

Hostage-taking (Gijzeling) in Early Sixteenth Century Holland, and the Guelders War

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Introduction

A major theme in the work of Wim Blockmans is his research into early institutions of popular representation in the Low Countries and in Europe generally. Chief among those institutions in the Low Countries from the late Middle Ages onward were the States General and the States of the individual provinces. Blockmans proposed a number of conditions necessary for popular institutions of representation to be successful, one of the most important of which was a willingness of partners to negotiate agreement¹. Consensus presupposes a state of law and order in which the interests, rights and privileges of the citizen and of the government are recognised and protected. Blockmans listed sanctions which lay authorities in the Low Countries in the late medieval and early modern period could impose in order to maintain law and order. Chief among them were corporal punishments, banishment, enforced pilgrimages, the pillory, and money fines.² Those sanctions, however, did not exhaust the authorities' means to persuade or coerce its citizens to behave themselves civilly, because a milder measure used was a form of hostage-taking or detention called *gijzeling*. The following article describes pressures, including *gijzeling*, which the government applied to magistrates of the cities of Holland in the early sixteenth century in order to obtain extra-ordinary *aides*.³

Scarcely a week passes, if we believe the news media, without somebody somewhere being taken hostage, usually by criminals. In Dutch journalese such an event becomes a *gijzelingsdrama*, a 'hostage-taking drama'. The early sixteenth century hostage-takings to be described here, however, were legal and less dramatic. The article consists of two parts. The first describes the procedure of *gijzeling*. The second part describes the use to which the government in Holland put it in the early sixteenth century during negotiations with city magistrates about the supply or *aides*,

¹ Blockmans, 'Representation'.

² Blockmans, 'Abgrenzung'.

³ Primary sources in: Burgers, Ward and Smit (ed.), *Bronnen*. Other contractions: GA (Gemeente Archief, Municipal Archives) and NA (National Archives, The Hague).

which were called in Holland the *bede*. More exactly, the article describes the enforced payment of extra-ordinary *aides* to pay for the Guelders war.⁴

A legal procedure ancient but still modern; *gijzeling*

Gijzeling is described nowadays as detention, but it is a legal form of detention distinct from imprisonment. It deserves a longer explanation because it is a procedure peculiar to the Low Countries. Because of the close association historically between *gijzeling* and non-payment of debts, *gijzeling* in the legal sense had become until recently almost but not wholly synonymous with imprisonment for debt. In 2000 a Dutch journalist, Koen Voskuil, was taken hostage for refusing to divulge information to the police, and ‘he was detained for more than two weeks in an attempt to compel him to do so’.⁵ In July 2008 another young man (in Utrecht; the case of the property concern ‘Mitros’) was threatened with *gijzeling* after he was accused of persistent anti-social behaviour. The difference nowadays between *gijzeling* and imprisonment is perhaps vague to all but lawyers. But in the sixteenth century there could be no misunderstanding in the minds of the magistrates of Haarlem and Leiden who applied *gijzeling* to their own burghers when necessary, and who sometimes underwent it themselves.

Imprisonment was not included in the list of sanctions above. Imprisonment was for persons very different from the magistrates and their burghers. K. de Vries studied imprisonment in the cities of northern Holland as a punishment in the pre-Burgundian period, and he concluded that it was used mainly against strangers and foreigners for whom no one in the community was willing to stand guarantor or to pay bail. Payment of fines, cautions and bail were the normal procedures among the burghers themselves in cases other than of violent crime. De Vries proposed that imprisonment as a punishment developed from *inleggen*, a term synonymous with *gijzeling*, meaning that the delinquent was required to remain within a certain house designated by the local magistrates until an act required of him was carried out.⁶ In Leiden in 1511, when a number of men failed to pay for weapons which they got from the city, they were threatened with *inleggen* in St James’s Hospice if they did not pay up before a certain hour.⁷ While being kept in what amounted to internal banishment or a form of ostracism, offenders were still *in* the community but no longer *of* the community. Their status and rights as burghers (*poorters*) were suspended. This aspect of *gijzeling* with its legal, social and financial implications

4 Ward, ‘Military Role’; Ward, ‘Military Pay’.

5 Following this *gijzelingsdrama*, Voskuil’s successful appeal (application no. 64752/01) was published by the European Court of Human Rights on 22 November 2007; <http://www.echr.coe.int>

6 De Vries, ‘Opkomst gevangenisstraf’.

7 GA Leiden, SA I, inv. no. 387, f. 28, 2 Sept. 1511; cf. J. van Herwaarden, *Bedevearten*, 291, 348.

made it intolerable for persons of the status of magistrates.

There are few published studies dealing with the history of *gijzeling*. The association of *gijzeling* with money debts tended to distort its identity. In handbooks and surveys of legal procedures there are numerous references to *gijzeling*, but it was and is a term so well known and understood that it requires little or no explanation apparently. R. C. van Caenegem described *gijzeling* as the oldest form of guarantee, enforced by surrender of the person into the power of the creditor.⁸ Irving Steyn's starting point for his study of *gijzeling* was an *Instructie* by the Court of Holland, published in 1531⁹, which Steyn augmented from other sources, especially from seventeenth and eighteenth century legal experts. However, even in 1531 *gijzeling* was so well known that the 'Instruction' contained no details of the procedures. But Steyn was aware that *gijzeling* had a longer history. He remarked that it was very often applied, and that the procedure underwent little change from the sixteenth to the nineteenth century.

Although *gijzeling* is now described as 'detention'¹⁰, Steyn declined to translate the term since he feared that would lead to confusion about its true meaning. Instead, in a paraphrase he came close to describing the situation in which magistrates in Holland found themselves at the beginning of the sixteenth century: '*Gijzeling* was not imprisonment for non-payment of a debt but imprisonment (and not necessarily imprisonment) for non-performance of an act'. *Gijzeling* could be employed by the Court of Holland before any judgement in law had been given. There were recognised legal procedures to be gone through which by their nature caused Steyn more than once to observe that the purpose of *gijzeling* was to compel performance of an act rather than payment of a debt¹¹. The steps involved in *gijzeling* are now summarised, based partly on Steyn and Wedekind, and partly on primary sixteenth century magistrates' sources in Haarlem and Leiden. *Caveat lector*: these latter sources reflect the views of the defaulting city magistrates.

Procedure in *gijzeling*

First, a bailiff brought a court summons to the defaulter ordering him to perform the required act within a day, or to go into *gijzeling*.¹² According to Steyn, no appeal was allowed against a (first) *gijzeling* order. Nonetheless, as a rule the magistrates of Haarlem and Leiden did appeal, and refused to go into *gijzeling*. If a defaulter failed

⁸ Van Caenegem, *Geschiedenis Strafrecht*, Vol. 1, 264-265; *ibidem* 267; notes 1 and 2 there.

⁹ Steyn, *Gijzeling*; cf. Ter Braake, *Recht*, p. 33. For legal terms and procedures see Wedekind, *Bijdrage*. There is no reference there to *gijzeling*.

¹⁰ Van Kalmthout, *Bijdragen*, 219-338; starting point is the Dutch Penal Code of 1886.

¹¹ Steyn, *Gijzeling*, 4, 6-7, 23, 42-43, 38-39, and 57. Cf. Mees, *De Gevallen*, 6-7.

¹² Cf. GA Leiden, SA I inv. 586, f. 28v-29, 25 Aug. 1507, where the costs of a bailiff are recorded.

to perform the required act or refused to go into *gijzeling*, this led to a new notice of *gijzeling*. Continued non-compliance or non-appearance led to a new default and a new *gijzeling* order. The defaulter could now be apprehended and fined. According to Steyn, four notices of *gijzeling* and default could be served against the magistrates before the court passed a verdict. Filips Wielant also described four.¹³ As a last resort the magistrates of Holland could appeal to the High Court at Mechelen against *gijzeling* orders and verdicts which affected them *and their burghers* (see further below).¹⁴

Persons to be detained had to report on Sunday evenings, before the Court of Holland met on Mondays. The place where they were kept in *gijzeling* at The Hague was not the prison (i.e. the *Poort* or gate tower) but 'at the inn' in the government precincts.¹⁵ Guests of the government were also lodged at the inn. Steyn concluded from the evidence of late sixteenth century visitors, who included the Earl of Leicester in 1585, that accommodation at the inn in the precincts of the Court at The Hague was comfortable enough. A remark in the sources about some magistrates being held in 'a strange inn' may perhaps express their unease,¹⁶ and may support the view that the inn normally used was a more congenial place. The magistrates of Haarlem, Leiden and Delft on numerous occasions took part in diets of the States of Holland and of the States General during periods of detention at The Hague and at Mechelen. It seems probable that the places of detention were where they normally lodged during the diets. Costs of detention, which were considerable, were paid for them by their local council.¹⁷

Many of the diets were spent discussing the effects of the Guelders war. The war was unpopular with the people of Holland, for they viewed it as a dynastic war of the House of Habsburg. Their opposition is illustrated by the insistence of city magistrates that Holland's part in it should be limited to defence of her own frontiers. When Emperor Maximilian visited Holland in the summer of 1508, the council (*vroedschap*) at Haarlem expressed the wish that Holland should be relieved of the costs of the war with Guelders, or otherwise that it should be made a 'general' war of all the States 'for we alone cannot bear the burden of the war'.¹⁸ The war was costly

13 Monballyu, *Corte Instructie* 57-59 and 148-153. Filips Wielant (c. 1441-1520) was a Burgundian-Habsburg jurist (see Monballyu, *loc. cit.*) Wielant's references to *gijzeling* have all to do with criminal law and punishment. Sicking and Van Rhee, *Briève instruction*.

14 Burgers, *Bronnen*, 252, 256, 296, 299, 388 etc. Smaller communities also contested the government's tax demands; Oosterbosch, *Inventaris Grote Raad*, items no. 223, 224, and 291; Wedekind, *Bijdrage procesgang*, 149-159.

15 For an inn 'De Witte Molen' at the Court of The Hague: A. Carmiggelt, *Hof*, 44; Kokken, *Steden en Staten*, 99.

16 Burgers, *Bronnen*, 290.

17 When nine magistrates from Leiden were held in *gijzeling* for fourteen days at The Hague the costs for food and drink, lodging and travel were 54 R.g and 15 stuivers; Burgers, *Bronnen*, 289. Nine master craftsmen would have earned about 30 R.g. in 14 working days.

18 Burgers, *Bronnen*, 110.

and destructive, and it threatened to ruin Holland's prosperity and international trade. The council at Leiden remarked in 1510 on 'the decline in trade which at the present time is so great that it is almost stationary', and at Haarlem in 1514 while referring to the war and its effects on Holland's relationship with France the council 'noted that the country depends mostly on trade'. In 1517 the local council (*vroedschap*) at Leiden expressed the opinion that 'the country is based entirely on trade, than which nothing is more contrary than war'.¹⁹

The sums extracted in Holland for the Guelders war were large. A series of extraordinary *aides* was raised in those years in order to pay for the following: the perennial need to defend the frontiers against attacks by Guelders, sieges of the stronghold at Poederoyen in 1507 and 1508, the relief of Weesp and Muiden in 1508, the failed siege of Venlo in 1511, and financial provisions for treaties made with France and Guelders in 1508 and 1513 which were intended to end the war, but failed in that. The taxable wealth of Holland (the *schildtalen*²⁰) for the year 1512 has been estimated at 3.6 million pounds of 40 groats. During the brief period from October 1512 to August 1513 the total obtained in extra-ordinary *aides* amounted to 270,000 pounds of 40 groats.²¹ The frequency of the demands, their magnitude and the determination with which the government exacted them led to the series of hostage-takings now to be described.

Gijzeling to enforce payment of the extra-ordinary *aides*

The government's need for money was expressed formally as a request to the cities and States of Holland, and Emperor Maximilian claimed that it was for the defence of Holland²². In the States of Holland the four northern cities, Haarlem, Leiden, Delft and Amsterdam frequently opposed the government. Such references to 'the four cities' are commonplace, and so the government relied on the nobles together with Dordrecht and Gouda for support of its proposals. Each of the parties, cities and nobles, had one vote at the diets of the States of Holland; seven votes in all. In order for the government to get money for the war, at least one of the other four cities had to be won over by diplomacy, concessions and favours, or by coercion.²³ This, however, only led to further dissent, because the rump frequently refused to accept a

19 Burgers, *Bronnen*, 187, *ibidem*, 437; GA Leiden, SA I inv. 383, f. 243-243v, 28 Sept. 1517.

20 The *schildtalen*, were tax scales based on the wealth of individuals, mostly patricians, merchants and well-to-do city dwellers. The word was derived from *schild*, an obsolete coin.

21 Ward, 'Military pay'; Burgers, *Bronnen*, 422. Perhaps less than half of the sum, because of reductions (*gracie*), was raised by the six major cities via the *schildtalen*, and the rest by the small communities of Holland via the *morgentalen* or land tax; cf. Robert Fruin, *Zettingen en omslagen*.

22 Burgers, *Bronnen*, 350-351.

23 For a letter from the stadholder threatening legal action and confiscations see: GA Leiden, SA I inv. 383, unbound, 26 Nov. 1508. A draft of the reply is also inserted loose, 29 Nov. 1508. For representations to officials see e. g.: *dat de gegijsselde personen trecken sullen in de gijsselinghe, ende dat men voirt appelleren sal ende zien boven wat men mit vrunden doen mach*, GA Haarlem, Vroedschapsres. 1501-1516, f. 37v, 23 July 1507.

decision which did not include four of the great cities. At some diets of the cities and States of Holland, when delegates from Leiden or Haarlem were in the minority and voiced dissent the government either ignored them or brushed their objections aside.²⁴ But when Haarlem and Leiden persisted in refusing to pay the extra-ordinary *aides* the government started a number of actions, around which negotiations and bargaining processes then took place between treasury officials and city magistrates.

In 1507 the magistrates at Haarlem refused consent to money for the planned assault of the blockhouse at Poederrijen, a Guelders stronghold on the borders of Holland, and they resolved not to go into *gijzeling* when summoned. Later they decided that they would advance the 3000 pounds requested, but if it could not be discounted against the ordinary *aides* then they would take the matter to court. The concession that the Haarlem magistrates wanted, and achieved, was the *gracie*, a reduction in the amount they had to pay, which in the case of Haarlem was customarily one half. They paid the levy, and provided cash for the army at Poederrijen. But there was a more important concession made by the government that year. The cities of Holland won the right to audit military costs and the numbers of soldiers (the muster rolls) serving in Holland.²⁵

In the latter half of 1508 several warrants for *gijzeling* were served on magistrates at Leiden. Non-payment of part of the extra-ordinary *aides* was the cause. Under these circumstances the *vroedschap* guaranteed its members against financial losses. Leiden's magistrates denied being in arrears, and they decided to go to law 'to the utmost'. However, assemblies, Blockmans remarked, 'tended to bind rulers to contracts and to keep an eye on the application of the agreements', and so the great differences of opinion between the cities of Holland and the government about military costs finally obliged the regent Margaret of Austria to come to The Hague in July 1509. There she attended the audit of the accounts in person in order to satisfy the cities and States of Holland.²⁶ This audit, together with the right gained in 1507 to audit the numbers and the payments to soldiers, were notable achievements for the cities of Holland, and precedents for further audits of the government's accounts. In April 1513 it was stated that one of the aims of the then audit was 'to help plan and order more discipline than there has been'.²⁷

The next major case in which magistrates were held in *gijzeling* was in 1511 for non-payment of a levy to which Haarlem had not consented. The money, equivalent to 6000 pounds of forty groats over Holland, was for ships to defend the Zuyderzee. Haarlem appealed against it. The burgomasters Willem van Loo and Gerrit Adamsz were advised by their council to stay at home. Haarlem's *vroedschap* guaranteed

24 Burgers, *Bronnen*, 254-255; cf. *aengaende die ghijzeling gedaen om die 50.000 lb. bij den Staten geconsenteert, alsoe die rentmeester pretendeert*, *ibidem*.

25 Burgers, *Bronnen*, 52-53.

26 Blockmans, 'Limitations', 143-144; Burgers, *Bronnen*, 152-157.

27 Burgers, *Bronnen*, 386-388.

them against personal sanctions and fines by the government. In fact, the two magistrates went into detention. In July 1511 while the detention order was being enforced, Willem van Loo and Frederik Jacobsz. were already in *gijzeling* at The Hague for arrears in Haarlem's payments of the *bede*. Nevertheless, they attended the diet at the same time, a further indication that their detention was not strict.

Then the government at The Hague applied more pressure through the courts and penalised other citizens (*poorters*) of Haarlem. They were made legally responsible for the city's debts, and goods belonging to them were confiscated for the city's tax arrears. Jan van den Briele, the pensionary of Haarlem, went to 's-Hertogenbosch and obtained from Margaret of Austria a letter addressed to the government at The Hague, halting the processes at law.²⁸ Meanwhile, discussions about continuation of the ordinary *aides* of 80,000 pounds started. One of several demands which Haarlem made in the negotiations was that the *gijzeling* of their colleagues should be lifted, and another that the ship levy should be annulled.²⁹ Finally, Haarlem, on obtaining the customary *gracie* of one half, conceded.³⁰

Leiden at first, perhaps for tactical reasons, was the only city which did not consent to continuing the ordinary *aides* of 80,000 pounds. But government commissioners applied pressure and used a mixture of gentle threats ('they would report to the prince in the best possible way that Leiden intended him no harm'), together with expressions of sympathy for Leiden's difficulties and the possibility of a reduction (*gracie*), and so Leiden also agreed conditionally.³¹ The remark that Leiden meant the prince no harm may have been to remind the magistrates of a charge of lese-majesty levelled against them in 1508. In that year they organised a number of inter-city meetings in Holland, described by the government as illegal diets, expressly in order to co-ordinate resistance to paying for the second siege of Poederroijen.

Then a new levy of 50,000 pounds was required by the government as Holland's contribution in the siege of Venlo. The official document of consent is dated 26 August 1511, but Leiden's magistrates denied that their consent had been given. The nobles and some of the States, no doubt a majority, had consented at a diet of the States General which was held at 's Hertogenbosch, and this had been held binding on all. Leiden's deputy, Heinrick Florisz, told how he had objected and presented Leiden's opinion which had been stated at earlier diets at The Hague and at Dordrecht. But it was without effect.³² *Gijzeling* of the magistrates then followed. Leiden requested that the position of the 'prisoners' should be reviewed, and this was granted, because Leiden too used the negotiations on the ordinary *aides* to make demands.³³

28 Burgers, *Bronnen*, 256.

29 For further references to *gijzeling* and confiscations: Burgers, *Bronnen*, 260, 283, 311, 343, 369, 437, etc.

30 Burgers, *Bronnen*, 261-262.

31 Burgers, *Bronnen*, 262-263.

32 Burgers, *Bronnen*, 253-255.

33 Burgers, *Bronnen*, 259.

1512-1513: Financial crisis and transition

From 1511 onwards the numbers and sizes of extra-ordinary *aides* needed for the wars increased markedly. In every case this led to resistance from the cities of Haarlem and Leiden, and their magistrates were served with detention orders for non-compliance and non-payment. But their resistance gradually took on a different complexion. One of the trends was that, before consenting, the cities held some of the money back so that they could pay (they thought) for their own defence and that of neighbouring communities. Differences in approach, however, remained. When in December 1511 a levy equivalent to 30,000 pounds of forty groats over the whole of Holland, was required, Haarlem refused because it was imposed without reduction (*gracie*). But Haarlem consented as soon as their usual reduction of one half was agreed. Some of the magistrates subsequently again underwent detention, probably because of delays in paying. On that occasion the detainees participated in the diet then taking place at The Hague.³⁴

Leiden's approach was different. Leiden's council summarised the costs of recent wars before offering to pay according to their ability, not according to the wealth tax scales (*schildtalen*). But their most striking request to Margaret of Austria was for her to allow Holland to negotiate a peace with Guelders on its own.³⁵ On the question of payment Leiden took the case on appeal to the High Court at Mechelen, but Margaret of Austria issued an order that the levy would have to be paid despite appeals and process of law. Leiden continued the legal appeal and ignored the *gijzeling* order. Members were again guaranteed against personal losses. Two weeks later, on 13 February 1512, the magistrates at Leiden changed their minds and agreed to the levy because in the meanwhile a majority of the large cities had consented, and the magistrates at Leiden were concerned that, among other consequences, the goods of Leiden's burghers would be confiscated because of the city's non-payment. But they made their consent conditional on a reduction (*gracie*) of one half.³⁶

Almost immediately in February 1512 a new large levy of 30,000 pounds was required. Haarlem had kept back a part of the ordinary *aides* at Christmas 1511 as restitution for money they had paid in their own defence, but when they continued in their resistance the government threatened 'that as many as nine or ten of them' would be detained at The Hague. In fact, nine members of the Leiden magistracy were held for two weeks in March 1512 for refusing to pay in the levy of 30,000 pounds. On that occasion too some of the members attended diets at The Hague during their detention.³⁷ They were released about 17 March when they promised to pay the instalments which were in arrears.

34 Burgers, *Bronnen*, 284.

35 Burgers, *Bronnen*, 274.

36 Burgers, *Bronnen*, 278; *ibidem* 282-283.

37 Burgers, *Bronnen*, 290.

During this episode the privy-councillor Jeronimus van Dorp³⁸ showed the city of Haarlem an order from the regent to him that he was to collect the 30.000 pounds “by all means of coercion, despite all appeals or objections and without regard to poverty or anything similar”. The Haarlem magistrates went into detention. The magistrates at Leiden were similarly penalised because they ‘had not consented and because their poverty was not accepted as a ground’. They were released for one day to go home for consultations. This led to a compromise by their council as a personal concession, they said, to the president of the Court of Holland. They agreed part-payment (a frequent ploy to gain time) in order to avoid trouble among the soldiers who were to be paid with the money. But they called it a loan.³⁹

This pattern of behaviour continued. Haarlem and Leiden followed a policy of not consenting to the levies, at the same time appealing to law against the demands and the detentions, then complying with the detention orders. At a diet of the States General at Mechelen in March 1512 the regent agreed to rescind the current detention orders, and Leiden agreed now to the earlier levy of 30.000 pounds. But at the same time they resisted and appealed against the latest one of 40.000 pounds. Despite the regent’s assurances to the contrary⁴⁰, the stadholder and government in Holland threatened Leiden again with *gijzeling*. Leiden appealed again to law, and tried to have payments which they had already made included in new extra-ordinary *aides* of 200.000 pounds embracing all the States, of which Holland and Zeeland were to pay one fifth.⁴¹

The Court of Holland found against Leiden in the question of the 40.000 pounds. Each of the magistrates was fined one hundred Philip guilders (125 pounds of forty groats), to be paid from their own money. Predictably, the council at Leiden passed a resolution supporting their members, and they opted to appeal to the High Court at Mechelen.⁴² The magistrates at Leiden continued consultations with Delft, whose members had been similarly sentenced.

In order to make the northern cities more compliant the regent Margaret of Austria was again, as in 1509, forced to negotiate. She promised reimbursement of the money if the 40.000 pounds were paid. Therefore, Leiden conferred again with Haarlem, Delft and Amsterdam before finally agreeing to pay part of it as a forced loan (*preste*) with which soldiers were to be paid. This resolution was taken on 16 May 1512.⁴³ At the next meeting which was held on 18 May Haarlem was absent, but two deputies came the next day. From then on Haarlem followed a path of quiet diplomacy at Mechelen by negotiating a reduction in their contribution (*gracie*) in se-

38 Kerckhoffs-De Heij, *Grote Raad*, 60.

39 Burgers, *Bronnen*, 298.

40 Burgers, *Bronnen*, 296.

41 Burgers, *Bronnen*, 300.

42 Burgers, *Bronnen*, 308.

43 Burgers, *Bronnen*, 311.

cret talks. This was to be known only to the stadholder of Holland and the Treasurer General, Roland le Fevre. If the preferential treatment for Haarlem became known 'it would cause great and serious trouble for the city'.⁴⁴

Predictably, the next and still greater levy for 70,000 pounds was contested by Haarlem and Leiden. This phase was followed by negotiation for reduction, and when no agreement was reached *gijzeling* orders were issued against the magistrates of Leiden.⁴⁵ The deadlock was resolved by a series of military setbacks for Holland. First the capture of Tiel by Charles of Guelders, announced at a diet at The Hague in September 1512, may have helped to concentrate the minds.⁴⁶ At Haarlem the condition they required now was that payment was not to be based on the wealth tax scales (*schildtalen*). Next, a mutiny of troops at Delfshaven occurred. The soldiers (who had not been paid for eight months) stopped all commerce to and from Delft by blockading the harbour until their pay demands were met in full. Finally, the defeat of Holland's army of landsknechts under the leadership of Jan van Wassenaar in December 1512 brought the year to a sombre close.

A cycle of events then set in of extra-ordinary *aides* which were requested hastily by the government in order to pay for the war, of refusals by the cities, of *gijzeling* orders issued against the magistrates and then contested at law, followed by further appeals to law, by negotiations and by concessions. At the end of each episode there followed a compromise of one kind or another. The legal processes are summarised in the following typical extract⁴⁷:

Wandt van nyeuwes enighe gegiselt sijn van sRaets wegen angaende den ommeslach, dair in voirgaende vroescippen of gesproken is, ende die oude gegiselde weder van nyeuwes gegiselt sijn up meerder peynen, ende verdachvairt om te hoeren die condempnacie van den eerste giseling die verseten is, ende die peynen te beboeren uut hoire eygen ghoeden, zoe is tselve geopent voir den vroescip, ende wandt oick die somme van den giseling gemuteert is, soe is men oick verduchtende dat men soude moegen maicken excepzie opte leste appellacie. Ende is dairom omgestemmet bij den gerecht ende vroescip wat men doen sel in den voirs. ghiselinge, ende is gesloten dat men van nyeuwes weder appelleren sel up dese ghiselinge ende adhereren die oude appellacie, ende dat men boven sicken sel om opter selver appellacie te achtervolgen alst behoirdt, ende dat die gegiselde hierup bliven sullen uut der voirs. ghiselinge, ende die stede sel hemluyden dairvan vrijen ende schadeloes houden.

44 Burgers, *Bronnen*, 304.

45 Burgers, *Bronnen*, 319.

46 Burgers, *Bronnen*, 324.

47 Burgers, *Bronnen*, 347. This passage from Haarlem expresses the following: the Council of Holland at The Hague, in connection with the extra-ordinary *aides*, had issued a new detention order against the magistrates; some of them had been detained once more; the fines against them had been increased and they had to be paid from their own money or goods; the council (*vroedschap*) feared that their recent appeal would also be rejected; on a vote however they resolved to appeal against the new detention order, and to continue with the appeal against the previous one; furthermore, they would send a delegation to [the High Court at] Mechelen (*boven*) 'to pursue the appeal as it deserved' [this was probably a reference to making political friends and winning support by giving presents to the right people]; finally they would refuse once more to go into detention, and they would reimburse their members for any financial losses they might suffer.

All this would continue until the next truce with Guelders in July 1513. From late 1512 onward, however, the government had reached agreement in Holland on an alternative method for raising large sums of money quickly. It was to be obtained by long-term borrowing from merchant bankers, with the cities of Holland guaranteeing and paying the moderate interest on the loans by their contributions to the *aides*.⁴⁸ Public borrowing evolved from then onwards, stimulated at that moment in 1512 perhaps by the constant legal wrangles surrounding the *gijzelings* processes.

Conclusion

From 1507 onward the frequency and the sizes of extra-ordinary *aides* needed by the government to pay for the Guelders war increased greatly. The spontaneous reaction of the magistrates of the northern cities Haarlem, Leiden, Delft and Amsterdam, was to refuse consent to the government's formal request for extra-ordinary *aides*. The magistrates of Haarlem and Leiden (and of Delft and Amsterdam on the evidence available) used the legal means which were available to them to resist what they believed to be the 'unreasonable' monetary demands made on them by the government. Amsterdam was less straitened for money than the other three northern cities, but there can be no doubt that all four felt justified in resisting the government, because the direct costs to them of the wars were perceived as beyond anything known previously. At the same time the economy and the foreign trade of Holland were suffering on land and at sea from the effects of the wars. This was the case in Leiden which relied on the import of wool from England by sea, and the export of textiles, in Haarlem, with its beer export, and Delft where in 1512 the harbour (Delfshaven) was blockaded by army mutineers.

At diets of the cities and States the government in Holland relied for support on the nobles and the delegates of Dordrecht and Gouda. This ensured the government of three votes. To gain at least one more vote needed for a majority, other measures were applied through the Court of Holland. The Court's strongest legal measure appeared to be hostage taking (*gijzeling*), but *gijzeling* by itself was ineffective. The magistrates appealed over and over again, causing long delays before any money could be obtained for the extra-ordinary *aides*. Even when the Court of Holland finally rejected all their appeals and imposed money fines on the magistrates personally, they simply 'sat out' the period of their *gijzeling* in the congenial inn at The Hague, knowing that back home they would be reimbursed for the costs. At first their tactics appeared to expose a limit to the government's power to extract money from Holland.

48 Ward, 'Military Pay'.

But a more serious legal threat followed. Letters from the stadholder, privy councillors and treasury officials threatened actions against and confiscation of goods belonging to the burghers (*poorters*) of the cities. This was in accord with the legal *mores* of those times, which made burghers legally responsible for their city's debts. The letters were indeed followed by Court orders authorising confiscations. In tandem with the *gijzelings*, those orders then enabled the government to confiscate for debt the goods of burghers of Haarlem and Leiden at toll stations whenever they tried to leave or enter Holland. These measures were effective, therefore, in forcing the Northern cities to consent to and to provide money for the extra-ordinary *aides*.

During negotiations between government officials and city magistrates, both sides engaged in the 'power game'. Informal relations, presents, promises, concessions and open or disguised threats, played a role in achieving consensus. Pressures from the government caused counter-pressures from the magistrates. Indeed, whatever the magistrates might have said at their meetings, compromise seems to have been their aim throughout, rather than (legal) resistance 'to the utmost'. This supports Blockmans' viewpoint.⁴⁹ Both sides could claim successes in the battles of willpower. The government in almost every case obtained consent to the extra-ordinary *aides* and the money which it required. In the short term the cities obtained the reductions (*gracie*) to which they thought they were entitled. More significantly, however, the cities won formal access to the military audits in 1507, and therefore some influence over the government's accounts at The Hague. The regent, Margaret of Austria, was obliged to come to The Hague in 1509 in order to supervise the audits and to satisfy the cities and States of Holland. Other audits of the extra-ordinary *aides*, in the presence of the cities and States of Holland, followed in subsequent years.

However, the legal processes described remained time consuming and frustrating both for the government and even more so for the armies. They were paid only sporadically. The soldiers have scarcely been mentioned here, but in 1512 mutinies associated with their discontent may have eased the introduction by the government of a newer method of raising money. It enabled the government to obtain funds by long term borrowing from merchant bankers, with the cities of Holland guaranteeing and providing the interest payments from the *aides*. This method facilitated public borrowing. In the longer term the change was arguably to the advantage of Amsterdam and Holland as the financial centre subsequently of northern Europe.

49 Above, n.1.

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