THE LEGAL REPRESSION OF REVOLTS IN LATE MEDIEVAL FLANDERS

by

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Introduction

Charles Tilly introduced the concept of collective action for studying revolts. Subsequent scholars have fruitfully utilised this framework to analyse a variety of collective acts. Increasingly the concept has also attracted the attention of medieval historians ‘from below’, especially those interested in analysing organised and spontaneous resistance against authority, the processes of state formation, and the development of capitalism. In medieval Flanders, the concept of collective action can be applied to quite a variety of different movements: revolts of entire communities, spontaneous riots, strikes motivated by hunger, illicit assemblies of workers (‘conspiracies’), resistance to princely officers, aldermen, or guild authorities. When consulting many of the general studies of popular revolts during the medieval period, it is striking that not even one of them (Zagorin, Mollat and Wolff, Fourquin, Bercé) devotes even a para-

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graph to the legal methods authorities used to repress rebellions. Apparently, most authors judged this unnecessary, because they considered themselves to be dealing strictly with social and political phenomena. A similar sentiment can be found among legal historians. The leading scholar of Flemish criminal law never gave the major revolts serious treatment, because he judged that this constituted political rather than legal history. This point of view can be defendable, but it does not diminish the importance of understanding the legal forms the repression of revolts took, or the legal discourse authorities used to justify and legitimise the application of these mechanisms.

Tilly considers repression as any act by one group which raises the stakes of collective action for its opponents. The modern state’s development culminated in the invention of new and powerful repressive tools. Like contemporary authoritarian regimes, medieval and early modern states and town authorities discouraged popular politics almost by definition. It is not the intention of this article however, to apply a concept developed by sociologists to analyse medieval revolts, revolutions, social struggle, or their repression. Neither will I undertake a detailed analysis of Flemish revolts during the medieval period, either of their causes or organisational forms. Such issues will be discussed elsewhere.


7. Many particular studies exist on Flemish revolts, but attempts to synthesise have been much less frequent; moreover, Flemish revolts are only treated very briefly in the above mentioned general works, especially as compared to their relative importance in the ‘revolutionary landscape’ of medieval Europe, and this is solely to be explained by the lack of recent studies in international languages; this situation is however improving. Older authors such as Kervyn de Lettenhove, Pirenne, Leon Vanderkindere, Victor Fris, and Rogghé and Verbruggen in the 1960’s have interpreted Flemish revolts in very ideological terms, taking either a liberal or Flemish nationalist point of view: typical examples of both categories: H. Pirenne, Early Democracies in the Low Countries: Urban Society and Political Conflict in the Middle Ages and the Renaissance, New York 1963 and P. Rogghé, Gemeente ende vrient, Nationale omwentelingen in de XIVe eeuw, in: Handelingen van het Historisch Genootschap te Brugge, 89 (1952), p. 101–135; a demythologisation of the Flemish nationalist views on the famous battle of Courtrai (1302) is to be found in V. Lambert, Réalité et fiction: les Flamands et la Bataille des Eperons d’Or, in: J. Heuclin (ed.), Journée de Coordination universitaire pour l’étude du flamand (CUEF), 16 octobre 1998, Actes du colloque. A recent synthesis of medieval Flemish history, D. Nicholas, Medieval Flanders, London–New York 1992, does not include a systematic appreciation of Flemish rebellions and limits itself to writing l’histoire événementielle; W. Blockmans, Revolutionaire mechanismen in Vlaanderen van de 13e tot de 16e eeuw, in Tijdschrift voor Sociale Wetenschappen, 19 (1974), p. 123–140 is somewhat outdated, but serves very well as a first introduction; Id., De volksovertuigingstoren in het graaufschap Vlaanderen in de