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The lure of the dark ages : writing the Middle Ages and political rhetoric in humanist historiography from the low countries

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CHAPTER FIVE

A Civil Servant's History: Petrus Divaeus' Political Analysis of the Brabantine Past (ca. 1563)

“The clerk, besides, was a man of counsel; he would scarce read so strange a document without dropping a remark; and by that remark Mr. Utterson might shape his future course.”

Robert Louis Stevenson, *Strange Case of Dr Jekyll and Mr Hyde* (1886)*

Even at first sight, the historiographical labours of the Louvain humanist Petrus Divaeus (Peter van Dyeve, 1536-1581) constitute a very promising source of information for those who wish to know more about the interaction of medievalist scholarship and political discourse in the early modern Low Countries. Divaeus received a humanist education at the Collegium Trilingue in Louvain. After this, he was involved in the administration of various cities in the Southern Netherlands, which gave him relatively easy access to municipal archives. In his works of history, he could therefore draw on important documents, a profound experience as a civil servant, and a humanist philological training. Divaeus' sober mode of presentation and his extensive use of documents have caused modern historians to praise his work for “[b]reaking with the traditional fabulous trend” and building his studies “on the evidence of records of town and convents, or on inscriptions and epitaphs, thus leading the way to trustworthy history”.¹ Moreover, his legalist and constitutionalist approach to the past that seems closely connected with his professional background

* R. Luckhurst (ed.) (2006) *Robert Louis Stevenson: Strange Case of Dr Jekyll and Mr Hyde and Other Tales*, Oxford University Press (Oxford), p. 27.

¹ De Vocht 1951-1955, vol. 4, 419-20.

must appear politically significant as a prelude to the justification of the Dutch Revolt in the Act of Abjuration (1581), which Divaeus himself helped to draw up.

In this chapter, I will therefore pay close attention to what is regarded as Divaeus' principal work: the history of Brabant. Because my attention was caught in particular by the relationship between Divaeus' methods of investigation and presentation on the one hand and contemporary political thought on the other, the focus of this chapter will be less on rhetoric than is the case in other chapters in this book and more on historical method, and particularly its relation to Divaeus' professional activities. To an important extent, this choice is motivated by the available material: while Divaeus' work does not seem to have enjoyed a very wide reception before its publication by Aubertus Miraeus in 1610, we are particularly well informed about the process of composition, because we still possess two manuscript versions that are clearly Divaeus' own working copies or transcripts of these. Moreover, the archival sources regarding his activity as a civil servant have been gathered with scrupulous care by Edward van Even.²

In an attempt to describe the connections between political and historiographical practices, I will first discuss the chronology of Divaeus' life, especially with regard to his humanist studies, his civil career, and his activity as a historiographer. Subsequently, attention will be paid to Divaeus' general procedures of research and writing as they appear from programmatic remarks, manuscript evidence, and the general format of his work. These characteristics will be related to Divaeus' main example, the work of Jacobus Meyerus, and to trends in contemporary historical theory, particularly the ideas of François Baudouin. The following sections will be devoted to the main political topics addressed by Divaeus: the definition of Brabant and its form of government, the settlement of political conflicts, and the formation of something that closely equals a constitution. In the sections about Divaeus' methods and his views on the past, I will relate the peculiarities of Divaeus' historiography to the political context of his work. Finally, I will investigate how the fields of interests and methods that characterize Divaeus' historiography relate to his later career, and especially his involvement in the politics of the Dutch Revolt.

5.1 Divaeus as a Civil Servant, Humanist, and Historian

Petrus Divaeus was born in Louvain in 1536 as Peter van Dyeve. He descended from a family of well-to-do commoners; some of them went to university and became city

² For the manuscripts, see the bibliography. The archival material can be found in Van Even 1857; id. 1870. Additional evidence can be found in Japikse & Rijperman (ed.) 1915-1970 and L.P.L. Pirenne 1960.

clerks.³ On 28 August 1548, Divaeus was matriculated at the University of Louvain. He rounded off his studies on 26 March 1552 with the degree of Master of Arts. During this period, Divaeus laid the foundation of his humanist education. This humanist background appears most evidently in his interest in textual criticism. In Justus Lipsius' *Epistolicarum quaestionum libri V* of 1577, we find three letters addressed to Divaeus, in which Lipsius discusses Divaeus' and his own attempts to improve the texts of Velleius Paterculus and the Latin panegyrics. Letters to Pierre Pithou and Philip of Lannoy included in this book also feature emendations by Divaeus, including one for the work of Livy.⁴ Moreover, Divaeus is known to have possessed important manuscripts containing the poetry of Horace and Juvenal.⁵

Not surprisingly, Divaeus also maintained a (modest) humanist network. His most important connection in the *respublica litterarum* was evidently Justus Lipsius. Lipsius did not only share a fondness of textual criticism with Divaeus, but also corresponded with him about the composition of a new Latin grammar for schools in the Low Countries in 1581. Furthermore, he addressed to Divaeus a poem in praise of Propertius. Finally, in his own history of Louvain, the *Lovanium* of 1605, he referred to Divaeus as his main guide to the ancient and medieval past.⁶ Other contacts of Divaeus were Abraham Ortelius, the famous cartographer, and Johannes Vivianus, a Neo-Latin poet; both men visited him in Louvain in 1575. In this year, Divaeus also made an inscription in Ortelius' *album amicorum*. This poem enjoys some renown for

³ The most extensive and informative biographies of Divaeus are Van Even 1857; id. 1870; id. 1878; Van Langendonck (ed.) 1757, f. *2r-**2r; De Vocht 1951-1955, vol. 4, 419-20; Van Uytven 1964. Some additional information is found in L.P.L. Pirenne 1960, 167, 173, 194, 222; Van Uytven 1961, 614-7; De Ridder-Symoens 1978, 51-5; Marnef 1987, 150-4, 173, 206, 235-6, 344, 346, 357-8. Some authors claim a noble descent for Divaeus, but none of them is able to corroborate this claim with convincing genealogical data. In 2007, Peter Crombecq investigated the genealogy of the Van Dieve family from Wauter van Dieve in the fourteenth century until Willem Anton van Dieve in the eighteenth century; the results of his research can be found at: <http://users.telenet.be/PeterCrombecq/Genea%20Stek/> [last consulted 12 August 2011].

⁴ Lipsius 1577, 37-9 (n° 1.22, to Pierre Pithou), 100-1 (n° 3.8, to Divaeus), 187-8 (n° 4.28, to Divaeus), 205-6 (n° 5.11, to Divaeus), 215-6 (n° 5.16, to Philip of Lannoy).

⁵ For Divaeus' manuscript of Juvenal, see Lipsius' letter to Janus Dousa Sr at Lipsius 1577, 178-85 (n° 4.26); the Horace manuscript was used by Jacobus Cruquius in his edition: see, for instance, Cruquius (ed.) 1579, 257, 266, 269, 275, 292, 296, 297 for the variant readings of this manuscript in the *Epodes*.

⁶ For Lipsius' letter about the Latin grammar, see *ILE* vol. 1, 274-5 (n° 144). For Divaeus as Lipsius' historical guide, see Lipsius 1605a, 1-2. This passage is discussed in §1.1. For the poem about Propertius, see Sweertius (ed.) 1610, 13-4. An edition of this text with an overview of literary subtexts is found in Papy 1996, 178-9. Papy is unclear about the date of composition: at Papy 1996, 170 the text is dated to 1570-1571, which is described here as "ses années estudiantines débridées"; at Papy 1996, 185 the years 1564-1569 are indicated as the time of composition. It seems most likely that the former date is incorrect, since Lipsius was matriculated in the university of Louvain in 1564.

being one of the first experiments with classical (sapphic) stanzas in the Dutch vernacular.⁷

Humanist studies were not Divaeus' main occupation, though. A few months after Divaeus became Master of Arts, on 14 October 1552, he was appointed as a clerk at the financial administration office (*register*) of the city Louvain. Divaeus held this function for many years, during which his salary was steadily increased. The job was not merely about bookkeeping; Divaeus also received a special commission to gather the city's charters and privileges, he was appointed as auditor and supervisor of the grain supplies, and he sat on a committee responsible for the collection of a particular tax known as the *honderdste penning* and on another that mediated in pending disputes between the city and the university.

Divaeus' professional life took a different course in the year 1576. After the death of the Spanish governor Luis de Requesens, the Estates of Brabant investigated the possibility of appointing a successor on their own authority. Divaeus was asked to find out as much as possible about historical precedents for such a move. From this moment onwards, Divaeus became involved in the politics of Brabant and the Low Countries, rather than those of Louvain. Two years later, he was appointed pensionary of the city Brussels. The year 1580 marked the climax of Divaeus' career: he became councillor of archduke Matthias in Antwerp and pensionary of the city of Mechelen. As pensionary of Brussels and Mechelen, Divaeus often appeared at meetings of the States General, where he regularly received commissions. The last and most important of these was his attendance of the meeting in Delft in 1580 and his contribution to the Act of Abjuration, which was signed on 26 July 1581. In the course of this year, Divaeus and his wife Maria vanden Eynde, whom he had married in 1560, suddenly fell gravely ill; Divaeus died at the end of December.

As a result of this intense political activity, Divaeus' political network was much more impressive than his scholarly one. He was especially well acquainted with prominent patricians in the Brabantine cities. During his service in Louvain, he cooperated with Jan Lievens van Caudekercke, who had been pensionary of the city since 1559 and who was the son of Maria van Dyeve, a cousin of Divaeus' father. Through his wife, he was connected to her brother Jeronimus vanden Eynde, who would become an alderman of Brussels in 1578. In 1569, Justus Lipsius asked Peter

⁷ For the visit of Ortelius and Vivianus, see Ortelius & Vivianus 1584, 9-10; for the inscription in Ortelius' *album amicorum*, dated 13 June 1575, see Puraye (ed.) 1967-1968, vol. 45, 94-5; vol. 46, 73. For its importance as innovative vernacular poetry, see Forster 1967, 290-1. Another inscription by Divaeus, dated 20 August 1576, can be found in the *album amicorum* of the Frisian nobleman Poppe van Feytisma: KB ms. 79 J 20, f. 24^v-25^r. Vivianus' *album amicorum* is also kept in the Royal Library at The Hague (KB ms. 74 F 19), but does not contain an inscription by Divaeus.

van Wavere, another future alderman of Brussels, to greet Divaeus on his behalf. After the installation of a Calvinist city administration in 's Hertogenbosch in 1578, Divaeus sent a letter of congratulation to Gerard Prouninck van Deventer who had become an alderman in the new government. Moreover, this letter shows that Dirck Aertssen, alderman of 's Hertogenbosch in 1564 and 1578, and Henricus Agylaeus, a jurist who would become pensionary of Middelburg and procurator-general at Utrecht, were also among his acquaintances. In the service of the States General, Divaeus met many other important politicians, such as Andries Hessels, pensionary of 's-Hertogenbosch and clerk of the Estates of Brabant, and Johan Junius de Jonghe, burgomaster of Antwerp.⁸

Divaeus' activity for the city administration of Louvain left him enough time to work on historiography. It offered other advantages as well. As Divaeus himself explained in the preface to one of his works, "almost nothing worth knowing can escape the scrutiny of him who performs a public function in his country. Indeed, as soon as I had left my boyhood behind and I was employed as a scribe at the public treasury of our city, it happened that I read and saw many things of the kind that is helpful for someone who intends to write history from public records."⁹ For instance, Divaeus was present at some of the scarce moments that the *Comme* was opened: a large chest made from oak wood that could only be unlocked with the help of eight keys and that contained the all-important privileges of Louvain. Thus, in January 1565, the two burgomasters of Louvain "visited the *Comme* and superficially inspected everything it contained, in the company of Jan Lievens and Peter van Dyeve." On this occasion, "a letter containing a settlement or judgement and provided with many

⁸ For Divaeus' connections with Lievens, see Van Even 1857, 95; id. (ed.) 1856, 386 n. 2. L.P.L. Pirenne 1960, 194 suggested that Jeronimus vanden Eynde was Divaeus' brother-in-law. This is confirmed by Divaeus' marriage settlement edited by Van Even 1870, 82. For Lipsius' letter to Van Wavere, see *ILE* vol. 1, 52. See L.P.L. Pirenne 1960, 167, 173, 194, 222 for Divaeus' connections with the government of 's-Hertogenbosch. Interestingly, Agylaeus wrote a booklet called *Inauguratio Philippi II*, in which he argued that Philip II had violated the terms of his Joyous Entry and was therefore legitimately deposed by his subjects in the Low Countries. It was published by his son in 1620. For Divaeus' possible contacts among the members of the States General, see the lists of deputies at Japikse & Rijperman (edd.) 1915-1970, vol. 2, 2-6; vol. 3, 1-6, 185-7.

⁹ Van Langendonck (ed.) 1757, f. ***v: "Jam vero qui munere publico in Patria fungitur, nihil fere quod scitu dignum sit, investigationem ejus subterfugere potest. Sane cum primum ex ephebis egressus Aerario publico civitatis nostrae Scriba adhibitus essem, multa legere ac videre contigit, quae historiam scripturo ex publicis monumentis adjumento esse possent". The ideal of the historian as a man with political experience is topical, but Divaeus' explanation of this by referring to his access to archives is not: Landfester 1972, 96-104.

seals of the Brabantine noblemen was lent to the aforementioned Van Dyeve, so that he could find their coats of arms for his chronicle.”¹⁰

Thanks to this synergy of his activities as clerk and historian, the 1560’s were a productive period for Divaeus. On 19 December 1563, he wrote the dedication of a thematic description of Brabant called *Antiquitatum Brabantiae liber* that was later incorporated in *de Rerum Brabanticarum libri XIX* as its first book. In the years 1561-1565, he was occupied with the *Rerum Lovaniensium libri IV*, a book about the history of Louvain and its patrician families. In 1566, Christopher Plantin published *De Galliae Belgicae antiquitatibus liber I*, a work about the area between the Rhine, the Seine, and the Vosges Mountains as it was during antiquity – the only work of Divaeus printed during his lifetime.¹¹ It is not known when Divaeus wrote the *Annalium Lovaniensium libri VIII* about the history of Louvain from its origins up to the year 1507.¹²

¹⁰ For the archival material regarding the *Comme*, see Van Even 1857, 95; the quotation is in n. 27: “in deselven Comme geweest, ende oversien superficialiter, met J. Lievens ende *Petrum van Dyeve*, alle tghene des daerinne was ... eenen brief van Peyse oft appointemente den voers[revent] *van Dyeve* geleent, met vele zegelen vanden edelen van Brabant, om huere wapen tot zyner *Chronycken* te vynden”.

¹¹ Van Even 1857, 99 argues convincingly that a manuscript of a second book of this work must have existed, which dealt with the Frankish rule over Gallia Belgica. Despite the investigations of Jan-Michiel van Langendonck and Eduard van Even, no one has been able to find a trace of it after the year 1642.

¹² Van Even 1857, 103 also mentions a work by Divaeus entitled *Bellum Grimberganum*, which he supposed to be extant in the library of the Burgundian dukes as n° 6583. He probably referred to an item about the wars fought between the dukes of Brabant and the lords of Mechelen in the 12th century that can be found in an eighteenth-century manuscript in the Royal Library in Brussels: KBR ms. 6563-93 (6716), n° 22, f. 161^r-162^v. In the catalogue of 1842 it was attributed to Divaeus: Marchal (ed.) 1842, vol. 3, 28 (n° 6583). In the catalogue of 1901-1948, however, no author is indicated: Van den Gheyn & Lyna 1901-1948, vol. 9, 413 (n° 6716 in the new numeration, 6563-93 in the old one). The manuscript itself is clear in its attribution of the passage, however. The heading of the section concerned is: “Bellum Grimberganum. Ex Divaeo, Castergatensi, et aliis. Apud Gramaium in Appendice ad res Mechlinienses”. This refers unequivocally to a section from Jean-Baptiste Gramaye’s *Historiae et antiquitatum urbis et provinciae Mechliniensis libri III* entitled “Appendix ad res Mechlinienses Historia Grimbergana ex Divaeo Castergatensi, et alijs”: Gramaye 1607, f. F2^r-H1^r. Indeed, the manuscript contains excerpts from this passage. As the title of Gramaye’s appendix indicates, we are dealing here with a work written by Gramaye himself on the basis of earlier works about the same theme: apart from Divaeus, he mentions Jean d’Enghien, lord of Kestergat (*Castergatensis*) (†1478) and some others whom he does not refer to by name (*alij*). There is no reason, therefore, to suppose with Van Even – and those who adopted his statement – that there must have been a separate work by Divaeus about the Grimbergen wars, since Gramaye might well have drawn his information about these events from the *Rerum Brabanticarum libri XIX*: *RBL* p. 94-7. Vermaseren 1941, 143 suggests that Divaeus may have planned or even written a work about the Dutch Revolt. This argument is based on a poem by Lipsius addressed to Divaeus. See Sweertius (ed.) 1610, 13: “Dum tibi ciuilis scribuntur bella tumultus, / Et pugnata mea praelia pro patria.” This does not mean, however, that Divaeus was writing about recent turmoils, and Divaeus’ overview of Brabantine history qualifies as *pugnata mea praelia pro patria* as much as a work about the Dutch Revolt would do.

When Divaeus died in 1581, only one of his works had been printed; the others remained in manuscript. In 1610, the Brabantine scholar Aubertus Miraeus edited the *Rerum Brabantiarum libri XIX*. In 1757, Jan-Michiel van Langendonck published a collection of Divaeus' works, containing the *Rerum Lovaniensium libri IV*, the *Annalium Lovaniensium libri VIII*, and a reprint of the *De Galliae Belgicae antiquitatibus liber I*.¹³ Manuscripts of the posthumously printed works still survive in the Royal Library in Brussels, the Municipal Archive in Louvain, and the Staats- und Universitätsbibliothek in Hamburg.¹⁴ The most important are those of the *Rerum Brabantiarum libri XIX*, because they give a very clear view of Divaeus' historiographical practice. Together with the printed edition, which was based on manuscript material now unknown, they shed a detailed light on quite a few aspects of the slow – and unfinished – process of composition, such as the collection, selection, and arrangement of material, including many changes and corrections, and the original setup of the work in two separate monographs.

5.2 Medieval and Humanist Roots: Chorography, Chronicles, and Meyerus' Oeuvre

These manuscript sources for Divaeus' history of Brabant offer interesting details regarding the process of composition. First of all, they contain a dedication to the Estates of Brabant, dated 19 December 1563, which has been replaced by Miraeus' own dedication to the archdukes Albert and Isabella in the edition of 1610. This letter of dedication states explicitly some of the principles that have guided Divaeus' approach and that he deemed relevant for the reader. "Therefore, after I had collected from old chronicles and from the annals of monasteries and cities the entire history of the Brabantine people, cast in an annalistic form, I would have decided to dedicate it to Your Greatness; but having observed that it was a deformed and maimed (*mutilus*) work – because those things that have been done in the period of more than three hundred years from the age of duke Godfrey the Bearded [1106-1139] to the time of Philip the Good [1430-1467] still needed a very large amount of investigation so that they could be published in complete and perfect form – I changed my plan: and laying aside for a moment Godfrey with his descendants, I preferred to describe in an individual volume what happened before his reign and some more recent matters that nevertheless seemed worthy of the name 'Antiquities' – in order to make clear my

¹³ The *Annales Lovanienses* were translated into Dutch by one of Divaeus' descendants, Willem Anton van Dieve, and published by Edward van Even: Van Dieve & Van Even 1856-1857.

¹⁴ See Van Even 1857, 99, 100, 103; Vanderlinden 1902; De Vocht 1951-1955, vol. 4, 420 n. 1; Van Uytven 1964, 409; Papy (ed.) 2000, 22; and also the manuscript section of the bibliography.

devotion to my fatherland by means of some service – to divulge it under the title ‘Antiquities’, and to dedicate it to Your Greatness.”¹⁵

This brief passage provides many interesting clues about the way Divaeus dealt with the available material. First of all, it appears that he decided to present his historical data in two separate works with a different setup: one work styled *antiquitates*, another called *annales*. This arrangement is clearly present in the manuscripts and can also be traced in the printed edition. The first Hamburg manuscript (Cod. hist. 11) contains a brief treatise entitled *Antiquitatum Brabantiae liber*, while the second one (Cod. hist. 62) is called *Commentarii seu annales rerum Lotharingicarum et Brabanticarum*. In the Brussels manuscript (ms. 17027-28) both works can be found in the same binding. The *Antiquitatum Brabantiae liber* is the first item in the manuscript; after some other items, we also find *Commentarii rerum Brabanticarum*, divided in two parts.¹⁶ Even in the printed edition, which is presented as a single work called *Rerum Brabanticarum libri XIX*, traces of the original setup are still visible. Most importantly, Divaeus refers to book one as *antiquitates*, and to the rest of the work as *annales* in the main text.¹⁷ Moreover, the presence of a digression (book seven in the printed edition) inserted before the treatment of the reign of Godfrey I the Bearded as duke of Lower Lorraine, which contains roughly the same information as the *Antiquitatum Brabantiae liber*, also reveals the composite nature of the work. A third sign is Divaeus’ remark in book one that “he [that is, Henry I of Lower Lorraine (1101-1106)] had Godfrey the Bearded as his successor, about whom and his descendants I intend to publish an individual work (*speciale opus*), if God favours it.”¹⁸ The description of this ‘individual work’ applies perfectly well to the

¹⁵ SUB Cod. hist. 11, f. 2v: “Proinde cum omnem Brabantinorum historiam ex ueteribus Chronicis, ex Coenobiorum urbiumque annalibus collegeram in Annalium formam redactam, Vestrae Amplitudini dicare decreuissem, repente informe ac mutilum opus fore conspicatus (cum ea quae a Godefridi Barbati ducis aevo ad Philippi Boni tempora, annorum plusquam trecentorum spatio gesta sunt, multo maxima adhuc egerent indagine, quo integre ac perfecte ederentur) propositum mutauit: et sequestrato in praesens cum posteritate sua Barbato, quae principatum eius antecesserunt et recentiora nonnulla, quae tamen Antiquitatum titulo digna videbantur, speciali volumine complexus (quo studium in patriam aliquam declararem opera) sub Antiquitatum nomine in lucem mittere, Vestraeque Amplitudini dicare maluit.”

¹⁶ KBR ms. 17027-28, p. 5-38 for the *Antiquitatum Brabantiae liber*, p. 44-94 and 114-222 for the two parts of the *Commentarii rerum Brabanticarum*.

¹⁷ *RBL* p. 26, 36.

¹⁸ *RBL* p. 14: “Godefridum Barbatum successorem habuit, de quo eiusque posteris speciale opus Deo fauente, editurus sum.” Van Even 1857, 103 took this phrase from the printed edition as a reference to a work by Divaeus entitled *De Godefrido Barbato ejusque posteris* that might have disappeared or never have been written; however, the genesis of the *Rerum Brabanticarum* as it appears from the manuscripts in Hamburg – which neither Van Even nor Miraeus knew – makes this idea unlikely. The same goes for Divaeus’ remark at *RBL* p. 13-4 that he will write about Godfrey the Bearded in his work about the dukes of Brabant, which Van Even 1857, 103 interpreted as a reference to another lost writing entitled *De ducibus Brabantiae*.

content of the *Commentarii seu annales* as they are found in the Hamburg and Brussels manuscripts.

The text of the *Antiquitatum Brabantiae liber* is identical in all three versions. In this piece of writing, Divaeus discusses the origin of the name 'Brabant', its historical borders and lords, its main cities with their history and aristocracy, its relation to the duchy of Lorraine and the Holy Roman Empire,¹⁹ and the belligerence shown by its inhabitants. The title given to this work, *Antiquitates*, is slightly misleading, because it suggests a background in the humanist antiquarian tradition, which goes back to the fragments of Varro's *Antiquitates rerum humanarum et divinarum*. But unlike famous representatives of this genre like Flavio Biondo's *Roma instaurata* (1444-1446) or Andrea Fulvio's *Antiquitates urbis* (1527), Divaeus' work is not primarily concerned with the archaeological remains of the remote past. In fact, his *Antiquitates* stand in a tradition that is closely related to antiquarianism as regards themes and setup, viz. the topographical-historical genre of chorography, which was introduced to humanist literature by Biondo's *Italia illustrata* (1448-1458). Another well-known specimen of the genre was Enea Silvio Piccolomini's *Germania*. Common ground between Divaeus' *Antiquitates* and the genre of chorography can be found on the thematic and structural level. First of all, both are distinguished from narrative historiography by their descriptive mode of presentation and their arrangement according to subject matter instead of chronology. Furthermore, apart from a focus on political history they share with narrative historiography, they are characterized by an orientation towards issues of geographical, topographical, genealogical, etymological, and cultural interest concerning both the past and the present of one or more individual regions.²⁰

The *Commentarii seu annales rerum Lotharingicarum et Brabanticarum*, on the other hand, give a chronological treatment of medieval Brabantine history. It seems to be unfinished, and the three versions of it differ in scope and extensiveness. In the Brussels manuscript, the *Commentarii* consist of two parts: one chorographical, one annalistic. According to its table of contents, the latter part was intended as a description of the history from the Austrasian dukes of the sixth century until the reign of Philip the Handsome (1482-1506) in thirteen books, but in its extant form, it

¹⁹ The attention paid to the question whether the dukes of Brabant bore the title 'duke of Lorraine' must be seen in the context of the emphasis Brabantine historians traditionally placed on their view that Brabant formed the core of Lower Lorraine: see Stein 1994, 5-11.

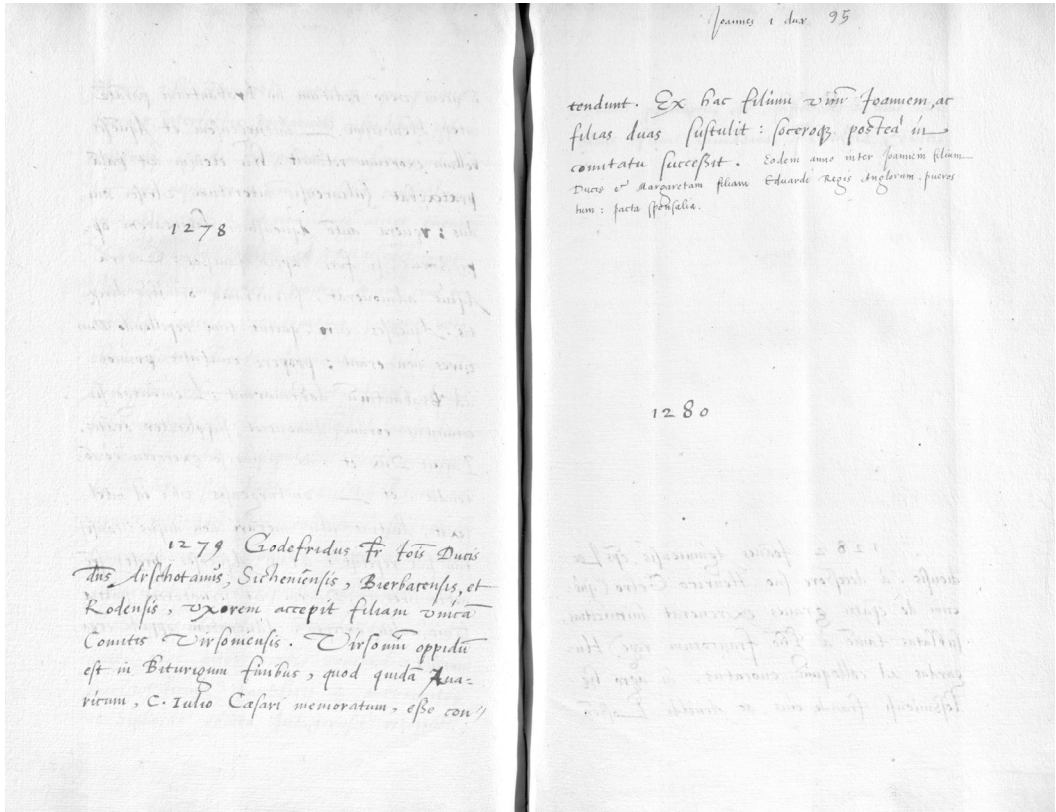
²⁰ Cormack 1999 makes a clear distinction between different geographical genres. For the characteristics of chorography as perceived in the sixteenth century, see Strauss 1959, 54-9; Mendyk 1989, 21-4. For an overview of the most important representatives of the genre in this period, see Broc 1986, 99-119. The British tradition has received most attention in scholarly literature, see Mendyk 1989, 38-56; Cormack 1997, 163-202. For some German chorographers in the sixteenth century, see Beck 1973, 89-109.

only consisted of eight books and covered the period up to the year 1360.²¹ The printed edition of the *Commentarii*, found in books two through nineteen of the *Rerum Brabantiarum libri XIX*, has the most extended chronological scope and contains an account of the Brabantine past from antiquity until the accession of Philip the Good in 1430.²² As has been said above, book seven constitutes a kind of chorographical intermezzo in this version. The Hamburg manuscript, finally, describes the events of the years 1106-1355. If completeness and extensiveness are taken as the main criteria to establish the chronological order of the redactions, it follows that the Brussels manuscript contains the oldest version, the Hamburg manuscript the most recent one: the treatment of most events in the latter is about twice as long as the former; the printed edition takes an intermediate position.²³

²¹ For the table of contents, see KBR ms. 17027-28, p. 114-5.

²² The fact that the version edited by Miraëus describes the history of Brabant until the year 1430 makes that of all three versions of the *Commentarii*, this one corresponds best to Divaëus' description of its subject matter as "ea quae a Godefridi Barbati ducis aevo ad Philippi Boni tempora, annorum plusquam trecentorum spatio gesta sunt". Therefore, this version appears to have been at an advanced stage of composition by December 1563.

²³ See Appendices D and E for an illustration of these tendencies. The former contains a comparative table of contents for the description of John II's rule in the three versions of the *Commentarii*; the latter gives transcriptions of seven entries as they appear in all three redactions.



Entries for the years 1278-1280 in the Hamburg manuscript of the *Commentarii*; the use of blank entries illustrates Divaeus' adherence to the annalistic format and his chronological rigor.

Unlike the *Antiquitates*, the *Commentarii seu annales* are not clearly rooted in humanist historiographical practices. In its prototypical manifestation, humanist historical representation is characterized by rhetorical display, and most specifically the pursuit of dramatic effect. Divaeus' presentation of events seems to be governed by the absence of such a principle, however. Even though he was no doubt acquainted with the writings of Livy and Sallust, he avoids drama, visuality, pathos, character painting, encomia, and digressions. Instead, chronology is the backbone of historical discourse in the second part of the *Rerum Brabanticarum libri XIX*. Divaeus is lavish with dates, trying to assign every event to a particular year. If the order of redactions established above is accepted, it appears that Divaeus' chronological rigor increases in each successive version: in the Hamburg manuscript, year numbers have become the only principle of organization, whereas earlier versions still featured sections on

marriage and children at the beginning of a duke's reign.²⁴ In the Brussels manuscript, the reigns of dukes are even divided in chapters with a heading, even if the order of events is usually chronological. Especially in the later books of the *Commentarii*, this results in a discontinuous mode of presentation, in which brief reports of events are usually juxtaposed without clear discursive connections: they are simply introduced by dates or paraphrases such as 'in the same year' (*eodem anno*), 'at the end of the year' (*sub fine anni*), and 'in the next year' (*sequenti anno*). A similar disregard for the classical aesthetic ideal of narrative flow can be detected in Divaeus' meticulous attention for detail. He did not refrain from the frequent insertion of precise references, discussions of conflicting sources, and document quotations into the main text.²⁵

These formal characteristics might have appeared strange or unattractive to a mind steeped in classical historiography, but they were by no means unprecedented. The shape of Divaeus' *Commentarii seu annales* fits in closely with the medieval tradition of the chronicle. The archetype of this tradition was constituted by the Latin translation of the *Chronicon* by Eusebius of Caesarea (ca. 263-339). The attempt to reconstruct the chronology of the past was characteristic for this form of historiography, as opposed to the priority given to story-telling in the *historia* genre. This resulted in a mode of presentation in which events were presented succinctly and without much adornment under the heading of the year in which they happened. This is exactly how the text is organized in Divaeus' Brabantine history.²⁶ Divaeus' use of this model was made possible by his familiarity with it, which was in turn due to his careful investigations into the remote past. His work is strewn with references to chroniclers like Ado of Vienne (†875), Regino of Prüm (†915), Liutprand of Cremona (ca. 922-972), Lampert of Hersfeld (ca. 1024-ca. 1088), Marianus Scotus (1028-ca. 1082), Sigebert of Gembloux (ca. 1030-1112), Otto of Freising (ca. 1114-1158), and Burchard of Ursberg (ca. 1170-ca. 1231); frequently, he avails himself precisely of the chronological arrangement of these works for references of the type 'among the events of the year ...' (*in gestis anni ...*).²⁷

²⁴ Cf. the entry in the Hamburg catalogue: "Einige Bl[ätter] sind teilw[eise] oder ganz leer, was durch die streng annalistische Anordnung des Materials bedingt ist; z[um] T[eil] auch Korrekturen." (Horváth & Lohse 1968-1973, vol. 1, 81).

²⁵ The wealth of facts that is the result of this approach is probably the reason why Divaeus is usually described as an unusually diligent (*diligens, industrius*) and learned (*doctus, sciens*) historian: *RBL* f. †2^{r-v}, p. 245; De Wind 1835, 158-9; Van Even 1857, 99-100; De Vocht 1951-1955, vol. 4, 419-20; also see the testimonia about Divaeus in Van Langendonck (ed.) 1757, f. **r.**2^r.

²⁶ Guenée 1980, 203-7.

²⁷ References to these authors are scattered throughout the *Rerum Brabanticarum libri XIX*, but in the Brussels manuscript of the *Antiquitates*, a convenient list of "Auctores quibus in praesenti opusculo vsi sumus" can be found: KBR ms. 17027-28, p. 3. Divaeus' list constitutes a sort of canon of predominantly medieval historiography. Cf. Haye 1992 about Mathias Flacius Illyricus' *catalogus testium veritatis*, which

The term *annales* in Divaeus' title is by no means in contradiction with these observations, since the genres of annals and chronicles had already coalesced in the twelfth century, as is well explained by Bernard Guenée. The word *commentarii*, which also features in the title of Divaeus work, has a rather wide spectrum of meanings. Among other things, it may indicate a kind of historical summary that bluntly states facts without much explanation; it does not necessarily imply a connection with the work of Caesar.²⁸

The fact that Divaeus opts for the historiographical formats of chorography and the chronicle is in itself not without political significance. In describing the past of a single province, the historian may choose between two main formal possibilities: to organize the narrative around the genealogy of a dynasty (*devolutio dominorum*), or to take the succession of rulers (*surrogatio in dominio*), which is not always a matter of consanguinity, as the general principle of order. Both kinds of historiography authorize the position of the reigning house of rulers, but the difference is that the first one highlights the vicissitudes of a dynasty and assumes that noble blood legitimizes rulership, while the second one draws attention to the continuity and development of a particular territory and its political institutions and does not necessarily share the view of power enclosed in the first model.²⁹

The formats adopted by Divaeus imply a strong preference for the *surrogatio in dominio* model of historiography. In the chorography of the *Antiquitates*, geography is the point of departure. This means that the constituent parts of the territory, the four main cities in particular, and the history of these parts is certainly not less in the centre of attention than the succession of rulers. Similarly, the three successive versions of the *Commentarii* focus less and less on the deeds of single rulers and their blood relationship to their predecessors, as chronology becomes increasingly visible as the main principle of organization and the Brabantine territory as the main principle of inclusion. Compared to the historiographical tradition in Brabant, the concentration on the territory of Brabant at the expense of the ducal genealogy is pushed quite far.³⁰ This suggests that Divaeus' loyalty as a historian to the Estates of Brabant, to whom he dedicated his *Antiquitates*, is accompanied by a certain reserve towards the duke. What this means in detail, will be specified in the following sections

is also a list of sources, supplemented with explanatory notes, and which can be regarded as a form of literary history.

²⁸ Guenée 1980, 203-7. For the term *commentarii*, see IJsewijn & Sacré 1990-1998², vol. 2, 180-1; Ramminger 2005, 77-80.

²⁹ For these categories of historiography, see Melville 1987, 229-54.

³⁰ See Stein 1994, 251-64 for *devolutio dominorum* and *surrogatio in dominio* in medieval Brabantine historiography. The attitude towards the dynasty that is found in the *Alder excellenste cronyke* and Barlandus' *Cronica Brabantiae ducum* is discussed in §4.1.

Divaeus was certainly not the only or the first humanist historian to fall back on the medieval genre of the chronicle, however. In fact, it is easy to trace back his chronological, discontinuous, and documentary approach to history to a specific model: the work of his favourite historian, Jacobus Meyerus, that ‘diligent investigator of Flemish antiquities.’³¹ Even the title Divaeus chose for his chronicle testifies to the inspiration given by Meyerus’ *opus magnum*, the complete version of which had been published posthumously as *Commentarii sive annales rerum Flandricarum libri septendecim*.

Jacobus Meyerus (Jacob de Meyere) was a Flemish humanist who was born in Vleteren in 1491. Meyerus studied theology and philosophy at the Sorbonne in Paris. After returning to Flanders, he pursued an ecclesiastical career. He worked as a priest in Ypres, as a chaplain in Bruges, and finally as a parish priest in Blankenberge. For a long time, Meyerus also led a school in Bruges. During this time, he was in contact with important humanists in Flanders, including Josse Badius, Juan Luis Vives, Johannes Despauterius, Pieter Zuutpene of Cassel, and Joris Cassander. Meyerus’ ecclesiastical positions provided him with the income he needed to conduct his research on Flemish history. His first work, the *Flandricarum rerum tomi X*, was a chorography that was published by Hubert de Croock in Bruges in 1531. Seven years later, the first version of his Flemish chronicle appeared from the press of Johannes Petreius in Nuremberg: the *Compendium chronicorum Flandriae usque ad annum salutis 1278*. Until his death in 1552, Meyerus refined this work and extended it to the year 1477. The fruit of this labour, the *Commentarii sive annales rerum Flandricarum libri septendecim*, was edited by his nephew Antonius Meyerus in Antwerp in 1561.³²

The fact that Divaeus gave his chronicle of Brabant the same title as Meyerus’ work about Flanders was no coincidence. There are significant similarities between the two books. First of all, both historians arranged their material strictly chronologically and per year in an unpretentious style. This resulted in a discontinuous mode of presentation, described by Meyerus as “some fragments and imperfect notes,” which are often “maimed (*mutilus*) and defective” and cannot be described as “proper history.”³³ The method underlying this historiographical form is also similar. Meyerus and Divaeus share an urge to ground historical representation explicitly in a large

³¹ *RBL* p. 79: “Jacobus Meyerus Flandricarum antiquitatum diligens scrutator”.

³² For overviews of Meyerus’ life and work, see Viaene 1952; Fris 1910, 71-6; Stecher 1876; Bonvarlet 1895; Looten 1895; Carton (ed.) 1842, xvii-xxvi.

³³ A. Meyerus (ed.) 1561, f. a3r: “tametsi ab iusta longe absint historia, nec nisi fragmenta quaedam sint imperfectique commentarii ... quod mutila multa ac manca foras proferam”. This effect is stronger in Divaeus’ work, though, because Meyerus’ yearly entries are much longer and more care has been taken to turn them into dramatic episodes.

repertory of historiographical and documentary material. The form of the chronicle, as Divaeus pointed out in the passage from his dedication cited above, was one means to bring order into this great mass of sources: “I had collected from old chronicles and from the annals of monasteries and cities the entire history of the Brabantine people, cast in an annalistic form (*in annalium formam redactam*).”³⁴ Likewise, Meyerus described the ideal historiographical procedure as follows: “to choose the best versions of events, especially from those which have been committed to memory in a scattered manner by our fellow countrymen, and to distribute them faithfully over a few volumes of chronicles, as it were (*velut in chronicorum quosdam Tomos fideliter digerere*).”³⁵ In view of this methodological similarity, it does not come as a surprise that Divaeus esteems his colleague especially as a historian “who inserted a lot of material from monastic archives into his history.”³⁶

This method of recasting documents in the form of an annalistic discourse also accounts for a notable shift in the type of sources used to reconstruct history before and after the year 1200. In Meyerus’ case, the first edition of the work, which ran until the year 1278, was mainly a synthesis of what could be found in existing historiography. Therefore, it was called a ‘compendium of chronicles’ (*compendium chronicorum*). The continuation of this work, however, was increasingly built from documentary materials as it progressed in time. Likewise, Divaeus’ *Commentarii seu annales* initially draw information from a wide range of medieval chronicles and humanist works of history, but after the description of Godfrey III’s reign (1142-1190), references to such sources become much less frequent, and Divaeus begins to compose his discourse mainly from sources like charters, privileges, financial accounts, and sepulchral monuments. In the prologue to the *Rerum Lovaniensium libri IV*, Divaeus explains that this choice has been necessitated by the sheer availability of documents: “I have supplied those things which have to be traced back further than can be retrieved from there [that is, from the archives] (where events beyond the age of four

³⁴ Cf. the preface to the *Rerum Lovaniensium libri IV*: “quantum subsicivis horis facere licuit, Archiva, Rationes Aerarii, si quid talium Monumentorum in publico esset, excussi, inque Annalium formam redegei” (Van Langendonck (ed.) 1757, f. ***) and also its epilogue (Van Langendonck (ed.) 1757, 124). For the interchangeability of the terms *annales* and *chronicon*, see note 26.

³⁵ Carton (ed.) 1843, xxviii: “ex iis potissimum, quae a nostratibus sparsim memoriae sunt prodita, optima quaeque deligere ac velut in chronicorum quosdam Tomos fideliter digerere.”

³⁶ *RBL* p. 4: “qui multa ex archiviis coenobiorum historiae suae inseruit”. For the chronological arrangement of Meyerus’ work, see Fris 1922, 253: “une Histoire de Flandre par ordre chronologique sous forme d’Annales”; Strubbe 1954, 139-40: “de gebeurtenissen worden streng chronologisch en per jaar gerangschikt”. The sources used by Meyerus have been examined by Fris 1908; id. 1910; id. 1922. Meyerus’ historiography has also been briefly discussed by Haitsma Mulier 2002, 34-6.

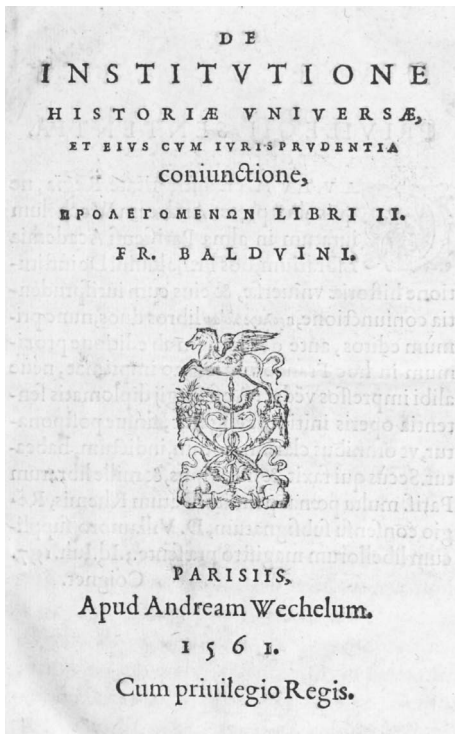
hundred years are not found) from the older chroniclers, and particularly from contemporaneous writers, in whom I put most trust among historians.”³⁷

Finally, Divaeus’ choice to let his *Commentarii* be preceded by a chorography finds its counterpart in Meyerus’ oeuvre. The latter’s *Flandricarum rerum tomi X* feature the geographical focus and thematic organization of the material that is characteristic of the genre. In this booklet, Meyerus successively discusses the origins of Flanders, its ancient geography, its history until the institution of the county in 792, the ancient tribes of the Menapii and Morini who lived in this territory, the history of the cities Tournai, Ghent, and Douai, the succession of the Flemish counts and of the French kings whose vassals they were, the genealogy of the counts, the geography of modern Flanders, its cities, economy, and culture, and the rights of count, nobility, and monasteries. Many of these topics recur in Divaeus’ *Antiquitates*, as will become clear in §5.4.

5.3 The Theoretical Background: ‘The Idea of Perfect History’

These similarities demonstrate how important Meyerus’ work must have been for Divaeus as a concrete model; it almost seems as if Divaeus wanted to create a Brabantine counterpart to Meyerus’ project of writing history from original sources according to the strictest scholarly standards of the time. The resemblance does not explain, however, why Divaeus – and Meyerus before him – opted for a model that involved such a meticulous use of documents and such a strict adherence to chronology. One reason is given by Meyerus, who points to the contrast between the fantastic historiography of his predecessors and his own method of gathering data: “although some historians, ancient and recent alike, have behaved so impudently that they have stained the pure and unspoilt memory of the past and even covered it with some strange trifles in a lamentable way, and that even in the very father of history, Herodotus, and in Theopompus, as Cicero testifies in *De legibus*, there are countless fabrications (*fabulae*), I have planned not to affirm anything as certain (*pro comperto*) which I regard as uncertain or doubtful (*incertum ambiguumve*), but to choose the best versions of events, especially from those which have been committed to memory in a

³⁷ Van Langendonck (ed.) 1757, f. ***v-***2r: “quae vero altius repetenda sunt, quam ut hinc (ubi ultra annos CCCC. acta non reperiuntur) peti possent, ex Chronographis vetustioribus, maxime ex contemporaneis Scriptoribus, quibus inter Historicos praecipue fidem adhibeo, supplevi.” A few sentences later, Divaeus makes a similar point: “is sciat, nihil hic quod intra annos CCCC. actum sit, scribi, cujus non cuilibet suffecturam rationem reddere queam: in iis vero quae antiquiora sunt, fidem Chronographorum secutum nemo calumniabitur, quando aliter nullus vetus Historiae Scriptor facere coactus fuerit.” From the Middle Ages onwards, the word *chronographus* is used to indicate a chronicler: *LLNMA* s.v. ‘chronographus’.



Title page of Baudouin's *De institutione historiae universae*, 1561

scattered manner by our fellow countrymen, and to distribute them faithfully (*fideliter*) over a few volumes of chronicles, as it were.”³⁸

Similar worries are voiced in Divaeus' dedication of the *Antiquitates*. It is argued there that the history of Brabant had thus far been barren land. People thought that Brabant had always been an obscure place, “because from the many works that ancient chroniclers wrote about these events, very few, or even almost none, have come down to their own time, and because they perceive, on the other hand, that what more recent writers have made up about our origin and antiquities is of a fabulous nature (*fabulosus*) and plainly fabricated (*commentitius*).”³⁹ Since Divaeus wished to give his fatherland its due, he gathered historical data from many institutions both in Brabant and abroad in order to provide a solid basis for his *Commentarii*. His ultimate goal was, as he stated in the passage I cited at the beginning

of the previous section, to publish this work ‘in complete and perfect form’ (*integre ac perfecte*).

Divaeus' choice of expression is telling here, because it calls to mind the ideas of a perfect history that arose in France in the second half of the sixteenth century, most famously François Baudouin's *historia integra* and Lancelot Voisin de la Popelinière's *histoire accomplie*. Together with contemporary humanists such as Jean Bodin, Pierre

³⁸ Carton (ed.) 1843, xxviii: “tametsi nonnulli veterum juxta ac recentiorum tam impudenter se gesserint, ut prodigiosis quibusdam nugamentis puram ac incorruptam rerum gestarum memoriam misere infecerint confuderintque adeo, ut apud ipsum patrem hystoriae Herodotum, atque apud Theopompum, quod Cicero testatur in legibus, innumerabiles sint fabulae, nos tamen nihil quod incertum ambiguumve putamus, pro comperto affirmare in animum induximus, verum ex iis potissimum, quae a nostratibus sparsim memoriae sunt prodita, optima quaeque deligere ac velut in chronicorum quosdam Tomos fideliter digerere”. Meyerus refers to Cicero, *De legibus* 1.5: “quippe, quom in illa omnia ad veritatem, Quinte, referantur, in hoc ad delectationem pleraque; quamquam et apud Herodotum, patrem historiae, et apud Theopompum sunt innumerabiles fabulae.”

³⁹ SUB Cod. hist. 11, f. 2: “quod ex multis, quae veteres Chronographi de ijs conscripsere paucissima, imo pene nulla ad ipsorum peruenissent aetatem; ea uero, quae recentiores de nostra origine et antiquitatibus conflarunt, fabulosa esse ac plane commentitia cernerent”.

Droit de Gaillard, and Étienne Pasquier, these authors reacted to the sceptic stance towards historiography known as historical pyrrhonism, which fundamentally challenged the truth claims of classicistic narrative historiography. Since the sixties of the previous century, the scope of this movement has been mapped by scholars such as Julian H. Franklin, David R. Kelley, and George Huppert, who described its propositions for new conceptions of history that laid more emphasis on its status as a social science and its efforts to formalize methods of inquiry and presentation in order to counter the critique of the sceptics.⁴⁰

The first two important early modern treatises expressing thorough suspicion about historians' claims had been published in Antwerp around 1530. Henricus Cornelius Agrippa von Nettesheim launched the attack with his *De incertitudine et vanitate scientiarum et artium*, printed by Jan Grapheus in 1530; Juan Luis Vives followed suit with his *De causis corruptarum artium*, which formed the second book of *De disciplinis*, issued by Michiel Hillen van Hoogstraten in 1531. What these works had in common was their scathing criticism of contemporary academic disciplines. As regards historiography, they censured the frequently made assertions that a work of history was truthful and morally beneficial.⁴¹

Especially the former point is relevant here. Agrippa and Vives enumerated many causes that induced historians not to tell the truth. Agrippa argued, for instance, that “many people write history not so much to communicate the truth as to please their readers ... among the learned writers, Lucianus and Apuleius take pride of place in this genre of writing, yet even in Herodotus, the father of history, in Diodorus, and in Theopompus, as Cicero says, there are countless fables (*fabulae*), and they are themselves replete with lies (*mendacia*).”⁴² Vives suggested, among many other things, that incorrect evaluation of the sources was a major source of error. “Others lapse into falsehoods (*mendacia*) unsuspectingly, because they do not extract the true course of history from where they should, but from those sources, in which it can rarely be found, for sure, from circulating rumours, from letters that were written at the time of the events, in which someone informs a friend not about things which have happened,

⁴⁰ Franklin 1963; Kelley 1970; Huppert 1970. There is also ample attention for some members of the movement in Grafton 2007.

⁴¹ For the life and works of Agrippa, see Van der Poel 1997; see especially p. 116-52 for the genesis of *De incertitudine et vanitate scientiarum et artium*. For a biography of Vives, see Fantazzi (ed.) 2008.

⁴² Agrippa 1531, f. xxiii^{r-v}: “Multi praeterea scribunt Historias, non tam ut uera referant, quam ut delectent ... inter eruditos uero principatum in istis obtinuerunt Lucianus atque Apuleius, quin & apud Herodotum Historiae patrem, apud Diodorum & apud Theopompum, quod ait Cicero, innumerabiles sunt fabulae, & ipsi pleni mendacijs”. Vives also alludes to the passage from Cicero's *De legibus*, sarcastically turning Herodotus' honorary title *pater historiae* into *mendaciorum pater*: *JLV* vol. 6, 104.

but about things he has heard.”⁴³ He also brought forward that confused chronology caused mistakes.⁴⁴ Agrippa was the one who pushed this type of argument the furthest, and came to the conclusion that “the historians are in such a disagreement, they transmit such diverse and contrary accounts of the same events, that it is impossible that the majority of them is not extremely mendacious (*mendacissimus*).”⁴⁵

The problems signalled by Meyerus and Divaeus seem to blend in seamlessly with the Pyrrhonist critique of the historiographical tradition. Judging by the choice of identical examples in Agrippa on the one hand, and Meyerus on the other, for instance, one easily reaches the conclusion that they shared a serious concern about legendary elements in works of history like that of Herodotus. Moreover, the theoretical suggestions brought forward by humanists (most of them from France) in response to the views of the Pyrrhonists have a lot in common with Meyerus' and Divaeus' methods and suggest a rationale for their practices of writing history. One of the theses I wish to argue for in this chapter, therefore, is that their historiography can be regarded as a practical response to the same problems addressed by those theoretical treatises; i.e., that it was guided by a similar line of thought. In order to corroborate this thesis, I will demonstrate how Divaeus' work is related to the concept of a 'complete' or 'perfect history' (*historia integra*) coined in Baudouin's *De institutione historiae universae et eius cum iurisprudencia coniunctione προλεγομένων libri II* (1561), because of all the theoretical contributions just mentioned, it is the one that approaches the *Rerum Brabanticarum libri XIX* most closely with regard to both time and content.

François Baudouin was born in the Low Countries, in the Artesian city of Arras, in 1520. After studying law in Louvain, he settled as a lawyer in his place of birth. He was forced to leave the city in 1545, however, on charges of heresy. In the following years, he lived an errant life and taught at the universities of Bourges, Strasbourg, and Heidelberg. After 1561, Baudouin became involved in confessional politics at the instigation of Anthony of Bourbon, king of Navarre, and Louis of Nassau, trying to reconcile the Catholic and Protestant churches. These attempts were unsuccessful, however, and in 1563 he became professor of law in Douai, after Maximilian of Bergen, archbishop of Cambrai, had cancelled his conviction. After the outbreak of the Dutch

⁴³ *JLV* vol. 6, 104: “Alii ad mendacia prolabantur imprudentes, quod veritatem rei non petunt unde oportet, sed colligunt ex iis, in quibus raro est eam invenire, nempe, ex dissipatis rumoribus, ex epistolis quae dum res geruntur sunt scriptae, in quibus certiozem amicus amicum reddit non de his quae sunt gesta, sed quae ipse audierit”.

⁴⁴ *JLV* vol. 6, 103.

⁴⁵ Agrippa 1531, f. xxiv: “tam inter se dissentiunt Historiographi, tam uaria & diuersa de eisdem tradunt, ut impossibile sit, plurimos illorum non esse mendacissimos”.

Revolt, he moved to the university of Angers. Baudouin died in Paris in 1573. Apart from his treatise on historiography, he built up extensive publication records in the fields of Roman law and Church history.⁴⁶

Like Divaeus and the Pyrrhonists, Baudouin was dissatisfied with the greater part of existing historiography. He observed a lot of *ἀνιστορησία* ('ignorance of history') in works of history, which often revealed itself in confused chronology and topography or even outright falsehoods. Nevertheless, he did not feel inclined to succumb to Pyrrhonism, which he regarded as hypercritical. "I know and admit that we have to take care as much as possible that we remove the fables (*fabulae*) that frequently threaten history and enter it without being noticed. But on the other hand, one must be cautious not to cut everything to the quick so as to heedlessly throw away truth with falsehood. Without reluctance, I would trim off many things of which the credibility (*fides*) is suspect. For what will be left, will be extensive enough; and I would prefer a smaller number of facts, which are unpolluted and true, to a large number of facts, which are dubious (*dubius*), uncertain (*incertus*), and contaminated. But there is no less danger in rejecting the truth, than in embracing falsehood."⁴⁷

Baudouin's solution was *historia integra*, which he defined as "universal history, taking into account times, places, and events."⁴⁸ Clearly, Divaeus did not describe the history of the entire world, as Baudouin's theory would have required him to do, but in one particular aspect of universality he did meet the unusual requirements of the



Portrait of François Baudouin, engraved in the workshop of Philip Galle, printed in Aubertus Miraeus, *Illustrium Galliae Belgicae scriptorum icones et elogia*, 1604

⁴⁶ Baudouin's life is described extensively by Erbe 1978. For his involvement in confessional politics in the Low Countries in the 1560's, see Erbe 1978, 151-7, 167-71. About his writings, see Franklin 1963, 116-36; Kelley 1964; id. 1970, 116-48; Grafton 2007, 70-122.

⁴⁷ Baudouin 1561, 45: "Scio & profiteor, nos, quantum fieri potest, curare debere, vt fabulas, quae historiam plerunque obsident, eamque clam peruaserunt, depellamus. Sed rursus cauere oportet, ne sic omnia ad viuum resecemus, vt etiam verum cum falso temere abiiciamus. Multa quidem, quae suspectae fidei sunt, non inuitus circumciderem. Nam & quod reliquum erit, satis erit magnum: & pauciora, quae casta & vera sint, mallem, quam multa, quae sint dubia, incerta, inquinata. Sed non minus est periculi in vero repudiando, quam in falso complectendo."

⁴⁸ Baudouin 1561, 22: "esse historiam vniuersam, & temporum & regionum & rerum ratione". Baudouin might well have had Cicero, *De oratore* 2.15.63-4 in mind here: "rerum ratio ordinem temporum desiderat, regionum descriptionem".

theoretician: his attention for the Middle Ages. Just as Divaeus did, Baudouin lamented and criticized the lack of attention for this period. After discussing the use of songs in celebration of the past among the Romans and the Germanic peoples, he remarked: “And will we be so degenerate that we do not even want to hear a song about the past of our fatherland? We cannot understand it, however, unless we perpetuate the memory of those who are called ‘barbarians.’ If we are French, British, German, Spanish, or Italian, it is necessary that we are not ignorant of the history of the Franks, Angles, Saxons, Goths, and Lombards in order to be able to speak about our compatriots; and since our compatriots have clashed frequently with the Saracens and Turks, one cannot even allow oneself to ignore Saracenic and Turkish history. Nor should we immediately regard as barbarian or unknowingly condemn those things that differ from our customs or from the eloquence of the Greeks and Romans.”⁴⁹

In view of Baudouin’s project to open up the entire history of mankind without discrimination, it is not difficult to see why periodization does not play a very prominent role in Divaeus’ work, and why it does not carry normative connotations. In the setup of the *Commentarii*, constitutional and dynastic junctures such as the elevation of Brabant to a duchy in 1106,⁵⁰ the accession of Joanna and the new constitution of 1356, and the personal union with Burgundy in 1430 demarcate historical periods. This leads to a three-tiered division of the past in a pre-ducal, Brabantine-ducal, and Burgundian-ducal period. Similar political considerations also constitute the principle of data distribution at the level of book division: in books two until six of the printed edition, for instance, each book spans the history of a house of rulers; in book eight until nineteen, each book is devoted to the rule of one duke, or occasionally two. This setup is completely traditional and there are no signs that Divaeus discriminates between different periods as regards their importance or attractiveness as the object of historiographical investigation.⁵¹ The same goes for his

⁴⁹ Baudouin 1561, 37: “Et nos erimus tam degeneres, vt ne audire quidem velimus patriae historiae carmen? Caeterum id intelligere non possumus, nisi si & eorum, qui Barbari dicuntur, memoriam teneamus. Si Galli, vel Britanni, vel Germani, vel Hispani, vel Itali sumus: vt de nostris loqui possimus, necesse est nos Francorum, Anglorum, Saxonum, Gothorum, Longobardorum historiam non ignorare: cumque nostri cum Saracenis & Turcis saepe congressi sint, ne nescire quidem licet Saracenicam & Turcicam. Neque vero quaecunque res a nostra consuetudine, vel Romanorum Graecorumque facundia abhorrent, eas propterea res aut barbaras statim iudicare, aut ignotas damnare debemus.”

⁵⁰ The reign of Godfrey the Bearded also features as a turning point in the list of rulers at *RBL* p. 6-14, in which it is the last item; at the beginning of book seven in the printed edition, Divaeus refers to the deeds of Brabant’s proper dukes as *scopum totius historiae* (*RBL* p. 77).

⁵¹ For periodization and book division in Brabantine historiography, see Stein 1994, 20-1, 62-4; Tigelaar 2006, 37-45. The choice of 1430 as the end point is especially striking, since this also happens in the continuation of Boendale’s *Brabantsche Yeeesten* and in Petrus de Thimo’s *Historia Brabantiae diplomatica*. Two important facts indicate that Divaeus indeed intended the inauguration of Philip the Good to be the conclusion of the *Commentarii* – at least at the moment when Divaeus finished the *Antiquitates* – viz. the

judgement about the historians of the past. Although he does seem to distinguish between older historians, such as Burchard of Ursberg and Johannes Brando (1360-1428), and more recent ones (*recentiores*), such as Jacobus Meyerus (1491-1552), Wolfgang Lazius (1514-1565), and Caspar Bruschius (1518-1559), this does not mean that he values one category of writers more than the other.⁵²

Divaeus' choice of subject matter and its presentation can thus easily be understood within Baudouin's theoretical framework. This also applies to his use of historiographical formats in the *Rerum Brabantiarum libri XIX*. In view of Baudouin's definition, it is natural that chronology and geography should be the central cohesive forces of *historia integra*. "When a work of history relates some event in a true and faithful manner, it is usual and necessary that from the outset, one conducts an investigation into its time and place (as happens in testimonies). For otherwise, there would be no perfect narration (*integra narratio*). Time is taken into consideration in the first place by those who write yearbooks (*annales*) or journals."⁵³ Although Divaeus did not aim at a complete integration of geography and chronology and he therefore did not completely achieve Baudouin's ideal,⁵⁴ his attention for the political geography of Brabant in the *Antiquitates*, the strictly chronological organization of his narrative in the *Commentarii*, and his use of the annalistic format provide an interesting parallel to Baudouin's ideas about modes of presentation in a 'complete history'.

Another key aspect of Baudouin's method to guarantee the reliability of the narrative is a careful evaluation of the sources. This procedure is referred to as 'judgement and selection' (*iudicium ac delectus*).⁵⁵ In order to solve the problem of conflicting sources, Baudouin developed a system to assess their credibility. One important criterion is the age of a testimony. "I repeat: the later and the newer a

actual ending of the *Commentarii* in Miraeus' edition and Divaeus' remark in the dedication of the *Antiquitates* that he would write a separate work about "ea quae Godefridi Barbati ducis aevo ad Philippi Boni tempora, annorum plusquam trecentorum spatio gesta sunt" (KBR ms. 17027-28, p. 2). On the other hand, however, a provisional table of contents in the Brussels manuscript of the *Commentarii* suggests that Divaeus wanted to continue the work up to the reign of Philip the Handsome: KBR ms. 17027-28, p. 114-5. Finally, the Brussels manuscript of the *Commentarii* stops at the year 1360, while the Hamburg manuscript of this work has 1355 as its finishing point.

⁵² For Divaeus' categorization of historians, see *RBL* p. 4 (Meyerus), 59 (Lazius, Bruschius, Burchard, Brando).

⁵³ Baudouin 1561, 95-6: "Vbi factum aliquod historia vere & fideliter narravit, protinus (vt in testimonijs fit) quaeri solet ac debet de tempore & loco. Nam neque alioqui integra narratio esset. Ac temporis quidem magnam rationem imprimis habent, qui scribunt Annales aut Diaria."

⁵⁴ See Baudouin 1561, 98-100 for his ideas about the integration of history and geography.

⁵⁵ Baudouin 1561, 48-9: "Itaque in lectione adhibere oportet iudicium & delectum". Interestingly, a very similar expression is found in Meyerus' preface to his *Flandricarum rerum tomi decem*. See Carton (ed.) 1843, xxviii: "quippe qui in majorum traditionibus cum delectu ac iudicio acquiescendum esse duximus".

narration of an old event is, the faultier it tends to be. For just like a wine, which evaporates and finally becomes vapid when it is more often decanted, or like a rumour, which moves away from the truth and picks up falsity when it is further spread, history very often also becomes contaminated in the end and degenerates into a fable, when it is repeated by many people and told in various ways, recited each time in different words, and dispersed. But it is not unbearable for me when there are several people writing about a single event. I even desire that there are as many as I can gather. For I know how useful this process of collecting (*collatio*) is. But I would like them to be such writers, whose authority is deserved and eminent. In the first place, I think that those writers whom the later ones have followed should be read; and I decide that one should set apart what others have patched onto them later.”⁵⁶ Likewise, Divaeus relates the age of his sources to their reliability. We have already observed his predilection for “contemporaneous writers, in whom I put most trust among historians”. In addition, he says: “I have thrown myself with all my strength into the single task of drawing out a bit of truth about the beginning and antiquities of Brabant and about the deeds of the dukes, which have been transmitted with as little faithfulness (*fides*) as the rest until now, from the chronicles and histories of old writers (*veteres*).”⁵⁷

Finally, Divaeus' interest in official documents, “the archives and the accounts of the treasury, if something of such records was publicly available” as he expresses it himself, and especially in legal material, fits in well with a central concern of Baudouin: the relation of history and law.⁵⁸ Since the use of legal sources is a central characteristic of Divaeus' *Commentarii*, as I will argue below, I will briefly expand on this point here. In Baudouin's typology of sources, official documents were among the most reliable materials that could be used to write history. “But just like the senate used to hold the opinion that public monuments are preferable even to witnesses, as

⁵⁶ The system of source evaluation is developed at Baudouin 1561, 50-6. The quote is on p. 55-6: “Sed iterum dico, quo posterior & magis noua est rei antiquae narratio, tanto mendosior eam esse solere. Nam & vt vinum quo magis transfunditur, euanescit magis tandemque fit vappa: vtque fama ipsa, quo longius progreditur, longius recedit a vero, plusque colligit vanitatis: sic & persaepe historia, quae a pluribus repetita varie iactatur & alijs atque alijs verbis recitata spargitur, tandem contaminatur & in fabulam degeneratur. Neque vero non fero plures esse vnus alicuius rei scriptores. Quinimo quamplurimos, quos conferre possim, esse opto. Quam enim utilis haec collatio sit, scio. Sed tales esse velim, quorum iusta & grauis sit auctoritas. Primoque loco primos quosque, quos secuti posteriores sunt, legendos esse censeo: & quid ijs alij deinde assuerunt, discernendum esse statuo.”

⁵⁷ SUB Cod. hist. 11, f. 2r: “uni huic studio totis uiribus incubui ut ex ueterum Chronicis, historijsque ueri aliquid de initijs & antiquitatibus Brabantiae, deque rebus Ducum (quae hactenus pari cum caeteris fide traditae fuerunt) elicerem”.

⁵⁸ Van Langendonck (ed.) 1757, f. ***v: “Archiva, Rationes Aerarii, si quid talium Monumentorum in publico esset”.

Marcellus said, I also think that we should not attach less credence to public decrees than to the performers of deeds, if no error is shown in the former.”⁵⁹ Because of this credibility, Baudouin sets great store by archival material, even if it is scarce. “But not all the archives and registers – for thus they are also called in our law – of all the states and communities have perished; if they are accessible to historians, they will provide very rich material for a history.”⁶⁰

But on a more theoretical level, Baudouin also gives a reason why documentary sources, and legal material in particular, should be used in writing history. The foundation of his viewpoint is interesting as a possible rationale for Divaeus’ approach. For Baudouin, the historian should try to write ‘pragmatic history’ (*historia πραγματική*), “which carefully explains and knowingly and usefully clarifies what it relates, so that it describes not only results, but also its causes; the facts with the plans.”⁶¹ Among the circumstantial factors (*circumstantiae*) the historian was thus supposed to investigate, laws and institutions had a prominent place.⁶² The first reason Baudouin gave for this requirement had to do with the moral goals of the historian. “When a work of history relates some event, we have to examine it again, and launch a probe into lawfulness and use. I am speaking about the lawfulness of the event, that is, whether what is said to have happened is just, good, and right, and can therefore be appropriated as an example; or rather unjust, and must therefore be condemned and avoided.” The attention for lawfulness was not merely a matter of ethics, though. “But because Cicero did not warn without reason that philosophers and laws judge about right and duties in different ways, it is not without reason that I say that jurisprudence must also be taken into account here. If we are used to say that

⁵⁹ Baudouin 1561, 53-4: “Sed vt olim Senatus censuit, monumenta publica etiam potiora testibus esse, quemadmodum Marcellus ait: Sic & publicis actis non minus quam actoribus fidem adhibendam esse putamus, si eorum nullus error arguatur.” In this passage, Baudouin refers to a statement of the Roman jurist Ulpian that is found in the *Digesta Iustiniani* 22.3.10: “census et monumenta publica potiora testibus esse senatus censuit”. It is not inconceivable, in my view, that *actoribus* (‘the performers of deeds’) is a printing error for *auctoribus* (‘writers’, *in casu* ‘historians’), even though the latter reading would take away the wordplay *actis* – *actoribus*. Of course, such an emendation would hardly make any difference for the value Baudouin attaches to public records.

⁶⁰ Baudouin 1561, 81: “Sed non omnia omnium vel Rerumpublicarum vel ciuitatum siue Archiua siue polyptycha (sic enim in Iure quoque nostro appellantur) perierunt: quae quidem si pateant historicis, vberem profecto materiam historiae suppeditabunt.” On the most basic level, laws could help to reconstruct the chronology of events, because they were usually dated with utmost care: Baudouin 1561, 121. Moreover, much information about the nature and condition of barbarian kingdoms could be culled from their laws: Baudouin 1561, 125-6.

⁶¹ Baudouin 1561, 29: “historiam πραγματικὴν, quae quod narrat, diligenter exponit, & sapienter vtiliterque demonstrat, vt non solum euenta, sed & causas eorum, & cum consiliis facta describat”. Baudouin might well have had Cicero, *De oratore* 2.15.63 in mind here: “consilia primum, deinde acta, postea eventus”.

⁶² Baudouin 1561, 117: “ego non verebor Iuris statum inter praecipuas illas circumstantias referre”.

the art of knowing the good and fair is required in reading and interpreting laws so that we use written law correctly, then an example that is drawn from history must be evaluated and judged on the basis of law to an even higher degree. For we must also take care lest affectation, which has often deceived many people, deceives us, or lest we thoughtlessly take a privilege for a law, or a fact for a right, or lest, in a word, we mix up law with fact in a disorderly manner.”⁶³

Secondly, the laws are themselves part of the historical process, and therefore have to be taken into account by the historian, especially in case of wars, which constitute a large part of his subject matter. “In reality, wars commonly are between princes what lawsuits (*lites & actiones*) are between private individuals in court; there often is a main issue in the case, in which the question turns on a point of law, and more often one from civil law than one from fetial law. Not even did the armed barbarians always say that their right was in their force of arms. Neither do the laws always fall silent in the clang of arms. Therefore, I say that the memory of the laws ought to be incorporated in the history of armed violence.”⁶⁴ Baudouin thus argues in favour of a conjunction of history and jurisprudence, because it leads to a better understanding of both the course of history itself and of the lawfulness of the events it encompasses. It seems that Divaeus, by paying close attention to the legal backgrounds of Brabantine history, has put theoretical ideas like Baudouin’s into practice.

All in all, it can be concluded that the reasons that induced Divaeus – like Meyerus – to choose the particular historiographical models of the chorography and the chronicle to organize and present his data, and to use old and especially juridical sources, might well have been similar to the ideas that are found in the innovative theoretical treatises about history that were written in France in response to the

⁶³ Baudouin 1561, 102-3: “Vbi factum aliquod historia recitavit, excutiendum nobis illud iterum est: & de Iure ac vsu est quaerendum. De facti Iure dico: hoc est, an quod factum esse dicitur, iustum, bonum, rectum sit, & ad exemplum propterea trahi possit: an vero sit iniustum, & propterea damnandum atque fugiendum. ... Sed quia Cicero non temere admonet aliter philosophos, aliter leges iudicare de Iure vel officijs: non temere est, quod Iurisprudentiam quoque hic audiendam esse dico. Certe si in legum lectione & interpretatione dicere solemus, artem aequi & boni esse necessariam, vt & Iure scripto recte vtamur: multo magis, quod ex historia profertur exemplum, ex lege aestimandum atque iudicandum est. Nam & videndum est, ne nobis imponat, quae multis saepe imposuit, *κακοζηλία*: neue aut priuilegium pro lege, aut factum pro iure temere accipiamus: aut denique cum facto Ius confuse misceamus.” Baudouin refers to Cicero, *De officijs* 3.17.68: “sed aliter leges, aliter philosophi tollunt astutias; leges, quatenus manu tenere possunt, philosophi, quatenus ratione et intellegentia”.

⁶⁴ Baudouin 1561, 127: “Bella vero inter Principes esse solent, quod sunt inter priuatos in foro lites & actiones: neque non aliquis esse solet status causae, in quo de iure quaeratur, & quidem de iure Ciuili saepius quam Feciali. Neque armati barbari semper dixerunt, Ius suum esse in armis. Neque etiam semper silent inter arma leges. Itaque & ad illorum historiam, memoriam harum accedere debere dico.” Fetial law encompassed the religious rules governing Roman external relations.

Pyrrhonist scepticism about historiography. Divaeus himself was quite aware of this innovative stance, even if he seems to express himself somewhat too triumphantly in the preface to his *Rerum Lovaniensium libri IV*. If he did not entirely succeed in building his narrative from archival sources and contemporary witnesses, the reader is supposed to forgive him, “since I am almost the first among the inhabitants of Lower Germany to engage in this type of writing, which has deterred even the most skilled men of this time because of the insurmountable difficulty of the job.”⁶⁵

5.4 The *Antiquitates* and Divaeus’ Political Definition of Brabant

The fact that Divaeus showed an interest in and insight into the institutional realities of Brabantine politics down to its most technical details such as its laws, while many of his contemporary colleagues filled their books with exemplary narrations of virtuous deeds, is one of the most striking aspects of his works of history. Among the themes that are particularly well represented in his treatment of the Brabantine past, are the legitimacy of the region’s rulers and its form of government, the gradual formation of a body of positive law, and the genesis and resolution of conflicts between classes, communities, and states. In the next three sections, I will more extensively discuss the types of information he is interested in, explaining his analysis of and outlook on political issues and pointing out how this all relates to his political connections, his skills as a public servant at the financial administration office, his access to archival sources, and the theoretical concept of *historia integra*.

First of all, I will discuss the conceptual outlines of Divaeus’ history of Brabant in the *Antiquitates*, with particular attention to the way he defines Brabant, the classes of its population, their proper duties, the way they should live together, and the relations of Brabant with foreign powers.⁶⁶ The chorographical nature of the *Antiquitates* and especially their thematic arrangement make the work suitable for self-definition, and more particularly a systematic inquiry into the entity ‘Brabant’ that could serve as the conceptual backbone for Divaeus’ study of politics in the

⁶⁵ Van Langendonck (ed.) 1757, f. ***2r: “cum primus fere inferiorum Germanorum hoc scribendi genus adortus sim, a quo ipsius negotii impeditissima difficultas etiam peritissimos hujus aevi Viros deterruerit”. Divaeus’ claim that his method is without precedent must be regarded as rhetorical exaggeration. We have seen that he relied on Meyerus to quite a large extent. In Brabant, a documentary approach had been tried out by Petrus de Thimo, who wrote a *Historia Brabantia diplomatica* between 1464 and 1474. See Stein 1994, 13-30 about this work. I have found no sign, however, that Divaeus knew De Thimo’s work, which had not been printed.

⁶⁶ Book seven in the printed edition of the *Rerum Brabanticarum libri* is also a chorography of Brabant. Since it has very much in common with the *Antiquitates*, as I have stated above, it will not be treated here at length.

Commentarii.⁶⁷ In the present section, I will try to explain this analytical value of the chorographical genre, showing that the choice of topics and the way they are discussed turns the *Antiquitates* into a careful attempt at a definition of Brabant and its form of government.

What is Brabant? What parameters can be used to define its essence? This seems to be the main problem Divaeus is dealing with in the first chapters of the *Antiquitates*, if not in the entire work. In the first chapter, Divaeus draws a line of continuity through the history of the duchy, connecting the Brabant of his own days to the German tribes of the Tungri and Texandri, the Merovingian Franks, and the Saxons. Apart from historical information about the migrations of the Germanic peoples, names and other linguistic features are Divaeus' most important evidence. But unlike many of his predecessors, such as the *Alderexcellenste cronyke*, which connects each letter of the word 'Brabant' to a characteristic – 'B' for *beata* ('blessed'), 'R' for *regalis* ('royal'), etc. – he is not interested in the etymology or meaning.⁶⁸ Instead, he uses the toponyms 'Tongerlo' and 'Tessengerlo' to demonstrate a continuity between the ancient Tungri and Texandri and the modern inhabitants of Brabant. The use of the French and Dutch languages in Brabant is adduced as an argument to support the view that Franks and Saxons migrated into the duchy. Finally, Divaeus traces the name (*nomen*) 'Brabant' itself back to the first mention of a *pagus Brachbantensis* in Flemish chronicles describing the martyrdom of Livinus in the year 633, referring to a mechanism of phonetic simplification to explain the disappearance of *Brachbantum* "which later inhabitants called *Brabantia* for the sake of easier pronunciation."⁶⁹

Having shown the continuity of the designation 'Brabant' since the early Middle Ages, Divaeus proceeds to map the shifting territory to which the name referred. Passages from various chronicles are cited to demonstrate that during the high Middle Ages, Brabant was bounded by the rivers Velp, Sambre, Scheldt, and Demer, which means that the region called 'Brabant' was much larger in those days than in Divaeus' time and also covered parts of sixteenth-century Flanders and Hainault. The point is that the geographical dimensions of Brabant changed over time, as Divaeus makes clear in the first sentence of the second chapter: "in the

⁶⁷ For the suitability of chorography for self-definition, see Cormack 1997, 163-4.

⁶⁸ *AEC* f. A5^v-B2^r.

⁶⁹ *RBL* p. 1-2; the quotation is on p. 2: "Haec de pago *Brachbantensi* & *Brachbanto*, quem posteriores, facilioris pronuntiationis ergo, *Brabantiam* appellarunt."

writings of the ancients I have noticed that in past years the boundaries (*termini*) of Brabant were widely different from those it has now.”⁷⁰

The third and final step in Divaeus’ attempt at a definition is his discussion of the problem who exercised power in Brabant. Divaeus’ interest in actual political control is indicated by his use of words like *dominari* (‘to be lord, to bear rule’), *imperare* (‘to command’), *regere* (‘to rule’), *gubernare* (‘to govern’), and especially *subesse* (‘to be subject’); in addition, he is careful in his references to rulers’ dominions and titles, unlike Barlandus or the author of the *Alderexcellenste cronyke*, for instance, who call every ruler of Brabant a ‘duke’. The Austrasian mayors of the palace (*maior palatij*) from Pepin of Landen until Charles Martel (623-741) were the first known to “hold sway powerfully in Hesbaye and Brabant.” When Pepin the Short was given the royal crown of the Franks in 751, “Brabant began to be subject to kings.” Subsequently, Divaeus traces the history and genealogy of the Carolingian kings Charlemagne and Louis the Pious (768-840), king Lothair I of Middle Francia (843-855), the kings of Lorraine from Lothair II to Charles the Simple (855-922), the dukes of (Lower) Lorraine from Gilbert until Charles (925-991), and the counts of Louvain and Brussels from Lambert until Godfrey I the Bearded (ca. 1003-1107).⁷¹

This historical reconstruction of political control over the territory of Brabant before the institution of the duchy is carried on in more chronological detail and based on more documentary evidence in the first six books of the *Commentarii* as they are found in the Miraeus edition. What he is doing in these books appears most explicitly when he declares himself unable to achieve his aim: “At this point, it is not recorded by the chroniclers, however, whether the part of Lorraine up to Meerssen, which had fallen to their uncle Charles the Bald’s lot, remained under him; therefore, I could by no means figure out to whom Brabant was subject (*quibus ... subiecta*) at this time.”⁷²

⁷⁰ *RBL* p. 3-6; the quotation is on p. 3: “Brachbanti terminos olim longe diuersos fuisse ab ijs, quos nunc habet, ex veterum scriptis animaduerti.” Cf. p. 79: “nec id praetereundum est, Brachbantiam, Bratuspantes, seu pagum Brachbantensem, alios fines habuisse, quam nunc Brabantiam habere videmus”. Lipsius’ inquiry into the nature and location (“qualis, & vbi ea?”) of Brabant in his *Lovanium* is rather similar to the first two steps in Divaeus’ attempt to define Brabant: Papy (ed.) 2000, 116-25.

⁷¹ Divaeus’ discussion of the successive dynasties that ruled the territory of Brabant can be found at *RBL* p. 6-14. My quotations are on p. 7: “in Hasbanio ac Brachbanto potenter dominabatur”; 8: “coepitque tunc Brabantia regibus subesse”. In the first book of the *Rerum Lovaniensium libri IV*, Divaeus gives an overview of political history in a similar way, that is, by means of catalogues, genealogies, and series of counts, provosts, deans, abbots, bailiffs, and burgomasters: Van Langendonck (ed.) 1757, 1-14.

⁷² *RBL* p. 55: “Id vero hoc loco a Chronographis non proditur, an Carolo Caluo patruo eorum ea Lotharingiae pars permanserit, quae illi ad Marsanam obuenerat: vnde nulla ratione expiscari potuimus, quibus eo tempore Brabantia subiecta fuerit.” Cf. p. 58: “Finitum est in eo regnum Lotharingiae ... deinceps vero Lotharingia Ducibus subiecta fuit”; 75-6: “Haec de priscis Lotharingiae Ducibus dicta sufficient: quibus maximam Brabantiae partem subiectam fuisse certissimum est”.

By tracing the origins of the name 'Brabant', showing how the geographical boundaries of the entity it refers to evolved, and investigating who controlled this area until the appearance of its own dukes, Divaeus shows a strong predilection for the *surrogatio in dominio* mode of historiography, in which territorial continuity takes precedence over dynastic continuity: the traditional presentation of the ducal dynasty as a continuous genealogy stretching back to the Carolingian and eventually the Trojan kings is never adopted, but the sequence of rulers is treated as a function of the territory they govern.⁷³ Moreover, it may be observed that Divaeus analyzes the genesis of Brabant as the emergence of a polity that has a lot in common with a state: an institution that controls the means of exercising power in a definite territory.⁷⁴ In Divaeus' analysis of Brabant, the form of this institution is always hereditary monarchy. The comparison with the concept of the state, however, raises an important question about the nature of this system: does Divaeus regard the power exercised by the rulers of Brabant as autonomous?

The question cannot be answered by a simple 'yes' or 'no', since Divaeus sketches a historical development. The first rulers whose rule is known to have been confined to the territory of Brabant or a large part of it – the counts of Louvain and Brussels, and later the dukes of Brabant and Lorraine – are described as part of the Holy Roman Empire: they receive their power by the emperor's grace, be it through enfeoffment or donation. In the thirteenth chapter of the *Antiquitates*, it is argued that the ancient dukes of Brabant should be counted among the princes of the Empire, because a number of humanist historians assert that they were present at several imperial councils (*imperij comitia*). Their subordination to the Emperor's power is demonstrated by a privilege of Philip of Swabia, King of the Romans (1198-1208), allowing the Brabantine dynasty to inherit their title through the female line. At the beginning of book seven in the printed edition, the institution of the duchy in 1106 is described as a donation (*ducatum ... donauit*) by emperor Henry V to Godfrey the Bearded.⁷⁵

⁷³ For the traditional approach of the Brabantine dukes as a *stirps regia*, see Stein 1994, 5-11. Divaeus ideas about their Trojan descent are expressed concisely in his dedication of the *Antiquitates* at SUB Cod. hist. 11, f. 2^v: "Equidem ijs non assenserō, qui omnem nobilitatem a Troianis defluxisse rati, Brabantinos ab ijs deducunt".

⁷⁴ Divaeus' view of the duchy as a kind of state was prefigured by similar ideas that were current in Brabant during the late Middle Ages: Stein 1994, 247.

⁷⁵ For the chapter of *Antiquitates* referred to, see *RBL* p. 32. The decree on female succession is still invoked by duke John III's chancellor in a conflict with John the Blind of Luxemburg around the year 1326: *RBL* p. 146. For the institution of the duchy, see *RBL* p. 77-8. For other properties bestowed on the dukes of Brabant by the emperors, see *RBL* p. 23 (Saint Gertrude's monastery at Nivelles), 30 (Saint Servatius' church and the city of Maastricht). The dukes of Lorraine who ruled Brabant in the years 925-

In Divaeus' time, however, the situation had changed. In the chapter of the *Antiquitates* I referred to, Divaeus stresses that only the *ancient* dukes were part of the Empire. Since the accession of duke Anthony, a son of duke Philip the Bold of Burgundy, in the year 1406, the Brabantine dukes refrained from attending the imperial councils. The underlying change in power relations is well illustrated by Divaeus' description of the negotiations surrounding the accessions of Anthony and Philip the Good (1430) in books sixteen and nineteen of the printed edition. In both cases, when various parties put forward rival claims to the ducal title, it is not the emperor who prescribes the choice of a successor, but the Estates of Brabant (*Ordines*): "subsequently, when the arguments of both sides had been brought forward, the Estates thought fit to entrust the rule to Philip."⁷⁶ Probably the most striking example of the Estates' supremacy at this time is their decision to temporarily depose John IV because of his failure to comply with their requests, and to appoint his brother as regent (*regens*) until they could come to a definitive agreement, which was finally settled with the charter of 1422.⁷⁷ It seems, therefore, that in Divaeus' view, the duchy of Brabant had grown into a more or less autonomous political entity in the three centuries between 1106 and 1406; and that in the last instance, this autonomy rested with the Estates of Brabant – the intended dedicatees of the *Antiquitates*, to whom he also held out the prospect of the *Commentarii*.⁷⁸

In moving from the name, boundaries, and rulers of Brabant to the bearers of supreme power, I have also made a shift from the realities of political control to the legitimacy of power, from the more or less objective aspects of Divaeus' political

991, Charles in particular, are described as owing fealty to the Holy Roman Emperors: *RBL* p. 12, 66; Divaeus stresses their obedience to the emperor: *RBL* p. 69, 75.

⁷⁶ *RBL* p. 202-3, 206, 208, 242-3. The quote is from p. 243: "Porro Ordinibus, discussis vtrorumque allegationibus, visum fuit, Philippo principatum deferre." For a similar representation of this event in the continuation of the *Brabantsche Yeesten*, see Stein 1994, 257-8. In some earlier episodes, the idea already surfaces. See, for instance, the description of Wenceslaus' rise to power at *RBL* p. 164-5: "Anno proximo, cum Ioannes Dux in aegritudinem incidisset, Louanij conuentu Ordinum, diu deliberatum est, cui imperium regionis, si eum mori contingeret, deferretur, filijs eius paullo ante elatis. Tandem communibus omnium animis, Wenceslaus Ioannae maioris filiae maritus, Gelro, & Flandro praelatus est."

⁷⁷ *RBL* p. 227-33. In comparison with the continuation of the *Brabantsche Yeesten*, Divaeus' representation of these events seems relatively mild. Divaeus does criticize John's counsellors, but he hardly pays attention to the regent's final declaration and John's confession. Likewise, the charter of 1422 (the so-called *Nieuw Regiment*) is represented most summarily ("Iura Ordinum rata promisit, &c."). Divaeus might have taken the position of the patriciate in Louvain here, which, as he points out, supported the duke: *RBL* p. 229, 231. See Stein 1994, 261-3 for the treatment of these events in the continuation of the *Brabantsche Yeesten*.

⁷⁸ The degree of autonomy enjoyed by the Estates of Brabant is also an important theme in the continuation of Boendale's *Brabantsche Yeesten*, which also switches from an emphasis on the vassalage of the dukes of Brabant to the Holy Roman Emperors to a stress on their answerability to the Estates of Brabant in the narrative about the early fifteenth century: Stein 1994, 274-83.

analysis to its normative sides. The idealistic facet of Divaeus' approach to the past is most visible in the last chapter of the *Antiquitates*. This chapter is for the greater part an exaltation of Brabant's glorious deeds in war, but it ends with an idealizing or perhaps even utopian description of its people. "The inhabitants of Brabant are fierce towards the enemy, but tolerant at home. No people seems to drift into civil war later, no people ends it sooner, no people sheds so little blood or stirs up seditions more seldom. They exceed all their neighbours in obedience to their dukes and in mutual concord between the nobility and the people and between the cities among themselves. Neither do the princes fail to promote the peacefulness of their subjects by passing laws that are conducive to the preservation of peace."⁷⁹

The key word of this description is *concordia*: harmonious relationships between the different ranks of society. The centrality of this concept extends to the *Commentarii* as well, where it frequently occurs as a condition for political success. A good example is the behaviour of minor lords within the duchy of Lorraine in the tenth century: "Some of [the minor lords in Lorraine] were not bound to Charles [of Lower Lorraine] by any tie, but most of them were openly discordant. Thus it happened that his power was far inferior to the majesty of previous princes."⁸⁰ Another point in case is the defeat of the crusaders, the future Henry I of Brabant, among others, by Saladin at Aleppo in 1183: "It seemed that Saladin could be defeated, if the discordant counsels of our leaders would not have taken the chance of a more successful battle out of our hands."⁸¹

It appears from Divaeus' political ideal that such concord is based on a social contract: the people obey their prince, who guarantees peace for his subjects in return. The parties concerned enter into this agreement symbolically by means of an oath (*sacramentum*), in which the people pledge obedience to their lord, who promises to

⁷⁹ *RBL* p. 36: "Sunt Brabantini in hostem feroces, domi placabiles, nulla gens serius arma ciuilia induisse visa, exuisse nulla citius, nulla incruentius, rariusve seditiones agitasse. Obsequio in Duces, mutuaque inter nobilitatem ac populum & inter ipsas vrbes concordia, vicinos omnes superarunt. Nec Principes fouendae subditorum quieti defuere, condendis, de pace seruanda, legibus." The variant *cariusve* that is found in Miraeus' text is probably a printing or transcription error for *rariusve*, which is found in the Brussels manuscript and which makes much better sense: KBR ms. 17027-28, p. 38. It seems probable that the phrase "in hostem feroces, domi placabiles" was modelled on the description of Brabant in Bartholomeus Anglicus' *De rerum proprietatibus*. See Anglicus 1601, 637: "animosa contra hostes, inter se autem placita & quieta". For this passage, also see §4.2.

⁸⁰ *RBL* p. 67: "Quorum aliqui nullo vinculo Carolo coniuncti, plurimi vero palam discordes erant. Hinc euenit vt impar longe eius potestas esset a Principum priorum maiestate." Cf. p. 204: "Eisdem temporibus inter varios Brabantinos nobiles dissensiones oriri coeperunt, vnde post aliquot prouenere excursions mutuae, ad ciuilia bella progressurae: nisi sano quorundam consilio; interuentum fuisset."

⁸¹ *RBL* p. 99: "apparebatque Saladinum vinci potuisse, nisi nostrorum discordia consilia, pugnae felicioris fortunam manibus eiecissent". Cf. p. 100: "Mox Balduino rege lepra confecto, cum intestinis discordijs Principes de nouo Rege subrogando scinderentur, maximum incrementum Saladini res acceperunt".

respect their rights in return. There are separate oaths for the lower nobility, barons in particular, who hold lands in fief from the duke.⁸²

For Divaeus, society thus seems to consist of three constituents. The duke and the people make up the community: thus Divaeus describes the later books of his *Commentarii* as “a narration of the deeds performed by the dukes and the people of Brabant.”⁸³ I have already discussed his views on their proper relations (*concordia*) and functions in general as they are stated in the last chapter of the *Antiquitates*. The people (*populus*), however, can be subdivided in two groups. Whereas the mutual duties of the social contract suppose an opposition between the duke and his subjects as a whole, chapters four to eleven of the *Antiquitates*, in which Divaeus describes the main cities of Brabant, feature a social dividing line between the nobility (*nobilitas*) and the common people (*vulgus, plebs*). The former takes by far the most prominent place here. The names of the aristocratic families in each city are mentioned and a large part of the text is devoted to expositions of their prominent members and their genealogies.⁸⁴

The function of these eminent families is primarily defined in military and administrative terms. For instance, Divaeus describes the nobility in the city of Brussels as follows: “certainly nowhere has the nobility (*nobilitas*) flourished in a greater number, nowhere has it won a greater renown in war, nowhere has it defended itself more vigorously against the plebeians’ insolence and seditions.” Interestingly, Divaeus goes on to explain that this nobility was divided in seven families, and mentions their names. “All patricians (*patricii*) originate from these families,” he concludes this enumeration.⁸⁵ When the surroundings of Brussels are discussed, the nobility figures again. “The village and noble castle (*nobilis arx*) Asse to the West of Brussels gave its name to that old and most famous family Van Asse. The brothers Henry and Godfrey from this family became known through their very brave deeds in that memorable Asian campaign in the year 1096, as William of Tyre testifies in his history of the holy war. I have read that their descendants held the hereditary office

⁸² For mentions of the oath binding the duke and his subjects, see *RBL* p. 93, 144, 168, 171, 221, 222, 227. For the fealty of the lower nobility, see *RBL* p. 86-7, 96-7.

⁸³ *RBL* p. 86: “gestorum a Ducibus populoque Brabantiae enarrationem”.

⁸⁴ For genealogical passages listing the names of noblemen, see *RBL* p. 17-20 (Louvain), 21-2 (Brussels), 24 (Nivelles), 28 (Cuijk), 80-1 (Louvain), 82-3 (Brussels). It is striking that Divaeus pays ample attention to the nobility and the commoners, but seems completely uninterested in the first estate: the clergy.

⁸⁵ *RBL* p. 21: “Nobilitas sane nusquam maiore in numero floruit: nusquam maiorem in rebus bellicis gloriam consecuta: nusquam se fortius a plebeiorum insolentia seditionibusque defendit. In septem familias diuisa est: ... Ex his omnibus Patricijs origo est.” The phrase *in septem familias diuisa est* might be a hint at the famous opening of Caesar’s *De bello Gallico* (1.1): “Gallia est omnis diuisa in partes tres”. I owe this suggestion to Gary Vos.

of standard-bearer of Brabant. The nobility (*nobilitas*) of the Berthout family is on a par with the Van Asse family.” And somewhat further: “A little beyond Brussels, the land of Gaasbeek extends into Hainaut, surpassing all the rest of Brabant by its fat and fertile soil: there is also a noble (*nobilis*) and no less ancient family of barons (*barones*) here; sluggish oblivion obscured their deeds, however. After the ruin of this most noble stock (*nobilissima stirps*), the barony (*baronatus*) fell to the ducal treasury.”⁸⁶ In general, Divaeus’ division of society betrays his political allegiance. His definition of *nobilitas* is not exactly what one would expect. In Divaeus’ usage, the term refers not only to the nobility proper, that is, the landed nobility, and especially the barons (*barones*), but also includes the families of regents in the cities, the patricians (*patricii*). By lumping together both groups under the heading *nobilitas*, Divaeus tries to enhance the prestige of the patriciate, which did not belong to the noble estate in the political sense of that expression.

Likewise, the way Divaeus speaks about the common people shows that even though he was not a member of the patriciate himself, he sided with this group and, if necessary, defended their case against the common people, and especially the corporations of craftsmen: Divaeus is always at pains to stress that the latter should not rebel against the leadership of the former, although they were prone to do so. In the passage cited above, for instance, he refers condescendingly to “the plebeians’ insolence and seditions.”⁸⁷ The same attitude is found in his description of Louvain: “Hereafter, when the number of citizens grew immensely every day as a result of the enormous gains from the working of wool, they were forced to extend the bounds of the city to the width in which it can be seen today; this happened around the year 1358. But when the association of weavers, which is eager for seditions beyond all others, threw the city into disorder by its unremitting rebellions, it was expelled around the year 1384 and fled to England.”⁸⁸

⁸⁶ *RBL* p. 21-2: “Ad Occidentalem Bruxellae partem, Asca vicus, arxque nobilis, veteri eique clarissimae Ascanorum familiae nomen dedit, quorum Henricus & Godefridus fratres, memorabili illa Asiatica expeditione anni 1096 rebus fortissime gestis enotuerunt: ut Guilielmus Tyrius auctor est in historia belli Sacri. Posteris eorum hereditario vexilliferi Brabantiae munere functos legimus. Bertoldorum etiam familiae par Ascanis nobilitas. ... Paulo supra Bruxellam, in Hannoniam *Gasbecanus* vergit ager, pingui ac vberis gleba omnem reliquam Brabantiam vincens: nobilis & hic Baronum Familia, nec minus antiqua: at quorum res gestas ignava obscuravit obliuio; Baronatus tandem interitu nobilissimae stirpis, Ducali fisco cessit.”

⁸⁷ Cf. *RBL* p. 137: “Sequenti anno seditionibus in Brabantia laborari coepit, plebe in nobilitatem insurgente: & maxime Bruxellae, vbi ignobile vulgus in vnum collectum, pulsus Patricijs, domos eorum funditus demoliebatur, frustra ne id fieret, vxore Ducis deprecante.”

⁸⁸ *RBL* p. 17: “Porro cum ex opimo quaestu lanificij multitudo ciuium indies in immensum excresceret, coacti fuere proferre pomerium vrbis, ea latitudine, qua nunc visitur; actum id circa annum 1358. At cum prae ceteris, seditionum auida natio textorum, assiduis motibus vrbem turbaret, circa annum 1384 pulsa, in Angliam profugit.” The expulsion of the weavers caused the population of Louvain to decline heavily,

It is clear, then, that Divaeus' *Antiquitates* are much more than a geographical overview of Brabant. The chorographical genre offers Divaeus a suitable means to conduct a political analysis of Brabant, in which he systematically describes the demarcation of its territory, its institutions of power and their legitimacy, and the social groups that constitute society. This is by no means a neutral description, however. The *surrogatio in dominio* perspective that is implied in the historiographical format, the adoption of a contract theory that sets limits to monarchical power, and the elevation of the city patriciate at the expense of the plebs make clear what Divaeus stands for: he represents the Estates of Brabant's position, with special attention for the interests of the large cities.

5.5 Arousal and Settlement of Political Controversy in the *Commentarii*

The non-chronological arrangement of the *Antiquitates* gave Divaeus the opportunity to put together the rudimentary geographical and political knowledge necessary for a good understanding of the Brabantine past. It seems natural, therefore, to read this work as an introduction to the *Commentarii seu annales*, in which Divaeus carries on his political analysis in greater depth. Divaeus himself suggests so much at the end of the *Antiquitates*: "I could certainly bring forward more evidence of the Brabantines' virtue and undivided concord, if I would not have resolved to relate them more conveniently and at greater length in the volume of my *Annales*."⁸⁹ The chronological form of the chronicle seems a convenient instrument for this project, because it allows Divaeus to accommodate the wealth of his material (*plura ... testimonia*) to a textual structure and to discuss individual cases in considerable detail (*fusius*).

Although Divaeus promises that he will tell his readers more about the Brabantines' 'undivided concord' (*individua concordia*), this declaration needs some qualification. Admittedly, Divaeus displays a keen interest in social relationships in the *Commentarii*; however, his attention is not primarily focused on cases of harmony, but rather on their opposite. Throughout the *Commentarii*, Divaeus is very concerned with instances of controversy, showing various aspects of it, such as counselling,

which confirms the economical importance of their trade: *RBL* p. 17, 80. The term *natio* refers to an association of various craftsmen; it can be distinguished from a guild, which is usually restricted to the practitioners of only one craft. For the importance of the wool workers in Louvain, also see Divaeus' *Rerum Lovaniensium libri IV*: Van Langendonck (ed.) 1757, 116-7.

⁸⁹ *RBL* p. 36: "Plura sane poteram virtutis ac individuae concordiae Brabantinorum in medium proferre testimonia; nisi ea in Annalium volumine commodius tradere, ac fusius proposuissem." Meyerus actually called his *Rerum Flandricarum tomii decem* a "prelude" and a "foretaste" (Carton (ed.) 1843, xxvii: "hujusmodi ceu facto praeludio, ac praebito gustu"). This might have referred, however, to a collection of privileges that was never published. See Fris 1922, 257-63 for the evidence surrounding this hypothetical work.

debate, negotiation, mediation, arbitration, warfare, alliances, revolt, punishment, ransoming, and change of regime, almost to the complete exclusion of what one would expect from a humanist historian in cases of political conflict: elaborate orations and minute battle descriptions. In this section, three cases from Divaeus' *Commentarii* will be discussed in order to show the way in which different stages of controversy are analyzed; subsequently, it will be examined in what ways such an analysis made sense in the contemporary political context of the work.

The first and relatively straightforward case concerns the financial problems after the accession of John III in 1312.⁹⁰ Divaeus describes the situation as follows. "After John II passed away while John III had not yet completed the twelfth year of his life, the country was struck by a considerable disaster because of the licentiousness of the latter's tutors. By appropriating for personal use the treasures that had been collected by his father in order to satisfy foreign merchants, who had lent a huge amount of money to the country, they caused all the country's creditors to order everywhere that our own merchants, who had left for neighboring regions to conduct trade, be put in chains. Brabant had to bear the indignity of this situation until the next year."⁹¹

Subsequently, Divaeus shows that citizens are right not to wait out such problems. The leaders of the cities, which were of course hard hit by the impediment to their trade, convened and drew up a plan to gather enough money to secure the duchy's creditors. But not, as Divaeus points out, without making the best of the situation: they decreed that "the excises and taxes that the cities owed to the ducal treasury would not be paid until the cities would have received compensation for the gold handed over to the duke's creditors; likewise, it was added that all the yields and receipts of the ducal treasury would be used for this compensation."⁹² The repeated application of such a measure was made a formal possibility when the duke reached the age of manhood in 1314 and had to swear "that he would pay an indemnity, if it would have occurred that anyone had been taken prisoner because of a debt of his or

⁹⁰ For the financial crisis, the pact of the cities, and the charter regarding control of taxation just after the accession of John III, see Avonds 1984-1991, vol. 1, 34-55.

⁹¹ *RBL* p. 143: "Ioanne secundo, e viuis sublato, cum Ioannes tertius duodecimum annum aetatis necdum expleuisset; ex rectorum eius licentia, non parua calamitate Respublica afflicta est. Ij etenim thesauros a patre eius collectos, vt externis negotiatoribus (qui Reipublicae ingentes pecunias crediderant) satisfaceret; in rem suam vertentes, effecere, vt negotiatores nostrates in vicinas regiones commercij caussa profecti, vbique a Reipublicae creditoribus, vinclis astringi iuberentur: quam rei indignitatem vsque in sequentem annum tulit Brabantia."

⁹² *RBL* p. 143: "Census vero, ac vectigalia, quae Ducali fisco ab vrbibus debebantur, eatenus non penderentur: donec de auro creditoribus Ducis persoluto, vrbibus compensatio foret: additum itidem vt prouentus redditusque omnes ducalis fisci in eamdem compensationem traherentur." Since the Middle Ages, the word *census* is often used for excise, rent, tax, or interest: *LLNMA* s.v. 'census'.

of his ancestors.”⁹³ Clearly, Divaeus represents the cities as capable of joining forces, seizing political initiative, and using their financial prowess to settle conflicts in an advantageous way, usually by curbing the duke’s power.

When Divaeus resumes his narrative, it appears that some cities have learned this lesson in political bloc formation particularly well. “In the month July of the same year, the inhabitants of Louvain and Brussels concluded a mutual treaty, of which these were the main conditions: if it would happen that any citizens of both cities would have a quarrel with each other, they were to be reconciled by the magistrates of both cities; each city would help the other in defending its rights and privileges against any other; if it would happen that the rights of one city would be diminished by the duke, the other would try to prevent this with all its strength; none of them would permit that something would be taken away from the territory of Brabant; etc.”⁹⁴

This does not mean that the cities would always be successful, as the second example will make clear. In the *Commentarii*, staple right (*stapula*) – the exclusive and commercially attractive right of a port to demand from merchants that they unload their goods and offer them for sale – is a bone of contention. At the insistence of Jan Berthout, lord of Mechelen, duke John II granted to Mechelen the staple of oats, salt, and fish, which had been enjoyed by Antwerp until the year 1301. This infuriated the citizens of the latter city, who tried to make the best of a bad job by a feat of legal argument. “The inhabitants of Antwerp grumbled that this had happened in an unbecoming way, asserting among other things that our duke, who held Antwerp in fief (*beneficiario iure*) from the emperor, could not change the community’s rights on his own authority (*suo arbitrio*).”⁹⁵

⁹³ *RBL* p. 144: “Reparaturum se, si quemquam ob debitum suum parentumve suorum capi contigerit”. This passage features a combination of the two so-called Walloon charters granted by John III on 14 July 1314; this sentence is a paraphrase of an article from the first one. Cf. Lousse 1932, 24: “Premièrement, nous, par nostre conseil, si comme desuere est dit, ordignons et volons que se on preudoit ou ait pris de aucune personne de nous boines villes, ou des abbeyes, ou du pays de Brabant, le sien en l’occoison de nous, de nous successeurs ou de nous dettes, que ce on paiera de nous plus apparillies biens.”

⁹⁴ *RBL* p. 144: “Mense Iulio eiusdem anni Louanienses & Bruxellenses foedus inter sese percusserunt, cuius praecipuae condiciones hae fuere; Si ciues aliquos vtriusque vrbis inter sese controuerti contingeret, per vtriusque Senatū compescendos fore: Vtramque vrbem alteri defendendis contra quemlibet iuribus ac priuilegijs auxilio fore: Si iura alterius a Duce imminui contingat, omnibus viribus alteram id prohibituram: Neutram admissuram, vt terminis Brabantiae quidquam adimatur, &c.”

⁹⁵ *RBL* p. 133: “Quod vt indigne factum fremebant Antuerpienses, inter alia id asserentes, quod Ducem nostrum, beneficiario iure ab Imperatore Antuerpiam possidentem, iura ciuitatis, suo arbitrio, non liceret mutare.” See Appendix E text 1 for alternative versions of this account in the manuscripts of the *Commentarii*. For some general information concerning the origin and characteristics of staple right in Western Europe, see Van Rijswijk 1900, 4-8. For the conflicts between Antwerp and Mechelen, see Van Balberge 1952.

Divaeus does not record the duke's reaction to this plea, but apparently it was successful, since emperor Henry VII returned the staple right in 1309. At the inauguration of duchess Joanna and her husband Wenceslaus in 1356, this situation was confirmed. Shortly after this, however, count Louis II of Flanders tried to strengthen the public support for his rule over Mechelen by exploiting the grievances of its citizens. "Only by soliciting the minds of Mechelen's inhabitants and by promising them new privileges, among which the staple of three commodities, of which I have spoken above, the count managed to be accepted as lord there with the greatest enthousiasm."⁹⁶ Thus the privileges, which Divaeus repeatedly presents as an instrument to increase the cities' autonomy, as I will show in the next section, could also be used by the duke in order to enlarge his sphere of influence or to gain commitment.

Such manipulative use of privileges did not only pose a commercial threat to the cities. While the conflict between Antwerpen and Mechelen lingered on into the fifteenth century, the situation became violent as well. Divaeus analyzes this course of events as caused by the strategic interference of the powerful. "In the same year [viz. 1410], the old controversy (*controversia*) between Antwerp and Mechelen about staple rights arose again. Duke John [that is, John the Fearless, duke of Burgundy] favoured the former, his brother Anthony [duke of Brabant] the latter; they did so with such a fierceness that they engaged in hostilities against each other for some time. By building a fortress near Rumst, the inhabitants of Antwerp did considerable harm to those of Mechelen."⁹⁷

Both the case of John III's debts and that of the staple right conflict provide insight into possible modes of interaction in conflicts between cities and their supreme ruler. The third example of how Divaeus analyzes controversy, the revolt of Peter

⁹⁶ *RBL* p. 166, 167. The quote is on p. 167: "Comes sollicitatis Mechliniensium animis, promissisque nouis priuilegijs, & in ijs stapula trium mercium, de qua ante diximus, tantum effecit; vt ibidem gratissimus exciperetur."

⁹⁷ *RBL* p. 214-5: "Eodem anno inter Antuerpienses ac Mechlinienses vetus Stapularum renata controuersia. His Ioannes Dux, illis Antonius fratres fauebant: eo ardore, vt aliquanto tempore inimicitias inter sese gererent. Antuerpienses structo ad Rumstam castello, Mechlinienses non paruis damnis afficiebant." In 1333, Louis II of Nevers, count of Flanders, bought the lordship of Mechelen. This transaction was confirmed at the Peace of Ath in 1357, at which Antwerp was also assigned to Louis of Male, count of Flanders. Louis' heir Margaret of Male married Philip the Bold, and after Louis' death in 1384, Flanders thus entered a personal union with Burgundy. When Margaret passed away in 1405, the county Flanders fell to her first son, John the Fearless, duke of Burgundy, but the 'lordship' of Antwerp to her second son, Anthony of Burgundy, who also became duke of Brabant in 1406. Thus, Mechelen was governed by the duke of Burgundy, Antwerp by the duke of Brabant in 1410. See Uyttebrouck 1975, vol. 1, 44-9 for the relation between Brabant, Mechelen, and Antwerp during this period. There is room for doubt, however, whether the hostilities were actually caused by the dukes, since they were brothers and had agreed to a family pact in 1406.

Couthereel in the years 1348-1364, is somewhat more complex in this respect, because the common people are involved as well.⁹⁸ In Divaeus' representation of the events, Couthereel's spiteful personality is the main force behind the development of the conflict. Couthereel held the office of bailiff (*praetor*) at Louvain, which means that he was the main representative of the duke in the city government. He is portrayed by Divaeus as "a seditious man ... to whom nothing was more important than to sow discord (*discordiae*) between the patricians and the common people, and also between them and their duke" and as someone who "suppressed his hatred towards the patricians deep in his heart and had looked for some occasion to do harm for a long time."⁹⁹

Commotion started in the year 1348, when Couthereel was sent to John III to discuss a long-standing controversy with the duke about an indemnity for merchants from Louvain who were held in custody in France because of the duke's debts. Couthereel's message irritated the duke greatly, and war could only be prevented by the Estates' entreaty. In the same year, Couthereel attempted a conspiracy against the city magistrate (*senatus*), "having gathered the most factious among the weavers, who were hostile towards the patricians, because a decade before, the city magistrate had sent several members of their association into exile, when they stirred up a sedition."¹⁰⁰

Although Divaeus' treatment of these events constitutes only a prelude to what will follow, it makes clear how he interpreted the social basis of Couthereel's influence and what importance he attached to his talent to cleverly play off the duke and the patricians against each other. In his account of the main clash in the years 1360-1363, Divaeus elaborates on these observations, demonstrating the complementary roles of negotiation and violence in the interaction between the duke, the patricians, and the common people.

First of all, Couthereel's behaviour strained the relations between all parties. In the year 1360, the aldermen (*scabini*) of Louvain forbade Couthereel, who was bailiff

⁹⁸ For more information concerning these historical events, see Van Uytven 1963. Divaeus' description of the Couthereel rebellion is the most extensive among his accounts of popular revolts: also see *RBL* p. 137-9, 174-5, 188-94, 204-5.

⁹⁹ *RBL* p. 163: "homo factiosus ... cui nihil prius fuit, quam discordias inter Patricios ac plebem, item inter eosdem ac Ducem discordias serere"; 172: "odium in Patricios alto corde premens, nocendi aliquam materiem diu quaesijisset". The terminology Divaeus uses for the city magistrates (*praetor*, *consules*, *senatores*, *scabini*, *quaestores*) is well explained in his *Rerum Lovaniensium libri IV*: Van Langendonck (ed.) 1757, 9. Also see Van Uytven 1980, 217. Divaeus' use of terms is not always congruent with medieval practices in the northern Netherlands: see, for instance, *LLNMA* s.v. 'consul', 'iuratus', and 'questor'.

¹⁰⁰ *RBL* p. 164: "collecto factiosissimo quoque textorum, ob id Patricijs infestorum, quod ex eo officio complures seditionem agitantes; Senatus ante decennium in exsulum expulerat".

at that moment, to administer justice anymore, after he had refused to release from prison a defendant who had been acquitted. "Because of this, he boiled over with anger beyond measure and left for Tervuren; by taking the matter to the duke's council and magnifying it, as if the injustice had not been done to him, but to the duke himself, he made the duke very angry with the inhabitants of Louvain." In advance of duke Wenceslaus' support, Couthereel summoned the common people at the market of Louvain, and incited them to take up arms against "the patricians' harsh rule over them."¹⁰¹ Thus Couthereel tried to secure the support of the duke and the common people in order to break the patricians' dominant position in the city by force of arms.

Although the patricians were warned in time by a loyal maid and entrenched themselves in the city hall, they trembled with fear at the arrival of Couthereel and his followers, who took advantage of the situation and stated "that they did not come in order to ruin anyone, but that they wanted to know the state and wealth of the city and to demand accounts from the tax collectors (*quaestores*), and that they would lay down arms immediately after these would have been given," as if the entire revolt was exclusively about financial supervision and control. The patricians agreed, but Couthereel broke his word, claimed the keys of the city, took the patricians into custody, and appointed magistrates from the common people, and "governed the community at his own discretion."¹⁰²

But what was obtained by means of violence, could also be lost in that way. In order to prevent this from happening, Couthereel paid an enormous amount of money to the duke and one of his counsellors, so that the decrees of the people would be confirmed. The duke was abroad, however, and his wife Joanna tried to mediate in the conflict, sending envoys to Louvain in order to demand that the patricians would be restored to their old positions. The agreement that was concluded, however, was soon violated. "In the next year [i.e. 1361], when the sedition in Louvain still persisted, Couthereel and the remaining conspirators feared that the duke would lead his troops against the city, induced to do so by the patricians' insistence." Therefore, they levied a special tax to cover the expenses involved in preparing the city for a siege. Indeed, Wenceslaus raised an army and besieged Louvain. Again, the display of military force

¹⁰¹ *RBL* p. 172: "Quamobrem supra modum incandescens, Furam proficiscitur: reque ad concilium Ducis delata, eaque in maius exaggerata, quasi non sibi, verum ipsi Duci iniuria facta esset, Ducem multum in Louanienses exacerbavit"; 173: "Patriciorum duro in eos imperio".

¹⁰² *RBL* p. 173: "se nullius exitio aduenisse; verum statum vrbs ac diuitias scire velle, & rationes a quaestoribus exigere, quibus editis, confestim se ab armis discessuros", "Couterello Rempubicam pro libito gubernante".

was enough to produce the intended effect: Couthereel sent ambassadors for a parley, but the duke managed to dictate a treaty on his own terms.¹⁰³

Wenceslaus had been lenient towards the rebels, however, and the arrangement that had been made still allowed Couthereel to dominate city politics completely. The patriciate left Louvain in protest. “In the meantime, the patricians did not stop pressing upon the duke, so that he would restore them to their native city, after having suppressed the madness of Couthereel and the common people.” Indeed, the duke led his army towards Louvain again and had the treaty of the previous year restored.¹⁰⁴ This was the definitive victory for the aristocrats. When Couthereel finally realized that his presence was little appreciated by either the duke or the patriciate, he left the city in the company of many rioters, only to attempt one more ambush in 1364, but without success.¹⁰⁵

Divaeus’ description of the Couthereel revolt thus seems to support the view that there is little point in negotiating with rebellious demagogues, and that diplomacy is to be backed by military strength in order to achieve lasting success. But this is certainly not the only insight to be gained from this episode: Divaeus also pays special attention to the municipal constitution as the stake of the conflict and a means to settle it. We have already seen that Couthereel brings forward financial control as the main demand of the common people and that the first thing he does after seizing power is to appoint plebeians in the city magistrate.

Interestingly, this measure is formalized in the agreement concluded by Wenceslaus in 1361: “the following peace terms were prescribed: that ... the city magistrate would from now on be elected from both the patricians and the common people, viz. four aldermen from the patricians, and three from the common people, eleven sworn councillors (*iurati*) from each of both classes, of whom the two burgomasters (*consules*) were to be patricians.”¹⁰⁶ This is probably to be interpreted as an attempt of the duke to break the patrician monopoly on political power in the cities and to reduce their capacity to resist him. Some awareness of this tactic seems to inhere in Divaeus’ unfavourable comments about the regulations: “this reconciliation, which the plebeians had enforced by arousing fear, immediately caused new dissensions, because the patricians were rather furious that the common people had

¹⁰³ *RBL* p. 173-6; the quote is on p. 175: “Sequenti anno durante adhuc seditione Louaniensi, Couterellus ceterique coniurati, veriti ne Patriciorum instantia permotus Dux vrbi copias admoueret”.

¹⁰⁴ *RBL* p. 176-8; the quote is on p. 176: “Interim Patricij apud Ducem instare non desinebant: vt coërcita Couterelli plebisque insania, eos in patriam reduceret.”

¹⁰⁵ *RBL* p. 178, 180.

¹⁰⁶ *RBL* p. 175: “praescriptae hae pacis leges; Vt ... Senatus deinceps ex Patricijs & plebe deligeretur. Scabini videlicet quattuor ex Patricijs, tres ex plebe, vndecim vtrisque iurati, ex quibus duo Consules essent Patricij”.

been put on the same level of official dignities with them, and because Couthereel drew all power to himself.”¹⁰⁷

However, the patrician discontents meant that the ultimate instrument to restore order and harmony in this case was not constitutional, but punitive. Wenceslaus' first attempt to bring the situation under control was based on mechanisms of penance and forgiveness: one of the conditions of the treaty was “that the mutual injuries done by the patricians and plebeians would be forgotten; that those, who had been the instigators of the sedition, would meet the duke with uncovered heads, fall on their knees, and beg for reconciliation.” When this treaty was renewed, Wenceslaus tried to guarantee that it would be observed, demanding the administration of an oath that his subjects would comply with the agreement and the extradition of hostages. When this course of action proved unsuccessful too, he instituted a committee consisting of six patricians and three plebeians responsible for the indemnification of the patricians. The next year, Couthereel was outlawed and forty-one of his conspirators were exiled for depriving merchants and other citizens of their liberty. Finally, Couthereel was forced to sign a declaration that he would never again raise a controversy in Louvain and that he and his relatives would give up the allowance he had granted himself in letters stamped with the city's seal.¹⁰⁸

Like his analysis of the duchy's debts in the early years of John III's rule and the conflict between Antwerp and Mechelen concerning the staple right, Divaeus' treatment of the Couthereel revolt provides detailed insight in the course of development that political conflicts might take, and the role that different types of intervention might play in their resolution. Divaeus points out the things that might be at stake, often autonomy, participation in government, ranges of jurisdiction, or financial interests, and he does not fail to pay minute attention to the means to achieve these often contested aims, such as alliances and bloc formation, negotiations, mediation, financial pressure, armed force, punishment, and bribes. In addition, he warns against manipulative behaviour. But most importantly, he drives home his points by providing and analyzing concrete cases, thus giving clear-cut examples of the military and financial operations that were necessary to exercise pressure, the arguments, precedents, and legal materials that could be employed, the conditions that could be laid down, and the possible consequences of all this.

¹⁰⁷ *RBL* p. 176: “Mox tamen haec conciliatio metu a plebeis extorta novas subinde discordias inuexit: Patricijs impotentius ferentibus, plebem honoribus sibi aequatam: & Couterello, omnia ad se trahente.”

¹⁰⁸ *RBL* p. 175, 176, 178, 179, 180. The quote is on p. 175: “Vt inter Patricios plebeiosque iniuriarum obliuio esset: Ij, qui seditionis auctores fuerant, Ducui occurrentes nudis capitibus, ac in genua prouoluti pacem expeterent”.

It would be short-sighted, though, to regard this analysis of political conflicts exclusively as an innovative method pursued for the sake of historical insight. It is important to realize that the practical insight that Divaeus' *Commentarii* reveal was the wisdom of the city patriciate in particular. Their members were most directly and forcibly hit by trade barriers, popular revolution, and taxation; control over these issues was therefore in the first place their concern. As regards the events of the years 1348-1364 it must be noted that while Couthereel was probably used as an instrument by duke Wenceslas to break the resistance of the patricians in Louvain against his regime, Divaeus turns him into the main actor and interprets his behaviour as that of an intriguer who tried to strain the good relations between the patricians on the one hand, the duke and the common people on the other, in order to secure his own power.¹⁰⁹ On a higher level, Divaeus represents the interests of the Estates of Brabant by discussing the strategies that might be used to restrain ducal power and maximize government control by the Estates.

In the first place, this was a matter of personal involvement. Like Divaeus' ideas about his country's form of government, his views on conflict resolution fit in particularly well with his professional connections with the governing families of



Philip II of Spain, portrait by Sofonisba Anguissola, ca. 1564

Louvain, and also with the dedication of the *Antiquitates* to the Estates of Brabant, in which he already held out the prospect of the *Commentarii* to them. Divaeus thus presented his historiographical project as a form of co-operation between the historian and the Estates of Brabant: he dedicated his work to this political body, "having observed how ardently you have thus far pressed for information about the history of our fellow countrymen, but to no avail; not doubting, therefore, that my efforts would be most welcome to Your Greatness; hoping that many, when they perceive that there are people who care about writing down Brabantine history, will provide more gladly for the continuation of my *Annals* the material that they keep in

¹⁰⁹ See Van Uytven 1963 for this interpretation of Couthereel and the troubles in Louvain. Van Uytven 1963, 63-4 notes that Divaeus' presentation of the events in the *Rerum Lovaniensium libri IV* is hostile towards Couthereel and strongly biased in favour of the patricians.

archives and book chests and that they have refused to share until now; and not fearing in the mean time the critics of my ungraceful and unpolished work.”¹¹⁰ Clearly, the interests of the Estates of Brabant constituted a driving force behind Divaeus’ method of writing history.

But Divaeus’ way of representing the past also had more concrete points of contact with political developments during the first years of Philip II’s rule over the Low Countries. In the period 1555-1566, which was arguably the time when Divaeus was working on the *Antiquitates* and *Commentarii*, the tug-of-war for administrative control between the lord of the Low Countries and the Estates of the individual provinces acquired a more tense appearance than it had had before.¹¹¹ The Estates first challenged the king’s authority in the taxation conflict of 1556-1559. At this time, the Spanish government was hard pressed by debts as a result of unremitting warfare and tried to extract financial means from their subjects. Many representatives in the States General of the Low Countries, however, were convinced that any unusual taxes levied would be used for wars that were not in their interest. In addition, local economies were affected by war, harvest failure, and an epidemic. In the years 1556-1557, therefore, opposition arose, especially on the part of Brabant, and the deputies of Brussels in particular, even against the suggestion of taxation that exceeded the ordinary burdens. In the end, Philip’s request was agreed to, but on the condition that the States General would supervise the collection and distribution of the funds raised. In the following years, Philip needed more revenue, and the entire course of events was repeated. By 1559, the States General had thus extracted absolute control over the money they promised, and a standing committee was set up to realize it.¹¹²

Another controversy around this time that was settled in a way strongly reminiscent of my examples from Divaeus’ *Commentarii* and thus demonstrates the relevance of Divaeus’ approach to contemporary politics in Brabant, revolved around the institution of new bishoprics. In 1559, Philip reached an agreement with pope Paul IV to create fourteen new bishoprics in the densely populated Low Countries.

¹¹⁰ SUB Cod. hist. 11, f. 2^v-3^r: “perspectum habens quam ardentem nostratium res hucusque incassum flagitaueritis, et ob id gratissimum fore nostrum laborem Vestrae Amplitudini non dubitans, multosque sperans, vbi considerarint esse quibus res Brabanticas scripto mandare cordi sit, lubentius materiem quam in archiuis scrinijsque asseruant quamque hactenus impartiri detrectauerunt ad Annales prosequendos suppeditaturos, non reformidans interim inconcinni ac impoliti obtretratores operis”.

¹¹¹ I will give only two examples here, but one might also think of the Estates’ successful opposition against the presence of a Spanish army in the Low Countries in 1561 or against the political influence of Antoine Perrenot de Granvelle, archbishop of Mechelen, who was eventually forced to leave the country in 1564. For these cases, see Parker 1979, 46-7, 54-5; Koenigsberger 2001, 206-8. For the friction between the three estates in the Low Countries and the Spanish king, also see Van der Lem 1995, 33-60.

¹¹² Parker 1979, 37-41; Koenigsberger 2001, 193-200.

The new bishops were to be appointed by the king and were required to possess an academic degree in theology or canon law. Three of them would also become abbots of the wealthy abbeys of Affligem, St. Bernard's in Antwerp, and Tongerlo in order to guarantee a sufficient income for their diocese. In addition, two canons from each episcopal chapter were to serve as inquisitors.

Opposition to this plan first arose in Antwerp. Its magistrates feared that inquisition would hamper the city's trade activities, since many heretics came to the city for commercial purposes. In 1563, they succeeded in convincing Philip to postpone the appointment of a bishop in their city by doggedly filing petitions to this end, arguing that inquisition would ruin the city's wealth. The Estates of Brabant followed their lead, and they had some additional motives for their resistance. The clerical order was traditionally represented in the Estates by the abbots of the great monasteries, who had to fear for their positions now. Moreover, the nobility exerted their influence in the Estates partly as a result of the custom that younger members of their families often became bishops – a practice that might be hindered by the king's influence in the appointment and the requirement of an academic degree. Finally, the Estates as a whole felt hesitant, to say the least, about the attendance of their meetings by the new abbot-bishops, whom they regarded as the king's henchmen. This created enough support for the abbots to impede the payment of taxes by the Estates of Brabant until the intended appointment of the bishops as abbots would be cancelled. The king came round in the end, and in July 1564 he signed an agreement with the Brabantine prelates.¹¹³

5.6 Documentary Evidence and Constitutionalism in the *Commentarii*

One of the most striking features of the political negotiations between the king's representatives and those of the provincial Estates in the early years of Philip II's reign over the Low Countries was the latter's propensity for underpinning their claims by appealing to the privileges they had acquired over the centuries. “[T]hey were the watch-dogs of the constitution,” Geoffrey Parker observed, “protecting local privileges against erosion.”¹¹⁴ In the controversy about the new bishoprics between 1559 and 1563, for instance, the Estates of Brabant protested against (among other things) the appointment of the new bishops as abbots because “the very noble predecessors of Your Majesty have especially promised to their people and subjects in the treaty and contract of their accession, that they would not confer, make anyone

¹¹³ Parker 1979, 47-8; Koenigsberger 2001, 202. Erens 1925 and Dierickx 1950 conducted exhaustive studies of these events. For the position of the abbots in the Estates of Brabant, see Augustyn 2000, 100.

¹¹⁴ Parker 1979, 32.

confer, or allow anyone to confer any abbeys, prelacies or dignities in Brabant *in commendam* as this had happened before, let alone combined with or incorporated into the bishoprics, which would manifestly be given *in commendam* for life.”¹¹⁵

The protection of privileges was not at all exclusively the Estates' concern, though, and many smaller institutions within the duchy held their own ground. When a representative of the royal government came to the abbey of Tongerlo in order to gain the approval of its monks for the plan concerning the new bishoprics, the latter promptly declared their unwillingness to endorse the incorporation of their abbey into one of the new bishoprics and asked the king to respect their privileges.¹¹⁶ Likewise, the magistrate of Antwerp lodged a complaint with the king that if an ecclesiastical inquisitor would charge anyone residing in the city, “one would act against the rights, customs, and privileges of the country of Brabant, and even against the mentioned articles of Your Majesty's Joyous Entry, and also against its first article, in which Your Most Holy Majesty has promised, like his predecessors have done as dukes and duchesses of Brabant, to treat and make others treat all his Brabantine subjects in all legal matters of any kind whatsoever on a basis of law and sentence, in accordance with the rights of the cities and courts to which the case belongs.”¹¹⁷

The attitude towards the privileges adopted by the representatives of the three estates was not universally accepted, however. The provincial Estates stuck to the privileges so insistently because they conceived of royal power as a *dominium politicum et regale*, that is to say, they admitted that the competence to make political decisions belonged to the prince, but it was expected from him that he should always negotiate with his subjects about them. They regarded the system of privileges as the result of and the point of departure for such negotiations. The king of Spain, however, thought of himself as a *princeps legibus solutus*: as the highest legislator and God's

¹¹⁵ Gachard (ed.) 1867-1881, vol. 2, 134: “les très-noble prédécesseurs de Vostre Majesté ont, par leur traicté et contract de leur réception, spécialement promis à leur commune et subjectz qu'ilz ne donneroient, feroient out parmecteroient donner aulcunes abbayes, prélatures ou dignitez de Brabant en commende en sorte que ce fût, et à moindre raison en unions ou incorporations aux éveschées, lesquelles seroient notoirement commendes perpétuelles”. The conferment of a benefice *in commendam* ('in trust') meant that its holder was allowed to manage it *in absentia* and still enjoy its revenues. In the case of the Brabantine abbeys, this practice was formally abolished in article 56 of the Joyous Entry. For the legal aspects of the resistance against the new bishoprics, see De Vrankrijker 1936; Duke 1990, 152-74.

¹¹⁶ Dierickx 1950, 131.

¹¹⁷ Gachard (ed.) 1867-1881, vol. 2, 118: “l'on se fust opposé par les droictz, coustumes et privilèges du pays de Brabant, et mesmes par lesdicts poinctz de la joyeuse entrée de Sa Majesté, et aussy par le premier article, par lequel Sa Très-Sacrée Majesté a promis, comme ont fait ses prédécesseurs ducz et duchesses de Brabant, de traicter et faire traicter tous subjectz de Brabant, en toutes et quelzconques causes, avec droit et sentence, selon les droictz des villes et bancqz, là où la cause appartiendra”. The magistrate of Antwerp refers to the *ius de non evocando* here, that is, the right of a citizen to be tried only by the government of his place of residence.

representative on earth, he was bound by no law. The responsibility to decide what would contribute to the well-being of the people (*salus populi*) rested with him, and especially in the sphere of religion he could tolerate no restraints on his power.¹¹⁸

Divaeus' *Commentarii* contain many instances of the privileges that were such a favourite means of political rhetoric in the 1560's. As we have seen, the evidence to which Divaeus attaches such great value partly consisted of documents that he had gathered during his visits to 'the archives of monasteries and cities' and that he regarded as the most important means of reconstructing the last four centuries of the Brabantine past.¹¹⁹ Since most of these archives had been established with the aim of maintaining the rights that institutes had acquired over time, Divaeus mainly dug up legal material there, such as charters attesting to the donation of land or the grant of privileges. As a result, the intensive use and discussion of juridical sources is an easily recognizable pattern in the later books of the *Commentarii*.

It must be noted that Divaeus does not cite legal sources in their entirety or original wording. A comparison of the charters cited by Divaeus and modern editions of these documents shows that Divaeus renders vernacular texts in Latin, that documents are usually paraphrased rather than quoted verbally, and that they are abridged. This last transformation is usually marked by the sign &c.¹²⁰ Nevertheless, the publication of Divaeus' work by Miraeus in 1610 meant an innovation in Brabantine historiography, because until that time, there existed no printed histories – or any other publications, for that matter – which gave such detailed information about the contents of the privileges. It is telling that the *Rerum Brabanticarum libri XIX* remained the most reliable source of information concerning the Joyous Entry of 1356 until the integral text of this document was printed in one of the first major collections of original charters from Brabant, the *Placcaeten, ordonnantien, landt-chartres, blyde-incomsten, privilegien, ende instructien by de Princen van dese*

¹¹⁸ Koenigsberger 2001, 202-4. Of course, these ideas have a long history in the Low Countries, which goes back as far as the fourteenth century: see, for instance, Tracy 1990, 47-9; Stein 1994, 247-50. Also see §4.7. ¹¹⁹ Dedication of the *Antiquitates* in SUB Cod. hist. 11, f. 2r: "Coenobiorum ... urbiumque archiua".

¹²⁰ Compare, for instance, the privilege granted to Brussels in 1229 at *RBL* p. 113-4 to its editions by Favresse (ed.) 1934, 317-34 (Latin version) and Van Loey (ed.) 1947, 237-45 (Dutch version); the *landkeur* of 1292 at *RBL* p. 129-30 to the edition by Van Loey (ed.) 1947, 228-37; a decree issued by John II in 1306 at *RBL* p. 138-9 to the edition in *Luyster van Brabant* 1699, vol. 1, 66-9; the Kortenberg charter of 1312 at *RBL* p. 140-1 to its edition by Van der Straeten 1952, vol. 2, 12*-21*; the Walloon charters of 1314 at *RBL* p. 144 to their edition by Lousse 1932, 23-47; the Joyous Entry of 1356 at *RBL* p. 165-6 to its edition by Van Bragt (ed.) 1956, 95-112. Note that the Brussels manuscript often contains more extensive and faithful renderings of the original documents than the later versions. See, for instance, Appendix E, text 4.

Nederlanden, published by Antonius Anselmo in 1648, the year that the Peace of Münster was signed.¹²¹

It has been shown above that on a theoretical level, the use of such material can be explained by the views of Baudouin and others, who argued that official documents provided a relatively reliable form of historical evidence and that law and history should be studied in conjunction. However, in view of the contested role played by the privileges in the events of the years 1559-1564, the question what function these documents have in Divaeus' history of Brabant, and especially how Divaeus describes the relation between law and politics, assumes a greater significance. A first indication about Divaeus' views on this subject is found in the idealizing picture of Brabant at the end of the *Antiquitates*. In the passage concerned, Divaeus demonstrates the function of law in protecting order, peacefulness, and harmony: "Neither do the princes fail to promote the peacefulness of their subjects by passing laws that are conducive to the preservation of peace. Hence there is that beneficial decree of John I against violators of peace or a covenant, which was promulgated in the year 1291 and stipulates that they be drawn and quartered."¹²² The laws Divaeus refers to here are the so-called *landkeuren* of duke John I (1267-1294).¹²³ They belong

¹²¹ Van Bragt (ed.) 1956, 10-1. It should be noted that the Joyous Entry of Philip II, which also contained a resistance clause, was printed six times between 1564 and 1578 by way of propaganda: Fontaine Verwey 1960, 104-7, 109, 110-1; Marnef 2007, 135-6. The Kortenberg charter of 1312 was first printed in its entirety in 1699, after a Latin translation had appeared in 1667: see Van der Straeten 1952, vol. 2, 22*-26*.

¹²² *RBL* p. 36: "Nec Principes fouendae subditorum quieti defuere, condendis, de pace seruanda, legibus: Hinc salutaris illa in pacis, foederisve violatores Ioannis primi sanctio, anno 1291 promulgata, quadrifariam eos dissecari iubens."

¹²³ In the passages discussed here, the laws are dated in the year 1290 and 1291. Willems (ed.) (1836) 541 n. 1 notes that Divaeus commits an error here: the actual *landkeuren* were promulgated in 1292; Divaeus has confused them with a privilege granted to the city of Brussels in the year 1290. Actually, the situation is slightly more complex. In the version of KBR ms. 17027-28, p. 188, Divaeus refers to charters given to Louvain and Brussels in September 1290: "Anno 1290 mense Septembri Ioannes dux ordinum conuentum coegit Louanij vbi Louaniensibus Bruxellensibusque multas salutaes leges vulgo Landtkeuren condidit." This refers to the Latin charter granted to Louvain on 29 September 1290, and which can be found in Van Uytven 1966, 436-56. The charter granted to Brussels might well be the vernacular one edited by Favresse (ed.) 1938, 474-80, if Divaeus confused St. Matthias' day (24 February) with St. Matthew's day (21 September). In the version of SUB Cod. hist. 62, f. 106^r, Divaeus inserts the following remark on the occasion of John I's death in 1294: "Justi tenax, quantum ea tempestate non alius. In atrociora delicta: stuprum nempe, latrocinium, homicidium seuerissimus: vt leges ab eo latae commonstrant, quarum nos in gestis anni 1292 copiose meminimus." Although the entry for the year 1292 is empty, Divaeus thus seems to have known a full version of the actual *landkeuren* when he wrote this version of the *Commentarii*. This information suggests that when Divaeus wrote the version that was later edited by Miraeus, he combined the stipulations found in a certain version of the 1292 charters, for instance the one edited by Van Loey (ed.) 1947, 228-37, with the Latin charter granted to Louvain, to which he refers in the version of his work found in the Brussels manuscript and which has exactly the same list of signatories as Divaeus, unlike the vernacular charter granted to Brussels. The edition of the

to the oldest group of legal material Divaeus could dispose of. Comparable documents are found in book ten: privileges granted to the cities of Brussels and Louvain by duke Henry I (1183-1235) in the years 1229 and 1233, which define a number of (grave) offences and lay down the way they should be punished.¹²⁴ The similarity between all three ducal decrees is that they aim at maintaining public order by means of criminal law.¹²⁵

The *landkeuren* are treated at greater length in book twelve of the *Commentarii*. In this passage, Divaeus makes clear what they are about. “In these laws, punishments are specified for those who have provoked others with abusive language, killed them, struck them, or mutilated them; who have carried forbidden weapons; who have committed theft or arson, violated a married woman or a virgin, broken an agreement concluded by a judge, changed the boundary of a field, etc. In the same legislation, many principles of law in civil matters have been established, which can be retrieved in the commentaries on Brabantine law. Of all these provisions, I consider it worthwhile to mention the punishment for those who have violated a married woman or a virgin: whose neck the duke wanted to be cut off with a wooden saw; just as he also wanted the breaker of an agreement to be drawn and quartered.”¹²⁶

Although this rendition of the *landkeuren* is a heavily rephrased and abridged Latin version of a vernacular charter,¹²⁷ such descriptions do not lose their evidential status as documentary material, because Divaeus hardly ever fails to include their authenticating hallmark: the list of signatories (*obsignatores*). The section about the *landkeuren*, for instance, is concluded as follows: “These matters were transacted in a

landkeur of Antwerp by Van Loey also contains references to editions of the charters granted to the rural areas belonging to Grimbergen, Gaasbeek, and Brussels.

¹²⁴ *RBL* p. 113-4.

¹²⁵ Van Uytven 1966 analyzes the charters issued by John I in the years 1290-1293 as the result of a concerted effort on the part of the clergy, the lords, and the cities to ensure better protection against abuse of power. Divaeus does not highlight this aspect of the charters, however. Divaeus' interest in criminal law in the *Rerum Brabanticarum libri XIX* is paralleled by a chapter on laws in his *Rerum Lovaniensium libri IV*: Van Langendonck (ed.) 1757, 115.

¹²⁶ *RBL* p. 129-30. The quotation is on p. 129: “quibus poenae in eos statutae sunt, qui alios maledictis lacesserint, percusserint, pulsarint, aut mutilos reddiderint: qui arma interdicta portarint; qui furtum fecerint, qui incendium fecerint, matronam virginemve violarint, pacem a iudice indictam infregerint, terminum in agris mutarint, &c. ijsdem multa ciuilium rerum iura statuta sunt, quae in Commentarijs legum Brabanticarum requirenda sunt. Inter haec omnia dignum recensere duximus, poenam eorum, qui virginem matronamve violarint; quorum ceruicem lignea serra praecidi voluit Dux: vt & pacis infractorem quadrifariam diuidi”.

¹²⁷ The original charter contains 69 articles, of which only the first fourteen can be recognized in Divaeus' rendition. I could not trace the provision about the displacement of boundaries. To get an impression of Divaeus' method of translation, one may compare his remarks about the punishment of rape to the following provision: “Wie vrouwen ogte juncfrowen vercrachtte, men sal heme den hals af zaghen met ere planken.” (Van Loey (ed.) 1947, 230).

most frequented meeting of the Estates, which was attended by John, the duke's son; Godfrey, the duke's brother; Godfrey, count of Vianen and a relative of the duke; John, lord of Cuijk;" a list of thirteen other noblemen follows.¹²⁸ Sections like these confirm the trustworthiness of Divaeus' account and the legal validity of its content; in addition, they serve to highlight Brabant's noble and patrician families, since it is almost exclusively their members who feature as signatories.¹²⁹

However, law controls much more than only the punishment of crime. In Divaeus' account, the decrees of the dukes established the rules and institutions determining community life within the Brabantine territory. This is true, for instance, for the systems of city administration. Thus, John I stipulated at his accession in 1267 that each year new aldermen should be appointed in the city of Louvain. For the year 1272, we come across the following entry: "In August of the next year, duke John allowed the aldermen and magistrates of Louvain to impose new taxes and to raise or cut old ones according to their own judgement, whenever it would be convenient for the community."¹³⁰ Staple right is another example of such regulation by decree Divaeus was interested in. He described it as "the commercial right by which commodities transported to a particular place cannot be forwarded in transit, unless they are first offered for sale to the merchants or citizens of this place at a fixed place and time."¹³¹ Brabant's main staple port was Antwerp, near the estuary of the river Scheldt. After its function had been taken over by the city of Mechelen for a few years, it was assigned to Antwerp again by emperor Henry VII: "In the year 1309, the inhabitants of Antwerp regained the staple of oats, salt, and fish from emperor Henry, who sent a letter about this matter on 29 October."¹³²

¹²⁸ *RBL* p. 129-30: "Acta haec in celeberrimo Ordinum conuentu, cui intererant Ioannes filius Ducis, Gothfredus frater Ducis, Gothfredus Comes Vianae consanguineus Ducis, Ioannes Dominus de Cuyck". Willems (ed.) 1836, 541 n. 1 remarks that the list of signatories Divaeus seems to have used does not refer to an *ordinum conventus*. In fact, the entire idea of a meeting of the Estates during the reign of John I is an anachronism, because the first signs of their formation date from the early fourteenth century: Augustyn 2000, 97-8; Uyttebrouck 1975, vol. 1, 432-64; vol. 2, 772-909.

¹²⁹ For more enumerations of signatories and other lists of noble and patrician men, see *RBL* p. 175-8, 182-6, 198-9, 203, 210-1, 217, 233-5.

¹³⁰ For the appointment of aldermen, see *RBL* p. 123. For the taxation rules, see *RBL* p. 124: "Sequentis anni mense Augusto, Ioannes Dux permisit Louaniensibus Scabinis ac Senatoribus, vt suo arbitrio vectigalia noua indicere, vetera augere, diminuere liceret, quoties commodum foret Reipublicae". Also see *RBL* p. 125-6 for some additional regulations regarding the government of Louvain.

¹³¹ *RBL* p. 133: "Stapulam (est id ius commercij, quo merces aliquo illatae transferri non possunt, nisi prius statutis loco & tempore, ciuibus aut mercatoribus eius loci venum expositae fuerint)".

¹³² *RBL* p. 139-40: "Anno 1309. Antuerpienses stapulam auenae, salis, ac piscium ab Henrico Imperatore recuperarunt: datis ea de re litteris XXIX. Octobris." Curiously, the staple right is not mentioned in Divaeus' description of Antwerp's commercial empire at *RBL* p. 84. Antwerp's staple right was confirmed by duke Wenceslaus and his wife Joanna in 1356: *RBL* p. 166.

Divaeus' treatment of the struggle for the staple right reveals his awareness of how important the privileges could be as a means to achieve maximum independence from the central government. In one of the passages from the *Commentarii* I have discussed in the previous section, the inhabitants of Antwerp are represented as appealing explicitly to 'the rights of the community' (*iura ciuitatis*) in order to protect their economic interests. Likewise, when Divaeus describes Peter Couthereel's mission to the duke in 1348, his message that Louvain will suspend payments to the ducal treasury is said to be based "on the old privilege that I mentioned under the heading for the year 1314," that is, John III's concession that the duke of Brabant would henceforth indemnify those harmed by his foreign debts.¹³³ Perhaps the clearest expression of Divaeus' insight into the possibilities offered by the privileges can be found in a passage from the *Antiquitates* in which he discusses some documents from St. Peter's abbey in Ghent, referring to "public records of donations ... by virtue of which the monks protect their possessions in the territories of Aalst and Dendermonde."¹³⁴

Generally, it should be noted that many of the documents referred to by Divaeus, such as John I's regulation that allowed the government of Louvain to raise its own taxes, concern a transfer of powers from the duke to the cities. They thus reflect the tendency of growing autonomy for the cities in the late Middle Ages. Another example can be found under the heading for the year 1303. In return for military support given to duke John II (1294-1312), the inhabitants of Louvain succeeded in obtaining the right to be judged only in the courts of their own city, the so-called *ius de non evocando*: "At the beginning of the next year, duke John granted many privileges to the Brabantines, because of the support they had given for the war at Mechelen: among which there was a privilege for the inhabitants of Louvain, that no judgement could be passed on a citizen in a place other than his city, and that no citizen could be put into irons in another place. These matters were transacted in the army camp in the month May, in the presence of the following witnesses ..."¹³⁵

The first climax in this development of increasing self-government is the famous charter of Kortenberg, granted by John II on his deathbed in 1312. Divaeus summarizes its contents as follows: "He granted the following privileges and rights,

¹³³ *RBL* p. 163: "idque ex veteri priuilegio, cuius anno 1314 meminimus". Other cases of appeal to privileges can be found at *RBL* p. 187, 201.

¹³⁴ *RBL* p. 5: "tabulae donationum ... quarum virtute monachi possessiones suas in agro Alostano ac Teneramundano tuentur".

¹³⁵ *RBL* p. 135: "Initio sequentis anni Ioannes Dux Brabantinis ob auxilia in bellum Mechliniense collata, multa concessit priuilegia: inter quae Louaniensibus; Ne de ciue, alibi quam in vrbe, iudicetur; neve ciuis alibi vinclis constringatur: acta haec mense Maio in castris, adhibitis testibus ..."; Divaeus mentions nine witnesses. For similar privileges, see *RBL* p. 139, 147-8.

which were beneficial to the community, and promised on behalf of himself and his descendants for an indefinite period: that no tax was henceforth to be imposed, unless it would happen that the duke or his children would be admitted to a knightly order, marry, or be captured in war; that justice was to be administered to individual subjects of Brabant on the basis of equality and on the terms of the privileges; that the charters of privilege were not to be adapted without consultation of the Estates; that individual cities were to be preserved in freedom; that four men were to be elected from the knightly class, ten from the common people, viz. three from Louvain and the same number from Brussels, one from each of the cities Antwerp, Tienen, Zoutleeuw, and 's-Hertogenbosch; that they were to convene at Kortenberg every three weeks, to make improvements if approval had been given to anything wrongfully done by somebody, and finally to decide what they found useful for the community; that not only the most powerful men, but even the duke was to acquiesce to their decision; that an oath was to be required from these same persons that they would judge the poor and the rich by equal standards; that he who did not obey the decrees of the Kortenberg council was to be held a public enemy; etc."¹³⁶

The charter of Kortenberg may well be called Brabant's first constitution, since it applies to the entire duchy and gives a legally binding definition of how political authority is divided among various institutions.¹³⁷ Divaeus' summary highlights in particular the autonomy of the cities in matters of taxation and the administration of justice. The most important element is the duke's submission to the council of Kortenberg, which was heavily dominated by the cities, Louvain and Brussels in particular. Divaeus does not refer to any action taken by the council of Kortenberg. Nevertheless, there can be no doubt that the charter by which it was instituted retained its validity in his view. As previous dukes like Henry I and John I had confirmed the individual privileges that had been granted to various institutions, the

¹³⁶ *RBL* p. 140-1: "haec salutaria Reipublicae iura ac priuilegia concessit, promisitque, pro se posterisque suis in perpetuum; Nullum deinceps tributum exigendum, nisi Ducem filiosve suos, Equestri ordini adscribi, coniugium inire, aut bello capi contingat: Singulis subiectorum Brabantiae ius ex aequo ac priuilegiorum forma dicendum: Chartas priuilegiorum inconsultis Ordinibus non mutandas: Singulas vrbes in sua libertate conseruandas: Eligendos e militari ordine quattuor, populares decem, videlicet a Louanio tres, Bruxella totidem: Antuerpia, Thenis, Leuia, Boscho vnum; ab his post vigesimum quemque diem Cortebergam conueniendum, corrigendumque siquid iniuria ab aliquo fieri probatum fuerit, decernendum demum quidquid Reipublicae vtile inuenerint: Eorum sententiae non solum potentissimo cuique, verum & Duci ipso acquiescendum, ab iisdem sacramentum exigendum, sese pauperi & diuiti aequae iudicium facturos: Qui conuentus Cortebergensis decretis non obediret, pro perduelli habendum &c." In the Brussels manuscript of the *Commentarii*, Divaeus included an extensive paraphrase of the entire charter: KBR ms. 17027-28, p. 195-7.

¹³⁷ For the development of a constitution in Brabant, see Blockmans & Van Uytven 1969, 401-10; Uyttbrouck 1975, vol. 1, 470-523; Blockmans 1988, 148-51.

successors of John II ratified the Kortenberg agreement at their inauguration. On these occasions, Divaeus also mentions the amendments that were introduced, such as slight changes in the representation of the cities in the council.¹³⁸

Two inaugurations stand out by the length of the discussion they receive. The first of these is the famous Joyous Entry of Wenceslaus and Joanna in 1356. Except from promising to observe all the community's rights, they consented to measures that promoted the firm grip of the cities on the duchy's financial situation, the exercise of all offices by citizens of Brabant, the avoidance of war, and the prevention of power abuse by the magistrates appointed by the duke. Following on the Kortenberg charter, the Joyous Entry of 1356 went on to impose legal restrictions on the duke's power, transferring (financial) competences to the cities and protecting them against abuse. Other measures to similar effect can be found in Divaeus account of Philip the Good's accession in 1430. This is the last event treated in the printed edition of the *Commentarii* and Divaeus concludes its discussion by enumerating the main components of Philip's oath, with special emphasis on the storage, protection, and accessibility of the urban privileges, the demands made of the members of the duke's privy council, and their responsibilities.¹³⁹

A legal approach to history such as the one that is found in Divaeus' work has sometimes been subject to criticism from modern scholars. Kampinga, for instance, lamented that in the seventeenth century, "the free pursuit of national history ... fell in the hands of the jurists, who understood and treated it as a lawsuit in which it mattered more that one could adduce arguments that were legally sound rather than good historical grounds."¹⁴⁰ In this section, however, I have tried to argue that a legal approach to history was a stimulating rather than a limiting factor in the genesis of innovative historiography, and that it could be a powerful means of political persuasion, especially in the sixteenth century. The fact that the *Commentarii* contain a wealth of documents that illustrate the cities' successful struggle for autonomy and underpin their claims to self-government, combined with the fact that Divaeus clearly demonstrates how such legal sources can be employed as ammunition for a political rhetoric aimed at maintaining and extending this autonomy, suggests that the notion of a *dominium politicum et regale* underlies the heavy presence of documentary material in his history of Brabant. At least it can be concluded that Divaeus'

¹³⁸ For the confirmation of privileges by Henry I and John I, see *RBL* p. 119, 123. For the ratification of the Kortenberg agreement, see *RBL* p. 154, 185-6.

¹³⁹ *RBL* p. 165-6, 243-4.

¹⁴⁰ Kampinga 1917, 122: "de vrije beoefening der vaderlandsche historie ... kwam grootendeels in handen der juristen, die haar opvatten en behandelden als een pleit, waarbij het er meer op aankwam juridisch-sluitende argumenten aan te voeren dan goede historische gronden".

description of medieval Brabant must have been a valuable mine of ideas and information for those readers who wished to make a strategic intervention in the present and justify political resistance on the basis of this concept.¹⁴¹

It should be stressed that such a use of legal material must be considered in terms of political rhetoric rather than legal proceedings. Many of the old documents highlighted by Divaeus no longer possessed force of law at the time he wrote the *Commentarii*. The famous Joyous Entry of 1356, for instance, was revoked only a few months after it had been issued.¹⁴² What Blockmans and Van Uytven said about the constitutions themselves, therefore also holds for the attention Divaeus pays them: “As an historical phenomenon the constitutions have had also the great significance of at least *formulating* values, claims and rights, so that in subsequent years they were a source of inspiration for further actions – be this largely fictive and idealized.”¹⁴³ The fact that Divaeus did not quote his material verbally is therefore of little consequence. The use of legal documents as a ‘source of inspiration’ and a means of supporting political claims required not so much the text of the charters in their original wording, as a clear system of reference – by date, giver, and receiver, for instance – and an overview of contents, which is precisely what Divaeus provides.

How menacing such an approach to the privileges must have seemed to the authorities, is well illustrated by the publication history of Meyerus’ *Compendium chronicorum Flandriae*. When Charles V granted a privilege for this book in 1538, he laid down the following condition: “provided, however, that the aforementioned supplicant, when having the aforementioned publication produced, will follow up the corrections and changes made to the aforementioned book by our council in Flanders, and that he will refrain from inserting the privileges of certain cities and particular communities which are mentioned in the aforementioned volume, on pain of losing the validity of this privilege.”¹⁴⁴ It seems that the Council of Flanders, the supreme court

¹⁴¹ This can be illustrated by the fact that when the Nine Nations of Brussels drew up a resolution against Luis de Requesens in 1574, they referred to ten documents and historical events, seven of which can be found in Divaeus’ *Commentarii*. For a useful overview of this document, see Marnef 2007, 128-31. For the passages from Divaeus, see *RBL* p. 140-1 (Kortenbergh charter, 1312), 144 (Walloon charters, 1314), 154 (confirmation of the Kortenbergh charter, 1332), 165-6 (Joyous Entry of Wenceslas and Joanna, 1356), 184-5 (confirmation of a covenant among the cities, 1372), 185-6 (confirmation of the Kortenbergh charter and the Walloon charters), 227-33 (regency of Philip of St. Pol, 1421). The covenant among the cities concluded in 1355, the privilege granted by Wenceslas and Joanna in 1362, and the treaty among the three Estates realized in 1415 are not mentioned by Divaeus.

¹⁴² See Van Uytven 1969.

¹⁴³ Blockmans & Van Uytven 1969, 424 (their italics). For the use of constitutional documents – as opposed to their legal force or the extent to which they are observed – see Lyon 1956.

¹⁴⁴ J. Meyerus 1538, f. aa: “Pourueu toutefois que le dit suppliant en faisant faire ladite impression ensuyra les correxions et changemens faitz audit liure, par lesditz de nostre conseil en Flandres. Et quil y obmetra linsertion des preuileges daucunes villes communeaultez particulieres, dont audit volume est

of law in the province, was seriously worried about a possible publication of the privileges. This must probably be understood against the background of the situation in Ghent, which formed the scene of an urban revolt against Charles V in the years 1537-1540. The apparent sensitivity about the accessibility of the privileges, especially in times of civil unrest, indicates how politically relevant the treatment of these privileges in the *Commentarii* must have been and possibly explains why Divaeus' work was not printed in the 1560's.¹⁴⁵

In addition, Divaeus' attitude towards his legal sources provides a clue as to the prospective audience of his work. It needs little argument that the unfolding and documentation of a constitutionalist point of view, or more precisely, of a perspective on the permanent limits put on centralized governmental powers by law, furthered the values, claims, and rights of the Estates of Brabant and especially the Brabantine cities. Members of the patriciate and other people involved in the government of the cities or otherwise interested in the juridical details of politics must have been an important target group. Apart from the legal material, they might also have been interested in Divaeus' political analysis of Brabant in the *Antiquitates* and the insights into conflict resolution contained in the *Commentarii*.

This idea is confirmed by the information we have about the first owners and readers of the extant manuscripts containing the *Antiquitates* and *Commentarii*. When Antonius Sanderus published the first part of his *Bibliotheca Belgica manuscripta* in 1641, he noted that the manuscripts of Divaeus' histories of Brabant and Louvain were extant in the archives of the Estates of Brabant.¹⁴⁶ Of course, it does not come as a surprise that the dedicatees of the *Antiquitates* and the 'watch-dogs of the constitution' were interested in the ownership of the original manuscripts. Secondly, the handwritten copy of the *Antiquitates* and *Commentarii* now kept in the Royal Library in Brussels contains annotations from the pen of Johannes Casparus Gevartius (1593-1666). This man was a learned humanist, jurist, historian, and above all the clerk of the city of Antwerp. He is precisely the sort of man one would expect

faicte mention, a paine de perdre leffect de cestes." See Stecher 1876, 534-5 and Bonvarlet 1895, 34-5 for brief discussions of the privilege and its context.

¹⁴⁵ It seems that the postumous edition of Meyerus' *Commentarii sive annales* in 1561 also met resistance from the powerful. See De Locre 1616, 680 about the editorial activity of Antonius Meyerus: "Annales Flandriae Iacobi Meyeri Patruī, post eius mortem, inuitis quibusdam Magnatibus, qui Opus adeo vtile premere moliebantur, in lucem emisit." Looten 1895, 59, 65-6 and Stecher 1876, 546-7 discuss a few passages from this work that have to do with the Flemish liberties and that might have been offensive to the authorities.

¹⁴⁶ Sanderus 1641-1643, vol. 1, 26.

to be attracted by the work of Divaeus: a politician educated in law and involved in the government of a Brabantine city.¹⁴⁷

In the second place, the *Commentarii seu annales*, which offered a concise overview of chronology and a rich store of documentary material and source references, must have been very convenient for professional historians, who wished to know more about the political history of Brabant. We know, for instance, that Justus Lipsius used manuscripts of the *Rerum Lovaniensium libri IV* and the *Annales Lovanienses* – works that rely on similar methods of investigation and presentation as the *Rerum Brabanticarum libri XIX* – for the data needed to write his historical dialogue *Lovanium* (1605).¹⁴⁸

5.7 Aftermath: Divaeus and the Dutch Revolt

To sum up, we might say that the ideal reader of the *Antiquitates* and the *Commentarii seu annales* would probably be someone like Divaeus himself: a politician-historian who builds historical scholarship on a basis of political experience, and who draws insights necessary for government from the public affairs of the past. In this light, it is interesting to see that Divaeus' own role on the political stage also suggests that the knowledge of and insight into political and constitutional history he must have acquired in the process of writing his works were by no means a useless preparation for his career. "Thus it seemed," as Baudouin remarked about the ancient world, "that a man steeped in historiography was ideally suited not only to perform exploits, that is, to conduct wars, but also to administer justice and to govern a community."¹⁴⁹ In this section, I will illustrate this idea with some biographical data – a demonstration that will also make clear, I hope, how relevant Divaeus' approach to the past must have been in the context of the early Dutch Revolt.

First of all, there seems to be a connection between Divaeus' historiographical involvement with constitutional law and his political responsibilities during the first years of the Dutch Revolt. Divaeus must have acquired at least part of his knowledge and understanding of constitutional law in the process of investigating his country's past. The plan, which Divaeus had when he was still working on the *Commentarii*, to write a book about the laws of Brabant, also bears witness, I think, to Divaeus'

¹⁴⁷ For Gevartius' notes, see Voisin 1836-1837, vol. 6, 204 (n° 672). About Gevartius' life, see Hoc 1922; Roersch 1880-1883.

¹⁴⁸ Papy (ed.) 2000, 21-2 for the relationship between Lipsius and Divaeus; for the material Lipsius borrowed from Divaeus, see many of the annotations at Papy (ed.) 2000, 281-314.

¹⁴⁹ Baudouin 1561, 137: "Sic enim, qui historiarum bene peritus erat, imprimis idoneus esse visus est, non modo ad res gerendas, hoc est, ad bella administranda, sed & ad Ius dicendum & ad ciuitatem regendam."

growing capacities in this field.¹⁵⁰ The politicians who favoured the Dutch Revolt were well aware how precious such qualities could be, and the eighteenth-century chronicler Azevedo conjectured that they solicited Divaeus for their cause “because they knew his competence and experience regarding the information about the privileges.”¹⁵¹ Therefore, it seems reasonable to suppose that this expertise might well have been the reason to assign him some major political tasks that had everything to do with constitutions.

Divaeus received the first of these commissions from the Estates of Brabant. After the death of governor Luis de Requesens in the year 1576, they wished to explore the possibilities to appoint a successor without Philip II’s explicit authorization. Consequently, they commissioned Divaeus to go to Louvain and find out all about “various privileges from the time of Godfrey the Bearded and other periods that conferred upon the Brabantine subjects the right to appoint a regent (*ruwaert*) on their own authority.” The next day Divaeus returned with the book of privileges that was kept in Louvain, and a copy was made of “a certain charter granted by lady Mary to her countries in general, on f. 141 and thereabout, dated 11 February 1476, the fourteenth article of it” to be discussed in Brabant’s council of state.¹⁵² In 1577, the States General of the rebellious provinces decided to appoint Matthias of Austria as the new governor on their own authority.¹⁵³

The second commission came from the States General. In the year 1581, they had decided to depose king Philip II. This step required a formal declaration of independence, and in view of its revolutionary character, it must have seemed advisable to add a reasoned justification, preferably on legal and/or philosophical grounds. On 14 June, the job to draft the declaration was entrusted to a committee of four men: “Today, my lords the States General have decided in concord to declare the King of Spain deprived of his rights and territories in the Low Countries; and the clerk of the Estates of Brabant, Andries Hessels, has been approached and nominated to design the act of this declaration to the pleasure of the commonwealth; ...

¹⁵⁰ *RBL* p. 114.

¹⁵¹ Azevedo *Continho y Bernal 1747-1779*, vol. 4, 158: “kennende zyne bequaemheyt ende ervarentheyt inde kennissen der privilegien”.

¹⁵² Van Even 1857, 96. The quotations are in n. 38: “diversche privilegien van selver eenen Ruwaert te moegen stellen, by de onderzaten van Brabant, zoo van Godefroids metten Baerde tyde als andere”; 39: “zekeren chartere by vrouwe Marie den generalen lande zeker privilegie verleent heeft, f.º 141 ende daeromtrent, in date 11 February A.º 1476, daeraf, van den 14^{en} artikele”. The document referred to is the so-called Great Privilege of Mary of Burgundy. It is dated here in Easter style, which was common in Brabant until deep into the sixteenth century; in the modern calendar, its date is 11 February 1477. For more information concerning this charter, see Blockmans (ed.) 1985.

¹⁵³ On the events surrounding this decision, see Parker 1979, 179-86.

subsequently, Tayaert, Valcke, and Van Dyeve have been nominated to design the act mentioned above, together with the clerk.”¹⁵⁴ Once again, it seems, the government appealed to Divaeus’ expertise in constitutional matters to justify radical measures.

In view of Divaeus’ direct involvement in the genesis of the Act of Abjuration, I do not think that I have to stretch the evidence in order to claim that the constitutionalism of Divaeus’ historiography was one of the factors that played a role in the legitimation of the Dutch Revolt on constitutional grounds. Divaeus’ importance for this issue is due to his insight into the ways privileges could be used to legitimize resistance against the central government, as has been argued above. Similarly, “during the revolt,” as J.J. Woltjer put it, “emphasis was placed on the privileges more because of the need to justify it, to provide a legitimate basis for action, than from a desire to defend all privileges at any cost.”¹⁵⁵ Secondly, Divaeus’ historical knowledge must have been valuable in making important documents better known and more readily available – first of all the Joyous Entry of Wenceslaus and Joanna (1356), but at a later point in his life also the Great Privilege granted by Mary of Burgundy (1477).¹⁵⁶

Something similar holds for the relation between Divaeus’ scholarly interest in political controversy and his official role in the resolution of some major and minor conflicts. In July 1576, the city of Louvain and its university had already appointed Divaeus in a committee authorized “to arrive at unconditional conclusions and decisions in order to settle and solve all quarrels and disputes” between both parties.¹⁵⁷ In the period between 1578 and 1581, however, the States General entrusted to him some matters of much more consequence, such as an embassy to persuade the government of Ghent to observe the Pacification, the extraction of money from merchants in order to pay the soldiers, mediation in a conflict between Utrecht and Friesland about the order of voting in the States General, the division of financial burdens over the provinces, bargaining about the payment of commercial convoys,

¹⁵⁴ Japikse & Rijperman (edd.) 1915-1970, vol. 3, 286-7: “Op huden hebben myne heeren de Generaele Staeten eendrachtelick geresolveert te verclaeren den Coninck van Spaingnen vervallen te zyne van de gerechtigheden ende heerlichkeiten van dese Nederlanden, ende om te bewerpen d’acte van de voorgaende verclaeringe, op het welbehagen van de Generaliteyt, is versocht ende gedenomineert den greffier van de Staeten van Brabant Andries Hessels; ... daerna, om te bewerpen d’acte, hierboven vermeldt, hebben metten selven greffier gedenomineert geweest Tayaert, Valcke ende Van Dieven.”

¹⁵⁵ Woltjer 1975, 25.

¹⁵⁶ For the use of constitutional documents and other privileges in the legitimation of the Dutch Revolt, see Geurts 1958; De la Fontaine Verwey 1960; Woltjer 1975; Van Gelderen 1992, 110-65; id. 1999; Marnef 2007.

¹⁵⁷ Van Even (ed.) 1880, 116: “tot liquidatie ende absolveringhe van alle saecken ende differenten absolutelijck te concluderen ende te beslichten”.

and negotiations about the (unofficial) governor Matthias of Austria's remuneration.¹⁵⁸

A good example of the role Divaeus was supposed to play in such conflicts is the task entrusted to him with regard to the institution of the *landraad*, a council responsible for the daily administration of the united provinces. On 17 January 1581, the States General resolved that together with Elbertus Leoninus and Sebastiaan van Loosen, Divaeus was requested "to act and to do everything necessary to make sure that the aforesaid line of action concerning the *landraad* and the finances will be accepted by the representatives of Guelders, Utrecht, and Overijssel. To this end, the aforementioned Leoninus, Van Loosen, and Van Dyeve will use all possible means of persuasion, calling to attention especially the preceding cases of confusion and misunderstanding, which almost caused the country to end up in the utmost ruin and decay, mainly because the provinces were not on good terms with each other, did not place themselves under one authority, and were unwilling to put their pennies in one wallet, each wanting to administer its finances according to its own fantasy instead."¹⁵⁹ It is attractive to argue that Divaeus' apparent aptitude for such tasks of mediation and persuasion should be linked to the focus of his *Commentarii* on conflict resolution.

At least in some respects, then, there seems to be a direct link between the political analysis of Divaeus' historiography and the political legitimation of the Dutch Revolt. On the other hand, the similarities should not be exaggerated and I should make the necessary differentiations. In the *Commentarii*, first of all, Divaeus did not yet fully appreciate the single most important detail of the constitutional charters for the justification of the Dutch Revolt. The last article of John II's Kortenbergh charter, for instance, stated that if the duke or his successors would infringe on the regulations laid down in the charter, the subjects should suspend their obedience to the duke until he would have cancelled the transgression. The Brussels manuscript of the *Commentarii* contains an extensive rendition of the entire charter,

¹⁵⁸ Japikse & Rijperman (edd.) 1915-1970, vol. 2, 475-7; vol. 3, 93, 197-8, 253, 257-8, 276-7. In the case of the embassy to Ghent, Divaeus had to excuse himself eventually.

¹⁵⁹ Japikse & Rijperman (edd.) 1915-1970, vol. 3, 270-3. The quote is on p. 271-2: "te handelen ende alle devoir te doen, dat den voersz[egde] voet van de Landtraedt ende Finantie by die van Gelderlant, Utrecht ende Overijssel soude mogen aenveert worden. Waertoe de voerscreven Leoninus, Van Loose ende Van Dyeve gebruycken sullen alle middelen van inductiën, die sal mogelijk wesen, hen besunder voor ooggen leggende de voorige confusiën ende misverstanden, waerdoere d'lant gecommen is bynae in d'uyterste ruïne ende bederffenisse, aldermeest doordien dat de provinciën met malcaren nyet gehouden en hebben goede correspondentie ende dat zy hen nyet en hebben begeven onder één auctoriteyt noch oick heure penningen willen brengen in één hourse, maer elck de zyne willen administreren nae zijn fantasie."

including this article: “We swear that we and our successors will never oppose this charter or the Kortenberg decrees, nor will we use any scheme to make sure that it is opposed by someone else. To increase the strength of this promise, we request and order our barons and vassals to swear that they will uphold these stipulations, and we desire that if it happens that we or our successors oppose them, they do not obey us or our successors until we have made satisfaction for all injuries.”¹⁶⁰ But in the summary Divaeus gives in the printed edition and the Hamburg manuscript, only the clause about the subjects’ compliance with the council’s decrees is retained: “that he who did not obey the decrees of the Kortenberg council was to be held a public enemy.”¹⁶¹ Likewise, the famous resistance clause from the Joyous Entry of 1356 is passed over in silence. Thus Divaeus does not seem fully aware of the potential that inheres in such provisions, since even in his treatment of the temporary deposition of John IV in the years 1420-1422 in favour of a regent, which was regarded as the main historical precedent for the abjuration of Philip II, they are not brought up; in fact, he gives no constitutional interpretation of this event at all.

Another element of vital importance in the political thought of the Dutch Revolt that is strikingly absent in Divaeus’ analysis of political behaviour is a justification of resistance along the lines of natural law. The argumentation in the Act of Abjuration of 1581 relied as much on the violation of privileges as on the idea that disobedience is morally justifiable if a ruler fails to do his natural duty to protect his subjects instead of oppressing them and depriving them of their liberty. The latter idea cannot be found in Divaeus’ work, with one notable exception. “After summoning the common people to the market and saying a few preliminary things about the injustice done to himself, he soon changed his form of speech and spoke about the patricians’ harsh rule over them, and what a heavy burden of taxes pressed on their shoulders; furthermore, how unjustly they were excluded from the entire

¹⁶⁰ KBR ms. 17027-28, p. 195-6: “Iuramusque nos, successoresue nostros numquam huic chartae decretisue Cortebergensibus contrauenturos nulloue dolo facturos vt contraueniatur. Inque huius rei maiorem firmitatem, oramus iubemusque Baronibus, Vasallisque nostris, vt hec rata se habituros iurent, volumusque ne nobis, successoribusue nostris vllum obsequium faciant, si his contrauenire nos successoresue nostros contingat, donec de omnibus iniurijs satisfecerimus.” For the original article, see Van der Straeten 1952, vol. 2, 15*-16*: “Vort bidden wij, bevelen ende heeten alle de vorghenoemde die nu sijn ende wesen selen ten tijde, op de trouwe ende de hulde vorgheseght, waert dat wij, onse hoer ochte nacomelinghe, jeghen de dinghe ende de pointe vorgghenoemt, in al ochte in deele, comen wouden, ochte die breken in enegher manieren, dat si ons, no onse hoer, no onsen nacomelinghen enghenen dienst no hulpen en doen, no onderdanech en sijn, tote ane dier stont dat wy ghebetert hadden, ocht doen beteren, ende oprechten alle de broken diere toe gheschiet waren, in den stat ende der vormen, ghelijc dat de dinghe ende de pointe vorgghenoemt boven ghescreven ende verclaert siin.”

¹⁶¹ See footnote 136. Cf. SUB Cod. hist. 62, f. 125: “Qui horum arbitrio recalcitraret, pro perduelli haberetur.”

magistrate and the official positions; if they would not show themselves to be real men, the entire freedom of the common people (*libertas plebis*) would soon be ruined. He easily persuaded them that there arose an opportunity now to defend their liberty, since the duke himself turned a blind eye to them.”¹⁶² The words just cited stem from a speech – an extremely rare feature of Divaeus’ work – by Peter Couthereel to the common people of Louvain. Since Couthereel is disqualified as a political actor from the narratorial point of view, as we have seen, it seems that Divaeus associates claims referring to the defence of liberty with demagogic rhetoric here.

Finally, the Dutch Revolt was not infrequently interpreted as a struggle for religious tolerance. This concept seems alien to Divaeus, who is said to have remained a loyal Catholic for his entire life.¹⁶³ His discussion and appraisal of the first, second, third, and fifth crusade were probably acceptable to Catholics and Protestants alike. But this might well have been untrue for his views about ‘the most perverse heresy’ of Tanchelm (†1115), who filled believers so much with his ‘pestiferous doctrine’ that they “did not believe that Christ’s body and blood contributed anything to their salvation and did not in fact attach any importance to priests and bishops.” Similarly, Protestant readers might have felt uneasy about his cold account of how Brabantine soldiers participated in the battle against the heretic Stedingers in 1234 and in the campaign against the Hussites in 1427.¹⁶⁴

¹⁶² *RBL* p. 173: “Plebe etenim in forum excita; cum pauca de iniuria sua praefatus esset, mox mutata orationis forma de Patriciorum duro in eos imperio, quantis vectigalium oneribus premerentur; porro quam indigne ab omni Magistratu honoribusque arcerentur: nisi viros se praesent, omnem mox libertatem plebis pessum ituram. Offerri nunc occasionem libertatis vendicandae, conniunte ipso Duce, persuasit facile”. The speech itself also seems to be disqualified by Divaeus’ introduction: “Louanium redijt, venenum omne quod dudum animo conceperat euomiturus”.

¹⁶³ This claim is made, for instance, by Vermaseren 1941, 143; Haitzma Mulier & Van der Lem 1990, 118. However, L.P.L. Pirenne 1960 demonstrated that since 1578 at latest, Divaeus was in close contact with fervent Calvinists in ‘s-Hertogenbosch, such as Gerard Prouinck van Deventer and Dirck Aertssen, and attached the following *stelling* to his dissertation: “Er zijn gegronde redenen om aan te nemen, dat de Brabantse historicus Peter van Dyeven (Divaeus, geboren te Leuven, pensionaris van Brussel 1578/79) niet katholiek is gebleven, zoals Dr. B. A. Vermaseren meent, maar een aanhanger is geweest van het calvinisme of er op z’n minst sterk mee heeft gesympathiseerd.” Nevertheless, Marnef 1987, 154-5, 234-6 has shown that Divaeus would certainly not have been the only Catholic politician in the Calvinist government of Mechelen in the years 1580-1585 and that he probably refused to engage in the common practice of acquiring ecclesiastical goods at giveaway prices. At any rate, Divaeus’ historiography, probably written before the beginning of the Dutch Revolt, does not show any signs of an inclination towards Protestantism.

¹⁶⁴ For the crusades, see *RBL* p. 21, 74-5, 95-6, 101-3, 112, 179-80. For Tanchelm, see *RBL* p. 25-6: “peruersissima ... haeresi”; 88: “pestifero dogmate”, “vt Christi corpus sanguinemque nihil ad salutem prodesse crederent: sacerdotes vero ac episcopus nihili ducerent”. For the Stedingers, see *RBL* p. 34-5. For the Hussites, see *RBL* p. 231.

Keeping these nuances in mind, it is safe to emphasize the interesting coherence of Divaeus' historiographical work and his professional life both before and after his activity as a historian: his humanist training and his service at the financial administration office of Louvain provided him with the necessary information and insights to write the history of Brabant in a way that was highly relevant from a political point of view, whereas the political analysis involved in this activity equipped him for a career as a member of mediation committees and government adviser on constitutional matters. It is one of the hypotheses of this chapter, therefore, that Divaeus' biography and the genesis of the *Rerum Brabanticarum libri XIX* are two factors that explain each other's development.

I have made this connection in order to elucidate Divaeus' line of approach in the *Rerum Brabanticarum libri XIX*. The most distinctive elements of this work are its methods of investigation, modes of presentation, and underlying train of political thought. In his historical research, Divaeus focuses on the Middle Ages and gathers his data by means of a thorough examination of both chronicles and archival sources. He presents his findings in a bipartite form: the thematic chorographical format of the *Antiquitates* is used for a precise political definition of Brabant as regards its name, territory, rulers, autonomy, and internal structure, whereas the chronological setup of the *Commentarii seu annales* along the lines of the medieval chronicle serves to analyze dynamic processes such as the course of political conflicts and the formation of a constitution. This political perspective on the past is informed by contract theory and constitutionalism.

In the course of this chapter, I have tried to show that these methods can also be understood as a practical response to the same challenges faced by the humanist theoreticians of history in the second half of the sixteenth century, as an attempt to write a 'perfect history' that might put Pyrrhonist critics to silence. Many characteristic features of the *Rerum Brabanticarum libri XIX* can easily be described in the terms offered by the concept of *historia integra* that was coined by Divaeus' contemporary François Baudouin: an interest in the entire past, including the 'barbarous' Middle Ages, a systematic research of archival sources, the renunciation of aesthetics in favour of truthfulness, a strict habit of literal quotation, heavy reliance on geography and chronology, and above all the conviction that good history cannot be written without taking into account the legal background of events.

Finally, there is a political background to Divaeus' take on history. First of all, he seems to do the Estates of Brabant a favour by describing practical and legal constraints upon the duke's power. It is only natural, therefore, that he intended to dedicate his work to this political body. In addition, there are many aspects of the

Rerum Brabantiarum libri XIX that testify to Divaeus' allegiance to the city patriciate, such as his rejection of popular revolt and the attention that is paid to their role in city governments and their participation in negotiations with the duke. This made his technical analysis of past politics interesting not only for professional historians, but also for politicians who shared Divaeus' political orientation, especially in a time when the Estates of Brabant clashed frequently with Philip II on issues such as the institution of new bishoprics and taxation for the purpose of warfare.

Divaeus' *Rerum Brabantiarum libri XIX* are, in sum, a fascinating work in which the politics of the medieval past and the early modern present, old and new historiographical genres, and theory and practice come together through the diligent labour of a city clerk to form an admirable product of scholarship that was strongly intertwined with contemporary developments in politics and historiography and that was capable of helping shape a future course.