Reflections on public services, civic identity, guild regulation and subsidiarity in late medieval cities

Peter Stabel, University of Antwerp, Centre for Urban History

Most studies dealing with urban public services (and this is true for this project as well) start off with what economists would call a supply-sided approach. They make a list of the public authorities active in a particular (series of) town(s) (or mostly they select one public authority) and try to make an inventory of what services this authority generates for the urban community (usually on one issue: poor relief, charity, hospitals, particular aspects of town administrations etc.). They look at the performance of these services, sometimes the way how competing governments try to appropriate the same services in a struggle for dominance (city – state, church – lay authorities) or how the practice of these services defined patterns of more intense involvement of public authorities in urban affairs leading for example to Weberian mechanisms such as bureaucratization. Hence, when looking at economic regulation this approach would make an inventory of the involvement city governments or guild authorities would have in allocating economic activity in urban space and what thresholds would define access to economic opportunity (Stabel 2004). It would see that gradually city authorities in the cities of the late medieval Low Countries managed to get a stronger hold on economic regulation, often competing with guilds on this matter, and that this eventually ended for example in Bruges with the strict regulation of guilds in the 1440s after the failed revolt of the guild controlled urban militia against the duke (Dumolyn).

But such an approach only partially reveals how urban public services really function. It tends to stress the importance of competing authorities in an almost always bipolar struggle for urban dominance. It does most of all not take into account customers of public services and fails therefore to set public services in their real social context. For this a demand-sided approach is needed, an analysis made from the perspective of the consumers of public services and the choices and strategies they make. These consumers, town dwellers and others, do not have only one identity that gives them access to particular public services organised by one or the other level of authority,
they combine several identities, which can overlap but which can sometimes also be contradictory and even antagonistic. In the eyes of the individual the social fabric of pre-modern towns would probably be comparable to an onion: each individual had around him/her various and successive layers of social identity and solidarities, networks and institutions (family, friends, gender, neighbourhood, parish, corporate bodies, urban community, “nationality” etc.). Each of these layers offered particular possibilities, had their own sets of rules and customs, had also their own limitations. Every layer produces and reproduces social identity, with particular patterns of inclusion and exclusion, of complementarities and mutual exclusions. In function of their needs, ambitions and strategies for survival or social mobility, individuals and social groups could make choices or these layers enforced particular choices on them. Membership of corporate bodies, integration in specific neighbourhoods or class solidarities, religious conviction and networks all come into play, but these choices defined also which and how public services would be used and interpreted. They mould social identity for each person and decide in the end how urban society as a whole functions and develops. Looking at interaction, at “consumer” strategies and at choice is therefore a necessary addition to a “supply-sided” analysis of the panoply of public services. These did not function in a social void.

Urban identity and citizenship

In recent literature on the way how urban societies function in pre-industrial Europe and how relations are forged between these urban societies and the rising European states the notion of citizenship has attracted a lot of attention. For some, citizenship expresses the essence of urban political identity, as it shapes a growing sense of community and responsibility. Thereby it was also often a rallying mechanism that allowed cities to defend with more or, as it would appear, increasingly with less success their interests against the coercive powers of the late medieval and early modern state. Citizens formed a core of the “dannable bourgeoisie” that opposed their “particularistic ambitions” against the single minded policies of the “voracious” centralising princes (Blockmans, Tilly; Boone etc.). For others citizenship was rather a lubricant for smoothening the relations between cities and states. Hence it was civic identity and citizenship itself that made more effective not only the moulding of a common identity in the Dutch Republic, allowing individual investors to get
interested in the doings of the state, while defending their own private interests, but also the defence of their civic independence in the framework of the cities and a common policy towards external threats directed by a state like configuration. In the eyes of Tracy, and more recently of Prak and Van Zanden, citizenship would be able to reduce transaction costs and therefore promote efficiency as it stimulated a growing (financial) involvement of citizens (who were not so much subject but rather shareholders) in the state.

Both elements of the traditional Tilly model, state coercion and financial power, therefore, can be put forward, leading to very different outcomes depending upon the organisation and ambitions of both parties: a confrontational model or a seemingly efficient collaboration. If the use of citizenship and its antagonism or symbiosis with the rising state can therefore be very revealing in describing the relations between state and cities, it, however, becomes already much more difficult to broaden the notion of citizenship to a more comprehensive social scope and bring into the picture more than some segments of urban society. Moreover, the notion of citizenship is by definition a tool of integration and exclusion, stressing again antagonism or bipolar analysis rather than describing the complexities that were so characteristic for late medieval or early modern urban society.

So if the notion of citizenship is very helpful in defining the relations between central and local level, it utterly fails to do justice to the internal social organisation in the cities themselves. In order to assess the organisation and proliferation of public services of whatever nature, citizenship would give an impression of a unified and single-authority system (or bipolar authority if the local hold of princely power is taken into account), where I would argue that rather the complex reality of urban social life has to be taken into perspective where multilayered social organisation, in which no single authority can boast enough coercion or loyalty in order to effectively control public initiative, seems to be dominant.

This multilayered social entity where various levels of authority and commitment are at stake comes clearly to surface when the notion of civic identity is dealt with. Many authors have already stressed the fact that citizenship is only a relative social construct. It is indeed not always clear what it really means. Many cities have even
three types of citizenship. One is broadly defined and can be linked to the juridical identity of being a member of an urban community, meaning that citizens can enjoy the urban privileges and count on the juridical institutions of the city. One could become citizen by staying for a specific period of time in the city or by buying the juridical status of “poorter” or by marrying a (female) citizen. The “burgher” would thereby, more than the other town dwellers and certainly more than foreign elements to the city (countryfolk, visitors, etc.), be involved in the organisation and the consumption of public services organised by the urban community as a whole (Boone-Stabel).

Another kind of citizenship is a much more narrow and elitist status, a class identity that involved urban pedigree, social status, wealth and even occupational identity: being member of a merchant guild in Bruges or owning “free” urban land in Ghent could turn you into a “poorter” of the city and give you particular political identity and access to political power or economic privilege (trade, the so-called “poortersrecht” in Bruges whereby “poorters” were allowed to trade each year for a very important sum outside the corporate framework of the city etc.) (Wyffels, Van Werveke). A lot of city dwellers did not have the first juridical status and only a minority possessed the second burgher-identity. But just as well they were inhabitants of the city and they were able to profit from many (but not all) public services the city had to offer. But their juridical status did not allow them to enter for example into the formal economic framework of the city (guilds) or have access to political power in the urban community or sometimes not to particular charitable institutions and initiatives.

If citizenship is already a layered and complex set of institutions, with variable social thresholds, the social reality of cities becomes even more complex when one looks for the social identity of town dwellers. Just one look at the world of civil justice in late medieval and early modern cities reveals how identity has become a shifting and flexible instrument. When they appear before the civil courts or when they appeal the magistrate for policy changes (“requesten”), town dwellers not only make their statements as individuals, they mostly identify themselves as part of a group. But the number of these groups is manifold, not limited to the notion of the city as a civic body. So people undoubtedly identify themselves as citizens of the town and they
appear before the courts as “poorter”, but they can just as well depending upon the circumstances, the issues at stake, the nature of the court etc. use other identities: one could appear as member of one of the many and again very diverse corporate bodies in the city (craft guild, merchant guild, shooting guild, religious fraternity, …), member of a parish, member of a charitable institution, member of a neighbourhood community, member of a family (nuclear or extended), etc. In fact people easily use different identities for different purposes, “changing hats” all the time and many of these identities were not arranged formally as were for example guilds or families, but they were informal social organisations without clear boundaries or even without proper sets of rules.

Identity became a flexible instrument allowing users of public services to make strategic and “rational” choices. Therefore, it is not the single (but already much blurred) notion of citizenship, but the whole framework of social hierarchies, organisations and initiatives that has to be dealt with if one wants to assess urban identity. Instead of a fixed and easily definable set of rules and organisations, social reality in a pre-modern city should rather be studied from the conceptual framework of “urban villages”, whereby in a constantly changing urban social environment town dwellers generated and reshaped the instruments that moulded their identity, that allowed them to negotiate this identity continuously and transform it in function of their daily needs and in confrontation and collaboration with others (Gans 1962). Such an approach considers cities as assembly points of identities and individual and group strategies, where rational choice becomes a crucial variable for the construction of society which is moulded by constant negotiation between all social actors. The choices open to individuals can, depending on the organisation of society and the goals set by the social actors, 1° be defined by limitations set by social structures and power relations (Jenkins 1996; Woodward 2000), 2° they can be interchangeable and decided by “à la carte”-identities in a relatively free process of interaction (Bauman 1996), or 3° they can be a combination of both (Bradley 1997). But this relative flexibility of social and cultural identity has important consequences for the allocation of public services and the societal organisation. Hence, it would be almost impossible to analyse such a phenomenon merely from the supply of public services, it can only be assessed in its variety and complementarity through those individual and group strategies, and therefore be approached from a demand perspective.
Public services in pre-modern cities: subsidiarity and multilayered identity

The same multilayered social reality has to be the starting point for the analysis of government and the distribution (and control) of public services. As late medieval and early modern cities did not have only one level of authority, various social actors and institutions are involved in organising society, and therefore generating public services. Although studies on “public initiative” have strongly focused the actions of town governments and related institutions, it is almost impossible to give a comprehensive and not even a representative picture of public services without taking into account all these other groups and institutions and this at almost all levels of society, be it formal (town magistrate, prince, guilds, parishes) or informal (particular social groups from elitist to marginalized, neighbourhoods, etc.). Therefore it not only the analysis of prerogatives and effects of the various initiatives that need to looked at, but rather the interaction between the various initiatives and various levels of formal and informal authority and the point-of-view of the “users” of public services who are allowed or disallowed to take up one or the other service or are required to combine several initiatives. Just like “identity”, social action and the use and/or delivery of services are above all a multilayered phenomenon, with competing, interacting and collaborating initiatives and organisations. The analysis of the complex pattern therefore needs to start with tools that allow assessing this diversity and interaction. Organisational political theory offers us such concepts. One of these is the principle of subsidiarity.

The organisation of government and the responsibilities in allocating public services in late medieval cities seem to have a lot in common with present-day organisations (be it states, business organisation etc.) defined by the principle of “subsidiarity”. In such a system acts of government and the organisation and handling of public services are, because of their immediate effects on citizen’s social and economic actions and opportunities, attributed to the lowest competent local level of authority, thereby achieving both efficiency (political players are closely associated with the level of decision making) and maximum legitimacy (that is likely to soften possible resistance). The higher levels of authority (be it the family, the neighbourhood, the guild, the town magistrate or the central government) only act if the lower level is not
able to organise or control efficiently the actions required, when the actions of the lower levels would not be sufficient, or when the higher levels of authority would bring a significant added value.

Citizenship, recently interpreted by Maarten Prak and Jan Luiten Van Zanden as a functional tool of smoothing government action and making it acceptable by involving subjects in its agency and its fiscal organisation, can be interpreted as a way of organizing society by attributing decision making processes to specific levels, but as already been stated, despite its importance in the relation between central and local government, it was by no means the only system that functioned in this way. Membership to corporate bodies (merchant guilds, craft guilds, fraternities, and cultural guilds) had similar effects in attributing loyalty and generating efficient allocation of decision making. The same can be said for more informal arrangements defined by legal status (family, clergy) or even a customary framework of social behaviour (neighbourhoods, organisations of youth groups, etc.). It is the interaction of these systems that needs to be addressed, not only relationships defined by one of the arrangements in order to assess how power, government, social status, economic opportunity, etc. are distributed in society and how identities are moulded.

Subsidiarity can of course be considered as the result of competition between various levels of authority. It can be fixed in formal agreements between the various levels of power (law, ordinances, guild statutes, custom etc.), but mostly it functions in informal ways, as it is often applied to “new” or “less frequent” acts of government (informal agreements, jurisprudence, conflict arbitration etc.). Such an informal distribution of public services, however, requires a forum for dialogue, where the various players can negotiate and attribute the specific functions to each other in effective ways, without constant conflict. This procedure was not so straightforward in the late medieval period. Not only were the possibilities of effectively organising public services limited for all levels of authority because of lacking funds and infrastructure, but much like in present day federal states or supranational authorities like the EU, the various levels of government also competed with each other as self-interested and rent-seeking agents (with each their own means of political support, social and juridical status and economic power) in order to control or achieving political dominance over specific aspects of government. The concept of integration
of (private) citizens and (public) community –one of the starting points of the conference- must therefore be modified; as such integration was not only a matter of “small (central) government”, but also the result of shifting balances of power.

It is that balance of power, influenced by the changing possibilities of mobilizing coercive power and accessing economic and symbolic capital that was decisive for achieving juridical and political competence. Competence and control over public services, therefore, may differ chronologically (as the balance of power shifts in the 12th-13th centuries in favour of merchant elites, in the 14th and 15th century of corporative organisations like the craft guilds and from the 15th century onwards in favour of central authorities which are increasingly able to control the city magistrates and thereby the political actions of city governments). It must be clear, however, that in late medieval Europe neither of these forces were able (and probably willing) to monopolize the processes. A stronger impact of central government, corporative bodies or urban magistrates does not imply that these levels of authority were prepared to attract the organisation, or even the control, of all public services and push aside all other levels of authority. But stronger influence by one level does imply that control over and organisation of public services is decided by a new balance of subsidiarity, and public functions, therefore, tended to be distributed differently.

But, other elements must be taken into account as well. There were strong regional differences, even within one principality (regions with strong traditions of local government vs. regions with strong and early control by central governments of regions where feudal control was resilient) and there were clear typological differences as power in small urban settlements was organised very differently from power in large cities where levels of authority and therefore systems of subsidiarity were much more complex and the impact of bureaucratic logic much stronger.

It can, of course, not the purpose of this paper to assess exactly how the various layers in such a system of subsidiarity in organising and controlling public services functioned in pre-modern cities. Yet some examples from both small and large towns in late medieval Flanders may help to bring forward the importance of looking at interaction rather than only at competence, at choice and strategies of users of services rather than only at strategies of controlling certain sectors by specific levels of
authority, as is traditionally done. It is the only way of really assessing the complexities of pre-modern society and the ways in which the public services were distributed and used. Central in this distribution, I think; is a process of permanent negotiation and one of the key features and necessary requirements for such negotiation was the constantly adapted regulatory environment of medieval towns, corporate bodies and other groups.

Guilds and economic regulation

Recent contributions by amongst others Gary Richardson have strongly modified the traditional image of monopolizing guilds (economic regulation was not only their preoccupation, but also that of other corporative bodies and of the various other levels of government) and replaced the impact of their monopolizing policy by their trust-enabling capability (Richardson). This assessment is without doubt correct and very valuable, but it is at the same time also very restrictive. I would argue that guilds, their regulation and the public services they delivered created the necessary conditions in which dialogue could be optimized and identities (and therefore also social, economic, cultural and political action and networks) forged. Guild (and other types of) regulation and quality control acted as a forum for negotiation and allowed to adjust initiative by the various players in town and abroad to each other and economic necessity. Moreover guilds were not the only one to offer this forum for negotiation. In this they interacted with town and state authorities, with local or hierarchically dependent solidarities (neighbourhoods, journeymen) and with social custom. Again boundaries could always be negotiated and identities forged, as social actors could depend on various levels of authority and various types of regulation. Hierarchical sets of rules thus created and generated by all these institutions allowed for improving the process of smoothening tensions in attributing and allocating specific public services and generated de facto a system of subsidiary competences.

Guilds defined the stages of human life from apprenticeship to independent entrepreneurship, they organised social hierarchies and allowed or restricted social promotion. But they never aspired to a monopoly of controlling social relations, nor were they allowed to by the other levels of authority, not even in a so-called guild-dominated city like 14th- and 15th-century Ghent (Boone). Even the nicely cut division
of tasks in the workshops (between masters, apprentices and journeymen) must be reassessed because of growing evidence showing much more complex relations. Moreover, guilds functioned often in close collaboration with other solidarities and organisations in the urban fabric: neighbourhoods and urban quarters, religious communities and fraternities, informal groups that organised social and cultural life (for example the so-called carnival associations, but also more loose ensembles, such as neighbourhood groups), and in some regions also ethnic groups and their organisations.

Guilds organised a substantial part of the framework in which city life could take place. But they did this in close collaboration with city councils, with representatives of the central government, and with other corporate bodies in the city. And they had to accommodate of course non-formally organized groups in urban society as well (non-guild labour, street vendors, foreigners etc.). For this they developed an astonishing activity of regulating exchange, production and socio-cultural life. Guild privileges and ordinances testify clearly to such a deep concern for regulation and this normative framework was constantly challenged, confirmed, changed and reshaped in seemingly endless disputes dealing with the territory of specific guilds. Various levels of the urban juridical system inside and outside the guild contributed to this continuous litigation, moulding it into a platform for the construction of identity and social action that affected not only guild members, but the whole urban system (Stabel, 2004). It would be a mistake to see guilds and their concerted action with city authorities in regulating production and exchange, as mere defenders of their own interests and privileges. In defining circumstances of exchange and manufacture — guidelines that could be negotiated and renegotiated in light of political and economic circumstance—, they had to take into account the economic interests of producers, merchants and retailers, but also of consumers, local, regional and central authorities.

Boundaries of guild regulation were incessantly discussed, which in the end led to very heterogeneous and often contradictory sets of rules. Depending on the balance of power regulation could go either way. On the whole, it aimed mainly at implementing a moral framework. But despite the egalitarian rhetoric and the ideology of guild solidarity (or rather the illusion of solidarity among guild members), there is no doubt that regulatory systems were functioning in an economy, which
allowed and stimulated various forms of competition. Therefore, the in the industrial and commercial cities of the Low Countries the regulatory environment very often remained very vague and incomplete (Stabel 2001). Rules and regulations were often contradictory; they were sometimes very explicit but contained also very remarkable gaps (guilds for example talk very little about the actual organisation of the business), leaving room for negotiation and continuous litigation. This remarkable process where the various social actors could define their position in society demonstrates what pre-modern urban life was about: it was about the fluidity of boundaries, about processes of integration and distinction that were constantly being constructed, about particular tasks that were constantly being reallocated. Hence guild statutes and regulation are sign of continuous negotiations among the guilds, but also among town and regional governments and merchant organisations. Guilds formed the core of a formally organised economy, and they were very efficient in making this “economy of scarcity” more performing. But outside the formal economy, there was a wide range of other economic activities organised outside or at the margins of the corporate framework.

Environmental policies

Environmental policy is another demesne where the different urban actors had to coordinate their actions and various levels of authority offered various solutions (services). As has been recently demonstrated in the work of Wannes Dupont on the reactions against plague and epidemic disease in late medieval Antwerp (Dupont 2007), it is also one of the favourite areas where “civilising tendencies” and therefore the social discipline so promoted by central and urban authorities stimulated from the 15th century onwards a new distribution of power and a greater control of higher levels of authority over lower levels. But despite the clear attempts to use epidemic disease and the new ideas about contagion in order to change, particular systems of dispersed authority that prevailed before, the lack of means of these higher levels of authority (policing and juridical infrastructure) and the strong traditions of neighbourhoods and corporative bodies proved to be a formidable threshold against a drastically new equilibrium, leaving many of the actions taken against pollution of water and air, etc. up to private individuals, families neighbourhoods and guilds. Again, this balance was coordinated through regulation at various levels (formal
levels: state, city, guild; and informal levels: customary role of families and
neighbourhoods), which is, as often is assumed, not only achieving dominance of one
particular type of government, but is most of all addressing constant negotiation
between the different levels of authority.

If already the battle against plague, that could be rightly considered as a severe threat
to the survival of the urban community, was fought at various levels, leaving town
dwellers a high degree of voluntarism and choice, the daily care for urban hygiene and
the environment was probably even more a matter of shared competence, diffused
public services and a high level of involvement of informal groups in urban society. A
recent survey of the “environmental policy” in even a small town such as 15th- and
16th century Lier demonstrates how urban authorities failed and did not want to
construct an integrated policy on this matter (Mertens 2007). It was, however, not an
issue of not knowing what had to be done or failing to take matters in their hands.
Indeed they acted more as coordinators, using the regulatory environment
(ordinances) as a tool of policy, allowing other levels of authority (from the individual
to the corporate body) to be involved. Hence individual responsibility, collective
action of neighborhoods and guilds, and a town government that filled the gaps
worked in a complementary way. Again subsidiary competences form the backbone
of a system of administration that penetrates most issues of government.

Conclusions

In this still very tentative paper, I think two issues are at stake:
1° the first is that no single authority controlled social life in late medieval cities.
Instead a joint effort of various institutions in ever wider circles round the individual
seems to generate a system where public services are distributed by many and often
very diverse social bodies. These could be organized very formally (city magistrate,
guild, nuclear family) or they could be organized in a more informal way
(neighborhood, extended family), but together they moulded a complementary system
that allowed the consumers of public services great freedom and flexibility. At the
same time it allowed the various levels of authority the possibility of coordinating a
full-range system of public services without having to support a fully fledged and
costly administration. Recent work into the judicial system of early modern cities, but
also in the implementation of sanitary policies during epidemics, has clearly pointed at the fact that governments on whatever level were not capable in their normal acts of government of convincing town dwellers to act according to the desired and expected patterns. Government was always “small” and could not organize or enforce enough coercive power. But this does not necessarily mean that it acted inefficiently. Subsidiarity with other levels of authority allowed for great flexibility and a higher penetration of specific policies in society and, above all, it reduced costs. City governments (but in fact all levels of authority) acted as gatekeepers to such a system using for instance regulation and litigation to adjust and coordinate the competences of the various actors. It is, therefore, insufficient, to make an analysis of the actions of only one level of authority (town magistrate, charitable institutions etc.) in order to really assess the impact of public services.

2° a second conclusion can be drawn from the first. If authority and the allocation of public services is a multilayered phenomenon, reproducing and reinforcing the various levels of authority, then it becomes clear that this is also reflected in the social structure of pre-modern cities as a whole. The multiple identities town dwellers tended to adopt and adapt were, therefore, necessary conditions to be able to profit from the diversity of public authority and of allocating public initiative. The careful construction through a normative framework (fixed city law, and easily adaptable statutes and ordinances, etc.) and through a continuous process of reassessment of goals and tools of government and of social boundaries (litigation, participation of various groups in government, etc.) was therefore crucial to turn such a system into a functional organization, where groups and individuals were not at each other’s throats all the time, but were negotiation and compromise were looked for. As Gervase Rosser and others have already clearly pointed out, the efficiency of such complex systems of interaction depended on the number of and access to (corporate) bodies in a late medieval city and that precisely the process of interaction created by the presence of all these bodies generated the flexibility required and stimulated to no small extent the efficiency of for example patterns of social capital particular groups in urban society were able to develop. But it must be clear that corporate bodies were not alone in these matters and that the complex construction and reproduction of identity/identities is just as important.