

RESEARCH ARTICLE

# Subjects' strategies against lordship in Burgundian and Habsburg Flanders

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## Abstract

From the thirteenth until the 18th century, the county of Flanders knew a special citizen status for rural residents. Country dwellers, normally residing under the jurisdiction and fiscality of lordships, could register themselves as external citizens or 'outburghers'. Outburghership has primarily been researched within the context of state building and urban studies. This contribution prioritizes the perspective of the countryside. Studies on premodern Flanders have shown that the counts and cities tried to undermine the power of local lords by providing as many seigneurial subjects as possible with fiscal and judicial exemptions to the lords' justice and taxes. The accessibility of outburghership and its varying appeal along time and space has not been adequately researched. This study argues that the heyday of outburghership in Flanders was between 1300 and 1550. After 1600, outburghership endured as defence mechanism against seigneurial lordship until both institutions met their demise in 1795.

## Introduction

In 1479, a widow appeared at the manor of the lord of Herzele. She delivered the chainmail of her late husband as payment for the lord's right to '*meilleur cattel*': the house's best heirloom.<sup>1</sup> Of the 14 subjects owing this death duty that given year, she was one of three households making the trip to the residence of the local potentate. This act of compliance probably helped procuring a renewal of her lease of one of the seigneurie's major holdings.<sup>2</sup> Not all residents were as docile to turn in significant portions of their inheritance. Another entry in the seigneurial accounts describes how the bailiff collected the *meilleur cattel* from Joes Boudins' late wife, but only after winning a trial before the city court of Ghent's aldermen of the '*Keure*'.<sup>3</sup> Boudin had fought the lord's claim to one of his cows, by appealing to his status as '*outburgher*'. Acquiring citizenship from nearby towns or cities, while generally (even exclusively) residing outside of that town's jurisdiction, was called *outburghership* (these people became *bourgeois forains*, *buitenpoorters*, *Pfählburger*).<sup>4</sup> One of the main advantages of such status was the exemption from certain seigneurial rights, such as *meilleur cattel*. Boudin's subscription was probably not yet fully ratified, since his registration as citizen of Ghent only dated from 21 October 1477, and his wife passed away before the prescribed admission period of one year and one day. Several years later, Boudin was more successful in escaping the lord's justice: When loose cattle of Boudin and his brother damaged properties throughout Herzele, he enjoyed protection from further prosecution, whereas his sibling was banished for one year.<sup>5</sup>

The events in Herzele were typical for the power play in the county of Flanders between the 13<sup>th</sup> and 16<sup>th</sup> centuries. *Outburghership* was an edifice of the tension between four socioeconomic players: lords, country dwellers, cities, and the count. The political influence of cities and the count disrupted the authority of local lordships over their subjects. A request from 1409 by eminent lords from the castellany of Aalst sketches the situation perfectly: this remarkable group of lay and

clerical lords resorted to a joint complaint before the Flemish ‘*Audiëntie*’ (the comital council preceding the later Council of Flanders).<sup>6</sup> In their request, they wailed about how the city and bailiff of Aalst enrolled *outburghers* in an unlawful manner in order to ‘under the guise of citizenship [i.e. *outburghership*], in several ways to diminish our lordships and the profits they entail’.<sup>7</sup> An enumeration of no less than 23 articles described the so-called infractions upon their lordships. Most contestations had to do with seigneurial taxes and justice claims such as fines and death duties as *meilleur cattel*. The bailiff of Aalst protected his *outburghers* fiercely, both by physically threatening seigneurial officers and by suing them in court of law.<sup>8</sup>

The relative success of Flemish *outburghership* is closely tied to the power struggle over influence and surplus extraction in the countryside. It aligns with studies focussing on the interaction between urban and rural spaces.<sup>9</sup> Citizen status not only tied rural residents to urban communities but also provided protection against aggression and extortion by lords. Overzealous seigneurial violence and fiscality targeted against rural subjects was counterbalanced by omnipresent strong towns, who had the political and military might to defy most isolated lords and their private militias. This resulted into power struggles between the thirteenth and 16th century. The gradual rise of a central state apparatus from the late middle ages onward slowly settled most judicial conflicts between authorities in town and countryside. Despite a concomitant rise in central fiscality and a relative decline in socioeconomic power of the cities however, *outburghership* pertained certain fiscal and judicial perks in the county. The resulting power equilibrium between cities, lords, subjects, and count would endure until the French revolutionary army invaded Flanders in 1795. In other words, the ‘pervasiveness of lords’ was undermined by the accessibility of urban privileges to peasantries.<sup>10</sup>

Sandro Carocci coined the term ‘pervasiveness’ in order to measure how (un)successful lords were in extracting surplus, labour, and obedience from their subjects. Absentee owners of big, powerful estates did not necessarily control their residents more effectively than lesser nobles inhabiting a local domain. The problem of his notion of ‘pervasiveness’ is however that it remains quite broad and vague. One of the best and most concise definitions is the following: ‘the degree to which lordship intruded, and was capable of, shaping ‘land and people’ under its control’.<sup>11</sup> To what degree this so-called ‘pervasiveness’ can be measured through a workable paradigm and method of inquiry remains unresolved. It is however a worthy endeavour, as Wickham stated in 2021, to study (supra)local socioeconomic power relations in order to better understand how communities worked, be it states, cities, or local lordships.<sup>12</sup>

A possible way to assess the pervasiveness of seigneurial surplus extraction and seigneurial justice is by weighing it against the effectiveness of contestant powers. In Flanders, the most accessible ally for rural residents against the dominating lordship was a nearby city. Garnot discerns four different forms by which villagers in *ancien regime* France resolved conflicts. According to the available options, severity, costs, possible rewards, or risks that accompanied disagreements, French subjects chose their strategic conflict-resolving moves cautiously. Apart from litigation (*justice*), people could resort to three other forms of negotiation. *Infrajustice* concerned transgressions or litigation enabled by existing rules and procedures, but which was at some point withheld from the judicial apparatus. The most obvious example was lawsuits that were used to leverage opponents into negotiating a compromise, after which the ongoing procedures and charges were dropped. Then, there was *parajustice*: forms of conflict settlement which had become illegal, but often survived through certain ‘rules’ of common practice. Duels and other acts of vengeance fall within this category. Lastly, *extrajustice* comprised involuntary toleration of violations. In other words, all parties disapproved the misdeeds in question, but pursuit of retribution was either not possible and/or worth the trouble. The conflict thus remained unresolved.<sup>13</sup> *Outburghership* fits within the categories of both normal *justice*, as well as *infrajustice*, when its modalities and privileges were stretched and interpreted too freely in relation to seigneurial claims. Citizenship was a way for rural residents to counter the pervasiveness of their lord with the pervasiveness of urban authorities. This was by no means a

straightforward process, and from the 13th century onward, it resulted in contentious power struggles.

The subject of this paper is by no means new. Outburghership as bone of contention between Flemish lords, cities, and counts has received its due attention. The historiography however largely neglected one quintessential perspective, namely that of the country dweller. Most historians primordially covered urban history and the power struggle between Flemish cities and the count.<sup>14</sup> Within that narrative, authors implicitly assume that country dwellers eagerly acquired citizen status as a means of tax evasion and legal protection. This paper pursues the scope towards peasant agency, and how outburghership fitted within their toolkit of resistance forms against lordship. In other words, the perspective is reversed towards that of the dominated subject: In how far did country dwellers succeed to employ citizen status to hinder the pervasiveness of their lords? And how effective, accessible, and common was outburghership? The first section discusses how and why external citizenship appeared in Flanders and became so exceptionally successful between the 13th and 16th centuries. Consequently, the importance of outburghership for rural residents will be assessed, weighed against other means of contesting the seigneurie.

### Outburghership in Flanders

External citizenship was a phenomenon from the north of contemporary France, Switzerland, and Germany to the Southern Low Countries.<sup>15</sup> Within this restricted area, Flanders was the uncontested focal point. Nowhere else was the absolute number and concentration of *outburghers* as high as in the Flemish county. Although powerful cities such as Ghent and Courtrai registered thousands of rural citizens, the urbanities in the Northern Low Countries counted some hundred at best.<sup>16</sup> Nor did the institution of external citizenship survive until 1795 in other places as it did in this densest urbanized region north of the Alps. It was precisely this unique landscape, densely dotted with smaller and bigger cities, acting as counterbalance to princely and seigneurial power, that ensured the exceptional endurance of citizenship for country dwellers.<sup>17</sup>

Each Flemish lordship was inevitably unique. Such seigneuries were 'a property right which entailed the exertion of public power over its inhabitants'.<sup>18</sup> Most power claims considered here however were common enough in Flanders and premodern Europe. Flanders adds a relevant contribution to the current state of the art, since the county displays several similarities as well as differences from the more intensively studied countryside of primarily France and England. Given its feudal bond with France, Flanders shared similar feudal and seigneurial bonds and obligations with its French counterparts. The vast historiography on the English feudal economy has shown that events on the continent often rhymed with those on the island, as was the case with revolts.<sup>19</sup> Flanders was dotted with seigneuries; however, our grasp of how such lordships functioned on a daily basis (i.e. how pervasive lords were over their subjects) is disappointingly shallow. The count of Flanders used external citizenship as an indirect attack on local lordship. Registered country dwellers could formally resort to urban courts, thus bypassing their lords' bench of aldermen.<sup>20</sup> Specific analyses on how outburghership was used to break up seigneurial lordship, especially from the perspective of peasants, remain quite rare.<sup>21</sup>

The paradoxical problem with outburghership is that despite a considerable amount of dedicated studies, much remains unknown about its precise purview. This lacuna is caused by the nature of historical research by both urban and rural historians, who either focussed on limited case studies (both in time and space: often one city and its immediate hinterland across one or two centuries) or grand narratives scratching the surface.<sup>22</sup> We possess many decent publications on particular cities and their specific privileges from the first half of the 20th century onwards (e.g. Huys, De Brouwer and later Monballyu, Castelain and others).<sup>23</sup> Verbeemen attempted an all-encompassing study on outburghership in 1954, providing an unprecedented overview of external citizenship and its impact on the old regime Low Countries. Verbeemen's work however mostly

focused on comparing and explaining the general trends in the numbers of external citizens, rather than investigating how these institutions worked in practice.<sup>24</sup> Similar critiques can be formulated for an overview from Maddens from 1986, whose primary intent was to facilitate further research.<sup>25</sup> That same Maddens excelled also in historiographical case studies, primarily focused on Courtrai. Other noteworthy studies from the 1970s onward advanced our knowledge on Flemish outburghership greatly in terms of how urban status protected rural residents, and how lords and urban authorities fought over jurisdictions.<sup>26</sup> Another scholarly trend has been to investigate specific cities and their influence on the surrounding countryside, along with demographic and socioeconomic effects.<sup>27</sup> Other great studies rightfully placed outburghership in between the political power struggle of the Flemish count, cities, and lords. Frontrunner of this socioeconomic and political analysis was Thoen (inspired by similar trends discerned by Van Uytven for Brabant), followed by scholars such as Scheelings, De Rock.<sup>28</sup> These latter studies already pointed their lens on how rural communities could instrumentalize urban privileges for their own agenda. The agency of country dwellers however often quickly reverts to the background of such narratives. The following section remedies these shortcomings by scrutinizing the general set of advantages citizenship provided for the Flemish peasantry from the 13th century until its demise in 1795, with specific attention to how seigneurial subjects tried to escape taxation and jurisdiction.

### ***Rise, decline, and geographic density of outburghership***

The exact origin and genesis of external citizenship is obscure, but enough is known to situate and contextualize it adequately.<sup>29</sup> After the inception of communal and urban rights (around the 11th, 12th century), normally restricted to members living inside the urban jurisdiction, the preconditions required for ‘*poorters*’ or ‘*burgers*’ became more flexible. Well-travelled citizens (merchants for example) and/or persons who had no (permanent) residence inside the city’s jurisdiction, but wanted to enjoy its benefits, inspired a pragmatic status.<sup>30</sup> The precise origin of outburghership, be it outgoing and returning merchants, wealthy citizens with landholdings in the countryside, growing of urban agglomerations towards larger outskirts, is unclear and variable depending on the studied cities and sources. The same goes for how exactly the respective city acquired or rather appropriated its citizen rights.<sup>31</sup> The exact modalities for becoming an outburgher knew as many iterations as there were respective cities. Generally, citizens were asked to reside in the city for minimal periods of time throughout the year, to pay urban subscriptions and/or taxes. Additionally, birth within the city’s jurisdiction or descent from (external) citizens could provide children with urban privileges.<sup>32</sup>

Why bother with citizenship as a rural resident in the first place? The most obvious incentive resembles the pull factor of urban communities: namely a certain judicial and juridical independence from lordly power. Urban courts often promised more professional and favourable proceedings than the aldermen of local lordships.<sup>33</sup> More notorious was extortion by violent, corrupt bailiffs or lords (as push factor). A known misuse among lawmen was the so-called practice of ‘*composition*’ (‘*compositie*’). Normally, the procedure was intended to swiftly punish perpetrators of minor offences. Rather than being trialled before the lords’ bench of aldermen, and putting up with all its costs and hassles, the bailiff could propose the perpetrator a reasonable settlement. The offender thus ‘enjoyed’ a discounted fine along with his reprimand. Some bailiffs however abused composition to force unreasonably high fines upon (sometimes innocent) subjects, who then paid disproportionate ‘discounted’ fines under threat of violence or the uncertain outlook of a sketchy trial.<sup>34</sup> If one considers the often minimal cost of a few sols *parisis* (s. par.) per subscription or per year for outburghership in comparison to the maximum fine applicable in the lowest possible seigneurial jurisdiction (three pounds (lb.) par.), citizenship was a relatively cheap luxury.<sup>35</sup> A skilled thatcher in the seigneurie of Avelgem had to work for around

ten days mid-16th century to earn three lb. par. His unskilled pupil earned half as much, which still made citizenship arguably accessible.<sup>36</sup>

Another well-known advantage of outburghership was the exemption of certain seigneurial dues. The most important lordly taxes evaded by citizenship were the despised inheritance levies such as '*mortemain*' and '*meilleur cattle*'. Initially, *mortemain* was a death tax weighing on serfs. As unfree workers bound to the land, the lord could take all their possessions after their death. Originally a measure to counter flight of serfs, the Commercial Revolution rapidly changed medieval socioeconomic relations in the Flemish countryside. Serfdom virtually disappeared by the end of the 13th century, and dues such as *mortemain* were softened. A lot of lords started demanding '*meilleur cattle*' instead of *mortemain*. This was a boiled-down version of the former right, whereby peasants had to give up their 'best piece': often furniture such as beds or cattle.<sup>37</sup> Poorer subjects could only give up kettles or even rags.<sup>38</sup> The relatively high impact of these taxes, combined with their macabre timing (the death of a relative), made these inheritance dues among the most infamous and hated in the county.<sup>39</sup> Citizenship offered an attractive immunity from said taxes, since those under urban jurisdiction were exempt from *mortemain* and *meilleur cattle*. This is why during the late middle ages, the amount of outburghers increased dramatically.<sup>40</sup>

The heyday of outburghership and urban power undoubtedly was the late middle ages. The cities could claim most power at the end of the fourteenth and beginning of the 15th century. The power of the Flanders Members (the three most prominent regional capitals Ypres, Ghent, and Bruges, along with the largest rural entity: the Franc of Bruges, had far-reaching political and fiscal leverage) was great. Comital institutions could hardly keep up with the administration and judicial and political quarrels accompanying the increasing amount of contested power claims. Between 1500 and 1600 however, the proverbial dust would settle. This contrasts with the preserved source material on external citizens. Most of our knowledge about Flemish outburghership before 1550 stems from estimates mentioned in narrative sources, charters, or researched case files. With the exception of Ghent and Oudenaarde, we possess no uninterrupted series of registration for outburghership predating 1500 for Flanders, though some cities have lists for isolated years (see Table 1 below).<sup>41</sup> Theoretically, every town was obliged to register new citizens (both internal as external) in dedicated ledgers, the so-called '*poortersboeken*' (or in case of outburghers: '*buitenpoortersboeken*', though both types could be noted in the same list, which sometimes hampers distinguishment between the two).<sup>42</sup> As can be seen from Graph 1 and as will be argued below, this discrepancy in the source material coincides with the initiated decline of urban political power, as well as a decreasing need for outburghership in the countryside after 1550.

From the 13th century onwards, most large towns in Flanders upheld some form of external citizenship. Table 1 shows early iterations of outburgher lists. Undoubtedly, some sources did not survive the test of time. On the other hand, the administration was often deliberately neglected, since it allowed cities and their outburghers more leeway to interpret their privileges more broadly and claim the status more freely. This was primarily to the detriment of lords, who could hardly verify whether peasants claiming outburgher privileges did actually possess such a status. Erik Thoen saw the late 13th century as a decisive turning point, where the strong economic and juridical power of Flemish lords was permanently diminished. This had two important causes: first an ineffective domain management by lords themselves, who preferred fixed (i.e. depreciating) rents over leasehold. Second was the count's policy to restrict seigneurial lordship by stimulating outburghership.<sup>43</sup> As Thoen is certainly right in discerning the origins of outburghership and its role in the 13th century, data on the popularity of external citizenship, as well as the persistence of conflicts between lords and country dwellers, suggest that outburghership remained a desirable tool for seigneurial subjects until at least 1550. Although seigneurial power was definitely long past its peak by 1300, rural residents happily continued subscribing for citizenships. This phenomenon can hardly be fully explained by the traditional paradigms on lordship or the emphasis on the triangle relationship between count, cities and lords. This is why the perspective of subject agency is so important. Living and dying without outburgher status meant more loss of surplus to the

**Table 1.** Preserved outburgher lists for prominent cities in Flanders and Brabant with considerable numbers of outburghers. For references, see endnote 36

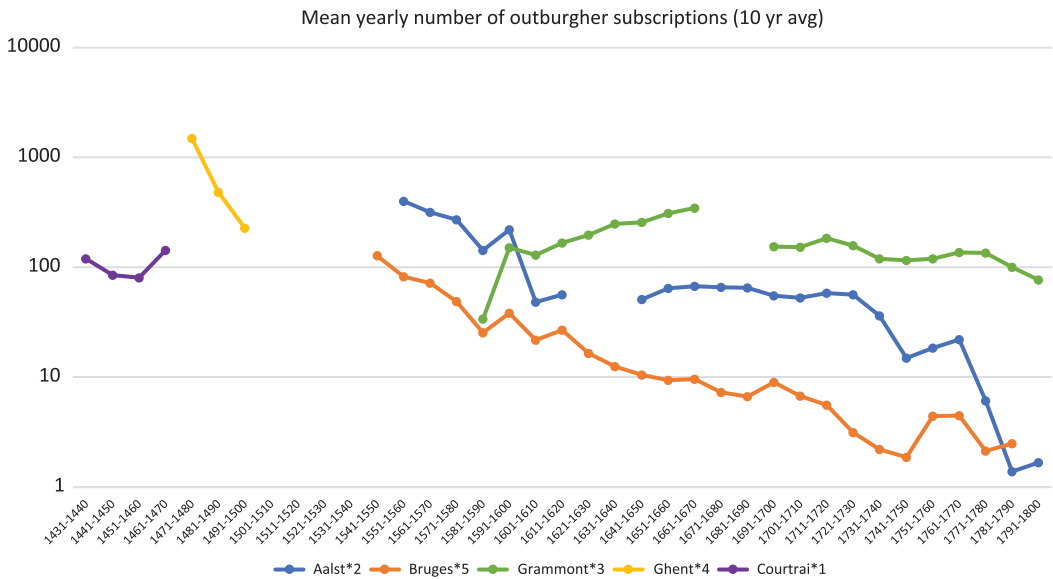
City/Town	Aalst	Antwerp	Bruges	Deinze	Ghent	Grammont	Courtrai	Leuven	Oudenaarde	Pamele	Ypres
Year											
1276									X		
1284									X		
1291										X	
1390		X									
1396		X				X					
1398		X					X		X		
1399		X									
1400		X									X
1438		X						X			
1440							X				
1443		X									
1453											X
1468								X			
1477					X						
1478					X						
1481					X						
1483								X			
1487					X						
1488					X						
1489					X						
1490					X						X

*(Continued)*

Table 1. (Continued)

City/Town	Aalst	Antwerp	Bruges	Deinze	Ghent	Grammont	Courtrai	Leuven	Oudenaarde	Pamele	Ypres
1491					X						X
1492					X						X
1530							X				
1548			X								
1552	X		X								
1564	X		X	X							
1565	X		X	X			X				
1566	X		X	X			X				
1567	X		X	X			X				
1568	X		X	X			X				
1570	X		X	X			X				
1571	X		X	X		X	X				
1574	X		X	X		X	X				
1575	X		X	X		X	X				
1576	X		X	X		X					
1577	X		X		X	X	X				X
1584	X		X		X	X	X				
1610	X		X			X					
1615	X			X		X	X				
1654			X	X		X	X				
1788			X			X					

lord. While surplus extraction in the forms of seigneurial rents, inheritance rights (*meilleur cattel*), and labour (*corvees*) were less burdening than before 1300, poorer peasants remained vulnerable to such dues until 1795. An overall rising trend in central taxation between the 16th and 18th century, predominantly exacted upon land users (not necessarily proprietors), sustained the need of rural smallholders and farmers for certain statutory tax exemptions.<sup>44</sup> This was especially true for an inheritance tax such as *meilleur cattel*, potentially seizing needed livestock or tools during an ill-timed period.<sup>45</sup> This fiscal reason, along with surviving seigneurial claims on juridical matters such as criminal justice, explains why outburghership persisted throughout the 17<sup>th</sup> and 18th centuries, as can be seen on Graph 1 below.



Graph 1. Averages of registered outburgher subscriptions per city per year, outliers outbalanced by 10-year averages.

Graph 1 is a reconstruction of yearly subscriptions, based on numbers from published research. As said, we generally only possess coherent series after 1550. This is partly caused by deliberate administrative neglect (e.g. Ghent, explained below), which enabled both seigneurial subjects as city administrators to stretch their claims to privileges and exemptions to the maximum. Undoubtedly, some extant archives were lost throughout calamities.<sup>46</sup> In order to reconstruct comparable trends and numbers for several cities from circa 1430 until 1795, data were selected on average subscriptions for 10-year intervals. This method was chosen to smooth out exceptional fluctuations and enable comparison between multiple cities. By consequence, certain data were excluded from this visualization (Courtrai e.g. has published numbers for the 16th and 17th century as well, but in absolute numbers, not subscriptions).<sup>47</sup> Data for Courtrai in the 15th century, Grammont and Aalst were used from Verbeemen (albeit with some cross-referencing and processing).<sup>48</sup> Numbers for Ghent are published by Decavele, together with an edition of *poorterboeken* by the city archive.<sup>49</sup> Decavele used relatively liberal estimation methods to calculate a number of 14.392 subscriptions between 1477 and 1492. Since these calculations are based on the only registers we have for outburghers – which since 1487 only recorded new subscriptions, thus ignoring existing memberships – the estimate is quite sketchy. Given Ghent’s great influence on its surrounding countryside however, and the fierce comital reactions against the cities privileges concerning external citizens, assuming Ghent had several thousands of outburghers, up to and around 15.000 is actually quite plausible (16th century Courtrai boasted a

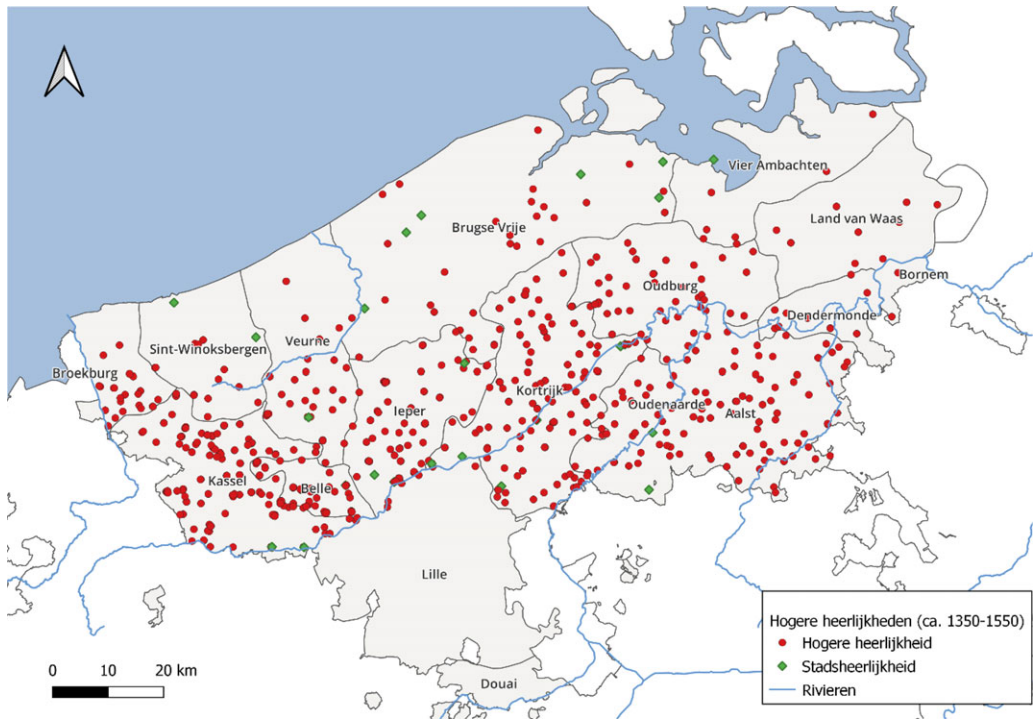


good 12.000 in total numbers according to Maddens).<sup>50</sup> The Franc of Bruges has left the most lenient source material for this research, published in Schouteet.<sup>51</sup>

The definitive turning point, marking the decline of outburghership subscriptions, is 1550, paradoxically the date where decent series on external citizenship start to appear. This date however coincides with several breaking points marking the downturn of outburghership. First, the ascription of juridical authorities and competences between seigneurial courts, city courts, and courts of appeal became more stable, leading to fewer conflicts and more legal certainty. Although historians such as Thoen and Verbeemen rightly discern the second half of the 16th century as the turnaround for outburghership and city power, the case can be made for seigneurial rights as well. Though Thoen may be right in situating an already crippled nobility from the second half of the 14th century, lords definitely did not stop trying to exert their power and claim their surplus. And while lords complained about how their rights were violated and damaged by cities and their outburghers, they kept collecting rights, appealing against claimed outburghership exemptions and sending complaints to the count.<sup>52</sup> During the middle of the 16th century however, three important developments occurred, slowly shifting the power balance in favour of central institutions: The absolute peak of Flemish urban powers had passed, symbolized by Charles V's victory over Ghent's Rebellion (see below). The Council of Flanders established itself further as a legitimate court of appeal, and its sentences became more respected by lower jurisdictions such as cities and lordships (a trend with roots in the late 15th century).<sup>53</sup> Lastly, and tied to this former point: the judicial competence of lordships was delineated. Outburghership remained an effective protection against seigneurial justice and dues, but lords pertained competence on criminal justice.<sup>54</sup>

An important rupture mark for the broken power of Flemish cities was the Revolt of Ghent of 1539–1540. This uprising was arguably the last particularist Flemish urban defiance against a centralizing state. While several troubles happened thereafter (among which religious conflicts, and a short-lived republic of Ghent), historians do consider 1540 as a watershed for premodern state power in Flanders. Particularistic city uprisings were no longer a match against imperialistic princes.<sup>55</sup> Charles V already hinted his centralizing ambitions at the expense of city powers with his joyous entry in 1515. Ghent's tax refusal of 1537 and its demand for more autonomy in appointing its own aldermen in 1539 led to a relatively short-lived conflict that was easily won by the Prince's forces. The most important consequence of their defeat was the definitive curtailment of a series of urban privileges, named the *Concessio Carolina*. While this charter was not unique in Charles repertoire of centralization both in Flanders and abroad, it was the harshest within the county at the time, especially concerning outburghership. Ghent lost its right to uphold external citizens altogether.<sup>56</sup> Charles imposed several eponymous concessions on Flemish towns, such as Courtrai and Oudenaarde. The main aim there was not to abolish external citizenship as in Ghent's case, but to enforce a stricter administration, primarily to facilitate central taxation.<sup>57</sup> This shows in the preserved source material visualized in Table 1 and Graph 1. 1540 marked the turning point in Flanders where both seigneurial and urban power were definitively curtailed and incorporated within a centralized state apparatus that allowed both city and countryside a certain degree of autonomy. Lordships and civic privileges survived as mutual check and balance for each other, but within a Habsburg straitjacket.

How outburghership freedoms acted as protection against seigneurial arbitrariness is also apparent from other sources. External citizen rights existed throughout the county of Flanders, but not in equal concentration. In those regions where lordships were omnipresent, outburghership subscriptions spiked and vice versa. Research from Adriaens and Buylaert mapped the concentration of lordships throughout the county of Flanders (see Map 1). Their findings are that the majority of seigneuries were present in Inland Flanders, especially in the castellanies of Kortrijk, Ghent, and Aalst. This also coincides with the property and exploitation systems that differed within Flanders. Coastal Flanders was characterized by large landholdings, where a lot of landless labourers farmed the land. Inland Flanders knew many small landowners, subjected to



**Map 1.** Lordships with high jurisdiction in the County of Flanders. Courtesy of: Mathijs Speecke, Miet Adriaens, Jesse Hollestelle, Pieter Donche, and Frederik Buylaert. *Repertorium van de Hogere Heerlijkheden van het Graafschap Vlaanderen (c. 1360–c. 1570)* (Ghent, 2023), p. 28.

seigneurial rents and other forms of surplus extraction, such as *meilleur cattel* and chores.<sup>58</sup> It is precisely in those castellanies where most seigneuries and most seigneurial subjects resided, that outburghership thrived. This also shows in the subscription numbers (see Graph 1) and the sources on conflict between lords and outburghers. The impact on Ghent after 1540 was arguably the greatest, including outburghership, which was abolished by the *Concessio*. Though even during the 16th century Ghent would pragmatically and clandestinely restart accepting citizenship from country dwellers.<sup>59</sup> Ghent's peak of more than 15,000 outburghers during the 15th century however was never to return, as is illustrated by Graph 1 above.<sup>60</sup> That said, external citizenship would remain popular within the county until 1795. Especially that region with the highest concentration of (high) lordships, Inland Flanders, where outburghership provided the most attractive incentives and advantages (more potential lords who could claim exactions and jurisdictional authority), remains overrepresented in the number of outburghership subscriptions. While cities in Coastal Flanders (e.g. Bruges) never counted as much external citizens, and saw a steeper decline of subscriptions during the seventeenth and eighteenth centuries, cities such as Courtrai and Grammont upheld their popularity. Courtrai retained between 10,000 and 13,000 outburghers between 1529 and 1580, and even during the longstanding misery of the 17th century, it still upheld thousands of external citizens until 1782.<sup>61</sup>

Though power tensions and jurisdictional skirmishes kept lords, cities, and citizens occupied throughout later centuries, the great antagonisms seen between the thirteenth and fifteenth centuries were at an end.<sup>62</sup> Peasants kept enjoying outburghership as a shield against seigneurial arbitrariness and fiscality, while lords safeguarded their most prestigious (albeit often least profitable) rights of justice. Cities pertained some political and judicial influence on their hinterland through

outburghership and enjoyed important fiscal advantages through subscription fees and taxation on external citizens. The financial revenue from outburgher subscriptions for cities remained negligible however. Three quarters or more of urban income came from consumption taxes (*excises, accijnzen, and ongelden*).<sup>63</sup> Grammont's estimated income from 4621 subscription fees for 1396 amounted to 1600 lb. par. (133 lb. gr.), which could pay for 104,000 L of wheat (the yearly consumption of 292 inhabitants).<sup>64</sup> The prince also profited from outburgher subscriptions, since some cities – such as Courtrai – had to share their subscription fees with the state's coffers.<sup>65</sup>

### **Contestation in practice: Outburghership in the defiant subject's toolkit**

To delve deeper into what advantages citizen status provided for country dwellers, this subsection looks into the two most important juridical advantages: judicial protection and fiscal protection. Physical protection was non-existent, unless we confuse retribution for security. If a local militia or lord wanted to hurt somebody, burgher status or not, fight or flight were the only viable options.<sup>66</sup> While violent confrontations often embellish historiographical accounts, they were relatively rare. More often than not, legal and jurisdictional disagreements were fought out via litigation (by use of *justice* and *infrajustice*). In this respect, urban and comital bailiffs eagerly defended their claims of power over outburghers in lordships of the surrounding countryside. Lords not only experienced this as a direct affront to their local authority. They felt it in their purses as well, which is why the aforementioned remarkable group of lay and clerical lords resorted to a joint complaint before the Flemish '*Audiëntie*'. In their request, they complained about how the city and bailiff of Aalst enrolled outburghers in an unlawful manner in order to 'under the guise of citizenship, in several ways to diminish our lordships and the profits they entail'.<sup>67</sup> Unless the personal concerns of the sovereign himself or a member of his close retinue were at stake however, lords could barely depend on the count.

While outburghership certainly provided judicial protection and exemption from taxes, that protection was not absolute, especially during politically turbulent times. That said, it often was far better than nothing. And while every century saw enumerate contestations of external citizen rights, the evidence proving outburghership was an effective strategy for legal and fiscal protection is equally abundant.<sup>68</sup> Violent conflict whereby lords imposed their surplus extraction, such as successful collection of *meilleur cattels* often were – as Marc Bloch put famously – rare flashes in the pan.<sup>69</sup> But how effective was this urban protection in practice and how frequently was it used by farmers and peasants, compared to other strategies of defiance and resistance? The following part of this paper aims to put all possible strategies into perspective. First and foremost, not all country dwellers were outburghers. Some studies have tried to put a percentage on the ratio of citizens among the population within Flemish lordships. The results seem to endorse the image of geographic density of lordships and outburghership: namely higher concentrations of outburghers where there were more lords and surplus extraction rights. However, the situation on the ground could vary significantly, according to the influence and power of the lord and/or nearby city. Dombrecht reconstructed numbers for seven different districts (*ambachten*) in the Franc of Bruges, based on tax lists. Between three and thirty percent of the population there were outburghers between 1483 and 1486. This minority can be ascribed to the low density of lordships within that castellany, and the liberty the Franc itself provided to all its inhabitants: everyone was exempt of *meilleur cattel*.<sup>70</sup> D'Hoop, in contrast, assessed a majority of inhabitants in the castellany of Courtrai were outburghers, with an average of 70% during the second half of the 15th century.<sup>71</sup> Reconstructing such numbers is a difficult and nuanced affair. Van der Hoeven calculated outburgher numbers for Herzele, a lordship in the castellany of Aalst. He counted a mere 15% of outburghers, whereas one would expect much higher numbers, comparable to the situation around Courtrai.<sup>72</sup> Van der Hoeven however only consulted the outburgher lists for Ghent, whereas most of Herzele's peasants chose citizenship from nearby towns Grammont and Aalst.<sup>73</sup> Overall, a main indicator for high concentration of outburghers is clearly the presence of a

lordship with rights to *meilleur cattel*. The lord of Herzele successfully collected *meilleur cattel* from outburghers and won several appeals against outburghers of Ghent, Grammont and Aalst before the Council of Flanders between 1511 and 1536. Only after 1563 the tables turned in favour of the outburghers.<sup>74</sup> These case studies show that outburghership was not a do-all, fix-all solution, nor an omnipresent status for every subject all of the time. According to the specific lordship and present city power and the power balance at the moment, outburghership was a more or less viable strategy.

Nevertheless, country dwellers happily kept registering themselves before urban administrations.<sup>75</sup> As said, the main incentives remained judicial and fiscal, although the gamut of possible evasions generally narrowed from the 16th century onward (see below). Arguably, the largest fiscal benefit<sup>76</sup> was exemption of the seigneurial rights *mortemain* and *meilleur cattel*.<sup>77</sup> Many extant sources illustrate the fervour with which cities successfully defended the exemption of their outburghers from *meilleur cattel*. While urban status never guaranteed full immunity of death dues – especially from overachieving local lords or their bailiffs – thus leading to judicial conflict every now and then, the dust largely settled after circa 1550. In the case that a seigneurial bailiff claimed *meilleur cattel* from an outburgher, it was upon the relatives to point the official to their special status. Should the official persevere nonetheless – which they often did, putting local lordship and the threat over urban jurisdiction – the subjects then had to resort to urban officials. After recount of the outburgher's heirs, the city officials then resorted to mediation with the respective lordship or started litigation to assert the urban exemption rights. Depending on the resolve of the contesting parties, either a swift settlement or a long judicial procedure was the outcome. Both cities and lords with deep pockets and big egos could be entangled in long, expensive lawsuits over petty rights. Lawyer and procedural costs could staggeringly surpass the profitability of seigneurial privileges, which sometimes carried more symbolic than economic value.<sup>78</sup> To lords and cities, it often was an issue of prestige and power display, rather than financial gain. To peasants however, it meant cheap judicial defence and a chance at keeping their best cow, tool, or bed. And even if chances were small, why not try?

Parallel to immunity for seigneurial exactions, rural residents also tried to leverage their outburgher status to escape more centralized taxation. The prince's aides were exacted on the countryside through the castellanies, which organized regional and local quotations to collect the owed sums. These taxes were known in Flanders as the '*pointingen*' (the actual part destined for the prince) and the '*zettingen*' (the administration costs for the castellany).<sup>79</sup> Cities negotiated their part in the aides separately with the central authority and could generally achieve moderated contributions. As residents (and farmers) of the countryside, outburghers theoretically fell under the local tax administration, namely that of the castellany. Referring to their urban citizenship, outburghers claimed exemption from the *pointingen* and *zettingen*. Their reasoning was that, as citizens, they should contribute along with their city, not their location(s) of residence or of professional activity. In practice however, outburghers barely pulled their weight in urban taxation either, since most of a city's fiscal revenue (also used to pay the Prince's aides) was brought up by consumption taxes. Many outburghers rarely visited their city of subscription, thus evading urban dues as well.<sup>80</sup> The most aggrieved party of these tax evasion practices was the castellany. From the 15th century onward, castellany accounts are rife with procedure costs of court cases against outburghers claiming tax exemptions. De Rock found that over one-third of the castellany of Courtrai's meetings and local visits were dedicated to outburgher disputes.<sup>81</sup> The many fiscal exemptions, along with particularistic interest conflicts between cities, castellanies, countryside localities, peasants, and outburghers, fed centuries long of tax evasion and tax disputes.<sup>82</sup> Reforms between 1515 and 1518 and between 1540 and 1550 settled important fiscal ambiguities, thus trying to reconcile the tense tax rivalries between towns and countryside. After 1540, most outburghers had to contribute with their localities in the countryside.<sup>83</sup> This only left protection against *meilleur cattel* as prime advantage of outburghership after roughly the middle of the 16th century, which might explain the relative decline of overall outburghership subscriptions shown in Graph 1.

Coincidentally with the clean-up of fiscal loopholes, centralizing state building efforts from the 16th century onwards increased the overall tax pressure significantly throughout the county of Flanders. Most financial reforms were to the detriment of the countryside and its inhabitants. Although the overall power and influence of particularist cities had decreased relative to that during the middle ages, the cooperation and consent of the Flanders Members remained essential for aid-seeking princes until the end of the 18th century.<sup>84</sup> Nevertheless, several tax reforms would appear and arguably burden country dwellers the most from circa 1543 onward. Direct as well as indirect taxation forms gradually took larger shares from rural budgets relative to other surplus extractors. Thoen and Soens calculated an increase in average central tax burdens for inland Flanders from roughly 5–8 per cent of the gross output per ha in 1630–1650, to 10–15 per cent between 1650 and 1700, 15–20 per cent in the 18th century.<sup>85</sup> Together with an increasing state taxation, the potential benefits bound to outburghership decreased alongside with the seigneurial share of rural surplus production. Van Isterdael's data show similar results on central fiscal pressure in the castellany of Aalst during the seventeenth and eighteenth centuries. Seigneurial rents only constituted one to two per cent of the gross output.<sup>86</sup> However, outburghership remained a method of escaping *meilleur cattel*, which explains why outburghership subscriptions steadily declined but coincidentally survived as welcome immunity for seigneurial claims to the inheritance of cattle, clothes, tools, and furniture.

In resemblance to the opportunism of their lords, some outburghers displayed a tendency to stretch the exemptions that their civic membership provided. By appealing to their status as citizens of Ghent, peasants from Kalken claimed to be free of all labour services (*corvées, karweien*). Their lord brought the case before Ghent's city court in 1431 and was confirmed in his right to the *corvées*, outburghers or no.<sup>87</sup> Similar attempts at dodging labour service, as well as milling rights (*molage, vrije maalterij*; the obligation to mill one's grain at the lords' mill, against taxation), can be found for Eksaarde between 1438 and 1440. It is quite telling that this case also was closed in favour of the lord, in a sentence of Ghent's city court against their own outburghers. Other cases for Flemish cities prove that while outburghership was certainly a power play of cities in undermining seigneurial power, local peasantries were equally creative and opportunistic in employing the institute of outburgher status in their own interest. The rural population did not merely undergo the struggle for power between lords, cities, and count, but possessed and used agency to try and escape local surplus extraction. City and count supported unruly peasantries when it served their purposes, but did not refrain from acknowledging seigneurial prerogatives from local lords if it suited a peculiar alliance. A telling example of the fickle judgement of urban courts is the case of Merlin Van Der Bauwede from 1559. Merlin took an inheritance piece from his late sister's inheritance, against the prerogatives of Avelgem's seigneurial bailiff, who fined Van Der Bauwede the maximum penalty of 60 lb. paris. Merlin took the case to the court of Oudenaarde. The city's aldermen ruled against their outburghers's interest, in favour of the lord of Avelgem. Apart from the lords of Avelgem and Eine however, Oudenaarde fiercely defended her outburghers, until the 18th century.<sup>88</sup>

Briefly after the watershed of 1540, the lords of Avelgem seem to have succeeded in forging a long-lasting relationship of understanding with the nearby city of Oudenaarde, settling years of preceding judicial conflict. A revealing iteration of how the contentious 14th to 16th century power struggles between lords and cities degraded from 1540 onward is the case of *meilleur cattel* collections at Avelgem. In seigneurial accounts before 1500, one finds notations of the occasional inheritance tax by the local receiver.<sup>89</sup> The bailiff's account for 1547–'48 however mentions no revenue for said rights. On the contrary: the seigneurial officer was occupied with a lawsuit between the lordship and the city of Oudenaarde. The account mentions costs for this lawsuit, concerning *meilleur cattel* ('*angaende den beste hoofden*').<sup>90</sup> The outcome of the litigation (in the form of a judgement, if one ever fell) is unknown. However, indirect information from Avelgem's seigneurial bookkeeping suggests a favourable outcome for Oudenaarde's outburghers. The receiver's expenses mention payments to the city clerk for excerpts from the citizen lists. There are

no other means wherefore a lord required knowledge on registered citizenships, other than discerning who were outburghers – and thus exempt from meilleur cattel – and who were not. Another account from Avelgem's receiver from 1776 posits it undeniably clear: '*Item payé au griffier de la ville d'Audenarde, pour les extraits de ceux qui ont payé leurs franchise de trois sols par an, pour etre exemptes du milieur chatel*'.<sup>91</sup> Instead of diving in head first and starting potentially expensive and long-dragging litigation, lords and their receivers had become more prudent and pragmatic.<sup>92</sup> The case of Merlin Van Der Bauwede, along with another sentence from the year 1559, suggests that briefly after the lawsuit of the 1540s, the lord of Avelgem and the city of Oudenaarde settled their differences. A line from the latter sentence reads (about the lordships of Avelgem and Eine): '*these are the two lordships who do not complain* [about our outburghers and their exemption to meilleur cattel]'.<sup>93</sup>

### Strategies for contesting the Flemish seigneurie

The study above proves that outburghership was a limited strategy of protection against seigneurial power and surplus extraction, one that moreover was not available to all peasants. With three per cent at worst, and over seventy per cent at best of the rural population possessing civic privileges, this still left a rough minimum of a third of subjects vulnerable for seigneurial claims on their time and/or produce. This begs the question what agency non-outburghers possessed, and how frequent and effective this repertoire of resistance was. Evidently, the source material often stems from the archives belonging to the lords themselves (or religious or governmental institutions) but previous studies have displayed convincing methods to reconstruct the agency of subjects to some degree.<sup>94</sup> The same principles apply to this study. Seigneurial archives were drafted primarily to facilitate surplus extraction and the exertion of seigneurial power and justice upon its subjects. In so doing, these documents often recorded the exact actions of those peasants to avoid, escape, or withhold given exactions. If we read them against the grain, these sources do not only show us how lords wanted and expected their subjects to behave. They also reveal how those subjects tried to dodge the often oppressing dues and rules of the seigneurie. Perhaps most obvious are fines, intended to punish transgressions (and fill the purse of local rulers). Additionally, more indirect sources or methodologies are charters and regulations declaring measures to remedy past conflicts or misuses, annotations in seigneurial accounts describing tax evasions or unpaid rents, disappearing rights such as labour services.<sup>95</sup>

The following sections delve deeper into the range of strategies country dwellers could use in Flanders between roughly 1400 and 1795, to escape seigneurial power and fiscality other than outburghership. First, lawsuits did happen, though it is hard to determine the frequency with which subjects in the countryside defied lordship by open judicial action. Second, informal negotiation forms, both amicable as antagonistic, between lords and their subjects are preserved in a wide range of sources. Third and lastly, the range of resistance forms outside of the law are considered. Hereby peasants knew all too well that they were acting clandestinely, but proceeded nonetheless.

### Lawsuits between subjects and lords

In addition to the confined legal and fiscal protection provided by citizenship, country dwellers had other means of defence within the bounds of justice. Most obvious are lawsuits based on other legal stipulations, jurisdictions, or precedents outside of outburghership.<sup>96</sup> Both legal and socioeconomic historians have undertaken research into the accessibility and use of courts by both higher and lower strata of old regime societies in the Low Countries. The results and methods of said research are however often limited in space, time, and thoroughness.<sup>97</sup> Other publications (of which local studies are a prime example) explore specific cases quite thoroughly.<sup>98</sup> Sources such as

case files, but also seigneurial accounts, offer detailed insights into the power struggle between lords and subjects, albeit tentative without quantitative inquiry.

The inhabitants of a seigneurie could and did resort to justice when they perceived that a lord or his officers failed the common good (in essence: the peasants' interests) within that given lordship.<sup>99</sup> This is precisely what happened in Ingelmunster around 1653. There, the community's cash box suffered a deficit of 6000 lb. gr. Jan De Laere – one of the largest local landholders (and outburgher of Courtrai) – started a community-supported lawsuit against the lordship's officials. In their view, the seigneurial clerk, bailiff, mayor, and aldermen were guilty of 'bad government' (*'quaede regheeringe'*). A big contributor to the locality's debt pile were the lord's fiscal exemptions, which even led some villagers to claim that he should contribute more in the castellany's taxes.<sup>100</sup> When it dawned upon Ingelmunster's lord, Dauphin de Plotho, that he might very well lose the trial at hand, he tried to appoint opponent De Laere as his new mayor. De Laere feared this office would make him complicit of the exact maladministration he was trying to amend, so he declined the mayorship. Consequently, the lord sued his stubborn subject for *lèse-majesté*. This started a whole new series of legal proceedings, whereby neither party budged an inch.<sup>101</sup> It should be noted that Jan De Laere, resolved as he may have been, was no simpleton. He possessed one of Ingelmunster's largest farmsteads and acted as bailiff for another lordship (Waelbrugge). De Laere was in other words a figure who knew the tricks and dodges of local lordship and governmental administration. Moreover, he was an outburgher of Courtrai and sought refuge in Ghent during the conflict with his lord. Nevertheless, the village community of Ingelmunster repeatedly rallied behind and supported him: both by testifying in court, as by financially contributing in procedure costs for the ongoing lawsuits. Elaborate examples of communities taking initiative to litigate against the seigneurie in Flanders are quite rare in the existing historiography. Most publications focus on source material where it is the other way around. The case of De Laere may be exceptional, but it shows how prominent villagers made optimal use of their own agency (money, connections, citizen rights, judicial knowledge) to successfully resist power claims from their lords.

Seigneurial accounts complement the historiographical view on the pervasiveness of local lordship. As administrative bookkeeping tools, they reveal additional aspects of seigneurial logic, other than lawsuits or *denombrements* traditionally do. By comparing the (expected) yield of seigneurial rights to the duration and cost of litigation, enforcement and administration accompanying said rights, we can evaluate if the collected money was worth the trouble. If the economic value of certain forms of surplus extraction was heavily surpassed by the cost of their application, we should re-evaluate the meaning of lordship and its pervasiveness to lords. A case file about fishing rights in the river Mandel shows that contestation of seigneurial surplus extraction was not always primarily a matter of pure economic profit but also an issue of symbolic capital. The lord of Ingelmunster and the abbot of Enname (the abbey owned the lordship of ten Dale adjacent to Ingelmunster's lands) disputed about fishing rights in the Mandel. The fishing rights in question were unprofitable, but the judicial procedure took almost two decades, surpassing any sum the fishing rights could render.<sup>102</sup> Regardless of their nature, even the most prestigious forms of capital could become priceless or untenable. This befell the lord of Avelgem in the 17th century. Accounts for this lordship show suspended entries for the inheritance right called '*dubbele doodkoop*' from 1602 onward.<sup>103</sup> The aldermen bench of Otegem, a parish under the jurisdiction of the lord of Avelgem, had struck a verdict against their lord. The sentence denied Otegem's seigneur any further payments of *dubbele doodkoop*. The lord had appealed the case before the Council of Flanders, where the sentence was ratified. Subsequently, the case was pursued at the Great Council at Malines. There, the procedure dragged on for decades. A sentence is unknown, but if the appeal at Malines was ever settled, it was presumably in favour of the Otegem community. While payments of '*doodkoop*' reappeared in later 17th and 18th century accounts of Avelgem, it was always under parishes other than Otegem, where the entry was left

blank.<sup>104</sup> This case proves that it was possible for rural communities to fight seigneurial claims in court (up to the highest level) and successfully defy lordship and its surplus extraction claims.

### **Pragmatic negotiation forms**

Lawsuits, let alone violent incidents, were vastly outnumbered by smaller, pettier frictions. People could of course resort to violence and litigation, but this was primordialially a last resort. Why unnecessarily anger community members and neighbours, start expensive litigation, or risk physical injury, when a heartfelt discussion with some (feigned) kind words could resolve a problem far easier, cheaper, and safer?<sup>105</sup> This daily commonplace reality has left fewer traces in archival records than exceptional transgressions.<sup>106</sup> Nevertheless, many disagreements proved too big for involved parties to amend by mere informal discussion and negotiation, and too small or expensive to persevere through a full-fledged lawsuit. Such situations resulted in iterations of what Garnot calls '*infrajustice*': disputes whereby one of the involved parties resorted to means of justice (starting a judicial procedure), without the case ever concluding before a court. To a certain extent, *infrajustice* can be regarded as some sort of hybrid form of judicial action. People resolved their problems with one foot inside the legal framework and another foot on the outside. Quite unsurprising, different stakeholders regularly acted along the lines of the permissible and/or the possible. Sure enough, conflicts involving *outburghers* and *meilleur cattel* delivered their fair share of practices of *infrajustice*. Seigneurial bailiffs collecting inheritance rights during the fourteenth and fifteenth centuries proved pragmatic at best and corrupt at worst.<sup>107</sup> Sometimes they (rightfully or not) refused to believe peasants claiming urban status, seizing the household's best piece either way. When the external citizens resorted to their city's officials, who in turn delivered notification (or if they were overzealous, served him a summons), the *meilleur cattel* was reluctantly returned.

The nature of these forms of *infrajustice* sometimes poses methodological issues: the paper trail can come to a sudden halt. This is commonly interpreted by historians as marking a struck agreement outside of the court, though faulty record-keeping or administration remains a possibility. This is illustrated by a peculiar case of *meilleur cattel* in the Franc of Bruges – where all inhabitants were exempt from the inheritance right since 1232 – when the lord of Praet had confiscated a horse of Anthonis, son of Riquarts. The lord exacted this illicit claim, arguing Anthonis' deceased mother was a former subject of his lordship. *Meilleur cattel* was however due to the lord of the place of death. Anthonis asked and received support from the Franc's aldermen, who adjourned all court meetings throughout the Franc until the horse was returned from 2 December 1424 until 28 December that same year. From there, no further traces concerning the outcome of the case exist, so presumably the lord of Praet conceded and Anthonis received his horse.<sup>108</sup>

Through formal and informal discussion, claims of power and possession could be debated (partly) outside of official courts. The dread for costs and difficulties of yet another lawsuit lead some lords and communities to look for other pragmatic solutions, rather than enduring iteration after iteration of an endless judicial war of attrition. Such battle-weary agreements were struck for the much disputed *meilleur cattel* rights in and around Flanders. The lords of Edingen (Hainaut), Zomergem (Flanders), and Deinze (Flanders) reached compromises with the parishes under their jurisdiction. The inheritance tax – in essence a variable right; a subject had to die before the seigneurial officer could claim the due payment – was thereby replaced by either a fixed annual sum or a large unique redemption paid by the entire community.<sup>109</sup> Such a deal was advantageous for all parties involved. The lord received a reliable form of income, and his receiver was rid of the time-consuming work which inheritance taxes entailed. The peasants in turn were freed of the humiliating practice of giving up a significant heirloom after the passing of a relative and of the mental concerns coupled with succession right planning (and the weighing up of strategies of tax evasion). Most importantly, the tax pressure on peasants reduced or changed considerably: the



uncertain timing of *meilleur cattel* was replaced by a single buy-out, or a recurrent light tax, which allowed for better financial planning. To achieve such compromises, lords and subjects had to negotiate intensively. The image delivered by such case studies sheds a different light on the concept of 'pervasive lordship'. The lord was pervasive in the sense that he could negotiate from his seigneurial claim to surplus extraction, thus successfully receiving payment, albeit in a different form. As a consequence however, the further pervasiveness of the right in question was forfeited. Concurrently, peasants were equally successful in using whatever agency they had to renegotiate the terms, conditions, and even fiscal pressure of certain seigneurial rights.

### **Clandestine resistance**

As subjects and as a community, villagers and farmers generally knew very well who was colouring outside the lines of the law. So long as the transgressors aided the community however, be it by selling or giving poached game to peers or by hushing up the fraud of ones' neighbours, the mutual benefits and understanding among subjects was maintained.<sup>110</sup> Lords evidently deemed fraudulent practices illegal. As the aggrieved party, the *seigneur* and his officers considered transgressions of surplus extraction rights as infringements on their 'justice'. Perpetrators such as frauds had to be detected, exposed, and prosecuted. This dichotomy provided the basis of the cat-and-mouse game portrayed in every lordship during the ancien regime. Wickham rightfully discerns the peasants' position and their advantage as grounded residents, in the sense that they knew the environment best. Their grasp and knowledge on and of the surrounding farms, rivers, forests, and people was far more profound than that of its lordly possessor and administrator. This meant that peasants knew whichever opportunities available to nibble some of the lords' claimed surplus away. To which extent the reward was worth its enticed risk, seigneurial subjects could consider for themselves. This last section delves deeper into such opportunistic strategies, with a careful assessment of their frequency and the appearance of clandestine peasant strategies in the sources.<sup>111</sup>

The elephant in the room is of course the concept of dark numbers and the methodological hindrances it imposes. Since tax evasion was illegal, and lords possessed the authority to prosecute and fine perpetrators, we have records on such infractions. Even the lowest forms of lordship carried the inherent potency to safeguard those seigneurial rights the lord did possess, and the power to punish possible encroachments.<sup>112</sup> These documents entail the evidence on the crime and/or the stipulation of the penalty and/or fines. Within the county of Flanders, we discern such traces in seigneurial accounts, court cases, charters and '*doorgaande waarheden*' (local recurrent questionnaires, whereby the entire village was summoned before the church, square or inn to report about infractions since the last hearing), to name a few.<sup>113</sup> Obviously, these sources provide a distorted image of the historical reality, since they solely record those infractions suffering an unlucky discovery. The ironic consequence is that our knowledge of such clandestine forms of resistance is shaped by failed attempts, which led to lawsuits, fines or legal measures to prevent or discourage further infractions. Calculating how far seigneurial rights and surplus extraction were conceded or escaped remains a risky endeavour, but a necessary projection nonetheless.

Perhaps the least extreme form of peasant resistance was idleness. Inaction could very well be a form of protest. It may not seem like a spectacular strategy, but it was easy and effective. Not doing anything may be interpreted in two ways: withholding information (not telling) and not performing mandatory action (not doing). Both inactions were reprimandable and could involve personal and/or another's gain or detriment. An obvious example is concealing one's due rents or taxes. Chances at success had an inverse relation with the quality of seigneurial administration: the poorer the documentation and memory of seigneurial dues, the higher the likelihood of the peasant's evasion attempt to succeed. Relatively many examples survive of lordly receivers complaining about aporia and chaotic administrations, especially following periods of crisis such as wars and plagues. When enough peasants kept their mouths shut, officers could suffer great troubles reconstructing which rents weighed on which persons and lands. When Pierre de Goux,

chancellor to the duke of Burgundy, bought the Flemish seigneurie of Denderwindeke, for example, he complained about this problematic deadlock. At his wits' end, he wrote a request to the Burgundian duke (as acting count), who in turn ordered the officers of the Council of Flanders to enforce those inhabitants of Denderwindeke to acknowledge and pay their due rents. De Goux shortly after ordered the composition of a *terrier*. Be that as it may, even this powerful chancellor – and much less pervasive lords – suffered some temporary or permanent losses of income because subjects simply remained silent about their rents.<sup>114</sup>

Only when methods of withholding, feigned compliance and everything in between failed, subjects resorted to an outright uprising. Though while these forms of resistance obviously fell outside of the law, they were seldomly tolerated. Revolts thus differ from *extrajustice*. Uprisings happened outside of the legal framework, along with more or less violent struggles and repression. Charters describing the spectacular circumstances and consequences of subject resistance usually testify of the special character of the incident, whereby extraordinary problems required extraordinary solutions. While the study of these conflicts has proven its merits, they should be nuanced and placed within the correct context. Revolts were unique outbursts, often last resorts for a peasantry that felt unheard, powerless, and desperate. One could argue that lords suffering such rare uprisings may have been too pervasive, pushing their subjects over the brink of the tolerable load of burdens, or as Kula put it, having exceeded the social limit for too long.<sup>115</sup>

## Conclusion

The socioeconomic and political developments of the 14th century marked the decline of seigneurial lordship in Flanders. While the power of local lords had been contested for longer – and by a multitude of adversaries such as the count, cities, and clerical institutions – the events following the Black Death implied a point of no return. Demographic crises indirectly empowered the surviving rural population. The Council of Flanders symbolized the growing power of the count and his central institutions, curtailing the jurisdiction and fiscal claims of local lords. Since the 13th century, outburghership had been an important medium for cities to control their hinterland and thwart the influence of surrounding lordships on the peasantry. Despite their lessened power, lordships endured until 1795. Outburghership also persisted as an affordable and accessible counterbalance to local seigneurialism. From the 15th century onward however, the established power relation between cities, count, and lords never necessitated the exorbitant urban subscription numbers from before. This went hand in hand with a declining economic and political importance of Flanders' largest towns. Outburghership retained its use as defence mechanism for seigneurial subjects, but since 1540 the former possibilities of liberal and broad interpretation of its freedoms by both city courts as local peasantries were strictly curtailed. The centralizing efforts of Burgundian and Habsburg rulers had reduced outburghership from a creatively interpretable status claiming exemption for taxes and jurisdictions on several levels during the middle ages, to merely an immunity for certain seigneurial rights to inheritance and justice. Furthermore, the newly accomplished political equilibrium left more room for pragmatic forms of negotiation or '*infrajustice*'. The agreements struck about arrangements of '*meilleur cattle*' in Edingen, Zomergem, and Deinze are good examples of local communities negotiating and settling disagreements with their lords, without a direct need for external interference.

What this article has shown, through a comparative and broad analysis of outburghership of the county of Flanders, is that even at its peak of power, external citizenship never dominated the entire province, nor did it provide full protection or immunity for lordship. Even being an outburgher was never a guarantee for success in defying seigneurial claims. While citizenship and its privileges remained an important part of the country dweller's means of resistance until 1795, day-to-day small acts of unruliness or (re)negotiation outweighed the antagonistic conflicts and lawsuits. Historiography has dedicated disproportionate attention to exceptional disagreements

between lords and subjects. These were important, obviously, but need to be put into perspective. Whomever wants to discern a rebelling countryside has to look at outburgher lists and lawsuits indeed. Other rebels can be found in seigneurial accounts and bailiff accounts. Entries and notes on rents gone dark, worthless chicken rents delivered or poachers fined hint at dark numbers of undetected, successful tax evasion practices.

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## Notes

- 1 Readers familiar with English lordship may recognize the resemblance of *meilleur cattel* to the death duty known as 'heriot'. See J. Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk 1440-1580* (Oxford, 2000), p. 31; F. Daelemans, 'Gegevens over het beste kateel en hun gebruik voor de sociale geschiedenis: Voorbeeld Herzele', in R. De Bock-Doehaerd and J. Baerten, eds., *Heuristiek en Methodologie van de Dorpsgeschiedenis* (Brussels, 1980), pp. 64–81.
- 2 E. Van der Hoeven, 'Ontfaen vanden insetenen vanden heerscepe van Herselle: De heerlijkheid Herzele (1444-1502): Een ruimte van onderhandeling', Master of Arts in History (Ghent, 2023), p. 100.
- 3 Seigneurial account Herzele, Castle of Herzele. 1478-1479, f° 6r [[chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.dehellebaard.be/Files/Herzele/domeinrekeningen\\_scans/domeinrekening\\_1478\\_1479.pdf](https://www.dehellebaard.be/Files/Herzele/domeinrekeningen_scans/domeinrekening_1478_1479.pdf)].
- 4 T. Vandewalle and J. van der Meulen, 'The in-and-out burgher? The jurisdictional status of people living between town and countryside: Oudenaarde and Nieuwerkerke in the sixteenth century', Unpublished Rural History conference paper (Girona, 2015).
- 5 J. Decavele, ed., *Poorters en Buitenpoorters van Gent. 1477-1492, 1542-1796* (Ghent, 1986), p. 11. See also: E. Van der Hoeven, 'Bronnen over de heerlijkheid Herzele (1444-1502), Domeinrekening 1478-1479', *Herzele: De Hellebaard* (2023), [<https://www.dehellebaard.be/bronnenherzele/>], p. 16; E. Van der Hoeven, 'Ontfaen vanden insetenen', pp. 164-171.
- 6 W. Buntinx, 'Audiëntie van de graven van Vlaanderen', in W. Prevenier and B. Augustyn, eds., *De Gewestelijke en Lokale Overheidsinstellingen in Vlaanderen tot 1795* (Brussels, 1997), pp. 123–30; See also: D. Lambrecht, 'Centralisatie onder de Bourgondiërs: Van Audiëntie naar Parlement van Mechelen', *Bijdragen Voor de Geschiedenis der Nederlanden* 20 (1966), pp. 83–109. Castellannies, in turn, were subregional districts of the Flemish county, responsible for fiscal, governmental, and judicial administration of the count. A decent introduction on castellannies with relevant references can be found in J. De Rock, *Het Bestuur van de Kasselrij Kortrijk in de Bourgondische Periode (1387-1453)* (Brussels, 2009), pp. 31–34.
- 7 J. J. De Smet, 'II. Requête présentée à Jean sans Peur, duc de Bourgogne, par les abbés, barons et autres seigneurs du pays d'Alost, contre les empiétements du bailli et des échevins de cette ville', *Bulletin de la Commission royale d'Histoire* 36:8 (1866), 37–42.
- 8 De Smet, 'Requête présentée'. See also: T. De Waele, 'Inperking van heerlijke rechten in veertiende-eeuws Vlaanderen: "Dat niemen wie hi zij edel of onedel dwinghen mach"', *MADOC* 36:3 (2022), 131–43.
- 9 See for example: R. Vermoesen, *Markttoegang en 'Commerciële' Netwerken van Rurale Huishoudens: De Regio Aalst 1650-1800*, Published PhD in History (Ghent, UGent, 2011); J. van der Meulen, *Woven into the Urban Fabric: Cloth Manufacture and Economic Development in the Flemish West-Quarter (1300-1600)*, Published PhD in History (Turnhout, UGent, 2021); J. Masschaele, 'Town, country and law', in C. Dyer, R. Goddard, J. Langdon, M. Müller, eds., *Survival and Discord in Medieval Society: Essays in Honour of Christopher Dyer* (Turnhout, 2010), pp. 127–44.
- 10 S. Carocci, 'The pervasiveness of lordship (Italy, 1050–1500)', *Past & Present* 256:1 (2022), 3–47.
- 11 Carocci, 'The pervasiveness', p. 7.
- 12 C. Wickham, 'How did the feudal economy work? The economic logic of medieval societies', *Past and Present* 251 (2021), 3–40.
- 13 B. Garnot, 'Justice, infrajustice, parajustice et extra justice dans la France d'ancien régime', *Crime, Histoire & Sociétés/ Crime, History & Societies* 4:1 (2000), 103–20.
- 14 A rare but welcome exception is the analysis by: De Rock, *Het Bestuur*, pp. 197–204. See also: T. Vandewalle, 'Van twee wallen eten? De stadsrand als overgangzone tussen stad en platteland in de late 15de en 16de eeuw. Casus Oudenaarde', Unpublished PhD in History (Antwerp, Universiteit Antwerpen, 2019), pp. 61–62; G. P. Marchal, 'Pfahlburger, bourgeois forains, buitenpoorters, bourgeois du roi: Aspekten einer zweideutigen Rechtsstellung', in R. C. Schwinges, R. Gerber and B. Studer, eds., *Neubürger im späten Mittelalter: Migration und Austausch in der Städtelandschaft des alten Reiches (1250-1550)* (Berlin, 2002), pp. 333–67.

- 15 P. Blicke, “Doppelpas” im Mittelalter. Ausbürger in Oberdeutschen und Schweizerischen Städten und der Verfall der feudalen Herrschaft, in H. Bräuer, ed., *Die Stadt als Kommunikationsraum: Beiträge zur Stadtgeschichte vom Mittelalter bis ins 20. Jahrhundert: Festschrift für Karl Czok zum 75. Geburtstag* (Leipzig, 2001), pp. 37–48; T. Scott, *The City-State in Europe, 1000-1600: Hinterland, Territory, Region* (Oxford, 2012).
- 16 J. Verbeemen, ‘De buitenpoorterij in de Nederlanden’, *Bijdragen voor de Geschiedenis der Nederlanden* 12 (1957), 81–99, 191–217. Concerning present day Switzerland and Germany: R. Gerber, *Gott ist Burger zu Bern: Eine spätmittelalterliche Stadtgesellschaft zwischen Herrschaftsbildung und sozialem Ausgleich* (Weimar, 2001); Blicke, “Doppelpas”.
- 17 Adriaan Verhulst – among others – already hinted at this peculiar situation. A. Verhulst, ‘Libertés rurales et libertés urbaines dans le comté de Flandre au XIIe siècle’, in C. M. De La Roncière, N. Coulet, L. Stouff, G. D’Archimbaud, H. Taviani, G. Comet, C. Carozzi, M. Fixot, J. Paul, eds., *Histoire et Société: Mélanges Offerts à Georges Duby, Vol. II: Le Tenancier, le Fidèle, le Citoyen* (Aix-en-Provence, 1992), pp. 41–48.
- 18 Definition from F. Buylaert, W. De Clercq and J. Dumolyn, ‘Sumptuary legislation, material culture and the semiotics of “vivre noblement” in the county of Flanders (14th–16th Centuries)’, *Social History* 36:4 (2011), p. 396.
- 19 W. H. TeBrake, *A Plague of Insurrection: Popular Politics and Peasant Revolt in Flanders, 1323-1328* (Philadelphia, 1993).
- 20 E. Thoen, ‘Rechten en plichten van plattelanders als instrumenten van machtspolitieke strijd tussen adel, stedelijke burgerij en grafelijk gezag in het Laai-middeleeuwse Vlaanderen. Buitenpoorterij en mortemain-rechten ten persoonlijke titel in de kasselrijen van Aalst en Oudenaarde vooral toegepast op de periode rond 1400’, in *Handelingen van het 13de Internationaal Colloquium Spa* 1986 (Brussels, 1991), pp. 469–90.
- 21 L. Bervoets, ‘Quicumque in villa per annum unum et diem unum manserit, liber erit: De genese van het poorterschap in de dertiende-eeuwse steden van de Vlaamse ruimte’, Unpublished PhD in History (Ghent, UGent, 2022) pp. 5, 51–58, 304–310; van der Meulen, *Woven*, pp. 143–174.
- 22 See for example: J. Dumolyn, F. Buylaert, G. Dupont, J. Haemers and A. Ramandt, ‘Social groups, political power and institutions II, c.1300-c.1500’, in A. Brown and J. Dumolyn, eds., *Medieval Bruges: C. 850-1550* (Cambridge, 2018), pp. 291–292.
- 23 E. Huys, ‘Etudes sur la bourgeoisie foraine de Courtrai’, *Handelingen van de Koninklijke Geschied- en Oudheidkundige Kring van Kortrijk* 17 (1938): 3–35; J. De Brouwer, ‘Buitenpoortersboek van Geraardsbergen van 1396 met bewerking’, *Het Land van Aalst* 6 (1954): 1–109; J. Monballyu, ‘De gerechtelijke bevoegdheid van de Kortrijkse schepenen over hun poorters’, *De Leiegouw* 15 (1973): 283–305; R. Castelain, ‘De Oudenaardse poorterij (tot de 16de Eeuw): Statuten en toepassingen in stad en Kasselrij’, *Jaarboek van de Geschied- en Heemkundige Kring De Gaver Waregem* 3 (1975), 137–75.
- 24 Verbeemen, ‘De buitenpoorterij’, pp. 81–99, 191–217.
- 25 K. Maddens, ‘De poorterij en buitenpoorterij in Vlaanderen’, *Jaarboek van het Vlaams Centrum voor Genealogie en Heraldiek* 3 (1986): 103–128. This work provides handy schematic insights (although succinct) and references to earlier studies organized per city.
- 26 K. Maddens, ‘De crisis op het einde van de XVIde eeuw in de kasselrij Kortrijk’, *De Leiegouw* 1:2 (1959), 75–93; W. L. Braekman, ‘Het weghalen van Jan De Dievel uit de gevangenis van Sint-Lievens-Houtem rond 1408’, *Jaarboek van de Zottegemse Culturele Kring* 29 (1977), 9–19; G. Martyn, ‘Stad versus dorp: Oudenaards poorterschap in het geding: een zestiende-eeuws proces voor de Raad van Vlaanderen’, *Handelingen van de Geschied- en Oudheidkundige Kring van Oudenaarde* (2005), 5–29.
- 27 Maddens, ‘De crisis’; Tineke Vandewalle, ‘Van twee wallen eten? De stadsrand als overgangszone tussen stad en platteland in de late 15de en 16de eeuw: Casus Oudenaarde’. Unpublished PhD in History (Antwerp, Universiteit Antwerpen, 2019); Marc D’Hoop, ‘Sociaal-ekonomische strukturatie en situatie van de Kortrijkse buitenpoorters (2de Helft 14de – 1e Helft 15e Eeuw)’, Master of Arts in History (Ghent, 1980); Hendrik Callewier, ‘De poorterij en buitenpoorterij in Vlaanderen’, *De Leiegouw* 47:2 (2005): 163–183.
- 28 E. 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 13de-Eerste Helft 16de Eeuw)*, Published PhD in History, vol. 1, (Leuven, 1988); see also his ‘Rechten en plichten’. Thoen explicitly followed Van Uytven’s example in discerning a power triangle between lords, cities and count. See R. Van Uytven, ‘Vorst, adel en steden: een driehoeksverhouding in Brabant van de twaalfde tot de zestiende eeuw’, *Bijdragen tot de geschiedenis* 29 (1976): 93–122; J. De Rock, *Het Bestuur van de Kasselrij Kortrijk in de Bourgondische Periode (1387-1453)* (Brussels, 2009); F. Scheelings, ‘De economische impact van de feodaliteit en de revolutionaire gezindheid van de boeren aan de vooravond van de revolutie’, in *De Franse revolutie en Vlaanderen. De Oostenrijkse Nederlanden tussen Oud en Nieuw Regime. Handelingen van het Colloquium Gehouden op 1-2 December 1988 te Brussel* (Brussels, 1990), pp. 131–148.
- 29 The oldest iteration of outburgership can be found in the peculiar case of Grammont, described in: C. Wyffels, ‘Gerechtelijk optreden van baljuw en schepenen van Geraardsbergen in Henegouwen in de 13de eeuw’, in G. Asaert and W. Buntinx (eds.), *Recht en Instellingen in de Oude Nederlanden Tijdens de Middeleeuwen en de Nieuwe Tijd* (Leuven, 1981), pp. 85–96.
- 30 M. D’Hoop, ‘Sociaal-ekonomische strukturatie en situatie van de Kortrijkse buitenpoorters (2de helft 14de – 1e helft 15e eeuw)’, Master of Arts in History (Ghent, 1980), pp. 1–8; Bervoets, ‘Quicumque in villa’, pp. 30–31, 228 & 304–306.
- 31 Thoen, ‘Rechten en plichten’, p. 483; Verbeemen, ‘De buitenpoorterij’, pp. 552–57.
- 32 Bervoets, ‘Quicumque in villa’, pp. 76–77.

- 33 Thoen, 'Rechten en plichten', p. 485. See also: J. Monballyu, 'Het gerecht in de kasselrij Kortrijk (1515-1621)', Unpublished PhD in Law (Leuven, Katholieke Universiteit Leuven, 1976), vol. 2, p. 392; M. Cornelis, 'Buitenpoortersboeken van Geraardsbergen', *Het Land van Aalst* 24:3 (1972), 118.
- 34 F. Daelemans and F. Scheelings, 'De economische impact van de heerlijkheid op het platteland' in *Machtsstructuren in de Plattelandsgemeenschappen in België en Aangrenzende Gebieden (12de - 19de eeuw), Handelingen van het 13e Internationaal Colloquium te Spa, 3-5 September 1986* (Brussels, 1988), pp. 454.
- 35 K. Maddens, 'De crisis op het einde van de XVIde eeuw in de kasselrij Kortrijk', *De Leiegouw* 1:2 (1959), 75-93. Maddens states that even during the difficult recovery of the first half of the seventeenth century, outburghership remained affordable for country dwellers. However, the sluggish growth of population numbers was the prime cause for the dip in outburgher numbers for Courtrai. Even in the first half of the fourteenth century, Flemish outburghership was arguably accessible. The subscription fee in Bruges comprised 40 denarii (parisis regii), for which an unskilled dayworker in the countryside had to work roughly ten days (the fine of 3 lb. parisis would have weighed heavier during the high middle ages, namely 28 working days). Calculations and estimates for the high middle ages from Bervoets, 'Quicumque in villa', p. 149-151. Bervoets based these estimates on E. Thoen and T. Soens, 'Vegetarians or carnivores? Standards of living and diet in late medieval Flanders', in C. Simonetta, ed., *Le interazioni fra economia e ambiente biologico nell'Europa preindustriale secc. XIII-XVIII* (Florence, 2010), pp. 483-516 (esp. 515-517 for nominal and real wages, and how consumption indexes altered between ca. 1337 and 1600).
- 36 Calculations based on wages mentioned in the expenses of the Bailiff account of the lord of Avelgem, General State Archives Brussels, TBO 283, L722/5. 1545-'46, f° 22v-23r. The main monetary sums mentioned in this study entail pounds (lb.), sols (s.) and denarii (d.) in *parisis* (par.) or *groten* (gr.). One pound consisted of 20 s. or 240 d. For introduction, see J. Craeybeckx and C. Verlinden, *Dokumenten voor de Geschiedenis van Prijzen en Lonen in Vlaanderen en Brabant* (Bruges, 1959), p. XXXII-XXXIX; M. Boone, 'Muntgeschiedenis middeleeuwen' in *Hoe schrijf ik de geschiedenis van mijn gemeente?* (Ghent, 1996), vol. 3b, pp. 149-165.
- 37 E. E. Kittell, 'Death and taxes: Mortmain payments and the authority of the count in fourteenth-century Flanders', *Continuity and Change* 28:2 (2013), 187-211. See also: D. Heirbaut, *Privaatrechtsgeschiedenis van de Romeinen tot Heden* (Ghent, 2013), pp. 186-187.
- 38 Etienne Scholliers, 'Prinsen en boeren in de vrijheerlijkheid Steenhuize', *Het Land van Aalst* 40, n° 1 (1988), 9-65 (esp. pp. 16-17; 20-23; 37); Daelemans, 'Gegevens over het beste kateel'.
- 39 F. Scheelings, 'De economische impact van de feodaliteit en de revolutionaire gezindheid van de boeren aan de vooravond van de revolutie', in *De Franse revolutie en Vlaanderen. De Oostenrijkse Nederlanden tussen Oud en Nieuw Regime. Handelingen van het Colloquium Gehouden op 1-2 December 1988 te Brussel* (Brussels, 1990), pp. 138-139.
- 40 R. Castelain, 'De Oudenaardse poortertij (tot de 16de eeuw): Statuten en toepassingen in stad en kasselrij', *Jaarboek van de Geschied- en Heemkundige Kring De Gaver Waregem* 3 (1975), 137-75 (esp. pp. 165-167).
- 41 To reconstruct this table, I crosschecked and complemented Verbeemen's study with existing literature and archival inventories. For the complementing literature, see A. Braet, 'Zestiende-eeuwse buitenpoorters van Aalst gevestigd te Herdersem', *Vlaamse Stam* 3-4 (1988), 231-36; A. Schouteet, *Indices op de Buitenpoortersboeken van de Stad Brugge, 1548-1788* (Bruges, 1965); *Decavele, Poorters*; Jozef De Brouwer, 'Buitenpoortersboek van Geraardsbergen van 1396 met Bewerking', *Het Land van Aalst* 6 (1954), 1-109; Cornelis, 'Buitenpoortersboeken' (See also Cornelis' editions in earlier parts of the same journal); Maddens, 'De crisis'; N. Maddens, 'De telling van Kortrijkse poorters in 1530', in *Album Carlos Wyffels* (Brussels, 1987), pp. 297-312; R. Castelain, 'Poorters van Oudenaarde (1284-1398): Uit Waregem, Wortegem en Anzegem', *Jaarboek van de Geschied- en Heemkundige Kring De Gaverstreke*, 3 (1975), 177-87; Castelain, 'De Oudenaardse poortertij'; S. Deschodt, 'De Ieperse buitenpoortertij in de 15de tot begin 16de eeuw: Studie naar de conflictueuze relatie tussen de stad Ieper en haar hinterland', Master of Arts in History (Ghent, 2019).
- 42 M. Boone and P. Stabel, 'New burghers in late medieval towns of Flanders and Brabant: Conditions of entry, rules and reality', in Gerber, R., B. studer and R. Christoph Schwinges, eds., *Neubürger im späten Mittelalter. Migration und Austausch in der Städtelandschaft des alten Reiches (1250-1550)* (Berlin, 2002), pp. 317-32.
- 43 E. 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 13de-Eerste Helft 16de Eeuw)*, Published PhD in History, vol. 1, (Leuven, 1988), pp. 410-416 & 612; Thoen, 'Rechten en plichten', pp. 480-485. In these publications, Thoen rightfully states a range of other strategies employed by Flemish counts to diminish the power of local lords, such as usurping rights (*meilleur cattel*), confiscating lordships of political dissidents, concessions on milling rights. See Thoen, *Landbouweconomie*, p. 435-442 and 468-469; Thoen, 'Rechten en plichten', pp. 478-479. For a recent article focused on comital curtailment of seignorial lordship, see De Waele, 'Inperking'.
- 44 E. Thoen and T. Soens, 'The social and economic impact of central government taxation on the Flemish countryside (end 13th-18th centuries)', in S. Cavaciocchi, ed., *La Fiscalità Nell'economia Europea Secc. XIII-XVII* (Florence, 2008), pp. 957-971.
- 45 Most collected meilleur cattels were livestock. See R. Debbaut, 'Het recht van het beste hoofd in het Meetjesland in de vroegmoderne tijd', *Appeltjes van het Meetjesland*, 72 (2021), 76.
- 46 Ypres is - sadly - an often-mentioned example of archival disasters. See Deschodt, 'De Ieperse buitenpoortertij'.
- 47 Maddens, 'De crisis'.

- 48 Data on Courtrai from Verbeemen, 'De buitenpoortertij', pp. 98–99, recalculated into 10 year averages and crosschecked with Maddens, 'De crisis', pp. 82–86 and D'Hoop, 'Sociaal-ekonomische strukturatie', p. 54–63. Data for Aalst and Grammont: Verbeemen, 'De buitenpoortertij', pp. 192–3.
- 49 J. Decavele, 'De Gentse poortertij en buitenpoortertij', in *Recht en Instellingen in de oude Nederlanden tijdens de Middeleeuwen en de Nieuwe Tijd. Liber Amicorum Jan Buntinx* (Leuven, 1981), pp. 63–79.
- 50 Decavele, 'De Gentse poortertij', p. 76; (D'Hoop, 'Sociaal-ekonomische strukturatie', pp. 1–10; Decavele, *Poorters*, p. V. For Courtrai's numbers, see Maddens, 'De crisis', p. 86.
- 51 Schouteet, *Indices*.
- 52 A brief summary of this power struggle between lords, cities, and count in De Waele, 'Inperking'.
- 53 M. Boone, "In den beginne was het woord": De vroege groei van "parlementen" in de middeleeuwse vorstendommen der Nederlanden', *BMGN - Low Countries Historical Review* 120:3 (2005), 338–61 (esp. 357–8).
- 54 Monballyu, 'Het gerecht', pp. 362–5 & 622–4. See also: G. Martyn, 'Stad versus dorp: Oudenaards poorterschap in het geding: een zestiende-eeuws proces voor de Raad van Vlaanderen', *Handelingen van de Geschied- en Oudheidkundige Kring van Oudenaarde* (2005), 5–29 (esp. 16–7).
- 55 Peter Stabel and Filip Vermeylen. *Het Fiscale Vermogen in Brabant, Vlaanderen en in de Heerlijkheid Mechelen: De Honderdste Penning van de Hertog van Alva (1569-1572)* (Brussels, 1997), p. 5.
- 56 Marc Boone, "Le dict mal s'est espandu comme peste fatale": Karel V en Gent, stedelijke identiteit en staatsgeweld', *Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent* 54 (2000), 29–61. See also: Johan Dambruyne, 'De middenstand in opstand: Corporatieve aspiraties en transformaties in het zestiende-eeuwse Gent', *Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent* 57 (2003), 71–122.
- 57 Vandewalle, 'Van twee wallen', p. 65; J. Monballyu, 'De gerechtelijke bevoegdheid van de Kortrijkse schepenen over hun poorters', *De Leiegouw* 15 (1973), 283–305.
- 58 E. 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 *Landholding and Land Transfer in the North Sea Area (Late Middle Ages-19th century)*, vol. 5 (Turnhout, 2004), 47–66.
- 59 Decavele, 'De Gentse poortertij', p. 76; D'Hoop, 'Sociaal-ekonomische strukturatie', p. 1–10; Decavele, *Poorters*, p. V.
- 60 (Decavele, 'De Gentse poortertij', p. 70–71. See also: Decavele, *Poorters*. During the sixteenth century, Kortrijk counted similar numbers of outburghers, amounting to 12.000 strong. See Maddens, 'De crisis'. See also: Verbeemen, 'De buitenpoortertij' and: D'Hoop, 'Sociaal-ekonomische strukturatie'.
- 61 Maddens, 'De crisis'. The numbers align close enough, though with slight alterations from Verbeemen, 'De buitenpoortertij'. For the relative decline of outburghership compared to demographic shocks and recoveries between 1600 and 1800, see Rick Castelain, *Het Leven op het Platteland tussen Kortrijk en Oudenaarde (16e - 18e Eeuw)* (Oudenaarde, 1983), pp. 1–30.
- 62 P. Stabel, *Dwarfs Among Giants: The Flemish Urban Network in the Late Middle Ages* (Leuven, 1997), p. 94.
- 63 H. Van Werveke, *De Gentsche Stadsfinanciën in de Middeleeuwen* (Brussels, 1934), p. 236; Vandewalle, 'Van twee wallen', pp. 85–90. See also: K. Maddens, *De Beden in het Graafschap Vlaanderen tijdens de Regering van Keizer Karel V (1515-1550)*, Published PhD in History (Heule, 1978), p. 85.
- 64 Calculations and information based on: Craeybeckx and Verlinden, *Dokumenten*, p. 33; S. Dehaeck, 'Voedselconsumptie in het Brugse Sint-Janshospitaal tijdens de middeleeuwen (1280-1440)', *Handelingen Genootschap 'Société d'Emulation' Brugge* 141 (2004), 332–64; De Brouwer, 'Buitenpoortersboek', pp. 5–6.
- 65 Monballyu, 'De gerechtelijke bevoegdheid', p. 283.
- 66 W. L. Braekman, 'Het weghalen van Jan De Dievel uit de gevangenis van Sint-Lievens-Houtem rond 1408', *Jaarboek van de Zottegemse Culturele Kring* 29 (1977), 9–19.
- 67 De Smet, 'Requête présentée', pp. 37–42.
- 68 See for an excellent study on outburghership as a judicial weapon for peasants of Avelgem: Martyn, 'Stad versus dorp'.
- 69 Marc Bloch, *Les Caractères Originaux de l'Histoire Rurale Française* (Oslo, 1931), p. 175. Translation in: Marc Bloch, *French Rural History: An Essay on its Basic Characteristics* (Berkeley, 1966), p. 170.
- 70 J. De Smet, 'Een geval van beste hoofd te Oostkerke, 1424', *Handelingen van het Genootschap voor Geschiedenis* 96:3–4 (1959): 222–25; K. Dombrecht, 'Plattelandsgemeenschappen, lokale elites en ongelijkheid in het Vlaamse kustgebied (14de-16de eeuw): Case-study: Dudzele Ambacht', Unpublished PhD in History (Ghent, UGent, 2014), pp. 211–213.
- 71 D'Hoop, 'Sociaal-ekonomische strukturatie', pp. 54–61. This number only includes outburghers of Courtrai, whereas other cities of that castellany, such as Harelbeke, also provided outburghership. The coverage in that castellany might have well been close to 90 or 100%.
- 72 Van der Hoeven, 'Ontfaen vanden insetenen', p. 99.
- 73 De Brouwer, 'Buitenpoortersboek'; Cornelis, 'Buitenpoortersboeken', p. 138.
- 74 Daelemans, 'Gegevens over het beste kateel', pp. 64–81.
- 75 Maddens, 'De crisis', pp. 75–93. For a more recent study, see Dombrecht, 'Plattelandsgemeenschappen'.
- 76 Apart from local seigneurial taxation, outburghership could also provide exemption from central taxation, or different modalities. D'Hoop, 'Sociaal-ekonomische strukturatie', pp. 23–28; Stabel, *Dwarfs Among Giants*, p. 98.
- 77 Daelemans, 'Gegevens over het beste kateel'. See also: Thoen, *Landbouweconomie*, pp. 400 & 433–435.

- 78 Archives of the Diocese of Ghent and Sint-Baafs Abbey, State Archives Ghent, Series K, K10713. The lords in their complaints, almost explicitly stated that the objective of Aalst was to bring lords to bankruptcy; De Smet, 'Requête présentée', pp. 43–44. See also: L. Van Acker, 'Visserij, vogelvangst en jacht op patrijzen in Oostrozebeke', *Biekorf* 101:4 (2001), 363–65.
- 79 Maddens, *De Beden*; See also: Antoine Zoete, *De Beden in het Graafschap Vlaanderen onder de Hertogen Jan Zonder Vrees en Filips de Goede (1405-1467)*, Published PhD in History (Brussels, 1994).
- 80 De Rock, *Het Bestuur*, pp. 198–204.
- 81 De Rock, *Het Bestuur*, pp. 198–199. See also: Maddens, *De Beden*, p. 277.
- 82 W. Blockmans, 'De volksvertegenwoordiging in Vlaanderen onder het huis van Bourgondië', Unpublished PhD in History (Ghent, UGent, 1973), Vol. 2, Chapter IV, pp. 148–154.
- 83 Maddens, *De Beden*, pp. 54–56 & 276–285.
- 84 Stabel and Vermeylen, *Het Fiscale Vermogen*, pp. 5–20.
- 85 Thoen and Soens, 'The social and economic impact', pp. 963–965 provides elaborate references to the most relevant works on fiscality in Flanders. Additional bibliographical information can be found in Stabel and Vermeylen, *Het Fiscale Vermogen*. See also, especially with regards to the imbalance of tax pressure between towns and countryside: T. Lambrecht, 'Si grant inégalité? Town, countryside, and taxation in Flanders, c. 1350–c. 1500', in B. Blondé, S. Geens, H. Greefs, W. Ryckbosch, T. Soens and P. Stabel, eds., *Inequality and the City in the Low Countries (1200-2020)* (Turnhout, 2020), pp. 153–167.
- 86 H. Van Isterdael, 'Belasting en belastingdruk: het Land van Aalst, 17de-18de eeuw', Unpublished PhD in History (Brussels, Vrije Universiteit Brussel, 1983), p. 299.
- 87 F. De Potter and J. Broeckaert, *Geschiedenis van de Gemeenten der Provincie Oost-Vlaanderen: Arrondissement Dendermonde: Appels, Baasrode, Berlare, Buggenhout, Denderbelle, St.-Gillis, Grembergen, Hamme, Kalken, Laarne, Lebbeke*, 1:4 (Ghent, 1889), (Chapter on Kalken), pp. 12–14.
- 88 Castelain, 'De Oudenaardse poorterij', pp. 167–168.
- 89 For example one collection in 1473-'74, amounting to 12 s. par. Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L684/7. 1473-'74, f° 5r-v.
- 90 Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L722/7. 1473-'74, f° 19r. Somewhere between 1474 and 1547 the seigneurial administration separated the accounting. Next to the receiver's accounts, the bailiff upheld a bookkeeping of his own. For similar practices of joining or split ups in accounting, see Sander Berghmans, 'Een studie van de heerlijke inkomsten en uitgaven in de late 17de en de 18de eeuw: De bezittingen van de hertogen van Arenberg in het land van Edingen en het prinsdom Rebecq', Master of Arts in History (Ghent, 2013), p. 2–5.
- 91 Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L707. 1732, f° 19v; Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L715/1. 1776, f° 42v.
- 92 Innings for *meilleur cattels* reappear in the accounts from 1655 onward for Avelgem. Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L 700/2. 1655-'56; See also: Bailiff account of the lord of Avelgem (and Heestert), General State Archives Brussels, TBO 283, L735/1. 1651-'57, f° 8v-9r.
- 93 Castelain, 'De Oudenaardse poorterij', p. 167.
- 94 E. Le Roy Ladurie, *Montaillou: Village Occitan de 1294 à 1324* (Paris, 1975); Jonathan Dewald, *Pont-St-Pierre 1398-1789: Lordship, Community, and Capitalism in Early Modern France* (Berkeley, 1987); Rik Castelain, *De Mentaliteit van Boeren en Burgers in Oudenaarde en zijn Kasselrij (15de - 18de Eeuw)* (Oudenaarde, 1987).
- 95 M. Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge, 2016). For a concise analysis of diminishing labour services in Flanders, see T. Lambrecht, 'Stierenzaad en een stuk kaas : boeren, heren en karweien in Vlaanderen en Brabant tijdens de late middeleeuwen', *MADOC* 33:3 (2019), 140–50.
- 96 David Nicholas mentions cases of outburghers being rather hesitant of using their citizen rights, keeping it as a last resort option for when other forms of conflict settlement had failed: David Nicholas, *Town and Countryside: Social, Economic, and Political Tensions in Fourteenth-Century Flanders* (Bruges, 1971), pp. 241–243.
- 97 B. Van Hofstraeten, 'Arme Vrouwe Justitia: eerst de blinddoek, vervolgens de grijze staar', Inaugural lecture (Maastricht, 2019).
- 98 G. Martyn, 'Hoge justitie in Avelgem in 1678', *Handelingen van de Geschied- en Oudheidkundige Kring van Oudenaarde* 34 (1997), 255–62.
- 99 The term 'common good' was by no means a neutral concept. See J. Dumolyn and E. Lecuppre-Desjardin, 'Le bien commun en Flandre médiévale: Une lutte discursive entre princes et sujets', in Lecuppre-Desjardin, Elodie and Anne-Laure Van Bruaene, eds., *De Bono Communi: The Discourse and Practice of the Common Good in the European City (13th-16th c.)* (Turnhout, 2010), pp. 253–66.
- 100 The Flemish nobility and clergy were exempt from most taxation, though some attempts at fiscal reform targeting seigneurial possessions were undertaken throughout the centuries. See Van Isterdael, 'Belasting', pp. 111–129.
- 101 For this case study, see R. De Clercq, 'Majesteitsschennis in Ingelmunster 1665. Baron Delphin de Plotho tegen Jan De Laere', *De Leiegouw* 43, n° 2 (2001): 163–207.
- 102 For a solid explanation and application of Bourdieu's paradigm on forms of capital on seigneurial lordship, see W. De Clercq, J. Dumolyn, and J. Haemers, "'Vivre noblement": Material culture and elite identity in late medieval Flanders', *Journal*

of *Interdisciplinary History* 37:1 (2007), 1–31. The example of lords quarrelling over the negligible fishing rights can be found in Van Acker, ‘Visserij’.

**103** Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L690/1. 1602-’03. ‘Doodkoop’, also called ‘sterfkoop’, was the inheritance tax on seigneurial holdings. It often comprised payment of double the amount of the annual rent. Hence it was often referred to as ‘dubbele doodkoop’ (liberally translated as ‘double death tax’). See J. Denys, *Inleidende Nota over de Lijst der Heerlijkheden van Oost-Vlaanderen* (Ghent, 1950), p. 15.

**104** The first iteration (see note above) from 1602 to ’03 is restated every year until the latest years of the following snapshot in 1662-’63 (Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L 701/5. 1662-’63.). The formulation remains more or less the same, stating that the case is ‘still pending’: ‘Autre recepte a cause des rentes seigneuriales advenuz a cause de la mort de plusieurs subjects qu’il doitvent double rente a leur trepas dessus la rente courante, ne a moins ce rendant ne doit que recevoir unne annee avecq la rente courante, daultant que feu les seigneurs d’Avelghem ont secombe de leur pretendu droit par sentence contre ceulx d’Ooteghem, et appellé au Grand Conseil de Malines la ou la cause est encor pendant indecise’. The account for 1665-’66 (Seigneurial account Avelgem, General State Archives Brussels, TBO 283, L 701/10. 1665-’66, 1<sup>o</sup> 9v-10r) shows two collections of doodkoop, but for Avelgem only, amounting to little over 4.5 lb. par. Otegem remains exempt from the right, as far as the account entries can tell. See Seigneurial accounts Avelgem, General State Archives Brussels, TBO 283, L690/1 to L718/3.

**105** Dewald, *Pont-St-Pierre*, p. 129.

**106** Jean Gallet, *Seigneurs et Paysans en France: 1600-1793* (Rennes, 1999), p. 237. See also: J. Campbell Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, 1985), pp. 298–303.

**107** My thanks to the reviewer for suggesting corruption activities by bailiffs (and lords) contributing to the field of tension between subjects and seigneurial officials. Classic studies mentioning comital bailiff corruption are J. Van Rompaey, *Het grafelijk baljuwsambt in Vlaanderen tijdens de Boergondische periode* (Brussels, 1967), pp. 162–163 & 167–168; M. Boone, ‘De soeverein baljuw van Vlaanderen: Breekijzer in het conflict tussen stedelijk particularisme en Bourgondische centralisatie’, *Handelingen van het Genootschap voor Geschiedenis* 126 (1989), 57–78 (esp. p. 58). Bailiffs of local lordships acted outside their jurisdiction all the same, see the example of composition mentioned above (with reference to Daelemans and Scheelings, 1988).

**108** For this case study, see De Smet, ‘Een geval van beste hoofd’.

**109** J. De Mey, ‘Recht van de dode hand te Lettelingen 1723 - 1734’, *Het Oude Land van Edingen en Omliggende* 9:1 (1981), 28–32; Ronny Debbaut, ‘Het recht van het beste hoofd’, pp. 51–108 (esp. pp. 59–62).

**110** Garnot, ‘Justice’, p. 108.

**111** Wickham, ‘Feudal economy’, pp. 13, 33.

**112** J. Mertens, ‘Heerlijkheden’, in Walter Prevenier and Beatrijs Augustyn, eds., *De Gewestelijke en Lokale Overheidsinstellingen in Vlaanderen tot 1795* (Brussels, 1997), pp. 552–60.

**113** E. I. Strubbe, ‘Het houden van de doorgaande waarheid in het Vrije van Brugge’, *Annales de la Société d’Emulation de Bruges* 66 (1923), 249–53.

**114** For a more elaborated discussion on this particular case, see T. De Waele, ‘The acquisition of seigneuries and the exertion of seigniorial power in late medieval Flanders: The case of Wedergrate and the Goux family’, *The Medieval Low Countries*, 7 (2020), 157–92. When the stubborn silence around rents and other seigneurial rights resulted in the eventual loss of its profits, the rent ‘went dark’ (‘verdonkerde rente’). Receivers kept administering the existence of the rent in the form of a memorial entry: instead of a collected payment, they noted the phrase ‘darkened’ (‘verdonkerd’). For introductory examples of this phenomenon, see Thoen, *Landbouweconomie*, p. 489.

**115** W. Kula, *An Economic Theory of the Feudal System: Towards a Model of the Polish Economy 1500-1800* (London, 1976), p. 47; Van Isterdael, ‘Belasting’, pp. 298–300. For examples of small peasant uprisings against their lords, see Sylvain Dewaele, ‘Opstand tegen de helftwinning te Munkzwalm op de Rekegem Kouter en andere percelen’, *De Zwalmgalm* 23:4 (2018), 6–11; See also: Archives of the Diocese of Ghent and Sint-Baafs Abbey, State Archives Ghent, series B, 2493.

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