

Reimagining the Dutch Borderlands

State Formation in Eighteenth-Century Europe, 1713-1763.

A thesis presented for the degree of Doctor of Philosophy

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Declaration

I declare that this thesis has not been submitted as an exercise for a degree at this or any other university and it is entirely my own work.

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Summary

This thesis analyses the nature of governance of the Dutch Republic's borderlands, the *Generaliteitslanden*, by its central bodies in The Hague during the period 1713-1763 and discusses how this process reflected on the functioning and development of the Dutch state. It does so by consulting archival material collected by the *griffiers* (greffiers) of the Fagel family, whose members held that office consecutively between 1670 and 1795. A complete overview of the *Generaliteitslanden's* governance would require delving into the vast archives of the various governing bodies of the Republic, as well as archives in the former *Generaliteitslanden*; an objective well beyond the scope of a single study. The *griffiers*, however, were the primary conduits of information within the Republic's central government and key figures within its ruling class, making them key actors – in a political environment formed by negotiation and compromise between provinces – to advise on centralised approaches to the most pressing issues facing the Republic. Their archives reflect this role, highlighting particularly sensitive and complex cases while omitting the mundane matters filling larger state archives, enabling focused analysis of archival material that is highly representative of the greatest challenges faced by the Republic in its borderlands. Through the scope of these archives, this thesis provides an effective overview of the *Generaliteitslanden's* governance as a whole, a field that to date has primarily been defined by studies focusing on the local and regional level.

The approach of this thesis is not to adopt and apply an established theory of statehood or state formation, nor to discern a chronological trend in the Dutch state's development. Instead, it analyses patterns in the management of the most serious crises facing the Republic's central government by the key actors operating within it.

Among the key findings that this approach has yielded is the fact that the statesmen forming policy in The Hague on behalf of the seven provinces did not operate with any ideological ambitions to construct a centralised state structure. Instead, they pursued short- and medium-term interests as pragmatically as possible, as did the local borderland and foreign state actors they encountered within the *Generaliteitslanden*. As a result, in a time

where governance was formed by overlapping views of modern territorial and feudal jurisdictional notions of authority, each of these actors proved considerably agile in their interpretations of authority under different circumstances. Furthermore, altering conditions across the frontier ensured that some regions saw extensive state involvement in local affairs, while in others, such intervention was deemed too challenging or not worthwhile.

The consistency of the pragmatism-driven approach of actors within the Republic's central governance is demonstrated in its wildly different attitudes towards the varied challenges arising from its borderlands. Across these territories, a common theme was the ambition to maintain the status quo and therefore stability. In the large and cohesive territory of *Staats-Brabant*, however, attempts to keep the region's economic, financial, and religious problems at arm's length saw ever-greater involvement by the institutions in The Hague. As such, they cemented their place in local governance, except in those areas where reform encountered resistance from powerful lords. In the thin strip of fortified polders forming *Staats-Vlaanderen*, in contrast, domestic governance remained largely untouched, with the emphasis lying instead on the long and heavily disputed border with the Austrian Netherlands; a conflict that was waged with treaties, maps, and arguments of territorial state authority. In the scattered Dutch exclaves forming *Staats-Opper-Gelre* and *Staats-Overmaas*, however, such territorial arguments fell flat, with the institutions of the state instead engaging in arguments of jurisdiction to claim legitimacy over local communities as their feudal lord. In the key fortified city and condominium of Maastricht, such arguments were backed up with force and active involvement in the city's administration to drive the Republic's Liègeois co-rulers out.

The result of state policy driven by the pragmatic pursuance of its rulers' interests led to varying impacts of centralised authority on the separate borderlands. While most of the borderlands remained peripheral holdings, governed by pre-existing political hierarchies only loosely tied to the Dutch state, eastern *Staats-Brabant* and Maastricht saw increasing degrees of state involvement to secure stability, giving the institutions in The Hague ever-greater responsibilities and competencies in local governance that in turn involved them in more affairs, gradually making state authority in these regions self-perpetuating. As such,

while decentralisation and compromise remained the foundation of the Republic's political structure, isolated sections of its distant borderlands saw the formation of a centralised state.

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Glossary

Explanation of terms

This thesis uses Dutch terms, printed in italics, to address key governing bodies and officials (with the English equivalent being included in brackets after they are first mentioned in the piece), as well as for terms that do not have an English equivalent that fully carries the same meaning. This includes the *Generaliteitslanden* and the four individual territories of which they were comprised. Names of places or geographical features are written in the language of the political entity in which they are found, unless there is a well-established English equivalent (e.g.: ‘Gent’ becomes ‘Ghent’, but ‘Sas van Gent’ maintains its Dutch spelling).

Within the context of the Netherlands, ‘Low Countries’ refers to the entire region formed by the modern states of Luxembourg, Belgium, and the Netherlands. The state occupying the north of this region is primarily referred to as the ‘Dutch Republic’ or just as the ‘Republic’, though ‘United Provinces’ and ‘Northern Netherlands’ are also used. When referring to the Habsburg lands in the southern Low Countries, ‘Habsburg Netherlands’, ‘Southern Netherlands’, or ‘Spanish/Austrian Netherlands (pre- and post-1714)’ are used.

To distinguish between the *Generaliteitslanden* and the broader borderlands of which they were a part, the former are referred to in Dutch while the latter are referred to in English (e.g. *Staats-Oppe-Gelre* refers to Dutch territories in the broader region of Upper Guelders).

To help distinguish between Dutch terms for non-Dutch readers, I have chosen to capitalise consistently institutions, as well as geographical and jurisdictional terms, while keeping titles of specific positions of officials and any other terms in lower case, also when they are immediately followed by a name. There are two exceptions to this rule. The first is the position of *Stadhouder* (when referring to the *Stadhouders* of the provinces), which has been capitalised consistently to distinguish it from the *stadhouders*, a more general term used for the subordinates of key officials. Similarly, the *leenhoven* (when referring to loaned lordships) have not been capitalised to distinguish them from the *Leenhoven*, the courts

administering the system of loaned lordships in a specific region. Several Dutch terms referring to institutions and offices are listed and explained below.

Institutions

Admiraliteiten: Naval boards, charged management of the navy, collection of tolls, advising the *Staten-Generaal* on maritime matters, and overseeing the execution of policies in those areas.

Binnenhof: The governing complex in The Hague housing the Republic's central institutions, as well as various administrative bodies tied to the province of Holland.

Generaliteit: The collective terms used for all institutions making up the Republic's central government in The Hague.

Generaliteitsrekenkamer: The body charged with receiving and recording the *Generaliteit's* revenues and expenditures.

Griffie: The body headed by the *griffier*, tasked with providing the assembly of the *Staten-Generaal* with relevant documents and receiving its correspondence, as well as taking minutes on *Staten-Generaal* meetings, sending its reports and resolutions to relevant recipients, maintaining its archives, and making copies of the material used by the assembly or its commissions.

Hof van Gelre te Venlo: Regional court of *Staats-Opper-Gelre*.

Hoge Krijgsraad: Central military court established in The Hague.

Hoge Raad van Holland: Court of appeal for Holland and Zeeland, as well as for cases concerning the *Generaliteit*. While most provinces did not subject themselves to this body's rulings, it came closest to serving as a supreme court for the Republic.

Leenhof van Brabant: Court of feudal loans of *Staats-Brabant* and *Staats-Overmaas* (excluding Maastricht).

Leenhof van Vlaanderen: Court of feudal loans of *Staats-Vlaanderen*.

Nassause Domeinraad: Institution overseeing the general administration of the domains of the Orange-Nassau family.

Raad van Brabant: Regional Court of *Staats-Brabant* and *Staats-Overmaas* (excluding Maastricht).

Raad van State: Main executive arm of the *Generaliteit*, primarily tasked with management of the army, fortifications, and the day-to-day governance of the *Generaliteitslanden*. Its assembly included representatives from the seven provinces, often referred to as the 'Noble Mighty Lords'.

Raad van Vlaanderen: Regional Court of *Staats-Vlaanderen*.

Staten-Generaal: Primary legislative body of the Dutch state and highest body within the political hierarchy of the *Generaliteit*. Its assembly included representatives from the seven provinces, often referred to as the 'High and Mighty Lords'. The competencies of this body varied, depending on what issues the representatives of the seven provinces decided to address collectively. Key competencies included managing foreign affairs, declaring war and signing peace, appointing key administrative and military officials in service of the *Generaliteit*, protecting the stability of the union between the provinces and the position of the Reformed church as the public church of the state, and governing the *Generaliteitslanden*. Within the *Generaliteitslanden*, the *Staten-Generaal* was the highest governing body, acting as the sovereign on behalf of the seven provinces. Its representatives also collectively held the title of duke of Brabant.

Staten (provincial): Governing bodies of the provinces. The policies of these bodies were steered by their respective provinces' constituent cities and rural districts. Representatives of the provincial *Staten* collectively formed policies at the state level through its confederated central government structure.

Officials

Advocaat-fiscaal van Brabant: Official within the *Raad van Brabant* tasked with enforcing the laws of the duke of Brabant (the *Staten-Generaal*) within the duke's jurisdiction and overseeing the functioning of the *officieren*.

Burgemeester: Member of local city or rural magistracies. Charged with day-to-day governance, defence, and amendment of legislation.

Griffier: In this thesis, '*griffier*' primarily refers to the *griffier* of the *Staten-Generaal*, though most administrative bodies had a *griffier* carrying out similar functions. The *griffier* of the *Staten-Generaal* was in charge of the *Griffie*. As such, he maintained communications with foreign and domestic envoys, oversaw the maintenance of the archives of the *Staten-Generaal*, provided its assembly with relevant information, kept minutes of its normal and secret meetings, drafted its resolutions, ensured that its resolutions and other relevant documents reached their intended recipients, and monitored the implementation of new measures when that process encountered obstacles. The *griffier* also sat on most of the *Staten-Generaal's* commissions, giving him a key advisory role for the assembly of the *Staten-Generaal*.

Hoogschout/hoogbaljuw/hoog-drossaard: Officials carrying out the functions of the *schout* at a regional level, rather than within an individual city or rural district.

Kwartierschout: Official subject to the *hoogschout* of 's-Hertogenbosch that carried out the functions of the *schout* at a regional level within one of the four quarters of the *Meierij* of 's-Hertogenbosch.

Officier: Collective term used for *schouten*, *kwartierschouten*, *hoogschouten*, *hoog-drossaarden*, and *hoogbaljuwen*.

Ontvanger: Official overseeing the collection of a specific tax by local collectors or *pachters*.

Pachter: Private tax collector, or tax farmer.

Procureur-Generaal: Official within the *Raad van Brabant* representing the duke of Brabant (the *Staten-Generaal*) in criminal cases.

Raadspensionaris of Holland: Primary representative of Holland within the assembly of the *Staten-Generaal*. During times of Statist hegemony, the *raadspensionaris* of Holland usually replaced the *Stadhouder* as the Republic's primary ruling figure.

Regenten: The ruling class of the Republic, formed by members of a select group of families monopolising the occupation of administrative posts at all levels of government. This thesis makes a distinction between the *regenten* occupying posts within the provinces or in service of the *Generaliteit* on the one hand, and those occupying local administrative positions in the *Generaliteitslanden* on the other, with the latter group sharing some of the privileges of their provincial counterparts but ultimately being excluded from the full set of powers and influence of that elite class.

Rentmeester: Official in charge of the general management of a lordship in the absence of its lord.

Schepen: Official within a local magistracy, forming part of the college of *schepenen*. This college was charged with judging on both civil and criminal cases within its jurisdiction. Within the *Generaliteitslanden*, the *schepenen* could at times also wield legislative and executive power.

Schout: Representative of a lord within a local jurisdiction and part of the magistracy. The *schout* was charged with enforcement of laws and policing, while also overseeing the execution of judicial sentences and serving as public prosecutor. There are many variations to the term '*schout*' used in the *Generaliteitslanden*, including '*drost*', '*drossaard*', and '*baljuw*', depending on the region and the type of district (city or rural) in which they operated. As each of these officials occupied a similar role, however, they are mostly referred to as '*schout*' in this thesis.

Stadhouder (capitalised): Provincial governor. In practice, most of the provinces appointed the same *Stadhouder*, a position monopolised by the Orange-Nassau family or - in Groningen, Friesland, and Drenthe until the early eighteenth century – occasionally the Nassau-Dietz branch of the family. The shared governorship of the provinces made the *Stadhouder* a centralising figure, allowing him to make political appointments, judge on cases brought before him, and serve as the leader of the Republic's armed forces and navy.

During times of Orangist hegemony, the *Stadhouder* was the Republic's primary ruling figure. However, the Republic saw two periods in which all or most of the provinces did not appoint a *Stadhouder*, the first *Stadhouder*-less period (1650-1672) and the second *Stadhouder*-less period (1702-1747).¹ During these periods, Orangist influence was limited, with the Statist faction taking over.

***Stadhouder* (not capitalised):** General term used for the primary subordinates of various key administrative posts.

Note to the reader: The numbering of footnotes and of figures in the text reset after each chapter, with the first reference to a specific source in a chapter containing the full citation.

List of Fagel *Griffiers*

- Gaspar Fagel (1670-1672)
- Hendrik Fagel the Eldest (1672-1690)
- François Fagel (1690-1744)
- Hendrik Fagel the Elder (1744-1790)
- Hendrik Fagel the Younger (1790-1795)

¹ These dates are based on the vacancy of Holland's stadtholderate. Some provinces experienced shorter or longer vacancies of their stadtholderates.

List of Orange-Nassau *Stadhouders* in the Eighteenth Century

- Willem III (1672-1702)
- Second *Stadhouder*-less period (1702-1747)
- Willem IV (1747-1751)
- Willem V (1751-1795) – underaged until 1766 and therefore represented in the interim by Regentess Anne of Hannover (1751-1759) and Duke Louis of Brunswick-Wolfenbüttel (1759-1766).

Map of the Eighteenth-Century Dutch Republic

Note to the reader: Maps depicting the individual *Generaliteitslanden* are included at the beginning of chapters three, five, and six.



Figure I: Map depicting the seven provinces, the autonomous territory of Drenthe, and (in light blue) the *Generaliteitslanden*.²

² 'Generaliteitslanden' Wikipedia (2024) retrieved from <https://nl.wikipedia.org/wiki/Generaliteitslanden>.

Chapter I. Introduction

Section I: Setting the Stage

In the winter of 1760-1761, at the height of the Seven Years' War (1756-1763), a disillusioned former supplier of provisions to the French army named Douzelle slipped quietly into the Dutch Republic.¹ He was not, however, a regular deserter seeking refuge behind the political borders of a neutral state. Finding himself safely beyond the reach of French authorities, he came into contact with a British envoy named Cresner, a former representative to Cologne who continued promoting British interests from within the Dutch town of Maastricht, where he had fled after being ousted by Cologne's authorities. What was discussed between these two men, or what Douzelle's ambitions were precisely, remains unknown. On 11 July 1761, however, the French ambassador in The Hague, Count Louis d'Affry, was informed by French field marshal Prince Charles of Soubise that Douzelle had begun recruiting French deserters within the lands forming the Dutch Republic's southern frontier and within the neighbouring Prince-Bishopric of Liège. D'Affry was to inform Dutch authorities that toleration within their borders of Douzelle's efforts towards raising a force of deserters able to stand against the French crown alongside the British and Hanoverians amounted to a violation of the Republic's unarmed neutrality.² The events emerging from its borderlands, which appear to have remained unnoticed by Dutch authorities until mid-1761, therefore risked dragging the Dutch Republic into a war it could not afford to wage.

¹ [Letter from General-Major Deutz to the Duke of Brunswick concerning Reports of French Deserters], 16 August 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), p. 1.

² [Letter from the Prince of Soubise to Count d'Affry concerning Douzelle's Actions], 11 July 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), pp. 1-2; [Letter from Hendrik Fagel the Elder to Count van Rechteren concerning French Complaints regarding Douzelle], 24 July 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), pp. 1-2.

Challenges such as those posed by the Douzelle affair were not uncommon along the Republic's southern border, for these territories held a unique position within the Dutch state at the time. These were the *Generaliteitslanden* (Generality Lands). Consisting of four separate territories – *Staats-Vlaanderen* (States-Flanders), *Staats-Brabant* (States-Brabant), *Staats-Opper-Gelre* (States-Upper-Guelders), and *Staats-Overmaas* (States-Overmaas) – the *Generaliteitslanden*, encompassing roughly a quarter of the Republic's European territory, were defined by the fact that they fell within the Dutch Republic but were not provinces of the Republic.³ The Dutch state at this time can best be described as a confederacy, with each of its seven provinces enjoying sovereignty – the highest authority over a territory or jurisdiction – within their respective regions. Only tasks best managed not by the individual provinces but by the United Provinces as a whole were granted to the central government in The Hague, the *Generaliteit* (Generality). Included in this limited set of competencies was the governance of the *Generaliteitslanden*, which had been acquired during the Eighty Years' War (1568-1648) – and during the War of Spanish Succession (1701-1714) in the case of *Staats-Opper-Gelre* – and were maintained as a military buffer zone thereafter. These areas, then, formed the only parts of the Dutch Republic's European holdings where its central government, rather than any provincial body, wielded the highest authority.⁴

Despite the direct rule of the *Generaliteit* over its southern frontier, the governance of these territories was anything but straightforward. Indeed, these were borderlands, the areas of states that generally proved most challenging to govern as they were simultaneously furthest removed from the state's institutions and in closest proximity to foreign authority. The political boundary that defined these regions served as a marker of

³ A fifth *Generaliteitsland*, namely Wedde-Westerwolde, existed along the far north-eastern border of the Republic. However, as this research focuses on the eighteenth century and since Wedde-Westerwolde had already fallen under the jurisdiction of the city of Groningen in the early seventeenth century, it will not be addressed in this study. Benjamin J. Kaplan, *Cunegonde's Kidnapping: A Story of Religious Conflict in the Age of Enlightenment* (New Haven CT and London: Yale University Press, 2014), p. 197; Maarten Prak, *The Dutch Republic in the Seventeenth Century: The Golden Age* (Cambridge: Cambridge University Press, 2005), p. 172.

⁴ The concept of sovereignty will be explored further within the next chapter. The key element of the term for this analysis is the fact that the provinces, while bound by certain rules and obligations agreed on by the seven provinces, stood above the *Generaliteit* in the direct governance of their territories and jurisdictions. Policy in the provinces, as will be explored later in this chapter, was largely steered by constituent cities and rural districts, with policies affecting the Republic as a whole being determined collectively by the provinces, rather than being imposed directly by the institutions of the state.

state authority, but simultaneously allowed local societies some capacity for engagement and exchange across state borders while agents of the state were limited by the territorial boundaries of their jurisdiction. The distant - from the perspective of The Hague - and fragmented lands forming the *Generaliteitslanden* were no different. These predominantly Catholic regions proved resistant to any imposition of policies pursued by The Hague to promote the Reformed church as the 'public church' of the Republic. The laws governing these areas largely diverged from those pursued in the provinces, instead demonstrating considerable continuity with the policies adopted and maintained within the Habsburg Netherlands under Spanish and, after 1714, Austrian rule. As the Republic's primary military frontier, the *Generaliteitslanden* felt the sting of war most keenly, with extensive troop movements and protracted sieges throughout the seventeenth and eighteenth centuries threatening the stability and prosperity of these regions repeatedly. The *Generaliteitslanden* were therefore not only unique because they fell under the direct authority of the *Generaliteit*, but also because they posed exceptionally severe and diverse challenges to central governance.

It was in this environment where figures such as Douzelle, Cresner, and their bands of deserters could thrive. Beyond the reach of France's forces or those of its Austrian allies and largely beyond the sight of the government in The Hague, the scattered deserters seeking refuge in the Republic had the chance to organise in secret, moving across the borderlands while avoiding any encounters with official checkpoints such as toll offices. More significantly, they could strike out against the Austrian Netherlands and then retreat to the safety of the *Generaliteitslanden*. Particularly in the south-eastern territories of the Republic, formed by numerous fragmented exclaves, evading laws by fleeing to another state's jurisdiction was commonplace. As Benjamin Kaplan noted in his work on these borderlands, no place in *Staats-Overmaas* was further than a two hour walk from another sovereign entity.⁵ As such, in early August 1761, less than a month after Count d'Affry first expressed his concerns in The Hague, reports started coming in from *Staats-Brabant*, the largest of the four *Generaliteitslanden*, regarding mysterious bands of armed men roaming

⁵ Kaplan, *Cunegonde's Kidnapping*, pp. 79-80.

the countryside and moving south towards the Austrian border. On 7 August, a group of roughly eighty French deserters crossed the boundary and entered the Austrian town of Weert, threatening it and a nearby monastery with arson if they did not pay a considerable ransom. Douzelle's orders to this band of deserters, which were later confiscated, noted that they were to make the same threats in the Austrian towns of Roermond and Wessem in Upper Guelders, which they might have done if the citizenry of Weert had not armed itself and driven the deserters out, capturing many and passing them over to authorities in Roermond.⁶

With the botched attempt to ransom Weert, Douzelle's efforts appear to have lost their momentum. By the end of August 1761, Dutch authorities had caught up with the events unfolding in their frontier zone. Both Count Reinhard van Rechteren, the *hoogschout* (high-bailiff) of 's-Hertogenbosch – the state's primary representative within *Staats-Brabant* – and Duke Louis of Brunswick-Wolfenbüttel – the military governor of 's-Hertogenbosch and warden of the underage *Stadhouder* (stadtholder) Willem V – became involved in the matter, sending their respective subordinates to gather information and track down the deserters. The acting commander of the Venlo garrison in *Staats-Opper-Gelre*, Major du Sableau, did not wait for orders from higher up, coordinating with local Austrian and Prussian authorities in Upper Guelders to deal with the common threat of deserters plaguing their intertwined jurisdictions, regardless of those authorities' conflicting allegiances within the context of the Seven Years' War.⁷ Cresner was eventually trapped in Maastricht, with French forces lying in ambush just beyond its gates waiting for him to set foot beyond the territory of the Republic. Two of Douzelle's officers were similarly confined in the tiny exclave of Olne in *Staats-Overmaas*.⁸ The fate of Douzelle himself remains a

⁶ [Letter from P. Eekring to the Staten-Generaal concerning the Movements of Deserters], 11 August 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), pp. 1-4; [Letter from General-Major Deutz to the Duke of Brunswick concerning Reports of French Deserters], folder 258, pp. 2-3; [Letter from General-Major Deutz to General Cornabé concerning the Whereabouts of Remaining Deserters], 3 October 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), p. 1.

⁷ [Letter from Major du Sableau to the Duke of Brunswick], 26 August 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), pp. 1-2.

⁸ [Letter from General-Major Deutz to General Cornabé concerning the Whereabouts of Remaining Deserters], folder 258, p. 1.

mystery, as there is no indication that he was ever caught. Whatever influence he may have had, however, had certainly dissipated by the end of 1761, ensuring that his insurrection failed to further impact the *Generaliteitslanden*.

Despite the relatively swift elimination of the threat posed by French deserters in the *Generaliteitslanden*, the Dutch authorities' response to the situation was curious, particularly because it never was addressed by the *Generaliteit's* primary legislative body, the *Staten-Generaal* (States General). In fact, only a single letter detailing these events, sent by a subordinate of the *hoogschout* of 's-Hertogenbosch, reached the *Staten-Generaal*, but received no response.⁹ The commander of the 's-Hertogenbosch garrison, General Major Deutz, was even reprimanded for trying to bring the matter to the attention of the *Staten-Generaal*.¹⁰ Furthermore, there was no coordination between Count Van Rechteren and the Duke of Brunswick, despite both taking on a key role in the efforts to pursue the French deserters. Indeed, these two figures were political rivals who had come into conflict before, with the duke being the figurehead of the Republic's powerful Orangist faction, which favoured close ties with Britain and was suspicious of France, while the count was a prominent actor within the rival Statist faction, emphasising the importance of maritime commerce and therefore seeking stability on the Continent while competing with Britain at sea.¹¹

The driving force behind the *Generaliteit's* response to the threat emerging in its borderland therefore was not a coordinated effort between its key local and state officials or an order given by the *Staten-Generaal*, despite the fact that all of these actors must have been aware of these events and one another's role therein. Instead, it was Hendrik Fagel the Elder who formed the main conduit of information. The Fagel family had come to monopolise the position of *griffier* (greffier) of the *Staten-Generaal*, with five successive members of the family occupying it consecutively from 1670 until 1795. As *griffiers*, the Fagels were the central government's primary conduit of information. They maintained

⁹ [Letter from P. Eekringe to the Staten-Generaal concerning the Movements of Deserters], folder 258, p. 1.

¹⁰ [Letter from General-Major Deutz to the Duke of Brunswick concerning Reports of French Deserters], folder 258, p. 1.

¹¹ Nicolaas Antonius Bootsma, *De hertog van Brunswijk, 1750-1759* ([doctoral dissertation, Radboud University Nijmegen, 1962]. Assen: Van Gorcum, 1962), pp. 26-27, 30-31, 55, 105-106.

communications with foreign and domestic envoys, coordinated matters between different government bodies, informed and kept minutes of the *Staten-Generaal*'s regular and secret meetings, drafted its resolutions, ensured that reports, letters, and resolutions reached their intended recipients, and supervised the management of the archives of the *Staten-Generaal*. Furthermore, the *griffier* could be requested to advise on matters of governance by the assembly of the *Staten-Generaal* and, in case a measure was not executed as intended or in a timely fashion, he could also be charged with monitoring its implementation. While the Fagels and the body they headed, the *Griffie*, were therefore key actors within the Republic's civil service, rather than exerting a significant degree of official political authority, the family's unprecedentedly firm grip on the flow of information within the *Generaliteit* and their multi-faceted role made them exceptionally influential. Their position was furthermore reinforced by the fact that they copied numerous and often sensitive state documents and included them in their private collection.¹²

In the Douzelle affair, then, it was Hendrik Fagel the Elder who received the concerns of Ambassador D'Affry, who maintained contact with Count Van Rechteren and the Duke of Brunswick individually, who received information regarding Cresner from the military governor of Maastricht, and who intercepted the letter sent by General Major Deutz to the assembly of the *Staten-Generaal*. While the information regarding Douzelle undoubtedly reached the ears of the assembly's members via unofficial channels, the subject was evidently best left unaddressed by the *Staten-Generaal* given the factional rivalry over the matter and the far-reaching consequences it might have for the Republic's neutrality. For cases such as these – particularly complex, significant, or sensitive matters that required stable contact with all relevant actors, access to extensive information to be resolved effectively, and discrete management of correspondence and information – the *Generaliteit* turned to the Fagels.

¹² Alice Clare Carter, *The Dutch Republic in Europe in the Seven Years War* (London: Macmillan, 1971), p. 25; Theo Thomassen, 'Instrumenten van de macht: de Staten-Generaal en hun archieven 1576-1796' (doctoral dissertation, Universiteit van Amsterdam, 2009), pp. 258, 260-263; Jeroen van Bockel, *Gevormde kaders: bureaucratische en professionele regulering van het werk van ambtenaren in de Republiek der Zeven Verenigde Nederlanden* (Delft: Uitgeverij Eburon, 2009), p. 31.

The position of *griffier* was held consecutively by Gaspar Fagel (1670-1672), Hendrik Fagel the Eldest (1672-1690), François Fagel (1690-1744), Hendrik Fagel the Elder (1744-1790), and Hendrik Fagel the Younger (1790-1795), with each Fagel *griffier* expanding the family's private library and archives. Finding himself stranded during a diplomatic mission to London following the upheaval of the Batavian Revolution in 1795, the last Fagel *griffier* managed to have his library transported to England in 1798. The Fagel library reflected the family members' private interests and their status as some of the Republic's most notable statesmen, containing - among other pieces of art and curiosities - lavishly decorated books, travel accounts, political pamphlets, and an extensive amount of cartographic material contained both in atlases and 25 portfolios of single map sheets. The Fagel library was put up for auction in 1802 but was acquired in its entirety by Trinity College Dublin before the auction could take place, remaining there ever since.¹³

The Fagels' private archives and archival supplement, however, remained in the Netherlands and are currently held in the Dutch National Archives in The Hague. Where the Fagel library is tied to the family members' personal lives and reflects their position as a family operating within the highest circles of Dutch society, the Fagel archives and archival supplement reflect their role as statesmen.¹⁴ Particularly the *griffiersarchief* (greffier's

¹³ Trinity College Dublin has dedicated a web page to the Fagel library (see: <https://www.tcd.ie/library/fagel/>) where it is noted that the 1802 catalogue of the library's auction included roughly 20,000 items, but that this number is likely a low estimate due to the large number of compiled titles listed as a single item. The library remains largely unexplored, and as such, the precise scope of its contents is not yet known. Charles Benson, 'Introduction' in Timothy R. Jackson (ed), *Frozen in Time: The Fagel Collection in the Library of Trinity College Dublin* (Dublin: Lilliput Press, 2016): XXVII-XXXIII. P. XXVII; David Brown, 'Developing the Fagel Map Collection' in Timothy R. Jackson (ed), *Frozen in Time: The Fagel Collection in the Library of Trinity College Dublin* (Dublin: Lilliput Press, 2016): 115-127, p. 115; Timothy R. Jackson, 'Preface' in Timothy R. Jackson (ed), *Frozen in Time: The Fagel Collection in the Library of Trinity College Dublin* (Dublin: Lilliput Press, 2016): XVII-XXV, p. XIX.

¹⁴ I have contributed a chapter to the volume on the proceedings of the Unlocking the Fagel Collection symposium, held in Dublin in June 2023 to explore research opportunities into the Fagel library, in which I discuss the connection between the Fagel library and archives. While it was common in the Republic for statesmen to mix public and private documents and duties, frequently using their office to aid them in personal interests and using their personal network in the execution of their office, the Fagels appear to have been – from the perspective of my research into the *griffiersarchief* dossiers for this thesis – an outlier. While they also used their office to bolster their status and vice versa, their library and archival collections show a clear and seemingly deliberate split between private and public affairs. As I will discuss in the next chapter of this analysis, the reason for this split was likely that the Fagel *griffiers* could best achieve their private aims by maintaining the guise of being effective, neutral, and incorruptible statesmen. As such, their library was likely

archive) section of the Fagel archives and the corresponding supporting documents in the archival supplement provide a valuable insight into the Fagels' position within the politics and governance of the Republic.¹⁵ These touch directly on the cases addressed by the *griffier*, being organised around the incidents they were charged with resolving rather than being ordered chronologically, as is the case for the archives of the *Staten-Generaal*. As such, the *griffiersarchief* documents also form a lens through which the broader functioning of the Republic can be observed; one that is of a different character to the voluminous accounts of events filling larger archives such as those of the *Staten-Generaal*, and one that focuses specifically on those cases complex, sensitive, or impactful enough to be analysed by the Fagel *griffier*.

Section II: Research Outline

The Fagels were in power directly after what has often been termed the Dutch Republic's golden age, when it enjoyed disproportional geopolitical influence. Whether this period can be termed a golden age and when it ended precisely remains open to debate, but it is evident that the French invasion of 1672 and the ensuing restoration of the Orange-Nassau *Stadhouder* was a major turning point in the Republic's history. Gaspar Fagel had been appointed as *griffier* only two years earlier, and indeed, he played a major role in the restoration of the *Stadhouder*, remaining a close ally of Willem III and succeeding the latter's formidable Statist rival, Johann de Witt, as *raadspensionaris* (grand pensionary) of Holland.¹⁶ Where the Fagels' 125-year tenure started, however, the influence of – and

not so much a 'working library' serving as a reference source for the cases detailed in the Fagel archives, as has often been claimed, but rather was primarily a reflection of the family members' private interests.

¹⁵ The Fagel archival supplement largely contains supporting documents for the cases discussed in the *griffiersarchief*. As such, it includes documents such as timelines, lists of places within a jurisdiction or of officials within an administrative body, and overviews of local legal practices. This character is not always uniform, however. The Douzelle case, for example, is contained entirely in folder 258 of the archival supplement, even though the documents in question do not appear to have served to inform the *griffiers* in a related matter.

¹⁶ Jonathan I. Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon Press, 1995), pp. 813-814.

subsequent historiographical interest in – the Dutch Republic declined. Having definitively been demoted to a secondary power following the War of Spanish Succession and facing economic downturn after a prolonged period of exorbitant wealth, the eighteenth-century Republic has received only a fraction of the scholarly attention it enjoyed in the two centuries prior.

A similar trend can be observed in the historiography of the *Generaliteitslanden*. The Republic has garnered attention largely because this small, peripheral, and decentralised band of provinces had fought off the mighty Spanish monarchy and established an empire of their own, using various military, economic, and political innovations to exert their influence across the globe. That, however, is the story of the seven provinces, and particularly that of Holland, which overshadowed the rest. The *Generaliteitslanden*, rather, have been more readily regarded as little more than the battlegrounds on which the provinces faced Spain and successive foes, comprised of scraps of larger provinces that had gradually been conquered and which were therefore also administered as conquered territory. These regions did not necessarily contribute to the Republic's uniquely influential position in the seventeenth century, but were largely a product of it, making them less attractive for a great deal of scholarly attention. As such, while some of the *Generaliteitslanden* – *Staats-Brabant* and *Staats-Overmaas* in particular – have seen initiatives from predominantly local historians to expand the historical knowledge of their region, creating a rich historiography in the process, other areas have remained largely overlooked. Moreover, most studies within the historiography of the *Generaliteitslanden* are limited to one of the individual borderlands, or on a smaller jurisdiction within those frontier zones, with little attention as of yet having been paid to the *Generaliteitslanden* collectively.

In the eighteenth century, then, the *Generaliteitslanden* were little more than a distant and scattered frontier of a declining state marred by economic difficulties, military defeats, and domestic political upheaval. It is precisely these factors, however, that make the *Generaliteitslanden* stand out, particularly in research addressing the functioning of the Dutch state. Amidst the sovereign and autonomous provinces, the *Generaliteitslanden* were

the only territories of the Republic ruled directly by central institutions of government. As such, during a period in which concepts of centralisation and modern statehood started to develop, these regions provide one of the most effective insights into the Republic's adherence to or divergence from those trends. Furthermore, as a collection of extremely diverse and troubled borderlands, the *Generaliteitslanden* tested the extent of the Dutch state's authority to a disproportional extent. They reveal whether the relatively diminished Republic had the willingness and ability to invest considerable effort and resources into the maintenance of its peripheral holdings as integral parts of the Dutch state, whether they were more trouble than they were worth and therefore governed by the *Generaliteit* in name only, or whether investment in or neglect of the various borderland territories depended on different local conditions at different times.

Discerning the stance of the *Generaliteit* towards its borderlands in the eighteenth century is an ambitious goal. Indeed, to obtain the full picture, one would have to delve through the vast archives of the *Staten-Generaal* and those of other state institutions like the *Raad van State* (Council of State), as well as those held locally in the former *Generaliteitslanden*. Doing so would go well beyond the scope of a single research project. Nevertheless, gaining a general understanding of the Dutch borderlands' position within the Dutch state would provide a valuable new angle from which the functioning of that unique political structure could be observed, an angle which has so far been overlooked.

To this end, the Fagel archives provide a unique opportunity. Within both the *griffiersarchief* and the corresponding dossiers in the Fagel archival supplement are sections devoted entirely to the *Generaliteitslanden*, allowing for focussed research on copies and compilations of documents that would otherwise have to be found primarily among the vast collections of material in the archives of the *Staten-Generaal*, which are not organised by policy area or region, but chronologically. More significant, however, is the fact that the Fagel documents provide a filtered view of the *Generaliteit*'s policies. Omitting casual and day-to-day affairs such as confirmations of minor administrative appointments, the Fagels' dossiers include primarily those cases requiring their unmatched access to information and extensive network to be resolved, or which significantly aided them in exercising their role

in government. As such, they describe issues that proved highly complex and by their nature extraordinary, sensitive conflicts that could have far-reaching consequences, matters of high diplomacy in which the *griffier* formed the main point of contact for foreign and domestic envoys, and prominent cases that would often come to set legal precedent. Herbert Rowan found that for the Dutch Republic, “the eighteenth century was an age of institutional rigidity under which new currents of ideas stirred and seethed.”¹⁷ Indeed, the political structure of the Republic has more often been portrayed as an anomalous, rigid, and dysfunctional set of institutions unable to keep up with the changing times. The Fagel *griffiers*, however, were the figures who, above all others in the eighteenth century, could navigate the Republic’s entrenched, murky, and contradictory institutional processes to ensure that the practical aims of the Dutch state institutions in a changing geopolitical landscape, which are reflected in the archival material collected on their behalf, were met.

While the lens provided by the Fagel archives is therefore not a complete overview of the *Generaliteitslanden*’s governance, it does form a workable means to analyse cases that tested Dutch authority in the frontier to the greatest extent. In essence, if the Dutch state were to overcome the greatest challenges posed to it in its troubled frontier, an argument might be advanced in favour of greater centralisation under the government in The Hague. Failure to address the issues that fundamentally undermined Dutch authority in its borderlands, on the other hand, might be seen to point to a lack of interest or ability by the *Generaliteit* to exert authority throughout its entire territory. Observing the varied and nuanced pattern of governance of these territories through the Fagels’ eyes, then, provides an approach towards obtaining a greater understanding of the relations between centre and locality, of the *Generaliteitslanden*’s position within the Dutch state, and by extension, the functioning of the *Generaliteit* during a period of considerable political reform in Europe, while also shedding light on the unique function of the *griffier* in those developments. As such, it also forms an effective counterpart to the many local and regional studies defining the historiography of borderland governance in the Dutch Republic. These

¹⁷ Herbert H. Rowen (ed), *The Low Countries in Early Modern Times* (London: Palgrave Macmillan, 1972), p. 224.

have tackled the practical limitations of analysing the extensive available archival material on this topic primarily by focusing only on the documents relevant to a specific town, village, or region. While those studies provide considerable detail and comprehensive accounts of local conditions, their findings are not as easily translated to the Dutch borderlands as a whole, where conditions for central governance remained exceptionally diverse. This thesis - by studying the cases, contained in the Fagel archives, which were most pressing to the central government in The Hague – therefore creates a broader contextual framework in which these localised studies can be placed and understood.

This thesis will analyse cases recorded in the Fagel archives and archival supplement to study the governance of the *Generaliteitslanden* from the perspective of the Republic's central governing institutions in The Hague in order to discern how they attempted to manage their distant frontier territories and to reflect on the manner in which the eighteenth-century Dutch state functioned and developed during a period in European history where ideas of centralisation and state formation are often seen to have taken centre stage. Specifically, this analysis will observe cases from the fifty-year period between 1713 and 1763, a time during which the Republic and its *Generaliteitslanden* saw the devastation of war and periods of prolonged stability, economic ruin and recovery, and considerable domestic political upheaval.

This timeframe opens with the 1713 Peace of Utrecht, which - despite being a geopolitical victory for the Republic – forms perhaps the most tangible and decisive indicator of the northern provinces' gradual transition to a second-rank power. The end of Dutch involvement in the War of Spanish Succession finally saw the ever-increasing cycle of debt that formed the basis of its military activities catching up with it, impacting the economy and diminishing its military potential considerably. Furthermore, the war and the 1715 Barrier Treaty signed in its aftermath led to the creation of the final *Generaliteitsland*, *Staats-Opper-Gelre*. Following the crisis of the early eighteenth century, the Republic saw a period of relative stability during the second *Stadhouder*-less period (1702-1747 for most provinces) and an opportunity for the *Generaliteitslanden* to recover from over a century of near-constant warfare. The humiliation of the Dutch army and its mighty barrier fortresses

during the War of Austrian Succession (1740-1748), as well as the ensuing restoration of the *Stadhouder* in 1747, however, would significantly alter conditions again. While the *Generaliteitslanden* remained relatively unscathed during the war, the Republic as a whole had proven to be more of a burden than an asset to its allies, moving it increasingly towards neutrality.¹⁸ As such, it also remained a neutral actor in the final major war defining this period, the Seven Years' War, the two concluding treaties of which – the Treaty of Paris and the Treaty of Hubertusburg, both signed in 1763 – also form the boundary of this thesis' period of research. As influence within the Low Countries gradually shifted south, however, the significance of the *Generaliteitslanden* was amplified, forming both the key connection and buffer zone between the waning provinces in the north and the prospering Austrian Netherlands.

The period from 1713 to 1763 therefore allows for analysis of the Republic and its borderlands under a wide variety of conditions. It saw the Republic as a victorious, vanquished, and neutral actor in three major wars, while the *Generaliteitslanden* served both as a battleground and as a crucial connection to neighbouring powers. Furthermore, it saw the state institutions and the staunchly Orangist *Fagels* operate both during a period of prolonged Statist hegemony, as well as one of Orangist rule. As such, this relatively brief period allows for analysis of how the *Generaliteitslanden* and the bodies governing them reacted to a wide range of challenges and circumstances; an approach that fits the crisis-focussed nature of the material contained in the *Fagel* archives. This analysis, then, is not a chronological one seeking a pattern of state authority growing or diminishing over a fifty-year period. Instead, it explores trends in the responses adopted by the institutions of the *Generaliteit* – as presented in the *Fagel* archives – to incidents emerging from their borderlands under changing circumstances. As such, this research is primarily organised along geographical lines, reflecting the vastly different challenges to and opportunities for centralised governance presented respectively by *Staats-Brabant*, *Staats-Vlaanderen*, and the scattered territories along the Meuse river valley in the south-east of the Republic.

¹⁸ Israel, *The Dutch Republic*, pp. 985-986, 995-997.

In the remainder of this chapter, political and institutional context will be provided of the structures governing the Dutch Republic. Chapter two will provide the methodological underpinning of this research, as well as analysing historiography on state formation and borderland governance to demonstrate how the Fagel archives provide a valuable new point of view from which these topics can be approached in the Dutch context. Starting from chapter three, this thesis will analyse records in the Fagel archives of significant cases that they were tasked to resolve within three unique borderland settings. As such, chapters three and four address *Staats-Brabant*, the largest and most extensively documented borderland within the Fagel papers. Chapter three introduces the factors that were specific to the governance of the region, as opposed to the provinces, and which frequently recurred in the smaller borderlands. Chapter four delves into the key policy areas represented in the Fagel papers on *Staats-Brabant*, focussing on economic, financial, and religious policies, drawing parallels between the approaches adopted for these matters to reflect on the governance of *Staats-Brabant* more generally. Chapter five discusses the narrow and waterlogged strip of land that was *Staats-Vlaanderen*, detailing the disproportional impact of a local border conflict with the Austrian Netherlands on the *Generaliteit's* administration of this region. Chapter six simultaneously addresses *Staats-Opper-Gelre* and *Staats-Overmaas*, two regions that were similarly scattered into numerous exclaves along the Meuse river valley and therefore saw territorial notions of governance give way to an emphasis on jurisdictional authority. Finally, chapter seven will combine the analyses of the different borderland regions to reflect on the *Generaliteit's* overall approach to borderland governance in its southern frontier, as viewed through the Fagel archives. In doing so, it will also discuss the implications of the *Generaliteitslanden's* governance for the development of central authority within the Dutch Republic.

Section III: Political Structure of the Dutch Republic

The complex political structure of the Dutch Republic can roughly be divided into ‘central’, ‘regional’, and ‘local’ categories, but these did not exist in a neatly-separated framework. The central governing institutions were, after all, subject to the sovereign provincial assemblies, which in turn answered to the cities and rural communities represented in them. In the *Generaliteitslanden*, however, this process was inversed, with the same decentralised institutions of the *Generaliteit* forming the sole sovereign power exerting influence over the local governments within the borderlands through a relatively limited regional administration. Simultaneously, each of these bodies was staffed by members of the same social stratum, the *regenten* (regents), who largely came to monopolise the Republic’s governance. The lines between the various layers of governance were further blurred by powerful figures such as the *Stadhouders*, who derived their influence from the provinces, who were simultaneously centralising and divisive figures within national politics, and who – especially in *Staats-Brabant* – held dominion over a vast number of lordships, giving them considerable powers and privileges in local governance.

An overview of the Dutch Republic’s administrative system could therefore be initiated at any point within this complex structure, but for a discussion of the *Generaliteitslanden*, it is perhaps most prudent to start with these territories’ namesake, the *Generaliteit*, made up of various institutions operating from the *Binnenhof* governing complex in The Hague. The primary body of the *Generaliteit* and the institution that came closest to representing the central government was the *Staten-Generaal*. As Theo Thomassen noted, the *Staten-Generaal* was “the representative assembly of the united provinces, the highest governing body of the union, and an organ of communication between the provinces.”¹⁹ It was not a body that had the freedom to take decisions on its own accord, but rather allowed the provinces to form national policies collectively. As such, each of the provinces was represented equally with a single vote, though there was a strict

¹⁹ Thomassen, ‘Instrumenten van de macht’, p. 82 [my translation].

hierarchy to the order in which the provincial delegates, often referred to as the High and Mighty Lords, spoke, with the only duchy – Gelderland – always taking precedence.²⁰

The competencies of the *Staten-Generaal* were varied, generally reflecting those tasks that were best managed at a national, rather than a regional level. As such, its functions included maintaining correspondence between the provinces and protecting their privileges; appointing the highest ranking officers in the army and navy, such as the captain-general and the admiral-general of the union, as well as the highest functions within the central government, such as the *griffier*; swearing in lower officials within the *Generaliteit*; judging in cases of treason or administrative malpractice and granting pardons; protecting the unity of and promoting the Reformed faith; conducting foreign affairs, declaring wars, and signing treaties; ensuring the defence of the Republic on land and at sea; approving the Republic's war budget presented to it by the *Raad van State*; determining how the budget of the union would be spent; monitoring the Republic's currency; governing the *Generaliteitslanden* and other conquered territories in Europe and the Dutch colonies overseas; and various other tasks that could temporarily be brought before the *Staten-Generaal* by the provinces that would not otherwise be part of its regular competencies.²¹

Decisions by the *Staten-Generaal* did not necessarily need unanimity of the provincial delegates, though particularly influential actions, such as declarations of war and peace, did require consent from each of the constituent parties.²² The size of the delegations to the assembly of the *Staten-Generaal* could vary, with no limits being established, but this did not impact the vote. The presidency of the assembly would rotate every week between the provincial delegates, who would usually reserve the discussion of matters significant to them until their presidency. The president would summarise the views of the provincial delegates, which the *griffier* would then write down. Occasionally,

²⁰ Israel, *The Dutch Republic*, pp. 292-293.

²¹ This list of competencies was taken from: Thomassen, 'Instrumenten van de Macht', pp. 135-136. Thomassen's work discusses each of these competencies in considerable detail between pages 136 and 254 and should be consulted by anyone seeking further explanation of the functions of the *Staten-Generaal*.

²² Marjolein C. 't Hart, 'Cities and Statemaking in the Dutch Republic, 1580-1680' in *Theory and Society*, xviii, no. 5 (1989): 663-687, p. 667; Simon Groenveld, *Unie, bestand, vrede: drie fundamentele wetten van de Republiek der Verenigde Nederlanden* (Hilversum: Uitgeverij Verloren, 2009), p. 133.

the *griffier*'s draft would be presented to the assembly again the next day for approval before being adopted officially.²³

The decisions of the *Staten-Generaal* were often based on the advice of the body's many commissions. While being created initially to address varying issues sporadically, the commissions adopted a more fixed character in the eighteenth century, with most key policy areas, including the governance of the individual *Generaliteitslanden*, having their own commission. The members of these commissions varied consistently, but given the fact that they were constantly selected from the same small pool of provincial delegates, Joop Koopmans noted that the assembly as a whole essentially took on the character of a single commission.²⁴ This point is echoed by Guido de Bruin, who found that prominent servants of the *Generaliteit*, such as the *raadspensionaris* of Holland and the *griffier*, were represented in virtually all commissions of the *Staten-Generaal*.²⁵ It is not surprising, then, that these commissions also feature prominently in the Fagel archives. Many of the documents contained in the *griffiersarchieef* are – or contain references to – reports from the commissions, and the response to requests or reports coming to the *Staten-Generaal* from the borderlands were also frequently delegated to the commissions for advice, a process which *Staten-Generaal* resolutions termed as making them 'commissarial'.

For particularly sensitive issues, the *Staten-Generaal* held secret meetings. With management of the ordinary meetings of the *Staten-Generaal* becoming a competency of the *griffier*'s direct subordinate when François Fagel became the new *griffier* in 1690, the latter could concentrate more exclusively on the organisation of secret meetings and commissions, as well as on his position's prominent role within the Republic's diplomacy.²⁶ This set of competencies fits the character of the Fagel archives, which similarly focus on the complex, sensitive, and extraordinary events with which the *Generaliteit* was faced

²³ Israel, *The Dutch Republic*, p. 292; Groenveld, *Unie, bestand, vrede*, p. 133.

²⁴ Joop W. Koopmans, 'De vergadering van de Staten-Generaal in de Republiek voor 1795 en de publiciteit' in *BMGN-Low Countries Historical Review*, cxx, no. 3 (2005): 379-396, pp. 391-392.

²⁵ Guido de Bruin, 'Het politiek bestel van de Republiek. Een anomalie in het vroegmodern Europa?' in *BMGN-Low Countries Historical Review*, cxiv, no. 1 (1999): 16-38, pp. 32-33.

²⁶ Theo Thomassen, 'To put in Order': How the Greffiers Fagel documented themselves as Men of Politics, Men of Religion and Men of the World' in Timothy R. Jackson (ed), *Frozen in Time: The Fagel Collection in the Library of Trinity College Dublin* (Dublin: Lilliput Press, 2016): 21-46, p. 24.

while foregoing most mentions of general affairs. Nevertheless, the Fagel archives are not made up predominantly of secret resolutions or commission reports. While these do feature in cases involving diplomatic controversy or military action, the Fagel family archives primarily appear to have been copied from the regular resolutions and commission reports of the *Staten-Generaal*.

Several other institutions worked alongside the *Staten-Generaal* at the national level. Most significant among these was the *Raad van State*, which, following the early stages of the Dutch Revolt, came to form the primary executive arm of the *Generaliteit*. It was composed of twelve provincial delegates, often referred to as the Noble Mighty Lords, and the *Stadhouder(s)* – though the latter rarely took part in the meetings – but answered to the *Staten-Generaal*. While the precise division of competencies between these two primary bodies of the *Generaliteit* remained subject to dispute, the *Raad van State* was entrusted with the administration of the army and fortifications, having the key task of presenting the Union's war budget to the *Staten-Generaal*, as well as with the day-to-day governance of the *Generaliteitslanden*.²⁷

The governance of the Dutch borderlands was therefore primarily entrusted to the *Raad van State*. Policies in the frontier were set out by the provinces through the *Staten-Generaal*, which also dealt with matters of considerable significance arising from the periphery, but otherwise, the provinces were content with the *Raad* seeing to the specifics of local governance. It is notable that the key position of the *Raad* in the administration of the *Generaliteitslanden* is not reflected in the Fagel archives. While a considerable portion of material in the archives is formed by *Raad van State* resolutions, reports, or publications, the bulk of the archival material comes from the *Staten-Generaal*. In part, this aspect of the papers reflects the *griffiers'* affiliation with the latter institution, but it also underlines the fact that the Fagels were primarily entrusted with addressing crises serious enough to be brought before the *Staten-Generaal*, rather than those that were processed by the borderlands' regular administration.

²⁷ Israel, *The Dutch Republic*, pp. 293-294; Marjolein C. 't Hart, *The Making of a Bourgeois State: War, Politics and Finance during the Dutch Revolt* (Manchester and New York NY: Manchester University Press, 1993), p. 19; 't Hart, 'Cities and Statemaking in the Dutch Republic', p. 669.

Another key body of the *Generaliteit* within the context of this thesis is the *Griffie*, the institution headed by the *griffier* and the most significant element of the Republic's civil service. Here, the tasks of the *griffier* were divided between various offices, each having its own clerks and under-clerks. Next to the *griffier* and his office, a notable figure was the *commies*. The competencies of this position largely matched those of the *griffier*, as it had largely been created to unburden the latter, with the primary difference between the two being that the *commies* was left largely in charge of the *Staten-Generaal*'s ordinary meetings, whereas the *griffier* primarily engaged in the body's secret assemblies and the management of foreign relations.²⁸ The position of *commies* was regularly transformed into that of a 'second *griffier*' or *medegriffier* (co-*griffier*), which had little effect on the competencies tied to the office, but effectively signalled that its occupant would claim the position of *griffier* upon the latter's death or resignation. As such, the Fagel *griffiers* could influence who would succeed them, helping the family gain a monopoly on the position.²⁹

Within the *Griffie*, the *klerk-directeur* (clerk-director) also took on a prominent role. This figure was tasked with producing sufficient printed copies of the various documents that were to be dispatched to the Republic's diplomats abroad, and that these copies would subsequently be sent to all relevant recipients. As dictating to several clerks at once was often more expedient than printing several copies of a document, many of the copied documents were ultimately in manuscript form.³⁰

A final major component of the *Griffie* was the office of the provincial clerks, though this body stood largely separate from the rest of the institution. Here, clerks appointed by the individual provinces would work to copy and dispatch relevant documents to their respective provincial governments. O. Vries noted, however, that the office of the provincial

²⁸ The precise number of people working within the *Griffie* and being paid by the *Staten-Generaal* is difficult to discern precisely. However, O. Vries noted - in his prosopographic study of the *Griffie* that excluded that body's three leading figures, the provincial clerks, the patent clerks and translators, and the vast and ever-changing group of under-clerks - that he was studying 68 individuals. O. Vries, 'Klerken ter Griffie van de Staten-Generaal in de achttiende eeuw. Een prosopografisch onderzoek' in *BMGN-Low Countries Historical Review*, xcvi, no. 1 (1981): 26-70, pp. 27-30; Thomassen, "To put in Order", p. 24.

²⁹ Vries, 'Klerken ter Griffie van de Staten-Generaal in de achttiende eeuw', pp. 29, 69.

³⁰ Vries, 'Klerken ter Griffie van de Staten-Generaal in de achttiende eeuw', pp. 30-31; Thomassen, 'Instrumenten van de macht', p. 264.

clerks was notoriously chaotic and at times even a security concern, in part because it was never fully integrated into the hierarchy of the *Griffie*.³¹

The other clerks within the *Griffie* were appointed by the *griffier*, a competency that gave him considerable influence, as the position of clerk was sought after by members of the Republic's *regent* class and would often be granted as a personal or political favour. The clerks were paid from the budget of the *Staten-Generaal* for every page they copied, with half of the amount earned going to their superior, making the positions of *commies*, *klerk-directeur*, and especially that of *griffier* particularly lucrative. Seeing part of their income claimed by their superiors, the clerks – who also employed under-clerks under similar conditions of payment – often had to rely on the provision of other services to cover their costs, often providing documents or delivering requests for other administrative bodies. Notably, local administrations within the *Generaliteitslanden* were particularly well-represented through this mechanism, providing a channel of communications with the institutions of the *Generaliteit* that bypassed the regular administration of the borderlands.³²

The Fagel archives primarily reflect on the actions of the *Generaliteit*'s two primary institutions, the *Staten-Generaal* and *Raad van State*, an angle provided by recording and copying practices within the *Griffie*. Apart from these bodies, however, several other institutions operating from the *Binnenhof* influenced the governance of the *Generaliteitslanden*. The *Generaliteitsrekenkamer* (Generality Chamber of Accounts) kept track of the *Generaliteit*'s revenue and expenditure. It received and recorded the financial contributions of the provinces to the Republic's military, the total value of which was determined by the *Staten-Generaal* based on the budget presented by the *Raad van State*, with the distribution of the burden among the provinces being determined by a quota system. The *Rekenkamer* also oversaw the collection and administration of the *Generaliteit*'s direct sources of income, which consisted primarily of customs duties and, to a considerably lesser extent, taxation in the *Generaliteitslanden*, which accounted for

³¹ Vries, 'Klerken ter Griffie van de Staten-Generaal in de achttiende eeuw', p. 29.

³² Ibid., pp. 28, 32-33, 36-37, 40-41.

roughly 5% of total revenue. The ability of the *Generaliteit* to rely on and expand its direct sources of revenue remained limited however, with Marjolein 't Hart noting that the already meagre portion of income provided by taxation in the *Generaliteitslanden* even declined over time, as the imposition of taxation in these conquered territories remained challenging. As such, the primary source of revenue for the *Generaliteit* remained provincial contributions.³³

The *Generaliteitslanden* primarily served as a military buffer for the provinces, protecting the Republic from the threats lying beyond its southern frontiers. They encompassed a line of fortifications stretching predominantly across the northern fringe of *Staats-Brabant*, from Sluis in western *Staats-Vlaanderen* to Nijmegen in Gelderland, with several other major fortifications, such as Breda and Maastricht, located further south beyond that line. As such, while most of the *Generaliteitslanden* therefore lay beyond the Republic's primary defences – though that line shifted to the Dutch barrier in the Southern Netherlands after the 1715 Barrier Treaty – there was a significant military presence in the borderlands, primarily in the form of garrisoned troops.³⁴ Military affairs were left largely to the *Raad van State* and the *Genie* (corps of military engineers), a subsidiary body of the *Raad* tasked with inspecting, maintaining, and building fortifications under the supervision of the Noble Mighty Lords.³⁵ Military justice, however, fell beyond the competencies of the *Raad van State*. Cases concerning the disciplining of soldiers were initially handled by garrison officers, but their sentences could be reviewed by or appealed to the *Hoge Krijgsraad* (High Military Court) in The Hague.³⁶

Most other judicial matters in the *Generaliteitslanden* were addressed locally, by a city's or rural district's magistracy. Each of the *Generaliteitslanden* was subject to a regional

³³ Israel, *The Dutch Republic*, pp. 285, 294; 't Hart, *The Making of a Bourgeois State*, pp. 73-74, 112-114.

³⁴ M. J. H. Brummans, 'Defensie' in Johannes Sanders and Willem van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 161-188, p. 171; Hamish Scott, 'The War of Spanish Succession: New Perspectives and Old' in Matthias Pohligh and Michael Schaich (eds), *The War of Spanish Succession: New Perspectives* (Oxford: Oxford University Press, 2018): 29-59, p. 44.

³⁵ Brummans, 'Defensie', pp. 168-170.

³⁶ Israel, *The Dutch Republic*, pp. 294-295; Erik Swart, 'Van malefijtsrecht naar garnizoenskrijgsraden. De transformatie van de militaire rechtspraak in de Nederlanden in de tweede helft van de zestiende eeuw' in *Militair Rechtelijk Tijdschrift*, c, no. 9 (2007): 317-327, pp. 323-326.

council, however, which took on considerable judicial competencies. The most significant of these was the *Raad van Brabant en Landen van Overmaas* (Council of Brabant and the Lands of Overmaas; hereafter *Raad van Brabant*), operating from the *Binnenhof* in The Hague, which had jurisdiction over *Staats-Brabant* and *Staats-Overmaas* (with the exception of Maastricht). *Staats-Vlaanderen* fell under the jurisdiction of the *Raad van Vlaanderen* (Council of Flanders), which was established in the major Zeeland town of Middelburg, and *Staats-Opper-Gelre* had the *Hof van Gelre te Venlo* (Court of Guelders in Venlo), which resided in its namesake. These councils were entrusted with judging in cases of appeal, in cases involving more than one administrative organ, such as conflicts between cities or between a local governing body and an institution of the *Generaliteit*, and in cases directly affecting the authority of the sovereign, such as treason or the spreading of separatist sentiments.³⁷

Sentences from regional councils in the *Generaliteitslanden* could be appealed to or revised by the *Staten-Generaal*, while cases in which serious perceived injustices had been committed by a lower judicial or administrative body could similarly be brought before the High and Mighty Lords. It is likely that many of the cases delegated to the Fagels by the provincial delegates in the assembly of the *Staten-Generaal* were the result of these processes, as legal cases from the *Generaliteitslanden* were frequently delegated to the *Staten-Generaal* commissions for the individual borderlands; commissions in which the *griffier* usually took part. However, if the High and Mighty Lords deemed themselves unfit to judge on the matter at hand, it could also be passed to another body of the *Generaliteit*, such as the *Raad van State* or *Generaliteitsrekenkamer*, or it could delegate the matter to the *Hoge Raad van Holland, Zeeland en West-Friesland* (High Council of Holland, Zeeland, and West Friesland; hereafter *Hoge Raad van Holland*).³⁸ This body was the Dutch successor

³⁷ Maria Charlotte Le Bailly, *Staatse Raad van Vlaanderen te Middelburg (1599-1795): De hoofdlijnen van het procederen in civiele zaken voor de Staatse Raad van Vlaanderen, zowel in eerste instantie als in hoger beroep* (Hilversum: Uitgeverij Verloren, 2007), p. 9; A. M. J. A. Berkvens, *Soevereine Raad te Roermond, Justiz-Collegium te Geldern en Staats Hof van Gelre te Venlo: Hoofdlijnen van het procederen in civiele zaken in Spaans en nadien Oostenrijks, Pruisisch en Staats (Opper-) Gelre in eerste aanleg en in hoger beroep, 1580-1795* (Hilversum: Uitgeverij Verloren, 2011), pp. 38-39; Erik-Jan Broers and Beatrix Jacobs, *Staatse Raad van Brabant* (Hilversum: Uitgeverij Verloren, 2000), p. 16.

³⁸ Thomassen, 'Instrumenten van de macht', pp. 240-241, 249-250.

to the *Grote Raad van Mechelen* (Great Council of Mechelen), the highest judicial body within the Burgundian and Habsburg Netherlands, and therefore also came to serve as the highest court of appeal in the Republic. Nevertheless, only the *Hof van Holland en Zeeland* (Court of Holland and Zeeland) appealed cases to the *Hoge Raad*, with the other provinces rejecting subjection to the Holland-based institution. Despite primarily being a provincial institution, then, it could also judge on matters concerning the *Generaliteit* and therefore came closest of all judicial institutions of the Republic to resembling a supreme court.³⁹

Judicial matters did not form the only aspect of governance marked by decentralisation and provincial autonomy. Indeed, the common theme in the organisation of the Republic's institutions was the rejection of central authority and the preservation of provincial and local privileges, with the *Generaliteit* existing only as a set of subservient bodies of the provinces charged with resolving those matters that could not be addressed by the provinces individually.⁴⁰ The effect of decentralisation on the establishment of state governing institutions can perhaps best be seen in the development of the *Admiraliteiten* (Admiralties). These bodies were charged with administering, staffing, building, and maintaining the navy, both at sea and on inland waterways, as well as with collecting customs, advising the *Staten-Generaal* on matters of shipping and fishing, and ensuring that the latter's decisions in those fields were adhered to. Rather than having a single *Admiraliteit* overseeing these matters from The Hague, however, inter-provincial and inter-city rivalry ensured that five *Admiraliteiten* would be established: one in the Zeeland town of Middelburg, one in the Friesland town of Dokkum, and three in Holland, established in Rotterdam and Amsterdam with the final *Admiraliteit* rotating between Hoorn and Enkhuizen.⁴¹ 'T Hart furthermore found that an attempt in 1632 to centralise the naval administration under a single *Admiraliteit* based in the Holland town of Hellevoetsluis failed,

³⁹ L. van Poelgeest, 'De raadsheren van de Hoge Raad van Holland, Zeeland en West-Friesland in de achttiende eeuw' in *BMGN-Low Countries Historical Review*, ciii, no. 1 (1988): 20-51, pp. 22-23.

⁴⁰ Laura Cruz, 'Turning Dutch: Historical Myths in Early Modern Netherlands' in *The Sixteenth Century Journal*, xxxix, no. 1 (2008): 3-22, pp. 21-22; Guido de Bruin, 'De soevereiniteit in de Republiek. Een machtsprobleem' in *BMGN-Low Countries Historical Review*, xciv, no. 1 (1979): 27-40, pp. 28-29.

⁴¹ Israel, *The Dutch Republic*, pp. 295-296; 'T Hart, 'Cities and Statemaking in the Dutch Republic, pp. 670-671.

with the interests of the five individual *Admiraliteiten* trumping the desires for more efficient, centralised control of the navy.⁴²

Within the confederated system of the Republic, the provinces were sovereign. These bodies had the highest authority over most aspects of domestic governance within their respective jurisdictions, such as religious policy and taxation, as long as they fulfilled their financial and military quotas to the *Generaliteit* and adhered to the broader policies set out collectively by the provinces through the *Staten-Generaal*. The provinces, like the *Generaliteit*, were not independent institutions capable of determining their own course, however, but were rather steered by negotiation and compromise between the cities and nobility voting within their provincial assemblies. Indeed, power in this strongly particularistic political landscape lay with the local governing bodies first and foremost.⁴³ At the provincial level, these entities were represented within the *Staten* (States) assemblies, where issues were debated and voted on after being considered within the individual local councils. Each of the provinces also developed a standing committee, a body tasked with the day-to-day administration of the provinces and the setting of the agenda, which Jonathan Israel noted eventually allowed the provincial *Staten* to develop into full-fledged provincial governments. The only exception to this rule was Gelderland, which developed a separate standing committee for each of its three remaining quarters while lacking a provincial equivalent.⁴⁴

While the structure of regional governance was largely similar across the Republic, there were notable differences between the seven united provinces. As such, K. Haley noted that they minted their own coins, each relied on their own legal systems (with the exception of Holland and Zeeland), and even had two different calendars before the eighteenth century.⁴⁵ More significant, however, was their diverging influence and the frequently contradictory nature of their political aims. Despite being represented equally in

⁴² T Hart, *The Making of a Bourgeois State*, pp. 52-55.

⁴³ Olaf Mörke, 'The political culture of Germany and the Dutch Republic: similar roots, different results' in Karel Davids and Jan Lucassen (eds), *A Miracle Mirrored: The Dutch Republic in European Perspective* (Cambridge: Cambridge University Press, 1995), p. 151.

⁴⁴ Israel, *The Dutch Republic*, pp. 277-284.

⁴⁵ K. H. D. Haley, *The Dutch in the Seventeenth Century* (London: Thames and Hudson Ltd, 1972), p. 69.

theory, the province of Holland clearly stood above the rest. Encompassing almost half of the Republic's population and contributing 58% of the *Generaliteit's* provincial quota of revenues, it dwarfed smaller provinces such as Overijssel, which contributed only 3.5%.⁴⁶ Within the *Staten* assembly of Holland, eighteen cities were represented, as opposed to only one noble constituency, or *Ridderschap*. This stood in contrast to the other provinces, where only Zeeland shared Holland's prevalence of urban representation. Gelderland, Utrecht, Groningen and Overijssel had a balanced representation between these two forces, though equal numbers did not always imply equal influence, as in the case of Gelderland, where the nobility had the upper hand in practice. In Friesland, the scales were tipped in favour of the nobility with three votes against one.⁴⁷

The varying constellations of local interests represented within the provinces, the diverse geopolitical positions of these entities, and the dominance of Holland gave rise to a factional divide within the Republic's policies that would plague it from the early seventeenth century until its dissolution almost two centuries later. Driven by the maritime and commercial interests of the mercantile elite in its voting cities, the province of Holland spearheaded the Statist faction, emphasising the navy over the army and embracing provincial particularism, limited toleration of diverse religious groups, and the protection of commerce. In times of Statist ascendancy, as in the second *Stadhouder*-less period (1702-1747), these interests became national policy, with the *raadspensionaris* of Holland, the primary representative of the province and – not unlike the *griffier* – a figure with disproportional influence despite relatively limited official competencies, becoming the foremost actor within the *Generaliteit*.⁴⁸

⁴⁶ T Hart, *The Making of a Bourgeois State*, pp. 15-16; De Bruin, 'De soevereiniteit in de Republiek', pp. 29-30.

⁴⁷ Haley, *The Dutch in the Seventeenth Century*, pp. 65-66.

⁴⁸ A.T. van Deursen, 'De Republiek der Zeven Verenigde Nederlanden' in J.C.H. Blom and E. Lamberts (eds), *Geschiedenis van de Nederlanden* (Amsterdam: Prometheus and Bert Bakker, 2015): 145-220, pp. 155-156; Haley, *The Dutch in the Seventeenth Century*, p. 65; De Bruin, 'De soevereiniteit in de Republiek', p. 29-30; Simon Schama, *Patriots and Liberators: Revolution in the Netherlands, 1780-1813* (London: Collins, 1977), pp. 45-46.

Collectively, however, the other provinces could counteract the influence of Holland, a goal best achieved by rallying behind the *Stadhouder(s)*.⁴⁹ Each province appointed its own *Stadhouder* – a position inherited from their former Habsburg rulers, under whom the *Stadhouders* served as provincial governors – though in practice, there were usually only two: one from the Orange-Nassau family serving in Holland, Zeeland, Utrecht, Gelderland, and Overijssel, and one, hailing primarily from the Nassau-Dietz branch of the same family, occupying the post in Friesland, Groningen, and the autonomous territory of Drenthe. The Orange-Nassau *Stadhouder* – who represented all provinces from the restoration of Willem IV in 1747 onward – was a significant centralising presence as he transcended provincial boundaries, having the power to select political nominees in local magistracies and judge on legal cases brought before him from across the country, while also serving as the highest official within the army and navy.⁵⁰ As such, the Orange-Nassau dynasty gave its name to the Statists’ primary rivals, the Orangist faction. Championing the more agricultural, militaristic, and Reformed religiously dogmatic interests of the landed nobility represented in the smaller provinces, the Orangists could eclipse the mercantile interest of Holland’s elites, particularly in times of war and crisis, as in 1672 and 1747, when the call for a strong military figure to lead the provinces was loudest.⁵¹

Despite the significant mark left by political factionalism on the historiography of the Dutch Republic, A. van Deursen noted that this factor should not be overestimated. After all, most local officials were primarily concerned with maintaining their family’s position in power within their respective jurisdiction; a goal best achieved by accruing political influence. While such interests did lead to the creation of factions preferring different policy choices, those developments were primarily pragmatic rather than ideological. As such, ascendant *Stadhouders* did not actively replace commercial elites within Holland’s cities

⁴⁹ The position of *Stadhouder* (capitalised), which refers to provincial governors, should not be confused with that of *stadhouder* (not capitalised), a more general term used for the primary subordinate of several key administrative posts, such as the *hoogschout* of ‘s-Hertogenbosch or the four *kwartierschouten* of the *Meierij* of ‘s-Hertogenbosch.

⁵⁰ T Hart, *The Making of a Bourgeois State*, p. 20; Van Deursen, ‘De Republiek der Zeven Verenigde Nederlanden’, p. 155.

⁵¹ De Bruin, ‘De soevereiniteit in de Republiek’, p. 29; Haley, *The Dutch in the Seventeenth Century*, p. 83; Schama, *Patriots and Liberators*, pp. 45-46.

with more favourable candidates, and local officials were careful not to provoke the figure who had the power to select candidates for local political appointments when in power.⁵²

These local officials formed the cornerstone of Dutch governance, coming to form the foundation of the *regent* class. The members of this social stratum, encompassing urban elites and members of the nobility alike, garnered their influence from the occupation of administrative posts across all layers of governance, though representation within local governance remained most lucrative and, due to the Republic's representative political structure, the most influential.⁵³

The details of local governance differed in municipalities across the Republic, with elements such as guild representation being maintained in some cities while being marginalised in others. There were, however, several common denominators to local administration. Members of the *Vroedschap* (council) represented the local citizenry, being selected from the wealthiest and most prominent Reformed families within the community. Admission to the *Vroedschap*, an appointment made for life, was usually required to occupy an administrative role at the local level. Furthermore, the *Vroedschap* as a whole oversaw key matters such as local finances and the municipality's position on matters discussed in the provincial *Staten* assembly.⁵⁴

Among the notable functions within local government were the *schout* (sheriff), *schepenen* (magistrates), and the *burgemeesters* (burgomasters), who collectively formed the magistracy.⁵⁵ The *burgemeesters* were entrusted with day-to-day governance of the municipality and the defence of the city, while also being the primary actors involved in the amendment of local legislation, whereas judicial power in both civil and criminal cases

⁵² Van Deursen, 'De Republiek der Zeven Verenigde Nederlanden', pp. 193-194; Haley, *The Dutch in the Seventeenth Century*, p. 83.

⁵³ T Hart, *The Making of a Bourgeois State*, p. 25; Sherrin Marshall, *The Dutch Gentry, 1500-1650: Family, Faith and Fortune* (New York NY: Greenwood Press, 1987), pp. 151-152.

⁵⁴ Van Bockel, *Gevormde kaders*, pp. 37-38; Joop de Jong, 'Visible Power? Town Halls and Political Values' in Wayne te Brake and Wim Klooster (eds), *Power and the City in the Netherlandic World* (Leiden and Boston MA: Brill, 2006): 149-175, pp. 151-152.

⁵⁵ The position of *schout* took on many different names across the various regions and communities of the *Generaliteitslanden*. As such, *schouten* were often referred to as *drosten* or *baljuws* in rural municipalities, whereas in *Staats-Brabant*, the position was often referred to as *drossaard*. This thesis will simplify these distinctions and refer primarily to the position as the *schout* or, when lordly representatives at the local and regional level are referred to collectively, as *officieren* (officers).

rested in the college of *schepenen*, which was chaired by the *schout*. The position of *schout* was a perpetuation of feudal governance structures, primarily serving as a representative of the lord in local governance. This official took on a primarily executive role, ensuring that laws were enforced while also being responsible for local policing. Furthermore, the *schout* served as public prosecutor and ensured that judicial sentences were carried out.⁵⁶

Where members of the *Vroedschap* - and therefore the occupants of most influential positions in local governance – originally represented the wealthiest, noblest, and generally most prestigious layer of local society, especially when a strong *Stadhouder* could influence appointments actively, that process was inverted in the mid-seventeenth century. The *Vroedschappen* increasingly came to appoint their own members while their overall numbers were reduced, allowing for fewer new entries into the local ruling class while the influence of those already in power was easily maintained. In essence then, influence and prestige no longer gave one access to the ruling class, but rather inclusion within that class was what made one influential and prestigious. This new stratum of local rulers, the *regenten*, therefore formed the political elite of the Republic, with administrative positions at all levels of government being shuffled between them to keep the same few families in power.⁵⁷

Administrative offices were therefore not granted based on merit but were rather commodities that could be acquired or given away in return for personal or political favours. Many higher-ranking positions were acquired primarily for prestige, more so than the income tied to them, with the tasks and obligations assigned to the position usually being passed off to a subordinate.⁵⁸ This delegation of responsibilities was also common in the *Generaliteitslanden*, where most of the officials in service of the *Generaliteit* resided in The Hague while deputies, frequently referred to as *stadhouders* (not to be confused with the aforementioned *Stadhouders*) carried out their functions locally. The same held true for

⁵⁶ M. W. van Boven, 'Bestuur, rechtspraak, en notoriaat' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 76-127, pp. 84-85, 88.

⁵⁷ 'T Hart, 'Cities and Statemaking in the Dutch Republic', pp. 665-666; 'T Hart, *The Making of a Bourgeois State*, p. 25; De Jong, 'Visible Power?', pp. 152-153.

⁵⁸ Schama, *Patriots and Liberators*, pp. 48-49.

lordships in the borderlands, which were primarily acquired by prominent provincial families to further their prestige while rarely being visited by their lord.⁵⁹

It is not surprising, then, that in the cases detailed in the Fagel archives, matters were largely handled by deputies, were addressed from The Hague whenever their superiors became involved, and generally saw members of the same few families engaging with them in various layers of governance. In the Douzelle affair, for example, *hoogschout* Reinhard van Rechteren, working from The Hague, delegated the task of gathering information on the French deserters to his subordinates working in *Staats-Brabant*. Simultaneously, the acting commander of the Venlo garrison, major du Sableau, took matters into his own hands to counter the threat of the deserters in the absence of the garrison's regular commander, Karel van Rechteren, who was likely related to the *hoogschout*.⁶⁰ Indeed, the Fagels themselves were firmly entrenched in the *regent* class. The Fagel men and women alike secured powerful connections for the family, often through marriages, elevating many of the family's members to prominent roles. As such, the first Fagel *griffier* and later *raadspensionaris*, Gaspar Fagel, maintained close ties with *Stadhouder* Willem III, entrenching the family firmly in the Orangist faction. Nevertheless, the third Fagel *griffier*, François Fagel, remained one of the most influential statesmen of the second *Stadhouder*-less period, working alongside *raadspensionaris* Simon van Slingelandt, who was also his brother-in-law.⁶¹ Similarly, Cornelis Gerrit Fagel - the son of Hendrik Fagel the Eldest and father of Hendrik Fagel the Elder - married the daughter of the president of the *Raad van Brabant*, giving him a prominent position within that body in 1686, an office that in 1698 was also granted to another Van Slingelandt, Johan.⁶²

⁵⁹ Johannes G. M. Sanders, 'Heerlijkheden en domeinen' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 47-73, p. 52.

⁶⁰ [Letter from Major du Sableau to the Duke of Brunswick], folder 258, pp. 1-2.

⁶¹ Pieter Geyl, 'William IV of Orange and his English Marriage' in *Transactions of the Royal Historical Society*, viii (1925): 14-37, pp. 14-15. Note: this is a dated source and should be considered with caution.

⁶² [List of Extraordinaris Raden in the Raad van Brabant with a Staten-Generaal Resolution from 7 August 1717], [7 August 1717], (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 251), p. 1.

The structure of local governance maintained in the provinces and the key position of the *regenten* translated partially to the *Generaliteitslanden* as well. Here too, one encounters *schouten*, *schepenen*, and *burgemeesters* operating within city councils comprised of Reformed *regenten* shuffling administrative positions among themselves. Several of the cases in the Fagel archives detail conflicts that arose from these practices. One case emerging from the city council of 's-Hertogenbosch, for example, judged whether a *regent* who left his position within the magistracy to take up the more lucrative supporting role of secretary maintained his qualities and status as a *regent*, as well as the other positions he acquired in that role (in this case the captainship of one of the 's-Hertogenbosch militias).⁶³ This particular case was escalated to the *Hoge Raad van Holland* and split its members evenly, with one side arguing that a secretary claiming regenthood and leading a militia was both undesirable and in conflict with Dutch law, while the other side noted that forcibly removing officials from their positions went against established customs within the regenthood and the privileges of the city.⁶⁴

A key difference between the provinces and the *Generaliteitslanden*, however, was that the *regenten* staffing the local administrations of the borderlands had no provincial institutions in which they could make their influence felt, and as such could also not make their voice heard at the national level except through indirect means such as employing a clerk operating within the *Griffie* in The Hague. Indeed, the roles in the *Generaliteitslanden* were reversed. The *Staten-Generaal* was not subject to the interests of the borderland towns, but rather had the power to appoint their local *schepenen* from a list provided by

⁶³ The secretary, appointed by the *Staten-Generaal* or the local lord, maintained records of judicial and administrative matters, effectively becoming the collective memory of the jurisdiction in question. As such, despite having no vote within the magistracy, the secretary's control of information made the position considerably powerful, mirroring in local governance the role that the Fagels had reserved for themselves in national governance. Furthermore, like the *griffier*, the secretary was paid for every document processed, making the position particularly lucrative. Lieuwe Lieuwes, 'Dorpsreglementen in de Meierij van 's-Hertogenbosch 1648-1795: Van onstuurbaar naar stuurbaar bestuur' (doctoral dissertation, Tilburg University, 2020), pp. 192-193; Van Boven, 'Bestuur, rechtspraak, en notoriaat', pp. 87-88.

⁶⁴ [First Hoge Raad van Holland Advice on the Conflict between Antonij van Hanswijk and Abraham Bastide], 24 April 1759 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-6, 13-14; [Second Hoge Raad van Holland Advice on the Conflict between Antonij van Hanswijk and Abraham Bastide], 24 April 1759 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-4, 30.

the *schout*.⁶⁵ Furthermore, with the assembly having inherited the title of Duke of Brabant, the High and Mighty Lords collectively acted as the feudal lords of large portions of the borderlands, which similarly gave them rights to appoint local officials. The *regenten* acting locally in the *Generaliteitslanden* therefore enjoyed considerably less autonomy than their counterparts in the provinces.⁶⁶

Another factor distinguishing the borderlands' *regenten* from those above the great rivers separating the provinces from their frontier zones was the fact that they felt, to a much greater extent, the effects of what at the time was termed the 'political reformation'. This policy reserved public offices for adherents of the Reformed faith, denying followers of different faiths access to the *regent* aristocracy and, therefore, political influence.⁶⁷ With the exception of *Staats-Vlaanderen*, however, the *Generaliteitslanden* were almost universally Catholic. The pool from which local officials could be selected, then, was small and frequently involved individuals not deemed fit for a position among the local *regenten*. The lack of competent or noteworthy Calvinist locals frequently led to the inclusion of Catholics in local government, particularly in rural areas.⁶⁸ One case from the Fagel archives, which will be discussed in greater detail in chapter four, addresses the tensions arising from such a compromise in the Brabant town of Eindhoven, with its Catholic officials arguing that the Reformed candidates for public offices were so incompetent that they would run the city's administration into the ground, while the local Reformed preacher accused the Catholic population in general of disloyalty to the state.

⁶⁵ *Schepenen* in *Staats-Brabant* were particularly influential, largely sidelining other officials in local governance and taking on executive and legislative roles on top of their judicial functions. While the historiography on this development is largely limited to *Staats-Brabant*, the *schepenen* of the various other borderland towns do feature often in the Fagel archival material compared to officials such as *burgemeesters*, suggesting that this trend was seen elsewhere in the *Generaliteitslanden* as well. Mark Adrianus Johannes Vermeer, 'Schrijven voor de schepenbank: De ontwikkeling van bestuurlijke pragmatische geletterdheid op het Noordbrabantse platteland (de Meierij van 's-Hertogenbosch, ca. 1300-1550)' (doctoral dissertation, Universiteit Utrecht, 2020), p. 196; Lieuwes, 'Dorpsreglementen in de Meierij van 's-Hertogenbosch 1648-1795', p. 175; Van Boven, 'Bestuur, rechtspraak, en notoriaat', pp. 84-85, 88.

⁶⁶ De Jong, 'Visible Power?', p. 154; Lieuwes, 'Dorpsreglementen in de Meierij van 's-Hertogenbosch 1648-1795', p. 175.

⁶⁷ Van Boven, 'Bestuur, rechtspraak, en notoriaat', pp. 77-78.

⁶⁸ C.O. van der Meij, 'Divided Loyalties: States-Brabant as a Border Country', In Benjamin Kaplan, Marybeth Carlson, and Laura Cruz (eds), *Boundaries and their Meanings in the History of the Netherlands* (Leiden and Boston MA: Brill, 2009): 13-34, p. 31.

Factors such as these marked a clear difference between the *regenten* in the provinces and those in the frontier lands. While officials in the cities and rural districts of the *Generaliteitslanden* formed a tight-knit local elite exchanging lucrative or prestigious offices, their influence was more limited and more localised than that of the *regenten* operating in the provinces. Indeed, the borderland *regenten*, due to subjection to – rather than involvement in – the *Generaliteit*, appear to have been a group somewhat disconnected from the *regenten* of the provinces, despite links existing between families north and south of the great rivers. As such, the cases in the Fagel archives also show some friction between local administrators in the *Generaliteitslanden* and the officials selected from the provincial *regenten* to represent the *Generaliteit* within the borderlands, such as the *hoogschouten*, *ontvangers* (officials overseeing tax collection), and the military governors of fortified cities.

The Dutch state, then, was built on negotiation and compromise from the local to the provincial level, and from the provincial to the national level, with each of these layers representing the interests of the same narrow political elite. In the *Generaliteitslanden*, however, the decentralised and confederated state steered by local and provincial interests turned into a single font of state authority imposed on the borderlands. In the next chapter, this contradictory role of the *Generaliteit* will be discussed in greater detail within the context of established historiography on state formation. Furthermore, it will detail the complexities of borderland governance, as well as the character of the Fagel archives and the unique insight they can provide in the discussion of the *Generaliteitslanden's* administration.

Chapter II. States, Borders, and Borderlands: Historiography and Methodology

Section I: Defining States

Along the modern Dutch border with Belgium in Brabant lies the village of Baarle. Despite being an ordinary countryside community in most regards, this village has accrued considerable international fame, for it is an anomaly in a world defined by territorially-bounded states. Baarle is not only split between Belgian Baarle-Hertog and Dutch Baarle-Nassau, but the former is also composed of a host of Belgian exclaves within the Netherlands, which in turn encompass several smaller Dutch exclaves. As such, a brief walk down the street in Baarle could see someone passing between Dutch and Belgian jurisdictions repeatedly. Buildings split in two by the territorial boundary adhere to the laws of the state in which their front door is located, but investing in a new front door could be worthwhile if doing so would bring one within the territory of a state levying lower taxes. Actions such as these by local people blur the political boundary, allowing Baarle to relativise the perceived dichotomy between the absolute authority of the Dutch and Belgian states.

Three centuries earlier, however, Baarle would not have been an anomaly defying any established model of political authority. Indeed, it would only have been one of many systems of enclaves and exclaves that marked the political landscape of the Netherlands.¹ The origins of these exclaves were often rooted in feudal forms of authority, where power was not tied to central institutions that governed territory but to jurisdictional rights based on personal hierarchies. An individual was not tied to the land on which they lived, but to the lord to whom they owed fealty. The overlapping and intertwining bonds of feudal

¹ Franciscus Antonius Brekelmans, *De Belgische enclaves in Nederland: bijdragen tot de rechtsgeschiedenis van Baarle-Hertog en Baarle-Nassau* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1965]. Tilburg: Stichting Brabants Historisch Contact, 1965), pp. 2-3.

authority only became contradictory, therefore, when viewed through the lens of exclusive territorial authority, a perspective that only began to gain traction in the early modern period.

How, then, did states with feudal jurisdiction slowly make way for territorial states? Is there a clear, universal definition for either of those entities and were they mutually exclusive, or could they coexist? Numerous attempts have been made to place the modern state within a clear categorisation that identifies its inherent characteristics. Within this discussion, Max Weber's work forms a fundamental point of departure. He argued that a state was not defined by its purpose, as most precursors to the modern state had served similar purposes. Rather, he found that it was the means that states had at their disposal that made them unique. Most defining among these factors, in Weber's eyes, was the state's monopoly on the legitimate use of force, and the enactment of that monopoly within a specific, fixed territory.² From Weber's early attempt to define the modern state by assigning to it specific criteria, a broad historiography emerged that attempted to discern a universal definition of modern statehood and to trace how it developed over time. A more recent pursuit to find a definition of the modern state is presented by Graeme Gill, who adopted several of Weber's views but expanded the criteria to which modern states should adhere. Gill's first criterion is the need for a well-established bureaucracy. This factor entails that there is a clear hierarchy, held in place by a comprehensive set of laws, in which the governing institutions of the state function and through which decisions from above can be passed down to be implemented locally. Since no ruler or body can manage all affairs of state alone, they need to delegate powers, either to other institutions at the core of the state's administration or to bodies representing the state locally throughout its territory. As such, a well-established hierarchy with central institutions at its summit is regarded by Gill as a necessity to ensure that the delegation of powers does not lead to a decline in state authority.³

² Max Weber (H. H. Gerth, C. Wright Mills, and Bryan S. Turner eds), *From Max Weber: Essays in Sociology* (London and New York NY: Routledge, 2009), pp. 48, 77-78.

³ Graeme Gill, *The Nature and Development of the Modern State* (London: Palgrave Macmillan, 2003), pp. 2-4.

The second key element of statehood Gill noted is sovereignty, which he divided into two categories: internal and external. Internal sovereignty implies that no individual, group or organisation operating within the state's territory can legitimately oppose its authority or hold it accountable for its actions through a higher form of authority. Thus, the will of the state institutions is expressed through law, applying to all residing within it, and can only be reformed within the confines of the state's structure, rather than by higher external forces. External sovereignty, on the other hand, arises from the recognition of other sovereign entities that the central institutions of the state are its highest authority. To achieve external sovereignty according to this view, a state must therefore ensure that other states do not claim or wield any influence over its territory and, within an international context, regard it as the sole entity speaking and making decisions on behalf of its population.⁴

Like Weber, Gill also emphasised the state's monopoly on violence, entailing that nobody other than actors in service of the state can legitimately use force. Effectively, he argued that this aspect is required to reinforce the other aspects of statehood should they be challenged.⁵

The final and, for this study, most engaging aspect of the state presented by Gill is, as noted previously by Weber, its territorial nature. Gill summarised this element as follows:

The modern state is territorially based and bounded. The state exercises its authority within clearly defined and internationally acknowledged territorial boundaries; these are 'hard borders', lines on maps rather than vague border zones. It possesses no authority outside those boundaries, just as no other state possesses authority within another state's boundaries. The state's territorial basis distinguishes it from most other types of organization or association, whose power and authority tend to be functionally based rather than geographically defined.⁶

⁴ Gill, *The Nature and Development of the Modern State*, pp. 4-5.

⁵ Ibid., p. 5.

⁶ Ibid., pp. 5-6.

Such definitions of statehood can be helpful when observing what has been called 'state formation', as they provide several characteristics through which developing states can be identified. They give meaning to the concept of the state, set it aside from the systems that preceded it, and point to the factors that allowed the transition between those systems to take place. As such, for example, the territorial nature of statehood suggests that state formation could be achieved by the replacement of feudal markers of authority, such as oaths of fealty, with demarcated political borders.

Various theories have been developed to explain the process by which states developed in attempts to provide a more standardised framework of that perceived shift in political organisation. Among these approaches, those drawing a link between the waging and financing of wars on the one hand and bureaucratisation of state institutions on the other have gained considerable traction. A key work in this light is *The Formation of National States in Western Europe*, edited by Charles Tilly, which posited that war and especially the preparation for war served as a means for state actors to repress and extract resources from subject populations through the establishment of fiscal structures and the centralisation of coercive means, which in turn expanded the influence and capacity for further extraction of those central institutions.⁷ While serving as a groundbreaking work within the field of state formation, the claims of this volume have since invited revision. Geoffrey Parker, one of the principal authors arguing the case for a 'military revolution' - a period of rapid military innovation that was frequently regarded as a catalyst for war-driven state formation - notes, for example, that this view is too simplistic, despite acknowledging the continued relevance of its key finding that warfare and state formation are inextricably linked.⁸ This sentiment was similarly shared by Tilly himself in his later work *Coercion, Capital, and European States, AD 990-1992*. Here, he argued that his initial model, while fitting for certain examples of states such as France and Prussia, imposed only a rigid and

⁷ See: Charles Tilly (ed), *The Formation of National States in Western Europe* (Princeton NJ: Princeton University Press, 1975).

⁸ Geoffrey Parker, *The Military Revolution: Military Innovation and the Rise of the West, 1500-1800* (Cambridge: Cambridge University Press, 1996), p. 159.

uniform explanation on a complex and diverse question, with states not fitting the mould being regarded as incomplete or failed examples of state formation.⁹

Tilly's revised theory takes the fact that each state's development had a different point of initiation into account, and as such, the impact of war and the preparation of war on the centralisation of authority led each state down a different path, though overlaps can be observed in their trajectories. He explained this interaction as follows: "The organization of major social classes within a state's territory, and their relations to the state, significantly affected the strategies rulers employed to extract resources, the resistance they met, the struggle that resulted, the sorts of durable organization that extraction and struggle laid down, and therefore the efficiency of resource extraction."¹⁰

As a result of different conditions existing throughout the continent, Tilly set out three broad paths of state formation in which the experiences of most European states can be categorized depending on the accumulation and concentration of both capital and coercion in a given region. In doing so, he emphasized that these were not so much strategies of state formation, but rather trends evolving out of responses adopted under different sets of circumstances. The first of these paths, which is most resemblant of Tilly's original theory, is the coercive-intensive model, in which states (usually large land-based empires) would prepare for war by expanding coercive structures in order to extract resources from subject populations by force or threat of force. Where sparsely urbanized regions gave way to territories in which a multitude of cities created circumstances where vast capital was concentrated, the second, capital-intensive path proves more applicable. In this setting, actors wielding considerable capital, such as bankers and merchants, formed key tools for rulers to finance wars, who in turn had to ensure that the interests of those actors were respected and served. Tilly argued that the confederation of provinces forming the Dutch Republic demonstrated an extreme example of the capital-intensive path, with the capitalists of its many cities making the state exceptionally capable of waging and preparing for war while simultaneously keeping its authority firmly decentralized. The final

⁹ Charles Tilly, *Coercion, Capital, and European States, AD 990-1992* (Cambridge MA and Oxford: Blackwell, 1992), p. 12.

¹⁰ Tilly, *Coercion, Capital, and European States*, p. 15.

path, the capitalized coercion mode of state formation, can be observed, according to Tilly, in areas where capitalist and coercive forces were roughly in balance. He regarded the experiences of all developing states as a mix of coercive and capitalist means, but in only a few states were these forces in equilibrium. Here, wielders of capital were relied on by the state and saw their interests served by it, but that interaction took place within the structures of the state, rather than taking the form of negotiations. Furthermore, capitalist means were supplemented by coercive means, which could be expanded by the availability of capital.¹¹

Tilly's work remains a cornerstone of literature on state formation, with his analysis eloquently identifying a common factor – preparation for war – as a driving force behind that process while simultaneously acknowledging and incorporating varying starting points, trajectories, and results of state formation in diverse regions and at different times in European history. Despite the centrality of warfare in the historiography of state formation, however, a wide variety of other factors has been highlighted as well to explain state formation in the early modern period.

A different perspective on the growth of state authority is provided by the model of 'confessionalisation', initially proposed separately by Wolfgang Reinhard and Heinz Schilling. Rather than war, their emphasis lay on the role of religion and the close ties between church and state in medieval and early modern Europe. They noted that the three main religious groups within the Holy Roman Empire – Calvinist, reformed Catholic, and Lutheran – became increasingly confessionalised in the latter half of the sixteenth century, with individual groups striving to become more homogenised and distinct from other faiths. Notably, this model regards not the first spark of the Reformation in 1517 nor the 1648 Peace of Westphalia as the primary catalysts of this development, but rather the 1555 Peace of Augsburg. Through the social disciplining of society through their religious association, Reinhard and Schilling found that the confessional faith became a source of both distinct cultural and political identity. These societal trends, they argued, were also reinforced at the state level, where rulers stood to gain from having their authority

¹¹ Tilly, *Coercion, Capital, and European States*, p. 30.

associated with a specific religious group and having significant influence over it; a principle reflected most clearly in the concept of *cuius regio, eius religio* that was established by the Peace of Augsburg and was reconfirmed and expanded to include Calvinists with the 1648 Peace of Westphalia. The argument, promoted by Schilling in particular, that confessionalisation – more so than the reformation itself – was a key catalyst of state formation therefore largely evolved from events specific to the Holy Roman Empire but was applied to European state formation more broadly. This model has, while being a key concept within the historiography of state development, since largely been discarded, in part because it overlooks non-confessional trends of the period, such as secularisation and increased toleration, and because it is too much a top-down approach, overestimating the power of church and state to condition their subjects rather than *vice versa*. Furthermore, despite the claims of having a broader European significance, the discussion of confessionalisation has remained focussed primarily on the Empire and the policies, treaties, and institutions that were unique to it, making its broader application problematic.¹²

While religious uniformity may therefore not have been an essential criterion of the development of modern states, state policy on religion could foster centralisation of authority. As such, James Collins noted that the French state at the opening of the seventeenth century had taken considerable steps from feudal forms of authority towards greater state control, despite the unprecedented religious conflict of the late sixteenth century, as the different factions in the wars of religion had sought to realise their religious aims through the institutions of the state, rather than dismantling it. Religious policy in the aftermath of the wars of religion – most notably the 1598 Edict of Nantes – furthermore fostered stability by securing for the French Huguenots a secondary status within French

¹² Graeme Murdock, review of John M. Headley, Hans J. Hillerbrand and Anthony J. Papalas (eds), *Confessionalization in Europe, 1555–1700: Essays in Honor and Memory of Bodo Nischan*, in *European History Quarterly* xxxviii, no. 3 (2008): 483-485, p. 484; Ute Lotz-Heumann, 'The Concept of "Confessionalization": a Historiographical Paradigm in Dispute' in *Memoria y civilización*, iv (2001): 93-114, pp. 94-100, 103-105, 109-114.

society, but one protected by the institutions of the state.¹³ Gerald Cragg furthermore found that where the Edict of Nantes served to strengthen the authority of the state by providing a stable second-class position for the Huguenots in France, the revocation of the same edict in 1685 under Louis XIV similarly strengthened the state by marginalising a weakened Huguenot faction and making the envisioned Catholic uniformity of French society synonymous with the king's authority.¹⁴

Cragg's religious analysis, written in 1962, is entrapped, however, in a common pitfall of the historiography of early modern state development, namely in its emphasis on absolutism, through which it explains the development of French religious policy.¹⁵ The concept of the absolute monarchy envisions a state in which the monarch wielded unrivalled power, sidelining the estates to govern without limitations. Effectively, it saw the former *prima inter pares* of the feudal hierarchy become the single and undivided state. Before the late twentieth century, the idea that absolutism formed a major step in the development of states until its replacement by revolutionary ideals was firmly entrenched in the historiography of state formation. Notwithstanding the fact that the seventeenth and eighteenth century, to which the age of absolutism is commonly assigned, saw considerable developments in state governance and centralising tendencies, absolutism as the unimpeded enactment of royal authority has since largely been relegated to the realm of historical myth.¹⁶ As Guy Rowlands noted in his discussion of Louis XIV's reign – traditionally seen as one of the clearest examples of absolute monarchy – significant authority was centralised under the king during his tenure, creating a break with the past, but this power was certainly not unlimited, nor was it exerted with the ideal of forming a centralised state. Rather, he argued that the king and the broader propertied elite alike acted in their own and their families' interests, resulting in a system where Louis XIV still had to compromise with elites, where many competencies typically associated with modern statehood were

¹³ James B. Collins, *The State in Early Modern France* (Cambridge: Cambridge University Press, 1995), pp. 22-25.

¹⁴ Gerald R. Cragg, *The Church and the Age of Reason: 1648-1789* (London: Hodder & Stoughton, 1962), pp. 17-21.

¹⁵ See for example: Cragg, *The Church and the Age of Reason*, p. 17.

¹⁶ Collins, *The State in Early Modern France*, pp. 1-2.

still in private hands, and where resistance to the monarch was not uncommon. On the last point he noted, however, that a cultural shift after the wars of the *Fronde* (1648-1653) ensured that loyalty to the king, rather than personal glory, increasingly became seen as honourable, making the king 'absolute' insofar that loyalty to the king was associated with political stability from which all layers of society could profit. The monarchy therefore took centre stage in the political debate but did not acquire unimpeded power.¹⁷

Discussing the development of statehood as a planned process imposed by the state therefore ultimately encounters the criticism that viewing the state as an independent actor entirely separate from society and its elites is too narrow and selective. Historians like Douglass North have therefore come to regard state formation more as an agreement established between institutions of the state and its economic elites rather than a new form of organisation imposed by a set of increasingly powerful central institutions. He argued that by setting up bodies that could guarantee and regulate the possession of goods and capital, elites could ensure that economic and fiscal opportunities became more secure and attractive. This model therefore sees economic elites ceding the power of regulation to the state in order to protect and expand their possessions, which in turn generated more tax revenue for the state.¹⁸ Gianfranco Poggi reflected on these ideas of cooperation and compromise between rulers and the ruled in his discussion of what in German historiography has become known as the *Ständestaat* (state of estates). He argued that the traditional feudal model of authority built on social ties between members of the nobility was interrupted, most notably by the rise of towns as autonomous political actors. The result, Poggi found, was a separate model of authority, in which individual estates – usually consisting of the towns or burghers and the clergy alongside the nobility – represented their particular interests within a certain territory to a ruler, and similarly negotiated the degree to which they cooperated with the local interests of said ruler. It was a model distinct from

¹⁷ Guy Rowlands, *The Dynastic State and the Army under Louis XIV* (Cambridge: Cambridge University Press, 2002), pp. 1-3, 6-9.

¹⁸ Douglass North, *Structure and Change in Economic History* (New York NY and London: W. W. Norton & Company, 1981), pp. 23, 64; Hendrik Spruyt, 'War, Trade and State Formation' in Charles Boix and Susan C. Stokes (eds), *The Oxford Handbook of Comparative Politics* (Oxford: Oxford University Press, 2007): 211-235, p. 217.

feudal rule, according to Poggi, in that it expanded beyond the hierarchies within the nobility, took on a territorial rather than a social nature, and saw the institutionalisation of the interaction between the ruler and his subjects.¹⁹

Harald Gustafsson looked further into how the nature of the interaction between the ruler and his subjects impacted the centralisation of authority. Contradicting Weber's view that state structures were defined by their inherent characteristics, rather than their intended purpose, he presented the idea of what he termed the 'conglomerate state', in which territories and their elites had different relationships with various higher authorities, and in which rulers wielded varying types of authority over their subjects. As such, local elites had their own administrative structures in place to govern a territory, but those systems could be subjected in various manners to a higher authority; a system that ensured the stability and continuity of local governance but restricted both the ruler and local elites in their ability to make drastic changes to the existing order. A shift in allegiance to a new sovereign, if the region was conquered or inherited for example, therefore usually resulted in the continuation of the same pre-existing structures of authority but realigned to fall under a new ruler. Despite the emphasis on continuity, Gustafsson noted that in some – but certainly not all – conglomerate states, repeated sporadic interventions in local affairs could expand the influence of central authority, eventually making the centralisation of power in the state institutions and the subjection thereto on a solely territorial basis a common trend.²⁰

Gustafsson's views echo a similar point made by R. J. W. Evans in his discussion of the 'making' of the Habsburg monarchy's governance. Departing from historiographical approaches to state development focusing on the centrality of warfare, Evans emphasised cultural policy as the glue that held the Habsburg territories together. Despite centralising policies pursued in Vienna, he argued that governance over the separate territories that comprised the Habsburg monarchy remained subject to compromise, with elites both

¹⁹ Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (London: Hutchinson & Co Ltd, 1978), pp. 42-47.

²⁰ Harald Gustafsson, 'The Conglomerate State: A Perspective on State Formation in Early Modern Europe' in *Scandinavian Journal of History*, xxiii, no. 3 (1998): 189-213, pp. 189, 195, 199, 209.

within and beyond the Austrian heartland weighing the costs and benefits of their relationship with Habsburg institutions. However, cultural developments pursued at the state level, particularly its embracement of counter-reformation policies, ensured that the Habsburgs became a unifying factor strong enough to maintain that system of compromise. Evans found that “the result was a complex and subtly-balanced organism, not a ‘state’ but a mildly centripetal agglutination of bewilderingly heterogeneous elements.”²¹ Such an approach is perhaps more indicative of the reality of early modern governance, in which the institutions of the state could be an increasingly powerful and a worthwhile partner with which a society’s elites could negotiate and compromise, but where the foundation of the state’s authority remained based on delicate and shifting compromises.

Like Evans, this thesis - in considering the evolving character of the Dutch Republic – argues that the centralisation of authority is best studied through the interactions between rulers and the ruled, and that state development should not be characterised by a specific set of criteria, but should rather be seen through the lens of the practical and changing purposes that greater state control of certain matters was intended to have. Indeed, while fixed criteria of statehood, such as those provided above, and broad theories of state formation can be helpful to discern trends, they can also be misleading. They offer a fixed representation of state authority, subject to only minor variations between different state actors, and therefore also present an established set of characteristics that must be developed to fit the mould of the modern state. They fail to take into account, however, that while general trends may exist, each state existed under a unique set of circumstances and therefore developed along its own path at its own pace.

Developments tied to the aforementioned criteria of statehood, such as bureaucratisation and territorialisation, are therefore frequent indicators pointing to the development of modern states, but need not always be prerequisites, as state formation was not a linear, chronological, or planned development with a clear point of initiation or termination and certainly would not have been regarded as such within early modern

²¹ R. J. W. Evans, *The making of the Habsburg Monarchy 1550-1700: An Interpretation* (Oxford: Oxford University Press, 1984), pp. 306-307, 447-448.

society. The exclusive nature associated with territorial state authority and the overlapping jurisdictional nature assigned to feudal hierarchies contradict one another according to the aforementioned criteria of statehood, with the existence of one necessitating the replacement of the other. Nevertheless, various forms of both systems existed alongside and overlapped with one another in early modern Europe without being regarded as mutually exclusive. A checklist of state characteristics like the one provided above therefore grants some insight into the topics that are of interest when studying a state's development, but ultimately is too restrictive and generalising to facilitate an in-depth study of state formation, especially because it was often a contradictory process. Consider, for example, a central governing institution attempting to quell unrest in a distant, disputed, and rebellious frontier by appointing a marcher lord and giving them free rein to tackle the matter by the means they deem best. In doing so, the state institution relinquished direct authority over its frontier to a feudal subject but could achieve the cheapest and most reliable means of stabilising its contested borderland, effectively strengthening several aspects of state authority significantly by acting consensually with local actors and slightly weakening aspects of central power.

The main problem of discussing state formation, then, is that it is a development that attempts to describe a very real and broadly recognisable long-term transition from a world defined by feudal hierarchies to one of centralised territorial states while simultaneously lacking consensus on a model of modern or feudal statehood and of state formation that can be applied universally or in a consistent chronological fashion to individual states. European state formation therefore is an amalgamation of widely different developments unique to the states in which they were experienced, with only some points of overlap between them.

Turning to the Dutch Republic in the seventeenth and eighteenth centuries, the intricacies of applying broader models of state formation to the Dutch case become swiftly apparent. The Republic had a clear centre of authority - administratively in The Hague and more generally in Holland – but remained a confederation brought about specifically by a common desire across the provinces of which it was comprised to limit centralised

involvement in domestic affairs. It styled itself as a Republic in which representatives of local communities collectively steered provincial and state policy, but in practice saw a very narrow elite monopolise administrative posts, establishing a new nobility in all but name complete with lordships, feudal hierarchies, and – at times – a *Stadhouder* serving as a *de facto* monarch. It saw several comprehensive attempts at reform aiming to realign authority in the Republic from its local roots to centralising factors, though these were fraught with difficulties and resistance. In the second great council of the *Staten-Generaal* from 1716 to 1717, for example, *raadspensionaris* Simon van Slingelandt campaigned for the weakening of local privileges in favour of greater power vested in the institutions of the *Generaliteit*. This move was opposed, however, by the smaller eastern provinces, which regarded subjection to the *Generaliteit* as being synonymous to subjection to Holland.²² Similarly, a plan presented in 1749 by the fervently Orangist Count Willem Bentinck to transform the Republic into a centralised state under *Stadhouder* Willem IV and his successors – a plan which notably involved Hendrik Fagel the Elder as a key participant in the new envisioned political structure – faced resistance from the *Stadhouder* himself, who was wary of overturning the delicate *status quo* after his restoration in 1747, as well as from the lords of the *Staten-Generaal*, who opposed the attempt to limit their influence.²³ Alongside the various centripetal factors existing within the Republic's administrative structure and several direct attempts at establishing a more centralised polity, then, there existed similar centrifugal structures and ambitions drawing authority away from the bodies of the state and vesting it in local jurisdictions. The Republic therefore was a complex amalgamation of institutions, social groups, and processes, pursuing frequently contradictory goals and doing so within political and social structures that – while showing some overlap with conditions elsewhere in Europe – were unique to the United Provinces.

In her comprehensive analysis of the Dutch state in the early seventeenth century, Marjolein 't Hart tackled the contradictory impact of broad models of state formation

²² Jonathan I. Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon Press, 1995), pp. 986-988.

²³ Israel, *The Dutch Republic*, pp. 1080-1081; Nicolaas Antonius Bootsma, *De hertog van Brunswijk, 1750-1759* ([doctoral dissertation, Radboud University Nijmegen, 1962]. Assen: Van Gorcum, 1962), pp. 11-13.

applied to the specific case of the Dutch Republic. Highlighting various established theories linking warfare and the financing thereof to the fostering of bureaucratisation within those fields and the creation of the so-called 'fiscal-military state', she noted that the effect of these developments on the Dutch confederation of provinces was markedly opposite to the processes seen and expected in more traditional examples of political centralisation, such as Prussia or Sweden.²⁴ Rather than invigorating the *Generaliteit*, the pressing burden of war served to entrench the regional particularism existing within the northern Netherlands, as the provinces – inheriting little in the way of central administrative bodies from their former Habsburg rulers – were forced into a model of bargaining and coalition building to address the immediate Spanish threat. Better established and more lucrative provincial and local institutions controlling the armed forces and the means to support them ensured that the military and financial pressure of warfare centralised not the state, but its various autonomous components at the expense of the state. The result was a Republic that proved exceptionally capable of meeting the challenges of its time, with disproportionate taxes being imposed relatively easily to finance ongoing wars – including the revolt, which was ironically sparked in part by the imposition of the Spanish tenth penny tax - and with regional political elites aligning their interests with those of the state by investing in public debt, while simultaneously reinforcing centrifugal forces at the expense of the state's central institutions. As such, 't Hart commented that "war drove the formation of all European states, but it did not drive them all in the same direction."²⁵

²⁴ Made famous by John Brewer's categorisation of early modern Britain as a strong fiscal-military state, that concept has, according to Chester Dunning and Norman S. Smith, offered an alternative to the paradigm of absolutism being the product of the correlation between the funding of warfare and the institutionalisation of central authority. It similarly builds on the idea that the soaring costs of warfare during the 'military revolution' created the need for greater central authority over large standing armies and over the means to extract resources from society to support them, while also emphasising that association with the state's bureaucracy came to outweigh the influence of the old elites. Rather than outmatching and sidelining these elites entirely, as proposed in theories based on the concept of absolutism, fiscal-military states included them within government structures, which presented better prospects for prestige and influence than maintenance of old privileges did. As such, Dunning and Smith regard fiscal-military states as complex entities that formed a "blend of national and local as well as public and private interests." Chester Dunning and Norman S. Smith, 'Moving beyond Absolutism: Was Early Modern Russia a "Fiscal-Military" State?' in *Russian History*, xxxiii, no. 1 (2006): 19-44, pp. 19-21, 28-33.

²⁵ Marjolein C. 't Hart, *The Making of a Bourgeois State: War, Politics and Finance during the Dutch Revolt* (Manchester and New York NY: Manchester University Press, 1993), pp. 191-193, 200, 216, 226.

A different angle was taken by Guido de Bruin, who lamented the fact that the Dutch Republic was often regarded as a unique model of decentralisation portraying a dysfunctional counterpart to the centralised state. Like 'T Hart, he compared the Republic with other contemporary European states to underline that its structure was a pragmatic response to the challenges its political elites faced, rather than an ideological experiment; a response that proved particularly effective. Unlike 'T Hart, however, De Bruin did not regard this political structure as something particularly unique. Arguing that too many studies have emphasised the official organisation of the state over its practical functioning, he found that the Dutch system of governance – though unique in composition – was not far removed from systems existing in other states in terms of its practical impact. He noted that all European states had to find a balance between centralised processes and private actors (such as tax farmers and mercenaries) to exert influence, incorporate the interests of local elites in state policy, and rely on a patchwork of bureaucratic institutions and other forms of authority. The state was only one layer of governance, one that served primarily to formulate the general direction of policies and ensure supervision over them while remaining limited to several core areas of national interest. The Republic, according to De Bruin, was therefore part and parcel of European state development, rather than a political anomaly.²⁶

In his discussion of fiscal-military states, a label also frequently attached to the Dutch Republic, Jan Glete similarly emphasised the role of the incorporation of local elites within the structure of the state. He created a distinction between two types of states, namely those that were 'supply-induced' and those that were 'demand-induced'. In the former model, authority was imposed locally by state institutions. In demand-induced states, influence was garnered through what Glete terms the 'aggregation of interests'; the process by which local elites were offered an appealing alternative to their established structures of autonomous regional authority in the form of greater status and influence tied to posts within the state's administration, the policies of which were moulded to fit the

²⁶ Guido de Bruin, 'Het politiek bestel van de Republiek. Een anomalie in het vroegmodern Europa?' in *BMGN-Low Countries Historical Review*, cxiv, no. 1 (1999): 16-38, pp. 16-18, 22-23, 25-31, 36-38.

interests of the elites joining its ranks. The newfound influence of elites aligning with the state could be enjoyed through participation in the central institutions of the state, but more significantly also expanded their power locally. Here they could enforce their will and marginalize local rivals with the backing of the state, for which they simultaneously formed an effective tool facilitating the execution of state policy locally. Glete found that the demand-induced model was ultimately more effective and regarded the Dutch Republic as a particularly representative example of such a state. Rather than contending with an oppressive sovereign or having to negotiate with central institutions, local elites in the Republic projected their interests directly at the state level through the provincial administrations. State policy in the Republic therefore was a compromise between local actors hailing from the *regent* class, ensuring that it enjoyed broad support from all layers of the political hierarchy, rather than being a fragile agreement between rulers and the ruled. As such, Glete found that the issues plaguing the Republic's political system, such as factional strife, were those of a complex developed state, rather than those of most contemporary states, which were still attempting to establish a basic foothold in local society. This view, then, highlights a consensual approach towards state formation over one of coercion. Nevertheless, Glete argued against the sense of continuity often attached to consensual stances on state formation, finding instead that the realignment of local interests with those of the state created an entirely new political structure, one in which the state eventually became the predominant layer of jurisdiction capable of imposing its authority on its subjects.²⁷ As such, he echoed Immanuel Wallerstein's theory that state power – or weakness – reached a 'tipping point' where it became self-perpetuating, as developing states eventually acquired the means to impose even greater authority, whereas declining states continuously relinquished means to stop their authority from diminishing further.²⁸

²⁷ Jan Glete, *War and the State in Early Modern Europe: Spain, the Dutch Republic and Sweden as Fiscal-Military states, 1500-1660* (London and New York NY: Routledge, 2002), pp. 1-2, 53-55, 145-148, 172-173.

²⁸ 'T Hart, *The Making of a Bourgeois State*, p. 72; Immanuel Wallerstein, *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century* (Berkeley CA: University of California Press, 2011), p. 618, retrieved from:

The differing theories of Dutch state formation presented by 'T Hart, De Bruin, and Glete only have an indirect impact on analysis of state policy in the *Generaliteitslanden*. In the rest of the Republic, local governments could catapult their ideals to the national sphere via the provincial *Staten* assemblies, but the borderlands lacked such institutions, ensuring that the incorporation of local interests in the state's political hierarchy, which is stressed by each of these approaches, proved considerably more difficult. As such, state authority was represented collectively by the provinces through the *Staten-Generaal* and was primarily imposed on these conquered territories, rather than garnering the support and engagement of local elites. Using Glete's terminology, they existed in a supply-induced relationship under the rule of state institutions that formed an extreme of demand-induced authority. That is not to say, however, that governance of the *Generaliteitslanden* was purely a contest between the state institutions and local actors. Despite limited involvement in the political system, local society and its elites could still benefit from the stability and protection granted by greater state authority in the frontier, especially as the expansion of that authority made aligning with the central institutions in The Hague more workable than defending local autonomy or mending ever-weaker ties with institutions across the political border in the Southern Netherlands.

The *Generaliteitslanden*, then, form a unique setting for addressing key issues about state development, falling under the institutions of a confederated state structure but having no say therein, with borderland elites facing not seven separate provinces but a sole, sovereign central government, the official authority of which was defined by the very same boundaries creating the borderlands. Due to the problematic application of more universal theories of state formation on a particular case study, the divergence in views regarding the Dutch experience specifically, and the unique position of the *Generaliteitslanden* within the Republic, this analysis of the Dutch borderlands will not be engaged with the ambition to confirm any specific model of state formation. Rather, this research will operate from the bottom up in terms of its approach to theory, analysing the methods of the institutions of

the *Generaliteit* in their practical handling of the crises that emerged from their borderlands. It will paint a picture of how those measures impacted the Dutch state and what that experience reveals about established explanations of state formation in the Republic. In doing so, it will regard state authority as only one of many layers of political authority existing among the myriad overlapping jurisdictions inherited from medieval hierarchies and perpetuated in early modern systems of governance. This form of authority could, however, become increasingly pragmatic, influential, and ultimately self-perpetuating at the expense of other layers of jurisdiction. To discern whether such a shift took place as a result of the Republic's policies in the *Generaliteitslanden*, this thesis will focus on the most frequent and influential common denominator of theories on state formation, namely centralisation; the realignment of competencies of governance to the bodies of the *Generaliteit* in The Hague and local institutions or actors answering directly to those bodies. More specifically, the focus will be not on centralisation pursued for its own sake, but rather selected as the most pragmatic of various forms of interaction between those operating within the institutions of the state and local elites to meet the challenges of the time. It was ultimately this factor that indicated whether state authority had eclipsed other forms of jurisdiction, with greater centralisation - whether it be imposed or consensual – ultimately becoming self-perpetuating and making the state an increasingly viable partner, effective tyrant, or both.

This analysis will therefore observe whether the actions taken by those wielding power in The Hague towards the *Generaliteitslanden* reshaped processes within borderland society, or between the frontier and other foreign or domestic actors, to involve the institutions of the state to a greater extent, or whether crises were resolved by distancing them from central authority. The emphasis, then, is less on how the actions pursued by the High and Mighty Lords adhered to notions of centralised authority and more on what the practical impact of those actions was. As such, if the provincial delegates agreed to leverage centuries-old claims of feudal vassalage to defend a disputed jurisdiction effectively, then they expanded their authority over events in the frontier, despite emphasising forms of authority that would traditionally be regarded as contradictory to modern statehood.

Similarly, if an attempt by the ruling *regenten* to standardise and bureaucratised the state's tax collection resulted in less effective local implementation of those measures or greater resistance to them, then it can be considered a loss of state authority, regardless of the centralising intentions behind the measure.

The key objectives behind this approach are twofold. Firstly, it will provide a unique lens to study the evolution of the position held by centralised authority within the United Provinces and on its character as a republic. Analyses of this subject have largely focused on the fiscal and military nature of governance, which indeed are key areas of early modern state policy and areas in which the Republic excelled in the sixteenth and seventeenth centuries. The *Generaliteitslanden*, however, provide a unique opportunity for observation of how the central institutions in The Hague handled all other aspects of governance that came with direct authority over territory, which they enjoyed nowhere (within the Republic proper) but in these borderlands. The largely overlooked frontier and eighteenth-century setting of this research furthermore serves to shed light on an understudied area of the Dutch state's development, while simultaneously placing it within a period in which many European states underwent considerable changes.

The second key objective is to assess the approaches taken by ruling elites towards borderland governance and the impact thereof on the centralisation of power. The *Generaliteitslanden* prove particularly valuable for such an approach, as the actors within the *Generaliteit* held considerable influence there in theory, but simultaneously faced significant challenges arising from these regions as borderlands; obstacles that varied considerably across the individual frontier zones. As such, the analysis of the *Generaliteitslanden* in this study can contribute a fresh perspective to the growing historiography on borderland governance and its impact on the functioning of the state; a discussion that will be addressed in the next section.

Section II: The Borderland Problem

The overlap between feudal and state jurisdiction was a common factor of early modern authority and therefore not seen as particularly abnormal. It created the everyday political reality of the time just as much as the seemingly contradictory concepts of sovereign territorial states on the one hand and international or supranational governing bodies on the other hand define governance in the present day. None of these concepts are implemented to their theoretical extremes, thereby allowing room for interaction. Early modern rulers and the ruled alike could navigate between territorial and jurisdictional forms of authority to seek conditions that best served their interests. Nowhere was the contrast and interaction between the two forms of jurisdiction as great, however, as in borderlands. Borders to varying degrees formed the official limit to the state's territorial authority and that of its neighbours, whereas the borderland that was inherently tied to the existence of the political demarcation was also the factor that undermined its legitimacy to the greatest extent.

Borders are best envisioned cartographically. Within the geographical space reflected on a map, a line between two states serves as a clear and complete delineation. It is a one-dimensional feature that shows the two entities as being separate completely, with no part of one spilling over in the other. Borders form where the interests and abilities of one state meet those of another, stabilising at the point where those forces are in equilibrium.²⁹ These theoretical lines can then be projected on the territory the map represents, with boundaries being demarcated by physical markers such as border stones. This line, then, represents the exact point where two absolute sovereign authorities meet, with society on both sides falling squarely within their respective states.³⁰

In a geopolitical landscape defined predominantly by territorial political entities, borders can form an effective – though certainly not theoretically perfect – delineation

²⁹ J. R. V. Prescott, *Political Frontiers and Boundaries* (London and Boston: Allen & Unwin, 1987), pp. 58-60.

³⁰ Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (Cambridge: Polity Press, 1996), p. 5.

between centralised state authorities.³¹ When state authority is only one of many layers of jurisdiction, however, as was the case in the eighteenth century, that same symbol of territorial authority also became its greatest weakness. For agents and institutions of the state in question, the border formed a clear boundary they could not legitimately cross, limiting their influence to a clearly-defined territory. Local society, however, was usually not hindered actively by the barrier unless it was guarded thoroughly, allowing individuals to cross freely from one state to the next. Indeed, this practice often proved advantageous, because just like the modern inhabitants of Baarle, they could pick and choose which rules to adhere to with significantly greater freedom than any individual residing further from the border. Anyone wishing to avoid certain laws or evade justice for their actions could simply cross the boundary, where the state pursuing them could not follow. Furthermore, local society did not operate around state boundaries alone. Parish boundaries, for example, which did not always follow the contours of the state and its administrative sub-divisions, were equally real and significant markers of jurisdiction. Given the ability of local society to circumvent or even exploit the state's delineation at its political border, the control of mobility, rather than control of the border, was a prominent factor of state authority. Whereas such control was traditionally exerted by points scattered throughout a state's territory, such as castles and toll offices, an increased emphasis on control at the political border would eventually ensure greater adherence to the state's laws as a whole, though this transition was rarely realised to a significant extent in the early modern period.³²

³¹ In the early modern period, the idea that states were naturally bounded by geographic features, such as rivers or mountains, was widespread. These physical markers were more tangible to early modern society than cartographic lines and often played into a sense of a divine order to politics, with God creating the ideal boundaries of states. Peter Sahlins noted that such geographic markers usually did not physically impact a state's ability to exert influence across them – and indeed, the concept of natural boundaries has since been discarded – but he does find that they shaped the perception of early modern statesmen, thereby indirectly forming a boundary that those in power believed should mark the extent of their authority. Juliet J. Fall, 'Artificial states? On the enduring geographical myth of natural borders' in *Political Geography*, xxix, no. 3 (2010): 140-147, p. 142; Peter Sahlins, *Boundaries: the making of France and Spain in the Pyrenees* (Berkeley CA: University of California Press, 1989), pp. 35-37.

³² Luca Scholz, *Borders and Freedom of Movement in the Holy Roman Empire* (Oxford: Oxford University Press, 2020), pp. 3-5, 9, 88; Silviu Stoian, 'The Establishment and Demarcation of Borders in Europe, in the Early Modern Age' in *Research and Science Today*, vii, no. 2 (2014): 6-15, p. 6.

What held true for individuals also applied to other forms of jurisdiction. Feudal and territorial views of authority not only formed different layers of jurisdiction but regarded the nature of authority and the place of people and territory in it in a wholly separate light. From a modern state perspective, authority is gained from and imposed on territory, with the laws individuals adhere to being determined by the territory in which they reside. In feudal states, however, authority was exerted over people, with society existing in a political hierarchy defined by personal oaths of fealty. Political elites ruled over land, but only as a result of their lordship over those who owned it directly rather than gaining their legitimacy and authority from the territory they ruled.³³ Furthermore, the feudal system did not make the governance of territory exclusive and direct. Land could be subject to various layers of knights, counts, dukes, and the like before reaching the sovereign at the pinnacle of the social hierarchy, with each vassal enjoying some degree of autonomy. Simultaneously, political authority could be overlapped by other forms of jurisdiction, such as that of the church. As Malcolm Anderson noted, “the land of the feudal nobility in the late Middle Ages was often not contiguous; a village could depend on more than one lord; lords could owe allegiance to more than one ruler; manorial courts, royal courts and ecclesiastical courts dispensed customary, statutory and church law to the same population.”³⁴ Seeing feudal authority over land in fixed territorial terms, then, is counterproductive and misleading. Rather, a map portraying feudal rule over territory would depict authority as emanating from various focal points, such as cities, castles, and major churches, overlapping with authority emitted by other fonts of power and gradually diminishing as it expanded further out.³⁵

As feudal and territorial state authority were not bound by the same rules, the two could overlap. At the political border, therefore, the state was bounded, but a lordship could straddle both sides of the border. Furthermore, a lordship lying fully within one state

³³ Richard Kagan and Benjamin Schmidt, ‘Maps and the Early Modern State: Official Cartography’ in David Woodward (ed), *The History of Cartography*, vol. 3 (Chicago IL and London: University of Chicago Press, 2007): 661-679, p. 662; Peter H. Wilson, *The Holy Roman Empire* (London: Penguin Books Ltd, 2016), pp. 248-249.

³⁴ Anderson, *Frontiers*, p. 17.

³⁵ Jordan Branch, ‘Mapping the Sovereign State: Technology, Authority, and Systemic Change’ in *International Organization*, lxxv, no. 1 (2011): 1-36, p. 9.

could be subject to a feudal court lying across the political demarcation, and state institutions could exert influence in territory beyond their boundaries by claiming or inheriting feudal titles. Ecclesiastical authority had its own hierarchy that paid no heed to state borders. Catholic bishoprics held jurisdiction over territories across political boundaries and Rome extended its influence across the Catholic world and into the jurisdictions of Protestant states like the Dutch Republic, with Protestant institutions in turn attracting coreligionists within Catholic states.

Finally, borders themselves proved to be malleable. Advances in early modern cartography ensured that seeing authority in territorial terms became more practical, and simultaneously became a key tool in determining where divisions between territorial authorities existed. As such, territorial disputes that had been permitted to remain hidden within the hazy frontiers between the various fonts of feudal authority increasingly came to the forefront and had to be addressed either militarily or diplomatically.³⁶ As such, Bram de Ridder noted that determining the precise location of territorial borders became a source of conflict in the early modern era, turning the regions around them into unstable frontier zones. Those same conflicts, however, also confirmed and legitimised the new territorial boundary, which was usually established by the treaty ending hostilities and marked on an official map.³⁷ The map, however, merely was a projection of territorial authority. As such, it remained open to interpretation, especially in a time when cartography was undergoing considerable development. While a state could hold onto a specific version of a map of a borderland, there was little stopping a neighbouring state from drawing a different map with a more favourable line. Indeed, maps made laying claim to land easier, as one only needed a rival cartographic interpretation of the geopolitical situation between two states, rather than having to prove vassalage over the lord of the land in question.³⁸ Furthermore,

³⁶ Michiel Baud and Willem van Schendel, 'Toward a Comparative History of Borderlands' in *Journal of World History*, viii, no. 2 (1997): 211-242, p. 215.

³⁷ Bram de Ridder, 'Sustaining the Munster Peace: The Chambre Mi-Partie as an Experiment in Transnational Border Arbitration (1648–1675)' in *Journal of Modern European History / Zeitschrift für moderne europäische Geschichte / Revue d'histoire européenne contemporaine*, xiv, no. 1 (2016): 35-53, p. 36.

³⁸ Jeppe Strandsbjerg, 'The Cartographic Production of Territorial Space: Mapping and State Formation in Early Modern Denmark' in *Geopolitics*, xiii, no. 2 (2008): 335-358, p. 342.

borders were not a complete limitation to a state's influence either. It was possible to influence matters across the border from within a state's territory, by imposing excessive tolls to dissuade usage of a particular trading route crossing into a neighbouring state for example. While the boundary formed a barrier for official state actors, it was also possible for state institutions to influence matters across the border clandestinely, or to attract allegiance from those beyond the boundary simply by existing in the vicinity as a different state with laws deemed more favourable by local society.

The clash between the official representation of state authority at the border and the various challenges to state authority emerging at the edge of its authority formed the borderlands. These regions, at the periphery of central authority, were more resistant to state policy than other parts of their polity, with most attempts to impose measures by central governing institutions facing stubborn resistance and often failing.³⁹ These issues were aggravated by the fact that most borderlands, including the *Generaliteitslanden*, often became part of the state at a later point in time than other regions, existed further from the fonts of state authority, and were more readily subject to territorial or jurisdictional claims from foreign entities. Furthermore, being directly adjacent to the border, individuals in these regions were also most capable of undermining state rule by exploiting the existence of a border for their own benefit, placing their personal interests above any centralising tendencies pursued by the distant institutions of the state. Despite these limitations, however, governing the borderlands was of key importance to state institutions, because the borders forming these regions were the primary factors determining the extent of their territorial authority. Effectively, then, borders formed a magnifying glass for state authorities on regions that proved particularly challenging to govern precisely because of the existence of those borders. The complex and contradictory relationship between borders and borderlands is described excellently by Michiel Baud and Willem van Schendel:

National borders are political constructs, imagined projections of territorial power. Although they appear on maps in deceptively precise forms, they reflect, at least

³⁹ Baud and Van Schendel, 'Toward a Comparative History of Borderlands', p. 215.

initially, merely the mental images of politicians, lawyers, and intellectuals. Their practical consequences are often quite different. No matter how clearly borders are drawn on official maps, how many customs officials are appointed, or how many watchtowers are built, people will ignore borders whenever it suits them. In doing so, they challenge the political status quo of which borders are the ultimate symbol.⁴⁰

Early modern borderlands, then, were territories that defied territorial forms of authority. Rather than being defined by fixed demarcations, borderlands were formed by the reaction of societal and jurisdictional networks to the existence of a political border, making them fluid. Indeed, Benedict Anderson's 'imagined communities' of national states had not yet developed, with society basing its identity not on their nation or the state in which it was encapsulated, but on a host of other factors, such as regional or religious identities, that readily overlapped the boundaries of the state.⁴¹ As such, despite being territorial entities, borderlands are best studied as social constructs.⁴²

Borderlands require a clearer definition, however, than simply being territories in which society was affected by the existence of the border. No clear barrier – no matter how fluid – existed between the territory in which the state's authority was unchallenged and the regions where it encountered issues arising from the existence of its political border. Rather, early modern state authority, much like feudal authority, is best regarded as radiating out from its core, with its central institutions exerting influence that gradually diminished as it spread outward, encountering and mingling with the authority exerted by a neighbouring state's institutions. As such, the influence of neighbouring states or societal

⁴⁰ Baud and Van Schendel, 'Toward a Comparative History of Borderlands', p. 211.

⁴¹ Anderson argued that nationalism creates imagined communities, as individuals develop a sense of community with others whom they have never met but who share their subjection to the same state. Nationalism therefore creates a new communal identity, one strong enough for people to kill and die for, despite being built on little that practically ties the people of said community together, therefore making it imagined. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York NY: Verso, 2006), pp. 6-7.

⁴² Baud and Van Schendel, 'Toward a Comparative History of Borderlands', pp. 221-222; Mark L. Stein, *Guarding the Frontier: Ottoman Border Forts and Garrisons in Europe* (London: I. B. Tauris – Bloomsbury Publishing, 2007), pp. 14-15.

ties between communities along the border could extend far into and potentially encompass a state's entire territory, even if that impact was minute, effectively making the entire country a borderland. A more precise definition, then, sees frontiers as transitional zones, where not only the authority of one state melded with that of neighbouring polities, but also where societies overlapped, interacted and distinguished themselves from those living further from the periphery. Specifically, borderlands can be considered regions where the transitional nature between different state authorities and between the societies residing on either side of the political border was its most defining feature, rather than being a factor having only minimal impact.⁴³ Hence, this thesis focuses on the *Generaliteitslanden*, despite the fact that these regions' territories were primarily defined in a territorial sense and therefore did not operate in line with the idea of fluid border zones. These regions' political status, derived from their existence along the Republic's southern border, projected on these territories a consistent transitional status, setting them apart from the provinces – including the peripheral ones – that collectively determined state policy through the *Generaliteit*.

Given the fact that a borderland formed where authorities and societies overlapped to a considerable extent, these entities existed on both sides of the border that created them. From the perspective of any individual state, only the section of the borderland lying on its side of the political border might be relevant. It is therefore also possible to study borderland governance in the *Generaliteitslanden* from the perspective of the Dutch state – while keeping in mind though not focussing equally on the Austrian, Liègeois, and Imperial perspectives - as these were the only regions within their Flemish, Brabantine, Upper-Gueldrian, and Overmaas borderlands on which its policies had a direct effect. Each of these territories existed in a broader frontier, however, stretching well beyond the borders of the Republic and inevitably being tied to factors beyond the reach of the Dutch state. As such, the *Generaliteit*, in its attempt to govern the borderland territories that fell strictly on its side of the political boundary, simultaneously contended with ties to communities and jurisdictions from across the border while also exerting influence, inadvertently or

⁴³ Stein, *Guarding the Frontier*, pp. 5, 16.

deliberately, beyond its territorial demarcations. While this research restricts itself to the governance of the Dutch section of the borderland, rather than comparing borderland governance on both sides of the political boundary, it considers and incorporates influences from – as well as trends seen in – the frontiers across the political border, particularly in the Austrian Netherlands.

Section III: Fagel and the Frontier

The nature of the Fagel archives provides an excellent lens for the observation of attempts to implement state policy and pursue the interests of the Dutch state in the Republic's borderlands. The Fagel archival dossiers on the *Generaliteitslanden* are a compilation of specific incidents and cases that dealt with documenting crises, and demonstrated the willingness, ability, and capacity of the Dutch state institutions to govern their frontiers with greater effect than other indicators of Dutch policy could. Some questions should be asked, however, regarding the nature of these archives. Why do the Fagel dossiers focus on exceptional incidents while largely excluding the mundane business of administration of the *Generaliteitslanden*? Who collected these documents for the Fagels and are they originals or copies? Why were they kept, and do they show any continued use over time? Were they a reference source or a means to address pressing issues? It should be noted that some of these questions remain subject to uncertainty. In this section, various characteristics of the material contained in the *griffiersarchief* and corresponding sections of the Fagel archival supplement will be discussed, after which some considerations will be presented regarding the possible purpose and significance of the archive, as well as its limitations.

The most notable aspect of the Fagel documents held in The Hague is that they focus specifically on matters of considerable complexity or political weight. As *griffiers* of the *Staten-Generaal*, the Fagels were involved with informing, documenting, and overseeing the execution of countless decisions – despite lacking the power to vote on them - a disproportional number of which pertained to the *Generaliteitslanden* due to their unique

subjection to the bodies of the *Generaliteit*. Yet only a fraction of these cases made it into the *griffiersarchief*, excluding most mentions of everyday matters and instead exploring issues that tested the limits of Dutch state authority.⁴⁴

A second key aspect of the Fagel archives is that they predominantly consist of copied documents, likely copied on behalf of the *griffier* by the clerks or underclerks employed in the *griffie*. *Staten-Generaal* and *Raad van State* resolutions – the most common documents found in the Fagel folders on the *Generaliteitslanden* – are all isolated extracts of the original documents, as is consistently shown in their titles.⁴⁵ Furthermore, letters, often termed ‘missives’, are frequently found in the same hand as the resolutions, implying that they were copied, with some examples specifically mentioning that they are copies.⁴⁶ The emphasis on copied material also serves to explain in part the absence of cartographic material relating to the Fagels’ administrative tasks in their archives, as these were not as easily copied.⁴⁷ The *griffiersarchief* and corresponding documents in the Fagel

⁴⁴ While the types and nature of the documents in the Fagel archival documents on the *Generaliteitslanden* show considerable consistency, there appears to be little further structure to the organisation of these archives. Most documents are contained in folders pertaining to a specific incident, which in turn is included in a section of one of the individual *Generaliteitslanden* within the *griffiersarchief*. The size and scope of these folders differs considerably, however, with various folders, such as folder 1709 on hunting rights in *Staats-Vlaanderen*, containing only a few documents on a specific issue, while folder 1724 on affairs in the *Meerij* of ‘s-Hertogenbosch contains over fifty separate documents detailing a wide variety of cases. Simultaneously, some issues are split across various folders, as in the case of folders 1730 and 1731, both of which concern a conflict over papal bulls enforced in Maastricht. At times, the folders also contain brief timelines or notes regarding the issue(s) at hand before the other documents, but this is not a consistent practice.

⁴⁵ For a regular *Staten-Generaal* Resolution, see: [Staten-Generaal Resolution concerning the Case of Catharina Thiriart], 15 November 1713 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1732). For a secret *Staten-Generaal* resolution, see: [Second Secret Staten-Generaal Resolution concerning the Appointment of the Apostolic Vicar], 18 February 1744 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725). For a *Raad van State* resolution, see: [Raad van State Resolution responding to Staten-Generaal Resolution denouncing Two Raad van State Members], 19 February 1716 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708).

⁴⁶ See for example: [Copy of a Letter sent by the Brussels Government to Bishops in the Austrian Netherlands], 14 December 1732 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1731).

⁴⁷ Almost all cartographic material held by the Fagels now is part of the Fagel library in Dublin, with the portfolios of single map sheets in particular having been presumed to reflect their work as statesmen. Most of these maps, however, more likely served a decorative purpose, reflecting the status of the Fagel family. With the help of the participants of the Unlocking the Fagel Collection symposium held in Dublin in June 2023, as well as of Gijs Boink of the Dutch National Archives, I have been able to trace several maps related to the issues detailed in the Fagel archives – particularly concerning Flanders – to the archives of the *Staten-Generaal*, from where most were moved to the separate Hingman collection of domestic maps within the National Archives in the nineteenth century. I have contributed a chapter, detailing the whereabouts and use

archival supplement also contain several original letters, however.⁴⁸ Regarding the Douzelle affair, for example, in which a considerable portion of coordination between various involved actors passed directly through Hendrik Fagel the Elder, several letters in distinct hands can be found, with those of the Duke of Brunswick being particularly recognisable, as he – or someone writing on his behalf – had a particularly curious manner of writing the letter ‘a’.⁴⁹

Apart from resolutions and letters, the archives also contain various *memoriën*, which outline one party’s arguments in a legal case; *consideratiën*, which read as advice to the state institutions on actions to take or options to consider; informal notes - often in the same hand as most of the other documents but possibly in the hands of the *griffiers* themselves at times - detailing brief thoughts or overviews relating to the matters at hand; official publications, copies of which were to be posted within borderland communities to enforce *Staten-Generaal* or *Raad van State* decisions; *retroacta*, which provide an overview of events and documentation – usually in the form of compiled *Staten-Generaal* reports and resolutions - leading up to a particular issue; and various less frequent forms of documentation.⁵⁰ Each type of document highlights a different perspective in the cases handled by the Fagels. Resolutions, publications, notes, *retroacta*, and *consideratiën*

of the cartographic material related to the Fagel archival documents, to the volume on the proceedings of the Unlocking the Fagel Collection symposium, which is set to be published after the completion of this thesis.

⁴⁸ The Fagel archives include a significant collection of correspondence between members of the family – including the *griffiers* – and other prominent individuals in Dutch society. While this material expanded the family’s control of (potentially sensitive) information significantly, thereby forming a key aspect of their role as prominent state actors, these documents have largely been kept separate from the *griffiersarchief*, which provides a more sober administrative view of the issues tackled by the Fagels and primarily includes correspondence tied directly to the cases at hand.

⁴⁹ See for example: [Letter from the Duke of Brunswick with Two Attachments to Hendrik Fagel the Elder discussing French Concerns], 28 August 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258).

⁵⁰ For a *memorie*, see: [Memorie of the Advocaat-Fiscaal concerning Cases of Appeal], 20 December 1756 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1718). For *consideratiën* see: [Consideratiën on the Division of Power in Maastricht], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1731). For informal notes, see: [Notes concerning the Collection of the Verpondingen], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724). For a publication see: [First Raad van State Publication concerning the Reduction of Charges], 28 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724). For *retroacta* see: [Retroacta concerning Conflicts in the Redemptiedorpen], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1738).

primarily represent state policy and the manner in which it was formed and enforced, whereas letters and *memoriën* tend to show the requests made to the *Staten-Generaal*.

Another significant and particularly curious aspect of the Fagel's archival material is the fact that the *griffiers* maintained extensive documentation regarding their work and the various claims they addressed, but regularly failed to include the final decision taken on the matter at hand in their documentation. After all, it would have taken little extra effort to include the final resolution regarding an incident in their archives, thereby making the documentation on an issue complete and fit to serve more effectively as a reference source. This characteristic of the archival material is particularly notable when considering the fact that a large number of the cases contained in the archives rely disproportionately on information contained in *retroacta*. As such, careful attention is paid to the events leading up to a crisis and the various claims and counterclaims presented during that event, but its resolution is frequently omitted.

What, then, does the nature of the Fagel archives reveal about the Fagels themselves? Theo Thomassen's extensive work on the functioning of the *Staten-Generaal* provides considerable insight into their practical role in government as successive *griffiers*; a role that fits the composition of their personal archives. He noted that the *griffier* played a key role going into the meetings of the *Staten-Generaal*, during the assemblies of that body, and after their conclusion, being the only figure, along with the *raadspensionaris* of Holland, to attend every meeting. The *griffier* was expected to have a proper understanding of all matters discussed by the assembly and was charged with providing relevant information to the president and the other provincial representatives. Furthermore, he was required to attend all conferences and consultations concerning matters that had been made commissarial, specifically to provide relevant *retroacta* and - if requested by those present – to share his thoughts on the matter at hand.⁵¹

Beyond this advisory role, the *griffier* was also responsible for the smooth functioning of the legislative process. He was consulted by the president of the assembly

⁵¹ Theo Thomassen, 'Instrumenten van de macht: de Staten-Generaal en hun archieven 1576-1796' (doctoral dissertation, Universiteit van Amsterdam, 2009), pp. 260-261.

when setting the agenda, and he or his subordinates would record the decisions of the assembly, which would be read out loud by the *griffier* during the opening of the next meeting for confirmation. Furthermore, he was tasked with ensuring that decisions were taken when a decision was necessary, and to prevent resolutions of the *Staten-Generaal* from contradicting decisions taken by other bodies of the *Generaliteit* or within the provinces, as well as to ensure that those tasked with carrying the decision out were capable of doing so. As such, he formed a key conduit of information and coordination between the various bodies and individuals forming, informing, and enacting state policy. Thomassen noted that the Fagel *griffiers* developed a particularly notable role in the latter half of the eighteenth century as the primary intermediary between the *raadspensionaris* and the *Stadhouder* in discussions concerning matters of governance.⁵²

Finally, Thomassen argued that the *griffier* was a key actor within the execution of the decisions of the *Staten-Generaal*. This function did not entail the Fagels enacting state policy across the various localities of the Republic – that was the task of the *Raad van State*, the provinces, and local governments – but it saw them formatting the resolutions, acts, letters, and other documents to be sent to those charged with the execution of the *Staten-Generaal*'s decisions, ensuring that they reached their intended recipients on time, and keeping track of whether they had been carried out. When resolutions remained insufficiently executed, or when requests made by the assembly for information or explanations from officials, envoys, or administrative bodies remained unanswered, the *griffier* was formally required to reintroduce the matter on the agenda of the *Staten-Generaal*. More significantly, he was able to steer the execution of policy, primarily via informal letters, when that process threatened to deviate from the intentions of the assembly.⁵³

The key role of the *griffier* within the administrative processes of the *Staten-Generaal* is summarized effectively by Thomassen as follows:

⁵² Thomassen, 'Instrumenten van de macht', pp. 261-263.

⁵³ Ibid., pp. 261-262.

He [the *griffier*] was the one who provided the president and other representatives with necessary information concerning governance based on his thorough understanding of the *retroacta*. He maintained the contacts with the commissions and conferences and all other actors who played a role in the decision-making process. Through his private correspondence, he also maintained the communications of the assembly with the outside world. He determined, within certain boundaries, which information of the assembly went to those carrying out its decisions and *vice versa* and therefore also when certain matters would be addressed by the assembly.⁵⁴

The composition of the Fagel archives reflects the formal and informal powers wielded by the five successive Fagel *griffiers*. These statesmen were not only charged with providing relevant background information on issues to be discussed by the assembly of the *Staten-Generaal* and its various commissions (a role that serves to explain the extensive copied material and particularly the emphasis on *retroacta*), but they were also expected to have a firm understanding of the matter at hand and were likely asked for informed opinions. Indeed, while the Fagels wielded little formal political power, there was a significant category of state policy in which their advice, more so than their secretarial support alone, could have been of particular value. These were the cases where coordination between various administrative institutions, or between rivalling individuals and political factions, was essential to realize the aims of those determining policy in the assembly of the *Staten-Generaal*. It is no surprise, then, that the emphasis of the Fagel archives has come to lie on some of the most complex and sensitive cases faced by the provincial representatives in The Hague. These were certainly not the only cases processed by the Fagel *griffiers*, as they were tasked with having an understanding of and providing documents for all matters coming before the assembly, the extraordinary and the mundane alike. However, their unique position within the administrative structures of the *Staten-Generaal* and the *Generaliteit* more generally, as well as the composition of their archives,

⁵⁴ Thomassen, 'Instrumenten van de macht', pp. 262 [my translation].

suggests that the cases represented in the *griffiersarchief* were those for which the *griffier* was not only tasked with presenting relevant information, but for which his informed advice was also requested. There are, however, no direct mentions in the documents contained in the Fagel archives of specific instructions to the *griffier* to study and advise on the cases detailed in its files, and as such, this element of the archives' purpose remains a likely explanation, rather than a proven fact. Within the papers collected on behalf of the Fagel *griffiers*, they themselves are primarily mentioned in passing, mostly in resolutions signed off by them or in which the *griffier* was tasked with passing on orders to relevant recipients. There are, however, numerous examples of matters being passed off to one of the assembly's many commissions, bodies in which the *griffier* was a recurring presence and in which his advisory role was amplified most.

While the precise extent of the Fagel *griffier*'s role in the eighteenth-century Dutch Republic is therefore difficult to pinpoint, especially since their informal influence may – as in the case of most administrative posts in the Republic – not have matched their formal competencies, it is likely that it surpassed the simple gathering of information for those determining policy. Beyond the extensive information on precedent contained in the *retroacta* and other copies of previous concerns and decisions that the Fagels brought into the meetings of the *Staten-Generaal*, their archives point to deliberation on complex and sensitive issues for which their advice would have been valuable during the legislative process. Furthermore, it points to cases in which the *griffiers* would steer the – frequently problematic – implementation of decisions once they had been taken by the High and Mighty Lords. Indeed, regarding the latter point, the corrective role of the Fagel *griffiers* within the execution of policy was on full display in the Douzelle affair, the Fagel archival documentation of which reveals nothing about Hendrik the Elder informing or advising the *Staten-Generaal*, but rather sees him coordinating a practical response to a direct threat with various relevant figures and, seemingly, with the exclusion of the *Staten-Generaal*. As will be discussed in chapter four, François Fagel is seen taking on a similar decisive role in a major conflict surrounding the appointment of the apostolic vicar of 's-Hertogenbosch, an

episode detailed notably not in the papers collected on behalf of the Fagel *griffiers*, but rather discussed in a twentieth-century retelling of the event.

Indeed, that is the final curious element of the Fagel archival sources; their formality and clean focus on state policy and interests, rather than suggesting the pursuit of any individual interests held by the Fagels. While it is enticing to see the Fagels as statesmen first and foremost, putting the interests of the Republic before their own ambitions, no official was merely a tool of the state. The Fagels too had personal interests and ambitions to pursue. It is odd, then, that in a time when private and public documents were readily bundled together in private collections by the Republic's administrators, The Fagels, whose influence derived both from their position in government and from their social network, kept documents concerning their public functions and private interests separated neatly.⁵⁵ Furthermore, the exploration of the *griffier's* powers and duties above does not fully provide an answer for the lack of final resolutions taken on the matters addressed in the Fagel archives. Including these documents was not strictly necessary for the *griffier's* capacity to inform or advise the assembly and commissions of the *Staten-Generaal*, nor was it crucial for correcting the problematic implementation of a decision once it had been taken. However, including such resolutions would have taken little effort and would have made those tasks easier, while also expanding the value of the archives significantly as a reference source that could help the Fagels inform or advise on future decisions.

Both the strict bureaucratic focus of the archives and its tendency to shy away from conclusive resolutions relating to the cases discussed in its files can likely be explained by the fact that the Fagels' personal interests were best served when they presented themselves as cogs in the state machinery first and foremost. The Republic's political climate was, ultimately, particularly tumultuous, with factional strife frequently bringing in rival administrators within the *Generaliteit* when the balance of power shifted. Despite being firmly on the Orangist side of the factional divide in their private lives, the Fagels managed to weather the political turmoil of their time and maintain their lofty and

⁵⁵ De Bruin, 'Het politiek bestel van de Republiek', pp. 34-35.

particularly lucrative office for an unprecedented 125 consecutive years, a tenure that only came to an end with demise of the Republic.

Similar political dynasties existed in the Republic, such as the Doubleth family, which, according to 't Hart, occupied the position of receiver-general of the union for 80 years.⁵⁶ Indeed, the tendency to pass administrative posts to friends or relatives, as well as the collection of significant documents in private archives, facilitated the creation of such family monopolies. Nevertheless, the grasp of the Fagel family on a position as significant and lucrative as that of the *griffier* was unprecedented; a feat that other key officials of the *Generaliteit* throughout the Republic's history, such as its successive *raadspensionarissen* of Holland as well as previous *griffiers*, failed to achieve. The apparent immunity enjoyed by the Fagel *griffiers* could be explained by the fact that their official political powers were limited and therefore allowed them to keep a low profile, while they wielded considerable indirect influence through their control of information and their extensive network within the *regent* class. They played a crucial role in informing and advising the state's response to some of its most serious and sensitive challenges but were not the ones to take a controversial or potentially catastrophic decision. They presented themselves as dutiful servants of the state who simply kept others informed and in contact with one another while simultaneously being indispensable to any government, be it Orangist or Statist, due to their position as the key intermediary between the various arms of the Republic's administration. The Fagels made themselves a vital element of the state's machinery as successive *griffiers* and likely lived up to their role – at least in appearances – as upright servants of the common interest in order to secure their family's hold on one of the most lucrative and respected positions within the Republic's administration.

In their archives, then, the Fagels only had to include those documents that they needed to address their key functions and to be able to demonstrate retrospectively that they were indeed fulfilling their role. Their archival collection served as an effective tool to secure their legitimacy and show their worth as dutiful statesmen, whereas any indication that they were involved with taking a formal decision on the matters they addressed or had

⁵⁶ 't Hart, *The Making of a Bourgeois State*, pp. 193-194.

personal interests in them only threatened their position. It is also notable, then, that the Fagels appear to have maintained a relatively clean division between public and private matters in their collections. Whereas the Fagel archives largely present the *griffiers* as sober statesmen carrying out their duties, the Fagel library reflects on the family members' status as prominent, wealthy, and learned individuals operating within the highest circles of Dutch society while providing little insight into their political work. While these two roles were inevitably linked and served to reinforce one another, the Fagels' organisation of their collections appears to keep them separate deliberately. It should be noted that the material in the Fagel library has remained largely unexplored and that conclusions may shift upon further research. From the perspective of research done on the *griffiersarchief*, however, the Fagel library's function as a 'working library' serving as a reference source for specific cases detailed in the archives is not immediately apparent. While such reference libraries may have been a common feature for the Republic's statesmen, the Fagel *griffiers'* unique role and position ensured that it was prudent for them and for those they informed, that their public duties and private interests were regarded as entirely separate matters.

How, then, does the nature of the Fagel archives impact their use for research on the governance of the *Generaliteitslanden*? The fact that the material emphasises the extraordinary while largely excluding the mundane ensures that it is particularly effective for a study of borderland governance. The cases focus disproportionately on the crises that emerged directly from the complexities and contradictions inherent to the interaction of different forms of authority at the political border. They reveal the cases in which the Dutch state came under greatest pressure in its distant frontiers; the instances where it had to decide between taking assertive action to handle or prevent a major disturbance, to attempt re-establishing the *status quo*, or to relinquish control in attempts to quell opposition to state policies. These cases therefore provide the clearest representation of the factors that made borderlands challenging to govern and demonstrate the willingness and ability of the *regenten* operating within the *Generaliteit* to impose or garner support for their collective authority within the Republic's frontiers.

The focus provided by the Fagel archives also forms a helpful categorisation. Its emphasis on the most relevant details regarding borderland governance allows for a comprehensive analysis of the Dutch state's position towards the *Generaliteitslanden* collectively, rather than focusing on a specific region or policy area within this understudied field. Such research would regularly require one to analyse in addition the archives of the *Staten-Generaal* and *Raad van State*. The Fagels, however, effectively completed this laborious step by filtering out those cases that are most reflective of the state's efforts and challenges in governing its borderlands. The considerations contained in the Fagel archival documents were employed in a bid to tackle the crises emerging from the frontier, and the fact that they were used by a group of statesmen who desired to maintain their image as dutiful servants of the state allows these documents to be viewed as relatively reliable representations of state policy, despite coming from a single group of administrators.

It should be noted, however, that the lens provided by the Fagel archives does exclude certain information. Ultimately, the Fagels collected information on only a fraction of the total number of cases concerning the *Generaliteitslanden* that reached the *Staten-Generaal*. The view they provide, then, is not complete and should not be assumed to be representative of all cases, but is rather highly indicative. In the case of the governance of the *Generaliteitslanden* as a whole, the analysis of all relevant sources is well beyond the scope of a single study and will have to be pursued as the historiography regarding this field expands.

The focus on the Fagel archival documents furthermore does not encompass all sensitive and complex issues faced by the *Generaliteit*, as not all such matters came before the *Staten-Generaal* or required coordination between various administrative institutions. It is notable, for example, that military affairs are barely mentioned, despite the fact that the *Generaliteitslanden* existed primarily as a heavily fortified military buffer of the United Provinces. While the military nature of these borderlands therefore is an omnipresent theme in the cases described in the Fagel archives and archival supplement, it is rarely the focus of the matter at hand. As such, the many forts and floodable lands of Flanders are primarily referenced due to their marking of a contested border, whereas the Maastricht

garrison is frequently highlighted due to its ability to back up the Republic's territorial and jurisdictional claims in the region. Within *Staats-Brabant*, the Douzelle affair had military overtones but was likely addressed by Hendrik Fagel the Elder due to its diplomatic sensitivity. Similarly, a case concerning the establishment of a new barracks in 's-Hertogenbosch in 1743, just prior to the Dutch involvement in the War of Austrian Succession, was likely included in the archives because it saw the city take on several loans and because taxes were introduced on housing and goods produced by tradesmen profiting from the establishment of the new barracks.⁵⁷ Only an issue concerning the defences of Breda appears to be purely military in nature. This matter is detailed in a report contained in the *griffiersarchief*, which notes that inundation proved the effective means of military defence, and that of all areas that could not be inundated, a waterway near Breda that was slowly being clogged with sand was the only one that had remained insufficiently addressed.⁵⁸ The most likely explanation for the lack of attention paid to military affairs in the Fagel archives is the fact that such matters were primarily dealt with within the administrative structures of the military, which ultimately fell under the *Raad van State*, rather than the *Staten-Generaal*. As such, the conclusions drawn here regarding the *Generaliteit's* responses to the most complex, sensitive, and pressing matters arising in its borderlands concern most but not all cases fitting into that category.

While the Fagel scope therefore omits some aspects of borderland governance, an argument can also be made that some issues described in the *griffiersarchief* papers on the *Generaliteitslanden* did not concern issues specific to borderlands and therefore are not particularly revealing for a study on borderland governance. Tax revolts, for example, could occur anywhere in the Republic. It should be noted, on this point, that the majority of cases described in the Fagel dossiers concern issues relating directly to the border – especially in Flanders and Overmaas - or elements of the borderlands that are derived from their position at the edge of the Republic's territory and jurisdiction, such as their frequent

⁵⁷ [Booklet with multiple Staten-Generaal Resolutions. Starts with: 27 November 1743], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-4.

⁵⁸ [Report to the Prince of Orange concerning Military Inundations], 4 September 1749 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1727), pp. 1-4.

occupation in war and their large Catholic majority. More significant, however, is the fact that the *Generaliteitslanden*'s preservation as a military buffer without representation in the institutions of the *Generaliteit* gave them an inherent borderland status, setting them aside from the provinces no matter how far the borderland territories were located from the political boundary. As such, even the territories in the interior of *Staats-Brabant*, which did not have an international border in the vicinity, encountered issues arising from their political status as a borderland and similarly saw those issues addressed by the institutions of the *Generaliteit*, rather than by autonomous local bodies. Universal issues such as tax revolts, then, took on a distinct borderland character in the *Generaliteitslanden*, with local society and its political elites having little say over the cause and the response to the problem at hand.

Another point of caution regarding the usage of the Fagel archival sources to study the *Generaliteitslanden* is the fact that these regions have been addressed to different extents. The section on *Staats-Brabant* contains numerous folders addressing a wide variety of cases, a trend echoed in somewhat lesser terms in the section on *Staats-Overmaas*, whereas the Fagels' documentation on *Staats-Opper-Gelre* consists of only several items contained in the archival supplement. *Staats-Vlaanderen* provides an entirely different challenge for research, as the archival material on this region is extensive, but is primarily included in a single file focussing exclusively on a set of border conflicts with the Austrian Netherlands. This section contains files addressing other cases too, but these pale in comparison to the sources detailing the disputed border and appear to be included primarily because they concerned issues that impacted the border question indirectly.

The uneven degree of attention paid to the various borderlands and on policy areas within those individual regions does not necessarily ensure that the study of regions described more extensively in the *griffiersarchief* is more valuable than that of those which have received less attention. After all, the most notable and consistent trend in the Fagel archival documents on the *Generaliteitslanden* is that they focus on crises and other sensitive matters, which could arise in any of the borderlands. A lack of attention paid to certain regions or specific policy areas within them therefore indicates that incidents could

be handled by the region's regular administration, that they did not involve the *Staten-Generaal* (as in the case of military affairs), that there simply were fewer issues requiring information or advice from the *griffier* for the *Staten-Generaal* to take a decision, or finally, that those operating in the central institutions of the state did not care to look at and address certain issues existing within the distant borderlands. As such, it is equally revealing when a matter is not discussed in the Fagel archives as when it is, though a lack of documentation ultimately invites more speculation, as is demonstrated by the various reasons presented above that could possibly explain an omission of documents. Indeed, this imbalance can be considered quite beneficial, as it is telling that, for example, Maastricht and its surroundings have been addressed quite extensively while *Staats-Opper-Gelre* has not, despite those regions existing, at first glance, under very similar geopolitical, administrative, economic, and religious conditions. The goal of this research is to discern the approach taken towards borderland governance in general in the eighteenth-century Dutch Republic, and such contradictions help discern the elements of and conditions for administration in the *Generaliteitslanden* that invited involvement by the institutions of the *Generaliteit* and those that dissuaded state involvement.

A final and more practical intricacy inherent to the usage of the documents in the *griffiersarchief* results from the Fagels' tendency to exclude the final decision taken by the bodies of the *Generaliteit* on the matters addressed; information that would help to identify the precise approach taken by the state institutions towards their borderlands. In such instances, context can often be sought in the archives of the *Staten-Generaal*. If a Fagel document is dated or has a date of receipt added in later, it can usually be traced back to the relevant documents in this larger archival collection. However, the dating of documents in the Fagel archives is not consistent. Furthermore, the archives of the *Staten-Generaal* contain an inherent complication for research, namely that the High and Mighty Lords had the tendency to make matters commissarial. Few initial cases or revisions were addressed directly upon reaching the assembly, instead being delegated to one of its many commissions for comment. In some instances, these reports would come back to the general assembly within a few days. More often, however, issues lay dormant for months or

years before a commission had investigated and reported on them. As such, from a researcher's perspective, cases have the tendency to 'disappear' into the vast archives of the *Staten-Generaal*.⁵⁹

Given the occasional gaps in knowledge on specific cases, this research will not focus solely on how the Republic handled individual incidents in its borderlands. Instead, it will aim to identify common themes marking the *Generaliteit's* policies towards the wide variety of crises that emerged from its four southern borderland territories. Indeed, it is these common trends – or the lack thereof – that are most representative of how actors in the Republic's central government regarded their frontier territories collectively. As Tilly wrote in his groundbreaking attempt to develop a broadly applicable theory of state-formation: "The point is not to give a 'complete' account (whatever that might be), but to get the main connections right."⁶⁰

⁵⁹ The REPUBLIC project of the Huygens Institute in Amsterdam does offer promising opportunities in this light, as it aims to make the resolutions of the *Staten-Generaal* digital and searchable, making the decisions on commissarial cases significantly easier to trace. This project is, however, set to be completed in December 2024, placing it beyond the means available to this study at the moment. For more information, see: <https://republic.huygens.knaw.nl/>.

⁶⁰ Tilly, *Coercion, Capital, and European States*, p. 36.

Chapter III. Privileged, Penniless, and Papist: *Staats-Brabant*

Part I: Structure of Governance

Maps

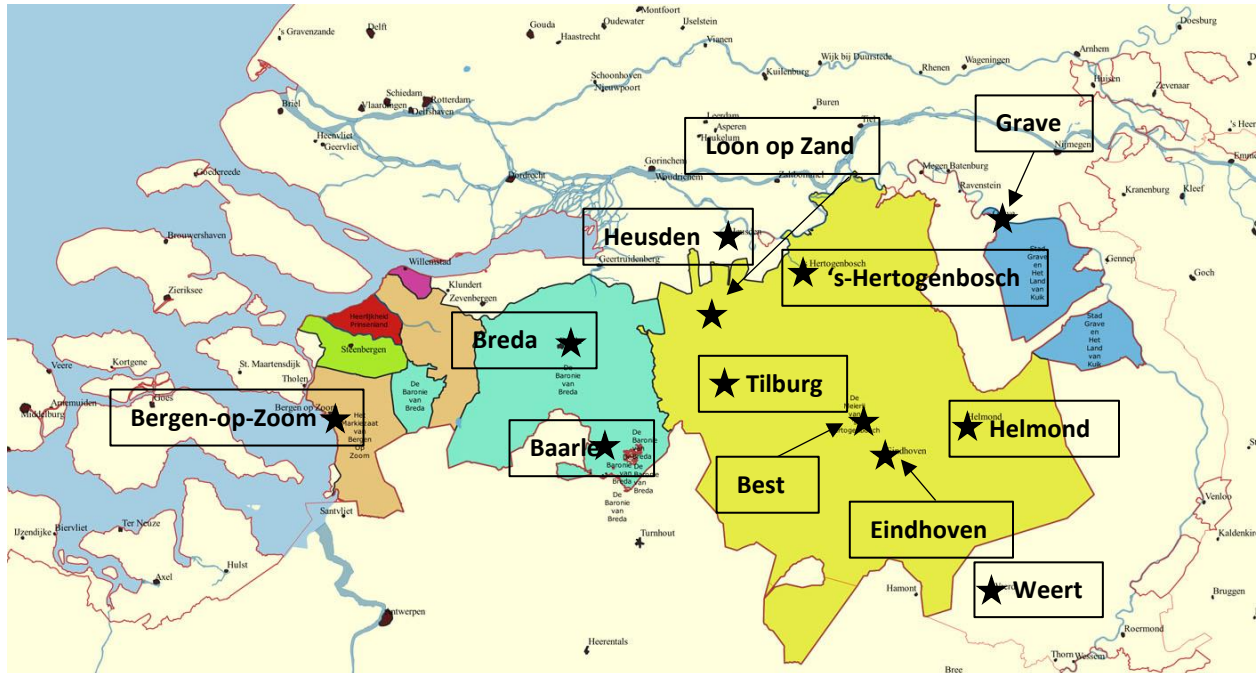


Figure I: The primary jurisdictional divisions of *Staats-Brabant*. Major cities and other points of interest are marked with stars. Chartreuse: *Meierij* of 's-Hertogenbosch; turquoise: barony of Breda; brown: marquisate of Bergen-op-Zoom; blue: land of Grave and Cuijk; green: lordship of Steenbergen; red: lordship of Prinsenland; purple: lordship of Willemstad. Maastricht and surrounding territories not included.¹

¹ Gert Jan Vonk, 'De Republiek der Zeven Verenigde Nederlanden: Generaliteitslanden' *Gert Jan Vonk* (2022) retrieved from <https://www.gertjanvonk.nl/index.php/de-republiek-der-zeven-verenigde-nederlanden/139-generaliteitslanden> [edited by me].

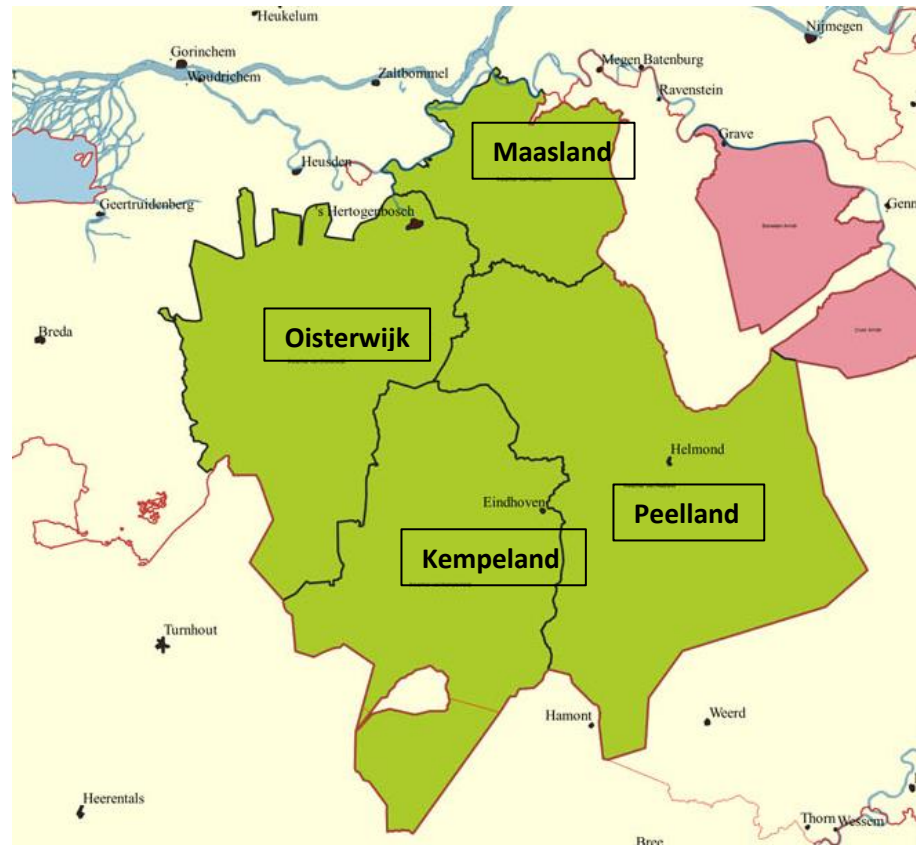


Figure II: The Quarters of the *Meierij* of 's-Hertogenbosch.²

Section I: Breaking Down Brabant

On 20 September 1724, the *Staten-Generaal* adopted a three-point plan to relieve the economic and financial circumstances of the destitute population of *Staats-Brabant*. The approach agreed to by the provinces focussed on decreasing taxes and duties, aiding in the repayment of loans, and reforming regional and local governance to weed out administrative malpractice.³ The perhaps unsurprising response to this resolution was a letter to the *Raad van State* signed by three representatives of the *Generaliteit* in *Staats-Brabant*: *ontvanger* Daniel de Lobel; Pero de Cassemajor, the *schout* of Deurne and Liessel;

² Vonk, 'De Republiek der Zeven Verenigde Nederlanden', [edited by me].

³ [Second Staten-Generaal Resolution concerning Relief Efforts], 20 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

and Johan de Jongh, the *stadhouder* of the *kwartierschout* (quarter-sheriff) of Kempeland. These officials notified the *Generaliteit* of the fact that they and the rest of the regional administrative elite were most certainly not the problem, and rather a victim of local circumstances, adding that:

An officer is the first, and frankly the only person in an entire lordship, who represents the majesty and respect of the sovereign there, and who is always exposed by night and day, especially in far-flung places, to the bitter and unforgiving hate of the near reasonless and witless Papist farmers, who see an officer trying to exercise his duty with candour as a repulsive monstrosity, and hate him like the plague.⁴

This was the perception of governance in *Staats-Brabant* passed on by the state's regional representatives to the lords of the *Staten-Generaal* and *Raad van State*, and it formed the essence of the major complications arising from this frontier territory with which the Fagel *griffiers* had to contend in their informative, advisory, and supervisory role within the *Staten-Generaal*. It was a vast borderland ravaged by war and burdened by debt, filled with recalcitrant cities citing their ancient privileges, obstinate lords who would not suffer government involvement in their affairs, a small Reformed *regent* administrative class vigorously defending its privileged position, and an overwhelmingly Catholic population that held little sympathy for the *regenten* or the central governing bodies staffed by their colleagues. Simultaneously, however, it was by far the largest, most cohesive, and most proximate of the southern borderlands, forming the bulk of the Republic's defensive barrier, a major route for overland trade for the provinces dictating policy in The Hague, and the primary source of the *Generaliteit's* direct tax income. Bringing Brabant into the Republic's fold was a necessity, not a choice. As such, the emphasis of the Republic's actions in this region lay not on protecting sovereign territory against foreign infractions at the

⁴ [Letter from Various Officials in Staats-Brabant to the Raad van State], 14 March 1726 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 30-31 [my translation].

border or over its jurisdiction, as will be seen in the cases of Flanders and the territories along the Meuse. Instead, its focus shifted inland, navigating Brabant's status as a political borderland to enact administrative reform and bringing it in line with The Hague's interests, or at least, with the diverse interests of the provincial *regenten* who wielded power there. The crises and complexities arising from the Brabantine borderland and redirected to the Fagels' office via the commissions of the *Staten-Generaal* therefore reflect the intricacies of active governance – proactive involvement in local affairs with the aim to reshape administrative conditions, rather than maintaining a reactive stance – to a much greater extent than the Fagel documents on most sections of the other *Generaliteitslanden* do. Where the *griffiers* were primarily employed for questions regarding the establishment and protection of Dutch authority in the Republic's other frontiers, the cases from *Staats-Brabant* show the enactment of that authority and the considerable resistance such an approach generated. When, where, and how that authority was exerted, however, depended on local circumstances, as some parts of *Staats-Brabant* provided considerably more incentives for intervention by central governing institutions than others.

The *griffiersarchief* material on *Staats-Brabant* is particularly voluminous compared to the documentation of the other *Generaliteitslanden*. As such, the discussion of this borderland will be split into two parts. This chapter will serve to analyse the origins and key aspects of Dutch rule in northern Brabant. It will do so by first introducing the main actors and processes involved in the region by building on existing historiography, after which the nature of, and interactions between, several prominent elements of governance will be analysed in greater detail by studying several cases described in the *griffiersarchief*. Since *Staats-Brabant* saw the most extensive engagement of Dutch state institutions in its regional and local affairs compared to the other *Generaliteitslanden*, institutions, processes, and challenges seen here were often mirrored at least to a certain extent in the other borderlands. As such, this chapter also serves as an introduction to the *Generaliteitslanden* more generally, discussing those features of governance unique to the borderlands that were not addressed in detail in the more general discussion of the Dutch state's structure in chapter one.

The following chapter will analyse more specifically the main policy areas reflected in the Fagel archival material on *Staats-Brabant*, addressing issues of an economic and fiscal nature, and those with a religious character. In doing so, it will draw parallels between the approaches to the diverse issues arising within these fields, demonstrating that the primary interest of the provincial *regenten* collectively determining the *Staten-Generaal*'s policies towards this region was the desire to maintain stability; a *status quo* that in *Staats-Brabant* at times had to be enforced by significant administrative reform.

Staats-Brabant was, like most of the other *Generaliteitslanden*, created by the Eighty Years' War. The province of Brabant formed one of the major battlegrounds of the conflict, with the northern portion gradually falling under Dutch control. Particularly notable in this light was the reduction of 's-Hertogenbosch in 1629. Its terms of capitulation dictated that the city's privileges – and by extension those of its *Meierij*, the city's vast hinterland – which had been granted by successive Dukes of Brabant, would be respected, while also formalising that northern Brabant would enter the Union not as a voting province but as a *Generaliteitsland* subject to The Hague.⁵ The *Staten-Generaal* also adopted the titles wielded previously by the Spanish Habsburgs in conquered territory, and as such, it laid claim to the title of Duke of Brabant within its section of the region.⁶ The *Generaliteit* therefore served both as the feudal lord of Brabant, as well as the state government ruling over its territory; a distinction that would prove significant, useful, and occasionally problematic.

The borders of *Staats-Brabant* were eventually drawn along the military frontlines following the peace of 1648. In Brabant - unlike Flanders and Overmaas, which were subject to further partition treaties in the 1660s - the 1648 borders barely changed thereafter.⁷ The new territory was divided roughly between the areas that formerly belonged to the Antwerp quarter of Brabant in the west, and those making up the 's-Hertogenbosch quarter

⁵ Peter de Cauwer, *Tranen van bloed: het beleg van 's-Hertogenbosch en de oorlog in de Nederlanden, 1629* (Amsterdam: Amsterdam University Press, 2008), pp. 141-142.

⁶ Theo Thomassen, 'Instrumenten van de macht: de Staten-Generaal en hun archieven 1576-1796' (doctoral dissertation, Universiteit van Amsterdam, 2009), p. 205.

⁷ Dominicus de Jong, *Grenskapellen voor de Katholieke Inwoners der Generaliteitslanden* (Tilburg: Drukkerij Henri Bergmans, 1963), p. 13.

in the east. Within the western section, the largest jurisdictions were the city and Barony of Breda, as well as the city and Marquisate of Bergen-op-Zoom. These were accompanied by the smaller lordships of Steenberghe, Willemstad, and Prinsenland. The vast majority of the eastern portion of *Staats-Brabant* was occupied by the city and *Meierij* of 's-Hertogenbosch, with the latter being divided into four quarters: Maasland, Peelland, Kempeland, and Oisterwijk.⁸ However, the eastern section also included the city of Grave and Land of Cuijk, part of which was separated from the rest of Brabant by the independent lordships of Ravenstein, Gemert, and Boxtel.⁹

Staats-Brabant as a whole was generally governed with respect for its established privileges, and the cities and towns of the region enjoyed some degree of autonomy, particularly when it came to judicial matters. Furthermore, local representatives were eager to inform the bodies of the *Generaliteit* whenever they felt that their privileges were being undermined, with the city of 's-Hertogenbosch being notorious for revolting when its rights had been trodden on by previous Burgundian and Habsburg rulers and with controversy surrounding its privileges similarly featuring in the Fagel archives.¹⁰ This practice was echoed across the border, where Habsburg Brabant too went beyond other southern regions to defend its privileges, insisting that centralising policies be approved and enacted through its own administrative apparatus.¹¹ Despite these privileges, however, the members of the magistracy of 's-Hertogenbosch and those of other towns administered by the *Generaliteit* were appointed by the *Staten-Generaal*. The towns themselves would present a group of candidates to be appointed as magistrates from which the assembly of

⁸ De Jong, *Grenskapellen voor de Katholieke Inwoners der Generaliteitslanden*, p. 15.

⁹ M. W. van Boven, 'Bestuur, rechtspraak, en notoriaat' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 76-127, p. 76.

¹⁰ L. P. L. Pirenne, 'De Generaliteitslanden van 1648 tot 1795', in J.H. van Houtte (ed), *Algemene Geschiedenis der Nederlanden. Deel VIII: De Revolutie Tegemoet* (Utrecht: De Haan, 1955): 315-351, pp. 319-320.

¹¹ René Vermeir, 'Early Seventeenth-Century Representative Institutions and Law Making in the Habsburg Netherlands' in Erik de Bom, Randall Lesaffer, and Werner Thomas (eds), *Early Modern Sovereignties: Theory and Practice of a Burgeoning Concept in the Netherlands* (Leiden and Boston: Brill, 2021): 288-306, pp. 291-292.

the *Staten-Generaal*, or a commissioner sent on its behalf, made a selection. This competency was transferred to the *Stadhouder* upon his restoration in 1747.¹²

At the regional level, the governance of *Staats-Brabant* took on a more unique form. The Republic's claim to the area rested on its assumption of the ducal title, which conveniently also came with an already functional and imbedded feudal bureaucracy. Apart from shifting these institutions' loyalty to The Hague, rather than Brussels, the High and Mighty Lords kept the ducal structure almost entirely intact. As such, the *Staten-Generaal* was the lord of northern Brabant, maintaining several lordships in the region directly while loaning others out to vassals. Within these lordships, the local lord held considerable influence, usually having the right to appoint the *schout* and *schepenen* and having varying degrees of control over local justice, depending on their loan contract. Local taxes also fell to the lesser lord, which were usually collected by a *rentmeester* – an official charged with the general management of a lordship in the absence of its lord - on their behalf.¹³ Only jurisdiction over matters of national interest, such as fortifications, water management, and road maintenance, remained in the hands of the state – particularly those of the *Raad van State* - in these areas. As such, the *Raad van State* maintained some degree of influence in areas where the authority of the *Generaliteit* was otherwise very limited.¹⁴

The power of these vassals was reduced to some extent under the Republic's rule, with the state's jurisdiction taking priority over that of the lordships. As such, the lordships within the *Meierij* that were owned by the Prince-Bishop of Liège were Dutch first and foremost, not Liègeois. For the lordships in general, their decreasing autonomy meant that they still could appoint officials but had to respect the state's ban against Catholics holding public offices, and that they could continue collecting taxes but had no influence over the rate of tax applied.¹⁵ Not all vassals were the same in this regard, however, with two noble dynasties in particular accruing such a degree of influence and privileges in their lordships

¹² Thomassen, 'Instrumenten van de macht', pp. 209-210.

¹³ Johannes G. M. Sanders, 'Heerlijkheden en domeinen' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 47-73, pp. 51, 53-54.

¹⁴ Van Boven, 'Bestuur, rechtspraak, en notoriaat', p. 79.

¹⁵ Sanders, 'Heerlijkheden en domeinen', p. 52.

that the state's authority there remained marginal.¹⁶ The first of these were the margraves of Bergen-op-Zoom, a position held by the De la Tour d'Auvergne family until it passed, in 1728, to Charles Theodore of the Palatinate-Sulzbach line of the Wittelsbach family, who would later become the Elector of both the Palatinate and Bavaria.¹⁷ The second prominent dynasty with extensive holdings in *Staats-Brabant* was the Orange-Nassau family, which ruled over the Barony of Breda, Grave and the Land of Cuijk, Willemstad, Prinsenland, Steenberg, and several lordships within the *Meierij* of 's-Hertogenbosch, like the town of Eindhoven.¹⁸ The *Generaliteit's* administration was therefore largely limited to the largest of northern Brabant's jurisdictions, the *Meierij* of 's-Hertogenbosch, with roughly 85% of the *Staten-Generaal's* resolutions pertaining to Brabant concerning matters in the *Meierij*.¹⁹ A similar focus is shown in the Fagel archives, which barely address events in western Brabant.

Within the lordships remaining in the hands of the duke, and therefore the *Staten-Generaal*, the same rights and privileges applied as those enjoyed by lesser lords. Ducal authority in the *Meierij* was directly represented by the *hoogschout* in 's-Hertogenbosch, who fulfilled a similar role as the local *schouten*, but for the entirety of the *Meierij*. As such, he also frequently appointed local officials in the name of the sovereign, including the four *kwartierschouten*, who served as intermediaries between the *hoogschout* and local *schouten* operating within the quarters of the *Meierij*.²⁰ The *hoogschout* and

¹⁶ Ibid., p. 55.

¹⁷ Willem A. van Ham, 'Bergen op Zoom. Residentie en stad' in *Virtus / Journal of Nobility Studies*, xxii (2015): 9-36, p. 28.

¹⁸ Thomassen, 'Instrumenten van de macht', p. 208; Pirenne, 'De Generaliteitslanden van 1648 tot 1795', pp. 326-327; Anne Hallema, 'Het huis van Oranje en het protestantisme in westelijk Noord-Brabant omstreeks het midden der 17e eeuw' in *Nederlandsch archief voor kerkgeschiedenis/Dutch Review of Church History*, xxxi (1939): 142-185, p. 142. Note: the latter source is dated, but has been used here to reference specifically the facts that Willemstad, Steenberg, and Prinsenland were holdings of the Orange family, rather than being used to make an analytical argument.

¹⁹ Van Boven, 'Bestuur, rechtspraak, en notoriaat', p. 78.

²⁰ Thomassen, 'Instrumenten van de macht', p. 209; Mark Adrianus Johannes Vermeer, 'Schrijven voor de schepenvank: De ontwikkeling van bestuurlijke pragmatische geletterdheid op het Noordbrabantse platteland (de Meierij van 's-Hertogenbosch, ca. 1300-1550)' (doctoral dissertation, Universiteit Utrecht, 2020), p. 22.

kwartierschouten, positions filled by members of the provincial *regent* class, also each had a *stadhouder* who took on the practical duties of their superior's position.²¹

The *Raad van Brabant* was the region's primary judicial institution, as well as that of *Staats-Overmaas*. This body, along with the *Leenhof van Brabant* (Court of Feudal Loans of Brabant), both of which were inherited along with the Brabantine ducal title, formed Dutch counterparts for two separate institutions operating in Brussels, similarly named the *Raad* and *Leenhof* of Brabant.²² As the cities and villages of the *Meierij* usually carried out their own civil and criminal legal procedures, the *Raad van Brabant* primarily served as a court of appeal, while also ruling in cases that affected more than just one local jurisdiction within Brabant, such as conflicts between towns or challenges to state policy in *Staats-Brabant*.²³ Two key figures within this body were the *procureur-generaal*, who represented the *Staten-Generaal*, as the duke, in the prosecution of criminals, and the *advocaat-fiscaal*, who was charged with enforcing the duke's law in Brabant and supervising the *officieren*.²⁴ The exact competencies of the *Raad* remained a matter of dispute, however, with various state and local actors coming into conflict with it over their respective rights.²⁵ These issues were made particularly complex by the *Raad van Brabant*'s curious administrative position, as it was a body of the *Generaliteit* based in The Hague but was charged with protecting the rights and privileges of ducal Brabant, not least against the encroachment of the Republic's central institutions.

Several members of the *Raad van Brabant* also carried out the functions of the *Leenhof van Brabant*, which was charged with the administration surrounding the system of feudal loans in northern Brabant. In practice, this meant that the *Raad* primarily oversaw the transfer or renewal of feudal contracts with minor vassals in the *Meierij*, as it could do little more than rubber-stamp the contracts of the powerful lords in western *Staats-Brabant*. In the *Meierij*, however, the loaning out of lordships was a thriving business, as it

²¹ Vermeer, 'Schrijven voor de schepenbank', p. 199.

²² Sanders, 'Heerlijkheden en domeinen', pp. 54-55.

²³ Erik-Jan Broers and Beatrix Jacobs, *Staatse Raad van Brabant* (Hilversum: Uitgeverij Verloren, 2000), p. 16.

²⁴ Lieuwe Lieuwes, 'Dorpsreglementen in de Meierij van 's-Hertogenbosch 1648-1795: Van onstuurbaar naar stuurbaar bestuur' (doctoral dissertation, Tilburg University, 2020), p. 60.

²⁵ Broers and Jacobs, *Staatse Raad van Brabant*, p. 16.

provided an excellent source of revenue and prestige for the Republic's *regent* class, members of which – hailing mostly from Holland – rarely resided in their distant frontier holdings.²⁶

The financial aspects of the ducal administration inherited by the *Staten-Generaal* were managed by the *raad en rentmeester-generaal der domeinen* (hereafter *rentmeester-generaal*), appointed by the *Raad van State*. Initially, this official was charged solely with managing the ducal domains and the revenues tied to them, such as the *grote Brabantse zwijgende landtol* (hereafter *Brabantse landtol*). However, the position's significance was expanded considerably under the Republic's rule. It came to encompass the inspection of village administrations, while also becoming a key intermediary between the *Raad van State* and local administrations regarding the registration of loans. The *rentmeester-generaal* also chaired the *Leen- en Tolkamer* (Loan and Toll Chamber) of 's-Hertogenbosch, a body that was primarily involved with inspecting village finances and advising the *Raad van State* on matters of local finance.²⁷ In the larger lordships beyond the *Meierij*, the functions of the *rentmeester-generaal* were carried out by *Domeinraden* (domain councils), with the *Nassause Domeinraad* administering the Orange-Nassau domains being particularly noteworthy. Smaller lordships appointed a single *rentmeester* to fulfil those duties.²⁸

Northern Brabant's taxation was a particularly complex matter that features heavily in the Fagels' dossiers on the region. Various charges were levied in *Staats-Brabant*, including the *beden* (initially used to pay off Brabant's debt, which the Republic took over in 1648, but later serving simply as an extra tax for the *Generaliteit*); the *verponding* (charged primarily on real estate, such as worked lands, mills, and barns); the *gemene middelen* (a tax on basic commodities such as cloth, drink, and salt); the *convooien en licenten* (a duty on goods entering or leaving the Republic); the *Brabantse landtol* (a toll for goods passing the borders of Brabant – similar tolls existed on goods transported along the Meuse and Scheldt Rivers); the *collateraal* (applied to inheritances); the *penningen* (charged on the transfer of real estate); and the *klein zegel* (a stamp act requiring all administrative and judicial

²⁶ Sanders, 'Heerlijkheden en domeinen', pp. 52, 55.

²⁷ Lieuwes, 'Dorpsreglementen in de Meierij van 's-Hertogenbosch 1648-1795', pp. 69-73.

²⁸ Sanders, 'Heerlijkheden en domeinen', pp. 55-56.

documents to be marked in order to be considered valid). The *Generaliteit* furthermore had the right to levy temporary extraordinary taxes.²⁹

The collection of these taxes was anything but uniform. In part, this was due to the fact that there were numerous exemptions – usually based on local privileges – and oddities that arose as old Brabantine taxes were adopted by the Republic. As such, for example, the toll on the Meuse was levied twice by the Republic after 1713, as it had acquired the former Spanish toll office in Venlo in the peace of Utrecht and simply maintained both its own and the Spanish toll. More curious still was the fact that for the *convooien en licenten*, the walled cities of northern Brabant ('s-Hertogenbosch, Grave, Breda, Steenberghe, Willemstad, and Bergen-op-Zoom) were considered part of the Republic, while the rest of the region was considered foreign territory from the perspective of the provinces for the purpose of commercial tolls.³⁰ The provinces could therefore trade easily with the urban industries of *Staats-Brabant*, while their hinterlands encountered considerable barriers to trade.

The second major factor causing complexities in local tax collection was the fact that this competency was initially dispersed over various individuals and institutions, a system inherited by the *Staten-Generaal* from the former Dukes of Brabant, though it experienced major changes during the eighteenth century.³¹ The *Generaliteit* employed several *ontvangers*, who were responsible for overseeing the collection of specific taxes within northern Brabant and passing the revenues on to the *ontvanger-generaal* of the *Generaliteitsrekenkamer* in The Hague. The collection itself, however, was done by collectors appointed locally, or alternatively by *pachters*.³² The latter was a form of private tax collector or a so-called 'tax-farmer'. These positions would be auctioned off to the highest bidder – though under supervision of the *Raad van State* and the local *schout* and *schepenen* – who would pay their bid as a lump sum to the respective *ontvanger*. The

²⁹ F. S. C. Derks and Johannes G. M. Sanders, 'Belastingen' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 128-160, pp. 136-141.

³⁰ Derks and Sanders, 'Belastingen', pp. 139-141.

³¹ *Ibid.*, p. 142.

³² Lieuwes, 'Dorpsreglementen in de Meierij van 's-Hertogenbosch 1648-1795', pp. 78-79.

pachters then had the right to keep all income from the tax for themselves, with relative gains and losses being for their own benefit or risk. The *pachters* were usually used for the tolls, though other charges, like the *convoeien en licenten* were sometimes delegated to them as well.³³ Marjolein 't Hart noted that the Republic relied considerably on *pachters*, as receiving a lump sum in return for tax revenues proved to be a significantly more secure source of revenue for the institutions of the state than the extraction of taxes from rural areas via extensive bureaucracies, especially because the *pachters* bore the brunt of local opposition to taxation. As such, *pachters* were usually not particularly affluent, prominent, or popular individuals, with tax farming near provincial and state borders frequently being fruitless due to smuggling and evasion.³⁴ Antonius Kappelhof similarly argued that obstructing the *pachters* was an effective means of avoiding taxation – more so than requesting reductions in taxation from the *Generaliteit* – causing the system of collection through *pachters* to become increasingly fraught with problems around 1700.³⁵

In the first half of the eighteenth century, however, the taxation of *Staats-Brabant* underwent several comprehensive reforms. Taxes that had previously been variable became fixed charges, to be paid by the local authorities. Furthermore, collection was simplified by allowing various taxes to be collected locally by the same official while several *ontvanger* positions were also combined. Kappelhof noted that this period saw a degree of local fiscal autonomy being replaced by state supervision enacted via the *Leen-en-Tolkamer*, but that local authorities simultaneously acquired the right to collect most national taxes within their jurisdiction. He also warned that this should not necessarily be seen as a move towards centralisation, as official placards and their practical enforcement in Brabant could differ considerably. Some of the financial reforms dating to 1736 also found their way into the *griffiersarchief* and will be discussed through the lens of the Fagel archival material in the next chapter.³⁶

³³ Derks and Sanders, 'Belastingen', pp. 142, 145-146.

³⁴ Marjolein C. 't Hart, *The Making of a Bourgeois State: War, Politics and Finance during the Dutch Revolt* (Manchester and New York NY: Manchester University Press, 1993), pp. 95-96, 193.

³⁵ A. C. M. Kappelhof, *De belastingheffing in de Meijerij van Den Bosch gedurende de Generaliteitsperiode (1648-1730)*, (Tilburg: Stichting Zuidelijk Historisch Contact, 1986), p. 31.

³⁶ *Ibid.*, pp. 333-334.

Overall, then, the governance of *Staats-Brabant* involved various institutions seen elsewhere in the Republic's governance at a state and local level, but these were joined by a regional administration primarily adopted from the former Duke of Brabant. As such, the ducal title claimed by the *Staten-Generaal* and the various institutions, rights, and privileges that came with it formed a useful tool for the Republic to claim legitimacy over Brabant and to govern it, while also placing a clear limit on the state's authority. These rights and institutions could be, and were, to some degree changed to fit the interests of the provincial *regenten* collectively determining the *Generaliteit's* policies, but doing so could disturb the local *status quo* existing under the ducal hierarchy. It is this complex balancing act between feudal and centralised authority that features most heavily in the Fagel archives, with the *griffiers* ensuring that crises and other pressing matters emerging from *Staats-Brabant* were addressed in a pragmatic fashion by leveraging various tools of governance that could at times prove contradictory.

The perspective shown by the *griffiersarchief* documents provides an opportunity to place the rich and diverse historiography of *Staats-Brabant* within the broader context shaped by the governance of the *Generaliteitslanden* as a whole. Within this historiography, one view, that of 'arme Brabant' (poor Brabant) has been a primary focus of debate. Sparked by a growing sense of regional identity in the former *Generaliteitslanden* during the late nineteenth and early twentieth centuries, this approach to *Staats-Brabant's* history regarded it as a territory entirely subjugated by the provinces and particularly by Holland. It saw the opulent *regenten* of the North seeking to exploit Brabant's wealth for their own gain and to keep it in check with an iron fist via religious and political repression. As such, they would ensure that the region's considerable potential would not destabilise Holland's powerbase in the Republic. Particularly painful, according to this view, was the fact that *Staats-Brabant's* exclusion was often argued on the basis of it not having been involved in the Union of Utrecht and therefore having to be taken by force, even though many regions in the eastern provinces had similarly failed to join the Union or done so under considerable

pressure whereas several individual cities in *Staats-Brabant* had joined willingly in bids to resist Habsburg centralisation.³⁷

While the narrative has, since the mid-twentieth century, become more nuanced, historians such as Louis Pirenne and Dominicus de Jong have echoed sentiments of an exploited Catholic territory subject to unfair treatment by state authorities.³⁸ As such, Pirenne argued:

The manner in which the *Generaliteitslanden* were treated, as if they were part of an absolutist state, is entirely at odds with the political structure of the Republic itself, which was an exceptional example of provincial autonomy pushed to its extremes. The regions in question must have regarded it as a painful inconsistency, that the fundamental principal from which the Republic derived its creation and legitimacy was no longer applied when its self-interest was no longer served by it.³⁹

Nevertheless, Kappelhof noted, in his account of the '*arme Brabant*' view and the criticism it eventually drew from modern scholars, that the popularity of this idea peaked in the 1930s amidst a movement of Catholic emancipation in the Netherlands, coming to be questioned increasingly after 1950. Indeed, he argues that Pirenne's study, while maintaining strong traces of the '*arme Brabant*' view, was among the first to question whether the treatment of *Staats-Brabant* had truly been as harsh as had been claimed in the decades preceding his work.⁴⁰

Kappelhof himself contributed significantly to the eventual decline of the narrative of Brabant's victimization within the Republic's history. He noted that the *Generaliteit's* taxes imposed on the new *Generaliteitsland* formed one of the primary points with which

³⁷ Guido de Bruin, 'Den Haag versus Staats-Brabant. IJzeren vuist of fluwelen handschoen?' in *BMGN-Low Countries Historical Review*, cxi, no. 4 (1996): 449-463, p. 451; Johan Boogman, 'The Union of Utrecht: its Genesis and Consequences' in *BMGN-Low Countries Historical Review*, xciv, no. 3 (1979): 377-407, pp. 377-378, 386; Kappelhof, *De Belastingheffing in de Meijerij van Den Bosch*, p. 11.

³⁸ See: Pirenne, 'De Generaliteitslanden van 1648 tot 1795'; Dominicus de Jong, *Grenskapellen voor de Katholieke Inwoners der Generaliteitslanden*.

³⁹ Pirenne, 'De Generaliteitslanden van 1648 tot 1795', p. 326 [my translation].

⁴⁰ Kappelhof, *De Belastingheffing in de Meijerij van Den Bosch*, pp. 25-29.

'*arme Brabant*' scholars validated their arguments while simultaneously finding that several calls for a general history of taxation within the *Meierij* of 's-Hertogenbosch under the Republic's rule had gone unanswered. As such, he set himself to that task, publishing a comprehensive overview of taxation in the *Meierij* in 1986. His findings showed Brabant, and more specifically the *Meierij*, as a region where inclusion in the Republic had led to higher taxes, though this increase was in line with more general fiscal trends in European states at the time. Furthermore, the region enjoyed various exemptions to taxation, and both its population and local governments could lessen the impact of national charges by obstructing *pachters*, evading taxes, smuggling, or bribing officials of the *Generaliteit*. Kappelhof therefore also noted that tax related unrest in Dutch Brabant did occur during times of hardship, but that these developments were not unique to Brabant and that they were far less widespread and violent than similar unrest in France. To this point he did add, however, that the region, as a fortified borderland, had fewer incentives to riot against fiscal measures, since such unrest could be put down readily by the many garrisons dotting northern Brabant. These fortifications and their garrisons also formed the primary source of investment of the *Generaliteit* in this borderland, which Kappelhof argued came with a considerable boost for the region's economy, though it was unclear to what extent of these investments were felt in the Brabantine countryside. Beyond fortifications, however, the region saw few investments in his view, with little to no money being assigned to the development of its infrastructure.⁴¹ Similarly, relief for its faltering economy following

⁴¹ A case in the *griffiersarchief* similarly supports the idea of investments in infrastructure being overlooked in *Staats-Brabant* unless the provinces had something to gain from it. The case concerns developments from the late 1750s that are detailed in 1765 report by G. Deninck, a representative of the *Staten-Generaal* within the *Meuse Admiraliteit*. The report was a response to a crisis caused by the Brussels government erecting barriers to Dutch trade and drawing commerce from the rivers leading into the Republic by redirecting it across the roads and canals of the Southern Netherlands to the harbour of Ostend. Echoing the more famous but short-lived Ostend venture of the 1720s and 1730s, the move threatened Holland's – and therefore the Republic's – trading position, a predicament that could be resolved at least partially, it was found, by extending a road across *Staats-Brabant* and establishing a direct overland connection with the Prince-Bishopric of Liège. However, 's-Hertogenbosch, which would benefit significantly from the road, proved unable to bear its financial burden in the endeavour, leading the *Staten* of Holland to decide to save their trading position by other means rather than shouldering the Brabantine burden and investing in its infrastructure. [Liègeois Letter to Hendrik Fagel the Elder] 14 July 1752 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1727), pp. 1-3; [Memorie concerning Countermeasures against Austrian Trade Restrictions], [1765] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1727), pp. 2-9; Frans

successive wars – the same measures mentioned in the opening of this chapter – materialized only after the already concerning conditions had been aggravated by two successive failed harvests.⁴²

Overall, Kappelhof argued that inclusion in the Republic saw *Staats-Brabant's* fiscal status change and continue to evolve until eventual stagnation of reforms in the 1730s, but that these measures were not a one-sided imposition of excessively harsh fiscal measures on a powerless Brabantine population and administration. The region formed an essential part of the Republic's finances, with the *Meierij* contributing about 30% of tax revenue from the *Generaliteitslanden*, and it did suffer during the Republic's many wars and under its increased taxation. Simultaneously, however, it enjoyed various exemptions – both legitimate and illicit – and could impact the enforcement of those measures via official requests to the *Staten-Generaal*. Furthermore, it enjoyed investments in specific elements of its local economy and saw its payment of charges reduced drastically during times of war. The position of the *Meierij* and *Staats-Brabant* more generally within the Republic was therefore nuanced and more balanced than previously thought, with Kappelhof concluding that the '*arme Brabant*' view, while understandable within its historical context, could be relegated to the dustbin.⁴³

Many of Kappelhof's arguments were echoed by Guido de Bruin in an article from 1996, aptly named '*Den Haag versus Staats-Brabant: IJzeren vuist of fluwelen handschoen?*' (The Hague versus *Staats-Brabant*: Iron fist or velvet glove?). While noting that *Staats-Brabant* had a subject status, he argued that there were good political reasons to treat it differently from the provinces, such as the destabilising effect of welcoming a large, Catholic, and Orangist voting province into the Union. Furthermore, he found that conquered regions like northern Brabant generally retained pre-existing administrative structures, ensuring that little changed in practice and that the ability of the provinces to influence local affairs through the bodies of the *Generaliteit* remained limited. This view

Eduardus Maria Vercauteren, *De aanleg van de straatweg 's-Hertogenbosch-Best als deel van de verbinding met Luik (1740-1745)* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1956]. Nijmegen: Centrale Drukkerij N.V., 1956), pp. 158-159, 161-164.

⁴² Kappelhof, *De Belastingheffing in de Meijerij van Den Bosch*, pp. 25-29, 30-31, 305-306, 328-329.

⁴³ Kappelhof, *De Belastingheffing in de Meijerij van Den Bosch*, pp. 34, 59, 287, 324, 326, 331-334.

was similarly shared by Maarten Prak, who argued that 's-Hertogenbosch, like many other areas in the Union, had entered the Republic with its privileges intact, placing an emphasis on local autonomy in its governance and on parity with cities within the provinces.⁴⁴ The Dutch state's impact on religious and financial affairs in *Staats-Brabant* – the policy areas that drew the most accusations of oppression by the Dutch state – also remained marginal according to De Bruin. The ultimate aim of maintaining stability in the frontier, in his view, furthermore ensured that taxes remained low and that the almost universally Catholic Brabantine population would not be subject to widespread persecution.⁴⁵ Commenting on taxation in the *Generaliteitslanden*, 'T Hart reinforced these claims, arguing that the *Raad van State* frequently resisted provincial calls for greater taxation of the borderlands out of fear for local unrest or emigration to the more leniently taxed Southern Netherlands.⁴⁶

By the time of De Bruin's article from 1996, however, the '*arme Brabant*' view had been largely discarded, with De Bruin's criticism of Brabantine historians for clinging on to the idea encountering considerable backlash. René Huiskamp and Ton van den Sande, for example, accused him of 'beating a dead horse', arguing that his analysis – while not wrong – made broad generalizations and created problems where there were none, as they argued that no self-respecting historian still ascribed to the idea of '*arme Brabant*'.⁴⁷

With the abandonment of old myths concerning *Staats-Brabant*'s history, recent works have added refreshing new insights regarding the region's position within the Republic as its largest borderland. One such work is C. Van der Meij's chapter titled "Divided Loyalties: States-Brabant as a Border Country", which was contributed to a broader edited

⁴⁴ Maarten Prak, 'Overvloed of onbehagen? Armoede, armen en armenzorg in 's-Hertogenbosch 1770-1850' in Jan van Oudheusden and Gerard Trienekens (eds), *Een pront wijf, een mager paard en een zoon op het seminarie: Aanzetten tot een integrale geschiedenis van oostelijk Noord-Brabant 1770-1914* ('s-Hertogenbosch: Stichting Brabantse Regionale Geschiedbeoefening, 1993): 7-44, p. 13. Prak's piece forms part of an ambitious edited volume aimed at providing a comprehensive and much-needed analysis of the history of Dutch Brabant as a whole over a prolonged time period by focusing on several specific and diverse topics, such as the development of education and the position of Jews in Brabant. While this work provides valuable new insights, its timeframe (1770-1914) ensures that only limited attention is paid to the period studied in this thesis and to the questions surrounding the *Generaliteitsland*'s place within the Republic.

⁴⁵ De Bruin, 'Den Haag versus Staats-Brabant', pp. 450-460.

⁴⁶ 'T Hart, *The Making of a Bourgeois State*, pp. 100, 219.

⁴⁷ René Huiskamp and Ton van de Sande, 'Het aflossen van een dood paard. Kanttekeningen bij Guido de Bruin, 'Den Haag versus Staats-Brabant. IJzeren vuist of fluwelen handschoen' in *BMGN-Low Countries Historical Review*, cxii, no. 1 (1997): 78-88, pp. 82-86.

volume focusing on borders and boundaries in the Netherlands. This piece points to the historiographical emphasis on the split between north and south Brabant and the resulting tensions between Brabantine and other Dutch historians. It argues that that focus should instead shift away from the border and regard the region as an interconnected borderland perpetuating the established institutions of ducal Brabant while only being loosely integrated into the Republic and Habsburg Netherlands. As such, the chapter also notes, for example, that the major city of 's-Hertogenbosch maintained significant degree of influence over the governance of the surrounding *Meierij*; a much greater extent of control than the institutions of the *Generaliteit* ever held over the city. Van der Meij therefore argued that the 'inferiority complex' of Brabantine historians and the 'superiority-complex' of other Dutch historians regarding the region's governance should make way for discussions not of northern Brabant as an integral part of a Dutch state governed by a uniform bloc of institutions in The Hague, but rather as a unique and complex borderland subject to limited governance by an equally diverse set of institutions and statesmen. Specifically, Van der Meij found that more attention should be paid to the interactions between the individuals passing through the corridors of power in The Hague and the archival material reflecting on the function of central governance of *Staats-Brabant*, claiming that too much historiography on the subject – primarily by Brabantine historians – has been supported mostly with material from regional archives.⁴⁸ In this light, the unique perspective presented by the Fagel archives provides an excellent means to address the gap in knowledge and understanding regarding the nature of *Staats-Brabant's* governance as a borderland by the actors collectively determining the *Generaliteit's* policies.

Van der Meij's emphasis on the region being studied as a borderland was shared by Bram de Ridder in his contribution to a valuable edited volume from 2020 aimed at studying the early modern Low Countries and its many complex boundaries in a transregional context (rather than a national or transnational one). In his discussion of the volatile Dutch-Habsburg frontier during the Eighty Years' War, he argued that the new, heavily militarized, fortified, and frequently flooded border between the two warring parties changed the

⁴⁸ Van der Meij, 'Divided Loyalties', pp. 32-34.

manner in which both states, as well as the local population living along the border, interacted with one another. The issuing of passports gave both states a source of security, legitimacy, and occasionally room for cooperation, as well as a source of revenue, the loss of which after the war's conclusion is noted by Kappelhof as a major financial loss for the *Raad van State*.⁴⁹ However, it also revealed the agency of local inhabitants and their administrations to adapt to the fluctuating circumstances of the borderland, responding to measures taken by both states regardless of which side of the contested border they found themselves on.⁵⁰

The interaction between statesmen in The Hague and local administrations within *Staats-Brabant*, and especially the practical impact and reception of national measures within this borderland, has also enjoyed more careful consideration in recent studies. M. van Asseldonk noted, for example, that the measure banning Catholics from public office – a consistent aspect of Dutch rule in the predominantly Catholic borderlands – had little impact in many seventeenth-century Brabantine communities, where there were often barely any reformed individuals other than the preacher and schoolmaster, both of whom could not occupy administrative offices. Nevertheless, he finds that the institutions of the *Generaliteit* gradually involved themselves to an ever-greater extent in local Brabantine affairs throughout the late seventeenth and eighteenth centuries. This involvement was especially apparent in fiscal affairs, where major reforms took place such as the 1727 decision to place the *Leen- en Tolkamer* in charge of supervising village finances, and the 1736 reforms – which are also discussed in the *griffiersarchieef* – that allowed for the collection of local and national taxes by the same official within a given jurisdiction.⁵¹

A recent and particularly insightful contribution to the analysis of interactions between the national and local administrative layers within *Staats-Brabant* is Lieuwe

⁴⁹ Kappelhof, *De Belastingheffing in de Meierij van Den Bosch*, p. 287.

⁵⁰ Bram de Ridder, 'Border Management during the Eighty Years' War: Passports for Persons Crossing the New Habsburg-Dutch Border, 1568–1648' in Bram de Ridder, Violet Soen, Werner Thomas, and Sophie Verreyken (eds), *Transregional Territories: Crossing Borders in the Early Modern Low Countries and Beyond* (Turnhout: Brepols Publishers N.V., 2020): 183-208, pp. 184-208.

⁵¹ M. M. P. van Asseldonk, *De Meierij van 's-Hertogenbosch: de evolutie van plaatselijk bestuur, bestuurlijke indeling en dorpsgrenzen, circa 1200-1832* ([doctoral dissertation, Tilburg University, 2002]. Oosterhout: Drukkerij Leonard, 2002), pp. 340-341, 346-347.

Lieuwes' study on *dorpsreglementen*, specifications of broader national laws that were passed for specific communities in order to adjust those measures to local circumstances. The *Meierij*, as a region where few regional bodies stood between the *Generaliteit* and the enactment of its policies at a local level, saw the *dorpsreglementen* applied initially to quell unrest against certain measures in specific communities, with local exceptions being legitimized by these state decrees. Lieuwes noted, however, that this administrative tool came to be used increasingly as a means to impose national measures locally, particularly in the eighteenth century, with local autonomy being sidelined. He did caution against regarding this development as a deliberate attempt at centralisation, noting that there was no clear plan to establish the administrative structures that gradually developed. Similarly, he found that various opportunities to develop a *reglement* for the entire *Meierij* were ignored, and that the practice of seeking *Generaliteit* involvement in local matters was dissuaded by its institutions by making such requests a costly affair. Rather than being an attempt at realising centralisation, the *dorpsreglementen* evolved to impact local governance as effectively as possible, a trend that saw them develop from a means to limit unrest to a tool for the imposition of state policy as the *Generaliteit* gradually became more involved in local affairs. This development was fostered, according to Lieuwes, by the practice of individuals or local administrative bodies in the borderlands to send '*rekesten*', requests for involvement in or revision of certain cases or policies, to the *Staten-Generaal*. Kappelhof noted that this was the primary means available to actors in the borderlands to impact state involvement in local affairs, despite the significant costs tied to making such a request, and as such, they are also mentioned frequently in the copies of resolutions included in the *griffiersarchief*. Lieuwes found that these *rekesten* – if they received a positive response – usually led to amendments for a specific case or decision, but could be developed into a broader policy if a precedent was acknowledged. As such, the stream of requests for state intervention in local affairs, together with the evolving implementation of the *dorpsreglementen*, eventually caused the *Generaliteit*'s involvement and influence in

local affairs to expand, sidelining its local autonomy and ensuring that future incidents would also draw the central government's attention.⁵²

As the discussion of the specific cases contained in the Fagels' papers on *Staats-Brabant* in the next chapter will demonstrate, Lieuwes' conclusions regarding the nature of central governance within Dutch Brabant are very viable. Indeed, this analysis too suggests that the institutions of the *Generaliteit* became involved increasingly, and largely inadvertently, in local affairs in their attempt to rule the region as pragmatically as possible, with involvement leading to yet more involvement over time. However, Lieuwes does not make or claim to make a comparison to the other *Generaliteitslanden*, noting only that some conditions existing in Brabant, such as the emphasis on *rekesten*, also existed in the other borderlands. By placing the study of Brabant within a broader analysis of the governance of the *Generaliteitslanden*, this thesis will argue that the developments in *Staats-Brabant* were unique to the specific context of that borderland.

In spite of the unique conditions under which each of the Republic's borderlands were governed, *Staats-Brabant*, as the largest frontier zone, forms the best setting to discuss significant administrative institutions, individuals, and processes that were largely unique to the borderlands – as opposed to the provinces – and which could generally be encountered in a more muted or selective form as well in the smaller *Generaliteitslanden*. In the next section, these aspects of borderland governance will be discussed in greater detail using cases detailed in the Fagels' dossiers.

Section II: Identifying the State and the Borderland

The archival material in the *griffiersarchief* provides extensive insight regarding the key policy areas – economy, finance, and religion – in which the bodies of the *Generaliteit*, and therefore the *griffier*, became involved, which will be discussed in the next chapter.

⁵² Kappelhof, *De Belastingheffing in de Meijerij van Den Bosch*, pp. 31-32; Lieuwes, 'Dorpsreglementen in de Meijerij van 's-Hertogenbosch 1648-1795', pp. 211-214, 310-311, 418, 472-473, 828-829, 843, 846-847.

However, through their crisis-, complexity-, and sensitivity-driven nature, they also cast light on the nature of central governance more generally in *Staats-Brabant*, revealing the many intricacies that came with the seven provinces collectively assuming the title of Duke of Brabant and ruling the territories and jurisdictions tied to it. The *Generaliteit*, after all, was not a homogenous body, nor was *Staats-Brabant* a single unit with a common interest. Cities in the frontier region could align with state policies to further their own local interests, while the primary representatives of state authority in the borderlands proved to be one of the main factors hampering effective governance by institutions in The Hague. These institutions too, however, require some nuance.

The *Staten-Generaal* and its executive arm in the *Raad van State* are frequently presented, in this thesis, as a single voice of authority that could unilaterally decide how the state's policies towards the *Generaliteitslanden* would take shape. Indeed, to a considerable extent, this approach is a viable means of describing borderland governance in the Republic, as the various forces operating within the frontier zone ultimately encountered the sovereign authority of the single and undivided *Staten-Generaal* and its subsidiary bodies in almost every issue. The deliberations, schemes, disagreements, and feuds that impacted the *Staten-Generaal's* resolutions were not directly experienced in the *Generaliteitslanden*, which only had to contend with the final product. This especially held true considering the fact that most provincial elites did not have many direct interests within the borderlands beyond the maintenance of stability, which simultaneously secured the privileges of those among their ranks who held lordships within the borderlands. As such, the provincial representatives in the *Staten-Generaal* were largely content with the *Raad van State* overseeing the *Generaliteitslanden's* day-to-day administration without any further provincial interference.⁵³

Neither the provincial delegates in the assembly of the *Staten-Generaal*, nor the bodies they represented, can be ignored in this context, however. These representatives were, after all, members of the *regent* class, the same diverse group that had a monopoly

⁵³ Maarten Prak, *The Dutch Republic in the Seventeenth Century: The Golden Age* (Cambridge: Cambridge University Press, 2005), p. 177.

on the prestigious regional administrative positions in the *Generaliteitslanden*. *Hoogschout* Van Rechteren, for example, was also a prominent Overijssel noble and a fervent Statist who had attempted to limit the influence of the underage future *Stadhouder* Willem V by urging Overijssel to vote for his wardenship under the *Staten-Generaal*.⁵⁴ Figures such as Van Rechteren, then, held considerable influence over provincial – and therefore state – politics, making the limitation of the borderland *regenten*'s power a sensitive matter. Indeed, many complications impacting the governance of *Staats-Brabant* that are detailed in the Fagel archives were fanned by *regent* abuse of their privileged position; issues that affected *regenten* represented in local administrations in the borderlands and that had to be resolved by yet another group of *regenten* – the provincial delegates in the *Staten-Generaal* and their *griffier* – to ensure effective governance while avoiding a rift in their social stratum. Such issues also demonstrate that the *regenten* as a societal group were diverse, not just because of their varying provincial or local allegiances and the implications those factors had for their influence at the provincial and national levels, or because of their differing religious or political convictions, but also because of their individual roles within the Republic's administration. As such, the rural and urban *regenten* representing the seven different provinces of the *Staten-Generaal* had to contend with members of their own social stratum who represented their authority at a regional level in the *Generaliteitslanden*, as well as with local borderland *regenten* who, while strongly tied to the *regents* operating in the provinces, did not enjoy the full influence and autonomy that that status entailed north of the great rivers.⁵⁵

⁵⁴ G. C. Ouwerkerk, 'Emeritus drossaard en incognito filosoof. Charles Bentinck tot Nijenhuis in de jaren 1754-1767' in *Virtus | Journal of Nobility Studies*, ii, no. 1 (1994): 2-10, p. 8; Nicolaas Antonius Bootsma, *De hertog van Brunswijk, 1750-1759* ([doctoral dissertation, Radboud University Nijmegen, 1962]. Assen: Van Gorcum, 1962), pp. 105-106.

⁵⁵ It should be noted – as discussed in the introduction – that some distinctions existed between, on the one hand, the *regenten* hailing from the provinces and occupying posts both within the institutions of the *Generaliteit* and at a regional administrative level in the borderlands (e.g. *hoogschout*, military governor, or *ontvanger*) and, on the other hand, the *regenten* represented in local borderland administrations. While social links existed between these two groups, the latter commanded significantly less influence and the curbing of their rights by actors within the *Generaliteit* would have been less controversial than curbing those of the provincial *regenten*.

The interests of the individual provinces as institutions could be felt in the borderlands as well. Arguably, the primary reason why the vast territory of *Staats-Brabant* was not a province could be traced back to the significant influence such a move would provide for the Orangist faction in the Republic and Holland's attempts to counteract that threat to its hegemonic position within the Republic.⁵⁶ The *Generaliteitslanden*, therefore, were distant, but not entirely out of reach for the rest of the Republic, with certain provinces – primarily Holland and those that bordered on the frontier in question – aiming to maintain certain interests or being drawn into borderland conflicts.

One notable instance of provincial involvement in the state's policies towards Brabant was spurred on by the common and ever-present threat formed by water. Following devastating flooding of the Meuse River in 1757, the *stadhouder* and several officials of the Maasland quarter of the *Meierij* approached the *Generaliteit* with the request to create an *overlaat* (a lowering in a dike to allow for the discharge of excess floodwater) near the town of Heusden in order to prevent further floods in the region. Specifically, they requested that the provinces of Holland and Gelderland, which would similarly benefit from flood prevention along the Meuse, would contribute to the funding of the project, or alternatively that the *Staten-Generaal* would find other means to relieve the Maasland quarter.⁵⁷

This request was passed to the *Raad van State*, which ordered an engineer to inspect the dikes along the Meuse, and then on to the *Staten* of Holland following the engineer's advice that an *overlaat* should be constructed. Given Holland's direct interests in the matter, its *Staten* assembly initiated another inspection of the dikes by its own engineers, which ultimately came to a similar conclusion. Based on these reports, the commission tasked with the matter within the *Staten* of Holland urged their representatives within the *Staten-Generaal* to approve the measure. Furthermore, it advised that the representatives of Holland should meet with those of Gelderland and with the *Raad van State*, representing *Staats-Brabant*, to determine the financial burden to be carried by each

⁵⁶ Prak, *The Dutch Republic in the Seventeenth Century*, p. 177.

⁵⁷ [Staten van Holland Resolution concerning the Construction of an Overlaat in the Meuse], 21 June 1759 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

interested party; a meeting likely involving – as suggested by the inclusion of the case in the *griffiersarchieff* - Hendrik Fagel the Elder as the main conduit of communications within the *Generaliteit*.⁵⁸

When the interests of northern Brabant and the provinces aligned, then, the former could at times benefit significantly from the greater wealth and influence of the latter. However, the region could also easily fall prey to provincial ambitions, as well as the Republic's politics more generally, as is demonstrated in a Fagel case concerning the postmasters of 's-Hertogenbosch. These claimed – in a letter likely sent to the *Staten* of Holland in 1762 - to have been pressured into signing a particularly unfavourable contract by the postmasters of Holland, with the threat that the latter, controlling various postal routes in Brabant, would deny them access. Arguments from the city that such practices would cause serious unrest in the city and its garrison, foster the transportation of post along rivers instead of the roads, and disrupt trade between Holland and Liège – which would significantly impact not only Holland but also 's-Hertogenbosch, as a major entrepot on that trade route – were unable to move the *Staten* of Holland, which took up its postmasters' case. A plea to the Holland administration to view the subjected region's plight as a co-sovereign within the *Staten-Generaal* proved equally ineffective. Ultimately, these conditions led the city to threaten cutting off all ties with the Holland postmasters, which would cause serious damage to itself, more so than to Holland, but which it deemed preferable to signing an unfair contract forced upon it through what it perceived as particularly underhand means. Given the incorporation of this issue in the Fagel archival documents, it is likely that this threat led the conflict between the Holland and Brabantine postmasters to be escalated to the *Staten-Generaal*, with the *griffier* being left to navigate its sensitivities.⁵⁹

Beyond Holland and the other provinces, the Brabantine borderland also felt the influence of another major force within the Republic's politics, the Orange-Nassau family.

⁵⁸ [Staten van Holland Resolution concerning the Construction of an Overlaat in the Meuse], folder 1724, pp. 2-6.

⁵⁹ ['s-Hertogenbosch Magistracy Letter to the Staten van Holland concerning a Conflict over Postal Routes], [1762] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-4, 6, 14, 18-19, 25.

The dynasty enjoyed an unprecedentedly powerful position within *Staats-Brabant* due to its lordship over every major jurisdiction in the region other than the marquissate of Bergen-op-Zoom and the *Meierij* of 's-Hertogenbosch, with several smaller lordships within the *Meierij* also falling under its authority. As such, in governing northern Brabant, the *Generaliteit* had to contend with a powerful lord who enjoyed the many privileges of Brabant, who had numerous influential connections including the Fagel family, and opposition to whom could trigger resistance from one of the Republic's two major rivalling parties, a faction which, after the *Stadhouder's* restoration in 1747, was relatively unrivalled until the latter part of the eighteenth century.

It was for these reasons that the state's policies in *Staats-Brabant* were mostly limited to the *Meierij*, though here too, it could encounter the opposition of the Orange-Nassau family. Such was the case in 1750, when Willem IV decided that he, as the lord of Eindhoven, should no longer be held to the laws and regulations concerning the maintenance of roads and waterways. These stated that local authorities in the duke's territories and lords in their respective lordships were responsible for said maintenance, being subjected to annual inspections by the *rentmeester-generaal* and a fine if the roads and waterways were found to be in a poor state. However, the prince ordered his local officials to draft new placards regulating the matter without involvement of the *rentmeester-generaal*.⁶⁰

In response to Willem IV's decision, the *Raad van State* argued that a uniform policy towards road and water management was required, for if each lord adopted their own approach, rivers would flood, roads would fall into disrepair, and armies would no longer be able to march in times of war. Furthermore, it noted that medieval law assigned the duty of road and river maintenance to the land's ruler, or the institutions tasked by them to take charge in the matter. Successive dukes, as the rulers of Brabant, had enacted several regulations concerning road and water management, with these matters never becoming the subject of local privileges. The representatives in the *Raad van State* therefore also

⁶⁰ [Raad van State Letter to the Prince of Orange concerning the Inspection of Roads and Waterways], 2 November 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 3-5, 7.

argued that they knew of no lordship, either within Habsburg or Dutch Brabant, that had ever seen its lordly rights extended to include inspection of roads and waterways. As such, the Noble Mighty Lords informed the prince that they would happily consider the matter with his *Domeinraad*, but that they, as the body charged with upholding the state's law in *Staats-Brabant*, saw no reason to make an exception for the prince based on the established legislation of the state and that inherited from ducal Brabant.⁶¹ Here again, finding a compromise between effective governance of the *Generaliteitslanden* by a state institution and the considerable influence of the *Stadhouder* was a sensitive matter best managed by Hendrik Fagel the Elder, a key servant of the *Generaliteit* whose family enjoyed warm ties with the Orange-Nassau family, and a figure whose interests were best served if those two forces interacted amicably without forcing him to choose a side.

The authority exercised by Dutch state institutions in the periphery, then, was multifaceted and complex. It combined the interests and ambitions of numerous administrative bodies and individuals operating from The Hague, the individual provinces, and the borderlands themselves to form a unified policy towards *Staats-Brabant* and the Republic's other frontier zones. While borderland society largely perceived only the final compromise between these conflicting interests, channelled through the institutions of the state and its local representatives, that authority too was not always uniform in nature. The *Staten-Generaal* was, after all, not only the primary body of the Republic's central government, to which *Staats-Brabant* was ultimately subjected, but it had also taken up the mantle of Duke of Brabant, making it both the sovereign and feudal lord of the region.

The largely feudal character of the Republic's claim to northern Brabant mirrored the political situation across the border. The Austrian Netherlands had been acquired by the Austrian archduke as a personal union, keeping its strongly particularistic feudal structure intact. This state of affairs was further reinforced by the 1715 Barrier Treaty, which stipulated that the existing political structure could not be altered. Here too, then, claims of local privilege frequently trumped centralising policies, particularly in Habsburg Brabant,

⁶¹ [Raad van State Letter to the Prince of Orange concerning the Inspection of Roads and Waterways], folder 1724, pp. 2-3, 13-14.

ensuring that authority was decentralised and taxes remained limited, being considerably lower than in the Republic, France and England. While initially being unable to counteract these influences, the stabilisation of Austrian authority following the War of Austrian Succession and its 1756 alliance with France allowed the Viennese court to subject the region's existing structure to itself gradually, sidelining prominent local actors. Nevertheless, the governance of the Austrian Netherlands remained strongly decentralised until the late eighteenth century.⁶²

In the Republic, the dichotomy between the feudal and centralised aspects of the *Staten-Generaal's* authority was best represented by the *Raad van Brabant*. As the council of the Duke of Brabant, it had become a tool of the *Staten-Generaal*, thereby also making it an official institution of the *Generaliteit* situated not in Brabant but in the Republic's capital alongside all other central governing bodies. However, it was charged primarily with upholding the rights, laws, and privileges of ducal Brabant, which had been enshrined firmly in the capitulation of 1629, making it the only body that could represent the entirety of Dutch Brabant and protect its old feudal order from infringements by the *Generaliteit*. As such, this body's role and allegiances proved remarkably inconsistent in the issues brought up in the Fagel archives, and indeed, the complications arising from its conflicting interests are likely the reason why such cases feature prominently in the Fagels' records on complex cases. In some instances, the *Raad van Brabant* would be seen leveraging its elevated status as a body of the *Generaliteit* to crack down on argumentative city magistracies, while in others, it would protect the privileges of those same local jurisdictions by incessantly citing the terms under which the Republic had acquired northern Brabant to the ruling institutions in The Hague.

In several of the cases included in the Fagel dossiers, the *Raad van Brabant* can be seen fulfilling the primary role with which it was entrusted by the institutions of the *Generaliteit* and which it similarly served on the other side of the border and under previous Habsburg and Burgundian Dukes of Brabant: settling conflicts between local actors that

⁶² P. Janssens, 'De Spaanse en Oostenrijkse Nederlanden' in J.C.H. Blom en E. Lamberts (eds), *Geschiedenis van de Nederlanden* (Amsterdam: Prometheus and Bert Bakker, 2015): 221-268, pp. 235-247.

could not be resolved in a lower court and judging on matters relating to the duke's rights. The body mediated, for example, in a conflict between 's-Hertogenbosch and the Peelland quarter over a charge paid by the latter to the city, eventually endorsing the city's claim that the charge, which was based on twelfth- and fifteenth-century legislation, was its established privilege that had remained unaltered under Dutch rule.⁶³

More frequently, however, the *Raad van Brabant* was not a neutral arbiter in the Brabantine affairs that reached the Fagel *griffiers*, but rather the subject of controversy itself, which was likely the factor necessitating the *griffiers*' involvement. This was the case in 1744, when the *Raad* pardoned Allegonda Maria Coehoorn and her sisters. Coehoorn and her siblings had fallen into considerable debt after the death of their father, a former lieutenant-colonel in the army, resulting in their creditors approaching the *schepenen* of 's-Hertogenbosch to take measures against them. What these measures involved precisely is unclear, but they were primarily punitive, resulting in the incarceration of the women under harsh circumstances. However, the Coehoorn family group had brought their case before the *Raad van Brabant*, which chose to pardon them and instead subject them to the sale of their goods in order to pay off their debt.⁶⁴

From this point onward, the issue at hand - described in an extensive letter by the magistracy of 's-Hertogenbosch to the *Staten-Generaal* complete with supporting documents – no longer concerned the Coehoorn sisters or their debt, but rather the place of the *Raad van Brabant* within Brabantine jurisdiction and, specifically, its ability to interfere in 's-Hertogenbosch's proceedings. The latter argued that the Great Privilege of 1451, passed by Phillip III of Burgundy, had limited the duke's rights, ensuring that the duke's council could no longer intervene in decisions made by lower courts. The only exceptions were those instances in which the lower courts had insufficient knowledge - primarily in cases involving more than one individual jurisdiction in Brabant - and cases

⁶³ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal concerning its Conflict with the Peelland Quarter], 1715 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-3.

⁶⁴ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal concerning the Case of Allegonda Maria Coehoorn Cum Suis], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-2, 6.

touching on the sovereign's authority. Furthermore, the city noted that those same limits to the duke's power and that of the ducal council persisted under the Republic's rule, requiring that the *Raad van Brabant*, and by extension the *Staten-Generaal*, should respect the privileges of 's-Hertogenbosch.⁶⁵

The *Raad van Brabant* contended that it was common practice within the Republic to allow debtors capable of potentially rescuing their situation to do so without too rigorous interference from their creditors. In case the debtors did encounter such hindrances, they could turn to the state's institutions for protection, which was precisely what Coehoorn and her sisters had done. As such, the *Raad van Brabant* had pardoned them through its "right knowledge, sovereign might, and authority", adding that it was not the place of a city magistracy to question a higher court or to accuse it of misconduct before the sovereign.⁶⁶ Essentially, then, its position was that the state could no longer be held to the concessions of previous centuries, with the institutions of the *Generaliteit* being sovereign and therefore wielding greater authority over judicial matters, through the *Raad van Brabant*, than a local government.

The conflict in 's-Hertogenbosch tied into a similar dispute taking place in Breda. Here, Pieter Jacquij had been condemned to death in 1707. However, considering the sentence to be a severe miscarriage of justice, his wife and friends sought and received a suspension of the sentence from the *Raad van Brabant*, giving them time to make their case. Breda, like 's-Hertogenbosch in the Coehoorn case, regarded the *Raad's* actions as an incursion upon its rights and privileges, requesting that the *Staten-Generaal* order its ducal council to retract the decision. The response of the *Raad van Brabant*, detailed in a *Staten-Generaal* resolution from 15 April 1707 copied into the Fagel archives, saw it seeking the *Staten-Generaal's* advice on two legal questions, namely: one, whether criminal cases could be appealed or reformed under the rights, laws and privileges of Brabant; and two, if such

⁶⁵ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal concerning the Case of Allegonda Maria Coehoorn Cum Suis], folder 1722, pp. 14-16, 33.

⁶⁶ Ibid., pp. 10-11, 24.

reform or appeal proved impossible, whether the *recursus ad principem* – an appeal on the sovereign’s intervention in cases of severe miscarriages of justice – could be relied on.⁶⁷

The *Staten-Generaal* noted, regarding the first point, that appeal or reform in criminal cases was, in theory, not possible under the laws, rights, and privileges of Brabant. However, it remained undecided on whether that conclusion also meant that such cases could not be appealed or reformed in general (or in other words, whether the rights, laws, and privileges of Brabant were significant enough to take into account in this context).⁶⁸ This point continued to cause controversy, however, with a *Staten-Generaal* resolution 46 years later, in 1753, noting that the matter remained unresolved. The 1753 resolution appears to have endorsed the validity of Brabant’s privileges, adding that appeal and reform was not possible in criminal cases based on said rights except in those where there were clear indicators of procedural errors or inconsistencies.⁶⁹ After 1753 too, the matter remained undecided, with a report from the *advocaat-fiscaal* of Brabant noting in a report from 1756 contained in the *griffiersarchief* that the issue was made commissarial by the High and Mighty Lords and therefore largely sidelined by the institutions of the state. This report was written in response to the slow proceedings and notably argued in favour of the region’s established rights, in contrast to the *Raad*’s earlier position. In doing so, the *advocaat-fiscaal* also noted that it was not the place of the sovereign to limit these privileges except in the most extreme circumstances, though even then, it needed to provide a good reason to do so.⁷⁰ However, despite (or perhaps because of) this pointed

⁶⁷ Within the Republic’s legal system, appealed cases saw their proceedings terminated and considered anew in a higher court, whereas reformed cases would only see alterations of the original proceedings. Erik-Jan Broers, ‘“Vrij onbeschaamt en zeer oneerbiedig”: de civiele rechtspraak in Brabantse beledigingszaken in de zeventiende en achttiende eeuw’ in *Leidschrift*, xi, no. 2 (1996): 55-72, p. 71. [Staten-Generaal Resolution concerning a Conflict between Breda and the Raad van Brabant], 15 April 1707 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1718), pp. 1-3.

⁶⁸ [Staten-Generaal Resolution concerning a Conflict between Breda and the Raad van Brabant], folder 1718, p. 3.

⁶⁹ [Staten-Generaal Resolution concerning Appeal of Criminal Cases], 25 July 1753 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1718), pp. 1-2.

⁷⁰ [Memorie of the Advocaat-Fiscaal concerning Cases of Appeal], 20 December 1756 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1718), pp. 3, 11-12.

claim, the matter was once again made commissarial, placing it well beyond the provincial delegates' concern, at least temporarily.⁷¹

Regarding the *Raad van Brabant*'s second and more significant question posed in 1707 – whether one could appeal to the sovereign – the *Staten-Generaal* did take a more concise stance. It stated that the *recursus ad principem* remained an option in cases of severe miscarriages of justice. However, the sovereign that could be appealed to was the *Staten-Generaal* exclusively. As such, the *Raad van Brabant* had no right to exert the sovereign authority.⁷² This verdict was therefore also referenced by the 's-Hertogenbosch magistracy in the conflict over Coehoorn's debt in 1744 to contest the *Raad*'s claims of wielding sovereign might.⁷³

The *Raad van Brabant* evidently formed an extension of the state's authority in northern Brabant on occasion, enacting its role as an established body of the *Generaliteit*. Being the primary court to consider matters such as Brabant's privileges, it could use its influence to cast claims of local autonomy aside and to interfere with local proceedings in the name of the sovereign without implicating the primary ruling bodies in The Hague – the *Staten-Generaal* and *Raad van State* – directly. In fact, as the events of 1707 demonstrated, these at times had to rein the Brabantine *Raad* in to keep its pretensions of sovereign authority and the imposition thereof on Brabant's jurisdiction in check.

Despite the *Raad van Brabant*'s position at the centre of the *Generaliteit*'s influence and its tendency to act accordingly, however, its conduct was by no means consistent in the legal controversies brought before the *Fagel griffiers*. It could keep the state's power in Brabant in check by citing and protecting its established privileges just as much as it helped to extend provincial influence in the frontier. Furthermore, when it did act the part of a

⁷¹ [Staten-Generaal Resolution concerning the Memorie of the Advocaat-Fiscaal of Brabant], 24 December 1756 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 1261): 156-158, p. 158, retrieved from:

https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/1261/file/NL-HaNA_1.01.02_1261_0158.

⁷² [Staten-Generaal Resolution concerning a Conflict between Breda and the Raad van Brabant], folder 1718, p. 3.

⁷³ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal concerning the Case of Allegonda Maria Coehoorn Cum Suis], folder 1722, p. 13.

state institution, it regularly did so to expand its own authority. As such, while the *Raad* at times formed a useful tool for the state's administration of Brabant, it often simultaneously formed a burden; an institutionalised reminder of the fact that the state's authority in *Staats-Brabant* was ultimately limited.

The most significant clash between the *Raad van Brabant* and the rest of the *Generaliteit* was the result of a 1720 tax riot in the Brabantine exclave of Grave following the establishment of a new tax office for the *Brabantse landtol*. The economic factors leading to the outbreak of this revolt – the only major tax revolt detailed in the Fagel dossiers on Brabant - will be dealt with in more detail in the next chapter. The main reason for the case's inclusion and extensive documentation in the Fagel archives, however, was its jurisdictional complexity, exacerbated by the fact that it not only concerned the duke's rights through the imposition of the *Brabantse landtol*, but also those of the Orange-Nassau family as the lords of Grave. The primary conflict, however, existed between the *Raad van Brabant* and the *Raad van State*; two bodies that shared the same row of buildings along the northern edge of the *Binnenhof*, together with the *Griffie*, *Staten-Generaal*, and *Generaliteitsrekenkamer*.⁷⁴ Following the riot, both bodies mobilised and sent representatives to Grave in order to assess the situation.⁷⁵ The issue at hand, however, was not only the criminal question of who would prosecute the rioters in Grave, but also the civil question of whether the establishment of a new toll office had been justified.⁷⁶ The *Nassause Domeinraad* started legal proceedings over these matters before the *Raad van Brabant* against the *pachters* of the toll, who in turn sought protection from the *Raad van State*. Matters eventually escalated to the point where the local garrison, being under the

⁷⁴ For a comprehensive overview and map of the *Binnenhof* governing complex, see: Thomassen, 'Instrumenten van de macht', pp. 21-33.

⁷⁵ [Three Compiled Letters from the Raad van State and Raad van Brabant concerning the Grave Toll], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1719), pp. 11-14.

⁷⁶ [Staten-Generaal Resolution concerning Various Legal Disputes surrounding the Brabantse Landtol], 15 February 1721 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 831): 100, p. 100, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/831/file/NL-HaNA_1.01.02_831_0100.

command of the *Raad van State*, drew its weapons to prevent the publication of the legal proceedings in the town by an official sent by the *Raad van Brabant*.⁷⁷

After January 1721, the dust started to settle in Grave. However, the dispute between the two *Raden* in The Hague carried on for several months, with the *Staten-Generaal* taking on the role of arbitrator between its primary administrative arm in the *Generaliteitslanden* and its ducal council. The *regenten* staffing the *Raad van Brabant* claimed, regarding the civil case, that the *Brabantse landtol* was a measure tied directly to the ducal title, and therefore was to be left to the duke's administration, rather than that of the state. By extension, they also regarded themselves as being responsible for the protection of privileges that exempted towns such as Grave from the toll. Their counterparts in the *Raad van State* did not contest these claims but argued that fraud and evasion of tolls did fall under their competencies. As such, the establishment of toll offices in toll-exempt areas – a common practice according to the members of the *Raad van State* – was not the *Raad van Brabant's* concern as long as the inhabitants of such areas were themselves not subjected to the tax.⁷⁸

The arguments in the civil case similarly fuelled both parties' positions regarding the criminal case. The members of the *Raad van Brabant* argued that their exclusive jurisdiction over the *Brabantse landtol* also extended to arising criminal cases, adding that the riot was an attack on the sovereign's influence locally and therefore a matter to be brought before the sovereign's highest court in Brabant.⁷⁹ The Noble Mighty Lords of the *Raad van State* retorted that they were charged with counteracting all disturbances in the collection of tolls, no matter their size or nature, and that any claims of protecting the sovereign's

⁷⁷ [Three Compiled Letters from the Raad van State and Raad van Brabant concerning the Grave Toll], folder 1719, pp. 8, 15-16.

⁷⁸ [Third Letter from the Raad van State concerning the Grave Toll], 8 February 1721 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1719), pp. 1-2, 6.

⁷⁹ [Second Letter from the Raad van Brabant concerning the Grave Toll], 4 February 1721 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1719), p. 10; [Third Letter from the Raad van Brabant concerning the Grave Toll], 18 February 1721 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1719), p. 10.

authority could not be used against a higher body of the state's government, which the *Raad van State* ultimately was.⁸⁰

For the lords of the *Staten-Generaal* and the provinces they represented, the rivalling views presented by the *Raad van State* and the *Raad van Brabant* concerning Grave symbolised two different approaches that could be taken towards the governance of Brabant. Accepting the former's points would see the *Generaliteit* tap into a lucrative new source of revenue by levying tolls on the multitude of foreign goods passing through the Brabantine exclave. However, expanding its influence in this field would upset the region's established privileges and infringe upon the rights of the powerful – though, in 1721, temporarily sidelined – Orange-Nassau family. The alternative, presented by the *Raad van Brabant*, was to respect the region's established customs and rights, which predated Dutch rule of the region and limited the *Generaliteit*'s rights to the conditions it had accepted almost a century earlier. Grave therefore presented an opportunity at the cost of greater state involvement and resistance thereto, an opportunity which the *Staten-Generaal*, following legal advice from the *Hoge Raad van Holland*, ultimately allowed to pass by. While it did respect the *Raad van State*'s claims in the criminal matter, allowing it to prosecute the rioters in Grave, the more significant civil question concerning the establishment of new tolls was decided in favour of the *Raad van Brabant*.⁸¹ Presumably, this was done because allowing the establishment of a new toll office in the face of local unrest, conflict with Grave's powerful lord and *Domeinraad*, and the questioning of the privileges enshrined in the duchy of Brabant's administrative structure was simply not worth the effort, even for a significant increase in toll revenues. As such, the *Raad van Brabant* had successfully defended the autonomy of Brabant and the privileges on which it was based against the ambitions of actors within the *Generaliteit*, despite being a centrally-based institution.

It is perhaps unsurprising, then, that the *Raad van Brabant* maintained an uneasy position within the *Generaliteit*, a matter complicated not in the least by its physical

⁸⁰ [Three Compiled Letters from the Raad van State and Raad van Brabant concerning the Grave Toll], folder 1719, p. 6; [Third Letter from the Raad van State concerning the Grave Toll], folder 1719, p. 5.

⁸¹ [Staten-Generaal Resolution concerning the Verdict on the Grave Toll Conflict], 1 May 1721 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 834): 8-9, pp. 8-9, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/834/file/NL-HaNA_1.01.02_834_0008.

location at the *Binnenhof* in The Hague and the fact that it was staffed not by Brabantine prominents, but by various provincial *regenten*. Indeed, a list of key officials in the *Raad van Brabant* between 1672 and 1717 contained in the Fagel archival supplement includes prominent names such as Van Slingelandt and, from 27 June 1686, Cornelis Gerrit Fagel.⁸² Just like the powerful *regenten* overseeing regional governance in the borderlands, then, the inherent ties between the member of the *Raad van Brabant* and those staffing the rest of the state's institutions ensured that this body had considerable influence in The Hague, while also causing many of the complications faced by the *Generaliteit* in its borderlands. After all, the *regenten* in the *Raad van Brabant* received their influence from their administrative post, which in turn was legitimised by the perpetuation of ducal authority in Brabant, causing them to clash with members of bodies such as the *Raad van State*, which represented the state's, rather than the duke's, rights and interests. Such rifts, then, had to be mended by figures who could mediate between and exert influence over both institutions, figures such as the *griffier*. Indeed, the Fagels appear to have been deeply involved with the position of the *Raad van Brabant* and its members within the *Generaliteit*, as their archives contain – apart from documents detailing the *Raad's* involvement in cases of appeal and the Grave affair in folder 1718 and 1719 respectively – an extensive set of documents listing officials occupying various posts within that body over time in folder 1716, as well as documents detailing concerns regarding the financial compensations for their work in folder 1716 and 1717, which will be discussed below.

The controversy surrounding the Grave tolls demonstrated that the *Raad van Brabant*, from its position in The Hague, could interfere with state policies from within the heart of Dutch politics, questioning decisions taken by institutions that held their meetings only a few doors down the hall. However, the *Raad's* functioning from The Hague also meant that it could be kept on a short leash by the other institutions of the *Generaliteit* and those of the powerful province of Holland, while simultaneously being kept far from the territory from which it derived its legitimacy and influence. As such, the documents in the

⁸² [List of Extraordinaris Raden in the Raad van Brabant with a Staten-Generaal Resolution from 7 August 1717], [7 August 1717], (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 251), p. 1.

griffiersarchief suggest that the *Raad van Brabant* also found itself in a perpetual struggle to gain equal standing within The Hague, or to be relocated to one of Brabant's major cities where it could carry out its role without the rest of the *Generaliteit* breathing down its neck.

In a letter to the *Staten-Generaal* from 14 January 1739, the *Raad van Brabant* outlined the evolution of its *Tractement* - the annual compensation paid by the state to those holding positions within the *Raad* - since it was first fixed at 1200 guilders per member in 1633. Since the inception of its *tractement*, the *Raad* had continuously argued that what it received was insufficient to account for the relatively high costs of living in Holland and for the taxes imposed within that province, suggesting that such costs could be negated if the *Raad* were moved to one of Brabant's cities. The compensation was eventually increased to 1500 guilders annually in 1669, but as early as 1673, the *Raad* found that the increase had been absorbed entirely by new taxes levied in Holland. It therefore requested, in 1674, that it would either be exempt from paying charges imposed by the province of Holland, or that it would be compensated for them in its *tractement*. Neither request was granted, leading the *Raad* to request another increase to 1800 guilders in 1687.⁸³

The 1687 proposal had appeared to gain the support of several provinces, most notably that of Holland, but a decision by the *Staten-Generaal* was postponed to allow for further deliberation. As such, the *Raad van Brabant* encountered the *Staten-Generaal's* unrivalled ability to consider matters carefully without ever taking a decision. When the *Raad* once again prodded the assembly of the *Staten-Generaal* to take a decision in 1707, after citing the fact that costs in Holland had only gone up since their last request, the matter was once again closely considered by several provinces and subsequently made commissarial. Another attempt was made in 1724, with the *Raad* noting that the matter must have been fully deliberated over the preceding decades, thereby necessitating a decision. Indeed, the *Staten-Generaal* was moved to allow two representatives of the *Raad van Brabant* to make their case to its members, who subsequently decided that the

⁸³ [Raad van Brabant Letter to the Staten-Generaal concerning the History of its Tractement], 14 January 1739 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1716), p. 1.

tractement would not be increased, nor would the *Raad* be exempted from charges levied in Holland.⁸⁴

The passing of a new tax by the *Staten van Holland* in 1727 had prompted the *Raad van Brabant* to renew its protests, arguing that the measure impacted it to a considerably greater extent than any other court of justice in Holland. Furthermore, it found that it, as a body of the *Generaliteit*, should stand above Holland's taxes. The *Raad's* complaints, however, once again fell on deaf ears, with the matter being taken into consideration by the delegates of Holland and subsequently being made commissarial. These events had therefore led to the letter of 1739, in which the *Raad* renewed its pleas to the *Staten-Generaal* to adjust its *tractement* to the ever-increasing costs of operating from Holland.⁸⁵

The 1739 letter's fruitlessness is demonstrated by a second letter held in the *griffiersarchief*, sent by the *Raad van Brabant* to the *Staten-Generaal* in 1759. In it, the members of the former noted that their 1739 letter had been made commissarial, prompting them to request once again that the *Staten-Generaal* would translate its extensive deliberation into concise actions to aid the faltering finances of the *Raad*. They added that the *Raad* was the only body of the *Generaliteit* that was subjected to the mounting costs of living and the ever-increasing tax burden of Holland without receiving proper compensation. As such, following all relevant calculations, it found that the prestigious position of president of the *Raad van Brabant* yielded little more than what a servant of the High and Mighty Lords would earn.⁸⁶

While the 1759 letter had been made commissarial, it was brought up in the *Staten* of Holland on 7 February 1761. Once again, this body showed some willingness to placate the *Raad van Brabant*, but ultimately found that little could be decided until the *Staten-Generaal* had considered the matter. Furthermore, it noted that the *Raad* had failed to pay charges worth 3000 guilders by granting itself an exemption from them in anticipation of a favourable *Staten-Generaal* resolution. These measures were seen as illegal by the *Staten* of

⁸⁴ Ibid., pp. 1-3.

⁸⁵ Ibid., pp. 3-4.

⁸⁶ [Raad van Brabant Letter to the Staten-Generaal concerning an Increase in its Tractement], 5 November 1759 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1717), pp. 1-3.

Holland, which argued that existing laws could not be interrupted by measures that were still under deliberation. As such, it found itself willing to support the *Raad*'s cause only as long as the latter would pay its dues. Notably, the measure it ultimately suggested to aid the Brabantine body was not to increase its *tractement* or to exempt it from Holland's taxes, but rather to leave several positions within the *Raad* vacant without lowering the overall sum transferred to it, thereby allowing its remaining members to enjoy a greater portion of their combined *tractement* while adding no further burdens to the state's poor finances.⁸⁷

Such a solution would likely have gained considerable traction within the assembly of the *Staten-Generaal*, as it would limit the *Raad van Brabant*'s influence within the *Generaliteit* while simultaneously silencing its members' complaints regarding their *tractement*. Indeed, this must have been the aim of the provincial delegates, none of whom – despite potential individual local interests - were aided by the effective defence of Brabantine autonomy by an institution they could not readily control or by the greater burdens for the state's treasury that increasing the *tractement* would entail, but who similarly wished to avoid outright confrontation with their colleagues, friends, and family staffing the *Raad van Brabant*. As such, where the assembly of the *Staten-Generaal* proved more than capable of making matters commissarial and subsequently taking a decision within days in cases that truly concerned it, it could use the same tool to postpone indefinitely decisions on matters it preferred to see undecided and forgotten about. Confronting the *Raad* directly would have come at a significant cost for the *Generaliteit* and its officials, calling the legitimacy of the state's rule over northern Brabant into question and creating a rift between the *regenten* ruling from The Hague. However, the same effect could be achieved gradually by simply refusing to adjust the *Raad*'s *tractement* to the changing times, making request after request commissarial for over a century in an attempt to marginalize the *Raad*'s position in borderland governance through the sheer power of neglect.

⁸⁷ [Staten van Holland Resolution concerning the Raad van Brabant's Tractement], 7 February 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1717), pp. 1-3.

Governing *Staats-Brabant*, then, required maintaining a careful balance between the interests of various local, regional, and state actors who could be just as valuable in the enactment of state policy as they could be troublesome. Maintaining smooth cooperation between the various actors influencing the region's administration was one of the key competencies of the Fagel *griffiers*. Their documentation of complex and sensitive cases pertaining to *Staats-Brabant*, which focus primarily on economic and financial, as well as religious affairs, will therefore be the focus of the next chapter, which will analyse those cases in order to shed light on the region's position within the Dutch state.

Chapter IV. Privileged, Penniless, and Papist: *Staats-Brabant*

Part II: Economic, Financial, and Religious Policy

Section I: Desolation, Delinquents, and Debt

Following the end of the War of Spanish Succession in 1713, the poor economic state of northern Brabant was undoubtedly the most pressing issue for the *Generaliteit* in this region and prompted a comprehensive relief effort in 1724. The causes of Brabant's destitute conditions were manifold, though most notable among them was the impact of warfare. The region, along with Flanders, had already been knocked off its pedestal as one of the most prosperous provinces of the Low Countries due to the protracted violence it endured as a frontier zone during the Eighty Years' War. Despite enjoying limited economic recovery following the conflict, that progress was erased by the multiple wars against France in the late seventeenth and early eighteenth centuries.¹ The lengthy letter from local and regional officials cited in the opening of the previous chapter stated that Brabant's towns and villages were forced to pay occupying French troops considerable tribute; sums that required securing unsustainable loans.² Indeed, these so-called *contributiën* to the French army took a particularly heavy toll on the region's prosperity.³

Aside from direct violence or the threat thereof, warfare in the region also disrupted trade and led to depopulation, with as much as a third of the land in *Staats-Brabant* lying abandoned after 1648.⁴ This was no different in the early eighteenth century, with the recultivation of abandoned and barren lands being one of the key aims of the state's ensuing relief efforts.

¹ Guido de Bruin, 'Den Haag versus Staats-Brabant. IJzeren vuist of fluwelen handschoen?' in *BMGN-Low Countries Historical Review*, cxi, no. 4 (1996): 449-463, p. 455.

² [Letter from Various Officials in Staats-Brabant to the Raad van State], 14 March 1726 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 7-8.

³ F. S. C. Derks and Johannes G. M. Sanders, 'Belastingen' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 128-160, p. 141.

⁴ De Bruin, 'Den Haag versus Staats-Brabant', p. 455.

Trouble for the population of Brabant also brewed beyond the realm of conflict, however, as the region saw itself plagued by various extraordinary misfortunes, including droughts, crop failures, hailstorms, and disease.⁵ Particularly the failed harvests of 1723 and 1724 appear to have caused alarm, with the lords of the *Raad van State* noting, while presenting a draft relief plan in 1724, that such events ought to be accounted for if the central institutions of the state truly intended to help their ailing borderland.⁶

Not only Brabant endured economic difficulty after 1713. Despite being a military and diplomatic success for the Republic, the War of Spanish Succession had seen it accumulate considerable debt to support its sizeable armed forces. Struggling to maintain the cycle of accumulating debt to support military operations that was key to its functioning, the Dutch economy began to falter following the war.⁷

The economic hardship endured by the Republic as whole was also felt – perhaps most keenly – in the already overburdened borderlands. A letter from the ‘s-Hertogenbosch magistracy in 1733 argues, for example, that the city had quite drastically suffered from the financial decisions of the *Generaliteit* in the decade following the 1713 Treaty of Utrecht. It found that the state subsidy it had received for the maintenance and restoration of its walls, gates, bridges and other fortifications, parts of which were damaged in the war, had not been paid for some time, leaving the city with the burden. Furthermore, a subsidy that would compensate one fourth of an increase in the *gemene middelen* tax – enacted in 1694 – was not only cancelled in 1717, but the money already received was also withheld from the city’s budget over the following few years. While the subsidy was reinstated in 1723, this was done under the condition that if the *pachters* of the tax went bankrupt, then the lost tax revenue would be deducted from the city’s finances. The letter notes, for the year

⁵ [Letter from Various Officials in Staats-Brabant to the Raad van State], folder 1724, pp. 3-4.

⁶ Ibid., p. 13; [Raad van State Resolution concerning Relief Efforts], 8 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

⁷ Jonathan I. Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon Press, 1995), p. 986.

1725, that this measure had cost the city more than it had received from the subsidy in the first place.⁸

Brabant's inclusion in the Republic also meant that it was affected by the financial policies of the provinces and subject to the provinces' collective interests through the *Generaliteit* without having any say in them within the assemblies of the *Staten-Generaal* or *Raad van State*. The same letter from the 's-Hertogenbosch magistracy notes, for example, that Holland passed two resolutions in 1703 and 1704 dictating that the uniforms of all troops it contributed to the state's armies could only be provided by Holland-based tailors. This initiative was followed by all other provinces, ensuring that the large 's-Hertogenbosch garrison could no longer be supplied by local businesses. As a result, many of those working in the once thriving local cloth industry left, causing the city to go into a marked decline.⁹

Being subject to the *Generaliteit* furthermore meant that governance at the regional level was enacted by provincial *regenten*. However, these figures sometimes proved a greater burden than benefit for the local administration and its finances. A case from 1727, for instance, shows friction between the 's-Hertogenbosch magistracy on the one hand and the *hoogschout*, as well as the governor, captain, and major from the local garrison, on the other regarding the matter of the *recognitiegelden*, a form of salary bonus paid by the city to the local state officials on special occasions.¹⁰ Citing the city's desperate financial situation, the magistracy decided to reduce these payments by a fifth, claiming that doing so was their privileged right and that the *recognitiegelden* were only ever an extra benefit, which they were never obliged to pay but did so voluntarily. The state officials' response was that these payments had been made for so long that they had become an inherent right of their position, which would otherwise be not nearly as appealing. Instead, they claimed that the city ought to find financial solace by organising fewer city-wide festivities.

⁸ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal describing the City's Finances], 1733 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-2.

⁹ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal describing the City's Finances], Folder 1722, pp. 2-3.

¹⁰ M. W. van Boven, 'Bestuur, rechtspraak, en notariaat' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 76-127, p. 81.

Counterclaims from the magistracy that no such festivities had been organised in living memory and that they had already reduced their own pay by a fifth 25 years prior were ridiculed, with the provincial *regenten* noting that a change in the salary of the city's officials was hardly significant enough to impact its finances.¹¹

Despite the magistracy's protestations to the assembly of the *Staten-Generaal*, the latter decided, in a resolution from 31 March 1729, that the city should pay the *recognitiegelden* in full, citing the argument that the continuous payment of this voluntary sum had set a precedent and made it an inherent part of the state officials' positions.¹² In another resolution from the next year, it noted that the city's administration had refused to process the payments despite the previous resolution, ordering the magistracy to comply within six weeks.¹³ The aforementioned letter detailing the poor state of 's-Hertogenbosch's finances suggests that the city did eventually comply, as it notes that the magistracy had to take on considerable extra loans, in part to facilitate overdue payments of *recognitiegelden* to the *hoogschout*, governor, commander, and major.¹⁴ Eventually - and perhaps due to the precedent set in this case - the payment of *recognitiegelden* did become obligatory in the eighteenth century, with high-ranking state officials no longer being granted the money, but rather demanding it.¹⁵

The picture painted of post-1713 *Staats-Brabant* in the Fagel archives, then, was of a region devastated by war and extraordinary natural events, overburdened with debt and taxation, and incapable of doing anything substantial to address its dire economic situation without the state's aid. *Staats-Brabant's* plight therefore also became a topic of discussion within the *Generaliteit*. The representatives within the state's institutions demonstrated a clear recognition of the fact that living standards in the region were exceptionally poor and

¹¹ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal concerning Recognitiën], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-3, 7.

¹² [Staten-Generaal Resolution concerning Recognitiën], 31 March 1729 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 928): 284-285, pp. 284-285, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/928/file/NL-HaNA_1.01.02_928_0285.

¹³ ['s-Hertogenbosch Magistracy Letter to the Staten-Generaal describing the City's Finances], folder 1722, p. 3.

¹⁴ Ibid., p. 3.

¹⁵ Van Boven, 'Bestuur, rechtspraak, en notoriaat', p. 81.

that the causes thereof could at least partially be found in excessive taxation and administrative malpractice by its representatives in the region, who could evade the region's suffering themselves.¹⁶ However, the relief that the central institutions would eventually provide to alleviate Brabant's destitute conditions was not only humanitarian in nature. The region's poor economic and financial state also had practical repercussions for the Republic as a whole and therefore had to be addressed, regardless of how much or how little the high and mighty lords valued the welfare of their Brabantine subjects.

The first concern for the *Generaliteit* was that poverty led to unrest and crime. As Ton Kappelhof noted, widespread tax-related unrest was rare in *Staats-Brabant*, in part because the region enjoyed various tax exemptions, but also because any major riot could be put down swiftly by the local garrisons. Nevertheless, in years of hardship, to which 1724 – after two failed harvests – certainly can be counted, dissatisfaction with taxes imposed by the central government could become a serious issue. Furthermore, he noted that tax collection in northern Brabant was evaded, obstructed, and circumvented with smuggling under better conditions as well.¹⁷ As such, dire economic circumstances are likely to have aggravated those practices and to have strengthened existing crime and smuggling networks.

The Fagels' dossiers show only one prominent instance of a tax revolt in Brabant, the incident discussed in the previous chapter that took place in the town of Grave in 1720. This case, however, was likely included not because of the revolt itself, which was readily put down, but because it sparked a major conflict between the *Raad van State* and the *Raad van Brabant* over the right to prosecute the rioters and over the privileges concerning the *Brabantse landtol*. Indeed, quelling unrest in the borderlands lay firmly within the competencies of the *Raad van State* – as was reaffirmed by this case – and required no involvement by the *Staten-Generaal* or its *griffier*, while conflicts between bodies of the *Generaliteit* did. Beyond the institutional aspect, however, it is noteworthy that matters in Grave escalated in December 1720 over a relatively minor issue. The conflict was sparked by

¹⁶ [Raad van State Resolution concerning Relief Efforts], folder 1724, p. 1.

¹⁷ See the discussion of Kappelhof's work in chapter three.

the establishment of a new toll office in the town with the permission of the *Raad van State*, serving the purpose of counteracting fraud and evasion of the *Brabantse landtol*. Specifically, this office was established – according to the *Raad van State* - to enforce tolls on goods passing through the town, and not on Grave itself, which was exempt from such tolls.¹⁸ These intentions were questioned by the *Raad van Brabant*, though they were likely legitimate. The representatives of the *Raad van State* argued, after all, that the revenues of enforcing tolls on goods passing through the Brabantine exclave of Grave would have significantly outweighed any income from the far more controversial decision to tax an exempted jurisdiction.¹⁹

Despite the lack of impact this measure had on the inhabitants of Grave, their reaction was immediate and violent, leading to one person being fatally shot and the house in which the *pachters* were lodged being severely damaged.²⁰ The citizenry had not felt any effect yet from the new office, even if the toll had been targeted against them, but merely the symbolism of a new tax office in 1720 sent the local population into an uproar. As such, the events in Grave underline the same dynamic identified by 'T Hart in the rural eastern provinces of the Republic, where fiscal novelty in the form of a new tax or significant alteration of a previous measure was in itself a catalyst of local opposition in overburdened areas, no matter what the practical impact of the new measure was.²¹

While the Fagels' archival documents provide scant information on tax-related unrest beyond the case of Grave, they do show clear signs of more widespread regional instability. Specifically, the documents address the hunt on 'vagabonds' extensively, a term used to refer to anything ranging from beggars and petty thieves to bandits and murderers. They focus on incidents from 1750 and 1751 in particular, but the hunt for vagabonds appears to have been a more common practice, as they were one of the key topics

¹⁸ [Third Letter from the Raad van State concerning the Grave Toll], folder 1719, pp. 1-2.

¹⁹ [Three Compiled Letters from the Raad van State and Raad van Brabant concerning the Grave Toll], folder 1719, p. 6.

²⁰ Ibid., p. 11,

²¹ Marjolein C. 'T Hart, *The Making of a Bourgeois State: War, Politics and Finance during the Dutch Revolt* (Manchester and New York NY: Manchester University Press, 1993), p. 146.

discussed in the *kwartiersvergaderingen*, annual meetings of all local jurisdictions within a quarter of the *Meierij* to address issues within the region.²²

The notable aspect of the 1750 and 1751 vagabond hunts and the factor that likely brought them to Hendrik Fagel the Elder's attention was their international dimension, setting them aside from incidents that remained domestic and could be addressed by local and regional institutions without involving the *griffier*. The first mention of vagabonds, on 8 April 1750, came from *hoogschout* Van Rechteren, who received a report from the Austrian court of Guelders in Roermond stating that it would be hunting the roving bands of vagabonds that had come to swarm the region. Specifically, the Austrians requested that the Republic also initiate a hunt at the same time to prevent the vagabonds' evasion of justice by slipping across the border.²³ Indeed, this was a problem for both states, as economic conditions in the borderland had caused crime of this sort to become organised and extensive. More notably, the region's many political boundaries limited state actors while allowing delinquents to pass between jurisdictions depending on which state was hunting for them at any given time. Furthermore, the problem was truly widespread, with the reports from 1750 and 1751 alone involving the governments of the Republic, the Austrian Netherlands, the Prince-Bishopric of Liège, and the small independent lordships of Gemert and Ravenstein to deal with banditry across eastern Brabant, Upper Guelders, and Overmaas.²⁴

To counteract the negative impact of these region's fragmented boundaries on each state's ability to deal with the problem effectively, a high degree of coordination was required. The process behind this international cooperation is the primary focus of the Fagel documents concerning the matter, with Hendrik Fagel forming an important contact and

²² Van Boven, 'Bestuur, rechtspraak, en notoriaat', pp. 79, 81.

²³ [Second Secret Staten-Generaal Resolution concerning Vagabond Hunts], 8 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

²⁴ Ibid., p. 1. [First Secret Staten-Generaal Resolution concerning Vagabond Hunts], 18 January 1751 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2; [Fourth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 10 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1; [Eighth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 22 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 2.

conduit of information between the *Generaliteit*, local Dutch officials, and the representatives of neighbouring states. The coordination between the various states sharing the Brabantine, Upper Gueldrian, and Overmaas borderland to deal with a common threat was demonstrated particularly clearly by the hunt that took place in early 1751. On 13 January, the *Staten-Generaal* received a letter from its ambassador to Brussels, Van Haren, with an Austrian request to hunt vagabonds on 3 February. Three days later, it received a similar letter from the *hoogschout* of 's-Hertogenbosch, who passed along a message from a Liègeois captain requesting that the Republic join Liège in hunting vagabonds from 20 to 22 January. Noting, on 18 January, that the Austrian and Liègeois hunts did not coincide and that coordination on such a matter was essential, the lords of the *Staten-Generaal* took the initiative to organise a joint hunt between the three states.²⁵ Despite the fact that such an effort would involve close military coordination, the institutions of the *Generaliteit* distanced themselves from the matter to some extent. Citing the need for rapid action to prevent uncoordinated and ineffective hunts, it provided the *hoogschout* - or his *stadhouder* in his absence - with the complete authority to plan and carry out the hunt with his foreign counterparts.²⁶ Similar orders had been sent in the hunt a year earlier as well, with the *Staten-Generaal* ordering the *hoogschout* in Brabant and officers in *Staats-Overmaas* to organise the efforts with local Austrian authorities.²⁷

Despite the coordination efforts and evidence that joint hunts were carried out, the cooperation between the neighbouring states was not always without its pitfalls. As such, the Marquis of Botta – an Italian noble serving as plenipotentiary of the Austrian governor in the Southern Netherlands – informed ambassador Van Haren on 22 January 1751 that the Republic had failed to give orders to local authorities in *Staats-Overmaas* concerning the upcoming hunt, which at this point had definitively been planned for 3 February. He added

²⁵ [First Secret Staten-Generaal Resolution concerning Vagabond Hunts], folder 1724, pp. 1-2; [Fifth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 16 January 1751 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2.

²⁶ *Ibid.*, p. 3.

²⁷ [Third Secret Staten-Generaal Resolution concerning Vagabond Hunts], 9 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2; [Seventh Secret Staten-Generaal Resolution concerning Vagabond Hunts], 17 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724).

that it was too late to give such orders at that point, and that this oversight could jeopardise the entire operation along the frontiers of the northern and southern Netherlands. In response, Van Haren hastily sent orders to Overmaas himself, urging local officers to make preparations for the hunt while they awaited official authorisation to engage in it from the *Staten-Generaal*. The overview of his exchange with the Marquis of Botta and his orders to Overmaas were sent in a letter to the *Staten-Generaal* for retrospective approval and was addressed in a secret meeting on 27 January.²⁸

The High and Mighty Lords had similarly criticised the Brussels government after a raid in April 1750, noting that officers in the Austrian districts of Meijel and Weert, lying between the *Meierij* and *Staats-Opper-Gelre*, had failed to coordinate their vagabond hunts properly and had shown little determination in carrying out their orders.²⁹ This had led the *hoogschout* and various other *officieren* in the *Meierij* to reach out to the central institutions of the state to request from the Austrian authorities that they would send better orders to their officers in future hunts.³⁰ This message passed through Hendrik Fagel, who was named explicitly in the responding secret resolution of the *Staten-Generaal* on 28 April. The resolution acknowledged this suggestion and decided to request of Charles Alexander of Lorraine, the governor of the Austrian Netherlands, whether the Dutch officers could – without any damage to Habsburg sovereignty – pursue fleeing vagabonds across the border into Meijel and Weert and detain them for crimes committed in the Republic.³¹

Whether this rather audacious Dutch request was granted, the Fagel documents do not tell. Four days after their secret resolution, however, the *Staten-Generaal* did receive word that Martinus van Oostaaijen, a subject of the Austrian Netherlands hailing from and living in Meijel, had been captured along with other vagabonds and brought to 's-Hertogenbosch. The specific interest in Van Oostaaijen, despite being captured for illegal begging – a minor offence usually punished by whipping – was the result of his close

²⁸ [Sixth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 17 January 1751 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2.

²⁹ [Ninth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 28 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 3.

³⁰ [Eighth Secret Staten-Generaal Resolution concerning Vagabond Hunts], folder 1724, pp. 1-2.

³¹ [Ninth Secret Staten-Generaal Resolution concerning Vagabond Hunts], folder 1724, pp. 3-4.

relationship with the local bandit leader, Ariken van Turnhout, and his willingness to reveal the latter's location to the authorities in return for his release. These conditions were eventually accepted, though Van Oostaijen himself would not be trusted to lead the search of Van Turnhout, with his brother ultimately helping to expose the bandits instead.³²

The problems surrounding the vagabonds plaguing the borderland were not limited to the efforts and coordination required to capture them, however. Once detained, they also had to be processed by the judicial system. Foreigners like Van Oostaijen who were captured by Dutch authorities were likely processed by the Republic as well, as extradition of vagabonds was uncommon.³³ To avoid the complications of keeping large numbers of delinquents detained in 's-Hertogenbosch, the *Staten-Generaal's* commission on *Meierij* affairs suggested sending all vagabonds to the Dutch colonies in the West Indies. The *Staten-Generaal* ultimately decided, however, that they should, if possible, be held in *tuchthuizen* – institutions where delinquents and beggars were forced to work to facilitate their reassimilation into society – within the city and neighbouring jurisdictions, and that they could be held within the city's fortifications until room was found for them.³⁴ As such, they would remain an issue for 's-Hertogenbosch and its *Meierij*, a problem that would not be resolved adequately until the underlying causes of the crime in the region were resolved.

Revolts, petty crimes, and organised banditry were all likely motivating factors for the Republic's authorities to alleviate the dire economic conditions existing in its portion of Brabant. Apart from disturbing the public order, these elements further burdened the already overstretched local authorities and complicated the Republic's relations with its neighbours, while also hindering any attempts of economic recovery. None of these factors were, however, the primary reason for the *Generaliteit's* decision to pursue a comprehensive relief effort in 1724.

In its resolution of 8 April 1724, which presented its relief plan for Brabant, the *Raad van State* noted that *Staats-Brabant* had fallen far behind the provinces economically and

³² [Tenth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 2 May 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-3.

³³ Van Boven, 'Bestuur, rechtspraak, en notoriaat', p. 115.

³⁴ [Ninth Secret Staten-Generaal Resolution concerning Vagabond Hunts], folder 1724, pp. 2-3.

financially, with its inhabitants being so impoverished that they could barely pay their taxes and had little to be taxed over. Indeed, the revenues of the preceding years were noted to be so dismal that they hardly justified maintaining the region's taxation system.³⁵ The provincial delegates operating within The Hague realised that they could reap little from barren land and that further economic pressure would only accelerate the region's decline. As such, the primary aim of the state institutions' aid for *Staats-Brabant* was to give it some breathing space by decreasing the rate of taxation, indirectly relieving pressure on its inhabitants by aiding faltering local administrations, and by targeting those who remained largely untouched by northern Brabant's economic misery; a group formed to a considerable extent by members of the provincial *regent* class. Through these measures, the institutions of the state could save the poor and destitute of Brabant, but more importantly, they would rescue their crumbling tax base.

Section II: Relief and Recovery

The relief plan adopted by the *Staten-Generaal* on 20 September 1724 pursued three main policies to ease *Staats-Brabant's* economic and financial burdens. The plan's first and most direct step was to reduce taxes across Brabant. Indeed, the *Generaliteit* could do so throughout the entire territory, rather than limiting itself to the *Meierij*, as determining the rates of taxation - more so than carrying out tax collection - remained firmly within the hands of the central institutions. The plan cancelled a 10% increase in the *gemene middelen* tax imposed in 1694, as well as two levies introduced during the War of Spanish Succession that had not yet been discontinued. An increase in the *verpondingen* intended for paying the pensions of exiled French preachers was also abandoned, as said preachers had mostly passed away by 1724. Several smaller excises on goods, which the resolution noted yielded very little but contributed significantly to the impoverishment of the countryside, were not cancelled altogether, but would instead be suspended for ten years in order to give rural

³⁵ [Raad van State Resolution concerning Relief Efforts], folder 1724, p. 2.

areas some breathing space. Finally, the *hoofdgeld*, a charge levied per inhabitant of a district, would be halved everywhere in Brabant except in the Barony of Breda and the Oisterwijk quarter of the *Meierij*, where it would only be reduced by a quarter. The *Staten-Generaal* specifically noted that the reductions in taxation were intended primarily to relieve rural districts without simply enriching large landowners in the region, as these could readily absorb available income from the poor through rents or local taxes. As such, the emphasis lay on tackling charges on goods, which would mostly help the poorest, while taxes on real estate, like the *verpondingen*, were largely left intact. The exception to this rule was formed by the barren and abandoned lands, which were to be deducted from the *verpondingen* charge. In total, the tax cuts were estimated to reduce the state's tax revenue in *Staats-Brabant* by a fifth.³⁶

The second step of the relief resolution from 20 September 1724 focused on tackling Brabant's towering debt. It outlined the fact that the *Generaliteitsland* as a whole had a debt of 4,415,736 guilders, with 3,110,616 guilders of that amount being the burden of the *Meierij*. In an attempt to tackle the soaring debt in the entirety of Dutch Brabant, the *Staten-Generaal* - citing its sovereign authority – forced creditors to reduce the interest payments on all loans to 3% and forbade them from cancelling their loan agreements, whatever the stipulations thereof may have been. Furthermore, the relief resolution facilitated the gradual repayment of the loans by requiring indebted administrative bodies of *Staats-Brabant* to repay 1% of the loan every year. This 1% would be subsidised by the state with the revenues of the *beden* tax and required the indebted jurisdictions to register with the offices of said tax to be eligible. The resolution estimated that these measures, in combination with others already in place, would be able to repay the outstanding debt in just over 30 years. Furthermore, it argued that the full repayment would significantly benefit all parties involved by aiding the overburdened inhabitants and administrations of Brabant, guaranteeing that creditors would receive their due, and relieving the state's institutions from paying a considerable sum every year on servicing Brabant's debt.³⁷

³⁶ [Second Staten-Generaal Resolution concerning Relief Efforts], folder 1724, pp. 1-2.

³⁷ Ibid., pp. 3-4; [Raad van State Publication concerning the Servicing of Debts], 20 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

The third and final set of reforms enacted by the resolution of 1724 tackled administrative mismanagement. The poor state of local governance was, according to the *Staten-Generaal*, primarily caused by the general absence of its ruling class, members of which enjoyed the income and prestige of their posts while leaving the duties tied to them in the hands of subordinates.³⁸ In the *Generaliteitslanden*, however, this hierarchy involved an extra difficulty, as the *regenten* in question were not only largely uninvolved, but also not in the vicinity, residing primarily in the provinces. As such, *Staats-Brabant* was administered largely by a class of subordinates who had to tackle the borderland's myriad crises without necessarily having the authority to take decisive actions. It is not surprising, then, that the Fagel documents show various instances of local officials pursuing a policy of 'act first and ask permission later' in the *Generaliteitslanden* to circumvent their superiors' absence, as demonstrated most vividly by the acting commander of Venlo during the Douzelle affair, when he organised an international hunt for French deserters across Upper Guelders.

The reforms of 1724 actively attempted to tackle this state of affairs, likely on the advice of François Fagel, who was evidently involved with the reforms detailed in his archival material on the *Meierij* of 's-Hertogenbosch, and who would have been a key figure in navigating the sensitivities of curtailing the excesses of other *regenten*. The relief plan forced *officieren* to be at their post for at least four months every year, and to be present when the new *pachters* for the *gemene middelen* tax were appointed. Harsher yet were the restrictions on the secretaries, which, while lower in rank, found themselves in a particularly lucrative position. These could be absent from their post for a maximum of four months every year, with any time spent beyond their jurisdiction thereafter costing them the '*dubbelt*' of their salary for that period.³⁹ They were also required to receive a declaration from the *schout* and other local officials stating that they had indeed been at their post before being paid. Any payments made to them in spite of these rules would subject both the secretary and the person who paid them to judicial procedures. The secretaries were

³⁸ [Second Staten-Generaal Resolution concerning Relief Efforts], folder 1724, p. 4.

³⁹ The *dubbelt* was a temporary bonus, with the recipient receiving his regular compensation twice.

furthermore subjected to inspection of their work by their respective *kwartierschouten*, who had to ensure that local records did not include or omit any charges apart from those that were strictly ordained, and that a clear distinction was maintained between local and national taxes. Finally, the resolution also addressed the complaints, made by institutions in the *Meierij* in particular, concerning the exorbitant costs of the secretaries' work, as they received a small sum of money for each document handled, and therefore were inclined to process more than necessary. As such, the resolution declared that local administrations would pay their secretaries a fixed sum for each of their competencies, buying off their right to claim a fee for every document that passed their desk and effectively turning them into regular salaried officials.⁴⁰

Concerning the latter two decisions impacting the secretaries, the *Staten-Generaal* took a considerable step towards standardising the manner in which local governance was executed. Included as annexes to the resolution are six documents, two of which outline the exact duties of secretaries in general, whereas four others are templates that were to be used by the secretaries to record the collection of specific taxes. The resolution notes that these formats were to be strictly adhered to by the secretaries when exercising their duties.⁴¹

The move towards standardisation and streamlining of financial aspects of *Staats-Brabant's* governance was echoed particularly clearly twelve years later through tax reforms, similarly described in folder 1724 of the Fagel archives, enacted by the *Raad van State* in 1736. These were intended to streamline tax collection through the alteration and simplification of various charges. One measure subject to reform was the *hoofdgeld* tax, which would no longer be calculated annually, but would rather see respective local authorities pay a fixed sum that was recalculated every decade. To enact this measure, each jurisdiction would have to provide an updated list of inhabitants, with failure to do so resulting in a fine. Furthermore, and more notably, the reforms called for the appointment of general tax collectors, to be appointed by local magistracies in the *Meierij*. These would

⁴⁰ [Second Staten-Generaal Resolution concerning Relief Efforts], folder 1724, pp. 4-6.

⁴¹ Ibid., pp. 5-20.

simplify the region's tax collection significantly by collecting several taxes at once within one or potentially more jurisdictions, maintaining a clear distinction between the charges in question and passing them on to the respective *ontvangers*.⁴²

The most significant tax reform in 1736, which was made in an attempt to support the smooth functioning of the new tax system, involved the *Raad van State* introducing a considerable level of bureaucratisation. Specifically, it ordered that the state's *rentmeesters* and *ontvangers* would have to keep accurate records of their books, registers, documents, charts, and papers, all of which would have to be copied and signed, with one copy of every item sent to the *Generaliteitsrekenkamer* via the *Raad van State*. Furthermore, any decisions of or correspondence with the *Raad van State* or *Staten-Generaal* was to be archived along with the documents that prompted the *Generaliteit's* involvement (or a reference to them). Finally, when one of the posts in question would fall vacant, both its new occupant and the departing *rentmeester* or *ontvanger* – or more frequently their heirs – had to draw up an inventory of all documents transferred, which were also to be sent to the *Generaliteitsrekenkamer* for inspection. Interestingly, it is noted that departing officials or their heirs had the right to make personal copies of their offices' documents as long as doing so did not delay their transfer, suggesting that such practices, taken to an extreme by the Fagel family, were not entirely uncommon.⁴³

Apart from outlining three key relief policies, the resolution of 1724 also cited the need for extra measures to address the extraordinary events that had plagued *Staats-Brabant*, noting that the relief package might not be enough to help Brabant in a meaningful manner if this issue was not addressed.⁴⁴ No such measures were included in the 1724 relief efforts. Ten years later, however, on 19 April 1734, the *Staten-Generaal* agreed to further temporary tax reductions for 98 villages in the *Meierij*, intended

⁴² [First Raad van State Resolution concerning Tax Reforms], 20 September 1736 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-3; [Second Raad van State Resolution concerning Tax Reforms], 20 September 1736 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-3; [Third Raad van State Resolution concerning Tax Reforms], 20 September 1736 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2.

⁴³ [Fourth Raad van State Resolution concerning Tax Reforms], 24 September 1736 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2.

⁴⁴ *Ibid.*, p. 1.

specifically to compensate for the extraordinary damage caused by droughts and late frosts in the previous year.⁴⁵ These measures therefore suggest that the relief efforts initiated in 1724, which were still ongoing in 1734, eventually took this element into account as well.

A second resolution was also adopted on 20 September 1724, which similarly concerned the relief efforts. It mirrored the previous resolution's third point and applied it to the governors, commanders, and other military officials in the *Generaliteitslanden* and the Dutch barrier. As such, it dictated that these figures would lose their salary and the *dubbelt* of their *recognitiegelden* for any time spent away from their post beyond six months a year. Furthermore, if they departed their post without requesting official leave, or stayed away longer than permitted while on leave, they would lose the *dubbelt* of their compensation. These measures were also bureaucratised, with the *Staten-Generaal* ordaining that military officials should officially request payment from the *Raad van State* using forms which also first had to be requested from that body. Furthermore, the provinces to which the military officials were tied were not permitted to make any payments until authorised to do so by the *Raad van State*. Any payments made in spite of these orders would be considered null and void and would subject both the payer and payee to judicial measures.⁴⁶

The 1724 resolutions and subsequent reforms are noteworthy because they attempted to organise a relief effort across the entirety of *Staats-Brabant* and did so in part by standardising processes under state institutions. More notable still is the fact that these plans did not simply remain empty ambitions of *Generaliteit* bodies wishing to extend their control over their borderlands, but appear to have been carried out diligently, with various documents contained in the *griffiersarchief* pointing to their execution. Among these are printed copies of four placards from 20 September 1724, other copies of which were likely posted in the villages and cities of Brabant, though it is unclear whether these were only drafts presented by François Fagel to the *Staten-Generaal* in his advisory role, or whether

⁴⁵ [Raad van State Resolution concerning Relief for Extraordinary Events], 19 April 1734 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1, 4.

⁴⁶ [First Staten-Generaal Resolution concerning Relief Efforts], 20 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2.

copies were acquired after they were posted to help the *griffier* monitor their implementation. Three of these were from the *Raad van State* and carried out the policies outlined in the first resolution of 20 September 1724, with two ordaining the various tax reductions and suspensions and the third enacting the measures concerning Brabant's soaring debt. The fourth placard from 20 September came from the *Staten-Generaal* and outlined the duties of the secretaries, as well as what was to be paid for each of their responsibilities.⁴⁷ These placards were followed by another *Raad van State* publication on 25 June 1725 enacting the deduction of barren and abandoned lands from the *verpondingen* tax.⁴⁸ On 16 August 1725, the *Raad van State* published a placard concerning the registration of indebted Brabantine administrative bodies with the offices of the *beden* tax in order to organise state support for these organisations' debt via said tax. A previous resolution taken by the *Staten-Generaal* had ordered that this registration should be completed by 28 September 1725. However, the *Raad van State* placard noted that this date was fast approaching, and that insufficient progress had been made. As such, it extended the deadline by six months while also expressly forbidding local officials from paying any interest on loans unless these had been recorded by the offices of the *beden*.⁴⁹ Finally, a *Raad van State* publication from 10 September 1725 further modified the registration of loans. Citing a publication from 1695, which required bodies in the *Generaliteitslanden* to request permission from the *Staten-Generaal* before acquiring a loan, the 1725 placard declared that contracts lacking such permission were no longer null and void, but had to be registered with local *griffiers* before any interest could be paid on them.⁵⁰

⁴⁷ [Raad van State Publication concerning the Servicing of Debts], folder 1724, p. 1; [Staten-Generaal Publication concerning the Salaries of Secretaries], 20 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1; [First Raad van State Publication concerning the Reduction of Charges], 28 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1; [Second Raad van State Publication concerning the Reduction of Charges], 28 September 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

⁴⁸ [Raad van State Publication concerning Abandoned and Barren Lands], 25 June 1725 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

⁴⁹ [Raad van State Publication concerning Registration with the Ontvangers of the Beden], 16 August 1725 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

⁵⁰ [Raad van State Publication concerning the Registration of Unauthorised Loans], 10 September 1725 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

The inclusion of these placards reveals several notable clues concerning the execution of the measures outlined in the 1724 resolutions. Despite the fact that not all measures taken are described in the placards included in the Fagel archives, they demonstrate that these policies had at least reached the stage of being published and that several measures evolved thereafter. The 1724 reforms furthermore triggered a clear reaction from the borderland, suggesting that copies of the various placards included in the archives were indeed posted throughout *Staats-Brabant*. The partial inclusion of the relevant placards in the Fagels' archives points to François Fagel's supervisory involvement in the execution of the state's policy, which would indeed fit within his competencies, with the selection of placards likely reflecting those matters that proved more challenging to implement, such as the registration of loans with the offices of the *beden* tax.

The first signs of a local response surfaced only a month after the initial publications. On 19 October 1724, the *Raad van State* informed the *Staten-Generaal* of the fact that the Oisterwijk quarter of the *Meierij* had drafted a list of payments to be made by each village and city in the region to pay off their respective secretaries. It also noted that the Peelland and Kempeland quarters had already submitted such a list, while another *Raad van State* letter from 27 October shows that the Maasland quarter did so as well.⁵¹ The *Staten-Generaal* placard concerning the secretaries had therefore evidently taken effect. Furthermore, a *Staten-Generaal* resolution from 29 May 1727 noted that several jurisdictions in the barony of Breda and the marquissate of Bergen-op-Zoom had failed to register their loans acquired after 1695 with the *rentmeester generaal* or the Orange-Nassau equivalent thereof, the *Nassause Domeinraad*.⁵² A *Raad van State* publication of 31 July of the same year found that these loans would be treated in the same manner as all other loans addressed in the relief resolutions of 1724, therefore requiring them to

⁵¹ [Staten-Generaal Resolution concerning Secretary Salaries in Maasland], 27 October 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2; [Staten-Generaal Resolution concerning Secretary Salaries in Oisterwijk], 19 October 1724 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2.

⁵² [Staten-Generaal Resolution concerning the Registration of Loans in the Barony and Marquissate], 29 May 1727 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-3.

registered with the offices of the *beden* tax before 1 January 1728.⁵³ These documents, in combination with the aforementioned 1725 publication extending the deadline of registration with the offices of the *beden*, demonstrate that the *Generaliteit* struggled to regulate the registration and subsequent repayment of loans in Brabant. However, they also show that this was a policy that was actively pursued, with the state bodies attempting to enact the registration of loans by various means rather than abandoning the idea at the first sign of local recalcitrance.

More notable is the lengthy document cited in the opening of the previous chapter, sent by an *ontvanger*, the *schout* of Deurne and Liessel, and the *stadhouder* of the *kwartierschout* of the Kempeland quarter to the Noble Mighty Lords of the *Raad van State* on 14 March 1726 in an attempt to shift the burden and responsibility of Brabant's relief from the region's ruling elite to the institutions of the state. Responding to the relief measures of 1724 and subsequent measures taken by the *Generaliteit*, these three officials explained why - in their opinion – some of the relief measures proposed by the state would prove ineffective. They noted, for example, that the forced reduction of interest rates on loans to 3% would do little, as most indebted bodies in Brabant had already seen their interest payments fall below that threshold. Furthermore, they argued that little would be achieved in terms of unburdening the local population if most money saved through tax reductions was to be spent immediately on the repayment of loans. These criticisms were accompanied by suggestions for reform. Examples included reductions in taxes on ecclesiastical goods, which had been made almost worthless by those charges; incentives to resettle abandoned lands or to reclaim farmland from the region's many heaths; and a standardisation of the *hoofdgeld* tax across the four quarters of the *Meierij* in order to counteract the extensive evasion thereof in the Peelland quarter, which – according to the authors – had caused God's wrath to rightfully remain on the region and its inhabitants. Furthermore, this document – which was partially written by *officieren* – argued for greater

⁵³ [Raad van State Publication concerning Relief in the Barony and Marquisate], 31 July 1727 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 30.

compensation for the *officiëren*, specifically to deal with the aforementioned witless Papist farmers in far-flung places who hated them like the plague.⁵⁴

Despite the criticisms levelled against the 1724 reforms in the local officials' lengthy letter, it should not necessarily be regarded as an attempt by regional officials to keep the institutions of the state at arm's length. Indeed, unlike the many requests streaming in from the borderlands urging the institutions of the *Generaliteit* to respect local privileges, the reforms they suggested would largely see central governing bodies, staffed by the same class of *regenten*, take greater control of affairs in Brabant. However, as specifically mentioned in its conclusion, the letter aimed to convince its authors' counterparts in The Hague of the fact that the regional and local administration of Brabant were not to blame for *Staats-Brabant's* deplorable economic conditions.⁵⁵ As such, it can more reasonably be seen as an attempt by three officials, who were writing not from Brabant but from The Hague, to reduce the impact of the relief resolutions' third pathway of reform - reining in the excesses of the region's administration – by attempting to steer the state institutions' decisions in their favour. Rather than being suppressed by central policy, they attempted to align with it in an attempt to mitigate its negative effects and strengthen their influence locally. It is doubtful, however, that this attempt was a success, as the *Staten-Generaal* imposed drastic measures against administrative malpractice only four years later in a conflict over religious taxes on Catholics, as will be discussed in more detail later in this chapter. While the Republic in general may have formed an extreme of consensual state governance with local elites being drawn to cooperation with state institutions, its policies concerning the relief of Brabant were very much imposed against the will of local powerholders and to the benefit of the *Generaliteit* and its provinces aiming to rebuild their local tax base; a centralised process that was best documented and informed by the *griffier* of the *Staten-Generaal*.

The final direct indications of a response to the relief measures are the aforementioned *Raad van State* resolution from 1734 regulating compensation for

⁵⁴ [Letter from Various Officials in Staats-Brabant to the Raad van State], folder 1724, pp. 9-14, 16-18, 20, 30-31, 34-35.

⁵⁵ *Ibid.*, pp. 44-45.

extraordinary events, and a resolution from the same body passed on 16 December 1735 concerning the tax exemptions and reductions passed in 1724. The latter piece is notable, as it mentions that the reductions in excise taxes, which were supposed to be in place until 1733, had been extended by another three years. Furthermore, it cites a decision from 1727 that would exempt several villages in the *Meierij* from the obligation to repay 1% of their outstanding loans annually for ten years, thereby also partially adopting one of the points of reform suggested by the three officials questioning state policy in 1726. As both of these relief measures would cease in 1736, the *Raad van State* requested that the *rentmeester-generaal* and various *ontvangers* analyse and report on the economic conditions of Brabant in order to judge whether continued relief was necessary.⁵⁶

The inclusion of this final resolution in the Fagel archives demonstrates that the relief measures concerning taxation were implemented and monitored, while also suggesting that these – and the other forms of relief – had a noticeable impact, as the need for their continuation was called into question after a decade. Indeed, this suggestion is reflected in the Fagel dossiers more generally, with mentions of economic and financial malaise and relief diminishing towards the end of the 1720s and ceasing altogether after 1735, though the city of 's-Hertogenbosch still reported experiencing considerable financial difficulties in 1733. Clearly, this matter had become less pressing and its solution less complex, allowing it to be managed by the region's regular administration rather than the *Staten-Generaal*. The primary exceptions to this pattern were the vagabond hunts in 1750 and 1751, which suggest that the region was not entirely stable or thriving at the time. However, given the fact that the last major war in the region – which had significantly impacted the Southern Netherlands and bankrupted its Habsburg administration – had only ended in 1748, the presence of crime in the adjacent Dutch borderlands was perhaps unsurprising.⁵⁷ Apart from this factor, however, addressing Brabant's poverty and restoring its tax base no longer appears to have been a priority for the Dutch state after the 1730s.

⁵⁶ [Raad van State Resolution concerning the Continuation of Relief Efforts], 16 December 1735 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-3.

⁵⁷ William J. McGill, 'The Roots of Policy: Kaunitz in Italy and the Netherlands, 1742-1746' in *Central European History*, i, no. 2 (1968): 131-149, pp. 143-144.

Certainly, this indicated improvement of conditions can be accredited in part to the relief measures of 1724, which were evidently implemented, pursued, amended, and moderated, having enough of an impact to allow their continuation to be re-evaluated in 1736.

The Fagel archival documents characteristically do not reveal what impact the relative absence of warfare had on this trend, as they primarily shed light on the instances in which the state institutions' administration was challenged considerably, rather than detailing periods of calm and stability. The prolonged devastation caused by occupying French troops was cited by local and state institutions alike as the primary cause of Brabant's poor conditions in the early eighteenth century. However, the War of Austrian Succession, which – despite proving a spectacular debacle for the Republic as a whole – was largely fought on Austrian soil, had a more muted impact on Brabant than previous conflicts. Similarly, Dutch neutrality during the Seven Years' War ensured that the region had to contend with little more than several stray bands of French deserters who caused few disturbances within the borders of the Republic. Post-1713 *Staats-Brabant*, despite being ruined by the last war, therefore entered a period of prolonged relative stability, providing it with an opportunity for recovery that it did not truly have in the previous two centuries; one which would have seen it recover to some extent with or without interference from the Dutch state. That interference, then, also did not remain a prominent factor of Brabantine governance. Despite the far-reaching centralising and standardising tendencies of the relief resolutions and ensuing policies in the 1720s and 1730s, those measures were adopted only to pre-empt most effectively the repercussions that would result from northern Brabant's economic and financial collapse. As such, while major elements of the reforms remained in place once *Staats-Brabant's* conditions improved, cementing the *Generaliteit's* greater involvement in local governance, they did not form part of a broader push throughout the eighteenth century towards centralised control of resource extraction in this vast borderland; an opportunity that would certainly have generated more complexities for the *griffier* to resolve had it been pursued. Once the crisis had been averted, the provincial representatives in The Hague were once again content with observing borderland matters from a distance and leaving the region to administer

itself following its old, well-established ducal customs, rights, and privileges, though that borderland was no longer as distant as it had been before 1724.

Section III: Pragmatic Toleration

In the first two decades after 1713, the basic subsistence of *Staats-Brabant's* population was the primary point of concern in the region, both for the impoverished locals and for the state trying to maintain some degree of stability. With the ebbing of Brabant's post-war destitution, however, other more nuanced, more deeply-entrenched, and more long-standing disputes resurfaced. Specifically, the tensions surrounding the overwhelmingly Catholic territory's subjection to a state that - while considerably tolerant for its time - favoured its Reformed subjects, were reinvigorated. This matter, like most issues in the *Generaliteitslanden*, was not unique to Brabant, but was amplified there simply due to the region's relative size compared to the other more marginal borderlands.

The 1579 Union of Utrecht stipulated that every inhabitant of the Republic had freedom of conscience. This meant that everyone was free to believe what they wanted, but not necessarily free to practice their faith, nor did it establish a degree of equality between the Republic's various religious groups. The Reformed faith was accepted in all provinces as the public church and enjoyed certain privileges, the most notable of which being the exclusion of other faiths from public offices. As such, access to the powerful *regent* class that permeated all levels of Dutch governance was restricted to members of the Reformed church, which in turn ensured that its privileged position remained in place. Indeed, church councils were often staffed by *regenten*, though this common denominator rarely translated into cordial relations between the Reformed church and the institutions of the state. Just as individual bodies of the *Generaliteit* could feud with one another despite being staffed by the same class of *regenten*, political and religious interests could clash. Statesmen interfered in religious affairs to maintain the stability of the public church and ensure that the extremes of religious doctrine were mitigated, with religious policy not

always being enforced to the extent that officials within the Reformed church may have liked.⁵⁸ Adherents of other faiths, on the other hand, were largely restricted to practising in *schuilkerken* (clandestine churches) and regularly had to pay a fee for the toleration of their religious practices. The degree to which these restrictions were imposed, however, varied by province and by community based on the support for and practicality of toleration. As such, Holland and Utrecht generally proved more tolerant, while further east, provinces such as Friesland proved particularly resistant to outside religious influences, sometimes restricting the public and private practice of other faiths altogether. Similarly, Holland officially recognised Catholic priests in 1730, while Friesland would resist doing so until 1776. On the whole, areas that accepted Catholic priests saw a revitalisation of the Catholic faith, whereas those jurisdictions that rejected housing Catholic priests gradually saw the faith diminish.⁵⁹

There were, however, several common denominators in the treatment of Catholics across the Republic. Most local magistracies and provincial authorities would favour Dutch priests over foreign priests in attempts to limit outside influence on the Catholics' relatively stable position within the Republic. Furthermore, they would generally protect Catholic practices that operated in line with the state's restrictions while clamping down on divergent groups within the Catholic church that preached resistance against the Dutch state or the Reformed public church. As Jonathan Israel noted, the *regenten* readily supported Jansenists within the Dutch Catholic community, as they were seen as being more loyal to the state than their rival Jesuits. On the whole, the position of Catholics within the Republic became more institutionalised in the eighteenth century, with Catholic churches becoming corporate institutions in all but name, and with the appointment of priests becoming subject to a set of requirements. As such, J. W. Spaans argued that the

⁵⁸ G. Groenhuis, *De predikanten. De sociale positie van de gereformeerde predikanten in de Republiek der Verenigde Nederlanden voor ± 1700* (Groningen: Wolters-Noordhoff, 1977), pp. 13-14, 21, 24-25, retrieved from: https://www.dbnl.org/tekst/groe023pred01_01/groe023pred01_01.pdf.

⁵⁹ Israel, *The Dutch Republic*, pp. 372-373, 377-381; Benjamin J. Kaplan, *Cunegonde's Kidnapping: A Story of Religious Conflict in the Age of Enlightenment* (New Haven CT and London: Yale University Press, 2014), pp. 74-77; J. W. Spaans, 'Religious Policies in the Seventeenth-Century Dutch Republic' in Ronnie Po-chia Hsia and Henk van Nierop (eds), *Calvinism and Religious Toleration in the Dutch Golden Age* (Cambridge: Cambridge University Press, 2002): 72-86, pp. 77-80, 83.

Republic's toleration was exceptional for the time, but that it originated not out of humanist convictions or understanding but was rather a model that was engineered and imposed in order to foster stability.⁶⁰

Several factors defining the treatment of Catholics in the provinces were echoed in the governance of the *Generaliteitslanden*, such as the aversion to Catholic missionaries, but several factors made these regions fundamentally different. The first of these is the fact that religious policy was determined not by local magistracies and provincial governments, but by the seven provinces collectively through the institutions of the *Generaliteit*, thereby combining both tolerant and repressive approaches. However, if Spaans' view is to be adopted, religious policy in the various frontier zones would ultimately be engineered to fit local conditions, which in the *Generaliteitslanden* were considerably different from those existing north of the great rivers. With the exception of *Staats-Vlaanderen*, which received an influx of Reformed refugees from the major cities of Flanders and was therefore predominantly Calvinist, the *Generaliteitslanden* were overwhelmingly Catholic. As such, while these areas were won from the staunchly Catholic Spanish crown and therefore initially met with repression, involving the expulsion of priests and confiscation of church property, that policy became untenable in the long term. Public offices, for example were largely reserved for Calvinists but could be granted to Catholics if no suitable candidates were found among the slim Reformed minority. De Bruin noted of *Staats-Brabant* that it was almost universally Catholic, forcing the state institutions to adopt a mild approach to maintain stability, which remained their primary aim. Toleration in the territories along the Meuse river valley went even further, with public practice of the Catholic faith being permitted and with church buildings frequently being shared by Calvinists and Catholics. The final factor setting the *Generaliteitslanden* aside from the provinces was that not all borderland regions were incorporated in the Dutch Mission based under the apostolic vicar in Utrecht, which sought to preserve the Catholic faith in the provinces. *Staats-Brabant* instead was split between the ecclesiastical jurisdiction of Antwerp in the west and 's-

⁶⁰ Israel, *The Dutch Republic*, pp. 1034-1037; Spaans, 'Religious Policies in the Seventeenth-Century Dutch Republic', pp. 78-83.

Hertogenbosch in the east, with the latter – which encompassed the entirety of the *Meierij* – similarly answering not to a bishop, but to an apostolic vicar.⁶¹

The view that the degree of religious toleration or repression imposed was a matter of pragmatism, rather than pure ideology, is reflected in the Fagel dossiers. A *Staten-Generaal* resolution from 19 July 1730 notes that the approach of clamping down on Catholicism in the *Generaliteitslanden* during the Eighty Years' War was flawed, as the continued imposition of harsh measures ensured that the borderland Catholics were finding increasingly creative measures to evade them. With the end of the war in 1648, it finds that this repressive approach was therefore largely abandoned. Restrictive measures were eased over the next several decades, with the resolution noting that there were no placards published after 1649 forbidding the practice of the Catholic faith outright.⁶² After a six-year restoration of Catholic rights following the French invasion of 1672, the burden on Catholics under Dutch rule was further alleviated, with restrictive measures being reintroduced only partially after the departure of the occupying French forces.⁶³

The new approach was one of practical toleration. Problematic activities by Catholic priests would not be forbidden entirely, but would rather be accepted to some extent, so that they occurred within sight of the state's institutions – despite the fact that they were 'hidden' in plain sight in the *schuilkerken* – and could be regulated by them. As such, the Catholics' status as second-rank inhabitants of the Republic was cemented in state policy, but their limited rights were fixed and protected, ensuring that they could practice their faith out of sight and relatively peacefully without having to fear any further persecution. The primary limitations that came with the Catholics' lower status, apart from their exclusion from public offices, were the suppression of Catholic education, and their

⁶¹ De Bruin, 'Den Haag versus Staats-Brabant', pp. 459-460; Israel, *The Dutch Republic*, pp. 387-389, 637-639, 658-659; James Tracy, 'With and Without the Counter-Reformation: The Catholic Church in the Spanish Netherlands and the Dutch Republic, 1580-1650: A Review of the Literature since 1945' in *The Catholic Historical Review*, lxxi, no. 4 (1985): 547-575, pp. 559-560.

⁶² De Bruin, 'Den Haag versus Staats-Brabant', p. 460; [Staten-Generaal Resolution concerning Abuses of Recognitiën], 19 July 1730 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

⁶³ Dominicus de Jong, *Grenskapellen voor de Katholieke Inwoners der Generaliteitslanden* (Tilburg: Drukkerij Henri Bergmans, 1963), pp. 56-57.

subjection to the *recognitiën*, a charge levied on individual Catholic church communities by local administrations in return for the toleration of their practices.⁶⁴

Pursuing a policy of practical toleration ensured that the *Generaliteit* could maintain relative stability in its borderlands and that it could intervene effectively should that balance be disturbed. However, it did entail walking a fine line. On the one hand, the provincial representatives in The Hague had to ensure that the threat of Catholic unrest would remain dormant by imposing only mild restrictions and by keeping those who would exploit the diminished status of local Catholics – behaviour shown particularly by the local *regenten* – at bay. On the other hand, it had to contend with the fact - which was similarly cited in the 1730 resolution - that toleration would bring the Catholic faith out into the open and would come with a reduced respect for the laws restricting it, leading to its tacit acceptance in the overwhelmingly Catholic borderlands.⁶⁵ Pushing the matter too far in either direction could therefore harm central governance of the frontier, either by fomenting unrest or by calling its sovereign religious authority over its inhabitants - a concept that only gained in significance after 1648 - into question. Keeping these two forces in check evidently became an issue the Fagel *griffiers* had to contend with, as they devote considerable attention to this balance in their archival documents. The cases described in the archives involved state institutions fending off predatory local and regional officials seeking to exploit Catholics for their own benefit, while also subjecting Catholic communities to ever-greater state regulation and increasingly detaching them from the Catholic world beyond. In this policy area, as in the other cases described in the archives, the sensitivities inherent to the curtailing of *regent* abuses, the extensive precedent on which the Catholic faith's position in the Republic was built, and the diplomatic aspect of separating the pope from his Dutch flock, made the Fagel *griffier* the most informed individual able to advise the provincial delegates represented in the *Staten-Generaal*.

Religious policy in eighteenth-century Brabant was relatively mild, compared both to surrounding states and to the Dutch provinces, where measures were not necessarily

⁶⁴ Van Boven, 'Bestuur, rechtspraak, en notoriaat', pp. 77-78.

⁶⁵ [Staten-Generaal Resolution concerning Abuses of Recognitiën], folder 1724, p. 1.

harsher, but where the Catholic minority had significantly fewer means of evading or opposing them than in the predominantly Catholic borderlands. Furthermore, those measures that did exist, such as the exclusion from public office, had largely become an entrenched part of life in the frontier, and would not have generated the same degree of resistance that a new restriction might have. Catholic concerns reflected in the Fagel dossiers therefore do not necessarily pertain to the restrictions imposed by the state institutions directly, nor do the bodies of the *Generaliteit* bear the brunt of the blame. Rather, it was the intermediaries between these two actors - the *regenten* occupying all prominent political functions, the city councils staffed primarily by local Calvinists, and officials within local Reformed churches – that were regarded with suspicion by local Catholics. After all, the state was a distant set of institutions that involved itself primarily in the general administration of Brabant, rather than the specifics of local governance. Direct influence from The Hague was only exerted sporadically, ensuring that it relied on its local officials to carry out state policies, while also having relatively limited control over their conduct. These figures, then, had the legitimacy to impose restrictions on the local Catholic population, while also being far enough beyond the central institutions' reach to abuse that power and exploit the politically unrepresented Catholic population.

A particularly curious incident detailed in the Fagels' archives took place between the Catholic population and the Reformed ruling class - as well as within the latter - in Eindhoven, an Orange-Nassau holding within the *Meierij* that was administered by the *Nassause Domeinraad* and where the state's influence over local appointments was limited. In 1715, the *Staten-Generaal* received a letter from the Reformed officials within Eindhoven's local government denouncing the behaviour of the local Catholic population. They were accused of threatening the lives, goods, and honour of the city's Reformed minority, and the city therefore requested protection from the state authorities. The letter was, however, not sent by the Eindhoven administration at all, but rather by Andreas De Jongh, the city's Reformed preacher.⁶⁶

⁶⁶ [Compilation of Documents concerning Preacher De Jongh in Eindhoven], [1715] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1, 4.

The document – complete with numerous annexes – detailing this incident in the Fagel archives is the response to these accusations, sent by several members of the actual administration of Eindhoven. They argued, in contrast to De Jongh's claims, that the city's Catholics behaved impeccably, with the two religious groups living together in harmony and civil friendship. Furthermore, the city's officials noted that members of the local Catholic population had frequently taken up positions in the local government, as they were generally more qualified than the very limited selection of candidates among the Reformed minority. In part due to these Catholic officials, the city claimed to be enjoying a period of prosperity in 1715, paying off loans from the recent war while the rest of Brabant was suffocating under mounting economic burdens. The city officials claimed that this state of affairs was endorsed wholeheartedly by De Jongh initially. They quoted several of his writings from 1711 and 1712, in which he claimed that there were no figures fit for public office among the local Reformed population and that they would cause the city to "rot into the ground" if they were ever appointed. Furthermore, he was regarded as being fair and serving the interests of the city, endorsing various Catholic officials while preventing their positions from becoming subject to nepotism within the Reformed community.⁶⁷

De Jongh's stance changed drastically, however, following a conflict with the local *schout* over the appointment of a schoolmaster, for which each had nominated their own friend. The document notes that following the magistracy's decision in favour of the *schout*'s candidate, the preacher railed against the city's Catholic officials, despite their attempts to appease him with other concessions. In retaliation, he had attempted, successfully, to alter the composition of the magistracy, appointing various Reformed *schepenen* of a similar quality to those whom he slandered only a few years earlier. Being a preacher, he had no official authority to make any political appointments at all, but the city's officials noted that he could – under the pretext of protecting the Reformed faith – exert significant influence over the *Nassause Domeinraad*. In the case of the Catholic president of the council of *schepenen*, Van Rysingen, De Jongh was even overheard

⁶⁷ Ibid., pp. 1-3.

exclaiming that he made Van Rysingen president, and that he would depose him, or the devil may take him.⁶⁸

According to the city officials, blasphemy of this sort was not at all unusual for the preacher, who employed similar terms in a tirade directed at the *schout*, and who was involved in spats with more people than just the city's Catholics. Indeed, they found that even other officials within the region's Reformed church clashed with him, with the *kerkmeesters* (officials charged with the financial management of individual church communities) of Strijp claiming that De Jongh had received money for church renovations, which, following their completion, was never given to the glassmaker who carried them out, and was instead pocketed by the preacher. When the *kerkmeesters* complained about this conduct, De Jongh had them fired. It was for these reasons that the city's officials claimed that the preacher sent a request to the *Staten-Generaal* for greater protection of the Reformed population; a request that was granted. He was not being threatened by radical Catholic mobs, as he claimed, but by the local population in general simply for being, in their eyes, a particularly unlikeable person. The officials therefore also noted that he was threatened while he was in favour of Catholics serving in government as well, and that they could understand why such a man would seek the protection of the state. Ultimately, these officials, who claimed to refuse confirming the preacher's lacklustre appointments to the Eindhoven magistracy, sought to cancel the protections granted to De Jongh and to have his accusations against the local Catholics discarded.⁶⁹

Whether the image of the preacher presented by the Eindhoven officials is accurate remains unclear. Ultimately, only their account reached the office of the *griffier* and it would undoubtedly have been in their best interest to demonise De Jongh as a fiery, corrupt, and blasphemous man. Nevertheless, the rift between the preacher and the magistracy presented the *Staten-Generaal* with a dilemma. Evidently, there was a clash between members of Eindhoven's secular and religious authorities, and the threat of poor governance due to a lack of competent Reformed officials, or alternatively the threat of

⁶⁸ [Compilation of Documents concerning Preacher De Jongh in Eindhoven], folder 1724, pp. 3, 12.

⁶⁹ Ibid., pp. 4-5, 6, 14-16.

Catholic representation within local governance, was all too real in the *Generaliteitslanden*. In response, the *Staten-Generaal* would either have to sideline a prominent Reformed church official – and possibly the *Nassause Domeinraad* – in order to endorse a functional local government involving Catholic representatives, or to maintain the broader policies of the *Generaliteit* by maintaining their protection of De Jongh and ousting the Catholics from Eindhoven's government at the risk of causing civil unrest and harming the effectiveness of the local administration.

The Fagel archival material, as in various other cases, does not show the decision ultimately taken on this sensitive matter, reflecting the Fagel archives' function as a collection of material for the assembly of the *Staten-Generaal* to study before making a decision, representing what the Fagel *griffiers* brought into their meetings rather than what they took out of them. The fact that the letter from the Eindhoven administration was undated furthermore makes the response challenging to track in the *Staten-Generaal's* vast archives. However, the position of the High and Mighty Lords on the balance between Catholic communities and Reformed elites was made abundantly clear by an incident 15 years later, described in the aforementioned resolution of 1730 discussing the state's gradual toleration of Catholicism, which would ultimately become a landmark case in the *Generaliteit's* treatment of borderland Catholic communities; a source of precedent informed and later wielded by the Fagel *griffiers*.

The issue at hand concerned the *recognitiën*, paid by Catholic communities in return for toleration of their practices. The resolution comments on a report drafted by the *Staten-Generaal's* commission on *Meerij* affairs and several members of the *Raad van State*, which had found that the collection of these charges was particularly inconsistent. In some areas – predominantly those with Catholic lords – local officials were unwilling to levy them, whereas in others, the measure was exploited by the *officieren*. Some towns went so far as to base the value of the *recognitiën* on the behaviour of the local Catholic population. Furthermore, the commissioners noted that the *officieren* had come to regard the *recognitiën* as part of their salary, adding that such a relationship between the officials and Catholic inhabitants ought to be forbidden, as it would invariably lead to abuse and

exploitation. Since these circumstances had led to Catholic claims of administrative malpractice by the *officieren*, as well as counterclaims from the latter concerning Catholic refusal to pay what was due, it was the High and Mighty Lords' place – as the primary arbiters in conflicts of this scale - to take action. Specifically, the commissioners argued that the provincial representatives in the *Staten-Generaal* should consider how the Catholic population could be relieved from excessive measures against them, how the *officieren* could be urged to adhere strictly to the state's laws, and what laws were of particular significance in this regard.⁷⁰

The response of the assembly of the *Staten-Generaal* was unprecedentedly harsh and clear. Any *officier* receiving *recognitiën* or other sums from Catholics in return for favours would be forced to pay 600 guilders to whomever informed the representatives of the state of their malpractice, as well as four times the amount initially charged from the Catholics, half of which would go to the same witness and half of which would go to the official processing the case. Furthermore, the *officier* would be removed from their position. If a *stadhouder* or other substitute of the *officieren* was found to be guilty of this crime, the punishment would be more severe, as they would be branded as dishonourable, banished from the Republic, and (in extreme cases) be subjected to corporal punishment. The placards communicating this warning would be posted locally throughout all lands of the *Generaliteit* and were to be reposted every five years, lest they be forgotten.⁷¹

The representatives in the *Staten-Generaal* did note that the *officieren* ought to be compensated to some extent for the loss of income from the *recognitiën*, but that doing so should not come at an unbearable cost for the Catholic population. As such, the *recognitiën* were replaced by a tax to be paid by local priests, with failure to do so leading to the closure of their churches until the required sum was paid. These revenues, which were significantly lower than the preceding *recognitiën*, would be collected not by the *officieren*, but by the *rentmeesters* of clerical goods within the ducal domains, bringing them within closer reach of the state institutions. The revenues of the new tax would not go to the bodies of the

⁷⁰ [Staten-Generaal Resolution concerning Abuses of Recognitiën], folder 1724, pp. 2-3.

⁷¹ Ibid., pp. 3-4.

Generaliteit, however, instead being divided among the *officieren*. In this regard too, however, any attempts by *officieren* to demand money from priests failing to pay their dues would be met with the same punishments as those for demanding *recognitiën*.⁷²

Enforcement of these measures was left to the *Raad van Brabant*, though it too was subject to certain conditions. The *advocaat-fiscaal* of the *Raad*, could no longer draw any revenues from the region's Catholics, though this measure would only go into effect after the death or departure of the incumbent *advocaat-fiscaal*. Violations of this decree would become subject to the same punishment as that suffered by the *officieren*. Furthermore, any brazen attempt by the *advocaat-fiscaal* to question or to request revision of this measure would result in their immediate removal and a fine of 3,000 guilders.⁷³

The resolution did not only crack down on the *officieren* and other Reformed officials. It also set clear limits on the rights of Catholics within the Republic's boundaries. Here too, the emphasis was on expanding the *Generaliteit's* influence. The *Staten-Generaal* decreed that no new priests were to be appointed until they received approval from the *Raad van State*. Such approval could only be obtained after the priests swore an oath to be secular and therefore not to join a religious order, to refrain from enacting or inciting any measures that would be harmful to the state or its government, and to instil in their flock - to the best of their ability - obedience to the state's institutions and local administrations. Carrying out the function of priest without the *Raad's* approval or doing so in a church other than that to which one was assigned would incur a fine of 600 guilders and, upon repetition, another fine and imprisonment for a year.⁷⁴

The *Staten-Generaal* also restricted access to the priesthood to those born within the Republic's territory. These figures furthermore had to be on a mission from the apostolic vicar of 's-Hertogenbosch to receive approval, and this condition would extend beyond the borders of the 's-Hertogenbosch apostolic vicariate as well. As such, the boundaries of Catholic church jurisdictions were discarded in favour of those of the state. The primary aim of such measures was to prevent the influx of monks or other adherents of

⁷² [Staten-Generaal Resolution concerning Abuses of *Recognitiën*], folder 1724, pp. 4-5.

⁷³ *Ibid.*, p. 6.

⁷⁴ *Ibid.*, pp. 8-9.

religious orders - particularly Jesuits - as these would not only spread what the *Generaliteit* viewed as a heretical faith, but they would also levy Catholic church charges or request donations from the already impoverished Brabantine countryside.⁷⁵ Furthermore, unlike the apostolic vicar and his subordinates, such figures were beyond the state's regulation and could use the region's political and religious frontiers to their own benefit and the *Generaliteit's* detriment. These practices, then, echoed measures taken in the provinces as well, though the influx of undesired teachings would have been a more acute threat along the state's borders.

The 1730 resolution concluded by addressing the *Meierij* commission's third point, namely the outlining of which measures precisely should be adhered to regarding this subject matter. The *Staten-Generaal* noted that the older resolutions forbidding Catholic practices entirely were no longer relevant, as the changing times had made such measures impracticable and undesirable. However, it did also re-emphasise the limitations that the Catholic population was still subjected to, including - most significantly - among other measures, Catholic exclusion from public offices.⁷⁶

The 1730 resolution is noteworthy, as it was uncharacteristically sharp. It threatened some of the most powerful figures within the region and the Republic as a whole with fines, banishment, removal from prominent positions, and even physical punishment, while also going so far as to crack down on and silence formal requests to amend those policies. Particularly curious is the fact that all these measures were taken with the aim of protecting a second-rank class of the Republic's inhabitants. Indeed, if the *Staten-Generaal* did not intend to enforce these far-reaching measures fully, it at least sent a clear message that abuse by administrative bodies or figures would not be tolerated, even if the recipients of said abuse were Catholics. Simultaneously, however, it set clear limits on the local Catholic clergy, binding them to the institutions of the state and its political boundaries while expelling foreign Catholic influences. In doing so, the resolution quelled Catholic complaints regarding exploitation by the *officiëren* without forfeiting any of its authority in order to

⁷⁵ [Staten-Generaal Resolution concerning Abuses of Recognitiën], folder 1724, pp. 8-10.

⁷⁶ Ibid., pp. 9-10.

appease the Republic's Catholic minority. On the contrary, the *Staten-Generaal* employed their plight to further its own influence in the region at the cost of both its regional ruling class and its Catholic institutions, thereby making it one of the most assertive attempts described in the Fagel archives by the provincial representatives in the *Staten-Generaal* to impose their collective authority on the borderlands.

The approach taken towards Catholic rights by the High and Mighty Lords in the *Generaliteitslanden* therefore echoed measures taken further north. Unlike the provinces, however, local ruling elites did not determine the extent of toleration of Catholics in their communities. Instead, they were a factor complicating the process of providing a stable – yet subjected – status for borderland Catholics without having any official say therein, as that competency fell to the institutions of *Generaliteit*. Despite the degree of continuity in policy, then, its imposition on *Staats-Brabant* was different and particularly sensitive, which is the likely reason why it was included in the *griffiersarchief* along with other sensitive and complex cases.

Section IV: Holier than the Pope

The restrictions on the appointment of Catholic priests formed a major step towards greater state control of the Catholic church. Indeed, the measures outlined in 1730 appear to have taken hold, as *hoogschout* Van Rechteren referenced them in 1744 during a vacancy of the 's-Hertogenbosch vicariate, noting that the resolution ensured that no new priests could be appointed as long as there was no apostolic vicar.⁷⁷ The *Staten-Generaal* would further

⁷⁷ Gerardus Petrus Jacobus Giezenaar, *De strijd tusschen Kerk en Staat: over de benoemingen der Apostolische Vicarissen van 's-Hertogenbosch in de 18e eeuw* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1938]. Nijmegen and Utrecht: Dekker & Van de Vegt, 1938), p. 84. Note: this is a dated source and should be considered with caution. While it provides a unique historiographical insight into the appointments of apostolic vicars in the eighteenth century and can reliably shed light on several general details on that topic, such as the fact that *hoogschout* Van Rechteren referenced the 1730 reforms, its conclusions regarding the causes and impact of the controversy surrounding the appointments are outdated and will not be considered in this research.

tighten its grip on the Brabant Catholics throughout the eighteenth century, specifically by targeting the position of apostolic vicar.

A collection of brief notes contained in folder 1725 of the Fagel archives, which details reforms of the Catholic church, provides a timeline of the 's-Hertogenbosch bishopric and apostolic vicariate, serving as an effective overview providing context to the other documents in the folder. They state that the King of Spain inaugurated the last bishop, Joseph de Bergaigne, after the fall of 's-Hertogenbosch in 1629, but that he could not take up his post, instead being transferred to become the bishop of Cambrai, though his death in 1647 ensured that he never exercised his new role. With the passing of De Bergaigne, the post of bishop of 's-Hertogenbosch was left empty until the first apostolic vicar of 's-Hertogenbosch was appointed in his place. It is not mentioned when this appointment was made, but he is noted to have died in 1657. Thereafter, the pope appointed several successive individuals to the position without the knowledge of the *Staten-Generaal*, according to the notes, but this practice ended abruptly in 1726, with the impending death of Apostolic Vicar Petrus Govaerts.⁷⁸

Govaerts had promoted the pope's jurisdiction over that of the Republic actively, and as such, he and all candidates suggested by him to be appointed as his successor were regarded with mounting suspicion by officials within the *Generaliteit*.⁷⁹ On 27 April 1726, the lords of the *Staten-Generaal* decided that it would be best to propose a candidate who was sympathetic towards the state as Govaerts' successor. The Catholic elite within 's-Hertogenbosch was therefore ordered not to appoint or acknowledge a new candidate without the *Staten-Generaal*'s knowledge, and that any potential candidates should make themselves known to the *hoogschout*. As such, when the pope appointed the bishop of Roermond as the new apostolic vicar of 's-Hertogenbosch, the local Catholic clergy were pressured into refraining from endorsing and recognising the appointment under threat of

⁷⁸ [Brief Notes. Starts with: 'Michael Ophovius was Bisschop anno 1629 is gestorven 1637'], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), p. 1.

⁷⁹ [List of Potential Candidates for the 's-Hertogenbosch Apostolic Vicariate], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), pp. 1-2.

prosecution, leaving the bishop unable to carry out his function. A candidate proposed by the dean of the Basilica of St Servaas in Maastricht in 1728 was similarly refused.⁸⁰

These candidacies were followed by a proposal from the *nuntius* (Papal representative) in Brussels in 1729, who suggested Gisbert van der Asdonck for the position.⁸¹ This candidate the *Generaliteit* could accept, albeit on the conditions that he would only use the title of apostolic vicar, rather than that of bishop or Papal vicar; he would only be tolerated as long as he operated in line with the state's interests; he should reside within his vicariate and within the state's boundaries; he would only appoint secular priests from within the state; he would mediate in conflicts within the Catholic community; and finally, that he would not allow any direct or indirect actions against the interests of the state. The *hoogschout* was ordered to present these conditions to Van der Asdonck.⁸² However, the latter could not accept the position, in part because the church was concerned with the conditions, and in part because *hoogschout* Van Keppel was demanding 2,000 guilders in *recognitiën*. Giezenaar notes that at this point, François Fagel, who had largely represented the state in these interactions, stepped to the forefront. He ensured that the *recognitiën* question would be dealt with decisively, leading to the landmark resolution of 19 July 1730, while also rewording the conditions to bring them more in line with the Catholic church's practices, though in substance, very little changed. Thereafter, Fagel had Van der Asdonck summoned to The Hague and informed him that he should sign the amended terms before the state would resort to harsher measures. Specifically, Fagel threatened the prosecution of all priests within the vicariate who had been appointed by the *nuntius* in Brussels. At this, Van der Asdonck relented and accepted the terms, becoming the new apostolic vicar in 1731.⁸³

François Fagel's involvement in these events is not addressed in the *griffiersarchief*. The commotion surrounding Van der Asdonck's appointment is detailed extensively in a set

⁸⁰ [Retroacta of Secret Staten-Generaal Resolutions. Starts with: 27 April 1726], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), pp. 1-3.

⁸¹ Ibid., pp. 3-4.

⁸² [First Secret Staten-Generaal Resolution concerning the Appointment of the Apostolic Vicar], 1 November 1730 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), pp. 1-2.

⁸³ Giezenaar, *De strijd tusschen Kerk en Staat*, p. 70.

of *retroacta* from the secret resolutions of the *Staten-Generaal*, a piece that – with slight variations - curiously has been included in the Fagel archives twice, once in the folder concerning the appointments of apostolic vicars in *Staats-Brabant* and once in a dossier compiling several disconnected cases pertaining to the lands of Overmaas.⁸⁴ Why the piece was included in the folders on *Staats-Overmaas* is unclear, though it might be due to the fact that one of the candidates proposed for the position of apostolic vicar was presented by the Basilica of St Servaas in Maastricht. It is notable, however, that - as demonstrated in Giezenaar's account of the *griffier*'s involvement - François Fagel played a prominent role in the matter, seemingly forcing through the momentous *recognitiën* reforms and effectively threatening Van der Asdonck into taking up the role of apostolic vicar, while presenting the case entirely from the institutional perspective of the *Staten-Generaal* within his own archives. He had taken up a sensitive issue, forced a solution by leveraging considerable informal influence, and then ensured that he disappeared from the final account and decision on the matter, remaining safely behind the scenes and beyond the reach of any disadvantaged *regenten* or disillusioned Catholics. Indeed, the only mentions of Fagel in the resolutions from the meetings of the secret assembly of the *Staten-Generaal*, which the *griffier* himself chaired, depict him primarily as a neutral conduit of communication serving only to pass information between the High and Mighty Lords and their local representatives in *Staats-Brabant*.⁸⁵

With the death of Van der Asdonck in 1742, the matter of succession within the apostolic vicariate came up again, and this time, the *Staten-Generaal* went a step further. A resolution from 18 January 1744 notes that several Catholic deacons had suggested three new candidates for the position, with Johannes van der Lee, who was a pastor in The Hague, as the desired candidate of the church. These were all declined by *hoogschout* Van Rechteren with the argument that the *Staten-Generaal* certainly would not accept them. Alternatively, he suggested that the *Staten-Generaal* could ignore the recommendations of the Catholic church altogether and simply select its own candidate, noting that the pope

⁸⁴ For the document from Overmaas, see: [Retroacta of Secret Staten-Generaal Resolutions. Starts with: 27 April 1726], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1740).

⁸⁵ [Retroacta of Secret Staten-Generaal Resolutions. Starts with: 27 April 1726], folder 1725, pp. 1-3.

had also accepted Van der Asdonck after his forced appointment. Furthermore, Van Rechteren proposed that the *Generaliteit*'s authority to appoint and depose apostolic vicars be confirmed by making it a permanent law, a proposal which the *Staten-Generaal* accepted and enacted.⁸⁶ A second resolution from 18 February 1744 elaborates on the decision made a month earlier, with Van Rechteren suggesting Franciscus Strick, the pastor of Heesch, for the role. The assembly of the *Staten-Generaal* deemed this appointment acceptable, citing the same conditions as those presented to Van der Asdonck plus three more: that no priests belonging to a holy order be appointed as deacons; that special attention would be paid to enforcing the placards banning children from attending Jesuit schools and to averting anyone educated there from the priesthood; and that nobody but the apostolic vicar would be entrusted with the competencies of his position.⁸⁷

The nomination of Strick was an unprecedented move. It had already been bold of the Dutch state to filter through candidates proposed by the Catholic church until they found a suitable apostolic vicar in Van der Asdonck. However, to nominate such a high-ranking Catholic official with no regard for Rome's preferences was entirely unheard of. Indeed, Pirenne noted that such measures were not even practised in Holland, where Catholic appointments remained in the hands of the church.⁸⁸ Israel found, however, that the Holland *regenten* did meddle in the affairs of the Dutch Mission as well. They supported the Jansenist cause within the Catholic community and resisted Jesuit influences by refusing apostolic vicar appointments by the papacy in 1707 and 1709 and having an apostolic vicar appointed by the pope banished from Utrecht in 1720; measures that would be copied by the High and Mighty Lords in the election of Van der Asdonck a decade later. In the Dutch Mission, this meddling eventually led to a schism in 1723 between a Jansenist faction

⁸⁶ [Third Secret Staten-Generaal Resolution concerning the Appointment of the Apostolic Vicar], 18 January 1744 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), pp. 1-3.

⁸⁷ [Second Secret Staten-Generaal Resolution concerning the Appointment of the Apostolic Vicar], 18 February 1744 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), pp. 1-3.

⁸⁸ L. P. L. Pirenne, 'De Generaliteitslanden van 1648 tot 1795', in J.H. van Houtte (ed), *Algemene Geschiedenis der Nederlanden. Deel VIII: De Revolutie Tegemoet* (Utrecht: De Haan, 1955): 315-351, p. 339.

operating in line with the Holland *regenten* and a faction remaining loyal to the pope.⁸⁹ Nevertheless, disregarding Rome's preferences altogether was a radical approach.

The Fagel archival material reveals little about the Catholic reaction to the nomination of Strick and the reasons behind why it was ultimately retracted, in part because the Fagels' role was likely more limited than in the previous election due to the elderly François' replacement as *griffier* by the younger and less experienced Hendrik the Elder in 1744. Instead of the Fagels, *hoogschout* Van Rechteren took on a more prominent role. An overview by G. Giezenaar does provide further detailed insight, though it should be noted that this is a rather dated work from 1938 and is somewhat biased in favour of the Catholic cause. Giezenaar noted that Strick's nomination evolved into a crisis for the Catholic church, as it presented the pope with a considerable dilemma. One option was to stand his ground and reject Strick's nomination, which he did indeed do initially. However, doing so would leave the vicariate empty and would cause Catholic life in northern Brabant to grind to a halt, as no new priests could be appointed without approval of the apostolic vicar following the *Staten-Generaal's* resolution of 1730. The alternative, however, was to accept Dutch pretensions concerning religious appointments, which would set a very dangerous precedent as more Protestant and Catholic states alike might be inclined to follow suit.⁹⁰ For the Republic, on the contrary, the dilemma meant that it would either receive legitimacy for its right to appoint the apostolic vicar, thereby furthering its influence over the church, or it would see the influence of the Catholic church collapse within its borderlands. It therefore only stood to gain from the situation.

The Papacy chose to pressure Strick into retracting his candidacy and to lobby the *hoogschout* to have that decision approved in an attempt to resolve the issue without loss of face, but to no avail. Recognising that a Dutch apostolic vicar was better than no organised church at all, Rome ordered the new *nuntius* in Brussels, Ignazio Crivelli, to endorse Strick's appointment. Crivelli, however, took matters into his own hands and, in a final desperate attempt, bribed Van Rechteren at least 6,000 guilders (the precise amount is

⁸⁹ Israel, *The Dutch Republic*, pp. 1034-1037.

⁹⁰ Giezenaar, *De strijd tussen Kerk en Staat*, pp. 83-85.

unknown), according to Giezenaar, to accept the retraction of Strick's nomination and to lobby the *Staten-Generaal* for a different candidate, Martinus van Litsenborgh. Van Litsenborgh – the church's preferred candidate – had notably been suggested as a successor to Van der Asdonck simultaneously with Strick. However, the *hoogschout*, favouring Strick, had failed to pass on information concerning Van Litsenborgh to the *Staten-Generaal*, only acting in favour of the latter after receiving Crivelli's bribe.⁹¹ Hence, the Fagel documents deal extensively with Strick while not mentioning Van Litsenborgh at all, despite the fact that he ultimately became the next apostolic vicar. Van Rechteren's influence also demonstrates that while the *Generaliteit* was expanding its authority very actively in the frontier by exerting influence over the Catholic church, it still had not entirely contended with the problem of its powerful regional elite attempting to exploit the situation at the cost of both the Catholic institutions and the state's authority.

The drama surrounding the appointment of the apostolic vicar was repeated again with the death of Van Litsenborgh in 1756. Shortly after *hoogschout* Van Rechteren had requested an overview of suitable candidates for the now vacant position from Lambert Hoex, a local 's-Hertogenbosch clergyman, he was informed that Hoex himself had been appointed apostolic vicar by the pope and had bypassed him to request the blessing of the *Staten-Generaal* directly. Van Rechteren, who had a personal interest in maintaining his influential role in the nomination of the apostolic vicars, railed against this decision, citing the precedents that had been set by the previous two nominations to argue that that right was reserved for the *Staten-Generaal*. He therefore also supported a different candidate, Andreas Aerts.⁹²

The 1756 appointment was different, however, in that it led to a conflict within the *Generaliteit*. The Catholic cause had managed to secure support from prominent figures within the Republic's Orangist faction, including the Regentess Anne of Hanover, her powerful advisor and eventual successor as regent - the Duke of Brunswick - and Franciscus Cornabé, a Swiss general in service of the Republic who played a key role in its military

⁹¹ Giezenaar, *De strijd tussen Kerk en Staat*, pp. 82-83, 85-87.

⁹² *Ibid.*, pp. 98-100.

intelligence.⁹³ However, a considerable number of the High and Mighty Lords shared Van Rechteren's view, regarding the appointment of Hoex as a brazen assault on their established rights.⁹⁴ As such, the same individuals that would come to oppose one another in the Douzelle affair five years later – particularly Brunswick and Van Rechteren – became embroiled in a political struggle that would similarly divide the provinces.

The matter was eventually resolved when, on 31 March 1758, the commission on *Meerij* affairs saw a chance to break the political deadlock and, in the absence of most representative supporting Hoex' candidacy, officially gave their advice on a wide array of reports at once, including those of Van Rechteren, thereby forcing a debate in the assembly of the *Staten-Generaal*. The perhaps unsurprising result was a victory for Van Rechteren's faction, and Aerts was summoned immediately by the *hoogschout's stadhouder* to take up the role.⁹⁵ Given the inclusion of these matters in the Fagel archives, as well as the key role of the *griffier* in the organisation of meetings of the *Staten-Generaal* and within its many commissions, it is likely that these events came to pass with Hendrik Fagel the Elder's knowledge, if not his direct approval or involvement. Whether the *griffier* played as central a role as in the case of Van der Asdonck's nomination, however, is not revealed by Giezenaar or the *griffiersarchief* documents.

Just as Franciscus Strick had done in 1744, Aerts tried to secure the appointment of the Catholic church's preferred candidate, Lambert Hoex, by deeming himself unfit for the role.⁹⁶ The secret resolution *retroacta* in the Fagels' dossier regarding the apostolic vicars of 's-Hertogenbosch note that Aerts, who was nominated on the same conditions as his predecessor, contacted the *hoogschout* and *Staten-Generaal* three times, stating that he was unfit for the role and that the stress and nervousity of the situation was making him physically ill. He urged the Dutch authorities to reconsider Hoex' appointment, but with little success. He was informed by Van Rechteren that he and the entire 's-Hertogenbosch clergy ought to be grateful to the state for allowing a new apostolic vicar to be appointed

⁹³ Nicolaas Antonius Bootsma, *De hertog van Brunswijk, 1750-1759* ([doctoral dissertation, Radboud University Nijmegen, 1962]. Assen: Van Gorcum, 1962), p. 40.

⁹⁴ Giezenaar, *De strijd tussen Kerk en Staat*, pp. 101-102, 105.

⁹⁵ Giezenaar, *De strijd tussen Kerk en Staat*, p. 116.

⁹⁶ *Ibid.*, p. 116.

and that they would do well to accept the nomination without any further difficulties. The members of the *Staten-Generaal* added, after discussing the *hoogschout*'s account of his interaction with Aerts, that it was the latter's duty, as a subject of the Republic, to carry out the central government's wish and that he should consider doing so before they would be forced to resort to "measures of greater persuasion".⁹⁷

Aerts, like Van der Asdonck in 1731, was ultimately forced into the role and served until his death in 1790.⁹⁸ Indeed, he appears to have come to fit the role quite well, as Tiny Romme, in his contribution to a general history of *Staats-Brabant* between 1770 and 1914, noted when discussing the Republic's response to a threat of invasion from the Austrian Netherlands in 1784. During this period, the patriots had sought to create citizen militias to counter the looming Austrian invasion and to resist Orangist rule, a measure that encountered significant resistance in the Catholic and Orangist Brabantine countryside. Nevertheless, Romme found that communities in the *Meierij*, who welcomed Austrian rule and who had already had ignored a *Staten-Generaal* decree calling for their conscription, eventually did arm themselves after apostolic vicar Aerts had called upon them twice to resist the Austrian threat.⁹⁹

With Aerts' nomination, the *Staten-Generaal* had solidified its grip on the appointment of the highest Catholic official within the 's-Hertogenbosch apostolic vicariate. It controlled the church's regional figurehead and, through him, the ecclesiastical hierarchy existing within the borderlands. Even when voices were raised by prominent domestic figures in support of the Catholic cause, as was the case in 1756, it was evident that the authority to decide on such matters no longer lay in Rome or Brussels, but entirely in The Hague. In this sense, the Republic also went above and beyond its regular policies, exerting a level of control over Catholic institutions in the *Generaliteitslanden* that the provinces

⁹⁷ [Retroacta of Secret Staten-Generaal Resolutions. Starts with: 27 April 1726], folder 1725, pp. 11-13 [my translation].

⁹⁸ Giezenaar, *De strijd tussen Kerk en Staat*, p. 136.

⁹⁹ Tiny Romme, "Ach wat droevig lot staat ons nu verschooren". Oproer en verzet tegen de Bataafse gewapende burgermacht in het departement van de Dommel, met name in Tilburg (1799-1800)' in Jan van Oudheusden and Gerard Trienekens (eds), *Een pront wijf, een mager paard en een zoon op het seminarie: Aanzetten tot een integrale geschiedenis van oostelijk Noord-Brabant 1770-1914* ('s-Hertogenbosch: Stichting Brabantse Regionale Geschiedbeoefening, 1993): 45-88, pp. 48-49.

would not impose on their respective Catholic minorities. This matter, then, is exceptional in that it saw central governance of the borderlands, which – as the discussions of the other *Generaliteitslanden* will demonstrate – was frequently met with a desire for as little involvement as possible from The Hague, take on an uncharacteristically assertive character. Furthermore, it also challenges the idea of a positive impact of a single state religion on the centralisation of power. The *Generaliteit* set up a *de facto* Dutch Catholic church in its directly-ruled borderland, rather than trying to eliminate the church's influence in favour of the Reformed faith which it endorsed, and in doing so, it expanded its authority considerably, rather than weakening it. Perhaps, then, it was not religious uniformity that made the early modern state, but rather the ability of its central institutions to harness religious authority, no matter what faith(s) it was derived from.

Through religion, the *Generaliteit* had evidently found an avenue by which it could expand its influence in the frontier region, subjecting Catholic institutions to the state's bureaucracy and marginalising the power of local political elites in the matter. However, by claiming greater authority over religious affairs, it also encountered the implications of greater responsibility over local governance. Whereas in other matters, the provincial delegates in The Hague were content with leaving affairs in the borderlands out of sight and mind as long as they did not cause a major stir, the dedication to exerting influence over religion revealed problems and irregularities that were incompatible with the *Generaliteit's* newfound sense of sovereign authority; issues that would have remained hidden if the institutions of the state had continued to pay little heed to events in the frontier.

One of the recurring religious issues that the *Generaliteit* encountered in *Staats-Brabant* was the influence of religious orders, particularly Jesuits. Not only were these coming largely from abroad, thereby spreading the Catholic faith while not being bound to the Catholic church structure of which the High and Mighty Lords had made themselves masters. They also formed – according to several notes contained in file 1725 of the *griffiersarchief* - a significant economic burden for the local impoverished Catholic population, who had to contribute goods such as butter and grain to monasteries across the political border. Furthermore, the notes describe that these practices had been outlawed,

which had forced them underground, but that the *officiëren* had developed a habit of looking the other way when these collections were conducted at night.¹⁰⁰

It is not surprising, then, that the banning and expulsion of religious orders through the mechanisms of the Catholic church was a key theme in the conditions upon which the apostolic vicar would be appointed, and that the measure was furthermore included in the 1730 reforms. In the execution of the resolution enacting those reforms, special attention was therefore also paid to the shutting down of monasteries, with a monastery in the Land of Cuijk and a cloister in the city of Breda being informed that they could continue to function, but could not appoint any new members, ensuring that they would eventually die out.¹⁰¹ The same documents outlining these measures also laid down clear guidelines for the conduct of priests. They could not employ assistants and could only be replaced temporarily by priests from neighbouring jurisdictions within the Republic's territory when they were sick, with the *Raad van State* being granted the power to restrict these rights further if necessary.¹⁰² However, amidst these new regulations, irregularities were also revealed. Particularly curious is a list of priests belonging to holy orders in 's-Hertogenbosch, which notes – amidst mentions of shutting down orders and dismantling churches – that the state was still paying the pension of the sole surviving monk of a monastery near Brussels, which it did on the request of the Dutch earl of Athlone.¹⁰³

Where the new approach to religion fell short in addressing irregularities in some cases, they overstepped their intended effect in others, as was experienced by Adriaan Schonéus in 1743. A letter sent by the prelate of the Abbey of St Geertruy in Loven, near Tilburg, argued that, ever since the retraction of harsh measures against Catholics in 1648, Catholic holdings such as the abbey could once again make full use of their lands and

¹⁰⁰ [List of Catholic Priests operating without the Staten-Generaal's Permission] n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), p. 2.

¹⁰¹ [Staten-Generaal Resolution concerning Religious Measures in Grave and Cuijk], 28 July 1730 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-2; [Staten-Generaal Resolution concerning Restrictions for Catholic Priests], 12 March 1731 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 2-3.

¹⁰² [Staten-Generaal Resolution concerning Restrictions for Catholic Priests], folder 1724, pp. 1-2.

¹⁰³ [Overview of Catholic Priests belonging to Religious Orders in 's-Hertogenbosch], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1725), pp. 1-2.

revenues. He noted that it was common practice for abbeys to have their revenues collected either by a member of their own household, or by a *mandataris*, an external figure hired to take on the task. The abbey in Loven had relied on the latter option for almost a century, with Schonéus being employed in the role at the time. However, in December 1742, Schonéus was informed by the office of the *advocaat-fiscaal* of the *Raad van Brabant* that he was serving as *rentmeester* of the abbey, making him a Catholic occupying a public office, and that he was therefore to be removed from his position. In Schonéus' defence, the prelate noted that the Catholic exclusion from public office only pertained to political positions, involving some sort of public function and an oath. Not only had Schonéus never taken an oath or used the title of *rentmeester*, but the abbey, being only a very minor body, had no authority to make such political appointments. As such, the prelate found that prosecuting Schonéus amounted to an abuse of the religious laws and the customs of *Staats-Brabant*, an abuse for which he called on the *Staten-Generaal* to rectify the matter, which – as suggested by its inclusion in the *griffiersarchief* - in turn turned to François Fagel to provide information and possibly advice. As such, a measure aimed at easing the state's governance of the region ultimately ended up sparking new conflicts complex enough to bypass the region's regular administration and become a matter of concern for the *Staten-Generaal*, leading it to be detailed in the dossiers of the Fagel archives.¹⁰⁴

The most bizarre incident encountered by the *Generaliteit* in its Catholic borderlands took place in 1737 and, amidst the climate of religious engagement and reform in the *Meierij*, itself led to further reform, where a similar matter may have been settled through arbitration and compromise in other parts of the Dutch borderlands. At the heart of the issue lay the concept of *jus patronatus*, by which lords held the right to appoint priests within their jurisdictions, usually after they had built a church. It was revoked when, in the words of the of the *Raad van State* letter received by the *Staten-Generaal* on 16 May 1737, the “blinded and unhappy” times of Catholic authority made way for “the happy change of

¹⁰⁴ [Memorie of the Prelate of the Abbey of St Geertruy in Loven], 1743 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 1-6.

the Reformation".¹⁰⁵ However, the letter notes that the Reformed church, in its fervour at the outset of the Dutch revolt, had attempted to draw all rights of religious appointments towards itself and away from the lords, cities, provinces, and other secular governments of the strongly particularistic northern Netherlands. These measures were counteracted successfully by these various secular authorities, leading to the restoration of the *jus patronatus* (now also for Reformed appointments), but with the unintended consequence that the right had been restored for Catholic lords as well.¹⁰⁶

One such lord was the Count of Bokhoven, lord of Loon op Zand in the *Meierij*. Bokhoven was problematic for various reasons. Among these was the fact that the *Raad van State* letter branded him as insane, and that his possessions were managed by two curators, who were both Catholic and resided in Brussels and Paris respectively. Worse still was the fact that he and the curators were corrupt, being infamous for using their power of religious appointment to engage in extensive simony. The most significant issue, however, was that the appointment in question was that of a Reformed pastor, enacted by a Catholic lord within the territory of the Republic.¹⁰⁷

This anomaly had already led to some conflict locally, with friction emerging first in 1732. The local Reformed consistory, the *Kerkenraad* of Loon op Zand, refused to accept the lord's appointment of a new pastor on the grounds that that right fell to the Reformed church and the fact that the previous appointment had been abused egregiously by the lord and his curators to engage in simony while the function's pastoral duties were disregarded. The curators, however, claimed that such appointments fell to the lord under the *jus patronatus*, a right which the lord had long enjoyed, and which had therefore become an established privilege. The matter was brought before the *Raad van State*, which paid the pastor's salary. Seeking to find a compromise, the Noble Mighty Lords argued that Bokhoven's curators could present candidates for the position, from which the *Kerkenraad*

¹⁰⁵ [Raad van State Letter to the Staten-Generaal concerning a Catholic Appointment of a Reformed Preacher], 14 May 1737 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), pp. 6-7 [my translation].

¹⁰⁶ [Raad van State Letter to the Staten-Generaal concerning a Catholic Appointment of a Reformed Preacher], folder 1724, pp. 7-10.

¹⁰⁷ *Ibid.*, p. 4.

could make a selection, thereby protecting both parties' rights. However, while the curators accepted the first element of the decision, they ignored the latter part and continued to urge the *Raad van State* to force the *Kerkenraad* to approve their appointment. The matter came before the assembly of the *Raad van State* again, but before it had the chance to take a decision, the curators initiated legal proceedings against the *Kerkenraad* before the *Raad van Brabant*. In turn, the *Kerkenraad* had sought the protection of the *Staten-Generaal*, which turned back to the *Raad van State* for advice.¹⁰⁸

The representatives in the *Raad van State*, adopting a less conciliatory tone than before, deemed the case absurd, as it could not be expected that any Catholic had the right to appoint a Reformed official within the Republic under the right of *just patronatus*. Furthermore, they noted that the curators only had legal grounds for their argument because they slipped through a hole in the law. Finally, they found that a Catholic lord, two foreign Catholic curators and a Catholic *rentmeester* trying to fill their own pockets by making religious appointments within the Reformed church was simply intolerable. As such, the assembly of the *Raad van State* urged the *Staten-Generaal* to employ its religious reforms of 1730 to dismantle the right of *jus patronatus* for Catholic lords, or to limit it considerably by, for example, only allowing the appointment of Catholic priests. For the specific case of Loon op Zand, it suggested that the *Kerkenraad* should accept the last appointment by the lord, automatically ending the legal proceedings against it, but that the *Staten-Generaal* should take clear steps against the *jus patronatus* of Catholic lords to ensure that a similar situation would never arise again.¹⁰⁹

The *Staten-Generaal* adopted the suggestions of the *Raad van State* on 16 May, urging the *Kerkenraad* to accept the final appointment while simultaneously leveraging the 1730 reforms to restrict the *jus patronatus* for Catholic lords and to transfer the right of Reformed religious appointments to the *Kerkenraad*, as was customary in the provinces.¹¹⁰

¹⁰⁸ [Raad van State Letter to the Staten-Generaal concerning a Catholic Appointment of a Reformed Preacher], folder 1724, pp. 1-5, 10.

¹⁰⁹ Ibid., pp. 6, 12-14.

¹¹⁰ Groenhuis, *De predikanten*, p. 22; [Staten-Generaal Resolution concerning a Catholic Appointment of a Reformed Preacher], 15 May 1737 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal,

When the case was studied by François Fagel, however, is unclear. The contents of the archives suggest that issues such as these, where established privileges contended with the interests of the *Generaliteit*, were among the most common matters delegated to the *griffier*, as they required the balancing of various complex interests. In this case, however, the decision by the assembly of the *Staten-Generaal* on 16 May 1737, which is not contained in the *griffiersarchief*, appears to have been the direct result of the *Raad van State* letter received on the same day. It is highly improbable, therefore, that Fagel collected, studied, and commented on the documents contained in his archive in the meantime. As such, it is possible that these documents were included either to serve as a reference source, though this seems improbable due to the lack of the *Staten-Generaal* resolution of 16 May in the archives, or that the decision taken on the matter was challenged again by the *Kerkenraad* unwilling to accept a questionable clerical appointment or the Catholic lord resisting restrictions on his right to *jus patronatus*; an issue for which the *Staten-Generaal* then relied on the *griffier* for information.

While the matter therefore probably dragged on after 16 May 1737, the resolution taken on that date does shed some light on the position taken by the provincial representatives in the *Staten-Generaal* on the matter. This incident also fits within the pattern of the state institutions' notably assertive approach towards religious policy in Brabant. The representatives in the *Staten-Generaal* disregarded established custom to counteract a foreign Catholic threat that had evaded their reforms of the domestic Catholic church up to that point, actively contending with a borderland noble to secure their interests.

Despite the *Generaliteit*'s frequently assertive approach to religious matters in *Staats-Brabant*, however, it did not entail any particular desire by its statesmen to suppress the Catholic faith in favour of the Reformed church for the sake of religious ideology. Indeed, just like in the provinces, the eighteenth century saw the easing of repressive measures, greater toleration of Catholic religious practices, and the institutionalisation of

1.01.02, folder 1026): 94-95, pp. 94-95, retrieved from:
https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/1026/file/NL-HaNA_1.01.02_1026_0095.

Catholic church bodies. Furthermore, policy in *Staats-Brabant* uniquely attempted to protect Catholic communities from abuse by the local political elite, a measure only possible in the *Generaliteitslanden* due to their subjection to state institutions, rather than local or provincial governing bodies. The Fagel archival material therefore suggests that the aim of the provincial delegates in the *Staten-Generaal*, who directed the Fagels in this area, regarding religious policy in the frontier was not the repression of the Catholic population or, necessarily, the imposition of religious policies existing within the provinces. Rather, they encountered several destabilising factors to their local rule, with apostolic vicars promoting papal law over Dutch law, Jesuits crossing the border to spread their faith and drain the borderland's scant resources, Catholic lords flaunting the Republic's customs, and political elites causing unrest by exploiting a disadvantaged regional majority; factors that needed to be addressed to safeguard stability. The most effective measure to address these disruptive elements to local borderland governance was to institutionalise the regional Catholic church structure as an entity separate from Rome and subject to conditions set by the *Generaliteit*. This effectively made it a Dutch Catholic church, creating for the Catholic communities in *Staats-Brabant* a stable and protected, yet subjected, place in society, disconnected from foreign influence.

This approach had already proven successful in the provinces, with *regent* promotion of Jansenism and obstruction of papal appointments to the Dutch Mission serving to align the Catholic church structure with the interests of the state. In *Staats-Brabant*, however, the issue took on a more extensive scope due to the region's Catholic majority and borderland nature, likely prompting the more extensive involvement in the nomination of the apostolic vicars and the rigid imposition of the 1730 religious reforms on Catholic elites and Reformed *regenten* alike. Across the border too, however, in the Catholic Austrian Netherlands, the same issues were being addressed. P. Janssens noted that religious controversy in the Habsburg Netherlands shifted away from a focus on the rift between the Calvinist North and Catholic South after 1648. Instead, it turned to the conflicting ideals of Jansenists, who emphasised local episcopal authority over that of the pope and sought to work within the framework of secular governing institutions, and

Jesuits, who aimed to reinforce papal authority over secular bodies and who largely enjoyed the support of the Viennese court. While these conflicting interests shifted more than in Dutch Brabant, where the aim to limit the influence of Jesuits was more consistent, the Southern Netherlands also eventually saw greater support for secular involvement in the authority of the church, and with it, greater religious tolerance.¹¹¹ While different conditions existed on both sides of the border, with Jansenists in the North forming a useful tool for the bodies of the *Generaliteit* to foster greater Catholic loyalty to its institutions whereas in the Catholic South, they affected the relationship between church and state more generally, there evidently were clear similarities between the Republic's and the Habsburg Netherlands' handling of the matter. In both cases, there ultimately was not so much a drive to repress one religion in favour of another – though existing distinctions were largely kept in place – but rather a desire by governing institutions to limit the influence of religious authorities in secular affairs.

The religious issues in *Staats-Brabant* studied by the Fagels therefore show a policy that resembles the approach to economic matters in the region to a considerable extent. In both cases, the High and Mighty Lords went beyond their role as arbitrators in borderland issues brought before them, engaging proactively and extensively with regional and local affairs to prevent or counteract a major threat to local stability. In doing so, they left a lasting mark of state interference in local governance; a new role that brought with it an expanded set of responsibilities that the provincial *regenten* in The Hague may not have necessarily desired. The involvement of the state's institutions in Brabantine affairs remained limited to those regions and policy areas, however, in which centralisation and bureaucratisation were deemed the most effective response to the crisis at hand and were therefore not pursued further when that crisis had been addressed.

¹¹¹ P. Janssens, 'De Spaanse en Oostenrijkse Nederlanden' in J.C.H. Blom en E. Lamberts (eds), *Geschiedenis van de Nederlanden* (Amsterdam: Prometheus and Bert Bakker, 2015): 221-268, pp. 255-256.

Section V: Conclusion

Staats-Brabant stands out from the rest of the *Generaliteitslanden* because centralised involvement in this borderland took on a significantly more proactive and extensive nature. The point of departure for Brabantine policy was the same reactive stance that will be seen in the discussion of the other borderlands, indicated by the Fagel documents' emphasis on crises disturbing the *status quo*, rather than those arising from a drive to extend the *Generaliteit's* influence in the frontier. Indeed, the region's zealous defence of its privileges, its powerful lords, and its large Catholic population gave little incentive for the provinces to invest in it. However, while the statesmen in The Hague may ideally have wanted to leave it as a peripheral frontier zone governed by its own customs and institutions under the guise of the *Staten-Generaal* as the new duke, *Staats-Brabant* was too large and significant to only be an afterthought. The region was essential for military defence and communications with the Southern Netherlands, while also yielding the bulk of the *Generaliteitslanden's* tax revenue, which – while relatively meagre when compared to the provinces – was used to maintain its many fortifications. Simultaneously, the issues that arose in this region – be they the result of roving vagabonds and deserters, rogue *regenten*, evasive Jesuits, or recalcitrant administrative remnants of a distant past – had the ability to escalate into far greater concerns for the High and Mighty Lords ruling from The Hague than similar incidents in the rest of the frontier could. As such, some degree of state interference and administrative reform facilitating the state's governance was essential to counteract existing challenges to the Republic's rule of the region and to pre-empt any future crises. Active involvement was occasionally necessary to avoid future intervention, and those bursts of state authority were best coordinated by the Fagel *griffiers*, who had access to information on the complexities and precedents of Brabantine governance, as well as the ability to navigate provincial differences and advise them on the effective formulation of centralised responses to administrative complications emerging in the borderlands.

Within *Staats-Brabant*, the ability of the *Staten-Generaal* and its subsidiary bodies to address borderland affairs was largely limited to the city and *Meierij* of 's-Hertogenbosch.

Within this region, the cases serious enough to spur engagement and reform coordinated by the High and Mighty Lords and their *griffier* primarily related to the region's economic and financial state after 1713, as well as the disturbances caused by the significant Catholic presence in northern Brabant and their exploitation by local authorities. As such, the Fagel archival documents show that *Staats-Brabant* became the target of an extensive relief effort and considerable tax reforms to prevent the complete collapse of the local economy and tax base, while also experiencing the enforcement of far-reaching reforms to limit the ability of Catholic institutions to circumvent the state's policies and to give them a stable place within Dutch society. However, the goal of these efforts remained the prevention or resolution of crises, with the policies rarely going above and beyond to exploit opportunities or to overcome the considerable resistance against more comprehensive reform across the borderland. *Staats-Brabant*, though saved from poverty, remained an economic backwater compared to the provinces, with development of the latter being prioritised by the confederated provinces over investment in the shared frontier territories. Similarly, while the Catholic church was sufficiently bent to the will of the *Generaliteit* to no longer be a serious threat to its authority, no further attempts were made to marginalise it or to leverage the state institutions' newfound influence to spread the Reformed faith. On the contrary, the *Generaliteit* further formalised Catholic practices in the frontiers and reined in the abuses of its local officials against the Catholic population to prevent them from disturbing the tenuous *status quo*.

Through their response to economic, fiscal, and religious crises in northern Brabant, the institutions of the state claimed and cemented their place in the region's governance, restructuring elements of local society to facilitate the *Generaliteit's* ability to address and prevent such concerns. As more crises threatened to destabilise this vast borderland, more and increasingly extensive measures were taken to stabilise it and keep it at arm's length, which in turn involved the state's institutions with more competencies and responsibilities that could lead to crises. Indeed, as will be discussed in the analysis of the *Generaliteitslanden* as a whole in chapter seven, this cycle of brief interference leading to greater involvement and more interference gradually pushed central governance of the

region towards - and possibly past – Immanuel Wallerstein's aforementioned tipping point of state authority, allowing it to become self-perpetuating.¹¹² The *Staten-Generaal* increasingly became not a distant duke, the laws of which were best left ignored or avoided where possible, but an entity that, as central government of the Republic, formed both a valuable partner and formidable opponent for local actors aiming to further their influence and interests in the borderland. As such, the developments shown in the Fagel papers reinforce Lieuwe Lieuwes' view of the interaction between state and society in the Brabantine borderland, though this trend cannot necessarily be translated directly to the other frontier zones, as the next chapters will demonstrate.

It should also be noted that the gradual expansion of central involvement in local affairs was neither a planned initiative by actors within the *Generaliteit* – on the contrary – nor was it a strictly chronological development with a consistent centralising trend and a clear moment at which a tipping point was reached. Rather, it was the result of a confederated government seeking a quiet frontier, as well as various elements of borderland society pursuing their own interests, adapting to the shifting circumstances of the state's periphery. As such, this trend also varied across the different regions of *Staats-Brabant* and the policy areas that determined local governance there. The state's institutions staked their claim on several financial and religious matters in the *Meierij* and reshaped the conduct of their regional representatives in the process in order to counteract the crises encountered there. That same involvement, however, was not reflected to a similar extent in less problematic aspects of governance, or those in which greater state involvement was not necessarily the most effective approach to secure stability, as demonstrated by the controversy surrounding the establishment of a toll office in Grave. Nor did that interference spread to a significant extent to the Barony of Breda, the Marquisate of Bergen-op-Zoom, or the other jurisdictions in the hands of powerful lords. Here, the *Generaliteit* never had the incentive or necessarily the power to cast aside lordly privileges and force through major reforms, and therefore also never laid the foundation for a cycle of involuntary involvement through crisis management; a state of affairs that is

¹¹² See the discussion of this concept in chapter two.

echoed in the silence of the Fagel archival documents on affairs beyond the *Meierij*. The statesmen in The Hague, then, did expand and centralise their authority over *Staats-Brabant*, but not over all of it.

Chapter V. The Porous Frontier: *Staats-Vlaanderen*

Maps



Figure I: Map of *Staats-Vlaanderen*, printed in 1747. As this chapter demonstrates, it is unclear whether the state border, marked here by a dashed line that largely (but not entirely) corresponds with the more visible orange line, was fully adopted. However, it is the clearest available representation of the boundaries agreed on in the 1718 Barrier Convention. Figures II and III show edited and more detailed representations of the same map.¹

¹ 'Nieuwe kaart van het westelijkste gedeelte van Staats-Vlaanderen.-Nieuwe kaart van het oostelijkste gedeelte van Staats-Vlaanderen', 1747 (Zeeuws Archief, Zelandia Illustrata, Deel 1 (Kaarten en plattegronden), 294, folder 659), retrieved from: <https://hdl.handle.net/21.12113/DCB1E5C24AD74303A31E4A3162FE7894> [cropped].



Figure II: Western *Staats-Vlaanderen* with notable towns and points of interest marked.

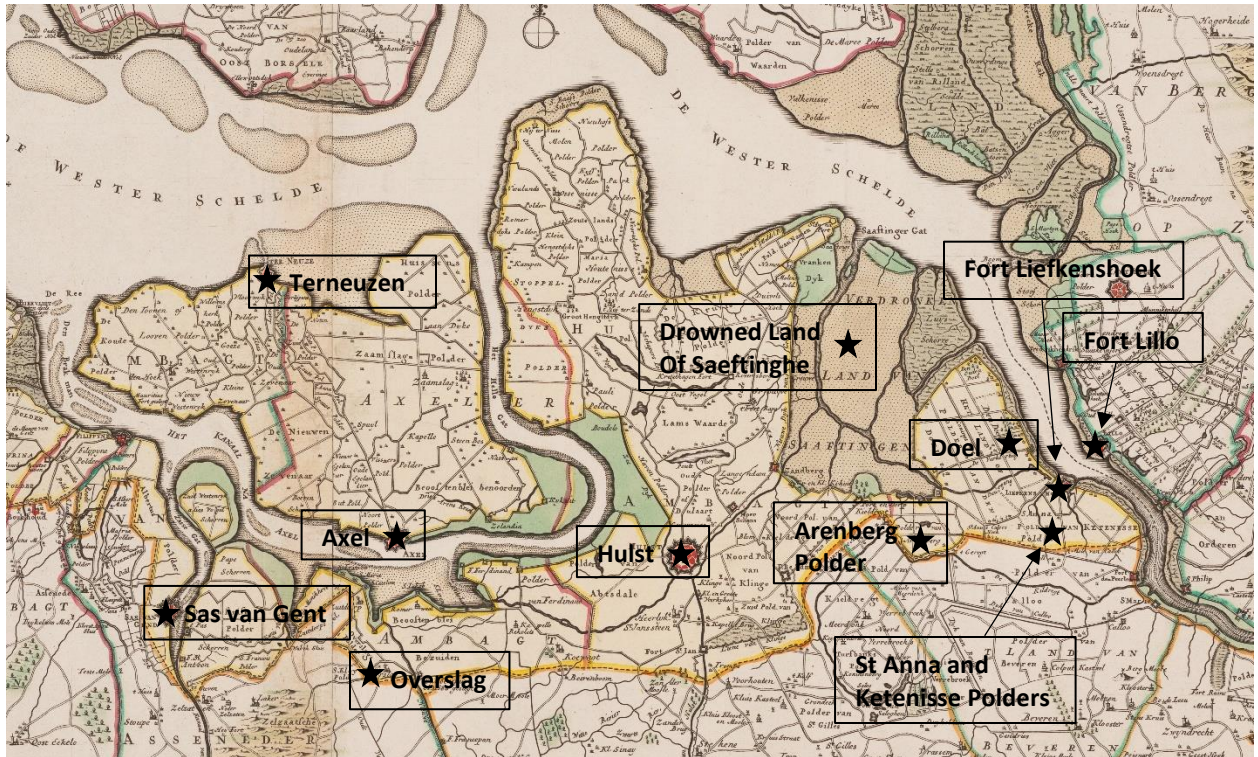


Figure III: Eastern *Staats-Vlaanderen* and the *Committimus* with notable towns and points of interest marked.



Figure IV: Undated map of *Staats-Vlaanderen* showing its jurisdictional divisions superimposed on its pre-1715 borders, shown by a thin red line.²

Section I: A Land of Water and War

After several successive floods, the once prosperous polder of Saeftinghe, first reclaimed in the thirteenth century, definitively returned to the sea following its forced inundation in 1584, a measure taken to sabotage the Spanish siege of Antwerp during the Eighty Years War. With resettlement proving impracticable, the area has remained an uninhabited brackish tidal zone ever since, known as the ‘Drowned Land of Saeftinghe’. The other territories that would come to form the *Generaliteitsland* of *Staats-Vlaanderen* were largely spared the fate of Saeftinghe. However, the circumstances that would sink the ‘Drowned

² Gert Jan Vonk, ‘De Republiek der Zeven Verenigde Nederlanden: Generaliteitslanden’ *Gert Jan Vonk* (2022) retrieved from: <https://www.gertjanvonk.nl/index.php/de-republiek-der-zeven-verenigde-nederlanden/139-generaliteitslanden> [cropped].

Land' proved all too real for the rest of Flanders' northern fringe, for *Staats-Vlaanderen* was a region shaped by water and war.³

Stretching from the North Sea in the west to the Scheldt River in the east, *Staats-Vlaanderen* formed a narrow strip of land and islands between the Westerschelde inlet to the north, separating it from the province of Zeeland, and the rest of Habsburg-controlled Flanders to the south. The region was formed almost entirely by polders, low-lying reclaimed lands surrounded by dykes that protected them from the sea and waterways surrounding them. The polders of northern Flanders started to take shape throughout the High Middle Ages, though parts of the land were simultaneously being washed away by major floods in the region, most notably the Saint-Elizabeth's Day flood of 1404.⁴

While the successive natural disasters tormenting Flanders' northern coast significantly impacted life in the polders, repeatedly engulfing entire settlements, the most catastrophic flooding affecting the region was man-made. With the major Flemish and Brabantine cities of Bruges, Ghent, and Antwerp aligning with the rebels during the Dutch Revolt and subsequently coming under pressure from Spanish armies, the area transformed into a military frontier. Unable to halt the Spanish advance towards the Westerschelde, the rebels adopted a strategy of flooding vast tracts of northern Flanders. While Saeftinghe was the only major polder that would permanently remain uninhabited thereafter, the inundations would affect roughly two-thirds of the region, temporarily transforming it into a largely uninhabitable buffer zone between the two warring parties.⁵

The inundations would force out most of the original population of the polders, but they attracted the attention of both sides' militaries, which capitalised on the treacherous landscape of dykes and waterways by building extensive fortifications at strategic points

³ For more information, see: 'Geschiedenis van Saeftinghe', *Het Zeeuwse Landschap*, retrieved from: <https://www.hetzeeuwselandschap.nl/natuurgebieden/verdrongen-land-van-saeftinghe/geschiedenis-van-saeftinghe>.

⁴ Gérard van Acker, review of M. K. E. Gottschalk, '*Historische geografie van Westelijk Zeeuws- Vlaanderen. I. Tot de Sint-Elisabethsvloed van 1404*' in *Revue belge de Philologie et d'Histoire* xxxv, no. 1 (1957): 125-127, p. 126.

⁵ Adriaan M. J. de Kraker, 'Flooding in river mouths: human caused or natural events? Five centuries of flooding events in the SW Netherlands, 1500–2000' in *Hydrology and Earth System Sciences*, xix, no. 6 (2015): 2673-2684, pp. 2676-2677.

along the frontier.⁶ The region switched hands several times during the Eighty Years War, with the newly-formed Republic losing the three major cities that it had tried to hold onto by means of its inundations but regaining the lands that would eventually form *Staats-Vlaanderen*. Starting with the capture of Sluis in the west in 1604, the other major settlements and fortifications in the region were gradually integrated over the next four decades, with Phillipine being captured in 1633, Sas van Gent in 1643, and finally Hulst in 1644.⁷ When the fighting ceased in 1648, the new political boundary was established on the principle of *uti possidetis*: each side kept whatever lands their militaries held. As such, the new border, formalised – with several adjustments – by a separate treaty between the Republic and Spain in 1664, was lined by extensive fortifications, some of which continue to mark the modern Dutch-Belgian border.⁸

The military and political stabilisation of the region ensured that the *Generaliteitsland* began attracting new settlements. With the region falling under a new set of institutions that granted significant privileges to members of the Reformed church, these new settlers were predominantly Calvinist Northerners, or Southern Calvinists moving north.⁹ *Staats-Vlaanderen* therefore became the only *Generaliteitsland* where not only the administrative elite, but also the general population was largely Reformed, though a significant Catholic presence remained.

By 1713, then, the northern fringe of Flanders had become firmly entrenched within the Dutch Republic, where it primarily continued to serve as a military buffer zone for the provinces, and for nearby Zeeland in particular. The region was made up of three distinct areas. The largest portion, in the west, centred on the fortified city of Sluis and the vast surrounding rural district, the '*Vrije*' of Sluis. It furthermore included the towns of Oostburg, Aardenburg, Ijzendijke and St-Anna-Ter-Muiden, as well as the lordships of Breskens and Nieuwvliet. Five other lordships, namely Waterland, Watervliet, Waterdijk, St Albertus, and

⁶ De Kraker, 'Flooding in river mouths', p. 2677.

⁷ Mirte de Ganck, 'Het Lot van de Katholieken en Katholieke Instanties in Staats-Vlaanderen, 1648-1664' (masters dissertation, Universiteit Gent, 2019), pp. 30-31.

⁸ Dominicus de Jong, *Grenskapellen voor de Katholieke Inwoners der Generaliteitslanden* (Tilburg: Drukkerij Henri Bergmans, 1963), p. 13.

⁹ De Kraker, 'Flooding in River Mouths', p. 2677.

the county of Middelburg, fell partially under the control of the Republic, straddling the border with the Austrian Netherlands.¹⁰ The eastern portion of *Staats-Vlaanderen* was largely comprised of the fortified town of Hulst and its surrounding rural district, the Hulster 'Ambacht', and furthermore included the towns of Phillipine and Sas van Gent, as well as the lordship of Westdorpe and the barony of St Jansteen.¹¹ The Eastern section of the *Generaliteitsland* was further expanded with the addition of the Doel polder and surrounding lands following the 1715 Barrier Treaty, an addition that remained heavily disputed and features prominently in the Fagel archival documents concerning this region. The final section of *Staats-Vlaanderen*, separating east and west, was the *Committimus*, an area formed by the town of Axel and the rural Axeler *Ambacht*, as well as the fortifications of Biervliet, Terneuzen, Lillo, and Liefkenshoef, the latter two forming small Dutch enclaves along the Scheldt near Antwerp.¹²

The administrative structures operating in *Staats-Vlaanderen* largely reflected those seen in *Staats-Brabant*, with governance mostly being left in the hands of local cities and rural districts under the supervision of bodies of the *Generaliteit*. As such, the *Staten-Generaal* appointed *burgemeesters* and *schepenen* in the region's major towns, as well as the various *baljuws* (bailiffs; equivalent of the *schout*) of its cities and districts and the *hoogbaljuw* (high-bailiff) of the city and *Vrije* of Sluis, while the *Raad van State* oversaw tax collection, the maintenance of fortifications and garrisons, and the protection of Reformed institutions.¹³

Like *Staats-Brabant*, *Staats-Vlaanderen* also had its own court for cases of appeal, disputes between jurisdictions, and cases affecting the sovereign - the *Raad van Vlaanderen* - as well as a court of feudal loans - the *Leenhof van Vlaanderen* - the latter being staffed by members of the former. Unlike their Brabantine counterparts, however, these institutions

¹⁰ The county of Middelburg should not be confused with the principal town of nearby Zeeland bearing the same name. De Ganck, 'Het Lot van de Katholieken en Katholieke Instanties in Staats-Vlaanderen', p. 38.

¹¹ Ibid., p. 38.

¹² Fort Liefkenshoek lay adjacent to the polder of Doel, which was ceded to the Republic in 1715, though it remained heavily disputed. From 1715, the fort therefore no longer was an exclave. Jonathan I. Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon Press, 1995), p. 298.

¹³ Ibid., p. 298.

were not inherited with a ducal title and entrusted with upholding the privileges tied to it, nor were they based in The Hague. Instead, they operated from the Zeeland town of Middelburg and were set up to preserve established Flemish laws and customs within the confines of the Dutch state.¹⁴ As such, the Flemish and Brabantine institutions fulfilled a similar role in practice, but had a different jurisdictional underpinning.

A peculiar quirk of *Staats-Vlaanderen's* administration was that it saw the extensive and formalised interference of one of the provinces, namely Zeeland, which extended beyond the latter's harbouring of the region's highest judicial bodies. Most administrative matters in the *Committimus* involved the institutions of Zeeland, with the *Staten* and *Gecommitteerde Raden* of Zeeland filling the roles of the legislature and executive respectively. However, accounts differ in existing historiography regarding the precise extent of this influence. Israel, for example, described the situation as Zeeland having more influence in the *Committimus* than the *Generaliteit*, in contrast to the rest of the region, while Mirte de Ganck argued that the region was not a part of *Staats-Vlaanderen* at all, but rather a portion of Zeeland that geographically formed a part of northern Flanders.¹⁵ The dossiers pertaining to *Staats-Vlaanderen* in the Fagels' *griffiersarchief* suggest that the *Generaliteit* wielded at least some influence in the *Committimus*, particularly when it came to issues concerning the Republic's political boundaries, but also in other matters. A *Staten-Generaal* publication from 1773 contained in the archives, for example, dictates that the cities and rural districts of Axel and Terneuzen would no longer follow the laws and customs of Ghent surrounding the community of property resulting from marriages, declaring that they would have to adhere to Zeeland and Holland customs instead.¹⁶

Each of the three borderland zones studied here have a unique character, despite sharing the same status within the state's political and administrative structures. Some of *Staats-Vlaanderen's* noteworthy characteristics have already been touched upon, such as its

¹⁴ Israel, *The Dutch Republic*, p. 298; Robin Schillewaert, "... dat een yeder jaeght en janckt...": het Vrije van Sluis in de eerste helft van de 17e eeuw' (masters dissertation, Universiteit Gent, 2011), pp. 23-24, 65-66.

¹⁵ De Ganck, 'Het Lot van de Katholieken en Katholieke Instanties in Staats-Vlaanderen', p. 42; Israel, *The Dutch Republic*, pp. 297-298.

¹⁶ [Staten-Generaal Publication concerning Marriage Customs in Axel and Terneuzen], 1 December 1773 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1714).

Reformed majority and the institutionalised interference in the *Generaliteit's* rule over the territory by one of the provinces. Both of these factors are significant and can be explained - to some degree at least - by the region's borderland nature. Northern Flanders' status as a military frontier forced out the original Catholic majority and allowed it to be replaced by a larger Calvinist community, while simultaneously ensuring that the strongly Reformed neighbouring province of Zeeland had a keen interest in using the buffer zone to ensure its own protection. However, both of these factors are more a symptom, rather than a cause, of *Staats-Vlaanderen's* unique borderland character.

What truly distinguished *Staats-Vlaanderen* from the vast and cohesive territory of *Staats-Brabant*, as well as the distant and scattered territories of *Staats-Opper-Gelre* and *Staats-Overmaas*, was that it formed a long, largely contiguous, and vital military frontier between the Republic and a major power, while otherwise being of relatively little significance to the provinces and their confederal central government. It did not command the economic weight and, by extension, the desire for political autonomy of northern Brabant, nor did it involve the primarily jurisdictional obstacles and opportunities for governance presented in the fragmented territories along the Meuse river valley. The issues detailed in the Fagels' dossiers on *Staats-Vlaanderen* instead are rather monochrome, pertaining almost exclusively to conflicts related directly to the establishment of a new political border between Dutch and Habsburg Flanders, or resulting from that shift. While the Republic's southern borders were drawn directly after the Eighty Years War, as in the case of Brabant, or in the 1660s after further negotiations, as in the case of *Staats-Overmaas* and – initially - *Staats-Vlaanderen*, the latter saw its territory shift again with the 1715 Barrier Treaty and its aftermath.¹⁷ Unlike *Staats-Opper-Gelre*, however, which saw its borders take shape in the same treaty, the heavily fortified nature of the frontier in Flanders - and specifically the expanded defensive capabilities that came with the cession of Habsburg territories to the Republic in the 1715 treaty - ensured that the matter of territorial demarcation became a particularly significant point of interest for the

¹⁷ De Jong, *Grenskapellen voor de Katholieke Inwoners der Generaliteitslanden*, p. 13.

representatives in the *Generaliteit* regarding this region, as well as a more sensitive topic of negotiation between them and their counterparts in Brussels.

Not only the region's political boundaries were flexible, however, as in Flanders - unlike in the other *Generaliteitslanden* - geography itself was in flux. The region's many waterways, as well as the dykes built to contain them, were continuously shifting. These features, which were regularly used to demarcate the political border, therefore simultaneously created a natural dividing line and an unreliable territorial limit between the North and the South. Furthermore, the region's waterways, passing from the major cities of Austrian Flanders and Brabant to the sea through Dutch territory, formed both a point of contact and contention between the two political entities. As such, this region, more so than any other Dutch frontier, saw the interaction of physical and political geography, and therefore, the (ab)use of cartographic representations of political space.

While the issues surrounding the Republic's external border in Flanders primarily led to international conflicts, with the two states - at times spurred on by communities living along the frontiers – confronting one another over their shared boundary, the territorial shifts also had implications for internal jurisdictional divisions in *Staats-Vlaanderen*. The region's dismemberment from its historical administrative centres in Bruges, Ghent, and Brussels, as well as the loss and gain of territory, either to and from Austria or the sea, meant that the various local state and autonomous power centres could reevaluate their relationship with one another and with the institutions of the *Generaliteit*. Similarly, it affected the degree of involvement that the central institutions of the Republic felt was necessary in governing the northern fringe of Flanders.

These, then, are the key themes explored in this chapter. The first section will analyse the geopolitical questions surrounding what the documents in the *griffiersarchief* relating to the conflicts surrounding the political border term the '*limietscheiding*', the demarcation of the political border between the Republic and the Habsburg monarchy in Flanders.¹⁸ It will discuss the establishment of the new border by the 1715 Barrier Treaty

¹⁸ See for example: [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), p. 1.

and the multitude of complications and conflicts that it caused, showing that the international boundary in Flanders never became clearly defined and recognised throughout the period 1713-1763 and thereafter. The next section will evaluate how the region's changing geography, as well as the use of its features as administrative boundaries and their cartographic depiction, impacted the geopolitical struggle over the demarcation of the political border. The third section will discuss how the processes surrounding the establishment and alteration of the state's border affected and compared to administrative practices pursued within the borderland defined by that boundary. By means of this approach, this chapter will assess how the provinces represented in the *Generaliteit* approached governance in a frontier region where territorial claims to authority took centre-stage.

The archival material held by the Fagels pertaining to *Staats-Vlaanderen* is largely drawn from folder 1710 on the *limietscheiding*, consisting primarily of a manuscript booklet of *retroacta* split into ten parts, as well as of various supporting documents. These items detail all major incidents that took place along the Flemish border between 1716 and 1774, focusing on the elements of those issues that specifically influenced the geographic delineation of the boundary. It is likely that these documents were collected retrospectively by the clerks of the *griffier* from existing papers on the instructions of Hendrik Fagel the Elder to inform the *Generaliteit*'s approach to Austria's unilateral abandonment of the Barrier Treaty in 1781. The first and second section of this chapter are primarily supported by this folder. Folder 1710 adds a unique character to the archival material on Flanders, because while the documents on other borderlands also show emphases on particular regions or policy areas, the material used by the Fagel *griffiers* to inform and advise the *Staten-Generaal* on incidents in Flanders focusses primarily on a singular issue.

As a collection of *retroacta* containing summaries of *Staten-Generaal* resolutions and reports, the *limietscheiding* documents describe the events unfolding in Flanders from the High and Mighty Lords' viewpoint. As *retroacta* entries usually start with the summary of reports received from local borderland or other state institutions, or from foreign or domestic envoys, they provide an overview of the issue at hand and the stances of other

actors in them before presenting the *Staten-Generaal's* decision on the matter. While the *retroacta* therefore address the conflicts along the Flemish border comprehensively, they do present the viewpoint of the Republic's statesmen on the matter, with Dutch claims repeatedly being demonstrated as entirely justified, while those of their Austrian counterparts usually being seen as wholly unfounded. Despite the inherent bias of these primary sources, the *Staten-Generaal's* claims detailed in its resolutions and reports usually did enjoy greater justification from official treaty texts and maps than those of Austria. As will be demonstrated in this chapter, those ruling in the Republic had much to gain from upholding the treaties they signed, while their Austrian counterparts saw more value in literally and figuratively pushing the boundaries therein.

The documents informing the third section of this chapter depart from the high politics of the *limietscheiding* material, reflecting the *Generaliteit's* role as arbiter similarly seen in other areas of the *Generaliteitslanden* where the *Staten-Generaal* became involved in local governance. As Robin Schillewaert noted in his discussion of the appointment of *schepenen* in the *Vrije* of Sluis, local officials would leverage personal connections with actors operating within the *Generaliteit* to secure beneficial appointments. The Fagels' documents pertaining to domestic matters in Flanders too engage with the exchange of administrative functions between members of the *regent* class. Indeed, where the Fagels' role as *griffiers* made them essential intermediaries within the geopolitical struggles surrounding the *limietscheiding*, the family's extensive network also made them key figures within the *regent* elite. As such, they were well placed to study and monitor administrative crises resulting from *regent* practices on behalf of the central state institutions, while also having the ability to turn such matters to their own interest. Naturally, however, the material collected by the Fagels only reflects the former role, as their documents' projection of them as objective and loyal servants of the provinces' common interests was the factor that most effectively secured for themselves their privileged position within the Republic's ruling class.

Within both their formal and informal role, however, the Fagel *griffiers* are barely mentioned in the documents they collected, as is the case in the *griffiersarchief* dossiers on

the other *Generaliteitslanden* as well. It can be assumed, however, that the extensive correspondence, described in the *retroacta*, between the representatives in the *Staten-Generaal* and Habsburg and British diplomats, as well as with Dutch diplomats abroad, which forms the bulk of the archival material pertaining to the *limietscheiding*, passed through the *griffier* as the *Staten-Generaal*'s primary point of contact for foreign and domestic envoys. While the Fagels therefore must have handled the original documents detailing the issues they addressed in Flanders, that element of their function is not represented in their archives, the many *retroacta* in which demonstrate that the materials they used were collected, copied, and compiled retrospectively.

Another notable point about the materials used by the *griffiers* in the handling of crises arising in *Staats-Vlaanderen* was that this region, significantly more so than the other *Generaliteitslanden*, saw the use of maps. Despite the heavy reliance on cartography and the fact that there are several mentions in the documents on the *limietscheiding* of treaty maps being held within the *Griffie* in The Hague, no cartographic material is incorporated in the Fagel archival material on *Staats-Vlaanderen*, or on the *Generaliteitslanden* more generally. Furthermore, the extensive cartographic material found in the Fagel library in Trinity College does not appear to correspond with the complex issues the Fagels faced in their handling of borderland crises detailed in their archives. It is likely that the maps used by the Fagels instead remained in the archives of the *Staten-Generaal*, as they were not as easy to copy as written documents, and can therefore be found either within those archives or in the Hingman collection of domestic maps, which was compiled in the late nineteenth century using maps extracted from various other collections within the Dutch National Archives, including the archives of the *Staten-Generaal*. Indeed, several of the maps found in the Hingman collection in particular correspond with very specific issues studied by the Fagels along the Flemish border, suggesting that they were used by the *griffiers*. Perhaps the most notable of these are shown in **figures V and VI**, which depict the *limietscheiding* in Flanders using not a line drawn on a map, but a string sewn through it and affixed (in the case of **figure VI**) with wax seals, so that they could be moved if necessary. Indeed, that would have been the most accurate depiction of the eighteenth-century Flemish border, as

it was a concept presented and perhaps understood in fixed territorial terms, but proved uncertain and flexible in reality.



Figure V: Map from 17 February 1667 (facing south) depicting *Staats-Vlaanderen* following the 1664 *limietscheiding*. The border with the Spanish Netherlands is represented by a black thread sewn into the map.¹⁹

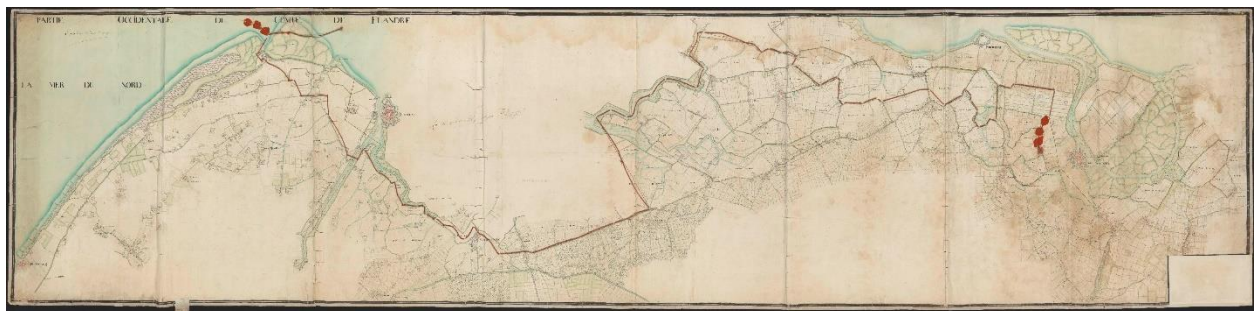


Figure VI: Map from 22 December 1718 depicting the 1718 *limietscheiding* between Sas van Gent and the North Sea coast. The border with the Austrian Netherlands is represented by a red thread sewn into the map and affixed with wax seals.²⁰

¹⁹ 'Kaart van de grensscheiding tusschen Staats Vlaanderen en de Spaansche Nederlanden, overgegeven aan de Staten-Generaal', 17 Februari 1667 (Nationaal Archief, Inventaris van de verzameling binnenlandse kaarten Hingman, 4.VTH, folder 14), retrieved from:

https://www.nationaalarchief.nl/onderzoeken/archief/4.VTH/invnr/14/file/NL-HaNA_4.VTH_14 [cropped].

²⁰ 'Kaart van de grensscheiding tusschen Staats Vlaanderen en de Spaansche Nederlanden behorende bij het barrière tractaat, gesloten 22 December 1718', 22 December 1718 (Inventaris van de verzameling binnenlandse kaarten Hingman, 4.VTH, folder 15), retrieved from:

Section II: Barriers to Negotiation

The Barrier Treaties, the last of which was ratified on 15 November 1715, significantly impacted the character of the Southern Netherlands, solidifying the longstanding alliance between Austria, Britain, and the Dutch Republic, and fulfilling one of the Republic's most sought-after foreign policy objectives: the creation of a defensive buffer against France.²¹ The transformation of some of the Southern Netherlands' formidable fortifications into Dutch exclaves has therefore been addressed extensively in scholarly writing, as has – to a lesser extent – the creation of *Staats-Oppe-Gelre* in the same treaty. The changes made to the Republic's border proper in Flanders, however, have lacked detailed consideration, and even less attention has been paid to the Barrier Convention of 1718, held to settle disputes arising from the 1715 treaty. Both of these developments were addressed recently to some extent by Klaas van Gelder, who provided a detailed account of events leading up to the 1715 and 1718 treaty and convention, but his work too provides little insight into developments along the border after 1718.²² Yet it was these matters that concerned the High and Mighty Lords of the *Staten-Generaal* most in their administration of Flanders, as it was primarily the issues surrounding the *limietscheiding* that they delegated to their designated crisis-managers in the *Griffie*.

The Fagels' folder on the *limietscheiding* provides a comprehensive overview of the status of the Flemish border between 1716 and 1774. The documents in folder 1710 demonstrate that the political border – despite being agreed upon by both states' representatives in 1715 – was anything but fixed during this period, forming a major stumbling block for the Republic's authorities. Successive conflicts throughout this period ensured that the majority of the ceded land, while officially Dutch according to the treaties,

https://www.nationaalarchief.nl/onderzoeken/archief/4.VTH/invnr/15/file/NL-HaNA_4.VTH_15 [cropped].

²¹ Randall Lesaffer, 'Fortress Belgium – The 1715 Barrier Treaty' *Oxford Public International Law* (2024) retrieved from: <https://opil.ouplaw.com>.

²² See: Klaas van Gelder, 'The Estates of Flanders manning the barricades for territorial integrity: the protest against the Barrier Treaty of 1715', in Georges Martyn, René Vermeir, and Chantal Vancoppenolle (eds), *Intermediate Institutions in the County of Flanders in the Late Middle Ages and the Early Modern Era* (Brussels: Archives générales du Royaume/Algemeen Rijksarchief, 2012): 115-137.

remained under Austrian jurisdiction in practice. The conditions that brought about these clashes differed significantly, however, ensuring that the feuding parties were not always necessarily the Austrian and Dutch states, but also regularly local authorities and lords quarrelling over the border or projecting their concerns onto their respective state institutions. As such, the upheaval surrounding the *limietscheiding* provides considerable insight into the interaction of national and local state institutions and other local elites in a contested military borderland. Furthermore, it sheds light on the respective negotiating and coercive abilities of a great power administrating a distant frontier and a diminishing republic seeking to secure a vital border during a time of significant military upheaval. As this section will demonstrate, the changing circumstances along the frontier and in both states' geopolitical positions pushed both administrations to alter their strategies accordingly, with the statesmen in the Republic playing a bad hand as effectively as possible by emphasising the value of official treaties and maps while selectively applying pressure, whereas the growing influence of the Habsburg monarchy saw its officials call the value of such agreements into question repeatedly to coerce the Republic into concessions.

The delineation and demarcation of a state border can be influenced by a host of varying geographical, social, and jurisdictional factors in the frontier zone where it is to be located, but its exact placement is ultimately decided by where two neighbouring states agree their border is located. The accepted, official border, established by means of a treaty, therefore does not necessarily have to correspond with the practical reality that exists in the borderlands, for it is merely a line on a map, which itself is an imagined representation of space. As such, when the final Barrier Treaty was signed on 15 November 1715, Austria had officially ceded several territories to the Republic, but in practice, these did not immediately come under Dutch jurisdiction. In order to execute the treaty properly, it was necessary for the local administrations and lords of the ceded territories to present oaths of loyalty to their new sovereigns and, if deemed necessary by both sides, to enact the *limietscheiding*, the physical demarcation of the border. An entry in the *limietscheiding retroacta* from 17 March 1716 describes that the representatives in the *Staten-Generaal* cited the need for the borders to be demarcated as rapidly as possible, noting that the state

could not legitimately draw revenues from the newly acquired territories until the *limietscheiding* had been completed.²³

The High and Mighty Lords' eagerness to settle the border's demarcation as swiftly as possible was not just a matter of drawing revenues, because even before the Barrier Treaty had officially been signed, it had stirred up considerable discontent south of the border. Rather than the Habsburg court in Vienna or its regional representative - the governor in Brussels - however, it was the estates of Flanders objecting to the new boundaries. Specifically, the assembly of the *Staten-Generaal* noted that the cities of Ghent and Bruges, as well as the rural *Vrije* of Bruges, regarded their Habsburg sovereign's decision to cede land in Flanders as a violation of their established privileges. These concerns were reinforced by the fear that granting the Republic more control over the major waterways leading from the South to the sea would give it the power to inundate parts of the Southern Netherlands or to prevent the outflow of water, a suspicion that later incidents would prove was not entirely unfounded.²⁴

Van Gelder noted that the Barrier Treaty as a whole was regarded as a slap in the face by the estates of the Southern Netherlands, as it also involved the payment of considerable subsidies and forbade the Habsburgs from altering any of the tariffs benefitting the Republic and Great Britain. The cession of a considerable portion of land therefore added insult to injury, sending the Flemish estates – and to a lesser extent those of Brabant – into an uproar and sparking fears of a revolt backed by France. Furthermore, the estates had the power to evaluate the annual taxes paid to their new sovereign and could therefore cut off that source of revenue for the crown. The Habsburg monarchy, then, was forced into a balancing act between maintaining cordial relations with the Republic and

²³ [Staten-Generaal Retroacta concerning the Demarcation of Borders stipulated in the 1715 Barrier Treaty], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 1-2. Whether the lack of new demarcations did have a significant impact on the state institutions' ability to collect taxes locally is unclear. It was not unusual for two states to collect taxes from the same community as long as it benefitted them both, as will be seen later in the *Redemptiedorpen* surrounding Maastricht. However, considering that the conflicts over the *limietscheiding* took on a very territorial, rather than a jurisdictional, character, emphasising the fact that the ability to tax a region derived from exclusive territorial authority over it would have been an effective negotiating strategy for the Republic's representatives.

²⁴ Ibid., pp. 9-10.

Great Britain by upholding the Barrier Treaty, thereby securing its sovereignty over the Southern Netherlands, and pacifying the estates through which it had to govern its new territories in the Low Countries.²⁵ As such, while the Austrian state institutions agreed to the established borders, which, as pointed out by the *Staten-Generaal*, was the only factor necessary to enact the *limietscheiding*, it was sufficiently pressured by local domestic forces to reconsider its position.²⁶

On 29 October 1716, the *Staten-Generaal* discussed a proposal from the Marquis de Prié, the interim governor of the Austrian Netherlands, who was sent to The Hague along with representatives from the estates to resolve the diplomatic crisis delicately. He requested that the Republic make some concessions to satisfy the unruly Flemish estates, arguing that the Republic's primary objective in the treaty, the security of its southern border, could also be achieved with less conceded land. The High and Mighty Lords responded that they would not stray from the treaty's articles, nor would they, as representatives within a confederated central body, have the authority to do so without consulting with their respective provincial *Staten*. In a resolution two days later, they furthermore threatened to involve Great Britain, as guarantor of the treaty, to ensure its execution.²⁷

Nevertheless, the protestations of the Flemish estates in the South similarly caused political tensions in the North, as the matter was relayed to the provinces, with Zeeland vehemently protesting any proposed change to the treaty. The province cited the ineffectiveness of the old border fortifications - brought about primarily by the shifting of waterways along them - as its reason to demand the full extent of the ceded territories, arguing that it could only adequately protect itself with the old borders if they were completely inundated. Yet by April 1717, a majority within the *Staten-Generaal* was urging the provincial *Staten* to make some concessions, arguing that the existing state of negotiations was untenable and that enjoying any benefits from the treaty at all would

²⁵ Van Gelder, 'The Estates of Flanders manning the barricades for territorial integrity', pp. 115-122.

²⁶ [Staten-Generaal Retroacta concerning the Demarcation of Borders stipulated in the 1715 Barrier Treaty], folder 1710, p. 4.

²⁷ [Secret Staten-Generaal Retroacta concerning the Flemish Limietscheiding], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 2, 5-6.

hinge on the making of some concessions to satisfy Austria, and more specifically the estates of Flanders.²⁸ As such, while both states' central institutions had reached an agreement on their shared political border, domestic forces on both sides had pitted the two administrations against one another in a contest over their territorial limits; a contest evidently won, on this point, by the Habsburg monarchy, the negotiators of which forced a concession on a specific issue by jeopardising the treaty as a whole, which remained – even in reduced form – considerably beneficial to the Republic. As a result, the boundaries in Flanders were renegotiated, though many of the other controversial elements of the Barrier Treaty, from the Southern estates' perspective, remained in place.

The resulting Barrier Convention, signed on 22 December 1718 and ratified by the *Staten-Generaal* on 1 February the next year, shifted the Republic's borders and set a new official limit to its jurisdiction and that of the neighbouring Austrian Netherlands. The precise extent of the 1715 and 1718 boundaries is unclear, as both would be mired in controversy and were, as this chapter will demonstrate, never fully implemented. Van Gelder estimated, however, that the two thirds to three quarters of the land originally ceded to the Republic in the 1715 treaty remained in Habsburg hands under the terms of the 1718 convention, which furthermore forced the Republic to concede that it would not abuse the locks that controlled the waterways in those territories and would grant local Catholics the same freedoms as those enjoyed by their coreligionists in *Staats-Opper-Gelre*.²⁹ **Figure I** likely is a close representation of the boundaries agreed on in 1718 for *Staats-Vlaanderen* as a whole. The Hingman collection furthermore contains a map showing the *limietscheiding* in western *Staats-Vlaanderen* (**figure VII**) dating to 1718 and containing the seals of the representatives involved in the 1718 Barrier Convention negotiations.

²⁸ Ibid., pp. 6-7; [Staten-Generaal Retroacta concerning the Demarcation of Borders stipulated in the 1715 Barrier Treaty], folder 1710, pp. 12-15.

²⁹ Van Gelder, 'The Estates of Flanders manning the barricades for territorial integrity', pp. 133-134.

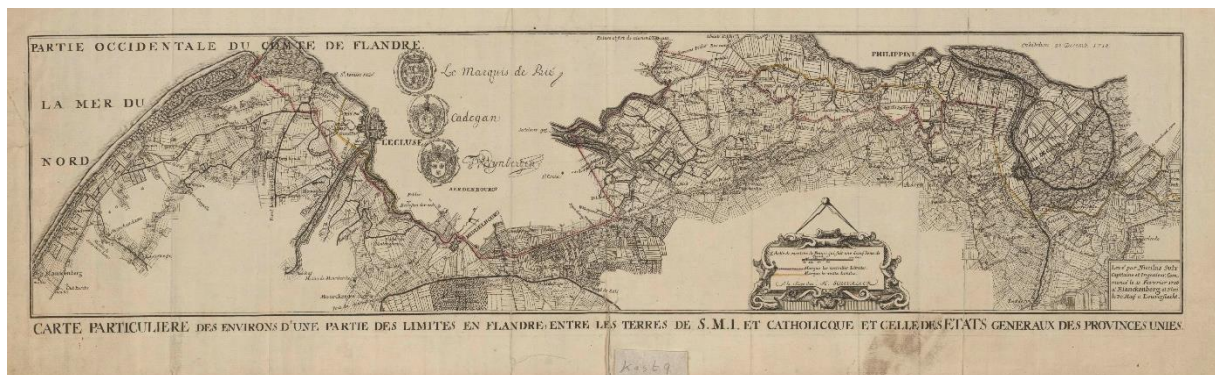


Figure VII: Map exhibited within the *Staten-Generaal* on 23 December 1718 showing the 1664 borders (yellow line) and the 1718 borders (pink line) in western *Staats-Vlaanderen*. It carries the seals of Habsburg, British, and Dutch negotiators involved in the 1718 Barrier Convention, including, for the Habsburg monarchy, the Marquis de Prié.³⁰

The *Staten-Generaal* resolutions of 1719 contained in the *retroacta* on the *limietscheiding* discuss the preparations made for the execution of the convention and the practical transfer of authority. They show that orders were sent out for the reception of oaths of loyalty from local administrations, reports were received detailing the expected revenues of newly acquired territories, and arrangements were made between the two states to enact the transfer of land and the marking of boundaries. These efforts would stall on the latter point, however, setting the stage for further conflict over the validity and precise execution of the Barrier Treaty and the alterations made to it contained in the 1718 convention. Both sides agreed that the border should be demarcated near Sas van Gent, where the new boundaries had been determined by setting them at a fixed distance from the town's fortifications, and which therefore still had to be measured. However, this demarcation caused controversy along the broader frontier, as the Austrian side argued that the *limietscheiding* should not start at Sas van Gent in the middle of Flanders but

³⁰ 'Kaart van de grensscheiding tusschen Staats Vlaanderen en de Spaansche Nederlanden tusschen Sluis en Phillipine', Exh. [St.-Gen.] 23 December 1718 (Inventaris van de verzameling binnenlandse kaarten Hingman, 4.VTH, folder 16), retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/4.VTH/invnr/16/file/NL-HaNA_4.VTH_16 [cropped].

should rather be initiated on the North Sea coast and extended eastwards across Flanders to the Scheldt River.³¹

The Dutch side, however, pushed back against this initiative, despite having been keen to mark the border physically in 1716. The assembly of the *Staten-Generaal* viewed the official map of the Flemish borders, made to elucidate the changes in the 1718 convention, as sufficiently clear, arguing that any further demarcation on the ground was unnecessary beyond Sas van Gent, especially because the border followed the contours of clear geographic features, namely roads, dykes, and waterways. This argument was primarily made because on 25 December 1719, the High and Mighty Lords had received word from their representative in Brussels, named Pestere, that Habsburg officials were casting doubt over the accuracy of the official map, arguing that it did not correspond precisely with the region's geographical features. The assembly of the *Staten-Generaal* therefore feared that demarcating the border, rather than relying solely on the treaty map, would give Habsburg officials an opportunity to reignite the debate concerning the boundary's precise location; an eventuality that had to be prevented if the High and Mighty Lords aimed to uphold the integrity of their territorial claims encapsulated in the treaty and convention. As such, the provincial representatives argued that the Republic would accede to a general *limietscheiding*, but only as long as it followed the stipulated treaty borders shown on the map, which was made on the orders of the Marquis de Prié and which would remain final until the *Staten-Generaal* was shown clear evidence of its flaws.³²

The controversy over the Flemish border emerging in the *retroacta* entries from 1719 foreshadowed the handling of the *limietscheiding* question over the next several decades, providing for Hendrik Fagel the Elder insight into the dynamics that would come to trouble the establishment of the border throughout the eighteenth century. While some ceded territories had found their way to Dutch jurisdiction, like Fort St Donaas near Sluis, which came under official Dutch administration with the 1715 Barrier Treaty after being occupied in the War of Spanish Succession, the conflict regarding the precise location of the

³¹ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], folder 1710, pp. 1-2, 5.

³² [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], folder 1710, pp. 6-8.

border as a whole and its demarcation remained unresolved, being hampered by numerous incidents flaring up along the frontier. Furthermore, while the feuding parties in each of these incidents varied, involving different constellations of state and local actors, the direct implications for the border were always managed in negotiations at the state level. In this role, a pattern would emerge for both states' representatives, with the Republic's delegates consistently emphasising the unfulfilled promises made in the various treaties, conventions, and conferences of 1715, 1718, and beyond, and with Austrian representatives focusing on the opportunities granted by the fluctuating conditions observed on the ground in the Flemish frontier. These positions were not born out of contrasting views of state authority or border demarcation, but rather saw both sides attempting to achieve their short-term aims as effectively as possible under the conditions presented by the Flemish borderland, with changing circumstances spelling equal flexibility in both states' approaches towards the *limietscheiding*.

These conflicting interpretations of official and practical authority emerging from the negotiation strategies of a state seeking the acquisition of promised territories and one of the continent's great powers unwilling to give them up, ensured that parts of the Flemish borderland remained in administrative limbo long after the borders had officially been set. A clear indication of what was to come was demonstrated in a report sent by Pestere from Brussels to the *Staten-Generaal* on 7 November 1720. He reported that little progress was being made with the unresolved points of the Barrier Treaty, and that on the contrary, issues previously settled were increasingly reopening for debate, ensuring that he did not foresee the controversy surrounding the border being resolved anytime soon.³³ Indeed, the developments of the *limietscheiding* conflicts would show that the negotiators of the Republic were repeatedly on the back foot. Unlike in the *Meierij* of 's-Hertogenbosch, where the institutions of the *Generaliteit* had considerable leverage to force through reforms, or in Overmaas, where – as will be discussed in the next chapter – the Republic could leverage the threat or use of military force to solidify its grip on Maastricht and its surroundings,

³³ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], folder 1710, p. 12.

conditions within the Flemish frontier zone ensured that the institutions of the *Generaliteit* were attempting to make the most of unfavourable circumstances.

The primary reason for the stalling of the general *limietscheiding* was the fact that localised incidents along the boundary repeatedly flared up, or were more likely provoked by the Habsburg side in particular to delay and confuse the cession of land to the Republic. These separate issues were therefore leveraged to pressure the other side into making concessions regarding the Flemish border as a whole, or regarding other aspects of the Barrier Treaty, such as the payment of subsidies. Some of these issues arose from misunderstandings regarding the region's shifting geography and cartographic representations thereof, which will be addressed in the second section of this chapter. More often, however, they were provoked by contrasting interpretations of international treaties, or direct violations of those treaties; circumstances in which the Fagel *griffiers* would have played a key role, both in the managing of the crisis at hand and, as the *limietscheiding retroacta* suggest, in the recording of precedent over time to influence later developments.

The incidents detailed in the *retroacta* of *Staten-Generaal* resolutions contained in the *griffiersarchief* differ considerably in scope. While some major issues remained unresolved for decades, the documents describe several incidents that only caused brief disturbances in the borderlands. Most notably, as a military frontier, the borderland occasionally saw the incursion of foreign troops, either accidental or intended. In 1736, for example, a Dutch soldier stationed in the exclave of Fort Lillo deserted and fled to the Austrian Netherlands, where he was pursued by the Lillo garrison. This incident had little impact, however, as the assembly of the *Staten-Generaal* immediately recognised it as an error on the Republic's part, stating that it had not meant to violate the emperor's sovereignty, but adding that the incident had been allowed to occur because the border was not marked at Lillo.³⁴ Whether the lack of clear demarcations around the exclave was truly the cause of the Dutch incursion is doubtful, however, as the deserter evidently knew

³⁴ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Three], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), p. 5.

precisely where to run to escape the Republic's jurisdiction. Similar incidents took place in 1749, when Austrian troops crossed the border near Sas van Gent to pursue a band of deserters, and 1758, when the Lillo garrison once again violated Austrian territory while chasing some of its own men.³⁵ While complaints were made about both incidents, the Fagel documents do not show a response, unlike in the 1736 case. However, the fact that they are only mentioned in passing suggests that they were regarded as minor affairs, with no further heed being paid to them at the time.

More serious was an incident in 1761, when Austrian troops, sent to fortify the Flemish coast during the Seven Years War, built encampments on Dutch territory near St-Anna-Ter-Muiden. However, this case too saw relatively little impact on Austro-Dutch relations along the border, as the commander of Sluis, acting on his own accord, convinced the Austrian general in Flanders to move the encampments after showing him the 1718 map of the boundaries along with the treaty on which it was based.³⁶ Major controversy over another incident, in which the territorial authority of the Republic was purposely violated by the son of an Austrian tax collector who seized several sacks of rye and a horse-drawn cart before fleeing back across the border, was similarly mitigated. While the Fagel documents do not detail the precise repercussions against this individual, they do note that the *Staten-Generaal* deemed the orders taken in response by the Brussels government to be adequate.³⁷

In most cases, then, where one or a group of individuals disregarded a territorial border, the ramifications remained limited. Where such incidents highlighted or provided grounds for broader territorial conflicts, however, widespread inter-state controversy ensued, as was demonstrated by Zacharias Samson in 1756, when he murdered Judocus Pietersen on a newly built dam that formed part of the fortifications of Fort St Donaas. On 7

³⁵ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Four], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 6-7; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Seven], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), p. 3.

³⁶ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Eight], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 11-12.

³⁷ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Seven], folder 1710, pp. 2-3.

December 1756, the *Staten-Generaal* discussed a report from the *Vrije* of Sluis detailing these events and their aftermath. It noted that the corpse was inspected jointly by Austrian and Dutch commissioners the day after the murder, and it was agreed that the incident had occurred on Dutch territory, within the *Vrije* of Sluis. Soon thereafter, Zacharias Samson was apprehended in the *Vrije* of Bruges and imprisoned there. However, rather than extraditing the criminal to the *Vrije* of Sluis, as was customary, the rural district of Bruges argued that the dam on which the crime took place was in fact part of the Southern Netherlands according to the 1718 treaty. The *Vrije* of Sluis contended that the Southern authorities were highly selective in the treaties they adhered to by defending the 1718 borders for St Donaas but upholding the 1664 border “a mere ten paces outside its walls”, where the border remained unmarked and where Austrian taxes continued to be levied on lands ceded to the Republic in the Barrier Treaty and Convention. As such, it argued that it had, for roughly forty years, been unable to enjoy the full revenue of its jurisdiction and that this state of affairs caused significant distress for the inhabitants of the disputed area.³⁸

Throughout the controversy surrounding the general *limietscheiding*, the representatives in the *Staten-Generaal* and their diplomats adopted various negotiating tactics to persuade Habsburg diplomats, depending on the circumstances. As such, they frequently pointed to the Republic’s unfair treatment according to the treaties, or alternatively, as in 1716-1718, it conceded several of its claims to safeguard others. The incident surrounding the dam by Fort St Donaas, however, shows one of only few instances where the Dutch response was openly hostile. The assembly of the *Staten-Generaal* once again based its arguments on the 1718 map, which it claimed superseded the “fragments of old maps and concepts of surveyors” put forward by the Austrian authorities (these might be the maps shown in **figures VIII and IX**, both of which depict Fort St Donaas and date to the time of this conflict), arguing that the Austrian claims were unfounded and accidentally “must have escaped from the pen.” As such, the High and Mighty Lords stated that, in light of the harmonious Austro-Dutch relations, they would not reveal to the daylight the

³⁸ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 13-16 [my translation].

repercussions that continued failure to extradite Zacharias Samson would unavoidably have. Furthermore, they noted that permission for building the dam on Dutch territory had been granted to the *Vrije* of Brugge, presumably by the *Vrije* of Sluis or the commander of St Donaas, without the consent of either the *Staten-Generaal* or the *Raad van State*. As such, there was nothing withholding the Republic from destroying the dam, which the *Staten-Generaal* noted was an option it would discuss with the *Raad van State* and which, should it come to pass, would be enacted under military protection from the Sluis garrison.³⁹

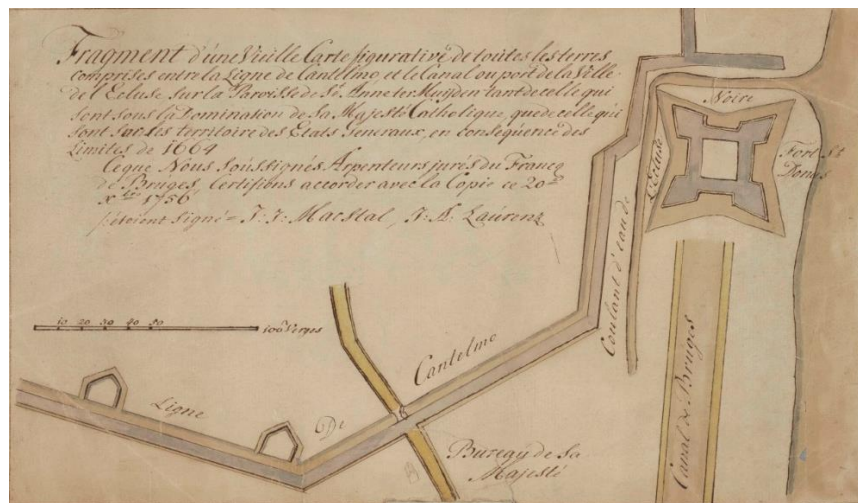


Figure VIII: Map from 20 December 1756 depicting Fort St Donaas.⁴⁰

³⁹ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Six], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 1-4 [my translation].

⁴⁰ 'Kaart, zynde extract uit eene oude kaart van de landen tusschen de linie van Cantelmo en de haven van Sluis, zoo onder het gebied der Staten-Generaal als van Zijne Keizerlyke Majesteit, ingevolge der grensbepaling van 1664', 20 December 1756 (Inventaris van de verzameling binnenlandse kaarten Hingman, 4.VTH, folder 20), retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/4.VTH/invnr/20/file/NL-HaNA_4.VTH_20 [cropped].



Figure IX: Map from 29 April 1757 depicting the border between *Staats-Vlaanderen* and the Habsburg Netherlands by Fort St Donaas.⁴¹

The threatening tone adopted by the *Staten-Generaal* appears to have been effective, as a *Staten-Generaal* resolution from 1 February 1758 shows that an unnamed minister within the Brussels government, with whom Dutch representative Van Haren was communicating regarding the incident at Fort St Donaas, requested a copy of the original 1718 convention map held by the *Griffie* in The Hague to help resolve this and other *limietscheiding* issues. The official copy of the map held in Brussels had supposedly been destroyed in a fire, necessitating reliance on the Dutch map. Van Haren furthermore noted that the secretary of state in Brussels had suggested that the two states could agree to pardon Zacharias Samson, who up until that point had lived in fear of the death penalty for over two years in a Southern prison, so that the dispute could be settled without embarrassment for either side. On this point, however, the Dutch authorities pushed back, stating that they would only agree to a pardon after the criminal had been extradited to the Republic, stating that making a compromise while its rights had so clearly been

⁴¹ 'Extract uit de kaart van de grensscheiding tusschen Staats Vlaanderen en de Spaansche Nederlanden', 29 April 1757 (Inventaris van de verzameling binnenlandse kaarten Hingman, 4.VTH, folder 19), retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/4.VTH/invnr/19/file/NL-HaNA_4.VTH_19 [cropped].

demonstrated would amount to a concession. This demand too appears to have been met, as the *Staten-Generaal*, responding to a report of Van Haren from 28 February 1758, stated that Samson would be transported to the Republic, where he would be pardoned after asking forgiveness from Anne of Hannover, the regentess ruling in place of the underaged *Stadhouder* Willem V.⁴²

The conflict over the dam by Fort St Donaas is one of relatively few instances described in the documents concerning the *limietscheiding* where the Austrian authorities fully accepted Dutch demands; a concession forced by threats of escalation. It furthermore sheds light on the broader dynamic between the two states in the Flemish borderland. As discussed above, borders were usually established where the ability and interest of one state to claim and govern territory met that of an opposing state, subsequently being established by a treaty between the two. As such, the degree of pressure applied by the respective central state authorities determined whether the border would move outward or inward. This dynamic takes on an interesting dimension in Flanders, as it involved a state with significantly more coercive abilities claiming a distant borderland - albeit one where local domestic interest could impact Habsburg state policy considerably - against a state seeking to reinforce one of its most crucial military frontiers. The result was a geopolitical back-and-forth, with both sides selectively applying pressure on points deemed worthy of the effort and conceding others where such attempts would prove futile or excessively costly. A key factor in this formula for both sides was the overall friendly relationship enjoyed between the two states, forcing the two entities to weigh the value of their territorial claims against that of their shared diplomatic relationship, as demonstrated by the fine line walked by the Habsburg authorities during the renegotiation of the 1715 Barrier Treaty.

While the events near Fort St Donaas in the late 1750s saw the Republic applying considerable pressure on a section of the political border, forcing the Habsburg side to reconsider its willingness to claim the land, the opposite was therefore also frequently true. An example could be found not far from the dam in question. Three decades earlier, in

⁴² [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Six], folder 1710, pp. 8-11, 13-14.

1726, lands to the east of the fort, which the *Staten-Generaal* claimed were ceded to the Republic along with St Donaas, became disputed, as the three houses located there were visited by both Dutch and Austrian tax collectors, with the latter threatening the inhabitants into payment. Just as the Austrian authorities conceded jurisdiction over the St Donaas dam in 1758, the *Vrije* of Sluis, acting on orders of the *Raad van State*, relinquished its claim to the three houses just east of it thirty-two years earlier, with the provincial delegates in The Hague apparently deeming them insufficiently relevant to escalate the matter.⁴³

The geopolitical struggle between the Dutch and Habsburg states over their shared political border became more complex when other jurisdictional boundaries were involved, especially in the case of lordships straddling the border. The existence of such cross-border lordships challenged the concept of territorial state authority, as they frequently saw the governance of communities residing within a state's territory influenced from across the border. However, they could also form an opportunity for states leveraging the jurisdiction of lordships lying partially within their borders to extend those boundaries. As such, they could become a tool in the border negotiations between two states, with the lordships either seeing their rights reinforced by central institutions to challenge the neighbouring state, or forming a point of cooperation between states seeking to increase their authority over their respective territories at the expense of shared lordships.

With the region having been separated largely along the front lines of the Eighty Years War, rather than any pre-existing jurisdictional lines, Flanders saw many of its lordships split between the Austrian Netherlands and the Republic. These shared lordships were particularly prevalent in the western portion of *Staats-Vlaanderen*, with five separate lordships straddling the border. Here, then, the question of lordly autonomy versus state jurisdiction formed a key point of debate which, in 1750, came to a head in the lordship of Watervliet. Here, the polder of Zuiddiep lay within Dutch territory, making it, according to a *Staten-Generaal* resolution from 9 December 1750 contained in the *limietscheiding retroacta*, part of Watervliet's jurisdiction, but also part of the Republic's sovereign

⁴³ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Two], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 2-5.

territory. As such, the Republic claimed to have the right to impose any taxes it desired on the polder, just as the Austrian authorities could within their portion of Watervliet, adding that neither sovereign state could demand payments from across the political border.⁴⁴

This arrangement was thrown into disarray, however, by invading French troops, overrunning both the Austrian Netherlands and *Staats-Vlaanderen* towards the end of the War of Austrian Succession. The occupying French authorities demanded payment from local jurisdictions to prevent the pillaging of their land, with Zuiddiep contributing via the *Vrije* of Sluis. However, Watervliet had also paid and was demanding that Zuiddiep contribute to those expenses. The assembly of the *Staten-Generaal* deemed this claim entirely unacceptable, requesting that the Brussels government constrain the demands of Watervliet. Furthermore, it declared not to tolerate any actions taken by Watervliet to collect the payments in question and gave the garrison of IJzendijke orders to hinder and arrest anyone attempting to force payments from Zuiddiep.⁴⁵

The Fagel dossiers show no further mention of this matter, suggesting that the actors within the Brussels government did not deem the cause of Watervliet relevant enough to risk damaging their ties with the Republic, especially given the latter's relatively harsh response. The tables turned, however, when a similar conflict, discussed by the *Staten-Generaal* on 20 April 1762, arose twelve years later in the lordship of Middelburg, part of which fell within the borders of the Republic. A report sent by the *Vrije* of Sluis on 12 August 1760 showed that the three parishes holding land in the Dutch section of Middelburg had failed to pay the *pointingen en zettingen*, a yearly wealth tax, to the *Vrije* between 1723 and 1759. The tax was paid instead to Middelburg's local administration across the border, to which the parishes were directly subjected, which failed to pass it on to the *Vrije*. As such, the Dutch authorities ordered the parishes to pay the *pointingen en zettingen* directly to the *Vrije*, stating that they should prioritise those payments to their indirect lord – the local Dutch administrative bodies – over those to their direct lord in Middelburg. Furthermore, an extra sum was added to the yearly tax payments, to be paid

⁴⁴ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Four], folder 1710, pp. 14-15.

⁴⁵ Ibid., p. 16; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, pp. 1-4.

from 1760 to 1792 to cover partially the lost revenues of the period 1723-1759. The rest of this revenue was demanded from Middelburg itself. At that point, however, the local authorities south of the border intervened, with the *Vrije* of Bruges claiming that the extra charge levied on Middelburg was unfounded and threatening to involve the Brussels government and the armed protection it would grant if the officials within the *Vrije* of Sluis acted on their claims. Noting that opposing such threats could significantly escalate the situation and that it had no authority to take such sensitive decisions, the latter turned to the *Staten-Generaal*.⁴⁶ The section of the *retroacta* in the Fagel archives detailing the conflict in Middelburg does not detail the *Staten-Generaal*'s decision on the report sent to it by the *Vrije* of Sluis, or the response to the threats issued by the *Vrije* of Bruges, suggesting that the High and Mighty Lords did not let the issue escalate into a more serious conflict and backed down in the face of military threats over a relatively minor issue, just like the Habsburg authorities had done in the case of Watervliet.

The authority of lordships extending across two states did not always foster inter-state conflict, however. In the same year as the Middelburg conflict, on 4 October 1762, the *Staten-Generaal* was informed by the *Raad van State* that many of the *griffiers* of the shared lordships, who resided on Austrian territory, systematically failed to provide Dutch tax collectors with reports necessary for their administration, such as records of births and deaths within the lordships. The *griffier* of Waterdijk went so far as to demand a greater salary from the *ontvanger* of Sas van Gent, placing his salary well above what was granted to other local *griffiers* in the Republic, before he would hand over the required reports. The *Raad van State* noted that reacting to such challenges was difficult, as the *griffiers* in question acted from beyond Dutch territory. As such, word was sent to Dutch envoy Van Haren in Brussels, presumably via Hendrik Fagel the Elder, to see whether an arrangement could be made regarding the shared lordships. The response of Habsburg Governor Charles Alexander of Lorraine, the brother of Archduke Francis I, sent by Van Haren to the *Staten-Generaal* on 15 March 1763, stated that the *griffiers* would be forced to send along all

⁴⁶ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Nine], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 6-15.

relevant information, and that he did not expect the Dutch authorities to pay the *griffier* of Waterdijk any more or less than the other *griffiers* with jurisdiction in the Republic. This statement was in turn responded to by the assembly of the *Staten-Generaal*, suggesting – with the intent of avoiding future incidents - that both states would require the *griffiers* of shared lordships operating from their territory to send all relevant information regarding tax collection to the relevant authorities across the border.⁴⁷ Within the context of a border that would spur heated exchanges between Habsburg and Dutch authorities throughout the eighteenth century, then, both sides' central authorities leveraged an opportunity to diffuse tensions with their local contender and geopolitical ally by sacrificing the ambitions of the *griffiers* within the shared lordships of Flanders; ambitions from which neither side benefited.

The incidents in western Flanders therefore demonstrated that the shared lordships could serve as points of contact and division between the two states, as these jurisdictions could either see their cause defended by one of the two states, or they could face the cooperation of the two central authorities to limit their influence. Further east, however, along the boundary between the Southern lordship of Assenede and the *Ambacht* of Axel in the *Committimus*, a more serious conflict developed. Lasting from 1754 to 1770, this incident was one of the most drawn-out conflicts along the Flemish border, caused in part by Austrian neglect of the issue being used as a negotiation strategy, and furthermore saw a lordship's claims being hijacked by state institution to challenge the territorial authority of a neighbouring state. The border between Axel and Assenede had been established by a treaty in 1655. However, with the readjustment of the entire Flemish border in 1664, the political boundary in the area shifted slightly to follow a nearby dyke, resulting in a small portion of the Assenede lordship protruding north of the political border near the village of Overslag. According to a *retroacta* entry from 7 December 1756, however, the *Staten-Generaal* found that this state of affairs had never led to serious conflict until the inhabitants of the small portion of Dutch Assenede suddenly stopped paying all Dutch taxes

⁴⁷ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Eight], folder 1710, p. 12; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Nine], folder 1710, pp. 1-3.

and duties, claiming that they did not fall under the jurisdiction of the Republic. As such, Dutch tax collectors were repulsed from the area in question in 1754 by the inhabitants with support from '*die*' (they) of Assenede, a term frequently used in the Fagel documents to refer to a town's or district's administrators.⁴⁸

In the ensuing communications with Habsburg authorities in Brussels, which had taken up Assenede's claims, the Dutch case, perhaps unsurprisingly, revolved around a treaty, specifically that of 1664, and the official map tied to it.⁴⁹ The *Staten-Generaal* argued that the map clearly showed the dyke as the border, with northern Assenede therefore falling within the Republic. Furthermore, it countered the claims of both Assenede, which sought to extend the state border to the 1655 lordship border, and Axel, which aimed to extend its jurisdiction to the 1664 state border, noting that the issue encompassed two entirely different forms of *limietscheiding*, and that the boundaries of lordships did not necessarily have to coincide with those of the state. As such, a piece of a southern lordship protruding north of the border did not exempt its inhabitants from taxes imposed by Dutch institutions. Finally, the High and Mighty Lords noted that the actions of several individuals should not be able to cast doubt over the political border, especially when they abused the conflicting jurisdictions actively for their personal gain. They therefore argued that acting against these locals would not in any way harm Habsburg interests.⁵⁰

The boundary at Overslag was inspected jointly by Dutch *ontvanger* Leonard Constantijn van Sonsbeek, accompanied by commander Van Papo of the Axel garrison, and a commissioner from Brussels named Servaas on 16 May 1757, resulting in the discovery that the local waterways and dyke had shifted slightly compared to the 1664 map, which furthermore had no scale. However, the Dutch officials argued that the geographic features on which the 1664 border was based were still clearly visible, justifying the Republic's

⁴⁸ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, pp. 7-8.

⁴⁹ The catalogue of material contained in and tied to the archives of the *Staten-Generaal*, held by the Dutch National Archives, shows that a copy of this map exists within its collection, but with an unknown shelf mark. See: N. M. Japikse and A. van der Poest Clement, 'Inventaris van het archief van de Staten-Generaal, (1431) 1576-1796', Nummer Toegang: 1.01.02 (Den Haag: Nationaal Archief, Ministerie van Onderwijs, Cultuur en Wetenschap, 14 December 2023), p. 1499, retrieved from: <https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/download/pdf>.

⁵⁰ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, pp. 8-13.

territorial claims.⁵¹ A new copy of the 1664 map was made to demonstrate the Dutch claims, which was sent on to the Austrian authorities, but on 11 October 1758, the *Raad van State* reported that the Brussels government had remained completely silent on the matter, even when addressed directly by the *Staten-Generaal*. Furthermore, it found that Assenede had capitalised on the indecisiveness – or deliberate neglect – of the Southern authorities to impose its taxes on the households north of the dyke.⁵² The Austrian response finally arrived on 12 December 1758. Basing itself on a report from Servaas, the report from the Brussels government regarded the Dutch claims as unfounded but stated that it remained open to counter-arguments in the spirit of good neighbourliness, to which the *Staten-Generaal* responded in 1760 by suggesting another joint inspection. An entry in the *limietscheiding retroacta* from 7 April 1763 notes that this suggestion had not yet received a response.⁵³

In the interim, the *Staten-Generaal* took action to resolve the conflict between the two neighbouring local administrations, the *Ambacht* of Axel and the lordship of Assenede, to ease the pressure it was placing on its territorial border. Responding to Assenede's claim that Axel was refusing to renew the 1655 treaty - which was supposed to happen every thirty years but had not been done since 1718 - and Axel's claim that Assenede was impeding on its jurisdiction, the Dutch central authorities ordered the investigation of the 1655 limits and organised a conference between the two local authorities to renew their treaty, to be overseen by the permanent Dutch representative in Brussels, Van Haren. There are no further mentions of the conference between the two local authorities in the Fagel archival material after the *retroacta* entry from 7 April 1763. Presumably, the conference never took place, as the next entry, from 11 May 1763, shows that Charles Alexander of Lorraine – at this point perhaps less distracted by the Seven Years War that had been concluded earlier that year and by which his Dutch counterparts were left largely

⁵¹ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Six], folder 1710, pp. 14-16.

⁵² Ibid., p. 16; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Seven], folder 1710, pp. 1-2.

⁵³ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Seven], folder 1710, pp. 5-8, 14-15.

unaffected - wished to settle the conflicts over the border at Overslag as swiftly as possible.⁵⁴

The renewed negotiations were primarily conducted by the *advocaat-fiscaal* of the Southern *Raad van Vlaanderen*, named Dirix, and the honorary pensionary of Vlissingen - the same Van Sonsbeek who had previously inspected the border as *ontvanger*. The High and Mighty Lords ordered Van Sonsbeek, on 28 August 1764, to push the negotiations as far as possible, and to accept the Austrian proposition when he could go no further. They added that the new border should be marked clearly, and that rules should be implemented to avoid the building of houses within a certain distance of the border, presumably to avoid similar conflicts.⁵⁵ However, a *retroacta* entry from September 1766 shows that the Habsburg side had reconsidered its position since the last negotiations. To avoid any further misunderstandings, Dirix suggested that the idea of using the dyke near Overslag as the state border should be abandoned, using a nearby road as the boundary instead and having the jurisdictional boundaries overlap with the border. This alteration would ensure that a small triangle of land, along with the contested houses in Dutch Assenede - which had largely been exempt from taxes throughout the jurisdictional conflict – would be ceded to the Southern Netherlands.⁵⁶

Despite the High and Mighty Lords airing their disappointment over the fact that the Austrian representatives had expanded their claims during the negotiations, Van Sonsbeek noted that Dirix would not budge on the matter. Acknowledging that a relatively small matter was holding up the broader interests of the state, the *Staten-Generaal* ordered its representative on 1 September 1767 to once again push the negotiations as far as they would go and then to concede whatever Austrian claims could not be renegotiated.⁵⁷ Just as in the case of the general *limietscheiding* in the period 1715-1718, then, the Republic encountered stubborn Habsburg resistance during negotiations regarding the political

⁵⁴ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Seven], folder 1710, pp. 8-16.

⁵⁵ Ibid., p. 16; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Eight], folder 1710, p. 1.

⁵⁶ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Eight], folder 1710, pp. 1-3.

⁵⁷ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Eight], folder 1710, pp. 3-6.

border, ultimately choosing to make a concession in order to secure broader Austrian adherence to the Barrier Treaty and Convention.

The border demarcation at Overslag hit one final obstacle in 1768, as the representatives within the *Staten-Generaal* noted that they were expected to ratify the convention on the new borders as the Republic's sovereign representatives, whereas the Austrian ratification would merely come from a regional representative, namely the governor in Brussels. The High and Mighty Lords therefore refused to ratify the treaty until the Austrian empress, as sovereign, agreed to do the same. A *retroacta* entry from 8 November 1769 notes that this demand was met. By the end of July 1770, the theoretical state border that had so long been defended and disputed with maps was finally established in practice with border stones placed near Overslag and with the publications of the new measures being posted in Axel and Assenede, transforming cartographic concept into practical reality for borderland society.⁵⁸

The focus of the High and Mighty Lords on equal recognition, shown by their insistence on having the sovereign of a major European power sign a treaty that would expand the borders of a far flung holding to include a few extra fields - a matter that must have been exceedingly peripheral for her and her administration - is demonstrative of one of their key objectives in the *limietscheiding* negotiations. The recurring trend in Dutch-Austrian negotiations was that the Republic relied on the terms of treaties it has signed, whereas the Habsburgs placed more emphasis on practical conditions on the ground and the opportunities they provided. The conflict near Overslag formed a clear example of this relationship. The *Staten-Generaal* based itself on treaties from 1655 and 1664, aiming to secure its claims by upholding the stipulated state and local jurisdictional borders and renewing those arrangements where relevant. The Habsburg authorities involved, on the other hand, pursued an approach that adjusted the established precedent on which the Dutch claims were based to fit the changing conditions of the frontier; conditions that were

⁵⁸ Ibid., pp. 6-11. The catalogue of material contained in and tied to the archives of the *Staten-Generaal*, held by the Dutch National Archives, notes that a map of the Flemish border at Overslag from 14 September 1769 was included in the archives of the *Staten-Generaal* under shelf mark 12597.248. However, the map is missing. See: Japikse and Van der Poest Clement, 'Inventaris van het archief van de Staten-Generaal', p. 1508.

notably developing in the Habsburg's favour. As such, it used a road as geographical marker of the border, rather than the less reliable dyke, overlapped the state border with those of local jurisdictions to eliminate any confusion between the two, and - most importantly - used its significant geopolitical weight, compared to that of the Republic, to capitalise on a lordship's claim and seize new lands assigned to the Republic by previous treaties.

Despite clinging firmly to treaty texts, however, the Dutch approach was no less pragmatic than the Austrian one. To maintain its negotiating position most effectively under unfavourable geopolitical circumstances, the Republic needed to ensure that it was regarded as a sovereign state, equal to the other, greater powers of Europe; a position that would safeguard its interests through the treaties it signed with those powers. It could not bring the same pressure to bear as its Austrian counterpart across the frontier, but if the Republic was viewed as having the same institutional standing as other states, it could hold its own by relying on treaties signed previously, during periods when it commanded more influence. The issues of the *limietscheiding* show, however, that this policy did not always prove sufficiently impactful. The weaknesses in the Dutch Republic's strategy of relying on official treaties to compensate for its limited geopolitical weight were made painfully clear in 1752, during negotiations in Brussels between the three signatories of the Barrier Treaty. Here, the second-in-command of the Habsburg governor, the Marquis of Botta, was overheard telling an English representative, the Duke of Newcastle, that the Republic could no longer be considered relevant for their common interests, even lacking enough men to guard its own frontiers adequately. The Marquis added that the diminished status and importance of the Republic ensured that the other signatories could no longer be held to the concessions made to it in the Barrier Treaty. As such, the matter of the *limietscheiding*, the primary interest of the Republic during the 1752 conference, was barely addressed at the meeting.⁵⁹ The legitimacy of the Republic as a sovereign state in the eyes of its counterparts was, therefore, to some extent at least reliant on the influence it wielded. Indeed, within the context of the *limietscheiding*, the few cases where Dutch claims were

⁵⁹ [Retroacta concerning Reports from 1752 and 1753 sent by Dutch Representatives negotiating in Brussels], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 1-2.

respected were primarily those where it made a show of force, as in the cases of the Fort St Donaas dam and the shared lordship of Watervliet, rather than those where it relied on treaty texts. The Republic's emphasis on cartographically-defined state borders legitimised by official treaties was therefore by no means a sign of a growing understanding or embracement of modern administration, but rather a pragmatic crisis response and, if anything, an indication of the Dutch state's lack of influence.

It was not uncommon, then, that negotiations regarding the Flemish border saw some form of coercion from both sides. Several examples have already been named of authorities sending their administrative officials into a disputed area with the (threat of) military support of local garrisons. Furthermore, a recurring theme was the threat of halting or sabotaging all negotiations on a particular subject if one side's demands were not met on a specific issue. This approach was seen regularly from the Habsburg side, where the threat of disrupting the *limietscheiding* process as a whole was, on several occasions, used to draw out Dutch concessions regarding localised border disputes. Financial factors too were used by both sides as a means of coercion. The subsidies detailed in the Barrier Treaty, for example, to be paid by Austria to the Republic, were regularly withheld, increasing the pressure on the Republic in territorial negotiations.⁶⁰ Likewise, Austrian attempts to discuss trading rights with the Republic in 1733 during a conference in Antwerp were sabotaged by the latter, which stated that it would not discuss such privileges until the *limietscheiding*, which remained partially unexecuted to its detriment, was properly addressed.⁶¹ This demand appears to have been heard six years later, when Habsburg negotiators claimed to be willing to reconsider their position on the *limietscheiding* if Austria was granted certain trading privileges.⁶²

The question of the *limietscheiding* in Flanders therefore mostly relied on what can best be regarded as negotiation backed up by force. Borders were officially established by

⁶⁰ [Staten-Generaal Retroacta concerning the Demarcation of Borders stipulated in the 1715 Barrier Treaty], folder 1710, pp. 13-15; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Four], folder 1710, p. 3; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], p. 7.

⁶¹ [Secret Staten-Generaal Retroacta concerning the Flemish Limietscheiding], folder 1710, pp. 7-8.

⁶² [Overview of Reports from 1737 to 1740 sent by Dutch Representatives negotiating in Antwerp], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 14-15.

treaties between sovereign states and therefore also legitimised by their articles and maps; a fact repeatedly emphasised by the *Staten-Generaal*. However, the terms of such treaties depended on which side could make the greater show of force, either on the ground in the frontier or at the negotiation table, and which side was more willing to stake the broader interests of the state on the disputed border with an allied power. Furthermore, just as coercion formed state borders, it could also be used to question the treaties through which they were established. Latching onto incidents, such as a murder, or overlapping jurisdictions, such as that of a cross-border lordship, either side could reignite the *limietscheiding* negotiations and their underlying coercive nature.

In this light, it is evident that the Austrian side had a major advantage, partially in that it simply commanded more resources and diplomatic weight, but also because the *limietscheiding*, if executed, would ultimately be to the benefit of the Republic and the detriment of the Habsburg Netherlands. As such, the unresolved *status quo* along the frontier was in the Habsburgs' favour, leading their institutions to repeatedly adopt a policy of very limited engagement with the subject, despite frequent Dutch requests to settle the matter properly. The Republic's overall poor record in the *limietscheiding* negotiations – demonstrated by its major concessions in the 1718 convention, the abandonment of most issues in which the Habsburg side put up a serious fight, and the Barrier Treaty's eventual unilateral revocation by Joseph II in 1781 – therefore cannot necessarily be attributed to a poor negotiating strategy. The provincial delegates in The Hague did not see their Flemish interests infringed upon because they, or the commissions and the *griffier* that advised them, stubbornly insisted on following treaty texts to the letter. As events in *Staats-Brabant* and, more notably, around Maastricht – where the Republic wielded considerable influence in local geopolitical disputes – would show, the High and Mighty Lords could be exceptionally agile in their interpretations of treaties and agreements. In Flanders, however, the representatives in the *Generaliteit* were fighting an uphill battle, and against those unfavourable odds, insisting on adherence to treaties that proved beneficial to the Republic, an emphasis on precedent encapsulated in the Fagels' archives, was the best means available to secure as many of their local interests as possible. On a geopolitical level, then,

the Habsburg side had a clear advantage over the Republic, one which the latter's statesmen could only try to mitigate to their best efforts. On a geographic level, however, the tables were turned, for northern Flanders was a region in both political and physical flux, and the Republic controlled its major waterways.

Section III: Frontiers in Flux

Staats-Vlaanderen was a land defined by water; a factor that had a much greater impact there than in any of the other *Generaliteitslanden*. That is not to say that water did not play a key role in other parts of the southern frontier as well. With major fortifications existing along the Meuse River in each of the other frontier territories, these regions would not be unaccustomed to the inundation of tracts of land in wartime, or the troubles of maintaining fortifications against water damage during times of peace. Similarly, the Meuse, as well as other waterways, formed a major trade and communication artery of the Republic's southern territories, and indeed, a key point of contact between the provinces and their far-flung frontiers. However, in the more elevated regions of northern Brabant and Limburg, water did not share the same omnipresence that it did in the amalgamation of polders that was *Staats-Vlaanderen*.

When water was entered into the equation of neighbouring states negotiating a disputed border, the formula became significantly more complex, as the impact of water on local society, its governance, and the interaction between states was manifold. On the one hand, waterways and the structures built to contain them provided clear dividing lines between communities and states. Indeed, the borders of *Staats-Vlaanderen* were defined by bodies of water to the north, east and west, while its disputed southern border mostly ran along canals, streams, or dykes. This distinction became more evident in times of war, when man-made flooding was used as a tool to protect the state's territory from an outside force. Similarly, the obstruction of waterways and the threat of flooding could be used as a means of coercion between neighbouring states.

The region's waterways also connected communities across the political border, however. The major trading cities of the Southern Netherlands, Bruges, Ghent, and Antwerp, all relied to a significant extent on waterways leading through *Staats-Vlaanderen* (or between *Staats-Vlaanderen* and Zeeland in the case of the Scheldt) to maintain access to the sea, though the system of canals circumventing *Staats-Vlaanderen* to reach the sea through Ostend became increasingly significant.⁶³ Some of the Republic's larger towns in Flanders rose to significance primarily because of their association with the major trading centres south of the border. Sluis, which translates to 'sluice', served as a prominent outpost along the Damse Vaart - the canal connecting Bruges to the Zwin inlet – forming a connection between the sea and the network of inland waterways of Flanders.⁶⁴ Sas van Gent, which similarly translates roughly to 'sluice of Ghent', fulfilled a comparable role along the Sasse Vaart, the canal between Ghent and the Braakman inlet.⁶⁵ The major cities of the South therefore had a vested interest in maintaining their outports - established before the political division of Flanders - for access to the North Sea, while the latter were equally dependent on the trade pulled to the South for their own prosperity. Some of the region's primary waterways, running from south to north, therefore were perpendicular to the political border, forming several major breaches in it that reconnected the divided County of Flanders.

Aside from simultaneously connecting and dividing communities, water also had a dual function in the degree to which it impacted the establishment of jurisdictional boundaries. Water was a useful tool that could be moulded to fit military, economic, and – due to the military and economic factors – political ends. As such, significant efforts were expended to control it with the construction of canals, sluices, dams, and dykes. These

⁶³ P. Janssens, 'De Spaanse en Oostenrijkse Nederlanden' in J.C.H. Blom en E. Lamberts (eds), *Geschiedenis van de Nederlanden* (Amsterdam: Prometheus and Bert Bakker, 2015): 221-268, p. 248. See also the Fagel archive case – described in greater detail in the concluding chapter - on the construction of a road between Holland and the Prince-Bishopric of Liège to counteract Austrian attempts to draw trade across Flanders to the port of Ostend.

⁶⁴ Ward Leloup and Bram Vannieuwenhuyze, 'Damme en Sluis: de oorsprong en vroege stadsontwikkeling van twee middeleeuwse Zwinstadjes' in *Handelingen van het Genootschap voor Geschiedenis*, cl, no. 1 (2013): 13-56, p. 13.

⁶⁵ H. Nowé, 'Het streven van Gent naar de zee (XIIIe-XIXe eeuw)' in *Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent*, vi, no. 1 (1952): 21-41, pp. 29-31.

features, then, served as factors around which local society, as well as governance, could take shape, and which therefore increasingly came to serve as political markers in the landscape, both domestically between local jurisdictions and between the two neighbouring states. Despite the extensive efforts to control it, however, water remained a force of nature, entirely unconcerned with the politics, commerce, wars, or general safety of the communities and states it traversed. Waterways could meander, polders could flood, and water levels could fluctuate, and as these factors remained in motion, so too did the attempts to control them. As such, the clear geographic distinctions provided by water and waterworks for political demarcation simultaneously undermined their legitimacy, with the ground shifting beneath the boundaries of the state. This dual function of water is a recurring factor in the Fagel archival material on the governance of *Staats-Vlaanderen*, with the opportunities and challenges provided by it having a notable impact on the physical and cartographic representation of the political border, as well as forming a tool within the negotiations surrounding it. This section will analyse how the institutions of the *Generaliteit* navigated the diverse impact of water on the porous Flemish borderland, and specifically on the efforts to draw a state boundary across it.

There are several incidents detailed in the Fagels' documents on the *limietscheiding* where a conflict flared up between the Republic and the Habsburg Netherlands, or between local actors within those states, over matters tied to the uncertainty inherent to the borderland region's reliance on water and waterworks as political demarcations. The first such incident is detailed in a *retroacta* entry from 12 July 1728, when the *Staten-Generaal* received a report from the *Vrije* of Sluis noting that a drowned body was discovered floating in a stream, named the Brandkreek, that marked the state border south of Ijzendijke and east of Aardenburg. The body was discovered and inspected by several commissioners of the *Vrije*, who subsequently buried it. However, the body was dug up again on orders of commissioners from the *Vrije* of Bruges, who likewise inspected it and interred it in the church cemetery of St Margriete, just south of the border.⁶⁶ While the identity of the

⁶⁶ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Two], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), folder 1710, pp. 12-14.

drowned individual remains unknown, it is likely that they were Catholic, and therefore dug up by the Bruges commissioners to be buried on consecrated ground.

The Fagel documents only present the point of view of the *Vrije* of Sluis regarding the question that arose from the incident in the Brandkreek, namely: how exactly does a stream function as a political border? While it may have been evident that lands on either side of it belonged to either of the two states, the distinction was not as clear for incidents taking place in the water, especially if – as the *Vrije* of Bruges appears to have claimed – the stream had meandered since it was established as the state border, which in the case of the Brandkreek was the result of the 1664 border demarcation. The position of the *Vrije* of Sluis on the matter, detailed in the same entry from 12 July 1728, was that the 1664 treaty, which gave clear indications on a map of where the border should run, must have intended that the Brandkreek be used as a natural geographic marker of the border. Furthermore, it noted that in cases where a waterway was used as a political boundary, its deepest point was commonly used as the precise border. By extension, it argued that if the river and its deepest point meandered, so too did the boundaries of the state, and since the body in question was found on the Dutch side of the deepest point of the Brandkreek as it existed in 1728, it fell to the Dutch authorities to inspect and bury it.⁶⁷ To the commissioners from the *Vrije* of Sluis, then, political borders were not rigid cartographic lines - despite their reliance on maps for their argument – but rather a flexible territorial limit that could be adjusted to fit geographic conditions on the ground, and conveniently the interests of those same commissioners as well.

The use of bodies of water as political demarcations was also challenged at the very western edge of *Staats-Vlaanderen*. The initial 1664 border in this region followed the Zwin inlet, a sea arm reaching into the Flemish interior, though the political boundary shifted inland - towards the south - just west of Sluis. During the late medieval and early modern periods, the Zwin, initially stretching to Damme near Bruges, became increasingly unnavigable as land reclamation projects contributed to the weakening effect of the sea's

⁶⁷ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Two], folder 1710, pp. 14-15; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Three], folder 1710, p. 1.

tides in the area, which could no longer maintain the depth and breadth of the inlet.⁶⁸ As such, the many sandbars that formed in the Zwin consistently changed the character of the sea arm that marked the political border, with the tides revealing and subsequently submerging different formations of land. With the renegotiation of the Flemish borders in 1715, the boundary shifted slightly to the south of the Zwin, extending north-westwards from St-Anna-ter-Muiden past Fort St Pol and entering the Sea near a stretch of coastal dunes named 'het Zoute', just north of Knokke.

The exact condition of the border along the Flemish coast, however, which had already been subject to extensive negotiations and adjustments in 1664, 1715, and 1718, remained uncertain and disputed in the middle of the eighteenth century. An incident in 1737 involving an English ship stranding on a sandbar "at the mouth of the seaport" of Sluis (it is unclear whether this refers to the mouth of the Zwin or to the harbour of Sluis further inland), for example, sparked controversy over the exact location of local political boundaries. The issue flared up again in 1749, when an English fishing vessel similarly washed up on the coast near Fort St Pol in 1749, sparking concerns over which state owned the stretch of coast and who had the right to confiscate items washing ashore there.⁶⁹ In response to the 1749 incident, the representatives in the *Staten-Generaal* noted that the Austrian authorities seemed to view the 1718 boundaries as void by supporting the claims of their local subordinate, a local *rentmeester* named Bogaart, who based his arguments on the 1664 map. As such, the *Staten-Generaal* maintained its case, ordering a local representative to salvage the wreckage and anything else that washed ashore on the Republic's side of the 1718 boundary, threatening to punish any Southern official trying to do the same.⁷⁰ In response to this, the Brussels government backed down, recognising that the claims of its local representative were unfounded.⁷¹

⁶⁸ Marc Ryckaert and André Vandewalle, 'De strijd voor het behoud van het Zwin' in Valentin Vermeersch (ed), *Brugge en de zee: van Bryggia tot Zeebrugge* (1982): 53-70, p. 53.

⁶⁹ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Four], folder 1710, pp. 2-3, 8; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, p. 5 [my translation].

⁷⁰ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Four], folder 1710, pp. 8-11.

⁷¹ *Ibid.*, p. 11.

The issue over the border demarcation near the mouth of the Zwin came up again briefly in 1756, as the border stones placed along the coast following the 1749 incident had disappeared. In response, the *Staten-Generaal* urged Lieutenant Colonel De Haan, presumably of the St Pol or St Donaas garrison, to place three new border stones along the outer works of Fort St Pol, preferably without the involvement of Austrian officials.⁷² Notably, a map that was likely used by Hendrik Fagel the Elder in relation to this incident exists in the Hingman collection (see **figure X**). It shows the 1718 *limietscheiding* from Fort St Pol to the North Sea, depicting the three border stones placed in 1749, while also containing a note explaining that part of the beach and dunes near the town of Cadzand had been washed away since 1718.



Figure X: Undated map depicting the 1718 *limietscheiding* near Fort St Pol, including the three posts marking the border placed in 1749.⁷³

⁷² [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, pp. 5-6.

⁷³ 'Kaart van de grensscheiding in Staats Vlaanderen, van het fort St Paul bij het Zwin tot aan het strand, volgens de conventie van 1718', n.d. (Inventaris van de verzameling binnenlandse kaarten Hingman, 4.VTH,

The *limietscheiding* cases brought about by changing geographic features did not lead to the same level of controversy that some of the other cases did, but they do highlight a key element of the border negotiations in Flanders, namely the emphasis on physical geography, as observed by local actors, and, cartography, as viewed by central institutions. As Jeppe Strandsbjerg argued, cartography provided an interactive representation of space, allowing rulers to visualise their authority and enact governance on a territorial basis. Furthermore, he noted that it enabled neighbouring political entities to define their respective territorial authorities theoretically with a line on a map, which could subsequently be superimposed on the territory it represented, regardless of the social and political conditions existing locally.⁷⁴

Despite the key and growing role of cartography in early modern governance - particularly in borderlands - maps are only mentioned sparingly in the Fagels' folders on *Staats-Brabant*, *Staats-Overmaas*, and *Staats-Opper-Gelre*. In *Staats-Vlaanderen*, however, they feature prominently in almost all cases. The major conflicts around the dam by Fort St Donaas, the dyke at Overslag, and the negotiations concerning the general *limietscheiding* saw the extensive use of cartography, as did most of the smaller incidents. Indeed, in almost all cases where the primary concern was a question of territorial ownership, claims were based on maps.

The prominence of cartography in the governance of *Staats-Vlaanderen*, then, can partially be explained by the nature of the issues the *Staten-Generaal* and its subsidiaries were confronted with there, as well as of the measures taken in response. In Flanders, the matter of *limietscheiding* took precedence over all other aspects of governance, in contrast to the other *Generaliteitslanden*, where domestic affairs and matters of jurisdictional authority took on a more significant role. Within the *limietscheiding* negotiations, the

folder 21), retrieved from:

https://www.nationaalarchief.nl/onderzoeken/archief/4.VTH/invnr/21/file/NL-HaNA_4.VTH_21 [cropped].

⁷⁴ Jeppe Strandsbjerg, 'The Cartographic Production of Territorial Space: Mapping and State Formation in Early Modern Denmark' in *Geopolitics*, xiii, no. 2 (2008): 335-358, pp. 336, 346.

Republic furthermore emphasised the relevance of borders defined in treaties and treaty maps. References to cartography – unlike the cartographic material in question – therefore feature prominently in the Fagel folders on *Staats-Vlaanderen*, as maps were key to understanding the establishment of a state border, as well as useful tools to support or contest that boundary.

An explanation for the disproportional use of cartography in Flanders can also be sought, however, in the role of water in this borderland. Maps provided an image of a fixed territorial space that could be organised and divided in whatever manner those wielding power there deemed fit. When geography shifted, however, the one element that was expected to remain consistent in cartography was altered, thereby casting doubt on all other factors represented on it, such as negotiated territorial limits between states. As such, instances could arise where two states selected a clear geographic feature as their territorial boundary on a map, only to have local officials note that the same feature has shifted over time, thereby also altering practical authority on the ground while the official state limits remained unchanged. These conditions gave rise to claims such as those of the *Vrije* of Sluis in the incident surrounding the body in the Brandkreek, which were reasonable and practical responses to the shifting geography of the frontier, but wholly undermined the idea of states ruling over a fixed territory.

A rather ironic element to the *Vrije*'s claims was that they were based on a map originating from an international treaty, despite simultaneously acknowledging the region's shifting geography and the resulting complications for fixed state boundaries. This contradictory role reflects the broader and frequently inconsistent use of cartography across the Flemish frontier, as maps, despite providing the image of neat political organisation of fixed geography, could be used – or abused – to support conflicting territorial claims, especially when that territory kept shifting naturally. As such, while maps were sometimes effective at convincing the other party in the *limietscheiding* conflicts, as in the case of the Austrian troops lodged on Dutch territory near St-Anna-Ter-Muiden during the Seven Years War, many of the incidents along the Flemish frontier saw rivalling cartographic claims. The conflicts at Overslag and the Fort St Donaas dam, for example,

involved both sides presenting different cartographic evidence of the same areas to support their cases. In other instances, one side's cartographic claims were met with suspicion from the other party due to mistrust, genuine or not, in the map's accurate depiction of shifting geography. As such, Austrian officials argued that the physical demarcation of borders would be necessary after the 1718 convention, as conditions on the ground might not match those on the map.⁷⁵ The ensuing conflict over the general *limietscheiding* saw the Dutch side clinging to its claims demonstrated on the official treaty map, upholding it as the only legitimate indicator of the political boundary, while the Austrian side actively undermined it, focusing instead on physical demarcations along geographic features as markers of political authority. The assembly of the *Staten-Generaal* even noted that in doing so, the primary Habsburg negotiator, the Marquis of Prié, was casting doubt on a map he himself ordered to be drawn up.⁷⁶ In essence, however, the Austrian side simply applied the same logic that the commissioners of the *Vrije* of Sluis used in the case of the body discovered in the Brandkreek, doing so – not unlike those commissioners – not because of an ideological belief that territory should be organised to always follow geographic boundaries, but rather because it was a convenient means for Habsburg statesmen to achieve their aims in their negotiations with the Republic's representatives.

The account of the *limietscheiding* negotiations in the Fagel archives, then, shows extensive and diverse cartographic engagement with the subject, with the neat territorial delineations shown on maps either serving to reinforce or to cast doubt on the political border as it existed within the borderland. This key role of cartography was amplified along the Flemish frontier by a disproportional need to know and understand the region's shifting geography, while the legitimacy of those maps was simultaneously questioned by that same geographic changeability. Cartography was central to the debates over territorial claims based on treaty texts, but respect of the treaties was inconsistent and selective, with both sides resorting to pressuring the other into concessions when it suited them while clinging to the treaty texts while under pressure. In this competition, Austria largely has the upper

⁷⁵ [Staten-Generaal Retroacta concerning the Limietscheiding in 1719 and 1720], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1710), pp. 4-5.

⁷⁶ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], folder 1710, pp. 6-8.

hand, commanding more influence and resources than the declining Republic. In the polder landscape of northern Flanders however, water could also be used as a means of pressuring the rivalling side, and in this regard, the Dutch side had several advantages.

As the estates of Flanders feared in 1716, the expansion of the Dutch presence in the north of their province gave the Republic significant influence over the Flemish waterways - including those south of the border - since it largely controlled the territories where these rivers, streams, and canals entered the sea. Indeed, the potency of this control was demonstrated all too clearly by the closure of the Westerschelde for direct shipping to Antwerp, which was rerouted via ports in Zeeland. This policy, which saw its origins in the Eighty Years War, was upheld until the Republic's eventual demise in 1795, ensuring that the main port of the Habsburg Netherlands would go into decline as trading vessels were increasingly redirected to the North.⁷⁷

The political pressure granted by the control of water was applied by the *Staten-Generaal* and its diplomats in the *limietscheiding* negotiations to considerable effect. One instance of such pressure being applied is described in a *retroacta* entry from 30 March 1726, which notes that the Dutch representative in Brussels, Pestere, was handed a request from archduchess Maria Elizabeth - the governor of the Austrian Netherlands and daughter of Emperor Leopold I - made on behalf of the *Vrije* of Bruges by the secretary of state and war in Brussels, the Count of Neny. The *Vrije* of Bruges requested permission to repair the sluice in Fort Isabella - which lay north of the border and had been ruined in 1705 during the War of Spanish Succession - since it could no longer prevent excess rainwater from causing flooding upstream. Neny backed the request from Bruges up by claiming that the 1718 Barrier Convention secured the free drainage of Austrian lands through Dutch territory, while furthermore calling upon the good neighbourliness of the two states. The High and Mighty Lords' decision on the matter, which took place during a period of continued controversy over the *limietscheiding* as a whole, was to have a brief message

⁷⁷ J. Strubbe, 'De Politieke Geschiedenis en het Internationale Statuut van de Westerschelde' in *Water*, xliii (1988): 237-241, pp. 237-238.

sent to Pestors, presumably by François Fagel, informing him that he should “politely decline” the request.⁷⁸

A similar issue arose in 1739 during negotiations in Antwerp. The Austrian negotiators requested repairs on broken sluices near the town of Boekhoude, located just south of the border. However, the representatives in the *Staten-Generaal* noted that article 14 of the Barrier Convention, which forced the Republic to allow said repairs, also contained clauses on the local *limietscheiding* that remained unfulfilled to the detriment of the Republic. As such, it noted that it could not fulfil its side of the agreement until the Southern authorities fulfilled theirs. The High and Mighty Lords added that the damage caused to local individuals by flooding in Boekhoude paled in comparison to the damage inflicted on the Dutch state by robbing it of the security granted by the *limietscheiding*.⁷⁹

Another notable incident, described in a separate set of *retroacta* collected for Hendrik Fagel the Elder detailing the secret meetings of the *Staten-Generaal*, took place in 1745 during the War of Austrian Succession. During this conflict, Austria and the Republic were allies in an unsuccessful campaign against France along the Flemish frontier, resulting in the eventual French invasion of the southern Republic and the undermining of its famed Barrier. An entry from 17 March 1745 describes how the *Raad van State* noted that the continued recalcitrance of the Austrian authorities regarding the *limietscheiding* ensured that the Republic could not form proper inundations to ensure its military security, which it argued was the primary reason why both sides had agreed to expand the Republic’s Flemish borders in the first place. As such, it referenced the 1718 Barrier Convention, noting that the Republic was permitted to temporarily seize control of the Zijdelingsdijk and Graaf Jansdijk and to use the sluices in them to inundate the surrounding territory. The *Staten-Generaal* gave the *Raad van State* permission to pursue this course of action. The order was later rescinded on the grounds that an inundation on Austrian territory would be less effective than one created further back, on Dutch territory. However, it was noted that an

⁷⁸ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Two], folder 1710, pp. 1-2, 5 [my translation].

⁷⁹ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Four], folder 1710, pp. 1-6.

1753 and 1755 concerning the obstruction of an Austrian sluice by new Dutch defensive works and the local commander's refusal to allow Habsburg authorities to inspect the site.⁸² These cases, then, demonstrated that the control of water - or the threat of leaving water uncontrolled - proved both a point of negotiation between the two sides, as well as a means to pressure the other party in those negotiations. Ultimately, the Fagel archival documents in folder 1710 suggest that the Republic, primarily due to its geographic position, proved more capable at utilising this tool and did so regularly, offsetting some of Austria's geopolitical weight in border negotiations.

The *limietscheiding* in Flanders as a whole, then, remained a contentious issue due to the various political and geographic intricacies inherent to the frontier. Borders were based on treaties, but these could be altered or neglected with the application of sufficient pressure, be it military, fiscal, diplomatic, or through the threat of flooding. Political boundaries were reinforced by a disproportionate degree of mapping, more so than by physical demarcation with border stones and posts, but similarly were obscured by its shifting geography and cartographic abuse. As such, despite numerous further conferences, conventions, threats, and concessions, the *limietscheiding* remained unresolved throughout the period 1713-1763 and thereafter, ensuring that the Republic never had a fixed and undisputed border in Flanders after 1715. Of all the individual incidents and conflicts along the frontier that prevented the general demarcation of the Flemish border, however, the controversy surrounding the polder of Doel was the most longstanding and multifaceted. Incorporating all the geopolitical, geographic, and jurisdictional elements that defined the *limietscheiding* issue, it highlighted the approach adopted by both sides in their struggle to achieve their aims surrounding the (non-) execution of the Barrier Treaty, with the Republic and the Habsburg monarchy seeking every opportunity provided by circumstances in the Flemish borderland to pressure the other side into concessions.

Sitting at the very eastern edge of northern Flanders, the Doel polder was ceded to *Staats-Vlaanderen* in the Barrier Treaty and Convention with the specific intention, as

⁸² [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Three], folder 1710, pp. 2-3; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, pp. 4-5.

stated in the treaty, of giving the Republic complete control of the lower Scheldt region and to facilitate communications between the *Staten-Generaal's* territories in *Staats-Vlaanderen* and *Staats-Brabant*.⁸³ Together with the polder of Kieldrecht lying south of the border, Doel fell under the authority of the Dukes of Arenberg, a prominent noble family hailing from the Eiffel region in Germany that had come to obtain lordship over vast tracts of the Austrian Netherlands, including the lordship of Beveren, into which Doel and Kieldrecht were incorporated.⁸⁴ As such, when receiving their oaths of loyalty in 1720, the Dutch representative in Brussels, Pestere, urged the local magistracy, appointed by their lord, to separate carefully the documents pertaining to Doel from those concerning Kieldrecht and to ensure that they were sent to the relevant Dutch, rather than Habsburg, authorities. Doel was ceded along with parts of the polders St Anna and Ketenisse to its south, which were also governed by a Southern noble, lord Groesbeek of Callo.⁸⁵

The fact that Doel was ceded to the Republic is never disputed directly in the *limietscheiding retroacta*. Instead, the longstanding conflict over the area boiled down to a discussion of treaty semantics concerning the region's features and political status. After requesting to know why no progress was being made with the demarcation of the new border, the *Staten-Generaal* received a report from its commission on matters concerning the Barrier on 22 June 1722. The commissioners found that Colonel De Bauf, who was appointed by interim Governor De Prié to place posts marking the state border with his Dutch counterparts, had concerns about the boundary's location surrounding the Doel polder, which prevented him from enacting its physical demarcation. Specifically, he claimed that the cession of the Doel polder entailed that the Republic would receive the lands lying within the dykes, ensuring that the area would become a Dutch enclave surrounded by Austrian dykes. This position was viewed as absurd by the assembly of the *Staten-Generaal*, which argued that polders, by definition, also included the dykes protecting them from the surrounding water, as well as the '*aanwassen*', the tracts of land

⁸³ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Three], folder 1710, p. 14.

⁸⁴ Sander Berghmans, 'The Management of the Forests of the Dukes of Arenberg from 1600 until 1820' in *Revue Belge de Philologie et d'Histoire* xcvi, no. 4 (2020): 1049-1082, pp. 1050-1052.

⁸⁵ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], folder 1710, pp. 9-10.

that formed along the outside of a polder's dykes due to the accumulation of sediments from adjacent waterways. As such, Pestors was ordered, presumably via François Fagel, to urge De Prié to disregard De Bauf's claims and to proceed with the placement of border posts.⁸⁶

Pestors reported back to the *Staten-Generaal* in July 1722, stating that he spoke to De Bauf personally regarding the Doel question but could not persuade him to give up his claims. The matter came up again several years later, with a *Staten-Generaal* resolution from 21 May 1729 contained in the *retroacta* noting that the general *limietscheiding* remained stuck because of the Doel question. The entry also describes a report from Pestors, sent to the *Staten-Generaal* on 22 June 1723, which noted that the Austrian position viewed Doel not as a community with the status of being a village, but merely as a polder that belonged to the village of Kieldrecht in the South. As such, ceding the polder would not include the cession of the dykes and the *aanwassen*, which remained the property of Kieldrecht as the lordship's primary settlement. This argument was countered in the report with a reference to the Barrier Treaty, which mentioned the cession of both the polder and the village of Doel. The *Staten-Generaal* added that ceding only the lands within the dykes would go against the primary objectives of the treaty, namely to secure Dutch control over the banks of the lower Scheldt and to connect northern Flanders to *Staats-Brabant*, neither of which would be achieved if Doel was not connected to the Scheldt and the rest of the Dutch holdings in the region. The High and Mighty Lords concluded their resolution of 21 May 1729 with the intention to inform the British ambassador in The Hague - Philip Stanhope, the Earl of Chesterfield - as well as a British envoy named Finck, of the Republic's position on the matter, so that Great Britain could carry out its role as guarantor of the Barrier Treaty.⁸⁷

The Doel question, however, remained unresolved in the 1720s, and indeed for at least a decade thereafter, becoming the primary sticking point of the *limietscheiding* negotiations. Negotiations were held in Antwerp between 1737 and 1741 in an attempt to

⁸⁶ Ibid., pp. 13-14.

⁸⁷ [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part One], folder 1710, pp. 14-15; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Two], folder 1710, pp. 6-12.

resolve the issues surrounding the execution of the Barrier Treaty and Convention, but it simply became a repetition of moves for both sides. Whereas the Republic's negotiators aimed to settle the Doel question and, by extension, the general territorial demarcation of the border in Flanders, which they were accusing the Habsburg representatives of delaying deliberately, the latter insisted on discussing trading clauses.⁸⁸ The discussions over the border at Doel, in the meantime, remained subject to major disputes over minor matters. While the Austrian negotiators in Antwerp eventually conceded that the cession of a polder also included its dykes and *aanwassen*, new concerns were raised over the tracts of land connecting Doel to the rest of *Staats-Vlaanderen*, consisting of the polder of Arenberg and the Drowned Land of Saeftinghe. Here too, both sides barraged one another with treaty semantics and conflicting interpretations of treaty maps. The Habsburg representatives at the conference maintained that the Barrier Treaty and Convention only mentioned the transfer of Doel to the Republic, with the relatively expansive tracts of land connecting it to the rest of *Staats-Vlaanderen* remaining in Habsburg hands, as stipulated by the 1664 *limietscheiding*. Such an argument went against the spirit of the Barrier Treaty, according to the Dutch representatives, as it expressly demonstrated a desire for an uninterrupted line running from the North Sea to the Scheldt. Furthermore, they added that the Drowned Land, which made up the bulk of the contested territory, was excellent for realising the Dutch aims of establishing a floodable defensive buffer, while being entirely useless for any other purpose, as it was an uninhabitable tidal zone.⁸⁹

⁸⁸ [Overview of Reports from 1737 to 1740 sent by Dutch Representatives negotiating in Antwerp], folder 1710, pp. 1-3; [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Three], folder 1710, p. 9.

⁸⁹ [Overview of Reports from 1737 to 1740 sent by Dutch Representatives negotiating in Antwerp], folder 1710, pp. 6-12, 17-23.



Figure XII: Map depicting the Doel polder contained in a booklet of appendices detailing the actions of Dutch representatives during the negotiations concerning the execution of the Barrier Treaty held in Antwerp between 1737 and 1741.⁹⁰

Neither Doel, nor the vast tract of streams and sandbars that connected it to the rest of *Staats-Vlaanderen*, however, was the primary concern for either side in the negotiations. Like the other disputes that sprung up along the Flemish border, it was a pretext to address the larger conflict of interests in Flanders between the provincial *regenten* represented in the *Staten-Generaal* and their counterparts in Brussels and Vienna. Individually, the cases detailed in the *limietscheiding retroacta* carried little practical weight, concerning several houses or a few acres of land. Nevertheless, ships stranding on the coast led to cartographic battles between state institutions, a lone unfortunate individual drowning in a stream called into question the territorial nature of political borders, a few locals refusing to pay taxes led the representatives in the *Staten-Generaal* to demand equal participation by the Habsburg sovereign in resolving matters, and questions of whether an individual polder included its dykes paralysed the execution of a treaty that was of considerable significance to both parties involved.

⁹⁰ [Booklet of Appendices pertaining to the Actions of Dutch Negotiators in Antwerp between 1737 and 1741], Exh. St.-Gen. 30 July 1748 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 8738), p. 201, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/8738/file/NL-HaNA_1.01.02_8738_0001.

Instead of feuding over dykes and sandbars, then, the two states involved in the *limietscheiding* were vying for legitimacy in the region. The various Habsburg officials involved in the negotiations aimed to revise a treaty that had seriously hamstrung governance of the Southern Netherlands, subjecting the monarchy to damaging trading clauses, blocking any meaningful paths to administrative reform, forcing the cession of several key fortifications to the Republic, and requiring the payment of subsidies to the Republic so that it could maintain those forfeited fortifications. It was a treaty that Austria had only signed with the aim of appeasing its allies in the War of Spanish Succession and gaining a foothold in the Low Countries, and one that became increasingly anachronistic and damaging as the regional influence of the disadvantaged Habsburg monarchy came to outweigh that of the declining Republic. Simultaneously, however, that same treaty lay at the foundation of the Republic's authority in northern Flanders. The individual disputed pockets of territory and rights associated with them would have been of little concern to the High and Mighty Lords or the provinces they represented, but the entirety of the land ceded in the Barrier Treaty and Convention was key to realising their military aims in Flanders. More significant than the territorial elements of the treaty, however, was the treaty itself. Accepting that it could be pressured to amend official agreements made with other states, as had already occurred between 1715 and 1718, would formalise the Republic's status as a second-rank power. It would legitimise the idea suggested by the Marquis of Botta in 1752, namely that the Republic was too insignificant to take the agreements made with it seriously, thereby jeopardising not just its territorial claims and commercial rights in the Barrier Treaty, but its geopolitical legitimacy more generally.

While the controversy over the *limietscheiding* neither started nor ended with the Doel conflict, it did drag on the longest and therefore saw both sides leverage every means of pressure available to them to meet their aims encapsulated in the preservation or revision of the Barrier Treaty, more so than to secure their claims over Doel and its surroundings. The Habsburg negotiators in Antwerp tied the resolution of the *limietscheiding* question as a whole to the case of Doel, withheld subsidies, and exploited various loopholes in treaty texts and maps to question the Dutch claims over a continuously

shifting landscape, but suggested that they could be persuaded to change their minds if the Republic would only grant some trading concessions. The Dutch representatives, on the other hand, suspected that concessions to secure the demarcation of the border would only lead to further delays for more concessions. As such, they countered the Austrian doubts cast on treaty texts and maps with even more treaty references and cartographic material in order to maintain the legitimacy of those documents. Simultaneously, however, they turned a deaf ear to pleas from Brussels to fix the sluices in Boekhoude to prevent the community's flooding, ignoring their obligations under the treaty in order to pressure the Habsburg negotiators into giving up their resistance to its execution.⁹¹

Which side eventually came out on top in these negotiations, and in the conflict over Doel more specifically, is difficult to discern. While the Republic eventually acquired Doel with all its dykes, its representatives do not appear to have secured their claims over the territories connecting it to *Staats-Vlaanderen* proper. A brief entry in the *limietscheiding retroacta* from 31 December 1754 notes that the Brussels government had issued complaints about a Southern fisherman being subjected to unspecified Dutch measures while fishing on the beaches of Saeftinghe. The Dutch authorities, acting on the advice of Zeeland, agreed to allow a joint inspection of the area with both sides' representatives to determine whether the incident occurred on Dutch or Austrian territory.⁹² As such, it was implied that Austria ultimately did not give up Arenberg and the Drowned Land, or at least not all of it. More importantly, however, the Doel matter – despite being the main stumbling block of the *limietscheiding* negotiations – failed to lead to a broader consensus regarding the Flemish border and the execution of the Barrier Treaty. As the Dutch delegates feared in 1738, it was a delay engineered to draw concessions that, if granted, would only lead to more delays, with the failure to execute the *limietscheiding* gradually eroding the treaty on which it was based, to the detriment of those ruling in The Hague.

⁹¹ [Overview of Reports from 1737 to 1740 sent by Dutch Representatives negotiating in Antwerp], folder 1710, pp. 6-23.

⁹² [Booklet of Staten-Generaal Retroacta on the Limietscheiding, Part Five], folder 1710, pp. 4-5.

Section IV: Polder Politics

Of the three distinct borderland regions addressed in this thesis, *Staats-Vlaanderen* was the least diverse in terms of the cases it presented that were studied by the Fagels. The *limietscheiding* question claimed the spotlight on the Flemish stage, with the bulk of the Fagel archival material on the region being contained in folder 1710 and discussing the various border controversies surrounding the Barrier Treaty and Convention, or addressing issues that were directly caused by them. Only three major cases described in the *griffiersarchief* documents on Flanders pertaining to the period 1713-1763 describe issues that were predominantly matters of domestic governance, rather than a conflict with entities across the border, and only one of those cases was not instigated by the shift in the region's political boundaries in 1715.

While the emphasis of central governance in northern Flanders, or at least the elements of the High and Mighty Lords' administration that were contentious enough to direct to the *griffier*, therefore lay on the political border, the state's *limietscheiding* negotiations also stirred tensions behind the scenes, in the interior of the Flemish borderland. Here, local government institutions, state officials, and autonomous lords seized the opportunities created by the outward shift of the Republic's borders in 1715. However, despite the disproportionate focus of the bodies on the *Generaliteit* on the state border in Flanders, compared to the state boundaries in the other *Generaliteitslanden*, that same emphasis on state authority was not maintained behind the borders that defined it. The three domestic cases discussed in this section demonstrate that this marginal borderland, while crucial for the broader geopolitical aims of the seven provinces, provided little incentive for centralised involvement in local governance. As such, the central institutions fervent protection of the Republic's borders and the treaties on which they were founded gave way, behind those boundaries, to feudal administrative structures inherited from the region's previous Habsburg rulers, with the *Generaliteit* exerting authority only sporadically to settle local disputes without seeking any further involvement, except when those domestic crises touched on the integrity of the Flemish border.

The impact of *Staats-Vlaanderen's* shifting boundaries on internal politics was demonstrated almost immediately after the Barrier Treaty was signed. On 8 February 1716, the *Raad van State* received a request from Jan Willem van Sonsbeek – presumably a relative of the aforementioned Leonard Constantijn van Sonsbeek - stating that it had come to his attention that the final iteration of the Barrier Treaty had been ratified four days prior in Antwerp. Noting that the treaty would see the Republic's borders extend outward across the Flemish frontier, he requested that the Noble Mighty Lords appoint him as *ontvanger* for all charges levied by the institutions of the state in the lordship of Watervliet and its surrounding polders, which were still to be ceded to the Republic in their entirety before the revision of the treaty in 1718.⁹³ The same document also contains a similar request from Jacobus Theyssen, who applied for the same position but in the polders of Doel, St Anna, and Ketenisse.⁹⁴

These two applications were approved by the *Raad van State* on the same day, appearing before the *Staten-Generaal* on 9 February with the request to confirm the appointments. It was not approval, however, but denunciation that the *Raad* received. The High and Mighty Lords noted, in a resolution signed by François Fagel, that they had not received any communication on the matter, furthermore arguing that they were particularly concerned about the *Raad van State* taking such decisions before it had even been ordered to oversee the execution of the recently-signed treaty. As such, the request was denied, with the expectation that the Noble Mighty Lords would retract their resolution and that they would send representatives for a joint meeting of both governing bodies to discuss the matter. In response, the *Raad* noted that no decision was reached during its meeting on 10

⁹³ [Raad van State Resolution appointing New Ontvangers in Staats-Vlaanderen], 8 February 1716 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708), pp. 1-2. This document notes that the border was to be drawn from Middelburg eastwards along the Zijdelingdijk and Graaf Jansdijk, noted in **figure II**, towards the town of Boekhoute. The 1718 revision of the border instead ensured that the border would turn sharply to the north beyond the Zijdelingdijk, following the Brandkreek eastwards before turning back south to Boekhoute. The Republic did retain the right to occupy the Graaf Jansdijk in times of war to secure effective inundations of the surrounding lands.

⁹⁴ [Raad van State Resolution appointing New Ontvangers in Staats-Vlaanderen], folder 1708, p. 2.

February, either on the retraction of its resolution or on the proposed joint conference, due to an “internal disparity of sentiments.”⁹⁵

The issue escalated when the *Staten-Generaal* was informed by several members of the *Raad van State*, including Treasurer-General Hop and Secretary Van Slingelandt, about their body’s decision and the reason why they could not reach an agreement on the High and Mighty Lords’ requests. They claimed that the decision to appoint the two *ontvangers* was made by two of its members, named Tengnagel and Van Sonsbeek, overruling a third member and doing so in absence of all other Noble Mighty Lords. The *Staten-Generaal*, in a resolution similarly signed by François Fagel, voiced its representatives’ outrage in uncharacteristically strong terms. It claimed that the *Raad van State*, through the influence of Tengnagel and Van Sonsbeek, had made the appointments without informing the *Staten-Generaal*, without receiving a copy of the Barrier Treaty, without being granted the right to administer taxation in the new districts, without any regulations in place to enforce taxes there, and without considering whether new *ontvangers* would even have to be appointed for the acquired territory. As such, the lords of the *Staten-Generaal* expected the appointments to be withdrawn, the meeting between the two bodies to go forward, and the two *Raad van State* members in question to report to the High and Mighty Lords within two days, adding that they viewed the incident as a matter of the greatest concern. This resolution too was met with indecision from the *Raad van State*, though a clear rift emerged between its members, with the majority wanting to adhere to the *Staten-Generaal*’s demands and to let Tengnagel and Van Sonsbeek manage the upheaval they caused.⁹⁶

The incident formed a clear example of the practices defining the *regent* class at the time, with administrative posts being shuffled between and within the same few families.

The

⁹⁵ [Raad van State Resolution responding to its Denunciation by the Staten-Generaal over the Appointment of Ontvangers], 10 February 1716 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708), pp. 1-3 [my translation].

⁹⁶ [Second Raad van State Resolution responding to its Denunciation by the Staten-Generaal over the Appointment of Ontvangers], 15 February 1716 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708), pp. 1-4.

final *Staten-Generaal* resolution taken on the matter, from 10 March 1716, notes that Van Sonsbeek in particular had personal interests in the appointment, as was suggested by the shared family name between him and one of the applicants to the position of *ontvanger*. Furthermore, it shows a desire for clear rules to be adopted preventing children and minors from taking on the role of *ontvanger* and establishing a minimum age limit for the position, suggesting that the two requests for appointment to the position of *ontvanger* were made on behalf of children and approved by members of the *Raad van State* who were related to them, or who owed their families favours.⁹⁷

The upheaval within the social network of the Republic's ruling class was likely not the only reason, however, why the case was found its way into the *griffiersarchief*, despite François Fagel's centrality within that network. At stake was also a more political matter between the two institutions in question, detailed in the same folder as the incident in 1716. Following the receipt of a *Staten-Generaal* report on 11 May 1702 that authorised the *Raad van State* to appoint new *ontvangers*, the latter's members responded that they already had that right, which was granted to them in 1661. As such, they requested that the representatives in the *Staten-Generaal* either make no mention of it, so as not to call its established competencies into question, or that they would do so while acknowledging the *Raad van State*'s existing rights on the matter, adding that the High and Mighty Lords could be assured that appointments were made in their name and in their best interest.⁹⁸ As such, by 1716, *Staten-Generaal* involvement in the *Raad van State*'s appointment of *ontvangers* would have been regarded as a sensitive issue, likely leading François Fagel to study the 1702 incident in his management of the controversy emerging in 1716.

The manner in which Tengenagel and Van Sonsbeek appointed the two *ontvangers* was brash, even for the standards of the *regent* class. They went behind the backs of delegates in the *Staten-Generaal* and most members of the *Raad van State* to interfere with

⁹⁷ [Raad van State Resolution responding to Staten-Generaal Resolution declaring Ontvanger Appointments Void], 10 March 1716 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708), pp. 2-3.

⁹⁸ [Notes detailing Conflicts over the Appointment of Ontvangers in 1702 and 1729], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708), p. 1.

the administration of the newly-acquired frontier zones in Flanders during a time when tensions over the border were high, particularly in Watervliet and Doel where the new *ontvangers* were supposed to operate. As such, Tengnagel and Van Sonsbeek did not appear to be able to rely on much sympathy from their colleagues. Those same Noble Mighty Lords were, however, concerned with the integrity of their body's established rights. They therefore proposed to the *Staten-Generaal* on 19 February 1716 that they would rescind the *ontvanger* appointments, but that the High and Mighty Lords would in turn reconfirm the *Raad van State*'s authority to make such appointments.⁹⁹ This request was acknowledged in a *Staten-Generaal* resolution from 7 March, but its decision did not touch on the executive's right to appoint such officials. Instead, the High and Mighty Lords only stated that the appointments were to be revoked and that its commissioners for foreign affairs should go ahead with their meeting with representatives of the *Raad van State* regarding the matter. The first element of this decision was accepted by the Noble Mighty Lords, and they agreed to leave the discussion of their established rights to the planned meeting.¹⁰⁰

The notes describing the 1702 incident include brief details at the end of the document mentioning that the *Staten-Generaal* had adopted a resolution on 19 August 1729 which delegated unspecified differences of opinions on the appointment of *ontvangers* to one of its commissions, so that it could consider the matter with members of the *Raad van State*. While the matter was under deliberation, the resolution ordered the *Raad van State* to appoint a suitable candidate as *ontvanger*; an appointment that would set no precedent for the ongoing debate over the two institutions' competencies regarding those appointments.¹⁰¹ Clearly, then, the dispute was not resolved after 1716. It is also unlikely that the assembly of the *Staten-Generaal* would have desired or been able to strip its primary executive body of the right to appoint *ontvangers* over the 1716 incident,

⁹⁹ [Raad van State Resolution responding to Staten-Generaal Resolution denouncing Two Raad van State Members], 19 February 1716 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1708), pp. 1-2.

¹⁰⁰ [Raad van State Resolution responding to Staten-Generaal Resolution declaring Ontvanger Appointments Void], folder 1708, pp. 1-3.

¹⁰¹ [Notes detailing Conflicts over the Appointment of Ontvangers in 1702 and 1729], folder 1708, p. 3.

perpetrated by only two of the latter's members. After all, such a reform would cause major political upheaval within the *regent* class, to which the representatives in both bodies belonged, especially because the disputed competency was the ever-significant right of appointing other *regenten* to administrative posts. Members of prominent dynasties within the *Raad van State*, like Hop and Van Slingelandt, who also both had close connections with the Fagel family, would not have taken well to such a shift and would have leveraged their network to prevent it from happening.¹⁰² However, given the particularly harsh denunciation and the refusal to engage with the executive's bid to secure its legitimacy, it is evident that the representatives in the *Staten-Generaal* were making a statement. They demonstrated that while the right to the appointment of *ontvangers* may remain disputed, such a blatant disrespect of its authority as in 1716 on an issue as sensitive as the new lands gained from the Barrier Treaty would not be tolerated.

The 1716 incident is notable, then, because it saw the provincial delegates in the *Staten-Generaal*, acting on advice of the *griffier*, strike a balance between, on the one hand, maintaining relative stability within the *regent* class and its reliance on the exchange of administrative posts and, on the other hand, their means to remain in control of developments taking place along the Republic's fragile new territorial limits in Flanders. Indeed, while incidents such as these, involving tensions within the *regent* class, are not uncommon in the *griffiersarchief* documents on the *Generaliteitslanden*, as the Fagels were in a particularly strong position to address such sensitive matters without too much controversy, the direct impact of the 1716 conflict on the new border likely formed a key reason for its inclusion in the Fagels' archives, helping to inform the *griffiers* in their management of the broader *limietscheiding* question.

Around the same time as the dispute over the *ontvangers* in Watervliet and Doel erupted in The Hague, the *Staten-Generaal* was confronted with another issue along a different section of the newly established border. Fort St Donaas, which would become the

¹⁰² Pieter Geyl, 'William IV of Orange and his English Marriage' in *Transactions of the Royal Historical Society*, viii (1925): 14-37, pp. 14-15; Theo Thomassen, 'To put in Order': How the Greffiers Fagel documented themselves as Men of Politics, Men of Religion and Men of the World' in Timothy R. Jackson (ed), *Frozen in Time: The Fagel Collection in the Library of Trinity College Dublin* (Dublin: Lilliput Press, 2016): 21-46, p. 25.

subject of several conflicts between the Republic and the Austrian Netherlands over the next half century, also caused a domestic stir upon its acquisition by the state; a case that was also likely included in the *griffiersarchief* due to its ties with the broader controversy surrounding the establishment of the Flemish border.

The fort, originally built by Spain in 1605 following the Dutch conquest of Sluis, was captured by the Republic from French forces a century later, in 1705, becoming an official part of *Staats-Vlaanderen* following the signing of the Barrier Treaty in 1715.¹⁰³ With the new border appearing to have been fixed officially, two local authorities, the city and *Vrije* of Sluis, became intertwined in a conflict over the administration of the newly-acquired territory. A notable aspect of this debate, however, was that it revived discussions of jurisdictional limits existing during the pre-revolt period, as well as those existing in the Southern Netherlands after the 1664 *limietscheiding*, since these were the primary precedents on which an argument could be built concerning an area that had, up until that point, existed under Habsburg authority for several centuries. As such, while the city of Sluis noted, in an undated *memorie* to the *Staten-Generaal* likely sent in 1716, that the High and Mighty Lords should have the final say - as sovereign rulers within the *Generaliteitslanden* - in matters as consequential as the one at hand, both sides' petitions were strongly influenced by factors beyond the state's authority.¹⁰⁴

The city's magistracy, which also had jurisdiction over nearby Nieuw Muiden and Waterregt, argued that Fort St Donaas was located within Nieuw Muiden. It supported this claim by demonstrating that Spanish King Philip II, upon selling Sluis to the city of Bruges in 1565, had included Nieuw Muiden under its jurisdiction. As such, following the initial *limietscheiding* in 1664, the city of Sluis, seeing its ties to the city of Bruges severed, retained control of all territories belonging to Nieuw Muiden that were incorporated into the Republic, on which the city built a significant portion of its fortifications. With the

¹⁰³ Decraemer, Stefan, *Archeologisch Opvolging bij de Herinrichting van het Fort Sint-Donaas* (Bruges: Provincie West-Vlaanderen, 2011), p. 6, retrieved from: <https://oar.onroerendergoed.be/publicaties/ROEV/506/ROEV0506-001.pdf>.

¹⁰⁴ [Memorie concerning the case of the City of Sluis presented to the Staten-Generaal over the Fort St Donaas Conflict], [1716] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1711), pp. 5-6.

second *limietscheiding* in 1715, then, the city argued that any further territories belonging to Nieuw Muiden that were ceded to the Republic should fall under the city's jurisdiction. The magistracy of Sluis added that these jurisdictional limits were so evident that any local would be able to point them out; an observation that suggests that borderland locals were keenly aware of where jurisdictional limits lay and how they could be manoeuvred.¹⁰⁵

The governing council of the *Vrije* of Sluis retorted by similarly referencing the conditions existing prior to the recent *limietscheiding*. It noted that the area on which the fort stood had always belonged to the *Vrije* of Bruges, within the *Ambacht* of Oostkerke, and not to the city of Bruges or Nieuw Muiden. As such, with the region's transfer to the Republic, it argued that the fort should naturally fall to the *Vrije* of Sluis, and not the city. It emphasised this point by stating that tax officials from Oostkerke were still attempting to collect dues in the area following the *limietscheiding*, to which the magistracy of the *Vrije* of Sluis had taken countermeasures, and that representatives from the *Vrije* of Bruges had always been tasked with inspecting the sluice around which the fort was built while it was under Dutch occupation.¹⁰⁶

The *Staten-Generaal's* response to these claims is, unfortunately, not immediately apparent, as the Fagels' documents on the issue, contained in folder 1711, do not include the body's resolutions on the matter. Furthermore, the archives of the *Staten-Generaal* do not show any engagement with the matter around the time of the two sides' requests.¹⁰⁷ As such, it is unclear whether the state institutions placed any value in jurisdictional arguments originating from beyond the political border and from a period prior to its own rule in the

¹⁰⁵ [Memorie concerning the case of the City of Sluis presented to the Staten-Generaal over the Fort St Donaas Conflict], folder 1711, p. 1-2, 4.

¹⁰⁶ [Request from the *Vrije* of Sluis to the Staten-Generaal concerning its Claims of Fort St Donaas], [1716] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1711), pp. 2-4.

¹⁰⁷ The first request from the city (to exercise jurisdiction over newly-acquired areas of Nieuw Muiden) is dated to 15 February 1716 and is included in the *Staten-Generaal* archives (see: [Staten-Generaal Resolution concerning a Request by the City of Sluis to Exercise Jurisdiction over Newly-Acquired Lands in Nieuw Muiden], 15 February 1716 Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 771): 119, p. 119, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/771/file/NL-HaNA_1.01.02_771_0119). The response from the *Vrije* and the city's reaction to it are both undated, though they likely date to March or April 1716. The latter includes supporting documents dating to the end of April, but the *Staten-Generaal* resolutions from late April and early May show no engagement with the matter, despite responding to a request from the city pertaining to a different matter on 19 May.

region, or whether they discarded them while determining the administration of their new territory. However, as developments in *Staats-Brabant* and the territories along the Meuse river valley demonstrated, such arguments were readily entertained by actors at all levels of society, including the statesmen in the *Generaliteit*, as long as doing so was a beneficial or efficient means of securing their interests or resolving a conflict. Most domestic jurisdictional disputes in the borderlands therefore saw claims supported by references to administrative practices and laws across the border, which usually had remained very similar on both sides of the boundary after the split of the region's major provinces between North and South. Indeed, Schillewaert noted that the *Vrije* of Sluis was established with the intent of maintaining the Flemish legal and political structure existing under the *Vrije* of Brugge.¹⁰⁸ The conflicting claims around Fort St Donaas sent to the *Staten-Generaal* and passed on to François Fagel would therefore likely have been regarded – by him and those he was advising – as legitimate arguments. Ultimately, it appears that the *Staten-Generaal* sided with the *Vrije* of Sluis in this conflict, as it was this body, rather than the city, that was involved in the controversy over the murder on the dam of Fort St Donaas in 1756. In either case, however, the incident is notable, as it was likely included in the *griffiersarchief* due to its ties with the conflict over the establishment of a state border in Flanders, but simultaneously demonstrated the relative lack of impact of that new border on domestic governance. Some ties between local Dutch institutions with Southern administrative bodies were severed and redirected to structures existing under the *Staten-Generaal*. However, instead of taking the initiative to reorganise the administration of its newly acquired territory comprehensively, the High and Mighty Lords were only involved with the questions surrounding its governance after local actors involved them to serve as arbitrators and to judge on rivalling claims that both relied on administrative continuity between Habsburg and Dutch Flanders.

The final major conflict within the domestic governance of *Staats-Vlaanderen* detailed in the *griffiersarchief* took place between 1753 and 1755 and forms the only case in the Fagel folders on the region from the period 1713-1763 that does not appear to have

¹⁰⁸ Schillewaert, “... dat een yeder jaecht en janckt...”, p. 65.

had any link with the controversy over the state border. The issue centred on the region's *leenhoven*, lordships rented out to members of the *regent* class, with the administrative hierarchy of these bodies being left intact upon their inheritance from the estates of Habsburg Flanders but being subjected to the new *Leenhof* in Middelburg.¹⁰⁹ Within the *leenhoven*, as in other lordships, the lord (or *leenheer*) gained jurisdiction over several aspects of local governance, such as the appointment of local administrators. One of those competencies was the exclusive right to hunt.¹¹⁰ While this right was clearly established, the matter became an issue for Johan Daniel d'Ablaing, lord of Giessenburg and – through the right of *nomine uxoris* (inheritance through his wife) – *leenheer* of Cadzand and Aerdenburg-Ambacht, as he was promoted by the *Staten-Generaal* as the third Flemish *houtvester*, a position charged with overseeing the hunt and forestry in the entirety of *Staats-Vlaanderen*. This appointment drew the ire of the military governor of Sluis, Gemme Onophrius van Burmania, who, along with the *hoogbaljuw* of the city and *Vrije* of Sluis, was the established *houtvester* of Flanders, particularly because the position would become hereditary for the *leenheren* of Cadzand and Aerdenburg-Ambacht.¹¹¹

Hunting rights were, according to Burmania, a prerogative of the sovereign – in this case the provincial representatives in the *Staten-Generaal* – and could only be granted to vassals by means of a feudal contract, with all matters not included in said contract remaining the right of the sovereign. As such, 'lesser' forms of hunting, including fishing and catching 'non-noble' birds were usually granted to minor lords, while the more prestigious hunt on larger game and 'noble' birds was reserved for the likes of dukes and, in *Staats-Vlaanderen*, the *houtvesters*, who represented the sovereign locally.¹¹²

¹⁰⁹ The *leenhof* (loaned court), which was a form of lordship, should not be confused with the *Leenhof* (loan court), which was a regional judicial body overseeing the administration of the *leenhoven*.

¹¹⁰ Johannes G. M. Sanders, 'Heerlijkheden en domeinen' in Johannes G. M. Sanders and Willem A. van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 47-73, pp. 59-60.

¹¹¹ [Request from Governor Burmania of Sluis to the *Staten-Generaal* concerning Hunting Rights in *Staats-Vlaanderen*], [1753-1755] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1709), p. 1.

¹¹² [Request from Governor Burmania of Sluis to the *Staten-Generaal* concerning Hunting Rights in *Staats-Vlaanderen*], folder 1709, pp. 7-8, 15 [my translation].

Burmania's protestations can primarily be seen as a local notable's frustrations over the usurpation of his rights by someone of significantly lower status, but the matter does reflect on the state's authority locally, which the military governor partially represented and was all too eager to highlight in his defence. As such, he noted that making the position of *houtvester* hereditary under a *leenhof*, rather than keeping it limited to state-appointed officials, entailed the risk of the lordship falling into the hands of someone not subject to the Republic, who would then have considerable influence over the region's hunting rights. Worse still, Burmania argued that the *leenhof* could fall to an enemy of the state, who would then have the right to hunt just outside the fortifications of Sluis. Beyond this foreign threat, he also pointed out that it would be risky for the *Staten-Generaal* to make a lesser lord the equal of the state's representatives in the region, not only because it would concede a third of its power concerning hunting rights, but also because any future lord, no matter how minor, would be regarded as the state's equal locally. Burmania therefore urged the *Staten-Generaal* not to give up its sovereign hunting rights and, with it be "robbed of one of the noblest pearls in its crown."¹¹³

The response of D'Ablaing to the barrage of printed material presented by the governor was relatively limited, being detailed by only a single, brief document cited in a *Staten-Generaal* resolution from 7 February 1755. His arguments primarily revolved around the fact that his appointment had been made with the approval of the provinces, the *hoogbaljuw* of the city and *Vrije*, and the regentess Anne of Hannover, who took on a prominent role in political appointments following the restoration of the *Stadhouder* in 1747. Furthermore, the arrangement had been made during a vacancy of the Sluis military governorship and therefore preceded Burmania's tenure. Finally, he noted that an agreement reached with such broad support could not simply be taken away without causing any repercussions.¹¹⁴

¹¹³ Ibid., pp. 20, 24-27 [my translation].

¹¹⁴ [Staten-Generaal Resolution discussing the Case of Johan Daniel D'Ablaing concerning Hunting Rights in Staats-Vlaanderen], 7 February 1755 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1709), pp. 5-7.

In this case too, the final resolution on the matter by the *Staten-Generaal* does not feature in the Fagels' archives. However, a resolution from 28 March 1755 found in the archives of the *Staten-Generaal* – and which is briefly mentioned in a set of *retroacta* included in the Fagel archival supplement documents on *Staats-Vlaanderen* - does provide further details on the approach taken by the High and Mighty Lords.¹¹⁵ Ultimately, the *Generaliteit's* response, as detailed in the resolution from 28 March, navigated the conflicting claims of its local representative citing threats to sovereign authority and its vassal threatening to cause a stir over a matter he regarded as settled in a manner seen more generally in the *Generaliteitslanden*, namely by reaching a compromise. The *Staten-Generaal*, after consulting with its committee on affairs pertaining to Flanders and presumably being informed of Hendrik Fagel the Elder's findings on the matter, chose to stand by its decision to entrust D'Ablaing with the position of *houtvester*, but he would be prevented from hunting within range of the cannons of Sluis. Furthermore, when he would die or sell his *leenhof*, his successors would not automatically inherit the position of *houtvester*, which would once again have to be requested from the *Staten-Generaal*.¹¹⁶

This conflict, then, fell squarely within the pattern seen more generally in the High and Mighty Lords' responses to questions emerging from regions or in policy areas where they had few interests or too significant barriers to achieving those interests. Unlike the proactive state involvement in financial and religious crises in the *Meierij* of 's-Hertogenbosch, the dispute over the appointment of the *houtvester* - as well as most other matters of domestic governance in the *Generaliteitslanden* beyond the *Meierij* and, as will be discussed in the next chapter, Maastricht - saw the assembly of the *Staten-Generaal* maintaining its role as distant custodian of the borderlands. It became involved only as an arbitrator to settle local conflicts in a manner acceptable to all parties involved without forfeiting any authority or fostering any further involvement in the process.

¹¹⁵ [Retroacta concerning Hunting Rights in Staats-Vlaanderen], [1755] (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 246), p. 2.

¹¹⁶ [Staten-Generaal Resolution concerning Conflicting Claims to Hunting Rights in Staats-Vlaanderen], 28 March 1755 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 1240): 184-186, pp. 184-186, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/1240/file/NL-HaNA_1.01.02_1240_0186.

The conflicts surrounding the *limietscheiding*, which became the most pressing matters in *Staats-Vlaanderen* that were left to the *griffier* to resolve, present an image of both states' institutions and administrators engaged in extensive negotiations over treaty texts and cartographic representations of boundaries to demarcate a physical line in the terrain of Flanders that separated the sovereign territorial authority of the Republic from that of the Habsburg monarchy. Just behind that boundary, however, the concept of sovereign state authority made way for an administrative reality defined by overlapping forms of authority; some imposed by the institutions of the state, some inherited from the region's former rulers, some territorial in nature, and some jurisdictional. Here, it was possible for military governors to cite ties with sovereign state institutions to protect hunting rights enshrined in a system of feudal loans. Two domestic Dutch local administrations could support their disputed claims over a fort with references to jurisdictional arrangements made centuries prior under different rulers, or to events taking place across the border. Issues were not always settled through bureaucratic processes within the local or central institutions of the state, but regularly depended on the personal connections of those involved, be it to members of the *Raad van State* or the regentess occupying the stadtholderate. As such, while the controversy surrounding the Flemish border formed a key point of interest for the provincial *regenten* in The Hague, one that was best addressed by emphasising characteristics of centralised territorial authority, the domestic governance of the region that was defined by that border, *Staats-Vlaanderen*, operated in an entirely different manner. The most practical means of securing the limited provincial interests in this relatively small and waterlogged strip of land – a limited interest demonstrated by the scarcity of cases relating to internal affairs in the *griffiersarchief* – was to keep existing administrative structures in place, albeit subjected to a new sovereign government and its ruling elites. These sovereign institutions, then, primarily intervened in local affairs in the case of crises, acting as arbiters seeking a compromise to restore stability without involving themselves in local affairs to a greater extent than necessary.

The stance towards centralised involvement in local governance adopted by the institutions of the *Generaliteit* stood in stark contrast to developments across the border.

While administrative reform within the Austrian Netherlands was challenging, both due to the influence of the powerful regional estates and the clauses of the Barrier Treaty prohibiting major reforms, the growing economic opportunities and geopolitical significance of the Southern Netherlands saw authorities in Vienna expand their presence within the governance of the region. While Franz Szabo noted that the Austrian Netherlands remained, to a considerable extent, a bargaining chip of the Habsburg monarchy, which could make concessions in the Low Countries – like the Barrier Treaty - to support the interests of political elites within the Austrian, Bohemian, and Hungarian core of the monarchy, the Habsburgs' ability to employ the region as such was strengthened through their greater influence over its governance. It was not desired, after all, that powerful local actors within this peripheral region, such as the estates of Flanders, would have any significant impact on the Habsburg monarchy's ambitions to leverage the region in negotiations with other European power, or drain any resources from the governing institutions in Vienna.¹¹⁷ As such, the Council of the Netherlands, originally established by the Spanish Habsburgs in the sixteenth century in an attempt to exert greater influence in the Low Countries, was moved to Vienna in 1717, shortly after the Southern Netherlands' acquisition by Austria. In 1757, it was abolished altogether by Chancellor of State Wenzel Anton von Kaunitz-Rietberg, with the administration of the Southern Netherlands being brought directly under the control of the Viennese state chancellery.¹¹⁸ While the *Generaliteit* therefore limited its involvement in Flemish affairs beyond the *limietscheiding* question in an attempt to keep its rule over the region stable and sustainable, the Habsburg monarchy did the opposite directly across the border. Here Austrian officials tightened their grip on Flanders and the rest of the Southern Netherlands specifically because statesmen in Vienna did not desire any infringement on their ability to employ the region as a disposable means to secure other interests.

¹¹⁷ Franz A.J. Szabo, *Kaunitz and Enlightened Absolutism 1753-1780* (Cambridge: Cambridge University Press, 1994), pp. 50-51.

¹¹⁸ *Ibid.*, pp. 50-51; Janssens, 'De Spaanse en Oostenrijkse Nederlanden', p. 242.

Section V: Conclusion

Staats-Vlaanderen, unlike the *Staats-Brabant*, formed a borderland setting in which the challenges to governance sensitive, relevant, and severe enough to direct to the Fagel *griffiers* were particularly monochrome. Consisting only of a small portion of Flanders' northern fringe and containing none of that county's major cities, the polders of *Staats-Vlaanderen* provided little incentive for the provincial *regenten* in the *Staten-Generaal* to engage with its governance to any greater extent than was necessary to keep existing administrative structures, largely inherited from the region's previous Habsburg rulers, functioning within a political hierarchy subjected no longer to Bruges, Ghent, or Brussels, but to The Hague. *Staats-Vlaanderen's* long, contiguous, heavily militarised, and disputed political border with Habsburg Flanders, on the other hand, did form a major point of engagement for the representatives of the *Staten-Generaal*. Not only did the region form a vital military frontier for the United Provinces, and for Zeeland in particular, but more significantly, the integrity of the border was representative of the legitimacy of the treaty on which it was based. As such, repeated violations of what the provincial *regenten* regarded as their established territorial authority in this marginal and waterlogged country not only affected the ownership of and rights and tax revenue tied to local houses, fields, sandbars, and waterways, but impacted the Republic's geopolitical credibility on the European stage more generally.

The approach adopted by the High and Mighty Lords described in – and influenced by – the Fagel archival documents points to a pragmatic emphasis on arguments concerning the territorial nature of states. In stark contrast to the other Dutch borderlands, the *griffier's* documents on *Staats-Vlaanderen* are littered with references to state borders drawn on maps and detailed in treaties, with territorial state authority being presented as a form of jurisdiction that trumped all other forms of authority that might overlap or contradict it. These arguments were not issued by Dutch representatives out of an ideological desire to organise their state's authority along such territorial lines, believing fixed territoriality to be one of the key criteria underpinning their legitimacy. Rather,

arguing along territorial state lines simply proved more effective than an emphasis on other forms of authority for the achievement of the Republic's local aims.

The emphasis on the demarcations of territorial authority in *Staats-Vlaanderen*, which – as will be discussed in the next chapter – was entirely abandoned in similar geopolitical disputes over jurisdiction in *Staats-Overmaas*, can be attributed in part to the fact that the region was well suited to such arguments. Unlike the boundaries of Dutch territories along the Meuse river valley, which had been scattered into numerous exclaves, the Flemish border was contiguous, defined in a treaty, involved only two state actors, was supported by extensive cartographic material, and was identifiable locally by various geographical features marking the boundary. It was certainly not entirely one-dimensional, as demonstrated by the existence of cross-border lordships and the simultaneously divisive, coercive, and cooperative elements of the waterways separating and transecting the Habsburg and Dutch states, but was significantly more so than the borders in Overmaas and Upper Guelders.

The emphasis on state borders and their demarcation along cartographic and geographic lines, however, also revealed the pitfalls of such arguments, with every rivalling cartographic interpretation, conflicting view on treaty texts, overlap between different forms of jurisdiction, and shift in the region's notoriously changeable geography being brought into the spotlight and exploited to further both sides' respective claims. Indeed, the more both states' representatives focused on the border marking their territorial authority, the more that boundary was blurred by the controversy surrounding it. Yet engagement with the matter was essential for both sides. For the Habsburg monarchy, the 1715 Barrier Treaty on which the border was based was regarded as a violation and humiliation of the authority which it, as one of Europe's foremost powers, wielded in the region. Furthermore, it formed a point of serious contention between the institutions of the Habsburg monarchy in Vienna and the powerful estates represented within their holdings in the Low Countries. Applying pressure to renegotiate the terms of the treaty and stalling its execution, then, was the primary negotiating strategy adopted by Austrian diplomats. For the Republic, the Barrier Treaty too, more so than the border it established, was a matter of vital importance,

as it was a favourable agreement signed between two states at a time when the Republic wielded more influence than it would during its gradual decline throughout the eighteenth century. If the representatives of the Dutch state were to accept that they could be pressured out of the concessions made to them in such treaties, that would set a precedent for its geopolitical status more generally, effectively tying the legitimacy of the Dutch state in part to that of the treaty it signed in 1715.

Within this context, the emphasis of Dutch state policy concerning the Flemish border on arguments of territorial authority enshrined in treaties and maps was a natural course of action. The most effective means available to those ruling in the Republic to secure the legitimacy of the Barrier Treaty was to engage heavily in arguments concerning the form of jurisdiction that such a treaty and the cartographic material tied to it represented; that of the territorial state. While the barrage of diplomatic and cartographic arguments by the Dutch negotiators, with which the Habsburg representatives were similarly confronted and had to respond to, ultimately proved largely insufficient to counteract Austria's greater geopolitical weight in the region, it was the best means available to them. However, in those instances where reliance on the treaty was not the most effective approach to secure the provincial representatives' interests, it was also readily abandoned by Dutch diplomats. As such, just like the Habsburg negotiators obstructed the execution of the barrier treaty and withheld subsidies to force concessions from their Dutch counterparts, the Republic's representatives did not shy away from ignoring their obligations under the treaty if it allowed them to use the Republic's greater control over the Flemish waterways to pressure the Austrians into respecting that same treaty.

The choice for an emphasis on arguments of territorial state authority in the *limietscheiding* negotiations, then, was a practical one, and one that could be altered if the need arose. That same focus on the state's territorial authority therefore dissipated directly behind its political boundary, within the territory defined by that border. The marginal opportunities presented by the polders of *Staats-Vlaanderen* ensured that the interests of the provincial *regenten* regarding this region remained limited, as demonstrated by the few

cases in the Fagel archival documents on the region pertaining to domestic matters, all but one of which were included at least in part because they affected the controversy surrounding the *limietscheiding*. As long as existing systems of governance, inherited from the Habsburg rulers still governing across the disputed border, ensured the region's effective day-to-day administration under the general umbrella of the Dutch state, there was no incentive for reform, in contrast to the Austrian Netherlands, where administrative processes were increasingly redirected towards Vienna to provide the monarchy with greater flexibility in the region's governance. Indeed, greater *Generaliteit* involvement would only have seen the representatives in the *Staten-Generaal* invest considerably in upending local power structures and the elites represented in them to burden themselves with greater investments and responsibilities in a frontier where such involvement was ultimately not desired by the *regenten* ruling in The Hague. While the High and Mighty Lords therefore defended bitterly the border separating their sovereign territorial authority from that of the Habsburg monarchy, the Flemish borderland extended unhindered beyond that porous boundary and into the Republic.

Chapter VI. The Fragmented Frontier: *Staats-Overmaas* and *Staats-Oppeer-Gelre*

Maps



Figure I: Territorial division of *Staats-Oppeer-Gelre*. Yellow: Dutch Republic; orange: Austrian Netherlands; blue: Prussia; green: Palatinate-Neuburg; dashed line: modern Dutch border.¹

¹ 'Oppeer-Gelre' *Wikipedia* (2022) retrieved from: <https://nl.wikipedia.org/wiki/Oppeer-Gelre> [edited by me].

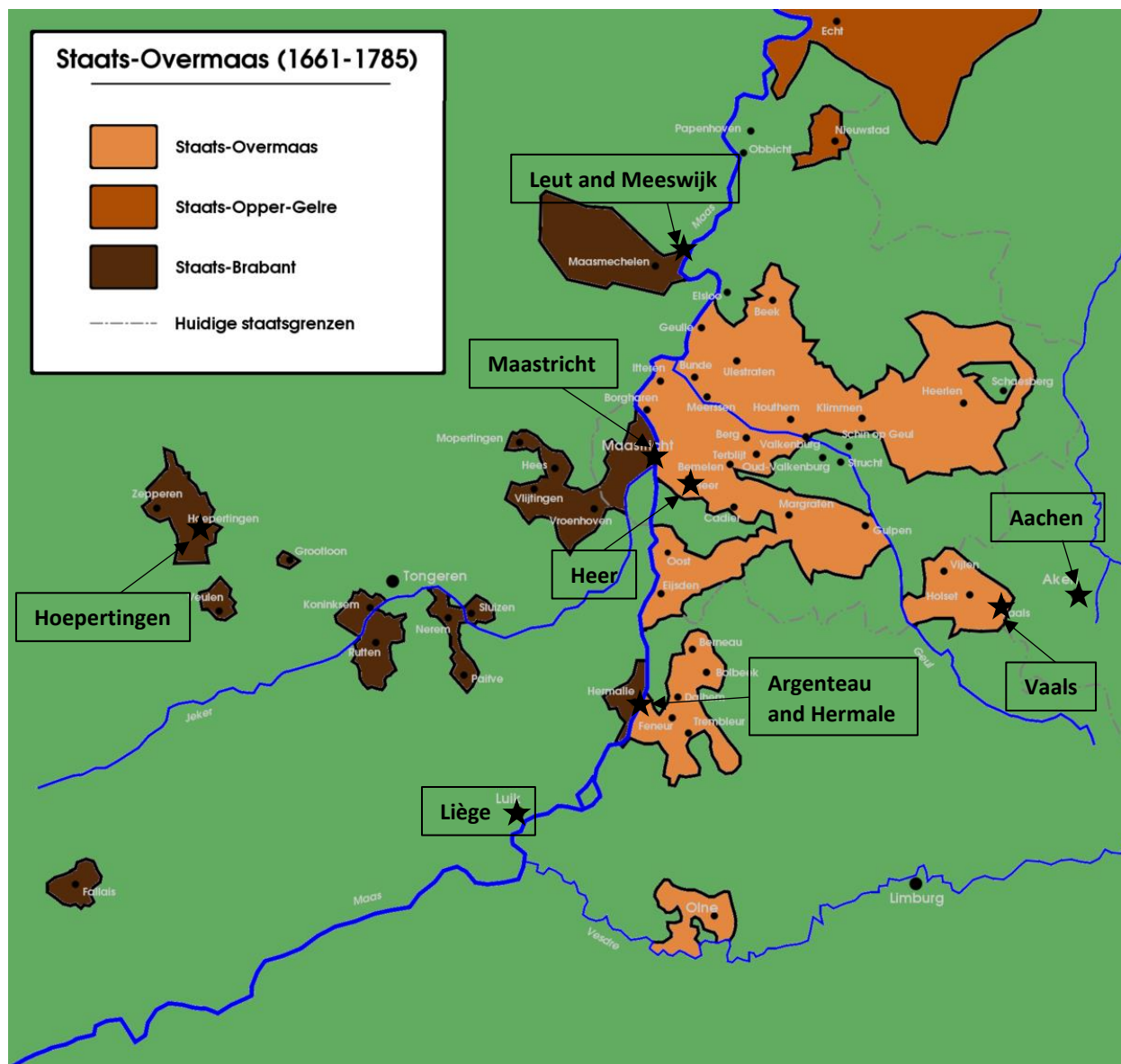


Figure II: Administrative division of Dutch Overmaas and surroundings. Major towns and points of interest are marked with stars. Dark brown: *Staats-Brabant*; light brown: *Staats-Opper-Gelre*; beige: *Staats-Overmaas*; dashed line: modern Dutch border.²

² 'Staats-Overmaas' *Wikipedia* (2022) retrieved from: <https://nl.wikipedia.org/wiki/Staats-Overmaas> [edited by me].

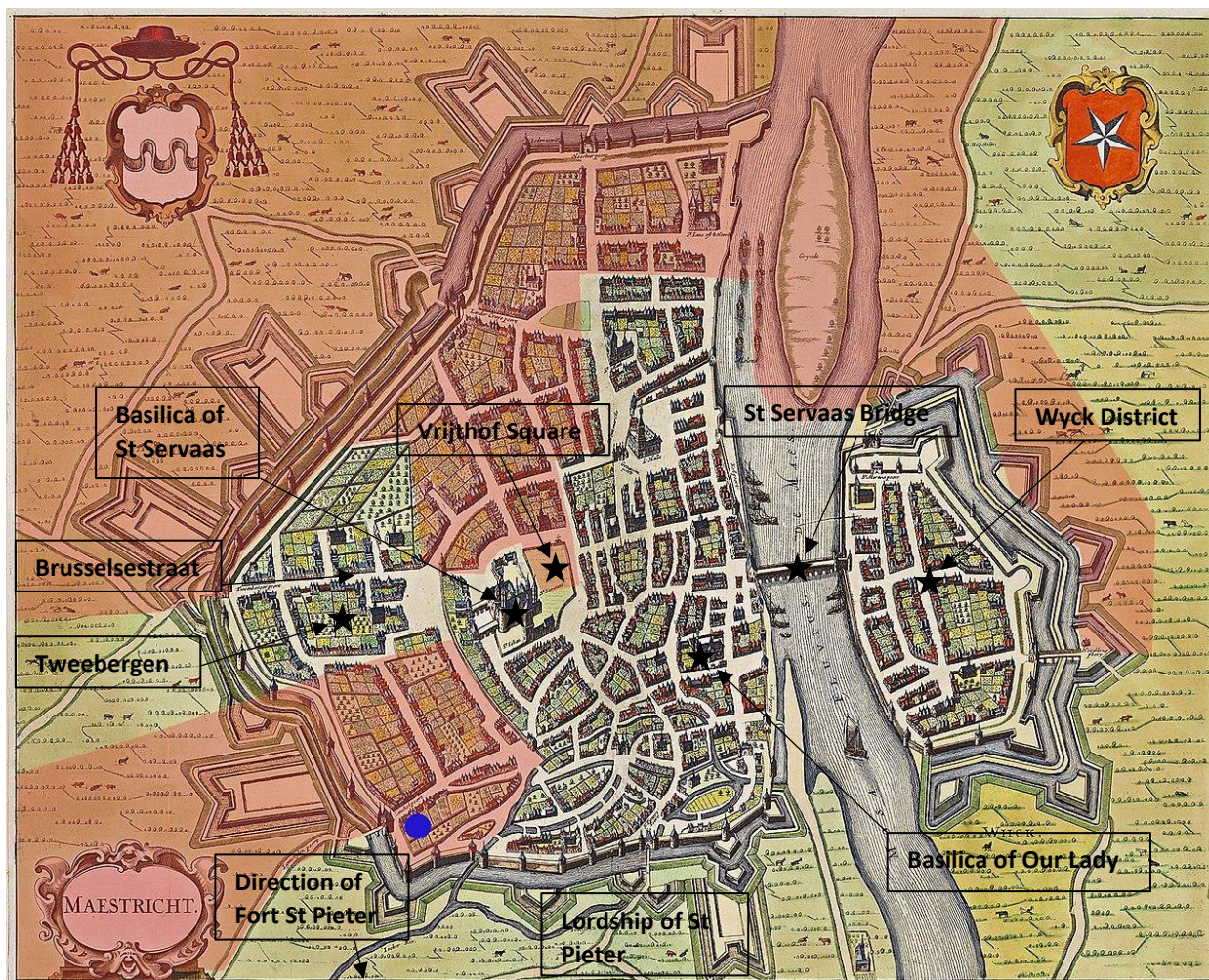


Figure III: Administrative division of Maastricht. Note: the precise division of Maastricht is subject to speculation. The areas highlighted in red show the territory falling under the county of the Vroenhof, with the blue dot showing its administrative centre, the Hof van Lenculen.³

Section I: A Scattering of Jurisdictions

In contrast to the large contiguous frontier that was *Staats-Brabant* and the narrow strip of land that formed *Staats-Vlaanderen*, the Republic's holdings in the south-east - in what would later primarily become the Dutch province of Limburg – were entirely fractured. They

³ 'Graafschap van de Vroenhof' *Wikipedia* (2023) retrieved from: https://nl.wikipedia.org/wiki/Graafschap_van_de_Vroenhof [edited by me].

formed a collection of exclaves scattered along the Meuse river valley, placing them in the nebulous frontier zone where the Republic, the Habsburg Netherlands, and the Holy Roman Empire met. More so than the geopolitical state boundaries between these entities, however, it was the various layers of jurisdictional boundaries intersecting them that truly transformed the lands of Upper Guelders and particularly Overmaas into an administrative enigma. Indeed, their position between some of the region's larger and more influential actors ensured that they changed hands frequently, both via diplomatic and military means. Each of these shifts added a fresh layer of complexity to their administration, and with it, new grounds for jurisdictional conflicts. This chapter will first explore the complex network of individuals and institutions that defined governance in *Staats-Oppe-Gelre*, the lands of *Staats-Overmaas*, and Maastricht, before analysing the impact of these areas' fractured and overlapping jurisdictions on governance by the *Staten-Generaal* as viewed through the lens of the Fagels' archival collections.

The peripheral element of the lands along the Meuse existed well before their partial inclusion into the Dutch Republic. Upper Guelders, also known as the '*Overkwartier*' (far quarter), formed one of the four major jurisdictions of the Duchy of Guelders, though it lay disconnected from Guelders proper. It diverged further from the rest of the Duchy when it, unlike the other three quarters, refused to secede from the Spanish Netherlands. It remained under Habsburg rule, feeling the full effects of the counter-reformation and being overwhelmingly Catholic by the time it became part of the Republic.⁴ Its alignment with Spain also ensured that it was the only *Generaliteitsland* that was not acquired by the United Provinces during the Eighty Years' War or the aftermath thereof, but rather a century later, following the War of Spanish Succession. During this conflict, the region had been captured by Prussia and the Republic, with the latter ruling it as a *Generaliteitsland* during its occupation. While the Republic - and particularly the province of Gelderland, which had been formed by the other three quarters of the former Duchy - laid claim to the entirety of the former *Overkwartier*, the 1713 Peace of Utrecht and the ensuing 1715

⁴ Jonathan I. Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon Press, 1995), p. 545.

Barrier Treaty involved only marginal gains for the Republic. Most of the region had definitively been stripped from Habsburg control, though the region's primary city of Roermond was retained by Austria. The bulk the ceded territory, however, went to Prussia. The Republic was ultimately left with Venlo - one of the region's larger towns - and a handful of disconnected territories to its south, nearer to Roermond.⁵

Just as *Staats-Opper-Gelre* formed a scattered remnant of Guelders' far quarter, *Staats-Overmaas* formed a distant holding of the Duchy of Brabant, acquiring its name from the fact that it lay beyond the Meuse River from the perspective of Brabant proper. The three principal territories of Overmaas - Dalhem, Valkenburg, and 's-Hertogenrade - had gradually fallen to the Duke of Brabant, who had also become the duke of nearby Limburg in 1288, throughout the thirteenth and fourteenth centuries.⁶ While the three lands of Overmaas, as well as the Duchy of Limburg, remained Brabantine during the latter's conflicts with the Duchy of Guelders and its incorporation into the Burgundian Netherlands, the region retained a considerable degree of autonomy from the distant heartland of Brabant. As such, Charles the Bold set up a separate *Staten* assembly for Limburg and the Lands of Overmaas in 1473, giving them representation within the *Staten-Generaal* and practically making them a new province. However, P. Ubachs noted that the centralising influence of this new regional body remained limited, with Overmaas largely reverting to its previous practices following Charles' death in 1477. As such, the separate assemblies of the three individual lands of Overmaas retained their influence and continued to function under Dutch rule as well.⁷

The region therefore did not see a substantial change in its administration until the Eighty Years' War. Despite maintaining its neutrality in the conflict initially by paying off the

⁵ L. P. L. Pirenne, 'De Generaliteitslanden van 1648 tot 1795', in J.H. van Houtte (ed), *Algemene Geschiedenis der Nederlanden. Deel VIII: De Revolutie Tegemoet* (Utrecht: De Haan, 1955): 315-351, pp. 318-319; A. M. J. A. Berkvens, 'Plakkatenlijst Overkwartier 1665-1794' (doctoral dissertation, Radboud Universiteit Nijmegen, 1990), pp. VII-VIII.

⁶ P. J. H Ubachs, *Handboek voor de geschiedenis van Limburg* (Hilversum: Uitgeverij Verloren, 2000), pp. 85-91.

⁷ Ibid., pp. 127-129; P. J. H. Ubachs, *Twee heren, twee confessies: De verhouding van Staat en Kerk te Maastricht 1632-1673* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1975]. Assen: Van Gorcum, 1975), pp. 79-80; H. J. S. M. Broers, 'De ridderschap van het Land van Valkenburg en het geslacht Vos uit Brunssum in de zeventiende eeuw' in *Virtus/ Journal of Nobility Studies*, ii, no. 2 (1994): 34-40, pp. 34-36.

Republic on the condition that it would leave Overmaas unscathed and acquiring similar guarantees from the Spanish side, the region would not escape the war entirely. Following the capitulation of Maastricht to the forces of *Stadhouder* Frederik Hendrik in 1632, the statesmen within the Republic came to regard securing the city's hinterland as a greater priority than maintaining Overmaas' neutrality. While Dutch gains in the region beyond Maastricht were lost to Spanish forces throughout the 1730s, the Republic was able to seize the three main towns of the respective lands of Overmaas in June of 1744, leading it to claim sovereignty over the entirety of these regions.⁸

The Overmaas frontier, more so than any of the other Dutch borderlands, remained hotly contested after the formal conclusion of the war in 1648. Spain had rejected the Dutch claim to sovereignty over the region, fearing that it might serve as a staging ground for Dutch armies in a future conflict. Furthermore, the Spanish court wanted to protect the various Catholic holdings, including several monasteries, established in Overmaas. The Republic, on the other hand, sought to secure a stable hinterland for Maastricht, its prize conquest in the region.⁹ These conflicting stances ensured that both sides claimed ownership of the entire region, appointing officials, passing laws, and forbidding adherence to the other party's decrees. H. Broers therefore noted that both sovereigns were represented locally, with the two curiously often being represented by the same local elites.¹⁰

The 1648 Treaty of Münster had called for the creation of the '*Chambre Mi-Partie*', an institution that would arbitrate in matters of border conflicts between Spain and the Republic. While this body was operational from 1653 to 1675, the division of Overmaas was ultimately settled through bilateral negotiations set out in the 1661 *Partagetractaat*

⁸ Jozef A. K. Haas, *De verdeling van de landen van Overmaas 1644-1662: territoriale desintegratie van een betwist grensgebied* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1978.] Assen: Van Gorcum, 1978), pp. 1-4, 7-8.

⁹ Benjamin J. Kaplan, *Cunegonde's Kidnapping: A Story of Religious Conflict in the Age of Enlightenment* (New Haven CT and London: Yale University Press, 2014), p. 67; Bram de Ridder, 'Sustaining the Munster Peace: The *Chambre Mi-Partie* as an Experiment in Transnational Border Arbitration (1648–1675)' in *Journal of Modern European History / Zeitschrift für moderne europäische Geschichte / Revue d'histoire européenne contemporaine*, xiv, no. 1 (2016): 35-53, pp. 39-40.

¹⁰ Broers, 'De ridderschap van het Land van Valkenburg en het geslacht Vos uit Brunssum in de zeventiende eeuw', pp. 34-35.

(Partition Treaty).¹¹ The Dutch side had suggested splitting the region along pre-existing jurisdictional boundaries, with the Republic gaining the larger land of Valkenburg lying directly adjacent to Maastricht while Spain would obtain the two smaller lands of 's-Hertogenrade and Dalhem. Ultimately, however, the Spanish side insisted on breaking down Overmaas at a minute level, appointing individual lordships, villages, estates, and church holdings to either side in a bid to keep as many Catholic possessions as possible out of the hands of the Republic and its Reformed public church. As such, Benjamin Kaplan argued that the *Partagetractaat* had transformed the already fragmented borderland of Overmaas into a wild scattering of jurisdictions. While he noted that such a process was not uncommon, certainly not within the adjacent Empire, the fragmentation of Overmaas was so extreme that it became notoriously unstable during the eighteenth century. With the freedom to flee across a foreign border at a moment's notice, either between the Habsburg Netherlands and the Republic or to one of the many independent lordships intersecting the region, criminals such as the vagabonds that similarly afflicted *Staats-Brabant* had free reign. Only with considerable international cooperation and coordination across the scattered frontier could this threat be dealt with effectively.¹²

Given the lack of major population centres in the lands of Overmaas, many of the Dutch holdings in the region relied on judicial and executive bodies in Maastricht.¹³ However, if Overmaas formed an extreme of jurisdictional fragmentation, Maastricht was an administrator's true nightmare. The town formed an anomaly, because in spite of its position as the unrivalled commercial, military, and administrative centre of Overmaas, it did not form a part of *Staats-Overmaas*. This region consisted only of the territories that were 'over' the Meuse River from the perspective of the Brabantine heartland, so the city – which primarily sat on the river's western bank – and several Dutch villages surrounding it remained part of *Staats-Brabant*. Only the district of Wyck lay on the eastern bank of the river. In practice, however, the Fagel archival documents and most other Dutch state

¹¹ De Ridder, 'Sustaining the Munster Peace', pp. 37-38; Haas, *De verdeling van de landen van Overmaas 1644-1662*, p. XIII.

¹² Kaplan, *Cunegonde's Kidnapping*, pp. 67, 70.

¹³ *Ibid.*, pp. 70-71.

documents suggest that Maastricht was effectively governed as if it were a part of *Staats-Overmaas* in its entirety, with all the Fagels' documents pertaining to Maastricht being found in their folders concerning Overmaas. As such, the city will be treated as part of the Overmaas frontier in this analysis, rather than as a distant section of the Brabantine borderland.

More troublesome for the administration of Maastricht was the fact that it was a condominium, shared between the Dukes of Brabant and the Prince-Bishops of Liège. The precise origins of this shared jurisdiction remain unclear, therefore also making it a point of intense debate in the Fagels' archives, for whom a proper understanding of precedent in the region's complex administration was essential to fulfil their role as crisis-managers. What is known is that Maastricht's episcopal status was transferred to Liège in the eighth century, after which the latter held considerable influence in the town around its old Roman centre, near the Basilica of Our Lady. The development of the city brought it within lands held directly by the emperor, however, with the city expanding towards the Imperial residence, or *Kaiserpfalz*, established on the Vrijthof square. During the Guelph and Ghibelline conflicts of the thirteenth century, the Dukes of Brabant acquired their rights over the Imperial section of the city from both feuding parties by strategically switching sides, having acquired recognition from both by 1204.¹⁴ From that point onward, the emperor's holdings in Maastricht and its surroundings became a fief lent out to the Duke of Brabant, to whom it was granted in full in 1530.¹⁵

Not all of Maastricht was a condominium, however, with its dual lordship status largely being limited to parts of the inner city, a narrow strip of land extending westwards along the *Brusselsestraat*, and the Wyck district across the Meuse. The county of the Vroenhof - the territory of which mostly stretched out to the north and west of the inner city, with part of it falling between the first and second layers of the city's walls – remained entirely within Brabantine hands. Similarly, the smaller lordship of St Pieter to the south of the inner city remained entirely Liègeois.¹⁶ Inhabitants of these jurisdictions therefore fell

¹⁴ Serve Minis, 'In de ban van de stad' in *Bulletin KNOB*, lxxxviii, no. 3 (1989): 22-28, pp. 24-25.

¹⁵ Louis Berkvens, *Commissarissen-deciseurs te Maastricht* (Hilversum: Uitgeverij Verloren, 2023), p. 27.

¹⁶ Minis, 'In de ban van de stad', pp. 23-24; Ubachs, *Twee heren, twee confessies*, p. 36.

under Brabant's or Liège's jurisdiction, and inhabitants of the condominium were similarly assigned to one of the two sovereigns based on the affiliation of their mothers. Outsiders too were grouped into one of the two jurisdictions upon entering the city, with visitors or new settlers hailing from Liège or the jurisdiction of one of its subordinate churches remaining under the prince-bishop's authority, whereas those coming from any other jurisdiction fell under the duke's authority. Ubachs therefore argued that the two sovereigns' jurisdictions were not only territorial in nature, but also based on the personal ties of the city's inhabitants. He furthermore noted that the greater share of territory held by Brabant, as well as the larger portion of the population under its protection, effectively made the duke the pre-eminent lord of Maastricht. This position was reinforced by the fact that Brabant also controlled the city's fortifications and garrison, as well as the right to mint coins and to pardon any inhabitant of the city.¹⁷

Given the existence of two separate but overlapping jurisdictions, both sovereigns had their own *Raad*, with each including a *hoogschout*, seven *schepenen*, a secretary, a *burgemeester*, a *pensionaris* (judicial advisor), four *gezworenen* (judges on civil matters), and a *peymeester* (collector of city taxes and manager of city finances). The everyday governance of Maastricht was enacted jointly, however, with the two *Raden* acting in unison to form the 'Indivisible Magistracy', which represented both sovereigns equally. Furthermore, following the Republic's acquisition of Brabantine Maastricht, the two sovereigns developed the *Recueil der Recessen*, a legal text setting out the core principles of the city's governance with its many privileges and deviations from established law. In practice, matters of 'lower justice' in Maastricht, primarily encompassing commercial and monetary matters, were addressed by the *gezworenen* and *burgemeesters* of the Indivisible Magistracy. Matters of 'high justice', including criminal cases, violations of placards and edicts, and matters pertaining to the ownership or transfer of real estate, were left to the *hoogschout* and *schepenen* of the separate *Raden*. It should be noted, however, that the Dutch *hoogschout* – a sought after position by the Dutch *regent* aristocracy – was rarely in

¹⁷ Ubachs, *Twee heren, twee confessies*, pp. 37-38.

Maastricht. Instead it was the vice-*hoogschout*, usually recruited from the local Maastricht elite, who carried out the *hoogschout*'s duties.¹⁸

For cases of appeal, as well as cases that formed a direct infringement of the sovereign's rights, both lords of Maastricht each had two local representatives, the *commissarissen-deciseurs*. These officials individually addressed cases emerging from their respective high jurisdictions and jointly dealt with matters passed on by the Indivisible Magistracy, while also being involved by the rest of the city's joint government in particularly significant or sensitive decisions. Furthermore, this position, which was introduced in 1545, was expanded in 1580 to include the general supervision of Maastricht's everyday governance. This new competency also bestowed upon the *commissarissen-deciseurs* the power to appoint the various officials of their respective *Raden*, a function for which they travelled to Maastricht twice a year. In the absence of the *commissarissen-deciseurs*, the two sovereign's *commissarissen-instructeurs*, a position dating to 1428, supervised their respective *Raden*'s functioning.¹⁹ The direct involvement by state officials was stronger from the Dutch side, because apart from the *commissarissen-deciseurs* and *instructeurs*, The Hague also sent delegations from the *Raad van State* and the *Staten-Generaal* in alternating years. These addressed military and religious matters (both regarding the protection of local Reformed communities and the supervision of Catholic cloisters) respectively.²⁰

The opaque administration of the Maastricht condominium was further complicated by numerous irregularities. One issue, for example, was that Liège was part of the Holy Roman Empire while the Republic was not. Furthermore, the local garrison – the largest in the Republic – formed roughly a quarter of the city's population. The soldiers were,

¹⁸ Ibid., pp. 38-39; Berkvens, *Commissarissen-deciseurs te Maastricht*, pp. 13, 20-22; Antoon Florentijn Gehlen, *Het notariaat in het tweeherig Maastricht: een rechtshistorische schets van de inrichting en praktijk van het Maastrichtse notariaat vanaf zijn opkomst tot aan het einde van de tweeherigheid over de stad (1292-1794)* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1981]. Assen: Van Gorcum, 1981), pp. 28, 30-31, 34-35;

L. C. H. Jacobs, 'Grenzen verlegd. Charles Roemers (1748–1838) een Maaslands regent in roerige tijden' (doctoral dissertation, Radboud Universiteit Nijmegen, 2018), p. 33.

¹⁹ Berkvens, *Commissarissen-deciseurs te Maastricht*, pp. 12-13; Ubachs, *Twee heren, twee confessies*, p. 39-40.

²⁰ Ubachs, *Twee heren, twee confessies*, p. 43; Kaplan, *Cunegonde's Kidnapping*, p. 197.

however, subject to none of the city's institutions. They fell under military jurisdiction, meaning that they were subject to judgement by their garrison officers or, if the case was escalated, to the *Hoge Krijgsraad* (High military Court) in The Hague.²¹ Ubachs noted that while the garrison contributed significantly to local commerce, it also brought increased crime and a host of legal complications with local inhabitants. He found, for example, that soldiers began competing in local commerce, while some inhabitants' businesses tried to evade the city's laws by claiming to enjoy ties with the military garrison and its separate jurisdiction.²²

The most significant complication, however, was formed by the city's two *Kapittelkerken*: autonomous collegiate churches. One of these, the Basilica of Our Lady, largely fell under Liège's influence. More problematic, however, was the Basilica of St Servaas lying on Maastricht's central Vrijthof square. Originally founded by Merovingian kings, St Servaas's holdings resided and expanded within the territory of the emperor.²³ This largest and most ancient of Maastricht's religious institutions established itself as an entity enjoying a host of privileges granted by successive rulers of the city; privileges it would ceaselessly defend. As such, despite Maastricht lying within the ecclesiastical jurisdiction of the Bishopric of Liège, specifically within the archdeaconate of Haspengauw, the said archdeacon had limited authority within Maastricht, where the archidiaconal rights had been assumed by the chapter of St Servaas. The latter therefore claimed to be completely autonomous in religious matters, being subject only to the pope.²⁴

The special status adopted by St Servaas in religious matters was mirrored in its relations with secular authorities. Indeed, the precise extent of the basilica's privileges within the emperor's, and therefore the *Staten-Generaal's* (as Duke of Brabant), holdings in Maastricht forms one of the most contentious issues facing the Fagels in their management of crises in this borderland. It saw the high-provost, dean, and chapter of St Servaas, which

²¹ Erik Swart, 'Van malefijtsrecht naar garnizoenskrijgsraden. De transformatie van de militaire rechtspraak in de Nederlanden in de tweede helft van de zestiende eeuw' in *Militair Rechtelijk Tijdschrift*, c, no. 9 (2007): 317-327, pp. 323, 326.

²² Ubachs, *Twee heren, twee confessies*, pp. 41-42.

²³ Ibid., p. 36; Minis, 'In de ban van de stad', pp. 24-25.

²⁴ Ubachs, *Twee heren, twee confessies*, pp. 46-49.

remained a free church within the Empire, claim considerable autonomy, emphasising subjection to the emperor. Successive emperors had – in a bid to preserve St Servaas’ rights – entrusted the rulers of Brabant with protection of the church, a position that was reinforced by the fact that it was assigned specifically to Brabant’s jurisdiction in the union of Maastricht and Brabant in 1530 as well as in the capitulation of Maastricht in 1632. While these limitations were recognised by the church to some degree, accepting appointment of its high-provost and payment by the *Generaliteit*, it continued its efforts to maintain its autonomy in other areas. As such, it only accepted involvement by the *Staten-Generaal* as its sovereign protector, rejecting the authority of local Brabantine authority figures such as the *hoogschout* and even the *advocaat-fiscaal* of the duke’s council, the *Raad van Brabant*, despite the fact that those institutions ultimately fell under the lords of the *Staten-Generaal* as the collective Duke of Brabant. The basilica was particularly wary of the Indivisible Magistracy, as it recognised that it fell under the duke’s jurisdiction, despite claiming a particularly privileged position in it, but refused to accept any Liègeois authority. Ubachs noted that both of Maastricht’s basilicas, being particularly wealthy institutions enjoying a considerable degree of local prestige, were primarily concerned with maintaining that position. As such, apart from defending their special status, they also set strict conditions for new members of their clergy, requiring the completion of university degrees and attracting scions of prominent families.²⁵

The complications surrounding St Servaas were not limited to the basilica and the territory it controlled along the Vrijthof square. It also held lordship over eleven villages and hamlets surrounding Maastricht, collectively known as the *Banken* of St Servaas. One of these, the lordship of *Tweebergen*, was partially enclaved within the city, consisting of little more than several blocks of houses along the *Brusselsestraat* and some lands beyond the city walls.²⁶ The *Banken* too provided a considerable share of jurisdictional controversy. The high-provost, dean, and chapter of St Servaas maintained, for example, that the basilica’s

²⁵ [Claims made by Basilica of St Servaas against the Staten-Generaal concerning the Case of Pastor Fineau], 1731 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1732), pp. 5-6; [Claims made by Basilica of St Servaas against the Staten-Generaal concerning its Banken], 1731 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1732), pp. 3, 8-11, 19.

²⁶ Ubachs, *Twee heren, twee confessies*, pp. 64-65, 69-70.

subjection to various Dukes of Brabant over the centuries did not extend to its *Banken*, which – beyond the internal administrative hierarchy of the basilica – knew no authority but that of the emperor.²⁷ These rights were contested by the High and Mighty Lords, however, who saw in the *Banken* their own sovereign jurisdiction.²⁸

Disputes also arose over the *Redemptiedorpen*, eight villages similarly scattered to the west and south of Maastricht. These villages were not subject to any free Imperial church, a condominium, or a separate military jurisdiction troubling their governance from the Republic's perspective. On the contrary, following two Brabantine acts from 1451 and 1597, they were permitted to pay a sum to the duke, the *redemptiën*, to buy autonomy and exemption from the duke's taxes. As such, when the *Staten-Generaal* became the new sovereign of Brabantine Maastricht and all its dependencies, as stipulated by the 1632 capitulation and the 1648 Treaty of Münster, questions arose whether the *Redemptiedorpen* could truly be regarded as dependencies of the city, rather than autonomous lordships within the Holy Roman Empire. This vacuum of state authority furthermore drew the attention of neighbouring Liège, which also laid claim to the enclaves scattered throughout its territory, and with Liègeois interference also came involvement of the institutions of the Empire.²⁹

In ruling Maastricht, then, the *Generaliteit* was confronted by a host of multifaceted complications. Upper Guelders had been torn between four different states and Overmaas had been dissected into numerous fragments. Maastricht, however, had been divided street by street, with Imperial, clerical, military, ducal, prince-episcopal, and indivisible Maastricht authorities intertwining with one another on a territorial and a personal level. It would take little more than, hypothetically, a Liègeois subject assaulting a Dutch soldier within the duke's county of the Vroenhof and subsequently fleeing into the *Bank* of Tweebergen down the street to send the city's administration up in arms. This was problematic for the High

²⁷ [Claims made by Basilica of St Servaas against the Staten-Generaal concerning its *Banken*], folder 1732, pp. 3-5.

²⁸ Hubertus Henricus Elize Wouters, *Grensland en bruggehoofd: historische studies met betrekking tot het Limburgse Maasdal en, meer in het bijzonder, de stad Maastricht* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1970]. Assen: Van Gorcum, 1970), p. 403.

²⁹ Wouters, *Grensland en bruggehoofd*, pp. 403-404.

and Mighty Lords in The Hague, as Maastricht was not just any borderland city or far-flung Dutch holding too distant and divergent to invest any considerable resources in. It was one of the most formidable fortresses of Europe, straddling the Meuse River and therefore requiring two separate armies to be besieged effectively.³⁰ For the Republic in particular, the city was of vital military importance, as it encompassed the last bridge over the Meuse before it reached the North Sea. Any invader from the south, which indeed was the direction from which the existential threats to the Republic emerged in the seventeenth and eighteenth centuries, had to take Maastricht to cross the great rivers and reach the seven provinces. Holding Maastricht and the hinterland that sustained it therefore was a necessity for the provinces steering the policies of the *Generaliteit*.³¹

Apart from the military perspective, Maastricht also played a major role in the general administration of the Republic's holdings along the Meuse river valley. Kaplan noted, in his retelling of a major jurisdictional conflict in the Overmaas exclave of Vaals, that the lands of *Staats-Overmaas* were governed by *hoog-drossaarden*, a function comparable to that of the *hoogschout*. These, like most of the *Generaliteitslanden*'s highest officials, were *regenten* from the provinces who claimed the prestige and income of their position in the borderlands while residing beyond their jurisdiction and foregoing most of their duties. In the case of Kaplan's case study, the *hoog-drossaard* of both Dalhem and 's-Hertogenrade was Charles Bentinck tot Nijenhuis, a scion of the powerful Bentinck family, a representative in the *Staten* assembly of Overijssel, and a close connection of both *Stadhouder* Willem IV and Hendrik Fagel the Elder. The duties of the *hoog-drossaarden*'s functions were – as was customary – enacted by their seconds-in-command, the *lieutenant-drossaarden*. These figures were primarily local Overmaas notables, and they governed not from their respective jurisdictions, but from the only major Dutch city in the vicinity: Maastricht.³²

³⁰ Reed Browning, *The War of Austrian Succession* (Stroud: Sutton Publishing Ltd., 1994), p. 336.

³¹ Wouters, *Grensland en bruggehoofd*, p. 412.

³² Kaplan, *Cunegonde's Kidnapping*, 105-106, 149; G. C. Ouwerkerk, 'Emeritus drossaard en incognito filosoof. Charles Bentinck tot Nijenhuis in de jaren 1754-1767' in *Virtus/ Journal of Nobility Studies*, ii, no. 1 (1994): 2-10, pp. 3-4.

For *Staats-Oppeer-Gelre* too, Maastricht was a significant source of regional Dutch authority. Lacking the size and significance to receive as much direct attention from The Hague as Dutch Brabant or Overmaas, the region would primarily see state involvement through the *commissarissen-deciseurs*, who travelled through the area on their way to and from Maastricht.³³ One factor that gave the governance of *Staats-Oppeer-Gelre* a unique character, however, was that it had its own regional council, unlike *Staats-Overmaas*, which fell under the *Raad van Brabant*. The pre-existing council in Spanish Upper Guelders, the *Soevereine Raad van Roermond* (Sovereign Council of Roermond), was replaced upon the Republic's acquisition of its portion of the territory. Just as it had done in *Staats-Brabant* and *Staats-Vlaanderen* with the establishment of new *Raden* subject to The Hague, the *Generaliteit* established the *Hof van Gelre te Venlo* to replace the Habsburg institutions in its new conquest in Upper Guelders. This body was primarily entrusted with matters of high justice, appeal in civil cases brought by local *schepenen*, conflicts concerning opposition to or non-enforcement of placards and decrees, and affronts against the sovereign. While the *Hof* was the highest local judicial organ in theory, Berkvens noted that those who saw legal cases go against them readily turned to the provincial representatives in the *Staten-Generaal* for help, who sporadically engaged with such requests.³⁴

The Republic's *Generaliteitslanden* in the south-east, then, confronted governance by the institutions of the *Generaliteit* with a simultaneously simple and exceedingly complicated test. Simple, because one matter, namely the preservation of sovereign authority, stood out above all other issues in this frontier. Exceedingly complicated, because few areas defied the basic principles of a state-based model of authority to such an extreme extent as Maastricht and the territories that depended on it. Such issues were not readily tackled by the myriad sometimes opposing, sometimes-collaborating local institutions, nor were they always understood by the High and Mighty Lords in The Hague. It was in these cases, where contacts with numerous local and state actors, access to vast archival records,

³³ Berkvens, *Commissarissen-deciseurs te Maastricht*, p. 19.

³⁴ A. M. J. A. Berkvens, *Soevereine Raad te Roermond, Justiz-Collegium te Geldern en Staats Hof van Gelre te Venlo: Hoofdlijnen van het procederen in civiele zaken in Spaans en nadien Oostenrijks, Pruisisch en Staats (Oppeer-) Gelre in eerste aanleg en in hoger beroep, 1580-1795* (Hilversum: Uitgeverij Verloren, 2011), pp. 38-39.

direct communications with foreign representatives, and a healthy degree of indirect political influence were required to ensure the protection of the state's considerable interests in the region. It was these cases, therefore, that ended up on the Fagels' desk and that would lead them to advise three considerably different approaches to the governance of the Republic's scattered holdings in Upper Guelders, the hinterlands of Maastricht, and the city itself. In each of these regions, which will be the focus of the next three sections, local circumstances and interests determined whether the most practical response for the institutions of the state was non-involvement, interference with local affairs to retain the *Staten-Generaal* as the pinnacle of the local administrative hierarchy, or far-reaching intervention to cast local governance into a new and more favourable mould.

Section II: *Staats-Opper-Gelre*

Several factors set *Staats-Opper-Gelre* aside from the other borderlands. It was, for example, the only *Generaliteitsland* that formerly belonged to one of the seven northern provinces, Gelderland. Furthermore, it was the sole borderland acquired not during the Eighty Years' War, but rather following the War of Spanish Succession. It therefore remained under Catholic Habsburg rule for almost a century while the other *Generaliteitslanden* were being detached from the Southern Netherlands and realigned towards the North. The factor that truly made Dutch Upper Guelders unique, however, was the region's relative insignificance, a lack of interest reflected both in existing historiography and in the Fagels' archival documents.

Within secondary literature, *Staats-Opper-Gelre* has mostly been mentioned in passing in descriptions of the other *Generaliteitslanden*. Whereas the other borderlands, especially Brabant and Overmaas, have attracted some scholarly attention, studies focusing wholly or primarily on *Staats-Opper-Gelre* are almost completely non-existent.³⁵ More work

³⁵ The only work fitting in this category that I was able to find was an overview of the archival inventory of the *Hof van Gelre te Venlo*. See: G. H. A. Venner, *Inventaris van het archief van het hof van Gelder te Venlo 1717-1795* (Maastricht: Rijksarchief in Limburg, 1997).

has been done on Habsburg Upper Guelders in the eighteenth century, with Berkvens in particular providing several insightful works describing its governance and thereby reflecting indirectly on matters across the border in *Staats-Oppe-Gelre*.³⁶ This holds true in particular for the *Generaliteitsland*'s most defining body, the *Hof van Gelre te Venlo*, which remained largely unaltered from its predecessor and Habsburg counterpart in Roermond.

Upper Guelders as a whole has also been addressed in the historiography of the Netherlands' borderlands, though these studies largely focus on the sixteenth and seventeenth centuries. One of these, Raingard Esser's work on local episcopal reforms, may shed some light on why the region has gone understudied. She noted that the position of Upper Guelders remained unclear both during the twelve-year truce in the Eighty Years' War and in the negotiations leading up to the Treaty of Münster. Furthermore, the region itself was torn, with the particularistic administrative elite resenting Habsburg centralising policies and nurturing close ties with the rest of Guelders, but with the region as a whole remaining largely Catholic and therefore unsympathetic towards the Republic's cause. Esser also quoted a local chancellor, Hendrik Uwens, who, in 1617, noted that Upper Guelders was the only region within the Low Countries that did not have its own official historical account. As such, it had no established recollection of its heroes, its supposed glorious past, and by extension, its unique identity, reinforcing its peripheral and non-descript nature as the *Overkwartier* of ducal Guelders.³⁷

Esser argued that the newly-created Bishopric of Roermond, the product of Habsburg centralising efforts in 1559, managed to exploit this void in Upper Guelder's territorial identity. In an attempt to align the region with the Habsburgs, it produced various texts touching upon the religious history of the Low Countries that praised the Catholic cause while placing the Republic in a poor light. However, it did so by emphasising Upper Guelders' unique character. It referenced locally-venerated individuals as saints, even though these had never been canonised. The details of one particular incident in 1572, in

³⁶ See: Berkvens, *Soevereine Raad te Roermond, Justiz-Collegium te Geldern en Staats Hof van Gelre te Venlo*; Berkvens, 'Plakkatenlijst Overkwartier 1665-1794'.

³⁷ Raingard Esser, 'Local Baronies' in a contested border region: history, hagiography and politics in Upper Guelders in the seventeenth century', in Christopher Maginn and Gerald Power (eds), *Frontiers, states and identity in early modern Ireland and beyond* (Dublin: Four Courts Press, 2016): 188-204, pp. 188-192.

which Dutch troops had massacred twelve Carthusian monks who subsequently became local martyrs, were notably published just before the twelve-year truce, and again just after the signing of the Treaty of Münster, turning local sentiment against the Republic. Furthermore, the fears of the local political elite were abated in these texts by referring not so much to the atrocities of the Dutch state, but rather of its military commanders, with accounts of Gelderland's involvement in the war remaining particularly diplomatic. Esser therefore argued that the local Catholic church leveraged the borderland's lack of a clear identity to paint a history reinforcing the idea that alignment with the South was the natural course of action. However, it achieved this goal by creating a separate identity for Upper Guelders, one which could unite Upper Gueldrians across all strata of society and one that set it apart from the rest of the Habsburg territories through its disregard of Catholic doctrine in the veneration of uncanonised local saints and its unsevered historical ties with Dutch Guelders.³⁸

The peripheral element of Guelders' *Overkwartier* was therefore amplified during the conflicts separating the Netherlands between North and South, allowing it to develop a unique borderland identity separate from the states surrounding and intersecting it. It could be argued, then, that Upper Guelders as a separate entity has remained understudied because it remained in the shadowy recesses of the frontier, especially following its fragmentation in the 1710s, never being fully integrated into the states that occupied it, or into their historiographies. This approach only serves to explain the lack of scholarly attention paid to Upper Guelders partially, however. Indeed, Overmaas was also a peripheral holding of a greater province, forming a borderland between various larger entities while maintaining a strong regional identity. Overmaas too was torn apart and stitched back together as a patchwork of intertwining jurisdictions. In Overmaas, however, these factors led the region to attract historiographical attention, rather than repel it, with the nature of local administration sparking curiosity instead of disinterest.

The factor that set Upper Guelders, and particularly Dutch Upper Guelders, apart from territories such as Overmaas, however, was the fact that it was simply was not as

³⁸ Ibid., pp. 193-204.

strategically and economically important to the states that governed it. It certainly was not entirely insignificant, as Prussia demonstrated shortly after the signing of the 1715 Barrier Treaty when it, against the stipulations of said treaty, established two toll offices along the Meuse just north of Venlo. In doing so, it crippled trade networks along the river and particularly Venlo's position within them, with the continued suppression of the Dutch Meuse ports gradually shifting trade from the river to Prussian territory.³⁹ Apart from its position on the Meuse, however, the region was of limited strategic value to the Republic. While the fortifications of Venlo and Stevensweert provided security for the provinces by defending the river, their protection primarily hinged on Maastricht and its crucial bridge. In economic terms too, *Staats-Oppeer-Gelre* formed only a minor territory – the smallest of the *Generaliteitslanden* – containing no major urban centres like 's-Hertogenbosch, Breda, or Maastricht. *Staats-Oppeer-Gelre*, then, was permitted the opportunity to remain hidden within the fold of the borderlands, where the other *Generaliteitslanden* were drawn out into the open by factors that made them a point of interest, both for the states that governed them and for the scholars retelling their histories.

As the only *Generaliteitsland* remaining largely unaddressed, *Staats-Oppeer-Gelre* forms an excellent source of comparison for the rest. By providing a case met with disinterest, one can observe more actively what did spark intervention by the institutions of the state in similar cases. One of the key aims of this thesis is to discern the attitude held by the institutions of the *Generaliteit* towards its borderlands as a whole, and the inclusion of Dutch Upper Guelders in that analysis allows for the narrowing down of the matters that interested The Hague by observing what the region lacked.

While *Staats-Oppeer-Gelre* therefore forms a key piece in the puzzle of Dutch governance in the eighteenth-century *Generaliteitslanden*, this analysis is based on the cases included in the Fagels' *griffiersarchief*, and few cases emerging from the region appear to have been deemed significant or sensitive enough by the High and Mighty Lords to redirect to the Fagel *griffiers*. In fact, the *griffiersarchief* does not contain a separate section for *Staats-Oppeer-Gelre* at all, a privilege all the other *Generaliteitslanden* do enjoy.

³⁹ Pirenne, *De Generaliteitslanden van 1648 tot 1795*, pp. 349-350.

Here too, then, the region is only mentioned in passing within documents relating to the other borderlands. It is evident, for example, that the vagabonds plaguing eastern Brabant and Overmaas in the 1750s were also active in the fragmented borderland of Upper Guelders. Similarly, Venlo took on a prominent role in the Douzelle affair, when its acting commander, Major Du Sableau, acted on his own accord to arrange a hunt on French deserters throughout Upper Guelders by coordinating with Prussian and Austrian authorities across the border.⁴⁰ The region is also addressed in the comprehensive 1730 reforms of the *recognitiën* for Catholics and their collection by *officieren* in Brabant. However, it is only noted that these measures would not apply in either *Staats-Overmaas* or *Staats-Opper-Gelre*, as unhindered practice of the Catholic faith was permitted in those regions in line with the 1632 capitulation of Maastricht and the 1715 Barrier Treaty respectively.⁴¹

Apart from these sporadic references, however, information on *Staats-Opper-Gelre* in the Fagels' archives is limited to their archival supplement, which largely contains supporting documents for the cases handled in the Fagel archives, such as lists of villages under certain jurisdictions or *retroacta* regarding a specific case, but occasionally details more significant issues, such as the entirety of the documentation on the Douzelle affair. The archival supplement also contains a separate section for *Staats-Opper-Gelre*. This subsection only contains three folders, however, only two of which relate to the eighteenth century. Of these two, one – an undated document that can be placed somewhere after 1743 – is little more than a timeline of members of the *Hof van Gelre te Venlo*. Effectively, then, only a single case in the Fagel archives delves into a dispute that emerged from the frontier in Upper Guelders; an incident that was likely included not because it affected local governance to a significant extent, but rather because one of the destabilizing factors in this case was a High and Mighty Lord of the *Staten-Generaal*.

⁴⁰ [Letter from Major du Sableau to the Duke of Brunswick], 26 August 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 258), pp. 1-2.

⁴¹ [Staten-Generaal Resolution concerning Abuses of Recognitiën], 19 July 1730 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 7.

The matter in question concerned the town of Stevensweert, located on an island in the Meuse River and forming one of Upper Guelders' three major fortifications, along with Roermond and Venlo. In 1755, however, the fort was left without a garrison, and by 1762, its commander had definitively been reassigned, with plans being drawn up to level the fortifications.⁴² This sudden change to the town's status awakened a jurisdictional dispute. Stevensweert's local administration noted that it was still being taxed over the territory that was originally taken from it by Spanish authorities in 1633 to build the town's modern fortifications, as well as the lands into which the fort later expanded.⁴³ While the town had been able to carry this burden, the departure of the garrison had caused the local economy to face a downturn. Combined with the continued duty of maintaining the fortifications' river works, these pressures had caused Stevensweert to go into financial decline.⁴⁴ As such, its administration requested from the *Staten-Generaal* that it would either be permitted to draw revenues from the lands on which the fortifications stood – specifically of the grass that grew on its earthwork fortifications - or that its taxation would be reduced to account for the deducted land and that the loss of the land, which the town had continued to maintain, would be compensated.⁴⁵

Pieter de la Rive, the military engineer charged by the *Raad van State* with overseeing the maintenance and construction of defensive works in *Staats-Opper-Gelre* and *Staats-Overmaas*, confirmed the town's concerns in a report received by the *Raad van State* on 1 June 1762. As such, he argued that the local administration ought to be helped, and

⁴² Michel Lascaris and Hans Renes, 'Vluchtschansen in Midden-Limburg. Boerenschansen uit de 16de en 17de eeuw als schuilplaatsen voor de plattelandsbevolking' in *Bulletin KNOB* cvi, no. 6 (2007): 248-262, p. 249; J. Renes, *Landschappen van Maas en Peel: geschiedenis, kenmerken en waarden van het cultuurlandschap van Noord-en Midden-Limburg* (Wageningen: DLO-Staring Centrum, 1997), p. 330; [First Report sent by Pieter de la Rive to the Raad van State concerning Fort Stevensweert], 1 June 1762 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 276), p. 1.

⁴³ Renes, *Landschappen van Maas en Peel*, pp. 333-334; [Stevensweert Local Administration Claims concerning Fort Stevensweert], 1761 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 276), pp. 1-3.

⁴⁴ [First Report sent by Pieter de la Rive to the Raad van State concerning Fort Stevensweert], folder 276, p. 2; [Stevensweert Local Administration Claims concerning Fort Stevensweert], folder 276, pp. 3-4.

⁴⁵ [Stevensweert Local Administration Claims concerning Fort Stevensweert], folder 276, pp. 9-10.

that allowing it to draw revenues from the grass growing on the earthwork fortifications was the best approach.⁴⁶

This suggestion drew the ire of the town's lord. Count Sigismund of Heiden-Hompesch, lord of Stevensweert, Ohé, and Laak, was a typical provincial *regent*. A fervent Orangist, he formed part of the *Ridderschap* in the province of Overijssel and represented it within the *Staten-Generaal*. As in the case of many of his *regent* counterparts, his lordship in the Republic's borderlands primarily served as a source of prestige, rather than income necessarily, and he therefore did not concern himself to any considerable extent with local governance. His lordship of Stevensweert, Ohé, and Laak had not been bought, however, but rather inherited.⁴⁷

In a letter to the *Staten-Generaal* contained in the *griffiersarchief* alongside the other documents concerning the incident in Stevensweert, the count argued that a 1648 treaty signed in Antwerp between a former lord of Stevensweert, Herman Frederik van den Bergh, and the king of Spain, conferred upon the lord all public lands in the lordship. These terms specifically included the lands on which the fort had been built, though with the caveat that the lord could draw no revenues from them unless the fortifications were levelled. The count therefore argued that the provincial representatives in the *Staten-Generaal* – a group of individuals that included himself - as successors of the Habsburg monarchs, were bound to uphold the treaty, as they had agreed to maintain such agreements in their portion of Upper Guelders in the 1715 Barrier Treaty. To this point, the count added that it was inconceivable for the town's local administrators to think that the fortifications and the lands on which they stood could possibly be regarded as the property

⁴⁶ M. J. H. Brummans, 'Defensie' in Johannes Sanders and Willem van Ham (eds), *Noord-Brabant tijdens de Republiek der Verenigde Nederlanden, 1572-1795: een institutionele handleiding* (Hilversum: Uitgeverij Verloren, 1996): 161-188, p. 174; Louk Box, 'Pieter de la Rive (1694-1771), 'Directeur der Fortificatieën van Maastricht' in *Caert Thresoor*, xxvi, no. 3 (2007): 65-69, pp. 65-66; [First Report sent by Pieter de la Rive to the Raad van State concerning Fort Stevensweert], folder 276, p. 2.

⁴⁷ R. J. C. Houben, 'Sigismund Vincent Lodewijk Gustaaf Graaf van Heiden Hompesch' *Amici Insulae* (2019) retrieved from: <https://www.amici-insulae.nl/jaarboeken-mainmenu-36/1990-1999/1990/179-sigismund-vincent-lodewijk-gustaaf-graaf-van-heiden-hompesch>. Note: this is not a peer-reviewed academic source. Information on the background of Sigismund van Heiden-Hompesch is very limited, with this article providing the most comprehensive overview thereof. These details should therefore be considered with caution.

of the *Generaliteit*, and therefore as something that could be granted to them by the High and Mighty Lords or the *Raad van State*. Finally, he noted that the matter of taxation – unlike the matter of jurisdiction apparently – only ought to be traced back to the Republic’s acquisition of the territory, at which point the town’s contribution was already fixed at its inflated rate. As such, he argued that any aid given for the town’s faltering finances should not harm him or his possessions.⁴⁸

Despite the count’s questioning of the *Generaliteit*’s ownership of one of its fortifications in the region and despite the poor financial state of the local administration, the other representatives in the *Staten-Generaal* do not appear to have engaged in a confrontation with the lord among their ranks to a considerable extent in the face of the fort’s planned demolition. Indeed, as in all matters concerning restrictions on *regenten* causing troubles in the borderlands, a degree of caution was required, as these same lords formed powerful figures within the Republic’s administration and, in this case, within the *Staten-Generaal* itself. As usual, such a nuanced approach was best informed by the *griffier*. In a second report by Pieter de la Rive to the *Raad van State* contained in the dossier on Stevensweert, he noted that the count’s claims concerning the 1648 treaty were justified. However, he also found that Stevensweert desperately needed to be aided and that evidence did point to the fact – in contrast to the count’s claims – that the town was still being charged for the lands it had lost to the fort. As such, he suggested confirming the count’s ownership of the fort’s lands and thereby conferring on him the relevant tax burden.⁴⁹ This suggestion, then, fit the pattern seen more frequently in the state institutions’ involvement in several portions of its *Generaliteitslanden*, as it formed a compromise. It addressed the conflict in such a manner that all parties involved gained one of their aims and conceded another without disadvantaging or burdening the *Generaliteit*, keeping the region sufficiently stable and at arm’s length for the provincial delegates in the

⁴⁸ [Request by the Lord of Stevensweert to the Staten-Generaal concerning Ownership of the Land of Fort Stevensweert], 1762 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 276), pp. 5-7, 11-13.

⁴⁹ [Second report sent by Pieter de la Rive to the Raad van State concerning Fort Stevensweert], 2 August 1762 (Nationaal Archief, Inventaris van het archief van de familie Fagel: Supplement, 1524-1795, 1.10.94, folder 276), pp. 1-3.

Staten-Generaal, who sought no further involvement in Upper Gueldrian affairs if it could be avoided, while also keeping the peace within their assembly.

Other than the case of Stevensweert's fortifications, however, the Fagel archives reveal little concerning the governance of *Staats-Opper-Gelre*. That is not to say, however, that nothing of interest happened there just because it failed to reach the Fagels. The Fagel papers are primarily focused on the issues that specifically relied on the uniquely informed and connected position of the *griffier* for advice or for the monitoring of their implementation at the direction of the *Generaliteit*. Not all major issues concerning the borderlands fell within this category. Customs collection, for example, remained in the hands of the *Admiraliteiten*, whereas managing military affairs remained a competency of the *Raad van State*, with both policy areas inviting little involvement or coordination from the *Staten-Generaal* or its *griffier* unless they caused a major political or diplomatic upset, as in the case of the toll collection in Grave.⁵⁰

The Fagel archives do, however, remain indicative of the degree of attention paid by the institutions of the *Generaliteit* to their distant frontiers. Michiel Baud and Willem van Schendel noted, in their study of borderlands, that the gradual development of territorial borders as measures of authority and their cartographic realisation ensured that conflicts, irregularities, and contradictions existing in the borderland could no longer be tolerated and had to be addressed. Conditions that contradicted such territorialisation of power, but which had been established and accepted within a borderland, suddenly had to be changed to fit the new perspective on authority.⁵¹ The same view can be applied to the *Generaliteitslanden*. The conflicts surrounding the Flemish *limietscheiding* ensured that no stone was left unturned along the political border, thereby prompting extensive engagement by Hendrik Fagel the Elder in his advisory role to the *Staten-Generaal*, but the attention paid to the interior of *Staats-Vlaanderen* was minimal. In Brabant, the *griffiers* became involved with complex matters surrounding the Catholic church after the *Generaliteit* had reformed its administration, whereas the decades of unchallenged papal

⁵⁰ For more details on this case, see chapter three.

⁵¹ Michiel Baud and Willem van Schendel, 'Toward a Comparative History of Borderlands' in *Journal of World History*, viii, no. 2 (1997): 211-242, p. 215.

involvement in the *Staats-Brabant* Catholics' affairs went under the Fagels' radar. Maastricht and its surroundings – as will be discussed in the next two sections - came to the attention of the High and Mighty lords and the Fagels in part because the jurisdictional nature of the region made it prone to complicated conflicts, but also because the military and administrative significance of the city necessitated engagement with challenges to the state's authority there. Essentially, then, the many irregularities, contradictions, and direct infringements on the state's territorial and jurisdictional sovereignty in the borderlands only became a matter of concern for the bodies of the *Generaliteit* and their designated crisis-managers when they cared to look. When The Hague's gaze failed to fall upon those same anomalies, they did not simply cease to exist, but remained shrouded within the frontier, out of sight and out of mind of the Republic's central administration. As such, the Fagels' neglect of *Staats-Oppe-Gelre* does not suggest that there were no conflicts complicated or significant enough for them to address, nor does it imply that elements of the Dutch state, such as the *Raad van State*, did not play a major role in the governance of this territory. It does suggest, however, that the *Generaliteit* was not invested in the governance of these territories enough to upend the existing order and reshape elements of society and its governance into a more favourable mould, as it did in *Staats-Brabant*, or to escalate territorial and jurisdictional conflicts into major political confrontations, as was the fate of *Staats-Vlaanderen* and – as will be demonstrated in the next sections – that of Maastricht and its surroundings.

Section III: Beyond Maastricht

Where the scattered, distant, and Catholic borderland of *Staats-Oppe-Gelre* has remained largely unaddressed, the same cannot be said for *Staats-Overmaas*, despite exhibiting many of the same characteristics. Apart from Maastricht's disproportional significance, as well as the fact that the administration of the city and its dependencies was particularly sensitive to disputes, this discrepancy is also explained to some extent by the region's history within the

Republic. Overmaas formed a major battleground in the later stages of the Eighty Years' War and saw the political struggles over its ownership outlast the military campaigns in the region.

It came to form an essential but contested frontier at the height of the Republic's influence in the seventeenth century, whereas *Staats-Oppeer-Gelre* was assigned as an afterthought to the rapidly diminishing Republic in its generally understudied eighteenth century.

Within existing historiography on Overmaas, the primary focus – as elsewhere in secondary literature on the *Generaliteitslanden* – lies on religion. The unique position of Catholics within the region has therefore been widely addressed. Where the Catholic faith was restricted throughout the Republic and its borderlands, its practice mostly being tolerated only in clandestine *schuilkerken* and under adherence to extensive regulations, the Catholic population of Dutch Overmaas (and Upper Guelders) was free to practice largely unhindered. More notable still was the so-called '*simultaneum*', implemented in 1678, which saw communities with both Catholic and Reformed inhabitants share the same churches for their services and which, despite the measure's emphasis on peaceful coexistence, led to extensive conflicts. These issues were further amplified by the fact that *Staats-Overmaas* was overwhelmingly Catholic but also a distant outpost of a Reformed state wedged between various Catholic entities. As such, it became a safe haven for Calvinists from surrounding territories, as well as Catholic dissidents such as Jansenists, with the Reformed churches of Dutch Overmaas attracting churchgoers from the Imperial territories surrounding it.⁵²

One particularly notable incident surrounding the uneasy cohabitation of various religious groups in the Overmaas borderland is described in Kaplan's *Cunegonde's Kidnapping*. This microhistory follows a Catholic woman, Cunegonde, who kidnapped a baby born to a Reformed mother and a Catholic father during its Reformed baptism in Vaals, a Dutch exclave bordering on the territory of Aachen. The encouragement Cunegonde received for her act from a local pastor, as well as the fact that she had been wrested from

⁵² Benjamin J. Kaplan and Ad Knotter (translator), 'Religieuze ontmoetingen in de grensgebieden van vroegmodern Europa: het geval Vaals' in *Studies over de sociaaleconomische geschiedenis van Limburg/Jaarboek van het Sociaal Historisch Centrum voor Limburg*, lviii (2013): 30-44, pp. 39-41.

the hands of local Dutch authorities by a Catholic mob who paraded through the streets of Vaals before slipping back across the Republic's border with Aachen, turned the episode from a minor local incident into a major international dispute. Kaplan's work reflects on the odd position of the Dutch borderlands within the Republic's political structure. He points out that it was precisely the distant frontier territories that escaped the decentralisation marking the Republic's governance, instead being administered directly by the state's institutions. In the case of Cunegonde's kidnapping, this dichotomy was ultimately shown in practice. When word of the turmoil in Vaals eventually passed to Maastricht and from there on to the institutions of the *Generaliteit*, The Hague's verdict was simple, namely to prosecute all Catholic figures involved, from the pastor and Cunegonde to the mob that seized her and dragged her back to the territory of Aachen, albeit in a manner less harsh than that suggested by local Dutch authorities. However, the same decision, made by the uncontested sovereign of Vaals, showed just how feeble its influence was in the distant borderland. Indeed, the *lieutenant-drossaard* of the land of 's-Hertogenrade, in which Vaals was located, was slow to inform The Hague of the incidents out of fear of escalation, and similarly proved incapable of carrying out the *Staten-Generaal's* verdict effectively. The trials of Cunegonde and the Catholic pastor, who were both eventually imprisoned in Maastricht, were marred with delays and inconsistencies whereas the members of the mob that had freed Cunegonde escaped their punishments entirely, remaining safely beyond the political borders of Dutch Overmaas.⁵³

In the Fagel archives, the issues addressed in *Staats-Overmaas* shift away from the predominantly religious focus and are directed almost exclusively towards the jurisdictional intricacies of local governance. Indeed, this was the most complex and pressing aspect of local governance and therefore the subject of the bulk of the cases studied by the Fagels. Those cases that do touch on religion primarily concern jurisdiction over the territory, rights, and practices of Catholic institutions within Overmaas, rather than on conflicts between Reformed and Catholic communities, and these incidents are largely set within Maastricht, which will be the subject of the next section. Within the three lands of

⁵³ Kaplan, *Cunegonde's Kidnapping*, pp. 54-58, 103-105, 198-206.

Overmaas to the east of the city and the *Redemptiedorpen* and *Banken* of St Servaas to the west and south, religious matters do not feature. There is a clear distinction, however, in the Fagel cases pertaining to the three lands of *Staats-Overmaas* and those concerning the dependencies of Maastricht, with the disputed jurisdiction of the latter, as well as the indirect reverberations of those conflicts within the city itself, drawing more attention from the *griffiers* than the larger territories to the east of Maastricht, despite the fact that the city relied on them to a greater extent.

Regarding the lands of Overmaas, the Fagel archives contain several documents providing general information, such as reports showing administrative costs and revenues and lists of towns, villages, and hamlets within Dutch territory, which were presumably included to provide the *griffiers* with an overview of the region's complex and intertwining jurisdictions. Only two cases in the documents on the three lands of Overmaas touch on specific incidents.⁵⁴ One of these concerns a familiar issue: vagabonds. Here, in the most fractured of the Dutch borderlands, the threat of thievery and banditry was the most potent, as criminals could easily slip across political borders to evade justice and coordinating an international response to the problem was more challenging than elsewhere. The document – a set of *retroacta* – addressing the issue completely omits the international aspect. It rather shows a brief timeline of events surrounding the vagabonds, who are described as 'heathens', from 1723 to 1734 without providing the exact details of the case. The heathens in question may have been precursors to the *bokkenrijders* (goat riders), groups of bandits accused by their contemporaries of devil worship who plagued the Overmaas countryside between the 1730s and 1770s. While the *retroacta* in the Overmaas folders only mention involvement of local authorities, the Republic's army, and the provinces in their collective bid to eliminate the threat posed by the vagabonds, one of the documents contained in Fagels' folders on *Staats-Brabant* demonstrates that the 1750 vagabond hunts across Brabant also involved Overmaas, where international coordination

⁵⁴ [Overview of Revenues collected by the Drosten of Dalhem and 's-Hertogenrade], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1740); [List of Villages within Staats-Overmaas], [1740] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1740).

was sought to address the issue.⁵⁵ As such, the response to this recurring crisis was likely very similar to the approach pursued in Brabant.

A second incident in *Staats-Overmaas*, which was brought to the attention of François Fagel, is described in an extensive letter sent on 11 October 1735 to the *Staten-Generaal* by Paulus Loeff, an envoy in The Hague representing the Archbishop-Elector of Cologne as Grandmaster of the Teutonic Order. It notes that the Duchess of Brabant had granted significant privileges to Teutonic knights in 1367, including exemptions from most Brabantine taxes, in a bid to attract more knights to the region, which Loeff argued came with a significant benefit to local society. Furthermore, as the Order still upheld its vow of protecting all of Christianity, including the Reformed Republic, against its age-old foe - the Ottoman Turks - and did so at the knights' own expense, such privileges could not be considered outdated. As such, they had also been reconfirmed by various successive Burgundian and Habsburg rulers. Nevertheless, Loeff complained that the Order found itself pestered by Overmaas authorities to contribute to local taxes.⁵⁶

Loeff's defence of the order's privileges is notable, as it pursued two seemingly contradictory approaches. On the one hand, he noted that Overmaas' form of governance had remained unchanged since time immemorial, emphasising confirmation of the Order's rights by the region's previous rulers and the fact that those privileges were still respected in the Habsburg territories across the border. However, a case brought before the Spanish *Raad van Brabant* in 1685 that went against the Order's claims is cast aside in the letter, as it was deemed a foreign case that had no influence whatsoever on Dutch rule of Overmaas. Ultimately, the knights would subject themselves to the *Staten-Generaal's* sovereign ruling, but Loeff argued that the Order's privileges had been maintained for so long that they should be considered an inherent right. Furthermore, quoting a *Staten-Generaal* resolution

⁵⁵ Tamar van der Kuil, 'Beschrijvingen van de Bokkenrijdersbende: Een discoursanalyse van geschriften over de Bokkenrijders uit de 18e, 19e en 20e eeuw' (bachelor thesis, Universiteit Utrecht, 2014), p. 1; [Retroacta concerning Vagabonds in Overmaas], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1740), pp. 1-4; [Fourth Secret Staten-Generaal Resolution concerning Vagabond Hunts], 10 April 1750 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1724), p. 1.

⁵⁶ [Memorie concerning the Freedoms and Tax Exemptions of Teutonic Order Holdings in Overmaas], 11 October 1735 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1740), pp. 2-6.

from 5 December 1731, he found that only those privileges that had been mentioned specifically in that body's resolutions were recognised by the Dutch state. However, the fact that the privileges of the Order were brought before the institutions of the *Generaliteit* on multiple occasions during the Republic's rule of Overmaas without ever actively having been denied proved, according to Loeff, that they had been accepted indirectly. Finally, he added that it would not make a difference to The Hague either way, as the taxes in question would not see greater revenue go to the state if the Order contributed, but would only see the fixed sum it received be divided among more local actors.⁵⁷

Whether the *Staten-Generaal* accepted the Teutonic Order's claims, not wishing to disturb local affairs if it stood to gain little by doing so, or whether it acted alongside its local jurisdictions and against the knights, whose value to the Republic must have been limited in the eighteenth century, is not readily discerned. The Fagel archives characteristically omit the decision taken on the matter - though François Fagel was likely the one who would have to balance the Order's privileges against the state's administrative practices - and the archives of the *Staten-Generaal* similarly do not show a timely reaction to Loeff's letter. However, the scenes that played out slightly further to the west in the *Redemptiedorpen* and the *Banken* of St Servaas demonstrate that the provincial representatives in the *Staten-Generaal* did not shy away from confronting and upending age-old Imperial laws, customs, and privileges when it suited them, even in this distant borderland.

Contained in the Fagel archives is a set of *retroacta* detailing several conflicts that arose over the *Redemptiedorpen* in the eighteenth century, a document that likely served to support the *griffiers* in the more specific controversies concerning the territories surrounding Maastricht that they were tasked with resolving. This overview demonstrates that the *Redemptiedorpen* generated a slew of conflicts since the *Partagetractaat* of 1661. The treaty, which was intended to clear up the controversies surrounding the borders in Overmaas, meticulously divided the three primary jurisdictions of the region. The *Redemptiedorpen* were not mentioned, however, as these, according to Republic, fell under

⁵⁷ [Memorie concerning the Freedoms and Tax Exemptions of Teutonic Order Holdings in Overmaas], folder 1740, pp. 7, 11, 16-20.

its jurisdiction when it officially became the master of Brabantine Maastricht and its dependencies in 1632.⁵⁸ What those dependencies entailed exactly, however, remained contested, with Habsburg, Liègeois, and other Imperial institutions seizing the opportunity to exert their influence over the villages.

The primary recurring theme in the incidents surrounding the *Redemptiedorpen* in the late seventeenth and early eighteenth centuries is the publishing of placards in these towns. Indeed, this was the most effective means by which state institutions could exert their authority in these small, fragmented jurisdictions. Where the battle over the Flemish *limietscheiding* was fought with measurements, demarcations, and conflicting lines on maps, the concept of territorial authority was much more abstract in the Overmaas borderland. Territoriality was not wholly unimported within this frontier. State actors were limited by territorial boundaries while the local population was not, a conclusion similarly suggested by the successive international hunts on vagabonds. Border demarcations were not always seen as absolute limits of authority, however, even by state actors, with claims of jurisdiction regularly being made across them. The Republic in particular saw little value in placing border stones in the region, positioning them mostly along major roads to inform travellers of the fact that they were entering Dutch jurisdiction, rather than using them to draw a line across the land.⁵⁹

Dominion over the *Redemptiedorpen* similarly was not determined by lines on maps represented by stones on the ground as dictated by official treaties. Authority was based on rights to jurisdiction, rather than territorial ownership. The villages were Dutch, according to the Republic, because they were dependencies of Brabantine holdings in Maastricht, and they were Imperial, according to the Republic's various contenders, because they remained attached to a host of Imperial institutions. The most effective means to demonstrate these respective jurisdictional links was not to demarcate and patrol a border around each

⁵⁸ [Advocaat-Fiscaal of the Raad van Brabant Advice to the Staten-Generaal concerning Argenteau and Hermale], 28 August 1734 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1737), p. 2.

⁵⁹ Kaplan, *Cunegonde's Kidnapping*, pp. 64-65.

enclave, but rather to publish placards that publicly declared ones' rule over the village in question and to banish any contending shows of jurisdictional authority.

Competing attempts to materialise state authority in the *Redemptiedorpen* led to various clashes. In 1683, when the question of ownership of the villages was still a disputed matter subject to arbitration, the Brussels government ordered the inhabitants of the *Redemptiedorpen* not to respect any *Staten-Generaal* laws or decrees published locally under threat of financial and corporal punishments. In response, the Dutch *hoogschout* in Maastricht was ordered by the *Generaliteit* to enforce its decrees to the letter and ensure that the villages would pay all their dues, including the *redemptiën* they owed to Maastricht. Furthermore, the *hoogschout* received permission to employ the Maastricht garrison and use the threat of force if necessary, while the Spanish envoy in The Hague was informed of the Republic's indignation over the provocative Spanish moves regarding a matter that was still subject to arbitration.⁶⁰

Despite the forceful Dutch response in 1683, Spanish authorities once again posted placards in the *Redemptiedorpen* that aimed to undermine the Republic's authority there in 1698. Furthermore, various other entries from 1698 demonstrate concerns within the *Generaliteit* over the fact that numerous legal cases within the villages were being appealed not to the *Raad van Brabant* in The Hague, but rather to its counterpart in Brussels. The situation in the *Redemptiedorpen* became particularly tense in 1707, when several village officials in Hoepertingen appointed by the Southern *Raad van Brabant* took legal measures against the local lord and undermined the Republic's jurisdiction. The Republic's response was similar to that in 1683, with the use of force being authorised to impose its jurisdiction. This decision, however, led the *Raad van Brabant* in Brussels to pass a directive ordering the inhabitants of Hoepertingen to accept no other jurisdiction other than that of the *Raad*, a directive that Dutch attempts at diplomacy proved unable to reverse. Rather than letting the matter rest, however, the Republic apparently turned to the use of military force that it had previously threatened with, as a subsequent entry in the timeline notes that local

⁶⁰ [Retroacta concerning Conflicts in the Redemptiedorpen], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1738), pp. 8-9, 12-13.

officials in Hoepertingen had requested the release of several of the village's inhabitants, who were being held hostage in Maastricht. The *Generaliteit* responded by stating that the matter could not be taken into consideration until Hoepertingen mended its infractions upon the High and Mighty Lords' sovereignty.⁶¹

The *retroacta* concerning the *Redemptiedorpen* were likely included in the *griffiersarchief* to inform François Fagel's study of a more extensively documented dispute surrounding the village and castle of Argenteau, as well as neighbouring Hermale, in 1734. The conflict in question came forth out of the attempt of the villages' lord, the Marquis de la Verne, to question his jurisdiction's subjection to the Dutch state by claiming to be a vassal of the Empire in an apparent bid to avoid paying the dues of his feudal contract to the *Leenhof* arm of the Dutch *Raad van Brabant*.⁶² His claims rested on four main arguments. The first of these was that Argenteau and Hermale were not mentioned in the *Partagetractaat* and therefore not granted to the Republic. Secondly, Habsburg authorities had continued to exert influence over the *Redemptiedorpen* by continuing to collect the *redemptiën*. Thirdly, the marquis argued that the *Staten-Generaal* never had any real influence in the villages. To reinforce this claim, he cited a report from 1724 written by Pieter van der Thommen, his *schout* within Argenteau and Hermale for 53 years, which claimed that all *Staten-Generaal* publications within the villages had been banned, with all Dutch placards being posted clandestinely against the orders of the *schout* being torn down immediately upon discovery. Finally, the lord contended that his holdings formed an Imperial lordship, falling under the Marquisate of Antwerp, and therefore lay well beyond the jurisdiction of the Republic.⁶³

Each of the marquis' claims were met by counterclaims from the *advocaat-fiscaal* of the Dutch *Raad van Brabant*, laid out in a copy of a report from 6 September 1734 sent by him to the *Staten-Generaal* that has been included in the *griffiersarchief*. Regarding the first

⁶¹ [Retroacta concerning Conflicts in the Redemptiedorpen], folder 1738, pp. 8-9, 13.

⁶² [Report by the Procureur-Generaal of the Raad van Brabant to the Stadhouder and Leenmannen of the Leenhof van Brabant concerning Argenteau and Hermale], 1737 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1737), pp. 1-2.

⁶³ [Advocaat-Fiscaal of the Raad van Brabant Advice to the Staten-Generaal concerning Argenteau and Hermale], folder 1737, pp. 2, 6-8, 12-15.

point, he noted that Hermale and Argenteau, along with all other *Redemptiedorpen*, were not mentioned in the *Partagetractaat* because the Republic's sovereignty over them was established by the 1632 capitulation of Maastricht and its reconfirmation in the 1648 treaty of Münster. To deny that these jurisdictions were Dutch, therefore, one had to deny that they were dependencies of Maastricht, a point which the villages themselves had, according to the *advocaat-fiscaal*, never contested and which was contradicted by the fact that many local legal disputes were settled by the Dutch *commissarissen-deciseurs* in Maastricht. On the second point, he argued that collection of the *redemptiën* by Southern authorities had only been tolerated because the *Chambre Mi-Partie* had granted both parties the right to collect equal payments from the villages while the question of their jurisdiction remained subject to arbitration. However, the *Chambre* never took a decision on the matter, allowing the dual collection of the *redemptiën* to continue. Furthermore, regarding both the second and the third point, the *advocaat-fiscaal* found that – with the exception of the *redemptiën* – the Republic had always made its exclusive sovereignty over the villages felt. As such, when the lord of Argenteau and Hermale punished several individuals for affixing Dutch publications in Hermale in 1670, the *Staten-Generaal* ordered Dutch jurisdiction over the villages to be reasserted, with the assistance of the Maastricht garrison if necessary. Similarly, when the jurisdiction's lord refused to publish Dutch legislation in 1719, a company of thirteen soldiers was sent from Maastricht to “bring the local rulers to reason” and to affix the placards in the villages publicly under the tolling of church bells. In response to the claim that Dutch authority had been flaunted by the lord's *schout*, the *advocaat-fiscaal* also noted that the resistance against the Republic's measures did not take away from the fact that it was actively attempting to govern the *Redemptiedorpen*, rather than neglecting them. Regarding the final claim, he noted that the marquis did not seem to understand that a possession could be owned by a ruler who did not have vassalage over its lord, or in other words, that a territory could fall to a state even though it was a possession of a foreign lord subject to a foreign court of feudal loans. He ultimately concluded his report by claiming that accepting the infringement on Dutch jurisdiction over Argenteau

and Hermale would jeopardise the Republic's sovereignty over the *Redemptiedorpen* as a whole, the governance of which relied on the same underlying jurisdictional arguments.⁶⁴

The conflict surrounding Hermale and Argenteau flared up again in 1737, when the Southern *Raad van Brabant* decreed that any official or inhabitant of these villages found posting Dutch placards would be accused of rebellion and treason against the Austrian archduke and be punished accordingly. In a resolution not included in the Fagel archives from 13 September 1737, the *Staten-Generaal* decided to persist with a decision it had taken on 2 February 1735, following the initial conflict, namely, to impose Dutch sovereignty on the villages by whatever legal means available, and by force if necessary.⁶⁵ These measures resulted in a message sent by the Northern *Raad van Brabant* to Marquis de la Verne on 2 December 1737, a copy of which was held by the Fagels, ordering the lord to come to The Hague personally or to send a representative. There, he would have to hand over copies of all documents relevant to his lordship over Argenteau and Hermale, swear an oath of fealty to the *Staten-Generaal*, and pay his feudal dues. Failure to do so within 21 days would result in the confiscation of his possessions, with the villages coming under the direct jurisdiction of the *Staten-Generaal*.⁶⁶

Similar conflicts were recorded within the dossiers of papers assembled for the *griffiers* that arose around the villages of Leut and Stein to the north of Maastricht. These were not *Redemptiedorpen* and therefore not jurisdictionally tied to Maastricht or bound to the payment of the *redemptiën*, but in most other aspects they existed under the same administrative conditions, being exclaved portions of *Staats-Overmaas* with lingering connections to Imperial institutions. Particularly the lordship of Leut generated recurring

⁶⁴ [Advocaat-Fiscaal of the Raad van Brabant Advice to the Staten-Generaal concerning Argenteau and Hermale], folder 1737, p. 2-10, 13-15 [my translation].

⁶⁵ [Staten-Generaal Resolution concerning the Enforcement of the Republic's Sovereignty in Argenteau and Hermale], 2 February 1735 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 999): 13-14, pp. 13-14, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/999/file/NL-HaNA_1.01.02_999_0014; [Staten-Generaal Resolution reconfirming the Enforcement of the Republic's Sovereignty in Argenteau and Hermale], 24 September 1737 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 1030): 135-136, pp. 135-136, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/1030/file/NL-HaNA_1.01.02_1030_0135.

⁶⁶ [Warning of Stadhouder and Leenmannen of the Leenhof van Brabant to Marquis de la Verne], 2 December 1737 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1737), pp. 1-2.

conflicts. The village's lord, the Count of Vlodrop, had sided with the Republic during the Eighty Years' War and had his possessions seized by Spain. These were returned to the Counts of Vlodrop with the 1648 Treaty of Münster, however, and definitively belonged to the Republic, according to a report sent by the *Leenhof* of Valkenburg and received by the *Staten-Generaal* on 6 April 1739, after Valkenburg's formal inclusion within the Republic following the 1661 *Partagetractaat*, as Leut remained a feudal loan of Valkenburg. In 1662, however, the Catholic Lord of Virmont contested the claim of the Reformed Count of Vlodrop by maintaining that Leut was an Imperial lordship subjected to its lord and the emperor alone. The matter escalated when the statesmen of the Republic, defending Vlodrop's feudal ties to Valkenburg, came to face Duke Philip William of Neuburg, the Elector Palatine and Count of Jülich, who represented the Westphalian Circle in the defence of Virmont's claim. Ultimately, the Duke of Neuburg occupied the castle of Leut with a small force, leading the Republic to respond by sending a detachment of the Maastricht garrison, which pillaged several villages before taking Leut by force. Hubertus Wouters noted, however, that the Republic's action remained limited thereafter, given the threat of escalation with the Rhenish princes, although they did succeed in securing the Count of Vlodrop's claim, making him the undisputed lord of Leut. They did not settle the dispute, however, on whether the lordship's fealty to a Dutch jurisdiction took precedence over its Imperial ties, leaving the territory in the hands of a lord who had firmly sided with the Republic while the lordship remained an Imperial fiefdom.⁶⁷

The same report by the *Leenhof* of Valkenburg that detailed the incident in Leut describes how Dutch jurisdiction in the region was challenged again in 1739, when the Prince-Bishop of Liège, as the Count of Loon, laid claim to the village of Meeswijk. The *Leenhof* of Valkenburg contended that Meeswijk had not been a part of Loon since the eleventh century, being a holding of the Basilica of St Servaas until 1310, when it was loaned out as a hereditary fief to the lords of Leut. As such, the village was jurisdictionally

⁶⁷ Wouters, *Grensland en bruggehoofd*, pp. 403-404; [Retroacta concerning Leut], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1742), pp. 1-2; [Letter from the Leenhof of Valkenburg to the Staten-Generaal concerning Meeswijk], 4 April 1739 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1742), pp. 5-6.

tied to the Republic via two channels. The *Staten-Generaal*, as Duke of Brabant, was the sovereign of Valkenburg and its *Leenhof*, which had the lord of Leut as its vassal, who in turn held lordship over Meeswijk. Should the lord of Leut ever fail to pay for his feudal loan of Meeswijk, however, the village would revert to the Basilica of St Servaas, becoming – like the eleven *Banken* – a dependency of Brabantine Maastricht and therefore subject to its duke – the *Staten-Generaal* – as the sovereign protector of the basilica. None of these tiers of feudal hierarchy included the Count of Loon, however, and as such, the Liègeois claims were deemed unfounded. The argument that Liège enjoyed sovereignty over Meeswijk because its inhabitants appealed cases to the County of Loon was similarly cast aside, with the *Leenhof* of Valkenburg arguing that cases of appeal crossing borders were by no means an oddity. Indeed, it noted that Maastricht appealed to Aachen for a long time, with the Gelderland city of Nijmegen appealing there still. Similarly, some Valkenburg jurisdictions appealed to Liège while several Liègeois jurisdictions similarly appealed to the Dutch County of the Vroenhof.⁶⁸

The *Staten-Generaal* resolution responding to the *Leenhof's* report made the matter commissarial with its commission on Overmaas affairs, and as such, the outcome of this case is difficult to trace. It is likely, however, that the Liègeois claims would have suffered the same treatment as those of the Rhenish lords in Leut and of the Southern *Raad van Brabant* in Hoepertingen, Argenteau, and Hermale, especially since Meeswijk was, according to the *Leenhof's* report, an important transit for troops marching to and from Maastricht, while also having a considerable Reformed community.⁶⁹ The representatives within the *Generaliteit* proved time and again that they would not easily relinquish their sovereignty over the territories surrounding their key fortification in Maastricht – however small, disconnected, and distant they might be – actively building on established precedent, collected, analysed, and maintained by the *griffier*, to make their case. Furthermore, they demonstrated that they would not refrain from leveraging that same military focal point to strike out in force against any challenges to their authority in the region when necessary,

⁶⁸ [Letter from the Leenhof of Valkenburg to the Staten-Generaal concerning Meeswijk], folder 1742, pp. 1-7.

⁶⁹ Ibid., pp. 7-8.

encountering a similar drive from neighbouring states and autonomous actors not to relinquish claims or set negative precedents in this conflicted frontier zone.

Herein, then, lies the great contradiction of crises investigated by the Fagels of Dutch governance in Overmaas. The Republic employed far-reaching measures to protect its key holding in the region, tools which it largely refrained from using in the far more accessible border conflict in Flanders. In doing so, it clearly demonstrated its desire and ability to invest considerable resources into the protection of its far-flung and scattered holdings in Overmaas, ensuring that this borderland came under the firm control of the state. Indeed, in the conflicts considered by the Fagels, the Republic always appears to end up on top, as in Hermale and Argenteau, or at least to reach a satisfactory compromise, such as the establishment of a sympathetic lord in the Imperial fiefdom of Leut. Despite the military overtures with which these results were largely realised, however, the practical impact of Dutch governance on local society was limited. The *Generaliteit* imposed its rule over Argenteau and Hermale by force, symbolically ordering its rebellious lord to The Hague to swear loyalty to the *Staten-Generaal*. Nevertheless, it did not notice, much less prevent, the fact that its placards had had little to no effect in these villages for at least 53 years, if the local *schout*'s claim is to be believed. Similarly, the *Redemptiedorpen* were not prevented from paying the *redemptiën* to both Dutch and Habsburg authorities, despite the Republic countering every foreign claim to these villages. A possible explanation could be that the provincial delegates in The Hague were not concerned with countering Habsburg claims to the *redemptiën* so long as they got their dues, though it is not clear from the sources whether the Southern collection of *redemptiën* limited the villages' ability to pay the Republic as well. The most striking example of the contrast between the severity of the Republic's actions and the practical impact of its governance, however, is the fact that the Fagel dossiers pertaining to *Staats-Overmaas* deal extensively with matters of jurisdiction and sovereignty but are almost completely devoid of details on any other aspect of local governance. As in *Staats-Opper-Gelre* and *Staats-Vlaanderen*, the High and Mighty Lords must not have been invested enough in the practical governance of Maastricht's surroundings to spark or engage with controversy over matters of domestic administration

requiring the involvement of the Fagel *griffiers*; incidents such as those making up the bulk of the Fagels' papers on the city and *Meierij* of 's-Hertogenbosch.

The willingness of various contending states to protect what they saw as their rightful claims in the Overmaas region also laid bare the fact that there was little room for concepts of territorial authority in this borderland. Gone were the meticulous measurements, demarcations, and negotiations of the Flemish *limietscheiding*. Gone were the cohesive territories of Brabant shaped around pre-existing jurisdictional lines. Alongside these attempts to draw clear state delineations in the borderlands or to rule the lands lying within them existed the melting pot of jurisdictional controversies that was Overmaas, with each claim being built on layers upon layers of pre-existing feudal contracts and privileges. Attempts to divide authority in the region along territorial lines, as in the *Partagetractaat*, were incomplete and resulted in an incoherent scattering of territory. Instead, conflicts were generated by and tackled with claims of jurisdiction and debates over what form thereof had precedence over others, be it vassalage under a higher lordship, dependence on a nearby city, inclusion within the Holy Roman Empire, or a connection with a regional court of appeal. Contracts signed centuries prior between lords that had since then been absorbed into other entities served as evidence alongside contemporary treaties between states. Authority was represented within borderland communities not by demarcating a territorial border and patrolling it, but by demanding oaths of loyalty and affixing placards within towns and villages under the tolling of bells while banishing the legislation of contending sovereigns. Amidst the various overlapping jurisdictions defining the frontier region, each competing actor was attempting to exercise their influence to the best of their abilities, with an emphasis on the state's layer of jurisdiction rarely being the most effective means to reach that end.

It is evident that these practices occurred at a time when concepts of territorial authority and state sovereignty were hardly unknown. Indeed, they are mentioned frequently in the Fagel dossiers and are demonstrated in the conflicts taking place in the other *Generaliteitslanden*. The concept of the modern state, however, was not born out of a desire by early modern administrators to impose a theoretical model of political

organisation onto their societies. It developed as various factors made the centralised organisation of governance a more efficient means of tackling matters such as taxation and warfare than reliance on feudal hierarchies. It was born out of pragmatism, not idealism, and therefore evolved along a wide range of trajectories into a plethora of different forms of modern statehood. In Overmaas, however, there was nothing practical about organising authority along territorial lines. Doing so would require the exceptionally intricate overlapping, intertwining, contradicting, and conflicting jurisdictional boundaries of the region to be untangled and organised in a manner acceptable to all parties involved, or to be wiped out entirely and reorganised by a superior force, which was ultimately what the French revolutionary armies achieved. A significantly more practical and secure means of protecting local interests was to maintain the complex structures that had developed in this frontier region, seeking authority as a duke, count, or emperor maintaining a hierarchy of vassals, fiefs, and dependencies. The Fagel archival material demonstrates that the statesmen of the *Generaliteit* and the *griffier* who informed their policy were quite adept at navigating this flexible identity. After all, the intention behind the establishment of the *Generaliteit* was never the idealistic ambition to lay the foundations for a centralised state. It was intended as a pragmatic means for the seven provinces to tackle common issues and nothing more.

Within the Overmaas landscape defined by jurisdictional authority, not only states posing as counts, dukes, or emperors vied for influence. The perseverance of feudal views of authority over territorial ones allowed other elements relying on the former model of governance to persist. Most notable among these was the Basilica of St Servaas, along with its eleven *Banken*, styling itself as an autonomous entity only very loosely connected to Brabantine Maastricht, whereas the assembly of the *Staten-Generaal*, as the new duke, regarded the basilica and its holdings as an integral part of its jurisdiction in Overmaas. The basilica's unique position within the geopolitical fabric of Overmaas formed a particularly sensitive issue in Maastricht. Here – as will be discussed in the next section – the high-provost, dean, and chapter formed a means for the *Staten-Generaal* to influence local Catholic affairs, whereas the institutions of the *Generaliteit* ensured the protection of the

basilica's privileges, especially against encroachments from the Prince-Bishop of Liège, the Indivisible Magistracy, and the papacy in Rome. Beyond the walls of the city, however, the eleven *Banken* also formed a point of contention between the basilica and the *Staten-Generaal*, and unlike in Maastricht, the relationship between the two within the surrounding countryside had less potential to be symbiotic.

In a letter to the *Staten-Generaal* by High-Provost Arnold Hyacinth van Wynants, a scion of an influential Overmaas family, and by the dean and chapter of St Servaas, these church officials acknowledged that the basilica was given its rights and privileges as a free imperial church by the emperor as lord of Maastricht, and as such, it was subject solely to the emperor's Brabantine successors within the city. However, according to the clergy of St Servaas, that influence did not extend far beyond the *jus patronatus* - the right held by the dukes to appoint the basilica's high-provost, its highest-ranking clerical position - and therefore did not involve any authority over its territory. Furthermore, the Republic's rule over St Servaas as sovereign of Brabantine Maastricht only gave it influence over the basilica itself and its holdings beside the Vrijthof square. The eleven *Banken*, however, remained beyond its reach, as it could not be proven, according to the church's officials, that these jurisdictions were tied to Maastricht, unlike the basilica itself. Mirroring the practices surrounding the *Redemptiedorpen*, the high-provost, dean, and chapter of St Servaas brought up various treaties and imperial decrees from previous centuries to serve as evidence for their claim, noting in particular that the 1530 union, which made Brabantine Maastricht an inherent part of the duchy, mentioned the basilica but not the *Banken*.⁷⁰

The *Banken*, then, remained imperial fiefdoms first and foremost in the eyes of St Servaas' clergy, knowing no rulers but the basilica in Maastricht and the emperor. This point was reinforced by the argument that the *Banken* continued to appeal cases to the Aachen magistracy and the *Reichskammergericht* (Imperial Chamber Court), whereas the basilica itself relied on the Brabantine *commissarissen-deciseurs*. Furthermore, the high-provost, dean, and chapter noted that the emperor himself had acknowledged that the *Banken*

⁷⁰ [Claims made by Basilica of St Servaas against the Staten-Generaal concerning its Banken], folder 1732, pp. 4-8, 10-11, 20-22.

remained subject to Imperial law and privileges after the 1530 union. As such, the basilica's officials maintained that they had the sole right, within the *Banken*, to judge on matters of high and low jurisdiction, to prosecute criminals, and to appoint *schepenen* and *officieren*. Furthermore, the *Banken* had their own court of appeal, a body made up of representatives from each of the eleven jurisdictions presided over by the high-provost of St Servaas and representatives from the *Hoofdbank* (main *Bank*) of Vlijtingen. The autonomy of these jurisdictions even extended so far, in the eyes of the basilica's clergy, that if an affront against the sovereign were committed within the *Bank* of Tweebergen, lying largely within the city walls of Maastricht, only the legal institutions of the *Banken* – or the Aachen Magistracy and *Reichskammergericht* in cases of appeal – had the right to address the matter. The only outside interference tolerated by the basilica was stipulated in an Imperial golden bull in 1377, which stated that the rulers of Brabant, Jülich, and Cologne were entrusted with protecting St Servaas' privileges and had the right to prosecute anyone infringing upon them. Furthermore, the *Banken* could appeal cases to the Brabantine *commissarissen-deciseurs*, though the basilica saw this merely as an option rather than an obligation.⁷¹

The high-provost, dean, and members of the chapter expressed themselves to be quite perplexed, then, by the fact that the Republic's officials were involving themselves in local affairs within the *Banken* under the pretext of protecting the *Staten-Generaal's* authority. In one case, the *advocaat-fiscaal* of the *Raad van Brabant* had gone so far as to impose a fine on the *schout* of the *Bank* of Heer because he had acted against the stipulations of a *Staten-Generaal* placard concerning manslaughter. Ironically, this infringement by officials acting in the name of the *Staten-Generaal* led the clergy of St Servaas to turn to that same body, as the protector of its free Imperial rights and privileges, in order to prevent encroachment by the Dutch state.⁷²

This issue too does not appear to have been graced with a direct response from the lords of the *Staten-Generaal*, who received the church officials' letter on 12 December

⁷¹ [Claims made by Basilica of St Servaas against the *Staten-Generaal* concerning its *Banken*], folder 1732, 10-13, 17-18, 25-26, 29, 32.

⁷² *Ibid.*, p. 3.

1757. However, the futility of the basilica's request is suggested by other available sources. In the disputes surrounding Meeswijk, for example, it was noted that the *Staten-Generaal* exercised its sovereignty in all of the *Banken* of St Servaas, giving it full authority over Meeswijk should it ever revert to the basilica from the lord of Leut.⁷³ Wouters too reinforced this idea. He noted that the question whether the *Banken* remained free imperial lordships or whether they fell under the jurisdiction of the Republic as dependencies of the basilica, and therefore of Maastricht, remained undecided until St Servaas' special status was terminated altogether in 1797. However, with Spain distancing itself from the conflict in 1654 and focusing on jurisdictional disputes over the *Redemptiedorpen* instead, the matter became one existing solely between the Republic and the basilica, the latter being backed only by distant Imperial authority. In practice, then, Wouters found that the Republic made its presence felt in the *Redemptiedorpen* and the *Banken* of St Servaas equally, and with force if necessary.⁷⁴ Despite the varied and intricate jurisdictional bases of these entities, then, they were treated effectively as one and the same by the Republic. After all, governance was a matter of practicality, and while engaging with extensive jurisdictional arguments based on the establishment and recording of precedent – a function fulfilled by the Fagels' archives – was at times the most convenient approach towards securing of the *Generaliteit's* local interests, those same arguments could be abandoned if ensuring obedience through force proved more effective.

Section IV: Conflict in the Condominium

The conflicts with which the Fagels were confronted in the *Banken*, the *Redemptiedorpen*, and the lands of Overmaas were placed in the spotlight because of their ties to Maastricht. Infractions on Dutch sovereignty in the region could not be discarded as being too distant or costly borderland affairs because they could jeopardise Dutch rule over Maastricht and with

⁷³ [Letter from the Leenhof of Valkenburg to the Staten-Generaal concerning Meeswijk], folder 1742, p. 5.

⁷⁴ Wouters, *Grensland en bruggehoofd*, pp. 402-403.

it, the defence of the Republic. While the security of Maastricht relied on the retention of its hinterland, the opposite was also true. The Republic's rule over its holdings in Overmaas hinged on the city in both jurisdictional and practical terms. Most contested Dutch claims in the region were (argued to be) dependencies of the Brabantine share of Maastricht, giving the Republic sovereignty over them following the 1632 capitulation and ensuing treaties. Furthermore, as a focal point of Dutch military activity, the city served as an effective base of operations from which the surrounding region could be administered, intimidated, or secured by force. The conflicts surrounding Maastricht therefore reverberated in the city, with those holding power there having the greatest influence in Overmaas as a whole.

While matters within the city and those in its surroundings were therefore usually connected and intricately intertwined, they took on different forms in these separate arenas, as demonstrated by the separate status - in the eyes of St Servaas' clergy - of the basilica and its *Banken*. The condominium status that encompassed most of Maastricht's city centre changed the rules of engagement between the various entities vying for influence in the region. Whereas matters could still be claimed to be entirely Brabantine or Liègeois, thereby excluding the other, the Indivisible Magistracy added a new dimension to conflicts. It could serve as a tool for the Republic and the Prince-Bishopric to cooperate in resolving local matters, or it could spark extensive debates over jurisdiction between the two. At times, it also formed a unified local voice for Maastricht against both sovereigns seeking to expand their influence by infringing on local privileges. Furthermore, while Dutch and Imperial claims had largely become mutually exclusive in the lands of Overmaas, where various conflicts concerned whether vassalage under the Empire or the Duke of Brabant took precedence, these factors could co-exist in Maastricht, with institutions of both operating and occasionally cooperating within the city.

Greater harmonisation between Dutch and Liègeois or Imperial rule did not lead to fewer conflicts, however. On the contrary, it set relations further on edge, as the condominium blurred the already intricate jurisdictional divisions of the region, with each party seeking to defend what they regarded as their portion of the shared authority. While

such circumstances had the ability to lead to effective governance as long as those lines remained blurred, any incident would force the matter to be clarified, revealing all the conflicts and contradictions inherent to it in the process. Furthermore, the concentration of this jurisdictional maze within a single city, one that was exceptionally relevant as both a military and administrative centre for the region, ensured that it became a powder keg of jurisdictional controversies, many of which were delegated to the Fagels.

In the city too, the Basilica of St Servaas formed an uneasy wedge within and between Maastricht's two main authorities. Unlike its *Banken*, the basilica accepted subjection to the *Staten-Generaal* within the city, as the latter was both the successor of Brabantine holdings and an entity claiming authority over Catholic religious institutions within Maastricht; an issue that in itself also formed a key point of controversy that was left to François Fagel to manage. However, the basilica claimed autonomy in most matters excluding cases that tarnished the majesty of the sovereign, which were referred to the Dutch *commissarissen-deciseurs*. As such, the high-provost, dean, and chapter of St Servaas dismissed involvement in their affairs by any Dutch institutions other than the *Staten-Generaal*. In particular, they rejected the authority of the Indivisible Magistracy, as that institution emanated not only the authority of its Brabantine sovereign, but also that of Liège. This stance was challenged, however, when a member of the basilica's clergy, a pastor named Fineau, detained one of the city's inhabitants in 1729, locking her up in a building of the *Wacht* (city watch). He did so while citing his religious authority in a religious matter, disregarding the city's secular authorities and the common practice to request the assistance of the *Wacht* in detaining someone, which would then pass the person on to the relevant Brabantine, Liègeois, Indivisible, military, or clerical court.⁷⁵

Fineau's actions were seen by the Indivisible Magistracy as an affront against its authority, as he had involved himself in a matter that was entirely the competency of the *Wacht* and therefore of the city, with the magistracy claiming to have sole jurisdiction in the matter. Though Fineau was initially let off with a warning by the city's joint administration

⁷⁵ [Claims made by Basilica of St Servaas against the Staten-Generaal concerning the Case of Pastor Fineau], folder 1732, pp. 3-6, 8, 26-28.

after he apologised for his conduct, the basilica claimed that its authority was tarnished, as it regarded the judgement of any offences caused by a member of its clergy as its own concern exclusively. Furthermore, the high-provost, dean, and chapter of St Servaas had turned to both the Dutch and Liègeois *commissarissen-deciseurs* to address what they saw as the Indivisible Magistracy overstepping its bounds. When the Dutch *commissarissen-deciseurs* proved unable to resolve the matter on their own and brought it before the *Staten-Generaal*, however, the latter made the basilica aware of the fact, on 20 January 1731, that it was not amused in the slightest by its actions. The basilica had involved Liège in a matter of Catholic church affairs, tarnishing the Dutch state's tenuous hold on that crucial competency. The *Staten-Generaal* therefore informed the Indivisible Magistracy that it approved of the continuation of its proceedings against Fineau, if they had not yet been concluded, and ordered the *hoogschout* or his substitute to supervise the case to ensure that no infringements would be made against the Republic's rights over St Servaas and other Catholic holdings in Maastricht. The damage had already been done, however, as the Prince-Bishopric passed a resolution on 23 April 1731 that counteracted the Dutch resolution and challenged the Republic's grasp on Catholic institutions within the city. This resolution in turn led to a Dutch response on 4 June 1731, which discarded the Liègeois resolution and re-emphasised the resolution of 20 January.⁷⁶

The clergy of St Servaas had seemingly involved both sovereign's *commissarissen-deciseurs* to pressure the Indivisible Magistracy into conceding that it had no jurisdiction in pastor Fineau's case, but instead it unleashed a conflict between both lords regarding which of the two had jurisdiction over the church. Rather than defending its autonomy, it had therefore placed itself in the spotlight of its rulers, and in an attempt to salvage the situation, it sent a lengthy letter to the *Staten-Generaal* on an unknown date in 1731 to outline its position. The high-provost, dean, and chapter of the basilica reiterated that they had always solely been a loyal subject to Brabantine rule in the city, rejecting any form of Liègeois authority. It furthermore stated that it hoped that this humble subjection would be

⁷⁶ [Claims made by Basilica of St Servaas against the *Staten-Generaal* concerning the Case of Pastor Fineau], folder 1732, pp. 36-39.

reciprocated by the state by only making it subject to the institutions of the *Generaliteit*, not to any lower layer of state governance like the *hoogschout* and especially not to the Indivisible Magistracy with its Liègeois influence. Going a step further, it argued that allowing the *hoogschout* or his substitute to continue the proceedings against Fineau without involvement of St Servaas' clergy was not a measure taken purely in defence of the Republic's authority over the church, but one adopted to extend that influence.⁷⁷

The basilica's alignment with the Republic and refutation of Liègeois authority reconfirmed the Dutch authority over Catholic institutions in Maastricht against the prince-bishop's counter claims, though – as will be discussed below – the conflict of jurisdiction over Catholic bodies in Maastricht between the two sovereigns of the city would linger for some time. Whether the provincial representatives in the *Staten-Generaal* also accepted the argument of the St Servaas clergy concerning their unwillingness to subject themselves to any institutions but those of the duke is not as clear, as the exact date of its letter is difficult to establish. Given the fact that the High and Mighty Lords put little stock in the basilica's jurisdictional arguments concerning its *Banken*, as well as that the issue had escalated to awaken Liège's interests at a time when the two sovereigns were caught in an extensive feud over religious authority, suggests that it might have clamped down on its earlier decision. However, Ubachs noted that the relationship between the basilica and the Republic in general was quite mutually beneficial. The clergy of St Servaas submitted itself freely to the sovereignty of the *Staten-Generaal* and, as will be seen in one of the Fagel cases discussed below, frequently sided with it against other Catholic institutions in the city regarding incidents surrounding religious policy, receiving in return formal recognition of its privileged status and elevation over other ecclesiastical institutions in Maastricht.⁷⁸ As such, there may have been little reason for the *Staten-Generaal* to challenge the basilica's privileges in the Fineau case as soon as it recanted any and all Liègeois influence over it and fully subjected itself to the Republic.

⁷⁷ Ibid., pp. 9-13.

⁷⁸ Ubachs, *Twee heren, twee confessies*, pp. 345-346.

Cases like those of pastor Fineau demonstrate that the tenuous jurisdictional balance in Maastricht could tip all too easily, and that conflicts could rapidly escalate when it did. Not everything was a contest in the city, however. Its condominium status also created a unique setting for cooperation between the various institutions operating within it. A particularly telling example was the Maastricht Imperial post office. This body was established within the city at an unknown point before 1644, which the Fagel documents note was the first year in which it was mentioned. Its purpose was to process the post coming from or going to the Empire, though it had gradually accrued influence over the post to and from several of the Republic's provinces – particularly Holland - as well due to its efficiency compared to the Dutch post office in Maastricht. The effectiveness of the Imperial office was demonstrated in the 1680s, when a faction within the Indivisible Magistracy expelled the postmaster from the city and forced him to move his office beyond the city walls. This move proved so detrimental to the city's post that the Imperial postmaster was invited back in 1686 and was fully recognised thereafter by the *Staten-Generaal*. As such, when the position of the Imperial office was threatened again in 1749 by Baron van Hammerstein, the local Dutch postmaster, the *Generaliteit* did not immediately come to his aid.⁷⁹

Van Hammerstein, who was also the *opperjachtmeester* (high game keeper) of the newly restored Prince of Orange, complained to Baron Van Haren, a *commissaris-deciseur* in service of the *Raad van State*, that his Imperial counterpart was outcompeting him with regards to the post passing between Maastricht and the provinces, which he regarded as a competency of the Dutch post office. The copy of the report of Van Haren to his superiors contained in the Fagel archives, however, not only failed to show any sympathy for the Dutch postmaster's cause, but made an uncharacteristically sarcastic mockery of his claims. The *commissaris-deciseur* noted that the Imperial post office provided significantly more frequent and reliable postal services to and from the provinces, aiding not only all of Maastricht's inhabitants in the process, but also facilitating communications between The

⁷⁹ [Consideratiën by Commissaris-Deciseur Baron van Haren concerning the Maastricht Postal Conflict], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1733), pp. 1-4.

Hague and the local garrison. Specifically, he argued that the Imperial office proved its worth recently during the French siege of Maastricht in the closing stages of the War of Austrian Succession. It had – without any extra charges – maintained secure communications with the besieged town on the western bank of the river, collecting and delivering post daily. As such, it had allowed for uninterrupted contact between Holland on the one hand and the besieged city and the allied armies defending it on the other, with figures such as the secretaries of the *Raad van State*, the commander of Maastricht, and Hendrik Fagel the Elder making use of the service. Indeed, as Wolfgang Behringer noted, the Imperial postal service, privatised under the Thurn und Taxis dynasty with the condition that state post would be delivered within a fixed time, proved particularly efficient compared to its European counterparts. Van Haren therefore dismissed the claims of Van Hammerstein, noting that these minor interests could be entertained, but only if the state wished to forego relying on the excellent services of the Imperial post office and disregard all that it had done for the city in a time of crisis.⁸⁰

Cooperation between the Republic and Imperial or Liègeois institutions could therefore be fostered if it was a practical means of securing both rulers' interests in Maastricht. Such a common approach could also be sought, however, if an actor within the city itself sought to disadvantage both sovereigns for their own gain. Where the Basilica of St Servaas' endeavour to acquire greater autonomy in the Fineau case had pitted the two lords of Maastricht against one another, similar attempts by the Indivisible Magistracy in 1736 likely led to greater cooperation between Liège and the Republic. The magistracy had argued that the excellent state of the city's finances was the direct result of the hard work and good policies of its members. Furthermore, in their dedication to serve the city, the members of the joint magistracy claimed to have foregone other bonuses, while also citing the fact that Dutch measures had made work in the city government less lucrative for the Republic's representatives. These 1733 reforms -which are briefly mentioned in a letter sent

⁸⁰ Ibid., pp. 4-6; [Overview of Baron van Hammerstein's Claims concerning the Competencies of the Dutch and Imperial Post Offices in Maastricht], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1733), pp. 1-4; Wolfgang Behringer, 'Core and Periphery: The Holy Roman Empire as a Communication(s) Universe' in R. J. W. Evans, Michael Schaich, and Peter H. Wilson (eds), *The Holy Roman Empire 1496-1806* (Oxford: Oxford University Press, 2011): 347-358, pp. 348-356.

by a secretary of the Vroenhof to the *Staten-Generaal* regarding another case that is contained in the *griffiersarchief* - barred Dutch officials in the city from holding certain administrative posts simultaneously. This step was taken in an effort to ensure that the equal number of Liègeois and Dutch representatives within the Indivisible Magistracy was not thrown off balance by one voting member representing two or more positions.⁸¹

In return for their dedication to the city's welfare, the Indivisible Magistracy hoped to receive a greater *tractement* from both of its sovereigns, adding a list of suggested wage increases to their letter. It argued that its members would spend the bulk of their salaries within Maastricht, suggesting altruistically that the more money they received, the more Maastricht would flourish through their lavish spending. Among their suggested alterations, the Indivisible Magistracy furthermore included wage increases for the *commissarissen-deciseurs*, to whom they also passed their request. Be it because of their own personal gain if such alterations were approved, or because they were genuinely convinced by the Indivisible Magistracy's case, the Dutch *commissarissen-deciseurs* verified the claims regarding the city's financial state and sent the letter on to the *Staten-Generaal* after handing their Liègeois counterparts a translated copy to send to the prince-bishop.⁸² The matter was made commissarial with the commission on Overmaas affairs, postponing a decision in likely anticipation of a Liègeois response.⁸³ Indeed, there would have been considerable room for cooperation between the two sovereigns on this matter. After all, the request made by the joint administration of Maastricht for greater compensation from both lords had the potential to impact both states' finances. Alternatively, if one side's representatives were to be rewarded for their service to the city, the other party's officials

⁸¹ [Commissarissen-Deciseurs Report concerning the Tractement of the Indivisible Magistracy], 19 September 1736 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1730), pp. 2-4; [Letter by Secretary Panhuys of the Vroenhof to the Staten-Generaal concerning the occupation of Multiple Administrative Positions], 20 July 1749 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1733), pp. 6-7.

⁸² [Commissarissen-Deciseurs Report concerning the Tractement of the Indivisible Magistracy], folder 1730, pp. 1, 4-8.

⁸³ [Staten-Generaal Resolution concerning the Tractement of the Maastricht Indivisible Magistracy], 22 September 1736 (Nationaal Archief, Inventaris van het archief van de Staten-Generaal, 1.01.02, folder 1018): 107-108, pp. 107-108, retrieved from: https://www.nationaalarchief.nl/onderzoeken/archief/1.01.02/invnr/1018/file/NL-HaNA_1.01.02_1018_0001.

would have considerable grounds to demand similar compensation. As such, a unified response by the two sovereigns to their shared local administration would have been the most effective approach for both parties.

The Fagel documents do not show whether the members of the Indivisible Magistracy eventually received the *tractement* increase they desired, though François Fagel was likely involved both in considering the implications of the proposed changes for the governance of Maastricht and in the communication with the prince-bishop on that topic. If their wishes were fulfilled, however, they would not have enjoyed their expanded salaries for long, as reports in the *griffiersarchief* from 1749 show that Maastricht's flourishing finances had all but evaporated. The War of Austrian Succession and the successful French siege of Maastricht in 1748 left the city overburdened by debt to the point that it could no longer sustain itself and the garrison it supported. Recognising the need to aid the city, the *Staten-Generaal* set up a relief plan encompassing the cancelling of bonuses for members of the city government (despite claims from the latter that they should rather be awarded for their tenacity in the recent siege), an increase in taxes on consumption, and – most significantly – a tax on housing amounting to 4% of annual rent value. As in the case of the relief efforts introduced in *Staats-Brabant*, efforts in Maastricht primarily focused on real estate, which targeted the wealthy within the city rather than those who were already unable to pay taxes reliably. The housing tax, which was supported by both the Indivisible Magistracy and the garrison, was therefore extended several times. The continuation of this temporary measure eventually drew criticism from Liège in 1765, which considered the city to have been sufficiently aided by that point. In the eyes of the Republic's statesmen, on the other hand, Maastricht was able to support itself, but only barely. As such, unforeseen incidents like the collapse of a city wall or threats like another war could instantly topple the city's fragile financial stability. Given the significance of Maastricht to the Republic, it maintained that the housing tax would have to be extended to make Maastricht truly resilient once again.⁸⁴

⁸⁴ [Reflections on the Renewal of the Maastricht Housing Tax], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1735), pp. 1-3.

The key military position of Maastricht also influenced separate relief measures in 1754, records of which were likely included in the Fagel archives to inform the disagreement regarding the ongoing aid to the city through the housing tax. A report to the *Raad van State*, most likely written by the *commissarissen-deciseurs*, notes that Maastricht had, ever since the 1632 Capitulation, been charged with lodging a part of the Dutch garrison in the city and providing it with fire and light, for which it received a subsidy from the *Raad van State*. The costs of supporting the garrison had expanded considerably over time, however, and the subsidies the city received, which went up in times of war and down in times of peace, never were sufficient to cover all the costs, leading to multiple requests by the Indivisible Magistracy for greater compensation. In 1743, following negotiations with the *commissarissen-deciseurs*, the city eventually accepted a meagre settlement in light of the Republic's overall poor financial position. In 1746, however, the subsidies were suspended altogether, just as Maastricht began investing heavily in its defences to prepare for the ongoing war that was gradually pushing one of its fronts towards the city. The ensuing siege, capitulation, lodging of armies marching through the town, and the extensive damage caused to the city's fortifications ensured that the city was rendered unable to support itself or pay off its debt, let alone continue its supporting services for the local garrison. As the local garrison was too significant to be left unsupported, and because the administration and inhabitants of Maastricht had resisted the 1748 siege with such tenacity that they received the praise of *Stadhouder* Willem IV, the report argued that it would be just and fair, as well as a legal requirement under the 1632 capitulation, for the *Raad van State* subsidy to be reinstated, and the years in which it had been suspended to be compensated.⁸⁵

While the *Raad van State* subsidy for the maintenance of the Dutch garrison was primarily an internal affair within the Republic, despite passing through the Indivisible Magistracy, the attempts to improve Maastricht's financial resilience – and therefore its ability to defend itself – demonstrated that any matter could swiftly become controversial

⁸⁵ [Memorie concerning Subsidies for Maastricht to compensate for the Support of its Garrison], 21 May 1754 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1733), pp. 1-6.

in the condominium, even if both lords stood to gain from it to some extent. Pulling the city out of a debt spiral would have served both sovereigns, but the inflated significance that Maastricht had for the Republic in comparison to Liège ensured that the matter was far more pressing to the former than the latter, leading the two parties to disagree on the extent of measures intended to benefit the city.

The political complications and intrigues fostered by Maastricht's intricate jurisdictional character did not only play out within the city, however. One of the cases described more extensively in the Fagel documents details a conflict that was originally sparked by rival jurisdictions in Maastricht, but which would eventually lead to a major rift between the Republic's provinces. The case follows a claim made by a merchant, originally from Cologne, named Catharina and by her late husband, Erasmus Thiriart, against a canon named Barré of the Basilica of St Servaas, regarding a further unspecified debt-related matter within Maastricht. The case had been brought before both the Indivisible Magistracy and the Papal *nuntius* in Cologne. Despite warnings by the *Generaliteit* to the *nuntius* that he had no right to judge cases in areas under Dutch jurisdiction, he excommunicated Barré anyway in an attempt, according to a report by several of the provinces, to expand papal influence across the Republic. The *nuntius* had even sought to have his judgement enforced in Maastricht – likely through the Liègeois influence in the city, though this is not mentioned directly – but his moves were counteracted by unspecified “rigorous orders” issued by the *Generaliteit*. Furthermore, when Catharina Thiriart, who had involved papal jurisdiction in what the High and Mighty Lords regarded as an internal affair, first set foot upon the territory of the Republic after the incident, she was arrested. Both Barré and the *commissarissen-instructeurs* urged the delegates in the assembly of the *Staten-Generaal*, when informing them about the incident, that Thiriart should not be released – even under supervision – until she had the excommunication revoked.⁸⁶

Apart from the fact that she was a merchant from Cologne, the Fagel documents reveal little about Catharina Thiriart or her late husband. Thiriart, however, does not appear

⁸⁶ [Document outlining the Concerns of Groningen, Friesland, and Overijssel regarding the Case of Catharina Thiriart], [November 1713] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1732), pp. 3-4 [my translation].

to have been a helpless early modern woman locked away in detention as a political storm beyond her control determined her fate. On the contrary, the documents show that she had a significant hand in steering the crisis, both through her own actions and by engaging third parties, suggesting that she and her family were prominent and well-connected, though those connections are not elucidated.⁸⁷

Throughout 1711 and 1712, Thiriart sent numerous letters to the *Staten-Generaal* arguing for her release, eventually employing the Cologne magistracy to speak in her favour, though the report detailing these events, written from the perspective of the provinces of Friesland, Groningen, and Overijssel, notes that the Republic had vigorously disproved its claims. Thereafter, Thiriart was forbidden to make any further requests to the *Staten-Generaal* until she had rectified the situation and had the excommunication lifted. Instead, however, she managed to convince several Amsterdam merchants – possibly business partners – as well as the Cologne magistracy to speak on her behalf once again. This attempt too was disregarded by the Republic’s central institutions, but neither the limited impact of external influence nor the prohibition on reaching out to the *Staten-Generaal* stopped Thiriart from making further requests. The continuous re-evaluation of her case and the repetitive unanimous provincial votes condemning her eventually moved the High and Mighty Lords to allow the *commissarissen-deciseurs* to examine the matter and resolve it as they saw fit, regardless of earlier decisions on the matter. Here, however, the cracks in provincial unity started to show, as the Utrecht representatives opposed this decision and warned that resolutions adopted unanimously should not be contradicted by only a majority of the provinces.⁸⁸

When the *commissarissen-deciseurs* decided to persist with the verdicts of the previous resolutions and when Thiriart subsequently resumed her barrage of requests, the

⁸⁷ Little information is available regarding the Thiriart family. The Wikipedia page on Theodor Franz Thiriart, (available at: https://de.wikipedia.org/wiki/Theodor_Franz_Thiriart - note: this is not a peer-reviewed academic source) suggests that the family became prominent publishers within Cologne, but what Theodor Franz’ familial ties were with Catharina, who lived several decades earlier, and how much of the family’s later prominence could be felt in her time is unclear.

⁸⁸ [Document outlining the Concerns of Groningen, Friesland, and Overijssel regarding the Case of Catharina Thiriart], folder 1732, pp. 4-6.

provincial rift widened. A report made on behalf of Thiriart contained in the *griffiersarchief* demonstrates that the new papal *nuntius* in Cologne had absolved canon Barré of his perceived crimes and his excommunication, thereby eliminating the foreign involvement in Dutch affairs for which she had been apprehended. The *commissarissen-deciseurs* opposed this interpretation, however, arguing that the *nuntius'* actions were little more than an empty promise until the Republic received formal proof that the excommunication had been lifted. It was likely in response to this report that the *Staten-Generaal* resolution of 15 November 1713 was taken. In an apparent attempt to settle the matter and end the stream of requests inundating the *Staten-Generaal* and its commission on Overmaas affairs, it allowed Thiriart to go free under supervision, though she was ordered to return to captivity if she could not have the excommunication lifted formally within a year. It also noted, however, that only a slim majority of Holland, Zeeland, Gelderland, and Utrecht approved of this measure, with Utrecht foregoing its previous concerns about a lack of provincial unity. The representatives of Overijssel opposed it, arguing that a small majority should not be able to adopt a decision that counteracted both the advice of the *commissarissen-deciseurs* and the previous resolutions that were taken in unison. The delegates of Groningen and Friesland went further, citing the same reasons as well as extensive procedural irregularities. They noted that the matter had been made commissarial with military affairs, where it did not belong, and that it was abruptly brought to a vote without leaving time for the delegates to read it.⁸⁹

From the perspective of the three provinces forming the minority in the *Staten-Generaal*, then, the matter had been forced through by means of backroom politics; practices which were undoubtedly fostered by François Fagel. After all, the *griffier* controlled the flow of information to, from, and within the *Staten-Generaal*, while also sitting on its various commissions. If there were any clandestine plans to keep certain provincial representatives in the dark, Fagel would have known about it. Furthermore, he

⁸⁹ Ibid., pp. 1-2; [Letter to the Staten-Generaal Commission on Overmaas Affairs concerning the Claims of Catharina Thiriart], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1732), pp. 1-3; [Staten-Generaal Resolution concerning the Case of Catharina Thiriart], 15 November 1713 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1732), pp. 1-3.

would have had the influence to determine whether such information would have to be withheld or not to address the issue emerging from the borderlands effectively without causing a major political rift.

It is therefore not surprising that this matter, which the four majority provinces attempted to downplay as a minor issue and a simple revision of a decision taken in unison, was suspected by the minority provinces of involving third-party interests. Whether these interests were propagated by powerful connections of Thiriart such as the Amsterdam merchants, by the *regenten* of the majority provinces and Fagel, by any possible connections between these two groups, or simply by the desire to silence the troublesome captive in Maastricht, the sources do not reveal. For their part, however, the representatives of Friesland and Groningen in particular could not comprehend why a foreigner adhering to the Catholic faith could be allowed to go free under supervision. She could evade her promise of returning to Dutch detention by simply leaving the territory of the state to which she was not a subject, and her faith would be quick to absolve her of any charges levelled against her by the Republic. As such, the effective acquittal of Thiriart would not only set a dangerous precedent for the United Provinces in the *Generaliteitslanden* by allowing Catholic subjects to involve papal jurisdiction in local affairs within the Republic's borderlands. The minority also argued that the very unity of said provinces was at stake, with the blatant overruling of Groningen, Friesland, and Overijssel by nebulous means on such a sensitive matter forming a major rift within the *Staten-Generaal*.⁹⁰

While the *Generaliteit* readily acted as a unified force to enforce its authority in and around Maastricht with a vigour and aggressiveness unmatched in the other *Generaliteitslanden*, the Thiriart case demonstrates that matters in this distant borderland could also challenge the state to the extent that it caused significant internal political upheaval. The decision to release Thiriart at least in part out of convenience, despite the threat it caused to local state authority, therefore forms a notable exception to the pattern

⁹⁰ [Document outlining the Concerns of Groningen, Friesland, and Overijssel regarding the Case of Catharina Thiriart], folder 1732, pp. 7-9.

observed in the *Generaliteit*'s approach to Maastricht, while also indicating the influence of personal connections within Dutch administrative institutions and the *regent* class that staffed them.

It would be incorrect to assume, however, that the provincial delegates were not concerned with the consequences of releasing Thiriart. More likely, they were simply picking their battles. Indeed, both the Fagel documents and historiography of Maastricht show the *Generaliteit* gradually encroaching on the rights of the Prince-Bishop in Liège, forcing conflicts arising from minor issues to expand its jurisdiction without causing a major upset to the city's established hierarchies of authority. In 1713, the emphasis of this development was not on religious matters, but rather on military authority. Mathieu Spiertz noted, for example, that the Republic built a fortification, Fort St Pieter, on the St Pietersberg, a hill overlooking the city, in 1701. In doing so, it seized Liègeois territory, arguing that the move was justified because any territory lying within firing range of the city's artillery could be considered part of Maastricht's fortifications, and therefore Dutch. The Dutch case was strengthened following Liège's support for the French cause in the War of Spanish Succession, leading to the formal annexation of the land surrounding Fort St Pieter in 1717.⁹¹ During the tensions of this period, the Republic would likely have refrained from attempts to tarnish the prince-bishop's and Rome's religious influence over the overwhelmingly Catholic city as well, especially because Maastricht had always enjoyed exceptions to Dutch restrictions on the practice of the Catholic faith. As such, forcefully defending the Republic's claims regarding Catharina Thiriart, who appears to have been able to leverage powerful connections, in a matter that had been settled to some satisfaction with the new *nuntius*' promise to lift Barré's excommunication, likely would have caused more trouble than it was worth.

With other interests secured, the *Staten-Generaal*'s attention did inevitably shift towards religious matters eventually, however, a process that largely mirrored similar developments in the Republic's largest *Generaliteitsland*. Just like in *Staats-Brabant*, foreign

⁹¹ Mathieu Gerardus Spiertz, *Maastricht in het vierde kwart van de achttiende eeuw: kerkelijke, politieke en sociale verhoudingen, 1775-1801* ([doctoral dissertation, Radboud Universiteit Nijmegen, 1964]. Assen: Van Gorcum, 1964), p. 36.

influence over Catholic affairs within Overmaas remained widespread after the end of the Eighty Years' War until it was challenged in the late 1720s and early 1730s. The unprecedented influence exerted by the *Staten-Generaal* over the appointment of the new apostolic vicar of 's-Hertogenbosch, as well as its comprehensive 1730 reforms of Catholic practices and *regent* abuses of them, reverberated in Maastricht. Here too, Dutch measures in 1730 forced local priests to swear an oath, stating that they were secular clergy, that they would not place adherence to the church over adherence to the state, and that they would not enforce papal bulls without the permission of secular authorities.⁹² It is unsurprising, then, that the Fineau case, which saw the Basilica of St Servaas involve Liège in matters of its jurisdiction just as the Republic was attempting to secure its authority over Catholic institutions in Maastricht, prompted a particularly harsh response from the *Staten-Generaal* in 1731.

The most significant clash between Maastricht's two sovereigns regarding jurisdiction over Catholic authority in the city came in 1732 as a result of the increasingly vigorous persecution of Jansenists in France and the Southern Netherlands. The issue was centred on the implementation across these territories of the papal bull *unigenitus*, condemning Jansenism as heresy and punishing all those who failed to renounce it. Liège too intensified its attempts to eliminate Jansenism within its territory from 1725 onward, forcing many of its adherents to seek refuge in Maastricht. Here, under the Republic's jurisdiction, Jansenism was tolerated and, as in Brabant and the provinces, actively supported by the *regenten* at times. Tensions flared, therefore, when Prince-Bishop George-Louis de Berghes ordered the bull to be enforced in Maastricht against all Flemish and Brabantine refugees in the city on 20 August 1729, and when that order was expanded on 13 June 1732 to encompass all Catholics within Maastricht.⁹³

For the *Generaliteit*, the Liègeois measure evoked various threats to its authority. By targeting all Catholics, the measure could lead to punitive actions against Catholics engaged

⁹² Spiertz, *Maastricht in het vierde kwart van de achttiende eeuw*, p. 37.

⁹³ Ibid., pp. 37-38; [Letter from a Jansenist Priest to the Staten-Generaal concerning the Enforcement of the Bull Unigenitus in Maastricht], 1732 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1730), pp. 1-2; [Memorie concerning a Jansenist Priest's Letter to the Staten-Generaal], [1732] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1730), pp. 1-3.

within the local Dutch administration – for which one had to be Reformed, but where Catholics were occasionally employed in lower positions – and those that formed part of the local garrison, such as Swiss mercenaries. More problematic, however, was the fact that Liège imposed papal authority on both its own and the city's Brabantine subjects by ordering the four Catholic city pastors to publish the bull and enforce adherence to it within their congregations without ever consulting, much less receiving approval of the *Staten-Generaal*.⁹⁴ The fact that these perceived infractions on Dutch authority came just as the state was taking comprehensive steps towards regulating its authority over the Catholic church within the *Generaliteitslanden* made these issues all the more pressing.

The initial Dutch response to the 1732 measure was to order the four pastors to disregard the prince-bishop's orders and to refrain from enacting any papal measures without the *Generaliteit's* approval. Furthermore, it ordered the *commissarissen-instructeurs*, as well as the Basilica of St Servaas – which was found not to have been involved in the affair – to keep a close eye on the pastors and to have them followed if necessary in order to ensure that they would not damage the Republic's authority again. This move in turn prompted Liège to order the pastors, who left the city to evade Dutch jurisdiction, not to adhere to the Dutch measures. This conflict too, then, was fought out initially in the same manner as the contests over the *Redemptiedorpen*, with local officials being given orders and counter-orders by state institutions wishing to secure their local claim by demonstrating that they enjoyed sole jurisdiction. With the pastors leaving the city, however, Prince-Bishop De Berghes turned to the *Staten-Generaal* directly.⁹⁵

Liège's stance on the matter was that the Republic had agreed, upon assuming control of Brabantine Maastricht in 1632, to leave the practice of the Catholic faith unhindered within the city. As such, the prince-bishop had always exercised spiritual authority over the city, which also fell within the broader ecclesiastical jurisdiction of the Bishopric of Liège. Furthermore, Dutch intervention in the matter would force Liège to be

⁹⁴ Spiertz, *Maastricht in het vierde kwart van de achttiende eeuw*, p. 38; [Letter from a Jansenist Priest to the Staten-Generaal concerning the Enforcement of the Bull Unigenitus in Maastricht], folder 1730, p. 2.

⁹⁵ Spiertz, *Maastricht in het vierde kwart van de achttiende eeuw*, pp. 38-39; [Staten-Generaal Resolution concerning the Denunciation of Maastricht's Four City Pastors], 23 July 1732, (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1731), pp. 1-3.

disobedient to Rome, while also forcing Maastricht's Catholic churches to close their doors, as they could not possibly tolerate Jansenists in their midst. The High and Mighty Lords, on the other hand, noted that there was a difference between tolerating the public practice of the Catholic faith, no matter the dogmas it might uphold, and accepting that a foreign entity was persecuting one's subjects actively over matters of religious dogma. It noted that even France, which had adopted *unigenitus* zealously and even interfered – to no avail – on behalf of Liège in the conflict over Maastricht, had amended the measure to some extent to ensure that papal authority would not supersede that of the French crown. Implementing the bull unaltered in Maastricht, which the prince-bishop intended to do, would therefore harm the Republic's sovereignty significantly, with the representatives in the *Staten-Generaal* adding that just because the prince-bishop emphasised the 'bishop' element of his authority over the 'prince' aspect did not mean that the Republic could forego its secular authority within the city as well. As such, the representatives in the *Staten-Generaal* found that papal measures ought to be discussed and approved by both sovereigns before being implemented in Maastricht, especially because the Republic could expect no favours from Rome, suggesting that the two sides would refrain from further escalation to negotiate how such measures could be implemented.⁹⁶

Like most other issues from the borderlands contained in the *griffiersarchieef*, the documentation regarding the conflict over the imposition of papal bulls on Maastricht's Catholic population likely made its way to the Fagels' archives because of their complexity and sensitivity, and because they were involved in the transfer of information between relevant parties, in this case between the *Staten-Generaal* and the prince-bishop. What is notable in this case, however, is that François Fagel briefly stepped into the foreground of the drama surrounding the issue, as the prince-bishop noted, in a letter to the *Staten-*

⁹⁶ Spiertz, *Maastricht in het vierde kwart van de achttiende eeuw*, pp. 39-40; [Letter from the Prince-Bishop of Liège to the Staten-Generaal concerning the Enforcement of the Bull Unigenitus in Maastricht], 1 August 1732 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1731), pp. 1-5; [Response to Liègeois Claims concerning the Enforcement of the Bull Unigenitus in Maastricht], 6 September 1732 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1731), pp. 1-9; [Response to Dutch Claims concerning the Enforcement of the Bull Unigenitus in Maastricht], 31 August 1732 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1731), pp. 1-3.

Generaal from 31 August 1732, that he was surprised by the advice given by Fagel, presumably to the *Staten-Generaal*, to counteract the prince-bishop's measures taken to enforce *unigenitus* in the city.

The offer of negotiation, which would implicitly recognise the Dutch claim, was ultimately rejected by the De Berghes, who maintained his original decision. In response, the Republic ordered the four city pastors, who had continued to support the Liègeois measures, to be exiled from the city permanently if they did not counteract the prince-bishop's decree, at which three of the pastors relented. The 1732 conflict ended, then, with the Republic enforcing its claim and Maastricht being maintained as a safe haven for Jansenists from the surrounding region. As Spiertz noted, however, the issue did not rest after 1732. In 1740, the Basilica of St Servaas informed the Brabantine vice-*hoogschout* in Maastricht that the prince-bishop was attempting to enforce the bull by clandestine means, with the basilica apparently choosing Dutch interference in religious dogma over Liègeois interference in its political autonomy. Another major conflict over the matter in 1751 was avoided by a visit of the *Stadhouder* to Liège, but it flared up again in 1753 and 1754, when Prince-Bishop Johann Theodor of Bavaria, realising that diplomacy might rescue some of his claims, proved willing to negotiate. While initially resisting the Dutch stance, which was to refrain from any concessions, the two sides eventually agreed that papal bulls and religious decrees by the prince-bishop would be subject to Dutch approval, but that other practical matters tied to the practice of the Catholic faith in Maastricht would remain Liègeois competencies. Nevertheless, these rights too were eventually usurped by the Republic, making it the foremost authority regarding Catholic affairs in Maastricht. Indeed, Spiertz noted that towards the end of the eighteenth century, Catholics residing within and near Maastricht began regarding the *Staten-Generaal* as an effective tool that could be employed against measures imposed by their spiritual authorities.⁹⁷

Just like in *Staats-Brabant*, then, the *Staten-Generaal* assumed considerable control over the institutions of the Catholic church within Maastricht, facing not only Rome but also its prince-episcopal co-ruler in the city. Just as in Brabant, the usurpation of Catholic

⁹⁷ Spiertz, *Maastricht in het vierde kwart van de achttiende eeuw*, pp. 40-45.

authority did not occur in one fell swoop – though the 1730 reforms do mark a key turning point for the *Generaliteitslanden* in general – but was rather executed gradually, with existing structures of authority not being overthrown, but merely being rearranged to suit Dutch interests more neatly.

The controversy surrounding the papal bulls in Maastricht did not only exemplify the *Generaliteit's* approach towards the Catholic church in its borderlands and how the Fagels were instrumental in navigating local and external interests towards these goals, however, but also reflected its stance adopted more specifically towards Maastricht. The city was the jewel in the crown of Overmaas, with control of Maastricht translating directly into authority over the region, while also serving as the heavily fortified gateway to the seven provinces. Yet the Republic's influence within this key strategic holding was hamstrung by the fact that it formed one of the greatest administrative enigmas of early modern Europe, with the city answering not to a single state's territorial authority, but rather simultaneously to the jurisdictional rule of its duke, prince-bishop, and emperor. The provinces represented in the *Generaliteit* could realise their aims to some extent by navigating Maastricht's jurisdictional intricacies and never openly questioned its feudal forms of authority. However, the Republic, which inherited its portion of Maastricht while the balance of the condominium's authority had already tipped strongly in the duke's favour, gradually leveraged its disproportional geopolitical weight within this focal point of Dutch attention to force its local competitors out. Where Dutch influence in Upper Guelders was limited by the fact that it stood to gain little from engaging with the region, the opposite was true in Maastricht, where the significant interest and resources invested into the city by the *Generaliteit* made it a force to be reckoned with. Maastricht therefore saw Dutch authorities, supported by the archival knowledge and networks of the Fagel *griffiers*, leverage a wide array of pretexts to latch onto an ever-increasing set of competencies from which it refused to budge, leaving those that would contend with it powerless to act. Gradually seizing authority over Catholic institutions within the Catholic city from its prince-bishopal co-sovereign therefore was a significant, symbolic, and ultimately successful step

by the Republic in its ambition to make itself the predominant ruler of Overmaas' principal city.

As in the *Meierij* of 's-Hertogenbosch, then, the representatives within the *Generaliteit* overstepped their role as distant custodians of the borderlands, interfering actively in Maastricht in attempts secure key interests. In that process, they also became more involved with local affairs that would otherwise have remained out of sight for the statesmen in The Hague, such as the disputes between the Basilica of St Servaas and the Indivisible Magistracy; a trend that is suggested as well by the disproportional representation of cases pertaining to Maastricht in the Fagels' folders on the lands along the Meuse River. As such, Maastricht developed into a focal point of Dutch authority, seeing the *Generaliteit's* interference take on an increasingly prominent role in local governance and allowing it to reach the point where it became regarded as a valuable partner against foreign influences, even by some of its Catholic inhabitants and institutions wishing to limit the influence exerted over them by Liège and Rome. Beyond the city, however, that influence and interest in exerting authority dissipated, echoing only in the villages and Hamlets in which Dutch authority rested on the same jurisdictional foundation as the Republic's rule over Brabantine Maastricht.

Section V: Conclusion

The Republic's territories along the Meuse in the south-east shared various characteristics that set them apart from the rest of the *Generaliteitslanden*. *Staats-Opper-Gelre*, *Staats-Overmaas*, and the territories of *Staats-Brabant* that were incorporated into the latter in all but name did not resemble the heavily fortified strip of land that was *Staats-Vlaanderen* or the relatively large and contiguous expanse formed by *Staats-Brabant* proper. The *Overkwartier* and Overmaas were marked by their physically peripheral nature, lying within frontiers where various geopolitical actors clashed and being split among them, resulting in

a scattering of territory that fundamentally challenged any form of territorial state authority.

Despite these similarities, however, the Fagel archival documents suggest that the approach adopted by the *Generaliteit* towards the individual sections of this frontier varied considerably. Indeed, some notable contrasts existed in their nature. While both Upper Guelders and Overmaas were marked by territorial fragmentation and reliance on jurisdictional, rather than territorial forms of authority, the complexity of those conditions was significantly more pronounced in Overmaas. Furthermore, the relatively late acquisition of *Staats-Opper-Gelre* compared to the rest of the *Generaliteitslanden* ensured that Dutch authority was not as firmly established there in the eighteenth century as it was in *Staats-Overmaas*. The primary difference between the two, however, was that the Dutch holdings in Overmaas encompassed Maastricht, a city that both necessitated investment by Dutch state authorities to ensure the provinces' security and one that allowed it to exert a disproportionate degree of control over the surrounding regions on which Maastricht simultaneously relied, despite the fact that these were the Republic's most distant and contested European territories. It was primarily this factor that made *Staats-Overmaas*, and more specifically Maastricht, a focal point of the provinces' interests, forcing them to engage with the multitude of complications presented by its scattered territory and layers of overlapping jurisdictional authority; a political labyrinth in which François and Hendrik Fagel the Elder could prove their worth as collectors and recorders of precedent on which the Republic's claims could be built and through which its policies could be advised. Similarly, it ensured that *Staats-Opper-Gelre* was permitted to recede into the shadows of the frontier, with their almost complete non-representation in the *griffiersarchieff* and the Fagel archival supplement - as indicators of the regions and policy areas with which the *Staten-Generaal* engaged most extensively - suggesting that no local interest was significant enough for the provinces to drag the region back into the spotlight and confront the challenges to its governance that similarly plagued Dutch rule in Overmaas.

Within Overmaas, the disproportional significance of Maastricht also ensured that the degree of involvement by the institutions of the *Generaliteit* in this region was not

shared equally. In Maastricht, as in the sections of *Staats-Brabant* standing under the direct authority of the *Staten-Generaal* as Duke of Brabant, the provincial representatives in The Hague had the willingness and ability to interfere proactively in local affairs, as doing so was the most practical means of securing local interests. Here, central institutions of the Republic involved themselves in conflicts between local actors as more than just arbitrators and challenged the established *status quo* to pressure Liègeois influence out of the city gradually, turning its overwhelmingly Catholic population into increasingly loyal Dutch Catholic subjects, just like their coreligionists in Brabant. In Maastricht too, the *Generaliteit* stepped beyond its role as distant caretaker of the *Generaliteitslanden* and became an increasingly present and formidable actor in local governance. This newfound influence only extended noticeably beyond the city's walls, however, when jurisdictional questions over the surrounding countryside involved arguments touching on Dutch rule over Maastricht, or if the leveraging of the considerable military power concentrated in the city provided an easy response to claims made against Dutch authority in the surrounding countryside.

The lands along the Meuse river valley therefore fit the pattern seen in the other *Generaliteitslanden*. In each of these regions, the primary aim of the provincial representatives was to secure their position at the top of regional and local governing structures frequently inherited from previous rulers and to protect those structures, as well as the borderlands' function as a military buffer, by fostering stability while otherwise seeking as little involvement in borderland affairs as possible. Only in the regions where active involvement and the upsetting of the established order proved the most practical means by which these interests could be achieved - be it because of a relative lack of local opposition to those measures, the availability of opportunities for their effective execution, or because of the vital interests they protected - was such engagement pursued. As such, where the *Meierij* and Maastricht saw direct involvement in their governance by the institutions of the *Generaliteit*, authority that became self-perpetuating as those bodies became - deliberately or inadvertently - involved increasingly in local affairs, *Staats-Vlaanderen*, the lands of Overmaas, western *Staats-Brabant*, and especially *Staats-Opper-Gelre* did not see the same degree of involvement, allowing them to remain hidden within

the shadows of the frontier, from the perspective of the statesmen in The Hague, as long as they remained in Dutch hands.

Where the scattered borderlands in the south-east of the Republic notably differed from the other *Generaliteitslanden*, however, was the nature of the crises faced by the High and Mighty Lords and their *griffier*, as well as the means by which they were addressed. Matters in Flanders were concentrated almost solely on the line that marked the state border and were addressed with arguments of territorial sovereignty, whereas cases in Brabant focused mostly on reforming financial and religious structures to foster stability. In Overmaas, however, neither the territorial integrity of the state nor administrative reform stood out as the primary focus for the *Generaliteit*. Rather, the provinces collectively donned the mantle of the Duke of Brabant, more so than they did in *Staats-Brabant* itself, building on the Fagels' expertise to navigate the region's labyrinth of jurisdictional claims to authority in order to ensure that their practical interests were secured.

The lack of emphasis on a model of territorially based state sovereignty in *Staats-Overmaas* and on bureaucratic incorporation within the Dutch state did not result from a lack of ability by the bodies of the *Generaliteit* to make their authority felt in the distant frontier. On the contrary, the Fagel archival documents demonstrate that the statesmen in The Hague were more willing to provoke crises in Maastricht and its surroundings than elsewhere, as well as to rely on aggressive negotiation tactics and to crack down effectively on matters with the threat or use of force provided by the Maastricht garrison; measures akin to the tactics employed against the Republic in the Flemish *limietscheiding* controversy. Indeed, in contrast to *Staats-Brabant*, where involvement in local affairs was mostly pursued to keep the region at arm's length and inadvertently led to greater responsibilities, the approach of the Republic's central institutions towards Maastricht suggests that their expanding authority and involvement in local affairs was pursued deliberately and effectively. Matters were not arranged along state lines because doing so would have been highly impractical in securing local aims. Engagement with the region's emphasis on jurisdictional authority backed up by force and aggressive negotiation tactics proved the most effective tool for the provincial representatives to secure their interests. The Dutch

state therefore managed to extend its practical authority over select portions of this distant frontier by negotiation within existing structures, by establishing itself as a prominent local military actor, by relying on the power and weight of precedent, and ultimately by establishing precedent through careful record keeping and usage in support of its claims by the ever-assiduous *griffiers*.

Chapter VII. Generalising the *Generaliteitslanden*

Local particularism formed the cornerstone of the Dutch Republic's governance. Having established, through the Union of Utrecht, a political structure intended to be resistant to the centralising tendencies pursued by the region's earlier Habsburg rulers, the *regenten* of the towns and rural districts represented in the provinces protected their direct interests against external interference. The result was a strongly decentralised state, and a state that was strongest while decentralised, as it saw the active involvement of local elites in the dealings of national institutions, rather than contending with them. Negotiation and compromise projected from the local to the regional, and from the regional to the national levels – while remaining within the same ruling stratum of society - determined Dutch state policy. The central institutions of the state were not autonomous bodies, but rather formed a forum for the representatives of the seven united provinces to interact with one another and to reach common decisions. Nevertheless, this confederation of autonomous provinces collectively ruled a set of territories that comprised roughly a quarter of the Republic's European lands. Due to their nature as borderlands, the *Generaliteitslanden* confronted the representatives in the *Generaliteit* with an extensive, complex, and varied set of challenges to overcome in order to realise their primary aims in these regions.

The governance of the *Generaliteitslanden* was certainly not the only competency of the bodies forming the *Generaliteit*, but it was unique in that it was a major policy area in which the creation and execution of said policy remained firmly within the central governing structures of the state. As Marjolein 'T Hart demonstrated, the Republic's armed forces stood under centralised command and were financed by provincial contributions to the *Generaliteit* via a quota system, but the financial structures developed to support the army remained entrenched at the regional level, rather than the state level, and provinces provided their own regiments rather than providing men and resources to a common state army. Similarly, the collection of customs remained a major competency and key source of revenue of the central governing institutions, but in practice, the *Admiraliteiten* tasked with

the collection of customs dues were caught up in inter-provincial and city rivalry, taking on a decentralised character over which the *Generaliteit* had little influence.¹ The governance of the *Generaliteitslanden* does not fit this pattern. While individual provinces would occasionally become involved with affairs in the borderlands – most notably in the case of Zeeland’s *Committimus* in *Staats-Vlaanderen* – governing these regions through administrative structures decentralised between the provinces was ultimately an ineffective means to achieve the primary aims of the provincial *regenten*.

To realise the diverse aims of the ruling elites within the provinces, the *Raad van State* was left in charge of the day-to-day governance of the *Generaliteitslanden*, though cases could be brought before the *Staten-Generaal*, either by the *Raad*, foreign or domestic envoys, or by state or local actors within the borderlands. While borderland governance had been delegated by the individual provinces to the *Staten-Generaal* and its subsidiary bodies, these institutions remained a sum of their parts, being subject to the same lengthy procedure of negotiation, consultation, and compromise that determined policy within the provinces. Within this web of diverse institutions and interests, the Fagel *griffiers* formed an essential point of information and coordination between different state, regional, local, and foreign actors. They could use their unequalled network – as prominent members of the *regent class* - and access to information, along with their leverage of formal powers and informal influence, to inform, advise, and occasionally steer the implementation of cases that proved too complex, controversial, or extraordinary for the Republic’s regular administration. They navigated the decentralised bureaucratic structure of the Republic, giving the provincial delegates in the *Staten-Generaal* an effective tool to facilitate a uniform response on matters in which a uniform approach was most desired. This task was readily carried out by the Fagels, whose informing on, advising on, and occasionally handling of sensitive and complex issues behind the scenes – and the sober representation of those matters in their archives - secured for them a long, prestigious, and lucrative tenure at the pinnacle of the Republic’s social hierarchy. The Fagel archival material - while

¹ See the discussion of ‘T Hart’s views on the functioning of the Dutch state in chapter two, as well as the overview of the *Admiraliteiten* in chapter one.

not a complete overview of the *Generaliteitslanden*'s governance - therefore resembles a unified Dutch state policy towards its borderlands most effectively, addressing those issues which challenged the interests of its ruling elite in these regions to the greatest extent. Furthermore, the archives also indicate what those interests were, as conflicts and contradictions could well remain hidden in the frontier beyond the sight of the statesmen in The Hague if they did not care to look.

The portrayal of the *Generaliteitslanden* in the Fagel archival documents reveals how newly acquired territories and their elites maintained different types of relationships with the institutions of the state, largely maintaining pre-existing governing structures but realigning them to their new sovereign. Indeed, in each of the *Generaliteitslanden*, administrative continuity with the Southern Netherlands remained evident. The terms on which the Republic had acquired its various borderlands stipulated that existing privileges would be upheld, and as such, their institutions were maintained. Bodies like the *Hof van Gelre te Venlo*, the *Raad van Vlaanderen*, and most notably the *Raad van Brabant* were either inherited from the regions' former administration or modelled directly on institutions existing in these territories before their acquisition by the Republic. They took on a Dutch character, however, no longer answering to the government in Brussels but to their new sovereigns in the *Staten-Generaal*. While this shift in allegiances inevitably impacted the conditions under which these institutions functioned, with the *Raad van Brabant*, for example, repeatedly being reined in by the other bodies of the *Generaliteit*, the core principles and structure of their functioning remained unaltered.

The continuity of pre-existing administrative structures did not result from a lack of ability by the ruling elite in The Hague to make these regions 'Dutch' or an integral part of the state. Indeed, determining what 'Dutch' was would have been particularly difficult in a time when the 'imagined communities' of nations were not yet defined by state borders and when administrative practices varied considerably across the strongly heterogeneous provinces.² Regarding early modern governance through such ideological lenses, as a process of state 'building' that was actively pursued with a clear end goal in mind, is

² See the discussion of the Benedict Anderson's idea of 'imagined communities' in chapter two.

counterproductive and outdated. The more evident driver of early modern administration was short-term pragmatism. It was an equilibrium established between all aspects of society that could influence policy, with each individual and institution – both among the rulers and the ruled - pursuing certain aims and intending to achieve them with the investment of as little time and resources possible.

For the members of the diverse provincial *regent* class influencing the *Generaliteit's* policies, there was rarely anything pragmatic about disturbing the *status quo* in the *Generaliteitslanden* to align those regions more closely with practices and customs north of the great rivers, or to expand their collective authority in the borderlands through the central institutions. These regions best served the interests of the ruling class of the Republic as military borderlands that sustained themselves through their tax revenue, providing security with little investment. Including these territories as integral members of the union of provinces would only jeopardise their preservation as a military buffer, whereas greater state involvement would only serve to expand the responsibilities and costs of administration for the seven provinces. The system that was already in place worked well enough, and as such, the most effective policy was to maintain it. Two main considerations therefore came to determine the *Generaliteit's* policies towards its borderlands. Firstly, since the established administrative structures of the *Generaliteitslanden* secured the primary interests of the Republic's ruling elite, a key objective was to remain at the pinnacle of those hierarchies. As such, foreign claims to Dutch sovereignty in all shapes and forms usually triggered an uncompromising response from the institutions of the state. Secondly, threats to the stability of the *status quo* could also come from domestic actors, and as such, bodies within the *Generaliteit* would frequently act as arbiters between two feuding parties to restore order or intervene in and reform local governance to resolve or prevent major crises.

The emphasis on maintaining stability and the *status quo* was convenient for the statesmen in The Hague, as it generally required little investment of effort and resources, while also being acceptable to those they were trying to govern. After all, preserving established administrative structures within the borderlands also protected the rights and

privileges of social elites already existing within those systems, making the acceptance of Dutch state authority significantly more viable.

Instead of abolishing city privileges, sidelining feudal institutions, contending with powerful lords, and initiating widespread bureaucratic reform, the representatives within the institutions of the *Generaliteit* therefore took a largely reactive approach to borderland affairs, leaving day-to-day administration in the hands of lords and local city and urban councils, under the supervision of the *Raad van State* and other bodies such as the *Leen- en Tolkamer* of 's-Hertogenbosch. Only in cases of serious disputes or crises would the institutions of the state intervene to restore order or their claim to authority. In doing so, however, the High and Mighty Lords - and their *griffier* who reviewed these cases - encountered a wide variety of challenges to their authority and to the stability they intended to maintain. Despite their common Habsburg and Burgundian heritage, the separate territories that made up the *Generaliteitslanden* were markedly different when it came to the conditions they presented for centralised governance. In part, this diversion can be ascribed to the fact that the administration of the Habsburg Netherlands was not homogenous either, with different borderlands inheriting varying institutions and administrative practices. More generally, however, these regions existed under disparate economic, social, geographic, and political conditions, which determined to a significant extent the types of issues faced by the *Generaliteit*, as well as the measures taken in response.

Staats-Brabant was relatively large and contiguous. It encompassed the bulk of the *Generaliteitslanden*'s population and tax base, as well as most of its fortifications, giving it a particular significance to those determining policy in The Hague. Simultaneously, however, the actors within the *Generaliteit* faced resistance from powerful lords, privileged cities, uncooperative Catholic institutions, exploitative *regenten*, and a population burdened by the weight of prolonged warfare. While few cases in the *griffiersarchief* documents indicate foreign challenges to the Republic's sovereignty over *Staats-Brabant*, as they would do in most of the other borderlands, domestic affairs in this region could destabilise state authority to a significantly greater extent than in the other *Generaliteitslanden*. As such,

Staats-Brabant offered the most incentive for involvement in and reform of local governance by the actors within the *Generaliteit*, while simultaneously presenting some of the greatest barriers to state interference.

In contrast to northern Brabant, *Staats-Vlaanderen* existed as a relatively small and narrow strip of land comprised mostly of polders, lacking any major cities, and waging a constant struggle with the water surrounding and traversing it. It also formed a major military buffer, however, particularly for the province of Zeeland; a defensive capacity that was primarily offered by the extensive fortifications and floodable lands along its border. Indeed, the 1715 Barrier Treaty expanded the Republic's borders in Flanders specifically to reinforce the Dutch system of fortifications. As such, the ensuing amalgamation of conflicts that would come to trouble the establishment of that state boundary with the Austrian Netherlands is indicated by the Fagel archives as a far greater point of concern for the provincial *regenten* regarding this region than involvement in the specifics of local governance. Furthermore, these clashes over territorial authority were aggravated by the region's inconsistent geography. Waterways, as well as the dikes, sluices, and dams built to keep the water at bay, had a contradictory impact on concepts of territoriality. They served as tangible geographic boundaries between communities and were therefore also readily employed to mark limits of territorial authority. Simultaneously, however, waterways could shift, calling into question any political boundaries based on them, while also serving frequently as a connection between communities rather than merely as a boundary. The various geographical and geopolitical factors influencing the official demarcation between the two bordering states, then, was the key factor of governance that occupied the Fagels in this region, with all but one case in the *griffiersarchief* section on *Staats-Vlaanderen* relating either directly to the border conflict or being significantly impacted by it.

Like *Staats-Vlaanderen*, the territories along the Meuse river valley provided few incentives for extensive involvement in local governance due to their small and peripheral nature. This factor serves to explain why *Staats-Opper-Gelre* was almost entirely overlooked in the records of the Fagel *griffiers*, with the region likely posing too few opportunities or risks to the interests of the Republic's ruling class to justify more active engagement with

the region's governance beyond its day-to-day administration by the *Raad van State*. In *Staats-Overmaas*, however, the major city of Maastricht formed an essential element of the Republic's southern defences, making its preservation and that of the lands on which it relied a common key objective for the provincial *regenten*. Here too, then, the basic protection of the state's authority became the primary focus. Unlike in Flanders, however, the scattered nature of the borderland ensured that thinking in terms of states, borders, and territorial authority was not always the most practical approach. The Fagel archival documents instead reflect a political arena in which counts, dukes, prince-bishops, and emperors leveraged claims of vassalage, links to courts of appeal, dependence on cities, and established privileges to secure their jurisdiction over communities, rather than over territory. Furthermore, the condominium status of Maastricht ensured that the protection of provincial interests could not purely be a matter of debates over sovereignty, but also required involvement in local governance, with the institutions of the state or its subsidiaries being able to gain or lose authority over the city by feuding with their Liègeois counterparts over their respective competencies within its administration. Indeed, where greater interference by the *Generaliteit* in Brabantine affairs was gradual and largely pursued to prevent more extensive involvement, the state institutions' approach towards Maastricht was considerably more aggressive, as they were seeking more competencies within the city actively to drive out their competitors, who formed the main destabilising factor for Dutch governance in the city.

Despite the wide array of challenges that the separate border regions posed for central governance, the approaches taken towards these issues by the institutions of the state, as viewed through the Fagels' archives, were pursued with very similar intentions; a sense of uniformity that rather counterintuitively stems from the wildly different solutions applied to resolve crises in the individual borderlands as pragmatically as possible. In Flanders, the controversies surrounding the *limietscheiding* – while often brought to light or initiated by local inhabitants or administrators – were addressed at the state level through diplomacy. Bi- and multilateral conferences, official treaties, and territorial maps were employed to mark the political border, with both sides leveraging their geopolitical and

geographical advantages to force a beneficial outcome. These concepts were abandoned, however, in Overmaas, the scattered nature of which made an emphasis on territory counterproductive and unsustainable. Here, conflicts of authority – which frequently involved the same two state actors as in Flanders – saw the High and Mighty Lords don the mantle of the Duke of Brabant, exerting their influence over local communities as their feudal lord. Encountering claims of vassalage, imperial protection, privilege, dependence, and rights of appeal, they responded by similarly engaging in jurisdictional arguments, rather than with claims of sovereign state territory; arguments backed up with the threat or use of force by the Maastricht garrison when that approach proved to be a more viable means of achieving the provinces' aims. In Maastricht itself, tactics were employed that were similarly used against the Republic in Flanders, with the more powerful of the two contending states leveraging their weight to question established agreements and customs to gradually push the other out.

Where the institutions of the state largely remained distant rulers vying primarily for sovereignty over established governing institutions in the other *Generaliteitslanden*, the High and Mighty Lords' approach to *Staats-Brabant*, and specifically to the *Meierij* of 's-Hertogenbosch, saw them involve themselves actively in local governance. In this region, resolving crises alone was not enough to ensure stable governance, both because some degree of active involvement was necessary to keep the powerful forces operating in this borderland in line, and because crises had greater potential than in the other borderlands to escalate out of control if left unaddressed. As such, the *Generaliteit* went beyond its reactive role, at times engaging decisively in local affairs and upending established systems of governance with administrative reforms to ensure that potential crises could not get out of hand. Here too, however, the guiding principle remained the re-establishment of the *status quo*. Spiralling economic decline was addressed with an ambitious relief plan involving considerable bureaucratisation and the dissenting regional Catholic church structure was reformed to act in line with the *Generaliteit*, but once those issues were sufficiently addressed to secure stability, they were not pursued any further. As such, the Catholic church retained an intact and protected, though limited, administrative structure in

the region, the cities continued to enjoy their privileges, the ducal institutions were maintained, and western *Staats-Brabant* - as well as many lordships in the east - remained firmly within the hands their powerful lords.

The responses to the varying types of crises emerging from the borderlands that threatened the interests of the Republic's ruling elite, then, were equally diverse, allowing each incident to be dealt with using the means that best fit the context in which it emerged. There was no sense of a single ideology guiding the governance of these regions beyond the drive to maintain the *status quo* - which itself was a practical consideration rather than an ideological driver - and certainly not of an imagined model of statehood that was to be built in the *Generaliteitslanden*. Indeed, a uniform response would almost certainly have been counterproductive. Reforming *Staats-Opper-Gelre's* local administration would have been just as fruitless for actors within the *Generaliteit* as leaving *Staats-Brabant* to its own devices would have been catastrophic. Marking and guarding territorial borders to reinforce claims in *Staats-Overmaas* would be untenable, while relying on arguments of jurisdiction alone to claim territories in the shifting Flemish landscape, instead of using cartographic evidence, would have left Habsburg diplomats unimpressed. While trends could develop over time, the central governance of the *Generaliteitslanden* is therefore best seen not as a chronological development pushing the state's administration as a whole in a certain direction, but rather as a response to varying and ever-changing conditions, leading to equally diverse results across the borderlands at different points in time.

It is appealing to view early modern governance through established models of statehood with fixed patterns or criteria, but while the Republic's governance did see occasional impulses for reform, neither the idea that state authority was the defining aspect of early modern governance, nor the ambition to establish such a system, fits the mindset of this period. The Republic's governance of the *Generaliteitslanden* saw state authority acting as only one of various overlapping layers of jurisdiction, and as such, state and non-state actors alike navigated the various opportunities and pitfalls that each different type of jurisdiction provided in order to best serve their interests. This trend is particularly evident when comparing the governance of the different *Generaliteitslanden*, but it is also

demonstrated by actors within each of these regions. As such, for example, envoy Loeff, representing the Grandmaster of the Teutonic Order in the Republic, defended the order's claims in *Staats-Overmaas* with arguments of established privileges and continuity with practices in Habsburg institutions across the border, while simultaneously casting aside a Habsburg ruling that went against the Order on the grounds that it was a foreign ruling and therefore not applicable within the Dutch state. Similarly, the Count of Heiden-Hompesch defended his claims over Stevensweert by citing a 1648 agreement, predating Dutch rule of the region, between his predecessor and the King of Spain, while simultaneously dismissing the town's concerns that it had paid too much in taxes ever since the Spanish army seized some of its land to build a fort by arguing that matters of taxation should only be traced back to the Republic's acquisition of *Staats-Opper-Gelre*.³ Perhaps the most spectacular interaction of different forms of jurisdiction referenced to defend the same case was initiated by the notaries of 's-Hertogenbosch in a conflict with the city's secretaries over their respective rights, which was brought before the *Staten-Generaal* in 1741. They argued that the 1629 capitulation of the city had established a contract between the state and the citizens born within its territory, in which those citizens exchanged their obedience for the protection of their basic rights and privileges by the state - a role for which the citizenry could hold the state accountable if it failed to fulfil it properly – thereby effectively protecting the city's established feudal privileges by delving into Enlightenment-era philosophy.⁴

The central institutions and networks of elites at the heart of the governing bodies of the state were therefore only one of many interconnected social and administrative layers defining early modern governance; one that could occasionally exert influence but could not upend the established order without major repercussions. However, sporadic engagements by state institutions into borderland affairs could, over time, cement their involvement and responsibilities in local governance, whether that was intended by actors within those institutions or not. The documentation of cases in the Fagel archives –

³ For details on both of these cases, see chapter six.

⁴ [Memorie concerning the Rights of the 's-Hertogenbosch Notaries], [1741] (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-4.

particularly those that include a concluding resolution - show that matters of domestic governance were often resolved with a settlement acceptable to all sides and therefore maintaining stability. While these settlements did not always draw greater authority to the institutions of the state, they consequently refrained from relinquishing any control. As such, the *Staten-Generaal's* position as arbiter in crises arising from the *Generaliteitslanden* gradually reinforced its prominence in local governance, which in turn made it a more significant presence to take into account. This gradual expansion of state authority in local governance was amplified further in those instances where maintaining a reactive approach proved inadequate to preserve stability and more direct involvement and reform was pursued.

There are indicators in the cases addressed by the Fagels that the institutions of the *Generaliteit* did take on an increasingly central role in borderland affairs, making them both useful partners and formidable opponents for local actors. Where the *Staten-Generaal's* initial reforms of the Catholic church institutions in its borderlands were considered radical and unprecedented by Catholic society, for example, many of Maastricht's residents came to see the state's authority over religious affairs as a useful tool to counteract unfavourable decisions imposed on them through the cross-border network of Catholic institutions answering to the pope. A more notable example of expanding state significance in local governance is a case from 1757 concerning a conflict between *stadhouder* Juyn, the second-in-command of the *hoogschout* of 's-Hertogenbosch, and the city's *schepenen*. The latter informed the *Staten-Generaal* that Juyn was haphazardly arresting inhabitants of the city and surrounding villages without following proper procedure, including a Jewish family with two young children and seven prostitutes from the village of Vught. These arrests required legal examination by the *schepenen*, who refused to participate until they had seen incriminating evidence warranting the arrest of those captured by Juyn. Notably, the *schepenen* argued that events such as these could occur because there was no established legal code in the city after the general rejection in the Low Countries of Philip II of Spain's legislation on criminal cases following the 1576 Pacification of Ghent. While the city adopted several of the less controversial elements of the Habsburg laws in the years before

1757, as the *Raad van Brabant* based its actions on that legislation as well, the result had been notoriously inconsistent legal proceedings. The *schepenen* therefore turned to the *Staten-Generaal* to rectify the matter. Specifically, they argued that in cases such as these, it fell to the sovereign to state and impose the law so that subjects such as the *schepenen* and *stadhouder* Juyn had clear legal guidelines to follow in their local proceedings. As such, the city that had so vehemently defended its autonomy and privileges under Burgundian, Habsburg, and Dutch rule, invited the state institutions to cast aside its old customs and lay down the law.⁵

Cases such as these suggest that centralisation ultimately also came to mark the governance of the *Generaliteitslanden*, albeit to different extents within these regions. In areas where the actors within the *Generaliteit* had limited means to exert influence, as in western *Staats-Brabant*, few interests worth pursuing, as in the case of *Staats-Opper-Gelre*, or were primarily involved with defending their authority against rival claims rather than exerting it to rule over their territory and jurisdictions, as in *Staats-Vlaanderen* and *Staats-Overmaas* (excluding Maastricht), the impact of central involvement remained limited. Here, the institutions of the state primarily remained a distant sovereign; one of many jurisdictions that local inhabitants could adhere to while bringing little in the way of change to the day-to-day governance of these regions. In those areas where active intervention in local governance was necessary to maintain the provincial *regenten's* interests, however, as was the case in the *Meierij* of 's-Hertogenbosch and in Maastricht, the institutions of the state ultimately became invested in those affairs. As such, while intervention in the Catholic church's administration may only have been intended to position the *Generaliteit* at the top of its hierarchy, it also ensured that it became involved in conflicts concerning the appointment of priests and Catholic officials. Similarly, relief efforts were pursued with the intention of preventing economic calamity, but they were addressed to a considerable extent with bureaucratic reform and greater state involvement in local finances.

⁵ [Four Compiled Resolutions of the 's-Hertogenbosch Magistracy. Starts with: 11 July 1757], n.d. (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), p. 2; ['s-Hertogenbosch Schepenen Letter to the Staten-Generaal concerning Legal Abuses], 20 September 1757 (Nationaal Archief, Inventaris van het archief van de familie Fagel, 1.10.29, folder 1722), pp. 1-11.

In the regions where the institutions of the state intervened actively in local governance, then, the authority of the collective provinces was well on its way towards Immanuel Wallerstein's tipping point of state authority and may ultimately have reached it, with the state becoming an increasingly pivotal actor in local affairs; the pre-eminent layer of jurisdiction. These developments took place, however, under a specific set of conditions unique to (certain parts of) the individual borderlands, which collectively formed a unique setting for central governance within the Dutch Republic. It is therefore also necessary, here, to depart from broader theories on (Dutch) state formation such as those provided by 'T Hart, Jan Glete, and Charles Tilly.⁶ Each of these historians' findings is valuable and well-supported within the context of their respective research questions, but they are primarily focused on the structures that developed (or did not develop) at the core of the state, whereas the emphasis of this research is on the periphery. 'T Hart accurately pointed out that warfare and the financing of wars had a centrifugal impact on political authority within the confederated Dutch Republic by further entrenching it in the seven provinces, but her conclusion reveals little about the place of the *Generaliteitslanden* in that equation. A similar provincial focus lies at the core of Glete's analysis of the Dutch Republic, which he regarded as a highly successful example of a 'demand-driven' state because its local elites could negotiate state policy directly with one another rather than having to contend with sovereign state institutions. While this view provides a convincing narrative of Dutch state development through the lens of provincial autonomy, it too reveals little about the influence of the borderlands' elites, who did stand to gain from aligning with state institutions to serve their local interests, as Glete's theory suggested, but whose influence on national policy was ultimately strained by their jurisdictions' nature as conquered borderlands. Like Glete, Tilly also emphasizes the fact that different conditions led to varying paths of state formation and different forms of statehood – considerations that are certainly helpful when discussing regions as diverse as the *Generaliteitslanden* and the seven provinces that indirectly governed them – but his approach too explains primarily what happened at the core of the state rather than in the periphery.

⁶ See the discussion of these scholars' views in chapter two.

These broader models therefore cannot be applied with effect to explain the experience of the diverse *Generaliteitslanden*, which formed a sizeable but ultimately less significant – in terms of impact on the development of the Dutch state as a whole – element of the Republic, even though each of these approaches provide convincing theories of state formation. The Dutch borderlands form a unique setting in this regard, being an afterthought in most studies of the Dutch state's development due to their lack of influence at the national level, while simultaneously being the only territories that were governed directly by the Republic's central government. Scholarship describing (regions within) individual borderlands and their relationship with the institutions in The Hague provide more insight into what the experience was of governance by the *Generaliteit* in its frontier zones. Especially notable in this light is Lieuwe Lieuwes' analysis of Dutch rule over *Staats-Brabant*, which similarly points out the trend of administrative structures evolving to address practical concerns and of sporadic state intervention leading to the gradual entrenchment of state institutions in local affairs.⁷ Such analyses, however, only hold true in the specific regions that were studied, as the *Generaliteitslanden*, while sharing certain characteristics, cannot – contrary to what their name suggests – be generalized. As such, where analyses of the Dutch state or state formation as a whole tend to be too broad to account for the unique but marginal – compared to the provinces - position of the *Generaliteitslanden* within its administrative structure, studies of the individual frontier zones prove too narrow to fully describe the guiding principles and motivations of the Dutch state's governance of its borderlands.

The theories that prove most applicable to explain the *Generaliteit's* governance of its diverse borderlands are those of Harald Gustafsson and R. J. W. Evans.⁸ Each of the *Generaliteitslanden* was acquired by the Dutch Republic under different conditions and these regions continued to form a diverse frontier under Dutch rule. As such, the relationship between the institutions in the Hague on the one hand and borderland elites and society on the other adjusted to the specific circumstances in which the individual

⁷ See the discussion of Lieuwes' views in chapter three.

⁸ See the discussion of these scholars' views in chapter two.

Generaliteitslanden existed, as well as to distinctions existing within those territories. There was no common ideological driver between these region's governance by the *Generaliteit* other than the desire to maintain the status quo with the most practical means available within the different borderland settings. Dutch borderland governance was therefore shaped at the point where the willingness and ability of those wielding influence in the *Generaliteit* to reinforce their interests in a specific borderland met that of local and foreign actors invested in the same regions, forming an ever-evolving interaction of negotiation, forceful imposition, or non-intervention that was attuned to the specific conditions of the frontier in question. The Republic's governance of its diverse borderlands, then, fits Gustafsson's model of a conglomerate state, in which each territory enjoyed a different relationship with its ruler and where greater state presence could materialize through sporadic interventions if the conditions in the territory in question fostered such a development. Perhaps Dutch rule over the *Generaliteitslanden* is therefore also described effectively by the label applied by Evans to the Habsburg Monarchy: a mildly centripetal agglutination of bewilderingly heterogeneous elements.⁹

When observing state development in the Republic as a whole through the lens of the *Generaliteitslanden's* governance, it is evident that there was a centralising trend, albeit one that remained limited largely to greater state involvement in specific borderland regions. Despite occasional clashes between the provinces over borderland affairs, as in the case of Catharina Thiriart, or unilateral provincial interventions, such as Holland's conflict with Brabantine postmasters, borderland governance was the only major policy area of the *Generaliteit* that remained firmly in the hands of its institutions, rather than being decentralised between the provinces.¹⁰ The compromise of diverse interests held by the provincial *regenten* and reflected through the institutions of the state did not lead it to pursue centralising policies in the *Generaliteitslanden*. It did, however, occasionally entail greater state involvement to resolve or prevent a major disturbance of stability in the borderlands while consequently refraining from the delegation of power away from the

⁹ See quotation from Evans on p. 56.

¹⁰ For the case of Catharina Thiriart, see chapter six. For the case of interference by Holland's postmasters in *Staats-Brabant*, see chapter three.

state's authority. As such, the Republic's frontiers saw the gradual expansion of central authority over local affairs proportional to the degree to which the institutions of the state were willing and able to involve themselves in the practical governance of a region, rather than simply defending their position as the sovereign of the established local administrative structure. In turn, these developments reinforced several institutions and actors operating within the *Generaliteit*. Expanding competencies within the frontier reflected on the position of the *Staten-Generaal* and its subsidiary *Raad van State* among the seven provinces, as these bodies became increasingly essential elements of effective borderland governance. Similarly, it highlighted the significance of the Fagel *griffiers*, whose function as a powerful tool wielded by the provinces to facilitate a unified response to the crises emerging from the borderlands continued to play a major role as the *Generaliteit* became more deeply involved with local affairs in the *Generaliteitslanden*. Ultimately, however, this centralising trend remained localised within the administrative elements of the Dutch state devoted to borderland governance. It expanded the powers of several key figures and institutions representing central authority, but to an extent and in a policy field that was not significant enough to force a change in the Republic's structure or administrative practices as a whole. Decentralisation, negotiation, and compromise between local elites remained the defining aspects of the Republic's governance, but far to the south and beyond the great rivers, in isolated pockets of the distant and scattered borderlands, there did exist a centralised Dutch state.

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NOTE: Primary sources are not alphabetically organised but in order of appearance within their respective folder. Similarly, numbered primary sources are in order of appearance and are not organised chronologically. Page numbers are counted from the start of the piece and do not necessarily represent the numbers shown on the page, as these can be inconsistent (sources from the Archief Staten-Generaal use the page numbers shown in the digital copy). Primary sources that do not include a date on which they were written but do include a date on which they were received have the receipt date listed. Documents from the Archives of the *Staten-Generaal* and from the Hingman collection are ordered by folder number.

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