

Bargaining River Lords

*Lordship and Spatial Politics in Premodern Guelders (Fifteenth-Sixteenth Centuries)*¹

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Abstract

This article offers an examination of the seigneurie (*heerlijkheid*) as an element in the institutional framework of Netherlandish water management. The investigation builds on a recent historiographical trend that questions whether inclusive systems of water management can be tied to ‘proto-democratic’ decision-making in the premodern Low Countries. Focusing on the fifteenth- and sixteenth-century river region of the duchy of Guelders, the central question is to what extent lords, ladies, and their seigneurial officials impacted the natural environment of people living in rural regions. Based on a combination of seigneurial accounts and court records, the main thesis is that the aristocratic element formed an ambiguous yet important cog in the late medieval system of water management in Guelders.

Introduction

Judging from his almanac-*cum*-diary of 1574, Lord Otto van Wijhe often traveled across the countryside in the area between the present-day cities of Utrecht and Nijmegen to inspect the dykes in and around his

¹ This research was conducted as part of the project *STATE – Lordship and the Rise of the State in Western Europe, 1300–1600*, funded by the European Research Council (ERC), at Ghent University. I want to thank project supervisor Frederik Buylaert as well as Tim Soens for their insightful comments on an earlier draft of this article. I am further grateful to Milja van Tielhof for providing me with a digital copy of her latest book while it was still unpublished. Finally, I wish to thank the anonymous peer reviewers and editors of this journal for their timely and useful insights.

lordship of Echteld on the Waal River.² Lord Otto used his almanac to make note of appointments, many of which were related to his responsibilities of water management. He also added a postscript to the entry for St. Paul's Day (25 January) that tells us something about his preoccupations at the time. After a brief note in French that 'The air was good and clear', the lord penned down a Latin proverb, forecasting that 'A clear St. Paul's Day means a fertile year. If the skies darken, the animals will also meet with a dark fate. If the winds blow, the people will go to war'.³

With these lines, Lord Otto van Wijhe captured a central theme in the history of the Low Countries: the link between politics and the natural environment, especially water. Lord Otto's jurisdiction lay in the northeastern Low Countries, in the duchy of Guelders, a landlocked region crisscrossed by rivers. The inhabitants of this part of the Low Countries faced hindrances to their livelihoods as a result of the waterways surrounding their habitats, much as their neighbours in the county of Holland had to deal with the sea. Historians have emphasized that this joint need to ward off the water was fundamental to the emergence of the inclusive, even proto-democratic political system of the Dutch Republic (1581-1795).⁴ Less than a decade after Lord Otto van Wijhe wrote in his almanac, he and his subjects would become part of this Republic as a consequence of the Dutch Revolt (1566-1648) – presumably the 'war' he was referring to in his premonition of 25 January. Nevertheless, the contribution of Lord Otto's riverine homelands to the political culture of the early modern Dutch state has not received the same level of attention as that of Holland's coastal society.⁵

The role of aristocrats like Lord Otto in water management is even more of a lacuna in the historiography. Earlier studies have been dominated by models about how water management stimulated broad political participation and fostered a culture of proto-democratic decision-making in the early modern Dutch state. The constant and shared need to ward off the water in this 'water world', so the argument goes, led to a decision-making process that was open to all local stakeholders and stimulated their participation on a frequent basis.⁶ This premod-

2 Gelders Archief Arnhem (hereinafter GA), Huis Echteld, inv. 4 (unnumbered pages).

3 Ibid., entry for 25 January; Vrienden van de Wijenburg, *Dagboek van Otto van Wijhe, 1574* (Dodewaard 2014) 115-116.

4 M. Prak and J.L. van Zanden, *Nederland en het poldermodel. Sociaal-economische geschiedenis van Nederland, 1000-2000* (Amsterdam 2013) 7-24.

5 A notable exception is P. Brusse, 'Property, power and participation in local administration in the Dutch delta in the early modern period', *Continuity and Change* 33:1 (2018) 59-86.

6 J. Scott, *How the Old World ended. The Anglo-Dutch-American Revolution, 1500-1800* (New Haven and London 2019) 5.

ern phenomenon of deliberation is sometimes referred to by the term *polder model* – a concept originally created to characterize the specific political and economic system that took hold in the Netherlands from the 1980s onwards. The concept has since been expanded and projected backwards in time to chart the social and cultural basis of the Dutch Republic, one of the oldest experiments with non-monarchical rule in early modern Europe and, as a wellspring of modern democratic government, a hotbed of Enlightenment thinking.⁷

Small wonder, then, that historians have not focused on the role of lords like Otto van Wijhe in this Netherlandish water world.⁸ In this article, I remedy this blind spot through an examination of the lordship (*heerlijkheid*) – the type of local judiciary that predominated in the pre-modern countryside – as an element in the institutional framework of water management. The central question is to what extent lords, ladies, and their seigneurial officials impinged upon the natural environment of people living in their local jurisdictions. Such an investigation is timely in light of critiques of the persistently influential *polder model*. Milja van Tielhof, for one, has recently shown that premodern Netherlandish water management was marked by persistent regional variation, and that what has often been labeled ‘democratic’ should really be called self-governing or locally autonomous (*zelfbestuur*).⁹ Van Tielhof also recognizes the influence of regional elites, but her study does not explore the aristocratic dimension of water management in detail. The urgency of this question is underlined by recent studies that have shown that the northern Netherlands were not as free of aristocratic institutions as was once believed.

The region investigated consists of the river lands of the duchy of Guelders – the area in the northern Low Countries where Lord Otto van Wijhe was active, and where the landed aristocracy knew a relatively stable existence between c. 1300 and c. 1600 (Figure 1). This region has not been associated with the Dutch polder model to the same extent as the county of Holland, and it lagged behind the latter in terms of developing autonomous (‘modern’) institutions of water manage-

7 M. Prak, *The Dutch Republic in the seventeenth century. The Golden Age*, tr. D. Webb (New York 2005) 1-24; A. Holenstein, T. Maissen and M. Prak, ‘Introduction: The Dutch and Swiss republics compared’, in: Idem, (eds.), *The Republican alternative. The Netherlands and Switzerland compared* (Amsterdam 2008) 11-24.

8 M. Hansson, *Aristocratic landscape. The Spatial ideology of the medieval aristocracy* (Malmö 2006) 17.

9 M. van Tielhof (with P. van Cruyningen), *Consensus en conflict. Waterbeheer in de Nederlanden, 1200-1800* (Hilversum 2021) 249-250, 252-255. I am grateful to Milja van Tielhof for providing me with a digital pre-print version of this book.

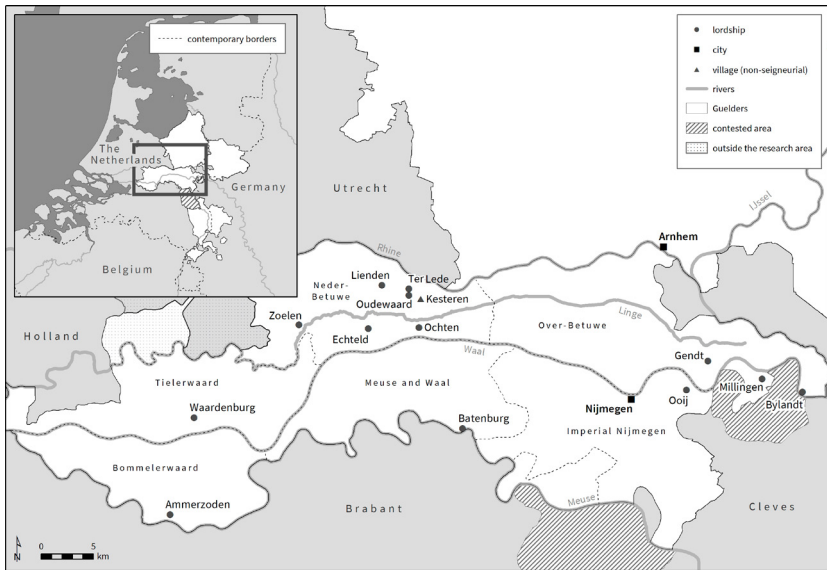


Figure 1 Map of the fifteenth- and sixteenth-century river lands of Guelders, with the locations of places mentioned in the text (courtesy of Hans Blomme, Ghent University).

ment.¹⁰ However, while we have to make allowances for the distinct regional differences in how water management systems were structured within the northern Netherlands, there were also crucial similarities between late medieval Guelders and Holland (and other areas in the Low Countries, for that matter), which warrant the present focus on a relatively neglected region. For one thing, both principalities were characterized by their decentralized political system.¹¹ For another, much like the county of Holland, the Guelders river region became progressively organized according to the principles of market exchange during the late Middle Ages. Moreover, these regions would become politically unified from the late sixteenth century onwards. And recent evidence for the better-documented seventeenth and eighteenth centuries suggests a level of political participation in the Guelders river region similar to that in the coastal plains of Holland. This situation is likely to have stretched back into the fifteenth and sixteenth centuries.¹² As this insti-

10 See in general: S.J. Fockema Andreae, *Studiën over waterschapsgeschiedenis VIII. Overzicht van de Nederlandse waterschapsgeschiedenis* (Leiden 1952).

11 M. van Tielhof, 'Regional planning in a decentralized state. How administrative practices contributed to consensus-building in sixteenth-century Holland', *Environment and History* 23:3 (2017) 431-453.

12 Brusse, 'Property, power and participation', 59-86, 68, 73, 81-83.

tutional evolution in turn was supposedly central to the emergence of the early modern Dutch culture of non-hierarchical decision-making, the present study will focus on the Guelders river region, roughly for the time frame of 1450-1600.

In what follows, I will first expand upon the historiographical rationale for this research, after which I discuss the sources I have used to shed new light on aristocratic involvement in water and landscape management. Thereafter, I sketch out the political context of the Guelders river region, with a focus on the seigneurial landscape and regional aristocracy. The next two sections contain the results of my investigations, starting with the question of how seigneurial governments tried to regulate the natural environments within their lordships. The subsequent empirical section is devoted to lawsuits over rural space. Here, we will delve into the question of how lords sought to consolidate their claims over space retroactively. My main thesis is that the aristocratic element formed a somewhat ambiguous yet important cog in the late medieval system of water management in Guelders – not the most important element but certainly one that deserves more attention. Thus, while my conclusions cannot be automatically projected onto the rest of the (northern) Low Countries, they suggest a need for additional enquiries into the same phenomenon for other Netherlandish regions.

Historiography

The dominant assumption in the historiography is that the intensive water management of the Dutch gave birth to political values in the early modern period that did not sit well with those of noblemen. Hinting at the Dutch Revolt (1566-1648), in which large parts of the Low Countries rebelled with varying degrees of success against their Burgundian-Habsburg overlord, a popular textbook on the late medieval Low Countries sees a stark dichotomy between the mindset of landed aristocrats, like the aforementioned Lord Otto van Wijhe, and their subjects:

‘A local mentality developed in the coastal and fluvial regions over the centuries, based on the rational consideration of goals and means, the careful administration of goods acquired, and the right of all interested parties to participate in decision making. This mentality has remained characteristic of large groups in the northern Netherlands. It stood in stark contrast to the Burgundian court culture, which tended toward centralized decision

making and ostentation even to the point of conscious waste. This difference in mentalities eventually lay at the heart of later violent conflicts in the Low Countries.¹³

This interpretation ties in with influential speculations among economic historians of the Dutch Republic. According to these historians, the spectacular rise of the Holland economy between c. 1560 and c. 1660 was rooted in Holland's 'non-feudal' past.¹⁴ A relatively high-risk area for agriculture, the marshes of Holland were generally less populated than the southern Low Countries in the Middle Ages. Accordingly, they were also less suitable for lordly surplus extraction. As a consequence, the medieval county of Holland developed into a 'land without feudalism'. This evolution in turn ensured fewer restrictions on the rise of markets for land, labour, and capital. The persistence of elite power and aristocratic institutions such as lordships simply had no place in this political system.¹⁵

As a result, historians have hardly studied the role of lords and seigniorial governance in the water management system of the northern Low Countries – certainly not in detail. As noted, this article constitutes an attempt to fill this lacuna by examining the aristocratic institution of lordship as a cog in the water world of Guelders. Such an enquiry is necessary at this moment in time because the influential *polder model* has come under scrutiny over the past decade.¹⁶

For one thing, recent research highlights that the water management system of the northern areas of the Low Countries was not that different from that of the southern principalities. The coastal plains of the county of Flanders, for instance, developed institutions for water management very similar to those of the county of Holland. For another, although coastal Flanders appeared to have an equivalent to the Dutch *polder model* in the late medieval period, Tim Soens has shown that this was more of a rhetorical ideal than a political reality. In the long run, the increasing commercialization of agrarian society in coast-

13 W. Blockmans, W. Prevenier et al., *The promised lands. The Low Countries under Burgundian rule, 1369-1530* (Philadelphia 1999) 158.

14 For a critical discussion of the term 'feudal', see Peggy Brown, 'The tyranny of a construct. Feudalism and historians of medieval Europe', *The American Historical Review* 79:4 (October 1974) 1063-1088, 1065, 1070-1074, 1086-1088.

15 J. De Vries and A. van der Woude, *The first modern economy. Success, failure and perseverance of the Dutch economy, 1500-1815* (New York 1997; 2010 ed.) 543-548; Scott, *How the Old World ended*, 285.

16 See the discussions of Prak and Van Zanden's 2013 book *Nederland en het poldermodel: Discussion. The Netherlands and the Polder Model*; *BMGN – Low Countries Historical Review* 129:1 (2014) 88-133.

al Flanders led to rising economic inequality. The result was that rural and urban elites became disproportionately involved in the local decision-making process. As the smallholdings of peasants were gradually absorbed by wealthy farmers, the former lost their votes in local water management (not to mention the leaseholders and landless labourers, who had never been part of these negotiations to begin with).¹⁷ In her recent book *Consensus en conflict* (2021), Milja van Tielhof has demonstrated that this connection between early modern agrarian commercialization and the disproportionate influence of large landowners in water management held true for the northern Low Countries as well.¹⁸ This discrepancy – between the outward appearance of a non-hierarchical culture of deliberation and a reality of unequal opportunities for participation – raises questions about the supposed link between water management and proto-democratic mentalities.

Recent studies have further shown that the northern Low Countries were not as free of aristocratic institutions like lordships as was once believed. The county of Holland, for one, continuously numbered over 400 lordships between 1500 and 1790.¹⁹ Some historians have even suggested that the lords of Holland became more powerful in relation to their subjects during the Dutch economic boom of the seventeenth century.²⁰ Meanwhile, a recent monograph has revealed that in the eastern part of the northern Low Countries, lords and aristocrats retained a far stronger voice in regional politics than in Holland. This region included Lord Otto van Wijhe's native river lands of Guelders, where the institution of lordship persisted throughout the late medieval period.²¹

Thus, the many references to water management in Lord Otto van Wijhe's almanac may hint at a different situation than the interpretation that is still commonly endorsed in the historiography. In what follows, I probe this aristocratic dimension of water management by fo-

17 T. Soens, 'Polders zonder poldermodel? Een onderzoek naar de rol van inspraak en overleg in de waterstaat van de laatmiddeleeuwse Vlaamse kustvlakte (1250-1600)', *TSEG – The Low Countries Journal of Social and Economic History* 3:4 (2006) 3-36, 3-4, 6; B. De Munck, 'Mutations to the polder model. Critical reflections on exceptionalism and continuity in the Low Countries', *BMGN – Low Countries Historical Review* 129:1 (2014) 112-124.

18 Van Tielhof, *Consensus en conflict*, 156-163.

19 M. Prins, 'Heren van Holland. Het bezit van Hollandse heerlijkheden onder adel en patriciaat (1500-1795)', *Virtus – Journal of Nobility Studies* 22 (2015) 37-61, esp. 44 (Table 2).

20 A. Nobel, *Besturen op het Hollandse platteland. Cromstrijen, 1550-1770* (Zutphen 2012).

21 C. Gietman, *Republiek van adel. Eer in de Oostnederlandse adelscultuur (1555-1702)* (Utrecht 2010) 266-272; Prak and Van Zanden, *Nederland en het poldermodel*, 35-36; J. van der Meulen, 'Seignorial governance and the state in late medieval Guelders (14th-16th century)', *Continuity and Change* 36:1 (2021) 33-59, esp. table 1.

cusing on the lordship or seigneurie (*heerlijkheid* in Dutch). Note that I opt for the term ‘aristocracy’ rather than ‘nobility’ in this context, because I focus on a set of individuals that were defined by their exercise of power, as opposed to their (inherited) legal status.²² Furthermore, this power was largely based on the control of seigneuries. Many aspects of this institution impinged on water management. In fact, controlling ‘watery landscapes’ held a special significance for the medieval aristocracy, both in the sense of creating private aquatic spaces (such as swan drifts) and in appropriating hitherto public spaces (such as fishing grounds).²³ The seigneurie consisted of a collection of rights of public authority which were essentially held in private ownership by a lord or lady.²⁴ Yet, according to contemporary ideology, lords and ladies only held a legitimate claim to their jurisdictions if they maintained public order and protected the local population, by which means the seigneurial government conformed to what was seen as ‘Good Lordship’. This included protection against the natural dangers of ‘the wilderness’.²⁵ The late medieval seigneurie is further relevant to discussions about the origins of Dutch political culture because the lord’s authority was usually exercised over a discrete physical area. If only by defining their jurisdictions – for which they often relied on natural boundaries – Netherlandish lords and ladies thus interfered in water management. As a result, local stakeholders had to interact with seigneurial institutions for such things as draining their land or maintaining embankments. The riverine home region of Lord Otto van Wijhe, where these issues were part of the daily order, provides an excellent case study to probe this seigneurial dimension of landscape management.

22 T. Reuter, ‘The medieval nobility in twentieth-century historiography’, in: M. Bentley (ed.), *Companion to Historiography* (London and New York 1997; repr. 2006) 166-190, 167-168.

23 Hansson, *Aristocratic landscape*, 17-18, 201; R. Hoffman, *An environmental history of medieval Europe* (Cambridge 2014) 258-263.

24 R. Davies, ‘The medieval state. The tyranny of a concept?’, *Journal of Historical Sociology* 16:2 (2003) 280-300, 295; P. Coss, *The aristocracy in England and Tuscany, 1000-1250* (Oxford 2019) 422.

25 P. Hoppenbrouwers ‘Malgoverno or good lordship? The failing state in the later Middle Ages’, in: S. Grodziskiego et al. (eds.), *Vetera novis augere. Studia I prace dedykowane profesorowi Waclawowi Uruszczakowi* (Krakow 2010) 321-35; S. Govaerts, *Armies and ecosystems in premodern Europe. The Meuse region, 1250-1850* (Leeds 2021) 21-34.

Sources

This research proceeds from close readings of two different sets of sources. The first set consists of seigneurial records, ranging from ledgers of land transactions and seigneurial account books to more personal documents such as the 1574 almanac of Lord Otto van Wijhe. These records reveal how lords and ladies played a preemptive role in the spatial organization of not just their own estates but of the landholdings of their subjects as well.²⁶ Secondly, the research is based on legal records from three different judicial courts in Guelders. These lawsuits deserve particular attention because they highlight how seigneurial governments consolidated their authority over the local landscape and, inversely, how local stakeholders pursued their own claims and interpretations of power and space. Together, the legal records and seigneurial administrations offer complementary perspectives on aristocratic involvement in the natural environment of Guelders's river lands.

The sub-corpus of sources stemming from the seigneurial records includes the seigneurial accounts of the lordship of Ammerzoden and Lord Otto van Wijhe's almanac of 1574. The key sources in this sub-corpus, though, are two ledgers (*leggers*) of the lordship of Waardenburg, covering the period 1520-1564. These seigneurial administrative documents were essentially kept by and for an aristocratic household. While their contents partly consist of personal affairs, these seigneurial administrations also shed light on the ways in which lords governed their jurisdictions. They include the seigneurial government's public duties of landscape maintenance.

The second sub-corpus consists of legal case files derived from three of Guelders's courts, with varying levels of authority: from a seigneurial tribunal and a shire court to the Court of Guelders (*Hof van Gelre*) in the city of Arnhem.²⁷ Between 1543 and 1581, the latter 'supreme' Court of Guelders processed an average of 33 cases every year (a total of 1,247 cases), which vary in size from only one quire to hundreds of folios per file, and which show an emphasis on land disputes.²⁸ The research sample has been limited to around two dozen cases that are thematically and regionally relevant. These duchy-wide records are supplemented with legal files from a regional court of justice at the level of a 'shire'

²⁶ Hansson, *Aristocratic landscape*, 20.

²⁷ A. Johanna Maris, 'Inleiding', in: GA, Hof van Gelre en Zutphen, available at: www.geldersarchief.nl [last accessed 6 October 2020].

²⁸ See: GA, Hof van Gelre en Zutphen, inv. 4907-4994.

(*ambt*), namely, that of Neder-Betuwe (where Lord Otto van Wijhe was active). This court was staffed by the sheriff (*ambtman*), who was assisted by members of the regional nobility (*ridderschap*).²⁹ The cases brought before this court reveal the extent to which lords and seigneurial officials meddled in territorial conflicts, and how independently they could operate relative to the regional authorities. The records of the shire court of Neder-Betuwe cover the periods of 1476-1478 and 1559-1567.³⁰ The sample of cases that are of sufficient detail to offer any insight into the territorial issues central to this research comes to around two dozen as well. The sub-corpus of legal records concludes with the legal proceedings of the seigneurial judiciary of Ooij, a lordship in the eastern part of the river lands (Figure 1). This is a rare example of a seigneurie with extant legal records for parts of the period investigated. These lawsuits offer a perspective on spatial politics within a local seigneurial judiciary. The available documents cover the period 1540-1566, when a man named Liffart van Ooij reigned as lord of the seigneurie.³¹ Like Otto van Wijhe, this aristocrat left a prominent imprint on the archives. Lord Liffart van Ooij bumped heads with several of his countrymen during his attempts to manipulate his surroundings, prompting the castellan (*burggraaf*) of Nijmegen to refer to his 'character and complexity' in a letter to the governor of Guelders in 1557.³² Though possibly an extreme case, Lord Liffart's career therefore illuminates the various ways in which seigneurial authority could shape the Netherlandish countryside.

River lands and river lords

The riverine area where lords like Otto van Wijhe and Liffart van Ooij reigned over their seigneurial subjects formed part of the duchy of Guelders. Like most principalities in the Low Countries, medieval Guelders had been a formal subsidiary of the Holy Roman Empire. Yet

29 J.A. Heuff, 'Het ambtmanschap in Nederbetuwe', *Bijdragen en Mededelingen Gelre* 3 (1900) 123-153; J. Kuys, *De ambtman in het Kwartier van Nijmegen (ca. 1250-1543)* (Nijmegen 1987).

30 Regionaal Archief Rivierenland (hereafter RAR), Rechterlijk archief van de Nederbetuwe, 1476-1811, inv. 101-103. Due to limited accessibility, I have used: P.D. Spies (ed.), *Ambt Nederbetuwe. Gerichtssignaat Banken Kesteren en Zoelen, 1476-1478* (P.D. Spies, self-published, 2019) 12-13 (1476); Idem, *Ambt Nederbetuwe. Gerichtssignaat Banken Kesteren en Zoelen, 1559-1566* (P.D. Spies, self-published, 2019).

31 GA, Oud Rijksarchief (hereafter ORA), Persingen en Ooij, inv. 1, unfoliated booklet (1540-1566).

32 GA, Hof van Gelre en Zutphen, inv. 814/3423a (letter of < 29 March 1557).

these Netherlandish territories gradually attained political independence from the Empire over the course of the late Middle Ages. Then, from the late 1300s and early 1400s onwards, the Valois dukes of Burgundy – followed by their Habsburg successors in the 1500s – managed to progressively unite most of these principalities under their rule. Guelders was the last building block of the new polity to fall into place. Barring a short Burgundian interregnum between 1473 and 1477, the duchy retained its own separate dynasty until 1543, when Guelders joined the Habsburg Low Countries. This composite state would fall apart in the 1580s because of the Dutch Revolt (1566-1648). The southern part of the Low Countries, including a part of Guelders, reverted back to the Habsburg power sphere, while the northern half retained independence and came to constitute the Dutch Republic. The river lands of Guelders joined the latter.³³

The rural aristocracy of Guelders persisted throughout this political turmoil. As in Flanders, Brabant, and other Netherlandish provinces, the landed aristocracy remained a formidable force in Guelders in the late Middle Ages and early modern period.³⁴ Lords like Otto van Wijhe were among the larger estate-holders in their commercialized agrarian region.³⁵ Meanwhile, the persistence of their semi-independent seigneuries brought the aristocracy political power. The district of Guelders that largely corresponded with the river region – the ‘Quarter’ of Nijmegen (c. 1,300 km²) – consistently counted around fifty of these lordly jurisdictions. Of those fifty, more than half came with ‘high justice’, which signified that these seigneuries had their own tribunals with claims to criminal justice.³⁶ Liffart van Ooij’s jurisdiction belonged to this category, while Otto van Wijhe’s seigneurie of Echteld did not (which meant that he could only collect fines for minor infractions). High justice over the lordship of Waardenburg was contested in this period, but the Van Arkel lords of Waardenburg simultaneously ruled in several seigneuries

33 P. Arnade, *Beggars, iconoclasts, and civic patriots. The political culture of the Dutch Revolt* (Ithaca and London 2008) 2-11; Prak and Van Zanden, *Nederland en het poldermodel*, 105-125.

34 Van der Meulen, ‘Seigneurial governance’, 42-43, 49-51; F. Buylaert, ‘Lordship, urbanisation and social change in Late Medieval Flanders’, *Past & Present* 227 (2015) 31-75; M. Damen, *Prelaten, delen en steden. De samenstelling van de Staten van Brabant in de vijftiende eeuw*, Handelingen van de Koninklijke Commissie voor Geschiedenis 182 (2016) 5-274.

35 B. van Bavel, *Transitie en continuïteit. De bezitsverhoudingen en de plattelandseconomie in het westelijke gedeelte van het Gelderse rivierengebied, ca. 1300 – ca. 1570* (Hilversum 1999) 591-606; GA Huis Echteld, inv. 4, entries for 16 May, 12 June, 26 June.

36 Van der Meulen, ‘Seigneurial governance’, table 1; A. van Steensel, ‘Beyond the crisis of the nobility. Recent historiography on the nobility in the medieval Low Countries II’, *History Compass* 12:3 (2014) 273-286.

(both in- and outside Guelders).³⁷ Thus, the sample of lords that feature in this study exposes the variation in the duchy's seigneurial aristocracy and is therefore broadly representative. Mainly bordering the major rivers, the seigneurial enclaves of these lords enjoyed a dominant position in the political landscape, in addition to the towns, and to those village communities that were not ruled by a lord but by village elites under the supervision of the ducal sheriffs.³⁸ Purely in terms of numerical value, however, the lordships outweighed the other villages and towns in the river lands: 61.5 percent of the approximately 110 parishes in this area had a (partial) seigneurial government.³⁹

With the assistance of the men who staffed their seigneurial administrations, the river lords and ladies used various tools to exert control over their local environment. One prominent technique of spatial delineation was the staking of border poles (*palen*) along the outer bounds of their seigneurial jurisdiction. Anecdotal evidence suggests that these poles contained the coat-of-arms of the lord or lady of the area, signifying the presence of seigneurial authority.⁴⁰ That said, border poles did not solely serve the interests of the lord, as local populations also showed concern for the upkeep of these boundaries.⁴¹ Nor were border poles the only objects used to delineate physical areas of jurisdiction. Planting or designating specific trees as a kind of living boundary (*scheijbomen*, or 'separation trees') was as least as common a practice as the staking of artificial poles.⁴² These trees had the benefit of being recognizable while also strengthening the soil and offering fields and farms some protection against the wind. Judging from local legal rituals, such trees were of importance to the local communities, as

37 J. van der Meulen, 'Grillige landschappen, grillige heerschappen. De veranderlijke natuur en de afbakening van heerlijke jurisdictie in Gelre (15^e en 16^e eeuw)', *Bijdragen en Mededelingen Gebre* 111 (2020) 125-145; Van der Meulen, 'Seigneurial governance', 43-44.

38 Kuys, *De ambtman*, 207-230; P. Hoppenbrouwers, 'De middeleeuwse oorsprong van de dorpsgemeente in het noorden van het hertogdom Brabant', *Noordbrabants Historisch Jaarboek* 17-18 (2001) 45-90, 53-64; *Idem*, 'Op zoek naar de 'kerels'. De dorpsgemeente in de dagen van graaf Floris V', in: D. de Boer, E. Cordfunke and H. Sarfatij (eds.), *Wi Florens... De Hollandse Graaf Floris V in de samenleving van de dertiende eeuw* (Utrecht 1996) 224-43, 225-226.

39 Out of a total of 109 parishes in the Quarter of Nijmegen, 66 contained, or were part of, a lordship; 40 were non-seigneurial villages; and 5 were towns (2 of which were 'seigneurial towns'): M.G. Spiertz and R.W.A. Megens, *Gids voor de studie van reformatie en katholieke herleving in Gelderland 1520-1600. Uitgegeven bronnen en literatuur* (Utrecht 1986).

40 GA, Huis Doorwerth, inv. 25, 5.

41 Archief Huis Bergh 's-Heerenberg (subsequently AHB), Huis Bergh (828) 1227-1842, inv. 4947 (1462).

42 T. Johnson, 'The tree and the rod. Jurisdiction in Late Medieval England', *Past & Present* 237 (2017) 13-51.

in 1583, when a villager ratified his last will and testament by cutting a sign in a local tree with an axe.⁴³

Apart from these wooden markers – which did not form real barriers, more like signposts to boundaries – pragmatism guided the spatial delineation of rural jurisdictions. Existing hedges, ditches, dykes, and other landmarks that demarcated boundaries between landholdings often doubled as outer bounds between neighbouring jurisdictions.⁴⁴ These boundaries served as a reminder that the lordship was a discrete territorial unit within the duchy of Guelders. Additionally, the seigneurial area of jurisdiction partly insulated its inhabitants – and their plots of land – against outside interference.

Of course, that seigneuries were relatively autonomous did not mean that the lords of Guelders could act on a whim or choose not to act where water management was concerned. Most villages in this region, including seigneurial villages, had their own water board officials (*heemraden*) to oversee that embankments were maintained and that drainage was carried out properly. However, the river lands of Guelders lagged behind the general trend in the Low Countries when it came to developing cross-jurisdictional initiatives of water management. By this period, looking after dykes had become a shared responsibility managed through supralocal initiatives in various parts of Flanders, Holland, and Zeeland. Yet the ‘collectivization’ (*gemeenmaking*) of dykes did not occur in Guelders until the early seventeenth century, and then only because the princely government interfered in local conflicts over who was responsible for dyke upkeep. Furthermore, the water boards or ‘dyke chairs’ (*dijkstoelen*) of late medieval Guelders were not independent governmental bodies with their own legal purviews and separate treasuries. They were not staffed by independent officials, either, but were enmeshed with the local jurisdictional infrastructure proper.⁴⁵ Consequently, village water board officials reported back to the sheriff, who was also the ‘dyke count’ (*dijkgraaf*) within his shire – but not the entire shire, as seigneurial water boards collected their fines without reporting back to this ducal agent. Lordships with high justice even operated independently from the sheriff-*cum*-dyke count altogether.⁴⁶

43 GA, ORA Arnhem, inv. 405/212 fo. 70r.

44 Johnson, ‘The tree and the rod’, 13-15, 36-37.

45 Van Tielhof, *Consensus en conflict*, 33, 90-91, 99.

46 Kuys, ‘Dagelijkse heerlijkheden’, 9, 17-19; A.H. Martens van Sevenhoven, ‘Schets van de geschiedenis der burgerlijke gemeenten in Gelderland vóór de invoering der Gemeentewet van 1851’, *Bijdragen en Mededelingen van de Vereniging Gelre* 24 (1921) 1-50, 10. See also the introduction of: P.G.J. Huismans

This lack of independent institutions governing water management added to the local power of lords in the Guelders river region. However, lords did not govern their jurisdictions in a vacuum, either. They operated in a constant dialogue with the local community, primarily through their local sourcing of seigneurial officials.⁴⁷ The important judicial office of alderman (*schepen*) was already accessible to male landholders with only a medium-sized property (less than five hectares) in some seigneuries during the fifteenth and sixteenth century.⁴⁸ This trend of political inclusivity seems to have continued over the course of the next two centuries.⁴⁹ The link with the polder model is evident: presumably, it was these same men that were responsible for maintaining the dykes and dredging the smaller waterways surrounding their own parcels of land. In fact, their knowledge of the local environment is probably what made them suitable candidates for a political position in the first place.⁵⁰

That said, the fifteenth- and sixteenth-century evidence is not unequivocal when it comes to this political inclusivity. The power to pick the various officials still rested with the lord, even while the local community supplied the candidates. Also, seigneurial officers first and foremost swore an oath of loyalty to their lord and only by extension to the community.⁵¹ It has further been suggested that by the mid-sixteenth century, water management was predominantly carried out by wage labourers, and not by local stakeholders, in the market-oriented river lands (especially in the western part).⁵² This case would counter the

et al. (eds.), *Inventaris van de archieven van het polderdistrict Nederbetuwe en haar rechtsvoorgangers* (1264) 1509-1981 (Tiel 1982).

47 Ibid., 113-117; Brusse, 'Property, power and participation', 77-78.

48 J.S. van Veen (ed.), 'Landrechten van Ammerzoden', *Vereeniging tot Uitgave der Bronnen van het Oude Vaderlandsche Recht: Verslagen en Mededeelingen* 4:1-6 (The Hague 1903) 594-612, 599 (5 *morgen* or 4.25 ha); GA, Hof van Gelre en Zutphen, inv. 4346 fo. 313r: 'Ende zijn goet sall weert zijn hondert Phls. Burgh.° schilden ende nijet min'. This translates to 2500 *stuivers* and corresponded to a holding of around five hectares in the nearby Land of Heusden in 1514: P. Hoppenbrouwers, *Een middeleeuwse samenleving. Het Land van Heusden, ca. 1360 – ca. 1515*, vol. 1 (Wageningen 1992) 306.

49 Compare Enny de Bruijn, *De hoeve en het hart: Een boerenfamilie in de Gouden Eeuw* (Amsterdam 2019) 51-53, who found a lower limit of ten *morgen* or 8.5 hectares in some seventeenth-century seigneuries.

50 Brusse, 'Property, power and participation', 68, 73, 81-83; Martens van Sevenhoven, 'Schets van de geschiedenis der burgerlijke gemeenten', 2-3.

51 GA, ORA Persingen en Ooij, inv. 1, unfoliated register; Kuys, 'Dagelijkse heerlijkheden', 6-8, 16; Martens van Sevenhoven, 'Schets van de geschiedenis der burgerlijke gemeenten', 2-3; De Bruijn, *De hoeve en het hart*, 52.

52 B. van Bavel, 'Rural wage labour in the sixteenth-century Low Countries. An assessment of the importance and nature of wage labour in the countryside of Holland, Guelders and Flanders', *Continuity and Change* 21:1 (2006) 37-72, 49-50. Compare: Brusse, 'Property, power and participation', 63-64, 81-83.

argument that political inclusivity and involvement in water management were interlinked variables. Indeed, on those occasions when local landholders clearly *were* held accountable for the waterways surrounding their properties, they often showed an unwillingness to do so.⁵³ Thus, while the image of powerful lords domineering the local decision-making process is overblown, it is still unclear to what extent subjects of humbler means participated in spatial politics.

The ‘zoning’ capacities of late medieval lordships

To address the ambivalence surrounding the participation of local stakeholders in seigneurial water management – and, by extension, in politics more generally – the records of seigneurial administrations offer a useful perspective. The sixteenth-century ledgers of the lordship of Waardenburg are a particularly rich source in this regard. Not only do these records present the viewpoints of aristocratic lords and ladies, they also provide direct evidence of seigneurial interference in the landscape. The purpose of this section is to use these documents to examine how lords and their officials oversaw the balancing act between land and water in the lordships of Guelders’s river lands. Thus, we will get a concrete sense of the amount of leeway that was allowed to the inhabitants of these seigneuries. As we shall see, lords and ladies limited their subjects’ capacity to shape their surroundings, though only by degree. They played a role that was at once facilitating and restrictive.

Seigneurial governments had public responsibilities of landscape maintenance, partly because of lords’ extensive private estates and partly because of their duties of governance. These responsibilities can be subdivided into damage *restoration* and damage *prevention*. On the restoration side, lords and their representatives were expected to respond to, and deal with, environmental dangers. Changes in the natural landscape had a constant impact on the properties of the river folk. We have already learned from his log of 1574 that Lord Otto van Wijhe was frequently present at the periodic dyke inspections in and around his seigneurie. In a similar vein, the sixteenth-century accounts of the lordship of Ammerzoden contain numerous posts related to dyke repairs. These entries probably refer to more capital-intensive projects of dyke renewal or construction that were beyond the responsibility (and means) of

53 Spies, *Gerichtssignaat banken Kesteren en Zoelen, 1476-1478*, 12-13 (1476), 75 (1478); Spies, *Gerichtssignaat banken Kesteren en Zoelen, 1559-1566*, 93-96 (1560).

the local stakeholders.⁵⁴ These expenses often fell to seigneurial treasuries, because it was predominantly the lord or lady who owned the productive parcels bordering on rivers and streams. Consequently, the costs of dyke maintenance mainly fell to the seigneuries because of lords' private landownership – and not so much their public responsibilities.⁵⁵

It is on the prevention side that Guelders's seigneuries display a more peculiar aspect of landscape management, as the sources suggest that sixteenth-century lordly administrations had tasks comparable to modern 'zoning commissions'. Lords had to ensure that people kept to their own plots, but they also had a say in how their subjects altered the landscape through manipulation of these plots. Most notably, the seigneurial administrations of the river lands regulated the treatment of willows – probably because these trees were fundamental to the balanced relationship between land and water. This seigneurial 'zoning' is particularly visible in the ledgers of the lordship of Waardenburg. To begin with, these registers contain pertinent information for local water management, such as passages copied from the *dijksignaten* (the proceedings of the local water board).⁵⁶ Yet the ledger also encompasses a list of all the dykes that were the responsibility of the lords of Waardenburg. The 22 entries in this overview detail the names of the landholders whose properties abutted the various dykes, the parishes where the dykes were located, as well as their exact measurements – literally down to an inch (*duijm*).⁵⁷ This record-keeping was standard in administering the inspection of riverbanks, but it is noteworthy that this responsibility fell to seigneurial officials. It underlines the hybrid private and public nature of landscape management in Guelders's seigneuries.

The Waardenburg ledgers primarily contain transcriptions of land leases, in which we can clearly see seigneurial zoning at work. Most of these lease contracts had clauses about the treatment of trees – usually willows – on the land in question. A typical example occurs in a contract for the twenty-year lease of a plot called Lubbert's Hof in 1533. The lease agreement has the following clause:

'...that [the leaseholder] shall plant as many willows as he wishes around the land in question, which he must allow to reach full maturity. And for

54 Van Bavel, 'Rural wage labour in the sixteenth-century Low Countries', 49-50.

55 GA, Huis Ammerzoden, inv. 65 fos. 10v, 12v, 14r (accounts for 1540-1541).

56 Ibid., fo. 113r-v; Spies, *Gerichtssignaat Bank Kesteren en Zoelen, 1476-1478*, 69-70 (December 1477).

57 GA, Huizen Waardenburg en Neerijnen, inv. 1446 fo. 123v.

every hundred [willows] he will be allowed to cut fifty by the end of his twenty-year lease... Also, at the time this plot passes over to [the leaseholder] there are 170 mature willows on the land, as personally counted by [*left blank*].⁵⁸

Combined with other similar entries, this case comes down to an orchestration of the local arboreal landscape. Clearly, the tree population had to be managed with some care. After all, the reciprocal relationship between lessor and leaseholder meant that the lord's existing trees passed into the temporary care of another, and the lessor wanted some assurances that his grove would not be razed to the ground by the time the lease expired.⁵⁹ Willow wood was an attractive (commercial) crop for the leaseholder because it was so versatile: the trees' shoots were used for firewood, fences, baskets, and much more.⁶⁰

Still, the cutting of willows as mentioned in these contracts may also refer to the practice known as 'pollarding'. Pollarding meant the controlled pruning of branches and foliage, rather than outright felling. The purpose of this practice was for the landholder to earn a profit from the wood while keeping the tree alive and intact. In turn, the root systems of these trees maintained the integrity of the marshy soil. Again, this concern was not exclusive to lords, as it was part and parcel of private lease contracts. In 1561, for example, the shire court of Neder-Betuwe similarly prohibited a local leaseholder from cutting down pollards (*'knoetwilligen'*) on his property – which was not part of a seigneurial jurisdiction. Invoking his lease contract, the court further ruled that 'whenever a willow tree should wither or be uprooted, for every withered willow [the leaseholder] has to plant two thriving ones in its place'.⁶¹ Sometimes these clauses were accompanied by additional provisions about preserving ditches. The contracts could even add that the leaseholder was obliged to plant other kinds of trees as well (e.g., apple trees).⁶² Given that these leases usually lasted no more than a few decades, the leaseholder would not reap the fruits of this forestry; per the reciprocal agreement, they would fall to the owner. Although the lat-

58 GA, Huizen Waardenburg en Neerijnen, inv. 1446 fo. 3r.

59 See also: P. Lindemans, *Geschiedenis van de landbouw in België*, I (Antwerpen 1952) 208-210.

60 P. Nienhuis, *Environmental history of the Rhine-Meuse delta. An ecological story on evolving human-environmental relations coping with climate change and sea-level rise* (Berlin and Heidelberg 2008) 551.

61 Spies, *Gerichtssignaat Bank Kesteren en Zoelen, 1556-1566*, 192-193. Compare: GA, Huizen Waardenburg en Neerijnen, inv. 1445 fo. 9r.

62 GA, Huizen Waardenburg en Neerijnen, inv. 1446 fo. 4r-4v.

ter was not necessarily a lord, the ledgers of Waardenburg suggest that seigneurial administrations may have been particularly emphatic when it came to the long-term maintenance of the local landscape.

Now, it is unsurprising that the owners of the land had a greater concern for what would happen to a lease plot in the long term than their temporary leaseholders did. It is telling that the lords of Waardenburg did not show the same level of concern over their plots that were held in perpetual tenure (*tijns*) – which the tenants *de facto* owned. The records devoted to these tenancies amount to relatively short entries in the seigneurial ledgers. Apparently, the public jurisdiction of seigneurial administrations did not extend to landscape management within these holdings. The entries in the Waardenburg ledger are very explicit, however, in their descriptions of the outer boundaries of these plots.⁶³ This means that, while lords did not interfere in how local landowners grew trees or other crops on their land, they nevertheless strove to spatially contain these customary tenants by recording the outer perimeters of these properties.

There is even evidence to suggest that seigneurial authority over the local environment was not always limited to lords' own properties. The zoning authority of the lord encompassed permanent changes to the landscape within his seigneurie. This capacity involved the protection of people's property rights, but it also involved maintaining continuity in the lordship's physical layout in general. For example, in 1550, the lord of Waardenburg was asked to weigh in on the case of two residents that had dug ditches in, and fenced off parts of, the local common lands. The excerpts from the court bench refer to the administrative records of Waardenburg, quoting from the lordship's ledgers. According to the cited passage, digging or enclosure was only permitted with the authorization of 'the lord of the community'.⁶⁴ The sheriff of Neder-Betuwe acted in a similar fashion on behalf of the duke of Guelders in 1559, but in that case a local resident had done just the opposite and illicitly filled up a ditch. The ducal sheriff told the accused to dig up the soil and restore the ditch, or he would incur a fine.⁶⁵ In other words, seigneurial and ducal administrators alike were expected to guard stability in the landscape – above and beyond the parcels that owed them rent.

63 GA, Huizen Waardenburg en Neerijnen, inv. 1445 fos. 36r-39r

64 GA, Huizen Waardenburg en Neerijnen, inv. 1017, loose excerpts; GA, Huizen Waardenburg en Neerijnen, inv. 1446 fo. 179r.

65 Spies, *Gerichtssignaaf Bank Kesteren en Zoelen, 1556-1566*, 11.

The problem was that the natural environment of the Guelders river region was *not* stable. Riverbeds had a tendency to overflow, in the process either destroying people's properties or creating brand new ones.⁶⁶ This condition brings us to an interesting aspect of seigneurial landscape management, one that falls somewhere between 'prevention' and 'restoration': how to deal with newly formed land? It is obvious that breached dykes could complicate land titles, for better or for worse, by swallowing up parts of embankments. Perhaps less obvious is that a dwindling water flow could equally result in drained pieces of what was effectively new ground (*aanschot*). Whenever this occurred in a lordship, the seigneurial authorities had a role in coordinating the allocation of the land in question. They did so through a local custom known as 'circumnavigation' (*befaringe*). This custom could take different forms, depending on whether the new land was physically connected to a preexisting plot or formed an islet.⁶⁷ In essence, though, the would-be proprietor had to lay claim to a new plot by completing a ritualistic circuit of its outer bounds, either by boat or by horse-drawn cart.⁶⁸ Some lords sought to profit from these new lands, and they did not have to appropriate the new plots for themselves to gain by it. Consider the case of the lord of Gendt, who confiscated produce from a local widow in 1553, allegedly because she had not properly 'circumnavigated' the recently drained land on which it grew.⁶⁹ On other occasions, seigneurial administrators used their position of power to protect the interests of their subjects. The same lord who took goods from the widow in 1553 had supported a local resident's title to a piece of new land in 1548 – even though the ducal authorities of Guelders challenged the status of that property.⁷⁰

Thus, the allocation of new land was another aspect of seigneurial zoning that simultaneously restricted and enabled local stakeholders. The evidence suggests that this form of lordly surveillance was still in practice by the end of the sixteenth century. To be sure, the Habsburg Emperor Charles V had tried to forestall these local zoning abilities dur-

66 Brusse, 'Property, power and participation', 60

67 W. Overmars, *Een Waalverhaal. Historisch-morfologische atlas van de Rhein en de Waal, 1500-1700: Emmerich-Nijmegen* (Laag-Keppel 2020) Chapter 5.

68 J.H.L. van der Schaaff, 'Oud-Geldersche waterrechten', in: *Geldersche Volks-Almanak* (Arnhem 1867) 70-76. See also M. De Keyzer, T. Soens and I. Jongepier, 'Consuming maps and producing space. Explaining regional variations in the reception and agency of mapmaking in the Low Countries during the medieval and early modern periods', *Continuity and Change* 29:2 (2014) 225.

69 GA, Hof van Gelre en Zutphen, inv. 4929/41 (lordship of Gendt, 1553), second quire (unfoliated).

70 GA, Hof van Gelre en Zutphen, inv. 807/1192 (letter of 26 October 1548).

ing his reign as duke of Guelders (1543-1558). Recalling similar efforts at top-down water management that the emperor had instituted in Holland during the 1520s and 1540s, on 7 November 1553 his chancellor of Guelders sent letters to all the sheriffs of the river lands, ordering them to have their own people ‘circumnavigate all new floodplains ... so as to claim them for His Majesty’.⁷¹ However, the almanac of Otto van Wijhe makes clear that in the long run, these measures did little to forestall local seigneurial authority over newly formed land. Judging by his notes, Lord Otto was still called to witness and ratify circumnavigation proceedings on at least four occasions in 1574 alone.⁷²

Together, this seigneurial interference in and around lease plots, tenancies, and new floodplains amounts to a degree of landscape regulation. Note, however, that seigneurial zoning only had a limited impact on what the river folk *produced* on their land. It was mainly the natural environment that imposed limits on agrarian production in the river lands: the water-logged soil often precluded field agriculture in favour of cattle breeding.⁷³ On the whole, the river folk enjoyed a large degree of self-determination in how they managed these animals as well. They were even free to physically hurt their livestock if they wanted to: in 1477, a sexton was (almost) fined a shilling by the shire court of Neder-Betuwe for openly criticizing the ‘beating of animals’ on a local pasture during mass.⁷⁴

That said, seigneurial claims to the natural environment did include certain kinds of animals that walked, flew, or swam within the physical area of jurisdiction. Hunting game, for instance, was traditionally a prerogative of the aristocracy.⁷⁵ Consequently, two brothers were charged with illegally hunting hare and grouse in the river lands in 1561, as this was ‘a pastime reserved only for the servants of His Royal Highness or certain men of the nobility’. Tellingly, the brothers tried to defend their actions by claiming they were descended from a natural son of the lord

71 GA, Hof van Gelre en Zutphen, inv. 810/2482 (letter of 7 November 1553). According to the ‘water law’ (*waterrechten*) published in 1603, new land that was attached to a preexisting plot fell to the owner of that plot, while new islets fell to the prince: Overmars, *Een Waalverhaal*, Chapter.

72 GA, Huis Echteld, inv. 4, entries for 25 June, 11 September, 16 September, 28 September.

73 On the interactions between nature and agriculture in general, see: Hoffmann, *An environmental history*, 7-11; B. Campbell, *The great transition. Climate, disease and society in the Late-Medieval world* (Cambridge 2016) 20-24, 397.

74 Spies, *Gerichtssignaat Bank Kesteren en Zoelen, 1476-1478*, 59. The fine of one *stuiver* is crossed out in the record, which suggests it was revoked.

75 Hansson, *Aristocratic landscape*, 132-133.

of Lienden – a seigneurie in Neder-Betuwe.⁷⁶ Even so, in addition to furred and feathered game, aristocrats such as the lords of Waardenburg also had certain claims to the fauna that swam through the local waters in their seigneurie. In support of the idea that seigneurial power over space was a balancing act between leniency and restriction, these lords leased out the privilege of fishing by net in their waters, while reserving the right to purchase any caught sturgeons at a discount (*'beter-coop'*).⁷⁷ In that respect, leniency should not be equated with benevolence: lords simply had to eat, too.

Seigneurial claims to the landscape: The case of Lord Liffart van Ooij

The different methods of spatial control that the river lords and ladies had at their disposal were thrown into sharp relief whenever their claims over the landscape were contested. The records of Guelders's law courts offer a perspective on these conflicts over rural space which complements the one that emerges in the seigneurial accounts. These lawsuits reinforce the notion that lordships were important cogs in managing the balance between land and water in the Guelders river region. As to evidence that the lords and ladies of these seigneuries acted in service of the ideology of Good Lordship: the legal conflicts often suggest just the opposite. Of course, aristocratic lords and ladies operated on an unequal footing with their subjects when it came to shaping the environment around them; that is, in terms of their public jurisdiction. In terms of their private landownership, this imbalance was less obviously the case. As we shall see, however, the combination of private interests and public authority opened up opportunities for lords to exploit their power over space, as some of them clearly did. Nowhere is this more evident than in the case of Lord Liffart van Ooij, who ruled the seigneurie of Ooij around the middle of the sixteenth century.

River lords like Liffart van Ooij generally had recourse to better tools to deal with environmental pressures than their subjects did.⁷⁸ They could even profit from changes in the landscape, if these changes enlarged their landed estate or seigneurial jurisdiction. This advantage

⁷⁶ Spies, *Gerechtssignaat Bank Kesteren en Zoelen, 1559-1566*, 245-247.

⁷⁷ GA, Huizen Waardenburg en Neerijnen, inv. 1445 fo. 6r.

⁷⁸ T. Soens, 'Resilient societies, vulnerable people. Coping with North Sea floods before 1800', *Past & Present* 241 (2018) 1-36, 32-35.

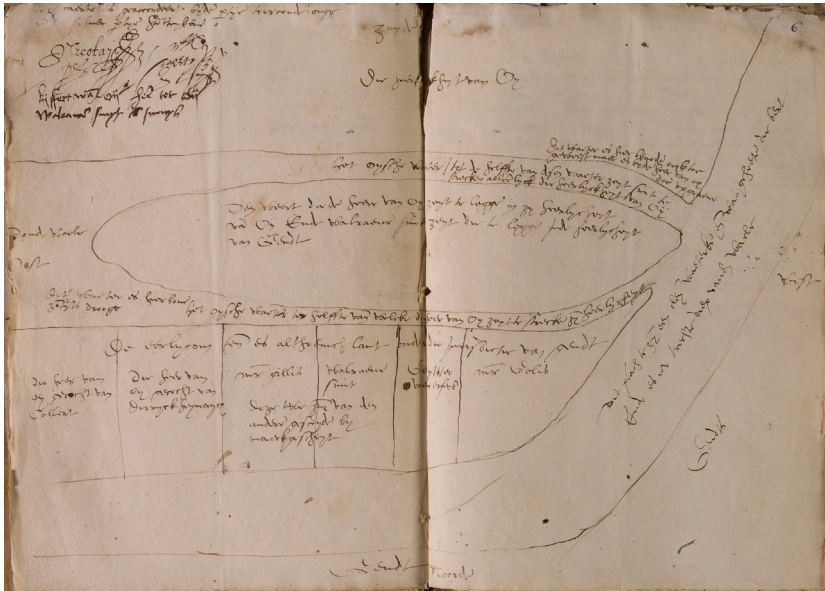


Figure 2 The Waal River and the 'Water of Ooij' between the seigneuries of Ooij and Gendt, on a map drawn by the councilor Adriaan Nicolai and the clerk Baptiste Berty, 1544. Note that the south is at the top (source: Gelders Archief, 0124 Archief Hof van Gelre en Zutphen, inv. 1270, map no. 1)

was primarily a question of capitalizing on natural events, such as when new land sprouted from a watercourse of its own accord. Yet there were also lords who gave nature the occasional nudge in the right direction. Lord Liffart van Ooij is a case-in-point on both fronts. This lord frequently pops up in the records of the Court of Guelders, among other things for his failure to pay taxes or to repair broken-down dykes for which he was responsible.⁷⁹ When it came to his own aristocratic privileges, however, the lord of Ooij was a stickler for proper procedure.

Lord Liffart's perception of seigneurial claims to the landscape is exemplified by a single map, appended to a case brought before the Court of Guelders in 1544 (Figure 2). While records of the court proceedings are no longer extant, much can be gleaned from the map itself, supplemented with analogous lawsuits.⁸⁰ The case revolved around an offshoot of the Waal River. This branch of the river, known locally as the Water of Ooij (*het Oysche Water*) had separated the seigneuries of Ooij and Gendt. However, due to a breach in a dyke further upstream, the water

79 GA, Hof van Gelre en Zutphen, inv. 817/4315 (letter of 24 January 1561); inv. 813 (two letters of 11 June 1556); inv. 814 (letter of 18 February 1557).

80 During 1547-1548, Lord Liffart was engaged in a similar conflict over the Water of Ooij: GA, Hof van Gelre en Zutphen, inv. 4916/33 (loose quires); inv. 806/916 (letter of 6 October 1547).

had changed its course. As a consequence, the Water of Ooij was now situated north of a floodplain that had belonged to the jurisdiction of the seigneurie of Gendt but now became an islet. This islet arguably fell to the juridical authority of Ooij – or so thought Lord Liffart van Ooij.

While the claim of Lord Liffart is straightforward, the ways in which he pursued this claim cast a unique light on spatial politics in the sixteenth-century river lands. Firstly, lords like Liffart van Ooij had recourse to superior economic resources than their subjects, namely, their larger budgets. Lords and ladies could supplement their public authority with private economic power to augment their already asymmetrical hold over the landscape. When their legal claims fell short, they could still get what they wanted by exerting financial pressure (and vice versa). Indeed, the records of the seigneurial court of Ooij reveal that Lord Liffart often personally presided over local cases.⁸¹ These proceedings – predominantly land transactions – include several claim disputes between the lord himself and his subjects.⁸² Although he operated in an official capacity, it does not take a lot of imagination to see the potential conflict of interest.

The aforementioned conflict over the river branch in 1544 showcases the reverse phenomenon: Liffart van Ooij's use of economic power to further his jurisdictional claims (**Figure 2**). The map reveals that the lord of Ooij had been buying up properties on the embankment across the water, which belonged to the lordship of Gendt.⁸³ In doing so, he was not so much stretching the bounds of his jurisdiction, as he was expanding the range of his private estate, all of which was legal. On another occasion, Lord Liffart overstepped the boundaries of his public authority, but he was able to mend this transgression through private means. In 1557, the lord took control of an orchard that belonged to a man who was supposedly a subject of the seigneurie of Ooij. Purportedly, this act was punishment for the subject's unlawful cutting of willow trees (*'knoiten'*) on the land – recalling the seigneurial 'zoning' we saw above in the lordship of Waardenburg. The Court of Guelders, however, ruled that the plot was not part of the seigneurie of Ooij. Unfazed, Liffart van Ooij simply purchased the parcel in question from the owner,

81 Compare B. Guenée, *Tribunaux et gens de justice dans le bailliage de Senlis à la fin du Moyen Age (vers 1380-vers 1560)* (Paris 1963) 135-136, 285.

82 GA, ORA Ooij en Persingen, inv. 1, unfoliated (e.g. the court sessions of 29 September 1541 and 15 June 1542).

83 Several parcels on the northern side (below on Figure 2) read 'bought by the lord of Ooij from person X', which suggests that these purchases were a recent affair.

with whom he professed to be ‘reunited in friendship’ after the unfortunate misunderstanding.⁸⁴

Secondly, this lord adopted a particular vocabulary as a legal tool. Even though sixteenth-century courts were the province of lawyers, the influence of linguistic inequality between the litigants should not be underestimated. In the case of the Water of Ooij in 1544, Lord Liffart explicitly referred to the newly formed offshoot of the Waal River by the same name as the stream that, according to the official record, belonged to his seigneurie. On top of that, he used the possessive connotation of that name to reinforce his title: this was the *Water of Ooij*, not the Water of Gendt – or of anywhere else for that matter.⁸⁵ Using proper language was imperative in a legal setting. In 1560, for example, two inhabitants of the lordship of Oudewaard complained to the shire court of Neder-Betuwe that their seigneurial steward (*drost*) had tried to hoodwink them by using ‘various words and possessive titles in Latin’ with which they were unfamiliar.⁸⁶ This is an area where lords may have operated on an unequal footing with their subjects as well, since university-trained lords like Otto van Wijhe were versed in Latin themselves.⁸⁷

Thirdly, the case of the contested river bend in 1544 gives the impression that lords like Liffart van Ooij also had some technical expertise in hydraulic engineering, or else relied on individuals that possessed those skills. The annotations on the map suggest that the river’s altered direction was partly a consequence of manipulation by the lord (Figure 2). One passage on the map reads: ‘The water used to reach down here as well, but the lord of Ooij has had it dug up’. The phrase is located right on the spot where the waterway divides into two branches, around the floodplain that had once belonged to Gendt but was now encircled by the Water of Ooij. Admittedly, the dyke breach that had initiated the affair may not have been of Liffart van Ooij’s design. Even so, he did profit from this happy accident and sought to artificially preserve it. Perhaps for this reason, he repeatedly refused the ducal administration’s requests in 1556 and 1557 to restore a nearby dyke.⁸⁸ Lord Liffart clearly had some abstract knowledge of fluid mechanics and how these would play out in a practical setting. In addition, he grasped the legal

84 GA, Hof van Gelre en Zutphen, inv. 814/3423a (letter of < 29 March 1557).

85 GA, Leenkamer van Gelre en Zutphen, inv. 115, 3-4 (numbered as pages, not folios). See also: Johnson, ‘The tree and the rod’, 39-41.

86 Spies, *Gerichtssignaat Bank Kesteren en Zoelen, 1559-1566*, 157.

87 Vrienden van de Wijenburg, *Dagboek*, 13-15.

88 GA, Hof van Gelre en Zutphen, inv. 813 (two letters of 11 June 1556); inv. 814 (letter of 18 February 1557).

ramifications of his engineering endeavors. He further had the wherewithal to deploy this technological insight to mark off his own territory. As an aside, one could regard these exploits as foreshadowing the military use of hydraulic engineering as deployed during the Dutch Revolt: by the 1580s, the inhabitants of Guelders's river lands were breaking open their own dykes as a means to withstand the Spanish troops.⁸⁹

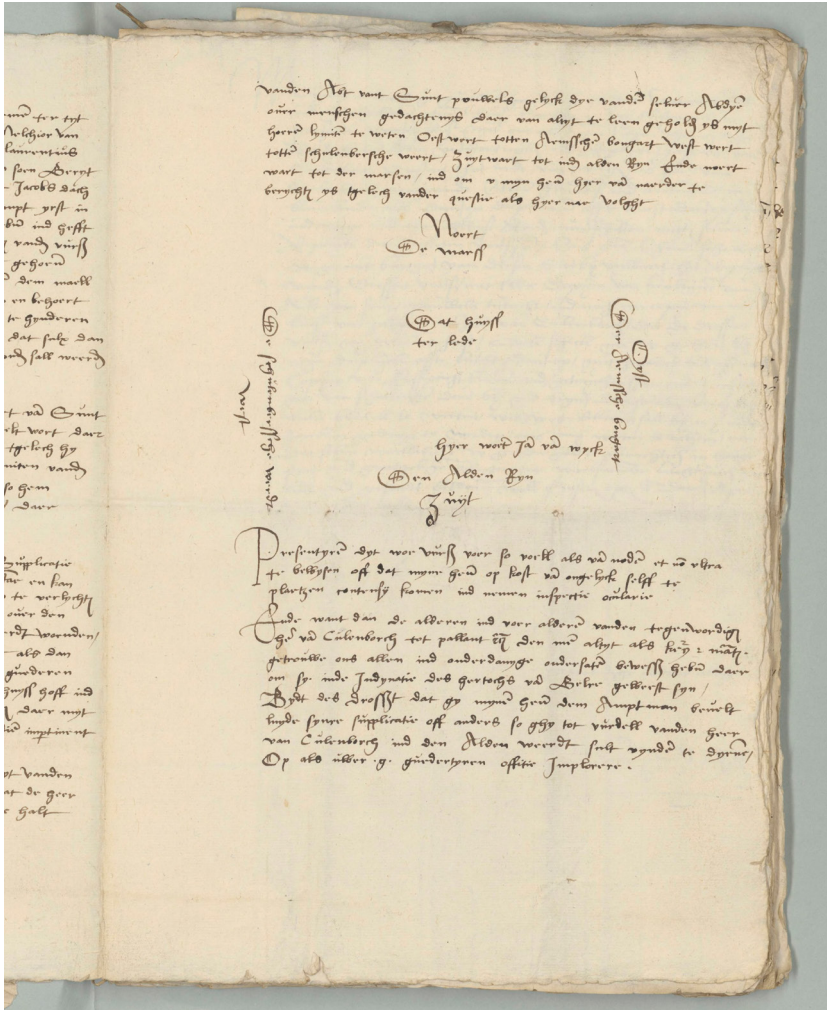


Figure 3A Schematic map drawn by the seigneurial steward (drost) of Ter Lede, 1554 (Gelders Archief, 0124 Archief Hof van Gelre en Zutphen, inv. 4930, no. 15).

89 De Bruijn, *De hoeve en het hart*, 56.

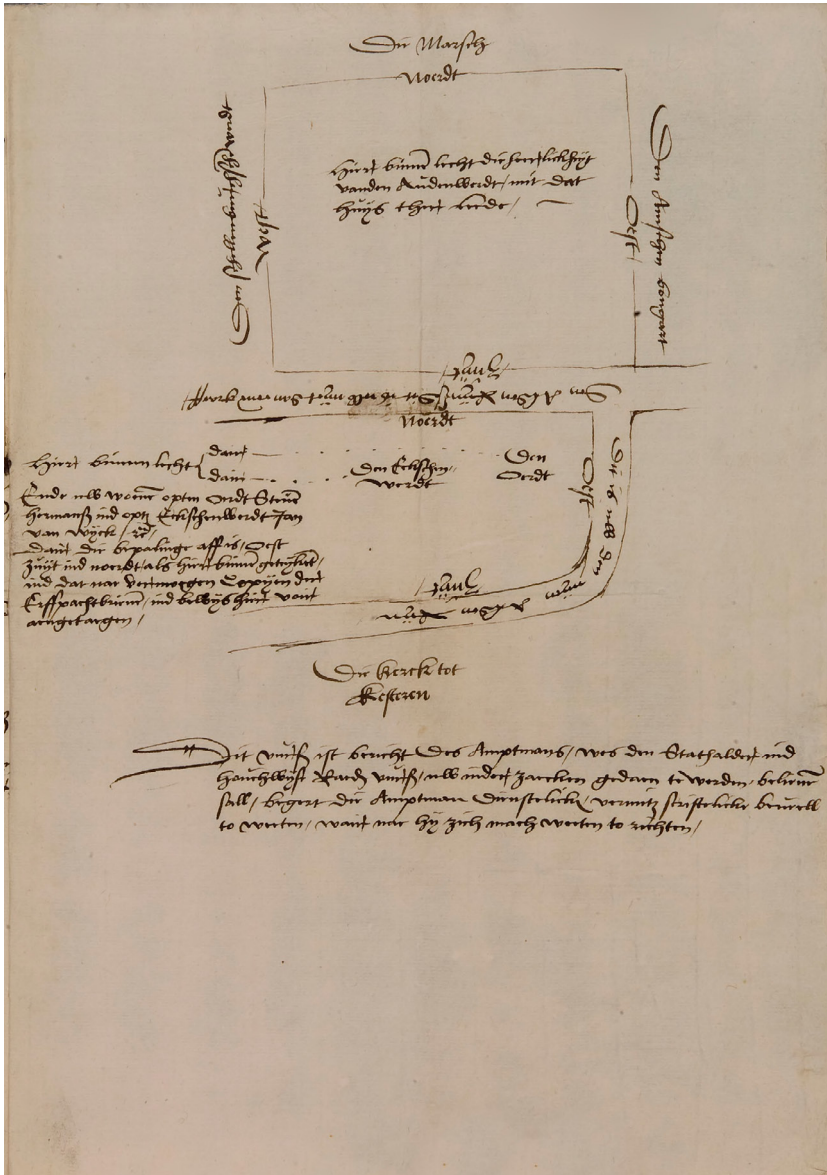


Figure 3B Schematic map drawn by the sheriff (ambtman) of Neder-Betuwe, 1554 (Gelders Archief, 0124 Archief Hof van Gelre en Zutphen, inv. 4930, no. 15).

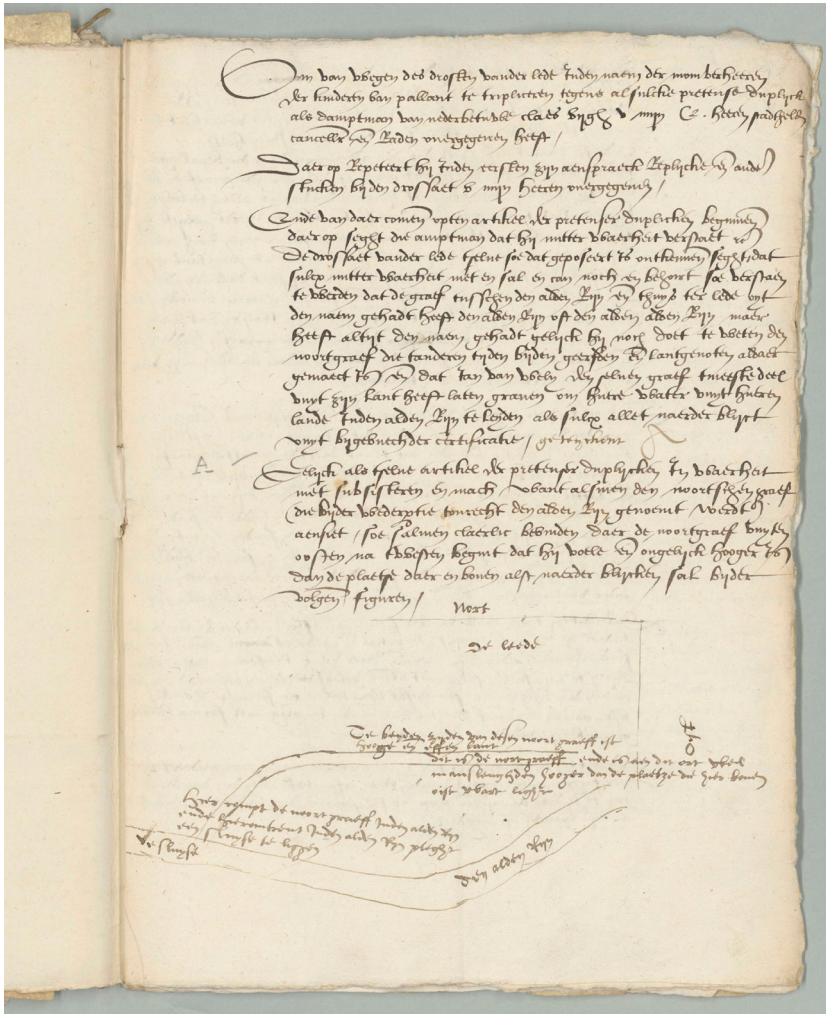


Figure 3C Schematic map with additional details, drawn by the seignorial steward (drost) of Ter Leede, 1554 (Gelders Archief, 0124 Archief Hof van Gelre en Zutphen, inv. 4930, no. 15).

The capacity of lords to leave a disproportional mark on their surroundings was further buttressed by their commitment to cartography. Political theorists hold that state administrations have been using maps to solidify and expand their sovereignty since the late 1500s.⁹⁰ The legal evidence of Guelders and elsewhere suggests that local and regional law courts were already experimenting with cartographic material for

90 S. Elden, *The birth of territory* (Chicago 2013) 322-330; J.C. Scott, *Seeing like a state. How certain schemes to improve the human condition have failed* (New Haven and London 1998) 18-23, 362, 366-367.

some time before that.⁹¹ Note that these rudimentary maps still lacked standardization. They mainly supplied crude depictions of contested bits of land. These were used to prove that a subject's property lay within a certain judicial and fiscal district. Thus, by extension, the subject could be said to 'belong' to that jurisdiction as well. State administrations did not enjoy a monopoly on this usage of cartography, however. Lords used maps of their own, sometimes even to contest the spatial claims of state-wide authorities. This grappling over tools of spatial delineation is evidenced by a case brought before the Court of Guelders in 1554. The argument was over whether two local subjects had to pay taxes to the lordship of Ter Lede or to the shire court of Neder-Betuwe, an issue that revolved around the precise location of their land. Both sides (the sheriff of Neder-Betuwe and the seigneurial steward of Ter Lede) set out to demonstrate that the parcels in question were located within their jurisdiction. To that end, they employed a mixture of old and new techniques. Their methods included time-honoured legal strategies like renaming local landmarks and providing testimonies of elderly inhabitants.⁹² Yet it also involved the production of maps, with both sides presenting conflicting interpretations of the local landscape (Figures 3A-C). Notably absent from these files are the voices of the two subjects whose fiscal memberships lay at the heart of the conflict. Country-folk of humble means were mere juridical bystanders in this regard.

This does not mean that residents were defenseless against the caprices of their lords. To some extent, rural communities were able to resist seigneurial domination of the landscape. As we have seen, landholders from the community itself staffed local political positions. The proceedings of the shire court of Neder-Betuwe further suggest that ordinary men rubbed shoulders with more notable villagers during local water board assemblies (*schouwen*). This relationship is illustrated by a legal contest between a humble dyke worker named Jacob Gerritszoon and a local nobleman called Hendrik van Bommel, who came to blows at a meeting in 1561. Apparently, the nobleman – who was reported to have been drunk at the time – took a remark by Gerritszoon about his 'motherless child' as a slight (*smehewoirden*) against his family. He mounted his steed and charged at the offending party, striking and stabbing at him with his sword. Still, Gerritszoon – armed with a shovel he had been using to fix the dyke – managed to scoop the assailant off

91 See also: R. Mitchell, 'Maps in sixteenth-century English law courts', *Imago Mundi* 58:2 (2006) 212-219; De Keyzer, Jongepier and Soens, 'Consuming maps', 219-224.

92 Johnson, 'The tree and the rod', 40-41.

his horse.⁹³ The description of these events stems from the dyke worker's legal defense in the shire court, after the nobleman had demanded restitutions for a head wound he incurred during the incident. Clearly, people of different status groups mingled at the water board assemblies, if not necessarily harmoniously.

These relations do not mean, of course, that the river seigneuries were inclusive when it came to water management. The effective domination of power elites that were one or more levels down from lords in the aristocratic hierarchy should not be discounted. While the evidence does not allow us to measure whether the offices in the water boards were dominated by large landholders (as in Flanders), it is clear that the shire court of Neder-Betuwe relied on members of the regional nobility (*ridderschap*) to pronounce verdicts in lawsuits.⁹⁴ The injured nobleman in the above-mentioned case of 1561, for example, was frequently appointed adjudicator (*gerichtsluide*) in other litigations by the sheriff.⁹⁵ Lords, too, were called upon to arbitrate by the shire courts. These proceedings included matters relating to the landscape, not necessarily in their own jurisdictions. Consider that Lord Otto van Wijhe was summoned to oversee a dyke inspection in the village of Ochten in 1574, which, strictly speaking, lay outside his seigneurie.⁹⁶ All the same, the shire authorities also asked lords to adjudicate in affairs that pertained to their own seigneuries, as happened in the village of Zoelen in 1477. The community of local landowners (*der gemeenren erffgenooten*) filed charges against their water board officials for levying an unjust property tax. Seemingly oblivious to a potential conflict of interest, the sheriff of Neder-Betuwe, a man called Johan van Rossum, eventually deferred the case to the lord of Zoelen, who was probably a relative of his (and confusingly named Johan van Rossum as well).⁹⁷ The final verdict is not recorded, yet the episode illustrates how the court's surveillance of seigneuries was prone to personal entanglements. The judicial hold of lords over their local environment could surpass their official authority in this way – similar to how Lord Liffart van Ooij oversaw land transactions in his seigneurial court while he was one of the interested parties.

That said, humble stakeholders could exert *passive* or retroactive claims on their surroundings. Specifically, they had the option to chal-

93 Spies, *Gerichtssignaats Bank Kesteren en Zoelen, 1559-1566*, 185 (the location is not named in the file).

94 Soens, 'Polders zonder poldermodel', 26-33.

95 Spies, *Gerichtssignaats Bank Kesteren en Zoelen, 1559-1566*, 717 (index).

96 GA, Huis Echteld, inv. 4, entry for 11 February.

97 Spies, *Gerichtssignaats Bank Kesteren en Zoelen, 1476-1478*, 51-52, 57, 60.

lenge political decisions that interfered with their holdings in the regional or duchy-wide court. The transcripts of the shire court of Neder-Betuwe reveal that village communities sought reparations for such offenses as bad street maintenance or improper procedure in the election of water board officials. In this regard, lordships were no exception.⁹⁸ Moreover, in the conflict over the Water of Ooij in 1544, it was probably not the lord of Gendt who appealed to the duchy-wide Court of Guelders; apparently, a man called Walraven Smit had. While seemingly an inconsequential figure from a political point of view, this Walraven Smit owned the contested floodplain encircled by the Water of Ooij. He also owned one of the parcels on the opposite side of the water, which unquestionably belonged to the jurisdiction of Gendt. Perhaps he did not want to owe a fiscal obligation to both the lords of Gendt *and* Ooij, or he specifically wanted to avoid the capricious Lord Liffart. In any case, the spatial consensus as recorded on the map was ratified by the signatures of the lord of Ooij, this Walraven Smit, and the sworn officers of the Court of Guelders (Figure 2, top left corner). Thus, the document demonstrates that seigneurial subjects were able to seek the verdict of a ducal institution.

Incidentally, aristocrats like Liffart van Ooij also saw the benefit of appealing to state institutions like the Court of Guelders. In 1548, this lord used the Court to demand restitutions from a certain Gerrit Kerskorff for violating his seigneurial fishing rights in the Water of Ooij. Just as the lords of Waardenburg leased out the right to fish in their waters, so, too, the lord of Ooij was not opposed to the idea of local fishermen using his waters as such, so long as he received proper payment for the privilege.⁹⁹ Lord Liffart had to eat as well, after all (even though there is no mention of a sturgeon discount in this case).

Conclusion

The shared need to contain the pressures of waters has been identified as a key factor in the development of an inclusive, even proto-democratic political system in the northern Low Countries, ranging as far back as the Middle Ages. This Dutch system of consensus-based de-

98 Spies, *Gerichtssignaat Bank Kesteren en Zoelen, 1476-1478*, 51-52 (seigneurie of Zoelen, 1477); Idem, *Gerichtssignaat Bank Kesteren en Zoelen, 1559-1566*, 108-109, 225 (1560, parish of Rijswijk), 225, 242 (1561, seigneurie of Maurik).

99 GA, Hof van Gelre en Zutphen, inv. 4916/33, esp. the first, unnumbered quire and 'Copia H.

cision-making between local stakeholders is often referred to by the term *polder model*. In recent years, both the typically Dutch nature of this model and its all-round inclusivity have increasingly come under question. Most recently, Milja van Tielhof has shown that what has often been called ‘democratic’ should really be called ‘locally autonomous’. She also highlights the prominent role of regional elites in Netherlandish water management. One aspect that has still fallen by the wayside, however, is a specific examination of the aristocratic dimension of water management. The evidence presented in this article, which focused on the river lands in the northern Netherlandish duchy of Guelders in the late-fifteenth and sixteenth centuries, makes clear that such an oversight calls for more investigation. The central question of this study entails to what extent the institution of lordship or the seigneurie – a widespread form of locally autonomous government in rural areas – impacted the natural environment of people living in the Low Countries. What follows from the investigation is that the lordships of the river lands formed an important cog in Guelders’s regional water management system. Predominantly situated along the borders of the major rivers in this part of Guelders, these seigneuries covered most of the rural parishes. Lordships in this area usually controlled a physical area of jurisdiction, which was operated with varying degrees of independence by ducal agents.

Lords maintained the balance between land and water in their seigneuries and were assisted by officers who were picked from the seigneurial community – thereby ensuring a degree of local participation in the decision-making process. Yet the aristocratic dimension of late medieval water and landscape management was ambiguous in terms of its political inclusivity. The seigneurial administrations and the court records provide conflicting pictures on this score. The records of the seigneurial administrations suggest a ‘positive’ seigneurial influence. According to these seigneurial records, rather than imposing outright restrictions and extracting wealth from the population, the river lords and ladies of Guelders acted as a kind of premodern ‘zoning commission’. They limited subjects’ control over their local surroundings, but they largely did so in order to facilitate the maintenance of environmental order. This situation fits well with the ideological underpinnings of seigneurial governance. ‘Good Lordship’, after all, meant that the lord had to protect his subjects, not only against human outsiders but also against natural pressures. At the same time, lords and their officials enforced spatial restrictions on the river folk of Guelders: land-

holders were not at liberty to dig (or fill) ditches without permission, nor were they allowed to fell certain trees or to freely catch certain fish. Still, these regulations were partially imposed to guarantee the long-term stability of the local landscape. In one respect, therefore, seigneuries were vital links in the chain of natural stability in Guelders's river region, cushioning the local countryfolk against external threats – both human and environmental.

That said, the environmental oversight of aristocratic lords was not entirely a consequence of the public authority derived from their seigneuries. The lords of Guelders combined these formal powers of jurisdiction with the private economic power derived from their large estates. In some ways, they used this combined power to the benefit of the local landscape (and thus the residents), as evidenced by the provisions relating to tree maintenance in the lease contracts of the seigneurie of Waardenburg.

However, the river lords did not only act out of benevolence: they, too, had to make a living from the land, and they moreover wished to retain their superior status and wealth. Such intentions paint the more 'negative' picture, which is mainly demonstrated by the legal evidence. The lawsuits presented before different courts in Guelders bear out that lords could, and did, dominate the local landscape to expand their own base of power and income. The fact that seigneurial officials were sourced from the community, yet (in theory at least) not from among the wealthiest landholders, could have provided counterbalance to the lord in the local decision-making process. The possibility to appeal local decisions in the shire court or at the Court of Guelders should have further reduced the legal inequalities between lords and ladies and the humbler inhabitants of their seigneuries. In practice, however, these courts and most of the political positions were predominantly staffed by local elites – not just by aristocratic lords but also by members of the lower nobility. What is more, the legal evidence makes clear that lords could punch above their weight by employing a combination of private wealth and public authority. The likes of Lord Liffart van Ooij can even be said to have, if not exactly preyed upon the population, then at least to have abused their aristocratic privileges to the utmost in order to enlarge their spatial claims to the landscape in and around their jurisdictions. In that sense, Lord Liffart van Ooij was the polar opposite of Lord Otto van Wijhe, with whom this article began: the former, a lord who went to dishonest lengths to extract as much from his land and subjects as he conceivably could; the latter, an aristocrat who not only recorded

his various appointments devoted to water management, but also one who voiced his general concerns over the ways in which the natural environment could affect the prosperity of humans, animals, and crops.

About the author

Jim van der Meulen works as postdoctoral researcher at Ghent University in a team project that compares the relationship between lordship and state formation in late medieval Europe. He received his PhD in history from the University of Antwerp in 2017 for a study on textile manufacture in pre-industrial Flanders. His research interests are both in political history and socioeconomic history, and he has published articles in both fields, most notably in *Social History* (2018) and in *Continuity and Change* (2021).

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