

# Women's Work in Early Modern Europe

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## Proceedings

### Session 6

Legal regulation:

civic and gild control

*Dag Lindström*

## Civic and gild control in early modern Europe

Gilds and gild regulations have had an immense effect on women's work in Europe from the middle ages to the 19<sup>th</sup> century. Most gilds put restrictions on female work, often very strict ones. These facts are well known, and it is not really necessary to establish them here. More important in this context would be to discuss the variations in restrictions, and the actual implementation of regulations.

There are three more specific issues I would like to address here.

- 1: The anatomy of formal restrictions and possibilities
- 2: The various forms of implementation of control (but also of formal options)
- 3: The comparative approach

When analyzing the present state of the art, it soon becomes obvious that gild restrictions, but also the options actually open to women, demonstrate wide variation. A few female gilds (primarily in Rouen, Paris and Cologne) have received a lot of attention, both as examples of women's opportunities, especially in the middle ages, and as exceptions illustrating the prevalent exemption of women from gild work.

What is necessary here, I think, is not to only to add further examples of women's gilds, although additional empirical evidence certainly is important. Several new examples of women's gilds and of women achieving independent gild status have been demonstrated recently.<sup>1</sup> But, as Ariadne Schmidt has recently pointed out, it is important to identify the variations in restrictions. "Guilds did not restrict all women to the same extent." As she has

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<sup>1</sup> Clare Crowston, *Fabricating Women. The Seamstresses of Old Regime France. 1675-1791*, London 2001; Clare Crowston, "Women, Gender and Guilds in Early Modern Europe: An Overview of Recent Research", *International Review of Social History* 53 (2008), pp. 34-39; Ariadne Schmidt, "Women and Guilds: Corporations and Female Labour Market participation in Early Modern Holland" *Gender and History* 21 (2009); S. D. Smith, "Women's Admission to guilds in Early-Modern England: The Case of the York Merchant Tailor's Company, 1693-1776, *Gender and History* 17 (2005).

also pointed out, the fact that women were excluded from positions of authority did not necessarily mean that they were excluded from work.

Schmidt identifies five categories of guilds according to their admittance of women

- 1: all-female guilds
- 2: mixed gender guilds
- 3: guilds that accepted female relatives of masters (usually widows)
- 4: guilds in which women were involved as waged workers
- 5: guilds that excluded women under all circumstances

This is a good start. But we need even more empirical evidence about these varieties in restrictions and options. The acceptance, for example, of female relatives could also be of various kinds. Were only widows accepted? Was a formal recognition necessary? Was their access limited in time? Could they hire and educate journeymen and apprentices? Etc.

To what extent can these varieties in regulations be linked to other fundamental conditions? For example different production conditions; differences in the family and household structure within different trades, or different market conditions.

It is also important to analyze and to compare how strict the regulations were in themselves. Did they allow certain flexibilities? This observation also leads to the next point.

2: The implementation of legal regulations.

The implementation question is not simple and there are many different opinions and observations.

Sheilagh Ogilvie has emphasized how guilds generally used their powers to limit women's participation in economic life. Generally, strong guilds meant less female opportunities. Other historians have argued that guilds never controlled the trade to the extent that the legal regulations may indicate.

Kirsi Vainio-Korhonen has demonstrated extensive female labour in late eighteenth- and early nineteenth-century Turku (Finland). It seems that the guild masters, in a situation with an expanding market for simpler low-price products, accepted extensive female labour.

Ariadne Schmidt argues that female guild membership increased with larger cities, economic growth, and expanding textile and garment industries. Flexibility also increased with expanding (international) markets.

Under what circumstances has implementation been more flexible, and what does flexibility actually mean? Is it just a question of rules not being strictly enforced, or can we identify certain types of flexibilities? Was it only under specific market situations that the implementation became more lax, or can flexibility be linked to other circumstances (institutions, social structure, culture etc)?

It is also important to be aware of the fact that the implementation factor also can work the other way around. The general Swedish craft guild regulation of 1720 actually allowed women to work independently. According to these statutes, a woman who had learnt a craft could work under the supervision of a master, but she could also apply for an independent position at the magistrate. If accepted, she would pay an "adequate" economic contribution to the town, and she would then be considered as a member of the burgher community. But there are, at least yet, very few known examples of these possibilities actually being realised.<sup>2</sup>

To develop our knowledge and understanding of implementation, I think we need to dig deeper in the question of the guild rationale (reasons and goals) behind the guild regulations and the different observable patterns of implementation.

In order to do this, we need much more of comparative studies (which is my third point.)

Gilds have been a very long-lived institution. They also spread widely geographically, and they included many different trades.

For that reason, among others, I do not think that a general theory about guilds can ever be formulated. And I seriously doubt the value of such an endeavor.

We can learn much more from identifying different patterns (in time, space and within different trades). If we can link these various patterns to other circumstances, (institutional structures, types of markets, social structures, cultural patterns etc) we will learn a lot about women's work in early modern Europe.

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<sup>2</sup> Ernst Söderlund, *Hantverkarna 2. Stormaktstiden, frihetstiden och gustavianska tiden*, Stockholm 1949, p. 418; Söderlund 1943, p. 299.

*Anna Bellavitis*

## Legal Regulation: civic and guild control in Italy and France

To compare early modern Italy and France means to compare a multitude of states and urban economies with a centralized monarchy, whose gigantic capital concentrated economic functions since the Middle Ages. While the history of French guilds is closely related to the history of the French monarchy and its need to control tax collection, the history of Italian guilds is closely related to the history of urban powers and rituals.

In **Paris**, the 13<sup>th</sup>-century guild ordinances, the Jean le Bon Great Statute (1350) and the ordinances of linen-clothing women workers (1485) mark the history of women workers. Female work obeyed the same rules as male work, both in female trades and in trades in which men and women worked together. In the 13<sup>th</sup>-century guild ordinances, there were at least three women's guilds, all in silk production. We do not know how women gained control over silk production (as they did in Cologne, for example), but it is a fact proved by statutes. The organization of the guild and of apprenticeship was the same as in the male guilds, but in female guilds male officers (*prud'hommes*) participated in the administration.

In many other trades' ordinances, female workers are mentioned explicitly (*maître et maîtresse, preud-homme et preude femme* etc), but we do not know who did what and how tasks were assigned, according to gender distinction. In the ordinances of the building, wood and metal trades' guilds, women were not mentioned.

In almost all the statutes, the future of the master's widow was considered. Usually, they could continue their husbands' trade, if they did not remarry, or if they married a man of the trade.

The Statute of 1350 was promulgated to reorganize the world of the guilds and trades after the plague. In order to attract workers, access to guilds was widely opened to women. The statute fixed the wages for female servants, wet nurses, washer-women, barber-women and for some other trades that were not organized in guilds, including artistic works, like "*menestrelles*", or painters. It created the "*recommanderesses*", women who run a sort of employment office for women.

At the end of the 15<sup>th</sup> century, the ordinances of linen-clothing women workers show also a special concern about women workers' morality, partly because the trade was not only open to poor working class women, but also to the daughters of the middle class. So, women having made “scandal of their body” were excluded from the public meetings of the guild, but they could still work, and keep workshops in town (Roux).

In **Rouen**, since the 13<sup>th</sup> century, there were female and mixed guilds in the textile crafts.

In 13<sup>th</sup>- and 14<sup>th</sup>-century **Montpellier**, the ordinances of 15 guilds (or confraternities) mention women, mostly food and textile trades but also: barbers, tanners, brokers, but there are no exclusively female guilds. In notary records one can also find apprenticeship or employment contracts for women in different trades, including painters, carpenters and tailors. But women could not become masters and their apprenticeship was never paid. In the 15<sup>th</sup> century, guilds were closed to participation. This evolution must be related to the crisis of the Montpellier economy (Béghin).

So, in medieval France, there were some female guilds, at least in Paris and Rouen, some mixed guilds and some male guilds. But, even in female guilds men kept control over guilds' offices.

In **Italy** there never existed female guilds, but guilds' statutes mentioned male and female workers, most of the time. Women workers were generally included in textile guilds, and in some cases, like in **Venice**, also in many other trades, including medical professions and apothecary. But mistresses appeared only in some textile guilds. Venetian guilds had no political power. On the other hand, where guilds took control of municipal power during the 13<sup>th</sup> century, as in **Bologna**, women were rapidly marginalized.

During the 15<sup>th</sup> century, in many cities of Northern and central Italy (**Florence, Genoa, Venice**), the social mobility implied in the guilds' system vanished, because of the general evolution of the textile industry. As a consequence of this evolution, workers were not members of the guilds or were members who did not have the possibility to become masters. Most of them were women. (Greci)

We arrive now to one of the great issues of the women – guilds problem: the question of the supposed exclusion of women from guilds in the early modern period, a problem raised, for the French case, by Natalie Zemon Davis in the 1970s, in her article about guilds in Lyon and of course by Merry Wiesner and other historians for the German area.

In **Venice**, women were excluded from wool guilds in the 16<sup>th</sup> century (Pancierera). But in the archives of the judges who had the jurisdiction over guilds in Venice I found apprenticeship contracts for girls, with masters in different trades, but also with mistresses (food sellers or seamstresses): were they “real” mistresses? It is difficult to say: were they formalized apprenticeship contracts in an informal context? (Bellavitis). In the 17<sup>th</sup>- and 18<sup>th</sup>-century rolls of the Venetian mercers’ guild, we still find mistresses (Mac Kenney, Bellavitis).

In the 18<sup>th</sup> century, mistresses still appear in the ordinances of the tailors in **Rome and Turin**; of the silk-weavers in **Florence, Bologna, Milan, Venice** and of the sock makers in **Palermo**. Chronologies are different in the different Italian States, but two main factors seem to determine the inclusion or exclusion of women. A political factor: when guilds had a political power in the city, as it was the case in **Florence or Bologna** in the 13<sup>th</sup> century, but also in **Turin** or in the **Sicilian towns** in the 17<sup>th</sup> century, women were marginalized, or even excluded from guilds. An economic factor, which is more ambiguous: in some cases, the crisis of the textile industry determined an exclusion or marginalization of women, in order to preserve the position of the “male breadwinners”; in other cases, men left the job to women, because the wages had become too low, as happened in the wool industry in **Florence** and **Bologna**, during the 17<sup>th</sup> and 18<sup>th</sup> centuries. So, women were included in the guilds, but men kept control of guild government (Laudani).

In **France**, the evolution of women’s guilds and of women’s place in mixed guilds depended very much on the economic policy of the state. In response to a royal edict requiring all unincorporated trades to form guilds, seamstresses in **Paris** and **Rouen** acquired independent guilds in 1675. Claire Crowston found in the Paris notary archives apprenticeship contracts stipulated by seamstresses for girls before 1675: they can be considered as illegal, as the guild did not exist yet, but they were formalized by notaries (Crowston).

In 18<sup>th</sup>-century **Rouen**, mistresses could be found in the all-female guilds of linen drapers of new clothes, linen drapers of used clothes, makers of knitted wear, and seamstresses, as also in the mixed guilds of grain and flour merchants, spinners, fashioners of leather ornaments and religious vestments, and ribbon makers/lace makers/fringers/decorators. In the 1775 tax roll, there were 160 members in the ribbon makers/lace makers/fringers/decorators guild: 64 % were women and 36 % men. Women were 17 widows, 55 wives, 30 unmarried women. Wives did not have the right to participate in commerce without the express permission of their husbands. Overcoming this obstacle was the object of a special legal formula, the

privilege of the “marchande publique” or merchant in the public domain. Any woman trader could become a marchande publique with her husband's explicit permission, but the prevalent way that women acquired this right was by becoming a member of a guild, which conferred the status automatically. In the ribbon makers/lace makers/fringers/decorators guild, even if 1/3 of the members were male, officers were female and they were involved in public discipline as well: they circulated through the streets to apprehend illegal competitors and confiscate their goods (Hafter).

At the end of the 18<sup>th</sup> century, shortly before being suppressed, all guilds were opened to women (Truant, Musgrave).

Opening the guilds to women and creating new women guilds, Italian and French legislators intended mainly to control female workers: to make them pay taxes and to avoid an embarrassing competition with male workers. Women's work was more flexible and women's wages were generally lower than men's, so women always represented a danger for male workers.

Women's work had to be controlled, but it also had to be protected. A 16<sup>th</sup> century **Venetian** law stipulated that only women “who did not have any kinship or ‘intelligence’” (which means here: not having a contract) with male members of the silk-weavers guild could produce and sell silk-ribbons in the streets. (Molà).

When the silk industry was founded in **Lyon**, in 1466, men and women were allowed to work with no gender distinction, but the next regulation of 1561, converting the industry into a guild, restricted women's access to silk work. The silk industry was extremely powerful and important and, like in Venice, it was divided into separate guilds which handled different types of manufacture. Women were not members of the weavers' guild, but worked as daughters and wives of masters or as auxiliary workers. Guilds' ordinances affirmed that as a wife's legal person was subsumed in that of her husband, his license to work applied to her, so wives could work alongside their husbands at the loom, and private contracts made this specification more explicit (Hafter).

So, to conclude this history of inclusion / exclusion we must talk about women refusing to be members of a guild, because it was too expensive, because it meant that they had to pay taxes, and that they could not work in their husbands' workshops anymore. When the seamstresses' guild was founded in **Paris**, only two thirds of the Parisian seamstresses entered it. The others

kept on working with their husbands, who were tailors. There was a long legal conflict about the tailors' widows' right to continue their husbands' craft: seamstresses affirmed that they could not because they had not received a regular apprenticeship. (Crowston).

In 18<sup>th</sup>-century **Rome**, the tailors' guild took court action against women tailors who were not members of the guild. During the trial, these women said that they did not need to enter the guild, because they were just mothers making clothes for their family. So they were exploiting the cliché of women's exclusion from "productive" work to their own advantage (Gropi).

The history of the relation between women and guilds, even in Catholic countries like Italy and France, is not linear and any mono-dimensional explanation is partial and false. Political and economic factors play equivalent roles in this story. Normative sources, like guilds ordinances tell us many things about the institutional evolution, but, as it is always the case, notary records and legal sources must be used as well.

For all references, see separate Bibliography

## Discussion

(thanks to Amanda Capern)

*Sheilagh Ogilvie*: made one comment and raised one issue *viz*; that guild management and apprentice system should not be simply equated, apprenticeships were a good thing, could be a private contract – one did not need a guild to have the benefits of apprenticeship; the issue is that of ‘informality’ - some of the effect of guild regulation on women has been wrongly interpreted, but this is not the same as saying that regulation did not matter - it was a form of coercion, the question of agency is important because risk and control can still be imposed even without perfect regulation.

*Christine Werkstetter*: the Augsburg guild sources indicate that not everything was regulated; there were many regulations not mentioned and this was a gap exploited by people

*Ariadne Schmidt*: raised the issue of regional variation, suggested that ‘yes’ the guild regulations could be flexible, but comparisons are needed to acknowledge that in some regions regulations mattered *more*, e.g. in Germany and the East Dutch Republic, the guilds were more restrictive, whereas they were more inclusive in the West. One comment also about an important point arising from CW’s work – one always needs to look at to whom the regulations matters, across space and across groups.

*Dag Lindström*: comment – there is an important distinction between *flexibility* and *informality*.

*Ariadne Schmidt*: there is a question raised *viz* why were guilds in some places more restrictive – there must have been intention, what was it?

*Sheilagh Ogilvie*: offered the answer that it depended on the context of the political economy of the particular society being looked at – one can expect type and extent of guild regulation to be different across and between economies. In the East West Dutch Republic example, the West has *more* regulation, but applied them *less*. It was difficult to monitor compliance. In Germany there was a cooperative and symbiotic relationship between the town council and guild institutions, in some places the prince was involved in the relationship too – in those situations in which the authorities cooperated instead of competed, there could be stronger

guild regulation because of the back-up. In some Dutch cities the guild wanted women removed but the town councils did not want them on poor relief.

*Heide Wunder*: Prussia is another example, Prussian kings saw that the guilds hindered economic expansion and were a problem for the tax payer.

*Amy Erickson*: Guilds were synonymous with City of London government (within the walls); the suburbs were not under central governance.

*Heide Wunder*: pointed out that that made a 3<sup>rd</sup> model; also pointed out that legal evidence needed to be put together with guild evidence, for example, because if widows not mentioned, subject to private law.

*Anna-Helena Wiechel*: made the point that whatever the statutes and regulations, a widow/woman's status was partly about how they were portrayed in normative texts of political thought, political economies and religious works.

*Sheilagh Ogilvie*: 17<sup>th</sup> and 18<sup>th</sup> Century Cameralists tended to reinforce the idea that women should be excluded from or organized by the guilds – idea is that nature destines women.

*Anna-Helena Wiechel*: confirmed that this was the same for France and Italy.

*Anna Bellavitis*: cited the Italian case where masters said they did not to include women because men were heads of households (the point here is that there was overlap with naturalization of male power).

*Dag Lindström*: in Sweden the discussion was over whether guilds were a good thing or not and there were indications that the central authorities wanted to get rid of regulation. In Denmark and Norway there were strict regulations, the head of police was against women in guilds and there was gender cliché e.g. strong men should not be tailors.

*Amy Erickson*: pointed out that naturalization was only at the end.

*Heide Wunder*: referred to Merry Weisner Hanks to point out that in Germany men would blacklist masters who allowed women and in the Netherlands social regulation crept into texts.

*Ariadne Schmidt*: not as successful as in Germany.

*Sheilagh Ogilvie*: raised the issue of the journeymen's associations, blacklisted shops, journeymen for example pietists, they put out orphans, but in 1730s blacklisted the guilds who hired any illegitimate hawkers, no-one would hire them in Holy Roman Empire.

*Dag Lindström*: existed in Swedish towns.

*John Styles*: made the point that this was not just about women.

*Muriel Gonzalez*: suggested a return to the question of the point of meaning or the importance of guild regulations – in Cologne there were four women's guilds that allowed widowers fixed rights, in the 16<sup>th</sup> C the brief changed which led to conflict with the courts, not mentioning some things did not mean that men/women could not work and several other laws influenced agency and practices within different crafts – therefore, there is a need to differentiate meaning and practice from the briefs and regulations. Comparing regulations at the beginning and the end of the period is important and also why some were fixed and others were not.

*Tony Wrigley*: there are striking features to be noted with urban development, there was rank order on 1600 but several years later where Sweden ranked same, in England the rank order changes. Many cities that grew rapidly did not have guilds and that placed pressure on those cities that did. So, is there any comparability across Europe? and how did this affect women?

*Anna Bellavitis*: Torino is a good example, it's a small town with no guilds, it grew rapidly and created guilds. France is the same – Rouen develops in 15<sup>th</sup> C and this led to creation of silk guilds (point being that urban growth did not necessarily lead to one model or another of creation or dissolution of guild regulations).

*Tony Wrigley*: what about the part played by the growing suburbs – can and did they grow up without guilds?

*Amy Erickson*: must explain freedom or the license to trade.

*John Styles*: a number of guilds controlled beyond the city leading sometimes to control issues. Other institutions – 1712 Whitby Blanket Corporation was the *last*. There were new corporations after 1688-9 ('Glorious Revolution') but it was tricky thereafter.

*Hilde Sandvik*: in Copenhagen there was a move out of the city to use women for flax and wool manufacture and this was government supported. Sweden there were free towns, long distance trade leading to prosperity.

*Heide Wunder*: capitals had a role to play. In Berlin the monarchy was interested in raising development of the country; the guilds in Germany were urban, there were attempts to include rural craftsmen to control them more than anything else (18<sup>th</sup> C mostly); in the linen industry a new agent was the merchant/enterpriser, some were integrated, but not in other guilds necessarily, needed capital too – long historical development high medieval to 19<sup>th</sup> C. Dutch Republic – cities in the northern Netherlands, Dordrecht and Utrecht all important, but by the 16<sup>th</sup> C they were less important urban centres, Leiden at the end of the 16<sup>th</sup> C becomes 2<sup>nd</sup> most important, in area of cloth weaving and some industries guilds were abolish and this led to prosperity.

*Leonard Schwarz*: protection racket is the usual thinking, guilds advanced cities, did not hold them back and should not be seen as hindrances.

*Dag Lindström*: in Sweden, on the one hand guild regulations applied in towns and on the other, there were not problems 16<sup>th</sup> C to 18<sup>th</sup> C.

*Pam Sharpe*: should be make the assumption that guilds are traditional and conservative? Were there any examples of innovation?; also should think of the trading companies such as the Dutch East India Company which had a huge influence on cities and trades.

*Sheilagh Ogilvie*: There has been no discussion to this point of proto-industry and the links between this new industrial growth and the new guilds and/or trading companies. Proto-industry does not mean that there were no middle men (there were merchant guilds and guild-like merchant companies) and we should think about the effect of this specifically on women.

*Dag Lindström*: there were examples of women trading in 'guild-like' conditions.

*Anne Laurence*: made reference to PS's point that the demands of the East India Company and other merchant companies in Europe such as the Dutch East India Company start to overtake the demands of the guilds.

*Anna Bellavitis*: cited the example of the silk weavers of Rouen.

*Amy Erickson*: seamstresses and tailors responding to challenges – example of York cited, but in York there was absorption as model.

*Jane Whittle*: pointed out that there was a *political economy* to situations – sometimes the guilds were restoring work to men but the government was insisting that guilds should stay open to women to reduce poverty and the burden on the state – i.e. there was a difference between the desired norm and the economic realities that drove the politics.

*Amy Erickson, Anna Bellavitis and Heide Wunder*: all responded to this by agreeing that the situation was often about social intelligence/knowledge of relationships and kin networks.

*Jan Lindegren*: spoke of the split between formal/informal regulations as being the reality – everything that evaded taxation was informal so this can be misleading because when women worked in the informal sector, this does not mean they were not working. We classify some things as ‘informal’ mostly out of ignorance, why not ask instead ‘why did they do things in this way and this?’ One of the biggest examples might be women in armies – these women were usually not prostitutes – example of the soldier of the Thirty Years War who has left account of regimental wives (because they stole from him). So he acquired a regimental wife and became soldier.

*Kirsi Vainio-Korhonen*: we have spoken of work and production but need to remember strong social meanings...

*Leonard Schwarz*: pointed out that after the fire of London buildings guilds were abolished, so circumstances are important to understanding and explaining changes in guilds – amongst the merchant tailors many took up building as a result of the fire and the availability of work/need to re-build city.

*Craig Muldrew*: raised another set of circumstances *viz* that in King’s Lynn at Henrician Reformation towns took the opportunity that arose to get rid of guilds and this led to stronger town councils. Most important = that the towns were pro-active in getting rid of guilds. Why do they do that rather than doing other things in different parts of Protestant Europe? (English historiography associated with Eugene Unwin 1930s).

*Anne Laurence*: there was a confusing relationship between confraternities that were not guilds. English Civil War made a difference because the corporation got rid of guild regulations so that the New Model Army could recruit amongst apprentices.

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*Heide Wunder*: in Germany where there were petty merchants and guilds, there is cooperation and women were excluded. Why? explanation could be that because there were no 'proper' merchants, women could not trade as freely as men. There was a law that secured women's property (to them) if they remained housewives so, they had to give up their privileges to take advantage of the law. There were independent trading women (Leipzig, Cologne, Frankfurt).

*Amy Erickson*: wives were not protected anyway so there was nothing to give up.

*Heide Wunder*: when husbands had debts, women's dowries could be protected from paying them.

*Amy Erickson*: made the comment that women had no right in marital property.

*Sheilagh Ogivie*: the 'free Englishwoman' needs to be 'relativised'.

*Heide Wunder*: merchant women *did* have to pay the debts of husbands.

*Pam Sharpe*: this was a sort of freedom

END: there were one or two small additional things said at the end but they were addenda to the half dozen last things