

worded their allegations. Garthine Walker has shown that they preferred to focus on the aggression of their rapist towards them rather than on the actual sexual abuse, to avoid questions about the victim's complicity and sexual involvement.⁴⁹ In her study on late medieval Iberia, Marie Kelleher highlights this interesting paradox; women's litigation strategies reinforced gender stereotypes inherent to the patriarchal legal system.⁵⁰ According to Alexandra Shepard, this language of subordination used by women in court gave a 'double edge' to their agency.⁵¹ In this view, abducted women could thus have been victims and agents at the same time, using opportunities offered by the patriarchal system to their advantage.⁵²

The debate over an abductee's active involvement in an abduction marriage should therefore be conducted on different levels, dealing with questions both about free partner choice and about the possibilities and ways available for victims to tell their stories in court. Instead of focussing on whether one or more cases display women's agency and ability to choose their own spouses, it is more useful to investigate discourses on consent and control of marriage in relevant primary sources and to assess what they tell us about how late medieval people experienced marriage and abduction, why they had to exert, enforce, or escape control over partner choice, and what ideas circulated with regard to individual consent and family strategy regarding marriage-making in late medieval society.

Abduction marriage for all

This combination of sources (see below) sheds light on the lives of the upper and middling social groups in the urban societies of the fifteenth-century Low Countries. The upper groups or urban elites consisted of nobles, influential lineages of wealthy tradesmen, and landowners who traditionally held political power within the city. From the fourteenth century onwards, the nobility became increasingly urbanized, often making it impossible to distinguish between nobles and patricians, the traditional urban elites.⁵³ The

49 Walker, 'Rereading Rape', 7.

50 Kelleher, *The Measure of Women*, 13.

51 Shepard, 'Worthless Witnesses?', 719. See also Beattie, 'Women's Petitions to Medieval Chancery', 106 on how agency should not be defined as power. Several female litigants in Chancery petitioned because they could not afford bail or had no supporting network.

52 Bennett, 'Medieval Women', 148–49; Kelleher, 'Later Medieval Law', 139.

53 Dumolyn, 'Dominante klassen en elites', 94; Buylaert, *Eeuwen van ambitie*, 259–66; Damen, 'Patricians, Knights, or Nobles?', 176–77.

middling sorts formed a second, diverse category in the city: poorer labourers as well as shopkeepers, tradesmen, and craftsmen were part of it.⁵⁴ This study will show that these middling groups, like the rich, used abduction, punished it, and worried about its effects. Because the vast majority of well-documented abduction cases throughout this study concern people from the upper social strata in the city, people belonging to well-known (and thus well-studied) families take centre stage. Nevertheless, plenty of evidence shows that abduction did not affect only the upper echelons but was a broader phenomenon that touched the lives of labourers, artisans, and others in and out of the city.⁵⁵

The fifteenth-century Low Countries are therefore an extremely revealing site for studies of marriage, consent, and women's agency, one that challenges our previous ideas while also informing us about men and women's use and knowledge of the law and their understandings and interpretation of personal and familial consent in matrimony. First of all, women enjoyed a favourable legal position in this region. Daughters had the same inheritance rights as sons and this would have given them more opportunities to make autonomous choices than women living elsewhere. Inheritance practices varied greatly across Europe. While in some regions, like Italy, a women's share of family property was dependent on the goodwill of her parents, other regions had both dowries and partible inheritance or had an inheritance system in which a share of the total bequest was partible. The Low Countries were on one end of this inheritance spectrum as laws guaranteed daughters would receive property and got an equal share as their brothers.⁵⁶ Greilsammer has argued that this legal advantage for women in the Low Countries gave them the freedom to take matters into their own hands and to make decisions regardless of any familial concerns for property, for example by engaging in *rapt de séduction*.⁵⁷ Some scholars have stated that it was precisely women's inheritance rights that made them vulnerable targets for abductors intent on a beneficial marriage: the law guaranteed that women brought property into the marriage, regardless of the approval of their parents.⁵⁸ In some contrast, however, legal historian Charles Donahue has suggested that the system of partible inheritance in the Low Countries might have led to a greater degree of control by relatives

54 Dumolyn and Haemers, "Let Each Man Carry On with His Trade".

55 Blondé, Boone, and Van Bruaene, 'City and Society', 1–21.

56 Godding, *Le droit privé*, 318–19.

57 Greilsammer, 'Rapt de séduction et rapt violents', 50.

58 Godding, 'La famille dans le droit urbain', 25–36.

over marriage in this region: since all children received family property here, all of their marriages mattered and could have negative consequences for the family as a whole.⁵⁹ These contrasting evaluations of the consequences of women's unique legal position on marriage formation in this region call for a thorough investigation of disputes concerning marriage formation and how families, authorities and individuals used abductions with marital intent and dealt with them.

This book's main focus is on Ghent in the County of Flanders and Antwerp and Leuven in the Duchy of Brabant, three mid-sized to large cities with important positions in the late medieval Low Countries. All three cities fell under the rule of the Duke of Burgundy, who became Count of Flanders in 1382 and Duke of Brabant in 1430 (see Map 1).⁶⁰ These cities' archives all contain the same unique type of primary source, namely the fifteenth-century registers of the aldermen, a distinctive type of record that has never been systematically included in abduction scholarship (detailed below). Furthermore, all three cities had similar sociopolitical structures in which both the traditional power-holders, nobles and urban elites, as well as craft guilds, determined the political, economic, and cultural landscape. The Ghent and Leuven craft guilds had gained access to city government in respectively the early and second half of the fourteenth century.⁶¹ In Antwerp, the craft guilds had failed to obtain representation in the city council but were involved indirectly, as they were represented in a council known as the 'broad council', which was closely involved in political matters and had to be consulted by the city governors.⁶² These craft guilds united workers, but their inclusion in city government ensured that larger sections of the urban population that were to some extent propertied if not wealthy (the so-called middling groups) were given representation on the board. Such cities were governed not only by landowners and important families (the patricians) but also by more ordinary people. Lastly, all three cities granted women inheritance rights, and marital property law and local customs

59 Donahue, *Law, Marriage, and Society*, 603–9.

60 Prevenier, 'La démographie', 255–58. For Leuven, see Van Uytven who discusses the evolution of the population in Leuven over the course of the fifteenth century by making use of Brabantine household accounts edited by Cuvelier (*Dénombrements*, 432–33), see Van Uytven, *Stadsfinanciën*, 474–478, spec. 478. He mentions fluctuations between 15,000 and 24,000 people between 1435 and 1496. For Antwerp, see Klep, *Bevolking en arbeid*; Van Roey, 'De bevolking', 95–108; Soly, 'De groei van een metropool', 85–86.

61 Prevenier and Boone, 'De stadstaat-droom', 81–87; Eersels, *The Craft Guilds Are the City*, 45–46.

62 Everaert, 'Power in the Metropolis', 4–5.



Map 1: The County of Flanders and Duchy of Brabant in the fifteenth century. © Hannah Serneels

regarding parental involvement in marriage were similar, despite small variations (discussed in Chapter 1). Studying abduction in multiple cities and districts allows for painting a broad picture of what this phenomenon entailed in the Low Countries.

Although the urban societies of Ghent, Antwerp, and Leuven form the main focus of this study, they are supplemented with a smattering of cases from other cities and other less urbanized areas in the Low Countries. This study incorporates abduction cases that occurred in various cities and villages in the dioceses of Liège, Cambrai, and Tournai (see Map 2).⁶³ These are the dioceses within which the three main cities under scrutiny were located, but because their consistory court records are limited and often fail to include information about the place of residency of the litigants appearing before them, all relevant cases found in these sources are included, regardless of where the actors lived within the diocese.⁶⁴ Consistory courts

63 The secular records of the district of Vier Ambachten in the quarter of Ghent are included in this study. However, unlike the city of Ghent, Vier Ambachten was not part of the diocese of Tournai but of the diocese of Utrecht. This diocese's consistory court falls outside of the scope of this study.

64 The diocese of Liège did not have a seat within the territory of Brabant. Although a part of Brabant belonged to the diocese of Liège, Philip the Good promulgated ordinances to make sure that people from Brabant could only be sued before a consistory court situated in Brabant. This led to a conflict of power with the bishop of Liège, and complex mixed arrangements were



Map 2: Dioceses of Tournai, Cambrai and Liège in the fifteenth century. © Hannah Serneels



Map 3: The districts of Vier Ambachten, Oudburg, Land van Waas and the city of Ghent in the late medieval quarter of Ghent. © Hannah Serneels

or diocesan courts were church courts run by the bishop that dealt with a large share of marriage cases. Pardon letters dealing with people from different cities and villages in Flanders and Brabant are included too. This approach excludes the possibility of considering specific habits within a single diocese (or county/duchy) as the norm. This study also includes the districts of Land van Waas, Vier Ambachten, and Oudburg, located in the quarter of Ghent: an area that encompassed the city and some less urbanized districts surrounding it (see Map 3).⁶⁵ The records of these districts contain significant useful material and show that the rural vs. urban distinction is not as clear-cut as is often assumed; people from the countryside regularly appear in the urban records, the bailiffs of Antwerp and Leuven interfered in rural cases, and the line between those who lived in and out of the city was far from rigid.⁶⁶ This is especially visible in the phenomenon of abduction, which by definition entailed the movement of people from one place to another, often from the city to a surrounding village or vice versa.

Sources

The fact that this study mainly uses court records to study the abductee's role and involvement is problematic. Several scholars have treated these records as direct evidence of people's understanding and experience of the events they report, thus considering these records as unique documents through which we can access almost directly the voices of ordinary people in past societies.⁶⁷ Although the words people said in court could have been reflected in these records, the direct equation of these legal narratives with the actual words spoken by people in court has been intensely criticized, most famously by Nathalie Zemon Davis' provocative 'Fiction

made. The 1434–1435 Liège consistory court register studied here (SAL, AD, no. 1), however, contains many cases including litigants from Leuven or villages surrounding Leuven. See Vleeschouwers-Van Melkebeek, 'Aspects du lien matrimonial', 45–46.

65 About these regions consisting of villages, small cities, and domains, see Blockmans, *De volksvertegenwoordiging in Vlaanderen*, 93, passim; Bastien, 'Tussen autonomie en centralisatie'.

66 Historians have hypothesized that patriarchal constraints affected rural societies more than urban ones, arguing that women had more economic agency and that marriages were more personal affairs in the city than in the countryside, Goldberg, *Women, Work, and Life Cycle*. However, recent research on the countryside shows that the ways in which families managed conflicts and dealt with marriage and property resembled urban societies more than is often assumed; see Hoppenbrouwers, *Village Community and Conflict*.

67 Le Roy Ladurie, *Montaillou*; Ginzburg, *The Cheese and the Worms*; Farge, *Le goût de l'archive*, 12–13; Bourin and Chevalier, 'Le comportement criminel', 246.