

Fighting drainage: local resistance to wetland drainage across the North Sea Area (1400-1800AD).

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Abstract

Starting in the later Middle Ages thousands of hectares of coastal and inland wetland marshes have been drained and reclaimed by non-local investors increasingly backed by state-power. Thanks to a renewed historiographical interest in these projects, we are increasingly well informed on the organization and funding of drainage in Northern Germany (Allemeyer et al.); France (Morera et al.), England (Rippon et al.) and the Low Countries (Soens, Van Dam, Van Cruyningen et al.). One of the characteristics shared by many of these projects, is the fierce resistance by local communities they seem to provoke. This resistance – ranging from law suits to physical violence – has been alternatively interpreted as reflecting backwardness and conservatism of the rural population resisting land improvement; as xenophobia against foreign entrepreneurs like Vermuyden or Leeghwater; as an essential part of coastal lifestyle, characterized by an eternal Streit um Deich (Allemeyer) or as a catalyst for underlying political or social-economic tensions (for instance with regard to fenland drainage before and during the English Civil War). With the exception of the work of Salvatore Ciriaco, comparative research on pre-modern drainage remains scarce. In this paper we aim to explore regional divergences in the occurrence, motivations, instruments and success-rate of local resistance against drainage projects. As we will argue the involvement of local elites in drainage projects and the security of property rights enjoyed by the local population stand out as crucial elements determining both the degree of resistance and its chances for success.

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A. drainage and conflict

My story of today is situated in a landscape that is in many respects the opposite of the Alpine mountains that host these conference: the flat landscapes of the coastal marshlands and fenlands of the North Sea Area. In these hydrographic, hydraulic (Schama; Mauelshagen) or amphibious (Van Dam) societies, water is omnipresent, and water control, both drainage of surface water and the flood protection of sea water are essential to enable settlement and agriculture in this region. By 1300 medieval land reclamation had reached its maximum, and most coastal wetlands knew some degree of artificial drainage or flood protection. In the subsequent centuries, many coastal wetlands would be subject to what could be called ‘secondary drainage’: a combination of a technological rearrangement of the water control system; an economic reconversion (mostly aimed at realizing dryland farming in what were essential wetland regions) and a reshuffling of property rights. Especially for the drainage of fenlands we know that these projects could generate a lot of local resistance, the best known example being the drainage of the East Anglian Fenlands in the 17th century, studied by scholars as Darby, Keith Lindley, and more recently Heather Falvey. What provoked resistance in this fenland drainage projects, was above all the allotment of land that was formerly held in common to the ‘adventurers’: those outsiders who invested in the drainage, and were rewarded – by the Crown – with a share of the drained land. In the case of the drainage of the Great Level by the Earl of Bedford in the 1630s this amounted to no less than 95,000 acres.

Many of the questions in the recent work on resistance against fenland drainage (for instance on the social background, the motives and strategies of the opponents) can be raised for other types of secondary drainage as well. In this paper I will focus on the drainage of coastal and estuarine marshes that been flooded, and needed to be recovered from the sea. Drainage here concerns first of all ‘re-embankment’: the restoration of flood defences. Resistance against such recovery is much less evident, than in the case of fenland drainage. Who on earth would resist the reparation of sea-walls broken by a disastrous storm surge? In answering these questions I mainly draw on my own work on the Flemish and Zeeland polders and work on Northern Germany flooding and embankment, by authors like Marie Luisa Allemeyer (mainly focusing on Northern Frisia and Dithmarschen); Michael Ehrhardt (on Wursten along the Weser) and Norbert Fischer (on Kehdingen along the Elbe).

Let me began with two examples of such conflicts to illustrate this point:

1. The first conflict is situated in the tiny village of Ossensisse situated along the westbank of the Scheldt Estuary in northern Flanders. In 1288 a severe storm surge hit the village, broke the river wall and flooded the area. The local population did not succeed in repairing the dikes; and so the Cistercian abbey of Our Lady of the Dunes got permission from the count of Flanders to undertake repair works. To finance these works, the monks could levy a land tax on all landowners in the district. Those who were unable to pay the tax could hand over (part of) their land to the abbey. At first the abbey was also unsuccessful in its efforts to repair the sea-wall, and the costs and hence the land tax was rising quickly. At that moment, in 1291 a group of rioters attacked the abbey's possessions in the area, they stole cattle and crops, and destroyed buildings in the abbey's *curtis*. In its complaint, addressed to the count of Flanders, the abbey spoke of 'gezworenen' (confederates, bound by an oath of allegiance), who tried to reverse social order (*die hem heren makeden in Ossensesse, en slogan ant an der kerken goet van der Dunen ende makden hemselven heren*). As the count of Flanders had lost money as well in the failed drainage project of Ter Duinen, he ordered an official to inspect the accounts, but no irregularities were found. A year later in 1292, the breach was finally repaired. At that moment the abbey obtained almost 500 hectares of land, handed over by 135 landowners. Case closed apparently, but, then, 15 year later, the case is reopened by the new count of Flanders, who does find evidence for mismanagement by the abbey. The abbey is forced to pay the significant fine of 13000 pounds to the count. Of course, the context is very significant in 1302 the Flemish army had been victorious over the king of France, who had invaded the county three years earlier. The Dunes-abbey, like most Cistercian abbeys had sided with the French king against the count. For the count of Flanders, this was a matter of revenge. In his revenge, he was assisted by local informants from Ossensisse, only a few of which could be identified. One of them Snouc van den Orde who must have been a considerable tenant, as he had lost 23.2 hectares of land to the abbey. His sons were among the instigators of the 1291 riots. He clearly had good reasons to provide the count of Flanders with arguments against the abbey Ter Duinen....

2. The second case is situated in the same Scheldt Estuary two centuries and a half later. In 1530 and 1532 the polders at the confluence of the eastern and western branch of the Scheldt Estuary had been flooded, and the area was re-embanked, not by an abbey, but by a *company* of investors / adventurers we could say, presided by a nobleman, Adolf of Burgundy, marquess of Vere and a group of investors mainly situated in circles of Antwerp merchants, the town of Antwerp at that moment the commercial hub of the North Sea Area in the 16th century. Once

again a very problematic recovery of the area, with renewed flooding in 1532 and later, and a deficit of 17466 pound Flemish in 1537. Once again this difficult re-embankment provoked conflict, with 17 lawsuits started before the central courts of the Habsburg Low Countries.

These lawsuits involve the initiators of the embankment and individual landlords in Antwerp, Bruges or elsewhere; the joint landowners sued at their creditors; individual landowners opposed to each other etc. They are disputing each other money and land. But what is interesting, is that none of the lawsuits involve the communities and the inhabitants who had been living in these polders before the flood. Apparently they are not opposing the re-embankment and the loss of their land, as their predecessors in Ossensisse did two centuries before. Or at least, their voice did not find its way into court records, which is equally significant.

These are just to examples, drainage almost invariably provoked conflict, either violent or juridical. How to interpret the frequency of conflict involved in drainage in the medieval and early modern period? (1) Fockema Andreae, a Dutch historian specialized in dike law, labeled the endless lawsuits 'juridical jousts' – games almost, going to court as a favorite occupation of dike officials, landlords and village communities in the marshland area. (2) In her PhD on dikes, drainage and flooding in Northern Germany, Marie-Luisa Allemeyer, also spoke of an 'eternal fight on dikes', but inspired from anthropological literature, she saw these conflicts as an important feature in the self-definition and identification of coastal communities; (3) thirdly, some historians like Darby and to a certain extent Lindley in their work on fen drainage stressed the opposition of local populations against drainage projects and the improvement of the wetlands, mainly out of conservatism, trying to keep the existent social order (4). Especially in the English fenlands, marxist-inspired historians could find in these drainage conflicts, perfect examples of coherent class action, involving landowning smallholders who lost their land and their commons in drainage projects on the one hand and 'outside' capitalist landlords using drainage as a form of enclosure, with the foreign farmers they attracted, on the other hand.

The two Flemish examples I have used already indicate that the willingness, and the ability of local populations to resist drainage changes over time. Why did marshland drainage projects in one case meet with firm resistance, and in others not? From the thirteenth to the eighteenth century, we see important changes in both the role of the state and the commercialization of the

coastal economy. But, what perhaps most influenced local resistance against drainage was the presence and the strength of a local elite of **landowning larger peasants**, who had the economic and political capacity to resist drainage, but could also be persuaded to collaborate with drainage.

B. Drainage, the state & agrarian capitalism

Medieval princes were not per definition interested in wetland drainage and flood protection. In fact, for a long time, they were not. In 1285 the Flemish count Guy de Dampierre advised his son to sell the latter's rights to a certain area of saltmarshes near Bruges :

« Les ges de mer, utdics et toutes teles terres ne sont mies terres que grant seigneur en puissent tenir plenté en leurs mains a leur profit, kar plustost porroient les terres reprendre a eaux ke a gens ki manroient pres et meteroient leur entente a warder.... »¹.

Later medieval princes were sometimes invited to arbitrate conflicts on drainage and flood protection, and to force communities to solidarity with neighbours suffering from flooding. At such occasions, the King or the State is invoked as a necessary instrument of progress breaking local custom for the sake of flood protection. One famous example comes from the Dutch province of Frisia in the 1570s where the Spanish governor, Caspar de Robles used military force to convince the inhabitants of the inland *polders* to contribute to the repair works for sea-walls damaged by a major storm surge. A statue of Caspar de Robles – the man of stone – on the dike still commemorates his action, and words, having said to local deputies which clung on their privileges for exemption of dike work:

« *Take your privileges and put them on the dike. If they can protect the land from the sea, you can keep them. If not, you will pay* »².

To mediate such conflicts, the English king would sent commissioners of the sewers (de wallis et fossatis). But as has recently demonstrated Jim Galloway for the Thames Estuary, the activity of these commissions first increased in parallel with flood protection, but then collapsed, probably at

¹ Donation de Guy de Dampierre à Jean de Namur, avril 1285, éditée d'après L. Gilliodts-Van Severen, *Coutumes des Pays et Comté de Flandre. Quartier de Bruges. Coutumes des petites villes et seigneuries enclavées*, t. VI, 1893, pp. 324-326.

² Traduction par l'auteur d'après G. Ter Haar, P.L. Polhuis, *De loop van het Friese water. Geschiedenis van het waterbeheer en de waterschappen in Friesland*, 2004, p. 61.

the moment when both the crown and the landed elites that appealed for these commissions, lost (financial) interest in the maintenance of flood protection³.

All over Early Modern Europe, kings and princes rediscovered such financial interest in the drainage projects in the early modern period. The king of Denmark and the duke of Gottorf only started to intervene in drainage and flood protection in the Schleswig marshlands at the moment they had met with huge financial troubles in the wake of the 17th century wars of religion.⁴ In Poland, Prussia and Russia big drainage projects were initiated by the crown in the 17th century in an effort to combine the reinforcement of state authority in marshland border regions, with mercantilist policies aimed to bring in cash by exporting agricultural products⁵.

From an institutional point of view, the renewed state interference in drainage and re-embankment projects, was based on a unique instrument, which is a fantastic example of carefully managed abuse of power : **the octrooi, licence or permit** which started every drainage or re-embankment project, and which granted a group of investors the right to proceed with drainage, thereby transferring to the ‘adventurers’ part of the land in reward of their labour, either common land, or land which was ‘abandoned’ by its former owners who apparently were not able to drain the area themselves. Juridically this was based on the combination of two rights : the customary right of a landowner in the coastal marshes to abandon his land if he could no longer assume his part of the dike maintenance in his district and the royal rights on wasteland, which transferred to the king or prince all vacant lands (*bona vacantia*).⁶ From the Flemish village of Ossensisse in the 13th century to the drainage of the English fenlands, this juridical construction formed the institutional key to drainage and embankment operations, turning every drainage operations into a **reshufflement of property rights** at the disadvantage of local populations.

The success of the drainage octrooi or permit, was only possible thanks to the concurrent development of agrarian capitalism in the coastal marshlands which attracted huge numbers of wealthy investors into drainage operations. In his synthesis on early modern land reclamation

³ J.A. Galloway, « Storm flooding, coastal defence and land use around the Thames estuary and tidal river c.1250-1450 », *Journal of Medieval History*, 2009, p. 171-88.

⁴ M.L. Allemeyer, « World according to Harro »..., p. 57.

⁵ S. Ciriaco, *Building on water...*, 197.

⁶ For the octrooi or permit : M.L. Allemeyer, *Kein Land ohne Deich...*, p. 137-154 ; P.J. van Cruyningen, « Profits and risks in drainage projects in Staats-Vlaanderen, c. 1590-1665 », *Jaarboek voor Ecologische Geschiedenis*, 2005/2006, p. 123-142 ; D. Tys, « Landscape, settlement and dike building in coastal Flanders in relation to the political strategy of the counts of Flanders, 900-1200 », M. Fansa (dir.), *Kulturlandschaft Marsch - Natur, Geschichte, Gegenwart*, Oldenburg, 2005, p. 106-126.

projects, Salvatore Ciriaco (2006) considers wetland reclamation as “*one of the most important ways in which capitalism penetrated into the countryside*” (16) but also as a process which “*had high social costs and undoubtedly led to changes in the natural habitat that were not always desirable*” (248). When merchants, state officials or noblemen from Antwerp or Amsterdam invested in a drainage or embankment project, they usually did not intend to return the ‘improved’ land to its former users. In most cases, they opted for short-term leasehold of engrossed tenants farms, aimed at commercial cereal production or cattle breeding.

C. Resisting re-embankment.

With this institutional and economic context of re-embankment projects in mind, we can now question which aspects of re-embankment were opposed by former inhabitants and why and when they did.

1. Resistance against the ‘vacancy’ of flooded land.

First of all, former inhabitants could oppose to the idea that flooded land was per definition ‘vacant’, useless and abandoned by its former users, which was one of the central presumptions of the whole drainage idea. In practice flooded lands were never vacant. A few years ago a magnificent enquiry has been published, dating from 1524 in which commissioners of the Habsburg emperor Charles V investigated the use of the so-called Grote Waard near Dordrecht in Holland, which had been flooded precisely one century before. To the surprise of the commissioners the Grote Waard was not abandoned as it should be : it was used for fishing, but also for the cultivation of osier and the pasturing of animals. On the higher parts even complete farms were found. Many of the land users could show to the commissioners the land which their ancestors had owned, and which they pretended was still theirs. The use of the drowned lands was well regulated : for the pasturing of animals practices of common land-use had been developed and shares were allotted every year in the church of a neighbouring village. When requested and paid for the local bailliff even provided them with official documents guaranteeing their property. Of course, the commissioners of the emperor were of a different opinion : they prohibited the

locals to continue their use, unless the latter would lease the land from the emperor who was now its rightful owner as the land was vacant⁷.

Although in Flanders the landlord's right to flooded land had been established in the thirteenth century, still in the 16th century councillors of the count of Flanders hesitated on its juridical grounds. In a note from about 1530 the chair of the council of Flanders admitted that the immediate seizure of land of any person who did not manage to re-embank his land immediately, could appear '*contra rationem*', especially for those who lacked cash money, but it nevertheless could be supported with arguments derived from Roman Law.

« *Costume van waze te bedykene est talis, quod quorum sunt agri a mare occupati, si fuerint qui velint eos aggerare, obtinent octroy sive consensum principis, et tunc monent alios qui habent agros inundatos ut infra certum tempus veniant contribuentes secum, alias perdent suas terras. Hoc videtur contra rationem, maxime contra illos qui non habent pecuniam ad manum; sed tamen de jure potest sustineri per legem....* »⁸.

Nevertheless in both Flanders, Zeeland and Holland we find surprisingly little resistance to the principle of 'vacancy' after flooding, and the 'automatic' transfer of property rights to the crown, and subsequently to investors. A law suit from 1408 from Saaftinge in Flanders gives an indication that there was still any feeling of local resentment against the concept: in a court case against the abbeys of Ter Duinen and Ter Doest, the bailiff of Saaftinghe argued that the transfer of flooded land to the abbeys who re-embanked the area, was only temporary. He had heard (a sa cognoissance estoit venu) of local informants, that their ancestors had successfully contested the abbey's claim to the ownership of the land. Instead the former count Louis (d. 1384) would have granted the abbey only the usufruct of the land, for a period of six years, to reimburse their expenditure at the dikes.

*... poursieute desdites personnes particulieres qui s'estoient doluz de ce que soubz umbre dudit dicquage ilz vouloient a tousjours mais tenir lesdites terres, **tenus de remettre apres les premiers***

⁷ V. Wikaart et al. (dir), '*Nijet dan water ende wolcken*'; *De onderzoekscmissie naar de aanwassen in de Verdrongen Waard (1521-1523)*, Oosterhout, 2009.

⁸ Édité d'après A. van Lokeren, *Chartes et documents de l'abbaye Saint-Pierre à Gand*, Gand, 1871, n° 2100. Traduction libre : « En matière d'endiguement, le droit coutumier dit : quand des terres ont été inondées, s'il y en a qui veulent les endiguer, ils doivent obtenir un octroi ou licence du prince. Alors ils doivent avertir les autres propriétaires de terres inondées afin qu'ils contribuent avec eux dans un certain délai, sinon ils perdront leurs terres. Cette règle semble aller contre la raison et paraît particulièrement défavorable pour tous ceux qui ne disposent pas d'argent liquide. Néanmoins, elle est justifiée par la loi... ».

*six ans qu'ilz auroient eu lesdites terres en leurs mains, et levé ce temps pendant les prouffis pour les coustenges du dicage d'icelles toutes ycelles terres appartenant a personnes particuliers en main laye.*⁹

The abbeys however were confirmed by the court in their ownership of the land, and the local rumours, strategically picked up by the bailiff, were silenced.

In the Duchy of Schleswig in Northern Germany, the landlord's ownership of 'vacant' land due to flooding, was much less evident. In Eiderstedt (North-Frisia), the staller or representative of the duke of Schleswig-Gottorf had to force village councillors in 1525 to concede this ducal infringement on customary law. The village councillors considered this a novelty, and resisted, but eventually had to give in partially. When a landowner could not make his dike, he lost his land, but his friends and neighbours had still the chance to recover the land themselves. Only when they deserted the land as well, it fell in the hands of the duke.¹⁰

Dat ein ider schal sinen dick maken, dar he sin land hefft, wenn dar ein is, de sinen dick nicht maken will edder kan, wor he Land hefft, de schal den Ruffel up den Dick steken... '... und willen sine Frunde den Ruffle nicht theen, denne schal den ruffel de Herschop tehen'

Still in the beginning of the 17th century, the inhabitants of the same region, tried to keep off the embankment of a new polder - the future *Dreilandenkoog* – on the flooded lands outside their dikes. They tried to convince their duke that they were entitled to use this flooded land, both as pasture land and to extract clay for dike repairs.¹¹ In the same decade the inhabitants of Uelvesbüll and Oldenswort were granted to re-embank their saltmarshes themselves, but when they did not succeed to do so in one year, they lost their rights to the duke, who granted them to a Hamburg adventurer, Heinrich Rautenstein and his associates who would embank them as the 'Nordfriedrichskoog'. The duke argued that by not proceeding to immediate embankment, the inhabitants had '*ihre Konzession freiwillig wieder abgeben*'¹².

2. Resistance against expulsion

⁹ Sentence by the Raad van Vlaanderen, 30 March 1408 (n.s.)

¹⁰ The village councillors eventually gave in (partially) and added the following sentence to the rule mentioned in note 39: '*... und willen sine Frunde den Ruffle nicht theen, denne schal den Ruffel de Herschop tehen*' (when his friends are unwilling to accept the spade, then the Lord shall accept the spade) (Panten, *Unbekannte Rechtsquellen*) Again, the acceptance of the spade (Ruffel) symbolizes the transfer of the land to the new owner.

¹¹ Allemeyer, *Kein Land ohne Deich*, p. 235.

¹² *Ibidem*, pp. 230-231.

Secondly, once flooded lands had been re-embanked, former land-owners and inhabitants could resist their expulsion from the area. In 16th century Flanders, there are several instances of former owners and users who refused to leave the area. A decree by emperor Charles V from 1532 mentions ‘ongeregelthede, twist ende discoorde’ (unrest and disputes) in Saeftinghe, because several old landowners *and* tenants had returned to the area after re-embankment, and tried to continue their former practices of peat-digging, putting cattle on the land, or using it for cereal farming.

... wy verstaen dat **diversche personen, wyen de voorseide moeren, cheynsen, garsinghen ende landen toebehoirden voor de date van de zelve inundatie, ende oock eeneghe pachters die tzelve aldoe jn pachte hilden, ende andere die de zelve landen ghebruuken ten upziene** van den zelve bate ende naerhede, hemlieden vervoorderen willen jehens recht ende redene, alzo wel an de moeren, cheynsen, garsinghen ende landen ons toebehurende, als nu van onzen weggen bedyckt, ende oock ande moeren, cheynsen, garsinghen ende landen van zekere particuleiren ghelanden, zo gheestelicke als weerlicke persoonen, die mede ghedyct hebbe, hand te slane ende de zelve te willen uutelvene, notene, voorene ende bedrivene, alle zo zy dede voor de date van de selve inundatie ende hemlieden de zelve toebehoirden, jehens onzen belijfte ende wille ende ooc van den ghuenen die met ons ghedyct hebben, zo dat te dier cause ghescepen es **grote onghereghelthede, twist ende discordt te ghebuerne**, ten zy dat hier jnne by ons gheremediert ende voorsien worde, als wy verstaen

For the emperor the case was clear: by not participating in the re-embankment former landowners had forfeit their land and former lease-contracts had expired at the moment of re-embankment.¹³

Interestingly, 16th century Flemish marshlanders did not bring such issues to court, as if they know they were had no chance of gaining their cause. As the right to vacant land, was a regal right, only central courts were competent. A few cases were brought before the *council of Flanders* or the *Grand council of Mechelen* (the supreme court in the Habsburg Low Countries), with people contesting their expropriation for reason of not participating in the re-embankment. However, they invariably lost their cause *and* more importantly, the litigants were not marshland peasants, but included a steward from a local seignury, a chapel in the cathedral of Mechelen, and

¹³ J. Lameere (éd.), *Recueil des ordonnances des Pays-Bas. Deuxième Série, 1506-1700. Tome Troisième, contenant les ordonnances du 8 janvier 1529 (1530, N.St.) au 11 décembre 1536*, Bruxelles, 1902, p. 319-320.

burghers from the city of Antwerp.¹⁴ In the 17th century as well, every major re-embankment project faced a lot of law suits with regard to pretended ownership of flooded land and defaulting landowners. However, neither the pretenders nor the defaulters were peasant smallholders.¹⁵

Interestingly, the same rules proved much more lenient in the wake of the Dutch rebellion and the Spanish reconquest of the southern Low Countries during the 1570s and 1580s. Huge areas had been flooded in this period, and strictly speaking all these lands had been abandoned by their former owners, many of whom did not have enough cash to participate in the immediate re-embankment. However, at that time, landownership in coastal Flanders was not predominated by peasant smallholders, but instead mainly concentrated in the hands of the nobility, urban bourgeoisie, the Church and a limited village elite. Now, permissions were granted to re-embank the area without the immediate seizure of land owned by former landowners who could not pay for re-embankment. The latter now only lost their usufruct for a number of years, until the cost of re-embankment had been repaid. Water boards were granted permission to lease out rather than sell the lands of defaulting landowners.¹⁶

3. Resistance against foreign investors (and settlers)

Many early modern drainage and re-embankment projects saw the arrival of foreign entrepreneurs, capital and settlers. In the 17th century English fen drainages, the leading the Dutch Engineer Cornelis Vermuyden met with a lot of resistance, and rioters during enclosure riots targeted the Walloon – French protestant – farmers who had been invited to the region as tenant farmers on the newly drained and enclosed lands. In Northern Germany, after the disastrous storm surge of 1634 which had destroyed the recently constructed banks of the Bottschlotter Koog, the Dutch engineer Jan Adriaanszoon Leeghwater was chased by furious inhabitants, and barely managed to escape from the area.¹⁷ However, as Marie Luise Allemeyer has argued, these were not mere expressions of *xenophobia*. In 1717 for instance 65 inhabitants of the parish of Eddelak in South-Dithmarschen accused in a petition addressed at the count of Schleswig the Dutch dike builders of

¹⁴ Sentences by the supreme court of Mechelen of 23/06/1548; of 20/05/1553 with regard to the embankment of Hingene and Borgerweert; of 11/02/1570 with regard to Spierenbroek and Hingenebroek.

¹⁵ E.g. the Kalló-embankment of the 1650s.

¹⁶ E.g. 1599 permission for a series of polders in the Braakman region

¹⁷ Allemeyer, *Kein Land ohne Deich*, pp. 287.

dileberately using costly techniques and too much labour, and disregarded local knowledge (for instance with regard to the right season to engage in dike construction).¹⁸

4. Resistance against the financial mismanagement of re-embankment.

In 1290 the inhabitants of Ossensisse already invoked the argument that the cost of re-embankment had been raised artificially to shake off small landownes, who could not pay this cost and were forced to abandon their lands. This is one of the most persistent arguments in debates on re-embankment in the North Sea Area. We find in 17th century Northern Germany¹⁹ or East-Anglia²⁰, and we find it in 18th century Flanders, when for instance the duke of Arenberg was accused of artificially rising the cost of his embankment project near Kieldrecht (in order to get rid off other pretenders of land). In the latter case, the duke was quite successful in his project, because in the end only one other landowner managed to hold on his claim²¹. The persistence of this argument can be explained by its universal appeal: it could be advanced by both peasant smallholders and bourgeois investors facing high investment costs.

A variation on the ‘financial mismanagement’ complaint is found in the Land Wursten along the river Weser in the 1630s. Here, the village communities are themselves initiating the embankment, and hiring a professional construction entrepreneur from the city of Emden, Jan Berens Bulder. To fund his work, the village communities contract huge debts, which they cannot redeem. Bailliffs of the earch-bishop of Bremen proceed to the (symbolic) seizure of movables and immovable of all inhabitants, at which occasion many of the peasants declare not being aware of the huge loans contracted in their name. In the end the villagers loose their newly embanked land to the building entrepreneur, who organizes a beautiful estate on this land.²²

D. Explaining divergences between regions.

¹⁸ Ibid., pp. 285; 289.

¹⁹ M.L. Allemeyer, *Kein land ohne Diech...*, p. 228 ; p. 287

²⁰ M.E. Kennedy, « Charles I and local government: the draining of the east and west fens », *Albion. A quarterly journal concerned with British studies*, 1983, p. 23.

²¹ Letter of Gillis to De Merville, 29 November 1783, Brussels, State Archives, Arenberg, polders, S 2991: “*om redens dat er public in de compagnien wierde gezegt: hoe meer dat den polder kosten moeste, hoe liever dat het zijn hoogheyt hadde, dat zulke wierde gedaen om de kleyne gelanden en proprietarissen daer uit te grijpen ende soo voorts... want daer menivuldigen noodeloosen onkost is gechiet als mede dat er seer weynige sorge en is gedragen voor het rijs en staeken en voordere materialen aer van dat er met duysende boschen 't sedert de aenbestedinge van den berm... syn gaen dryven*”.

²² Ehrhardt, *Dem grossen Wasser allezeit entgegen*, pp. 155-157: the Neufelder project

In resisting embankment projects of flooded lands involving the loss of property rights, we find huge differences between regions, both in the occurrence, the type and the success of the resistance. As Keith Lindley, Clive Holmes and Heather Falvey demonstrated for 17th century English Fenland drainage, a *public* and *political* debate on drainage and against drainage developed, involving pamphlets, songs, symbolic acts of opposition like the playing of football on drained and enclosed lands, sometimes erupting in physical violence, sometimes involving cases brought before court. According to Holmes, the Fenland inhabitants skillfully adapted their discourse to the political climate of the moment : before 1642 under the reign of Charles I Stuart, they insisted on their own poverty and inexperience, the malversations of the investors and the disinformation of the king. After Cromwell seizing power, they changed their discourse, citing parliamentary declarations and statements about fundamental rights, only to proclaim their utter allegiance to the king after the restoration of the monarchy²³. In Schleswig-Holstein too, we have seen that petitioning by relatively large numbers of villagers against re-embankment was frequent. In their 1737 petition the inhabitants of the *Hol* and *Heverkoog* in *Eiderstedt*, even cited the *Eclogiae* of the Roman poet Virgil : '*veteres migrate coloni*' : leave old inhabitants, in denouncing the auction of their land because of the re-embankment, and the loss of local environmental knowledge this implied.²⁴

In Flanders, with its tradition of political meetings and discussion since the middle ages, no such 'public' debate on re-embankment and the transfers of property implied by it, can be found, at least not after 1400 AD. Several reasons for this can be suggested :

- The institutional model of drainage and re-embankment implying a complete loss of property rights for the former inhabitants had become hegemonic already by the later Middle Ages. Attempts to challenge it in court, were chanceless, and gradually disappeared
- Like everywhere in the North Sea Area, Flemish coastal marshland communities had been very strong in the High Middle Ages. By 1400 however the autonomy and strength of Flemish coastal village communities was seriously reduced. The coastal revolt of 1323-1328 which for five years challenged the authority of the count of Flanders and the French king, marked both the former political and economic strength of the coastal village

²³ C. Holmes, « Drainers and fenmen »..., p. 169-170.

²⁴ M.L. Allemeyer, « The world according to Harro »...

communities, and the serious problems they met from the late 13th century onwards, as Erik Thoen and myself have argued on different occasions.

- Finally, compliance with the ‘new’ rules was fostered, by the collaboration of a limited village elite, who profited from the giant reshuffling of property in the wake of flooding and re-embankment, both as landowners with enough financial reserves to catch-up with the high financial demands of re-embankment, and as major leaseholders for the absentee landlords which organised re-embankment . In coastal Flanders, like elsewhere, local middlemen were indispensable to guarantee the succes of drainage projects.²⁵ The limited resistance met by these plans in Flanders, might be explained by the overall involvement of the ‘better part’ of the coastal communities in these projects joining forces with urban and noble investors.

E. Some remarks on peasant resistance to conclude...

What does this story learn us on pre-modern peasant communities and their ability to resist projects and demands by lordly classes?

1. The combination of state power, capital and self-proclaimed technological innovations offers a strong instrument to discipline landscape and people, and difficult to resist. Long before the scientific and industrial revolutions of the 18th and 19th centuries, wetland drainage, with its roots in the later Middle Ages offers one of the first examples of this.
2. Comparing the same kind of ‘conflict’ in different social contexts is instructive but complex : peasant communities along the coast of Schleswig, reacted in different ways to the same practice of re-embankment than peasants in coastal Flanders.
3. Court records cannot be studied without taking into account the changing social realities behind them. The resistance of the inhabitants of Ossensisse in the 1290s against their expropriation following flooding and reembankment can hardly be compared with the resistance by single landowners in the same region in 16th century who went to court to protest against similar expropriation. Between both dates the social reality of landownership had changed completely, and the 16th century litigants came from a

²⁵ M.A. Knittl, « The design »..., p. 45.

different social group than their 13th century predecessors. As such a view from below always combines the question 'who protests and who does not', with the question 'who wins and who loses'. The social and economic analysis hence always accompanies the juridical and political one.

4. Property rights offer a minimal base for negotiation. In neither of the many conflicts studied, groups without property rights play a significant role in the conflicts.
5. In this respect, the kind of 'peasant opposition' found in sources, especially juridical sources often privileges opposition by a peasant elite. By peasant elite I mean local landowning families who own and work the larger holdings of the village, who are often active in local administration and serve as intermediaries with lords and absentee landowners. In drainage projects, they are either involved or excluded. Much of the resistance against drainage projects can be found in instances where they are excluded and threatened in their local predominance. The feelings of larger groups, are often only reflected in rumours, strategically cited by members of elites, as well as in riots.
6. For ordinary villagers in the North Sea marshlands, there is no straightforward evolution towards a better access to legal ways to voice discontent, neither to the public debate. At least in some of the regions studied, the chances to voice protest seemed to decline rather than to increase from the medieval into the early modern period.