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Looking for justice: execution spectators and the Revolt in the Low Countries, ca. 1520-1585

Casteels, I.

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Fig 8.1 Pieter Bruegel the Elder, *The Magpie on the Gallows*, 1568, oil on oak panel, 46 × 51 cm, Hessisches Landesmuseum, Darmstadt.

Conclusion *Execution Spectators and the Revolt in the Low Countries*

In 1568, Pieter Bruegel the Elder painted *The Magpie on the Gallows* in his hometown of Brussels (Fig. 8.1). In the center of the painting, a magpie sits on top of the gallows, with a wide open landscape in the background. In the lower left corner, two peasants point to the gallows. The other peasants, dancing around the structure, seem to ignore it; they go on with their lives in the shadow it casts. *The Magpie on the Gallows* was Bruegel's last painting. He left the work to his wife after his death in 1569. According to Karel van Mander, whose *Schilder-boeck* (1604) is one of the most important sources for the lives and works of Low Countries painters, Bruegel considered the painting the best he ever produced.¹³⁶³ The exact symbolism and meaning of Bruegel's enigmatic final work have been a topic of much discussion among art historians, but it is beyond any dispute that the painting refers to the political context of the Dutch Revolt.¹³⁶⁴ According to Van Mander, Bruegel meant the magpie to symbolize the "slippery tongues" (informers) who "deserved the gallows": In the end, however, the "truth breaks through."¹³⁶⁵ As we come to the conclusion of this dissertation, the scene seems to show to dramatic effect what the chronicles have already told us. Like the gallows erected in the aftermath of the Troubles, the gallows in the center loom large over the idyllic landscape and draw the gaze of the onlooker. A local community is disrupted and dominated by their presence, which creates a context of anxiety and treason in which neighbors are pitched against one another. Indeed, the enigmatic symbolism of the painting captures the

¹³⁶³ Karel van Mander, *Schilder-boeck* (Haarlem 1604: by Paschier van Wesbusch), fol.234r: 'Hy liet zijn Vrouwe in Testament een stuck met een Exter op de galgh, dit soude (nae zijn seggen) t'beste zijn, dat van hem ghedaen was'.

¹³⁶⁴ Catherine Levesque, "Truth in Painting—Comedic Resolution in Bruegel's Landscapewith the Magpie on the Gallows with the Magpie on the Gallows," in *Parody and Festivity in Early Modern Art: Essays on Comedy as Social Vision*, ed. David R. Smith (Farnham: Ashgate, 2012); Margaret A. Sullivan, "Peasant and Nestrobber: Bruegel as Witness of His Times," *Journal of Historians of Netherlandish Art* 7, no. 2 (2015); C. P. Nackaerts, "Galg en kruis bij Pieter Bruegel de Oude," *Ons Heem* 23 (1969); Stephanie Porras, "Resisting the Allegorical: Peter Bruegel's "Magpie on the Gallows"," *Rebus*, no. 1 (2008).

¹³⁶⁵ van Mander, *Schilder-boeck*, fol. 234r: 'meenende met d'Exter de clappighe tongen, die hy de galgh toe eygende: hadde verder gemaect, daer de waerheyt doorbreeckt'.

ambiguity, uncertainty, and perversion of rituals of justice that marked the execution crisis during the revolt in the Low Countries.

This dissertation has analyzed executions during the Dutch Revolt to shed new light on the dynamic between spectators and governments during public executions. Although historians of executions agree that authorities used spectacle or theatrical rituals to influence audiences, it has remained hitherto unclear how we should understand the role of spectators in the construction of meaningful rituals of justice. Historians of the Reformation, especially in the context of France, have long acknowledged that the state could hardly control public rituals of justice and that martyrs and spectators alike used executions to make their own statements. Nonetheless, these historians have focused mostly on executions for heresy, often without considering the broader culture of justice in which these took place. There has consequently been less attention paid to how confessionally diverging emotional regimes shaped the perception of executions over the course of the Reformation and how practices of capital punishment were affected by these changes. To address these questions, this dissertation has focused on the sixteenth-century Low Countries, where the strict anti-heresy policy of the central government led to many executions for religious crimes. Although historians have emphasized the importance of that controversial anti-heresy policy for the outbreak of the Dutch Revolt, a systematic analysis of the spectators' perceptions of these executions was still lacking. Yet in the highly literate and urbanized Low Countries, many spectators recorded these executions in chronicles they kept for personal use. The context of the revolt in the Low Countries thus allows us to analyze these questions using a primary source base that has not yet been used to study executions: contemporary chronicles and eyewitness accounts.

It is now time to bring together the most important findings of this study. What can chronicles teach us about execution spectators' experiences of justice? How does the spectators' perspective shed new light on the dynamic between authorities and audiences in the creation of executions? Finally, what are the broader implications of these conclusions for our understanding of the history of the Dutch Revolt, specifically, and the history of executions in general?

Chroniclers of Justice

The chroniclers' perspectives add great value to our understanding of the interaction between governments and their subjects, the perception of policy by the public, and how execution spectators found ways to consent to or contest practices of justice. Chroniclers, as we have seen, were usually well-to-do men—rarely women—who held some kind of public office or role. Their writings were often expressions of the norms and values of urban identity: good government, peace, and order. Chroniclers reported events they deemed worthy of recording for future reference. Topics ranged from the latest news to the weather to the birth of their children. Historians have previously noted that justice was a key topic addressed in such chronicles, but so far, a systematic analysis of the chronicling of justice had not yet been carried out. Nonetheless, chroniclers were avid observers of justice, and their writings reveal a great deal about the cultural norms and expectations associated with executions, spectators, and justice. Although not all chroniclers were as explicit as Augustijn van Hernighem, who set out “to record all justice done” in his hometown of Ypres, over the course of the 1560s, chroniclers seem to have come to regard themselves as the recorders of an unfolding crisis of justice. In their chronicles, execution rituals functioned as a yardstick for the operation of the system of justice and the government's ability to maintain order in general, as well as the reception of government policy by the community. As such, chroniclers took an exceptional interest in executions and the ways in which execution spectators responded to them.

Chroniclers were also part of that execution audience. In this sense, chronicles—and the descriptions of executions that appear in them—can be read as written testimonies of the chroniclers' own experiences of justice. Chronicling, as this study has made clear, *was* a form of audience engagement. This observation moves beyond using chronicles as a form of historiography or a source to study mentality or perception. Chronicles were a tool: The recording and remembering of injustice was a means of safeguarding order, privileges, and peace. Chroniclers were thus active participants in the creation of a culture of justice. This interpretation aligns with recent research on the practice of chronicling in the Low Countries, which has moved away from the focus on the chronicler or recordkeeper as a passive observer, mainly useful for analyzing perception or reactions, toward a view of the chronicler as an agent of change, an active participant in the creation of their world. Examples of this approach

include the works of Judith Pollmann, who defined chronicles as tools to maintain control over contemporary events and influence future generations; Rosanne Baars, who identified chroniclers as agents in the creation of a transnational news culture; and Jelle Haemers and Frederik Buylaert, who connected recordkeeping with the performance of status and identity.¹³⁶⁶

Consequently, chronicles offer the potential for a new understanding of a transformative period in the history of justice. As we saw in Chapter One, the sixteenth century was a turning point in the Low Countries in the history of criminal justice in general and capital punishment, in particular. The legal rules, procedures, practices, and ideas present in law courts had undergone major changes in the late medieval period. The gradual integration of Roman legal thought, the rise of *ex officio* prosecution, the increasing importance of judicial discretion, and newly emerging concepts such as intentionality and divine *lèse-majesté* all affected the logic of punishment. Moreover, the sixteenth century has been considered by historians as the capstone of the unification of the Low Countries and the centralization of power by the Habsburg dynasty. Although the rulers of the Low Countries rarely interfered in criminal law, the practice of grace and pardoning was essential for the process of state formation under their rule and gradually replaced the practice of composition traditional in the lower courts. All these changes contributed to punishment's becoming more visible and public. At the same time, however, my synthesis of local case studies in Chapter One revealed that the frequency of capital punishment had been gradually declining since the end of the fifteenth century, dropped sharply at the end of the sixteenth century, and stabilized thereafter. Surprisingly, this observation had not yet been given much attention by historians of executions, who have focused more on the end of executions in the late eighteenth and nineteenth centuries.

It seems hardly a coincidence that this drop in frequency coincided with the crisis of justice described in this dissertation. The chroniclers' perspective proves immensely useful in understanding why the system of justice underwent these profound changes. We have seen that the attention chroniclers paid to executions relative to other topics did not remain stable over time. The attention

¹³⁶⁶ Pollmann, *Catholic Identity and the Revolt of the Netherlands, 1520-1635*; Baars, *Rumours of Revolt*; Frederik Buylaert and Jelle Haemers, "Record-Keeping and Status Performance in the Early Modern Low Countries," *Past & Present* 230, suppl 11 (2016); Caers, Demets and van Gassen, *Urban History Writing in North-Western Europe (15th-16th Centuries)*.

they devoted to executions grew exponentially as these became increasingly contested and volatile events. In contrast to the decrease in executions found in administrative data, records of executions in chronicles increased across the same period. In the first half of the sixteenth century, the chroniclers considered in Appendix 2 recorded 732 executions. The recording pattern of executions in chronicles remained largely stable throughout the first half of the century, except for the peak in 1534 and 1535 when chroniclers paid much attention to the repression of the Anabaptist uprisings. In contrast, in the second half of the sixteenth century, chroniclers recorded 3,145 executions. The recording pattern reached its high point in 1568 (1,034), 1569 (397), 1567 (326). After ca. 1575, the number of recorded executions declined, and by the end of the sixteenth century, the numbers were again low.

The crisis as perceived by chroniclers, then, was less about the quantity of executions than the breakdown of order and ritual. The right ritual language and adherence to the execution script was highly important in the interplay between spectators, authorities, and the condemned. During an orderly execution, every party stuck to its scripted role. The emotional regime in which the audience perception of execution should be interpreted revolved around religious ideals of salvation and compassion. The patient was supposed to die “a good death,” meaning they expressed penitence for their crimes and remained steadfast in the face of death. Informed by the *ars moriendi* tradition, execution spectators were to take on a compassionate and supportive role, encouraging the patient to die well. In the ideal execution, the spectators were able to feel along with the patient, guiding them through fear and pain, assisting them through prayers, and sometimes kneeling together with the patient. The entire community was involved in this exchange. Execution audiences consisted of all layers of society and were not limited by age group, gender, or social background. In their descriptions of executions, chroniclers mention women as well as men playing an important role—even children were involved. There are no indications that attending public executions was considered an activity for the “lower classes,” as has been argued for the eighteenth century.¹³⁶⁷ Chroniclers themselves often belonged to the middle class, and the ruling elite also came to watch. Whereas processions and other forms of public rituals were usually

¹³⁶⁷ Laqueur, “Crowds, Carnival, and the State in English Executions, 1604-1868,” esp. 332-337; Spierenburg, *The Spectacle of Suffering*, 193-94.

strictly organized and served as affirmations of hierarchy, executions were not and did not do so. The bells were rung, and people simply showed up. The authorities, for their part, were expected to stage an orderly ritual that allowed the patient to die a good death. During the execution, the hangman was to avoid unnecessary suffering or cruelty. In contrast to what has often been argued in historiography, the successful and orderly staging of an execution as a ritual of justice was not considered oppressive or terrifying by spectators but was seen as necessary and redemptive. Only then would the road to salvation remain open for the patient, and an execution could thus become a ritual of reintegration into the Christian community.

The chroniclers considered in this study clearly show that it was important for spectators that the punishment was proportionate to the crime. The profile of the patient mattered in this perception of proportionality. For example, young or female offenders were expected to be punished less severely than adult male offenders. These differences were rooted in the idea of accountability and criminal intent. As we have seen, the concept of intentionality in criminal law (and in sin) became more important over the course of the sixteenth century. Whereas before, the damage resulting from a criminal act was more important in determining punishment, the intention of the perpetrator now became the leading factor. As young or female criminals were considered to be less accountable for their actions, punishment should be less severe. This proportionality also extended to the patient's reputation and social ties: For the perception of the public, it mattered greatly whether the patient on the scaffold was a burgher and a well-established member of the urban fabric or an outsider living on the margins of society. Indeed, the perception of the executions of Anabaptists—who were considered dangerous “outsiders”—was completely different from that of the executions of Reformed patients, who were much more integrated within their local communities.

In the descriptions of executions in chronicles, the importance of the symbolic language of justice becomes extremely clear. Admittedly, spectators paid much attention to the official communication of the authorities; chroniclers often recorded proclamations and sentences and copied ordinances, summons lists, and confiscation lists. They were also sensitive, however, to the visual, material, symbolic, and sensory aspects of justice. The careful recording of the construction of gallows in 1566 in the aftermath of iconoclasm is a case in point. Similarly, in 1567, after the temporary religious freedom of Protestants was

revoked, chroniclers recorded how authorities used the wood of the newly built Protestant temples for the construction of new gallows. The importance of the symbolic language of punishment becomes especially clear in cases where this language was inverted or appropriated. In the early 1560s, for example, Reformed spectators staged performative disruptions of execution rituals by attacking the authorities using the material infrastructure of punishment (the wood used for the scaffold or the stones used for the construction of the town hall). In 1566, iconoclasts inverted rituals of justice on a large scale by executing statues, treating them like patients on the scaffold. In 1568, the *bosgeuzen* took this ritual inversion one step further when attacking members of the clergy: Again, the symbolic violence they used mirrored execution methods. An exceptional example appears in the 1572 trials of clergy by the rebels in Holland, when the martyrs of Gorcum were executed according to the norms of a heresy execution. By 1578, the ritual inversion of justice had turned into a travesty, with chroniclers recording mock trials and fake executions under the Calvinist regimes in the South.

The Dutch Revolt as a Crisis of Local Justice

Chronicles also offer insight into how governments were forced to take execution spectators into account. For governments, executions constituted a direct interaction with their subjects and could serve as an indicator of public support for their policies. A particularly direct example of this dynamic is the fact that urban governments stopped carrying out the official policy on heresy prosecution when Reformed spectators began to use their roles as spectators in a disruptive way. Heresy executions did not immediately cause an execution crisis. Certainly, spectators were concerned about the disruption of execution rituality. Those dying as martyrs on the stage deliberately deviated from the traditional norms of a good death and refused to recant their beliefs. This cut off the road to salvation and reintegration that was the ultimate goal of an execution. Nonetheless, in the first half of the sixteenth century, chroniclers do not yet seem to have regarded heresy executions in a fundamentally different way from other executions that disrupted the norm. Indeed, deviations from the script happened more often, and spectators made use of existing behavioral repertoires to respond to those deviations. When, for example, a hangman failed to do his job properly, spectators could interfere and might even attack the hangman themselves. There

are no indications that spectators—apart from the Reformed community itself, of course—disagreed with the punishment of heretics in the first half of the sixteenth century. On the contrary: Heretics—and especially the radical Anabaptists—were seen as an enormous threat, and rigorous government action was expected in response to that threat.

In the late 1550s and 1560s, however, the increasing inability of local governments to stage orderly executions eroded support for heresy executions among spectators. As Reformed congregations became more organized, the martyrs' coreligionists started staging performative and symbolic audience interventions using their role as execution spectators. Drawing again on existing repertoires of audience behavior, they purposely disrupted executions and even freed prisoners from the stake. While heresy executions had been going on for decades with little controversy, now, a handful of disrupted executions made a tremendous impact. Not only did the fear of disorder during executions itself play a role, but the fear of not seeming in control in the eyes of other spectators was also important. Chroniclers began recording heresy executions more extensively as they became noteworthy and highly unstable events. Precautionary measures taken by the authorities only added to the uncertainty, as magistrates became increasingly untransparent about their execution practices, delaying executions, carrying them out in unusual locations and at unusual times, or even executing in secret. The tensions that resulted paralyzed local systems of justice, and execution policy became entangled with issues of power dynamics between various levels of government. Ultimately, a long and tedious power struggle between the urban governments, the higher and lower nobility, and the central government led to the suspension of the anti-heresy placards in the spring of 1566.

Instead of stabilizing the explosive atmosphere, however, the suspension of heresy legislation led to an increase in Reformed activity, which erupted in the summer of 1566 as the Iconoclast Fury. In the first executions in response to iconoclasm, city magistrates executed mostly outsiders and framed these punishments as being for theft, not for iconoclasm. Chroniclers nonetheless seem to have been well aware that the rabble's stealing from the churches amid the chaos of image-breaking was a symptom rather than the cause of the meltdown of social order. The destruction of the churches had not been mindless vandalism or theft: It was symbolic violence, signaling revenge, often mimicking execution methods used on heretics. Local authorities, however,

simply did not have the resources to enforce justice and order, as the civic militias refused to cooperate with the punishment of their fellow burghers. In several important provinces and cities, governors and magistrates saw no other option than to negotiate and issue a religious peace, granting rights of worship to Protestants. These rights could be far-reaching, and in some areas, Reformed communities even managed to take over. Only with the aid of the local nobility and the central government did local authorities regain control. Attempts to restore order, however, backfired completely. Instead of creating order, executions led to fights between spectators and soldiers, with many dead and wounded as a result. The patients on the scaffold were burghers, respectable members of the community with good reputations—whom the chroniclers often personally knew. Like common thieves, the culprits were executed shamefully and their bodies disgraced. Moreover, these people were executed not for heresy but for sedition.

Nonetheless, the high point of the chronicling of executions was yet to come. The paralysis of local authorities—first after the disrupted executions of the early 1560s and then in response to iconoclasm—was seen by Philip II as the main cause of the chaos in the Low Countries. In the eyes of the king and his advisors, it was clear that the locally based system of justice was not fit to deal with these threats and that intervention was necessary. This intervention came in the person of the Duke of Alba. In the historiography of the Dutch Revolt, the executions carried out by his Council of Troubles—such as the high-profile decapitations of the Counts of Egmont and Horne—have always attracted the most attention. Analysis of local chronicles shows, however, that local authorities were more involved in capital punishment during the regime of Alba than often thought, as the majority of executions was carried out by these courts. Indeed, Alba never intended to take over the administration of justice from the local courts. His aim was to get the system working properly again. Chroniclers desperately craved peace and order: Since 1566, violent groups of *geuzen*, composed of militant Calvinists, rebels, and those on the run from the government, had been attacking civilians (mostly clergy) using guerilla techniques, and the country was very unsafe. The duke's interventions, however, were perceived as transgressions of local authority and rituality. Alba had little respect for the norms and traditions of justice. The property of burghers was confiscated on a large scale. When chroniclers expected grace, it was not given. Officers of the Council of Troubles often overstepped their jurisdictions, leading

to much outcry. Billeted soldiers were considered unnecessarily cruel in their treatment of both heretics and spectators during executions. The descriptions of these executions show that spectators were unable to find meaning in these punishments. Often, chroniclers resorted to either long lists of names of fellow citizens, without any narrative at all, or signs of divine intervention for ways to make sense of what was happening.

What had started as a crisis of justice escalated into a civil war after 1572. An alliance between the *geuzen* and William of Orange—in exile since 1567—quickly grew the power base of the rebel party, and in a matter of months, the provinces of Holland and Zeeland turned against the central government of Alba. Chroniclers now recorded the complete breakdown of the system of justice in their hometowns—first in the towns of the north, and from 1576, also in the south. No longer were the urban authorities in control of justice but anyone who could seize power: *watergeuzen* behaving like warlords, William of Orange’s commissioners, military tribunals, ad hoc law courts, or self-appointed “committees.” As urban courts lost control, the administration of justice became subject to dynamics other than the legal and procedural regulations and customs that had until then protected law and order—dynamics such as revenge, fear, and terror. Summary executions, punishments without proper trial, and even mock executions fully eroded the integrative function of execution rituals. In the northern provinces, local authority was largely restored after the Pacification of Ghent; in the south, the fall of the Calvinist republics by 1585 meant the restoration of urban government. With the return of order, chronicling declined: The execution crisis was over.

The spectators’ perspective sheds new light on exactly how and why the repression of heresy led to the meltdown of public order, political crisis, civil war, and eventually the splitting into two of the Low Countries. Historians of the Dutch Revolt such as Alastair Duke and Juliaan Woltjer have long since pointed out that resistance to heresy executions was a crucial factor in the eruption of the Dutch Revolt. Problems during executions have often been interpreted as signs that people disagreed with the persecution of heresy. Resistance to the centralizing tendencies of the Habsburg rulers and the importance of local privileges are also textbook explanations of the Dutch Revolt. Heresy executions have, however, been analyzed in isolation from the broader juridical framework and culture of justice of which they were part. Nonetheless, as we have seen in this dissertation, how spectators viewed these executions was

determined by an existing execution script and the interplay between executions for religious crimes and other crimes—they were not viewed in a vacuum. Taking this broader context into account shows that employing the right ritual language and adhering to the sense of justice of spectators were of fundamental importance for the success or failure of executions and that these practices came to be compromised in the 1560s. Indeed, rather than spectators' losing their trust in the government because they did not agree with heresy executions, the resistance to heresy executions might have been caused by the failure of local authorities to stage redemptive execution rituals.

The reality, however, is more complex. We have seen that the crisis of justice that erupted during the Dutch Revolt cannot be understood without considering the local context of punishment. Local authorities had always been and continued to be responsible for criminal justice, even in the case of religious crimes. As executions spun out of control, these local governments found themselves in a crisis of trust with their own burghers and were, as such, trapped. Rather than a battle against centralization, local authorities delayed, resisted, or sabotaged the carrying out of executions for religious crimes as a desperate attempt to retain control over the administration of justice. In the end, the preeminence of the local context for criminal justice survived the Dutch Revolt. From a more long-term perspective, it is telling that first local and eventually also central authorities stopped executions for heresy altogether. There was simply no support for these executions: From the perspective of the audience, executions for heresy did not work. The attempts of the Habsburg government to centralize criminal justice can be seen in the same light. As these attempts were met with strong resistance and the breakdown of ritual, eventually, they failed. The inhabitants of the Low Countries valued their local customs and rules and thought them essential for the preservation of peace. The centralization of government, then, in the end, had minimal impact on criminal justice. At the end of the sixteenth century, criminal justice still rested firmly in the hands of the local law courts.

The Power of the Audience

These conclusions provide nuance to the idea that authorities were the main stagers of justice, the directors of the play. In the wake of Foucault, historians of executions have often focused on the dramaturgical techniques used by the

authorities, analyzing executions as terrorizing events by which they sought to control their subjects or assert their power. If audiences are taken into account at all, it is mostly to see whether the ritual language of the government “worked”—not to study how the spectators themselves contributed to the ritual. This study, however, has highlighted that the spectators played a fundamental role in the creation of these rituals. Rather than passive onlookers, they were active participants, consoling the patient on the scaffold and holding the authorities accountable when they proved unable to stage an orderly event. This conclusion also challenges the connection between state formation and executions that has often been posited by historians. Even if we assume that centralization and state-building were fundamental aspects of the sixteenth century, criminal justice remained a local phenomenon. Indeed, the fact that criminal justice and executions became more prominent was due to an increase in attention paid to them, not to an increase in actual executions. Contrary to what has been argued, the sixteenth century can hardly be considered a high point in executions in terms of frequency—at least in the Low Countries. In terms of impact, however, it was precisely that.

Processes such as centralization, changes in the organization and practices of criminal justice, and wars based on religion were not unique to the Low Countries—these were developments on a broader, Europe-wide scale. It would be interesting to compare the case of the Low Countries with similar contexts. Several references have already been made throughout this dissertation to the situation in France. The different responses of Catholics in France and the Netherlands to the Reformation have puzzled historians. Whereas French Catholics took matters into their own hands and attacked Protestants, leading to regular outbreaks of religious violence on the streets, Catholics in the Low Countries were much more passive. Pollmann has pointed to the different role of the clergy and its ability to mobilize lay believers in the two countries.¹³⁶⁸ Barbara Diefendorf has hypothesized that the divergence might also have been related to differences in the political contexts of France and the Low Countries and the extent to which people trusted their rulers to suppress the threat of

¹³⁶⁸ Pollmann, “Countering the Reformation in France and the Netherlands: Clerical Leadership and Catholic Violence 1560–1585”; Judith Pollmann, “The Catholic Laity and the Development of Catholic Identity (discussedossier over Catholic Identity and the Revolt of the Netherlands, 1520–1635),” in “*Discussedossier over Catholic Identity and the Revolt of the Netherlands*”.

heresy. Her argument is that whereas the French context was one of a crisis of royal authority, Catholics in the Low Countries trusted Philip II to defend their faith and thus “may have been more inclined than French Catholics to leave it to the civil authorities to put an end to heresy.”¹³⁶⁹

Might the focus placed here on perceptions of justice and execution dynamics shed new light on this? As we have seen, the audience played a significantly different role during executions in France. In contrast to the Low Countries, French Catholic execution audiences actively engaged in the lynching of Protestant heretics. The findings of this study support Diefendorf’s hypothesis—indeed, Catholics in the Low Countries left the keeping of order to the authorities instead of interfering on their own account; it was, however, not generally Philip II that they looked to but their local magistrates. Moreover, as Paul Friedland has shown, criminal justice became much more centralized in France during the sixteenth century, where the Crown was successful in monopolizing heresy executions, and local law courts wielded ever less influence.¹³⁷⁰ Furthermore, according to Friedland, heresy executions were instrumental in creating a more “detached” spectator experience, which, in turn, paved the way for their development as crowd entertainment. The continued importance of the local context in the experience of justice in the Low Countries, then, might explain why resistance to heresy took such a different form.

Another context to consider would be the Holy Roman Empire. Historians of German execution rituals have analyzed them primarily from a top-down perspective. Richard Evans, focusing on the period from 1600 onward, stressed the highly ritualized and formalized character of the German “theatre of cruelty”; Richard van Dülmen likewise focused on the opposition between the authoritarian state and an audience that had to be controlled, arguing that “the ceremonies were designed to prevent any external intervention in the scene of the execution, to intimidate the people and to make the act of revenge, restyled as an authoritative act, appear a just sentence.”¹³⁷¹ The German lands, however, had a strong tradition of urban chronicling and consisted of a patchwork of jurisdictions not unlike that of the Low Countries. There, the Thirty Years’ War

¹³⁶⁹ Barbara Diefendorf, “Catholic Identity and the Revolt of the Netherlands. A View from South of the Border,” in *Discussiedossier over Catholic Identity and the Revolt of the Netherlands*, 85–86.

¹³⁷⁰ Friedland, *Seeing Justice Done*.

¹³⁷¹ van Dülmen, *Theatre of Horror*, 109. See also Evans, *Rituals of Retribution*.

at the beginning of the seventeenth century proved especially devastating – again, a notable similarity with the civil war in the Low Countries. Can chronicles perhaps broaden the perspective on the opposition between the state and the people in the Holy Roman Empire?

For the English context, in particular, there exists a tradition of seeing executions through the lens of class struggle, casting them as the climax of the opposition between state and crowd, especially in the work of Laqueur and Hay.¹³⁷² Admittedly, the system of justice there was less centralized than in many parts of continental Europe and was based on a jury system (meaning that the confession had less prominence). The work of Lake and Questier and, more recently, Royer has moved away from this narrative of executions as class struggle and focused instead on the agency of the condemned.¹³⁷³ Could audiences be integrated into this approach as we seek to move beyond the stark dichotomy between state and crowd toward a more holistic understanding of the interactions between authorities, audience, and condemned around the scaffold?

This study also might have implications for how we view the longer-term development of public executions and their eventual decline in the eighteenth and nineteenth centuries. The literature on the role of emotions in the abolition of spectacular capital punishment is vast, but many historians put forward the role of sensibility or sensitivity to human pain and suffering from the end of the eighteenth century onward as an explanation for this decline.¹³⁷⁴ For the Low Countries, Spierenburg argued that the transformation of the penal system was “primarily a consequence of a fundamental change in sensibilities”, which “preceded the actual abolition of public executions”.¹³⁷⁵ Foucault, and

¹³⁷² Laqueur, “Crowds, Carnival, and the State in English Executions, 1604-1868”; Hay, Linebaugh and Rule, *Albion's Fatal Tree*.

¹³⁷³ Lake and Questier, “Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England”; Royer, *The English Execution Narrative, 1200-1700*.

¹³⁷⁴ Most significantly Lynn. Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Company, 2008). See also Friedland, *Seeing Justice Done*, 183–187. See for a historiographical overview Barclay, “Compassion as an Agent of Historical Change,” 1760–61.

¹³⁷⁵ Spierenburg, *The Spectacle of Suffering*, 183. The central role of sensitivity is stressed again in Spierenburg, “The Body And The State: Early Modern Europe,” 52; 59–60. An updated view in which Spierenburg also incorporates the religious overtones of early modern executions and in which he connects sensitivity towards punishment with the rejection of the Christian element in: Pieter Spierenburg, “The Green, Green Grass

others historians, too, identified a demand for increased humanity in punishments, but interpreted this not as the result of a new sensibility to suffering, but as a façade for “a more finely tuned justice, towards a closer penal mapping of the social body.”¹³⁷⁶ In the same line, historians have recently drawn attention to the concurrency of the emergence of Western sensibility towards public punishment and colonial repression. They argued that compassion or sensitivity became a tool or justification for far-reaching imperial intervention and exploitation.¹³⁷⁷

Whether interpreted as a façade for greater penal control, or as a genuine expression of repugnance towards public punishment, we should be careful to reduce audience perceptions of capital punishment to a linear development from “lesser” to “greater” sensitivity. As we have seen, human sensibilities have always played a key role in the rituals around executions, and compassion or sensitivity to suffering was fundamental in the logic of early modern capital punishment from the perspective of the audience. Arguably, there might have been *greater* sensibility towards the patient on the stake in the sixteenth century than in the eighteenth—by which time, according to the work of, for example, Thomas Laqueur and Paul Friedland, executions had become a form of entertainment.¹³⁷⁸ Moreover, if this dissertation has made one point clear, it is that capital punishment was never a static phenomenon, and the engagement of spectators with executions greatly depended on the question of whether the punishment was considered just. It mattered who was being executed, for what, by whom, and according to what ritual.

Finally, what can this study tell us about justice nowadays? There is a fascination in contemporary culture with premodern punishment. Spectacular and theatrical public executions are recreated in countless movies, plays, and television shows; we visit torture museums or historical places associated with

of Home: Capital Punishment and the Penal System from a Long-Term Perspective,” in *Violence and Punishment: Civilizing the Body Through Time* (Wiley, 2013), 111–12.

¹³⁷⁶ Foucault, *Discipline and Punish*, 78.

¹³⁷⁷ See for example the special issue of the *Journal of Colonialism and Colonial History*: Penelope Edmonds and Anna Johnston, eds., “Empire, Humanitarianism and Violence in the Colonies,” special issue, *Journal of Colonialism and Colonial History* 17, no. 1 (2016).

¹³⁷⁸ Laqueur, “Crowds, Carnival, and the State in English Executions, 1604–1868,” 323; Friedland, *Seeing Justice Done*, 144–45. See also Spierenburg, “The Body And The State: Early Modern Europe,” 58–59.

death and tragedy, which are increasingly commodified for tourism.¹³⁷⁹ Public executions are a hallmark of the “cruelty” of the past. “Medieval” is often used as a dirty word, carrying connotations of barbaric and backward practices of torture and violence. Why are we so interested in this aspect of the premodern world? In my view, this framing of executions says more about our self-image than it does about the past. Modern humankind (especially in Western Europe) identifies itself as civilized, humane, reasonable, and just. If to be modern means to be civilized, it follows that the past must have been cruel and inhumane.¹³⁸⁰ This dynamic is not as innocent as it might seem. The misinterpretation of history contributes to a feeling of moral superiority—superiority to our own predecessors, but also to other regions considered less “civilized.” This perceived moral superiority is thus used as a tool to legitimize violent intervention to “civilize” others. Hiding behind this mask of modern civilization makes it easier to close our eyes to modern atrocities and transgressions of justice committed by those governing in our name.

This dissertation, then, might serve to temper this caricatured image of early modern punishment. At the same time, it serves as a reminder that the public is always involved in the creation of justice in society. To have a sense of justice is a universal part of human experience. There have been considerable differences over time and across cultures in what people consider to be “just,” but the sense of justice itself seems to be constant. If what constitutes justice is a cultural construct, this means that we can, as a society, engage actively in debates on what constitutes justice and what does not. This is a conclusion that is uncomfortable and hopeful at the same time: Uncomfortable because it reminds us of our individual responsibility in creating justice and pushes us to hold each other and our leaders accountable for how we organize and distribute justice; but hopeful, too, because essentially, we have the power to create change. A good

¹³⁷⁹ See for example Denis Álvarez Pérez-Sostoa, “Some Heads Are Gonna Roll: Punishments and Executions in G. R. R. Martin’s *A Song of Ice and Fire* and in HBO’s TV Series,” in *Game of Thrones. A View from the Humanities: Vol. 2. Heroes, Villains and Pulsions*, ed. Alfonso Álvarez-Ossorio (Palgrave Macmillan, 2022). On the phenomenon of Dark Tourism, see for example Stone, P (2005). ‘Dark Tourism Consumption – A call for research’ *E-Review of Tourism Research* 2 (5): 109–117.

¹³⁸⁰ On the role of violence and punishment in identity formation see also Guy Geltner, *Flogging Others: Corporal Punishment and Cultural Identity from Antiquity to the Present* (Amsterdam: Amsterdam University Press, 2014).

way to start is by recording, reporting, and remembering any injustices we see around us.