

State power and illicit sexuality: the persecution of sodomy in late medieval Bruges

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Abstract

With ninety executions of sodomites and a proportion of about 15% of all executions and bodily punishments relating to this offence, Burgundian Bruges (1385–1515) ranks among Europe's most important centres for the repression of sodomy, a mostly hidden aspect of its rich social history. If these figures allow a comparison of the northern commercial metropolis of the late middle ages with some better known Italian cities, such as Venice and Florence, the actions of the authorities charged with the organization of the repression give an insight into the ideological apparatus behind this repression. Bruges occupied a most important position both as an economic centre and as one of the big Flemish cities opposed to princely centralization. It therefore served on several occasions as the ideal setting for the manifestations of the Burgundian theatre-state. The exceptional repression against the illicit form of sexual behaviour par excellence may be linked with the need to control the city and impose state authority.

The study of marginal groups in the late medieval Low Countries is much neglected.¹ The issues of when, where and how homosexuals came to be marginalized, to be regarded as a danger to social order, have not been specifically investigated in this part of Europe. Compared to the Italian cities (and above all Florence and Venice) the highly

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urbanized regions of the Low Countries (Flanders, Brabant and Holland) have so far yielded only a few isolated cases. If, however, the stigmatization of groups, even their demonization, are seen as processes of control—as ways of instituting order in societies where traditional values and roles are eroding—the urban communities of the Low Countries should offer some striking examples.² Were they not, after all, societies in which social unrest erupted at a very early stage and the homes of radical political and social experiments which spread over North-Western Europe? In such a context, might we not expect to find the patterns of marginalization described by such scholars as Hergemöller in Germany?

When doing research on Bruges' elite during the Burgundian period—which runs roughly from 1384 to 1515—I came across some accounts of the bailiff of Bruges (called *schout* or *écoute*) in which I encountered a surprisingly high number of executions of what the sources typically called 'sodomites'. This led me to a systematic study of the persecution of sodomites in this city, which I offer as a starting point for further inquiry on 'sodomy' and the marginalization of homosexuals in general in the Burgundian Low Countries. I begin my account with some historical background on Bruges and then turn to the cases themselves. In my discussion, I also consider how the judicial treatises then current in the Low Countries constructed 'sodomy', the organization and forms of its suppression, the authorities who directed the judicial processes, and the language or discourse of sexuality employed in my sources. Finally, I formulate some tentative conclusions which I hope may serve as an hypothesis for further research.

A city and its reputation

Urbanization in the Low Countries had developed most intensely in the old counties of Flanders and Holland, where 36% (Flanders) to 45% (Holland) of the inhabitants were city dwellers. The largest cities (by medieval standards), such as Ghent (c. 64,000 inhabitants) and Bruges (c. 46,000), were found only in the county of Flanders; cities of the next rank (with more than 20,000 inhabitants) included such commercial and administrative centres as Amiens, Brussels, Antwerp and Liège. Cities with between 10,000 and 20,000 inhabitants, such as Dordrecht, Douai, Leiden, Mechelen, 's-Hertogenbosch, Leuven, Haarlem, Delft, belonged to networks dominated by the larger cities, which typically controlled access to long-distance markets. In Flanders, however, no such networks existed because Ghent and Bruges, the giants of the age, blocked their development.

These two great cities had a distinct socio-economic character. Bruges was an early and most important centre of commerce, and in the period of concern here, was the host to important Italian, German, Spanish, Portuguese and British trade colonies. It was one of Europe's most important centres, north of the Alps, for financial transactions and was

² I refer generally to the theories concerning medieval marginal groups as formulated recently by B.-U. Hergemöller, 'Randgruppen der spätmittelalterlichen Gesellschaft. Einheit und Vielfalt', in: *Randgruppen der spätmittelalterlichen Gesellschaft. Ein Hand- und Studienbuch*, ed. B.-U. Hergemöller (Warendorf, 1990, a revised edition Warendorf, 1994), 24–50.

itself a leading producer of various commodities. High-quality drapery, although a significant source of income in the city, did not dominate as it did in Ghent, and was no longer the chief economic activity of the city. Bruges also hosted the full range of industrial and artisanal activities typical of a big medieval city, including a large number of luxury crafts, whose products not only found their way into the international commercial network, but also met the local demand generated by urban elites and occasionally resident princely courts.

From the twelfth century on, Bruges was one of the most important residences of princely power in the county of Flanders. Seat of the count's chancery, it became one of the principal residences of the counts of Flanders in the course of the fourteenth century, and after 1384 a home for the dukes of Burgundy when they were in their principalities in the Netherlands. Under Duke Philip the Good (1419–1469), when the core of the Burgundian state shifted definitely to the Netherlands, Bruges became the setting for some of the most important manifestations of the Burgundian theatre-state. In 1430 Philip, after having married Isabel of Portugal, established the Order of the Golden Fleece in Bruges. In 1468 his son, Charles the Bold, married Margaret of York in Bruges and in celebration mounted one of the era's most splendid displays of Burgundian and civic ceremony, involving the commercial and political elite of the city. Several high ranking Burgundian officials possessed palaces in the town, which enabled them to be in the presence of the prince or his family when they resided there and to keep in touch with the Italian moneylenders, whose role in financing Burgundian politics was extensive and essential. Meanwhile, however, several guild revolts of the period kept these organizations active in the political life of the cities and the county alike. Together with Ghent and Ypres, Bruges dominated the so-called college of the 'Three Members' of Flanders, which constituted the county's representative institutions. Visitors from abroad, such as the Spanish merchant Petro Tafur in 1438, were impressed by the wealth of the Bruges' elite—the court officials, the merchant and civic leaders of the city. He compared the city to Venice, not only for its canals, but for the libertine practices of its elite.³

Half a century later, in 1494, a certain Corneille Vander Poorten, native of Brussels, was executed in Tournai (a French enclave, today in the province of Hainaut in Belgium, and in the Middle Ages the see of the bishopric of which Bruges and Ghent were part). His execution and his confessions under torture a few days before were noted with much interest in Bruges.⁴ The city's aldermen even sent a delegation to witness the execution. Vander Poorten had been found guilty of several thefts, but in the course of the trial he had accused some of his former employers in Bruges *du dit vil et detestable criesme contre nature et que le dit pechié regnoit entre plusieurs au dit lieu de Bruges*, and it was this charge which so interested Bruges's municipal leaders. Corneille Vander Poorten had staged his attack well: the pamphlet in which he made his accusations

³ V. Vermeersch, 'Bruges, a European city in Flanders', in: *Bruges and Europe*, ed. V. Vermeersch (Antwerp, 1992) 14, 23–24.

⁴ What follows is based on the sentence and the confessions of Vander Poorten as registered in the 'Verluydboek' (register of criminal sentences of Bruges): Brugge, Stadsarchief (Municipal Archive of Bruges), series 192, No. 1 (Verluydboek 1490–1537), f10r–12r.

public had been attached, at some hour before early morning (*qu'il estoit temps obscur ... au lieu de la bourse en la dicte ville de Bruges*). *La Bourse*, the stock exchange, was right in the commercial heart of the town, amidst the Italian colonies. The Bruges aldermen—and so we may assume the whole elite of the town—reacted furiously. And with justice, for Vander Poorten had had not only his former employers in mind, but had indicted the whole community of Bruges: *que en la dicte ville de Bruges estoit grande sodomie regnant celeement et en publique*. His final confessions were—though interrogation and execution took place in Tournai—meticulously registered in the criminal register of Bruges. Understandably perhaps, even more care was lavished on the report that at the last moment Vander Poorten had withdrawn his accusations.⁵

The unmentionable vice

Philippe Wielant's (1441–1520) *Practijke criminele*, the standard treatise of criminal law and procedure in Burgundian Flanders, qualifies sodomy as a contranatural sin, to be penalized by death. For Wielant, sodomy includes masturbation, bestiality and homosexuality, but it is only the last two which should be punished by death by burning.⁶ The characterization of sodomy as a sin deserves closer attention, as it turns up again and again in the sources, all of them written by lay authorities. For Wielant and his contemporaries, sodomy, as a sin, was linked to *nefandum*—the unmentionable—a concept recently traced from its Judaeo-Christian origins by Jacques Chiffolleau. Even in that early period sodomy was labelled *nefandum* and by the tenth century it was connected with heresy; by Wielant's day, sodomy was associated with the crime of *lèse-majesté*. An important turning-point seems to have been the well known political trials of the beginning of the fourteenth century—epidemics as Chiffolleau characterizes them—such as the infamous case of the Templars.⁷

The crime of *lèse-majesté* is a twofold notion, as Wielant reminds us; one can commit a crime of *lèse-majesté* against the divine or against a secular majesty. It makes sodomy not only an offence against the divine order, but also against *la Chose Publique*, public order, the commonwealth. In other words, it threatens society, as it poses a threat to its fundamental order. Chiffolleau goes even further and suggests that the repression of crimes of *lèse-majesté* in the big Italian cities, where state-authority, majesty in a certain

⁵ Brugge, Stadsarchief, series 192, No. 1, f12r: *declaira en hault et en publique, present le peuple la estant en grant nombre, que a tort et contre raison il avoit chargé Rolland De Vos, Cornille Pieters et son frere du dit cas de sodomie et que jamais n'avoit sceu qu'ilz en fussent coupables et tost apres ces choses dites, il rechoit la mort*.

⁶ Ph. Wielant, *Corte instructie in materie criminele*, ed. J. Monballyu (Brussels, 1995), 91, 222. In this taxonomy of sodomy, Wielant seems to follow Thomas Aquinas, see: B.-U. Hergemöller, 'Sodomiter. Schuldzuschreibungen und Repressionsformen im späten Mittelalter', in: *Randgruppen der spätmittelalterlichen Gesellschaft*, ed. B.-U. Hergemöller (Warendorf, 1990), 319.

⁷ J. Chiffolleau, 'Dire l'indicible. Remarques sur la catégorie du *nefandum* du XIIe au XVe siècle', *Annales. economies, sociétés, civilisations*, 45 (1990), 295–296, 304.

sense, had great difficulties establishing itself, provides a context for interpreting the remarkable effort put into the repression of sodomy.⁸

It will be productive to consider the Bruges cases concerning sodomy from this point of view. As explained, Bruges was among the cities in the Burgundian Netherlands where opposition against statemaking and centralization was strongest. As the sources which inform us about sodomy were all written by representatives of elites, they use a vocabulary shaped by the norms by which these elites (urban and central) lived. It will therefore be of much interest to look more closely at the authorities involved in the repression and judging of sodomites.

The norms and the sanctions

The sanction imposed for sodomy corresponded to the perceived nature of the crime: death by burning, the fire symbolising the ultimate attempt to purify heretics.⁹ Sodomites in Bruges, as elsewhere in this period, were often called *bougres* a word derived from 'Bulgars', as associated with heretics and Manicheans.¹⁰ Although indebted to hegemonic ideas about Christian orthodoxy, the link established between sodomy and heresy was not unchanging, and a clear distinction should be made between the points of view taken by the Fathers and Church authorities before the thirteenth century and the norms imposed from the period of the so-called jurist popes from the thirteenth century on. John Boswell has developed this argument in detail; here I want simply to point out that by the end of the thirteenth century a series of Church councils had elaborated rules and canons which marked a growing hostility towards sodomy and an impulse to demonize the practice.¹¹

⁸ Chiffolleau, 'Dire l'indicible', 311. It is clear that this way of thinking is highly influenced by Michel Foucault, though his theses on the emergence and the importance of the sexual discourse should be chronologically adapted. For Foucault the seventeenth century witnessed the emergence of the *discours sexuel*, but it looks more and more—certainly with regards to homosexuality—that the late middle ages deserve closer attention. See also: B.-U. Hergemöller, 'Sodomiterverfolgung im christlichen Mittelalter. Diskussionsstand und Forschungsperspektiven', *Zeitschrift für Sexualforschung*, 2 (1989), 329–330, who draws attention to the judicial sources of the middle ages.

⁹ Ever since modern psychoanalysis fire (and dreams involving fire)—often fuelled by preachings on hell—has been strongly linked up with sexual impulses, see: J. Delumeau, *Le péché et la peur. La Culpabilisation en Occident (XIIIe–XVIIIe siècles)* (Paris, 1983) 423–424.

¹⁰ J. Chiffolleau, 'Dire l'indicible', 302, who refers to a study by M. Zerner, 'Du court moment où on appela les hérétiques des "bougres" et quelques déductions', *Cahiers de civilisations médiévales* (to appear). B.-U. Hergemöller, 'Sodomiter', 338.

¹¹ J. Boswell, *Christianity, social tolerance and homosexuality. Gay people in Western Europe from the beginning of the Christian era to the fourteenth century* (Chicago, London, 1980). One should, however, be critical about his thesis that the Church has evolved from a certain tolerance towards an ever growing intolerance in the later middle ages. Its attitude always was hostile; only the sanctions and repression it imposed have evolved. See the important remarks by J. Richards, *Sex, dissidence and damnation. Minority groups in the middle ages* (London, 1990), 132–149, and B.-U. Hergemöller, 'Sodomiterverfolgung', 319–327. References to ecclesiastical texts are given by: A. Gauthier, 'La sodomie dans le droit canonique médiéval', in: *L'érotisme au moyen âge. Etudes présentées au troisième colloque de l'Institut d'études médiévales* (Montréal, 3–4 avril 1976), ed. B. Roy (Montréal, 1977), 119–121.

The highest lay authorities were to continue and amplify this evolution. From the second half of the thirteenth century on, laws proclaimed by kings such as Edward I of England, Louis IX of France, or Alphonse X of Castile, made sodomy punishable by death. Both the intellectual and judicial apparatus, brought into play during the state trials of the beginning of the fourteenth century, employed this notion of sodomy (the Templars, Pope Boniface VIII, and Edward II of England).

From about this moment forward, the same norms begin to appear in urban legislation. The process started in Italy, as far as can be judged from available research. The influence of mendicant orders (Dominicans and Franciscans alike) was the key to this evolution, as some of their most influential members (Albertus Magnus and Thomas Aquinas) were among those responsible for the theological justification for a stronger repression.¹² In sermons by the members of mendicant orders, sodomy was associated with the action of the devil. In this matter, Mendicants, especially Dominicans, also had a decisive influence upon the Burgundian dynasty.¹³ However, investigation of a large collection of sermons from the Southern Low Countries—constituting the only available research in this domain—shows that, before the beginning of the fourteenth century, they contain no reference to the theme of sodomy.¹⁴

Famine, pestilence, warfare and other plagues which struck the western world during the fourteenth century enforced the opinion that they deserved punishment, like Sodom and Gomorrah had once deserved theirs. Sodomites were counted as one of the groups responsible for such disasters. In the case of Venice, for instance, it was the fear of the 'big wave' which accounts for the epidemic of persecution of sodomy.¹⁵

Outside Italy, suppression seems to have been the bailiwick of princely authorities and city magistrates intervened only as judges. Specific institutions, such as the *Collegium sodomiticarum* (established in Venice from 1418 on, replacing the Lords of the Night, *Signori di Notte*) or the *Ufficiali di Notte* active in Florence from 1432 on, are entirely absent from any town in the Low Countries.¹⁶ Only legal scholars have investigated sodomy in the Low Countries.¹⁷ They have regularly found that sodomy was to be

¹² Richards, *Sex, dissidence*, 145–148.

¹³ A.G. Jongkees, *Staat en kerk in Holland en Zeeland onder de Bourgondische hertogen 1425–1477* (Bijdragen van het Instituut voor middeleeuwse geschiedenis der Rijksuniversiteit te Utrecht, 21, Groningen, 1942), 110.

¹⁴ I thank Miss Martine De Reu who allowed me to consult her unpublished Ph.D. on the subject. There is, similarly, no mention of sodomy in the collection of all diplomatic and judicial texts written in medieval Dutch before 1300 (current research by Mrs Mieke Leroy).

¹⁵ E. Pavan, 'Polices de mœurs, société et politique à Venise à la fin du moyen âge', *Revue Historique*, 264 (1980), 274–275; G. Ruggiero, *The boundaries of Eros. Sex, crime and sexuality in Renaissance Venice* (New York, 1985), 109, 112–113; B.-U. Hergemöller, 'Sodomiter', 339.

¹⁶ On Venice: Pavan, 'Polices de mœurs', 266–270, on Florence: M.J. Rocke, 'Il controllo dell'omosessualità a Firenze nel XV secolo: gli *Ufficiali di Notte*', *Quaderni storici*, 66 (1987), 702–707. The Low Countries are indeed not mentioned in any recent synthesis on the subject, see: B.-U. Hergemöller, 'Homosexualität', *Lexikon des Mittelalters*, vol. 5 (Munich, 1990) col. 113–114, and his 'Sodomiter', 316–356.

¹⁷ Only legal historians have studied homosexuality in the medieval Low Countries so far, apart from a much contested Ph.D. focusing on the study of norms and mentality, presented in 1977 at the University of Utrecht: H.J. Kuster, *Over homoseksualiteit in middeleeuws West-Europa*. A recent survey is offered by G. Hekma, 'Snoeien in een wildernis van vormen. Een historiografisch overzicht van de geschiedenis van homosexualiteit', *Tijdschrift voor Sociale Geschiedenis*, 22 (1996), 205–224.

punished by the fiercest possible sanctions (death by burning).¹⁸ The few case studies available suggest, however, that the numbers of sodomites in this repression were relatively low. The city and judicial district (*ammanie*) of Brussels occupies the first place: 26 persons were found guilty of sodomy (and were executed) during the fifteenth century, but only 7 in the sixteenth century; thereafter none was registered.¹⁹ In Utrecht among 210 condemnations for sexual abuses only 9 (or 4.3%) were punished by death or by corporal mutilation; among them only 4 were related to sodomy, and all died at the stake. In late medieval Amsterdam, sodomites do not appear at all in criminal registers.²⁰ Elsewhere isolated cases are sometimes reported, as in Middelburg in 1492.²¹ The county of Holland, more precisely the region around Leiden, witnessed a short but intense wave of persecution of sodomites in 1454.²² In Ghent, by far the biggest city of the Burgundian Netherlands, several cases of sodomy were found in the course of a systematic study of criminalized sexual behaviour and forced marriages.²³ The number, however, is low: 8 executions (among them 3 women) during the whole of the fifteenth century and 7 cases which ended, after interrogation, in a fine paid to the bailiff.

One of these Ghent cases was remanded to the ecclesiastical court in Tournai (by the bishop's official). Yet surprisingly few such cases turn up in ecclesiastical records. Though nearly all sources qualify sodomy as sin, the role of ecclesiastical courts, otherwise very active in the field of adultery and other sexual offences related to

¹⁸ See the overall synthesis on Flemish criminal law by R.C. Van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw* (Verhandelingen van de Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België, Klasse der Letteren, 16, No. 19, Brussels, 1954), 107–108, who links sodomy and bestiality and refers to the widespread use of the notion of *boughernie* until the beginning of the fourteenth century.

¹⁹ F. Vanhemelryck, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het Ancien Regime (1404–1789)* (Verhandelingen van de Koninklijke Academie voor Wetenschappen, Letteren en Schone Kunsten van België, Klasse der Letteren, 43, No. 97, Brussel, 1981), 159–160.

²⁰ D.A. Berents, 'Galg en rad: 'wrede straffen' in laat-middeleeuws Utrecht', in: *Misdaad, zoen en straf. Aspecten van de middeleeuwse strafrechtsgeschiedenis in de Nederlanden*, ed. H.A. Diederiks and H.W. Roodenburg (Hilversum, 1991), 90–91; J. Boomgaard, 'Het Amsterdamse criminaliteitspatroon in de late middeleeuwen', in: *Misdaad, zoen en straf*, 111–112: in Amsterdam, the judging of sodomy was reserved to the comital court of Holland (in the Hague), where not a single case was to be found in its registers. Out of 2798 crimes, abuses linked to sexuality occur in only 42 cases: J. Boomgaard, *Misdaad en straf in Amsterdam. Een onderzoek naar de strafrechtspleging van de Amsterdamse schepenenbank 1490–1552* (Zwolle, 1992), 123, 128.

²¹ J.J. Van Moolenbroek, 'Seksuele onthouding als norm en waarde in laatmiddeleeuws Nederland. Verkenningen in officiële en niet-officiële cultuur', in: *In de schaduw van de eeuwigheid. Tien studies over religie en samenleving in laatmiddeleeuws Nederland aangeboden aan prof. dr. A.H. Bredero*, ed. N. Lettinck and J.J. Van Moolenbroek (Utrecht, 1986), 119.

²² Jongkees, *Staat en kerk*, 111–112 and 131.

²³ Research based mainly on the accounts of the bailiffs of Ghent (comital officers charged with the prosecution and execution of criminals), for which partial results have been published: M. Boone, Th. de Hemptinne and W. Prevenier, 'Fictie en historische realiteit. Colijn van Rijseles 'De spiegel der minnen', ook een spiegel van sociale spanningen in de Nederlanden der late middeleeuwen?' *Jaarboek 1984, XXXIV (deuxième série, 26) van de koninklijke soevereine hoofdkamer van retorica 'De Fontaine' te Gent. Acten van het colloquium 'Liefde en fortuna in de Nederlandse letteren van de late middeleeuwen'* (Gent, 23–24 nov. 1982), 9–33 (reedited in the series *Studia historica Gandensia*, No. 263, Gent, 1985). W. Prevenier and Th. de Hemptinne, 'Ehe in der Gesellschaft des Mittelalters', *Lexikon des Mittelalters*, vol. 3 (Munich, 1986), col. 1635–1640.

marriage, is limited in these cases. The accounts of the bishop of Tournai's judges, the Official, between 1429 and 1481, offer only two examples of accusations of sodomy, and both of the accused seemed to have been members of the clergy.²⁴

Similar opinions and norms are to be found in literature. When an author of a treatise on different forms of love, Dirk Potter, official of the count of Holland in the first half of the fifteenth century and sometime bailiff of the Hague, gave in his *der minnen loep* (the course of love) an appreciation of homosexual love, he not only condemned it—which was more or less normal, given the prevailing values—but he linked it very explicitly with Italians. During the years 1411–1412 Potter had been on mission to Rome, from which city he returned obviously disgusted by what he characterized as the sodomy practised by Italian men.²⁵ An allegorical poem from the fourteenth-century Bruges poet Jan Praet also contains a moral condemnation of what may be interpreted as sodomy.²⁶ This last piece of poetry leads us back to Bruges. The accusations formulated by Corneille Vander Poorten in his pamphlet of 1494 and the turmoil it provoked in Bruges become even more intriguing in the context of these norms.

The Bruges sodomites: statistical and typological approach

Two different kinds of sources are available to measure the extent of accusations of sodomy in Burgundian Bruges. First, the *Verluydboek*, which provided us with the story of Corneille Vander Poorten's execution in Tournai. It contains all confessions and criminal condemnations which could lead to death sentences or corporal punishment, as promulgated by the city's aldermen. It is, regrettably, available only from 1490 on.²⁷ Nevertheless, Table 1 gives an overview of the different types of crimes punished in Bruges between 1490 and 1515 (the end of the period being studied).

In the relatively short period of 25 years, Bruges recorded 21 condemnations and executions for sodomy, a surprisingly high number. Since the severe punishments

²⁴ One of these cases concerned Bruges, the other one Ghent: M. Vleeschouwers-Van Melkebeek, *Compotus sigilliferi curie Tornacensis. Rekeningen van de officialiteit van Doornik. Eerste deel: 1429–1481*, (Brussels, Royal Commission of History, 1995), II, no. 8369; *Dominus Adrianus De Clerc, presbiter, pro nunnulis contactibus vilibus et inhonestis cum quodam Cornelio ex post pro crimine sodomitico Brugis combusto, tempore adolescentie ipsi domini Adriani commissis, et passis, condemnatus (...) ad viagium Beati Jacobi de Compostella*.

²⁵ On Potter and his treatise: F.P. Van Oostrom, *Court and culture. Dutch literature, 1350–1450* (Berkeley, 1992), 225–268. The text in question: D. Potter, *Der minnen loep*, ed. P. Leendertz, vol. 3 (Leiden, 1846), verses 98–150. When dealing with a typology of illicit forms of love, Potter echoes the convictions of Saint Thomas, as does Wielant later on: A.M.J. Van Buuren, *Der minnen loep van Dirck Potter. Studie over een middelnederlandse Ars Amandi* (Utrecht, 1979), 168–169.

²⁶ See the edition: J.-H. Bormans, *Speghel der wijsheit of leeringhe der zalichede van Jan Praet, Westvlaemschen dichter van't einde der XIIIe eeuw* (Brussel, 1872), 128. A recent study on the author and the chronology of the work is provided by J. Reynaert, *Jan Praets Parlement van Omoed ende Hoeverdije. Met een inleiding tot de "Speghel der wijsheit"* (Nijmegen, 1983), 78–79 (text).

²⁷ It is the only type of source concerning criminal justice which was preserved in Bruges: A. Vandewalle, *Beknopte inventaris van het Stadsarchief van Brugge. Deel I: oud archief* (Brugge, 1979), 91.

Table 1. Bruges, 1490–1515: executions and bodily punishments pro type of crime. Source: Brugge, Stadsarchief, series 192, No. 1 (*Verluydboek* 1490–1537)

| | Total | % | Corporal punishment | | Executions | |
|--------------------|-------|-------|---------------------|------------|------------|------------|
| | | | Total | Foreigners | Total | Foreigners |
| Theft | 63 | 46.3 | 33 | 18 | 30 | 22 |
| Sodomy | 21 | 15.4 | 5 | 1 | 16 | 6 |
| Homicide | 12 | 8.8 | 0 | 0 | 12 | 8 |
| Fraud | 7 | 5.2 | 7 | 6 | 0 | 0 |
| Rape | 6 | 4.4 | 0 | 0 | 6 | 4 |
| Prostitution | 4 | 3.0 | 4 | 2 | 0 | 0 |
| Arson | 3 | 2.2 | 0 | 0 | 3 | 1 |
| Breaking of ban | 3 | 2.2 | 0 | 0 | 3 | 0 |
| Vagabondage | 3 | 2.2 | 3 | 3 | 0 | 0 |
| Threat of violence | 3 | 2.2 | 3 | 0 | 0 | 0 |
| Violence | 3 | 2.2 | 3 | 1 | 0 | 0 |
| Rebellion | 2 | 1.5 | 0 | 0 | 2 | 0 |
| False accusation | 2 | 1.5 | 2 | 0 | 0 | 0 |
| Criminal assault | 1 | 0.8 | 0 | 0 | 1 | 0 |
| Sexual abuse | 1 | 0.8 | 1 | 1 | 0 | 0 |
| Counterfeit | 1 | 0.8 | 0 | 0 | 1 | 1 |
| Blasphemy | 1 | 0.8 | 1 | 1 | 0 | 0 |
| Total | 136 | 100.3 | 62 | 33 | 74 | 42 |

required by law did not offer much possibility of escape, extenuating circumstances which might have rescued the accused from the stake did not count very much. The five cases in which corporal punishment prevailed over execution by fire included four women and a young boy.²⁸ Two of the women had their hair burned, were whipped in public, and were afterwards banned from the county of Flanders for 100 years; the two others—to judge from the diminutive attached to their Christian name, still minors—suffered even lesser punishments. The boy was whipped, had his hair burned, and was banned for 50 years. They were all judged guilty of ‘a certain kind of sodomy’ (*zekere specyen van der onnatuerlike zonde van zodomye*) not of the unmentionable vice itself.

In all other cases, 16 out of the 21 in the *Verluydboek*, the text recording the registration and the sentence is extremely cryptic. The detailed description available in the case of Corneille Vander Poorten’s confessions is a rare exception to this, the more typical pattern. Overall, the brevity of the entries suggests that the officials were reluctant to discuss in detail so loathsome a crime as sodomy and preferred to move as quickly as possible from there to other criminal cases. It is difficult, at least at first sight, to imagine a greater contrast with the situation in Venice, where the records provide an

²⁸ Brugge, Stadsarchief series 192, No. 1, f. 47v (Hannekin Roussee: condemned on 8 January 1508 n.s.), f. 81r-v (Martine Van Keyschote daughter of Adrien, Jeanne Vanden Steene daughter of Jean, Grietkin Van Bornele daughter of Pierre et Grietkin Van Assele daughter of Guillaume, condemned together on 10 June 1514). Concerning the girls, also the account of bailiff Philippe Pinnoc, ending on 15 July 1514: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13783 (non folié).

abundant *discours sexuel* concerning sodomites.²⁹ Whether this means that the whole process of investigation in the Low Countries, or at least in Bruges, was also limited and characterized by the same rapidity evident in the documents is, however, not certain. To help answer this question, let us turn to the second source available for the whole of this period—the bailiffs' accounts.

The accounts of the bailiffs offer information which appears even more concise. These officers of the count, who had been in existence since the twelfth century and replaced the old network of feudal castellans, were charged with prosecution of suspects, with their accusation before the aldermen and, finally, with execution of the sentences.³⁰ Three times a year they were obliged to present an account of their action in office before the Duke's Chamber of Account in Lille. With very few exceptions, all accounts have been preserved.³¹ This does not, however, imply that the accounts of the bailiff provide uniform information. Firstly, it was only from 1414 on that the bailiff made up separate accounts. Before that, his account was rendered with that of the Bailiff of the *Brugse Vrije* (the larger administrative district around Bruges). After 1414 the accounts of the bailiff of the city itself become more elaborate and offer much richer information. Secondly, the way the office was exploited changed considerably over time. From 1469, it was farmed out in exchange for a fixed yearly sum, which drove the bailiff to give priority to the prosecution of crimes which collected heavy fines and incurred few costs (thereby exempting prosecution of sodomites, for their executions were expensive).³² From 1473 on, it was no longer required that the bailiff justify all his expenditures.³³ For

²⁹ Hergemöller, 'Sodomiter', 334–337.

³⁰ The bailiffs (or *écouteurs* as they were called in certain towns, as in Bruges) are very well known, thanks to the research done by H. Nowe, *Les baillis comtaux de Flandre. Des origines à la fin du XIVe siècle* (Mémoires de l'Académie royale de Belgique, 2e s., 25, Brussel, 1928), 359–360, and J. Van Rompaey, *Het grafelijk baljuwsambt in Vlaanderen tijdens de Bourgondische periode* (Verhandelingen van de Koninklijke Vlaamse Academie voor wetenschappen, letteren en schone kunsten van België, Klasse der letteren, jg. 29, No. 62, Brussel, 1967), passim, 621 (list of *écouteurs* in Bruges).

³¹ A general survey: R.-H. Bautier, J. Sornay, F. Muret, *Les sources de l'histoire économique et sociale du moyen âge. Les états de la maison de Bourgogne. Vol. 1. Archives des principautés territoriales. Vol. 2. Les principautés du Nord* (Paris, 1984), 168–169. The accounts are presently kept either at the General Archives of the Realm (Algemeen Rijksarchief) in Brussels, or at the Departmental Archives in the Département du Nord in Lille (France). Editions are available only for the years of the big Ghent revolt (1379–1385): N. De Pauw, *Jehan Froissart's Cronyke van Vlaenderen getranslateert uuten Fransoyse in duytscher tale bij Gerijt Potter van der Loo in de XVe eeuw* (Gand, 1906), Vol. 2, 58–114. During these years the bailiff seems to have had eyes only for politically inspired repression, the impressive number of executions also concerned political opponents to ducal power. 'Normal' crimes stayed out of his attention.

³² Van Rompaey, *Het grafelijk baljuwsambt*, 383–384. From 1477 on the farming of judicial offices was given up, under pressure of the particularist reaction following the sudden death of Duke Charles the Bold: W.P. Blockmans, 'Breuk of continuïteit? De Vlaamse privileges van 1477 in het licht van het staatsvormingsproces', in: *1477. Le privilège général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas*, ed. W.P. Blockmans (Anciens pays et assemblées d'Etats 80, Courtrai, 1985), 115.

³³ *selon les condicions de ce bail d'office fait au dit messire Josse, mon dit seigneur le duc doit avoir sa somme, nette. Pour ces causes [les dépenses] soient royee*: Brussel, Algemeen Rijksarchief, Chamber of Accounts, No. 13780, f.18v.

Table 2. Bruges, 1385–1515, number of executions, fines and bodily punishments inflicted after accusations of sodomy (Sources: accounts of the bailiffs—*écoutètes*—of Bruges, see note 31)

| Years | Executions | Yearly average | Fines | Corporal punishment |
|-----------|------------|----------------|-------|---------------------|
| 1385–1400 | 2 | — | 0 | 0 |
| 1401–1425 | 17 | 0.68 | 1 | 0 |
| 1426–1450 | 7 | 0.28 | 0 | 0 |
| 1451–1475 | 32 | 1.28 | 1 | 1 |
| 1476–1500 | 17 | 0.68 | 1 | 3 |
| 1501–1515 | 15 | 1 | 0 | 5 |
| Total | 90 | — | 3 | 9 |

these reasons, it seems plausible to suspect that the information given by the accounts of the bailiffs represents the minimal level. The number of executions of sodomites remains nevertheless quite impressive, as shown in Table 2.

Before commenting upon these numbers, there is a question of terminology. Until 1450 the accounts of the bailiffs use the word *bouguerie*, *bugghernie*, but from 1450 on, only the word *sodomiens*. It is beyond doubt, however, given the identical punishment inflicted on both groups and the absence of details indicating bestiality, that in both cases homosexuality is the issue. Men and women are always mentioned separately; they are never accused of ‘sodomy’ practised by men and women together. The word ‘sodomite’ therefore is not used to describe a way of sexual intercourse considered to be against nature and hence as ‘sodomite’ (*a tergo* for instance).

What strikes us when considering Table 2, is of course the large number of executions, which grew considerably during the Burgundian period. Only during the second quarter of the fifteenth century was there a decline, when the bailiff’s attention was undoubtedly oriented towards the repression of political opponents, as this was the period of general revolt against Philip the Good (1436–1438).³⁴ A similar pattern occurred in early fifteenth-century Paris; there, judicial officers also paid less attention to sexual crimes as they dealt with critical political disturbances.³⁵ The same reason could well explain the slight fall in the numbers of convictions for sodomy in the years 1476–1500, a period of enormous political and military upheaval during the civil war against Maximilian of Austria (1482–1492). During the third quarter of the fifteenth century, in contrast, the number of executions grew. The increase was not the work of one over-zealous bailiff, since the office was held by several different men during these years. They all paid attention to the repression of the *très fort, vilain et detestable*

³⁴ See J.A. Van Houtte, *De geschiedenis van Brugge* (Tielt, 1982), 125–126. A general outline of this revolt in English is to be found in R. Vaughan, *Philip the Good. The apogee of Burgundy* (London, 1970), 73–92. Between 1436 and 1450 no case of sodomy was registered.

³⁵ Compare: W. Prevenier, ‘Violence against women in a medieval metropolis: Paris around 1400’, in: *Law, custom and the social fabric in medieval Europe. Essays in honor of Bryce Lyon*, ed. B. Bachrach and D. Nicholas (Kalamazoo, 1990), 267–268.

criesme et pechié de zodomie.³⁶ This very period, the third quarter of the fifteenth century, was, however, one of high living standards and similar purchasing power, which led the chronicler Philippe de Commines to characterize the Burgundian Netherlands as *terres de promission* (the beloved country). If one city ever deserved this epithet, it was Bruges: the commercial metropolis and the scene par excellence (in these very years) for the Burgundian theatre state.³⁷ Immigration also witnessed a boom in the years 1420–1470 in Bruges.³⁸ We are therefore dealing with a city to which many a newcomer was attracted, seduced by a more or less real reputation for wealth and well-being.

The number of foreigners among the accused, as already suggested in Table 1 which treated the years 1490–1515 (six out of 16 executed), should not be neglected. Eighteen out of a total of 90 executed, three on whom a fine was inflicted and nine others having had to undergo corporal punishment: roughly one out of five. A similar proportion was found for Venice.³⁹ Again one should be aware that, due to imperfect registration by the bailiff (in comparison to the *Verluydboek*), these are minima.⁴⁰ Most of the 18 foreigners came from the other principalities which made up the Burgundian Netherlands, a pattern paralleling immigration to Bruges itself in the late middle ages.⁴¹ Apart from the people from the Burgundian Netherlands, we find one German and a Greek among those accused and executed for sodomy.⁴² The Italians, though typically associated with sodomy and widely present among the merchants and bankers

³⁶ As formulated in the account of *écoute* Joos Van Varsenare for the years 1475–1476: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13780, f.59v. Between 1450 and 1475 four *écoute*s occupied the office, three of them belonged to old-established Bruges patriciate-families: Van Varsenare, Metteneye and Van Nieuwenhove.

³⁷ On the purchasing power (with a warning against too easy a generalisation): J.-P. Sosson, 'Corporation et paupérisme aux XIV^e et XV^e siècles. Le salariat du bâtiment en Flandre et en Brabant, et notamment à Bruges', *Tijdschrift voor geschiedenis*, 92 (1979), 557–575. A recent evaluation: R. Van Uytven, 'Splendour and wealth: art and economy in the Burgundian Netherlands', *Transactions of the Cambridge Bibliographical Society*, 10 (1992), 101–124.

³⁸ E. Thoen, 'Immigration to Bruges during the late middle ages', in: *Le migrazioni in Europa secc. XIII–XVIII. Atti della 25a settimana di Studi, Istituto F. Datini Prato* (Firenze, 1994), 337.

³⁹ E. Pavan, 'Polices de moeurs', 286.

⁴⁰ As an example: in 1493 the account of *écoute* Corneille Metteneye mentions the execution of *ung nommé Jeromme Lombart de Venise, du orrible et vilain pechié de sodomie* (Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13782, f.21v) to be identified, thanks to the *Verluydboek* with *Jheromme Andrea Bernuerdi van Venegen* (Brugge, Stadsarchief, series 192, No. 1, f.9v).

⁴¹ Three came from Brabant in 1455 (Lier, Malines and Mollem: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13775, f.69v–70r), another one in 1507 (born in Malines: Brugge, Stadsarchief, series 192, No. 1, f.47r), three sodomites came from Artois (Arras in 1403, Béthune in 1467–1468, Saint-Omer in 1508: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13682, f.16r, No. 13778, f.87v; Brugge, Stadsarchief, series 192, No. 1, f.47v), two came from Ghelderland (1505: Brugge, Stadsarchief, series 192, No. 1, f.38v). The Flemings came from Sluis (1407: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13684, f.51r), Ostend (1470: No. 13779, f.22v), twice from Wervik (1480–81: No. 13781, f. 31v–32r), once from Ypres (1507: Brugge, Stadsarchief, series 192, No. 1, f.47r).

⁴² Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13780, f. 19v (*Anthoine de Coulongne, lequel fut ars a une estaque comme sodomien*) and No. 13781, f.80r (*pour avoir brulé Jehan filz Jaques, natif de Grece, comme zodomien*).

at Bruges,⁴³ managed to a large extent to avoid persecution. Only one of them was executed, another one paid a heavy fine.⁴⁴ All this does not imply that the bailiff had no access to the Italian community in Bruges. On the contrary: on 30 October 1493 he not only executed *ung nommé Jeromme lombart de Venise* but ordered three other men, among them an Italian from Piemonte, to be tortured and whipped as well. It appeared the three had known of Jerome the Venetian's practices, but had not informed the bailiff; even worse, they had tried to blackmail Jerome.⁴⁵

This case suggests that the repression of sodomy in Bruges may have involved more than a quick judgement of cases, often ending with an execution, as the cryptic information in the *Verluydboek* and the accounts of the bailiff seems to suggest. The rare cases which ended with a fine paid to the authorities provide access to the way the ruling elites thought about sodomy and a means of reconstituting their *discours sexuel* (the sexual discourse).⁴⁶

Sodomy in Burgundian Bruges: sexual discourse and context of the wave of repression

Another case, one involving two women who tried to use an accusation of sodomy to get rid of their husbands, illustrates how firmly fears of sodomy had taken hold of the collective imagination in Bruges. This particular use of the *detestable crime* is not unique: both in Avignon and Venice women brought similar charges against their husbands.⁴⁷ Its appearance in these records proves, however, that this kind of accusation,

⁴³ See, with abundant references to existing literature: A. Vandewalle and N. Geirnaert, 'Bruges and Italy', in: *Bruges and Europe*, ed. V. Vermeersch (Antwerp, 1992), 183–193. In contrast to the Spaniards, the Italian colony in Bruges never really mixed with local society, though their number in the fifteenth century remained quite impressive. In the parade accompanying the Entree of Duke Philip the Good in 1440 40 Milanese, 40 Venetians, 36 Genoese, 22 Florentines, and 12 Luccans took part.

⁴⁴ In 1417 *Gilles Damerose, marchand de la marque d'Ancoenne* was accused of having seduced *ung jone valetton (...) du vilain cas, sans y avoir aultre chose fait*. The *écouteur* Louis Salart, unable to prove the case before the aldermen (*aussi estoit le dit marchand de bonne renommee*) accepted a 'composition' (a fine paid to him before the case was brought before the judges, so before there had been a proper sentence) of 200 *nobles d'or* or 675 *livres parisis* of Flanders: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13769, f.46r. This sum was equal to 1350 daily wages of a master craftsman in the building industry or 2700 daily wages of an assistant (about ten yearly wages), see: J.-P. Sosson, *Les travaux publics de la ville de Bruges XIVe–XVe siècles. Les matériaux. Les hommes* (Crédit communal de Belgique, coll. histoire, No. 48, s.l., 1977), 226.

⁴⁵ *pour avoir mis sur ung hourt et batu de vergues Colin de Elsene, Guillaume de Rucole, piemontois et Glaude Cardon, d'avoir sceu le dit pechié de sodomie avoir esté commis par le susdit Jeromme et ce sans le donner a coignoistre a la justice, mais que pis estoit en vouloient avoir sommes de deniers du dit Jeromme pour en oultre celer*: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13782, f.22r.

⁴⁶ The notion of *discours sexuel* is used in a sense given to it by Michel Foucault. See his *L'archéologie du savoir* (Paris, 1969), 31–54, especially 39–40, where he points out the fundamental difference to *l'histoire de la pensée*. Again one should warn against the thesis of Foucault who had dated the beginning of a *discours sexuel* in the seventeenth century. Another forerunner in this respect is: J.M.W. Van Ussel, *Geschiedenis van het seksuele probleem* (Amsterdam, 1978), 77.

⁴⁷ For Avignon, see: Hergemöller, 'Sodomiter', 323–325; for Venice: Ruggiero, *The boundaries*, 119.

once more or less reserved for kings, popes and Templars, had become available to common city dwellers. It was indeed in 1473–1474—simultaneity does not exclude imitation—that both Catherine, wife of the petty goods merchant Jehan Vander Leene, and Johanna, wife of Arnoulf Sey, were charged by the bailiff with having accused, unjustly it appeared, their respective husbands of having had sodomite relations.⁴⁸ In the latter case, the woman had to undergo public exposure for two days *sur le hourt a cause qu'elle accusa son dit mary du pechié de sodomie pour ce qu'elle l'avoit en grant haynne, cuidant par ce faire prendre par justice deshonnestement la vie de son dit mary*.⁴⁹ It is possible that the authorities' reaction was so violent in this particular case because in 1466, another member of the family, a certain Antoine Sey, had been executed as sodomite, along with two other men.⁵⁰

Their approach suggests that the authorities charged with the repression believed that a subculture, a network (criminal in their eyes) of homosexuals existed. The case of a certain Michiel Weyns, a pilot from Ostend, interrogated and tortured by the *écoutète* Jehan Van Nieuwenhove in 1469–1470, offers some more hints along this line. Weyns was charged with having tried to seduce a certain Thierry Dijcman *en une taverne en la ville de Bruges* with the goal of having homosexual intercourse with him. Despite the torture inflicted on him, Weyns admitted only to having caressed Dijcman, in the way he was accustomed to do, when he was in the bathhouse with men. In reading this text, one easily imagines the suggestive questions Weyns was asked. They make strangely explicit the so-called 'unmentionable vice'.⁵¹ Despite his confessions, the alderman did not judge the case of Weyns worthy of further pursuit, so the bailiff formulated some of the excuses he had used in a similar case—the man was already old, imprisoned and thus miserable—to impose in the name of the duke the huge fine (or 'composition') of 432

⁴⁸ Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13780, f.20r and 40r. In the case of Catherine, the bailiff noted: *par malice et grande haynne et enbye qu'elle avoit et portoit sur le dit son mary et pour destruire totalement son dit mary, elle avoit soupceonné son dit mary du peché et enorme cas de sodomie, disant assez en substance ces parolles cy ensuivant 'vous savez bien a quel cause que votre serviteur se tient hors du pays, vous et lui estes tous deux dignes d'estre brulez a une estaque'*. Her husband having been put into prison, she was extensively interrogated by the city's aldermen, after having mitigated her accusations (which concerned without doubt sodomy) she came away by paying a relatively modest fine of 24 pounds: *veu qu'elle estoit autrement femme de bonne fame et renommee, legiere de sens et qu'elle avoit dit les dites parolles a chaut sang a l'occasion des grandes rudesses et iniurieuses parolles que le dit son mary usoit journelement sur elle, comme la commune renommee estoit*.

⁴⁹ Brussel, Algemeen Rijksarchief, Chambers of Account No. 13780, f.40r: contrary to the case of Catherine, the account of the bailiff does not inform us on the broader context of this case. Only expenditure for the corporal punishment is recorded, but there is no information which allows us to determine who was telling the truth here or what were the relations between husband and wife.

⁵⁰ Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13778, f.55v.

⁵¹ The different questions put to Weyns may easily be discerned in the following text: *confessa que luy en buvant avecques icelluy Thiry tasta et prinst sa verge en sa main, lequell il confessa bien pareillement avoir fait avecq plusieurs hommes avecques qui il avoit esté aux estuves, sans riens autrement avoir meffait ou vouloir congnoistre*: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13779, f.22v.

pounds (the equivalent of 1728 day's wages of a journeyman in the building industry).⁵²

The sources mention the tavern and the bathhouse as the sites of assignation which are the typical loci for marginal people in the late middle ages.⁵³ An additional argument for the existence of a typical sodomite subculture may be found in the fact that the repression was aimed at a specific group, not only against individuals. Of the 90 executions, only 24 concerned individuals, all 66 other executions were group executions: seven times two sodomites together, five times three and four, once five and even on two occasions six together. In all these cases the bailiff seemed to have targeted the homosexual milieu as a whole, once he was convinced it existed and posed a threat to society.

Whether all this is sufficient to conclude that a gay community existed in late medieval Bruges is, however, quite another matter. Along with Hergemöller, I would like to emphasize that, although the essentialist approach to gay history, which postulates that a gay consciousness is not bound to any specific period, may contain valuable arguments, one should be cautious. Testimonies like Michiel Weyns (the man who described fondling another in the bathhouse as a perfectly normal practice) tend to make historians 'constructionist', who see a specific form of sexuality as the product of societal constructions.⁵⁴ Because we have no direct sources emanating from the Bruges homosexuals, we are condemned to reconstruct a possible practice of homosexuality from scattered pieces of information, such as judicial procedures, financial justification by the prosecutors and the like, which create the practice they were learning to fear and condemn.

The unmentionable vice was, however, not an accusation that in Burgundian Bruges was made only against marginalized outcasts. As in the fourteenth century, members of society's elite did not escape accusation and even execution.⁵⁵ The outstanding case in Bruges was brought against the knight John of Uutkerke, son of messire Roeland of Uutkerke, himself a knight of the first promotion of the Order of the Golden Fleece, chamberlain to Dukes John the Fearless and Philip the Good and governor (*Stadhouder*)

⁵² The account of the bailiff mentions explicitly that he consulted with the aldermen on this case: *lesquelz de la loy lui responderent qu'ilz ne trouverent le dit cas pas tel qu'ilz voudroient proceder a l'encontre du dit Michiel par justice. Ce consideré, le dit escoutette veu que le dit Michiel est ancien homme, autrement de bonne fame et renommee et qu'il avoit long temps esté ou dit prison en grant povreté et misere, le dit escoutette l'a laissé composer ou nom de mon dit seigneur a la priere de plusieurs bonne gens, ses parens et amis, pour mieulx faire que laisser, pour la somme de IIII' XXXII lb.*

⁵³ Known thanks to the work of B. Geremek, *Les marginaux parisiens aux XIVe et XVe siècles* (Paris, 1976), 79–150 (on social topography and criminal sociability).

⁵⁴ B.-U. Hergemöller, 'Homosexuelles Alltagsleben im Mittelalter', *Zeitschrift für Sexualforschung*, 5 (1992), 121–124.

⁵⁵ According to B. Guenée, *Un meurtre, une société. L'assassinat du duc d'Orléans 23 novembre 1407* (Paris, 1992), 92, the accusation of sodomy, like the ones linked to sorcery, treason, the use of poison etc. became part of the political weaponry used from the early fourteenth century on, prefiguring the highly disturbed times to come.

in the Duke's name in the county of Holland.⁵⁶ Arrested in December 1441, John of Uutkerke was requisitioned by the duke—so letters of non-prejudice given to the city's aldermen illustrate—being *nostre serviteur domestique et commensal, en estat de conseiller et chambellan et de l'ordonnance de notre hostel*.⁵⁷ Although Duke Philip was the godfather of John of Uutkerke and although many appeals were made to Philip on his behalf, John of Uutkerke was judged guilty by the Great Council and executed in the castle of Saaftinge, along with two partners. The only form of grace the Duke accorded was to allow Van Uutkerke to be beheaded before his burning.⁵⁸

The case of Van Uutkerke was not the only one among high-ranking Burgundian officials in these years: in 1449 Goswijn De Wilde, one of the most important officers in the Council of Holland and also of Flemish origins, was executed, accused of sodomy.⁵⁹

Van Uutkerke's execution left no traces in the sources I used to trace sodomy in Bruges, since his case was dealt with directly by the Great Council of the Duke. It is unquestionable though, given the attention all narrative sources paid to him, that his case played an important role in spreading fear of the 'unmentionable vice' in the city. Although the repression seems to have targeted, in the first place, the marginalized, the powerful and the rich were not beyond its reach. As in Florence and Venice, the local elite from whom the aldermen were chosen must have felt directly threatened.⁶⁰ It helps to explain the persistence of the wave of repression and the anxious reaction to Corneille Vander Poorten's pamphlet.

Although Bruges seems to resemble Florence and Venice in more respects than we had thought, one major distinction remains. The number of accused, though surely higher than that revealed by the available indirect sources, was much more modest in Bruges than in the Italian cities. Rocke, for instance, counted no less than 4158 accused in Florence, among whom about 620 received some kind of condemnation, during the

⁵⁶ On both Van Uutkerkes, see M. Boone, 'Roland d'Uutkerke, siegneur de Heestert et de Heemsrode', in: *Les chevaliers de l'Ordre de la Toison d'or au XVe siècle. Notices bio-bibliographiques*, Kieler Werkstücke, Reihe D, Band 3, ed. R. de Smedt (Frankfurt, 1994), 28–29. A more elaborated version: M. Boone, 'Une famille au service de l'Etat bourguignon naissant. Roland et Jean d'Uutkerke', *Revue du Nord*, 77 (1995), 233–255.

⁵⁷ L. Gilliodts-Van Severen, *Inventaire des chartes de la ville de Bruges* (Bruges, 1876), vol. 5, 254.

⁵⁸ The fact is related by many chroniclers: A. De But, *Chroniques relatives à l'histoire de la Belgique sous la domination des ducs de Bourgogne. Textes latins: chroniques des religieux des Dunes*, ed. Kervijn de Lettenhove (Brussels, 1870), 259, and N. Despars, *Cronijcke van den lande ende graefschape vn Vlaenderen*, ed. J. De Jonghe (Brugge, 1840), 421. Sodomites were more often beheaded before being burnt, which was regarded as an attenuation of their sentence: Hergemöller, 'Sodomiter', 329. In Venice, the magistrates were a long time divided over the matter; in 1445 they decided temporarily to attenuate the executions by beheading before burning the convicts: Pavan, 'Polices de mœurs', 277.

⁵⁹ His partner, also accused though not executed, was the former procurator-general of the Council, Bengaert Say: T.S. Jansma, *Raad en Rekenkamer in Holland en Zeeland tijdens hertog Philips van Bourgondië* (Utrecht, 1932), 98–99 and R.I.A. Nip, 'Bengaert Say, een 15de eeuwse ambtenaar', *Holland, regionaal-historisch tijdschrift*, 15 (1983), 71–72.

⁶⁰ Rocke, 'Il controllo', 712 (with this important caveat: although members of the city patriciate were 'normally' present among those accused of sodomy, their number among the executed fell sharply: from 80 to 7). In Venice, where the role of nobility was much important still, representatives of this group were to be found in ever-growing numbers among those accused of sodomy in the second half of the fifteenth century: Ruggiero, *The boundaries*, 128, and Pavan, 'Polices de mœurs', 281–282.

period of activity of the *Ufficiali di Notti* (between 1432 and 1502).⁶¹ Nevertheless, the number of executed was quite impressive in Bruges. Recent attempts to synthesize our knowledge about the repression of sodomy in the Middle Ages still cite the 70 executions in Venice as one of the highest numbers and emphasize the absence of executions of women who were accused of sodomy, a group clearly present in Bruges.⁶² Repression also seems to have been more rigid in Bruges, for the judges there only seldom reduced sentences in the light of extenuating circumstances. In the Italian cities, in contrast, judges regularly took account of factors such as the age of the accused and the active or passive role they played in the homosexual relationship.⁶³ Saint Bernard of Siena, the champion author of texts prosecuting sodomy, emphasized how frequently men were introduced to sodomy at a young age and lamented the role of bad education in making the seduction possible.⁶⁴ The sources that testify to the reality of repression confirm that, in Italy, age and the exact role of each partner greatly influenced the judges' decision. The sources at my disposal concerning Bruges do not reveal the age of the accused, nor whether their possible passive role was looked upon as an extenuating circumstance. To judge from names alone, however, which in their diminutive forms usually indicate youths, 17 of the 90 executed in Bruges were not yet adults. Only one victim of the repression, Matthijs De Houthackere, is explicitly described as a *josne valet*.⁶⁵ On 24 March 1498 (n.s.) the aldermen and *écoutète* of Bruges had presided over the execution of a certain Joos l'Evesque, burned as a sodomite. Just a few weeks later, on 11 April, they received a letter from the archduke, Philip the Fair, in which he intervened on behalf of a certain Philipot, the son of one of his secretaries, master Jehan Luilier, whose name had been mentioned in connection with the executed Joos l'Evesque.⁶⁶ Among the reasons the duke gave to justify his grace was Philipot's youth.⁶⁷ Two important issues are revealed in this case: one, that about a month after the

⁶¹ Rocke, 'Il controllo', 711.

⁶² See Hergemöller, 'Homosexualität', col. 114. The following women were executed in Bruges in 1482–1483 (a group execution involving 6 women): *Ampluenie, femme de Josse Van Halle, josne femme de Jehan Betins, Hester De Witte, Lijsbet Vander Muelne, Katheline Croux et Katherine Ysenbaert, lesquelz furent ars du pechié de zodomie*: Brussel, Algemeen Rijksarchief, No. 13781, f.47v, in 1483 a widow was burnt alone: *Mergriete Kaerels sWulfs weduwe, dewelke ghebarnt was van zodomie*: No. 13781, f.57r.

⁶³ In Florence: Rocke, 'Il controllo', 712–715: here the average age of the accused was 23.2 years, the proportion of passive partners rose to 90% in the age group of minus 20. Similar remarks may be made concerning Venice: Ruggiero, *The boundaries*, 121–124.

⁶⁴ M.J. Rocke, 'Sodomites in fifteenth-century Tuscany: the views of Bernardino of Siena', in: *The pursuit of sodomy: male homosexuality in renaissance and enlightenment Europe*, ed. K. Gerard and G. Hekma (New York, 1989), 7–24.

⁶⁵ Executed in 1400: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13680, f.19r.

⁶⁶ The letter was registered at the explicit demand of the aldermen in the *verluydboek*, a rare and highly significant act: the aldermen did not want to leave any doubt about what had happened. In his confessions, l'Evesque had named Philipot as one of his partners: *want de voors. Joos in eeneghe sticken van oneerbarer tastinghen belast hadde eenen jonghen, gheheeten Phelipot, de zuene van meester Jan Luilier secretaris ons gheduchts heeren*: Brugge, Stadsarchief, series 192, No. 1, f.24r-v, see for the execution: Brussel, Algemeen Rijksarchief, Chambers of Account, No. 13783, f.6v.

⁶⁷ *combien que le dit Phelipot soit pur et innocent du cas et enfant de bonne inclination et renommee, comme bien avons entendu. Neanmoins, s'aucune offense y estoit trouuee vraye, que par enfance ou jeunesse il y pourroit avoir commise ...*: Brugge, Stadsarchief, series 192, No. 1, f. 24r-v.

execution of l'Evesque, his confessions still could have fatal effects; and two, that the case was followed, if not actually directed, by the highest level of state authority: *le fait est sur main pardevant notre chancelier*.

Here we approach the real issues at stake in these trials. That the Chancellor of Burgundy, the highest political authority after the duke, took care of the case permits us to link sodomy, the 'unmentionable vice', directly with state-making and to observe how this link was constructed in the discourse of the highest lay authorities. The interference of the Chancellor of Burgundy should not be ascribed only to the fact that the son of one of the ducal secretaries was involved, although this may have been of some importance.⁶⁸ In an early case, one concerning quite ordinary people, the Chancellor has similarly intervened. On 3 April 1475, Chancellor Guillaume Hugonet had reacted favourably to the request presented to him and the duke, Charles the Bold himself, by Jehan Caudron, a saddler from Bruges, who was accused of having had a sodomite relationship with a certain James De Jonghe, a painter executed as a sodomite some 25–28 years before. Jehan Caudron, *doubtant rigeur de justice et que par extraordinaire voye on le pavoit traictier*, had long before left Bruges. Wanting to return to his city and his family, he had asked the bailiff for a letter of pardon to keep him safe from any denunciation or accusation. The latter did not want to deliver this, *considerant l'énormité du dit cas qui est de dangereuse et mauvaïse consequence*, whereby the case went to the chancellor and the duke. By luck, both the request to the chancellor and the latter's reply written *in margine* and the account of the bailiff have been preserved.⁶⁹ Both sources show how detailed the inquisition had been. Details on the relationship between Caudron and De Jonghe were examined with great care (positions, active and passive role, ejaculation), De Jonghe's accusations were looked for in the archives, and finally a moral portrait of Caudron was drawn. Again, his youth at the moment the events had occurred (he was then between 18 and 20 years old), the fact he had since married and had children, the fact that he had never been accused of any wrong doing, that he had been dean and assessor of his guild, were all taken into consideration. What is striking, however, are the details with which a 'sexual discourse' is presented here, one which brings to mind the better known cases of Venice.⁷⁰ No less surprising is the fact that at the very moment when the Burgundian state was deeply engaged in warfare during the siege of Neuss in 1475, the Chancellor had the time and inclination to deliberate about the homosexual relationship between two journeymen in Bruges, almost a quarter of a century before! This offers clear proof of how repression of sodomy had become a matter of highest political importance: *Entre l'Etat et l'individu, le sexe est devenu un enjeu, et un enjeu public*.⁷¹

Demonized since the fourteenth century, sodomy had evolved gradually to become the

⁶⁸ On the Burgundian chancellors: M. Boone, 'Chancelier de Flandre et de Bourgogne (1385–1530)', in: *Les institutions du gouvernement central des Pays-Bas Habsbourgeois (1482–1795)*, vol. I (Brussels, 1995), 209–225.

⁶⁹ The request: Brussel, Algemeen Rijksarchief, Chambers of Account, Acquits de Lille, portefeuille No. 369, the account: No. 13780, f.59v–60r. This last source reveals, by the way, that Caudron although acquitted of any charge, agreed to pay an impressive 'composition' of 360 pounds.

⁷⁰ An example is given by: Hergemöller, 'Sodomiter', 334–337.

⁷¹ M. Foucault, *La volonté du savoir* (Paris, 1976), 37.

internal enemy to be beaten (more or less like witches). The fact that homosexuals adopted a sexual life not exclusively oriented towards reproduction made them an easy target for those who saw them as a real threat to society. Their behaviour threatened the order given by God and defended by the prince. Repression of sodomy furthermore helped to shape the collective mentality and to strengthen the grip of the ruling elites of both state and city. Others have recently argued that the creations of marginal people in late medieval society proceeded via a process of labelling and scapegoating.⁷² Certainly their approach works for Bruges. The promotion of social integration, the canalization of aggression, the enforcing of social discipline, all were served by the repression of sodomites in general.

Hence, we have the beginnings of a specific explanation for the violence of the repression in Bruges during this period. The role the highest authorities of the Burgundian state played behind the scenes—they themselves made appearances in Bruges only on celebratory occasions—and the peculiar role of the city in the urban network of the Burgundian Netherlands (the international trade centre), serving on several occasions as the ideal setting for the manifestations of the Burgundian theatre-state, emerge as crucial. If the authority of the prince and his role as guarantor of the divine order was to be secured in any city, it had to be in Bruges. It certainly could not be challenged by the behaviour of individuals. Although many questions concerning the social history of Bruges still need to be studied, the tragic fate of the 90 Bruges sodomites invites us to reconsider the splendour of the Burgundian theatre-state in Bruges. Seen in the light cast by the 44 burning stakes, its cracks and tarnishes are visible.

⁷² Hergemöller, 'Randgruppen', 39–50.