

The Two Faces of Pardon Jurisdiction in the Burgundian Netherlands. A Royal Road to Social Cohesion and an Effectual Instrument of Princely Clientelism

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In the fourteenth and fifteenth centuries pardon jurisdiction in the Netherlands had evolved into the exclusive competence of the duke of Burgundy. Soon after the first prince of this dynasty, Philip the Bold succeeded as count of Flanders, he introduced in 1386, after the model of the French kingdom, the authority of the prince to give and to refuse grace. This was in fact part of a more global strategy to create a counter power for the powerful Flemish cities, proud on their independent decision making in matters of politics, and on their impact on jurisdiction, by increasing, step by step, their discretionary competence to base the judgments in their courts on other arguments than the pure principles of criminal law. More generally we might consider the use of pardon as one of the many elements of the duke's policy of domestic centralization, and as one of the innumerable ingredients of the so called Burgundian Theatre-State.¹ The pardon procedure allowed the duke of Burgundy to adjust dubious decisions. Because of the high amount of cases the prince accepted, for many years, to share his competence for pardon with one of his top officials, the *souverain-bailli* of Flanders. But in 1448, he decided to finish this double track, so that his monopoly was now complete.² In 1510 top lawyer Philip Wielant (1441–1520) clearly defined the duke's competence: 'Nobody else than the prince grants remission, nor forgives crimes.'³

This unlimited power of the prince to grant pardon certainly could have been a gateway to misuse and arbitrariness. That is why a number of controls

¹ Philippe Godding, 'Les lettres de justice, instrument du pouvoir central en Brabant (1430–1477)', *Archives et bibliothèques de Belgique* 61 (1990) 385–402; Wim Blockmans and Walter Prevenier, *The promised lands. The Low Countries under Burgundian rule, 1369–1530* (Philadelphia 1999) 132–40.

² Marc Boone, 'Want remitteren is princelijck. Vorstelijk genaderecht en sociale realiteiten in de Bourgondische periode', in: Luc Stockman and Peter Vandermeersch (eds), *Liber Amicorum Achiel De Vos* (Evergem 1989) 53–9, esp. 55.

³ Philips Wielant, *Verzameld werk. Corte Instructie in materie criminele*, ed. by Jos Monballyu (Brussels 1995) 280, cap. 150, 1.

and restrictions have been introduced. The first step in the pardon procedure is the submission of a request by a convicted individual. This request is then checked by a local justice, connected to the location of the crime. From the sixteenth century on the check is mostly implemented by the Secret Council, in which a prosecutor ('procureur') is endowed with a general control of the exact circumstances of the criminal act. But the final political decision, after the preceding juridical check, has always been the exclusive privilege of the duke, who was capable to accept or to refuse the request for grace, and to deliver a letter of remission without any condition or restriction. Nevertheless, the recipient of a pardon letter was not certain at all to escape effectively to the original punishment and to restore his previous juridical condition.⁴ Pardon made avoid direct execution, but did not guarantee impunity. A third element in the procedure enabled eventually to reduce the remission letter to a dead letter, and to bring the grace back to zero. Indeed, the letter did not acquire full validity and effect before the judicial confirmation ('intérinement') of the document. This approval was not evident: the grace could be rejected. The recipient of the letter was expected to submit the text to a judicial instance, mostly one of the regional courts of the duke, such as the Court of Flanders, the Court of Holland, the Court of Brabant, etc.⁵ These Courts could decide that a second formal inquest was needed, on top of the first rather limited preliminary control before the ducal decision, in order to check the elements of the former conviction (before the pardon happened), and to verify if the arguments used by the recipient of the pardon in the remission letter did actually correspond with the real facts and spoken words. The Court prosecutor could also decide to summon new witnesses to testify on the case. He could even recall former witnesses to testify a second time (*recollement*), and should the occasion arise these witnesses were fully authorized to change their first testimony before local aldermen or local bailiffs.⁶ If the judges discovered that crucial information had been hidden or omitted in order to obtain the pardon more easily, the pardon became invalid (*subreptice*). If they found

⁴ The possibility of rejection of remission letters was a reality in all regions where the royal grace existed, or where the royal model was followed (Burgundy and the Burgundian Netherlands); Claude Gauvard, *De grace spéciale. Crime, état et société en France à la fin du moyen âge* (Paris 1991) 67–8. For fifteenth century Toulousain, see Leah Otis-Cour, 'Les limites de la grâce et les exigences de la justice: L'entérinement et le refus d'entériner les lettres de rémission royales d'après les arrêts du Parlement de Toulouse à la fin du moyen âge', *Recueil de mémoires et travaux de la Société d'histoire du droit et des institutions des anciens pays de droit écrit* 17 (1996) 73–89.

⁵ Godding, 'Les lettres de justice', 388–9; Hugo De Schepper, 'Het gratierecht in het Bourgondisch-Habsburgse Nederland, 1384–1633, vorstelijk prerogatief en machtsmiddel', in: Herman Coppens and Karin Van Hoonacker (eds), *Symposium over de centrale overheidsinstellingen van de Habsburgse Nederlanden*, Standen en Landen, bijz. reeks 2 (Brussels 1995) 44–5 and 79–83.

⁶ See the case of Matthieu Cricke in 1476: Walter Prevenier, 'Vorstelijke genade in de praktijk. Remissiebrief voor Matthieu Cricke en diens mede-acteurs voor vermeende vrouwenroof in oktober 1476, slechts geïnterineerd na kritische verificatie door de raadsheren van het Parlement van Mechelen', *Handelingen Koninklijke Commissie voor Geschiedenis* 175 (2009) (in print), text 3, sub 1, 7, etc.

false statements, twisting the facts, by the candidate, the letter was formally rejected as untrue (*obreptice*).⁷ If the checks did not reveal fraud, lies or mistakes, the Court accepted the letter without further conditions. Eventually the prosecutor in charge, however, could propose the Court to change some elements of the pardon text. At the end the judge may give green light for the corroboration of the pardon, in the form of an *intérimement*, i.e. the formal registration and authentication at the ducal *Chambre des Comptes*, department of the *Audiencier*.⁸ The remission was valid only after the supplicant of the pardon paid the required tax to the *Audiencier*.⁹

This sophisticated entirety of checks and balances certainly reduced the discretion of the cities and of the duke. It brought experienced researchers to the conclusion that this system was juridically consistent. Hugo De Schepper considered the pardon procedure as a higher form of justice than the discretionary competence of the customary judge, who was often not a professional, and whose sentences were often irrational, incomplete, purely oral and not well protected, and so gave poor legal security to the delinquent.¹⁰ Marjan Vrolijk explained in detail, in her excellent monograph on grace for homicide in Flanders, Holland and Zeeland in the sixteenth century, that the pardon procedure of the prince was a superior treatment of delinquents, given the many critical checks, and because it avoided arbitrariness and favoritism of the princes and of the local authorities. Pardon was an excellent alternative for the previous system of deals (*compositiones*) made in the past by local bailiffs, aldermen and other officials.¹¹ Many remission letters conclude indeed on the following sentence: *voulans en ceste partie grace et misericorde preferer a rigueur de justice*.¹² Claude Gauvard observed that the high number of pardon letters in the fourteenth and fifteenth centuries are no sign of royal weakness, but rather *une façon d'officialiser le processus normal de la resolution des conflits*.¹³

⁷ On the definition of *subreptice* and *obreptice* Gauvard, “*De grace especial*”, 67–8; Marjan Vrolijk, *Recht door gratie. Gratie bij doodslagen en andere delicten in Vlaanderen, Holland en Zeeland (1531–1567)* (Hilversum 2004) 381–4.

⁸ The 145 registers of the *Audiencier*, covering the entire Burgundian territories, go from 1386 to 1661, and are now kept in the Archives Départementales du Nord in Lille, Série B, 1681–1824. Cf. Léo Verriest, *Les archives départementales du Nord à Lille* (Brussels 1913) 50–5.

⁹ Vrolijk, *Recht door gratie*, 42–52 (general procedure), 303–336 (request), 337–75 (first check), 375–406 (check for the *intérimement*).

¹⁰ De Schepper, ‘Het gratierecht’, 52–3.

¹¹ Vrolijk, *Recht door gratie*. 105–62: local compositions and local grace. On the system of *compositio*: Jan Van Rompaey, ‘Het compositierecht in Vlaanderen van de veertiende tot de achttiende eeuw’, *Tijdschrift voor Rechtsgeschiedenis* 29 (1961) 43–79; Raoul C. Van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw* (Brussels 1954) 311–9.

¹² E.g. in the pardon letter for Cricke (1476): Prevenier, ‘Vorstelijke genade’, text 1 (‘preferring in this case grace and mercy to the rigors of justice’).

¹³ Gauvard, “*De grâce especial*”, 920, 940.

One factor in the procedure reveals an other ideological background of the pardon philosophy. One of the multiple steps of the judicial check of the validity of a given remission letter was the opportunity for the victims or the offended family to oppose, on a solid juridical basis of course, the delivery of the pardon letter, and to claim to stay with the original conviction. In most cases a dialogue was organized between the offender(s) and the victim(s), that in most cases was leading towards a compromise with moral or financial compensation, and finally to the maintenance of the pardon decision. Marjan Vrolijk demonstrated convincingly that the legal practice of pardon was a prominent factor in the fair application of the laws and the promotion of social reconciliation, because grace was realized with the consent of all concerned parties: the prince, the provincial Court, the local justice, the family of the victim and the perpetrator. Vrolijk enlarged this interpretation into a broader discourse on the usefulness of the pardon procedure at large, which might be considered to be a better strategy for social regulation than the option of an implacable public justice. For the recipient the remission letter was a license that allowed him 'to escape to the army of fugitives and exiles'.¹⁴

Reconstruction of social peace and promotion of social cohesion in a specific urban or rural community must have been the dominant underlying idea for the legal option of pardon for crimes of passion. 'Honor killings', especially cases of homicide by the duped husband of the lover of his spouse, were frequently settled by the pardon procedure in the fifteenth-century Low Countries.¹⁵ The normal sanction would have been death sentence or perpetual banishment. However, a murder of the lover, or of the adulterous wife, as the result of anger in a context of adultery (*chaude colle*), was considered to deserve indulgence of the courts, at least if there was no clear premeditation.¹⁶ From the fourteenth century on, premeditation was indeed considered as aggravating circumstances.¹⁷ The execution of the capital sentence could be avoided by a negotiation before the court, by which certain compensations for the victims were accepted. The 'social' advantage of such a settlement was the possibility of social reintegration of the pardoned killer, and probably also that of the reconstruction of the perpetrator's family life. It is clear that most of the pardon letters of the dukes of Burgundy on passion crimes tell stories full of emotions, jealousy, honor and dishonor, family

¹⁴ Vrolijk, *Recht door gratie*, 457.

¹⁵ An identical attitude has been discovered in late medieval Toulousain: Leah Otis-Cour, 'De jure novo: Dealing with adultery in the fifteenth-century Toulousain', *Speculum* 84 (2009) 357–9.

¹⁶ Natalie Zemon Davis, *Fiction in the archives. Pardon tales and their tellers in sixteenth-century France* (Stanford CA 1987) 36–7.

¹⁷ Van Caenegem, *Geschiedenis van het strafrecht*, 31–35; Vrolijk, *Recht door gratie*, 168.

conflicts, tensions with neighbors, treason by good friends, gossips that may kill reputations, in one word, on very recognizable social realities. Natalie Davis, following Roland Barthes,¹⁸ qualified this part of pardon letters, giving concreteness and credibility, as ‘the reality effect.’¹⁹ The argument of restoration of social cohesion is not explicitly expressed, it is true, but it is clearly implicitly present.

The prince, the ducal officers, the court judges, and especially public opinion exhibited in the fifteenth century an unmistakable clemency, understanding and clear empathy for this technically unjustified behavior of uncontrollable outburst of anger. The ‘chaude colle’ is often used as a successful argument before medieval courts, as well as in the applications for pardon, even if the vengeance took the form of a homicide.²⁰ The sympathy for the perpetrator was evident as soon as the adultery was a public scandal, if the adulterous lover was a personal friend of the husband, if the gossips of neighbours in the village or in the urban parish turned the love affair into social drama. Pierre de Scelewe, a poor innkeeper of Langemark, a village north of Ypres, became aware in 1458 of the frequent sexual intercourses of his neighbour Christian le Cloot with his wife. The public scandal became evident since Le Cloot publicly and painfully insulted Scelewe in his own inn, by calling him an impotent. The weight of public scandal became unbearable: *la fame commune, divers rappers par pluseurs personnes*, and the *vraies presumptions* of Scelewe himself, made him kill the lover. In the letter of grace a double humiliation was mentioned: the doubt about the virility of Scelewe, and the laughing reaction of Le Cloot when his friends warned him for violence by Scelewe if he would not stop his adulterous actions (*s’en mocquoit*).²¹

Vrolijk’s interpretation of the pardon procedure by medieval princes as a fair social regulation gets significant credibility by the fact that the recipients belong to all social levels. They can be as well members of the elites, as middle class and working class people, and occasionally even marginal citizens and social underdogs. I am convinced that the hypothesis may acquire additional strength by referring to the numerous symptoms of concern demonstrated by many urban aldermen with the perspective of the exclusion of longstanding conflicts between families, and of a pacific solution of social problems. Mid fifteenth century the city of Ghent was confronted with the loss of honour of many young maidens by actions

¹⁸ Roland Barthes, ‘The Reality Effect’, in: Tzvetan Todorov (ed.), *French Literary Theory Today* (Cambridge 1982) 11–7.

¹⁹ Davis, *Fiction*, 44–5.

²⁰ Gauvard, ‘*De grâce especial*’, 796.

²¹ Pardon letter in: Lille, Archives Départementales du Nord, B 1688, f. 3v (‘public rumor’; ‘several reports by various persons’; ‘true presumptions’; ‘he laughed at them’).

of a certain *jeunesse dorée*, the sons of wealthy bourgeois families, with a lot of unwanted pregnancies and unmarried mothers as a result. In 1451 Gherem Borluut, a member of one well-known family, deflowered Lysbeth van de Steene, but could or would not marry her, because of the difference in social class.²² The Ghent aldermen forced him to pay a substantial sum for her trouble and for her lying-in, and for the rest of her life an annuity of 10 shillings groat, a sum which would be transferred to the natural child of their union should the mother misbehave. It is clear that the Ghent aldermen worked for a solution as well for the unmarried woman and her child, as for the son of the patrician family. They preferred compassionate social care and reconstruction of mainstream family life over rigid morality.²³

Until now pardon jurisdiction seems to belong entirely to the domain of 'fair justice', seems to function as one big search for social realities beyond violence and human emotions, anger, shame and dishonour. It seems to show the great ambition to bypass the criminal accident by steering into a socially useful compromise, into global social cohesion. Probably circa 90% of the pardon letters belong to this noble category. Within this context of 'fair justice' we may presume that the prosecutors and other ducal officials in charge of the pardon procedures displayed significant efforts to reach the highest level of reality by checking, through eyewitnesses, medical doctors involved in the crime, how much truth and how much deceit the pardon request contained. Jurist Filip Wielant, competent as a writer on criminal justice, and experienced practitioner as a councillor of the ducal Court, the Parliament of Mechelen at the end of the fifteenth century, warned his contemporaries that 'if anyone introduces an application that is false and beneath truth, his request becomes invalid, the pardon cancelled.'²⁴ Marjan Vrolijk devotes a full chapter to 'the degree of truthfulness of the requests', and her conclusion is 'that it is very improbable that the request was based on fantasy and halve truths',²⁵ because that would be a stupid risk, given the two following

²² A sign for the fact that difference in social class was indeed a real impediment for a socially mixed marriage in the fifteenth century is the use of the theme as an argument for the failure of a love story in fiction literature of the time. In the play 'Mirror of Love' by the Brussels poet Colyn van Ryssele, ca. 1480, the poor seamstress Catherine complains that she cannot marry Dirk, son of a rich merchant in Middelburg, with whom she is in love, because his family is socially superior to hers. The other option of becoming Dirk's mistress is also excluded, because that would kill hope for a marriage in her own environment. Walter Prevenier, Thérèse de Hemptinne and Marc Boone, 'Fictie en historische realiteit: Colijn van Rijsssele's "De Spieghel der minnen", ook een spiegel van sociale spanningen in de Nederlanden der late middeleeuwen?', *Koninklijke Sovereine Kamer van Rhetorica van Vlaanderen de Fonteyne* 34 (1984) (2de reeks, nr. 26) 9–33.

²³ Ghent, City Archives of Ghent, Series 301, section 41, vol. 1, f° 99 r°.

²⁴ Monballyu, *Filips Wielant Verzameld werk*, p. 249, cap. 125, sub 2.

²⁵ Vrolijk, *Recht door gratie*, 336 (conclusion); 303–36 (chapter).

judicial checks and examinations, one before the decision of the prince, and one before the registration.²⁶

This 'idealistic' behaviour of fifteenth century princes, prosecutors and judges, is, however, not the full picture. In a limited number of cases, probably some 10%, I suspect the working of a very different decision making, less, or not at all, based on 'fair justice' and 'social concern', but on underlying, very deviating, political and materialistic motivations and backgrounds. The declared reason for pardon is, in this category, still the same commonplace 'grace et misericorde preferer a rigueur de justice'. But the unconditional belief in this noble cliché would show an evident naïveté, or, even worse, an unrealistic interpretation of the use of judicial formalism. If the Burgundian duke has indecent calculations or sophisticated political strategies in mind he will not be so stupid to explicit these in his official remission letter.

One clearly 'politically motivated' pardon is the case of squire Adriaan Vilain. In the town of Mechelen, on 13 December 1477, this nobleman, together with some of his clan members, forcibly abducted, with a view that she would accept a marriage, Antoinette de Rambures, the wealthy widow of Guy de Brimeu, lord of Humbercourt, one of the duke of Burgundy's top officials. Her husband had been executed in Ghent together with Chancellor Hugonet eight months before, on 3 April 1477, both considered responsible for the unsuccessful policy of Charles the Bold. The very day of the abduction, as well as the following days, archduke Maximilian, his wife Maria of Burgundy, and her mother Margaret of York, all of them sojourning in their Mechelen residences, send four letters, in Dutch and in French, to the aldermen of Mechelen, in which they require a speedy search for the abducted widow. They set everything in motion to rescue her. The discourse of their letters reveals genuine concern for the security of a prominent member of the ducal 'family'. The widow was indeed soon liberated, Vilain arrested and put in jail. In September 1478 Vilain, however, escaped from prison, and took refuge in Calais, outside the Burgundian Netherlands, in order to avoid conviction. From there Vilain worked himself into the clientele of the lord of Saint-Pol, count of Romont, lieutenant-general of the archduke, an army officer, so efficient and successful in the war against the French, that the archduke made him a knight of the Order of the Golden Fleece. By this roundabout way of the Romont clan the former rapist Vilain became a useful member of the ducal clan, and indeed a performing officer in the ducal army, by keeping the castle of Bohain out of the hands of the French. That is the political and military context in which Vilain obtained, some time before August 1481, a pardon letter from the archduke, forgiving

²⁶ Vrolijk, *Recht door gratie*, 337–406.

and eliminating the abduction of 1477. Because of the ongoing wars, it took ten more years, until 26 August 1491, before he was able to submit his letter of remission for *intérinement* at the ducal Court of Flanders in Ghent. In the meanwhile the prescribed deadline was expired, and so Vilain had to bring himself back in prison, starting up again the procedure of grace, including the check of the consent for this pardon by the widow Humbercourt. The widow made no objections, did even not appear before the Court after three reminders, and so Vilain was restored in his former grace and rights.²⁷ The dramatic switch of the archduke, and the ducal family members, from their insistence of 1477 to secure so much efforts to arrest and to rule out the criminal Vilain, towards the generous and even excessive clemency of pardon in 1481, is by no ways an innocent or gratuitous decision. But where is the key and where is the smoking gun?

The Vilain case is not exceptional at all. All along the reigns of the dukes of Burgundy we can refer to innumerable analogous habits in pardon granting, that I studied in the last years: the case of the abduction of a widow by Cornelis Boudinszoon, the valet of the squire of Kruiningen (Zeeland) in 1447, the case of a seduction by Dirk Van Langerode in Leuven in 1476, the case of nobleman Clais van Reimerswaal accused of homicide in 1473. They all have in common the interests of ducal politics.²⁸ They all are part of strategies to connect men in key positions of political and economic decision-making to the political and social network of the dukes, to reward them for former services, or to stimulate them for future loyalty to the crown. A membership of the Order of the Golden Fleece was one other way.²⁹ But the royal road in the strengthening of the ducal clientele were the political pardons. They were the most convincing demonstration of the efficiency of clientelism and of the thesis that the protection of the prince provided an excellent and reliable safety net. Even after the death of a network member the surviving family should receive support. That is exactly what happened to

²⁷ Walter Prevenier, 'Geforceerde huwelijken en politieke clans in de Nederlanden: de ontvoering van de weduwe van Guy van Humbercourt door Adriaan Vilain in 1477', in: Hugo Soly and René Vermeir (eds), *Beleid en bestuur in de oude Nederlanden. Liber amicorum prof. dr. M. Baeldae* (Gent 1993) 299–307.

²⁸ I suggested this interpretation of ducal pardon letters in: Walter Prevenier, 'Violence against Women in Fifteenth-Century France and the Burgundian State', in: Barbara A. Hanawalt and David Wallace (eds), *Medieval Crime and Social Control* (Minneapolis, London 1999) 193–195; on the Langerode case: Walter Prevenier, 'Huwelijk en cliëntèle als sociale vangnetten. Leuven in de vijftiende eeuw', in: J.P.A. Coopmans and A.M.D. Van der Veen (eds), *Van Blauwe Stoep tot Citadel, Varia Historica Brabantica Nova Ludovico Pirenne dedicata* ('s-Hertogenbosch 1988) 83–91.

²⁹ Jean Richard, 'Le rôle politique de l'ordre sous Philippe le Bon et Charles le Téméraire', in: Pierre Cockshaw and Christiane Van den Bergen-Pantens (eds), *L'ordre de la Toison d'or, de Philippe le Bon à Philippe le Beau (1430–1505)* (Brussels 1996) 67–70.

the widow Humbercourt, for whose release the archduke made such a great effort. One should not forget that the final registration of Vilain's remission was postponed until the widow decided not to bring up any objections. Obviously, some years after the crime madame Humbercourt considered her vulnerability to be over.

Some researchers, such as Hugo de Schepper and Marjan Vrolijk, did not focus so much on network backgrounds, and rather believed in the tenacious ambition of the prosecutors and judges, involved in the pardon procedure, to check the facts in a pure judicial perspective, as part of a fair justice philosophy. My guess is that the princes indeed allowed them to execute this duty in most of the cases. But in a few dossiers, sensitive for the dynasty's network, they fully assumed the case, considering the remission letters as strategical weapons in political and social games. I acknowledge that these arguments are not explicitly mentioned in the letters. But I consider the following arguments, appearing in several cases, as a convincing disclosure. Clais van Reimerswaal, accused of an undeniable homicide that happened at night in Middelburg in 1473, fled from Zeeland and asked duke Charles the Bold for pardon. In his remission letter there is no single word of motivation for the pardon, not the least legal argument, no mention of any extenuating circumstances. Silences in historical documents are just as important as the explicit discourse. Duke Charles the Bold is not hiding at all the details of the unjustifiable actions that brought Reimerswaal to the homicide, thus proving that a duke can forgive the smallest and the greatest crime, without any justification of this clemency. The most revealing phrase, however, is one sentence, in which the duke relates, as if it were an innocent anecdote, on the reason why Clais van Reimerswael came to Middelburg the day before the night: 'stating that by our order and decree the nobles of our land of Zeeland had been summoned to assemble in our city of Middelburg of Zeeland, around January 18 of this last year, so as to find the ways and means of issuing and collecting certain taxes from the inhabitants of our aforesaid land of Zeeland for our profit. For this session Clais van Reimerswael had appeared in person'. On the one side these details are not essential for the explanation of the accident. On the other side there is an intriguing silence, not telling us if this point is significant for the pardon. With the words 'for our profit' the duke is suggesting that the momentum of the meeting, that is the theatre of the crime, is of essential importance for the finances of the Burgundian State, in a time of continuous wars. He is, however, not making an explicit link between the clemency to Reimerswael and the role of this nobleman in the discussions of the Estates of Zeeland on the approbation or the refusal of the aids, for which their formal consent was required. As no single other reason for the pardon is mentioned, I feel authorized to claim the political

interest of the prince as a plausible, if not explicit, motivation for the remission, and that this pardon is an example of the machinery of clientelism.³⁰

Both types of fifteenth-century remission, the social regulation pardon and the 'political' pardon, have a clear prehistory.³¹ The social peace philosophy may be considered as a follow-up of the early medieval Peace of God, a movement by which the Church, first in Aquitaine between the tenth century and the early twelfth century, attempted to pacify the feudal structures of society through non-violent means. The *Pax Dei* took the form of proclamations by local clergy that granted immunity from violence to certain categories of population, and to the prohibition of violence on certain days of the year.³² From the late eleventh century on (Aire-sur-la-Lys), and definitely in the twelfth century, the secular authorities, such as the count of Flanders and the Flemish cities, took over the care for public order, and introduced numerous ordinances to secure the procedure of the 'zoen', which is a solemn agreement (reconciliation), with the aim to eliminate deathly feuds between families (*vendetta*, *guerre privée*),³³ and to promote the reconstruction of peace between the parties.³⁴ In Ghent one of the aldermen benches, that of *Ghedele*, functioned precisely, from the fourteenth century until 1570, as a board of arbitration for feuds between patrician families and other domestic urban conflicts (*paisierders*).³⁵

The prehistory of the supreme ruler, distributing pardon without limitation and without obligation to justify the act, goes back to the kings of France, and especially to Charles V (1364–1380). Their remission letters show that no single crime is unpardonable.³⁶ The king is the *roi justicier*, and the remissions are the perfect expression of his power as *chief justice*.³⁷ During

³⁰ Walter Prevenier, 'De Zeeuwse adel in de ban van Bourgondië in 1473. Loyauteit als motief voor gratie na doodslag', in: Eef Dijkhof and Michiel van Gent (eds), *Uit diverse bronnen gelicht. Opstellen aangeboden aan Hans Smit ter gelegenheid van zijn vijftenzestigste verjaardag* (Den Haag 2007) 265–76.

³¹ On the early signs of pardon and reconciliation: Gauvard, "De grace especial", 904–6.

³² Thomas Head and Richard Landes (eds), *The Peace of God: Social violence and religious response in France around the year 1000* (Ithaca NY 1992); Egied I. Strubbe, 'La paix de Dieu dans le Nord de la France', *Recueils de la Société Jean Bodin XIV, La Paix* (Brussels 1962) 489–501.

³³ Marvellous cases in Flanders around 1300: Wim Blockmans, *Een middeleeuwse vendetta, Gent 1300* (Houten 1987).

³⁴ Van Caenegem, *Geschiedenis van het strafrecht*, 21–4 and 280–311; on the sixteenth century conditions of this procedure in the Low Countries: Vrolijk, *Recht door gratie*, 407–28.

³⁵ Johan Decavele, 'Bestuursinstellingen van de stad Gent', in: Walter Prevenier and Bea Augustijn (eds), *De gewestelijke en lokale overheidsinstellingen in Vlaanderen tot 1795* (Brussel 1997) 293; in the second half of the fourteenth century the 'paysierders' took care in average of 325 reconciliations a year. Van Caenegem, *Geschiedenis van het strafrecht*, 320.

³⁶ Claude Gauvard, 'De la théorie à la pratique: justice et miséricorde en France pendant le règne de Charles VI', *Revue des Langues Romanes* 92 (1988) 317–25.

³⁷ Claude Gauvard, 'L'image du roi justicier en France à la fin du moyen âge d'après les lettres de rémission', in: Ph. Braun (ed.), *La faute, la répression et le pardon, Actes du 10^e congrès national des sociétés savantes* (Paris 1984) 165–92.

the reigns of Charles V and VI (1380–1422) public opinion was strongly divided on the question of the need to observe or to avoid limitations in the execution of royal grace. *Justicia* and *misericordia* (with its religious background) were the components of a subtle balance. A strong reformist movement tried, since the middle of the fourteenth century, to reduce the importance of *misericordia*, and considered some of the pardons as a disavowal of the previous sentences of the courts. Writers such as Philippe de Mézières and Christine de Pizan critically discussed the matter, and one of the characters in the *Songe du vergier* posed that he prefers *prince trop rigoureux que piteux*.³⁸ But it is out of doubt that the power to use *misericordia* by Charles V and VI remained in full force, and the efforts for limitation by the reformist theorists continued to be no more than a noble dream. The royal power ended up strengthened. Claude Gauvard concludes that the royal loyalists were successful in their effort to ‘magnifier le pardon pour exalter le lien individuel que le prince entretient avec ses sujets et avec Dieu.’³⁹

I am convinced that the ideological views of the dukes of Burgundy on this issue are very close to those of the kings of France. One should not forget that Philip the Bold, the first Burgundian duke in the Low Countries, was a brother of Charles V, and that this king was in many ways the model Philip most admired, as well in politics and diplomacy, as in artistic and cultural matters, and probably also in his ambitions on pardon granting.⁴⁰ Philip the Bold was aware of the impact, and informed by the same critical voices on this theme his brother heard. Just like Charles V he had a copy of *Le songe du viel pelerin* of Philippe de Mézières in his library,⁴¹ so that, just like his brother, he was informed on the warnings of this famous writer against the tradition of *pardonner les villains cas criminelx*, and of Mézières’ concern about the pardons for members of the networks of the prince, what the writer considered to be *contre le bien public, et a grant peril de ton ame*.⁴² And just like Charles V, Philip the Bold and his successors used the pardon procedure cynically, and as broadly as they needed and wanted, without any moral inhibition. But the controversy on the advisability of limitations of the pardon discourse, based on moral and juridical lines, remained alive throughout the fifteenth century. It came up in several of the *Fürstenspiegel*

³⁸ Gauvard, “*De grâce especial*”, 907–20.

³⁹ Gauvard, “*De grâce especial*”, 934.

⁴⁰ Blockmans and Prevenier, *The promised lands*, 17.

⁴¹ Thomas Falmagne and Baudouin Van den Abeele, *The Medieval Booklists of the Southern Low Countries, V, Dukes of Burgundy* (in press in the editions of the Koninklijke Vlaamse Academie van België); this work is mentioned in five successive catalogues, from the first to the last duke of Burgundy; the manuscripts of the catalogues are not mentioned in the edition by Coopland (see footnote 42), and perhaps not surviving.

⁴² G. W. Coopland, *Philippe de Mézières, chancellor of Cyprus, Le songe du viel pelerin*, 2 vols (Cambridge 1969) II, 324–326.

(‘mirrors of princes’). One of them is the *Instruction d’un jeune prince* by Guillebert de Lannoy, a prominent knight, active as a military leader and as a diplomat of duke Philip the Good, who made him, from the start in 1430, a member of the prestigious Order of the Golden Fleece.⁴³ His moralizing advices for ‘a good prince’ are written on de Lannoy’s personal initiative, and not as a commission of the duke, and may give a relative independent reflection of public opinion. Guillebert defends the presence of competent officials in government, criticizes corruption in the administration and at the courts, recommends the constant consultation by the prince of the representatives of the Estates.⁴⁴ Within this context of good policy and ‘common good’ philosophy Guillebert advocates in his ‘Instruction’, written between 1439 and 1442, a large but selective use of pardon granting by the ‘ideal’ prince. He acclaims the type of pardons that redresses excessive sentences of judges on simple, ignorant and peace-loving subjects, he appeals for extenuating circumstances, but he protests against clemency for real criminals, and for those using their influence and connections at the court and in upper class circles:

En telz cas pitieables doivent princes et grans seigneurs qui ont la justice a maintenir, user de clemence et de pitié et espargnier les simples, paisibles et ignorans, ceulz de bonne volenté et de vie honneste, et de tous poins moustretter la rigueur de justice sur les felons, cruelz, malicieus et provoqueurs qui par engin, propos deliberé et force de leur lignages ou d’aide en court conduisent leur crismes, tenses, convoitises et cruaultez.⁴⁵

For us, historians, the most instructive part of all these critical voices in the fourteenth and fifteenth centuries is that they would never have been so strongly formulated if the behavior of the kings of France and the dukes of Burgundy would not have been so shocking for at least for some well informed contemporaries. Ducal pardon politics must have been the negative of what they proclaimed to be ‘fair politics.’ That is the first and most decisive argument for my thesis on the frequent handling of pardon as a political instrument by these princes. But there are more solid arguments to found the thesis.

The phenomenon of the use of ‘arrogance of power’ by the dukes is indeed not limited to the granting of grace. The dukes and the duchesses have not

⁴³ Françoise de Gruben, *Les chapitres de la Toison d’Or à l’époque bourguignonne (1430–1477)* (Louvain 1997) 246, 583.

⁴⁴ Jan Dumolyn, *Staatsvorming en vorstelijke ambtenaren in het graafschap Vlaanderen (1419–1477)* (Louvain 2003) 50–1; Gerard Nijsten, *In the shadow of Burgundy. The court of Guelders in the Late Middle Ages* (Cambridge 2004) 110–11.

⁴⁵ Quotation from the edition: Cornelis Van Leeuwen, *Denkbeelden van een vliesridder. De Instruction d’un jeune prince van Guillebert van Lannoy* (Amsterdam 1975) 20, lines 15–21; on the datation: XXVIII; on the ideas on ‘public good’: 78–9.

been averse to use and misuse shamelessly and boldly political power to force people against their will, and the will of their parents, into marriage. Here also the French kings may have been the model: Louis XI (1461–1483) was notorious for his merciless appeal to blackmail in order to impose his tyrannical desire to enforce marriages.⁴⁶ In the fifteenth century dukes and duchesses of Burgundy made excessive use of the immoral technique of *invitations de mariage*, in such a brutal way that Werner Paravicini called them ‘cases of state racketeering’.⁴⁷ In 1440 John of Uutkerke, the son of a councillor of duke Philip the Good, is executed for sodomy. His widow, Bonne d’Herbaumez, in financial trouble, introduces a complaint to the duke, because it was precisely on the urgent request of the prince that she married, at the age of eight, the man, who wasted the entire family patrimony. Philip considered the complaint, because *le mariage avoit esté fait par son ordonnance*.⁴⁸ In 1465 Isabel of Portugal, duchess of Burgundy, had in mind to marry one of her servants to a girl from a wealthy family in Ghent. She wrote a letter to the aldermen of Ghent to let them know that some of the family members agreed to follow the duchess’ plans, but others did not. The duchess strongly instructed the aldermen to put pressure upon the recalcitrants: ‘par bons moyens et douces voies vous induisez les dessusdiz a eulx consentir au dit mariaige ... ilz nous feront plaisir.’⁴⁹ The third case, in 1456, is that of Colinet de la Tilloye, an archer of the duke, hoping to marry the daughter of Jean Robault, a rich brewer in Lille, but her parents opposed. Colinet called for assistance and protection of the duchess, who indeed helped to abduct the girl from Lille into the castle of Jehan de Melun, sire of Antoin and partisan of the Burgundian duke. This refuge was located in Hainault, under the German Empire, what gave the hope to stay immune to complaints from the parents in Lille, under the French crown. Finally the Parlement de Paris condemned the lord of Antoin to release the girl and to refund the goods to the family.⁵⁰ The phenomenon of the enforced marriages is no more than the

⁴⁶ Philippe Contamine, ‘Un aspect de la “tyrannie” de Louis XI. Variations sur le thème du roi marieur’, in: Michel Rouche and J. Heuclin (eds), *La femme au moyen âge* (Maubeuge 1991) 431–42.

⁴⁷ Werner Paravicini, ‘Invitations au mariage. Pratique sociale, abus de pouvoir, intérêt de l’état à la cour des ducs de Bourgogne au XV^e siècle’, *Comptes Rendus de l’Académie des Inscriptions et Belles-Lettres* (Paris 1995) 687–711.

⁴⁸ Marc Boone, ‘Une famille au service de l’Etat bourguignon naissant. Roland et Jean d’Uutkerke, nobles flamands dans l’entourage de Philippe le Bon’, *Revue du Nord* 77 (1995) 252–4 (‘the marriage had been concluded by his order’).

⁴⁹ Ghent, City Archives of Ghent, Series 2, H 1, P° 6 r° (‘by good means and soft ways you induce the aforesaid to consent into the said marriage; they will please us’).

⁵⁰ Raoul Van Caenegem, *Les arrêts et jugés du Parlement de Paris, II, Textes, 1454–1521* (Brussels 1977) 84–7. In this case we have a second, totally contradictory, statement on the case by chronicler Georges Chastellain: J. Kervyn de Lettenhove (ed.), *Oeuvres de Georges Chastellain* (8 vols., Brussels 1864) III, 81–9; Chastellain, who was an official writer at the Burgundian court, delivers a version of this case that is much more positive than the text of the Paris court on the goodwill of the duke and the duchess.

top of the iceberg. The weaknesses of the administrative machinery of the Burgundian State were the origin of continuous irregularities, corruptions, financial frauds and bribes. Nepotism in the appointment of favourites in public and ecclesiastical functions, and many forms of patronage and clientelism constantly betrayed the idea of the public weal.⁵¹

One of the most interesting polemics around remission letters is about their degree of veracity. Researchers agree on only one point: the request written by the applicant of a pardon letter, with the story of the events of the crime, never reflects reality in a reliable way. It is evidently subjective and biased, it always tries to minimize the guilt, in order to realize and justify the pardon. From this point on believers and disbelievers disagree. Law and institutional historians are rather convinced that the two successive checks, the first by the local authorities at the introduction of the request, the second by the ducal courts at the application for the *intérinement*, are carried out with such an efficiency and accuracy, with double checks by prosecutors and interviews of witnesses, that the final letter contains reasonable guarantees in reflecting the real course of events. I can follow this optimism for the remission letters that I qualified as 'social reconstruction'-instruments, as can be shown in the case of Mathieu Cricke. This leader of a bohémien theater group convinced one Bruges prostitute, Maria van der Hoeven, to leave her life as *fille de joie* and to become an actress in his company. At one performance in Malines, Jacob van Musene, a wealthy burgher of this town, convinced Maria to become his mistress. But soon she regretted her betrayal to the actors, came back to Matthieu, left him again for Van Musene, regretted once more and joined the group again. During the third flight of Maria to the adulterous burgher, Matthieu found out that they were spending the night in the hostel of widow Lysebeth Hekelmakers in Diest, entered that house with other members of his group, and after the use of some verbal violence and some threat of clash of arms, Maria agreed to follow him. Van Musene, of course, introduced a complaint for abduction of 'his' woman, and so the whole company was put in jail. From prison Cricke and his companions introduced a request for grace, and indeed got a letter of remission from duke Charles the Bold in 1475. But when, a few months later, Cricke started the required procedure for the definitive registration (*intérinement*) of his pardon letter at the ducal Court of the Parlement of Mechelen, Van Musene opposed. So started a process of months focusing on two possible

⁵¹ Alain Derville, 'Pots-de-vin, cadeaux, racket, patronage. Essai sur les mécanismes de décision dans l'Etat bourguignon', *Revue du Nord* 56 (1974) 341–64; Wim Blockmans, 'Corruptie, patronage, makelaardij en venaliteit als symptomen van een ontluikende staatsvorming in de Bourgondisch-Habsburgse Nederlanden', *Tijdschrift voor Sociale Geschiedenis* 11 (1985) 231–47; Marc Boone, 'Dons et pots-de-vins, aspects de la sociabilité urbaine au bas moyen âge. Le cas gantois pendant la période bourguignonne', *Revue du Nord* 70 (1988) 471–87; Blockmans and Prevenier, *The promised lands*, 100–2 and 129–30.

interpretations of the facts, that of Van Musene with the thesis of abduction, that of Cricke claiming a case of seduction and free will of Maria to reunite with Cricke and his group. In this case we can understand the obstinacy of the Court in the use of critical checks: the delineation of abduction and seduction has often been a delicate matter in medieval trials. The earnestness of the pardon procedure is proved here by the presence of no less than four types of documents informing on the events: 1. the pardon letter, that reflects dominantly the version of Cricke, as originally assumed by the duke; 2. the request introduced by Cricke with no less than 50 points of discussion, some brought up by Cricke and by Van Musene, with some answers on critical remarks by Cricke, with some statements of the prosecutor; 3. the report of the interrogation of 18 witnesses, in Diest and Leuven, and especially some crown witnesses, such as the widow Hekelmakers, the landlady of the house in Diest where Cricke took Maria away from Van Musene, and the keepers of the inns in Leuven where Cricke and Van Musene took residence; 4. the accounts with the discussions and the conflicts on the payment of the fines by Cricke and his allies, proving that they belonged to rebellious and dangerous fringes of society.⁵² The critical confrontation of the four channels of information allows to come fairly close to the reality of this medieval event, what also must have been the aim of the medieval prosecutor at the Parlement of Mechelen.

So far for the belief in the veracity of most of the pardon letters. It is my conviction that text decoding should be very different for the remission letters that I qualified as ‘politically motivated pardons.’ Here the language strategies are much more complex and sophisticated. These letters do not care about the check of reality, they are full of violence, deception, fraud, lies, protection, favouritism, corruption, and all other variations on immoral behaviour. In this category of ‘political’ remission documents, I think that the question of reality check (by the medieval court, and by the historian) is totally irrelevant here, because none of the prosecutors or judges cares or is able to care about the real facts. The prince and his notaries only care about the opportunity and the usefulness of a pardon, and the construction of a more or less credible discourse.

I illustrate his thesis with the case of Cornelis Boudinszoon, the valet of a squire living in a manor on the isle of Kruiningen in Zeeland, who made up his mind in 1447 to enforce a marriage with a rich widow, Anna

⁵² The four texts have been edited in: Prevenier, ‘Vorstelijke genade in de praktijk’ (in print); comments on the story of Cricke: ‘Een Brugs meisje van plezier, een Brusselse theateracteur en een Mechelse overspelige burgerman, in 1475. Emoties en berekeningen van een flamboyant laatmiddeleeuws trio’, in: Frank Daelemans and Ann Kelders (eds), *Miscellanea in memoriam Pierre Cockshaw (1938–2008)*. *Aspects de la vie culturelle dans les Pays-Bas méridionaux* (Brussel 2009) 447–63.

Willemszoon, he knew living in Hulst, as a way of social promotion. The criminal facts are evident. The valet abducted the widow at night, with the help of seven fellow servants. They forced her into a marriage by so called free will. In fact they threatened to kill her, and to abduct her to Scotland, if she did not accept. Cornelis' master, Zweer lord of Kruiningen, was involved, since Cornelis had free disposal of the squire's manor. The local bailiff did his job and arrested the criminals. The court of the city of Ghent (a Ghent burgher was involved in the affair) took the expected decision: banishment from Flanders for 50 years for the rapist, for his friends, and for his squire, the lord of Kruiningen, all co-responsible for the crime. One year later, however, the duke of Burgundy granted pardon to all of them against any vestige of juridical logic.⁵³ Like in the before mentioned 'political' remission cases, there is a hidden agenda, and a preceding family story, that reveals more realistic motivations for the pardon and believable backgrounds of the crime. It was easy to reconstruct the position of the criminals. The squire was at the same time politically important and dangerous for the duke: he was one of the Zeeland noble families involved in the struggle of the Zeeland elites for their independent status in opposition against Burgundisation of the area. These families also had impact on the grant or the refusal of the regional taxes to the central state. The duke could better have him as an ally. The lord of Kruiningen also had family ties with top judges at the ducal Court of Flanders. These friends could not avoid the conviction: the facts were spectacular and a public scandal. But they may have helped for the granting of the pardon.⁵⁴

There was, however, a second side of the coin. The victim was not an anonymous widow. This Anna Willemszoon was indeed the mother of Jan Crabbe, abbot of Ten Duinen, the most prestigious and richest abbey of the county of Flanders, a renowned humanist, patron of literature and arts. This abbot commanded a triptych to the famous painter Hans Memling in Bruges, and because he had no spouse to appear in the usual way on the painting, he asked Memling to paint his mother on the left side panel. Anna Willemszoon first married a rich Flemish burgher, Hans Crabbe (father of the abbot), and after his death a second rich patrician, Christoffel de Winter from Hulst. In 1448 the second husband died, and Anna became widow a second time. A rich widow, as she accumulated inheritances of the two husbands. That explains the rumours on her high social status that made Clais Boudinszoon ambitious to enforce a marriage. But the raped lady was protected: she was a member of the high society in Flanders, mother of the

⁵³ Pardon letter in: Lille, Archives Départementales du Nord, B 1684, f. 10r–13r.

⁵⁴ Walter Prevenier, 'Vrouwenroof als middel tot sociale mobiliteit in het 15de-eeuwse Zeeland', in: Dick E.H. De Boer and J.W. Marsilje (eds), *De Nederlanden in de late middeleeuwen* (Utrecht 1987) 410–24.

influential abbot of Ten Duinen, close to the court circles of the duke. It is clear that the bailiff of Hulst and the judges of the Ghent court had to take her complaint seriously.⁵⁵

For the duke two significant networks were here in the balance. He managed to buy the loyalty of the one (the Kruiningen clan) and to keep the loyalty of the other (the abbot Crabbe group). The clemency of the duke was simply based on calculation, the seduction of an important segment of the political opposition. In a case like this I can not imagine that any juridical check happened between the request for and the granting of the grace, simply because there were no excuses or good juridical reasons for pardon available. And so the ducal notary, editing this pardon letter, had to go for the brutal and cynical style of the infallible and unquestionable prince, just like in many of the remission letters of the French king, also without any justification?⁵⁶ The first part of the letter is indeed a brutal story of violence and terror, explicit protest (*clamor*) of the widow, testified by witnesses, marriage under pressure. In the description of the conviction the Ghent aldermen use the words: 'villainous, horrible, and enormous wrong-doing'. The second part of the pardon tale is an unconvincing portrait of the 'good' squire, trying to prevent crime and violence, without any success. Between this long report on violence, on the one side, and the traditional reference to Christian clemency and 'rigueur de la justice', on the other side, there is no other justification for the pardon than one sentence that certainly takes our breath away: 'observing the fact that the mentioned persons have never been accused before on foul actions or bad crimes, but had always lived courtly, always had a good fame and name, as we learned'. The sentence might have been simply replaced by the famous reply of a recent French president: *Et alors?* This is pure bravery, arrogance, bluff. The only type of strategy that we can presume here is the cynical demonstration of protectionism and of the advantages of paternalistic networks, a show of the daring brutality and transgressions of moral and judicial standards. Without any logical link, a second part of the story is presenting the perpetrators as 'honorable men', an unjustifiable euphemism.

I understand that for legal history it is crucial to determine to which degree the application of the reality checks by the prosecutors may have been accurate.⁵⁷ But other approaches are equally valuable. For the historians of

⁵⁵ Prevenier, 'Violence against Women', 186–203.

⁵⁶ Gauvard, "*De grâce especial*", 923: in the pardon letters of the French king 75% have no word of justification.

⁵⁷ Vrolijk, *Recht door gratie*, 458, prefers to consider pardon letters in the first place as juridical documents; these letters are not 'discourses on social and psychological matters'; for her the goal of the requests by the prosecutor is not a psychological analysis, but the juridical demonstration of the absence of premeditation.

the ‘histoire des mentalités’ the degree of truthfulness is a very different concept. Truth is in their mind a constructed reality, useful in the social game of repression and grace. ‘The fidelity to “real events” and the questioning on ‘what truth status they enjoyed in society at large’, are part of a more or less successful technique of ‘creating a sense of the real’.⁵⁸ For these games we are less helped by the knowledge of legislation and legal procedure, than by the ‘thick description’ of anthropologist Clifford Geertz,⁵⁹ the analysis of sociologist Lawrence Rosen’s ‘bargaining for reality’,⁶⁰ Thomas Luckmann’s discourse on social constructions,⁶¹ the deconstructions of linguist Jacques Derrida.⁶² Natalie Davis used the term ‘verisimilitude’ to characterize the grey zone between reality, and fiction and lies.⁶³ Robert Muchembled called this zone *un subtil composé de demi-teintes, une vérité que l’on peut qualifier de judiciaire, and une règle impérative de vraisemblance*.⁶⁴ Within this approach the historian is confronted with a plurality of truths, simultaneous voices on the unique and indivisible reality.⁶⁵ In one and the same pardon letter we are confronted with the truth of the criminal, the truth of the victim, that of the bailiff, of the prosecutor (in the first check), of the court judges (in the second check), and, above all, the (political and opportunistic) truth of the pardoning prince. It is true that part of the original form of these voices may have been lost, since they are assembled and recycled by the notary in charge of the editing of the pardon. In most cases, however, the original content and even the colour of the voice is respected, by the use of literal quotations, especially in the testimonies.

Remission letters, as products of the legal system, deliver in the first place direct information on crime, repression, and the option of pardon, as a judicial review on the fairness of justice. A significant amount of the pardon letters have had a useful function for social cohesion, as they reintegrate people into society that otherwise would be lost. But a restricted part have been used, beyond this logic, by princes as instruments of power politics, within

⁵⁸ Davis, *Fiction*, 5 and 47.

⁵⁹ Clifford Geertz, ‘Thick description’, in: idem, *The interpretation of culture* (New York 1973) 3–30.

⁶⁰ Lawrence Rosen, *Bargaining for reality. The construction of social relations in a Muslim community* (Chicago, London 1984) 1–5, 18–9, 180–1.

⁶¹ Peter L. Berger and Thomas Luckmann, *The social construction of reality: a treatise in the sociology of knowledge* (New York 1980).

⁶² Jacques Derrida, *De la grammatologie* (Paris 1967) 21–33.

⁶³ Davis, *Fiction*, 45.

⁶⁴ Robert Muchembled, *La violence au village. Sociabilité et comportements populaires en Artois du XVe au XVIIe siècle* (Turnhout 1989) 16–8.

⁶⁵ On this plurality of the notion ‘truth’: Walter Prevenier, ‘Les multiples vérités dans les discours sur les offenses criminelles envers les femmes dans les Pays-Bas méridionaux (XIVe et XVe siècles)’, in: S. Gouguenheim e.a. (eds), *Retour aux sources. Textes, études et documents d’histoire médiévale offerts à Michel Parisse* (Paris 2004) 955–64.

the frame of networking and clientele. Pardon letters reveal that a tale and a confession may be a lie. They contain mostly a well developed story on the social, political and psychological backgrounds of the offense and the grace, and so they become the most exciting sources for the study of mentalities and human behaviour.

