

was to find evidence of the abductee's resistance, such as a witness who had heard her cry out, which allowed them to frame the situation as a nonconsensual abduction.

Furthermore, the abductee's consent was not always considered. On the one hand, the consent of underage women did not matter since taking them without the consent of their relatives went against customary provisions on parental authority. On the other hand, there are also a few legal texts that explicitly state that the abductee's consent, regardless of her age, did not matter and would not influence the penalty. One is a city charter from Leuven (1396), which holds that: 'nobody shall escape punishment, even if the woman or the lady or noblewoman, after she had been abducted, declared before the aldermen that it happened with her will and consent' and that 'whether she screamed or not, all perpetrators should make a pilgrimage to Cyprus'.⁸⁰ These factors show that while legal texts generally identified parental consent, age, and the abductee's consent as determinative parameters, some also undercut the clarity of those parameters with ambiguous and even contradictory language, as in the Leuven text above.

Increasing criminalization: Ghent (1191–1438)

The division between forcible and consensual abduction became increasingly blurry in late medieval legal texts. The explicit distinction of the twelfth and early thirteenth centuries was more often ambiguous or even missing entirely in later texts that criminalized consensual abductions. Whereas the earliest anti-abduction laws only targeted violence against women and their families by focussing on forcible abduction and rape, the agenda behind later legal texts shifted gradually to punishing abductions that were actually clandestine marriages made without the consent of relatives. Based on the legal framework on abduction in Ghent and its surrounding districts, this section argues that the growing intolerance of 'irregular' marriages, which in many regions only occurred from the early modern period onwards, coincided with the rising power of urban middling groups and was connected to the growth of bourgeois identity and women's property rights in late medieval Ghent, and by extension the Low Countries.

Five legal texts from the city of Ghent and two lengthy charters outline penalties for multiple offences in Land van Waas and Vier Ambachten

80 CAL, OA, no. 1258, fol. 16rv.

(Table 1).⁸¹ The earliest legal texts from Ghent clearly distinguished forceful from consensual abductions. They treat the former as a crime closely connected to rape and sometimes use the terms *rapt* and *rapuere*, which encompassed both violent abduction and forceful intercourse. The 1191 charter by Mathilde van Portugal, countess of Flanders, confirmed the rights and customs of the people of Ghent and addressed the offence of abduction for the first time. While the text focussed particularly on rape, the provisions probably also included forcible abduction. The charter used terms for violent sexual intercourse or *violenter con muliere concubuerit* and stated that if a woman or her parents filed a complaint, the victim would be placed in isolation by the aldermen. Perhaps this was to protect her from external pressure; in Venice, the consistory courts regularly placed women in isolation during a trial to prevent the influence of parents or others on their testimony in court.⁸² The 1191 text next related that in court the woman was placed between her parents and her 'rapist/abductor'. If she freely stepped towards the latter, he would be cleared of all charges. If, however, the girl walked toward her parents, the rapist/abductor would be beheaded. This text can be interpreted as not truly protecting the women in question from violence and force, since marriages between rapists and their victims were a common way of resolving that crime in the Middle Ages.⁸³ This system did protect a man who made an agreement with his victim and her family. However, when the court explicitly placed the woman's parents and the 'attacker' in opposition, the intention may have been to protect a man and woman who had had a sexual relationship and/or intended to marry from false accusations of rape by relatives. In either case, the woman's consent had a crucial impact on the legal outcome. This early law text dealt primarily with physical violence against women, punishing only cases of violent assault.

The 1218 ordinance was promulgated by the aldermen of Ghent rather than by a lord. Written in Latin, this text addressed conflicts over 'property and *rapt*' and includes one article on *raptus* and one on seduction. While this text situated forcible abduction in the category of rape, it included consensual 'abduction' or seduction and marriages not approved by parents or guardians for the first time, albeit locating such incidents in a different category, as a separate and less serious offence. Under *raptus*, the ordinance maintained that 'he who *rapuerit* a woman or a maiden and she screams, will

81 See all references in notes 52–57.

82 Cristellon, *Marriage, the Church, and Its Judges*, 111–12.

83 Brundage, *Sex, Law and Marriage*, 62–75; Laiou, *Consent and Coercion*, 126.

be captured and beheaded', or outlawed if he had escaped.⁸⁴ The addition of the woman's outcry indicates that this text targeted forcible abductions. The next article stated that the penalty for anyone seducing a girl into going away with a man, 'which is called *ontscaket*'—the medieval Dutch verb used to describe this act—is the cutting of his or her nose.⁸⁵ Here, the abduction is clearly framed as consensual and situated in the category of seduction. In contrast to the 1191 text, however, this text, promulgated by the aldermen of Ghent, who were elected every year from the city's patrician families, punished these consensual 'kidnappings'. The aldermen also punished third parties who arranged and facilitated seductions. This text thus not only targeted physical violence but also tackled what one might describe as moral or socioeconomic violence, that is, the removal of young girls from the control of their families. The lawmaker includes a specific Middle Dutch term to denote this offence, the verb *ontscaken* (noun: *schaec*).⁸⁶

The same interpretation prevails in the legal texts from Land van Waas (1241) and Vier Ambachten (1242) that were promulgated about fifty years later.⁸⁷ The charter from Land van Waas has two clauses on abduction. The first put abduction on the same level as rape, an offence that was one of the six crimes punishable by death. A second clause on consensual abduction or *schaec* stated the following: 'if someone leads away a daughter without the consent of her parents, he shall pay a five-pound fine to the count'. The offender also had to pay a sum to the girl's parents. The Vier Ambachten charter had two provisions on abduction too. Those who *rapuerit* a girl will lose their life and property. Here, again, *rapuerit* probably denoted rape and forcible abduction. On the other hand, those who encouraged a girl to go away with a man, 'which is called *ontscaken*', were to be banished from Flanders.⁸⁸ Therefore, third parties who arranged or supported a consensual abduction were penalised even more harshly than the abductor himself. The abductor only had to pay a five-pound fine, while the girl would not be entitled to any of her parents' property for as long as they lived. These districts' *keures* clearly distinguish between violent and consensual abductions, just as the Ghent texts had in the late twelfth and early thirteenth centuries. While they use the same term for rape and coerced abduction,

84 'VII. Ordonnance des échevins', ed. Gheldolf, I, 398–401.

85 Ibid.

86 An analysis of this term can be found in: Delameillieure, 'They Call It Schaec in Flemish'.

87 'De keuren van het Land van Waas, 1241–1454', 344–50; 'De keure van de Vier Ambachten', 89–176.

88 'De keure van de Vier Ambachten', 89–176.

they also use the Middle Dutch term *schaec* (noun) or *ontscaken* (related verb) to talk about consensual abductions.

The 1258 text issued for the city of Ghent by Margaret of Constantinople dates from the same period as the Vier Ambachten and Land van Waas charters. However, it treated consensual abductions more harshly than the texts governing the less urbanized districts. This law no longer makes a terminological distinction between coerced (*rapt*) and consensual abduction (*schaec*), as it labels both as *schaec*. Indeed, focussed explicitly on the abduction of girls in Ghent, this decree no longer used the term *raptus*. Instead, the Latin text stated that those who *abducit, id est 'ontscaket'* a woman must pay sixty pounds and would be banished from Flanders for three years.⁸⁹ This new text thus extends the definition of *schaec*, a term that, until this point, has only been used to describe cases of seduction. For the first time, there was a penalty for the abductee. She would lose all of her property and her inheritance rights 'as if she were dead', a penalty that indicates that the real concern behind this new law was the financial interest of the abductee's family and their patrimony. The text did not distinguish between consensual and coerced abductions. However, since it did not present the abductee as victimized but as accountable for her abduction, the text plausibly targeted both. Until this point, only those who had initiated and facilitated a consensual abduction had been penalized. Now, however, Margaret was also punishing the abductees. The banishment and sixty-pound fine demanded in Margaret's text for Ghent sharply contrasts with stipulations in the laws promulgated at the same time in the less urbanized Ghent districts. They 'only' asked for a five-pound fine to be paid by a nonviolent abductor of a girl who was still under her parents' authority.

For the abductee, Margaret's severe law text used the word *domicella*, a term often used for a woman of higher social status, rather than *mulier*, the general term. This suggests that the text was addressing abductions of wealthy, high-status women. Further evidence of this intention comes from the final provision, stating that the law did not apply in cases of a man abducting a poor man's daughter to keep her as a lover without intending to marry her. However, this final provision was likely added later by a compiler.⁹⁰ While this text must therefore be considered with caution, its focus seems to have been on irregular marriages of girls belonging to Ghent's upper social groups. In the mid-thirteenth century, Ghent was governed

89 About these legal texts' multilingual character, see Delameillieure, 'They Call It Schaec in Flemish'.

90 See comment by Gheldof in '13 c. Keure ou statut octroyé', ed. Gheldof, I, 405.

by thirty-nine officials from elite families in the city.⁹¹ During Margaret's rule, Flanders' urban elites increasingly gained power.⁹² Although Countess Margaret promulgated it, this law text undoubtedly reflects the agenda of this powerful group of men.

In Ghent, Margaret's successors continued to weaken the boundaries between nonconsensual and consensual abduction, producing the ambiguity in the law discussed above. In fact, in the late thirteenth century, the texts remove forcible and consensual abductions from the categories of rape and seduction. Together, the two formed a new, distinct category of crime, namely 'abduction with marital intent' or *schaec*. This evolution decreased the importance of consent as a legal determinant in abduction cases and thus rendered consensual but irregular marriages progressively more illegal, a striking change that occurred only in the early modern period in many other regions in Europe, as will be discussed further below. Although 'consent' was generally still mentioned, the focus gradually shifted from punishing violent abductors and rapists to penalizing abductees.

This shift in focus becomes very clear in the charter promulgated by Count Guy of Flanders in 1297. The year of promulgation is important since it was marked by economic instability and political turmoil. People from the middling groups got increasingly involved in politics as they petitioned the count for more social equality, denouncing the corruption of the patricians.⁹³ The 1297 text contains three articles on abduction: one on the consensual *schaec* of minors, one on forcible *schaec* followed by marriage, and one on enabling and arranging abductions. This law differentiated between the abduction of adults and minors and included an ambiguous phrase that disinherited a woman if she was abducted against her will but later stayed with her abductor. Like Margaret's text, this stipulation seems to have been aimed especially at wealthy women who had not been married before ('And this has to be understood for elite women who had never been married').⁹⁴ In addition to the stipulations on disinheritance analyzed above, this charter used the phrase 'seducing women from the upper social groups' (*van joncvrouwen te ontspaenne*). All those who had induced a woman to go with an abductor were penalized by cutting off their noses or by banishment.

91 Nicholas, *The Van Arteveldes of Ghent*, 3.

92 Boone, 'Een middeleeuwse metropool', 78.

93 Prevenier, 'Utilitas Communis in the Low Countries (Thirteenth–Fifteenth Centuries)', 207; Dumolyn, 'Les "plaints" des villes flamandes', 304–5.

94 'Ende dit es te verstante van joncvrouwen die noint ghehuwet ne waren', in 'XXIII. Grande charte de Gantois', ed. Gheldof, I, 344–50.

Count Guy did not initiate the law himself; the introduction stated that Guy promulgated this text ‘à le pryère et requeste dou commun et des boines gens de la ville de Gant’ (at the prayers and request of the *commun* and the good people of the city of Ghent).⁹⁵ The *boines gens* referred to aldermen of the city, men from patrician families. *Commun* could indicate that this matter was discussed more broadly in a council that also included representatives of the craft guilds. While the craft guilds did not gain access to political participation until the early fourteenth century in Ghent, they had already developed into political units in the late thirteenth century.⁹⁶ Although we do not know which group took the initiative in proposing this text, its measures were supported by the traditional elites and the crafts, and the text reveals the concern of Ghent’s elite and probably also of its middling families that their property would be dissipated through reckless marriages. The charter acknowledged the right of adult women to choose their own spouses, even though that acknowledgement was imprecise and ambiguous. However, minor girls—this could mean women up to twenty-five years old, as discussed earlier—who married without the consent of their parents or guardians could be mercilessly disinherited and their abductors banished from Flanders.

The 1438 charters represent the pinnacle of the anti-abduction laws. There were two texts: one promulgated by the aldermen of the city, which at this stage included representatives from the city’s so-called ‘Three Members’, consisting of patricians, weavers, and fifty-three smaller guilds, and one from Philip the Good.⁹⁷ The content of the texts is virtually identical; the ducal charter was heavily influenced by the urban one. Both justify their existence by referring to the preceding 1297 text and alluding to the recent abduction of a woman identified as the ‘widow Doedins’, which must have caused much consternation in the city.⁹⁸ The more detailed ducal charter stressed that it came into being at the ‘humble request of our beloved aldermen of both benches’ and justified its severe stipulations with both socioeconomic and emotional arguments, as Walter Prevenier has argued.⁹⁹ One can implicitly read the urban families’ concern over abduction marriages through which men enriched themselves by seizing away wealthy brides.

95 ‘LXXI. Peines contre le rapt et le viol’, ed. Gheldolf, I, 623–25.

96 Milis, ‘De Middeleeuwse Grootstad’, 71–72.

97 On the ‘Three Members’, see Haemers, *De Gentse opstand (1449–1453)*, 19–44; Arnade, ‘Crowds, Banners, and the Marketplace’.

98 In Wales too, legislation was sometimes prompted by specific abduction cases, see Youngs, ‘A Vice Common in Wales’, 139.

99 Prevenier, ‘Les multiples vérités’, 958.

On the other hand, the duke himself expressed his worry about violence against women who were being abducted and raped: lately, more and more abductors/rapists were committing these severe crimes, which threatened social peace. 'Everyone, regardless of his status, who takes and abducts, rapes, or takes by force against her will a girl, a woman, a widow, or someone else, will receive the death penalty'.¹⁰⁰ Those who had fled and cannot be arrested would be outlawed. If the victim or her parents and friends did not file a complaint, the mayor of Ghent and the two upper deans from the craft guilds were obligated to file one within fifteen days. If they failed to do so, they would be banished from Flanders for fifty years, and then the bailiff, who was not allowed to settle this crime through a composition, would prosecute. This text repeats the definition of *schaec* put forward in the 1297 text: the forcible or consensual abduction with marital intent of minors and the forcible abduction of adult women. This definition prevails in nearly all Brabantine charters.

While the 1297 text prescribed a banishment of three years for those who took female minors with their consent, the 1438 text adds that the perpetrators of coerced abductions would be decapitated. Abductees' property would be confiscated and inventoried by the duke immediately after the abduction; later, when the circumstances of the crime became precisely clear, all the property would go to the abductee's lawful heirs as if she were dead. While the 1297 charter foresaw a possibility for reconciliation if the abductee married the abductor with the approval of her relatives, these 1438 charters did not. Only if and when the abductor died, through execution or other means, could the abductee recover her property. If she left her abductor and married someone else, she would only recover half of her property. The authorities in Ghent were desperately trying to eliminate marriages forced upon the abductee's family. This intense focus on the abductee and her inheritance did not occur to the same extent in Brabantine legal texts. The probable explanation for this discrepancy is the fact that Ghent families received their daughter's property immediately, while in Brabant, the duke administered the daughter's property for as long as she lived.¹⁰¹ The Ghent and Brabantine legal texts shared the same emphasis on further condemning and outlawing the abductor, making it very clear that the real motivation of their makers, the upper and middling social groups,

100 'LXXI. Peines contre le rapt et le viol', ed. Gheldolf, I, 623–25.

101 Unfortunately, the practical effects of these different laws cannot be examined and compared due to a lack of sources on actual cases of disinheritance in the legal records of Antwerp and Leuven. Disinheritance in Ghent is discussed in Chapter 4.

was to stop men who hoped to force marriages through which they could enrich themselves.

While the fifteenth-century texts still vaguely distinguished between forcible and consensual abduction of adult women, the later, early-sixteenth-century stipulation by the Ghent legalist Wielant confirms that legal suppression of consensual abductions was still intensifying:

And they [i.e. abductors] are not excused if it had happened with her consent because the court would not have been very satisfied with it. Still if someone says that there is consent, there is no force. But then custom is to be contradicted, because women are easy to convert.¹⁰²

Although it was common to take the abductee's consent into account, Wielant stated, abductors should always be punished, as it was easy for them to persuade or seduce the abductee to consent. This interpretation of consent is far from the tolerance of consensual abductions and marriages against parental consent, or even the complete absence of this category, in the earlier Ghent legal texts. Increasing severity was by no means limited to the city of Ghent. Although it is more difficult to see the evolution in Leuven, its late-fourteenth-century urban ordinance similarly eliminated 'consent' as an extenuating circumstance in its abovementioned stipulation that from this point forward abductors would always be punished, even if the abductee had declared her consent before the city's aldermen. Moreover, the Brabantine ducal charters targeted the seizure of minors regardless of their consent, just as the Ghent texts did.

Several historians studying marriage and abduction have noted increased suppression of unconventional marriages in the late fifteenth century and mostly during the sixteenth century.¹⁰³ This changing attitude has also been witnessed in how societies dealt with prostitution, sodomy, and sex out of wedlock. Scholars have among others referred to the creation of a 'civic identity' or the influence of reform movements to explain this shift.¹⁰⁴ Marriage historians have mainly pointed at the Reformation to explain the increasing importance given to parental authority and familial consent

102 Wielant, *Corte instructie*, ed. Monballyy, cap. 60.

103 Kermode and Walker, *Women, Crime and the Courts*, 26; Farr, *Authority and Sexuality*, 42; Rublack, *The Crimes of Women*, 7–8; Dupont, *Maagdenverleidsters, hoeren en speculanten*, 44–48, 70–80.

104 Dupont, *Maagdenverleidsters, hoeren en speculanten*, 46–47; Greilsammer, 'Rapts de séduction'; Roelens, 'Citizens & Sodomites'; 90–95, 115–16.

as essential preconditions for contracting marriage.¹⁰⁵ In her research on abduction in England, Caroline Dunn situated this evolution in 'a wider move towards patriarchy in late medieval and early modern society'.¹⁰⁶ She thereby connects her work to the studies of Martha Howell and Barbara Hanawalt, who argued that late medieval and early modern families shifted their focus to patrilineal preservation, a pattern that expanded the use of patriarchal marriage strategies.¹⁰⁷ Historians working on France and Italy have connected this 'turn towards severity' on marriage and abduction to growing state power in the late medieval and early modern period or to reform movements.¹⁰⁸ Although some of the same explanations probably also apply to Ghent and the Low Countries, those explanations date the changes from the late fifteenth century onwards. Indeed, in France, for example, the importance of parental consent was only revalued in the early modern period. Consequently, legal texts targeting consensual abductions with marital intent were absent in this region, unlike in the Low Countries, where such texts came into being as early as the thirteenth century.¹⁰⁹ In late medieval Sweden, legal texts mainly targeted violent abductions. Consensual marriages against the will of parents or relatives were not criminalized by lawmakers.¹¹⁰ In late medieval England, legal texts targeted violent and consensual abductions from the thirteenth century onwards, but they did not criminalize consensual abductions as intensely or explicitly as the Low Countries texts did.¹¹¹

The late medieval criminalization of consensual abductions with marital intent in the Low Countries is striking, especially because historians have repeatedly argued that women enjoyed strong social and legal positions in this region.¹¹² In Italy, a region with a completely different legal regime, similar law texts can be found. Indeed, several Italian legal texts targeted marriages made without parental consent, issuing penalties for men and the withholding of the dowry for underage daughters (many different ages between fifteen and twenty-five years old are mentioned). Dean pointed to

105 See historiographical analysis made by Caroline Dunn on this matter in Dunn, *Stolen Women*, 118, note 90.

106 Dunn, *Stolen Women*, 118.

107 Howell, *The Marriage Exchange*; Hanawalt, *The Wealth of Wives*.

108 Dean, 'Fathers and Daughters', 96–97; Boxer and Quataert, 'Family and State', 53–63.

109 Haase-Dubosc, *Ravie et enlevée*, 20; Vernhez Rappaz, 'Rapt' et "séduction", 87; Garnot, 'Une approche juridique et judiciaire du rapt', 165; Diefendorf, *Paris City Councillors*, 156–70.

110 Korpiola, *Between Betrothal and Bedding*, 35–38.

111 Dunn, *Stolen Women*, 30, 38.

112 Bousmar, 'Neither Oppression, nor Radical Equality'; Bardyn, 'Women'.

the fact that Italian daughters were carriers of property through the dowry system and the influence in this region of Roman law, which required parental consent in marriage-making, as key explanations for the emergence of these legal texts.¹¹³ In the Low Countries, the dowry system did not exist, yet equal inheritance laws guaranteed that women would receive property, often in the form of an advance upon their marriages (see earlier). Donahue's suggestion that propertied Low Countries families might therefore have been more concerned over their children's choices of spouse could help explain the occurrence of exceptionally strict legal texts in this region. Each child received a part of the patrimony, and therefore each marriage entailed property shifts and the loss of control over the possessions families gave their to be married children as an advance upon their future inheritance. The Low Countries' inheritance laws, although giving women the guarantee of property, made upper and middling families keener on being involved in their children's choice of spouse.

Dunn and Philips have noted similar developments in anti-rape laws in England. Initially, these laws targeted the violent assault of women. Beginning in the thirteenth century, however, texts increasingly defined rape as a wrong done to the victim's father instead of to the victim herself. To explain this evolution, Phillips points out elite laymen's involvement in law-making beginning in the thirteenth century. These men were concerned about their own daughters being raped or abducted and the effects this would have on their families. Consequently, they adapted the laws to serve their own needs. Philips argued that this evolution made it more difficult for victims of rape to press charges, a claim that has been contradicted by Caroline Dunn. She stated that women who were considered sincere victims of rape could still go to court and charge their attackers successfully in late medieval England. This causation argued for by Philips could apply to the finding that Low Countries' authorities enacted stricter laws as well. The growing independence of cities and urban governors and the emancipation of middling groups of people in the highly urbanized Low Countries can indeed further explain the increasing severity displayed towards clandestine marriage and consensual abduction. These middling groups were propertied and aimed to protect their patrimony and social status. The increasing influence of the elites and these middling groups on the stipulations in abduction laws can be clearly discerned. The emphasis in the Low Countries' anti-abduction laws began to shift in the thirteenth century when those laws started to reflect the concerns of elite families

113 Dean, 'A Regional Cluster', 157–58.

rather than those of the territorial lord.¹¹⁴ Cities in the Low Countries had their own administrative and judicial bodies, which were relatively independent of their count or duke and could significantly influence policy and determine their own laws. The oldest texts especially focus on assaults: rape and violent abduction. This concern also appears in later texts, in the Land van Waas and Vier Ambachten texts that contain the clause on the *six causes*, felonies punishable by death, and even in the 1438 text that explicitly stated the duke's concern about physical violence against women. The texts also position abduction as a moral and socioeconomic offence. Initially, city rulers came only from patrician families, who used their political power to defend their own interests. By including consensual abductions in anti-abduction laws and slowly expanding the penalties for consensual abductions, these authorities hoped to protect their families from harmful marriages.

The thirteenth-century Ghent texts promulgated by the aldermen of the city and by Countess Margaret reflect this shift. The use of the word *domicella* makes it clear that the concern revolves especially around the abduction of daughters from these elite families. The texts from Vier Ambachten and Land van Waas also have to be situated in this framework, since they too punished consensual abductions, although less severely than their Ghent counterparts had. The increasing severity of the 1297 and particularly the 1438 texts represented the third stage in Ghent's anti-abduction laws, which coincided with the growing involvement of broader social groups in urban politics. This escalating crackdown on consensual abductions fits into a wider process, studied by several historians, of enforcing a stricter moral code in multiple social domains. Older historiography used to connect this enhanced strictness to state formation, thereby framing the change as a top-down process. However, recent research indicates that the growing severity appearing in legal texts and judicial records on various matters was often initiated from below.¹¹⁵ The middling groups, consisting of guild masters, skilled artisans, petty merchants, and shopkeepers, drove some of the political changes in cities.

There are strong indications that these middling groups were behind the 1438 Ghent text. The ducal text came into being at the explicit request of the aldermen, who had shortly before promulgated a similar legal text.

114 Phillips noted a shift in emphasis in the anti-rape laws; see Phillips, 'Written on the Body'; Dunn, *Stolen Women*, 58–59.

115 Boone and Haemers, 'Bien commun', 121–23; Dumolyn and Haemers, "'Let Each Man Carry On with His Trade'", 170–71.

At this time, the exclusively patrician government of Ghent had long been replaced by the abovementioned Three Members system, which enabled broad 'middle-class' participation from the influential weavers and more than fifty smaller guilds.¹¹⁶ These working families let their voices be heard in politics in a way that is unique in the Low Countries.¹¹⁷ Ghent's population included a coherent and self-conscious group of middling people who held a significant grasp on the urban decision-making process in the fourteenth and fifteenth centuries and who were clearly behind the exceptionally severe 1438 law text.¹¹⁸ Moreover, the 1438 text included a significant provision that underscored these middling groups' concern that they would be affected by harmful marriages. As discussed above, the text stated that if the abductee or her relatives failed to file a complaint after the abduction, the mayor and two deans of the guilds had to perform this task. The selection of these officials further supports the idea that guild families were key in the promulgation and content of this legal text. In these social groups as among the elite, strategic marriages mattered, as Howell and others have emphasised. She referred to the frequent intermarriage among these social and professional groups as 'trade endogamy'.¹¹⁹

Legal stipulations against abduction in Ghent, as well as in Leuven and Brabant, originated from the request of influential families, which perhaps explains the carefully phrased differences between the Ghent legal texts and those from the less urbanized areas of Land van Waas and Vier Ambachten. A large group of outspoken city residents were involved in urban politics and pushed for the promulgation of laws that protected their interests.

Conclusion

Laws against abduction began to appear in the Low Countries in the late twelfth century. The conflict between canon and customary views on the need for parental consent for marriage caused the promulgation of severe abduction laws by state and urban authorities. Canon law granted individuals the right to freely choose their spouses, despite several ineffective attempts to make it harder for people to marry in secret or without publicity. The

116 Haemers, *De Gentse opstand (1449–1453)*, 19.

117 Boone, 'Een middeleeuwse metropool', 69.

118 Prevenier and Boone, 'De stadstaat-droom'; Dumolyn and Haemers, "Let Each Man Carry On with His Trade"; Buylaert, De Rock, and Van Bruaene, 'City Portrait, Civic Body, and Commercial Printing'.

119 Howell, 'The Social Logic', 194; see also Howell, *The Marriage Exchange*.