

***Honesti et Probi Adolescentes*: Pardon Letters and Student Violence at the University of Louvain (Sixteenth-Seventeenth Centuries)**

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I. Introduction: Approaching Student Violence

In recent years, scandals involving sexual assaults and fatalities during student festivities in Belgium, the Netherlands, and more broadly across Europe have revived debates about the excesses associated with university life and student societies.¹ In fact, the public concern surrounding student behaviour has a long history. A familiar *topos* in late medieval and early modern literature was the depiction of university students as being debauched, lazy and quarrelsome young men who spent more time drinking at the tavern than studying.² In a late fourteenth-century satirical poem, Eustache Deschamps (c. 1340 – c. 1405) mocked the legal practitioners who sent their sons to study law at the University of Orléans, where these young men ‘po estudient, bien se batent’ (‘study little, fight well’), squabbling over girls, wasting their fathers’ fortunes, and sometimes even thieving or murdering.³ A quintessential stereotype is that of the fifteenth-century French poet François Villon (c. 1431 – c. 1463), a student at the University of Paris as well as a seasoned delinquent whose most notorious misdeeds included the killing of a priest during a street brawl and the burglary of the prestigious *Collège de Navarre* in 1455–1456. In 1461, after spending several months in the prisons of the Bishop of Orléans, Villon wrote his literary masterpiece, *Le Testament*, an

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¹ Punch 2023.

² Cassagnes-Brouquet 2012, p. 144–169; Skoda 2013, p. 120–136.

³ Boudet, Millet, & Becker 1997, p. 256–257.

autobiographical poem in which he reflected upon his turbulent career, remembering his ‘jeunesse folle’ and regretting that he had not been a more dedicated student.⁴

The consultation of the decrees and statutes promulgated by late medieval and early modern universities shows that, throughout Europe, academic authorities were well aware of the trouble that students could cause.⁵ In the Southern Low Countries, the University of Louvain was not spared from such problems. Already in the fifteenth century, a charter granted by Philip the Good, Duke of Burgundy, on 28 September 1466 prohibited pawnbrokers from accepting any books from students without the consent of the rector, implying a traffic in books stolen from the university’s libraries.⁶ A century later, a general statute promulgated on 22 December 1565 instructed the promotor – the university officer responsible for maintaining internal order and policing students – to patrol the town every night, arresting any troublesome students that they encountered visiting brothels or carrying prohibited weapons.⁷ Moreover, the political turmoil of the later sixteenth century favoured higher levels of students violence in Louvain that ultimately culminated in a reform visitation between 1607 and 1617.⁸

Student violence can be traced back to the university’s earliest years. A pardon letter granted in December 1450 by Charles VII of France recounts the homicide committed in 1437 by Jacques Colars, then a sixteen- or seventeen-year-old student of the *Paedagogium Lili* (Lily College), one of the newly established university’s four colleges of the Faculty of Arts.⁹ One day, while loitering by the college building and leaning against the window of a cobbler’s house, Colars was suddenly assaulted by the college’s cook, the thirty-four-year-old Christofle Blines, who approached Colars from behind and struck him on the head with a ‘grant coustel de cuisine’ (a ‘large kitchen knife’). Colars avoided any serious injury because his hat cushioned Blines’ blow, and in response he quickly drew the dagger that he carried ‘a la façon du pays’ (‘in the manner of the country’) and stabbed his assailant in anger, or ‘chault sang’. Blines died three days later, but not before he had forgiven Jacques Colars for mortally wounding him. Although Colars’ pardon letter does not explain the motivation behind Blines’ attack, it was presumably the result of an

⁴ Villon 1991, p. 91. See also Favier 1982, p. 138.

⁵ Ruëg 1992-2011, I, p. 223–231, II, p. 351–352.

⁶ KU Leuven, University Archives and Art Collections, OU, M, 16, ed. Reusens 1893-1902, I, p. 217–220.

⁷ Molanus 1861, II, p. 908; Reusens 1893-1902, I, p. 334–335.

⁸ Boute 2003; Boute 2010, p. 436; Van der Essen 1922.

⁹ Archives nationales, JJ 183, fol 43r–v.

ongoing dispute between the pair, rather than a random incident. More mysterious is why, eighteen years later, Jacques Colars petitioned the king of France for a pardon, given that the crime had occurred outside French territory ('hors de notre royaume') in the Duchy of Brabant, where such a pardon's legal force would have been severely limited. We can only assume that Jacques Colars was now residing in France and, perhaps fearing royal prosecution for a crime committed in his student years, decided to request a pardon there.

Over the past forty years, an abundant body of literature has examined verbal and physical violence in university towns such as Oxford, Bologna, or Toulouse, documenting the dynamics of conflicts involving students and university members.¹⁰ Different avenues have been explored to explain the circumstances of student violence. Scholars generally agree that in medieval and early modern Europe most homicides were typically committed by young, unmarried men aged between twenty and thirty whose social lives were still unstable, and who were more easily drawn into conflict due to a demand for self-affirmation relative to their peers.¹¹ This profile corresponds precisely to that of premodern university students: young clerks recently emancipated from their parents, often studying far from their native region, and regularly engaging in recreational activities (tavern drinking, gambling, love games and prostitution) that were particularly conducive to the eruption of disputes. Moreover, as Ruth Mazo Karras has argued, in a context where the 'acquisition of masculinity [...] was primarily a matter of proving oneself against others', the same-sex environment of late medieval and early modern universities created an atmosphere of verbal and intellectual competition among young men, as illustrated by the fundamental role of the *disputatio* in the academic curriculum, which could degenerate into violent actions inside and outside a university's walls.¹² In this context, student violence may be viewed as being intertwined with this transitional phase of masculine young adulthood as it was experienced by members of an intellectual elite that also enjoyed the privilege of being judged by their university's own jurisdictional authorities.

Another influential factor in outbreaks of violence was the struggle for power within universities, especially between groups of students, professors, and administrators. A typical

¹⁰ Carlsmith 2018; Cassagnes-Brouquet 2012; Geremek 1976, p. 164–173; Gillon 2017; Hammer 1978; Pini 1988; Skoda 2013, p. 120–158; Verdier-Castagne 1982.

¹¹ Eisner 2003; Muchembled 2012; Nassiet 2011; Spierenburg 2008. For a critical analysis of the presence of youth people in criminal records, see also Musin & Mertens 2007.

¹² Karras 2003, p. 67, 89–95. See also Bas 2023; Tranninger 2023.

example is the conflict between ‘nations’, corporative groups of students originating from the same region, that were often hostile to one another. That such rivalries were found at the University of Louvain is suggested by a letter addressed by the rector in July 1626 to one Egidius de Vivario, announcing the death of Vivario’s nephew Egidius Dama during a brawl between students from the nations of Liège and Poland.¹³ Finally, as members of the university community, students considered themselves different from the rest of the local urban population. At the University of Louvain, this distinct social body brought together members identified as *suppositi*, namely doctors, masters, students, members, and their servants.¹⁴ Given the resulting juxtaposition of university and local communities, ‘town and gown’ rivalries between university members and city dwellers (especially groups of artisans or noblemen) could lead to street battles and riots¹⁵. For instance, records of the rector’s council meetings on 26 April, 2 and 9 May 1703 mention a large fracas between students and burghers of Louvain at the town’s Heverlee gate, during which a burgher was killed and several other people injured.¹⁶

As noted by Christopher Carlsmith, ‘in most universities, documents about student violence are scattered across notarial archives, police logs, administrative correspondence, and judicial archives.’¹⁷ This dispersal of documentation may partly explain why, to date, there has been no systematic study of student violence at the University of Louvain. Nevertheless, the meeting records (*acta*) of the university’s general and faculty councils show that academic authorities frequently discussed the problem of student violence and encouraged its prosecution.¹⁸ Given the legal pluralism that characterized the Burgundian and Habsburg Low Countries, those who committed crimes in the town of Louvain could be brought before a variety of jurisdictions, ranging from Louvain’s municipal council to the provincial Council of Brabant.¹⁹ However, by virtue of the *privilegium fori*, it was the *Curia rectoralis* (rectoral court) that claimed the right to hear civil and criminal cases in which members of the university were implicated.²⁰ The institution dates

¹³ Van der Essen 1925, p. 251–255.

¹⁴ Lanoye 2003.

¹⁵ Verger 2007.

¹⁶ Van der Essen 1923, p. 214; *The University of Louvain*, 1976, p. 174. For earlier examples of town and gown conflicts in Louvain, see De Maesschalck, 1990.

¹⁷ Carlsmith 2018, p. 42.

¹⁸ Kubic 1981, p. 288–93.

¹⁹ Cuvelier 1935; Schillings 1955; Meulemans 1978.

²⁰ Vandenghoer 1987b.

back to the establishment of the university in 1425 when, following negotiations between the city, Pope Martin V and Duke of Brabant Jean IV, the urban magistrature agreed to cede its jurisdiction to the rectoral court for those cases involving university *suppositi*.²¹ Unfortunately, the poor preservation of the archives of this particular court before the seventeenth century makes it difficult to accomplish any quantitative study of crime in the university's earlier years.²² It appears that, as an ecclesiastical jurisdiction, the rectoral court could not impose the death penalty, and about half of all cases were settled by composition, a form of financial transaction between the accused, the victim's party, and the court, which spared criminals from harsher punishment.²³ Those condemned could also lodge an appeal against their sentence to the court of the *quinque judices appellationum* ('five appellate judges'), composed of a representative from each faculty, and even directly to the papacy as a last resort.

Moreover, to avoid condemnation or escape punishment following sentencing, students could also call upon the prince's mercy by obtaining a pardon letter (a 'lettre de rémission' or 'brief van remissie'). Throughout the sixteenth century, the Habsburg sovereigns of the Low Countries regularly exhibited their supreme judicial power by granting pardons to those accused of having committed crimes who petitioned for their mercy. In practice, the granting of pardons was overseen by a princely collateral council responsible for matters of justice, the Privy Council, with the notable exception of the Duchy of Brabant where this responsibility fell to the Council of Brabant.²⁴ A survey of the archival records of these two institutions has uncovered a small number of pardon letters – sixteen cases – concerning students of the University of Louvain throughout the early modern period.²⁵ Although limited in number, this corpus is especially valuable because it coincides with an era for which the rectoral court's own archives are poorly preserved, thereby shedding light on the judicial and criminal conflicts that characterized the University of Louvain's early history.

²¹ Dauven 2021, p. 76; Kubic 1981, p. 89.

²² Vandenghoer 1987b, p. 17 estimates that about 200 criminal cases have been recorded in the archives of the court of the rector for the period 1614–1795. He also notes, p. 67 and 69, that out of the 23 crimes registered between 1649 and 1660, there were 4 duels and 5 homicides.

²³ Vandenghoer 1987b, p. 158. On the role of composition in Brabant, see Dauven 2012; De Schepper & Vrolijk 1998.

²⁴ Arnade & Prevenier 2015; Vrolijk 2004; Dauven 2021.

²⁵ Dauven 2021, p. 76–77, 326.

The narrative accounts of the crimes found in these letters, based on the initial petition for pardon submitted by the students to the Privy Council or the Council of Brabant, relate in detail the circumstances that compelled supplicants to resort to violence. However, as Natalie Zemon Davis, Peter Arnade and Walter Prevenier remind us, readers must be especially careful when analysing such stories because they are a legal and narrative reconstruction of the case, elaborated by the supplicants and their counsel to frame the crime according to pardonable grounds.²⁶ When recounting their actions, petitioners had every interest in presenting a favourable image of themselves while remaining silent about compromising evidence. Such circumstances are demonstrated by the story of Jacques Colars above, who described the assault perpetrated by Christofle Blines as a sudden and unexplained event, omitting any mention of the motivation behind Blines' attack. Such distortions of the truth were part and parcel of the legal strategies employed by supplicants to escape the rigours of justice and develop well-argued petitions for pardon. With this in mind, this paper examines how, in the context of the intellectual environment of the University of Louvain, the students who committed crimes mobilized their resources and expertise – what Anthony Musson calls their 'legal consciousness' – to secure a pardon.²⁷ Did those trained in law and the *ars rhetorica* use a more complex argumentation to justify their crimes compared to less educated supplicants? Did they try to exploit jurisdictional tensions between ordinary justices and the court of the rector? Examining this small corpus of pardon letters granted to the University of Louvain's students, this contribution explores the circumstances of the violent conflicts in which the *suppositi* were involved and identifies the various strategies they used to escape the rigour of justice, before focusing on one exceptionally well-documented case in its final section.

II. Pardon Letters and Student Violence

a. Pardon Letters for Louvain's Suppositi

As stated above, the consultation of the archived pardon records of the Privy and Brabant councils yielded only a very small number of pardon letters granted to the University of Louvain's students

²⁶ Davis 1987; Arnade & Prevenier 2015. See also Arnade & Colwill 2017; Verreycken 2019.

²⁷ Musson 2001.

in the sixteenth century. There are clear explanations for this limited number of letters. The first is found in the jurisdictional autonomy of the university, which possessed the privilege to judge its academic members through its own court. Although the university's authority was frequently challenged, the provincial Council of Brabant could not independently interfere in criminal cases involving matriculated students, professors, and university personnel. Second, at the University of Louvain – as in lay contexts – criminals could avoid prosecution by agreeing to pay reparations whose terms were agreed informally between the victim and criminal parties through compositions, the records of which have rarely survived in the archives.²⁸ Third, the Council of Brabant's archives have only conserved pardon letters that were ultimately granted to successful petitioners. It is plausible that many more students had their petitions for pardon rejected, leaving no archival trace. Finally, the conservation history of both central archival series containing pardon dossiers may also explain the small number of Louvain letters. The Brabant Chamber of Accounts' fifteenth-century registers have largely been lost, while sixteenth-century records for the Privy Council and its legal predecessors have only survived intermittently. The resulting impression, therefore, is that Louvain's *suppositi* addressed few pardon petitions to the sovereign. Moreover, only a handful of letters concern crimes committed by university members in Louvain. While all of the petitioners identified themselves as students or alumni, many were in fact being prosecuted for crimes committed far from the university itself. In several cases students killed rivals during village fairs when they returned to their hometowns.²⁹ Others were compromised by their alleged heterodox beliefs and sympathies. For example, the doctor of law Hendrick Anthonis Lonissen (Hendrik Agylaeus), a well-known lawyer from 's-Hertogenbosch and a champion of Protestantism, sought a pardon for expressing heretical views in 1562.³⁰ In his petition, Agylaeus explicitly stressed his ties to Louvain to corroborate his Catholic training. Similarly, in 1603 Albert de Leeuw petitioned the Privy Council for a pardon as well as permission to continue his education at either Louvain or Brussels, having previously studied at Paris and Anjou in violation of royal ordonnances that restricted university education to the Low Countries.³¹

²⁸ Vandenghoer 1987b.

²⁹ Jan Heesemans, baccalaureate in law, stabbed his niece's concubine during the fair in Bergeijck (AGR, CA, 640, fols 137-140v); Master Eloy du Payron of Petit-Han (Luxembourg) returned to the village and participated in the local fair in 1626, but killed one Jean Laurent (AGR, PC 967A); Pierre Schockaert, clerk of the first tonsure, inflicted fatal injuries while visiting his parents in Grez (AGR, CA, 665, s.f.).

³⁰ AGR, CA., 646, fols 253v-255v.

³¹ AGR, PC, 914C. For the ordinance restricting university education, see: *Tweeden deel vanden placcaert-boeck*, p. 1-3.

b. Stories of Student Violence

Only three ‘Brabant’ letters and four from the Privy Council concern events in Louvain, but these offer fascinating glimpses of everyday student life outside the lecture halls. For instance, Dierick Cherf, a student originally from Steenwerck in French Flanders, went to the market one Sunday in September 1536 to meet his acquaintances.³² There, he encountered a drunken student, Joris de Broucken, who asked Cherf ‘if he wanted to go drinking with him and search for beautiful women’.³³ Likewise, in 1548 Augustijn Gabius, a Frisian student, travelled with a friend to the neighbouring village of Wilsele, where they drank at an inn.³⁴ It is of course no coincidence that taverns and drinking represent a recurring theme in these accounts of student violence, not least because students famously liked to drink a pot of beer. As we read in hundreds of other pardon letters, the disputes that arose between pot and pint could escalate quickly. Intoxication elevated risks already inherent in the widespread custom of carrying weapons. Time and again students were forbidden from carrying arms, but the very repetition of such prescriptions signals their ineffectiveness.

Drinking, weaponry, and emotional arguments were the crucial ingredients of student violence, as demonstrated by the letters granted to Dierick Cherf (1536) and Augustijn Gabius (1548). As mentioned above, Cherf had already run into the drunken Joris de Broucken on Louvain’s Grote Markt, but it was upon a second encounter outside Cherf’s residence that their quarrel escalated dramatically. In his pardon letter, Dierick portrayed De Broucken as a threatening troublemaker to explain why he had felt compelled to stab his rival with a breadknife, pleading self-defence. Similarly, at the inn in Wilsele Augustijn Gabius and his companion had argued with three other students. Although the rival parties were initially appeased, as they returned to Louvain at dusk one of the three students, Peter Melema, attacked Gabius twice. During the second altercation Gabius fatally wounded his attacker, before claiming that he too had acted in self-defence. Besides their timing in the evening hours, there are other meaningful parallels between the two cases. Both Gabius and Cherf argued that they had acted in self-defence, and they portrayed

³² AGR, CA, 640, fols 125-127v.

³³ AGR, CA, 643, fols 47-48v.

³⁴ AGR, PC, 899A, s.f.

their opponents as drunken troublemakers who had violently provoked the peaceful supplicants. Reading carefully between the lines, the two homicides appear to be the culmination of underlying rivalries that extended beyond a single drunken encounter. The importance of these tensions is best demonstrated by the pardon granted in October 1525 to the twenty-two-year-old *artes* student Johannes Pietersse from Wouw (Duchy of Brabant), in which university elections and internal political change emerge as key contexts for student violence.³⁵ Residing as a ‘commensal’ in the *Paedagogium Castri* (Castle College), Pietterse came into conflict with his fellow student Cornelis Reyers, originally from Rotterdam. There appears to have been a longstanding rivalry between the pair, with Pietterse’s pardon circumstantially mentioning repeated verbal provocations and physical clashes. Their rivalry came to a head upon the election of Johannes Scarley as rector, for whom both Pietersse and Reyers were required to perform table service. Although bystanders intervened to appease a quarrel between the pair in the *bottelrie*, later that evening another altercation escalated into a fight, whereupon Pietersse killed Reyers on the spot. Here, Reyers’ killing can be read as the culmination of a longer conflict played out through seemingly banal interactions, the climax of which coincided with the election of a new rector. The case of law student Louis de Mallery, examined in detail below, presents a similar story in which tensions against the backdrop of elections for academic positions resulted in deadly violence.

Even from this limited number of letters, it becomes clear that students used similar strategies and arguments to avoid severe punishment. The narratives of these pardoned crimes, based on the initial petitions submitted by students to the Brabant and Privy councils, relate in detail the circumstances that compelled the supplicant to resort to violence. Nevertheless, such accounts were also inherently strategic, designed to ensure a reading of the crime as pardonable. When recounting their actions, petitioners had every interest in presenting a favourable image of themselves or to remain silent about compromising evidence.

c. Legal Expertise regarding Pardons at the University of Louvain

The Louvain students and graduates who sought a royal pardon were particularly well-positioned to do so, as they benefited from their training, social status, and networks. Law students were

³⁵ AGR, CA, 637, fols 323-327.

especially familiar with legal procedure, theoretical frameworks, and casuistry. The judicial procedure for the abolition of cases was commonly known through the publications of Filips Wielant (c. 1441 – 1520) and Joost De Damhouder (1507 – 1581), and from various codifications of local and urban legislation that, beyond princely pardons, focused on composition and reconciliation at the local level.³⁶

Professors and masters of law from Louvain played a significant role in advancing and sophisticating the matter. Well-known Louvain law professors from the sixteenth and seventeenth centuries such as Petrus Peckius (1529 – 1589), Elbertus Leoninus (c. 1519 – 1598), Antonio Perez (1540 – 1611), Petrus Gudelinus (1550 – 1619), Henricus Zoesius (1571 – 1627), and Franciscus Zypaeus (1578 – 1650), discussed topics like grace, pardon, and remission in their publications.³⁷ They often did so briefly and indirectly, as part of broader discussions on other legal subjects. However, some authors dedicated more extensive portions of their writings to exploring the topic in depth, as seen in the work of Zoesius. In addition, these jurists dealt with topics that were of relevance to the pardon procedure, such as motives for excusing homicide.

No doubt law students were also exposed to publications on the practice of law at the Low Countries' provincial and central courts, such as the *Practicarum quaestionum rerumque in supremis Belgarum curiis actarum et observatarum decisiones* (Antwerp, 1626) by Pauwel van Christijnen (Paulus Christinaeus, 1553 – 1631). Van Christijnen discussed, for example, the pardon case of the Mechelen shoemaker Jacobus de Wilde.³⁸ By far the most important work of this period was compiled by the Louvain alumnus Hendrik van Kinschot (Henricus Kinschotus, 1541 – 1608), a lawyer at the Council of Brabant, who compiled seven treatises on the *litterae gratiae* (different types of princely favours such as legitimations and safe-conducts) granted by the Council of Brabant in the monarch's name.³⁹ In particular, van Kinschot's third tract, *De Remissionibus*

³⁶ Wielant 1995; Damhouder 1555. See also Monballyu 2014, p. 17-22.

³⁷ See for instance: Elbertus Leoninus, *Processus criminalis* (Cologne, 1604); Petrus Gudelinus, *Commentariorum de jure novissimo libri sex* (Antwerp, 1620); Franciscus Zypaeus, *Notitia juris Belgici* (Antwerp, 1635); Antonio Perez, *Praelectiones in codicem Justinianum* (Leuven, 1642); Petrus Peckius, *Opera omnia* (Antwerpen, 1647); Henricus Zoesius, *Commentarius ad Digestorum seu Pandectarum iuris civilis libros L* (Leuven, 1656).

³⁸ Van Rhee 2009.

³⁹ Henricus Kinschotus (1541–1608), *Responsa sive consilia juris*, Leuven, 1633. The treatises on the various letters of grace were only included in the second edition of 1653 (along with some *consilia* by Hendrik's son Franciscus): H. Kinschotus and F. Kinschotus, *Responsa sive consilia juris*, Brussel, 1653, to which is added: *De rescriptis gratiae a supremo Brabantiae Senatu nomine Ducis concedi solitis, tractatus VII*.

Homicidiorum ('On the remissions of homicides'), dealt extensively with remission letters and commented the imperial stipulations on pardon promulgated by Charles V's placard of 1541.

Of course, the provisions concerning pardons were not a novelty in the early modern period: the legal framework had progressively emerged through an amalgamation of local customary law on reconciliation and the princely appropriation of this domain. What was new in the sixteenth century, however, was the Habsburg monarchy's progressive monopolization of the power to pardon.⁴⁰ Louvain professors and masters of law further sophisticated this legal framework in the sixteenth and seventeenth centuries. Just as experts in law at Louvain set the legal stage for the practice of pardoning, members of the Brabant and Privy councils trained at Louvain supervised its implementation. The institutions overseeing the pardon procedure had numerous Louvain graduates in their ranks. As Hilde de Ridder-Symoens has demonstrated for the Council of Brabant, more than 80% of its councillors were trained at Louvain.⁴¹ For the Privy Council and the Great Council of Malines the percentage of known *Lovanienses* amongst the university-trained jurists was substantially lower (37.6%) but still represented a considerable proportion of the legal experts.⁴² It is impossible to ascertain precisely how many subordinate lawyers and notaries were trained at Louvain, but it is safe to assume that the majority had passed through the university.⁴³

In the examples above, the stories told and the arguments raised are strikingly similar to the hundreds of homicide cases found in other, more ordinary, pardon letters drafted for lay actors. The petitions presented by *Lovanienses* do not reveal specific student strategies. The rhetoric and argumentation anticipate those of other pardons, which were also drafted with the assistance of legal experts, including notaries, lawyers, and court solicitors. As such, there is little evidence to suggest that Louvain's students, members or alumni advanced more complex justifications for violence, employed legal and technical artifices, or exploited their heightened rhetorical abilities. This conclusion might seem to contradict expectations that Louvain's *suppositi* might readily exploit their legal training. One explanation may be that the rhetoric required for the supplication was a very stereotypical form of writing, a form that had been shaped by the university-trained jurists themselves: petitioners had to introduce themselves in a manner that elicited sympathy,

⁴⁰ De Schepper and Cauchies (1996).

⁴¹ De Ridder-Symoens 1981, p. 293-294.

⁴² Thomas 2005. These numbers are for the seventeenth century, when the foundation of the University of Douai had a considerable impact on the recruitment of government personnel.

⁴³ Godding (1999), p. 125; Martyn (2009), p. 26-27.

demonstrate that they were good subjects, and establish that their crimes were excusable. Within this framework there was little room for innovation: Louvain students could not play it clever, but rather they had to comply with procedure.

III. The Case of Louis de Mallery, 1577-1584

The complex interplay of jurisdictional tensions and legal argumentation that incidents of student violence brought to the fore in pardon petitions is exemplified by the remarkably detailed case of Louis de Mallery, a law student from Antwerp accused of homicide in 1577. The case is significant for three reasons. First, it is illustrative of those moments when the university's internal tensions boiled over into open violence. Against the backdrop of the Habsburg Low Countries' civil conflict and religious factionalism after 1566, the University of Louvain experienced an extreme and sudden decline during the last quarter of the sixteenth century.⁴⁴ Within this context, 1577 was an especially significant year. After concluding a 'Perpetual Edict' in February designed to bring an end to the rebellion of the States-General in the Low Countries, Philip II's governor-general, Don Juan of Austria, arrived in Louvain in April, with university members and townspeople joining to fête his entry.⁴⁵ Significantly, this political context appears to have brought underlying disputes regarding the university's administration to the fore, as demonstrated by the fact that the criminal inquests undertaken following the murder in question referenced tensions surrounding recent elections to the offices of dean and treasurer of the college of the *baccalaurei*, and pointing to factions vying for authority within the university itself. Second, while Mallery's petition for a pardon has not survived, witness depositions recorded in Latin during the rector's inquests reveal the legal and rhetorical themes that framed contemporary understandings of student rivalries. Because Mallery would have drawn upon this same body of evidence in his pardon plea, by reading these sources against the grain we can identify the varied ways by which Mallery and his allies would have argued his innocence. Finally, this case illustrates the workings of grace in the jurisdictionally plural systems of the premodern Duchy of Brabant, as the university rectorate and Privy Council alike were involved in Mallery's appeal to princely mercy.

a. A Murder on the Grote Markt

⁴⁴ Van Uytven 1958.

⁴⁵ Masschelein & Soen 2013, p. 64-73.

Louis de Mallery's story began on the pitch-black evening of 8 March 1577 when, between seven and eight o'clock, the newly elected dean of the college of the *baccalaurei*, Gerardus Mollaerts, was fatally stabbed on Louvain's Grote Markt.⁴⁶ The following morning, the townspeople awoke to shouting outside the *stadhuis* where another law student, Godfried Borchouts, exclaimed that he had witnessed the killing and identified Louis de Mallery as Mollaerts' murderer.⁴⁷

The surviving records found in the archives of the Privy Council were produced in two phases. In the week following the murder, the university promotor responsible for criminal cases, Petrus de Colonia, compiled his 'preparatory information', a series of depositions secured following inquisitorial principles to support an inquest. Then, on 22 and 23 March, Louis de Mallery's father, Philippe de Mallery, oversaw a second series of depositions where witnesses responded to forty-four articles that he had drawn up to cross-examine Colonia's initial findings.

The resulting dossier, over 12,000 words in length, features twenty-seven witnesses who provided evidence to either Colonia or Mallery, with six testifying twice. Among them were at least eleven university members, five of whom identified themselves as bachelors in both laws and a further three as being licensed in law. Another witness was Dermot O'Hurley (Dermotius Hurtilaeus, 1530 – 1584), an Irish doctor in law and professor at the *Paedagogium Lili* who would go on to become the martyred Archbishop of Cashel.⁴⁸ The depositions also highlight exchanges between local townspeople and *suppositi*. The former included the tavernkeeper Hendrik van Horenbeke, his wife Margareta Tilmans, and their daughter Gertrude; Mallery's landlord Nicolaes Wijnants, once a student of law himself, as well as his wife, son and maidservants; the knifemaker Pieter Wauters and his apprentice Renerus, from whom Mallery had recently purchased knives; and, lastly, local notables like the barber-surgeon Joannes vanden Velde and the butcher Joannes Herthals. As such, their statements impart assessments of student violence from both sides of the town and gown divide, brought together by the promotor to produce a collective narrative about recent crime in Louvain.

b. University Tensions in 1577

⁴⁶ The following depositions are all sourced from Mallery's dossier, found in Brussels, AGR 899A. Depositions of Godfried Borchouts (9 March 1577) and Johannes Vanden Velde (23 March 1577).

⁴⁷ Deposition of Joannes Herthals (23 March 1577).

⁴⁸ Millett 1983, p. 14; Nilis 2007, p. 33, no. 5.

The preservation of these records in the archives of the Privy Council rather than those of Louvain's rectorate and Philippe de Mallery's swift intervention to defend his son are two indications of the obstacles that the university promotor confronted in his efforts to prosecute Mallery. These challenges emerged in the crime's immediate aftermath, during the weeks that followed, and in the longer term. First, several depositions point to the hesitancy with which the promotor acted in response to Mollaerts' death. Although Louis de Mallery was denounced by Godfried Borchouts early in the morning of 9 March, he was left unmolested in his chambers until midday, by which time he had been persuaded by his close friend, Noël de Berlaymont, to flee town.⁴⁹ Witnesses suggested that political circumstances had prevented Petrus de Colonia from acting sooner. March represented a moment of acute political tension: Don Juan of Austria's presence in the town complicated matters, not least because of ongoing negotiations surrounding the Perpetual Edict and the corresponding Habsburg need for stability in loyal towns. One witness from the law faculty, Master Gregorius vander Biest, remarked that Colonia had been urged to show restraint in the matter because of Don Juan's presence, since the prince would likely demand the culprit's immediate and harsh punishment to assuage the uproar provoked by Mollaert's murder, suggesting that university members were especially wary of outside interference in their jurisdictional matters.⁵⁰

In the medium term, Philippe de Mallery's intervention to support his son and furnish him with the evidence required for his defence (or an eventual pardon petition) represented a further challenge for the university authorities. Crucially, Louis de Mallery's flight enabled his father to act as his intermediary, *contemplatione paterni officii*, and establish a just defence before Colonia proceeded further.⁵¹ Within a week of the promotor's initial investigation, nineteen witnesses had responded to Philippe's own inquiry, which was preserved alongside the promotor's inquest. Philippe was especially well-placed to support his son. Originally from Roubaix but now a resident of Antwerp, he was also a trained lawyer who would go on to compile a series of the city's customs that was published by Christoffel Plantin at the height of the Calvinist regime in 1582.⁵²

⁴⁹ Depositions of Noël de Berlaymont, Nicolas Wijnants and Margareta Spruyters (13 March 1577). Noël de Berlaymont was probably the grandson of the eponymous Noël de Berlaymont (d. 1531), an Antwerp schoolmaster best known for his *Vocabulaire* (1527). See Sijs 2000, p. 11-13.

⁵⁰ Deposition of Gregorius vander Biest (23 March 1577).

⁵¹ Articles of Interrogation submitted by Philippe de Mallery (22 March 1577).

⁵² C. Fabri, P. Van Mallery and A. Vanden Bossche, *Rechten ende Costumen van Antwerpen*, Antwerpen, 1582. Another of Mallery's sons, Karel van Mallery, went on to become a famous Antwerp engraver. Selbach 2020.

The depositions collected by Philippe de Mallery nuanced Colonia's initial findings in two respects: first they contextualized Mollaert's murder before subtly highlighting evidentiary aspects likely intended to support Mallery's eventual arguments in favour of a royal pardon. The differences between the two investigations are instructive. Colonia's inquest had concentrated on the facts surrounding the murder: the only eyewitness was Borchouts, who stated that Mallery had first stabbed Mollaerts before turning to attack Borchouts himself, with the latter fleeing the Grote Markt.⁵³ Colonia then interviewed the owners of a tavern on the Eikstraat, where Mollaerts and Mallery had been seen drinking before the altercation. Margareta Tilmans and her daughter Gertrude, the tavernkeepers, confirmed that they had seen the pair arguing in Latin, which they had not understood, and that Mallery had been drunk; Master Peter de Buck confirmed that he had seen Mallery angry and drunk that afternoon.⁵⁴ Finally, Colonia interviewed two knifemakers residing on the Steenstraat (the present-day Brusselsestraat) who reported that earlier the same day Mallery had drunkenly purchased two knives.⁵⁵

Colonia's investigation followed a straightforward logic, one common to sixteenth-century criminal cases that must have been familiar to members of the law faculty at Louvain. Through the depositions, he secured the testimony of the key witness, but also a substantiation of Mallery's motive in his drunken argument with Mollaerts, and his possession of weapons. These elements are especially important with respect to legislation promulgated in 1531 by Charles V (and subsequently repeated in 1589), which specified that drunkenness, tavern brawls, and the carrying of bladed weapons were aggravating factors that (theoretically) invalidated pardon petitions for homicide.⁵⁶ However, if Colonia's inquest gives voice to the long-held perception of premodern violence (and student violence in particular) as impulsive and unrestrained, Philippe de Mallery's investigation was designed to rationalize Mollaerts' murder, contextualizing it by examining rivalries between the university's members.

In Colonia's inquest, only a young second-year student of Aristotelian physics (*physicus*) at the *Paedagogium Porci* (Pig College), Arnoldus Joannis, mentioned that Mollaerts and Mallery had been on opposing sides in recent debates regarding elections in the *collegium baccalaureorum*,

⁵³ Deposition of Godfried Borchouts (9 March 1577).

⁵⁴ Depositions of Margareta Tilmans, Gertrude van Horenbeke & Philip Buck (13 March 1577).

⁵⁵ Depositions of Peter Wauters & Renerus Hermans (15 March 1577).

⁵⁶ Ordonnance of 7 October 1531, J. Lameere (ed.) (1902), p. 265-73; *Coutumes et ordonnances*, p. 525-37.

with Mallery seen opposing Mollaerts' election as dean only days before his murder.⁵⁷ Philippe de Mallery seems to have seized upon this insinuation to probe internal factionalism. His articles were designed to question witnesses about the recent elections and further evaluate Louis' motives. Indeed, six university members corroborated the report that Mallery had opposed Mollaerts' election but insisted that their disagreement concerned a procedural error rather than stemming from any personal animosity.⁵⁸ Renerus Meijdal, licensed in both laws, had shared Mallery's concerns about the procedure, but both he and Mallery had ultimately supported Mollaerts in a second election. However, Philippe's inquest uncovered another vein of factionalism pertaining to a separate election: Dermot O'Hurley and Meijdal reported that the post of faculty treasurer had been contested by Filip Maes and Charles Rotkaese.⁵⁹ Here, Mallery's support for Maes had brought him into direct conflict with Rotkaese's ally Godfried Borchouts, none other than his accuser.⁶⁰ The prospect of a pre-existing rivalry between Borchouts and Mallery led Philippe to depict the former as a troublemaker whose testimony was to be doubted. Philippe's articles invited witnesses to comment upon rumours that Borchouts had rallied Flemish university members to oppose Maes and ensure Rotkaese's election (*plurimos Flandros inducet conatus fuerit ut predictum Carolum in fiscum per collusionem eligerent*), only for Mallery to have exposed the conspiracy.⁶¹ Consequently, Philippe appears to have intended to present Mollaerts' killing as the climax of university rivalries, played out along regional lines.

c. *Arguing Innocence at the University of Louvain*

Besides seeking to set Mollaerts' killing against the backdrop of wider faculty rivalries, Philippe de Mallery's intervention also reveals how those with legal expertise produced complex arguments concerning reputation, emotion, weaponry, and wounds to introduce ambiguities that substantiated a criminal defence. The deponents of March 1577, many of whom had legal training themselves, must have been keenly aware of how their choices in language, allusions, and omissions influenced

⁵⁷ Deposition of Arnoldus Joannis (13 March 1577).

⁵⁸ Depositions of Theodore Laet (22 March 1577), Noël de Berlaymont, Dermot O'Hurley, Renerus Meijdal, Justus Wijts & Johannes Jacobeus (23 March 1577).

⁵⁹ Filip Maes may be the eponymous lord of Bodeghem and Ophem, president of the royal *Chambre des comptes* at Lille from 1618. Maes was the son of Jacob Maes, councillor in the Council of Brabant, and brother of Engelbert Maes, president of the Privy Council. Thomas 2008, p. 692.

⁶⁰ Depositions of Dermot O'Hurley & Renerus Meijdal (23 March 1577).

⁶¹ Articles of Interrogation, Article 44. (22 March 1577)

this process. Mallery's forty-four articles were carefully chosen to highlight the fallibility of Colonia's earlier inquest, extracting conflicting and circumstantial statements that simultaneously functioned to exculpate his son and draw attention to the potential implication of his arch-rival, Godfried Borchouts, in Mollaerts' murder. Because Borchouts was the only known eyewitness to Mollaerts' killing, much of Louis' defence rested on invalidating his denunciation and even insinuating Borchouts' own culpability within the context of the rivalries described above.

The Mallerys' first defensive strategy represented a concerted effort to introduce doubts surrounding the identity of Mollaerts' killer, all the while distancing Louis de Mallery from the murder weapon and crime scene. Several articles invited witnesses to simply comment upon the darkness of that 8 March night.⁶² In this respect, two Louvain inhabitants, Peter de Pape and his wife Agneta, only contributed a sentence to the inquest, stating that it had been so dark at seven o'clock that it had been impossible to recognize someone at two paces.⁶³ University members familiar with Mallery and Borchouts confirmed that they were of a similar height, and that both men had been wearing a white shirt on the night of Mollaerts' murder.⁶⁴ Read together, these answers invited the promotor to consider whether Borchouts could have been misidentified as Mallery. Philippe's inquest also addressed the issue of Mallery's weaponry that had surfaced during Colonia's investigation. Despite the evidence provided by the two knifemakers, Louis de Mallery's landlord Nicolas Wijnants, his wife Margareta and their son Wouter each attested that Mallery had left his knives at their home overnight, with Wouter even insisting that Mallery had not been seen armed in public for three months.⁶⁵ Similarly, although Borchouts had reported that Mollaerts had been wounded by a sharp knife or *opsteker*, word travelled that the killer had used a cleaver, a rumour substantiated by the barber-surgeon Johannes vanden Velde who had treated the victim, and who reported that the wound 'could have been inflicted by a butcher's knife'.⁶⁶

Philippe's inquest called into question each of the established facts of Mallery's case and, in doing so, emphasized the juxtaposition of Louis' and Borchouts' testimony. This was important given the opinion of sixteenth-century legal experts, like Joost De Damhouder, that cases lacking

⁶² Articles of Interrogation. Articles 37, 39 & 40. (22 March 1577).

⁶³ Depositions of Peter de Pape & Agneta vanden Berghe (23 March 1577).

⁶⁴ Depositions of Theodore Laet (22 March 1577), Noël de Berlaymont, Renerus Meijdal, Margareta Tilmans & Johannes Jacobeus (23 March 1577).

⁶⁵ Depositions of Nicolaes Wijnants, Margareta Spruyt & Wouter Wijnants (23 March 1577).

⁶⁶ Depositions of Johannes Jacobeus & Johannes vanden Velde (23 March 1577).

clear evidence should weigh the relative reputation of the implicated parties to gauge culpability.⁶⁷ Philippe de Mallery's articles appear to have been structured with this outcome in mind. Where the first nine articles invited witnesses to comment on Louis' good conduct and his friendship with the victim, some thirteen other articles focused on Borchouts' character. Borchouts' motives for accusing Mallery were questioned, witnesses were asked to comment on whether Borchouts was a drunk who neglected his studies, and whether he was known publicly as Mallery's rival.⁶⁸ While these leading questions were clearly intended to draw a neat distinction between Mallery as dutiful student and Borchouts as disreputable false-accuser, they did not always have their desired effect. For instance, while university members readily testified to Louis' good manners, they also recalled his violent past, having assaulted a certain Martin vander Vorst the previous year.⁶⁹ Likewise, although Dermot O'Hurley observed that Borchouts was often absent from the college, none of the witnesses confirmed Borchouts' poor reputation, with Mallery's ally Noël de Berlaymont even describing Borchouts as an *honesto et probo adolescente* ('an honest and upstanding young man').⁷⁰

Ultimately, by breaking down the themes stressed by the witnesses of 1577, we can perceive the ways in which criminal inquests supplied the necessary building blocks for arguments commonly presented in petitions for pardon. With the help of his father, Louis de Mallery could have easily highlighted Borchouts' seditious character in university debates, his lack of weaponry, or even Borchouts' emotional disposition to persuasively counter accusations that he was responsible for Mollaerts' death.

d. Jurisdictional Tensions

Although this second series of witness depositions was completed by 23 March 1577, the case did not progress for seven years, likely due to the serious disruption of academic life between 1577 and 1585.⁷¹ Perhaps because of this delay, to advance their case the Mallery party felt compelled

⁶⁷ Damhouder 1555, p. 133-5.

⁶⁸ Articles of Interrogation. Articles, 15, 17, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 41.

⁶⁹ Depositions of Godfried Borchouts (9 March 1577), Theodore Laet (22 March 1577) & Noël de Berlaymont (23 March 1577).

⁷⁰ Depositions of Dermot O'Hurley & Noël de Berlaymont (23 March 1577).

⁷¹ See: Lanoye & Vandermeersch 2005.

to bypass the university rectorate and appeal directly to the Privy Council in Brussels, one of three princely collateral councils in the Habsburg Low Countries, and responsible for advising monarchs on legislation and criminal justice. Albeit principally a legislative and political body rather than an appellate court, in matters of grace the Privy Council oversaw the workings of provincial councils and local governances.⁷² Indeed, the Privy Council represented an expression of the sovereign's supreme jurisdictional power and acted to review extraordinary legal cases.⁷³ The Council investigated Mallery's case, requesting a report from the university rectorate, which it received in July 1584. In his response, the university's rector Joannes ab Egmond conceded that a combination of factors including the ongoing civil conflict in the Low Countries, Colonia's death in 1578, Louis' flight from Louvain, and his father's intervention had effectively paralyzed the university's own inquiry. The Privy Council's involvement in Mallery's case likely represented a significant blow for the university's privileges in overseeing criminal matters concerning its members. Indeed, at precisely this time Joannes ab Egmond was also appealing to the Privy Council *against* actions undertaken by the provincial Council of Brabant, which had ignored the university's protests when it began criminal proceedings against one Daniel vanden Bruyne, another student of law. Here, as in Mallery's case, the rector conceded in an appeal submitted to the Privy Council that:

Because of the very notorious calamities at present, and the great and indescribable burdens that the University of Louvain has supported for four years and more, including the presence of the garrison in the town of Louvain [...] the supplicants [that is, the University of Louvain] have found themselves, and find themselves at present, in such poverty that it has been and still is impossible for them to afford the conclusion of the present case.⁷⁴

The two appeals of 1584 reveal more generally the ways that the University of Louvain, in its weakened position at the culmination of nearly two decades of civil conflict, faced infringements by the Privy and Brabant councils. Just as Louis de Mallery's appeal to the Privy Council saw the rectorate defer to the Privy Council's authority to judge Mollaerts' killing, the rectorate was equally reliant upon the Privy Council's intervention to salvage its privileges from competition with the Council of Brabant. The cases of Mallery and vanden Bruyne suggest that students found themselves at the heart of these jurisdictional struggles between Privy Council, provincial councils,

⁷² De Schepper 1978, p. 389-411.

⁷³ Wijffels 2020, p. 391-2.

⁷⁴ Brussels, AGR 2181A, Petition submitted by the rector of the University of Louvain concerning the arrest of Denis vanden Bruyne (28 April 1584).

and university rectorates, with Mallery's appeal indicating that students knew how to extract advantages from their competition. Examples found in the records pertaining to the Low Countries' other foremost university, that of Douai, support this conclusion. For instance, in a case reminiscent of Mallery's, in 1630 the *Douaisien* student Jan de Beaussart argued that his petition for a pardon following a murder should not be judged by the provincial Council of Artois, but by the rector of the University of Douai, before whom he had purged his case.⁷⁵ In response, the Council of Artois argued that Beaussart had not in fact matriculated at the time of the crime and therefore should submit to their authority, before being compelled to defer the case to the Privy Council, much like Louvain's rectorate in 1584.⁷⁶

IV. Conclusion

Despite their rarity, the pardons granted to the University of Louvain's students found in the archives of the Privy and Brabant councils offer extraordinary insights into the nature of student violence in sixteenth-century Louvain. If drunken altercations, heated arguments, and the swift resort to knives were commonplaces in early modern conflict, these letters also reveal the deeper undercurrents of interpersonal rivalry that underlay quarrels in university settings. The murders of Cornelis Reyers and Gerard Mollaerts by fellow university members in 1525 and 1577 remind us that institutional elections and ceremonies paradoxically represented key tests for the university's prevailing sense of corporate cohesion, providing fertile ground for the airing of hierarchical and factional disputes that culminated in outbreaks of violence. That students nevertheless insisted upon their corporate status as *suppositi* of Louvain in their petitions points to the very ways in which these conflicts were interwoven with their university identities.

Given this insistence upon university membership, readers may be surprised to learn that the discourses employed by students in their petitions for pardon differed little from those typically encountered in the letters drafted by lay criminals. However, the reluctance on the part of students to exhibit their legal or rhetorical training should not distract from the significant contributions members of the University of Louvain made to the progressive concretization of the Habsburg Low Countries' multivalent criminal justice systems. Throughout the sixteenth and early seventeenth

⁷⁵ For the University of Douai's own systems of internal regulation, see Castelain 2012, p. 167-71.

⁷⁶ AGR 971B, Petition submitted by Jan de Beaussart (20 July 1630).

centuries, graduates including Filips Wielant, Joost De Damhouder and Hendrik van Kinschot shaped debates surrounding the sovereign's power to pardon, nuancing definitions of remissible crime and the legal limits to royal mercy.

The members of the University of Louvain would presumably have been familiar with the output of their fellow jurists, and the close examination of petitions or inquests underscore precisely how students and their immediate allies were able to directly apply the legal expertise transmitted through these publications and taught in the university's colleges. As in Louis de Mallery's case, we find legal approaches that combined and exploited varied strategic discourses concerning emotional conduct, friendship and enmity, tavern culture, and the possession of prohibited weapons to rationalize their involvement in violence and mitigate perceptions of their culpability. Although students like Mallery could turn to wider kin networks with university training and legal experience to bolster their cases, the pardon letters also suggest that students took advantage of the institutional complexity and legal pluralism that characterized criminal justice in the Habsburg Low Countries. The incidental survival of pardons in the archives of the Privy and Brabant councils, in itself, indicates that students pursued wide-ranging, sophisticated approaches in their appeals to multiple institutions, effectively charting a course between the jurisdictions of Louvain's rectorate, the provincial Council of Brabant, and the central Privy Council to secure favourable outcomes. In sum, beyond the university these understudied sources uniquely reveal how Louvain's members capitalized upon their legal expertise to concurrently shape and exploit the complex judicial systems emerging in the early modern Low Countries.

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Abstract

This contribution examines the early modern pardon letters granted to students and members of the University of Louvain. A privileged place of teaching and knowledge, but also of agitation, late medieval and early modern universities were occasionally theatres of violence. Student delinquency has been particularly well-documented in fifteenth-century France, particularly due to the popularity of the Parisian poet François Villon, known as much for his literary work as his criminal activities. In the Burgundian and Habsburg Low Countries, members of the University of Louvain were also the subject of judicial inquiries, and in these cases they could (and did) petition the monarch for a pardon letter to remit their crimes and avoid punishment. These letters highlight a diverse range of crimes and altercations (including homicide, assault, and theft) and reveal the tensions that arose between students and the rest of society. They also illustrate the legal efforts undertaken by students to escape the rigours of justice. Analysing this unique documentation, this article addresses the nuanced and varied ways in which petitioners from the University of Louvain wielded their legal knowledge to navigate the conditions of royal mercy.

Language: English.