

THE POLITICAL ECONOMY OF SEIGNEURIAL LORDSHIP IN FLANDERS, C.1250–1570^{*}

I

INTRODUCTION

This article is concerned with a debate that is older than history as an academic discipline, namely the presumed impact of seigneurial lordship on pre-industrial economies. The idea that the landed elites of *ancien régime* Europe stifled economic growth by using their political might to protect their own revenues and interests at the expense of other groups greatly shaped the work of the founding fathers of economics, history, law, sociology and political science. To this day, scholars thus speak of ‘feudalism’ as a shorthand for social configurations in which political actors — not only seigneurial lords but also ecclesiastical institutions, princely states, town administrations and so on — hampered economic growth by rent-seeking, that is, the leveraging of coercive power for surplus-extraction. Only recently, the debate was given a shot in the arm with the exchange between Chris

^{*} We should like to thank our colleagues at Ghent University, the Rijksarchief in België and Vrije Universiteit Brussel for their help with data gathering and feedback on earlier drafts. An extended version of this chapter will appear in Frederik Buylaert and Miet Adriaens, *Lordship, Capitalism, and the State in Flanders, c.1250–1570* (Oxford, forthcoming). This research was funded by the European Research Council, Starting Grant, Project no. 677502, ‘State: Lordship and the Rise of States in Western Europe, 1300–1600’; Belgian Research Action through Interdisciplinary Networks, Belgian Science Policy, Project ‘Lord: Lordship and State Formation in the County of Flanders (15th–18th C.)’; and the GOA Project ‘Lordship and Agrarian Capitalism in the Low Countries, c.1350–1650’, awarded by the Research Council of Ghent University.

Past & Present, no. 267 (2025) © The Author(s) 2024. Published by Oxford University Press on behalf of The Past and Present Society, Oxford.

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<https://doi.org/10.1093/pastj/gtae016> Advance Access published on 17 July 2024

Wickham and Shami Ghosh in the pages of this journal. Whereas Wickham suggests that the structuring effects on the European economy by all kinds of lords were so great and persistent that it essentially remained feudal until at least the eighteenth century, Ghosh only accepts this interpretation as accurate up to about 1200, arguing that the following centuries were neither feudal nor capitalist but a distinct social and economic configuration that was, in any case, no longer dominated by lords.¹

We contribute to this debate by returning to seigneuries, that is, lordships of the type that informed much of the early reflections of, among others, Adam Smith and Karl Marx, and which provided the feudal inflection to the historical concept outlined above.² First, we zoom in on Flanders, which manifested two distinct economic trajectories. From the late fourteenth century onwards, one part of this Netherlandish county saw massive economic changes, to the point that many historians imagine coastal Flanders to have been a hotbed of agrarian capitalism, a concept that we unpack below. The other part of this county, inland Flanders, saw the persistence of a peasant society until the nineteenth century, not least because its inhabitants were acutely aware of what was happening in coastal Flanders and worked hard to block its expansion to their own region. Rather than endorsing or rejecting the overarching claims of either Wickham or Ghosh, we thus return to a scenario that was first effectively highlighted by Fernand Braudel, that is, Europe as a patchwork of divergent economic configurations, including capitalist arrangements that would eventually replace the alternatives, even in parts of Europe where a feudal mode of production persisted much later than the twelfth and thirteenth centuries.³

¹ See Chris Wickham, 'How Did the Feudal Economy Work? The Economic Logic of Medieval Societies', *Past and Present*, no. 251 (May 2021); Shami Ghosh, 'Chris Wickham on "The Economic Logic of Medieval Societies": A Response', and Chris Wickham, 'A Reply to Shami Ghosh', both *Past and Present*, no. 260 (Aug. 2023).

² The Urtexts are Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776), book iv; Karl Marx, *Grundrisse der Kritik der politischen Ökonomie* (1857–8); Karl Marx, *Das Kapital* (1867), book i. In section II, we provide a critique of the persistent conflation of fiefs and seigneuries in the notion of feudalism.

³ See, especially, Fernand Braudel, *Civilisation matérielle, économie et capitalisme, XV^e–XVIII^e siècle*, 3 vols. (Paris, 1979), ii.

History is a recursive discipline, and while we hasten to acknowledge the immense merits of earlier scholarship, the case of Flanders reminds us of the dangers of perpetuating evolutionary schemes of eighteenth- and nineteenth-century thinkers according to which feudalism and capitalism, and intermediary stages such as the one suggested by Ghosh, are exclusively imagined as consecutive stages in economic development.

By probing how country-dwellers in inland Flanders used seigneurial courts and seigneurial regulations to prevent agrarian capitalism from spreading from coastal Flanders to their home region, we aim to make a second point, namely, that historians would do well not to assume that seigneuries were always vehicles for elite interests. The discussion between Wickham and Ghosh follows earlier iterations of this long-standing debate in that they proceed from a differentiation between elite and non-elite actors and the seigneurie is routinely associated with the interests of the former rather than the latter. As territorial units of private jurisdiction, seigneuries usually endowed their owners with fiscal rights that dipped into the pockets of the peasantry, and it is this component of coercive surplus-extraction that is highlighted in the concept of feudalism as an economic regime. While it is certainly correct that seigneuries benefited lords rather than subjects in the two hundred years or so after the birth of seigneuries in the tenth and eleventh centuries, Flanders provides an extreme example of how the scope and inflection of seigneurial lordship could drastically change over time. From the thirteenth century onwards, Flemish seigneuries were no longer dominated by lords but by coalitions of great and small peasants who were aided and abetted by the precociously developed towns of the county. Inland Flanders thus became home to what we might call 'middle-class lordship'. That is, these peasants were able to reduce coercive surplus-extraction to a minimum using the considerable regulatory capacities of seigneurial courts to their advantage, furthering the progressive commercialization of society while blocking experiments of the sort that had fatally undermined their cousins in coastal Flanders.⁴ The evidence from Flanders thus suggests

⁴ The best discussion of middling groups as a social category is Giles Constable, 'Was there a Medieval Middle Class? *Mediocrates* (*mediani*, *medii*) in the Middle Ages', in Samuel K. Cohen and Steven A. Epstein (eds.), *Portraits of Medieval and Renaissance Living: Essays in Honor of David Herlihy* (Ann Arbor, 1996).

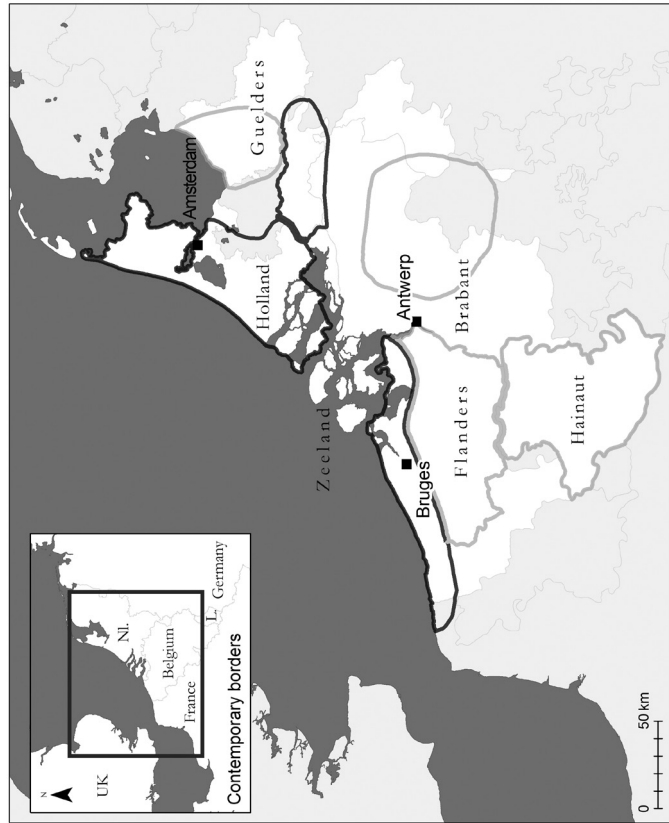
that Wickham is correct to insist that historians should take seriously the likelihood that lordship had substantial economic effects long after the twelfth century, but rather in ways that chime with Shami Ghosh's suggestion that the notion of feudalism is based on static conceptions of seigneurial lordship. The social configurations that gave strength and focus to lordship in inland Flanders shifted radically away from coercive surplus-extraction between the twelfth and the eighteenth centuries, thus alerting us to the possibility that it may also have done so in other parts of Europe.

To be clear, we must point out that our argument does not necessarily invalidate Wickham's claim as he prioritizes the various ways in which the consumer demands of political actors continued to structure the economy up to about 1700. As pointed out by Ghosh, that type of impact is difficult to measure empirically and we have not tried to do so for Flanders, not least because we focus exclusively on seigneurial lords while ignoring all other types of lord. That said, Wickham's initial contribution starts with a definition according to which coercive surplus-extraction is the fulcrum of feudalism and this mechanism supposedly underpinned the consumer effects to which he gives centre stage ('Since feudal relations of production above all channelled surplus to lords, it is not surprising that most commerce was structured by lordly demand *first*⁵).

Before moving on to the sources that inform us about seigneurial lordship and the economic policies it engendered, we need to consider why specialists of Netherlandish history routinely use the term 'agrarian capitalism', and how they speculate about lordship to explain why this phenomenon manifested itself in some parts of the Low Countries and not in others. In the wake of the influential Brenner Debate, historians unearthed evidence of massive shifts in property structures in three Netherlandish regions: in the fourteenth and fifteenth centuries, large-scale farming became the norm in the Guelders river region and coastal Flanders, and Holland followed from the late sixteenth century onwards (see [Map 1](#)).⁶

⁵ Wickham, 'How Did the Feudal Economy Work?', 34.

⁶ For a useful introduction to the vast literature, see Bas J. P. van Bavel, 'The Medieval Origins of Capitalism in the Netherlands', *Low Countries Historical Review*, cxxv, 2–3 (2010). Much of this scholarship is indebted to the debate as outlined in T. H. Aston and C. H. E. Philpin (eds.), *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe* (Cambridge, 1990).



MAP 1

THE LOW COUNTRIES BEFORE THE DUTCH REVOLT

Hotbeds of agrarian capitalism are outlined in black, whereas persistent peasant economies are outlined in grey. Based on the map in Bas van Bavel, *Manors and Markets: Economy and Society in the Low Countries, 500–1600* (Oxford, 2010), 26.

In coastal Flanders, the rural district of Oude Yvene (north-east of Bruges) provides a telling illustration of the intensity of change, which essentially came down to the collapse of a peasant society and the emergence of a class of rural wage-labourers. Consisting of 3,530 hectares of land, this district was, in 1388, home to slightly under 1,300 small peasant households (that is, landowners whose farms were smaller than 5 hectares) and only nine large-scale landowners who owned more than 25 hectares, the latter being the lower threshold of farms that were so large that they required substantial amounts of hired labour to function properly. In the mid sixteenth century, the situation was radically different. Only 300 small farms remained, whereas the number of large farms had quadrupled to twenty-eight, which had absorbed the land of the roughly 1,000 small farmsteads that had disappeared between 1388 and 1550. More often than not, the owners of these agricultural enterprises were wealthy city dwellers. Flanders encompassed fifty-odd towns, and although urbanization declined from about 33–6 per cent in 1400 to 25 per cent in 1500, the county was home to many urbanites who eagerly invested in rural landownership. These absentee landlords prioritized capital-intensive and labour-saving approaches.⁷

Whether a society should be called capitalist or not will always depend on the question where exactly one wishes to set the goalposts. Historians of the Low Countries consider this new productive arrangement to have been capitalist because of the combination of fully developed factor markets for land, labour and capital, with the constant reinvestment of capital in production. Furthermore, recent scholarship suggests that the Low Countries saw sustained economic growth between the thirteenth and eighteenth centuries, which is another staple of most definitions of capitalism.⁸ In what follows, we use

⁷ For this and many other examples, see Tim Soens, 'Floods and Money: Funding Drainage and Flood Control in Coastal Flanders from the Thirteenth to the Sixteenth Centuries', *Continuity and Change*, xxvi, 3 (2011), 350.

⁸ See the seminal article by Wouter Ryckbosch, 'Economic Inequality and Growth before the Industrial Revolution: The Case of the Low Countries (Fourteenth to Nineteenth Centuries)', *European Review of Economic History*, xx, 1 (2016). See also Maarten Prak and Jan Luiten van Zanden, *Pioneers of Capitalism: The Netherlands, 1000–1800*, trans. Ian Cressie (Princeton, 2023), ch. 2. Caution is in order because the estimates are primarily based on urban data and the contribution of pockets of agrarian capitalism cannot be measured with the available sources.

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

What matters for the purpose of our enquiry into the political economy of seigneurial lordship is that coastal Flanders provides a striking contrast with the persistence of peasant societies in most other parts of Europe, including inland Flanders. A foil to Oude Yvene is the village of Markegem (near Kortrijk). In the late sixteenth century, almost 45 per cent of the arable land in this village consisted of farms of less than a hectare, which were only viable because their owners supplemented their harvests with income from cottage industries and hiring out their labour as maids and servants. Another 35 per cent of the land was organized in farms of 1–5 hectares, with another 10 per cent in farms of 5–10 hectares. Only one farm in the village was larger than 20 hectares, namely, the farmstead that included the demesne of the lord (that is, the part of the seigneurie directly controlled by the lord, as opposed to the larger segment that was given out in tenancies).⁹ Thus, while the situation in inland Flanders in the thirteenth to sixteenth centuries was that of a society in which the turnover of land through market exchange was already very high when compared to the rest of Europe, sales always pertained to very small plots of land that were never merged, large-scale landholding only taking shape in the nineteenth century.

The contrasting stories of coastal Flanders and inland Flanders provide a precious opportunity for a comparative analysis of the root causes of economic development, but to this day historians struggle to explain this divergence.¹⁰ What certainly mattered

⁹ Thijs Lambrecht, *Een grote hoeve in een klein dorp: Relaties van arbeid en pacht op het Vlaamse platteland tijdens de 18^{de} eeuw* (Ghent, 2002), 16, 21. For other examples, see Erik Thoen, *Landbouweconomie en bevolking in Vlaanderen gedurende de late Middeleeuwen en het begin van de Moderne Tijden. Testregio: De kasselrijen van Oudenaarde en Aalst (eind 13^{de}–eerste helft 16^{de} eeuw)*, 2 vols. (Ghent, 1988), ii, 850–66.

¹⁰ The conceptual potential of this cross-check is spelt out in Robert P. Brenner, 'The Low Countries in the Transition to Capitalism', *Journal of Agrarian Change*, i, 2 (2002); Erik Thoen, "'Social Agrosystems" as an Economic Concept to Explain Regional Differences: An Essay Taking the Former County of Flanders as an Example (Middle Ages–19th Century)', in Bas J. P. van Bavel and Peter Hoppenbrouwers (eds.), *Landholding and Land Transfer in the North Sea Area (Late Middle Ages–19th Century)* (Turnhout, 2004).

was that coastal Flanders was mostly covered by clay deposits, which were far less fertile than the loess soils that covered much, if not all, of inland Flanders. As more fertile soils implied greater agricultural surplus, small and middling tenant farmers in inland Flanders may have had a stronger buffer than those of coastal Flanders against financial ruin and the necessity to sell their tenancies to urban investors and noblemen. This forced sell-out is exactly what happened in the coastal plains, where, with the rapid increase in fiscal pressure from the count of Flanders, peasants felt their livelihoods to be so threatened that it led to the Flemish peasant revolt of 1323–8.¹¹ Another catalyst was that, once property structures started to shift, small peasants had to shoulder a disproportionately large share of the costs of protecting the Flemish coast against floods because absentee landlords were loath to contribute to water management.¹²

Other than hydrological problems, however, these stress factors were also present in inland Flanders. As well as loamy soils, inland Flanders was partially covered by a large strip of sandy soils, which yielded relatively small harvest surpluses. This part of Flanders was similarly not immune to fiscal crisis and impoverishment, and while the peasant revolt of 1323–8 originated on the coast, it spread rapidly to the east. Large parts of the Flemish countryside occasionally suffered massive destruction, and in the wake of the Flemish Civil War of 1482–92, for example, large parts of inland Flanders were laid waste.¹³ That small and middling farms remained the norm in the wake of this destruction was not inevitable since in inland Flanders, as on the coast, urban investors were eager to buy up small plots of land. As early as the thirteenth century, leading citizens from Ghent, for example, were investing in rural properties. In contrast to coastal Flanders, however, this influx of urban capital into the countryside remained scattered rather than becoming consolidated in large agricultural enterprises.

¹¹ The classic English-language discussion is William H. TeBrake, *A Plague of Insurrection: Popular Politics and Peasant Revolt in Flanders, 1323–1328* (Philadelphia, 1993).

¹² Tim Soens, *De spade in de dijk? Waterbeheer en rurale samenleving in de Vlaamse kustvlakte (1280–1580)* (Ghent, 2009).

¹³ Erik Thoen, 'Oorlogen en platteland: Sociale en economische aspecten van militaire destructie in Vlaanderen tijdens de late middeleeuwen en de vroege moderne tijden', *Tijdschrift voor Geschiedenis*, xci (1978).

In recent years, historians have come to suspect that seigneurial lordship explains why the Low Countries, and Flanders in particular, became a patchwork of peasant societies and a hot-bed of agrarian capitalism. Drawing on the New Institutional Economics framework of Douglass North and Robert Thomas, who had discussed seigneuries as a classic example of 'extractive institutions' that hindered economic growth by stacking the deck in favour of power elites, the Dutch American historian Jan de Vries speculated in 1973 that the efflorescence of the Dutch Republic owed much to Holland's 'non-feudal' past, that is, the relative absence of seigneuries, but this suggestion was not picked up.¹⁴ Only when he reiterated it in 1997 in his seminal study with Ad van der Woude on seventeenth-century Holland as 'the first modern economy' did historians take seriously the possibility that the distance of the Low Countries from the heartlands of the feudal revolution in the French- and German-speaking world may have created breathing space for structural economic change.¹⁵ As announced in its title, *Manors and Markets*, this idea underpins Bas van Bavel's influential synthesis of Netherlandish economic history published in 2010.¹⁶ To this day, however, in the absence of empirical research, consensus is missing.¹⁷ Because the urbanized Low Countries are

¹⁴ Jan de Vries, 'On the Modernity of the Dutch Republic', *Journal of Economic History*, xxxiii, 1 (1973), which refers (n. 4) to Douglass C. North and Robert Paul Thomas, 'The Rise and Fall of the Manorial System: A Theoretical Model', *Journal of Economic History*, xxxi, 4 (1971). Please note that the latter authors mainly drew on the scholarship on English manors, which are comparable, if not identical, to the seigneuries in the Low Countries and elsewhere on the Continent. For a comparative overview, see Chris Wickham, 'Defining the Seigneurie since the War', in Monique Bourin and Pascual Martínez Sopena (eds.), *Pour une anthropologie du prélèvement seigneurial dans les campagnes médiévales (XI^e–XIV^e siècles): Les mots, les temps, les lieux* (Paris, 2007).

¹⁵ Jan de Vries and Ad van der Woude, *The First Modern Economy: Success, Failure, and Perseverance of the Dutch Economy, 1500–1815* (Cambridge, 1997), esp. 158–60. The turning point in the reception of this thesis was Bas J. P. van Bavel and Jan Luiten van Zanden, 'The Jump-Start of the Holland Economy during the Late-Medieval Crisis, c.1350–c.1500', *Economic History Review*, lviii, 3 (2004), 504, 525–6. See also Jan Luiten van Zanden, *The Long Road to the Industrial Revolution: The European Economy in a Global Perspective, 1000–1800* (Leiden, 2009), 95–100.

¹⁶ Bas van Bavel, *Manors and Markets: Economy and Society in the Low Countries, 500–1600* (Oxford, 2010).

¹⁷ For continued scepticism, see, for example, Oscar Gelderblom and Joost Jonker, 'The Low Countries', in Larry Neal and Jeffrey G. Williamson (eds.), *The Cambridge History of Capitalism*, 2 vols. (Cambridge, 2014), i, 347.

often conceptualized as a proto-bourgeois society, seigneurial lordship was never high on the research agenda.¹⁸

In what follows, we contend that historians are right to suspect that the relative absence of lordship contributed to the birth of divergent trajectories in the rural economy, albeit in different ways from those they often imagine. In section II, we reconstruct the seigneurial landscape for the entire county of Flanders, revealing that seigneuries were by and large absent in coastal Flanders as a presumed hotbed of agrarian capitalism, whereas they abounded in inland Flanders as a persistent peasant society.

In the following two sections, we explore the causal mechanisms that underpin this negative correlation between the spatial distribution of feudal lordship and agrarian capitalism. Section III is dedicated to the old argument, going all the way back to Smith and Marx, that seigneurial lordship was economically detrimental because lords overtaxed their peasants while not investing in agricultural innovation themselves. This claim about systematic coercive surplus-extraction does not withstand scrutiny. Drawing on research on seigneurial rights and revenues, we show that seigneurial burdens were extremely limited when compared with those of other parts of Europe. Intent as they were on dominating their hinterlands, the great Flemish towns offered country-dwellers a shield against seigneurial abuse, to the point that a lord could only rule his seigneurie in close collaboration with his peasant subjects, who, in turn, restricted seigneurial taxes to an absolute minimum.

In Section IV we show how peasants used their control over the seigneurie to protect themselves from the threat of agrarian capitalism in ways that were impossible in regions where seigneuries were thin on the ground and where large-scale landowners dominated local governance. In reflections on the political economy of pre-industrial Europe, feudalism is often reduced to a stage preceding capitalism, but in inland Flanders,

¹⁸ For a historiographical discussion, see Frederik Buylaert and Sam Geens, 'Social Mobility in the Medieval Low Countries, 1100–1600', in Sandro Carocci and Isabella Lazzarini (eds.), *Social Mobility in Medieval Italy (1100–1500)* (Rome, 2018). For an overview of the available scholarship, see Arie van Steensel, 'Recent Historiography on the Nobility in the Medieval Low Countries', *History Compass*, xii (2012).

seigneurial lordship shifted in constant dialogue with agrarian capitalism. Being aware of the proletarianization of their fellow peasants in coastal Flanders and understanding its root causes, the small and middling landowners of inland Flanders imposed seigneurial regulations on the markets of land, labour and capital that made experiments with agrarian capitalism impossible. While inland Flanders was a highly commercialized society, up to their abolition in 1795 seigneuries in this region helped to channel commercialization in ways that enabled peasant communities to survive rather than undermined them. The unusual story of coastal and inland Flanders confirms that seigneurial lordship was an important factor in economic change, or rather the lack thereof, while subverting deep-rooted scholarly assumptions about the seigneurie as a vehicle for elite interests.

II

RECONSTRUCTING SEIGNEURIAL LANDSCAPES

When Jan de Vries and Ad van der Woude speculated in 1997 that the relative absence of seigneuries was one of the root causes of Holland's 'Golden Age', they thought that it was impossible to substantiate this claim. They imagined that for discussions of medieval political economy, 'quantification is useless, convincing demonstrations are difficult, and tentative and suggestive treatments are as much as one can hope for'.¹⁹

For Flanders, this pessimism is unwarranted because of the survival of feudal registers. The county was divided into fourteen castellanies (*kasselrijen*), and for all but one of these rural districts, registers survive that list not only the fiefs that were held directly from the count of Flanders, but also fiefs that were, in turn, held of these fiefs, and so on (*achterlenen* and *achter-achterlenen*).²⁰ The most important series of registers was commissioned for fiscal purposes in the early 1470s by Duke Charles the Bold, who ruled over the Low Countries, but older registers exist that sometimes go back to the fourteenth century. For the Liberty of Bruges, the largest rural district, for example, we have registers for c. 1322–1330, 1365–1366, 1384, 1435,

¹⁹ De Vries and van der Woude, *First Modern Economy*, 159.

²⁰ No registers survive for the small rural district of Bornem.

1468 and 1501.²¹ Similar registers often survive for the feudal courts of the great comital domains and ecclesiastical institutions. Taken together, these sources show that Flanders counted roughly 10,000 fiefs.²²

Seigneuries are listed among these fiefs, so this corpus of feudal registers allows a systematic study of seigneuries. We must stress, however, that these sources are not without limitations. As illustrated by the widespread use of ‘feudalism’ as a shorthand to discuss the economic and political impact of lordship, historians tend to conflate fiefs and seigneuries. Yet fiefs and seigneuries are distinct concepts. Feudal relations were exchanges in which the technical owner of a right endowed someone else with that right in return for goods or services. Almost anything — a rent, a plot of land, an office — could be at the centre of a feudal relationship, whereas seigneurial lordship was about public rights of governance held by individuals or institutions over the inhabitants of a well-delineated territory.²³ The confusion largely arises from the considerable overlap between fiefs and seigneuries in France, the subject of a case study that looms large in post-war scholarship on lordship.²⁴ In Flanders, however, only a fraction of all fiefs included seigneurial rights, and, conversely, not all seigneuries were fiefs.

Many seigneuries must have emerged in the tenth and eleventh centuries as allodial estates, that is, as free properties that were different from mere large-scale landownership in the sense that its owners had public authority over the local inhabitants. In the centuries that followed, most lords transformed their allodial seigneuries into fiefs in order to secure the vitality of their dynasty. According to Flemish customary law, allods had to be

²¹ Algemeen Rijksarchief Brussel, Rekenkamers, 1072 (1365), 1074 (1384), 45295 (1322–30); Stadsarchief Brugge, Leenhof Burg van Brugge, 518 (1435), 519 (1501); Rijksarchief te Brugge, Leenhof Burg, 64 (1468).

²² For feudal institutions and their sources, see Rik Opsommer, ‘*Omme dat leengoed es thoochste dinc van der weerelt*’: *Het leenrecht in Vlaanderen in de 14^{de} en 15^{de} eeuw*, 2 vols. (Brussels, 1995), esp. i, 142–3.

²³ For the birth of lordship as a concept, see, especially, Charles West, *Reframing the Feudal Revolution: Political and Social Transformation between Marne and Moselle, c. 800–c. 1100* (Cambridge, 2013).

²⁴ See the comments in Fredrick L. Cheyette, ‘Georges Duby’s *Mâconnais* after Fifty Years: Reading it Then and Now’, *Journal of Medieval History*, xxviii, 3 (2002), 294–5.

divided equally among all heirs, both male and female. This was a potential threat to the might of lords, as a strict application of allodial custom implied that seigneurial rights would become fragmented with the passing of time. In contrast, Flemish feudal law favoured the eldest male heir, so that seigneurial fiefs were handed over intact from one generation to the next. For that reason, more and more noble lords submitted their allodial seigneuries to the count of Flanders, who returned the estate to them as a fief. In 1409, for example, Sir Baldwin de Vos arranged for his seigneurie of Pollare to become a fief that was henceforth held from the feudal court of the castellany of Oudburg (the rural district of Ghent). Such arrangements strengthened the authority of the count over his most powerful subjects while helping nobles to secure their dynastic interests. Feudal seigneuries thus became the norm, to the point that contemporaries said of allodial seigneuries that they were held in fief 'from God and the sun', although some seigneuries persisted as allods until the sixteenth century.²⁵

Unlike feudal seigneuries, allodial seigneuries were not subject to systematic registration, which makes them much harder for historians to trace. Together with our research team, we perused a wide array of charters, chronicles and accounts, as well as antiquarian and heritage publications on individual villages and noble dynasties, to complement the feudal registers with scattered references to both allodial and feudal seigneuries.

When building our survey of Flemish seigneuries, considerations of feasibility forced us to restrict the scope to seigneuries with the rights of high or middle justice, thus excluding the even larger number of seigneuries that held only low justice. Aside from honorific differences that are irrelevant to our enquiry, lords with high or middle justice had extensive rights of governance: so much so that they were both entitled to exile or execute convicted criminals. These lords also routinely had rights of low justice, which implied the right to punish minor infringements

²⁵ Several examples are discussed in Jan Van Rompaey, 'De heerlijkheid als heem van onze voorouders', *Ons Heem*, xxix (1975), 130; A. C. F. Koch, 'Het Land tussen Schelde en Dender voor de inlijving bij Vlaanderen (met een opmerking over het ontstaan van Oudenaarde)', *Handelingen van de Geschied- en Oudheidkundige Kring van Oudenaarde*, 1 (1956), 58–9 nn. 10–11.

with fines, and an array of economic rights, ranging from the imposition of inheritance and transaction taxes to the more rarely invoked right to abandoned properties (*vondrecht*).

For contemporaries, what mattered was how lordship impacted on their daily lives.²⁶ They routinely referred to fiefs with high or middle justice as seigneuries (*heerlijcheden* in Middle Dutch sources, or *seigneuries* in French sources), but they rarely did so for fiefs that only had rights of low justice. Comparisons of the registers for the different rural districts reveal no strong variance in the ratio between seigneuries with high or middle justice and fiefs with low justice: they oscillate around a ratio of one to three. Our survey of seigneuries with high and middle justice thus demonstrates the relative distribution of lordship within the county of Flanders, so that we can assess whether the contrasting trajectories of coastal and inland Flanders were rooted in different seigneurial landscapes.

The feudal registers that underpin our survey cover the mid fourteenth to the mid sixteenth century, but much suggests that they reveal the contours of a landscape that had been more or less stable since the tenth and eleventh centuries. Historians agree that seigneuries emerged in the tenth to the twelfth centuries and that, with the passing of time, new seigneuries became increasingly rare. Tellingly, a seigneurie that only emerged in the thirteenth century in the part of the county covered by poor sandy soils was named Rode-Nieuwenhove (literally, 'Rode-New-Court').²⁷ In fact, we know of only a handful of seigneuries that were established after the thirteenth century, and the controversy that surrounded them makes it unlikely that others remain undetected. Middelburg-in-Flanders, for example, was created in 1458 as the vanity project of the leading financial official to Duke Philip the Good, and as it upended the political balance in the Liberty of Bruges, this new seigneurie caused much unrest. Fearing disorder, the leading officials of the comital administration had to be intimidated personally by Philip the Good before they signed off on the charters with which

²⁶ See, especially, the reflections in Sandro Carocci, 'The Pervasiveness of Lordship (Italy, 1050–1500)', *Past and Present*, no. 256 (Aug. 2022).

²⁷ Jan van Rompaey, 'De keuren en statuten van de heerlijkheid Rode-Nieuwenhove te Oostkamp bij Brugge', *Handelingen van de Koninklijke Commissie voor de uitgave der oude wetten en verordeningen van België*, xxvii (1975–6), 114.

he relinquished his local rights of governance to the newly created lord.²⁸ In 1501 and 1529, two other high-flyers in the Burgundian–Habsburg administration realized similar projects with Watervliet, Philippine and Nieuwvliet (also in the Liberty of Bruges), but this never became a trend.

This is not to say that Flemish seigneuries were immune to change: the count of Flanders occasionally granted seigneurial rights. In 1414, for example, Duke John the Fearless granted high justice to Sir John van Belle for his seigneurie Boezinge in the castellany of Ieper (Ypres).²⁹ The upgrading of seigneuries remained rare, however, because this, too, was likely to provoke fierce opposition. As a rule, change was restricted to ownership: noble families were constantly shuffling and reshuffling bundles of seigneurial estates via inheritances, dowries and, to a much lesser extent, sales, but the volume of seigneurial rights and their spatial distribution over the county did not change substantially.

Our survey shows that the spatial distribution of seigneurial lordship was strikingly uneven. Our review of the available primary sources discloses the existence of roughly 800 seigneuries with high or middle justice, most of which were situated in inland Flanders (see [Map 2](#)). Institutionally speaking, the life of country-dwellers in inland Flanders was similar to life in many other European regions. As in the French countryside, for example, most villages were home to one or more seigneuries with high or middle justice, which regulated the lives of local inhabitants. The experience of country-dwellers in coastal Flanders was more unusual. Seigneurial rule was an alien concept for most of the 125,000 inhabitants of the Liberty of Bruges, for example, who in 1475 constituted almost 20 per cent of the county's population of 660,000 inhabitants. Here, as in the rest of coastal Flanders, the villages were ruled by the bench of aldermen of the castellany, which was increasingly dominated by large-scale landowners.³⁰

²⁸ See Jonas Braekevelt (ed.), *Pieter Bladelin, de Rijksel Rekenkamer en de stichting van Middelburg-in-Vlaanderen (ca.1444–1472): De ambities van een opgeklommen hofambtenaar versus de bescherming van het vorstelijke domein* (Brussels, 2012).

²⁹ Rijksarchief te Brugge, Familiearchief Thibault de Boesinghe, 265, 267–8.

³⁰ For the judicial and institutional organization of the Liberty of Bruges, see Laurent Inghelbrecht, 'Het bestuur, het beleid en de rechtspraak in het Land van Het Vrije (16^{de}–18^{de} eeuw)', *Jaarboek Spaenhiers*, xxviii (2020). For a detailed discussion

(cont. on p. 16)

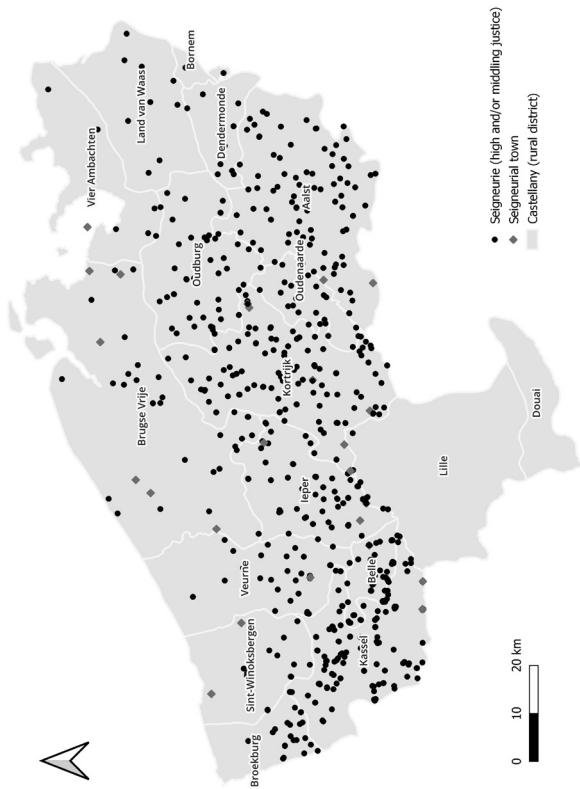
Two factors contributed to this skewed distribution of seigneurial lordship. The first was the diversity of soil types discussed above. Neither the clay soils of the coastal plains nor the land in the northern parts of the county lent themselves readily to cereal agriculture in the tenth to twelfth centuries, whereas cereal agriculture and nucleated villages were by then long established in inland Flanders, most of which lay on the westernmost tip of the fertile loess plains of Europe.³¹ Seigneuries only readily emerged in those regions where local agriculture produced enough surplus to support lordship. This contrast is most pronounced in the rural district of Veurne, which included forty-two parishes and which was bisected by the river IJzer. All seventeen seigneuries with high or middle justice that are attested in the feudal registers for this rural district are situated in the sandy soils east of the river, while not a single seigneurie emerged on the clay soils west of the river.

The second factor that stunted the proliferation of seigneuries in the western parts of Flanders is that the power base of the first counts of Flanders (the *pagus Flandrensis*) was situated in the Bruges hinterland. When these counts were expanding their territorial claims, they were happy to collaborate with local lords, who became their vassals, but they maintained direct control over their original power base, leaving little room for lords to emerge within the sphere of these mighty Carolingian

(n. 30 cont.)

of a single village, see Kristof Dombrecht, 'Plattelandsgemeenschappen, lokale elites en ongelijkheid in het Vlaamse kustgebied (14^{de}–16^{de} eeuw): Case-Study. Dudzele ambacht' (Ghent University Ph.D. thesis, 2014). For a social analysis of the Liberty's ruling class, see Frederik Buylaert and Andy Ramandt, 'The Transformation of Rural Elites in Late Medieval Flanders: Oligarchy, State Formation and Social Change in the Liberty of Bruges (ca. 1350–ca. 1525)', *Continuity and Change*, xxx, 1 (2015). For a similar analysis for another castellany in coastal Flanders, see Frederik Buylaert and Jonas Braekevelt, 'Rural Political Elites and Social Networks in Late Medieval Flanders: The Castellany of Furnes', in Georges Martyn, René Vermeir and Chantal Vancoppenolle (eds.), *Intermediate Institutions in the County of Flanders in the Late Middle Ages and the Early Modern Era* (Brussels, 2012).

³¹ For the relatively poor castellanies that bordered the river Scheldt rather than the North Sea, see Luc Daels and Antoon Verhoeve, 'De Vier Ambachten, een landschappelijke benadering', in A. M. J. de Kraker, H. van Royen and M. E. E. de Smet (eds.), *'Over den Vier Ambachten': 750 jaar keure, 500 jaar graaf Jansdijk* (Kloosterzande, 1993).



MAP 2

THE COUNTY OF FLANDERS

Dots represent 800 known seigneuries with high and middle justice. Since the precise boundaries of seigneuries are not documented, each seigneurie is plotted in the most important village associated with it. Twelve seigneuries could not be plotted for lack of geographical information. Walloon Flanders, consisting of the castellanies of Lille, Douai and Orchies, is excluded from our analysis. Source: Mathijs Speecke *et al.*, *Repertorium van de hogere heerlijkheden van het graafschap Vlaanderen, ca. 1350–1570*, 2 vols. (Ghent, 2023).

officials, who now morphed into exceptionally strong territorial princes.³²

In the wake of the seigneurial transformation of the tenth to the twelfth centuries, inland and coastal Flanders still had much in common. Both regions were dominated by peasant societies, and they became economically intertwined with the flourishing of towns, which owed their beginnings to the export of high-quality woollen textiles. While they would soon shift to English wool, the artisans and drapers of Flemish towns originally worked with fleeces that came from flocks of sheep that were kept on the coastal plains. From the fourteenth century onwards, however, the absence of lordship in coastal Flanders provided breathing space for economic experiments that were thwarted by the peasants of inland Flanders through their control over the seigneurie.

III

SEIGNEURIAL SURPLUS-EXTRACTION

Scholars have traditionally imagined that seigneurial lordship hindered the development of agricultural economies because of overtaxation of the peasantry. The idea was that lords maximized their income from seigneurial taxes. In 2005, however, Bruce Campbell destroyed this interpretation for England by pointing out that, by 1300, peasants had imposed restraints on rent-seeking. Having agreed to fixed sums in earlier times, lords struggled to raise the customary rents of their tenants in the face of increasing difficulties: inflationary trends hollowed out money rents, and even rents in kind constituted an ever smaller portion of the harvest as successive generations of peasants gradually unlocked the agricultural potential of land they held from the manor. At the turn of the fourteenth century, English lords only claimed in the region of 18–23 per cent of all net revenue from land. While this was enough for them to remain an economic elite, it was a substantially smaller share than that of their ancestors in the wake of the Norman Conquest. Also,

³² For the earliest history of Flanders, see David Nicholas, *Medieval Flanders* (London, 1992). For Flemish comital power, see the comparative assessment in Thomas N. Bisson, *The Crisis of the Twelfth Century: Power, Lordship, and the Origins of European Government* (Princeton, 2009).

much of this income was not derived from manorial lordship but from landlordship. English lords derived about 45 per cent from the demesne, that is, the part of the manor that they exploited directly, with about 47 per cent from the much larger part of the manor that they had entrusted to peasant households in return for customary rents and a meagre 10 per cent from banal rights (that is, fines from the manor court, and income from mills, markets and so on). Rather than being squeezed by their lords, English peasants enjoyed secure rights to land use in return for rents that were lower than the market value of the land.³³

Similar scenarios can be sketched out for continental seigneuries, although they differed significantly from English manors. Lords in France, the German empire, the Low Countries and so on usually had more substantial rights of governance, but this did not mean that they were less dependent on rents. Greater banal powers did not imply greater revenue. Criminal justice, in particular, was a costly affair for lords, offsetting income such as fines from civil litigation and taxes for the mandatory use of the lord's mills and ovens. For example, banal rights constituted about 13–15 per cent of the fourteenth-century revenues of the Land van Rode, a large seigneurie with high justice in the castellany of Aalst; this figure is only slightly higher than that of an English manor.³⁴ In a similar vein, the free labour that tenants sometimes owed to their lords could still be a significant help to ensure the running of the demesne, but lords increasingly complained about the costs of feeding the labourers while they were engaged in these labour services. Examples abound of lords simply breaking even, or running their seigneurial court and

³³ Bruce M. S. Campbell, 'The Agrarian Problem in the Early Fourteenth Century', *Past and Present*, no. 188 (Aug. 2005). See also Christopher Dyer, 'The Ineffectiveness of Lordship in England, 1200–1400', in Christopher Dyer, Peter Coss and Chris Wickham (eds.), *Rodney Hilton's Middle Ages: An Exploration of Historical Themes* (Past and Present Supplement no. 2, Oxford, 2007). Recent research confirms that this was a structural development. Anti-seigneurial sentiments were not an important driver for the Peasants' Revolt of 1381, as evinced in Mingjie Xu, 'Analysing the Actions of the Rebels in the English Revolt of 1381: The Case of Cambridgeshire', *Economic History Review*, lxxv, 3 (2022). Also, speculations about a seigneurial reaction in the early sixteenth century do not withstand critical scrutiny: Jane Whittle, 'Lords and Tenants in Kett's Rebellion, 1549', *Past and Present*, no. 207 (May 2010), 43–7.

³⁴ See Thoen, *Landbouweconomie en bevolking in Vlaanderen gedurende de late Middeleeuwen en het begin van de Moderne Tijden*, i, 415–19, 475–91, 609–11, 846.

exercising their banal rights at a loss, because it was a source of great prestige, while relying on the income from the demesne and rents.³⁵

The potential for the progressive erosion of seigneurial rents that Campbell observed for England was also present on the Continent, where seigneurial surplus-extraction could certainly be brutal. In the margraviate of Brandenburg, in the eastern part of the Holy Roman Empire, for example, lords claimed a staggering 45 per cent of the harvest around 1300. By 1560 the lord's share was reduced to 23–4 per cent, but, as elsewhere east of the Elbe, this decline was offset by increasingly burdensome labour services.³⁶ In other regions, however, peasants successfully put restraints on seigneurial taxes. Drawing on evidence from the Italian peninsula, Alessio Fiore recently showed that newly created lords often relied on threats and violence to impose their rule over village communities in the tenth and eleventh centuries, but that they also sought recognition for their newly established seigneuries as legitimate institutions that provided local peasants with public order management and public services. This ideal of 'good lordship' provided peasants with leverage to negotiate the mutual rights and obligations of lords and subjects.³⁷ From the mid twelfth century onwards, some parts of Italy thus saw a trend towards outcomes that were similar to those in England, with local lords claiming only 17 per cent of the harvest or less.³⁸

In Flanders, too, the seigneurie was supposed to work for the common good. When fifteenth-century Flemish noblemen mused over the origins of their seigneuries, they thought that, in the mists of time, the moral leadership of their ancestors had developed in seigneuries to provide local communities with

³⁵ Discussed in Jeremy Hayhoe, *Enlightened Feudalism: Seigneurial Justice and Village Society in Eighteenth-Century Northern Burgundy* (Rochester, NY, 2008), 46–7.

³⁶ William W. Hagen, 'How Mighty the Junkers? Peasant Rents and Seigneurial Profits in Sixteenth-Century Brandenburg', *Past and Present*, no. 108 (Aug. 1985), 85–6, 108.

³⁷ Alessio Fiore, 'Refiguring Local Power and Legitimacy in the Kingdom of Italy, c. 900–c. 1150', *Past and Present*, no. 241 (Nov. 2018).

³⁸ Discussed in Carocci, 'Pervasiveness of Lordship', 13–16.

good governance.³⁹ From the thirteenth century onwards, and possibly much earlier, this ideological assumption was clearly reflected in the daily workings of the seigneurie. In France, for example, lords could appoint a *juge* at will, who was usually an outsider to the village and who consequently gave his loyalty to the lord who hired him, but Flemish lords or ladies had to appoint every year seven aldermen among the ‘notable men, inhabitants of the seigneurie, and of good repute’ (*notable personen, upsetenen deser heerlichede, van goeder fame ende name*).⁴⁰ These peasant aldermen, as contemporaries called them, had a dual duty to both the lord and the community.⁴¹ A fifteenth-century oath of office survives for three adjacent seigneuries in the castellanies of Aalst and Oudenaarde that were ruled jointly by an ecclesiastical institution:

So you swear to be an alderman of the lords of the Chapter of Our Lady in Dendermonde for their seigneuries of Moorsel, Gijzegem and Wieze and all that pertains to them: to be good and loyal to the lord; to provide good and just sentences wherever you are, as you are obliged to do towards those who appeal to you and who summon you; to defend the Holy Church, including her privileges, rights and customs; to protect widows and orphans and all sorts of men who clamour for justice; to consult with the [other] aldermen; to advise aldermen; not to manipulate or corrupt aldermen; and to do all that a good and loyal alderman is supposed to do. So help you God, his sweet mother, Mary, all God’s saints, and your honour as a man.⁴²

While nobody contested the right of the lord or lady to appoint the aldermen, the seigneurial administration was an independent agent rather than the mouthpiece of the lord. About 1550, the baron of Pamele (near Oudenaarde), for example, was sued

³⁹ A detailed testimony is quoted and discussed in Frederik Buylaert, Wim De Clercq and Jan Dumolyn, ‘Sumptuary Legislation, Material Culture and the Semiotics of “Vivre Noblement” in the County of Flanders (14th–16th Centuries)’, *Social History*, xxxvi (2011), 407.

⁴⁰ This typical example is quoted in *Chartes et documents de l’abbaye de Saint Pierre au Mont Blandin à Gand depuis sa fondation jusqu’à sa suppression (630–1794): Avec une introduction historique*, ed. A. Van Lokeren (Ghent, 1867–71), 318–19.

⁴¹ For comital officers referring to ‘peasant aldermen’, see Georges Martyn, ‘Boerenschepenen en geleerd recht: Over een laat-zeventiende-eeuws gerechtsregister van de heerlijkheid Avelgem en Ter Muncken’, *Pro Memorie*, v, 2 (2003), 398–400.

⁴² Quoted in Middle Dutch in Frans de Potter and Jan Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen, 4^e reeks: Arrondissement Dendermonde* (Ghent, 1889–93), ‘Wieze’, 21–2, our translation.

by his own aldermen for trying to appoint one of his favourites to the post of secretary to the aldermen and because he expected a sumptuous meal during the annual renewal of the administration of the barony. Submitting their complaints to the Council of Flanders, the highest court of law in the county, the aldermen successfully argued that the baron had overstepped his authority.⁴³

Proceeding from a position of relative autonomy, aldermen mediated conflicts between lords and their subjects. An interesting case comes from Morbecque, a seigneurie in the castellany of Kassel that was ruled in the late 1540s by Lady Antoinette de Bailleul on behalf of her under-age son Jean de Saint-Omer. Antoinette tried to raise seigneurial rents, thus provoking outrage among the tenants, who promptly initiated a lawsuit against their lord before the aldermen of the seigneurie. Accepting the rise in the wheat rent and rejecting the rise in the number of capons owed to the lord, the aldermen produced the proverbial compromise that left everyone unhappy. Both the tenants and Jean and his mother appealed to the Council of Flanders against the sentence of the aldermen. As was becoming increasingly common, however, the judges of the Council of Flanders confirmed the decisions of the seigneurial court.⁴⁴

More often than not, however, the aldermen must have leaned more towards the interests of their fellow peasants than towards those of the lord. In difficult situations, the aldermen sometimes consulted all 'good men' (*den goeden lieden*), that is, 'all propertied subjects of the seigneurie' (*den upsittenden laten*).⁴⁵ This happened, for example, when the aldermen of Sint-Lievens-Houtem (near Ghent) came into conflict with the seigneurial bailiff, whom they accused of ignoring village custom (that is, the binding legal norms of local society). After the bailiff secured

⁴³ Rijksarchief te Gent, Raad van Vlaanderen, 7534, fos. 27^v–31^v.

⁴⁴ *Ibid.*, fos. 269^r–274^v. For a discussion of how the Council of Flanders dealt with the rare appeals against seigneurial courts, see Frederik Buylaert, 'Seigneurial Lordship and the Rise of the State in Flanders, c.1350–1550', in Erika Graham-Goering, Jim van der Meulen and Frederik Buylaert (eds.), *Lordship and the Decentralized State in Late Medieval Europe* (Oxford, forthcoming).

⁴⁵ 'Une Keure des seigneuries du chapitre de Saint-Pierre, à Lille', *Annales du Comité Flamand de France*, xxiii (1897), ed. P. Fourdin, 500–1; 'Coutume de Scheldewindeke', ed. D. Berten, *Bulletin de la Commission Royale pour la Publication des Ancienne Lois et Ordonnances*, vii (1906), 251.

support from the lord, the abbey of St Bavo, the aldermen summoned the entire parish to discuss the conflict.⁴⁶

Crucially, the daily workings of the seigneuries reveal that aldermen did not tend towards oppressive interpretations of seigneurial rights. Written records of seigneurial courts are extremely rare, but these so-called *ferieboeken* have been preserved from the late fifteenth century to the early seventeenth century for the barony of Nevele (near Ghent), Velzeke (a seigneurie that was part of the Land van Zottegem) and Zillebeke (near Ieper).⁴⁷ These elliptical notes on lawsuits that were pending before the bench of aldermen show that seigneurial litigation was dominated by conflicts between villagers over property demarcation, sales that had gone awry, unpaid debts and rents, and so on, interspersed with legal actions initiated by the aldermen against tenants regarding public disturbances or other infringements of village custom.⁴⁸ Judging by isolated references to oral mediation and arbitration by bailiffs and aldermen, these lawsuits were the tip of an iceberg of informal conflict resolution.⁴⁹ What is most striking, however, is what is *not* there, namely, lawsuits brought by the lord against his tenants. This was a common occurrence in the manorial courts of, for example, Prussian Junkers.⁵⁰ In various parts of *ancien régime* France, too, historians have observed that the lord expected his *juge* to pursue every conceivable opportunity to fine peasants for the late or incomplete payment of this or that seigneurial tax, to the point that between 10 and 40 per cent of all lawsuits in a seigneurie were about lords prosecuting tenants to maximize revenue.⁵¹ As elsewhere in Europe, inflation ensured that seigneurial

⁴⁶ Discussed in De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Sint-Lievens-Houtem', 11–14.

⁴⁷ Rijksarchief te Gent, Baronie Nevele, 941; Land van Zottegem, 4302–4; Rijksarchief te Brugge, Kasselierij Ieper, 1st ser., 4315.

⁴⁸ This pattern persisted in the seventeenth and eighteenth centuries: see, for example, the analysis of the sentences in the seigneurie of Avelgem in the 1680s in Martyn, 'Boerenschepenen en geleerd recht', 398–400.

⁴⁹ See, for example, Rijksarchief te Gent, Raad van Vlaanderen, 7515, fos. 376^v–377^v.

⁵⁰ Hagen, 'How Mighty the Junkers?', 111.

⁵¹ Hayhoe, *Enlightened Feudalism*, *passim*, esp. 45. See also Anthony Crubaugh, *Balancing the Scales of Justice: Local Courts and Rural Society in Southwest France, 1750–1800* (University Park, 2001), 63.

taxes weighed less and less heavily on the shoulders of the peasants of seventeenth- and eighteenth-century France, but seigneurial lordship retained oppressive aspects that contributed to the French Revolution.⁵² The trajectory of Flanders was more closely aligned with that of England, where fifteenth-century manorial records increasingly reflect peasant interests rather than those of the lord of the manor.⁵³

Flanders constitutes an early and extreme example of this trend. In this county, serfdom became moribund in the thirteenth century, whereas in England, the tipping point came in the mid fourteenth century.⁵⁴ In addition, a review of the available evidence from seigneurial accounts by Erik Thoen suggests that, on average, seigneurial taxes claimed only 4 per cent of the harvest, a figure that remains far below the taxes levied by their counterparts in other regions, including England. In Flanders, both the land rents and the banal rights had become constrained by custom and, in the case of money rents, eroded by inflation. From the fourteenth century onwards, demographic crisis reinforced this trend by driving up the price of labour.⁵⁵ Our own research confirms that Flemish seigneurial lordship weighed very lightly on the peasantry.

Consider the exceptionally well-documented seigneurie of Dadizele, which encompassed the eponymous village between Kortrijk and Ieper and parts of the adjacent parishes of Ledegem and Geluwe. In 1480–1 the local lord, Sir John van Veerdegem, composed a manuscript in which he dwelt in loving detail on his lineage and seigneurial rights, which included middle justice.⁵⁶ Sir John was fortunate since he happened to rule over a

⁵² For an overview of various estimates and a general discussion, see William Beik, *A Social and Cultural History of Early Modern France* (Cambridge, 2009), 36–7, 41.

⁵³ *The English Manor, c. 1200–c. 1500: Selected Sources Translated and Annotated by Mark Bailey* (Manchester, 2002), 17–18, 184–9. See also Jean Birrell, ‘Manorial Customals Reconsidered’, *Past and Present*, no. 224 (Aug. 2014).

⁵⁴ Compare Mark Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge, 2014), with Léo Verriest, ‘Le Servage en Flandre, particulièrement au Pays d’Alost’, *Revue historique de droit français et étranger*, xxvii (1950).

⁵⁵ Thoen, *Landbouweconomie en bevolking in Vlaanderen gedurende de late Middeleeuwen en het begin van de Moderne Tijden*, i, 415–19, 475–91, 609–11, 846.

⁵⁶ Dadingisila (the heritage society of the present-day village of Dadizele), Fonds de Croix, MS Dadizele, KA.GEN.KL01-BK20, esp. fos. 3^r–45^v. For a full discussion of this exceptional source, see Frederik Buylaert and Jelle Haemers,

(cont. on p. 25)

substantial seigneurie (*assez grande et spacieuse*, as it was put in one charter) that included one of the largest villages in the county. According to a fiscal document from 1469, Dadizele was home to 178 households, nine of which were too poor to pay taxes, so that Sir John probably ruled over eight to nine hundred people.⁵⁷ In addition, his predecessors had kept most of the rents in kind so that they were resistant to inflation. Each year, the tenants of Dadizele owed Sir John 54 parisian pounds, sixteen capons, six geese, three hens (animals were bought at the going rate), and, last but not least, 24,000 litres of oats, the local crop. In the year that Sir John put pen to paper, these oats would have yielded 188 parisian pounds on the market, so that his total income from rents must have been something close to 250 parisian pounds.⁵⁸ While Sir John does not disclose how much income he derived from the direct exploitation of the demesne of the seigneurie of Dadizele, this is likely to have yielded him a somewhat greater sum. The nearby seigneurie of Pittem, which was comparable to Dadizele in size, population and level of jurisdiction, yielded an annual income of 500 pounds, but whereas the demesne of Pittem was 33 hectares in area, by 1480, as a supplement to his spectacular career in the service of Mary of Burgundy and Maximilian of Austria, Sir John had managed to increase the demesne of Dadizele from 33 hectares to almost double that size.⁵⁹ All in all, he is likely to have received something close to 750 parisian pounds per year from Dadizele, which was probably

(n. 56 cont.)

'Record-Keeping and Status Performance in the Early Modern Low Countries', in Liesbeth Corens, Kate Peters and Alexandra Walsham (eds.), *The Social History of the Archive: Record-Keeping in Early Modern Europe* (Past and Present Supplement no. 11, Oxford, 2016).

⁵⁷ J. De Smet, 'Le Dénombrement des foyers en Flandre en 1469', *Handelingen van de Koninklijke Commissie voor Geschiedenis*, xcix (1935), 130. For the quotation, see Rijksarchief te Gent, Raad van Vlaanderen, 7351, fo. 230^v.

⁵⁸ Based on a nine-year moving average of the prices listed in Adriaan Verhulst, 'Prijzen van granen, boter en kaas te Brugge volgens de "Slag" van het Sint-Donatianskapittel (1384–1801)', in Charles Verlinden and Jan Craeybeckx (eds.), *Dokumenten voor de geschiedenis van prijzen en lonen in Vlaanderen en Brabant (XV^e–XVIII^e eeuw)*, 2 vols. (Bruges, 1965), ii/A.

⁵⁹ For this comparison, see Jacques Mertens, 'Enkele aspecten van de heerlijke financies op het einde van de XIV^{de} eeuw: De heerlijke rekeningen van Pittem (1386–1390)', *De Leiegouw*, x (1968).

close to the median net income of Flemish seigneuries.⁶⁰ This was a substantial sum when measured against the annual income of skilled and unskilled urban labourers at the time, which was 112 and 66 parisian pounds respectively.

Yet, while control over a seigneurie sufficed to elevate someone to the economic elite, this case study confirms that Flemish lords did not dip deep into the pockets of the peasantry. Detailed data on cereal yields, including oats, reveal that only about 10 hectares of land (the equivalent of two small farms) were required to produce the annual rent due to Sir John, that is, a tiny portion of the parish of Dadizele, which covered roughly 600 hectares.⁶¹ Even if we assume that only half the parish was arable land under control of the tenants (Sir John apparently held 87 hectares in direct ownership and his manuscript refers to meadows, forests and marshlands), seigneurial rents still amounted to little more than 3 per cent of the harvest. We cannot know how many of Dadizele's 178 households made their living from agriculture as opposed to other occupations (the village was home to ten taverns, a smithy and a school), but the local peasantry was certainly not crushed by seigneurial taxes. The same goes for labour services. With the rise of second serfdom, peasants east of the Elbe had to provide their lords with two days of free labour per week, but, like other Flemish lords, Sir John could only claim two or three days of free labour from his tenants per year. Apart from as a source of honour, a lord could also find labour services useful in pursuit of the exploitation of his demesne, but this labour was not free. Flemish lords had to shoulder the considerable expense of feeding their tenants during labour service.⁶² In his manuscript Sir John grumbled about these costs when he jotted down the meals he had to provide during the days when local peasants provided free labour by fertilizing his demesne with marl:

⁶⁰ See the estimates bundled in Frederik Buylaert, *eeuwen van ambitie: De adel in laatmiddeleeuws Vlaanderen* (Brussels, 2010), 113.

⁶¹ See Paul Vandewalle, 'De geschiedenis van de landbouw in de kasselrij Veurne, 1550–1645' (Ghent University Ph.D. thesis, 1979), 280. For the size of the parish, see H. Mussely, *Histoire de Dadizele* (Kortrijk, 1869), 25. Our estimate is conservative as the seigneurie was larger than the parish of Dadizele alone.

⁶² For labour services, see Thijs Lambrecht, 'Stierenzaad en een stuk kaas: Boeren, heren en karweien in Vlaanderen en Brabant tijdens de Late Middeleeuwen', *Madoc*, xxxiii, 3 (2019), esp. 141–2.

One gives them for breakfast: bread, sweet milk, butter and baked tripe; for lunch: bread, bacon, peas, meat, cheese and beer; all day long: small beer and new hay for the horses; in the evening when they cease work for the day, everyone is owed a small loaf of bread with a piece of cheese, including every child who is also present [for the distribution of food]. Meanwhile, in earlier times, the cost was not so prohibitive.⁶³

These restraints on seigneurial surplus-extraction did not originate with villagers appealing against the seigneurial court to the Council of Flanders, a legal recourse that was open to them from the 1370s and possibly earlier. Appeals were rare, which suggests that peasant aldermen had an acute understanding of which decisions were desirable, acceptable or at least bearable for villagers. Increasingly staffed by men who were lords or affiliated to lords, the Council of Flanders also respected a basic principle of Flemish customary law according to which no appeal was possible against a criminal sentence of a seigneurial court. In contrast to English manors, which perhaps became less important in this respect, Flemish seigneuries with high or middle justice thus remained a crucial source of public order maintenance until well into the eighteenth century.⁶⁴

What had tilted the balance within the seigneurie away from lords in favour of their subjects was the omnipresence in Flanders of towns that were intent on controlling their hinterlands. From the thirteenth century onwards, great cities and middle-sized towns offered country-dwellers the opportunity to become ‘out-burghers’ (*buitenpoorters*), who could demand that all their affairs in civil law would be handled by the aldermen of the town rather than by those of the seigneurial court of their home village. Out-burghers, and sometimes their family members, were also exempt from specific seigneurial taxes such as the *beste kateel* (a tax that entitled the lord to the most valuable movable asset from the estate of a deceased subject, or an equivalent sum), another

⁶³ MS Dadizele, fos. 12^v–13^r, our translation.

⁶⁴ Buylaert, ‘Seigneurial Lordship and the Rise of the State in Flanders’. For England, see Marjorie Keniston McIntosh, *Controlling Misbehavior in England, 1370–1600* (Cambridge, 1998), 4–10, 16, 39, 208–10, 212–13, but this is challenged in Spike Gibbs, *Lordship, State Formation and Local Authority in Late Medieval and Early Modern England* (Cambridge, 2023).

factor that depressed seigneurial income.⁶⁵ Flemish lords had not been able to resist this development; any attempt to do so had ended in disaster. In the mid fourteenth century, for example, the lord of Spiere received a message from the nearby town of Kortrijk that one of his subjects was an out-burgher of the town, but when he forced the messenger to eat the letter, the town dispatched the urban militia to raze his castle.⁶⁶ Because of the relative strength of towns vis-à-vis lords, out-burghership soon became widespread. In 1440, for example, Kortrijk had 280 out-burghers in Dadizele, so that about a third of Sir John's subjects could escape civil litigation before the seigneurial court if so desired. Unsurprisingly, the families that provided aldermen to the seigneurial administration in 1480 appear on the list. In fact, most villages in the Kortrijk hinterland show even higher figures. In the seigneurie of Heule, for example, no fewer than 77 per cent of the villagers were out-burghers.⁶⁷ Little wonder, then, that seigneurial taxes were so low and that Sir John's manuscript was all about presenting himself as a 'good lord' acting in partnership with his subjects. In this corner of Europe, the seigneurie could only continue to function if it was aligned with the interests of the peasants.

The macroeconomic implications of this scenario are more ambivalent than scholars suspect. Gary W. Cox and Valentin Figueroa recently revealed a strong positive correlation in pre-industrial Eurasia between economic growth and the capacity of towns to intervene in their hinterlands. As powerful towns undermined the coercive labour arrangements that lords imposed on peasants, they ensured that country-dwellers could engage freely in urban labour markets, which, in turn, stimulated the region's economic development.⁶⁸ This interpretation

⁶⁵ The following discussion is based on Tom De Waele, 'Subjects' Strategies against Lordship in Burgundian and Habsburg Flanders', *Rural History* (2024), first published online 25 Mar. 2024, doi.org/10.1017/S0956793324000037, and Thoen, *Landbouweconomie en bevolking in Vlaanderen gedurende de late Middeleeuwen en het begin van de Moderne Tijden*, i, 431, 433, 441, 444–5.

⁶⁶ Discussed in Buylaert, *Eeuwen van ambitie*, 251–2.

⁶⁷ Rijksarchief te Kortrijk, Oud Stadsarchief Kortrijk, Poorters- en buitenpoorterslijsten, 7, fo. 69^{r-v} of the modern foliation (fiscal roll of the burghers). See also the estimates in Marc D'Hoop, 'Sociaal-ekonomische structuuratie en situatie van de Kortrijkse buitenpoorters (2^e helft 14^e–1^e helft 15^e eeuw)' (Ghent University MA thesis, 1980), 57.

⁶⁸ Gary W. Cox and Valentin Figueroa, 'Political Fragmentation, Rural-to-Urban Migration and Urban Growth Patterns in Western Eurasia, 800–1800', *European Review of Economic History*, xxv, 2 (2020).

clearly holds in the case of Flanders, where the rise of out-burghership coincided with the decline of serfdom. Thanks to rural-to-urban migration, towns flourished, even bouncing back quickly when they were hit hard by the Black Death.⁶⁹ Villages also prospered. While many young men and women moved permanently to the towns, others only worked for some years as servants and maids in urban households, thus saving capital that helped them, along with wedding gifts and inheritances, to cobble together their own farmstead in due time.⁷⁰ The produce of these small or middling farmsteads also readily found its way to urban markets. Setting aside a corner of their farms for labour-intensive crops such as madder or flax (respectively a source of dye and of fibre for textiles), the peasants of inland Flanders were market farmers whose incomes and life cycles were inextricably entwined with the Flemish urban network.⁷¹

Yet these urban policies only stimulated Smithian growth via commercialization while hindering the Schumpeterian destruction that was implied in the restructuring of agricultural land in large-scale holdings. Supplementing their income with wage-labour and industrial crops helped small peasants to survive, and, as we argue in the next section, seigneurial regulations reveal that these peasants used the control that out-burghership gave them over seigneuries to prevent the rise of agrarian capitalism, an option that was not open to their cousins in coastal Flanders.

IV

SEIGNEURIAL REGULATIONS

That seigneuries were dominated as much by peasants as by lords does not mean that seigneurial lordship automatically

⁶⁹ See Joris Roosen and Daniel R. Curtis, 'The "Light Touch" of the Black Death in the Southern Netherlands: An Urban Trick?', *Economic History Review*, lxxii, 1 (2019).

⁷⁰ An introduction to the literature in Bas J. P. van Bavel, 'Rural Wage Labour in the Sixteenth-Century Low Countries: An Assessment of the Importance and Nature of Wage Labour in the Countryside of Holland, Guelders and Flanders', *Continuity and Change*, xxi (2006).

⁷¹ For more details, see Erik Thoen, 'A "Commercial Survival Economy" in Evolution: The Flemish Countryside and the Transition to Capitalism (Middle Ages–19th Century)', in Peter Hoppenbrouwers and Jan Luiten van Zanden (eds.), *Peasants into Farmers? The Transformation of Rural Economy and Society in the Low Countries (Middle Ages–19th Century)* (Turnhout, 2001).

worked to the advantage of small peasants. Pushing back against Peter Blicke's influential claim that peasants in the German empire organized themselves in tightly knit village communities under the banner of communal ideals (*Kommunalismus*), Govind Sreenivasan pointed out that wealthy peasants often defended their discrete interests at the expense of smaller landowners. In southern parts of the empire, where out-burgership also gave peasants a strong voice in seigneuries, leading peasants used their grip on the administration to pursue policies that contributed to the immiseration of the lower ranks of the peasantry.⁷² Prominent peasants could choose to support peasants who were less well-off than them, but this could not be taken for granted. A famous example of this unpredictability is that of Robert Kett, a yeoman cum minor lord in Norfolk who had dipped his toes into enclosure projects but who went on to lead a peasant revolt in the summer of 1549 after his poorer colleagues pointed out to him how enclosures of common heaths and forests undermined the viability of small farms and thus their livelihoods and property rights.⁷³

Flemish villages, too, were centres of considerable tensions. Earlier research for the Low Countries has focused on the development of the agricultural economy rather than the social fabric of peasant societies, and the available archaeological data are exceedingly sparse. Because of progressive deforestation, Flemish peasants had shifted by the twelfth century to timber frameworks that lent themselves to the recycling of wood but which were not anchored in the soil, so that we are much better informed on early medieval farmsteads than on later ones.⁷⁴ But we do know that Flemish rural society was decidedly unequal and hierarchical. Case studies suggest that about 20 per cent

⁷² Govind P. Sreenivasan, 'The Social Origins of the Peasants' War of 1525 in Upper Swabia', *Past and Present*, no. 171 (May 2001). See also Govind P. Sreenivasan, *The Peasants of Ottobeuren, 1487–1726: A Rural Society in Early Modern Europe* (Cambridge, 2004). For other critiques, see also the overview and discussion in Robert W. Scribner, 'Communalism: Universal Category or Ideological Construct? A Debate in the Historiography of Early Modern Germany and Switzerland', *Historical Journal*, xxxvii (1994).

⁷³ See Whittle, 'Lords and Tenants in Kett's Rebellion', esp. 26, 41.

⁷⁴ Our thanks to Ewoud Deschepper (Ghent University) for guidance in navigating the available archaeological data and publications.

of villagers had no access to land. Making a meagre living from wage-labour, this group must have found seigneurial taxes burdensome. In contrast, the living standards of landed villagers appear to have increased substantially after the Black Death, as we know that more and more peasant households owned high-quality clothing, furniture, armour or other valuable objects.⁷⁵ Apart from these increasingly stark socio-economic fissures, we must stress that the village notables who ran the seigneurial and parish administrations routinely acted in ways that, in one way or another, entrenched the social prominence of adult male peasants, relegating women, minors, the landless, migrants and so on to the margins of society — a subject that requires a separate publication to do it justice. We should thus not romanticize the patriarchal peasant communities that gave seigneurial lordship new purpose and staying power, even if the interests of lower-ranking peasants were protected in ways that were often absent in other parts of Europe.

In Flanders, two factors may have nudged seigneurial administrations towards a conceptualization of the common good that included the interests of small landholders. The first is that the recruitment of aldermen at least occasionally dipped into the lower ranks of the peasantry. As in the towns, the bench of aldermen in the seigneuries had to be renewed annually, and at least some seigneuries had rules to avoid a handful of men constantly dominating the administration. Together with the plague-induced demographic crisis, this may have ensured that men of limited property also became aldermen, at least during the critical divergence between coastal Flanders and inland Flanders that took shape in the late fourteenth and early fifteenth centuries. In 1394, for example, the abbess of Mesen Abbey complained that she struggled to appoint aldermen because her seigneuries of Noord- and Zuidschote (near

⁷⁵ For a recent highly detailed case study, see Erwin Van der Hoeven, 'Ontfaen vanden insetenen vanden heerscepe van Herselle: De heerlijkheid Herzele (1444–1502). Een ruimte van onderhandeling' (Ghent University MA thesis, 2023), 11, 52, 57, 136–7, 141–3; and, more generally, Sam Geens, 'A Golden Age for Labour? Income and Wealth before and after the Black Death in the Southern Low Countries and the Republic of Florence, 1275–1550', 2 vols. (University of Antwerp Ph.D. thesis, 2023).

Ieper) had become largely depopulated in the past decades.⁷⁶ Whatever the case, seigneurial courts were not controlled exclusively by wealthy peasants. A surviving tax list allows us to make a financial assessment of nine men who served as aldermen in the seigneurie of Ingelmunster (near Kortrijk) between 1515 and 1520: six out of these nine were recruited from the top 10 per cent of taxpayers, but one alderman, Gheldolf de Rync, was assessed at a tax rate of 62d., that is, nearly identical to the average of 60d.⁷⁷ While they were in a strong position to do so, the wealthiest villagers thought it sensible not to monopolize the administration completely.

This observation ties in with the second factor, namely, that large and small peasants were highly dependent on each other in an urbanized region that was situated next to a hotbed of agrarian capitalism. Small peasants in villages in inland Flanders often worked part-time on the handful of farms with 25 hectares of land or more in order to secure a supplementary income or access to resources, for example, borrowing a horse to plough their own small plots of land. Conversely, the well-to-do peasants needed that part-time labour to run their farms.⁷⁸ What was different from the situation in most other parts of Europe is that poor peasants and their families had multiple options to hire out their labour. Apart from the demand for domestic help in the fifty-odd towns in the county, young men and women could also choose to spend the years waiting to acquire their own small farm in inland Flanders by working as farm workers on a large agricultural enterprise in coastal Flanders. Here, the rise of agrarian capitalism went hand in hand with a new demographic regime that, along with the seasonal rhythm of agricultural economies, created substantial labour crunches. Local families of dispossessed peasants became smaller because their future was more uncertain, given that large-scale farms laid off wage labourers as soon as they were no longer needed.

⁷⁶ *Coutumes des pays et comté de Flandre: Quartier de Furnes. Coutumes de la ville et châtelainie de Furnes*, ed. L. Gilliodts-Van Severin, 4 vols. (Brussels, 1897), iii, 137.

⁷⁷ We cross-checked the names of the aldermen in *Inventarissen van archieven van kerkfabrieken: Deel I*, ed. E. Warlop (Brussels, 1969), 42–4, with the income tax for 1518 preserved in Rijksarchief te Kortrijk, Familiearchief Descantons de Montblanc (de Plotho), 13492.

⁷⁸ Lambrecht, *Een grote hoeve in een klein dorp*.

As a result, the rapidly growing number of large-scale farms in coastal Flanders created an unusually high demand for short-term labour that was only partially met by proletarianized peasants and their descendants. Given that poor peasants had other options to hire out their labour, the owners of middling and large-scale farms in inland Flanders may have found it opportune to nurture a world view in which rich and poor peasants stuck together in a cohesive village community.

Whatever the case, the interlocking labour circuits of inland and coastal Flanders ensured that peasants in inland Flanders were well aware of the transformation of a nearby peasant society into something else entirely, even if they did not verbalize this experience as the rise of agrarian capitalism when they discussed it with their fellow peasants.⁷⁹ What they thought of this development, however, is reflected in granular detail in the regulations they drafted as peasant aldermen. Our survey has discovered nearly a hundred texts that recorded parts or all of seigneurial prohibitions and directives concerning everyday social and economic realities up to the abolition of seigneuries in 1795. While there is a degree of overlap with local customary law, and while customary provisions and the rules we highlight here sometimes figure in one and the same compilation, these seigneurial regulations should be seen as a different genre, covering different domains. Together with seven questionnaires used by lords and aldermen during village inquests to ensure compliance with local regulations (*doorgaande waarheden*), these provisions elucidate the normative framework of seigneurial lordship.⁸⁰

While often purporting to maintain agreements that went back centuries earlier, the four oldest surviving regulations date only from the second half of the thirteenth century, thus reflecting the growing ascendancy of the Flemish peasantry over their lords. Some of the oldest regulations already state explicitly that the following rules were granted by the lord at the request and

⁷⁹ For the interplay of oral communication, property rights, collective identities and social order, see Chris Wickham, 'Gossip and Resistance among the Medieval Peasantry', *Past and Present*, no. 160 (Aug. 1998).

⁸⁰ For an overview and discussion, see Klaas Van Gelder, 'Politie' in *de heerlijkheid: Gids en repertorium van heerlijke politiereglementen in het graafschap Vlaanderen, 13^e–18^e eeuw* (Brussels, 2023).

on the advice of his subjects. Precisely because they stemmed from highly individual and important negotiations with their lord, village communities were not prone to standardizing their regulations, even though their provisions reveal awareness of other seigneurial regulations. Thus, while infinitely diverse in length and phrasing, they are very similar in content and purpose. While lords dwelt lovingly on their seigneurial rights in the documents they submitted to the keepers of feudal registers, seigneurial privilege only makes an appearance in village regulations in ways that were strangely ominous for lords. To wit: the sixteenth-century villagers of Bossuit (near Oudenaarde) found it necessary to spell out that anyone who hit the lord would lose his or her hand (*verbuert de vuyst*).⁸¹ Other regulations clamped down on seigneurial caprice. The fourteenth-century regulations of Lieferinge (near Ninove), for example, stress that the lord could not use the horses and carts of his tenants during labour services and that the latter would enjoy immunity from legal reprisals if they used violence when the lord tried to do so (*ende woude hijt hem nemen, sijns ondanckens, hij moges hem weren, sonder mesdaet iegen ons te verbuerene*).⁸² Later regulations no longer anticipate problems with overbearing lords, but the strict conditions for the collection of seigneurial dues were there to stay.

The bulk of seigneurial regulations were about ensuring that peasants received good value for their seigneurial taxes and labour services. An early example comes from the regulations of Scheldewindeke (near Ghent) dating from the third quarter of the thirteenth century. Among the rules is one according to which the lord was responsible for the costly maintenance of a

⁸¹ What is certainly correct is that Flemish peasants, as in France, were more militarized than scholars often acknowledge: see Buylaert and Haemers, 'Record-Keeping and Status Performance in the Early Modern Low Countries', 145–6. However, we have no evidence of physical violence against lords for this county. Robert Jacob used a handful of case studies to highlight this phenomenon: 'Le Meurtre du seigneur dans la société féodale: La mémoire, le rite, la fonction', *Annales: Économies, sociétés, civilisations*, xlv, 2 (1990). But see Justine Firnhaber-Baker, *The Jacquerie of 1358: A French Peasants' Revolt* (Oxford, 2021), 101–2, for a pertinent critique.

⁸² De Potter and Broeckaert, *Geschiedenis van de gemeenten der provincie Oost-Vlaanderen*, 'Lieferinge', 14.

bull and a boar, which were allowed to roam freely around the village so that tenants could use these reproductive animals to impregnate their cow or sow.⁸³ Apart from such public services that the lord had to provide, seigneurial regulations met local needs with stipulations on fire safety, public hygiene and disease control, waste disposal, the use of churches, churchyards, markets and other elements of the public sphere, and so on.

What matters for our enquiry is that the management of landed resources and agriculture were front and centre in these regulations. We limit our analysis to the fifty seigneurial regulations that pre-date 1600, that is, the time frame during which inland Flanders and coastal Flanders went their separate ways. From that sample, four documents stem from the thirteenth century, two from the fourteenth, fourteen from the fifteenth, and thirty from the sixteenth century.⁸⁴ The seventeenth- and eighteenth-century regulations testify to the enduring vitality of seigneurial lordship but they do not demonstrate any meaningful changes from earlier arrangements. Since some regulations were shared by multiple seigneuries, this set of fifty regulations provides information on forty-two different seigneuries. To identify which themes were addressed, we tabulated each article of these regulations into five clusters, each with its own division into subclusters, namely, (1) social order and religion; (2) public order and safety; (3) social services, healthcare, education, culture; (4) economic order, work and professional regulations; and (5) land divisions.⁸⁵ Since village regulations were suspended between oral communication and written registration, the regulations varied wildly in the extent to which they spelt out rules on a wide range of topics, but the agricultural economy as the

⁸³ For this and other examples, see Lambrecht, 'Stierenzaad en een stuk kaas'. For Catalonia, see Paul Freedman, *The Origins of Peasant Servitude in Medieval Catalonia* (Cambridge, 1991), 193; Thomas N. Bisson, *Tormented Voices: Power, Crisis, and Humanity in Rural Catalonia, 1140–1200* (Cambridge, MA, 1998).

⁸⁴ We excluded one compilation that in all likelihood stems from the late sixteenth century or even the turn of the seventeenth but cannot be dated precisely: Van Gelder, 'Politie' in *de heerlijkheid*, 191 (no. 43).

⁸⁵ This typology was developed for the quantitative analysis of princely and urban regulations in the German empire: see Karl Härter and Michael Stolleis, 'Einleitung', in *Repertorium der Polizeyverordnungen der Frühen Neuzeit*, i, *Deutsches Reich und geistliche Kurfürsten* (Kurmainz, Kurtrier, Kurköln), ed. Karl Härter (Frankfurt am Main, 1996).

main source of wealth took centre stage: no fewer than forty-two of the fifty regulations include articles that fall under the lemma for agriculture (subcluster 4.1). When considered together, these stipulations reveal the contours of a consistent economic policy that was all about maintaining social equilibrium in an increasingly commercialized peasant economy.

In what follows, we compare the seigneurial regulations for inland Flanders with the normative texts from the castellanies of coastal Flanders. The regulations of the castellanies are generally older than those of the seigneuries. Dating back to the late twelfth and early thirteenth centuries, the privileges (Middle Dutch: *keuren*) of coastal Flanders were originally granted by the count of Flanders and restricted to the organization of local government and criminal law. In the centuries that followed, however, new rules were included about the economic organization of the countryside that clearly reflect the structural shifts in local property structures.⁸⁶ As these castellanies were dominated by nobles and bourgeois who were increasingly committed to large-scale farming, the regulations of the Liberty of Bruges and other coastal castellanies were facilitating a profit model that was all about high capital input (in the form of flexible wage-labour) in extensive farming. In contrast, peasant aldermen in inland Flanders regulated the factor markets for land and labour to protect small-scale landownership. For considerations of space, we only provide one or two typical examples of important measures, but many more examples could be given.

First, the land market. Many seigneurial provisions were about thwarting attempts by wealthy landlords to buy out small peasants and to bring the farmsteads together in a large agricultural enterprise. In many seigneuries, the merging of farmsteads, the demolition or abandonment of farms, or the dismembering and restructuring of existing farms into new agricultural units were simply forbidden.⁸⁷ Even leases had to encompass farmsteads

⁸⁶ These sources are discussed in detail in the chapters dealing with individual castellanies in Walter Prevenier and Beatrijs Augustyn (eds.), *De gewestelijke en lokale overheidsinstellingen in Vlaanderen tot 1795* (Brussels, 1997). The changes in scope are explored in Georges Declercq, 'Urban Privileges (*Keuren*) in Medieval Flanders: Charters or Dynamic Legal Documents? An Approach Based on Diplomatics and Pragmatic Literacy', *Legal History Review*, lxxxix (2021).

⁸⁷ Two random examples are the seigneuries of Berkel (1565): Algemeen Rijksarchief Brussel, Handschriftenverzameling, 720, fo. 7^v; Maandagse (1552): Stadsarchief Brugge, Oud Archief, ser. 136, fos. 1^v–2^r.

in their entirety, that is, if the lessee was someone from outside the village. In a similar vein, the village of Zaffelare (near Ghent) was typical in its strong endorsement of the so-called *naastingsrecht*, that is, a pre-emptive right of family members of the seller of a plot of land, a procedure that was facilitated by demanding that land sales had to be announced three weeks in advance in the parish church. In the seigneurie of Sint-Pieters-Rijsel (near Diksmuide) (not coincidentally close to the border between inland Flanders and coastal Flanders) this pre-emptive right was extended beyond the family: every villager was entitled to replace the buyer of a plot of land if the latter was not an inhabitant of the seigneurie.⁸⁸ Given that more and more wealthy city-dwellers were acquiring rural properties, we should not overstate the hostility towards absentee landlordship in inland Flanders, but peasant communities clearly wished to avoid patchworks of small farms being reorganized into large-scale holdings. Since all land sales had to be ratified by the seigneurial aldermen, local peasants were in a strong position to ensure that the local land market continued to work in favour of small peasants, who were constantly buying and selling small plots of land to endow each of their children with their own small farmstead.

An important step in protecting established property regimes was the upholding of user rights of small peasants to common resources. Access to local forests gave poor peasants access to firewood, while meadows allowed poor families to keep a cow. Apart from helping small peasants with free access to reproductive animals, peasant aldermen also protected the commons against overuse. Animals owned by outsiders (*vremde beesten*) were not welcome, and the bench of aldermen also monitored a balance of interests between local landowners. In the seigneurie of Destelbergen (near Ghent), for example, everyone who wanted their animals to be allowed to graze on the village meadows had to submit a request to the aldermen that included details on the number of animals.⁸⁹ As in England, large landowners were increasingly aware of the profits that could be made

⁸⁸ Rijksarchief te Brugge, Acht parochies van Veurne-Ambacht, 161, fo. 2^r.

⁸⁹ For two random examples, see Rijksarchief te Gent, Sint-Pietersabdij Gent — Charters, 2354 (Destelbergen); Baronie Nevele, 95 (Nevele).

by claiming the commons for themselves via enclosure, but as the sites of substantial rights of governance, Flemish seigneuries had the legislative means to protect established user rights.

The regulations of the two largest castellanies of coastal Flanders, that of Bruges and Furnes, included a number of identical measures against farm engrossment. As in inland Flanders, local authorities sought to halt the destruction of existing farmsteads and their amalgamation into larger holdings, especially during the sixteenth century. The critical difference from inland Flanders, however, was that these measures appeared relatively late, that is, from the 1490s onwards. Rather than aiming to prevent the collapse of small-scale landholding by peasants (by then a *fait accompli*), these new rules were concerned with repopulating the two districts, which, in turn, would strengthen the tax base of the castellany administrations after a period of war-induced tax rises and population decline.⁹⁰ For the rest, the regulations of the castellanies reveal a conception about the distribution of land rights that was very different from that of inland Flanders, including an explicit prohibition against communal use rights, in particular grazing rights. The regulations of the Liberty of Bruges (1461) state that only those who owned or leased the land could enjoy the exclusive right to pasture their animals on these lands. The early fifteenth-century regulations of Furnes still included post-harvest communal grazing rights on both arable and pastoral land, but by the middle of the sixteenth century these rights had also been extinguished.⁹¹ In this region, common land had also completely disappeared or been privatized by the sixteenth century. In contrast, patches

⁹⁰ *Coutumes des pays et comté de Flandre: Coutume du Franc de Bruges*, ed. L. Gilliodts-Van Severen, 3 vols. (Brussels, 1879), i, 701–2; *Coutumes des pays et comté de Flandre: Quartier de Furnes. Coutumes de la ville et châtellenie de Furnes*, ed. Gilliodts-Van Severen, ii, 543–5. Fiscal data from 1469 in the castellany of Furnes reveal that large leasehold farms were already dominant: see Thijs Lambrecht, ‘*Si grant inégalité?* Town, Countryside and Taxation in Flanders, c.1350–c.1500’, in Bruno Blondé et al. (eds.), *Inequality and the City in the Low Countries (1200–2020)* (Turnhout, 2020), 157–62.

⁹¹ *Coutumes des pays et comté de Flandre: Coutume du Franc de Bruges*, ed. Gilliodts-Van Severen, i, 586. For Furnes, see Algemeen Rijksarchief Brussel, Handschriftenverzameling, 646, fo. 27^v; *Coutumes des pays et comté de Flandre: Quartier de Furnes. Coutumes de la ville et chatellenie de Furnes*, ed. Gilliodts-Van Severen, ii, 500, 506, 510–11.

of common land persisted in inland Flanders because the local peasantry protected communal grazing rights.⁹² These rights could only be altered or extinguished with the consent of the community and the bench of seigneurial aldermen, and they were not inclined to do so, to the extent that they resorted to the use of force when faced with attempts of large-scale landowners to enclose that land and to extinguish common user rights.⁹³ In 1547, for example, a group of women in Mendonk (near Ghent) attacked labourers who were building a fence around the meadows owned by the abbey of St Bavo. The women chased away the labourers and destroyed the fence. While they were prosecuted and fined, such incidents nudged the princely administration towards policies that aimed at preserving the status quo.

When we shift our focus to capital markets, we see that seigneurial regulations were concerned with the sort of debt that might destabilize small-scale landholding. Credit was an essential feature of pre-industrial agriculture, as peasants great and small often needed to borrow substantial amounts of capital to tide themselves over from one harvest to the next, but unpaid debt to urban investors could lead to foreclosure on lands of immiserated peasants. Some seigneurial regulations included exceptionally strict policies against usury, with seigneurial courts only accepting legal seizures for outstanding debts if the loan had been registered by the seigneurial aldermen.⁹⁴ This suggests that peasant aldermen fostered local credit networks between poorer and wealthier peasants that were socially monitored, as opposed to loans that outsiders could abuse in order to break into the local land market.

Seigneurial regulations also intervened in labour markets. Even small farms often needed to take on extra labourers during the harvest.⁹⁵ At the same time, large-scale deployment

⁹² D. Berten (ed.), *Ancien Projet de coutume générale du pays et comté de Flandre flammingante* (Brussels, 1911), 215–16.

⁹³ Rijksarchief te Gent, Sint-Baafs en Bisdom Gent — serie B, 2493. Support for decisions by seigneurial administrations increased significantly in the late fifteenth and early sixteenth centuries: see Buylaert and Adriaens, *Lordship, Capitalism, and the State in Flanders*, ch. 6.

⁹⁴ Rijksarchief te Brugge, Acht parochies van Veurne-Ambacht, 161, fos. 3^v–4^r.

⁹⁵ See the estimates in van Bavel, 'Rural Wage Labour in the Sixteenth-Century Low Countries', 46–7.

of flexible wage-labour was the lifeblood of the great agricultural enterprises that were taking shape in coastal Flanders. The stipulations of seigneurial regulations appear to have facilitated the former while making the latter impossible. Many seigneuries sought to limit the advantages of capital; for example, it was strictly forbidden to poach the maids or farm workers of another peasant with higher wages. Peasants were also forbidden to lay off hired labourers prematurely or without good reason, thus pre-empting the flexible arrangements that would have been necessary to make large-scale farming profitable in the first place.⁹⁶ Similar measures can be found in the regulations of Meulebeke (near Kortrijk), for example, which forbade villagers from renting out houses, rooms, attics, barns or stables to foreigners of limited financial means. Large and middling peasants thus had to restrict themselves to hiring labour from among small peasants or landless labourers within the village. A somewhat less strict variant of this rule comes from the seigneurie of Berkel (near Furnes), where outsiders (*vremde personen*) could only rent lodgings with the permission of the seigneurial bailiff and aldermen.⁹⁷ These arrangements effectively thwarted experiments with agrarian capitalism: as indicated above, the demand for wage-labour on large farms in coastal Flanders was met in part by attracting temporary workers from afar.

The contrasting regulations for the labour market in coastal and inland Flanders clearly reflect the different trajectories of the two rural societies. Labour legislation in inland Flanders treated rural employers and labourers on an equal footing as both could be penalized for breach of contract through premature departure or dismissal. The party that failed to honour its contractual obligations was expected to pay damages and also incurred a fine. In coastal Flanders, however, labour legislation became skewed towards the interests of the employers. First, rural employers could dismiss their servants before the end of their contractual term without any substantial compensation, whereas in inland Flanders, the employers would owe full wages for the contractual term and incur a fine. Second, servants

⁹⁶ For a random example, see Rijksarchief te Gent, Waterdijk: Heer, schepenbank en polders, 616, fos. 16^v–17^r.

⁹⁷ Algemeen Rijksarchief Brussel, Handschriftenverzameling, 720, fo. 10^r.

incurred higher fines than employers for breach of contract in coastal Flanders. Third, it is telling that employers in coastal Flanders could, with the passing of time, resort to compulsory measures to attract labour to their large-scale agricultural holdings: the rural districts of Furnes and Bruges were the only regions in the Low Countries where compulsory service was introduced in the sixteenth century. Compulsory service acted as a powerful tool to gain control over the local labour force as local employers could press unmarried adolescents into agricultural wage-labour.⁹⁸ The significant differences in the local regulations with respect to labour laws, and the legal position of the rural servant in particular, indicates that inland and coastal Flanders developed radically different views on how labour markets should be organized and controlled.

The seigneurial regulations of inland Flanders thus demonstrate a consistent policy to protect the status quo. While peasant aldermen were attentive to the importance of dynamic markets for land, capital and labour for the social reproduction of small peasants, especially as the population of inland Flanders was rising rapidly in the sixteenth century, these markets were closely monitored so that small farmsteads could not be merged into large agricultural enterprises.⁹⁹ The road towards key elements of capitalist production — that is, the clustering of the means of production, including land, with an entrepreneurial elite, and their exchange of capital for labour with a landless proletariat — was blocked by the seigneurie as an institution that was all about preventing ‘one segment of the community from drowning the other part, this being a source of strife and conflict’ (*deen deel van der ghemeente omme dander te verdrinckene, dvelck is verwecken twist ende tweedracht*), as it was put in the fifteenth-century regulations of the seigneurie of St Peter-near-Ghent.¹⁰⁰

⁹⁸ For a full discussion of these persistent regional differences, see Thijs Lambrecht, ‘The Institution of Service in Rural Flanders in the Sixteenth Century: A Regional Perspective’, in Jane Whittle (ed.), *Servants in Rural Europe, 1400–1900* (Woodbridge, 2017), 50–4; Thijs Lambrecht, ‘Labour Legislation in the Southern Low Countries, c. 1600–c. 1820’, in Jane Whittle and Thijs Lambrecht (eds.), *Labour Laws in Preindustrial Europe: The Coercion and Regulation of Wage Labour, c. 1350–1850* (Woodbridge, 2023).

⁹⁹ Thoen, *Landbouweconomie en bevolking in Vlaanderen gedurende de late Middeleeuwen en het begin van de Moderne Tijden*, i, 36–40, 155–64.

¹⁰⁰ Rijksarchief te Gent, Sint-Baafs en Bisdome Gent — serie S, 350, fo. 179^{r-v}.

V

CONCLUSION

Coastal Flanders clearly owed much of its exceptional economic trajectory to a relative absence of seigneurial lordship, while the story of inland Flanders suggests that historians do well to take seigneurial lordship seriously as a factor in understanding the persistence of peasant societies in most parts of Europe. Rather than surplus-extraction, the key appears to be the regulatory capacities of seigneurial administrations that were controlled by peasant aldermen. Historians infer that Flemish lords were crushed between strong counts and powerful cities, but in fact, seigneuries remained important, their powers exercised to cement established property arrangements and to adjust booming factor markets in favour of small and middling peasants.

That agricultural workers of limited standing seized control over the seigneurie in Flanders also provides a caveat against the charges of path-dependency in Netherlandish history that situate the root causes of regional differences in economic development squarely with the vagaries of geography and variations in the power arrangements that emerged in the tenth to twelfth centuries.¹⁰¹ While the theories of Jan de Vries, Bas van Bavel and others about seigneurial lordship hindering economic innovation clearly have merit, the divergent stories of inland Flanders and coastal Flanders were not simply about the palimpsest of soil types and patterns of lordship that took shape in the period. What tipped the balance within the seigneurie towards peasants was that, from the thirteenth century onwards, the leading towns of Flanders came to dominate their hinterlands with urban militias and out-burghership. By protecting country-dwellers against their lords, Flemish towns unwittingly ensured that the influx of urban capital was channelled in ways that strengthened the status quo rather than stimulated structural change. Apart from a salutary reminder not to conflate the flourishing of towns and trade with economic innovation, as urban historians of the Low Countries are wont to do, the case of Flanders also doubles as a caveat that seigneuries could bring

¹⁰¹ See especially van Bavel, *Manors and Markets*. See also various comments in *Low Countries Journal of Social and Economic History*, special issue, viii, 2 (2011).

into effect divergent economic policies, depending on which social groups dominated the institution.¹⁰² Following the lead of earlier scholarship, we agree with Chris Wickham that the political economy of lordship deserves closer scrutiny for the centuries after 1200, but in Flanders, at least, its importance lies in factors other than the consumer demands of lords that he wishes to highlight.¹⁰³ Control over the seigneurie was more historically contingent than is often allowed in long-standing narratives about New Institutional Economics and its concomitant stress on path-dependency, as well as in the recent exchange between Chris Wickham and Shami Ghosh.

As critics of the recent boom in lordship studies have remarked, lordship is a protean concept that has no intrinsic analytical value for historians because its precise nature and shape largely reflected power relations within society.¹⁰⁴ Flanders shows a hitherto unrecognized part of the spectrum of possibilities, with a society that was no longer strictly feudal because peasant communities had wrested control over seigneurial institutions away from elites while perpetuating the seigneurie to further their own interests. We expect that examples resembling the Flemish scenario of middle-class lordship may surface where out-burgership flourished, that is, within the region stretching from the Low Countries over the southern parts of the German empire into the Swiss confederacy.¹⁰⁵

Next in importance to the ambition of the towns, the proximity of what is routinely imagined as a cradle of agrarian

¹⁰² For modernization narratives in urban history, see Marc Boone, *À la recherche d'une modernité civique: La société urbaine des anciens Pays-Bas au bas Moyen Âge* (Brussels, 2010).

¹⁰³ The argument we make about the seigneurie as a site of declining surplus-extraction but persistently important regulatory capacities chimes with the important long-run analysis in Jonathan Dewald, *Pont-St-Pierre, 1398–1789: Lordship, Community, and Capitalism in Early Modern France* (Berkeley, 1987).

¹⁰⁴ See the mordant comments in David Crouch, 'Captives in the Head of Montesquieu: Some Recent Work on Medieval Nobility', *Virtus: Journal of Nobility Studies*, xix (2012), 186. See also Jackson W. Armstrong, Peter Crooks and Andrea Ruddick, "'Tyrannous Constructs" or Tools of the Trade? The Use and Abuse of Concepts in Medieval History', in Jackson W. Armstrong, Peter Crooks and Andrea Ruddick (eds.), *Using Concepts in Medieval History: Perspectives on Britain and Ireland, 1100–1500* (Basingstoke, 2022), 6–7.

¹⁰⁵ For the literature on out-burgership, see Tom Scott, *The City-State in Europe, 1000–1600: Hinterland, Territory, Region* (Oxford, 2012).

capitalism, coastal Flanders, also helped to shape seigneurial policies in inland Flanders. The oldest surviving seigneurial regulations continue to reflect the status quo in a stable peasant society that was only beginning to feel the influx of urban capital, but fifteenth- and sixteenth-century regulations show an astute, if intuitive, understanding of the factors that needed close monitoring if they were to avoid the structural shifts in the concepts of property and user rights to land that were taking place in coastal Flanders.

This dynamic interplay between what was arguably a capitalist society in coastal Flanders and a society in inland Flanders that was no longer feudal but which continued to rely on seigneurial infrastructures casts a critical light on the persistent trend to imagine seigneurial lordship as the epitome of pre-modern social configurations. As Carol Symes has pointed out, all things feudal are often reduced to a foil to our own definitions of modernity, a move in which we deny the inhabitants of the pre-modern past the agency that we claim for ourselves.¹⁰⁶ Typical in that respect is that reflections, academic or otherwise, on the negative impact of Big Tech on democracy and our daily lives are increasingly often framed as ‘techno-feudalism’, that is, a regression of modernity.¹⁰⁷ The use that ordinary Flemings had for seigneurial lordship, however, was not a primitive prefiguration of capitalism. Peasants of small and middling status, often in concert with large-scale landowners and lords, harnessed their capacity for collective action through this institution to shield themselves from the rise of fundamentally new arrangements of economy and society. The interlocking stories of coastal Flanders and inland Flanders suggest that we misunderstand them and their choices if we ignore how seigneurial lordship was redefined in dialogue with early experiments with agrarian capitalism. While

¹⁰⁶ Carol Symes, ‘When We Talk about Modernity’, *American Historical Review*, cxvi, 3 (2011).

¹⁰⁷ For this trend in popular culture, see Amy S. Kaufman, ‘Our Future Is Our Past: Corporate Medievalism in Dystopian Fiction’, in Karl Fugelso (ed.), *Corporate Medievalism II* (Cambridge, 2013), 11–19. For similar moves among academic scholars, we limit ourselves to a recent paper by Robert Brenner, ‘From Capitalism to Feudalism?’, Paper presented at the Political Economy Workshop, University of Massachusetts, Amherst, 27 Apr. 2021; available at <<https://www.youtube.com/watch?v=XZJ-Bz4U4As>> (accessed 15 June 2024).

we might not like their choices because the continued fragmentation of arable land critically handicapped the performance of the agricultural economy and because of the peasants' discrimination against various segments of society, we might as well acknowledge that the dilemma that these peasants faced with the early onset of agrarian capitalism was just as modern as our own ongoing struggle with the rapidly mounting social and ecological costs of industrial and financial capitalism.

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