

At this time, the exclusively patrician government of Ghent had long been replaced by the abovementioned Three Members system, which enabled broad 'middle-class' participation from the influential weavers and more than fifty smaller guilds.¹¹⁶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*.

contradiction between ecclesiastical and secular views on marriage-making regularly led to conflicts and discussions about consent. One type of such conflict was abduction, in which people took advantage of the opportunity offered by canon law to force a marriage that had not or would not win the agreement of all the parties who would normally be involved.

The Low Countries' legal texts reveal a growing intolerance of abductions and marriages made outside of the family's control between the thirteenth and fifteenth centuries. This trend appears especially in Ghent, a city with a coherent and self-conscious group of middling families who had a significant influence on the urban decision-making process. The trend is also apparent to a lesser extent in Leuven. The Brabantine joyous entry ducal charters also reflected the concerns of city residents rather than impositions by a duke.¹²⁰ Most legal texts were issued in dialogue with or even at the request of urban bourgeois families in the late medieval Low Countries, a highly urbanized region where cities had won a remarkable degree of political power. The connection between these families and lay legal control over marriage formation is not surprising, since these social groups held a central position in the city. By carefully selecting spouses and arranging strategic matches, they sought to consolidate and expand their power, influence and patrimony. The household also formed the basis of the economy in the Low Countries, and historians have demonstrated a considerable degree of intermarriage within social and professional groups. Therefore, a 'poor' choice of partner might not only reduce family property and damage its social standing but could also negatively impact the family business. As sons and daughters all inherited a portion of their family's estate, every marriage mattered and had to be made with the participation of the family, at least in propertied families. The legal differences between Ghent urban texts and the two statutes from Land van Waas and Vier Ambachten further confirm the connection between marriage law and upper middling groups in an urban context.

These laws include diverse penalties: from fines or decapitation for abductors to disinheritance for abducted women. In many laws, three features influenced the legal settlement: the abductee's age, her consent, and the consent of her relatives. The abduction/seduction of adult, consenting women was not a crime, since the custom that parents had a say in their children's marriages applied only to minors. However, the age of majority was neither established nor uniform, and some of these texts introduce significant

120 See Valerie Vrancken's work on these joyous entry charters in Vrancken, *De Blijde Inkomsten*, 22.

ambiguity into these categories. For example, some texts penalized the abduction of an adult woman if the abductor initially took her against her will, even if she afterwards came to terms with the abductor and wanted to marry him. This stipulation might be the result of judges witnessing many women reconciling with their abductors. It also gave judges leeway to punish the abduction of an adult woman who had consented. Relatives who complained that an adult daughter or niece had been violently kidnapped only needed to prove that someone had heard her screaming. Several texts considered the abductee's outcry the most important evidence that she had been taken against her will. From the distinct categories of the early legal texts, the lines between forcible abduction, now closely connected to rape, and consensual seduction blurred in the fourteenth and fifteenth centuries. That evolution reveals a growing social anxiety about the consequences of marriages without parental consent in the Low Countries. It was precisely because women in this region enjoyed inheritance rights that their marriages held great consequences. The importance of marriages combined with the power held by middling group families in the Low Countries' cities under scrutiny entailed a greater degree of control over young men and especially women's life choices.

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