

«Comment on Valerie Vrancken's paper : 'With the consent of the Estates...' **The political rights of the Estates of Brabant** in the Inauguration Charters of the Brabantine dukes (1356-1494)»

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As a Brabantine myself, I read your paper and just heard your talk with much interest. So, you think you know those texts and that those texts are well known, thanks to the work of some scholars you have read (and met). And then a doctoral student comes with refreshing questions and once again reads them all. One understands that the expectations are high but also that the work is in great part still in progress. What we have here are **the outlines of a research program** (and not yet the full results as such).

Unlike Flanders and Holland, Brabant still is in need of an edition of fragments and other texts regarding the actual political assemblies and their proceedings. But as you told in your paper, we have studies about the general working (Uyttebrouck, which remains a standard reading) and the composition (Damen) of the Estates.

For a further and better understanding of the working of the Estates of Brabant, you stress the need to study :

- the socio-political and ideological background of the representatives,
- how the representatives formulated and legitimized their demands, wishes and complaints towards other interest-groups and princely authorities.

You go back to the **textual tradition** and study the changes in the successive charters as they reveal ideologies. The changes in the renewed charters are real. Certainly, they reflect the wishes of the representatives, or at least of some of them, or at least the balance between these wishes and the ducal power. Of course, the context of succession might be more favorable to these wishes than other periods of time. This for the ideology. But **how to test if the new rules were respected ?** it should be interesting to follow the situation until the next charter. This is the old problem of the relation between a normative text and its possible application. As much as you, I am convinced that a normative text (whatever its application might be) is a good source for the study of a political culture. But we should also ask ourselves how it works, if it works. In this case, if a stipulation is not respected after the ducal inauguration, it could mean that the issue made by the representatives was not shared by the duke and his councillors. Do you have insights on this ?

My second question concerns a very interesting point. What relation do you make between the ideology of representation formulated by the Estates of Brabant and the **emergence of a Brabantine nationality** (or community-building) ? There is the issue of territorial integrity, there is a tendency to include well-to-do inhabitants in the decision-making process, and so on. Is the Brabantine nationality an important part in the ideology you study ?

Then I come to my third point. You rightly pay attention to **the various interests-groups involved** in the political processes leading to an inaugural charter. I would like to ask you some questions on these matters.

First of all, the nobility. You mentioned the **special involvement of the nobility** in the genesis of the inaugural charters in 1427 and 1430. How would you explain this ? is it a gap in the sources about the context of the other inaugural charters ? or is it a special attention paid by the nobility in these two years 1427 and 1430 ? if so, wouldn't it be linked to the succession crisis ? In 1427, the issue for the Estates was, as you suggested, to preserve the position they gained by exercising power during the last part of the ducal reign of John IV. As for 1430, we could think that the nobility would have more interest in defining who should be the next duke (the duke of Burgundy, or someone else); we can think here of the networks of the duke of Burgundy within the Brabantine nobility, one of his winning cards to the recognition by the Estates as the legal successor of his deceased cousin. Or is it maybe also a process on the long-run? You mentioned demand-lists involving the nobility and formulated years before the 1427 and 1430 charters: could you say how many years, and how the context changed or not ? And is it possible to determine what part of the nobility is concerned ? is there a divide between higher and lower nobility, between court members and other noblemen, between some families, and so on ?

What about the first Estate, that of **the clergy** ? do you conclude from your readings and research that the clergy was not involved in the processes you describe ? is it only a matter interesting the urban elites and, to a lesser and more occasional extent, the nobility ? would you say it in these terms?

What about the dark sides of the ideology of representation you find in those Brabantine texts? Do the representatives represent all the subjects, as they pretend to do, or not? Of course I do not even speak of the peasants or urban workmen. I am thinking of **power games among the representatives** of the cities and the nobility, for instance, and between those of the various cities and geographic areas. Let's take two examples.

The duchy of Limbourg and the Landen van Overmaas are in Brabantine hands and the representatives of the duchy seems to "speak in their name" or to take on their interests, without asking. You find this attitude in the inaugural charter (1430, article 4) when the use of a special seal for Brabant is granted: the special seal will be used (for Limbourg) and Overmaas too, but should not leave the boundaries of Brabant and should always be in the hands of a secretary dedicated to Brabantine affairs, and used by countersignature of four councillors of Brabantine birth.

Another exemple that comes to my mind is that of Walloon Brabant, the little French-speaking southern part of the Duchy. The Walloon-Brabant is in a minority position on several levels: on economic level, on demographic level, on fiscal level (there is less economic activity, less population and of course less fiscal revenues than in the heart of the Duchy), but also on linguistic level. Now, the inaugural charter of 1427 requires that the chancellor or the scealor of Brabant should be able to speak Dutch, and the charter of 1430 goes further, requiring this knowledge from all the councillors dedicated to Brabant. The chancellor has to know Dutch, Latin and *walsch*, French (the language of the duke). The idea is of course to maintain the Dutch-speaking character of the Duchy, in the face of a new French-speaking prince. But, in the meantime, we see that the secretary of the town of Brussels probably does not understand French (I refer to the study of Robert Stein on Petrus a Thymo) and the cities send letters written in Dutch even to the French-speaking city of Nivelles, in Walloon-Brabant, to summon political meetings. The city accounts registers costs for translating these letters and eventually the city recruits a new cleric speaking the three languages (latin, french and dutch). I don't know if you have further ideas or facts about these questions.

What I mean to say, is that Brabantine representatives and the local elites that they were representing, certainly shared common values of common good and Brabantine

identities, but certainly there were also tensions. Monopolizing positions were for instance taken by the biggest cities (like Brussels, Louvain, Antwerp). So my question is: **how can you distinguish the common values and those values or prescriptions which were related to an oppressive** or even aggressive posture taken by some of the representatives or some of the subjects towards their fellow representatives or subjects ?

I know that your research includes cities and ducal accounts, chronicles, various written pieces like letters and so on. Do you already have enough material to answer the question, or at least to formulate some hypotheses?

In the inaugural charter, we find a mix of representative ideology, coming from the various representatives, from the already existing political tradition and of course from what is accepted by or negotiated with the duke. The charter is also an affirmation of *sovereignty* by the duke and of *due loyalty* by his subjects. That's what the preamble says. What relation would you make between elements in the preamble and those present in the articles ? Of course the charter grants rights, and in some cases the duke had little choice but to agree to the demands of the subjects. Political or legal historians would stress this. But if we consider the issue from the point of view of a cultural historian, then the preamble matters. How does our perspective change if we consider the granting of an inaugural charter as a performative **act of speech**? So, take for instance the *jus resistendi*. This is in fact the right for the subjects not to be obedient to the duke under certain circumstances. But what does the preamble say? that the duke is speaking and *granting* the charter *with love* to his *obedient* subjects. So they are supposed to be obedient; how could they then be disobedient ? I mean, the very words spoken by the duke seem to neutralize the possibility of resistance, at least for the moment of speaking. If so, this kind of **rhetorical neutralization** of a granted right by words spoken in the preamble, is not without meaning on the political level. Would you agree with this?

I thank you for giving us the opportunity to discuss your research and I wish you all the best.

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