in and out of Lille, see Paul Thomas, "Delai de transmission de lettres francaises a destination de Lille pendant la fin du XIVe siecle," *La Revue du Nord* 4 (1913): 3–36.

dozen times over the next two centuries. From these extant copies, we know that the *trésor des chartes* at Rupelmonde at the end of the fourteenth century contained 17 armoires labelled with roman numerals. Within these armoires were 139 layes, layettes, and boxes, the contents of which Gherbode and Blanchet described in approximately 1,600 entries.[297] The completion of Gherbode's new inventory in 1388 shows the seriousness with which the Valois regime was beginning to treat its own archives, only five years after the comital council had confiscated over 300 documents from the Flemish towns defeated at the Battle of Roosebeke.

But it reveals just as much about the archival practices of the Dampierre regime that preceded it. Gherbode's predecessors may not have left behind an archival inventory to refer to, but they had arranged thousands of documents in thematically-organized armoires. The armoires contained, respectively, various genres of financial documents, relations with the French court, with the English, and with the count of Hainaut, foundations of churches and last wills and testaments, oaths given to and received from Flemish towns, and so on. So exhaustive were the unnamed Dampierre archivists, in fact, that Gherbode and his colleague found many of the documents preserved at Ruplemonde to be of little interest. The Dampierre had kept thousands of documents from the thirteenth century, many of which Gherbode categorized as "of little value."[298]

Gherbode finished the work at Rupelmonde alone, then continued in May 1388 to the nearby fortresses of Bièvre, Chaesmghes, and Lescluse. There he was again joined by Blanchet. Together they made lists of the "artillery, provisions, and other furniture that Monseigneur the duke has in these castles."[299] While the content of these simple lists is quite different from the archival inventories in which Gherbode specialized (there are no shelf marks or detailed descriptions, for example), the presentation of information is remarkably similar. Following a brief paragraph explaining, dating, and describing his task, each castle is clearly distinguished by a centered title ("Premiers a Ripplemon[de]"), followed by similarly-formatted categories ("Carrons" or "Artillerie"). Broad spaces between lines clearly distinguish their contents. The paper folios of these military inventories are folded differently than their archival counterparts, reflecting the different working conditions of this survey. In carrying out an archival survey, we must imagine Gherbode sitting at a desk with papers scattered before him, carefully reading and summarizing, examining the dorsal descriptions and seals. But the paper comprising these inventories of objects is folded to create a tall, narrow page he could carry around the castle and simultaneously note the objects he encountered: a missal in the chapel, three old banners with the arms of Flanders, a large and a small barge, a small boat (*batelet*), "un cent" of stockfish.[300]

Gherbode's journey to the castles of East Flanders in 1388 sharpens our understanding of the specific significance archival documents under the counts of Flanders. Documents were described in more detail because their content was more complex, but they were subject to the same type of abstraction and listing as everyday items of furniture, weaponry, or provisions and could be listed in an analogous fashion to actual military equipment. Not only that: as we shall see, the lists Gherbode created became tools of sovereignty no less than artillery, banners, or ships. This

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[297] The fourteenth-century original is lost, but there are at least two copies from the sixteenth century: ADN B121, fol. 21-262 and RAG Kleine Varia no. 18. Sections have also been copied into a voume known as the *Miscellanea de Gilles Tesson* held at the Bibliothèque Municipale de Lille, Fonds Godefroy Ms. 343.

[298] Three armoires (numbers 14-17) are labelled as "de petite valeur" or "de nulle valeur."

[299] ADN B3533, no. 125622. See also Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 201. Financial records indicate that Gherbode was subsequently sent to Rupelmonde again in 1390 and in 1392, and that in 1396 he was sent to Lille to collect certain documents and deliver them to the count. More information on the later fourteenth-century uses of the Rupelmonde fortress can be found at ADN B3372 and B4563.

[300] Consider here the analysis of everyday items contained in household inventories by Smail, *Legal Plunder*.

abstraction of documents into objects carrying both defensive and symbolic qualities was the conceptual contribution of Gherbode's inventories to the developing Burgundian information state.

## Muniments, Munitions, Inventories, and the Acquisition of Brabant

Between 1384 and 1391, the Valois Burgundian dynasty took control of Flanders, Artois, the Franche-Comté, and the seigneury of Mechelen in addition to their eponymic dynastic home of Burgundy (the duchy of Burgundy and the Franche-Comté). Over the course of the following decades, the dynasty also acquired the counties of Namur, Brabant, Limburg and, by 1430, Hainaut, Holland, and Zeeland. Still, as Robert Stein has noted, formal acquisition and actual exercise of power did not always coincide (see Chart 1). In some cases, the dukes of Burgundy gained *de facto* control of the polities in question long before they had legally inherited, purchased, or conquered them, and this *de facto* control could make legal acquisition a mere formality, as was the case with Brabant. At other times, steps to acquire the legal inheritance of these territories were themselves the keys to exerting *de facto* control, as was the case with Namur. In a purely chronological sense, then, nominal sovereignty did not go hand in hand with control of the archives, but the two did tend to lead to one another. Moreover, archives were not incidental to this process, but integral to it. Not only a proxy by which we can identify shifting administrative control, archives – and especially inventories – emerged in the later fourteenth century as an informational tool to wield and expand sovereignty. In this way, the archives sometimes followed the flag while the flag sometimes followed the archives, and lists like Gherbode's enabled them to do so.[301]

As the preceding survey suggests, each of the various polities that the Valois princely state acquired during Gherbode's career (c.1378-1422) had its own archival traditions, products of their different political histories and situations. For complex reasons having to do with periodization and national historical traditions, 1385 has long been viewed as the landmark moment in Valois Burgundian state formation: an ambitious new dynasty reformed existing institutions and built new ones on the model of the French crown. Increasingly, scholars have identified continuities across this chronological threshold, but have yet to consider the difficulty involved in drawing several linguistic, legal, and provincial traditions of administration into a single system. The act appointing Gherbode *garde des chartes*, signed by Count Philip in 1399, suggests that such a process was both intentional and ongoing:

> For it is well known that the charters, privileges, and other registers and writings touching the inheritance, rights, nobility, and seigneuries pertaining to the *pays* of Flandres, of Artois, and of the Rethelois as well as his *pays* of Limburg and his other lands beyond the Meuse River, have long been placed in numerous and diverse locales without anyone having been assigned to keep guard over them.[302]

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[301] The question of archives and territorial expansion has been studied in the context of seventeenth-century Europe. As Peter Sahlins argues, "historical claims often informed and anticipated foreign policy objectives, even highlighting their significance." Sahlins, *Boundaries*, 33. Any archival or archival history perspective on the question of "archives following the flag," however, is sorely outdated and overlooks the medieval period completely: Ernst Posner, "Effects of Changes of Sovereignty on Archives," *The American Archivist* 5, no. 3 (1942): 141–55.

[302] "...pour ce qu'il a bien sceu que les chartres privileges et autres lettres registres et escriptures touchans ses heritages droiz noblesses et seignouries tant a cause de ses pays de flandres d'artois et de Rethelois comme de son pays de lembourch et de ses autres terres qu'il a oultre meuse, ayent este de long temps et soient encores mises en plusieurs et divers lieux senz y avoir este ne estre aucun commiz aler garder de par lui et par ce que on n'y a mis autrement garde." Emphasis added. See note ADN B4082 fol. 40r-v for an edition of Gherbode's commission, and see two notes subsequent.

This situation was no longer satisfactory, according to his letter of commission. For the duke, "his chancellor, and the members of his council may need [these documents] for the support (*soutien*) of their rights." If nobody was assigned the task of keeping these archives, the documents – and implicitly, the rights they preserved – "could deteriorate" (*pourraient empirer*).

This fourteenth-century terminology, linking the physical state of documents with an institution's ability to wield its content raises interesting questions about the implicit purposes of princely archives. Erik Ketelaar has suggested that late medieval archival practice reflects two parallel senses of the power of documents, muniment and monument, which could at times reflect different aspects of the same item. Archival documents as muniments – from the Latin *munimentum* (fortification or defense) – were legal evidence of rights, ownership, privileges, or any variety of other claims. As such they reflected the accepted means of authentication, and could potentially be mobilized in a legal dispute. As monuments, meanwhile, archival documents were items that represented power relations and served as vehicles for social memory. Archival monuments might thus also be efficacious as arguments, but here the emphasis was more often on their aura, on the ways they reflected and represented power or provided precedents than the specific legal rights or privileges they might grant. Nevertheless, both as muniments and as monuments, a significant means by which archival documents conveyed power was as objects rather than texts: without their physical presence, and the appropriate seal, for example, the text did not hold the same legal or social value.[303] The archival document *qua* monument was an informational tool of sovereignty enacted in ceremonial episodes.

While Gherbode's commission was imbued with the terminology of sovereign authority – he was to protect the count's "heritages, droiz, noblesses et seignouries" – the task it assigned him was the rather mundane oversight of a storehouse of muniments. For these purposes, Philip the Bold found nothing wrong with Gherbode's lack of legal training. The letter of commission praises the lengthy and loyal experience of "Théri Gherbode" to the counts of Flanders, which was deemed "sufficient" qualification for his task. Although many of his predecessors and successors could boast university legal training, his lack thereof did not prevent him from taking expert charge of thousands of documents written in various languages, numerous traditions of legalistic prose, and still other learned codes. "Long and loyal service to the late Monseigneur the count of Flanders" Louis of Mâle was the primary justification given for his appointment. In fact, both Gherbode and his immediate successors Jean de la Keythule (*garde des chartes* 1422-1433) and Georges d'Oostende (*garde des chartes* 1433-1448) were experienced comital secretaries before their appointments as *gardes des chartes*.[304] Gherbode's expertise was experiential, and his tool was the inventory.

Gherbode's mandate, moreover, was to create a protocol for Valois administrative routine rather than to centralize the comital administration. He may have received wages only for his stewardship of the Lille, Rupelmonde, and Arras repositories, but the 1399 commission describes his authority more broadly to include Brabant and Limburg. Ostensibly, he was to share his role while

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[303] Eric Ketelaar, "Muniments and Monuments: The Dawn of Archives as Cultural Patrimony," *Archival Science* 7, no. 4 (2007): 343–57.

[304] This ADN B4082 fol. 40r-40v: "longeument et loyaulment a servi feu monseigneur le conte de flandres derraniere trespasse." An excerpt of Gherbode's commission of 30 November 1399 given by Philip the Bold at Rouen is printed in Jules, Baron de Saint-Genois, *Inventaire Analytique des Chartes des Comtes de Flandre*, xxvi. Several editions of the commission appear on parchment in a folder of archival history varia at the Archives Générales du Royaume/Rijksarchief in Brussels: AGR, manuscrits divers no. 3498. For prosopographical information on the *gardes des chartes*, like the other central positions in the Valois administration, see the meticulous Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 196–213.

away from Lille by leaving the keys to the charter treasury with another ducal official.[305] In fact, he was very hesitant to delegate tasks or to relinquish his control over archival documents and keys, and kept the keys to multiple repositories with him even during his travels. But even as he made himself the sovereign of the Valois archives, the bulk of the archival materials of each acquired principality remained in their regional capitals. In this way, Gherbode set up a central information system but was not a centralizing figure.

A Flemish count, countess, chancellor, or *garde des chartes* could all order the movement of documents to serve various personal interests or those of their clients and allies, and numerous actors did indeed seek their own interests in various fields and territories on the basis of documents from the princely archives. In accordance, Gherbode built tools to track these documents in motion. We have seen that princely archives could be shared between different polities. As he did so, he also found ways of expanding Burgundian sovereignty. Flemish and Brabantine officials cooperated in the creation of archival inventories, which were created in duplicate and thus made the archives in question accessible – at least in their abstracted form – to both regimes. Gherbode not only participated in these surveys, but exploited the information within them to serve the Burgundian court in solidifying its claims to neighboring polities.

As the new Valois line of counts became ascendant in the Low Countries, their administrators began creating different types of inventories and lists to consolidate and further advance Valois Burgundian sovereignty. Beginning in the 1360s, broken promises of archival cooperation between the duke of Brabant and his most prominent towns gave way to the duke's cooperation with the counts of Flanders. Despite the recent war of conquest waged by Count Louis of Mâle, the two dynasties were now connected by ties of marriage. In 1390, the childless and newly-widowed Jeanne of Brabant, who along with Wenceslaus had agreed to the *Blijde Inkomst* 34 years earlier, finally granted the duchy of Brabant to her sister's side of the family, Jeanne's niece and nephew Margaret of Mâle and her husband Philip the Bold. In effect, Philip and Jeanne served as co-sovereigns until their deaths in 1405 and 1406, respectively.[306] In the intervening two decades, the complexities of the Brabantine inheritance became a testing ground for the information apparatus of the Valois state under Gherbode's information system.

Philip and Jeanne assigned a group of Flemish and Brabantine officials to create a new inventory of the duchy's archives. Thierry Gherbode was among the six officials – three for Margaret, duchess of Flanders and three for Jeanne, duchess of Brabant – commissioned to inventory the contents of the repository at Nivelles in 1393.[307] The resulting inventory is a careful

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[305] In 1404 he was again referred to by duchess Margaret of Flanders as "our guard of the charters and letters regarding our lands of Flanders and Artois and also our lands of Brabant and Limburg." From Staatsarchief Gent, A.E., Chronol. Supl. 664. See Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 204. When John the Fearless renewed Gherbode's functions in 1405, he was assigned the same broad mandate: Jules, Baron de Saint-Genois, *Inventaire Analytique des Chartes des Comtes de Flandre*, xxvii citing ADN, Registre des chartes #5, fol. 23. In the case of the *trésorerie* of Lille, the keys were to be left with the head of the *chambre des comptes*; as for those of Artois, Rethelois, Limburg, and Brabant, when Gherbode was not on site he was to leave the keys to these repositories with a councilor or officer of his choosing. Jules, Baron de Saint-Genois, xxvi.

[306] Nelis, "Notice historique sur le Chartrier de Brabant (XIIe siècle - 1936)," 9–10.

[307] The inventory, AGR, Inventaires de la deuxième section, no. 63, was completed on September 4, 1393. There are other extant versions at ADN B147, to which six additional quires of inventoried materials have been added, as well as Le Musée Plantin, bibliothèque des manuscrits no. 40. Nelis, 10; Coussemaker, *Thierry Gherbode sécretaire et conseiller des ducs de Bourgogne*, 63. Gherbode's letter of commission for this task was dated August 7, 1393 in Paris; he received 176 francs in payment for 88 days of work: the mission lasted from August 9 until November 6. See BNF, Archives et manuscrits, Bourgogne 24, fol. 64v. The other five officers were, for the comte de Flandres: Jean de Pouques, Jehan Casier; for the

piece of work: 70 folios long, impeccably preserved, and providing rich detail on the arrangement of this *trésor* in the late fourteenth century. Marginal comments describe the physical condition of the documents and the seals that authenticated them.[308] According to the inventory, the *trésor* contained hundreds of items dating as far back as the twelfth century: Gherbode and his colleagues recorded about 450 entries in the inventory, describing documents kept in 24 separate boxes or layettes, each labelled with an upper case letter pertaining to a different interlocutor (England), locale (the area beyond the River Meuse, known as the Outremeuse), document type (privileges, letters of homage), or form of dynastic action (alliances, dynastic marriages).[309]

The Brabantine archive, remember, had as recently as 1360 belonged to the duchy itself, locked behind two sets of keys controlled by the duchy's towns. The new inventory reveals it was now arranged to directly reflect and reinforce the sovereign power of the duke of Brabant. The very first section, titled "Privileges, pardons, confirmations, and declarations regarding the duke of Brabant" (*Privileges, Grâces confirmacions et declaracions touchans le duc de brabant*) is comprised of 47 entries. The first dozen are original privileges, confirmations, and other copies of privileges granted to the dukes of Brabant by emperors and Kings of the Romans, dating back as far as the eleventh century, which confirm ducal rights granted from above. Following these are a number of thirteenth- and fourteenth-century documents issued by officials (*des juges eschevins consaulz et bourgois*) of the town of Aix recognizing the duke of Brabant and his heirs as "sworn sovereign" (*souverain avoe*) and another "permitting [the townsmen] to make the duke of Brabant their sworn sovereign." A third recognizes the duke "as sworn sovereign after the emperor" (*comme souverain avoe aprez lempereur*). This second set of documents – all within the first, all-important category of the duke's privileges – thus confirm the duke's sovereignty from below. These are followed by recognitions of the duke's privileges issued by other regional princes and from emperors, including one recognizing him as "vicar-general of the empire" (*vicaire general de l'empire*). The documents in this third set amount to a horizontal confirmation of his power.[310] Not by chance did these documents begin the inventory. They formed a cross-section of sovereignty over Brabant that required confirmation from above, homage from below, and horizontal recognition.

The remaining sections of the inventory – the documents just described comprised only about 10 per cent – descend the imperial hierarchy. While the first eight sections pertain to the

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duchesse de Brabant the ducal sénéchal seigneur de Witham, ducal secretary Jean de la Grave, and Jean de Coulongne, ducal councilor.

[308] "Inventoire fait a nyvelle des previleges chartres et lettres touchans les duchiez de Brabant et de lembourc estans au dit lieu de nyvelle en la tresrorie de l'eglise."AGR, Inventaires de la deuxième séction, no. 63, fol. 1r.

[309] There is no reference to distinguish various armoires or chests which were to hold the boxes of documents, so we may presume they were all held in one large container. AGR, Inventaires de la deuxième séction, no. 63. The 24 categories are: A: Privilèges, Grâces. B: Testaments, Mariages. C: Alliances avec le roi de France et les contes de Flandres et de Haynnau avecques le duc de Brabant. I: Alliances faire par le Roy de boeme conte de lucembourc, l'archevesque de Coulougne et les contes de Gelre de Jullers de bar de la marke et autres seigneurs d'alemaigne, avec le duc de brabant. L: Alliances faire entre le duc de brabant l'evesque et le pays de Liège et les contes de Namur et de Loz. D: Lantfrede d'oultre meuse. M: Lettres de pais, d'accors et compromis. P: Lettres de pronunciation du roy de France. F: Lettres des fiefs et hommages. N: Obligations. O: Villes de Brabant. S: Nyvelle. H: Heusden. Q: Heusden. X: Corvées sur abbayes. +: Limbourg, Dalhem, etc. +U: Outre Meuse. H: Angleterre. G: Quittances et Dons. 0: Quittances du comte de Looz. V: Quittances du roi de Bohême. E: Enquêtes, Partages. Z: Lettres diverse. R: Lettres copiées et inquisicions.

[310] The first item listed is a 1204 privilege granting Henry, duke of Lotharingia and Brabant the Abbey of Nivelles itself. Among the documetns which are not privileges is "unes autres lettres en latin dudit Charles [Roy des romains] par lesquelles il casse et met au neant tout ce que levesque de liege avoit fait sur les officiers serviteurs et subges du duc de brabant du diocese de liege au contraire du dit privilege donne a Tulle lan mil CCC liiii." AGR, Inventaires de la deuxième section, no. 63, fol. 4v: "permettent a faire au duc de brabant comme a leur souverain avoe." The first section concludes with a 1349 safe-conduct letter granted to a French royal official accompanied by a list of subjects he had banned from the kingdom and was seeking in Brabant. AGR, Inventaires de la deuxième section, no. 63, fol. 6v.

dukes' own rights and privileges, the next nine correspond with different regions under his rule. The final seven layettes contain more routine materials such as receipts, inquiries, copied letters, and acquisitions. But whether the documents pertain to simple transactions or carry imperial privileges, this inventory made them available to Flemish comital officials through a copy of the inventory sent to Lille. The conceptualization of the inventory may reflect the perspective of Brabantine ducal rights, but its preparation must be seen as a remarkable development in the ongoing struggle to secure the Valois inheritance of the duchy. Although the officials of Flanders and Brabant collaborated on the production of this inventory, the archive it summarized pertained solely to the rights of the dukes of Brabant and the duchy of Brabant. Securing this record of Brabantine rights was an important administrative coup for the counts of Flanders. It would facilitate the pending acquisition of the duchy by the Valois dynasty in the face of concerted opposition from local institutions.

Gherbode was interested in collecting as much information as possible about Brabantine rights and traditions. In 1395, he returned to Brabant for five months' work on a more complex inventory. Once again, he collaborated with two officials appointed by the duchess of Brabant.[311] The three of them consulted older inventories as they worked, connecting their own project to decades of their predecessors' archival labor. Among the documents their new inventory described, in fact, is the December 1361 agreement between the count and countess of Flanders and the duke and duchess of Brabant to share access to the Brabantine archives, and which had prompted the commissioning of the inventory produced that year (see above). Gherbode's marginalia alongside this entry in the 1395 inventory indicate that he understood precisely the power-sharing bargain in which he was taking part: the marginalia notes "how the letters were placed by the consent of the duke of Brabant and the count of Flanders in the [charter] treasury (*trésorerie*) of Nyvelle."[312]

The real innovation of this inventory, however, is clear even from its name: "inventory made in the month of April 1395 of many writings and letters **regarding** the duchies of Brabant and Limburg" (*Inventaire fait au mois d'avril l'an 1395 de plusieurs ecritset lettres* ***touchant*** *les Duchés de Brabant et de Limbourg*). This mundane title conceals an important innovation: whereas all previous extant inventories created in the Low Countries had corresponded to the holdings of a single specific repository or to the personal archival collections of a certain administrator, this 1395 exemplar compiles summaries of documents from multiple repositories pertaining to a single region or topic. Items that appear in the inventory might be found either at the ducal palace of La Vure (Tervuren), outside Brussels (marked "Visa" in the left margin) or "under the doorway at the ducal palace at Coudenberg" in Brussels (marked "╥"), where a great many items were in the room still associated with Jean de Gravia, one of the Brabantine officials who had worked on the inventory three decades earlier.[313] As the historical and archival traditions of Brabant developed over the following decades under the Valois princely state, this mode of multi-site inventory became ever more sophisticated (see below, conclusion of chapter).

Valois administrators wielded informational sovereignty built up through archival collaboration of the 1360s-1390s to secure legal inheritance of the duchy at the turn of the fifteenth

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[311] Gherbode was paid 214 francs for five months' work "visiter les archives de Brabant." See Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*. Also involved were his longtime colleague under the count of Flanders Gilles le Foulon, and ducal secretaries and councilors Guillaume de Bruges and Jean d'Opstal. AGR, manuscrits divers no. 978, fol. 1r.

[312] It had been made "du consentement et volenté des diz duc duchesse conte et contesse[,] les lettres chartes et privilleges de brabant devoient par les iii chevaliers dessus nommez estre miz en garde en la ville de nyvelles." AGR, manuscrits divers no. 978, fol. 22v. Here, the marginalia in the hand of Thierry Gherbode notes: "comment les lettres firent mis par le consentement des duc de brabant et conte de flandres en la tresorerie de nyvelle."

[313] AGR, manuscrits divers, no. 978, fol. 29r. "No[ta] que visa escript sur les lettres contanants en ce p[rese]nt Inventoire signiffie aue Icellui l[ett]res sont a la Vuere, et celles qui sont ainsi bastonnees ╥ sont a Brouxelles."

century. In a log he kept for the years 1402 through 1414, Gherbode recorded summaries of dozens of documents he removed from the archives and handed over to other officials or comital allies. One frequent beneficiary of Gherbode's efforts was Antoine, the second son of Count Philip the Bold, whom Gherbode grudgingly aided in establishing his claims to inheritance of the duchy of Brabant.[314] Gherbode probably began compiling this register in 1405 just as Antoine of Burgundy was set to inherit Brabant from Philip and Jeanne out of a "longue laye" of "letters of receipt" (*lettres de Recepisse*) – slips of paper given to him in response for documents delivered to other officials. Between transcriptions of these receipts, Gherbode added his first-person account of how, when, and why he removed the documents and gave them to the officials. On the opening folio, he proudly lists his titles and responsibilities and describes his list of archival movement: he declared he would be listing "the charters, letters, papers, protocols, memoirs and other writings that I, Thierry Gherbode, councilor of Monseigneur the duke of Burgundy, count of Flandres, Artois, and Burgundy, and guard of his charters and letters regarding his lands of Flanders and Artois, have removed from the treasuries under my guard and delivered."[315]

The documentation is not exhaustive – marginal comments in other inventories indicate that Gherbode removed other documents as well during this timeframe.[316] In all, Gherbode's logbook recorded 17 instances between May of 1402 and October of 1414 when he removed documents from the archives, primarily the *trésor* in Lille, to be delivered to various officials across the Low Countries – between one and two for every year. Some of these actions are relatively minor: in May of 1402, he had removed three charters dating back to the summer of 1374, made copies that he inserted into his *trésor* in Lille,[317] and handed the originals to "mess[ire] Robert le mareschal

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[314] AGR, manuscrits divers, no. 4, fol. 84r-111r.

[315] ADN B113 fol. 162v: "Item une longue laye audessus de laquelle est escript l[ett]res de Recepisse de plus[ieur]s l[ett]res delivreees p[ar] maist[re] thierry Gherbode par lordonnan[ce] de mons[ieu]r." A marginal comment reads: "lad[ite] laye y est trouvée et plus[ieur]s l[ett]res dedens desque[ll]es n'est point fait Inventoire et cell[es] eus." This piece was long neglected because it was removed from the collection of old inventories at the Archives générales du Royaume/Algemeinerijksarchief – the Inventaires de la deuxième section – sometime in the nineteenth century. My thanks to the wonderful staff at the Archives générales du Royaume in Brussels, who explain that the formation of the collection of manuscrits divers was intimately related to the working methods of past archivists: when an archivist passed away, the pieces they had been working on remained in their office, stripped of their provenance and often destined for the collection of miscellanea.

[316] The register, composed of seventeen folios, was bound into a booklet of some 200 sometime in the nineteenth century. Though it is flanked by three sets of marginal comments, indicating it was carefully studied and cross-referenced, I have found no published works which describe it in any detail. AGR, manuscrits divers, no. 4 (formerly no. 2), fol. 84r. The introductory paragraph at the head of this register reads: "Ce sont les chartres lettres pappiers prothocolles memoires et autres escriptures que je Thierry gherbode conseillier de monseigneur le duc de Bourgogne Conte de Flandres d'Artois et de Bourgogne et garde des chartres et lettres touchant ses pays de Flandre et d'Artois ai oste (z des tresories de ma garde et delivrer tant au commandement de feux monseigneur [Philippe le Hardi] et ma dame [Marguerite de Mâle] de bourgogne qui dieux absoille comme de mondit seigneur de bourgogne a present [Jean sans Peur] par mandement expres sur et d'eulx en la maniere qui sensuit." It is certainly not exhaustive: for example see ADN B113 f128v (margin): ceste lettres par mandement de monseigneur donne le xxiiie jour de may l'an iiiiC et vii a este delivree pour monseigneur le conte de nevers a maistre pierre taekelin son conseillier dont j'ai recognois du dit monseigneur de nevers comme dessus." A new hand reports: "Et pour ce non trouvee."

[317] He may have copied them from the register available in the *chambre des comptes*. "Et selon ce que par icelle est mandé Je en retenant devers moy la copie dicelle coll[ati]onee en la chambre des comptes a Lille, ai delivre des lettres qui estoient en ma garde a Lille a mess[ire] Robert le mareschal chambell[an] de mons[eigneur], trois lettres touch[ent] l'acquest fait en temps passe p[ar] feu mons[eigneur] de flandres cui dieux absoille de la t[er]re du bois, dont la dite chartre fait mencion." AGR, manuscrits divers, no. 4, fol. 85v. "Collationner" was commonly used to indicate a document had beec copied at the *chambre des comptes*. See entries for "collater" and "collation" in Frédéric Godefroy, *Dictionnaire de l'ancienne langue française et de tous ses dialectes du IXe au XVe siècle* (Paris: F. Vieweg, 1881), II: 182. One example provided by Godefroy attests to its broader use in this meaning: "Des gens mis en religion / Vueil fere ausi collacion / Pour veoir comme ordre est gardee."

chambellan de Monseigneur." Presumably, the sealed originals were necessary to give the document legal weight and enable Robert and his family to take control of the new fiefs of which they were taking charge. Another relatively simple archival transaction was carried out in April of 1403: on the orders of the chancellor of Count Philip, Gherbode removed a roll (*cedule*) from the *trésor des chartes* of Lille and gave it to Guillaume de Gombresse to support the latter's claim to the castle and town of Wassemberghe.[318]

Gherbode's register reveals the extent of his authority and discretion.[319] At times he dealt with requests for documents immediately. In 1411 and 1414, for example, word reached Gherbode that the count's son Philip (the future Philip the Good) required his hasty attention and a number of documents: he set out from Lille with the relevant documents in hand to deliver the same day. Yet Gherbode was not always so prompt or cooperative in his work with other officials of the Burgundian regime. He was particularly reluctant to hand over documents to Antoine, Count John's younger brother. The Valois strategy hatched by John and Antoine's parents, Count Philip and Countess Margaret, was to make Brabant the primary territorial base of their younger son Antoine, while their eldest son John would inherit the overwhelming majority of both of his parents' titles and lands, including Flanders and Burgundy. Within two weeks of Philip the Bold's death in March 1404, Jeanne of Brabant had ceded the government – if not the title – of the duchy to his widow, her niece Margaret. Margaret, in turn, granted it to her son Antoine, and on June 5, 1404 Antoine publicly pledged to maintain and respect the Brabantine privileges and to reside within the duchy – with which he was familiar, having spent months at the Coudenberg (Frommont) and nearby Tervuren (Le Vure) palaces as a child.[320]

Yet according to the various lists of documents delivered to Antoine by Gherbode during these years of transition, he was not yet in possession of these privileges he had sworn to. They must have been provided by any number of non-princely archives within Brabant, which Antoine was eager to acquire as the documentary foundations for his rule. He commissioned several *maîtres des comptes* on July 1, 1404, beginning the vigorous reforms historians have credited him with orchestrating on the model of the institutions founded by his father Philip at Lille and Dijon. Not until one year later, however, did Gherbode finally deliver two sets of documents to two of

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[318] Here too, a copy replaced the removed item in the *trésor* at Lille. AGR, manuscrits divers 4, fol. 87r. *Note that, during this time there were at times multiple chancellors, including one for Bourgogne and another for Flanders.* At the time there could be a chancellor of Burgundy and another for Flanders, but the chancellor in question seems to have been the dominican Martin Porée. See Loys Gollut, *Les mémoires historiques de la république séquanoise et des princes de la Franche-Comté de Bourgougne* (A. Javel, 1846), cols. 1737–38 for a list that includes Porée. In any case, the *Blijde Inkomst* demanded the Brabantine chancellery remain autonomous and staffed by officials born in Brabant. See Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 99. The documents handed to Robert are referenced at AGR, manuscrits divers no. 4, fol. 85v.

[319] An example explored below, from ADN B113 fol. f193r, indicates this as well.

[320] This decision about the inheritance of the Valois lands came about half a year after the arrangement of Antoine's marriage to Jeanne of Saint-Pol, which prompted Phililp and Margaret's decision to assign him the inheritance of Brabant and Limburg. Stéphane Mund, "Antoine de Bourgogne, prince français et duc de Brabant (1404-1415)," *Revue belge de philologie et d'histoire* 76, no. 2 (1998): 321. With John in Ottoman captivity in 1396, Antoine momentarily stood a good chance of succeeding Philip as head of the dynasty. See Arlette Graffart and André Uyttebrouck, "Quelques Documents Inédits Concernant l'accession de La Maison de Bourgogne Au Duché de Brabant (1395-1404)," *Bulletin de La Commission Royale d'Histoire* 137 (1971): 57–137. By the late 1380s, Jeanne had granted her young grand-nephew Antoine the seigneuries of Limburg and Outre-Meuse, over which she however did not renounce her own sovereignty until 1396. Mund, "Antoine de Bourgogne, prince français et duc de Brabant (1404-1415)," 323. On Antoine's sojourns to Brabant as a child, see Mund, 321. The purpose of these stays with Jeanne had been to make Antoine familiar with Brabantine customs. On Antoine's reforms, see Mund, 325–26. See also Gachard, *Inventaire des archives de la Belgique. Inventaire des archives des Chambres des Comptes*, 1:88–89 and the pièces justificatives nos. 11 and 13. Like in Flanders, this *chambre des comptes de Bruxelles* was not a wholly new institution either: there had been a predecessor institution of the sort in fourteenth century Brabant as well.

Antoine's Brabantine officials. These concerned items regarding the presumptive duke's own marriage contract (20 documents), the territory beyond the river Meuse (11 documents), and various castles and territories of which Antoine now officially became governor (21 documents and inventories of the goods at three castles). It may or not be a coincidence that, one month later, Antoine received remarkable royal support for his regime when the king of France issued a document enabling Antoine and his younger brother Philip to jointly govern the county of Rethel as a peerage of France, which had never enjoyed that status and came with certain implied privileges and prerogatives that peers of the crown and their officers traditionally enjoyed.[321]

Antoine also took more forceful steps to equip his new Brabantine institutions with the records their administrative responsibilities required. In June and August 1404, Antoine mandated three officials – one in his own service and two of his mother Margaret's – to travel to Tervuren/La Vure to collect old documents. He commissioned these same three officers to begin examining officials' accounts on July 1 as members of the Brabantine *chambre des comptes*. But by mid-August it was clear that their excursion at La Vure had yielded only quite recent accounts and charters: "nothing of the time of our late very dear seigneur and grandfather, the duc John [III] of Brabant [d. 1355], nor of his predecessors, though there is a great need and necessity to have them, in order to better and more clearly find and recover the rents and revenues of the ancient domain of this land." The three account men were now given a new mandate: to travel not only to La Vure, but also to Louvain, Vilvoorde, and all other locations in Brabant where documents were kept. They were to "take all kinds of registers, papers, accounts, charters, and other documents and muniments that you find there." Sealed letters of commission from Antoine granted them special power to mandate the holders of the keys to these repositories to open the archives for them without any difficulties. This letter effectively granted Antoine's officers license to seize the documentary holdings of any and all Brabantine institutions.[322]

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[321] Gherbode delivered documents to Simon de Fourmelles and Guillaume de Gheecsem. For more on Fourmelles' "parcours typique" of a "grand pensionnaires d'une ville passée du côté du duc," see Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 303. The original edition of the list of documents given to Gheecsem can be found at ADN B886, no. 15042. The descriptions of these texts also appear in an undated inventory, AGR, Inventaires de la deuxième séction, no. 64a. While previous scholars have identified 64a and 64b as inventories of documents transferred by Gherbode to officials of Antoine in 1405, based on the additional entries after fol. 12r, they are more likely copies of Gherbode's list of removed documents (AGR manuscrits divers 4, fol. 89v-91r created and expanded upon by the garde des chartes de Brabant in the 1440s and 1450s, Adrien vander Ee, who was likely in possession of most of the Brabantine inventories created by Gherbode. This would explain the speed with which he recreated and updated Gherbode's work in his creation of the monumental three-site inventory of 1438 discussed below. On Rethel, see AGR, manuscrits divers, no. 978, fol. 31r. "Item unes autres lettres de Roy de France donn[é] le xxvi.$^{e}$ jour du mois daoust l'an m iiii$^{C}$ et v p[ar] lesquelles Il ottroie a Anthoine de Bourg[og]ne duc de lembourg et conte de Rethelois, et a ph[ilipp]e de bourg[og]ne conte de Nevers et baron de douzy qu'ilz tienguet? et gouvernent lad conté de Rethel en pairie de france, cest ass[avoir] chacun d'eulx tant et par longuement qu'il en s[er]a seigneur, et qu'ilz joissent et usent de tous p[re]vilege, noblesses, p[re]reogatives et franchises, dont les pers de france leurs gens et offic[ier]s usent, et ont accoustumne de joir et user, Non obstant que d'anciennete le dit conte et ses app[ar]ten[ances] na point este tenu en pairié."

[322] Financial accountants required primarily recent accounts, so Antoine's step seems an attempt to deepen his monopoly over the duchy's archives. Evidence from the comté de Namur suggests that Antoine was also asking his cousin Guillaume I de Namur for certain documents. Piot, *Inventaire des chartes des comtes de Namur, anciennement déposées au château de cette ville*, 389. For the 1404 letters, see Gachard, *Inventaire des archives de la Belgique. Inventaire des archives des Chambres des Comptes*, 1:88, 89–90. "...neantmoins vous n'en avez apporté aucuns de temps de feu nostre tres chier seigneur et ayeul, le duc de Brabant, ne de ses devanciers, combien qu'il seroit tres grand besoing et necessité d'en avoir, pour mieulx et plus clerement trouver et recouvrer les rentes et revenues du demaine ancien d'iceullui pays." Gachard, 1:89. The officials were given power to: "facent ouverture des tresories" "senz refuz, contredit ou difficulté aucuns." Their instructions were to "prenez toutes manieres de registres, papiers, comptes, chartres et autres lettres et mynumens que vous y trouverez, meismement celles qui pourront servir et aydier à l'expedicion des comptes et autres choses dessus touchies."

What they acquired may be recorded in the final several folios of a late fourteenth-century Brabantine archival inventory, which contains often brief summaries of a diverse set of documents. The variety of shelf marks and labels – letters, small drawings, and numbers – that accompany each document suggest a diverse provenance, strengthening the impression that this is a summary of the bounty hauled in by Antoine's officials. It also shows the thirst for documents at times of fluctuating or contested sovereignty: Antoine knew that he would require not only the recent documents required for financial accounting but also much older ones. Understanding that Gherbode was reluctant – or at least slow – to hand over those documents under his care, Antoine sought to extract those available from other Brabantine repositories, but with only limited success. Antoine was unsatisfied, and he again turned to Gherbode asking for access to the charter treasury at Nivelles. The keys to the repository did in fact change hands several times between 1404 and 1406, but it is unclear what archival pieces this yielded.[323]

Gherbode was slower to relinquish documents from the archives of Flanders. Starting in July 1407, Antoine began requesting more documents from Lille and Rupelmonde that he thought might be useful in ruling Brabant. In a series of letters of escalating tone, Antoine eventually wrote: "you know well that I have sent one of our secretaries to you with letters patent of our most dear and most beloved brother the duke of Burgundy [mandating that I] have and receive from you certain documents, accounts and other information that are under your guard regarding many of our lands and seignouries for the delivery of these things."[324] In April of 1409, Antoine sent an official in person, anticipating that the latter might explain to Gherbode the great need for these documents in the running of Brabant "de jour en jour."

If he received the letters – and considering the general effectiveness of the Burgundian communications system, he likely did – Gherbode sent no response. In the end, only an angry order from Count John the Fearless finally goaded Gherbode into action. Even through the official tone of his chancellor's hand, John sounds livid: he now ordered Gherbode to "deliver the charters and documents without delay, contradiction, or difficulty."[325] Gherbode's laconic register notes only "un

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[323] The piece in quesiton is ADN B147. It may well be in January 1406 time that Gherbode produced a copy of his inventory of the Nivelles treasury to aid them in their search there, though according to Cockshaw, this occurred only in 1411. AGR, manuscrits divers, no. 4, fol. 88r. "Anthoine de Bourgogne duc de lembourc de Rethel et gouverneur des duché et pays de Brabant, Savoir faisons a tous et recognoissons par ces presentes que aujouduy notre bon ame maistre Thierry Gherbode conseillier de notre treschier seigneur et frere le duc de Bourgogne et garde de ses chartres touchans les pays de flandres et d'artois nous a envoie icy a la vure encloses soubz son signet et d'icellui avons fait recevoir et retenu pardevers nous six clefs appartenants si comme par certains voiemes atachiez a icelles, put apparoir a plusieurs serrueres des huys et huches de la tresorie de nyvelle, en la quelle tresorie a plusieurs chartres et autres lettres touchant ledit pays de brabant." See Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 205. See also ADN B886; AGR, Chartes de Flandre Serie I no. 2509 and 2512, which refers to three different episodes regarding these keys between 1404 and 1406.

[324] AGR, manuscrits divers, no. 4, fol. 91v-92r. Jehan le Marchant was sent to collect the documents: "…nous envoions presentment pardevers vous notre ame et feal secretaire maistre Jehan le marchant porteur de cestes, et vous prions … sur tout l'amour et plaisir que faire nous desirez que tout quauques vous en porrez trouver apparetnant a nous et a noz subgiez terres et seignouries dessusdiz vous veulliez baillier et delivrer a notredit secretaire pour les apporter pardeca devers nous en adioustant plaine foy…" The following April, already nearly two years after the initial request, Antoine then sent his Receiver General Jehan Mousquest, present in Lille, to secure the documents from Gherbode. In a letter dated April 28, 1409 delivered by Mousquet, Antoine now tried a slightly different tack: "par defaulte des choses dessusdites nous n'aions ou prevois aucun dommage car nous en avons de jour en jour necessairement a faire ainsi que vous povez assez savoir." The letter begins: "Treschier et bon ami, vous savez assez comment pieca nous envoiasmes l'un de noz secretaires pardevers vous a tout lettres patentes de notre treschier et tresame frere le duc de Bourgogne pour avoir et recouvrir de vous certaines lettres comptes et autres enseignements qui sont en votre garde touchant plusieurs de noz terres et seignouries a la deliverance desquelles choses."

[325] According to Gherbode's register, the letter from Duke Jean, dated July 1407, was only received in May 1409. The letter re-stated Antoine's need for documents pertaining to Antwerp and Fauquemont and mentions Rupelmonde and

petit delaiee" on his part. As valuable as these documents were for Antoine's control over Brabant, Gherbode was not eager to dig through the archives on his behalf. Instead, his behavior indicates that he hoped to maintain as many original documents as possible in archives under his direct control. Moreover, Gherbode had little financial incentive to work within the archives of Flanders and Artois, for which he received a regular annual wage of 300 francs beginning in 1399 at the latest.[326] He did continue to receive payment for archival journeys outside of Flanders in subsequent years, typically to Brabant and Hainaut, but work on his "home" archives of Flanders and Artois were included in his salary. He had every right to be fed up with Antoine, after years of document shipments and several times relinquishing *trésor* keys. Further work for his master's brother, especially without the promise of any extra wages, may have seemed unappealing.

It is also possible that Antoine's requests were simply lost in the abundance of work on Gherbode's docket: as we saw in chapter 2, the charter guard travelled widely in 1408 and 1409 tending to the financial, diplomatic, and archival aftermath of the defeat of the Liégeois rebellion put down at the Battle of Othée. Once he returned to Lille in advance of the ceremony marking the newly-reduced Sentence against the aforementioned towns, he finally found a moment to sort through his inventories and remove the requested items from the *trésor* for Antoine. This he finally did on August 9, 1409: 58 documents from the thirteenth and fourteenth centuries (average year: 1380). They were primarily oaths of fealty to the count of Flanders and to the duke of Brabant, demands and confirmations of payment (often "cassées" – sliced – once the payment was made), and many original records of the purchase and rent of fortresses in Antoine's new territories. All were potential sources by which Antoine could establish firmer control over key Brabantine subjects, sites, and sources of income.[327] The proximity to the ceremony of punishment is striking: only three days before he supervised the return of 142 documents to the rebellious towns of Liège and Loos on August 12, 1409, Gherbode handed over the largest single group of documents to Brabantine officials, something Antoine had been requesting for more than two years. Antoine and his officials present at the ceremony were presented with the documents. August 1409, then, represents a remarkable peak in princely interest and investment in documents as tools of sovereignty in the Low Countries. Correspondingly, it was also the height of Gherbode's influence over the informational tools of Burgundian sovereignty.

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Lille as the relevant repositories. AGR, manuscrits divers no. 4, fol. 92v. Gherbode writes: "Apres ce pour ce que la chose fu un petit delaiee, ledit monseigneur de Brabant memoire par maistre Jehan mousquet son secretaire et receveur de la diete chastellain de Lille unes lettres patentes de mondit seigneur de Bourgogne que je recevuz le xxiie jour de may l'an mil iiiiC et ix contenant qui sensuivant." The attached letter was an angry screed from count John noting that the duke of Brabant "nous a fait exposer, que vous avez encore pardevers vous en noz tresories de Rupplemonde et dudit lieu de Lille ou ailleurs en votre garde plusieurs lettres touchant ses villes et seignouries d'anvers et de fauquemont ensemble les inventoires repertoires et plusieurs copies de chartres et lettres touchant ses dis duchiez de brabant et de lembourc et leurs appartenances…" He then orders Gherbode "vous bailliez et delivrez sans aucun delay contredit ou difficulte a icellui notre frere de Brabant ou a son certain commandement" the desired papers.

[326] These were 300 "frans de 32 gros." For a number of years he received an identical sum for his title as garde des chartes of Artois. ADN B4086, fol. 55r. See also Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 202. For Jean-Baptiste Santamaria, this set-up was a means of centralizing documents in Lille. Close analysis of the Lillois inventories indicate that this was only partially true. Note also that while Gherbode he was frequently away from Lille in this period, he presumably brought the keys to the *trésors* with him.

[327] The documents include no items from between 1290 and 1356, but 13 for 1282-89, 12 for 1356-77 and 20 for 1382-1401, thus roughly corresponding to periods of increased urban rebellion and dynastic struggle in the Low Countries. Corresponding marginalia appear in the inventory that Gherbode kept at the Lille *trésor* (see discussion of ADN B113 below) alongside the descriptions of documents handed over to Antoine, indicating the originals had been removed. See ADN B113, fol. 104r, for example: "delivree pour monsieur de brabant a guillaume blondel … donne le ixe jour d'aoust iiiiC et ix."

But the indubitable fact that Count John and his brother Antoine were so devoted to the collection and organization of documents does not entirely explain how the Valois dynasty secured its sovereignty in Brabant. Antoine's interest in acquiring documents is undeniable, but it remains unclear how instrumental such documents were to the practice of Valois sovereignty there. In fact, Antoine had already become the new duke of Brabant soon after Duchess Jeanne's death in late 1406, well before Gherbode handed over this final collection of documents in 1409. The Estates of the duchy finally decided to accept Antoine as duke on two conditions. First, that Antoine's brother, the powerful heir to Flanders and Burgundy, John the Fearless, would not succeed him. Second, Antoine would have to agree to a *Blijde Inkomst* like his predecessors. This was little more than a rote recitation of an already empty charter, as the fate of the article pertaining to archives in the *Blijde Inkomst* shows. It retained the same wording signed by Jeanne and Wenceslaus in 1356 and promising that the archives of Brabant were to be shared by the duke and the towns of Louvain and Brussels, a promise that had been violated repeatedly and consistently for decades. According to the twentieth-century Belgian archivist Hubert Nelis, this archival cooperation was no more a reality under Antoine than it had been under his predecessors. Instead, the *Blijde Inkomst* was simply copied out as a matter of routine, but never implemented as written or made to reflect an updated balance of power.[328] This did not mean, as R. C. van Caenegem points out, that such regional charters of privilege such as the *Blijde Inkomst* or *Grote Privilege* of Flanders in 1477 had no meaning: they remained important symbols of shared sovereignty, as we shall see in chapter 4.

Decades of massaging the hesitant Brabantine institutions of power had paid dividends for the Valois Burgundian state. And Antoine's frequent requests to Gherbode illustrate the degree to which he viewed taking the reins – and papers – of government as a key path to the establishment of sovereignty. In the end, even the mere potential control of documents seems to have helped make Antoine's accession possible. Beyond tracing the traffic in documents, it is very difficult to know how effective the archive actually was as a tool of government, not just in Brabant in the early fifteenth century but across the period of our study in general. Antoine does not seem yet to have become an effective ruler when he was recognized as duke by the Estates. His finances, for example were still a shambles in 1406, when he was still borrowing money from his brothers to help pay off Jeanne's debts and finance his own reforms. But access to the archives provided a potential store of symbolic capital that was heeded by the various actors involved in deciding the succession of Brabant. For somehow, Antoine was not perceived merely as the indebted creature of his powerful brother. Stéphane Mund clarifies that the Estates chose Antoine as duke based on his success at governing the duchy in the preceding years when he was still only provisional ruler of the duchy. Perhaps his search for archives had paid off? More generally, the "twenty years of discussions," that preceded Antoine's accession and the Valois inheritance of Brabant – and particularly the movement of archival documents in this period – suggests several conclusions on the Burgundian approach to acquiring territories and titles.[329]

First, in the volatile situation of a dynastic inheritance, archives may only rarely have been the center of attention, but they carried the potential to provide a decisive advantage. In the absence of a male heir, inheritance of the duchy depended not only upon the head of the most powerful dynasty of the Low Countries, John the Fearless, but also alternate stakeholders such as the Estates

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[328] Mund, "Antoine de Bourgogne, prince français et duc de Brabant (1404-1415)," 331. See Antonius Anselmo, *Placcaeten, ordonnantien, landt-chartres, blyde-incomsten, privilegien, ende instructien by de Princen van dese Nederlanden, aen de ingesetenen van Brabant, Vlaenderen, ende andere Provincien, t'sedert 't jaer M.CC.XX uytgegeven, geaccordeert, ende verleent ...* (Antwerp: Hendrick Aertssens, 1648), 141.

[329] On the "twenty years of discussions," and for a survey of this complex inheritance, see Graffart and Uyttebrouck, "Quelques Documents Inédits Concernant l'accession de La Maison de Bourgogne Au Duché de Brabant (1395-1404)." The handover of keys can be found at AGR, manuscrits divers no. 4, fol. 87v.

of Brabant, the Brabantine towns, and – as we have seen in the case of Thierry Gherbode – the administrators in charge of regional powers. Louis of Mâle had invaded in 1356 to enforce his claim to Antwerp and Mechelen, and the resulting truce with his in-laws gained his administrators access to Brabantine archives; his heirs understood that archives could help manage the protests and concerns raised by a variety of local institutions and took further steps to secure access to the duchy's archives and summaries of their contents. They successfully turned archival access into informational sovereignty. The inheritance of a duchy, certainly one as wealthy, urbanized, and institutionally sophisticated as Brabant, could never be a certainty – no matter how closely ties of marriage and kinship linked the ruling families. Thus, as early as 1361, and even more so in the 1390s, the counts took concrete steps to secure the administration of portions of the duchy. In no small part, this meant controlling the duchy's archives, or – at least initially – possessing an inventory that described its contents.

Ostensibly, the successful Valois inheritance of Brabant was a matter of chance. Both Duke John III of Brabant and his eldest daughter Jeanne died without male heir. Moreover, Jeanne's sister Margaret decided to present the county as an appanage to her younger son Antoine, who himself died at the Battle of Agincourt in 1415. These contingent events, however, only partially explain the decades it took to decide the duchy's inheritance. Fundamentally, there was no clear delineation of the rights of succession in Brabant in the absence of a male heir, leaving room for political maneuvering in securing this inheritance. In the seventeenth century, the same question of a female line of succession to the duchy of Brabant would arise once more. Under King Louis XIV, with the aid of state-sponsored print shops and *intendants* under the supervision of Jean-Baptiste Colbert as a distribution network, the struggle for informational sovereignty would be fought through different media: pamphlets of legalistic argumentation about customary and Roman law and the question of female inheritance. These arguments served as a pretext for Louis XIV's wars in the Low Countries, in the wake of which Louis sent a royal historiographer to live in the Lille *trésor*. One of his assignments was to retroactively provide justification for French rule in the Low Countries (see Conclusion).[330]

But in the fifteenth century, it was still possible for the Valois to gradually seize the reins of government and obtain access to its archives as a means of achieving territorial expansion at moments of dynastic disruption. Within three weeks of the death of Marguerite of Mâle, the countess of Flanders and nominal duchess of Brabant, Gherbode handed her son Antoine the keys to the charter treasury at Nivelles as a means of shoring up his case for inheritance vis-à-vis the Estates of Brabant. And while Gherbode was less forthcoming with materials from his archives within Flanders, he did eventually provide Antoine with authentic original documents and inventories. Considering the amount of energy invested by Antoine and his officials in acquiring these documents from Gherbode, and the Valois dynasty's efforts to secure the archives of Brabant before this, there can be little doubt that the Burgundian mastery of archives aided their successful campaign to inherit Brabant.

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[330] These were produced in five languages on the eve of Louis' War of Devolution. Antoine Bilain and Guy Joly, *A Dialogue Concerning the Rights of Her Most Christian Majesty* (London: Thomas Newcomb, 1667); Antoine Bilain, *Traité des droits de la reine très-chrétienne sur divers états de la monarchie d'Espagne* (Grenoble: Robert Philipppes, 1667); Antoine Bilain, *Reginae christianissimae jura in ducatum Brabantiae et alios ditionis hispanicae principatus*, trans. Jean-Baptiste Du Hamel (Paris: Typographia Regia, 1667); Antoine Bilain, *Der aller-christlichsten Konigin Rechte Auff Verschidene Lande und Herrschafften der Reiche Spanien* (n.l., 1667); Antoine Bilain, *Tratado de los derechos de la reyna chrstianissima sobre varios Estados de la monarquia de España* (Paris: Emprento Real, 1667). See Denise Bloch, "La bibliothèque de Colbert," in *Histoire des bibliothèques françaises: Les bibliothèques sous l'Ancien Régime, 1530-1789*, ed. Claude Jolly, vol. 2 (Paris: Éd. du Cercle de la Librairie, 1988), 158; Soll, *The Information Master*, 108.

This sequence of events became something of a specialty under John the Fearless and his successor Philip the Good (r. 1419-1467). First Namur (1421), then Holland and Zeeland (1425), and finally Hainaut (1427) were acquired in almost the same way, by convincing or coercing an indebted cousin to grant them government of a territory, acquiring its archives, and subsequently lobbying for official inheritance vis-à-vis the local institutions. Though it was not until 1430 that a Valois duke could officially add "duc de Brabant" to his long list of titles, this was almost a formality by 1406. Through knowledgeable negotiation and no small measure of good luck, Brabant was brought firmly within the Valois grasp by the early years of the fifteenth century. Thus, even when the archive wasn't necessarily a tool that aided in governing lands – since the Estates chose Antoine as Jeanne's successor before he had received most of the archival materials in the dynasty's hands – the archive nevertheless remained a symbol of the duke's authority that commanded respect.[331]

## Lille: A Capital without Centralization

We have just seen how the archival policy of the Valois dynasty pursued its inheritance of Brabant over the course of several generations through the archival surveys diligently collected by princely archivists. In the case of a number of other polities absorbed into the Valois Burgundian princely state over the course of the fifteenth century, the accumulation of archives reflects the expansion of Burgundian sovereignty. Gherbode created an inventory for the *trésor des chartes* in Lille in 1399 that elegantly demonstrates the annexationist practices of the Valois dukes of Burgundy. Like the archive it summarized, Gherbode's inventory absorbed additions and yielded subtractions; the inventory was also subject to divisions and multiplications as small subsections of folded folios known as quires were split up, moved around, and copied. This complex instance of fifteenth-century princely administration was a synecdoche for the expansion of the Valois princely state. While administrators had used archives held at the *château* through much of the fourteenth century, Thierry Gherbode prepared this painstaking inventory of the repository's contents on order of the count soon after his appointment as *garde des chartes*.[332] Along with the sets of registers kept by the *chambre des comptes*, this inventory (see figure 10, ADN B113) was the central tool used to manage the documents of the counts of Flanders for the next half century.

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[331] On the different dates of formal acquisition and actual power, see Robert Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380-1480*, First edition, Oxford Studies in Medieval European History (Oxford: Oxford University Press, 2017), 49. See also Chart 1. After Antoine's death in 1415, the succession of his pre-teen son, John IV Duke of Brabant, was contested by Emperor Sigismund, but John the Fearless managed to avoid a succession crisis by appointing the Estates as regent until the young duke's majority. In the midst of the Hook and Cod Wars, John married Jacqueline of Bavaria, who sought allies against her uncle John of Bavaria, the Bishop of Liège who in 1408 had needed John the Fearless' military aid. See Wim Blockmans and Walter Prevenier, *The Promised Lands: The Low Countries under Burgundian Rule, 1369-1530*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 1999), 91; on the acquisition of Hainaut, Holland and Zeeland from Jacqueline of Bavaria, see Marc Boone, "Jacqueline of Bavaria in September 1425, a Lonely Princess in Ghent?," *The Ricardian: Journal of the Richard III Society* 13 (2003): 75–85; Eric Bousmar, "Jacqueline de Bavière, empoisonneuse et tyrannicide ? Considérations sur le meurtre politique au féminin entre Moyen Age et Renaissance," *Publications du Centre Européen d'Etudes Bourguignonnes* 48 (2008): 73–89.

[332] This inventory is ADN B113, fol. f1r. "Inventoire et extrait des chartes et lettres sont mises en la tresorie du chastel de Lille appartenants a monseigneur le duc de Bourgogne conte de flandres d'artois et de bourgogne touchans son pays de flandre encommence par moy thierry gherbode secretaire de mondit seigneur en l'an mil iiiC iiiiXX dix-neuf que depar mon dit seigneur j'ai esté ordonne et commis a la garde des dites chartes et lettres." Secretaries of the count of Flanders serving in the chancellery often rose in the administration of the Valois state. In addition to Gherbode, one became a maître in the *chambre des comptes*, another ducal secretary. Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 99.

The para-textual evidence reveals how eleven separate quires filled with over a thousand entries were combined to make the inventory. Gherbode separated the entries in the inventory into 46 categories, each pertaining to its own *laye* of documents within the armoires of the archive. Some layes are composed of documents having to do with persons or events, including writings regarding Jehan and Symon de Mirabel, labelled *laye* X; or regarding the 1336 acquisition of Mechelen, a *laye* marked by a cross). But the first thirty categories nearly all correspond to geographical areas of Flanders. For certain locales like the powerful town of Ghent, Gherbode assigned multiple *layes*: one holds "lettres d'escharge, de vendicions" while another pertains to "Gand et les appartenances et dependences." Overall, the logic of arrangement of these *layes* in the various armoires seems to have been regional, beginning with the town of Ghent and its vicinity before moving on to Bruges and Maritime Flanders.[333] Subsequent *gardes des chartes* frequently updated and modified Gherbode's inventory over the course of the fifteenth century but largely preserved this basic organization. The inventory has reached us with several more quires of varying length inserted loosely between the final folios. By the time the inventory achieved its final form sometime around 1450, it described documents in 83 separate *layes* and *layettes* placed in nine armoires.[334] By this time, new layes and layettes rarely corresponded to a category in any identifiable sense, becoming far more specific: a certain peace, for example, or the documents pertaining to a specific episode. For example, the imprisonment of Rene, duke of Anjou and king of Sicily by Philip the Good resulted in a section composed of "promises, alliances, and concessions made by the King of Sicily to Monseigneur of Burgundy or the treaty of his deliverance from prison" in 1437.[335]

Gherbode was not simply tracking documents in this inventory; he also interpreted them. In a *laye* corresponding to the category for a number of castellanies in the province of Limburg (Fauquemont, Bercht, Gangelt, Millein, and the town of Maastricht), he demonstrated what experiential legal knowledge meant. His entry examines a series of documents and makes a determination of their meaning in favor of the comital interest: "upon deliberation with the chancellor and many other councilors of Monseigneur [the duke], it seems that the heirs of the aforementioned late Lord of Grousselt have no right at all in the said villages and that they must remain with Madame of Brabant according to the content of the aforementioned letters."[336] Such analysis went far beyond a simple descriptive summary to reflect the interpretation of documents by comital advisors and their potential meaning for Burgundian sovereignty.

There is also much to be gleaned from Gherbode's inventory of the Lille *trésor* regarding the comital response to rebellion over the generations. We saw in chapter 1 that the archival consequences of rebellions – even those that were largely rural – were almost exclusively inflicted upon towns. The documents listed in B113 suggest this focus on towns was a general phenomenon

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[333] The Ghent sections begin at ADN B113 fol. 2r and 8r. The section for Bruges begins on ADN B113 fol. 55. Simon de Mirabello was the son of a Ghentenaar patrician family who, as he rose through the comital administration to *ruwaard* (governor) of Flanders, married one of Louis de Nevers' bastard sisters before meeting his end in the course of Ghent's turbulent fourteenth-century internecine disputes. Boone and Vandermaesen, "Conseillers et administrateurs au service des comtes de Flandre," 299. On the purchase of Mechelen, see below.

[334] No changes were made after that point, except for a number of markings and marginal comments by eighteenth- and nineteenth-century archivists, including stamps marking it as property of the "Archives départementales du Nord" and blue pencil to denote that portions of the text had been transcribed and printed in the inventaire sommaire: Jules Finot et al., eds., *Inventaire sommaire des Archives départementales antérieures à 1790, Nord. Archives civiles. Série B: Chambre des comptes de Lille*, 8 vols., Collection des inventaires sommaires des Archives départementales antérieures à 1790 (Lille: Impr. de L. Danel, 1899).

[335] ADN B113, unlabelled quire between quires 10 and 11, seems to be labelled fol. 184r.

[336] ADN B113 fol. 113v. Emphasis mine: "par la deliberacion de monseigneur le Chancelier et de plus[ieur]s autres du conseil de mons[eigneur] semble que les heritiers du dit feu Seigneur de Grousselt n'avoient aucun droit en dits village et qu'ilz devoient demourer quittes a madame de brabant selon le teneur des dites lettres."

of princely archives in Flanders: these documents overwhelmingly correspond to urban affairs as well. There were of course entries in the inventory that pertained to rural areas, but these almost exclusively delineated the rights of the counts of Flanders to certain incomes or offices there: they did not deal with privileges held by villages themselves. Nor is there evidence in this inventory of rural entities subjected to confiscation of documents by princely administrators in the wake of rebellions. While there is a record of Bruges' privileges confiscated, revised, and reissued after the repression of the rising of maritime Flanders in 1323-28, no such documents appear regarding the rural areas which had instigated the armed uprising. Other aspects of the *amende honorable* are illustrated in the inventory of the Lille *trésor* as well. When Count Philip the Bold chose to return confiscated documents to towns and guilds following their uprisings, Thierry Gherbode described this decision in detail. For example, Gherbode explained that he was retaining a number of pardons issued to towns and castellanies in Flanders in 1348, later seized in the mass confiscation of documents of 1382, even while he returned the bulk of the towns' other confiscated documents (see chapter 2).

Comital administrators also sought out documents that forged alliances between Liégeois towns in the wake of the *Hédroits* rebellion, as we saw in chapter 2. And indeed, as Gherbode created the inventory of the Lille *trésor*, he stumbled upon earlier instances of comital attempts to repress such documents. The inventory contains entire sections filled with documents pertaining to alliances between princes. When these alliances included towns, however, the urban seals seem to have been removed, effacing their participation in these unions. Two letters analyzed by Gherbode, one signed the final day of 1336 (March 31) and the next the first day of 1337 (April 1), appear in a *laye* containing the category of alliances made between the count of Flanders and other princes (*certains alliances faictes entre Monseigneur de Flandres et le duc de Brabant, et la conte de Haynnau et autres lettres d'alliances*). Gherbode's summaries describe a convention held during Easter at which several Low Countries princes sealed an alliance between the Duke of Brabant and the Count of Flanders that resolved their dispute over the town of Mechelen and forged an alliance between the two princes. There must have been representatives of the towns in attendance, Gherbode notes ("devoient estre") but their seals were missing (*ilz n'y sont pas mis*).[337]

The structural elements of the information arrangement in the inventory indicate that the Lille *trésor* was in large part a representation of the rights and interests of the count of Flanders. But while the bulk of categories in Gherbode's inventory pertain to Flemish affairs, its geographical range extended well beyond the Low Countries, broadened by categories on peace treaties, grants of safe passage, marriage negotiations, papal privileges and papal bulls, and other items. Unlike the Brabantine inventories studied above, which reflected Flanders' place within an "ideal-topographical" order of imperial powers, Lille's *trésor* did not mirror the hierarchy of the French realm. Whether they be the Savoyard archives studied by Peter Rück, the Swiss cantonal and municipal archives studied by Randolph Head, or the Brabantine archives described here, only those

[337] The destruction of the urban seals on these 1336-37 alliances may have occurred during the confiscation of documents in the wake of the Battle of Roosebeke. See ADN B113 fol. 55r and fol. 2r, respectively, for evidence of archival repression of Bruges and Ghent in 1323-28. On the 1336 discussions, see fol. 118r, and for the pardons issued in 1348, see fol. 146v (and its copy in ADN B114 fol. 169r). The March 31, 1337 treaty between Louis of Nevers and John, duke of Brabant is availabe in Jacques Bernard, *Recueil des traitez de paix, de trêve, de neutralité, de suspension d'armes, de confédération, d'alliance, de commerce, de garantie, et d'autres actes publics: comme contracts de mariage, testaments, manifestes, déclarations de guerre &c faits entre les empereurs, rois, républiques, princes, & autres puissances de l'Europe, & des autres parties du monde, depuis la naissance de Jesus-Christ jusqu'à présent servant a établir les droits des princes*, vol. 1 (Amsterdam; The Hague: Henry et la veuve de T. Boom; Adrian Moetjens, Henry van Bulderen, 1700), 215–16.

institutions within the Empire seem to have adopted such an archival arrangement.[338] Instead, the arrangement of the Lille *trésor* as reflected in its inventory of 1399 presented an outline of sovereign expansion. The documents described in the Lille *trésor* inventory were strictly those that pertained to the affairs of the counts and their predecessors and relatives, including those regions the Burgundian dynasty sought to acquire. The inventory could thus serve as a storehouse of comital claims and prerogatives within its numerous regions of control.[339]

The Lille *trésor* archive grew and diversified especially quickly in the 1430s and 1440s as the Valois state expanded under Count Philip the Good. Under Gherbode's successors, entire layes were brought to Lille and placed in armoire "H."[340] There are no extant sources from this period that, like Gherbode's log of all documents to leave the archive between 1402 and 1414, might reveal the motives and frequency with which these new collections were used. But there is significant para-textual evidence from within the inventory suggesting that the Lillois administrators did not promptly process, categorize, summarize, and integrate incoming armoires and loose documents into the information system. They were irregularly processed and summarized only after a significant lag. Still, Gherbode's successors continued entering incoming documents into the archive and recording their summaries in the original inventory until 1448 or so, when Chancellor Nicolas Rolin oversaw a general reorganization of all the Valois archives in the Low Countries and Burgundy itself.[341] The titles of these newly-added quires stuffed into the back of Gherbode's well-worn inventory capture some of the most dramatic events of the first half of the fifteenth century: the peace treaty signed at Paris in February 1415; the marriage of Philip the Good and Isabelle of Portugal (1429) along with documents on Holland, Zeeland, and Frisia; a set of documents signed by Rene d'Anjou to secure his release from Burgundian prison (1437); two different peaces of Liege (1409 and 1433); the peace of Arras (1435); a collection of papal bulls (entered in 1448); the short-lived marriage of the future duke Charles the Bold and Catherine of France (1440); and a collection of pardons, including documents seized from the rebellious Flemish towns.

As documents made their way to and from Lille, Gherbode and his successors took note of their movement and were careful to make sure their presence was recorded in the archival inventories. Later *gardes des chartes*, especially de la Keythule and d'Oostende, frequently entered comments in the margins and in new blocks of text in this Lille inventory. They made marginal notes to indicate that they had transferred documents to different layes or repositories, removed

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[338] There seems to be a tendency for this "Ideal-Topographical" model of archival organization to appear primarily in areas of strong imperial influence. Even those lands under the Flemish counts, such as Namur and Hainaut, which were under nominal imperial sovereignty, tend to reflect this. See Randolph C Head, "Mirroring Governance: Archives, Inventories and Political Knowledge in Early Modern Switzerland," *Archival Science* 7 (2007): 317–29. See also the masterful Peter Rück's work on Savoy, at Peter Rück, "Die Ordnung Der Herzoglich Savoyischen Archive Unter Amadeus VIII. (1398-1451) : Archivalische Zeitschrift," *Archivalische Zeitschrift* 67, no. 1 (1971): 11–101.

[339] ADN B113, fol. 146v. The entire section on the peace of Liège (1409) has been moved to the *laye*marked by a "chappeau de roses" (fol. 168r), and now includes the new peace of Liège (1433) as well. Likewise, the only documents pertaining to England, Portugal, or the Holy Roman Empire involved contracts, agreements, and other documents negotiated with and granted by the sovereigns of those lands. In this vein, episodes that shared little more than a name – such as the paix de Liège of 1409 and of 1433 – were frequently inserted into the same category. This could even happen as a result of space constraints: a note could be inserted within the category pointing out that the relevant documents had been moved to another *laye*due to lack of space.

[340] ADN B113 fol. 18.

[341] ADN B114 fol. 192r and the following several folios may present an exception. New *garde des chartes* Jean de la Keythule wrote there that he was receiving the documents in question from the *gens des comptes*, so we may presume that this was only a temporary solution until he could enter the documents in B113. Compare with ADN B113 fol. 147, fol. 159, and fol. 168.

documents to give to other officials, or had been unable to find documents within the armoires. Marginal notes indicate dozens of documents given to representatives of Antoine of Brabant. Entries for those documents moved were then struck out in thin diagonal lines, but never harshly enough to make the entry illegible. The *gardes* also tracked items as they moved to different *layettes* thanks to a message written in the margin of the inventory indicating who had placed it there, such as "mis en la tresor[er]ie p[ar] moy G. d'Oostende." D'Oostende was at times even more concerned with authenticity than his predecessors: alongside Gherbode's summary of a vidimus (authenticated original), his successor noted that "la lettre original est en la tresorie a Rupplemonde."[342] Such was precisely how Gherbode had intended the inventory to be updated: to enable additions to each *laye*, he had left several blank folios between each category.

The Lillois *gardes des chartes* balanced thematic with technical concerns: the 1399 inventory reflected the physical arrangement of the archive, one that was subject as much to the dictates of space as it was to concerns of content. Indeed, later additions to layes might be remarkably different from the original content, seemingly because there was space in one armoire or another. Documents concerning a brief peace between Count John the Fearless and the French *dauphin*, for example, were added to a *laye* containing accounts and correspondence of the receiver general of finances.[343] Subsequent archivists thus often found themselves in belated and exasperated correspondence with their predecessors in the margins of the inventory. To take one example of dozens: alongside an entry describing a royal letter dated 1402, Gherbode explains in a marginal comment that he had handed it over to "Raoull Cartin". Another hand, probably d'Oostende's affirms: "Et pour ce non trouvée."[344] In other words, archival use and movement destabilized the categories of knowledge the archivists had assigned no less than it misplaced the individual documents that moved.

Still, none of Gherbode's successors exhibited his overarching knowledge of all the northern Valois archives. De la Keythule was clearly eager to collect information from the other Valois archives, for example that of Rupelmonde. A fragment copied out of the *trésor* there can be found at Lille, apparently to help de la Keythule "studie le memoire" of the Flemish repositories and to keep a record of those documents he moved between the two repositories. But when the traffic in documents to Lille increased, Gherbode's system for incorporating new items slowly collapsed. Jean-Marie Cauchies points out that 1427-36 were the heaviest years of documentary traffic arriving from Hainaut to Lille.[345] And indeed, the shipments of documents arriving at the Lille *trésor* during the 1430s were haphazardly inserted into the proper layes for later use, but not always noted in the inventory. By the 1440s, day-to-day care for the *trésor* was as much in the hands of the financial accountants of the *chambre des comptes*, whose copy of Gherbode's inventory (ADN B114) was more regularly updated than the original (ADN B113), still presumably held by the *garde des chartes* Georges

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[342] ADN B113, fol. 6r. I will explore the utility of preserving copies of cancelled original documents struck through and sliced diagonally in chapter 4. See also Declercq, "Habent sua fata libelli et acta: La destruction de textes, manuscrits et documents au Moyen Age."

[343] The heading of the *laye*in the inventory reads: "lettres de descharges sur les renenghes et sur la recepte general de flandre," followed, in a new hand, by: "et aussi aucunes lettres faisans mencion de la paix faire entre feu monsieur le duc Jehan de bourgogne et le Daulphin." ADN B113 fol. 125r.

[344] ADN B113, fol. 128r. Another example: a letter removed by Gherbode for "Monseigneur de Roubay" on B113 fol. 26v is commented on in the margins: "Ceste lettre a este delivre a monsr de Roubay par le commandement de monSr par lettre de [...] a maistre thierry gherbode." Below: "Ceste lettre n'est point cy trouvee."

[345] It was at this time – and not beginning in 1385, as most historians of Lille's Valois institutions have argued – that members of the chambre des comptes financial accounting office at Lille most closely supervised the trésor des chartes. Gherbode had prepared a copy of his inventory of the trésor for his colleagues in the chambre des comptes, possibly when he became a member in 1407, and which they kept mostly up-to-date. On Hainaut, see Jean-Marie Cauchies, *La législation princière pour le comté de Hainaut: Ducs de Bourgogne et premiers Habsbourg (1427-1506)* (Brussels: Facultés universitaires Saint-Louis, 1982), 13–14. Keythule's fragment from Rupelmonde is ADN B886, no. 15504.

d'Oostende. Long lists of newly-imported items from Namur and Hainaut, for example, were sewn in behind the final quires of the Lille inventory held by the *gens des comptes*. Thus, while over the decades Gherbode's successors developed a protocol to incorporate new items and layes, their system was soon overwhelmed. D'Oostende generally placed new shipments in Armoire H at the Lille *trésor* and assigned each a new *laye*, *layette*, or box. Still, the margins of Gherbode's original 1399 inventory are filled with d'Oostende's futile attempts to deal with the new flow of documents being produced by and delivered to Valois institutions.[346]

The demand for archival documents in the fifteenth-century Burgundian state can be gauged by examining the re-inventorying and re-organizing project launched in the early sixteenth century. Emperor Maximilian I and his son and daughter Philip the Handsome and Margaret of Austria (later governor of the Low Countries) appointed a number of administrators to survey the *trésor* in Lille. Much like their predecessors, the officials used older inventories as a guide to what they would find. Specifically, as they surveyed the Lille *trésor* between 1506 and 1512, they used a copy of Gherbode's 1399 inventory (most likely ADN B115, a clean copy that includes most of the modifications made to ADN B113 through the 1440s).[347] They modified a number of categories in the new inventory, moved certain layettes from one armoire to another, and commented on the deterioration of seals or parchments. As they worked, they also created a separate list of all the documents that they failed to find during their work in 1506-12. Entries for the lost documents were reproduced from Gherbode's descriptions, resulting in an inventory of lost items (ADN B117) that was the product of labor-intensive cross-referencing between the contents of the armoires and the inventory entries. Because it hones in on those documents that went missing between 1399 and 1506, B117 thus provides a set of 120 documents that were lost between 1399 and 1512. This surely indicates that many more were used and returned, but does provide a certain sample with compelling hints regarding the use of documents in the fifteenth century. It seems reasonable to assume that the documents most often lost were, more or less, representative of the types frequently used.

Several obvious characteristics of these 120 missing documents quickly emerge. First, urban rebellion and its punishment were clearly over-represented. This merely underlines the point made in chapters 2 and 4: that the circulation of documents during princely repression of urban rebels became routine over the course of the fifteenth century, as those documents produced to punish urban rebellion were often targeted by subsequent rounds of rebellion. Second, there are also a conspicuous number of documents that seem to have been mobilized to help resolve conflicts between towns competing over trading rights and related matters, for example a dispute between

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[346] These marginalia were not consistently copied into the *chambre des comptes* copy of the inventory and vice-versa, creating still more confusion. The sections for Namur are ADN B114 foo. 293r (from 1432) and ADN B114 fol. 297r (from 1447). Hainaut, in fact, was appointed its own *garde des chartes* in 1434. See Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," 799.

[347] ADN B113 also has "+" marks in the margins, products of the 1448 survey carried out by Chancellor Rolin. See fol. 1r: "Le mardi iiie de mars an xlviii [1448], par l'ordonnance de monseigneur et par ses lettres closes escriptes en sa ville de Brouxelles, le jour de  oudit an, par lesquelles il mande à maistre Jehan Hibert et Jehan le Doulz, maistre de ses comptes à Lille, recoler selon les reppertoires de ses chartres tant de Lille comme de Rupplemonde, tautes les lettres, chartres, enseignements et autres choses quelconques estant esdist lieux. Et par autres lettres mondit seigneur mande à messieurs de ses comptes à Lille que, ou cas que ledit maistre Jehan Hibert n'y porra entendre, que avec ledit maistre Jehan le Doulz ilz y commettent aucun de la chambre [several others may join if Hibert cannot understand]; et pour ce, attendu l'occupation et empeschement dudit maistre Jehan Hibert, mesdits seigneurs y ont commis Jehan de Meaulx, clerc de ladite chambre des comptes. En ensuivant laquele charge, ledit mardi a esté encommenchié par les dessusdits, présens maistre Rolland Pipe, auquel mondit seigneur, après le trespas de feu maistre Georges d'Ostende, a donné l'office de garde desdistes chartres estant oudit Lille, par vertu des inventoires et délivrance que lui ont fait lesdits commis. Et toutes les lettres qui trouvéez y ont esté selon lesdits reppertoires sont en iceulx marqués en teste d'une + en telle fachon, et celles qui y deffaillent sont escriptes sur la partie desdits répertoires: *elle n'y est point trouvée.*"

Biervliet and Ghent over salt rights.[348] The frequent use of such documents would seem to suggest towns were increasingly likely to turn to the sovereign authorities, whose archives were made available to municipal officials, to resolve disputes of their own. Finally, the list of missing documents features a good many pieces removed from the Lille *trésor* by Gherbode in favor of Antoine, duke of Brabant: it seems Gherbode was not always meticulous about copying them before they were removed from the archive in the early years of the fifteenth century.[349]

Perhaps most importantly, the physical arrangement of the *trésor* and its reflection in Gherbode's inventory was also a reflection of the piecemeal construction of Valois sovereignty. The Valois princes pursued a general but not exclusive concentration of administrative power onto the two regional administrative capitals of Lille and Dijon, while also maintaining traditional provincial power centers in the different principalities, all of which was tied together by a network of messengers, correspondence, and lists. To be sure, the documents deemed most important were typically deposited in Lille. The original documents most central to Valois sovereignty in Brabant, for example, were held at Lille rather than Rupelmonde or Brussels, for example. Still, the gradual accumulation of documents in the regional administrative center of Lille did not represent a systematic centralization. Because the Valois regime was geographically split, similar processes of accumulation to those created in Lille also took place in the Duchy and Free County of Burgundy, where archives and record-keeping institutions such as the *chambre des comptes* were also linked by networks of personal and institutional connections. They were connected through inventories, copies, and personnel. Like in the Low Countries, even when a single Burgundian administrator was granted intra-regional authority, each region retained its own archives. This kept the information system decentralized and fit nicely with the Valois Burgundian mode of piecemeal expansion. Thus, any sustained centralization that did occur happened on a regional level: within the duchy of Burgundy, for example; or, in the Low Countries, within the county of Brabant. The clearest example of this parallel between archival and political annexation returns to the acquisition of Malines and Antwerp by count Louis of Mâle through the Treaty of Ath in 1357. The *layes* for Malines and for Antwerp, acquired together in 1357, are also juxtaposed in the inventory and are the only two sections of armoire F, indicating they must have entered the Lille *trésor* together.[350]

Because archives in the regional capitals and castles of both the northern and the southern portion of the Valois princely state were left in place, inventories of their contents were brought to one or the other administrative capital instead. Administrators created the first detailed inventory of the archives of the duchy of Burgundy around 1330. It described three boxes (*arches*) arranged in the *tour de Trésor* at the ducal fortress of Talant, each holding between five and twelve layettes or *casottes*. In each box – one labelled fiefs, another acquisitions, and the third "beyond the river [Saône]" – the documents were largely organized geographically by bailiwick. The ducal secretary Guy Rabby, clerk in the *chambre des comptes* of Dijon, trained jurist, and "guard of the charters and writings located in the treasury of Talent" (*garde des chartes et escripts estans ou trésor au Talent*) was no less central for the information system of the Burgundies than Gherbode was later for that of the Low Countries. For example, he provided the Dijon *chambre des comptes* with a list of the privileges of the commune of

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[348] ADN B117 fol. 2v-3v.

[349] For example, the documents ensuring ownership of the fortresses beyond the Meuse River were not found.

[350] "La vendicion de la ville et de l'advouerie de Malines et aussi lettres touchans Monseigneur en la ville et terre dudit lieu de Malines"; "La ville et terre d'Anwerps." Armoire XII at Ruplemonde contained parallel documents on the acquisition of Malines, suggesting that the parallel archival traditions of Low Countries principalities were often redundant. The items appearing in Lille and Ruppelmonde regarding Antwerp and Mechelen include a pardon granted by the count of Flanders Louis of Mâle, forgiving the residents of Malines for siding with the duke of Brabant against him in 1356. ADN B121 fol. 240v-246r.

Dijon, which he determined the accountants ought to have on hand.[351] Rabby also controlled other southern archival repositories of the Valois regime, often crossing jurisdictional boundaries to create inventories. Like Gherbode, his experience and local knowledge were more important than juridical knowledge, and he made himself a crucial conduit for information. Even while the Franche-Comté and the Duchy were at war, Rabby's familiarity with the archive of Poligny meant that he was granted access to its archives, though he had to be accompanied by 22 horsemen and the comital bailiff.[352]

Gherbode's role in the Low Countries was similar, travelling from one provincial capital to another and creating inventories – copies of which he could keep on hand in Lille – of the repositories at Namur, Hainaut, Nivelles, Genappe, and probably Arras. There were also lines of communication between the two Valois Burgundian administrative capitals of Lille and Dijon. These were established beginning with the very origins of Valois rule in Flanders and the establishment of twin *chambres des comptes* in Lille and Dijon in the form of a loose network of financial and patrimonial information and documentation flowing between the two sites. Official messengers, but also councilors, officials, and ambassadors spent long periods of time *en route* between the two regions, but a decision from the prince – if he was "par-delà" and not "par-deça" – could nevertheless take more than a month.[353]

Gherbode himself was at least superficially familiar with the institutions of rule based in Dijon. He recorded, to give just one example, a ducal order given at Dijon in February 1389 governing the auditing process at all the *chambres des comptes*. The order was to be displayed in the *chambre* in Lille so that nobody could be ignorant of the new regulations. After completing his recent journey to Rupelmonde and the castles of Eastern Flanders, Gherbode had come to Dijon. As Gherbode was set to return to Lille, he was likely instructed to deliver this placard to Lille. Such journeys were not uncommon. Accounts kept at both Lille and Dijon also include payments made to

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[351] On Guy Rabby, see Richard, "Les archives et les archivistes des ducs de Bourgogne dans le ressort de la Chambre des Comptes de Dijon," 128–29; on the privileges of Dijon, 140. Rabby was sent by Philip the Bold's wife, Margaret of Mâle – who, based on the tradition of female inheritance of the duchy and as the first wife of Duke Philip of Rouvres had her own claims – to collect from royal officials a number of documents, accounts, and papers regarding the counties of Artois and Burgundy and the land of Champagne. He oversaw the creation of wooden boxes, metal reinforcements, locks, and new windows to facilitate access, security and lighting in the new facility built for the *trésor* in Dijon. ADCO B1424, fol. 73r. The move to Dijon was carried out "pour estre là à plux grant seurté et pour les veoir et avoir plux prestement toutes foiz qu'il sera mestier." A window and "un solier de bon bois" was added in order to better accommodate the charters. On Rabby's contentious journey to Poligny in 1356, see ADCO B5053, fol. 47v; the inventory he created is at Archives départementales du Doubs, B3, on which see, in addition to Richard, Claude Rossignol and Joseph Garnier, eds., *Inventaire sommaire des archives départementales antérieures à 1790. Côte-d'Or. Archives civiles. Série B*, Collection des inventaires-sommaires des archives départementales antérieures à 1790 (Paris: P. Dupont, 1863), vol. 2: 207.

[352] The ca.1330 inventory of the Talant archive is at Archives départementales du Côte d'Or B11944, fol. 91. The inventory contains 110 folios. On the accession of Philip the Bold to the duchy, see Pierre Petot, "L'accession de Philippe le Hardi au duché de Bourgogne et les actes de 1363," *Mémoires de la Société pour l'Histoire du Droit et des Institutions des anciens pays bourguignons, comtois et romands* 2 (1935). There were other parallels: in Burgundy, too, the princely archives had ecclesiastical origins and were controlled by officials in important regional churches known as *custos cartarum*, for example. See also Armando Torres Fauaz, "Les archives ducales bourguignonnes: une étude à la lumière de leurs inventaires les plus anciens," in *Les archives princières, XII-XVe siècles*, ed. Xavier Hélary et al. (Arras: Artois Presse Université, 2016), 159–80.

[353] Records of extracts sent from Lille to Dijon appear in ADCO B1463 bis. and ter. Those sent from Dijon to Lille appear in the Dijon *chambre des comptes* documents. See Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," n. 209. On the structure and the distance between the two regions, see Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 16, citing Marc 326; on the important question of terminology for the two portions of the Valois realm, see Pierre Cockshaw, "A propos des Pays de par deçà et des Pays de par delà," *Revue belge de philologie et d'histoire* 52, no. 2 (1974): 386–88.

various officials and couriers for the transport of documents between these two hubs of administration. Much of this communication went through the regular conduit of the *chambres des comptes*. For example, the financial accountants from Dijon hoped to receive a copy of a certain account from Lille in April 1416. Though they were rebuffed, the familiar tone of the exchange indicates the request was a matter of routine.[354]

## Proof of Purchase

The quires listing new documents sewn into the Lille *trésor* inventory each time a new territory was added to the northern Valois polity is a metaphor for the patchwork composite state created in the middle of the fifteenth century. In accordance, this practice also makes the inventory a useful source on the administrative incorporation of new territories into the Valois polity. In the case of Namur, Burgundian administrators hurried to secure the paper trail of sovereignty, a means of confirming comital rights to the newly acquired territory.[355] Namur was a small county on the margins of the Valois Burgundian state acquired by Philip the Good over the course of the 1420s. The movement of documents from Namur to Lille in the 1420s reveals a comprehensive transfer of power free of the complexities involved in the acquisition of Brabant. One similarity between the absorption of the archives of Brabant and of Namur was how Gherbode and his successors used inventories to access the Namurois archives. In the 1399 inventory one of the quires inserted long after 1399 describes a laye: "letters of acquisition of the county of Namur and of the lands and seignouries that Count John of Namur, seigneur of Bethune, possesses in Flanders and Artois" (*L[ett]res de l'acquisicion de la conte de Namur et des terres et seignouries q[ue] Jehan Conte de Namur seign[eu]r de Bethune possedoit en Flandres et en Artois*). The *laye* was almost certainly, according to the note, created in or just after the 1421 events that definitively brought Namur under Burgundian control. The description of that *laye* in the inventory includes a brief entry describing an inventory of the charter treasury of Namur: "*Item* a book of parchment upon which is written Repertoire of letters located in the *trésor* of Namur."[356] Unlike all the other entries in this category, there is no further description of the piece, including its date, the actors or creators involved, or any other description: it was meant to picked up and read for more detail, an inventory within an inventory.

This inventory, however, was not a tool to advance sovereignty but to secure it. The entire *laye* of documents, including the inventory, seem to have arrived in Lille in or around 1421, when John III – terribly in debt after being held for ransom by the Bishop of Liège – sold the county of Namur and his other lands in Artois and Flanders to Philip for 30,000 *ecus d'or*.[357] Quite likely, the archival materials were moved to Lille once proper arrangements had been made to transfer

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[354] The Lille *gens des comptes* were "sans doute les mieux à même d'assurer la circulation des nouvelles au sein de l'appareil administratif." Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," 834. The order transported by Gherbode established that audits be a private affair, free from outside interference: ADN B882, no 11808. For the refused shipment, see Santamaria, "La Chambre des comptes de Lille de 1386 à 1419", Piece Justificatif no. 223.

[355] See ADN B1461, no. 17879, where the marginal comment on fol. 3r reads: "Et permet ceste lettre servir pour montrer l'auctorite du Conte et tant que au jour de l'accord de ce previllege la ville de Wevry estoit occupee par ung seigneur vassal que ces les contenants plus senlong et il est notoire a ceulx qui ont veu les autres tiltres des contes de Flandres."

[356] The documents were later moved, hence a different hand added that it "estans en une laye au dessus de laquelle est escript Namur seulement."

[357] ADN B113 fol. 164-167r contains all the quotes and references in this paragraph. The inventory is described as: "Item ung livre en parchement audess[us] lequel est escripte Repertoire des lettres estans en la tresorie de Namur." On the sale of Namur, see Piot, Charles, "Jean III, comte de Namur," in *Biographie nationale* (Brussels: Bruylant-Christophe, Bruylant, 1889 1888), cols. 309–311.

sovereignty within the county: archival confiscation was here part of a comprehensive transfer of power. In the spring and summer of 1421, ecclesiastical officials, "gentilzhommes," "hommes de fief" (vassals) and other local officials gathered and affixed their seals to documents recognizing John III's "desheritance" and Philippe's "adheritance" of the county. These local notables gathered in several towns within the county to swear oaths of loyalty to Philip the Good. Such oath swearing ceremonies marked the transfer of power as a political event; the preservation in Lille of the documents created at these ceremonies, moreover, served as a guarantee for Philip's official accession, as agreed upon, with John III's death in 1429.

In addition to their usefulness in documenting the transfer of sovereign power, these documents seem to have helped Philip defend his claims to Namur against the Count of Hainaut, who suggested that Namur was a fiefdom of Hainaut and could not be sold at all.[358] For beyond the oaths recognizing Philip as heir to Namur, John had also relinquished the documents underpinning his own rights to the county. Among the most important of these was a 1362 copy on parchment – though it was unsealed and unsigned – in which Emperor Charles IV had granted John's father William and his heirs "all the laws, rights, constitutions and good customs used by their judges in the county of Namur, with high and medium justice and also the sovereign conduct of the public and royal routes."[359] A 1363 charter granted to Jean III's father by the King of Bohemia guaranteeing the counts of Namur the right to exercise justice in the county was also delivered to Lille in the 1420s. This was evidence that the county was independent of Hainaut. As the Burgundian dynasty accumulated territories, it was thus careful to document their acquisition, and – more importantly – to inherit the rights its previous sovereigns had held.

As officials collected these rights in Lille, however, they stopped sending new pieces to the comital charter treasury, the *chartrier des comtes* held in a spot known as the *garnison* at the *château* of Namur.[360] This was somewhat typical of the provincial capitals under Valois Burgundian sovereignty. Artois was another good example. The first garde des chartes to serve the Valois dynasty in Artois was Robert Ghineman, appointed in 1380.[361] When Ghineman fell sick in 1392, the bailiff of Arras worried that the *trésor* might be subject to looting and had a "fort loquet" placed on the door of "the charters room at the treasury of Artois, which is under the door before the hotel of the Cour-le-Comte d'Arras… so that no person could enter the said treasury to commit bad deeds." While this indicates the archive still contained items of value, it also suggests they were quite rarely used. Since Ghineman's associates did not want to return the keys without an express order from the chancellor of Burgundy, his successor Pierre Hatton would not be appointed until 1396.

Only three years later, Gherbode was appointed *garde des chartes* of Flanders and Artois, and thus collected a wage that was double that of his successors.[362] But there is reason to believe that the

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[358] ADN B113 fol. 167v.

[359] ADN B113 fol. 166r. Also appears in B114 fol. 218r. The original: "tous les loix drois constitucions et bonnes coustumes uses par leurs juges en la conté de Namur avec justice haulte et moyenne et aussi la souveraine conduit des chemins publiques et Royaulx."

[360] Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:19; Piot, *Inventaire des chartes des comtes de Namur, anciennement déposées au château de cette ville*, i.

[361] In 1389-1390, Ghineman he was still carrying out various other tasks for the count and countess: for example making a payment of 100 francs to cover the expenses of Catherine de Flandres, Marguerite's illegitimate sister, who was at the time held forcibly in the monastery of Thieuloie in Arras. Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640*, 13–14. The description of the repository reads: "chambre des chartres du *trésorier d'Artois*, qui est dessus la porte devant l'ostel de la Cour le Comte d'Arras…afin que aucune personne ne entrast oudit trésor pour y faire mal."According to Santamaria, Ghineman was a *maître* in the *chambre des comptes*. See Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," 798.

[362] Cockshaw, *Le personnel de la chancellerie de Bourgogne-Flandre*, 203.

ongoing existence of the *garde des chartes* of Artois was primarily a matter of collecting a wage. The almost complete lack of materials at the Lille *trésor* regarding Artois according to Gherbode's inventory suggests at the very least that Gherbode kept the repositories of Flanders and Artois entirely separate. The only section with substantial documentation about Artois is one probably inserted into the inventory when Philip the Good acquired Namur from Count Jean III along with his lands in Artois and Flanders, in 1421.[363] While it is likely that Gherbode had an inventory of the Artois archive on site in Lille, none could be found listed among the layes of the *trésor* by later inventory makers. The team surveying the archive in 1506-12, like a subsequent official named Jehan Ruffault in 1531, were still in search of one.[364] Indeed, when Gherbode was replaced as *garde des chartes* of Artois by Tassart le Josne in 1410, he was ordered to relinquish to le Josne the keys to the repository at the Cour-le-Comte in Arras, confirmed by a letter of receipt from Tassart. But while he was also ordered to relinquish "the old repertoire formerly made," eventually "no repertoire made in past times was given to me by the said master Thierry, because none could be found." Le Josne, a longtime servant of Count John the Fearless, his mother, and his grandmother, served as procurer general of the province of Artois. After many years of service, Count John awarded him the role of *garde des chartes* not because of his long experience, but "in consideration of his weakness and his old age, from which he has already rather declined." The appointment of another official to this sinecure, however, did not prevent Gherbode from remaining an active user of the archive. In 1411, Gherbode arrived at Arras and deposited several documents in the archive there: "six layettes, three keys, etc., brought for the *trésorerie*."[365]

This example clarifies two points. First, that the *garde des chartes* could be a sinecure did not make the archives any less useful or active. Second, it is not strictly accurate that no new documents entered the archival repositories of secondary regional capitals acquired by the Valois after the reforms of 1385.[366] The number of documents entering the archive at Arras certainly declined, as Santamaria shows by analyzing the extant charters in the série A at the Archives départementales du Pas de Calais in the final years of the fourteenth century. But the documents once held by the Artesian princes in Paris, for example, were moved not to Lille but to Arras, sometime in the

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[363] ADN B113 fol. 164r and the following pages. The later insertion of these documents is clear from the parallel section's placement late in the copy, B114, which was kept on hand in the *chambre des comptes*. See ADN B114, fol. 217 and the following.

[364] Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640*, 28. See also ADN B118, fol. 165r-169r. The case would be quite different by 1506-12, when a new inventory of the Lille trésor included summaries of large layettes pertaining to Robert d'Artois and the territories of Artois in general. It is unclear when these important items were brought to Lille. See chapter 4 for more on the history of the Artesian archives. In 1477, Louis XI took it over along with a number of other formerly Valois Burgundian territories. By 1526, Emperor Charles V was dismayed by the state of the archive in Arras and ordered it re-examined and re-organized. There are at least a dozen examples of the resulting inventory drawn up by Caulier. See ADPC 18 J; ADN B13563; Bibliotheque Nationale, archives et manuscrits, Collection Flandre, no. 81 and 82, for example. See Guesnon, ii; Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:240. Also, see Richard, "Les archives et les archivistes des ducs de Bourgogne dans le ressort de la Chambre des Comptes de Dijon," on how the *trésor* was used to show that the French king had previously declined his rights to the Franche-Comté.

[365] AGR, manuscrits divers, no. 4, fol. 106v-107v. "le Repertoire anciene ou temps passe en a este fait." Le Josne was awarded the position "par considéracion de sa foiblesse et son ancien éaige, ouqueil il estoit jà bien avant decliné." On the missing inventory: "n'y a point trouve aucun repertoire avoir este fait en temps passe ne a moy este baillie par le dit maistre Thierry."AGR, manuscrits divers, no. 4, fol. 107v. Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640*, 16–17. Quoting Archives départementales du Nord, recette de Flandre, 1411-1412, fol. 97. "A m.re Thierry Gherbode, dépenses faites à Rupelmonde et à Arras, six layettes, trois clefs, etc., livrées pour la trésorerie."

[366] See for example Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:239, 679. See also Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," 799.

fifteenth century. A receipt from the year 1392-93 suggests that the *chambre des comptes* archive at Arras, at least two hundred years old at this point, remained a functioning repository. Every once in a while, ducal officials visited "the ancient registers and accounts that are in the chambre des comptes of Arras" in order "write out and copy many ancient extracts."[367] The provincial charter houses remained repositories of knowledge accessible to travelling archivists and messengers.

One final example should illustrate the value the Valois regime came to grant inventories, and just how fully Gherbode made himself a necessary point of passage through which princely documents had to flow.[368] In 1410, Duke Antoine began requesting "certain papers, letters, memoirs, inventories and repertoires of letters that you must presently deliver to us." The repertoires in question were the inventories Gherbode had created in 1393 and 1395 of the archives of Brabant. Eventually, he acceded, creating a copy of each to send to Antoine. (Today, a copy of each exists at both the ADN in Lille and at the AGR in Brussels). Typically, according to Gherbode's logbook, unsealed documents could be removed from the archive without the creation of a letter of receipt. There was no means of authenticating inventories, of course, except by checking the entries alongside items found in the archive itself. Thus, there were no seals on the inventories. Yet in the case of these two items from the 1390s, Gherbode felt a need – according to his logbook, for the first time in nearly a decade – to consult with the ducal chancellor Jean de Saulx about providing a copy of an unsealed item: "On the opinion and deliberation of Monseigneur the chancellor I have delivered several repertoires of letters." To confirm their identity, he copied out several lines from both the opening and closing pages.[369] This says something not only about the value of archival inventories as tools of expanding Valois sovereignty, but also about their mounting value as authentic markers of power.

## Conclusion: Composite Histories, Symbolic Inventories

J. H. Elliott describes the composite monarchies of the sixteenth and seventeenth centuries as "one among several attempts to reconcile, in terms of contemporary needs and possibilities, the

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[367] Guesnon, *La trésorerie des chartes d'Artois avant la conquête française de 1640*, 10–12. I have quoted from the editions there: "les anchiens registres et comptes qui sont en la chambre de comptes d'Arras" and to "scripsy et doubla plusieurs extrais anchiens en ladicte chambre des comptes." On this see Finot et al., *Inventaire sommaire des Archives départementales antérieures à 1790, Nord. Archives civiles. Série B*, vol. 4, p. 12. On the rapid reduction in charters entering the Artois *trésor*, see Bautier and Sornay, *Les sources de l'histoire economique et social du moyen age: Les états de la Maison de Bourgogne. Archives des principautés territoriales: 2. Les principautés du Nord*, 1.2:239–40. The série A contains over one hundred a year until 1386, but only several per decade from 1386 onwards. Santamaria, "La Chambre des comptes de Lille de 1386 à 1419," 798. The *chambre des comptes* archive at Arras was more frequently used, and we also have evidence that the accounts and charters were brought together in the same repository, and frequently mixed together.

[368] The documents Antoine requested were "certains pappiers lettres memoires Inventoires et repertoires de lettres que vous nous devez presentement delivrer." His consultations with the chancellor are described as "par l'avis et deliberacion de monseigneur son chancelier j'ai delivre aucunes repertoires des lettres." For more on the idea of the necessary point of passage see Michel Callon, "Some Elements of a Sociology of Translation: Domestication of the Scallops and the Fishermen of St Brieuc Bay," *The Sociological Review* 32 (1984): 196–233. For Callon, the scientists investigating the impact of fishing on scallop populations were such "necessary points of passage" for information and cannot be detached from their findings.

[369] The 1393 inventory is described by Gherbode in his logbook, AGR, manuscrits divers, no. 4, fol 105v as "Inventoire fait a nyvelle des privileges et chartres et lettres touchant les duchies de Brabant et de Lembourc estans audit lieu de nyvelle en la tresorie de l'esglise et ~, et finissant Item en une laye signee par R sont lettres copies et Inquisitions de petite valeur et n'y a autre chose en la dite laye." The inventory referred to seems to be AGR, Inventaires de la deuxième section, no. 63. The quotes in question appear on fol. 1r. The 1395 inventory is described on AGR, manuscrits divers, no. 4, fol. 105v at length. ADN B147 seems to be the updated version of the Brabant inventory of 1395, which includes items found in the room of Jean de la Grave.

competing aspirations toward unity and diversity" in European history. The two basic models of composite states recognized by contemporaries were *aeque principaliter* ("equally important," a term taken from canon law) and "accessory union." In accessory union, "a kingdom or province, on union with another, was regarded juridically as part and parcel of it." In *aeque principaliter* union, however, the constituent parts of a state "continued after their union to be treated as distinct entities, preserving their own laws" and privileges.[370] This terminology has typically been associated with sixteenth-century states, but it can be useful in elaborating upon the expanding sovereignty in the Low Countries of the fifteenth century as well. As John Watts argues, the composite states constructed in the sixteenth and seventeenth centuries were made up of even older, pre-existing products of fourteenth- and fifteenth-century unions. Robert Stein has noted that the polity of the Valois dukes of Burgundy was such a composite state of the *aeque principaliter* variety.[371] They were, we might say, accumulating sovereigns rather than incorporating ones, content until the reign of Charles the Bold (r. 1467-77) to acquire territories and incorporate them into their administrative networks of power without fundamentally remaking their institutions.

A focus on the archives of the Low Countries through these crucial decades of the mid-fifteenth century clarifies much about the type of sovereignty the Burgundian state built, or perhaps what kinds it did not. First, territory and sovereignty didn't necessarily move in tandem, and princes were far from the only actors promoting the integrity of a political unit like the duchy of Brabant. Moreover, sovereignty very often developed in ways that had nothing to do with territorial contiguity. In chapter 4 we shall see that Philip the Good's successor, Charles the Bold made a concerted attempt at territorial consolidation and administrative centralization. But this was very much a departure. In fact, we saw that in 1357 the towns of Brabant were more concerned with the duchy's territorial contiguity than either the duke of Brabant or the count of Flanders. This should serve as a reminder, even if we have already recognized that late medieval and early modern states were composite states, that the units of which they were composed were in no way fixed but were themselves constructed as both ideas and polities. Various forces within these polities might be at different points interested in promoting its unity, making "state building" or state formation" a rather blunt set of phrases in any explanatory toolkit hoping to shape an understanding of the institutions of power.

Second, centralization was not a prerequisite for the expansion of sovereignty. In fact, Gherbode's strategies seem to indicate that expansion in fifteenth-century Valois Burgundian was inherently piecemeal and disjointed, and that its centralization was intentionally incomplete. Moreover, centralization was not necessarily even a source of strength in the later Middle Ages. The distribution of power across several sites rather than a single symbolic center of power, argues Élodie Lecuppre-Desjardin, was actually an empowering aspect of this Burgundian composite state *avant la lettre*: a single capital with all its central institutions at a single site could be vulnerable. Parting with several generations of her predecessors and colleagues, Lecuppre-Desjardin in fact refuses to concede that there was such as a thing as the Burgundian state (see Introduction). Nevertheless: "the dispersion of the instruments of power and the itinerancy of the princes would have revealed themselves as an asset in the construction of the Burgundian state, if it had existed." As a comparison, she points out that Paris was not always a reliable center of power for the kings of France. Between 1420 and 1435, in fact, English and Burgundian troops occupied Paris and thus

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[370] Elliot's quote is at Elliott, "A Europe of Composite Monarchies," 71. This terminology was used by the seventeenth-century Spanish jurist Juan de Solórzano Pereira. Francis Bacon, in his "A Brief Discourse Touching the Happy Union of the Kingdoms of England and Scotland" expressed a preference for maintaining distinctions between different portions of a kingdom. Elliott, 52–53.

[371] Watts, *The Making of Polities*, 380. On the Burgundian composite state, see Stein, *Magnanimous Dukes and Rising States*.

disrupted virtually all the crucial institutions of the French crown. Moreover, the itinerancy and multi-focal structure of the Valois Burgundian regime actually provided an incentive for towns to attract the prince's favor and presence and helped princes put down roots at various sites. Valenciennes, Lille, and Brussels competed to build urban palaces for Philip the Good in the 1450s, resulting in the spectacular Hotel de Rihour that served as the ducal palace starting in 1453 and later became Lille's town hall.[372]

The middle of the fifteenth century also marked the beginnings of what Graeme Small has called "a Burgundian historical culture." Michelet had already remarked that, in the fifteenth century, "l'histoire s'est fait bourguingnonne." History, at the Burgundian court, served the dual function of recording and advancing the coalescence of a wider political community around a shared sense of history. During the two central decades of the fifteenth century, Philip the Good "acquired individual histories of almost all his major dominions."[373] Having inherited a number of histories of Flanders, he commissioned yet another; he sent Hugues de Tolins to gather material for a chronicle of the duchy of Burgundy; he ordered translations of existing Latin histories of newly-acquired territories such as Hainaut, Holland, and Zeeland; and in 1447 he commissioned a new Latin chronicle of the history of Brabant. Often, the production of these histories coincided with moments when the count hoped to ground Burgundian claims and ambitions, such as the 1455 translation of a history of Holland and Zeeland carried out at the very moment when Philp sought to make his illegitimate son David the bishop of nearby Utrecht. These histories and this historical culture soon came to have a political impact on Burgundian policy. In assessing Charles the Bold's chances of building a Lotharingian kingdom, the Burgundian diplomat Antoine Haneron pointed out that in "ancient chronicles, the Empire could [*souloit*] not extend itself beyond the vicinity of the Rhine, and between the Rhine and the kingdom of France was a beautiful and large kingdom, containing many beautiful and large towns and cities, with is called the kingdom of Lothier [Lotharingia]."[374] Such ideas, I argue in chapter 4, became central to Burgundian policy under Charles the Bold. But in the middle of the fifteenth century, the emerging historical culture of the Burgundian court was built on an aggregated unity.

There was also, I suggest, a Burgundian archival culture that was no less instrumental in the shaping of comital sovereignty in the fifteenth century. The collection of histories under Philip the

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[372] The quote (translation is mine) is from Lecuppre-Desjardin, *Le royaume inachevé des ducs de Bourgogne*, 300; on Rihour, see 301. On this and other ducal palaces, see Albert Benoit, "Quelques hôtels particuliers de Lille au temps de Philippe-le-Bon," *Bulletin de la Commission Historique du Département du Nord* 37 (1959): 129–36.

[373] See Graeme Small, *George Chastelain and the Shaping of Valois Burgundy: Political and Historical Culture at Court in the Fifteenth Century*, Royal Historical Society Studies in History (Woodbridge, UK; Rochester, USA: Royal Historical Society; Boydell Press, 1997), 102–3. Michelet is referenced in J. G. A. Pocock, "The Limits and Divisions of British History: In Search of the Unknown Subject," *The American Historical Review* 87, no. 2 (1982): 321. For an explanation of just how "l'histoire s'est fait bourguignonne," largely due to the use of Monstrelet and other fifteenth-century Burgundian chroniclers by early modern writers, see G. du Fresne de Beaucourt, "Le meurtre de Montereau," *Revue des questions historiques* 5 (1868): 237.

[374] See especially Small, *George Chastelain and the Shaping of Valois Burgundy*, 103; Georges Doutrepont, *La littérature française à la cour des ducs de Bourgogne Philippe le Hardi, Jean sans Peur, Philippe le Bon, Charles le Téméraire*, ed. Honoré Champion, Bibliotheque du XVe siècle 8 (Paris: Librairie spéciale pour l'histoire de France, 1909), 419–24; Elizabeth J Moodey and Österreichische Nationalbibliothek, *Illuminated Crusader Histories for Philip the Good of Burgundy*, 2012, 38ff. The quote from Haneron: "Car l'on treuve par anciennes cronicques que l'Empire ne souloit s'extendre que jusques à Rin, et entre le Rin et le royaume de France estoit un royaume bel et grant, contenant plusieurs belles et grandes villes et citez que l'on nommoit le royaume de Lothier…" In Jean Schneider, "Lotharingie, Bourgogne ou Provence? L'idée d'un royaume d'Entre-Deux aux derniers siècles du moyen âge," in *Liege et Bourgogne: actes du colloque tenu a Liege les 28, 29, et 30 1968*, Les congrès et colloques de l'université de Liège 66 (Paris: Université de Liège, 1972), 32. Such suggestions were also made at the diet of Ratisbon in 1454. On Haneron, see Henri Stein, "Un diplomate bourguignon du XVe siècle: Antoine Haneron," *Bibliothèque de l'École des chartes* 98, no. 1 (1937): 283–348.

Good, in fact, resembles the collection of inventories under his predecessors. The preparation of Gherbode's archival inventories and their collection at Lille need not have been a direct precedent of the commissioning and collection of these provincial histories for us to understand that these were parallel means of expanding Burgundian sovereignty. Moreover, instead of residing in court libraries where they would primarily be admired by princes and courtiers, these inventories remained part of the scribal culture of medieval administrators. One explicit link between the archival and historical projects of the fifteenth-century Valois Burgundian state was the Brabantine archivist and scribe Edmond de Dynter. Only four years before drafting the aforementioned Latin chronicle of Brabantine history, Philip the Good had ordered him to carry out an even more monumental task: to renew Gherbode's Brabantine inventories of the 1390s. De Dynter began preparing a joint inventory of the three Brabantine ducal archives: Nivelles, Coudenberg, and La Vure. A few years later, in 1438, the Brabantine *garde des chartes* Adrien van der Ee took over from him, and the task was so vast that it took him another 12 years to complete, eventually reaching 806 folios.

For the most part, the fifteenth-century princely state inventories of the Low Countries were pragmatic tools. Almost universally prepared on paper, they were carefully drafted but sparsely decorated. Any images were simple and useful mostly as mnemonics: a bench, a crown, a pike, an axe, a die, and so on, presumably corresponding to a marking on the armoire or *laye* being described.[375] The single overwhelming exception is this set of inventories created van der Ee in 1438. On the orders of Philip the Good, de Dynter and later van der Ee produced a monumental tome. Like Gherbode, the inventory he created was a survey of Brabantine rights that did not adhere to the contents of a single repository. To find documents at the Coudenberg Palace in Brussels (those items marked "B"), van der Ee explains, one needed to find, among the 12 armoires there, a single sheet in armoire V that provided a guide to what items can be found in each laye. At Sainte-Gertrude in Nivelles (marked "N"), layes were all held in a single "large coffer" (*grant coffre*). At La Vure or Tervuren Palace outside Brussels (marked "V"), the documents were in open armoires in the designated tower.[376] The organization, too, roughly corresponds to that of Gherbode's: the inventory is separated into ninety categories, beginning with the emperors and kings of the Romans and promptly followed by documents regarding the duchy of Brabant. The subsequent categories include geographical designations such as "Bruxelles," "Anvers," "Lille," "Engleterre," "Haynau et Hollande," and "Flandre;" but also more specific and thematic sections pertaining to specific individuals or types of document. The first page of each section features lettering in three different colors of ink, and 53 are carefully adorned with illuminated initials depicting scenes related to the category in question. Van der Ee was paid 300 livres for this tome, more than his yearly wages. It was a lasting piece of work: various hands added in entries through at least the year 1520.[377]

The opening folio of the section within van der Ee's inventory corresponding to the duchy of Brabant is particularly remarkable (figure 15). The illuminated initial represents a castle besieged by seventeen hounds. Each hound has its own coat of arms, but they are held off by a wolf representing Brabant and a boar representing the duchy of Bar.[378] Van der Ee or his miniaturist was referring here to a 1332-34 war of all the neighboring princes against John III, the same duke of Brabant whose inheritance was so bitterly contested in 1356. Mutual discord among the attackers

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[375] René Laurent, "L'inventaire des chartes de Brabant établi par Adrien Vander Ee en 1438," *Scriptorium* 23, no. 2 (1969): 384–85. Vander Ee, like Gherbode, was *garde* well before he became a *maître* in the *chambre des comptes* in 1449. He also became an *audiencier* of the chancellery of Brabant in 1442, made another inventory of late fourteenth-century Brabantine documents in 1451-2, and remained *garde des chartes* until death in October 1464.

[376] AGR, manuscrits divers, no. 983, introductory paragraph.

[377] AGR, manuscrits divers no. 983, fol. 695v. Laurent, "L'inventaire des chartes de Brabant établi par Adrien Vander Ee en 1438," 387.

[378] Stein, "Seventeen: The Multiplicity of a Unity in the Low Countries," 251.

and the Brabanters' support for their duke contributed to the seventeen hounds' eventual defeat by the Brabantine duke. Van der Ee, then, was interested in promoting a certain glorified history of Brabant and its prince. He was harkening back to a past when those seventeen hounds were not represented by just one man: Philip the Good, duke of Burgundy, count of Flanders, duke of Brabant (and so on). Even the number – seventeen princes – seems arbitrary at first; in fact the town clerk who recorded an account of the war of 1332-34 listed only fifteen by name. But there was an additional significance to the number by the time van der Ee was working on his inventory.[379]

An elaborate list in itself, the inventory and this miniature in particular was here referring to another, more metaphorical list of – as they came to be known in the sixteenth century – the seventeen provinces of the Low Countries. But it is hard to point to a moment when the use of that number was not either somewhat arbitrary or simply exaggerated. Historians have been able to agree on only fifteen units which made up the Valois Low Countries: four duchies (Brabant, Limburg, Luxembourg, and Guelders), six counties (Flandre, Artois, Hainault, Holland, Zeeland, and Namur), and five seigneuries (Utrecht, Overijssel, Friesland, Mechelen, and Groeningen).[380] The actual number of polities controlled by the Valois counts fluctuated, typically growing, and so the use of the number seventeen as a symbol of their power had to be flexible. In fact the number seventeen was at times used to represent the entirety of the Valois holdings, including those in Burgundy. In official documents there always appeared a list of between two and seventeen titles, nearly always beginning with "duc de Bourgogne et comte de Flandres." At times, the scribes simply added a vague "etc." rather than list them all. These titles were their own form of claim to political legitimacy, one that was reflected by the archival inventories that crisscrossed their vast composite state: categorized, symbolic, and numerous.

Van der Ee was also referring back to a time when the archives of the Low Countries had been subject to a wholly different order. When John III fought off those seventeen (or fifteen) princes, those princely archival inventories that existed were simple reflections of their princes' political situation. In Brabant, archives were later shared by towns and princes, and still later between two princely dynasties. Thousands of archival documents were moved from one repository to another, but even more would stay put – even as the political entity whose rights they were meant to preserve was became a European power. Time after time, archival inventories became tools of expanding Burgundian sovereignty, especially after Gherbode gave them a distinctive form just before the year 1400.

The rebellions of the 1380s pushed the counts of Flanders into an increasingly desperate attempt to collect urban documents, and subsequently to manage the control of their own documents ever more carefully. The response of comital administrators was to order, inventory, and share the contents of their archives, which they could then mobilize to solidify their princes' hold on numerous smaller political units. Experienced administrators extended the sovereignty of their lords through the management of inventories and other lists, codices filled with abstract representations of the documentary foundations of their political legitimacy.

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[379] Stein, 250–52.
[380] Stein, 224–28.

# CHAPTER 4
# Rebellion and Routine:
# On a Privilege Twice Cancelled

## Appropriating Privilege

At mid-century, Ghent had ample reason to protect its privileges, which were sure to be challenged during negotiations to arrange a cease-fire with Philip the Good. Ambassadors of the French king, sent to negotiate a settlement in December 1452, had been paid off by Philip, and the terms they offered would have drastically limited the town's privileges, the power of its guilds, and the town's control over its hinterlands. According to a lengthy summary of the negotiators' offer transcribed in the Lille *trésor* inventory (ADN B113), the town would also have been forced to submit to the duke as part of the most elaborately choreographed of all the *amendes honorables* that had yet been staged in Flanders. All the rebel captains, current and former aldermen, and guild deans, accompanied by 4,000 of the town's leading citizens, would be forced to participate:

> First, the captains entirely nude, except for their undergarments, wearing cords around their necks, and following them, current and former aldermen, the two Head Deans, all the other guild deans, and officials of the weavers, nude except for shirts and undergarments. Next, all of Ghent's prominent citizens: at least four thousand patricians, guildsmen, and weavers, bareheaded and barefoot. They must all leave Ghent dressed in their best, with their heads bare and their feet without shoes, and come to a place specified by the prince. When the Gentenars see the prince, they must kneel, and genuflect three or four times as they approach him or [his son] the count of Charolais. As they kneel, they are to face the prince and bend their heads toward him. One of the Gentenars, who represents the others, must say in the name of all of them that they recognize and confess that they have been seditious, behaving as conspirators and rebels towards their prince and natural lord, that they have failed, offended, and misled him and his lordship to the highest degree, for which they are sorry, sad, and repentant. With hands clasped together, they are to beseech with all humility the prince's grace and pity, and beg him to pardon their offenses, and receive them with his grace.[381]

As in 1385, this Platonic ideal of a Ghentenaar submission remained a project on the page. The negotiations came to nothing, and in 1453, the revolt was instead brutally defeated in a campaign led by Philip the Good at the Battle of Gavère, which gave its name to a hated peace that the Ghentenaars would struggle to erase.

The repertoire of rebellion and repression described in chapters 1 and 2 would continue to characterize Flemish politics through the remainder of the fifteenth-century. Localized rebellions of 1436-38 (Bruges), 1447-53 (Ghent), 1467 (Liège and Ghent), and across Flanders in 1477 and 1485-92 were punished and pardoned through *amendes honorables* and *amendes profitables*. These punishments consistently included the confiscation and at times the destruction of select documents from the

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[381] For this translation and much of the description of the 1447-53 and 1467-69 revolts, see Arnade, *Realms of Ritual*, 118f. The negotiators' papers, of which the original was probably removed from the Lille archive by rebels from Ghent in 1477 (see below), appear, crossed off, in the Lille *trésor* inventory, ADN B113 fol. 6v-7r.

archives of the rebel towns and their guilds.[382] As a number of scholars have pointed out, the period of "acute social unrest" in the towns of Flanders in the middle decades of the fifteenth century, when they were engaged in "ultimately futile campaigns to retard Burgundian political encroachment," coincided with the peak of Burgundian state ceremony and the emergence of a Burgundian historical culture (see chapter 3).[383] Borrowing the terminology of anthropologists such as Clifford Geertz, historians of the Valois duke have called this a Burgundian theater state. Apart from the Joyous Entries and other oath-swearing ceremonies that forged and mended relationships between princes and subjects, this theater state also took the form of artistic patronage and production. Historians of the book have paid particular attention to the economic and symbolic value invested in the production of illuminated manuscript volumes. Often, the illuminators of the books in such libraries as that of the dukes of Burgundy chose to adorn them with images of the author himself kneeling before the prince and presenting that very book. In one particularly striking manuscript produced in Ghent in the 1450s, however, the kneeling was of a different kind (see figure). This volume displays the convergence of the urban and the princely fixations with privilege and its presentation.[384]

Typically, the magnificent volumes in such a library presented flattering descriptions of the prince's political prowess, deeds, and historical rights. But the bulk of the *Collectio statutorum, privilegiorum et documentorum urbes Flandriae et inprimis Gandavum concernentium* (also known as the Vienna Privileges because the Habsburg administration eventually moved it to its Viennese court) instead details the privileges of Flanders, and in particular those of Ghent – the greatest challenger to princely power throughout most of the fifteenth century. Likewise, while the administrative language of the dukes was French, the book's Latin title conceals that it was primarily in Flemish; indeed, the politics of language and of translation are key to understanding the manuscript's origins in the Ghentenaar revolt of 1447-53. It begins by recording the town's most prized documents. The first 316 folios contain transcriptions, in Flemish and Latin only: "a luxurious record of the city's privileges and statutes." The unfinished table of contents reaches only the same point.[385]

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[382] The only monograph on the 1436-38 Bruges uprising is Jan Dumolyn, *De Brugse opstand van 1436-1438* (Heule: UGA, 1997). In English, see his Jan Dumolyn, "The 'Terrible Wednesday' of Pentecost: Confronting Urban and Princely Discourses in the Bruges Rebellion of 1436–1438," *History* 92, no. 1 (305) (2007): 3–20. On the collection of guild documents in the wake of that uprising, see also Hubert Nelis, "Burgundica II: 'Lettres cassées' de la Chancellerie," *Revue belge de philologie et d'histoire* 6, no. 3 (1927): 757–75. On the 1447-53 uprising in Ghent, see editions of primary sources in Victor Fris, "La Restriction de Gand (13 Juillet 1468)," *Handelingen Der Maatschappij Voor Geschiedenis En Oudheidkunde Te Gent* 1 (1923): 59–142. On the 1467 conflict in Ghent, see Arnade, *Realms of Ritual*. On the repression of a revolt and the near-total destruction of Liège in 1467-8, see Alain Marchandisse, Jean-Louis Kupper, and Irène Vrancken-Pirson, "La destruction de la ville de Liège (1468) et sa reconstruction," 1999; Marc Boone, "Destructions Des Villes et Menaces de Destruction, Éléments Du Discours Princier Aux Pays-Bas Bourguignons," in *Destruction and Reconstruction of Towns: Destruction by the Lord's Power, Internal Troubles and Wars*, ed. Martin Kőrner, vol. 2 (Bern; Stuttgart; Vienna: Haupt, 2000).

[383] Arnade, "City, State, and Public Ritual in the Late-Medieval Burgundian Netherlands," 309. Arnade argues that "every major Burgundian ceremony was keyed to important stages in city and state relations." The period of these ceremonies' greatest magnificence came during the middle decades of the fifteenth century, "the exact period that these important Flemish cities experienced acute social unrest and ultimately futile campaigns to retard Burgundian political encroachment." This period may have been bookended by the 1429 inauguration of the Order of the Golden Fleece and the joust of the Untamed Woman of 1470 OR the Order of the Golden Fleece was a trans-jurisdictional order of nobles from across the Low Countries and Burgundy proper, a product of Burgundian court's attempt to seek unity across their different lands.

[384] Elizabeth Morrison and Thomas Kren, *Flemish Manuscript Painting in Context: Recent Research* (Getty Publications, 2007); Gregory T. Clark, *Made in Flanders: The Master of the Ghent Privileges and Manuscript Painting in the Southern Netherlands in the Time of Philip the Good*, Ars Nova (Turnhout: Brepols, 2000); Delphine Jeannot, *Le Mécénat Bibliophilique de Jean sans Peur et de Marguerite de Bavière (1404-1424)* (Turnhout: Brepols, 2012).

[385] Österreichische Nationalbibliothek, manuscript 2583. There is ample scholarship on the volume and on its eponymous author, the Master of the Privileges of Ghent. See A Dubois, "Compte-rendu: Clark (Gregory T.). Made in

It was in the wake of this defeat, suggests Gregory T. Clark, that the Vienna Privileges underwent a dramatic change. Philip's *audiencier* Jean Gros and future chancellor Pierre de Goux commandeered the book and took control of its production. The compilation's physical form and the tone of Philip's letters to the town in the wake of Gavère confirms this hypothesis: from folio 317 until the end of the compilation, the documents transcribed all eschew Flemish for Latin or French. They all pertain to the Ghent revolt of 1447-1453, punctuated by full-folio illustrations of the submission and subjugation of the town in the wake of the decisive battle. One of these images depicts Philip delivering the town its privileges in 1425, and the second depicts the *amende honorable* proposed by the negotiators and described above: numerous Ghentenaars kneeling before the mounted prince, their feet and heads bare, their guild banners presented not in defiance or battle but in submission (fol. 389v, see figure). Nor, this time, did it remain merely an image on the page. Philip refined the use of penitential ritual in the middle decades of the fifteenth century. The aldermen and guildsmen of Ghent "trudged out in the rain outside the city's wall to utter their plea for forgiveness" before him. The guild banners that had been symbols of defiance during the rebellion were confiscated and hung in important churches on the Flemish coast and near Brussels. Finally, an allegorical version of this submission was prepared for Duke Philip's Entry to Ghent in 1458. It incorporated complex illustrations of the town's acceptance of guilt and calls for harmony, presented in the form of tapestries, street theater, and Van Eyck's famous Altarpiece.[386] From a proud expression of urban autonomy, the *Collectio statutorum* was transformed into an emblem of penitence.

The politicians responsible for the *Collectio statutorum* when it was merely a handsome book of urban privileges were almost certainly the Three Captains of the ongoing Ghent uprising. Six days after their regime took power in 1451, they marched to the town's belfry, since 1401 the site of the urban archive, which they in fact referred to as *ter Previlege*. They removed a number of documents and made their way to the market square. There they read the documents aloud, notably a number of letters that called attention to previous comital pardons for Ghent's revolts and letters proclaiming the support of other towns, notably Liège. These captains, with what Peter Arnade calls expert "use of historical precedent," strengthened the Ghentenaars' willingness to revolt by calling on the past record of inter-urban solidarity, of its privileges, and perhaps most crucially, the already almost routine cycle of urban revolt and comital pardon.[387]

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Flanders. The Master of the Ghent Privileges and Manuscript Painting in the Southern Netherlands in the Time of Phiilp the Good.," *Scriptorium* 55, no. 2 (2001): 183–85; Clark, *Made in Flanders*, especially 127-29; Marc Boone, "Diplomatie et violence d'État. La sentence rendue par les ambassadeurs et conseillers du roi de France, Charles VII, concernant le conflit entre Philippe le Bon, duc de Bourgogne, et Gand en 1452," *Bulletin de la Commission royale d'Histoire* 156, no. 1 (1990): 1–54. On the 1451 procession and their term for the Belfry archive, see, Arnade, *Realms of Ritual*, 109–11; Ketelaar, "Records out and Archives In"; Victor Fris, ed., *Dagboek van Gent van 1447 tot 1470* (Ghent: C. Annoot-Braeckman, 1904), I: 195.

386 Jeffrey Chipps Smith, "Venit Nobis Pacificus Dominus: Philip the Good's Triumphal Entry into Ghent in 1458," in *"All the World's a Stage..." Art and Pageantry in the Renaissance and Baroque*, ed. Barbara Wisch and Susan Scott Munshower, Papers in Art History from the Pennsylvania State University 6 (University Park, Pa: Department of Art History, Pennsylvania State University, 1990), 258–91. On the Battle of Gavère itself and 1453 as a turning point in the importance of gunpowder weapons across Europe, see Smith and DeVries, *The Artillery of the Dukes of Burgundy, 1363-1477*, 134. See also Arnade, *Realms of Ritual*, 119–20; Lecuppre-Desjardin, *La ville des cérémonies*, 302–6; and on the hanging of banners in princely churches, see Arnade, *Beggars, Iconoclasts, and Civic Patriots*, 27, referring to the Mémoires of de la Marche.

387 On the march to the belfry and the use of *ter previlege*, see Peter Arnade, "Privileges and the Political Imagination in the Ghent Revolt of 1539," in *Charles V in Context: The Making of a European Identity*, ed. Marc Boone and Marysa Demoor (Ghent: Ghent University, Faculty of Arts and Philosophy, 2003), 112. Three of the items read aloud were pardons issued to the town following its rebellions of 1432, 1437, and 1440. The episode is also described in Ketelaar, "Records out and Archives In."

Ending in 1453, the Ghent War came at a crucial moment in the trajectory of the Burgundian state, at the very moment that a composite Burgundian historical culture was reaching its peak – itself on the heels of new tendencies in archival inventory-production and inter-regional institutions (see chapter 3). But as these tendencies accelerated alongside the ceremonial practices of the regime, they could not but test the limits of what were by now centuries-old formulae. When the Ghentenaar delegation had refused to kneel before the victorious Philip the Bold in 1385, their behavior had threatened to disturb the entire logic of the ritual. Only the kneeling submission of a number of princesses from the comital retinue in the place of the Ghentenaars resolved the ritual tension. But this was only one of the potential threats to the penitential rituals explored in chapters 1 and 2. As Jean-Marie Moeglin has pointed out, not only the violators' contrition but also the prince's magnanimity had to seem genuine for the breach of trust to be mended. Thus, the threat of real violence – the sword extended over the repentant rebels' heads – had to seem real. Though it is less pronounced in the surviving accounts of Flemish penitential rituals in the wake of rebellion, a long tradition of *harmiscara* rituals staged in the wake of rebellions elsewhere captured this well: for example the 1158 submission of the Milanese to Emperor Frederick Barbarossa, when they knelt before their avenging lord with swords bared above their necks (*exertos super cervices gladios ferentes*). Increasingly common in the coming centuries – perhaps driving home the point even more closely – were such submissions carried out with a rope around the violators' necks. This made abundantly clear that the perpetrators (and in the public law version of the ritual, the rebels) deserved execution: only the magnanimity of the ruler could save them from this fate. As an example, Moeglin cites a chronicle in which the very description of the capitulation of the residents of Brescia before Emperor Henry VII (r. 1312-1313) with cords around their necks was considered proof that death would have been their rightful punishment.[388]

The ritual of *amende honorable*, then, was enormously flexible. The same officials who took over the *Collectio Statutorum*, in fact, orchestrated a particular notable expansion of the practice one decade later. In the wake of the next Ghentenaar rebellion, in 1467, Jean Gros and Pierre de Goux diverted the implied violence of the ritual onto the town's prized charter of privileges. Though Philip's costly and sophisticated welcome into Ghent in 1458 had eased the relationship between the counts and the town, it fell immediately into a familiar and dramatic confrontation with his son Charles the Bold. The drunken commoners participating in the beloved yearly religious procession of Saint Lieven had interfered, he felt, with the solemnity of his First Entry in 1467. (The townsmen rightly pointed out that he had chosen the date intentionally, in spite, or in fact because of, its importance in the local festive calendar.) Because a First Entry was also an opportunity to reframe the rights and obligations of the duke's subjects, townsmen exploited the comital procession and gathering within the town's public spaces to present Charles and the urban patriciate with demands for reform. He confronted the marchers and protesters, and a violent scene ensued, with some contemporary sources suggesting that Charles and his young daughter Mary were lucky to escape alive. In July and August, Charles turned his attention to raising an army to reconquer and, eventually, destroy Liège,[389] and he granted Ghent a pardon much like those offered by his predecessors: the closing of several town gates, an *amende honorable* and *proufitable*, the limitation of

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[388] Moeglin, "Pénitence publique et amende honorable au Moyen Age," 264–67. See also the description of this punishment of the Milanais and its importance in Arnade, "Carthage or Jerusalem?"; Moeglin, "Harmiscara - harmschar - hachée. Le dossier des rituels d'humiliation et de soumission au Moyen Âge."

[389] The destruction of Liège in 1468 and Dinant in 1466 is described and placed in the context of the dramaturgical politics and classical examples of Carthage, Troy, and Jerusalem in Arnade, "Carthage or Jerusalem?," 736. The farther from their own territories a town lay, Arnade suggests, the more likely a conquering prince was to raze it. Liège, though it had long been within the Burgundian sphere of influence. The town's destruction sent shockwaves through urban Europe.

urban autonomy, and the reissue of the town's privileges. The next year, however, this offer was rescinded. The Ghentenaars, eager to avoid a blow to their privileges and worried that he would completely destroy their town as he had Liège, appealed to Charles to accept their submission once more. One of Charles' central demands before agreeing to a second pardon – confirmed in a letter dated January 2 from dozens of Ghentenaars – was the delivery of its prized urban constitution the Charter of Senlis (1301) into the count's hands "to do with as he pleases."[390] This was precisely the terminology used by his predecessors since the fourteenth century.

The Charter of Senlis was not Ghent's first charter of privileges, nor was it, strictly speaking, a comprehensive list of privileges of the common sort. Still, it had taken on enormous significance to the Ghentenaars since its issue in 1301, when the king of France granted it as a compromise between warring factions in the town (see chapter 1). For a century and a half, it had regulated the division of power in Ghent between the urban patriciate, the guilds, and the counts of Flanders by guiding the complex system for the election of two benches of thirteen aldermen. So significant was the charter that Charles the Bold's treatment of it in 1469 was placed at the pinnacle of his achievements by the celebrated court chronicler Chastelain when he recorded his eleven "magnificences de duc Charles":

> The first [magnificence] was at Brussels, where, seated on his throne, his sword unsheathed and held by his Marshall, he gathered the men of Ghent arranged kneeling before him and at his pleasure and in their presence cut and tore up the political charters they bore. Done for permanent record, this action was without parallel.[391]

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[390] Jean Gros was also involved in the punishment of Liège's rebellion in 1467, when he was in charge of the towns return of all its privileges, titles, charters, and registers. Louis Prosper Gachard, ed., *Collection de documens inédits concernant l'histoire de la Belgique*, Documens concernant l'histoire de la Belgique (Brussels: Louis Hauman, 1833), 2:437. On the initial punishment of Ghent in the summer of 1467, see a July 1467 letter of pardon written by Charles to Ghent. His condition for pardoning their sedition during his Joyous Entry was that they send 63 representatives, their heads bear, beltless, and on their knees to beg his mercy. Louis Prosper Gachard, ed., *Annalectes Historiques*, Series 5, 7-13 (item no. 162). The letter goes on in the tone of an admonishment, describing the events from his perspective. See the account in Philippe de Commynes, *Mémoires de Messire Philippe de Comines, seigneur d'Argenton, où l'on trouve l'histoire des rois de France Louis XI et Charles VIII, depuis l'an 1464 iusques en 1498*, ed. Denis Godefroy, Jean Godefroy, and Nicolas Lenglet-Du Fresnoy (London and Paris: Rollin, fils, 1747), vols. 1: 92-93.: "tous les privileges et les lettres qu'ilz luy avoient faict signer au partir qu'il feit de Gand." In a 2 January agreement dictating the terms of their submission, the Ghentenaars promise to deliver all of the town's banners, including its guilds' banners, to the duke, and not to make any new ones, as well as to wall up and close off the Hospital-poorte, and to close two other city gates one day a week. In order to end the "inconveniens advenus à l'occasion de la maniere du renouvellement de la Loy de ladite Ville de Gand" in accordance with the Senlis treaty, they also promised to stop electing the aldermen in the manner outlined in that treaty, and will "lequel privilege nous avons remit et remettons ès mains de nostredit très redoubte Seigneur, pour en estre fait & ordonné selon son plaisir & voulenté." Commynes, vols. 3: 87-90.

[391] The original French: "Le première fut à Bruxelles, là où, lui assis en son trosne, l'espée nue, que tenoit son écuyer d'escuyerie, fit convenir Gantois à compte et à genoux devant lui, a tout leurs priviléges ; et en présence d'eux les coupa et déchira à son plaisir ; ce qui est de perpétuel record ; et non oncque veue la pareille." Translation is from Arnade, "City, State, and Public Ritual in the Late-Medieval Burgundian Netherlands," 300; Georges Chastellain, *Oeuvres de Georges Chastellain*, ed. Joseph-Bruno-Marie-Constantin Kervyn de Lettenhove, vol. 5 (Bruxelles: F. Heussner, 1863), 505–6. For a more detailed and slightly different account of the cancellation of the Charter of Senlis, see the "Relation solenelle" reproduced in Gachard, *Collection de documens inédits concernant l'histoire de la Belgique*, 204. The charter in question was apparently presented by the Ghentenaar delegation, which according to Phillipe de Commynes, brought along "all the privileges and letters that [they] had been instructed to bring from Ghent," quoted in Fris, "La Restriction de Gand (13 Juillet 1468)," 75.

Though a number of Flemish charters, as we saw in chapter 1, had been torn in this fashion as early 1279, Chastelain's description seems to be the first surviving narrative account of the tearing of a privilege as part of the ritual of *amende honorable*.

It was also wildly inaccurate, according to a number of other accounts of the event. All the surviving narrative accounts of this "magnificence" agree that the charter was torn. They describe dozens of leading citizens of Ghent being led to the Coudenberg Palace in Brussels, including the deans of the labor guilds, each carrying his guild's banner. After waiting outside in the snow for an hour and a half, they were admitted to the palace, where hundreds of nobles, foreign emissaries, knights, and other dignitaries were arrayed before an enthroned duke in front of tapestries tying his magnificence to that of Alexander the Great. The Ghentenaars deposited their guild banners, delivered the requested charters, knelt and "cried out most humbly, all together and unanimously, 'mercy'" (*criant tous ensamble et unanimiter tres humblement merchy*). But while Chastelain's version placed the sword that tore the charter in the hand of his patron, Count Charles in fact only gave the order. A more detailed anonymous account describes the chancellor Pierre de Goux "ask[ing] the person of Monseigneur the duke what he desired to be done: to which Monseigneur responded immediately that the entire privilege should be completely annulled." The text leaves little doubt that comital administrators knew precisely what was meant by this: "And having heard this, master Jean le Groz, first secretary and bailiff [*audiencier*], took a knife [*canyvet*] or *tailgeplume*, and cut [*casser*] the said privilege."[392] Chastelain's choice to transplant the cutting the charter from the official to the lord is unsurprising: Cornelius Menghers of Zantfliet had done the same in his account of the punishment of the towns of Liège and Loos in 1408 when he invented an immediate and violent destruction of the guild banners and urban charters of the towns at the hand of the reinstated Prince-Bishop John of Bavaria. Chastelain similarly gave the credit for the destruction of Ghent's charter to the duke himself.

But Charles' response was quite distinct from that of his predecessor as count of Flanders in 1408, when administrators of John the Fearless collected over six hundred documents from the city of Liège and its eleven urban allies. At the submission of 1469, from archival sources, the Ghentenaar representatives seem only to have presented a handful of documents. According to a register of charters in Lille, the 1301 charter and six other documents confiscated from Ghent were on hand at the Lille *chambre des comptes* by September 1469, when its text was inscribed in the register of charters. In January of 1471, summaries and descriptions of the documents were added to the archival inventory as they were placed in the *trésor*. They were described as "in the *chambre des comptes* at Lille in a sack and hereby being sent for placement in the *trésor des chartres*." The *garde des chartes*, Barthelemy Trotin, was frequently occupied by other tasks, for example overseeing the selection of the Ghent aldermen in April of that year, but his replacement Alart de la Porte recorded the insertion of these items into the Lille *trésor*. He recorded in the inventory a description of the "parchment document given at Senlis in the year 1301 in the month of November by Philip the

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[392] I have largely followed the detailed anonymous version published in Gachard, *Collection de documens inédits concernant l'histoire de la Belgique*, vol. I: 207. The piece is titled "Relation de l'assemblée solennelle tenue à Bruxelles le 15 janvier 1469, et dans laquelle les Gantois vinrent faire amende honorable des outrages qu'ils avaient commis envers le duc lors de sa joyeuse entrée." The dorsal note on the charter itself (the BnF original) describes the event much the same way. This dorsal note is in the hand of Jean Gros himself. According to yet another version of the episode, the official in question may have been future chancellor Guillaume Hugonet. One commentator has suggested that Hugonet's execution in 1477 on suspicion of colluding with the French in the wake of Charles the Bold's death, was a result of the Ghent's desire for vengeance. According to Marc Boone, each of the two benches of aldermen presented their own copy of the charter: hence, two originals, one today at the Bibliothèque Nationale, and the second at the Stadsarchief Gent. See Boone, "Het 'charter van Senlis' (november 1301)," 33 and 41, which includes an edition of the charter, all subsequent inscriptions from the fourteenth through nineteenth centuries, and an in-depth analysis of the political situation.

King of France" in great detail. Mention is made of the charter's seals and provisions. The events of January 1469 are also included, from the charter's submission by the town's representatives and its subsequent slicing and cancellation (*casser et chanceller*) on order of the duke. Along with the Senlis charter, this sack sitting in the Lille *chambre des comptes* included a confirmation of the Charter of Senlis dated 1313 – "semblement chancellees." There were also five more recent documents, also cancelled by knife, including several documents from Charles' initial pardon of the 1467 disturbances. These documents represented a far more lenient punishment of the town and its freedoms. They promised, for example, to reopen city gates which, under the Peace of Gavère of 1453, had been sealed shut. Charles now preferred the ceremony of submission at the Coudenberg, and these pardons were cancelled.[393]

While the cancellation of the charters during the *amende honorable* ceremony may have been a novelty in 1469, more limited archival confiscation was by then par for the course. Indeed, archival confiscations by Flemish counts in the fifteenth century increasingly took on elements of routine. Through 1409, I argued in chapter 2, the comprehensiveness of the document confiscations had grown steadily. Administrators sought more types of documents and became more interested in information collection in general. They collected greater numbers of documents and examined and documented their contents ever more closely in the form of detailed inventories, the production of which demanded more administrative manpower. In 1383 and 1409, the officials in charge of their examination had drawn up numerous inventories to survey their contents, and in the margins they included explicit remarks on those documents they thought should be confiscated. They included documents dating as far back as the eleventh century. While they focused on documents relating to previous episodes of rebellion, archival evidence of urban autonomy also became a target. Privileges were a constant interest. In 1409, we saw in chapter 2, urban links of solidarity of all kinds were the ultimate target of the comital administrators. The same was only partly true in 1438, 1467, and 1469, when Bruges, Liège, and Ghent, respectively, were forced to submit archival documents to Dukes Philip and Charles. In these cases, both the order to deliver documents and those that were eventually confiscated were far more specific and limited in scope: as opposed to over 300 documents confiscated in 1383 and over 600 in 1409, subsequently the number dropped drastically. Fifty-three documents reached the comital archive from Bruges in 1438 – one for each of the town's guilds. In 1467 and 1469, Liège and Ghent submitted only half a dozen documents each: urban privileges and previous pardons. A subsequent confiscation of documents from Ghent in 1485 would number only eight documents, which were of particular importance to the town and represented freedoms contested by Archduke Maximilian.[394]

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[393] On the Charter of Senlis, the most complete account of its material features and political importance is Boone, "Het 'charter van Senlis' (november 1301)." On Trotin's role in the selection of the aldermen, see Fris, *Dagboek van Gent van 1447 tot 1470*, II: 225. The entry of the documents taken from Ghent are recorded in ADN B114 fol. 281v. The section is labelled *Inventoire de plus[i]eurs l[ett]res chartres et autres qui estoient en la chambre des comptes a Lille en ung sacq et illec envoyees adm[i]ses foirs pour mettre ou trésor des chartres*. A marginal comment in the inventory confirms that the document has already been recorded in the registers. ADN B114, fol. 273r. The 1313 confirmation of the Senlis charter seems to have arrived attached to its predecessor and initially missed by de la Porte: it has been added in between two other entries in a different hand. Since it was nevertheless cancelled, this suggests that they were mutilated before their entry into the archive. On Trotin, see John Bartier, *Légistes et gens de finance au XVème siecle* (Bruxelles: Coll. Académie Royale de Belgique, 1955), 410.

[394] On the conflict of 1485, see W. P. Blockmans, "Autocratie ou polyarchie? La lutte pour le pouvoir politique en Flandre de 1482 à 1492, d'après des documents inédits," *Bulletin de la Commission royale d'Histoire* 140 (1974): 257–368. The inventory of documents confiscated by Maximilian in 1485 is published in Louis-Prosper Gachard, "Notice historique et descriptive des archives de la ville de Gand," *Mémoires de l'Académie royale des sciences, des lettres et des beaux-arts de Belgique (Classe des Lettres)* 27 (1853): 95–96. The documents confiscated from Liège in 1467 appear in ADN B146.9.

The more limited confiscations of documents during the fifteenth century, then, tended to focus on particularly contentious matters and on documents created during the immediate buildup to the revolt being punished. Thus, while the confiscations of 1383, 1409 (and to some degree that of 1329) indicate a broad attempt to "know the archives" of their subject towns, by the middle of the fifteenth century the dukes of Burgundy sufficed with the confiscation a small number of the town's most prized documents. They seem to have hoped this would limit the towns' propensity for repeated rebellion by depriving them of the objects of their civic liturgy – the focus of what scholars have identified as the center of urban textual communities.[395]

But for all the praise, pomp, and circumstance of Charles' 1469 ceremony of castigation, its success in changing the constitutional order of the town of Ghent was far more limited. Surviving evidence, in fact, suggests that both Chastelain's version and the anonymous eyewitness account overlooked crucial facts. For one, there was another original copy of the charter that remained in the hands of urban administrators. Today there are two extant contemporary iterations of the Charter of Senlis, each one of which, according to Marc Boone, belonged to one of the two benches of Ghent aldermen. One includes three V-shaped slices and a dorsal note describing the ceremony at the Coudenberg Palace in 1469. The other boasts a single slice from the top left corner to the bottom right corner. Care was taken not to slash the edges and a large number was inscribed on the verso: 191, for its number in the corpus of documents seized by Charles' great-grandson, the Emperor Charles V, in 1540. The remainder of this chapter shall examine the similarities and differences between the circumstances of the cancellation of the two iterations of this charter. Before examining the second episode in detail, however, we must explore the way in which archival documents became objects of violence in fifteenth-century Flanders.

When archival documents exit their repositories, they become political objects. The violence inflicted on archival objects was not simply inflicted on the towns of Flanders, but became a dialectic between the prince and the towns. Both sovereigns and subjects had by the fifteenth century a heightened awareness regarding the symbolic significance of specific archival documents, typically those which resonated with the contemporary political moment. This specificity deepened a sense of archival documents as monuments and ushered in a new emphasis on the materiality of these textual objects. The centrality of the tearing of the Charter of Senlis within the *amende honorable* of 1469 would have made little sense without such a transformation.

The events of 1477 are worth recalling in some detail for the crescendo of archival violence that they represent. They have been studied with great attention to the symbolic communication inherent in violence against documents by Jacoba van Leeuwen. She argues that, in the wake of Charles the Bold's death in January 1477, archives, privileges, and political ceremony became prime venues for the negotiation of a new political order vis-à-vis his daughter Mary of Burgundy (d. 1482), often called Mary the Rich. The towns and provincial Estates hoped to leverage the sudden vacuum of power to restore privileges that had been harshly regulated and taxes that had been aggressively introduced by Charles the Bold. Beyond the official channels of negotiations between urban and comital representatives, the actions of crowds taking to the streets of Flanders' most powerful towns provide a glimpse of how they hoped to restore these privileges by seizing and physical mutilating specific hated documents.[396] Between January and April 1477, workingmen in Ghent, Bruges,

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[395] Bedos-Rezak, "Civic Liturgies and Urban Records in Northern France, 1100-1400"; Stock, *The Implications of Literacy*; Butcher, "The Functions of Script in the Speech Community of a Late Medieval Town, c. 1300-1550"; Lecuppre-Desjardin, *La ville des cérémonies*.

[396] On the travel of the news of Charles' death, and its rather gory description by Molinet, see Harry Schnitker, "Margaret of York on Pilgrimage: The Exercise of Devotion and the Religious Traditions of the House of York," in *Reputation and Representation in Fifteenth Century Europe*, ed. Douglas L. Biggs, Sharon D. Michalove, and Albert Compton

Antwerp, Brussels, Louvain, 's-Hertogenbosch, Dordrecht, Gouda, Utrecht and other smaller towns across the Burgundian Low Countries armed themselves and forced their way into town halls and guild houses demanding the restoration of their privileges and the punishment of town and guild leaders they considered responsible for signing away rights to Duke Charles. These were not bread riots: grain merchants were not targeted, and the guildsmen agreed to pay for the plentiful beer they drunk: they refused only to pay the taxes and duties on it. The rebels had visions for how to modify the existing order, and hoped at the very least to extract as many concessions as possible in exchange for recognizing Mary.[397]

As the Estates General of the Low Countries gathered to discuss Mary's succession of her father, she and Charles' widow Margaret of York found themselves in need of political information in preparation for negotiations. On January 18, they sent for a register from the *chambre des comptes* of Malines, which included documents entered into the *trésor* of Lille between 1429 and 1433, years of accelerated expansion during which Philip the Good had taken control of Namur, Holland, and Zeeland into the princely state and officially become duke of Brabant. (The *chambres des comptes* of Lille, Brussels, and the Hague had been reorganized and transported to Mechelen in 1474 along with the majority of registers.) But while Mary and Margaret were satisfied with the copies of crucial documents appearing in the registers, the towns' demands concerned sealed original documents from the comital *trésor*, still held at Lille. Indeed, this register could not rescue Mary from the pressures besetting her from all sides. In mid-February she provided a new charter of privileges to Ghent – the same one referenced in their legal claim of March 1540 – and was inaugurated there as countess. The same week, Bruges rose in rebellion.[398]

The primary demands of the three major towns of Flanders (Bruges, Ypres, and Ghent) had to do with the restoration of their power over their rural hinterlands and over the fourth participant of the Four Members, Flanders' representative institution. In pursuing these goals, they managed to overcome centuries of inter-urban rivalry: on February 18, the guilds of Bruges armed themselves, defying municipal authorities, and shouting "after the example of Ghent" as they forced their way into their town belfry and began tearing through the chests in the town archive. They sought evidence that could "considerably improve" their current condition. Five days later, they produced a "request," a common form of political grievance in the Low Countries. According to a surviving narrative account, they requested the repeal of high indirect taxes, a new selection of the city council,

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Reeves, The Northern World 8 (Leiden: Brill, 2004), 114; Norbert Ohler, *The Medieval Traveller*, trans. Caroline Hillier, New edition. (Woodbridge, Suffolk: The Boydell Press, 2010), 101; on the behavoir of the Estates, see H. G. Koenigsberger, *Monarchies, States Generals and Parliaments: The Netherlands in the Fifteenth and Sixteenth Centuries*, Cambridge Studies in Early Modern History (Cambridge: Cambridge University Press, 2001), 43.

[397] On the 1477 uprisings see van Leeuwen, "Rebels, Texts and Triumph"; Haemers, *For the Common Good*, chap. 3; Blockmans, "Autocratie ou polyarchie?," 259. In Ghent, where weavers and other traditional opponents of the counts led the protests, hundreds of those exiled by the duke of Burgundy returned and took up positions of power. A good overview of the events can be found in Koenigsberger, *Monarchies, States Generals and Parliaments*, 45–47. Koenigsberger adds that, in Antwerp, where the seamen led the revolt, guildsmen remained armed for weeks and – according to one urban official – drank plentiful beer while refusing to pay the excise taxes on it. On the radical visions of the rebels of the latter fifteenth century, see below as well as Blockmans, "Autocratie ou polyarchie?"

[398] For Mary and Margaret's communications with the Malines *chambre*, see AGR Chambre des comptes no. 134, fol. 163r. On the move to Mechelen, see Louis Théo Maes, "Un Cinq Centième anniversaire, l'ordonnance de Thionville de Charles le Téméraire créant le Parlement de Malines (8 décembre 1473)," *Publications du Centre Européen d'Etudes Bourguignonnes* 15 (January 1, 1973): 63–75 dealing with the ordinance ordering its foundation; Werner Paravicini et al., eds., *Der Briefwechsel Karls Des Kühnen: (1433-1477): Inventar*, vol. 2, Kieler Werkstücke. Reihe D, Beiträge Zur Europäischen Geschichte Des Späten Mittelalters, Bd. 4 (Frankfurt am Main ; New York: P. Lang, 1995), 134 contains correspondence on the subject. And on the power of the *chambre des comptes* more generally, see, among many others, Santamaria, "La Chambre des comptes de Lille de 1386 à 1419"; Jean, *La Chambre des comptes de Lille (1477-1667)*; Genet, "Conclusion: Chambres des comptes."

and the abolition of the Treaty of Arras of 1438, which Duke Philip the Good had imposed on them in the midst of a turbulent and rebellion-filled decade.[399]

Eager to ensure her inheritance of the county, Mary took steps to meet their concrete demands. Within two weeks, her adviser Louis de Bruges arrived in Bruges with the Treaty of Arras, pulled from the archive at Lille. In an almost precise inverse of the punishment of Ghent in January 1469, Louis de Bruges mounted a baldachin (stage) erected by Bruges' city council and adorned with golden cloth in the town square. There, on 6 March 1477, less than two months after Charles' death, he cancelled the hated charter, much like his colleague Jean Gros had seven years earlier under very different circumstances. This was apparently the final condition for accepting her as countess: Louis de Bruges proceeded to ask the townsmen whether the duchess was now welcome in their city. The "enthusiastic crowd" reportedly answered "Yes, of course. With pleasure." The rebel Brugeois even sent an envoy to Lille "to search and retrieve the privilege containing the Peace of Arras" to ensure that they contained no other authentic copies of the text. Meanwhile, Ghent was able to force a similar revocation of the hated Peace of Gavère of 1453. Even a detailed summary of the document featured in the inventory of the Lille *trésor des chartes* was torn out.[400]

Not satisfied, the Brugeois also took steps to limit the privileges of the Franc of Bruges, the hated rural jurisdiction that had been created as a creature of the counts of Flanders to balance urban power among the Members of Flanders, the regional representative institution. They seized the Franc's charter boxes in July 1477 – like those who controlled the Franc, the archives too were based in Bruges – and refused to relinquish them until December, after receiving multiple guarantees that the duchess would not grant the Franc new privileges. The Brugeois were granted their demand for the removal of the Franc of Bruges from the Members of Flanders. Mary and her officials demanded that the guilds promise not raise any more political demands on the occasion of her Joyous Entry on April 18, 1477, that they give up their strike, and that the town make an initial payment to raise an army to fight off King Louis XI.[401]

By 1540, no doubt, repeated confiscation of archival materials as part of ceremonies of subjugation had become a matter of routine, in the context of which past subjugations and pardons became convincing arguments for the pursuit of renewed rebellion. Out of these routines of rebellion, Emperor Charles V was able to forge informational and ceremonial sovereignty in powerful new ways, confiscating the entirety of Ghent's urban and guild archives. Thus, even while the Calvinist Republic of Ghent successfully pursued the return of some 602 confiscated documents in 1577, they were forced to concede that the very foundations of privilege had changed: they acknowledged that under their 1540 capitulation, the *Concessio Carolina*, the recovered privileges would no longer be valid. Still, as objects they retained their symbolic value.

## The Noose Wearers' Last Walk

By all accounts, Emperor Charles V was fascinated by the world of his great-grandfather Charles the Bold. His aunt, Margaret of Austria, raised him at Mechelen very much as a Valois duke of Burgundy. French was the primary tongue, but he was also taught Dutch and Castilian from age nine

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[399] For this paragraph and the next, see Haemers, *For the Common Good*, 159–62 citing Excellente Cronike and Cronycke van den Lande; and van Leeuwen, "Rebels, Texts and Triumph," 310.

[400] See ADN B113 fol. 8r. See also Ketelaar, "Records out and Archives In"; van Leeuwen, "Rebels, Texts and Triumph."

[401] Even the offer of Mary of Burgundy's hand to the dauphin, the future Charles VIII, would not dissuade the French king from his demands, which amounted to an erasure of Burgundian autonomy, so convinced was King Louis of his right to the Valois lands. Koenigsberger, *Monarchies, States Generals and Parliaments*, 49.

by his tutor a noble of the Croy family and member of the Knights of the Golden Fleece. At Mechelen, a young Charles wandering Margaret's library (though he reportedly avoided it) might have found his favorite book, *Le chevalier déliberé* written by Olivier de la Marche in 1483. To practice the language of his first kingdom, the young archduke and future emperor personally translated the book into Castilian. La Marche had been Charles the Bold's "Burgundian courtier *par excellence*" and his personal companion from youth until the duke's ignominious end at the 1477 Battle of Nancy. "Page, stable squire, breadmaster, carver, head breadmaster, house steward, ambassador, warrior, poet, memorialist, crusade preacher, director of festivities" – de la Marche represented a medieval ideal that in Charles V's time was considered to be of a fading world.[402]

The Ghentenaar rebellion of 1537-40, however, would have seemed quite familiar to de la Marche. For one, the conflict was over urban privileges and taxation. Second, the debates over taxation were held in an institution founded under de la Marche's first lord, Philip the Good (d. 1467). The Estates General of the Low Countries had been convened by Philip as a means of acquiring tax revenues. By the 1530s, it was also a budding forum for regional particularism (or particularisms), but it remained the forum in which imperial governors raised war subsidies or "aides" to fund the Habsburg-Valois wars of the sixteenth century. Most familiar, of course, would have been the interaction of conflict within the town and rebellion against sovereign power: the urban underclass was especially opposed to the tax, and as it pressured the patriciate with imperial officials mounted. Finally, disputes with the Habsburg governors, until 1530 Margaret of Austria and subsequently Mary of Hungary (r. 1531-1555), frequently revolved around the towns' traditional privileges. As Charles wrote to his brother Ferdinand in 1531, "Everyone in the Low Countries demands privileges that are contrary to my sovereignty, as if I were their companion and not their lord." His aunt Margaret – "his first servant," he called her – received high praise for regulating the guilds of Flanders in 1525.[403]

Now part of a vast Habsburg empire that stretched from Peru to Bohemia, Flanders was unhappy with its financial obligations in the pursuit of its lord's far-flung wars. Because finances were one field in which that empire continued to function as a union of composite states (see

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[402] Doutrepont, *La littérature française à la cour des ducs de Bourgogne Philippe le Hardi, Jean sans Peur, Philippe le Bon, Charles le Téméraire*, 446; Richard Vaughan, *Philip the Good: The Apogee of Burgundy* (Boydell Press, 2002), 158. See also Alistair Millar, "Olivier de La Marche and Urban Culture in Late Medieval Brussels," *Revue Belge de Philologie et d'Histoire* 78, no. 2 (2000): 379–80. On Charles upbringing with his aunt at Mechelen, see Willem Pieter Blockmans, *Emperor Charles V, 1500-1558*, trans. Isola van den Hoven-Vardon (London: Arnold, 2002), 15ff. On Margaret's library, see the thorough Marguerite Debae, *La Bibliothèque de Marguerite d'Autriche: Essai de Reconstitution d'après l'inventaire de 1523-1524* (Louvain-Paris: Éditions Peeters, 1995); A. Chagny and F. Girard, *Une princesse de la Renaissance, Marguerite D'autriche-Bourgogne, fondatrice de l'Eglise de Brou, 1480-1530* (Chambery: Dardel, 1929). I refer, of course, to the classic Johan Huizinga, *The Autumn of the Middle Ages*, trans. Rodney J. Payton (Chicago: University of Chicago Press, 1996).

[403] The latter quote is reproduced in James D. Tracy, *Emperor Charles V, Impresario of War: Campaign Strategy, International Finance, and Domestic Politics* (Cambridge: Cambridge University Press, 2002), 53; see also 71. The clearest overview of the Estates General of the Low Countries emerging out of Valois Burgundy and into Habsburg imperial politics is Koenigsberger, *Monarchies, States Generals and Parliaments*. See also Arnade, *Realms of Ritual*, 108. When Charles was killed at Nancy in 1477, his daughter Mary had granted the Estates the right to convene themselves without the prompting of the sovereign as part of the Great Privilege of 1477, a right lost once her son Philip the Fair omitted certain terms from his oath of ascension at his Joyous Entry. Still, the Estates General remained an important broker of funds for the constant Habsburg-Valois Wars. The other leading trans-regional institution of Valois Burgundy had likewise established itself as a continent-wide elite institution: the Order of the Golden Fleece. On both, see also Lecuppre-Desjardin, *Le royaume inachevé des ducs de Bourgogne*. Margaret was one of the most important Habsburg politicians of the sixteenth century. See, for example, J.-P. Hoyois, "Idéologie versus objectivité: Marguerite d'Autriche et Marie de Hongrie sous la plume des historiens du XIXe siècle à nos jours," in *Mémoires conflictuelles et mythes concurrents dans les pays bourguignons (ca 1380-1580)*, Publication du Centre Europeen d'Etudes Bourguignonnes (XIVe-XVIe s.) 52 (Dinant: Imprimerie Bourdeaux Capelle S.A., 2012), 267–82. On her regulation of the guilds in 1525, see Blockmans, *Emperor Charles V, 1500-1558*, 125, 164.

chapter 3), the most powerful towns of Flanders could present a formidable obstacle. In 1537, Ghent's Great Council (*Collatie*) refused to pay its share of the 400,000 *Gulden* obligation levied on Flanders under the most recent *aide*, offering instead a contingent of armed men. The town's claim against the governor, Charles' sister Mary of Hungary, harked back to the Great Privilege of 1477, which had required unanimity among the Four Members of Flanders to agree to an *aide*. For over a year, the dispute was shuttled between lawyers in Ghent, Brussels, and Valladolid. But in the summer of 1538, the dispute became specifically archival. A number of guilds demanded that all the town's privileges be translated into Flemish and printed. This call led the aldermen to the town's archives, held in the belfry. In a striking replay of the rebel captains' march to the Belfry in 1451, the aldermen retrieved a number of important privileges in late July 1538: "they removed them from the *tresorie* of the town where they were kept, with great solemnity, displayed them all before the people, and publicly read them loud and clear over the course of several days."[404]

But rumors persisted that several of the document trays in the belfry had been found empty. Suspicion were voiced: might urban patricians on the Great Council have meddled with them? The greatest concern surrounded two documents in particular: a 1515 decree imposed by the young Count Charles, not yet emperor, in the wake of a bout of political unrest following his Joyous Entry. Along with another charter of 1531 determining the powers of the Council of Flanders, this 1515 decree was derisively dubbed a *Calfvel* (Cowhide), hinting at the transformation of texts into objects as they become symbols. But even more relevant to the specific political conflict of 1539, rather than an actual archival document, seems to have been an unfounded rumor of the existence of one: "the invention of tradition as much as its defense," per Peter Arnade. This legendary document was the "Purchase of Flanders" and it was supposed to grant Ghent full financial independence from the count of Flanders, the cost of his buying the county back from the powerful Borluut family after losing it in a game of dice. As the debate over Ghent's financial obligations escalated, so too did the public anger over these two documents. In August of 1539, after the examination of the charters had failed to turn up the Purchase of Flanders, a number of arrests targeted two groups of former municipal officials. The surviving politicians who had accepted the *Calfvel* in 1515, even though it omitted some important limitations on sovereign power that had been part of previous entry ceremonies, were arrested. A rebel coalition demanded the arrest of other officials suspected of neglecting the safety of the archival treasury and mislaying the Purchase of Flanders sometime in the late 1530s. This group was led by a goldsmith, a number of patricians (including a member of the Borluut family), and enjoyed the support of the unincorporated day laborers known as the *Creeschers* because of the cries they made to have their political demands heard. In the new rebel city government, the latter group, for the first time, was assigned a block of seats typically reserved for patricians. Under the influence of these forces, the elderly former municipal official Lievin Pien was tortured and executed on August 28, 1539. The following month, yielding to pressure from the radical agitation of the *Creeschers*, the council held a public ceremony at which the 1515 *Calfvel* was destroyed, torn into three pieces and then thrown into a crowd standing before the town hall.

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[404] Arnade, *Beggars, Iconoclasts, and Civic Patriots*, 108. See the account quoted in Louis-Prosper Gachard, ed., *Relation des troubles de Gand sous Charles-Quint: par un anonyme; suivie de trois cent trente documents inédits sur cet événement* (Brussels: M. Hayez, 1846), 194–96 for Mary of Hungary's letter addressing the 1477 argument. The quote in the original appears in Gachard, *Relation des troubles*, 3. "[I]lz fierent mectre yceulx hors de la tresorie de la ville ou ilz estoient gardes, par grande solempnite, et furent tous monstrez au peuple et leuz hault et cler publicquement, qui dura plusieurs jours." On the demand to have the privileges printed, see the report written by Ludwig van Schore (first attributed to Jean d'Hollander), "Discours Des Troubles Advenuz En La Ville de Gand 1539," in *Analecta Belgica*, ed. C.P. Hoynck Van Papendrecht, vol. 3.II (The Hague: Gerardum Block, 1743), 349, 353–54.

According to the *Relation des troubles*, the crowd proceeded to further rip up and the scraps place the pieces in their bonnets.[405]

This was tantamount to a full-on rebellion against the emperor and, in Arnade's view, "the revolt's key trigger of intensification." Like so many before, it had been led by the guilds. This is apparent from the distribution of keys to the town's archival coffers in the belfry. Typically, the longtime national archivist Louis-Prosper Gachard (1800-1885) reports, one key had been held by the *échevins*, a second by the dean of the weavers' guild, and the third by the dean of the small guilds. Over the course of the rebellion, all three had ended up in the hands of guild deans. It was this coalition of craftsmen who, by late 1539, had won out, preventing the farming out of taxes and stopping the city administration from paying out another penny. Charles V cut short the mourning for his late wife Isabel of Portugal at a monastery near Toledo and travelled to Ghent to deal with the brewing rebellion. The events that followed have been very well studied: as early as 1827, the Academie royale des sciences et belles-lettres asked, as its question of the year: "what were the events that gave rise to, accompanied, and followed the troubles and dissents that, in 1539, motivated Charles V's voyage to Ghent and caused the construction in 1540 of a citadel there?" Generations of scholars have continued to explore the question, so much so that the year 1540 in Belgian historiography has become code for the end of the Middle Ages, the end of Ghent's rich medieval heritage of privilege and autonomy. Odd, then, that until very recently, researchers have not examined the specifically archival aspects of the punishment of 1540.[406]

There is good reason to consider 1540 a landmark in Ghentenaar and Flemish history. Those of Gachard's generation, writing in the decade after the 1830 Revolution in Belgium, considered the episode of 1539-40 the final act of a struggle between the most powerful Low Countries commune and its sovereign. Charles V beheaded the instigators, condemned the city to pay an exorbitant *amende* in reparation, confiscated their weapons, reduced the number of guilds from 43 to 21, and revoked Ghent's jurisdiction over its *contado* – all of which had parallels in the punishments of the town in 1329, 1348, 1385, 1440, and 1453. But now, continued Gachard, he also "confiscated the privileges, rights, liberties, custumals, and usages, as well as their goods, rents, revenues, houses, artillery, and weapons of war" (*confisqua les priviléges, droits, franchises coutumes et usages, ainsi que leurs biens, rentes, revenus, maisons, artillerie et munitions de guerre*). Charles V's ordinance ordered his officials to "effectively recover each and every one of their privileges and books" (*recouver effectivement tout et quelconques priviléges et livres*). This may have been the first time Ghent's archives were exposed to so exhaustive a confiscation. But, having examined the history of archives across the Low Countries more broadly, I have found this, too, to be a common sovereign practice, albeit one that Ghent had successfully evaded – most remarkably in 1382, when other Flemish towns that Ghent itself had unified in revolt were forced to relinquish dozens of archival documents. The emperor was well

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[405] This has all been covered extensively by Arnade, "Privileges and the Political Imagination in the Ghent Revolt of 1539," 110–13, quote at 117 where he also explains the significance of the 1515 oath and how it had been modified by a young Charles V, 118-119; van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," chap. 7; Arnade, *Beggars, Iconoclasts, and Civic Patriots*, 110. See also, on the Borluut, Gachard, *Relation des troubles de Gand sous Charles-Quint*, x, 17–19, 256 and 353.

[406] I exclude the many editions of documents related to Ghentenaar archival history that appeared in the publications of Gachard and his colleagues and successors. See, for example, Gachard, "Notice historique et descriptive des archives de la ville de Gand," 6. On the keys, see the excellent research of van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 389–90. Charles' journey to Ghent was significant because of the camaraderie showed by his great rival Francis I, who somehow became an ally when putting down the Ghentenaar rebellion was at stake: he not only allowed Charles to travel to Flanders through France, but travelled with him in friendship. This was in spite of the fact that Ghent went so far in its appeal for help as to send a secret embassy to Francis I to ask for his assistance. See Geoffrey Parker, "The Political World of Charles V," in *Charles V, 1500-1558 and His Time*, ed. Hugo Soly, trans. Suzanne Walters (Antwerp: Mercatorfonds, 1999), 169–70.

aware of this history. In a speech written just before his departure from Spain and sent to his representative Adrien de Croy to be delivered in October 1539, he mentioned the chastisements enacted upon Ghent by his predecessors, including making specific reference to Roosebeke (1382) and Gavère (1453). If they failed to be good subjects, he warned, his punishment would be unforgettable. According to the *Relation des troubles de Gand sous Charles-Quint*, an anonymous 1541 version of events written at Lille by an apparent eyewitness, this speech did nothing more than anger the Ghentenaars. Finally, Charles decided to head to Ghent put matters in order and "punish the crimes of the inhabitants." He left Madrid on November 10, 1539, travelling somewhat leisurely through France at the invitation of his great rival Francis I. A delegation set to assuage Charles' anger was sent away.[407]

By the time the emperor entered Ghent with a sizeable army on February 14, 1540, the radical phase of the revolt was over. Officials were eager to raise the tax and resolve the matter. But Charles formally levied a number of charges against the town, including the crime of lèse-majesté, to which the Ghentenaars were given ten days to respond. In the subsequent weeks, officials for the town and for the Grand Council of Mechelen (the highest judicial authority in the Habsburg Low Countries) prepared legal arguments and detailed inventories of archival documents on which to found them. The town's fiscal responsibilities remained at the center of the legal dispute. To justify the town's obligations, imperial lawyers cited twenty-five documents marked sequentially by letters. Item N was "an authenticated copy of the oath sworn by the Ghentenaars to the Emperor upon his reception and Joyous Entry" (*copie auctenticque du serement que lesd. de gand ont faict a l'empereur a sa receiption et joyeuse entrée*) – precisely Ghent's obligation under the 1515 Joyous Entry torn up and called a *Calfvel* months earlier. The final item, labelled Z, was taken as proof of the town's subversion. It was a placard distributed by Ghentenaar officials warning all residents of the Low Countries against agreeing to the imperial *aide*: "if someone comes to execute the *aide* of 400,000 [Guldens], they will be seized and taken to the town of Ghent to face justice" (*s'il venoit quelcun pour exécuter l'ayde de iiijc mil, qu'ilz les prendent et livrent en la ville de Gand, pour en faire la justice*). The documents cited were overwhelming rather recent, in accordance with the narrow imperial argument against the Ghentenaars' behavior in response to the *aide* of 1537.[408]

Ghent turned to its archives, as it had so many times before. By March 10 a team of lawyers for the town had prepared a counter-argument and an accompanying inventory. On the basis of still more pieces of evidence – around 40 – they presented all kinds of historical precedents and legal arguments suggesting that the town had the right to refuse the *aide*. Like the imperial argument, the town began by citing seven documents produced during the current crisis that began in 1537. The subsequent pieces, however, indicate their strategy most clearly. They were much older, prized charters of privileges: "extrait auctenticq du previlége du conte Guy" of 1286 and a "copie auctenticque du previlége du conte Loys" of 1324. Next came "the copy auctenticque du previlege de feue dame marie" – the Great Privilege of 1477. For each of these and a number of subsequent

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[407] Gachard, *Relation des troubles de Gand sous Charles-Quint*, iii on the confiscation of documents, 28 on Croy's speech, and 56 on Charles decision to come: "pour mectre et donner bon ordre et police ès affaires de sa ville de Gand, et y venir faire les pugnitions et corrections des mésuz commis par les manans et inhabitans en icelle." The order demanding the delivery of the Ghentenaars' documents, SAG 97bis, no. 1, is reproduced as Appendix K in Charles Steur, *Insurrection des Gantois sous Charles-Quint ou essai sur les troubles arrivés en Flandre, et notamment a Gand, vers 1540* (Brussels: Hayez, 1834), 149–50.

[408] On the accusation of *lèse-majesté*, see van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 370; Dumolyn, "The Legal Repression of Revolts in Late Medieval Flanders," 490. The emperor's entry to the town is described in Jan Van den Vivere, *Chronijcke van Ghendt door Jan Van den Vivere en eenige andere aanteekenaars der XVIe en XVII eeuw*, ed. Frans De Potter (Ghent: Drukkerij S. Leliaert, A. Siffer & Co., 1885), 129–30. For these legal briefs and archival lists, see Register F (SAG, ser. 93, no. 6, fol. 29r-31v., or the edition in Gachard, *Relation des troubles de Gand sous Charles-Quint*, 327–30.

privileges, the contents of specific articles were highlighted. Nor were the Ghentenaars bashful about citing other textual forms, including contemporary histories and chronicles (*employent les histoires et cronicques dudit temps*) to verify certain articles of these privileges. The town's registers, too were sources of arguments: a "registre de la ville de Gand, contenant l'article de la confirmation de leurs priviléges" from 1512 (item Cc), for example. To the imperial lawyers' argument that the privilege granted to the entire *pays* and county of Flanders had been revoked in 1477, and was thus invalid, they responded that apart from the Flemish Great Privilege, the town of Ghent had been provided with its own privilege that year. This piece was particularly contentious, and they called attention to its physical presence: "Présentent iceulx de Gand, au besoing, monstrer par inspection oculaire ledit previlége de dame Marie, reposant sain et entier au secret de ladite ville, à la vériffication" of their argument.[409] We shall turn to the events of 1477 at length below.

The archival proofs provided by the Ghentenaar officials were to no avail, and the result was probably preordained. Within a week, the Grand Council of Mechelen's tax lawyer handed down his ruling. It refuted the Ghentenaar arguments, declaring the town and its officials contemptuous and arrogant for disrespecting the province's other towns and disobeying their sovereign. On March 17, 1540, the rebellion's leaders were arrested, and the nine primary seditionists executed. For the next month and a half, Charles consulted with his closest advisors, especially the Leuven-trained imperial lawyer Louis van Schore, whose *Discours des troubles advenuz à Gand* was originally composed as a series of dispatches to the emperor as the rebellion developed. By April 30, 1540, van Schore had drafted the drafter of the *Concessio Carolina*, the new constitution presented to the town in both French and Dutch versions, and of the *Sententie*, the sentence listing the specific provisions of their punishment. Ghent was hereby convicted of disloyalty and disobedience of the imperial authority, of rebellion and resistance, and of *lèse-majesté*. Nevertheless, this was presented by van Schore as a mild punishment: the punishment the city truly deserved was complete annihilation; reference was even made to the destruction of Carthage by Rome.[410]

Even if Ghent was spared the Roman treatment of Jerusalem or Carthage – several years earlier, Charles had emphasized this legacy when he destroyed Tunis, itself built on its ruins – its topography was transformed nonetheless. The once-glorious Saint Bavo abbey was to be replaced by a military fortress, the weapons of which were directed not against foreign invaders but the town itself. Its foundations were laid the same day the Grand Council of Mechelen issued its ruling. Other religious traditions were also targeted by the *Sententie*, such as the annual Sint-Lievens-Houtem procession – the same yearly event that had interfered with Charles the Bold's Joyous Entry. Legal

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[409] The town's inventory was titled: "inventoire des lettres et muniments pour les echevins des deux banqs et deux doyens de la ville de Gand, tant pour eulx que pour leur bourgois et bourgoises ensemble les Inhabitans de la chastelennie et quartier de gand, Contre le procureur general de l'empereur." This was not the only time documents were presented to illustrate their authenticity. An inscription in the margins of this inventory indicates that all the documents cited were delivered to the emperor's secretaries: "soubscript secretaire ordin[air]e de l'empereur, Certiffie que les pieces cy dess[us] mentionez sont este exhibez en mes mains de la part desd[is] de Gand par le secretaire de lad[ite] ville Anthoine Buridan en presence de Jehan van Dixmude et Adrien van de Damme, eschevins d'icelle ville," between entries K and L, on fol. 32v. On 1477, see below, and the excellent piece by van Leeuwen, "Rebels, Texts and Triumph." Tineke van Gassen points out that the officials in charge of this inventory were also responsible for negotiations with the imperial officials; they were more moderate and been slightly more pro-Habsburg than many of their colleagues during the uprising. The original negotiation inventory of March 1540 is at SAG R94, no. 948. See van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 372, who points out similarities to negotiations held at Lille in 1452 and Ghent in 1401.

[410] On van Schore, see van Schore (first attributed to Jean d'Hollander), "Discours Des Troubles." See also James D. Tracy, *A Financial Revolution in the Habsburg Netherlands: Renten and Renteniers in the County of Holland, 1515-1565* (University of California Press, 1985), 72–73.On the use of the comparison to ancient destructions of towns, see Arnade, "Carthage or Jerusalem?," 739. The *Concessio Carolina* original is at SAG R94 no. 957.

procedures were also modified with the inauguration of the *Indaginghe*, which would take over case law on economic matters such as loans, debts, and leasing contracts from a municipal court.[411] In accordance with Flemish tradition, an *amende honorable* was held at the princely residence of the Prinsenhof several days later, on May 3, 1540. A procession of aldermen, representatives of each guild, and *Creeschers* – all wearing black – travelled through the city streets from the town hall to the traditional comital palace in town. Six represented each guild, except for the weavers, who were forced to provide fifty. There they knelt before the emperor and his sister, the Governor Mary of Hungary, and pronounced the agreed-upon text begging for forgiveness. The *Creeschers* were made to wear nooses around their necks as a reminder of the punishment they truly deserved.[412]

No less a part of Flemish tradition of repression – as I have argued – was the confiscation of urban archives. The capacity of the municipal administration to produce such exhaustive evidence justifying their opposition to the *aide* may have sealed the fate of the archive just two months later. Indeed, under the *Sententie* and *Concessio Carolina*, the disruption inflicted upon Ghent's institutions of social, legal, and political memory was deep. As part of these related mandates, Emperor Charles demanded the Ghent city council and its guilds deliver all their written rights, privileges, and writings to the comital residence at the Prinsenhof, the royal residence in Ghent: "And after that, all the said privileges will be taken from their *secret* and brought into our presence, together with the books titled red and black, in which the said privileges are registered, for [us] to make and order as we see fit, so that, in times to come, they [the privileges] may not be invoked, nor used in aid of judgment, and neither may any individual bourgeois, peasant or any others, hold, or maintain a copy or an extract with them either." The privileges of the town were to be completely removed from every repository where they or copies of them might conceivably be kept. Even access to the archive would now be dependent on an imperial official, the high bailiff, who would hold one of the keys. The city council could no longer consult its privileges without a Habsburg official present.[413]

The final act of the guild deans as municipal officials, in the week following the drama of the *amende honorable*, was to deliver the documents from the town's belfry, from the guild houses, and from the town hall to the imperial offices at the Prinsenhof. The repository at the base of the belfry, of course, was only accessible when the keepers of the three keys came together. Van Gassen believes the necessary officials must have travelled together to the belfry to collect the cases in which the privileges were kept. The anonymous writer of the *Relation des troubles* provides a general affirmation of the order in the *Sententie*, reporting that the privileges "were delivered into the hands

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411 Van Gassen points out that this not only provided Charles stronger control over the economic and legal life of the city, but provided some stability for the economy in spite of the serious reduction in the authorities of the traditional civic institutions. van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 382; Gachard, *Relation des troubles de Gand sous Charles-Quint*, 73–110; Arnade, *Realms of Ritual*, 142ff.

412 The text of the amend is at Steur, *Insurrection des Gantois sous Charles-Quint ou essai sur les troubles arrivés en Flandre, et notamment a Gand, vers 1540*, 151. Accounts of the ceremony are at Van den Vivere, *Chronijcke van Ghendt door Jan Van den Vivere en eenige andere aanteekenaars der XVIe en XVII eeuw*, 160–62; Gachard, *Relation des troubles de Gand sous Charles-Quint*, 155.

413 "Et ensuyvant ce tous les dict privilèges seront prins hors de leur secret et apportez en nostre présence, ensamble les livres appelez les rouge et noir, esquelz les dicts privilèges sont enregistrez, pour en être fait et ordonné à son bon plaisir, sans que, en temps advenir, ilz ny aultres les pussent alléguer, ny eulx en ayder en jugement, ou dehors, ne aussy, par les particuliers bourgeois, manans ny aultres quelconques, tenir, ne garder coppie ou extraict soubz eulx." From the *Sententie*, published in Charles Laurent et al., *Recueil des ordonnances des Pays-Bas. 2e Série: 1506-1700* (Bruxelles : Goemaere, 1893), IV:179; van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 382. The archival aspects of the *amende honorable* are also described in Gachard, "Notice historique et descriptive des archives de la ville de Gand," 10–12. The new arrangement of the keys is described in the new inventory of documents returned to the town a week later, SAG, ser. 94, no. 967: "sond[it] grant bailli aura une clef, les eschevens de la keure ou celluy qui luy ordnneront une et les eschevins des parchons ou cestuy qui de par eulx y sera comma une Affin que l'un sans l'autre ne puissent avoir acces ausd. lettraiges et previleges." See below.

of the Emperor to do with as it pleased His Majesty" (*au délivrement de tous et quelzconcques leurs priviléges appertenans au cors de la ville en général, et ce es mains de l'Empereur, que pour en faire au bon plaisir de Sa Maigesté*). He went on to describe the moral blow this involved: the townsmen "did so with great regret..., [for] so much did they love and hold their privileges in such good and grand esteem, that they had always spoken and by whatever means made clear that they thought and believed them superior to those of all the other towns of the Low Countries." The same, presumably, was true of the archives of the guilds. Two sources suggest that the guilds delivered their archives individually over the course of the coming days, and they have disappeared.[414]

Imperial officials were quick to act. Inventories created in 1540 and in 1578 reveal that at least 680 documents were collected from the town of Ghent alone. In what follows, I analyze these two extant inventories of the contents of the town's archive. The first was created within a week of the submission of the documents by imperial officials. It contains short, rather uniform entries describing 78 documents returned to the town on May 11, 1540, the day its new council was inaugurated. The second inventory, created in early 1578 by auditors at the Lille *chambre des comptes*, lists 602 documents that, after being confiscated from municipal officials of Ghent in 1540, were transported to Lille and remained there until the rise of the Calvinist Republic of Ghent prompted their return to the town. Those historians who have examined the archival effects of the *Concessio Carolina* have described the first corpus of 78 returned documents as necessary for the day-to-day administration of the town. Indeed, the return of these documents came just after the appointment of a new city government, and there is no doubt that, as Van Gassen notes, these tended to be documents of a practical economic nature. Eleven have to do with the navigation of waterways around Flanders, seven with the administering of various tolls, and another nine with property and inheritance. But very few of these would have been of great importance for the kind of day-to-day policy-making to which Ghent's semi-autonomous institutions were accustomed.

The inventory of documents being returned lacks the detail of Valois or Habsburg inventories created in previous centuries, often omitting information as basic as who issued the document in question. Nearly every entry, however, describes the affixed seals in some detail: "parchemin a plusieurs seaulx a double queue en cire verde," for example. This betrayed a clear tendency to prefer the return of documents issued by lords. Of the 64 documents for which I was able to determine the issuer, 45 were acts of a lord, including five by Count Baldwin V (between 1190 and 1199), eight of Countess Margaret of Flanders (between 1251 and 1257), one of Count Louis of Flanders (1322), and two of King Philip the Fair (issued in 1293 and 1297). Only nine of the 78 documents returned in 1540 were autonomous acts of towns: decisions of local courts on the inheritance of a plot of land, or the right to collect a toll along a certain waterway, for example. But of these nine, only three were acts of the municipal government of Ghent. The limited scope of Ghentenaar autonomy was thus reflected in the contents of its new archive. To drive the point home, the preface to this inventory noted not only that the imperial bailiff was being given one of

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[414] For accounts of the delivery of the documents, see Gachard, *Relation des troubles de Gand sous Charles-Quint*, 159. See also the chronicle of Van den Vivere, *Chronijcke van Ghendt door Jan Van den Vivere en eenige andere aanteekenaars der XVIe en XVII eeuw*, 158–59: "Jn dit zelve jaer van XVc veertich, up desen lesten dach van April, zoo waeren alle de previlegien vande stede van Ghendt ghedreghen jnt hof vanden keyser ofte zijne ghecommitteerde, tot XXIIII ofte XXVI laeden, metten boden ende sergeanten van schepenen van beede de bancken; ende zij hadden te verdrincken van des keysers weghe vier keysers guldenen, bedraecht derthien schellinghen IIII d. gr. Ende de personaigen, die jnt secreet waeren om de previlegien, die lasten daer den hueverdeken ende den deken vande weverie, datse hemlieden niet meer moeyen en souden met huerl. officie te bedienen, al volghende zeker bevel, aen de wet ghesonden..." Joos van Hecke was responsible for collecting the documents of the guilds along with their weapons, jewels, banners, and other belongings, of which he drew up confiscation registers: "metten rechten ende previlegien van de selve neeringhen, in handen van den gonen van 's Keysers weghe daertoe ghecommitteert." Quoted in van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 385.

the keys necessary to open the archival chest, but that "the documents and muniments that follow will be replaced and returned to the guard of the bailiff and échevins of the two benches of the town for them to use in the conservation of the right of that town." There was only one condition: "that however many and each time His Majesty or his successors as count and countess of Flanders desire to have the said documents or a portion thereof returned and restored to them or their officials," this would be done. The municipal officials' control of their own "constitutions and privileges," then, would be supervised by and dependent upon sovereign power.[415]

Not only the warnings of the inventory's preface, but also its contents made clear the severe limitations on urban autonomy Charles V's lawyers had in mind. The documents returned to Ghent's city council in 1540 tended to be relatively old, with an average year (where cited) of 1326 and a median and mode of 1290. Nevertheless, documents dating from the period of Habsburg rule (1477-1667) amount to 14.5% of those documents returned in 1540, slightly over-represented among all the documents collected after the *amende honorable*. No fewer than 25 can be dated to the rule of Emperor Charles V as count of Flanders (beginning in 1507). For the most part, these were limitations on urban autonomy, including a prohibition against the sale of rents to foreigners or students (item 71, *laye* T) and a decision resolving a dispute between the shippers' guild of Ghent and a certain Jehan van Delst. Possibly most revealing, in fact, are documents that had nothing to do with the governance of the urban affairs in Ghent at all: an iteration of the 1529 Peace of Cambrai between Emperor Charles and King Francis I, and a propaganda pamphlet describing the "triumph of the coronation of the Emperor Charles V in Bologna," possibly the 1530 pamphlet published in Antwerp.[416] Especially considered alongside the exclusion of 602 other documents, these inclusions seem intent on reminding Ghent of the true holders of sovereign power.

The most glaring omission from the 78 documents returned is the absence of any charters of privilege. Ghentenaar officials had cited five different privileges in their legal argumentation just two months before, even displaying one to indicate it was whole and thus authentic. From May 11, 1540, the archive of the urban government did not have a single privilege. The 78 documents are described as being held in four *layes*, labelled C, E, N, and T, which were swiftly transported back to the town belfry, apparently under the supervision of the Habsburg bailiff who was now one of the three key-holders. An inventory created by municipal officials in 1544 reveals that the repository had already expanded, but of those 31 documents added to the 78 the town had received back from the imperial authorities, all were charters issued by Charles V himself. The new Ghentenaar archive was virtually stripped of any sources of authority apart from that issuing from the emperor himself.[417]

There were many parallels between Charles V's punishment of this Ghentenaar rebellion and the repressive tactics of his predecessors as Counts of Flanders. Considering the emperor's taste for fifteenth-century chivalric poetry, the most obvious point of comparison would be the Ghentenaar *amende honorable* of 1469. Both put down what they saw as insolence on the part of Ghent with

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[415] The preface to the inventory, SAG ser. 94, no. 967, reads: "A ordonné et ordonne que les lettres et munimens qui sensuyvent seront Remiz et Renduz en la garde do son bailly et eschevins des deux bancqz d'icelle ville pour d'iceulx user a la conservacion du droit d'icelle ville. A condicion que toutes et quanteffoiz Il plaira a Sa Ma.te ou ses susccesseurs contes et contesses de Flandres avoir lesd. lettraiges ou partie d'iceulx lez seront tenuz les luy Rendre et Restitutuer ou a son commis et que ou Secret ou que seront mis lesd. lettreaiges et autres lettres constitutions et previleges que lad ville a de present et pourra cy apres obtenir de luy et sesd successeurs sond. grant bailli aura une clef, les eschevens de la keure ou celluy qui luy ordnneront une et les eschevins des parchons ou cestuy qui de par eulx y sera comma une Affin que l'un sans l'autre ne puissent avoir acces ausd. lettraiges et previleges."

[416] *La couronnation de l'empereur Charles cinquiesme de ce nom faicte à Boloingne la Grasse le mardy vingtdeuxiesme de febvrier l'an de grace mil cinq cens & trente* (Antwerp: G. Dorsteman, 1530); Konrad Eisenbichler, "Charles V in Bologna: The Self-Fashioning of a Man and a City," *Renaissance Studies* 13, no. 4 (1999): 430–39.

[417] Gachard argues that after the confiscation of the archive, it was no longer held in the belfry but in the town hall. Gachard, "Notice historique et descriptive des archives de la ville de Gand," 14.

overwhelming ceremonial humiliations. Both targeted the documents supporting the town's autonomy, including the Charter of Senlis. But the differences were perhaps more compelling. The disorder of 1467 had nearly cost Count Charles his life and had disturbed the most sacred of all Burgundian civic ceremonies, the Joyous Entry. Charles V's punishment, on the other hand, came in the wake of a relatively tame refusal to pay what was by then a rather ordinary tax. Contemporaries had no doubt that Charles V's reaction was out of all proportion to the town's offense. Moreover, while both seem at first glance to have emphasized ceremonial humiliation, each engaged the tools of informational sovereignty in much different ways. In 1469, only eight documents were confiscated. Within a year, the sack of documents waiting at the *chambre des comptes* was recorded in the archival inventory of the *trésor* there, and their texts were eventually entered into the registers of the Valois information state. By 1540, this system of entering accumulated documents into the registers and the *trésor* had been neglected for decades. The documents seized and not returned to Ghent in 1540, in fact, seem not to have been analyzed or integrated into the registers or the *trésor des chartes* at Lille at all. This provides some important clues about the differences between Habsburg and Valois Burgundian administrative practice.[418]

Thus, for all the parallels between how Charles V used the aftermath of a rebellion to advance his ceremonial sovereignty and how his great-grandfather Charles the Bold did in 1469, the closest analogue to the emperor's archival policy in 1540 was that of Count John the Fearless in 1408. Count John's officials had collected over 600 documents from twelve towns and their guilds, and Charles V's collected nearly 700 from Ghent alone. The *Sentence* issued in 1408 and the *Sententie* of 1540 both insisted on the delivery of guild documents in addition to municipal archival materials, suggesting both blamed the guilds for the rebellions. Moreover, the scope of documents collected in both 1408 and 1540 was far broader than confiscations had been during the fifteenth century. Perhaps the most compelling similarity between the two was the attempt to shape the future ability of the conquered towns to use documents and regulate which types of documents were permissible for a town to possess.

In addition to the 78 documents returned to the town in May 1540, another 602 were confiscated and sent to the *chambre des comptes* in Lille. An inventory created when they were eventually returned to Ghent in 1578 is the most important surviving source for any understanding of the informational tools of sovereignty as it was understood by imperial officials in 1540. Though the inventory contains detailed descriptions of the documents including year, issuer, seals, and a short summary, there are no marginal comments in the inventories of seized documents like those that facilitate our understanding of the motives of the confiscations of 1382 or 1408. As part of the description of these documents' physical state, the preparers of the inventory also includes 146 uses of the word "cassée." Thus within the corpus of collected documents that were retained by comital officials, a subset of cancelled or annulled documents exists as well. This creates three broad categories of documents for our analysis of the 1540 confiscation: 78 documents returned immediately to the municipal authorities, 602 documents retained by imperial authorities and kept at Lille, and 146 of the latter that were cancelled at some point before their return to Ghent in 1578. As shorthand, I will refer to these as the returned, confiscated, and cancelled documents, respectively, not to be confused with the entire corpus of 680 documents. My analysis of the returned documents is based on a short inventory handed over by imperial official Louis Verreycken to the new city government on May 11, 1540 along with a series of new registers and the 78 returned

[418] Scholars have paid abundant attention to the banner year of 1477 in the history of the Low Countries, and in Burgundian state-formation more broadly. See note 398 above on the administrative centralization at Mechelen.

documents themselves. This inventory was deposited in the town's emptied archive in 1540, where it remains.[419]

The confiscated documents I have studied on the basis of the inventory of documents created when they were eventually returned to the town in 1578. The descriptions of the documents appearing in that inventory, 65 folios long with well-spaced entries of between two and two dozen lines, were the basis of a textual analysis that focused on discursive practices that can roughly be termed ideological – those that "incorporate significations that sustain or restructure power relations."[420] I focused, in other words, on those document descriptions that involved interaction between political actors, utilized language that had to do with privilege, pardon, alliance, and conflict. These documents were then codified into eight categories I utilized in my analysis of the 1408 confiscation. In addition to these criteria, I also codified all those document that had been cancelled, utilizing the same categories. Of the 602 confiscated documents, I classified 271 in this way, including the remaining 331 only for the purposes of dating the corpus (see appendix).

Comparing these three groups of documents yields some remarkable findings about the ways imperial officials in 1540 envisioned imperial sovereignty and municipal politics. Even the relative age of documents, when compared with their fate (returned, confiscated, or cancelled) is revealing, though it was never a direct criteria for determining the fate of a document. Dates could be determined for 91 percent of the entire 680 document corpus handed over in 1540. The inventory describes documents dating back as far as the late twelfth century rule of Queen Matilda of Portugal (1158-1215) and her brother-in-law and successor Count Baldwin VIII of Flanders and Hainaut (1150-1195). These oldest documents were already three and a half centuries old at the time of their seizure in 1540. In the most general of terms, older documents seem to have been less contentious, and thus less likely to be confiscated or cancelled but more likely to be returned. The average year of the returned documents was 1326, significantly older than that for the entire corpus was of 680, which was 1342. Meanwhile, the average confiscated document, from 1344, was newer than this overall average. Most remarkably, the average cancelled document (1366) was a quarter century older than the overall average. Thus, all other factors being equal, the older documents were more likely to be returned to the town and less likely to be confiscated or cancelled.

Analyzing the documents according to the political regime under which they were created yields similar results. Perhaps most remarkable is the evidence of document production under the Dampierre regime (1246-1384). Those years were responsible for 435 of the 619 datable documents in the corpus, or 70 percent. The percentage of documents returned (62%), confiscated (71%), and cancelled (62%) from this period more or less corresponded to this overall proportion. Generally speaking, the cancelled and confiscated documents were weighted towards the regimes from the latter section of the timeline: 21% of the cancelled documents that could be dated were created under the Habsburg regime (1478-1539), nearly double their rate in the entire corpus (11%). Documents dating from the Valois regime (1384-1477), meanwhile, were confiscated at a higher rate than any other period: 91 percent. But documents created during the regimes of the House of Flanders (1191-1246), of Dampierre (1246-1384), and of Valois (1385-1477), were cancelled at near their proportion within the corpus. The ruling relationship under the House of Flanders was considered particularly exemplary, the data suggest: together Count Baldwin VIII and Countess Margaret II were responsible for creating only seven of the 602 documents confiscated (1.1%), but thirteen of the 78 documents returned (16.7%). While averages and percentages are only rough

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[419] The inventory of returned documents appears at SAG, ser. 94, no. 967.

[420] Jan Dumolyn, "Privileges and Novelties: The Political Discourse of the Flemish Cities and Rural Districts in Their Negotiations with the Dukes of Burgundy (1384–1506)," *Urban History* 35, no. 1 (May 2008): 8–10; Norman Fairclough, *Discourse and social change* (Cambridge: Polity press, 1993), 91.

tools, these findings have some interesting implications for our understanding of the political legacies of different regimes in the history of the Low Countries. Traditionally, the Valois dukes of Burgundy as counts of Flanders have been seen as the great state-building innovators whose practices were most invasive and repressive of urban autonomy. Thus, one would expect the documents created during their rule to represent an exemplary model of princely rule for Charles V. Yet Charles, whose explicit goal was the eradication of Ghentenaar urban autonomy, actually found more to emulate in the documents of their predecessors from the House of Flanders, which were returned at a much higher rate (31%) than those of his Valois predecessors (9%).

I have argued in this study that informational sovereignty was built most swiftly in the wake of rebellions, as part of the princely state's repression and the subsequent rebuilding of the ruling relationship with subjects. Often, these rebellions themselves preceded egregious violations of the contractual relationships between Flemish towns and their counts. Therefore, it is not surprising that large numbers of documents produced during years of Flemish rebellion found their way into the set of documents confiscated from Ghent in 1540. 36 documents dating from the years of king Philip the Fair's intervention in Flanders (1295-1302) were among the documents taken in 1540: 4.5 seized documents per year, far outpacing the average number of seized documents produced per year, 1.7. Even more remarkable is that only one of these 36 was returned to the town a week later, while of the 35 confiscated, 14 were cancelled. Moreover, these were documents of great constitutional and political importance to the town. Putting aside the charter of Senlis of 1301 for now, these 35 included numerous rulings on the structure of Ghentenaar politics, the authority of the so-called council of Thirty Nine, privileges issued by Kings of England, Kings of France, and Counts of Flanders. The years 1326-29, the peak and aftermath of Maritime Flanders' rising against Louis of Nevers, Count of Flanders, yielded 27 documents seized in 1540 (3.5 documents per year). All were confiscated, none returned, and 11 were cancelled. The Ghentenaar uprisings of the early fifteenth century also produced unusually high numbers of documents confiscated and cancelled: five in 1411, two in 1432, and three in 1439-40. Seven of those ten were cancelled. None of the 32 documents dating to the years of Maximilian of Austria's contentious, protracted inheritance of Flanders (1477-88) were subsequently returned, and 16 of them were cancelled. Politically contentious times, it would seem, were more likely to yield documents that Charles V's administrators found objectionable.

In chapter 2, I argued that the fluidity of alliances between towns, dukes, counts, and kings made the power to forge alliances a key during the Hundred Years War. Yet all told, the Hundred Years War was in fact something of a lull in the documentary corpus of Ghent: the corpus of documents delivered by Ghent in 1540 represents only 1.2 documents per year for the years 1337-1453, as opposed to the global average of 1.7 for the entire range of dates reflected by the corpus (1178-1539); true, documents from the Hundred Years War were returned at a rate of only five percent (7 of 141), as opposed to 11.5% overall (78 of 780). Still, the absence among the returned documents of any documents having to do with war-making, alliances, or urban solidarity is glaring. Though such documents were less prominent among the documents confiscated and retained by princely authorities in 1540 than they had been in 1408, those that did exist in Ghent's archives were uniformly confiscated and mostly cancelled. 27 out of 680 total documents were inter- and intra-urban alliances and agreements of some kind (13 were alliances between towns, 13 were agreements between towns, and one was an agreement between various Ghentenaar guilds). Of these, more than half (18) were cancelled, according to the inventory produced in 1578. This is a sure sign of that Charles V's administrators, like John the Fearless', rejected the prospect of the urban freedom to forge alliances.

But while all such documents were confiscated in 1540, decisions over which were to be cancelled seem to indicate remarkable nuance, or at least somewhat more than the administrators

surveying documents in 1408. Letters of alliance were the first type of document ordered to be submitted in the Sentence of 1408, and the administrators categorically ordered both inter-urban alliances and agreements destroyed. The choices of the officials conducting the triage in 1540 were based on a deep reading of the documents and an understanding of the circumstances under which they were created. Such documents from the years of the rebellion of 1323-28, for example, reflected the fact that Ghent had been the center of opposition to the revolt led initially by rural radicals and eventually taken up by Bruges, Ypres, Courtrai, and other towns. Thus, of four documents created by Ghent and Audenarde in November and December of 1327, in which they agreed to and swore mutual assistance to preserve their rights, privileges, freedoms, and customs "vers et contre tous," only two were cancelled. The first two were created on November 20 and 27, 1327 and were, respectively, a copy and a sealed original of slightly different alliances between the two towns. Both were spared the administrator's knife. The final two were signed several weeks later, on December 12, 1327. Unlike the previous two, these swore confederation in perpetuity, adding the prospect of war to their pledge of mutual assistance, which was "vers et contre tous en case de guerre." Even when the officials in charge of triage were students of Flemish history, and knew the complexities of Ghent's behavior during the Revolt of Maritime Flanders, the urban right to make war to protect its rights was beyond the pale. These two alliances were cancelled.[421]

Inter-urban alliances was a far smaller percentage of the archival corpus turned over in 1540 (13 of 680) than it had been in 1408 (33 of 184 from Liège alone). 59 of the documents marked for "destruction" from Liège in 1408 had been letters of alliance of some kind. In 1408, having been judged as particularly detrimental to comital power, these were described in longer entries or copied out in full: while they were confiscated almost without exception, the comital administrators wanted to keep a record of their text on hand. Rarer, but also rejected universally were intra-urban alliances and agreements delivered by Liège (6), for example between ecclesiastical, guild, and municipal institutions in the same town. These were almost completely absent from the Ghent corpus (1), though surely any record of the content of the guild archives would have changed the picture. Indeed, guild documents were by definition expressions of horizontal solidarity within towns. For Liège, it was the universal destruction of guild archives that makes the rejection of horizontal alliances in 1408 so stark. No extant sources reveal the content of the guild archives of Ghent that were confiscated in 1540, but the anonymous *Relation des troubles* leaves little doubt that they were confiscated: all the guilds delivered their "artillery and other war munitions [that] they guarded in the houses of each guild, and which were seized and placed by them in the hands of the Emperor, along with whatever privileges they may have had, and all their goods of other sorts."[422] The fact that documents do not appear among Joos van Hecke's inventory of confiscated goods (1540-1550),

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[421] The latter is apparently misdated to 1307 in the confiscation inventory, where it appears as item 193. See RAG Fonds Gent 447, published in Charles-Louis Diericx, *Mémoires sur les Lois, les Coutumes et les Privilèges des Gantois, depuis l'institution de leur commune jusqu'à la révolution de l'an 1540: par Charles-Louis Diericx* (Snoeck-Ducaju, 1817), I: 372-472. Philip Wielant was no longer alive in 1540, but he was a legist and student of Flemish history. See his Wielant, "Recueil des antiquités de Flandre"; and on his sources Victor Fris, "Les Antiquités de Flandre de Philippe Wielant," *Bulletin de la Commission royale d'Histoire* 70, no. 11 (1901): 393–407.

[422] The *Relation des troubles*, 160, on the guild archives: "artilleries et autrés munitions de guerre, ... [qu']ilz gardoient ès maisons desdis mestiers, lesquelles leur furent aussy rostées, et par eulx mises ès mains de l'Empereur, avec leurs previléges qu'ilz povoient avoir, et tous autres quelzconques leurs biens." And on those of the town, at page 159: "qu'ils le feirent à grant regret, et qu'en défirent bien envys, en tant qu'ilz avoient aymez en tenuz leurdis previléges en sy bonne et grande extime, et en avoient toujours tant parlé et de telle sorte et manière que, au moyen d'iceulx, ilz pensoient et cuydoient estre les supérieurs de toutes les autres villes de pardechà."

though he was the official responsible for their collection, suggests they may have been destroyed without any further examination.[423]

A further point to be made about the inventory prepared in 1577 before the documents were returned to Ghent is the existence of cross-references. Inventories of the most sophisticated confiscation to that point, that of 1408, had included incredible detail. They separated out and categorized different types of confiscated document from each town and its guilds. Many documents were copied out in full, each was given a number or letter as an address, and the marginal comment written in by Gherbode determined which were returned and which ones destroyed. But despite this detail, there were no cross references within these inventories. The same document often appeared among the items delivered by several towns, but the administrators did nothing to indicate this. In the inventory created in 1578, there was very little in the way of categorization. Instead, the documents are listed largely chronologically. (Considering the order in which Ghent listed the documentary proofs in its 1540 legal argumentation, we can assume that they were delivered in this order as well). In the 1578 inventory, however, one finds 11 cross-references between different documents within the corpus of confiscated documents, typically referring back to previous items that were quoted in or mentioned by the document being summarized. This, I believe, was emblematic of the spread of inventories, and maybe lists more generally, into society at large, beyond small circles of administrators. It was what Simon Teuscher has described as the "*con*-textual" use of documents.[424]

## Cancellation, Pardon, and Privilege

Economic practice, not only political and military conflict, was reflected in the documents confiscated and cancelled. In the wake of the French incursion to Flanders at the turn of the fourteenth century, the Treaty of Athis-sur-Orge (1305) demanded enormous war indemnities of Ghent and other towns. This was a time of less open conflict but great financial strife in Flanders, which in truth was one of the causes of the rebellion of the 1320s studied in chapter 1. And indeed, while only fifteen of the 43 documents dated 1310-1315 were confiscated from Ghent, of these, eleven were cancelled. All of these were of an economic nature, recognizing sums paid or allowing the delay of payments. These, the evidence would suggest, were slashed when the payments were made, as a kind of acknowledgment of the transaction being completed. The payment of a debt, rent, or other fee was often confirmed in the Low Countries and elsewhere by cancelling the document promising payment. Such was the meaning of a 1401 document issued by Count Philip the Bold absolving Bruges of the remaining costs of an *aide*: "It[em] unes l[ett]res en francois *cassees co[m]me acquitees*."[425] The seventeenth-century legal scholar and *parlementaire* N. Danty points out that, once cancelled, a financial obligation was considered "proof of payment by a public act."[426] In the corpus of documents from 1540, 26 were cancelled for what seem to be such transactional purposes.

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[423] Arnade suggests the guild archives were handed over on April 31, before the *amende honorable*, and that the pro-imperial shippers and butchers were exempted. The act cited by Steur, *Insurrection des Gantois*, 149-50, and dated April 30, 1540, further complicates matters. All the other sources describe the handover of documents taking place after the *amende honorable* of May 3. Arnade, "Privileges and the Political Imagination in the Ghent Revolt of 1539," 122; van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 385.

[424] Teuscher, "Document Collections, Mobilized Regulations, and the Making of Customary Law at the End of the Middle Ages."

[425] See, for example, ADN B113 fol. 54r.

[426] N. Danty, *Traité de la preuve par témoins en matière civile contenant le commentaire de M.e Jean Boiceau sur l'article 54 de l'ordonnance de Moulins en Latin et en Francois* (C. Osmont, 1697), 246: "...qu'il est défendu par un Statut de prouver qu'une

Still, as evocative as a gash across the membrane of a parchment document may be, it provides little certainty about the circumstances. Cancellation was not a new practice in 1540. In fact, we cannot be sure that the documents described as "cassées" in the 1578 inventory had not been cancelled even before their confiscation. For one, documents might have been cancelled far earlier as part of common documentary practice. Second, the documents might not have been cancelled in 1540, but before they were returned in 1578. The intriguing but uncertain evidence of cancelled archival documents of the Low Countries were studied with great eagerness by the Belgian archivist Hubert Nelis in the 1920s. He collected a corpus of documents from the fourteenth and fifteenth centuries that had been torn (*cassées*) and thus annulled (*cancelées*): "a series of diplomatic documents that nobody had bothered to examine, in light of their nullification."[427] Previous scholars and administrators had largely viewed these as the detritus of past events, essentially confirming the invalidation of their textual contents because of the mutilation of their physical form. But throughout the inventories of Burgundian and Habsburg archives, numerous categories had included such letters, often categorized as of "little value" or "no value." Nelis wondered what purpose such voided documents could possibly serve in the hands of the state, and why its administrators had bothered to preserve them at all. Nelis was indeed exploring a relatively untouched topic: the Mauristes, beginning with Mabillon in the middle of the seventeenth century, and subsequent diplomatists, he laments, were almost mute on the topic of cancelled charters.[428]

Cancellation was an ancient practice of annulling a piece of writing by means of a stroke of the pen or sharp object, and later: "striking out the tenor of an act by means of large crossed lines, or a trellis (*cancellum*) in the form of an X."[429] Most frequently, cancellation in the form of an "X" was performed on the contents of a register, while a single charter (*charte cassée*) was "annulled by means of one or several parallel incisions created with scissors of a dagger." Different chancelleries had different means of marking documents as cancelled: the papal court used four oblong holes, while the Valois Burgundian chancellery employed two lines extending from a single point to form a triangle.[430] This, indeed, was how Jean Gros had cancelled the Charter of Senlis brought before

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dette a été acquitée autrement que par une quitance autentique & par écrit, le debiteur qui raporte l'Obligation cancellée, est censé prouver le paiemen par un Acte public, c'est-à-dire par l'Obligation cancellée."

[427] Nelis, "Burgundica II: 'Lettres cassées' de la Chancellerie," 758. He writes: "une série de pièces diplomatiques dont personne n'a daigné de s'occuper, vu leur caractère de nullité." This is not the place to explore the apparent pull archives had for questions of materiality and memory for archivists and scholars during the first half of the twentieth century, but Nelis was not alone in his curiosity. A partial list would include Ernst Posner and Émile Fairon (see chapter 1). For more specific reflection on the relevance of late nineteenth- and early twentieth-century warfare on the thinking of interwar archivists, see Louis Jacob, *La clause de livraison des archives publiques dans les traités d'annexion* (Paris: M. Giard & É. Brière, 1915); Gaston May, *La saisie des archives du département de la Meurthe pendant la guerre de 1870-1871* (Paris: A. Pedone, 1911). See also some references to cancellation in Declercq, "Habent sua fata libelli et acta: La destruction de textes, manuscrits et documents au Moyen Age"; Mauntel, "Charters, Pitchforks, and Green Seals: Written Documents between Text and Materiality in Late Medieval Revolts."

[428] Nelis, "Burgundica II: 'Lettres cassées' de la Chancellerie," 757. Nelis sent out a set of inquiries to his archivist colleagues across Belgium, whose responses he recorded on index cards that are extant in a recently-inventoried collection of his papers. He published a preliminary article on the topic, in which he created a typology of voided documents, exploring the different purposes and physical forms of such documentary mutilations. Lieve De Mecheleer, Inventaris van het archief van Hubert Nelis, Algemeen Rijksarchief Inventarissen, 628 (Brussels): Algemeen Rijksarchief, 2017). Item no. 133 is a packet of notes on fifteenth century annulled and cancelled documents.

[429] Nelis, 757. Giry, *Manuel de Diplomatique*, 509. Cancellation, according to Giry, "c'est là un procédé qui remonte a l'antiquité et qu'on exprimait par le mot *cancellare*, parce que l'écrit ainsi effacé était recouvert comme d'une espèce de treillis." Guyotjeannin, Pycke, and Tock, *Diplomatique médiévale*, 2:234 explains: "c'est-à-dire annulés d'un trait de plume ou de couteau."

[430] Nelis, "Burgundica II: 'Lettres cassées' de la Chancellerie," 772, Planche 1.

Charles the Bold in 1469, held today at the Bibliothèque nationale de France.[431] The second original seized in 1540, as we saw, was sliced from top left to bottom right. In both cases, contemporary users of documents would have understood the implications of the documents' disfiguration. In this case and others, marginal notes in the archival inventories that described cancelled documents sublimated the physical wholeness of the document into its legal standing, describing them as *cassées et cancellées* or *cassées comme cancellées*. Cancellation was common enough European chancellery practice that copyists in the fourteenth and fifteenth centuries regularly pointed out, in describing an authentic document, that it had not been cancelled. A vidimus created in 1375 authenticating a 1341 diploma of Emperor Louis IV, prepared by the notary Simon d'Anneville, explicitly noted that the original document was sealed, not invalidated, scratched, cancelled, or in any way corrupted, but rather whole, intact, and free of all suspicion.[432]

The obvious corollary is that documents were intentionally torn and voided to mark the end of a certain political arrangement. When Thierry Gherbode transmitted a number of documents to Antoine, the aspiring duke of Brabant, in the first decade of the fifteenth century, they included a number of yearly rents for a castle governed by a ducal vassal had already been "chancelées" – thus paving the way for Antoine's assertion of ducal rights his predecessors had relinquished there because the previous holder's rights had expired.[433] Indeed, the language used to describe such documents was reminiscent of the admonition to the towns of Liège and Loos in 1408 to deliver all their documents. After listing the sums promised, the document explains that "all the letters and obligations regarding the said pledges being torn and of no value, and if several are retained or found they are renounced and confessed to be of no value."[434] In this case, then, cancellation meant the same thing as a formal foreswearing of a document's validity by a penitent perpetrator: the material iteration of the sworn acknowledgment of its invalidation. Gherbode's register of outgoing documents records two important letters dealing with Brugeois guild banners, demanded by the count's son at a moment's notice from his *trésor* in Lille to the outskirts of Ghent, where Bruges militias were making demands before agreeing to continue serving. Gherbode arrived shortly, and they tore up the documents he delivered.[435] At other times, the tearing of a document was merely a

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[431] Bibliothèque nationale, Archives et manuscrits, Mélanges de Colbert, 347, item no. 59. See also Boone, "Het 'charter van Senlis' (november 1301)."

[432] Guyotjeannin, Pycke, and Tock, *Diplomatique médiévale*, 2:234: "scellées de leur sceau en cire blanche pendant sur lacs de soie, sans Etre ni viciées, ni grattées, ni cancellées, ni corrompues en aucune de leurs parties, mais saines et intactes, privées de tout vice et de toute suspicion."

[433] ADN B113 fol. 103-104.

[434] ADN B113 fol. 105r: "tout[es] les l[ett]res et obligacions touchans les d[i]tes engaigures cre~ cassez et de nulle valeur, et si aucu[n]es fussent retenues ou trouvees ils y renoncent et les confessent estre de nulle valeur." Seeing as these are documents that had been handed over to Antoine and recorded in inventories by Gherbode, parallel entries exist in the Brabantine inventories: AGR, manuscrits divers, Inventaires de la deuxième section, no. 64a fol. 5r; no. 64b fol. 17r. The latter is also listed in the inventory of missing documents (as of 1509 or so), B117 fol. 10v-11r (item #34) and the following items.

[435] AGR manuscrits divers no. 4, fol. 108r: "portez avecqs vous toutes les l[ett]res que avez en garde de nous touch[ant] ceulz de n[ot]re ville de bruges tant celles q[ue] les mestiers ont seellees de non apporter leurs bani[er]es sur le m[ar]chie avant q[ue] les n[ot]res y soient." AGR manuscrits divers no. 4, fol. 108r. Also there is the following quote: "sans aucun delay apporter p[ar]dev[er]s nous toutes les d[it]es l[ett]res, tant celles q[ue] les mest[ie]rs ont seelees." Note that the vague wording of the ducal and comital letters suggest they have only a vague understanding of the documents being requested by Bruges' striking militias. Gherbode also updated his *trésor* inventory, ADN B113, at fol. 57v, in a long marginal comment citing the specific orders authorizing the removal of these documents and describing the destruction of the letters in 1411; the letters are "non trouveez a ceste cause." The entries for the two letters are crossed off with two parallel lines and an X, suggesting that Gherbode did not follow strict rules about the form of the cancellation of inventory entries. From Gherbode's transcription of a letter from Duke Jean to his son Philippe dated October 15, 1411: "Nous avons receu voz l[ett]res esc[ri]ptes a Saint Bavon le x.e jour de ce mois, par lesquelles nous avez signifié que ceulx de Bruges ont conclut qu'ilz n'entreront point en la d[i]te ville pour quelque chose qu'il leur prise avenir…

routine stage in the engrained processes of medieval administration: a marginal note in the *chambre des comptes*' copy of the Lille *tréor* inventory, for example, notes that those items marked with a "#" in the margins of the inventory had been "cassées après enregistrée" – cancelled after being entered in the register. A study of Latin and Hebrew manuscripts from thirteenth century England notes a document must undergo "visible physical damage" to be properly cancelled. Still, the specifics of the practice could vary from notary to notary: while some consistently "cancelled almost all of his contracts by crossing them out with a diagonal line" once the text in the notarial register had been produced in the form of a certified charter, others almost never did so, instead preferring to write in the margins of their register that they had been cancelled.[436]

The type of cancellation that most closely mirrored – indeed, manifested – the struggle for political legitimacy in the late Middle Ages was the cancellation of privileges and pardons. Cancellation as a means of invalidating urban privileges was practiced in the Low Countries no later than 1274, when Countess Margaret of Flanders (also known as Margaret of Constantinople) "cassa l'ordonnance du Conte Ferrant," her predecessor (r. 1212-1233) in an effort to reform the town's ruling political structure of the Thirty-Nine. Duke Wenceslaus of Brabant cancelled the *Blijde Inkomst* charter the very same year it was issued, in 1356, as punishment for the Estates' recognition of Louis de Mâle as duke that year. We have already explored the reasons a privilege may have been cancelled, seeing in fact that this became a more or less routine element of the repertoire of repression in Flanders in the late Middle Ages. The practice was certainly more or less routine by the late fourteenth century, when Gherbode could remark without further comment on seven cancelled pardons in a box categorized as "de nulle valleur." A young Louis of Mâle, recently made count of Flanders and desperate to defeat the rebel regime led by Jacob van Artevelde of Ghent, issued seven pardons to former allies of Ghent. These pardons, issued to Neufport, Furnes, Bourbourc, Rollers, Bailleul, and Ypres, were cancelled and retained by the comital administrators after the Battle of Roosebeke in 1382. Such a pardon was also issued to Ghent, which refused to submit to Count Louis of Mâle in 1382 but continued fighting until 1385. Its pardon, therefore, remained in the municipal archive until being handed over to Charles V's officials in 1540. It appears as number 435 of the inventory of confiscated documents eventually returned to the town in 1578, described as "cassée."[437] In any case, no pardons were among the 78 returned documents: all 23 were confiscated in 1540, though only five were cancelled, according to the inventory. Such cancellation, it seems, could invalidate the

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consider[e]z noz affaires qui sont telz que ch[ac]un scet, la matiere de com[m]oc[i]on qui est toute prestre, la petite Resistence q[ue] p[rese]ntement on peut faire au contraire, et plus[ieur]s aut[re]s choses qui en ceste matiere font a considerer."

[436] See the example cited in ADN B114 fol. 106r. On cancellation, see Judith Olszowy-Schlanger, *Hebrew and Hebrew-Latin Documents from Medieval England: A Diplomatic and Palaeographical Study*, vol. 1.1, Monumenta Palaeographica Medii Aevi. Series Hebraica: Cartae Hebraicis Litteris Exaratae Quo Tempore Scriptae Fuerint Exhibentes (Turnhout: Brepols, 2015), chap. 3.1.7; Drendel, "Notarial Practice in Rural Provence in the Early Fourteenth Century," 217.

[437] Upon inspection at the SAG, the document does not appear to be torn. This could have been a mistake of the scribe, or it could suggest some nuance of the concept of cancellation in the sixteenth century: that, having been confiscated, a pardon was categorically no longer valid (though if true this would apply to all the documents in this inventory). Though 12 instances of "cassée" have been added in in interlinear comments in the inventory, these seem to be the work of a corrector, not decisions to cancel made as the inventory was being prepared. In any case, this item is something of a mystery. For the confiscated and cancelled 1348 pardons confiscated in 1382, see chapter 2 and Le Glay, *Chronique Rimée des troubles de Flandre*, 113, 117, 123–24, 129, 132–34. The ubiquitous inventory of Ghent's charters reports that Ghent's 1348 pardon is uncancelled: Van Duyse and de Busscher, *Inventaire analytique des chartres et documents appartenant aux archives de la ville de Gand*, 145–46, charter 409. On the cancellation by Margaret, see Wielant, "Recueil des antiquités de Flandre," 165. On Wenceslaus, see Jonas Braekevelt, "Un prince de justice: vorstelijke wetgeving, soevereiniteit en staatsvorming in het graafschap Vlaanderen tijdens de regering van Filips de Goede (1419-1467)" (dissertation, Ghent University, 2013), 469, http://hdl.handle.net/1854/LU-3195440.

magnanimity reflected by the act of the pardon. Indeed, no pardons dated later than the 1340s were cancelled. Even pardons issued by French kings, while confiscated, were left unscathed. Considering how central letters of pardon from previous rebellions could be in raising a rebellion (as it was in Ghent in 1451), this is somewhat surprising.

The single largest category of document in the Ghent corpus are those representing or enacting a prince's sovereign power, whether over everyday matters such as governance, jurisdiction, or legislation, the infliction of punishments and pardons, or the issuing and interpretation of privileges and other matters of urban constitutional structure. Large numbers of these documents appear throughout: 45 were returned and 131 were confiscated, of which 65 were cancelled. While such "lordly sovereign acts," then, made up a far larger percentage of the documents returned (45 of 78, or 58%) than of those confiscated (131 of 602, or 22%), they were slashed at a much higher rate than the other confiscated documents – 65 of 131 were cancelled, nearly double the rate (24%) of confiscated documents that were slashed overall. Considering how few acts of the Ghentenaar urban government were returned to the town (3 of 78), and how minor their scope of power, it is clear that the logic that had held in 1408 held now as well: princely officials were far more likely to approve of documents that had been issued by political authorities from whom sovereign authority could properly emanate, but because of this status, these could also present problematic precedents.

The specific authority issuing the documents also seems to have determined the likelihood of their return to the town. Among both the confiscated and the returned documents, the proportion of the "lordly sovereign acts" issued by counts of Flanders was the same: 55%. The remaining 45% were very different, however: among the confiscated documents, kings of France and England as well as popes were responsible for the remaining 45%. These authorities – or rather, their successors – remained important rivals of Charles V, whose administrators may not have wanted to affirm their authority. Among the "lordly sovereign acts" returned, however, kings and popes were responsible for only 8% of the "lordly sovereign acts" documents. The remaining 39% were documents issued by more minor figures in the medieval hierarchy: dukes and counts of other Low Countries principalities, other minor lords, and many bailiffs – administrators appointed by the count of Flanders. The documents Charles V's administrators found worthy of being returned to the urban administration of Ghent in 1540 were of a far smaller geographic and political scale. This was true of their content as well: they might concern ownership of a plot of land near Ghent but not a matter of trade between England and Flanders – something Flemish urban officials known as *scabini Flandriae* had been negotiating with English kings since the year 1208.[438]

Also among the documents I have categorized as "lordly sovereign acts" are those matters that have been at the center of this dissertation's focus: privilege and pardon. If there had been any doubt from the conduct of his arrival in Ghent, the town's trial, and the *amende honorable,* the contents of his administrators' inventories leave no doubt as to Charles V's perspective on urban privileges. Ghent's archives had never been opened up before Charles' predecessors, so virtually all of its historical privileges were there, intact and arranged in drawers A and F. According to the 1532 inventory that was, as we shall see later, confiscated in 1540 as well, 40 of the 680 documents turned over to imperial officials in May 1540 were privileges, confirmations of privileges, or interpretations of privileges: 5.9 percent. None were returned in May 1540: all were retained by the imperial administration and sent to the *chambre des comptes* in Lille. By the time of their return in 1578, 26 were cancelled, at a rate (65%), nearly triple the average rate of cancellation for confiscated documents (24%).

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[438] They negotiated not as aldermen of one Flemish town or another, but of Flanders as a whole. See the path-breaking Boone and Prak, "Rulers, Patricians and Burghers: The Great and the Little Traditions of Urban Revolt in the Low Countries," 103.

Item 191 in the confiscation corpus was the Charter of Senlis, the same charter issued by the King of France in 1301. One iteration of that charter had already been integrated into the Lille *trésor des chartes*, as we saw earlier. Either after the documentary triage in May 1540 or before their return to Ghent in 1578, the second iteration of this charter was slashed once from the top left to the bottom right (see figure of the charter on display today at the Ghent City Museum, or STAM). A Habsburg official sorting through the registers of the Lille *chambre des comptes* or the inventory of the *trésor des chartes* may have been surprised to find another iteration of the same urban constitution of 1301 at all. Among the very limited number of documents confiscated by Charles the Bold in 1469, after all, had also been a confirmation of this charter, issued in 1313. It is likely that he had intended to confiscate all copies of it and its confirmations. Yet in addition to the second original of the Charter of Senlis there was also a charter specifically confirming it, granted in 1482 by Charles the Bold's great rival, Louis XI.[439] For nearly two decades after the death of Charles, Louis and his successor King Charles VIII struggled to acquire as many portions of the Valois Burgundian inheritance as possible. The war between Valois kings and Charles the Bold's successors stretched from the Free County and Duchy of Burgundy to the Low Countries, continuing on until the time Emperor Charles V and King Francis I. Issuing privileges remained in the late fifteenth century one of the French crown's primary strategies for taking control of Flanders' wealthy towns. Yet this bald-faced attempt at a coup was not cancelled in 1540 or 1578. Nor were any of the three privileges issued to Ghent by English kings (items 38, 78, and 126).

In other words, cassation was no simple reflection of disapproval of a document. It was an act of annulation, part of a long administrative tradition probably originating in notarial practice. As such not every sovereign had the right, the need, or the will to annul every act not to his liking, no matter how contrary it might be to his interests. In 1408, nearly half the privileges taken had actually been returned to the towns of Liège and Loos. The regime of privilege, it seems, served both those who issued them and those who received them. From the perspective of princes, of course, privileges were confirmations of their authority as well. Other sovereigns also had the legitimate right to issue them. Indeed, none of the three privileges issued to Ghent by English kings in the corpus (items 38, 78, 126) were cancelled. Even so recent and costly an attempt by the French crown to usurp Habsburg control of the Low Countries as the copy of the Senlis charter issued in January 1483, while confiscated, was not cancelled. Why then, was the original 1301 charter Louis XI was confirming, cancelled? I suggest that it was an object of symbolic value, which had survived the *amende honorable* of 1469 by possible deception and continued to serve as an important marker of urban self-government. Of course, none of this was of any great importance compared to the singular new privilege that Ghent was receiving, the only one Ghent held in its archive in the aftermath May 1540: the *Concessio Carolina*.

The logic of this confiscation, then was not to efface any specific type of document from the record or to enforce a princely monopoly on, for example, alliances or the issue of privileges (Chapter 2). Instead, Charles V and his officials sought to wrest away Ghent's administrative record of its past privileges. This is perhaps best illustrated by examining the cycle of repression, pardon, and privilege that is apparent from the record of cancellation and confiscation as it was laid out before the administrators of Emperor Charles. By 1540, the repertoire of repressive practices had become routine, and had been in place for over two centuries. Beginning in 1323-28, each major Flemish rebellion had spurred the production of both a privilege and a pardon. In fact, the documents themselves can be difficult to classify as one or the other. At times, the pardons contained confirmations of the pre-existing privileges, as was the case in 1348, according to the confiscation inventory. In 1385, a number of overtures pardoning the rebels also offered to renew

[439] SAG, ser. 94, no. 730 (item number 555 of the confiscation inventory).

the town's privileges. These I have coded as pardons rather than privileges, but the two were inseparable: the same pairing also occurred in the 1430s, the 1470s, and the 1490s. Pardon and privilege were two inherently linked manifestations of medieval urban politics born out of the repression of revolts.

We have already seen that the crisis of 1477 was resolved in the traditional Flemish fashion: punishments, pardons, and the renewal of privileges, though the stakes may have been higher thanks to the lack of a male heir to Charles the Bold. At the same time, the uprising deepened a dialectic that had been developing for centuries: the physical desecration of archival documents by both towns and princes at moments of upheaval, exploiting momentary shifts in the power dynamic to modify the archival record in their favor. It was this routine that Charles V hoped to override by escalating the archival violence in 1540. Kept abreast of the events transpiring in Ghent around the *Calfvel* and the Purchase of Flanders, he was aware of the centrality of archives to the public foment that had led to the revolt. For centuries, both counts and subjects had been targeting specific documents that they found emblematic of their disrespect. In 1540, however, Charles was not specific. He may have selected the least contentious 78 documents to return to the town, but he carried out no careful triage of the Ghentenaar archives and seems to have had little interest in their content. Instead of sorting through them, classifying them according to their content, document type, or significance to specific questions of sovereignty, as his predecessors had dealt with such large numbers of documents, the emperor's administrators impounded the vast majority without any explanation or, seemingly, much studiousness.

Indeed, the most succinct overview of the returned documents would be that they were overwhelmingly local and prosaic. Twelve of the returned documents concerned the navigation of waterways in the vicinity of Ghent, ten more concerned the sale or rent of specific properties, and another six dealt with market stall taxes. Even when the document in question amounted to the lord recognizing Ghent's rights, these were minor. The archival punishment of Ghent in 1540 was more a blunt object than it was a fine-tooth comb. The documents selected for return to the newly-chosen city council were overwhelmingly local. Van Schore, Louis Verreycken, and the other imperial officials responsible were, it seems, more eager to prevent the city from possessing any type of documents that could produce arguments of precedent against imperial authorities than they were in knowing the contents of the townsmen's archives. Even more so than the confiscations of 1382 and 1408, when detailed, even exhaustive inventories of the confiscated documents were created, the confiscation of 1540 was guided by deterrence. The very collection of the documents – the show of force and contempt for traditional rights – was the point. Their understanding of the power of urban documentary culture could never allow them to return the main tool with which Ghent navigated its past: its own archival inventory.

Not only in archival violence, but also in the informational tools of sovereignty such as archival lists, a dialectic had developed as well. Officials based in Lille after 1540 could potentially have consulted the inventory of the Ghentenaar archive, item number 601 in the confiscation inventory of 1578. The Ghentenaar inventory confiscated in 1540 had been produced in 1532, a copy of one produced a century earlier, in the midst of urban unrest and a roiling disagreement with Philip the Good. Two lawyers, Inghelram Haweel and Louis van der Eecken (from a wealthy family of cloth merchants) were joined by a team of scribes in the belfry in 1432. Together, they not only created an inventory (not exhaustive) of the inventory, but re-organized the archive itself into a series of drawers labelled by letters. A blacksmith was commissioned to create metal labels for the drawers, and the inventory was produced in two copies, one to be kept in the belfry and the other to be kept at the aldermen's quarters. Public figures were invited to an unveiling of the inventory on July 26, 1432, a celebration of urban privilege the timing of which, it seems, was a last-ditch effort to prevent a political uprising against elite corruption. It was this inventory that was examined in 1539

when *Creeschers*, guild leaders, and patricians alike had begun to raise the alarm about a lost Purchase of Flanders.[440]

The case of Ghent amply illustrates the dynamics of political legitimacy at stake in the archive, but Ghent was far from the only town for which the municipal archive had such meaning. Brigitte Bedos-Rezak, Filippo de Vivo, Thomas Behrmann, and others have shown that late medieval towns across Europe invested great resources in caring for their archives, integrating them into routine ceremonies of urban politics.[441] In the Low Countries, the creation of towns' first archival inventories serves as a timeline for the expansion of the Burgundian princely state. Many Brabantine and Flemish towns began creating archival inventories in the first half of the fifteenth century, notably Antwerp (1407), Douai (1410), Tournai (1431), Ghent (1432), Brussels (1439), Bruges (1468, probably based on a lost fourteenth-century exemplar), and Utrecht (1451). Dozens more began producing inventories in the sixteenth century.[442] This is especially remarkable considering the general treatment of towns in the historiography on early modern European politics.

The role of cities in European state formation has been a topic of some import for several decades. As Michael Wolfe has noted, royal administration put down roots in towns beginning in the High Middle Ages. Though they may have been semi-autonomous, towns rose in parallel with what were once called "centralizing" states. Sometime around the year 1500, according to the scholarly consensus, the rise of monarchical states began to supersede the towns that had been the midwives of economic, social, and cultural modernity. Subsequently, they became dominated by increasingly closed elites. Guilds, their traditional structures of economic and political power, were gradually worn away. Perhaps most critically, urban rebellions were met with great force by vengeful princes and their constitutions were re-written and their autonomy was destroyed.[443] The subjugation of Ghent in 1540 was merely "the most spectacular" of countless instances in which "rulers conquered cities, voided the traditional customs and installed their own officials," according to Christopher Friedrichs. After 1500, the wealthiest cities could turn themselves into "bargaining metropoles" to temporarily hold off the total loss of urban independence. Still, "in the long run the relentless demands of monarchical states did tend to suffocate municipal autonomy."[444]

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[440] Van Gassen found that the entire process – including labor costs, linen to line the drawers, and the blacksmith's fees, cost around 4237 *livres parisis*. See van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 94–99.

[441] On municipal archiving, see Makleff, "Knowing the City." Classic articles on the topic include Bedos-Rezak, "Civic Liturgies and Urban Records in Northern France, 1100-1400"; Head, "Mirroring Governance: Archives, Inventories and Political Knowledge in Early Modern Switzerland"; de Vivo, *Information and Communication in Venice*; Behrmann, "Genoa and Lübeck: The Beginnings of Communal Record-Keeping in Two Medieval Trading Metropolises"; Pitz, *Schrift- und Aktenwesen der städtischen Verwaltung im Spätmittelalter*; Butcher, "The Functions of Script in the Speech Community of a Late Medieval Town, c. 1300-1550."

[442] I have drawn this list from van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 138; Gachard, "Notice historique et descriptive des archives de la ville de Gand"; Gachard, *Inventaire des archives de la Belgique. Inventaire des archives des Chambres des Comptes*; Hélary et al., *Les Archives Princières, XII-XVe Siècles*.See 3 Gachards and van Gassen 138.

[443] A useful summary of this view can be found in Höfert, "States, Cities and Citizens in the Later Middle Ages."

[444] Christopher R. Friedrichs, "Urban Transformation? Some Constants and Continuities in the Crisis-Challenged City," in *New Approahces to the History of Late Medieval and Early Modern Europe: Selected Proceedings of Two International Conferences at the Royal Danish Academy of Sciences and Letters in Copenhagen in 1997 and 1999*, ed. Troels Dahlerup and Per Ingesman, Historisk-Filosofiske Meddelelser 104 (Copenhagedn: Det Kongelige Danske Videnskabernes Selskab, 2009), 259, 260; Charles Tilly and Wim Blockmans, eds., *Cities and the Rise of States in Europe, A.D. 1000 to 1800* (Boulder: Westview Press, 1994). On the tendency of states to expand by mimicking or co-opting towns and churches, see Burke, *A Social History of Knowledge*; Spruyt, *The Sovereign State and Its Competitors*.

The end of medieval Ghent?

But Friedrichs also suggests that cities might have been vehicles for the transformation of society at large (including the birth of the state) without being fundamentally transformed themselves. And indeed, the fundamentals of urban life were remarkably consistent between the fifteenth and seventeenth centuries at least. They were ruled, according to a charter granted from an outside authority, by a subset of the population, male citizens with different degrees of power over institutions of self-governance. These institutions were largely dominated by elites, though they might be guild elites or patricians. In any case, the ruling institutions controlled taxes locally, and so held an important means of power vis-à-vis their prince. Nevertheless, they had to deal with the ever-present social and cultural impact of guilds and churches. All of this was consistent about urban governance throughout the period 1400-1660, he says. Venice and Nuremberg, where lists limited entry into political positions in town to a few dozen families, were quite rare caricatures. In most of Europe, urban elites were frequently expanding and shifting, and the towns' ruling classes were largely a reflection of economic and social mobility, which was significant. Meanwhile, even where guilds were re-shuffled or even prohibited, they were extraordinarily resilient social formations; the word "Zunft" may disappear in the sources, but it was replaced by "Handwerke." The traditional economic and social roles remained even if their constitutional ones might be diminished temporarily. The underlying structures, if not the formal offices, of internal governing structures as well as the relationship with the sovereign were remarkably consistent. In effect, when towns were conquered by rulers and given new constitutions, the primary difference might be that instead of "autonomous self-government," it was now under "delegated self-government."[445]

Protest, rebellion, and repression were not breaches of this continuity but rather part and parcel of it. In the Low Countries, as elsewhere, uprisings had been challenging princely rule since the thirteenth century at least, and would continue to do so well into modern times. Even when rebellion did break out, it was met by repression, pardon, and the re-issue of privilege. "Neither princely challenges to urban autonomy nor citizens' challenges to urban authority really attempted to undermine the way in which cities were organized or administered," insists Friedrich. No matter how significant the constitutional changes that were implemented in – for example, Ghent in 1301, 1453, 1469, and 1540 – there was a *metaconstitutional* level of urban governance where continuity far outweighed change. In this way, we can reject Karl Brandi's famous declaration that, with Ghent's new constitution in 1540: "Medieval Ghent was dead."[446] Without rejecting this observation on the cyclical nature of rebellion, we must look beyond metaconstitutional structures to causes and effects if we are nevertheless to take seriously the actors involved in these great dramas of rebellion and repression. It may have been inevitable that princes revoke urban constitutions, but in the long run it might only make a slight difference. Yet the fact that the long-run efficacy of both rebellion and repression was limited does not imply that the stakes were low. Rebels protested against real corruption, and against "real or perceived innovations" in relations with their rulers. They had become accustomed to resorting to the past experiences of their political communities to make such

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[445] Friedrichs, "Urban Transformation?," 259–60, 269; Tilly and Blockmans, *Cities and the Rise of States in Europe, A.D. 1000 to 1800*. Friedrichs drawns the idea of "delegated self-government" from Luise Wiese-Schron, "Von Der Autonomen Zur Beauftragten Selbst-Verwaltung: Die Integration Der Deutschen Stadt in Den Territorialstaat Am Beispiel Der Verwaltungsgeschichte von Osnabrück and Göttingen in Der Frühen Neuzeit," *Osnabrücker Mitteilungen* 82 (1976): 29–59.

[446] Friedrichs, "Urban Transformation?," 264 and 269. He quotes Karl Brandi, *The Emperor Charles V: The Growth and Destiny of a Man and of a World-Empire* (London: J. Cape, 1960), 430.

arguments, using archives, chronicles, and registers to argue in courts of law, before princely courts, and on the streets.[447]

Rulers, for their part, continued to believe that they could become exclusive arbiters of the past by effacing the sources of precedent for urban autonomy and defiance. Seeking such control, Charles V was much like his predecessor John the Fearless, but his means were rather different. For one, he did not display the same thirst for political knowledge as his predecessors. In 1328, the counts of Flanders had collected privileges from the towns after their submission to him. Later, they became interested in law codes, pardons, and more. By the early fifteenth century, they were confiscating a growing variety of documents, increasingly focused on the inter-urban and intra-urban links of solidarity that propelled parallel traditions of revolt in the Low Countries and threatened to challenge their own alliances during the Hundred Years War. For most of the fifteenth and sixteenth centuries, they targeted archival documents only very selectively, however. In the wake of revolts in the 1430s, 1440s, 1460s, and 1480s, Philip the Good, Charles the Bold, and Maximilian of Austria confiscated no more than a few dozen documents at a time, focusing on the ones they saw as particularly problematic. At times these were guild documents, and at others privileges or pardons of past rebellions. Towns themselves, during this period, carried out similar violence against select archival documents, mostly from the coffers of their lords, most dramatically in 1411, 1477 and again in the buildup to Ghent's 1539 revolt.

This changed abruptly with Charles V's response in May 1540. He seized the entirety of Ghent's archive, destroying any trace of their guild archives. Not only that, he sought explicitly to wipe clean the slate of Ghentenaar administration for good by seizing the town's registers. This was not the first time a princely state in the Low Countries had done so. Five registers had been among the 600 documents delivered to the officials at Mons in 1408. But Charles V, again, took the logic of his predecessors to an extreme: he explicitly sought to reset Ghentenaar administration entirely, effectively erasing its entire history. After Charles' officials confiscated the most important cartularies of the Ghentenaar city administration, private owners of manuscripts containing copies of privileges were also asked to hand over their cartularies to imperial officials. At least two private cartularies were confiscated. Not returned with the urban archive in 1578, they remained in Lille until 1667, when they were brought to Paris along with thousands of other documents and books taken from the *chambre des comptes* by officials of Louis XIV. Surely, many others were not submitted, however. Manuscripts containing archival transcriptions, including inventories, were becoming marks of distinction for nobles families in the sixteenth century. Copies of fourteenth- and fifteenth-century privileges and archival inventories were family heirlooms by century's end.[448]

To replace the Black and Red books, the town's most important registers of privileges, new registers were prepared, empty save for the text of the *Concessio Carolina* on the first folios.[449] But the memory and meaning of the old privileges Charles hoped to efface were stubborn. City authorities continued to adhere to their old traditions of archival organization: an inventory was produced by the urban administration in 1544, and the belfry was made ready for the returning documents in

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[447] On novelties, see Dumolyn, "Privileges and Novelties"; Friedrichs, "Urban Transformation?," 263.

[448] On Denis II Godefroy, *historiographe du roi* in charge of the *chambre des comptes* in Lille beginning in 1668, see the Conclusion below. Also see Jacob Soll, *Publishing the Prince: History, Reading, & the Birth of Political Criticism* (Ann Arbor: University of Michigan Press, 2005); Soll, *The Information Master*; Denys Charles Godefroy-Ménilglaise marquis de, *Les savants Godefroy: mémoires d'une famille pendant les XVIe, XVIIe et XVIIIe siècles* (Paris: Didier, 1873); Sherman, "The Genealogy of Knowledge: The Godefroy Family, Erudition, and Legal-Historical Service to the State." Copies of ADN B118 and B121 grow in number in the late sixteenth century, acquire ornamental title pages reminiscent of printed books, and often shed the shelfmarks that would have made the inventory useful in the first place as a finding aid.

[449] On the registers, see Arnade, "Privileges and the Political Imagination in the Ghent Revolt of 1539," 122; van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 240–42, 387.

1540 and 1578 with great care. Outside the municipal halls of power, the eagerness with which privileges and archival inventories were copied and circulated indicates that they were still beloved and that their loss continued to echo in public discourse. As Tineke van Gassen notes, "These charters may have lost their concrete political value, but they nevertheless remained part of urban identity and of documentary memory... The privileges had been physically removed from the city and had ceased to be legal evidence, but their memory was still alive in 1577 and formed one of the pillars of the Calvinist regime in the city."[450] Still, the types of archival politics that had existed before the repression of 1540 depended on the public wielding of such privileges. After Charles' confiscation of these privileges, if only as objects, and his condemnation of their contents as texts, this was no longer permissible.

The staging of an *amende honorable*, the granting of a pardon, and the re-issue of privileges were central elements of the late medieval information state as I have described it in this study. Informational sovereignty took on increasingly ceremonial hues during these episodes. And while one can trace the emergence of certain novel elements such as cancellation, the basic ritual remained the same between the fourteenth and sixteenth centuries. Where one does begin to observe real differences between different episodes of rebellion and repression, however, are in the unintentional sources left to us by hurried administrators copying out a text or noting its location in an archive. While fourteenth- and fifteenth-century rulers had shown a real curiosity about the document repositories of their subject towns, copying out every minute detail, Charles' officials created no (extant) inventory of confiscated documents in 1540. Instead, they were left, unintegrated in the centuries-old series of registers and inventories, in Lille – which was not typical of Habsburg financial and documentary administration at this point. Charles V was primarily interested in preventing his subjects from having recourse to legal muniments against him.[451] By doing so, he hoped to take away the town's traditional means of using the past to promote its interests.

## Epilogue: The Calvinist Republic of Ghent

The irony was thick, then, when a generation later Charles' own reforms seem to have prevented municipal officials from acting to prevent the Iconoclastic Riots of August 22, 1566. When the town aldermen were later forced to explain themselves, they cited the legacy of the Ghent revolt of 1539 for their failure to stop the Iconoclasm, suggesting Charles V's strict punishment of the municipal institutions in 1540 was at least partially to blame. As Peter Arnade described the pleas of the aldermen: "Ghent was without its civic arsenal, they bemoaned, its gates and walls were in a state of disrepair, and by order of the Caroline Concession they were unable to raise a muster quickly to prevent the hedge sermons" that were disrupting the religious and political order alike. For a second time, then, this famous opponent of iconoclasm, whose own troops had sacked Rome in 1527, "had become the greatest iconoclast of them all."[452]

A decade later, the new hero of the Revolt was William, Prince of Orange. He staged a series of Joyous Entries to Flemish, Brabantine, and Dutch cities, at the nadir of Spanish power in the

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[450] van Gassen, "Het documentaire geheugen van een middeleeuwse grootstad," 405–6. Translation mine.

[451] On Habsburg administration at the *chambre des comptes*, see Jean, *La Chambre des comptes de Lille (1477-1667)*; and the brief Mireille Jean, "Aux marges du royaume: La chambre des comptes de Lille en 1477," in *La France des principautés: les chambres des comptes, XIVe et XVe siècles: colloque tenu aux Archives départementales de l'Allier, à Moulins-Yzeure, les 6, 7 et 8 avril 1995*, ed. Philippe Contamine and Olivier Mattéoni, Histoire économique et financière de la France. Etudes générales (Paris: Comité pour l'histoire économique et financière de la France, 1996), 27–41.

[452] Peter Arnade suggests the Iconoclasm in Ghent, where non-religious statues were also targeted, had a more political hue. Arnade, *Beggars, Iconoclasts, and Civic Patriots*, 153–56. On the sack of Rome, see Arnade, "Carthage or Jerusalem?," 737.

Low Countries in 1577 and 1578. By the end of it, the documents seized in 1540 would be returned to Ghent, one of the first achievements of the Calvinist Republic established in Ghent in 1577. This episode dispelled any notion that the imaginary of urban privilege in Flanders had been fundamentally changed by the *Concessio Carolina* and illustrates the extent of continuity in the structures of urban life and Ghent's relationship with its rulers. Nor was the timing of the return of the documents a matter of chance. Led by Ghent, the Estates General of the Low Countries proposed, as an alternative to Spanish domination, a city-state system and restoration of the "medieval corporative organization" of towns like the one that had been abolished by the emperor in 1540 in Ghent. The Ghent Republic's first goal was to "abolish the shameful limitations of the urban autonomy Charles V had imposed in 1540," according to Wim Blockmans.[453] Instead, they proposed a federation led by the great cities, each of which would control its rural hinterlands and be granted the option of joining a larger Netherlandish federation.

This vision, which harked back to the van Artevelde rebel regimes of the fourteenth century, was not wholly foreign to William of Orange. He grew up on the jousts, banquets, and Joyous Entries of the late Burgundian theater state, much to the dismay of his Calvinist tutors. At the height of his popularity in the Low Countries, the Prince of Orange planned a trio of elaborate Joyous Entries, "dressed up with all the triumphal symbols of a Blijde Inkomst, [but] the entries were without contractual obligations." The result was a series of spectacles in print and in person, in which both the prince and the city could be endlessly praised. Everywhere, William was greeted as the people's liberator from "Spanish slavery," but in Brussels his popularity was particularly useful. This tour of Holland, Brabant, and Flanders coincided with the rise of numerous Calvinist municipal regimes known as the *Achtenmanner* (Eighteen) coming to power in town after town. In Brussels, these Eighteen – two from each of the nine "nations" of guilds – held great sway over both the Council of State and the Estates of Brabant. Moreover, Orange's arrival in Brussels was accompanied by unmistakable symbolism. Drawing inspiration from the long history of Joyous Entries, William was displayed at the Entry on a *tableau vivant* with a scepter in one hand and, even more prominent, a book of privileges in the other (see image no. 12).[454] When he arrived in Ghent, the actual privileges had been returned to Ghent from the *chambre des comptes* at Lille, on order of the Estates General of the Low Countries. This theatrical presentation of the culture of the Dutch Revolt, then, was in many ways the culmination of three centuries of struggle over privilege. The Prince of Orange was propelled into prominence by the politics of guilds and the inter-urban alliances against the Spanish – precisely the forces against which Dampierre, Valois, and Habsburg had sharpened the tools of their sovereignty. In this ceremonial sense, very little about the trappings of sovereignty had changed since the fifteenth century.

In another sense, however, sovereignty in the Low Countries had been built on a foundation composed of practices of information management. New types of register, inventory, and list were created by Dampierre and Valois administrators seeking to harness information gathered from Flemish towns in the wake of rebellions. Eventually, as the counts' ceremonial expressions of sovereignty in the wake of rebellions expanded, the informational aspects retreated. The event that best captures this dynamic was the punishment of the Ghentenaar guilds and city council in 1469, when the Charter of Senlis was cancelled and a handful of other documents were seized – meanwhile the massive Ghentenaar archive that for generations had helped foment urban claims against sovereign rulers was left in peace. 70 years later, Charles V continued to have little curiosity

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[453] Blockmans, "Alternatives to Monarchical Centralization: The Great Tradition of Revolt in Flanders and Brabant," 145–46, 152.

[454] Arnade, *Beggars, Iconoclasts, and Civic Patriots*, 280–89; Jehan Baptiste Houwaert, *Declaratie van die triumphante Incompst van den doorluchtighen ende hoogheboren prince van Oraingnien binnen die princelijcke Stadt van Brussele* (Plantin, 1579), 49.

about the entire contents of that archive, even finding a selection of documents permissible to return to the town, but he did everything in his power to eliminate its use as a storehouse of knowledge from which the town could lift muniments to defend its rights against him. He hoped to keep the legitimizing power of the archive out of the hands of this, the perennially rebellious town of his birth. This required none of the new tools of humanism that were already making deep inroads in northern towns. In fact, the tools of informational sovereignty that served Charles V in the sixteenth century – archival lists – had already been available to Valois administrators before the year 1400. The real innovation of Charles V was how he combined these tools of informational sovereignty with the ceremonial traditions of rule in Flanders and the rest of the Low Countries. After all, the Castilian *comuneros* revolt of the 1520s had not faced any archival punishment.[455]

Less exclusive to Flanders, however, was the practice of cancellation that became so prominent in Charles V's repression of the Ghent Revolt of 1539. His confiscation of the town's entire archive and apparent cancellation of nearly a quarter of its contents, even though the latter was far from a new practice, also suggests that he was interested in a new kind of sovereign exclusivity. Indeed, forty years later, we can already find the word *casser* resonating in Bodin's *Six Livres de la Republique*, where the right to grant and to cancel the law were the "first mark of sovereignty." Bodin explained that: "under that same right to give and to cancel the law, are all the other rights and marks of sovereignty."[456] Bodin, like Max Weber, recognized the violence inherent in exerting a monopoly over the legitimate use of force, and like Weber, he understood that this violence was sometimes bureaucratic.

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[455] In fact, as Espinosa has argued, Charles was forced to grant serious constitutional and administrative guarantees to his Castilian towns in the wake of the *comuneros* revolt. On the *comuneros* revolt, see Aurelio Espinosa, *The Empire of the Cities: Emperor Charles V, the Comunero Revolt, and the Transformation of the Spanish System*, Studies in Medieval and Reformation Traditions 137 (Leiden; Boston: Brill, 2009), 13–16; Joseph Pérez, *Los Comuneros*, 1. ed, Historia (Madrid: Esfera de los Libros, 2001); Henry Latimer Seaver, *The Great Revolt in Castile: A Study of the Comunero Movement of 1520-1521,* (Boston: Houghton Mifflin company, 1928); Hipólito Rafael Oliva Herrer, "Interpreting Large-Scale Revolts: Some Evidence from the War of the Communities of Castile," in *The Routledge History Handbook of Medieval Revolt*, ed. Justine Firnhaber-Baker and Dirk Schoenaers, The Routledge History Handbooks (Abingdon, Oxon; New York, NY: Routledge, 2017), 330–48; and see a reference to medieval archive seizure in Watts, *The Making of Polities*, 103.

[456] Jean Bodin, *Les six livres de la République. Un abrégé du texte de l'édition de Paris de 1583*, ed. Gérard Mairet (Paris: Librairie générale française, 1993), 101 (162-63 in original): "Sous cette même puissance de donner et casser la loi, sont compris tous les autres droits et marques de souveraineté: de sorte qu'à parler proprement on peut dire qu'il n'y a que cette seuel marque de souveraineté, attendu que tous les autres droits sont compris en celiu-là, comme décerner la guerre, ou faire la paix, connaître en dernier ressort des jugements de tous magistrats..."

# CONCLUSION
## Legacies of Privilege and Sovereignty

A year after the conquest of Lille by the French army in August 1667, royal historiographer Denis II Godefroy reached the town to take up his new post as director of the *chambre des comptes* there. The former financial chancellery now contained thousands of financial accounts, registers, and the contents of the *trésor des chartes* founded at the *château de la Salle* in the thirteenth century. Godefroy took up residence in the usher's quarters within this repository, which was richer – as he suggested in self-promoting letters back to Paris – than that of the *trésor des chartes* and the *chambre des comptes* of Paris combined. He knew those repositories well, having worked for decades with his father Theodore, part of a circle of scholars attached to the crown and to the *parlement* of Paris, whose navigation of state and private manuscript collections, their selection, summarization, and processing into political information was highly valued by Cardinal Mazarin (d. 1661). For decades, scholars of the French state have pointed to the seventeenth century as a turning point in the development not only of French absolutism, but also in the relationship between learned culture and state power. Under Jean-Baptiste Colbert, "the information master" of Louis XIV's France (r. 1643-1715, personal rule from 1661), Jacob Soll recently argued that the rich but fragmented learned culture of seventeenth century France was brought firmly under the boot of the absolutist state. Indeed, Godefroy sent Colbert hundreds of boxes of original charters, seals, coins, books, registers, and copies, part of an audacious attempt to collect the information contained in every corner of the kingdom.[457]

Colbert initially hoped that the Lille *trésor* could help expand the royal domain by providing proofs to buttress the arguments being made by French commissioners at the upcoming Conference of the Limits to implement the Treaty of Aix-la-Chappelle (May 1668) vis-à-vis their Hasbsburg counterparts. Certainly, the retreating Habsburg officials considered the archive of great value: in an elaborate operation several months after the conquest of Lille, they attempted to smuggle the *trésor* out of Lille in contravention of the capitulation ordinance approved by Louis XIV. The plot involved fake passports and a merchant's carriage filled with hidden archival cargo, and enlisted the assistance of a Dominican named Père François, son of a municipal archivist.[458] The plot failed, but in the end Godefroy's work in Lille did almost nothing to shape the Franco-Belgian border as it evolved over the course of the seventeenth century. D'Albissin's exhaustive work proves that territorial control was far more likely to be determined by the disposition of locals, the prevalent littoral and economic flows, ceasefire lines, and bipartisan intransigence than it was by archival evidence presented at any of the several conferences meant to resolve the shape of the border.

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[457] Soll, *The Information Master*. The Godefroy family's state scholarship is described in Sherman, "The Genealogy of Knowledge: The Godefroy Family, Erudition, and Legal-Historical Service to the State." Denis II Godefroy's work in Lille is described in Soll, *Publishing the Prince*. Hundreds of shipments of archival documents from Lille to Paris carried out by Godefroy were later collected in Bibliothèque nationale, Archives et manuscrits, Nouvelles acquisitions françaises 22766.

[458] See AGR, Manuscrits divers 3498, folder 4, item dated November 9, 1667. The governor of the Low Countries issued a decree of September 6, 1667 indicating the archive's importance. The correspondence between officials regarding François and his father also discusses a request for a passport to travel freely through the frontier territory into a Spanish-held town such as Bruges or Ghent. See Hubert Nelis, ed., *Catalogue Des Chartes Du Sceau de l'audience*, Inventaire Des Archives de La Belgique (Bruxelles: Goemaere, Impr. du Roi, 1915), I:ii. Also Jules, Baron de Saint-Genois, *Inventaire Analytique des Chartes des Comtes de Flandre*, xxi.

Instead, Godefroy's copious notebooks, letters, and marginal comments, as well as the lists of archival materials he sent to Colbert and the pet projects he pursued on the history of royal ceremonial indicate that the power archives gave in the seventeenth century was more ceremonial than informational in the seventeenth century.[459]

This was not for a lack of trying. Towards the end of the Franco-Dutch War (1672-78), Godefroy hatched a plan. At the *trésor* in Lille, he found the inventory prepared by Thierry Gherbode in 1388 with its descriptions of the contents of the archival repository founded by Guillaume d'Auxonne at Rupelmonde in 1336. He studied the volume closely, noting specific items that might furnish useful morsels for royal historians or accountants, and got word that the archive was now held in Ghent, in the comital castle built there by Charles V as part of his punishment of the tax revolt of 1539-40. Godefroy lobbied Colbert, promising that access to the archive would provide evidence of the "many and various usurpations made against France" over the centuries and expose the "shameful cabals, hidden and dissimulated infidelities, lies, rebellions, and other intrigues made" by the Habsburgs.[460] When Louis XIV's armies took Ghent in 1678, Godefoy used Colbert's influence to gain access to the castle, baldly violating the town's capitulation agreement by smuggling cartons full of documents out of a dank, dark chamber where, he complained, the lack of light, the raucous military officers, and the frightened rats prevented him from working. Among the gifts Godefroy sent Colbert with the most excitement from his archival raid in 1678 was a copy of the 1301 Charter of Senlis, Ghent's urban constitution confiscated in two originals, the first in 1469 by Charles the Bold, and the second by Charles V in 1540. Alongside a copy of the charter one of his scribes prepared, Godefroy remarked excitedly that this piece would make "a very notable title for the authority of the king over Ghent" because he had granted it a privilege dictating the election of the municipal council there (*Titre fort notable pour l'auctorité du Roy à Gand, lequel prince a tenu et donné un Privilege pour l'Election des magistrats*).[461]

By the time Godefroy brought the charter to Lille later that summer, it was clear that Ghent would be relinquished as part of the Treaty of Nimègue. But he was nevertheless able to make use of it. Upon examining the specimen in person, Godefroy remarked upon the state of the seal and wrote that the charter was *bien conservé*, but noticed the document was mutilated: torn, cancelled, and lacerated, in three places (*brisées, cancellees, et lacerés, en trois endroits*). To this point, Gherbode had showed himself to be an astute student of Flemish archival history and an adept user of the finding aids produced to summarize its archives since the fourteenth century. The slashed charter, however, was more confounding. It had been cancelled, he assumed, "because of the memory of the king who had made this regulating ordinance" (*vraisemblement en cause de la memoire de ce Roy qui avoit fait cete Ordonnance de Reglement*): Habsburg resentment for Valois power. As the note on the back of the

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[459] Nelly Girard d'Albissin, *Genese de la frontière franco-belge: les variations des limites septentrionales de la France de 1659 à 1789*, Bibliotheque de la Societe d'histoire du droit des pays flamands, picards et wallons 26 (Paris: A. & J. Picard, 1970). I have studied Godefroy's voluminous papers at the Archives départementales du Nord, the Bibliothèque nationale, and the Bibliothèque de l'Institut de France. One example of his fixation on ceremonial can be found at ADN B19541. He and his father had published widely on the topic, and he had plans for a third volume. The second edition, published by Denis II without his father's permission is Théodore Godefroy and Denis II Godefroy, *Le Cérémonial françois,... recueilly par Théodore Godefroy,... et mis en lumière par Denys Godefroy...* (Paris: Chez Sébastien Cramoisy, Imprimeur ordinaire du Roy, & de la Reyne Regente: et Gabriel Cramoisy, 1649), http://gallica.bnf.fr/ark:/12148/btv1b8626745z.

[460] ADN B159.3.

[461] Both copies must have been in Ghent at the time: one transported there in 1594 from Ghent, according to Max Pierre Marie Bruchet, *Répertoire numérique: série B (Chambre des comptes de Lille)* (Lille: Danel, 1921), 13. The second original, cancelled after its confiscation by Charles V in 1540, would have been located in the municipal archive in the town after its return in 1578, under Philip II. Godefroy's notes are at Archives départementales du Nord, B159. His shipments of items to Colbert in Paris are mostly compiled in Bibliothèque nationale, Nouvelles acquisitions françaises 22766. The charter, with dorsal notes describing the slashing and confiscation of 1469, is at Mélanges de Colbert 347, item no. 59.

charter explained, it had actually been torn at the behest of Charles the Bold during his striking punishment of the Ghentenaars at the Coudenberg Palace in 1469, but Godefroy's entire approach to the sources found in Habsburg archives was tuned to the centuries-long struggle between the French and Spanish crowns. He completely overlooked the bitter repression of towns by Flemish counts that had produced the tools of informational sovereignty he was using. This understanding of cancellation, it seems, was akin to the royal exclusive sovereign right to grant and cancel the law formulated by Bodin as one of the definitive elements of "pouvoir absolue." In accordance, Godefroy assumed the cancellation of this French royal charter must have been intended to cancel the right of another sovereign to issue a privilege.[462]

The Charter of Senlis exemplifies the volatility of archival documents in their iteration as monuments. Each time this document was removed from the archives, it took on a new meaning, granting or rescinding the political legitimacy of one regime or institution and passing it on to another. The means by which these ceremonial transfers of legitimacy were executed changed over the course of four centuries: from the charter's creation to its confiscation, cancellation, transportation, and display in a royal library. On the two occasions that original iterations of the charter were physically mutilated as a punitive measure (in 1469 and in 1540), the sovereign may have succeeded in legally invalidating it, but ultimately failed to efface the symbolic significance of the document or to limit its symbolic meaning to the sovereign act of cancellation. In the hands of Godefroy, this archival piece that for centuries had served as a marker of urban liberty now became proof of its original royal purpose: to reinforce French authority in Flanders by indicating that the king possessed the sovereign right to grant a privilege to its greatest towns. In this sense, under Colbert's system, France was no more and no less an information state than that of the counts of Flanders around 1400: it sought to expand its sovereignty by means of collecting and utilizing archival documents as texts and as objects. Colbert may have improved the information state's capacity to transform such documents into symbolic power, but the tools of archival sovereignty Godefroy had used to navigate the Flemish archives and provide them to Colbert were products of the fourteenth and fifteenth centuries.

Godefroy's archive raid in 1678 signals the lasting power of the tools of informational sovereignty created in the fourteenth and fifteenth centuries. The inventories he found in Lille told him what he would find in Ghent, enabled him to advocate for illicit access to the castle, and ultimately to find the documents he sought. Once he decided which choice items to send to Colbert in Paris, he prepared detailed lists that accompanied the originals as a manifest. Copies of the original documents, meanwhile, were prepared and placed in the Lille archive as replacements for the dispatched originals – almost precisely the method Thierry Gherbode had used around the year 1400 when he discharged an item from the archive.

Godefroy's archival sting operation in Ghent also reflects the strange early modern legacy of the bitter medieval struggle over privilege, which returned in the late seventeenth century as farce. In negotiations to implement the Treaty of Nimègue (1678) in the Low Countries, use of the title "duke of Burgundy" was a quintessential example. To the French officials, this title was obviously the prerogative of the French king. But, in what must have been equal parts scribal routine, an attempt to claim the legacy of Valois Burgundy, and provocation, the letter commissioning the Spanish representatives to the conference included "duke of Burgundy" among his titles. For the French, here was reason enough to call off the negotiations: this was a "usurped title belonging to

[462] Godefroy's mistake is even more perplexing considering he was certainly aware of the escalating rebellions of the 1380s and their targeting of princely archives. It was described in a fourteenth century chronicle he had edited two decades earlier: Juvénal des Ursins, *Histoire de Charles VI, roy de France, et des choses memorables aduenuës durant 42 années de son regne, depuis 1380 iusques à 1422*, 14ff. On Bodin and cancellation, see Chapter 4.

the King our master, which we would not stand for," one of the French officials recorded in his account of the conference.[463] Thirty years after Westphalia, the most contentious matters in these sovereign negotiations were not disputed territories or resolution of the problem of territorial enclaves but an ancient title. This indicates just how ceremonial the information state became in the seventeenth century. For all incessant records such conferences produced, these negotiators were, if anything, farther from Weberian bureaucratic "rationality" than any of their medieval predecessors.

For towns, too, the memory of privilege cast a long shadow. In anticipation of the French conquest of Ghent, the city council of Liège wrote to Louis XIV in March 1678 asking to recuperate the documents seized by Count John the Fearless in 1408 which, they believed, were to be "found currently in the town of Ghent and were taken away over two centuries ago."[464] The town sent an official to continue its pursuit of the documents at Metz, where the French were supposedly collecting all the archival documents collected during their most recent conquests in the Low Countries. Even a century earlier, we have seen, the 600 documents returned to the Calvinist rebel government of Ghent in 1578 (Chapter 4) were of enormous symbolic significance. Not by chance the Joyous Entries of William of Orange that year depicted him as a salvation from Spanish tyranny with a sword in one hand and a book of privileges in the other.

But the legal regime of privilege represented by the Charter of Senlis was already unrecognizable by the late sixteenth century, no matter how deeply-rooted the legacy it left behind. We can identify two reasons why privilege no longer had the same traction in the politics of the Low Countries: dilution and dynamics. The long-standing comital policy of issuing charters to smaller towns to balance the power of the larger ones had eventually diluted their significance. This is perhaps best illustrated by the sudden burst of Low Countries villages that were issued privileges of incorporation in the sixteenth century, numbering for example roughly two-thirds of Holland's 180 villages by the middle of the sixteenth century.[465] Rural communities began asking regional councils for permission to collect their own taxes and to form local councils. Before long, Habsburg officials found themselves facing rural communities that had armed themselves to enforce these privileges. In the 1560s, hundreds of armed villagers mobilized to demand their right to determine the route of a local dike, for example. At one point they presented the local sheriff with "a document [*cedulle*] which he said was a privilege." The response to this episode suggests that under certain circumstances the Council of Holland considered it lawful for villagers "to bear arms in defense of privileges," something that urban militias had been doing for centuries. [V]illages were learning to behave like towns," argues James Tracy.[466] As they did, privilege itself became so ubiquitous as to be unremarkable. In fact, The logic cited by the Council of Holland in favor of granting rural privileges in 1562 could just as easily have explained the granting of privileges to *coniuratio* in the eleventh and twelfth centuries: "reason demands that the affairs of the common lands and the villages are more taken to heart by those who have a notable amount of property, and are taxed the highest."[467]

The formation of a body politic in Holland, Tracy goes on to suggest, lay in the dynamics of power between the Habsburg sovereign and the provincial councils over the enforcement of these now numerous local privileges. Gradually, the provincial Estates and councils found themselves opposing the violation of local privileges by Habsburg officials. This created a dynamic that, by the 1560s, transformed the formerly bitter enmity between Flemish towns and comital institutions into

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[463] Bibliothèque Municipale de Lille, Fonds Godefroy 132, fol. 4v.
[464] They wrote: "qui se retrouvent présentement dans la ville de Gand et ont été emportés passé plus de deux siècles." Fairon, *Chartes confisquées aux bonnes villes du pays de Liège et du comté de Looz (1408)*, xv.
[465] James D. Tracy, *Holland under Habsburg Rule, 1506-1566: The Formation of a Body Politic* (Berkeley: University of California Press, 1990), 213.
[466] Tracy, 213–15.
[467] Council of Holland to the Secret Council, 20 July 1562. Cited by Tracy, 214.

joint opposition to Habsburg sovereign rule.[468] Consider the fate of the *trésor* of Rupelmonde in the century and a half before Godefroy's arrival there. He was correct in observing that it had long ceased operating as an active archive: "it can be seen that nothing was brought to this Trésor" later than the sixteenth century.[469] The repository became a refugee from the ongoing rebellion against the Habsburgs and had already been moved at least three times in the final three decades of the sixteenth century alone: first from Rupelmonde to Antwerp, then to the Castle of Ghent, and subsequently either to the belfry or town hall before being moved back to the castle. The Estates of Flanders was desperate for the archive to be re-ordered and repeatedly named officials who were to create a new inventory of its contents. By the time the president of the Privy Council of the Spanish Netherlands, Jean Richardot, intervened in 1600, it no longer seemed remarkable to enlist Ghent's municipal archivists to assist in the creation of a new inventory for the county of Flanders. Just over a century earlier, archival documents had been at the center of conflict between the towns and the institutions of the county, and such cooperation would have been unthinkable.[470]

In this dissertation, I have tried to bring the theoretical findings of the archival turn to bear on the question of sovereignty and to propose a new history of the emergence of the information state. The two document forms that lie at the center of my analysis are charters of urban privilege and archival inventories. In the eleventh and twelfth centuries, charters a means for princely states to secure recognition of their authority by in turn recognizing pre-existing urban communities and granting them rights. Only two hundred years later, charters were a necessity for urban political communities, and Flemish counts began rescinding and re-issuing them in response to urban rebellion. In dramatic ceremonies of castigation, these charters and, increasingly, dozens of urban administrative and political documents, served as victims and hostages in punishment for urban uprisings. The burgeoning Flemish information state developed new tools of informational sovereignty as a means of preventing future uprisings. One of its political goals was the prevention of urban links of solidarity, and comital administrators pursued that goal around the year 1400 by seeking an archival monopoly over certain types of documents, for example letters of alliance and guild charters. This required a sophisticated multi-site system of information storage and retrieval made possible by the archival inventories drafted by Thierry Gherbode and his successors. These were capacious tools, somewhere between a register and a cartulary, which emerged as the essential finding aid for European archival management around 1350. With its use, Gherbode managed to forge a composite state based on inventory sharing, not centralization.

Having built these tools of sovereignty, Flemish counts and their successors went on to demand the symbolic power they had theretofore relinquished to French kings. By the middle of the sixteenth century, the integration of increasingly exhaustive confiscations of urban archives that effectively changed the urban constitutional order into the same rituals of ceremonial humiliation practiced since the ninth century effectively crippled the regime of privilege that had been inaugurated in Flanders by the issuance of charters of privilege in the eleventh and twelfth centuries. This combination of informational sovereignty with ceremonial sovereignty was a powerful one. In the practice of cancellation, Flemish counts – now Habsburg emperors – came rather close to the "pouvoir absolue" of Jean Bodin, but they did so not based in rationalization, centralization, or bureaucratization.

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[468] Tracy, 216.

[469] ADN B159.1. First packet, fol. 1v: "il n'y en a point qui passe l'année 1550. "Que les plus anciens titres commencent environ le siecle 1200, et qu'il n'y eux point qui passe l'année 1550 Ce qui fait voir qu'on a rien apportée depuis a ce Trésor." It is worth noting that the middle of the sixteenth century was precisely when Viglius van Aytta was consolidating the information power of the Habsburg Netherlands, as indicated by the dozens of archival inventories in his possession. See Folkert Postma, *Viglius van Aytta: de jaren met Granvelle, 1549-1564* (Zutphen: Walburg Pers, 2000).

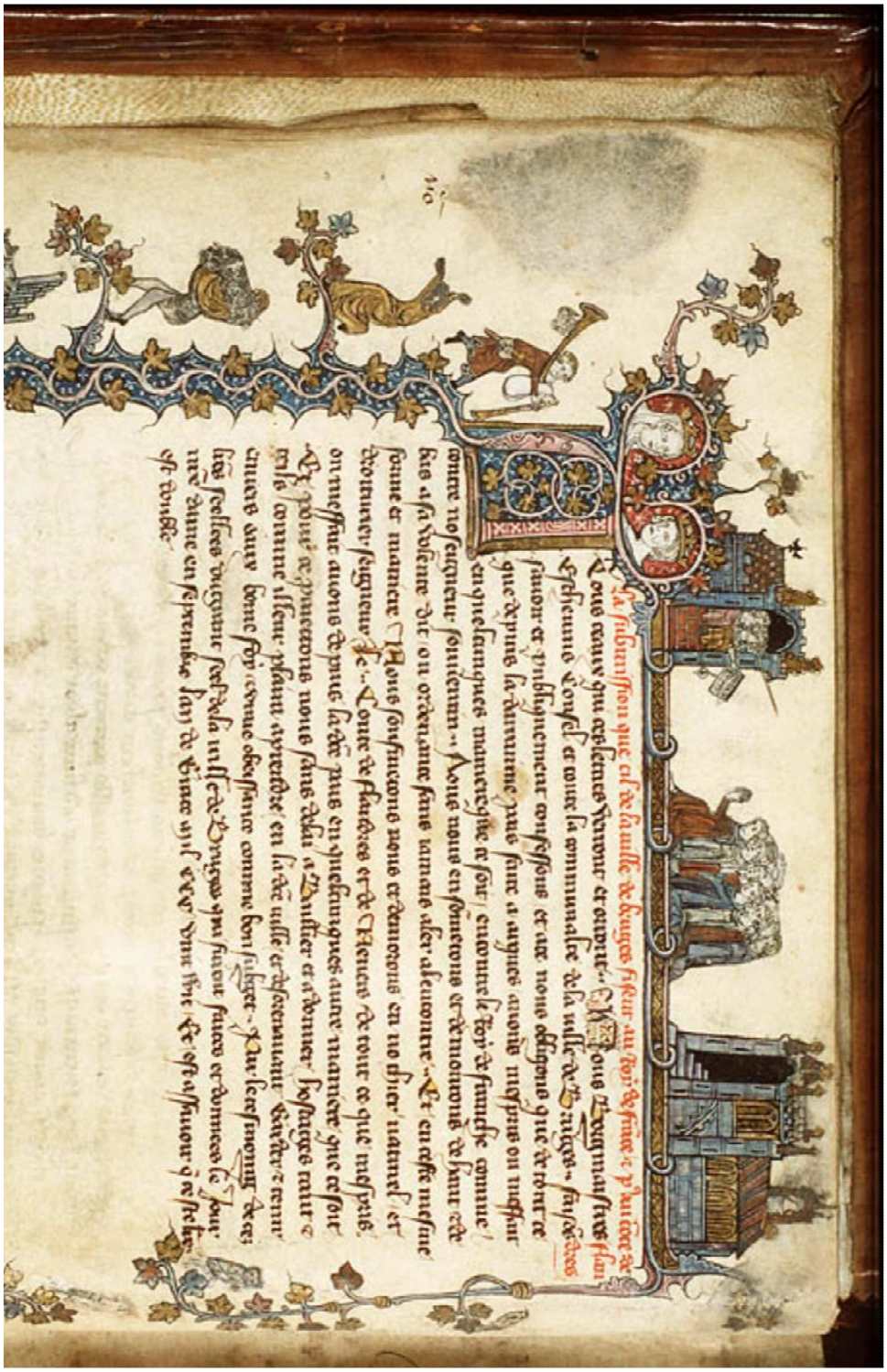
[470] Jules, Baron de Saint-Genois, *Inventaire Analytique des Chartes des Comtes de Flandre*, xv.

Most of all, I hope that an attention to this late medieval Flemish information state might make clear two final points. First, that Louis XIV, Jean-Baptiste Colbert, and Denis II Godefroy were not responsible for the coming of the information state to Flanders. The information state they built in the seventeenth century was far more ceremonial than scholars have acknowledged, and was neither the culmination nor the beginning of a process of state formation. The point I have sought to make is that their information state's technical tools were the same ones built by medieval princes three centuries earlier. Secondly, I hope to have done something to address the scholarly discourse surrounding sovereignty and the archive, still dominated by a Derridean perspective grounded only very loosely in the history of archives. We may disagree with Derrida's aphorism that "there is no political power without control of the archive."[471] Still, the archival power to preserve and multiply knowledge and to keep it free must be harnessed with increasing creativity and vigor by those struggling to combat state violence, to make the historical record accessible, put archival silences back into words, build communal governance, and foster solidarity in this time of mounting global authoritarianism.

[471] The English translation appears as Derrida, "Archive Fever," 10 n. 1.

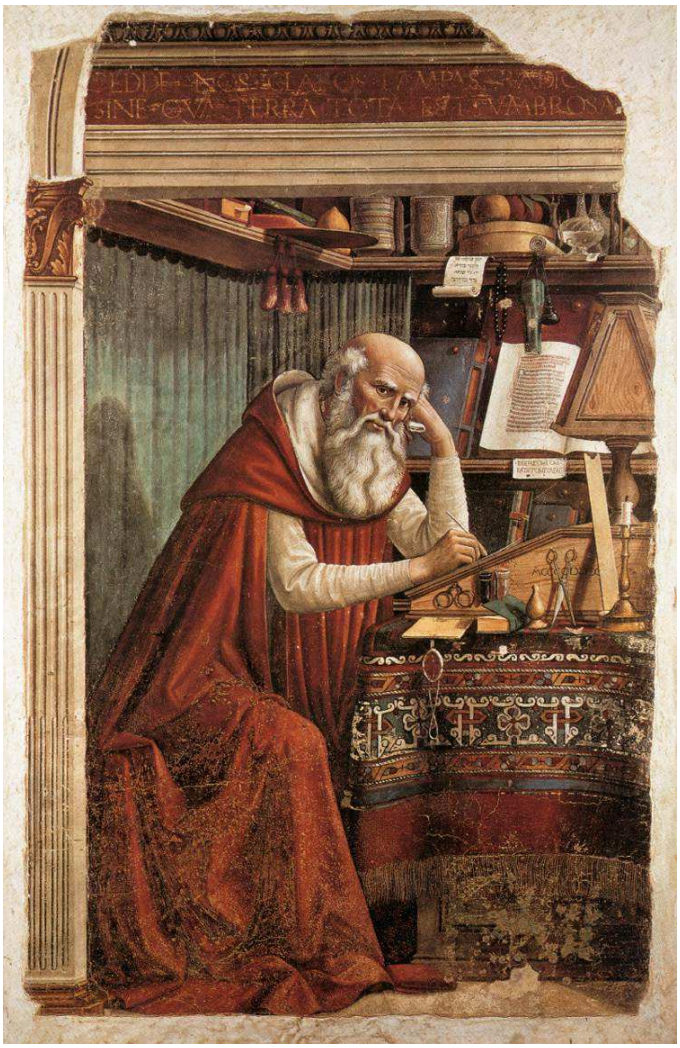
# IMAGES, MAPS, CHARTS

**1** Citizens of Ghent making *amende honorable* before the deputies of King Charles of Valois, 1329. Hague cartulary (The Hague, Koninklijke Bibliotheek, 75 D 7), c. 1330.



**2** Coronation of Charles VI le Bien-Aimé by his uncles, November 4, 1380 at Reims. His uncle, Philip of Burgundy, is present. *Grandes Chroniques de France*, illuminated by Jean Fouquet, Tours, c. 1455-60. Paris, BnF, department of Manuscripts, Français 6465, fol. 457v. (Wikimedia Commons)

**3** Saint Jerome in his Study, surrounded by some typical utensils of the medieval scribe. Fresco in chiesa di Ognissanti, Florence, by Domenico Ghirlandaio, 1480 (Wikimedia Commons).



**4** Miniature by Rogier van der Weyden (1447-48) in the French translation of the *Chroniques de Hainaut* presented by Jean Waquelin (kneeling). Rolin is to the right of duke Philippe. Brussels, Koninklijke Bibliotheek van België, Ms. 9242. Available at http://expositions.bnf.fr/flamands/grand/fla_031.htm. (Bibliothèque royale de Belgique)

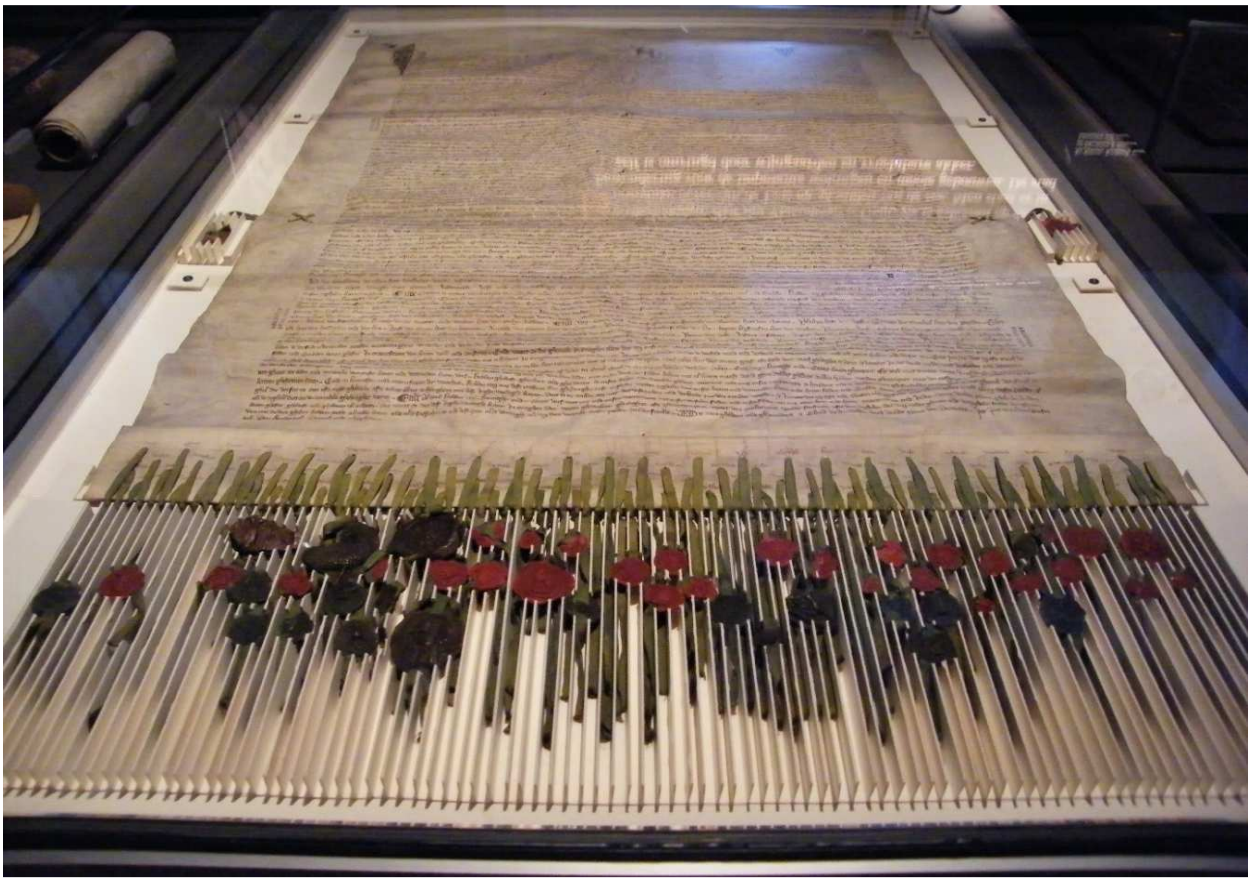
On van der Weyden, see Ernst Hartwig Kantorowicz, "The Este Portrait by Roger Van Der Weyden," in *Selected Studies* (Locust Valley, N.Y.: J.J. Augustin, 1965), 366–80. On manuscript collection and the book trade at the Burgundian court, see Delphine Jeannot, *Le Mécénat Bibliophilique de Jean sans Peur et de Marguerite de Bavière (1404-1424)* (Turnhout: Brepols, 2012).

**5** Martin le Franc, *Le Champion des dames*, 1440, fol. 1v. Note the seventeen coats of arms. Français 12476. Digitzed at https://gallica.bnf.fr/ark:/12148/btv1b525033083/f8.image). Accessed September 11, 2018. (Bibliothèque nationale de France)

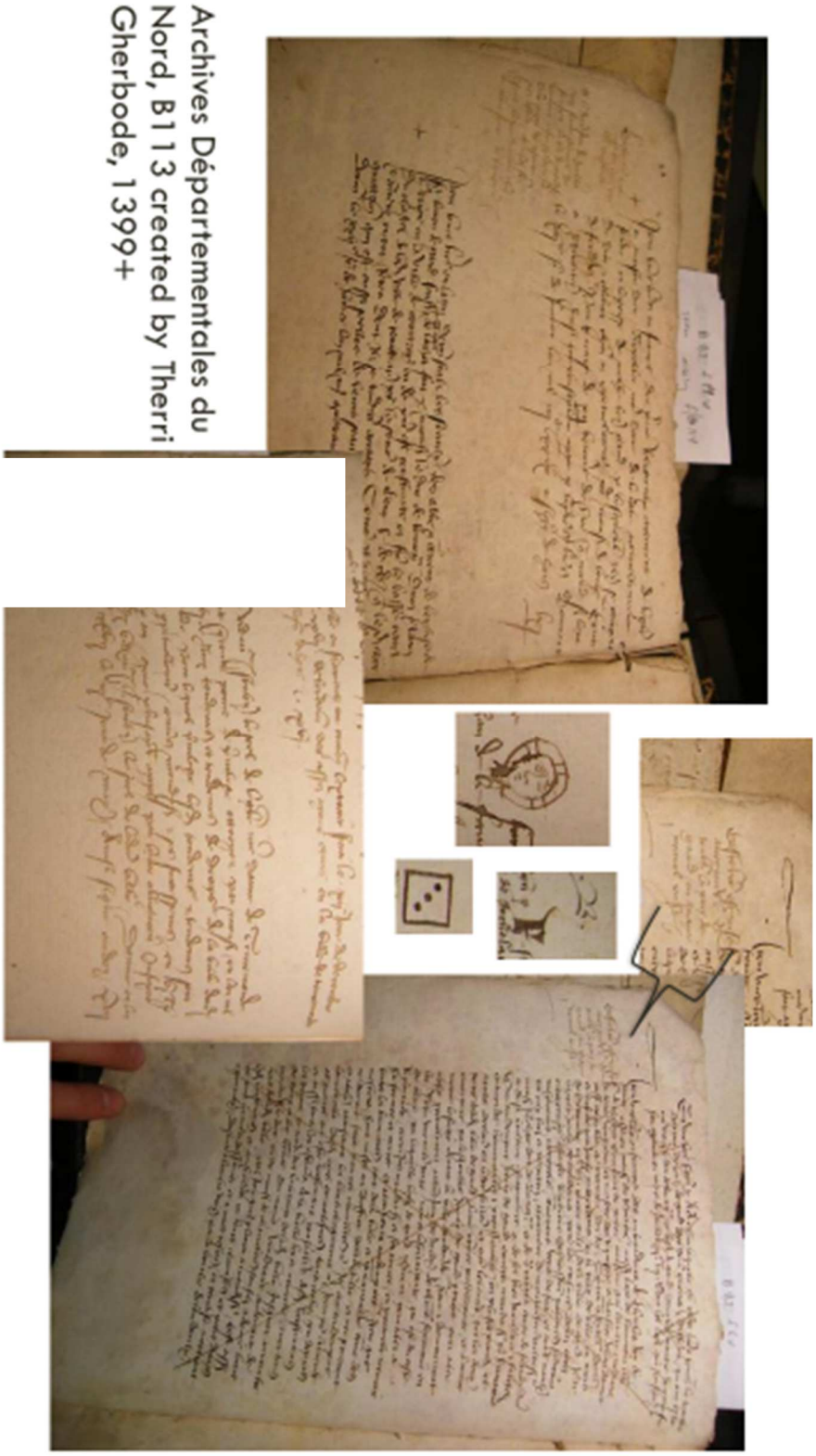
**6** The Vienna Privileges Master, The Burghers of Ghent kneeling before Philip the Good. ONB Cod. 2438, HMML 15871, fol. 349v.

**7** and **8** From Antonius Sanderus, *Flandria Subalterna, Sive Antonii Sanderi Gandavensis ... Flandriae Illustratae Tomus Secundus*, vol. 2 (Coloniae Agrippinae (Amsterdam): Egmont, 1644), 154.
The Castle of Rupelmonde, no longer stanging, and the Castle of Tervuren/La Vure, hunting lodge outside Brussels, today site of the Royal Museum for Central Africa, for decades an uncritical monument to Belgian atrocities in the Congo. See J. E. Davidts, *Tervuren in de Brabantse geschiedenis vanaf 1200 tot 1450* (TervureN: Gemeentebestuur, 1975), 38-52

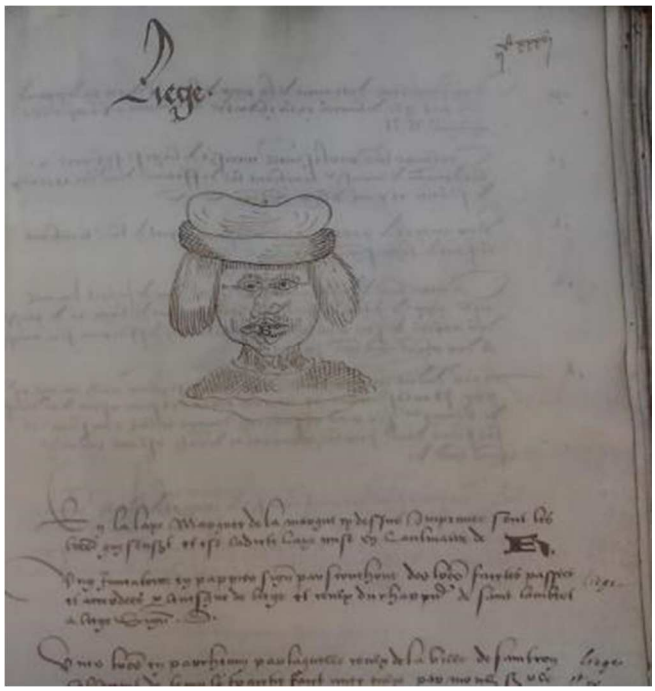

**9** Union of Flanders and Brabant negotiated by Jacob van Artevelde, 1339. Courtesy of STAM (Ghent City Museum). On Jacob van Artevelde, see chapter 1.



**10** Thierry Gherbode's 1399 inventory (Archives départementales du Nord, B 113). Note the marginalia, the cancellations, the small drawings to identify layettes and armoires.



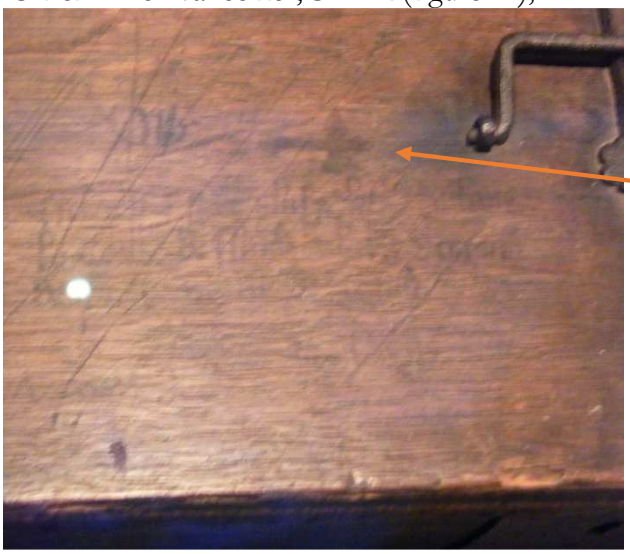
**11** ADN B118, created by Habsburg administrators 1506-12. Note the dominance of the symbolic imagery at the head of each category.

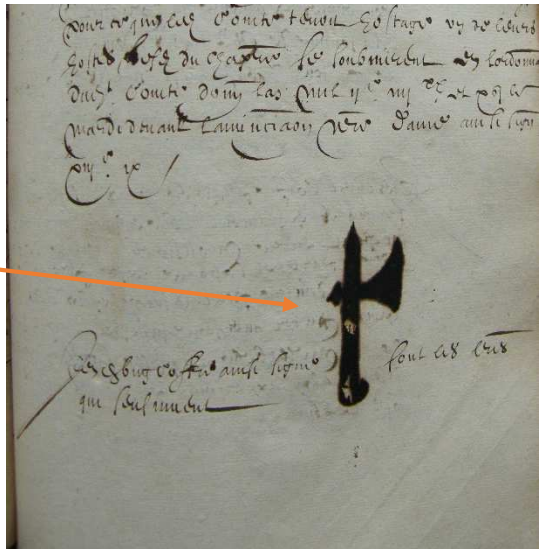




**12** Fifteenth century archival coffer. STAM, A-60-6-3a. See following figure.

**13** from Archival coffer, STAM (figure **12**);

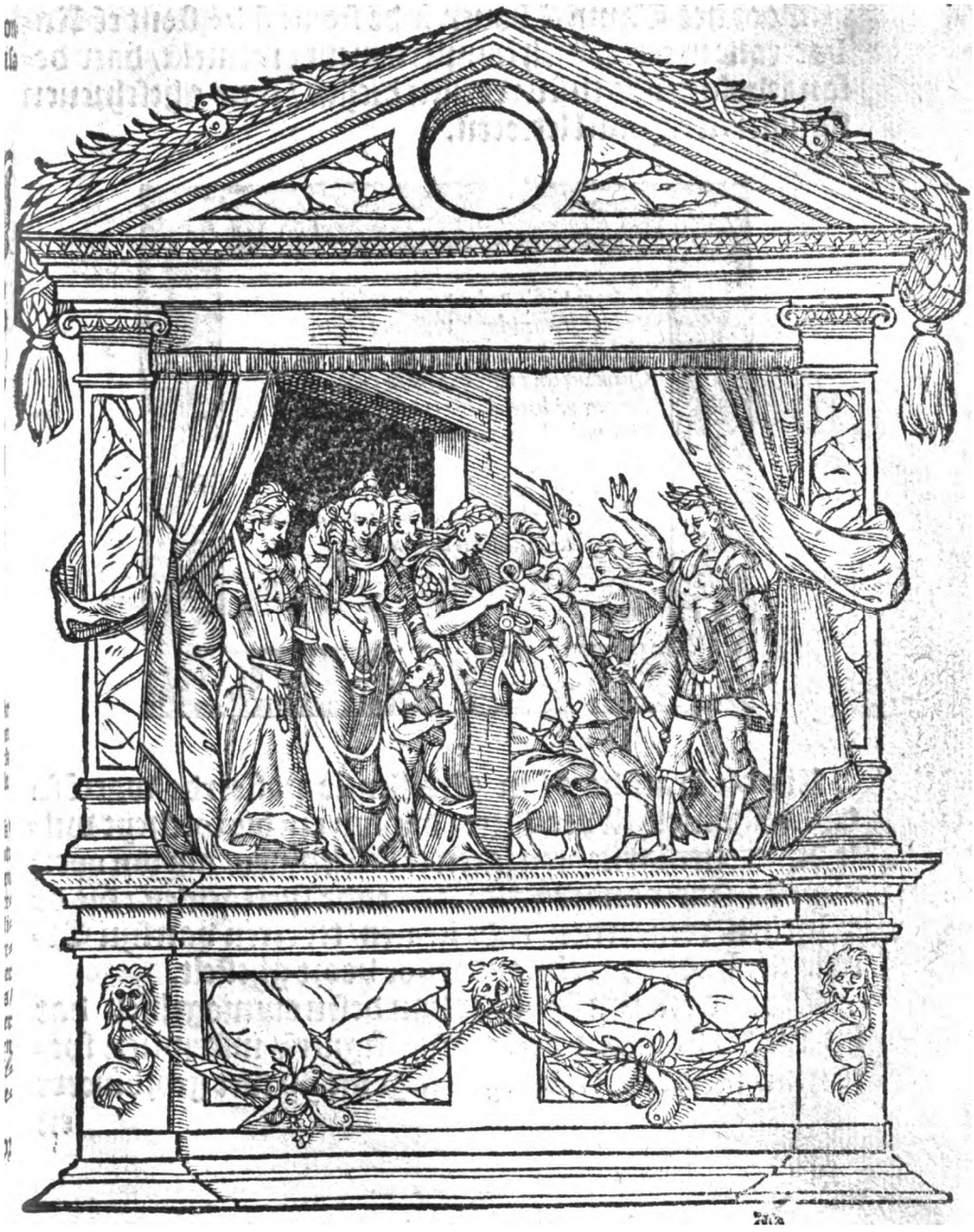


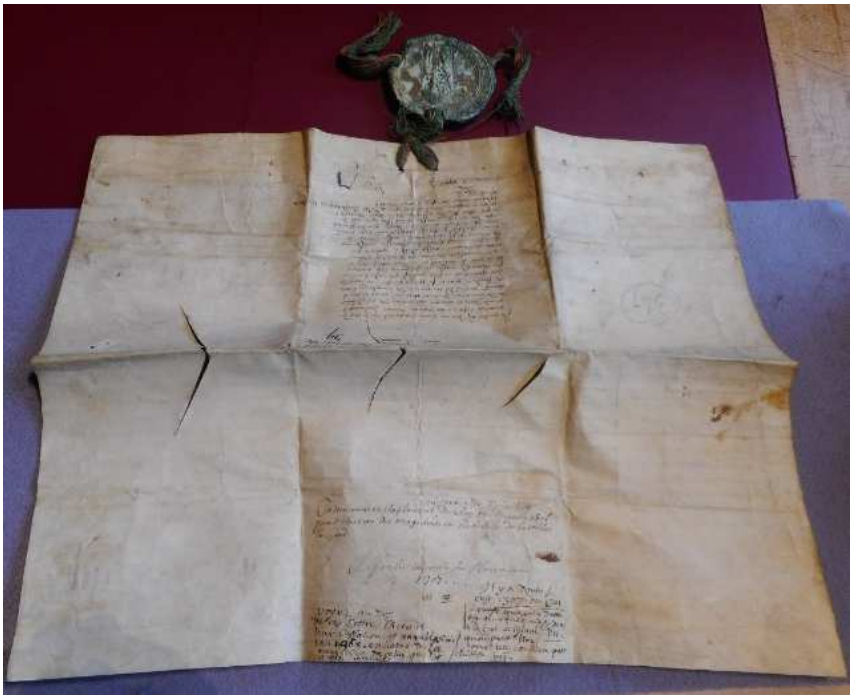


**14** Archives départementales du Nord, B 121, fol. 300r (category: Bruges). This copy of Gherbode's 1388 inventory of the Ruplemonde *trésor* is a sixteenth-century copy made by Habsburg officials some time after moving that archive to Ghent.

**15** AGR Man Div 983, fol. 297r – the division of Philip's territories among his sons. From Robert Stein, *Magnanimous Dukes and Rising States: The Unification of the Burgundian Netherlands, 1380-1480*, First edition, Oxford Studies in Medieval European History (Oxford: Oxford University Press, 2017), 32.

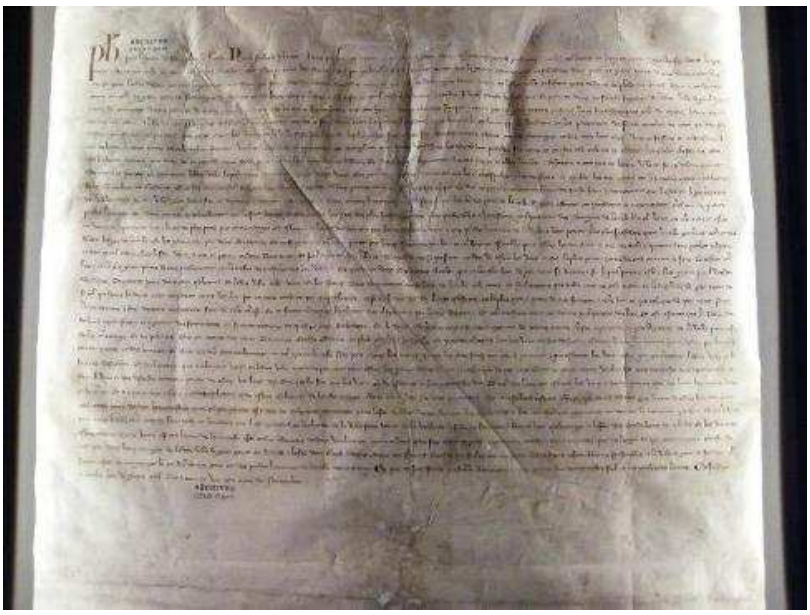
**16** Illustration of a tableau vivant from the Prince of Orange's 1577 triumphal entry to Brussels. He holds a scepter of some kind in one hand and a book of privileges in the other. From Jan Baptist Houwaert, *Declaratie van de triumphante Incompst* (Antwerp: Plantin, 1579), p. 49. (Google Books)

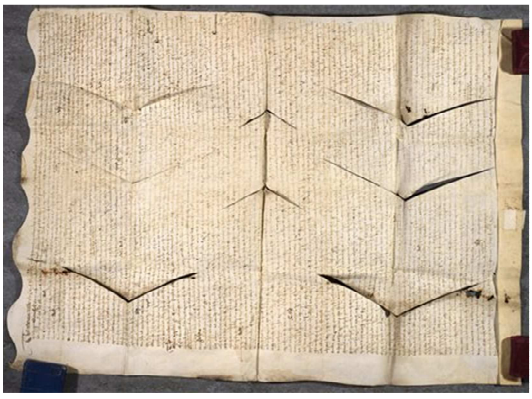




**17** The Treaty of Senlis (1301) with dorsal note describing the ceremony at which it was cancelled in 1469. Bibliothèque nationale in Paris, Mélanges de Colbert 347 item 59

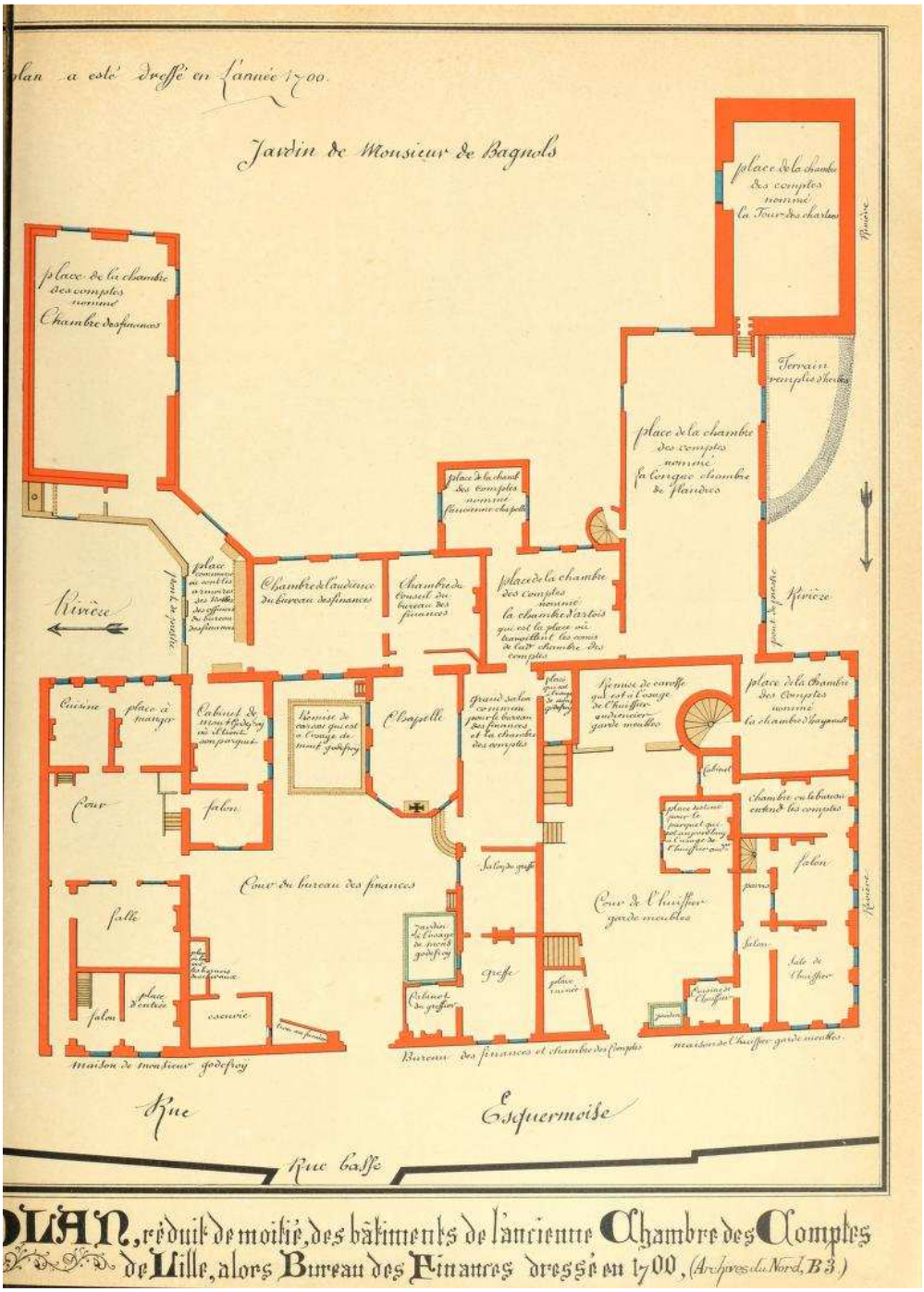
**18** The Treaty of Senlis (1301) cancelled by Charles V after 1540. Stadsarchief Gent Oud Archief Ser. 94 #223 (on loan at STAM)





**19** Cancelled marriage contract (1520). Cancellation for mundane purposes was routine in the Middle Ages. University of Nottingham, Manuscripts an*d Special Collections, Ne D 1915*

**20** Floor plan of the Lille *chambre des comptes* c. 1700, Archives départementales du Nord B3. See edition in *Finot et al.,* Inventaire sommaire des Archives départementales antérieures à 1790, Nord. Archives civiles. Série B.



## MAPS

Map **1** The House of Valois-Burgundy, 1465-77 (Marco Zanoli, Wikimedia Commons).

Map **2** Flanders and its Great Cities. From Wayne H. TeBrake, *A Plague of Insurrection: Popular Politics and Peasant Revolt in Flanders, 1323-1328* (Philadelphia: University of Pennsylvania Press, 1993), 18.

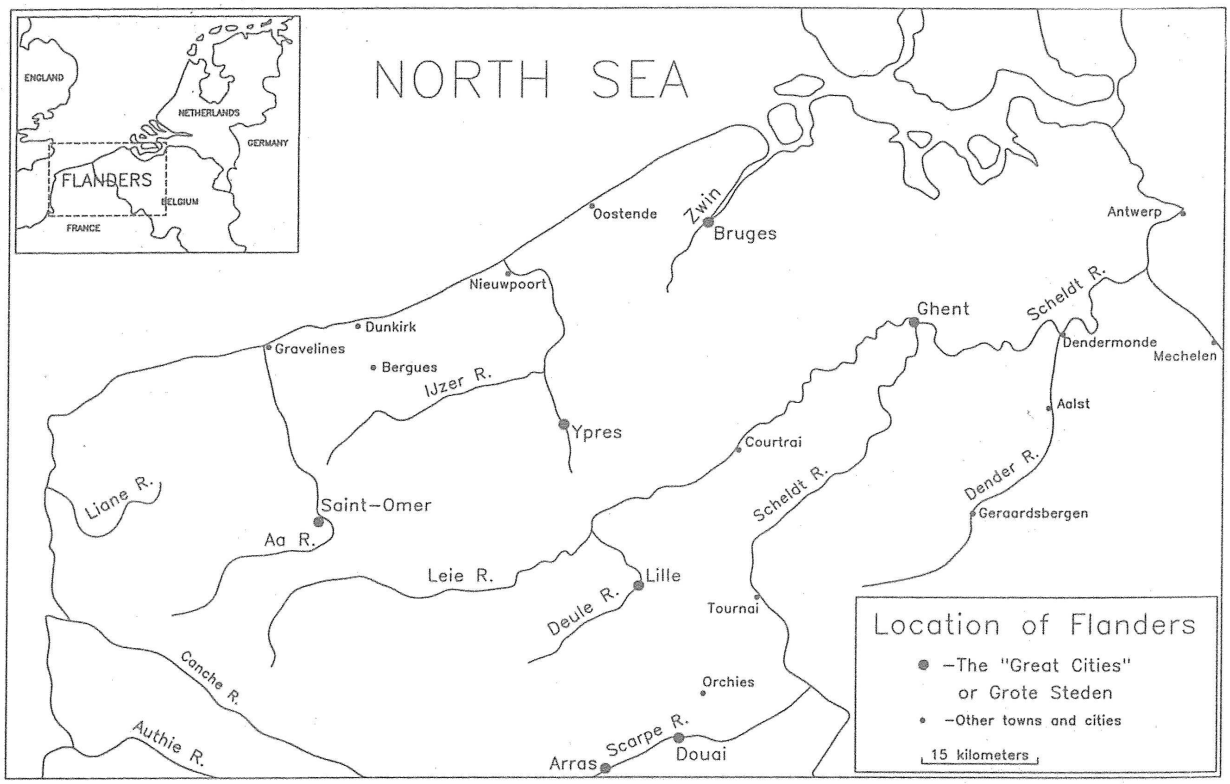



Chart **1** Year of effective exercise of power and formal acquisition of the most important Burgundian provinces. From Robert Stein, Magnanimous Dukes, 49.

| **Province** | **Actual exercise of power** | **Formal acquisition** |
|---|---|---|
| Burgundy | 1363 | 1363 |
| Flanders, Artois, Franche-Comté, Mechelen | 1384 | 1384/1391/1405 |
| Namur | 1421 | 1429 |
| Brabant | 1390/1430 | 1430 |
| Limburg, Overmaas | 1387–9/1430 | 1396/1430 |
| Hainaut | 1427 | 1433 |
| Holland, Zeeland | 1425 | 1433 |
| Luxemburg | 1443 | 1462 |
| Guelders, Zutphen | 1473 | 1473 |

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