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SUMMARY

Administrative structure and the use of writing: the process of documentalisation in the municipal administration of Deventer up to the end of the 15th century

In the Netherlands, the study of the municipal documental legacy as an integral whole is still in its infancy. The town of Deventer is well suited for research into administrative documentalisation, because it has rich medieval records. Moreover, this town fulfilled important administrative, judicial, economic and ecclesiastical functions within the ‘Overijssel’ part of the prince-bishopric of Utrecht, on both the regional and supra-regional levels. This thesis is a report on research that may be briefly summarised as a description and elucidation of the evolution of an administrative structure with a newly document-based culture. In essence, this study is of an institutional-administrative nature. Yet it also sheds light on the social context in which the official writings functioned. In the third place, attention is given to culture-historical topics such as the interaction between oral and written communication in government and the justice system, the use of Latin and the vernacular by the authorities and the bureaucracy, and literacy rates.

The central question concerns the factors that determined the process of administrative documentalisation, and their interrelationships. The starting point is a systematic study of the evolution of the municipal administrative organisation and its powers from the point of its earliest evidence in the records. The purpose of this is to shed light on the written records generated by municipal responsibilities in the fields of government, justice and management. This thesis not only wants to describe, but also to explain: why did the written word gain increasing importance in civic administration? What were the impulses that caused changes in the recording of municipal actions? It is the long-term perspective and the attention given to interconnections between the various kinds of source material (charters, correspondence, accounts, registers, as well as notes and designs that defy classification) relating to local government, justice and management which make such an approach possible.

The structure of the book is as follows. The introduction deals with matters of definition, method, sources, tradition and documentalisation as a theme of research. The second chapter focuses on the early phase of documentalisation. This is followed by three chapters about the evolution of administrative documentalisation. The cutting-off point between chapter 2 and the subsequent chapters is the year in which Guelders came to hold the region of Salland - including Deventer - as a security (1336-1346). The trio of chapters on the evolution of governmental documentalisation have as their subjects the core activities of municipal administration: government, justice and management.

The report on the findings starts with chapter 2. It charts the social and institutional history of the town of Deventer up to the early 14th century: the setting in which the process of administrative documentalisation took place.

At the beginning of the 13th century, Deventer was in the charge of governors who stood in a dependent relationship to the prince-bishop of Utrecht, monasteries or chapters (so-called ministeriales). But shortly before the middle of the 13th century this changed: the merchants came to the fore as a social group. In order to understand the political context, the relationships were traced between the prince-bishop (and his local representative, the town bailiff - stadschout or stadsrichter) and the civic community on the one hand, and, on the other, those between the various political bodies within the town. The powers of the town bailiff were eventually limited to dealing with aliens and with some aspects of capital crime. In the 13th century, the civic community and therefore its administrative institutions experienced a process of political emancipation with respect to the prince-bishop. From 1266 on, the civic
administrative bodies are frequently encountered as promulgators, signatories and/or witnesses of charters, and the closing decade of the 13th century saw a notable increase in the number of charters issued exclusively by them.

If we turn from the social and political developments to the theme of administrative documentalisation, it is clear that up till the late 13th century the municipal written culture was confined to the clergy attached to the collegiate church of St. Lebuinus. In the second half of the 13th century a few dozen scribes were active in this circle. On an occasional basis they drew up charters for the municipal authority and for any other client. It was also they who would update the membership roll of the guild of merchants. The first town clerks were recruited from this group of clergy. Their appearance around 1290 coincides with the increase in the number of ‘municipal’ charters noted above. This study links the rise of a new, literate administrative elite rooted in the merchant class to the use of writing in secular administration. This elite was educated in the local chapter school, which thus played a crucial part in the process. Officialdom’s new attitude to the use of writing manifested itself not only in the production but also in the preservation of documents.

Chapter 3 focuses on the tasks performed by the municipality as a collective. Shortly after the mid-14th century, we see how a new municipal government was appointed at Deventer. The meente (a body representing the burghers) served as an electoral college. In every ward, two members of the meente, the so-called keurnoten, would elect one or two aldermen (schepenen) to sit on the bench of aldermen (schepegbank) as straatenschepenen (ward aldermen). Shortly before the mid-15th century, and possibly even earlier, the keurnoten were appointed by the aldermen and members of the council (raad). The electoral college itself, the meente, would serve as a breeding ground for new officials. Since there were eight wards and twelve seats for aldermen, a distributive formula was devised, probably shortly after 1350. It is through this construction that the municipal administration maintained links with the various wards.

The core tasks of the bench of aldermen were the drafting and enactment of ordinances (keuren, i.e. bye-laws and regulations) and the issuing of buurspraken (official, public announcements), dealing with correspondence and supervising the town militia. The municipal government possessed the power of ordinance even by the late 13th century. Initially, ordinances were promulgated mainly orally. Entries in the municipal accounts - preserved from 1337, and in Deventer known as the cameraars’ accounts; more about these below - make it possible to infer the existence of particular ordinances and their being recorded in ordinance books (keurboeken).

In the municipal records of Deventer there is little evidence of the town’s position as the mother town of the Overijssel town-charter filiation: examples of daughter towns requesting legal advice are few and far between. No records with force of precedent, like those kept at Zutphen in Guelders, were compiled here. An explanation might be that the towns of Kampen and Zwolle in their striving for autonomy on this point tried to loosen their ties with Deventer. It is clear that the town-charter filiation of Overijssel was a construction imposed by the prince-bishop, which by the 14th and 15th centuries at any rate had little practical significance.

The buurspraak was the principal means by which local government communicated with the townspeople. Deventer knew the phenomenon as early as the mid-14th century. Initially buurspraken were oral communications. After a century, they began to be systematically recorded. Moreover, interested citizens could now read for themselves the texts of buurspraken, which were put up in public places. This fact illustrates the increasing literacy of the urban population in the 15th century.

The bench of aldermen also dealt with the municipality’s correspondence. The volume of outgoing mail can be reconstructed from entries in the accounts. It is estimated that in the second half of the 14th century alone, a total of several thousand letters were dispatched. Of these, only a
fraction have been preserved in archives outside Deventer. Letter books, in which the more important outgoing letters were recorded either as copies or as fair copies (the accepted versions), were kept possibly in the late 14th century and certainly by the early 15th century. Incoming letters have only rarely survived; these were filed according to the importance attached to them. From 1447 onwards, a separate Hanseatic archive was kept at Deventer, ensuing from the central function in Overijssel that Deventer was now starting to fulfill as a member of this league of cities.

The final subject in the discussion of the collective administrative tasks of aldermen and councillors are their tours of inspection in the wards, during which notes were taken. These related to the distribution and inspection of weapons and armour, surveys of food supplies, and the supervision of aliens. Ward-by-ward notes provide information on the level of individual premises and thus provide a sort of ‘municipal data base’ which could be put to various uses. However, diverse these ward surveys may be, depending on their purpose, their general function was that of inspection and supervision for the sake of public safety and civil order.

It is clear that administrative documentalisation in Deventer first manifested itself in the regulation of public life, in the recording of local ordinances.

The subject of chapter 4 is the justice system. Developments in the areas of criminal, voluntary and contentious justice are successively described and analysed. Because of the key role played by the burgomasters (originally known as maandschepenen) in the justice system, this is preceded by a discussion of the office of burgomaster. Two aldermen would hold this post for four weeks at a stretch, i.e. one administrative month. Known as richters in der tijt (judges of the period), they were also responsible for collecting the fines they imposed for breaches of the ordinances.

The section on criminal justice successively discusses the matters of feuds and oorveden (pledges), fines and banishment, and kindergoed (orphans’ inheritances). Feuds between the town and extraneous persons or groups would be formally notified by means of ontzegbrieven (declarations of hostility). From 1336 onwards, the relevant data from incoming ontzegbrieven were recorded in a special register, known as the oorvedenboek. An oorvede could be either a pledge of peace from the losing party in a feud or a solemn oath by a freed prisoner to desist from revenge or judicial action (in German: Fehde-Urfehde and Haft-Urfehde). Feuds could be temporarily suspended by means of a vrede; their termination was marked by a formal reconciliation (zoen). Entries relating to settled feuds would be cancelled. The need for registration of feuds arose when their frequency increased. The prisoners’ oorveden found in the register were made by offenders against the municipal ordinances. From 1395 onwards, separate registers for the prisoners’ oorveden were used. In the course of the 15th century, imprisonment and the oorvede, originally means of maintaining the peace, evolved into disciplinary measures.

As regards fines and banishment, there is evidence that from 1344 there was a separate administration for criminal justice. More or less systematic registration of criminal cases took place from 1395 onwards. The information kept in the criminal-justice administration was used in drawing up the draft and fair editions of the cameraars’ accounts, particularly for entries under the heading of ‘receipt of fines’.

Standing wholly by itself within the criminal justice system was the obligation for remarrying widows and widowers to declare the share of their dead spouse’s estate due to their children. From 1362 such notifications were recorded in registers. Failure to declare would result in a fine. The earliest extant kindergoed register covers the 1467–1494 period. Older records were destroyed when the information they contained became outdated.

The municipal authorities of Deventer acquired competence in the area of voluntary jurisdiction even in the early 12th century. Systematic registration was not adopted until the mid-
1380s. The following subjects are discussed successively: legacies outside Deventer, real-estate transactions (renunciaties), bonds, authorisations and local legacies. The straatschepenen played a key role in placing legatees in possession of their inheritance and in settling any conflicts arising from local legacies. It is only here that we see any competence, be it a limited one, delegated to the ward level. In the late 1450s clerks employed by private individuals from outside the town clerk’s office, including schrijfmeesters (calligraphists) besides the notaries public, undermined the near-monopolistic position of the municipal authorities in the area of voluntary justice.

Finally, the system of justice in disputes (contentious justice) is elucidated. The Deventer magistrate had powers in this field presumably from around 1325, and definitely after 1356. Initially the reported cases were not systematically recorded. This changed in 1423, most probably on the initiative of the meente. Henceforth the aldermen were obliged to have their judgements in contentious cases recorded in order to guarantee equality before the law. The judgements were entered in a register, known at the time as the clageboeck. In it, the town scribes also recorded the claims and pleas. In any case, dissenting parties would turn to the bench of aldermen only as a last resort. Besides the clageboeck also a register of property sequestrations (panding and besate) belongs to the sphere of contentious justice.

By the mid-14th century, the Deventer municipal government had jurisdiction in all three areas discussed. The chronology of the documentalisation process without doubt reflects a hierarchy in the various parts of the justice system: registration of criminal cases enjoyed priority, because these touched upon civil order. Conflicts were in principle dealt with privately, and matters of voluntary law could be recorded as the parties desired. Political and economic factors - the call for equality before the law from the meente, and the growth of the urban population and the concurrent proliferation of trade fairs and transfers of goods and capital - in the 1420s made it necessary to commit even voluntary matters to paper.

Chapter 5 outlines the evolution of the various raadsambten, specialised offices held for a year by aldermen (and sometimes councillors) which developed in the early 14th century. The central office was that of cameraar. In this study a new hypothesis is put forward with respect to the origin of the accounts kept by the cameraars: it appears that around 1330 a number of older, separate accounts were integrated into a single system, the cameraars’ accounts. Until 1344 the two cameraars kept communal accounts; after this year these were split up. In the course of the financial year, in summer and winter, the cameraars gave account before their fellow aldermen. A third, ‘great’ account would close the financial year. Because of the increasing complexity of municipal finance, the cameraars around 1390 started each to draw up six intermediate monthly accounts. Around the same time the cameraars also began to give account to the newly appointed bench of aldermen. From the mid-15th century, the meente exercised increasing supervision over municipal accounting.

The cameraars’ accounts had an administrative substrate of lease registers, distraint registers (pandoeken), citizen registers and tax assessment lists. The condensed data from these were incorporated in the cameraars’ accounts. The lease registers of tenants and excise farmers in their turn were based on lists written out during the leasing sessions held in public buildings.

After the cameraars, the offices of wijnheer, gruitmeester, hopmeester, timmermeester, tolmeester, weidegraaf, and straatmeester are examined. These were concerned with the excise on wine and beer, with tolls, and with the maintenance and management of public buildings, municipal pastures and streets. The tenure of these offices by aldermen involved the keeping of more or less extensive accounts, which also were part of the substrate for the cameraars’ accounts. Like the cameraars, all of these officials were financially accountable to their fellow administrators twice yearly from 1396 on. External and internal factors determined the timing
and course of the documentalisation process in these departments. External factors might be of a political or economic nature such as the acquisition of princely privileges (excise on gruit, brewing ingredients), the growth of commerce (tolls) and innovations in food technology (the use of hops in brewing). Internal factors were the increasing professionalisation of the administrative apparatus, in which the ‘bureaucracy’ not only became more formally organised, but also employed increasing numbers of people. Naturally, the system of remuneration (under municipal control or through farming-out) also played a role.

The accounts of the various officials allow conclusions to be drawn about the relationship between Latin and Middle Dutch as the language of administration, and about literacy rates among various sections of the population. It has emerged that initially the aldermen used the vernacular in the exercise of their raadsambten while the cameraars’ accounts were in Latin. This means that at some point in the administrative chain translations had to be made. In 1361 this inefficient procedure was abruptly and definitively abandoned, and Middle Dutch became the official written language at all levels. From then on, Latin was only exceptionally used at the town clerk’s office. Possibly political factors underlay this change of policy. A striking finding is that even in the 14th century not only the administrative elite and much of the bureaucracy, but also many (master) artisans were literate. The 15th century saw a further expansion of literacy in the urban community.

To summarise, it can be said that the late-13th-century process of administrative documentalisation in Deventer was started off by closely associated social, political and cultural factors. These can all be linked to the emergence of a literate merchant class which managed to struggle from the grasp of the prince-bishop of Utrecht. The acceleration which the process underwent in the first half of the 14th century was institutionally determined; it was associated with a specialisation of tasks within the municipal executive. From the early 15th century new impulses arose from demands by the meente for, on the one hand, equality before the law and legal certainty and, on the other, greater supervision over the municipal finances. Besides this political factor, an economic force was felt at the same time: commercial and demographic growth.

The process of administrative documentalisation took a different course in every medieval town. Even so, in the Northern Netherlands the developments within Deventer in terms of chronology as well as form and content are quite comparable to those of Utrecht, which was the capital of the prince-bishopric of the same name. A remarkable parallel in the earliest phase is the part played by chapters of secular clergy. In the county of Holland-Zeeland and in Friesland these did not exist; there the documentalisation of society originated in the monasteries.

Deventer is the first town in the Northern Netherlands for which a study has been made of the entire municipal administration, covering such a long period. It is clear that research relating to the process of documentalisation in towns will produce fruitful new insights into the dynamism of urban society in general and the development of municipal institutions in particular.

(vertaling: Xandra Bardet English translations, Groningen)