CHAPTER 9

How ‘Sovereign’ were the Southern Netherlands under the Archdukes?

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The Many Meanings of ‘Sovereign’

The ‘autonomy’, ‘sovereignty’, ‘independence’, etc. of the (Southern) Netherlands under the rule of Albert and Isabella has been debated by many scholars since many years.¹ It pretty much depends on the perspective one takes to decide whether the glass is ‘half empty’ or ‘half full’. It also pretty much depends on the sense one attributes to words such as ‘sovereignty’, ‘autonomy’, ‘independence’ and similar ones.² In this Chapter, I shall defend the thesis that the Archdukes, in fact and legally, really can be considered sovereign rulers of the (Southern) Netherlands.³

According to Webster’s dictionary of the English language⁴ ‘sovereign’ means today:

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³ It is just one possible thesis, of course. One could also defend, completely the other way around, that the Archdukes had not an own military power, nor any autonomy in international matters, two essential characteristics to define a ‘sovereign’ state. This is why, further on, I shall stress the ‘internal’ sovereignty of Albert and Isabella.

⁴ Naples (Florida) 1997, 522.
exercising or possessing supreme jurisdiction or power;
free, independent, autonomous as in a sovereign state;
supremely excellent, great, or exalted;
extremely potent or effective, e.g. a sovereign remedy;
total, unmitigated, e.g. sovereign hate;
of chief importance, supremacy, etc., e.g. sovereign claims.

Obviously, only the first and second meaning should be considered here. In this contribution, special attention will be given to particular aspects of the ‘supreme jurisdiction or power’ of the Archdukes and to the question whether the Low Countries under their rule can be seen as ‘free, independent or autonomous’. These are the two classical meanings of ‘sovereign’ in public (international) law.

The etymological basis of the word ‘sovereignty’ is to be sought in the (vulgar) Latin word ‘superanus’, evolving via the French ‘souverain’ to the Dutch ‘soeverein’ and the English ‘sovereign’, which words start appearing in these languages in the 13th century. When Philippe de Beaumanoir, for instance, in 1283 wrote his commentary on the customs of the French region of Beauvaisis, he stated about the king:

Li rois est souverains par dessus tous, et a de son droit la générale garde de tout son royaume; par quoi il peut faire tous establissements comme il li plest pour le commun pourfit, et ce qu’il establit doit estre tenu.

In this expression – ‘the king is sovereign above all’ – lies one of the seeds of the modern sense of sovereignty in public (national and) international law.

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