CHAPTER II

Behavioral Regulation in the City: Families, Religious Associations, and the Role of Poor Relief

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In this essay, I explore the history of social control in western Europe as it related to the urban household and family. I argue that households and families of the lower and middling ranks of urban society were weakened by the impact of high urban mortality and levels of migration, making the formation of bonds of mutual assistance and control beyond the household particularly vital to the survival of individuals and their families. Beginning in the Medieval period, the search for sources of community and control outside the family often took place within voluntary associations that included men and women from diverse backgrounds. From another direction, I suggest that during the sixteenth century, religious and civic authorities became more active in regulating behavior from within the household itself as part of the confessionalization process. In both cases, evidence suggests that members of religiously based or civic communities accepted or even sought out a certain level of behavioral regulation. This regulation was legitimated in part by the fact that community membership often conferred entitlements to assistance in time of need. The existence of these entitlements, with their attendant requirements of behavioral conformity, led to a higher level of social integration than would have been possible without them.

I address several lines of historical inquiry. The first concerns historical assessments of the treatment of the poor in the early modern period. Social historians in the last twenty years or so, many of them influenced by the work of Michel Foucault or repelled by an earlier, self-congratulatory historiography on charitable institutions, have often judged the effectiveness of poor relief policy by its treatment of the poorest of the poor, those who were increasingly subject to the harshest state and city government repression from the sixteenth century onward—the “sturdy beggars” or homeless vagrants who sometimes terrorized the countryside of Europe in years of high prices, war, or general social disruption. A focus on government policy toward these groups must necessarily yield
the grimmest of assessments of the intentions and effectiveness of poor relief, since policy was designed as much to repress as to assist these elements of the poor. However, studies of what the Dutch called the “house poor” or residential poor, who have been known across the centuries as the “respectable” or “deserving” poor, suggest that these sorts of poor people have very often enjoyed fairly dependable entitlements to small amounts of assistance from civic collectivities as well as church sources. In this essay I focus upon the “house poor,” members of the urban lower classes who were also among those of modest means most likely to participate in groups that provided for mutual assistance while seeking to regulate the behavior of their members.

From a second historiographical direction, I address the relationship between poor relief and the confessionalization process of the sixteenth century. Historians of the sixteenth and seventeenth centuries have used the notion of “confessionalization” to understand the means that leaders of the three major religious confessions, Lutheran, Calvinist, and Roman Catholic, used to spread their differing versions of Christianity. Confessionalization involved the establishment of theologically well-defined churches with doctrines that church leaders attempted to teach more systematically to the laity. Clergy became more active in teaching and upholding tenets of new or renovated faiths. The confessionalization process was particularly active in urban centers. Towns and cities were critical to the process of Europe’s confessional development, serving in many instances as incubators, and later, showcases for newly emerging visions of community that confessionalization brought about. Moreover, urban dwellers were generally the first to experience intensified forms of social regulation during the sixteenth and seventeenth centuries, including efforts by secular as well as religious authorities to exert greater control over domestic and public life. For some scholars, social regulation was in fact the key result of confessionalization, serving as a harbinger of more aggressive forms of social discipline that early modern territorial rulers gradually imposed upon their subjects in the process of modern state building. Although early modern heads of state were doubtless innovators when it came to building institutions for regulating the lives of their subjects more closely, the spirit that informed the idea of regulating the urban order was hardly new.

Third, this study seeks to illuminate interrelationships among household life, poor relief, and social regulation by expanding Peter Laslett’s work on the “nuclear hardship hypothesis,” which suggests that the nature of a society’s household organization is strongly related to the relative dependency of household members upon assistance from others during times of need. Laslett argues that in societies where nuclear households were the norm, people depended upon kin outside the household as well as larger collectivities such as parish groups, confraternal organizations, or other charitable and poor relief institutions for assistance. The practice of “neolocality,” which prescribed that newly married young people set up their own households, also contributed to making nuclear households more vulnerable. He writes:
“the more widespread the nuclear family, and the more strictly neo-local rules are applied, the more important collective institutions will be for the security of the individual.” In fact, “[t]he collectivity provided just those forms of assistance which might be supposed to belong to the responsibilities of family and kin.” According to Laslett, households formed at the time of marriage, and then consisting ordinarily of parents and children, or even one generation, were—ceteris paribus—more vulnerable than complex or extended households to what Michael Anderson termed “critical life situations,” including poverty brought on by the death, sickness, underemployment, or old age of key providers living in the household. Thought of in insurance terms, individuals living in smaller households were able to spread the risks associated with life’s “critical” situations among fewer adults than was possible for those in large, complex households. Laslett notes that: “The collectivity was normally the only agency other than the immediate family . . . which stood in an insurance relationship to the individual.”

The idea that people living in nuclear households would need more assistance from external collective agencies than people whose residential families were larger and more complex makes a great deal of sense. However, the level of security provided to individuals in complex or extended family systems must not be overstated. Even in cities such as Florence where large patrilineal structures predominated among the city’s patriciate, there were whole categories of people who remained unprotected by family ties. Not only those without families, orphans or foundlings, but the poorest members of wealthy families often ended their days in charitable institutions sponsored by church or commune, some of which had been endowed by their ancestors. Thus, while those living in northern Europe or other regions where nuclear households and neolocal household formation predominated needed assistance from extrafamilial collectivities, even members of affluent social groups in southern Europe often had recourse to associations that not only helped them preserve their families but also sought to exert some behavioral control over them.

Where did European urbanites look for viable models of mutual support and control that they could use to build organized networks of support for themselves? People cannot create such organizations out of nothing. They need tools and materials to construct such collective organizations including financial resources, values and mentalities, and even inspiration. One of the most fruitful sources of specific models for the construction of extrafamilial forms of assistance and control available was provided by the Church. Because of their viability and moral prestige, religious or religiously inspired organizations became models that urban laymen and laywomen could use to address insecurities both they and their households might experience in the normal course of life. However, these urbanites did not simply accept ready-made organizations or institutions handed to them by the Church. Rather, men and women tried to adapt certain elements of church organizations and fashion them to their own uses as well as
they could, seeking to build networks of association that would furnish the sorts of protection and control that in many other societies are provided mainly by extended kin or clan.

Mutual Support and the Regulation of Behavior in Confraternities

The church elite consisted of men and to a much lesser extent women religious who dwelt together in regular communities or collectivities of their own. Monasteries, convents, and brotherhoods of the mendicant orders proved particularly influential as sources of inspiration for those seeking a greater level of security. Interestingly, it was these sorts of organizations that patristic writers thought of when they considered the “family.” As the late Michael Sheehan observed, there was relatively little systematic thinking in patristic writing about family relations as we think of them. When canonists discussed families, what they had in mind were organized communities such as monasteries or the households of bishops rather than groups of individuals related by bonds of blood or affiliation. Given the size of their “households” and their mainly adult composition, these organizations were arguably much better sheltered from the “critical life situations” that threatened households of the laity, whether nuclear or extended. The prestige they enjoyed and the collective values they practiced made these religious institutions worthy of emulation, or at least of adaptation, to the needs of lay families and individuals.

Voluntary, self-regulating communities of wide appeal to late Medieval and early modern Europeans sought to build fraternal ties of the “spirit” among their members that would regulate their behavior at home, at church, and in the street. For many men and women of the middling and lower classes, confraternities performed some of the protective functions of extended kin. Beyond behavioral regulation, confraternities often provided men of the urban elite with opportunities for forming ties of association that helped maintain the governments of civic communities.

At the most general level, late Medieval confraternities (or in England, fraternities) were groups of men and women who united for the celebration of religious services, who often provided mutually for the burial of group members, and who looked out for each other in times of individual need by distributing charity and alms from the contributions of living members and the legacies of defunct ones. Beyond these broad general features, lay confraternities developed along several types. There were confraternities devoted exclusively to regular devotions within a confraternal church or chapel. Other confraternities were based in neighborhoods that, while focusing on the distribution of charity among neighbors, gave gifts to strangers as well. In addition, the fourteenth and fifteenth centuries witnessed the
emergence of particularly zealous penitential confraternities, usually limited to men, whose members sought to emulate the piety of mendicant religious orders by flagellation and other public demonstrations of self-mortification. Some urban confraternities of the late Medieval and early modern period became increasingly outward looking, organizing more systematic forms of almsgiving and charitable activities outside the confraternal community. These included such efforts as assisting foundlings, prisoners, or the wandering poor, and raising funds to dower poor unmarried women. With the exception of confraternities tied to specific crafts, which were not only exclusive but usually obligatory, urban confraternal membership represented an expression of conscious choice. Indeed, confraternities can be considered among the original voluntary associations of Western society.

The growth in confraternal participation in late Medieval Europe is well documented, though measures are imprecise. The religious sociologist Gabriel Le Bras, one of the fathers of confraternal studies, believed that between the thirteenth and fifteenth centuries, most Christians were members of confraternities, which may have been true of those living in the countryside. Many historians, however, have focused on the growth of confraternities in towns and cities, which have left richer archival sources. Estimates of the numbers and sizes of confraternities are quite approximate. The town of Zamora, in Léon-Castille, for example, saw its first confraternity in 1230. By 1400, there were ten, and by the second half of the sixteenth century when the town’s population was approximately 8,600, there were 150 confraternities, most of them numbering 20 or 30 individuals. Elsewhere in Spain, confraternities grew most rapidly in the fifteenth century in territories won back from the Muslims. In the small Tuscan town of San Sepolcro in the mid-thirteenth century, confraternity membership totaled about 1,200 in a population of less than 5,000. At that time, approximately one-third of the town’s households were represented by a male confraternity member. The fifteenth-century Norman city of Rouen had confraternities in 88 percent of its parishes. In medium-sized cities of the fourteenth and fifteenth century, the number of confraternities usually ranged from 30 to 40. In fifteenth- and sixteenth-century Bologna, 10 to 20 percent of the adult population belonged to a confraternity, though membership varied by gender and social class, with wealthier men being most likely to join multiple groups. In late sixteenth-century Geneva, there were 60 confraternities in a town of 10,000–12,000.

Many urban confraternities seem to have been remarkably heterogeneous organizations that included both men and women and crossed boundaries of social class and sometimes neighborhood. Confraternal membership generally required evidence of good character and the desire to live in harmony with other members, who might number from fifty to several hundred. Confraternal dues varied, but an average seems to have been a sum approximating several days’ wages of a working man. Other costs could include occasional alms, fines for missing confraternal events, and payments in wax for devotional candles. Although
the destitute sometimes benefited from confraternal outreach efforts, they were largely unable to join urban confraternities by virtue of their inability to pay annual dues, contributions, and alms. Confraternities, therefore, generally attracted urbanites from the lower and middling ranks of society above the very poor and destitute and below the ranks of the nobility.

Most studies of urban confraternities show not only that women participated in them but that many confraternal companies were nearly evenly balanced by gender. In certain instances, this balance stemmed from the fact that husbands and wives could join the same confraternity. In other settings, however, confraternal records show little tendency for husbands and wives to join together. Companies in which women played the most active role included those with a strong basis in local neighborhoods, devotional confraternities that women wished to restrict to themselves, and those with well-developed charitable goals. By contrast, women were excluded de facto from confraternities composed solely of members practicing the same craft, and gradually from the fourteenth century onward, from the newer penitential confraternities.

Jacques Chiffoleau has done the most to suggest the intimate links among urban patterns of high mortality and migration and the consequent need that attracted many people to the solidarities of confraternal life to help compensate for their lack of blood kin. In wills left by migrants who had come to the city alone, many lamented being cut off from their ancestral roots in the countryside and from the consolation of burial among kin in their places of birth. Migrants’ wills reflected a loss of extended ties of kin solidarity both in daily life and in the afterlife, leading some to request burial in their places of birth and others to express a longing for a set of ancestors whom they had known or imagined. Those with few relatives in the city were especially moved to seek out confraternity membership to ensure themselves of proper Christian burial in the here-and-now and security for the care of their souls after death.

The growth of confraternities and the dedication of much of their devotional life to commemorating the deaths of departed “brothers” and “sisters” suggest that confraternities filled a real need for social inclusion and community in the face of unpredictable mortality patterns and an absence of kin members to assist them. Indeed, several observers have suggested that confraternities can best be understood as artificial families. Gabriel Le Bras argues that confraternities served to mitigate certain negative aspects of urban life by facilitating newcomers’ relations with more settled people and linking individuals together for mutual assistance. Given the size of most urban confraternities, which appear to have numbered in the hundreds, it is wise not to take the family analogy too literally, though as Chiffoleau suggests, a kin group of this size would have been an extraordinary comfort to a relatively isolated individual. Maurice Agulhon’s notion of the confraternity as a sort of artificial extended family is more accurate. Confraternities seem to have served less as a substitute for primary bonds of the nuclear family

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and more as a complement to them, much in the manner of an extended kin network. As Catherine Vincent argues: “There was no substitution of one structure for another, but rather a prolongation of one into the other. Generally speaking, the confraternal movement was not built on the ruins of family bonds; better, it was nourished by them without ever totally eclipsing them.”

The importance of artificial families of spiritual kin varied by social class. For artisans or small merchants who constituted the backbone of confraternal membership in many late Medieval cities, confraternal membership gave “cooperative access to the spiritual resources that [the wealthy] enjoyed by virtue of . . . personal wealth and status: a confessor, indulgences, an honorable funeral, and interment in mendicant robes.” For men and women of more modest means, regular attendance at monthly meetings and the security of knowing that one lived in a network of spiritual kin probably helped accomplish what one scholar has identified as many laymen’s chief goal amidst the Church’s and larger world’s disastrous conditions of the fourteenth century: to look “for recovery of a simple relation of love to God and neighbor.” Among individuals or couples literally without kin in the city, the extended kinship network that confraternities supplied might well have provided the principal players who mourned their passing. For wealthy men, associations born within large gender-segregated communities could supply useful business contacts.

Joining a confraternity not only meant participating in a shared ritual life and gaining some entitlements to practical assistance in times of penury or death. It also meant agreeing to a code of conduct or set of behaviors toward other members. A membership document from the Gild of the Holy Trinity and St. Leonard in Lancaster attested to this group’s concern with chastity and the marriage bond, noting that “the honour of the women of the gild was to be a matter of concern to all the brethren, who were enjoined not only to observe personal purity, but to refuse admission to their homes to those who were known to be adulterers.”

Like confraternities on the continent, urban parish fraternities in England tried to ensure peace and harmony among their members at confraternal banquets and in daily life. They forbade lawsuits among members, refused to allow members to stand as guarantors of one another’s debts, and excluded quarrelsome individuals from their midst. While confraternities had always attempted to regulate the behavior of their members by accepting only people of good reputation, and by seeing to it that brothers and sisters maintained peaceful relations with one another, evidence suggests that by the fifteenth and sixteenth centuries, this kind of behavioral regulation became increasingly important, especially among confraternities of the urban elite. The lengths to which urban fraternities in such towns and cities as Leicester, Norwich, London, and Canterbury sought to regulate their members’ behavior often stemmed from the fact that urban associations more often attracted wealthier members than rural ones, sometimes including those who played a conspicuous role in town or city government. Men
of the more fashionable confraternities seem to have become increasingly con-
scious of the need for discretion and self-control in their behavior in order to
preserve their own as well as the group’s reputation. 38

Although the organizational model that inspired the founding of most con-
fraternities was a religious one, and many were, in fact, inspired by clerical exam-
ple and participation, confraternal life in European cities and towns represented
an important example of ways that voluntary associations of laymen, both men
and women, sought to regulate and control the behavior of their members. Serving
multiple functions of building patterns of sociability, religious observance, and
mutual trust, confraternities also increased the level of social integration within
the urban setting. In very practical terms, they served as the kind of collectiv-
ity that Laslett describes, stepping in to help individuals in their time of need.

Impacts of Humanism and Protestantism

By the sixteenth century, many confraternities’ original concern with providing
prayers for the care of their members’ souls after death seemed to be on the wane.
Indeed, by this period, many of the more fashionable groups were becoming objects
of criticism for their worldliness and their seeming betrayal of the sort of char-
itable behavior that had once extended beyond the boundaries of their mem-
bership. In the view of some, confraternities now appeared selfish and
self-absorbed. Those that still brought together rich and poor men in the same
organization were often divided sharply along class lines, with the poor mem-
bers being essentially the charitable agents of the rich. In the context of such cri-
tiques, humanist scholars stressed the need to recapture a purer Pauline sense of
charity and community. 39 Martin Luther was only one of many of his genera-
tion who criticized confraternities for what they saw as the lapse of charitable
activities, criticizing them for their behavior on the occasion of annual feasts,
activities that were especially offensive at a time when a growing number of the
urban poor needed help. 40

What concerned humanists and reformers most was not that confraternities
were neglecting to care for the itinerant poor or vagrants, but that they appar-
ently felt little concern for those to whom they were most obligated to be in closer
bonds of charity—their neighbors, the poor who lived in their towns and whom
they passed on the street on a daily basis, those who were themselves members
of the urban community. The work of reclaiming a spirit of authentic charity
therefore focused upon the domiciled, or house poor. 41 While problems of beg-
ging and vagrancy in many sixteenth-century cities loomed large, the task of build-
ing confessional or civic communities suggested the more urgent necessity of reaffirming
bonds with those individuals and households of the city who had the strongest
and most legitimate claims on local relief funds.
Efforts to extend relief to the local poor were important for a variety of reasons. First of all, this kind of assistance was consistent with Medieval notions of charity, which involved ongoing, face-to-face relationships between giver and receiver. Distributions of food, firewood, and other necessaries of life to the domiciled poor could be discreet when necessary and redounded more to the credit of civic institutions than to individual donors, thus avoiding charges of private patronage. Furthermore, it was easier to screen domiciled recipients of assistance for their conformity to confessional values or civic norms of behavior. The domiciled poor were easier to assist, and they were also more likely to express the gratitude and humility appropriate to their dependent status.

While reformers such as Zwingli or Bucer struggled to integrate civic and confessional visions of community, in towns where Calvinism won over sizable portions of city populations, Reformed churches were often confronted by the obvious fact that boundaries of confessional and civic communities did not coincide. Although Calvinist authorities hoped to expand their “household of faith” to include the entire population of cities and towns, the sixteenth-century Calvinist definition of confessional community was a very restrictive one. Anyone could attend services, but only those who in the view of the church’s leadership conformed to behavioral norms were considered worthy of receiving communion and being considered full church members. The experience of Calvinist churches during the late-sixteenth and seventeenth centuries suggests that only a minority of any town’s population where Reformed churches survived was likely to display the religious commitment and behavior required for full membership.

Struggles over family-based poor relief arrangements in areas affected by the Calvinist Reformation became vastly more complicated than in Lutheran or Catholic areas because of the problematic relationship that emerging Reformed churches bore to the states or cities in which they developed. While Calvinism was granted the status of “public” church in a number of localities, enjoying the support of local magistrates, in others it failed to gain the kind of monopoly status that Lutheran or Catholic churches enjoyed in many territorial states and towns of the Empire. There was no single way that Calvinist church leaders organized poor relief. In many cases, tension developed between their desire to shape a spiritually and behaviorally restrictive confessional community, and local government officials’ sometimes competing desire to use poor relief resources to bind together the larger civic community. In the presence of such tension, the best solution that Calvinist authorities sought was freedom to organize poor relief within the confessional community without the intrusion of municipal authorities. In the southern French Calvinist stronghold of Nîmes, for example, Reformed congregations were content to be allowed to limit their poor relief activities to church members, being careful not to give money from legacies, church collections, or alms boxes to Roman Catholics residents, war refugees, or travelers. This sort
of arrangement was also possible in certain towns of Holland. In Amsterdam and Dordrecht, where civic authorities were sympathetic to the Calvinist movement, municipal governments granted Calvinist consistories—the governing authority of churches composed of laity and clergy—a high degree of autonomy in organizing relief to the poor, including those who were not members of the congregation. However, in towns such as Leiden or Gouda where leaders of town government were hostile to the growth of a restrictive confessional church, Calvinist deacons—those directly in charge of distributing assistance—were subject to more municipal control.47

The development of poor relief in the Calvinist East Frisian city of Emden illustrates many of the problems that the Calvinist movement encountered in adapting an older civic form of poor relief to its own confessional purposes. Like the urban poor in much of Europe, Emden’s poor were assisted by income from endowments that pious laymen had willed over the years for their care. Income generated by these foundations was generally left to assist the indigenous, respectable, or “house” poor. With the success of the Calvinist movement during the 1560s and 1570s, church leaders advocated simply combining the offices of church deacon and overseer of the town’s poor. An inherent tension nonetheless continued to exist between the older poor relief system that combined Roman Catholic piety and concern for the civic poor, and the Calvinist system that was designed essentially to bind together a newly emerging confessional community. Since the town still contained a large number of Roman Catholic poor, even as the Calvinist church gained in status, what was one to do with them?

To address this problem, Emden’s Calvinist leaders created a new way to raise money for deacons to distribute exclusively to the poor of the Calvinist congregation so that they would not be forced to beg. They called it their “Becken” diaconate, so named for the collection plate passed around in Sunday services for this purpose. In this way, the church consecrated monies to the congregation’s poor while leaving funds from older endowments for the support of the civic poor without regard to church affiliation. Significantly, Calvinists established this new source of poor assistance “to eliminate criticism from outside the church that the church did not take care of its own members.”48 In the competitive world of confessional rivalries, the charge of failing to support one’s own poor was a serious one.

Like confraternal organizations, religious communities formed by the process of confessionalization not only contributed funds to their members in times of need; they sought to shape the domestic and public behavior of their members as well. Records of city governments and certain religious bodies during the sixteenth and early-seventeenth centuries reveal the active role that civic and religious leaders played in the domestic lives of members of both sorts of communities. Although such intervention was not new to Reformation Europe, organizational records suggest that the domestic and public behavior of ordinary
citizens during this time became subject to increased scrutiny as confessional and civic authorities worked to teach and enforce standards of acceptable behavior.

Confessional and civic bodies of the period seem to have wished to inculcate the sort of peaceful behavior that late Medieval confraternal groups required of their members, but with an increasing emphasis upon individuals in their family and wider community lives. Church, consistory, and civic marriage courts set up during the Reformation had the task of building or overseeing the confessional community itself. In the course of their duties, Calvinist consistories and civic courts in Lutheran areas dealt with the sins of “aversion” that had long threatened ties of charity and sociability among believers. Nonetheless, with their increasing concern for domestic life, authorities were also increasingly concerned with at least public manifestations of sins of “concupiscence” that threatened marriages and families and the larger civic and confessional order that was built upon them. Although all areas touched by the Protestant Reformation experienced the growth of new courts regulating marriage, regions where the influence of Reformed Protestantism was greatest—whether Zwinglian, Bucerian, or Calvinist—seem to have been especially marked by agencies seeking to reform morals within the family as well as in the larger urban community.

Regulation of marriage and family life was based upon ecclesiastical courts composed of clergy, church bodies comprising clergy and laity, and courts composed only of laymen. Whatever their composition, the identification of these bodies with reinvigorated values of civic or confessional movements seems to have bolstered their sense of legitimate entitlement to intervene into family and neighborhood relations to bring belief and behavior into conformity with civic or new religious norms. The Reformation in the imperial city of Augsburg brought with it the establishment in the 1530s of two lay institutions with jurisdiction over marriage and family life. These included the Discipline Lords who had the power to levy fines, imprisonment, and banishment for transgressions including violent behavior, fornication, and adultery; and the Marriage Court, which adjudicated disputes over promises of marriage, the loss of virginity, child support, and divorce.

Although the Discipline Lords had the power of banishment and imprisonment, they—like members of the Marriage Court—carried out their mission mainly through admonition. In their goal of teaching proper behavior, they had few guides in Medieval canon law, which though focused on marriage, had no real interest in nor remedy for the sort of “disorderly marriages” that the Discipline Lords confronted daily. They therefore had to draw on a mixed repertoire of confessional piety, common sense, and civic values to address the multiple domestic problems they faced. City fathers sitting on the Marriage Court sought to reinforce the city’s families with using the values and mores of the households of respectable guild members, including the subordination of wives to husbands and children to parents. They tried to enforce a family ethic that emphasized the virtue of
gaining parental permission for marriage. The Marriage Court did not challenge husbands’ right to discipline their wives but prohibited excessive violence and affirmed that what went on within the household was very much the business of civic authorities now alert to the enforcement of both civic and confessional values.53

There were broad similarities between the concerns of Augsburg’s Marriage Court and the concerns of Calvinist consistories elsewhere. In their earliest years, the clergy and lay church officers who composed these local bodies were mainly concerned to inculcate and enforce Calvinist religious practices while eradicating other loyalties, whether Catholic or Lutheran. But beyond trying to enforce the rules of their newly emerging confession, they were also presented with a variety of domestic and community issues ranging from ruling on the validity of certain promises of marriage to problems between wives and husbands, parents and children, and neighbors.

Nîmes’ consistory was initially concerned mainly with extirpating lingering signs of Catholic practice, regulating sexual behavior, resolving questions relating to marriage vows, and resolving disputes among members of the community. On the issue of marriage, the consistory here was particularly eager to ensure that parental consent for marriage was given for women under age twenty-five and men under thirty years of age.54 The consistory used church members to try to effect mutual reconciliation among quarreling neighbors. Minor sins such as card playing and dancing brought on a “tongue-lashing,” while more serious offenses led to the consistory’s censure, their requirement of public penance, or finally excommunication for fornication, apostasy, and “other outrageous acts.”55

In Geneva, the supervision of community and family life required the consistory there to become involved in a similar variety of problems that were either referred to them by neighbors or ferreted out by deacons or other officials of the Church and civic community. Errors that included deviations from Calvinist practice, lack of respect for secular officials, conflicts between neighbors, or adulterous behavior that had become public knowledge all qualified as fit subjects for consideration by church consistories. Unlike secular courts, which could and did sentence offenders to mutilation and capital punishments, the consistory mainly cajoled and admonished the errant, meting out severe tongue lashings for recidivists and reserving their harshest penalty of excommunication for the most intransigent.56 The population of Geneva was subjected to a high level of scrutiny in the 1560s when an estimated 7 percent of the city’s population was called in annually by the consistory to answer charges. Excommunication took place in over half of the cases it heard, an atypically high figure in comparative perspective. Those willing to express penitence publicly in church were admitted back into the confessional community. The admonitions of this “remarkably intrusive institution” concerning matters related to marital discord seem to have had some effect, since recidivism rates were quite low.57
Confessional Differences?

There has been some disagreement on how and whether Calvinist consistory were more active than other local judicial or police institutions in intervening in domestic life. In his comparative study of Catholic and Calvinist areas of the Rhineland Palatinate, Joel Harrington finds that while there was little difference in the proclivity of civil magistrates living in areas dominated by the three major religious confessions to intervene in family matters, Calvinist consistory were more engaged in regulating domestic life, bringing a “striking sophistication in its approach to marital strife.”

It does not seem that overworked consistory members aggressively searched out matters to consider, however. In most cases, consistory summoned church members to appear before them only when neighbors became aware of domestic troubles, conflict or scandal had become public knowledge, or persistent rumors reached the ears of church officials who routinely made home visits to members of the congregation. Similarly, though conversations between those individuals summoned before them and the consistory were themselves private, punishments that they handed down were frequently public, whether between individual men and women, among neighbors, or before the congregation as a whole.

Calvinist consistory’s emphasis on public expressions of penitence and atonement seems rather consistent across time and space, especially in cases where those who had been excommunicated were requesting reintegration into the community. Thus, one woman whom the Nîmes consistory had excommunicated and who requested that she be allowed to participate in a ceremony of penitence at a 5 A.M. Sunday religious service rather than the 9 A.M. service was denied her request.

Conversely, though Calvinist consistory saw themselves as fully entitled to summon individuals or couples for domestic behavior that violated confessional norms against fornication or adultery, thus imposing their authority over domestic relations, there were certain areas of privacy that interested them relatively little. For example, Calvinist consistory seem to have been relatively uninterested in probing the inner workings of individuals’ consciences, being more concerned with modifying outward behavior. In this respect, an appearance before the Calvinist consistory that was composed largely of laymen seems to have been quite unlike a visit to the Catholic confessional. Thus, consistory’s concern to modify domestic behavior that literally spilled out into the public sphere, or that had obvious negative public consequences, contrasted sharply with an increasingly intensive probing of the individual conscience, accompanied by a private, personal, penitential regime that prevailed in the Catholic confessional.

Although Calvinist consistory could, in principle, order disciplinary measures only for church members, in many instances they attempted to exert con-
control over the larger civic community, for example by trying to urge magistrates
to enforce restrictions on activities during the Sabbath. Moreover, in areas where
the Calvinist church had some claims to public support, with its deacons serv-
ing as overseers of the poor, those of the house poor who received poor relief
were expected to conform to behavioral norms of congregation members. As in
many cities of Holland, in Nîmes the Calvinist consistory supervised distribu-
tions of bread to all of the town’s resident poor, not just members of the church.62
Along with their bread, the poor therefore received a “strong dose of moral guid-
ance and social discipline.”63

Interestingly, though consistorial regulation in Nîmes and other cities often
created grumbling and evoked only grudging compliance among people on the
margins of Calvinist congregations, it was not necessarily the case that the poor
rejected the principle of church discipline itself. Indeed, in towns like Emden,
some of those receiving poor relief from the Calvinist congregation criticized the
church’s consistory because of its relative laxity when compared to more exact-

ing discipline standards of the rival Anabaptist congregation.64

Resistance to consistorial efforts to correct behavior resulted from a variety of
causes ranging from apathy and religious heterodoxy to anger at the violation of
personal dignity that a public summoning entailed. In areas of the Holy Roman
Empire where Calvinism was instituted or recently reinstituted, as was the case with
the Palatinate after 1584, lingering Lutheran sympathies among the common peo-
ple led to the heckling of Calvinist preachers during sermons, general rowdiness
during worship, and a widespread failure to attend the growing number of required
prayer and catechetical meetings that took place outside regular worship times.65

Huguenots of Languedoc, for their part, had notions of personal honor that
meant that consistories often had to summon individuals several times in order
to exact their appearance. Skepticism over the authority of the entire consisto-
rial system with its lay elders encouraged reluctant Calvinists here to resist bow-
ing to its efforts to regulate relations inside the family and larger community.66

Men at the top of the social hierarchy were particularly difficult to bring to
order. In Calvinist Scotland, the Presbyterian kirk sessions (the equivalent of con-
tinental consistories), encountered little resistance to their authority of the kind
found in the Palatinate. Yet, even they found it difficult to exert their authority
over powerful men, particularly in matters of sexual promiscuity that led to pub-
lic scandal. Kirk sessions were prepared to adjust the requirement of public penance
into penalties more in keeping with the gentry’s need to save face in the com-
munity. One 1585 case of fornication called forth a punishment rather differ-
ent from the sort imposed upon the lowly. Confessing his sin to the kirk session,
the Provost of Elgin nonetheless argued that “repentance consistit not in the exter-
nal gestoir of the bodie . . . but in the hart.” Despite this astonishing theology,
he was allowed to contribute to the repair of a church window instead of mak-
ing a public penitential appearance.67

Chapter 11: Behavioral Regulation in the City
Even at the height of confessional movements, consistories and church courts were not able to enforce compliance in the same manner as secular courts and were hardly able to enforce it at all on the geographically mobile. Yet the threat or reality of excommunication from Calvinist congregations involving expulsion from the celebration of the Eucharist was real and apparently meant a great deal to householders and serious church members. Consistorial power sometimes extended its reach over all households of the city, requiring at least outward conformity to confessional norms among poor households that received assistance from church or civic community. Both the workings of poor relief systems targeting the house poor and the relatively widespread acceptance of church discipline suggest that those who wished to be members of the confessional community or to remain within boundaries of the civic one gradually accepted a tighter scrutiny of their public and domestic lives. Many had no choice if they wished to remain within town walls.

Balance

By the eighteenth century, a combination of circumstances including the growth of a new, more inner-directed piety, a decline in confessional militancy, and the process of secularization occurring in many towns and cities meant that the sorts of organizations I have studied here lost their ability to regulate the behavior of urban dwellers, especially those who lived their lives largely outside the reach of religious organizations. Increasing rates of in- and out-migration associated with this period also further weakened the ability of any urban authorities—secular or religious—to control the behavior of lower-class inhabitants. This does not mean that all sources of regulation were in decline, however. Religious, philanthropic, and civic poor relief systems in many cities continued to favor the house poor and to require that households receiving assistance observe certain behavioral norms.

To see the imposition of behavioral regulations on individuals and families as nothing more than top-down social policy imposed by urban elites would be a mistake. As I have tried to suggest, from the earliest period of Medieval urbanization, city and town dwellers had become used to gathering together and having their lives as individuals or as families regulated by authorities both religious and secular. The acceptance of some of this regulation was explicitly voluntary. At other times, it was part of the price that one had to pay for the higher level of security that might come from numbering among the more entitled members of confessional or civic communities. Erasmus captured best the enduring relevance of an ancient form of collective life to the individuals and families that composed European towns and cities and who depended upon sources external to themselves for support. In a well-known letter of August 14, 1518, he asked: “What, else, I ask you, is a city than a great monastery?”
1. For generally gloomy considerations of the impact of assistance to the poor see Foucault, *Madness and Civilization*; Hufton, *The Poor of Eighteenth-Century France*; Lis and Soly, *Poverty and Capitalism*; Jütte, *Poverty and Deviance in Early Modern Europe*.

2. Reinhard, “Reformation, Counter-Reformation,” 383–404. Reinhard dates this process from the 1520s until the late-seventeenth century, with the Revocation of the Edict of Nantes.

3. “‘Social regulation’ referred to totally unsystematic and reactive attempts to produce norms of discipline and order: ‘Social regulating’ wants to help prevail over the negative conditions of the social surroundings through drill and preparation and to order the societal life.’ On the other hand, ‘social discipline’ wants to strengthen, with a view to the state, the ordered life in the society and to discipline human behavior in work and in morals.” See Fehler, “Social Welfare in Early Modern Emden,” 32–41. Fehler’s excellent introduction to this literature considers Schulze, “Gerhard Oestreichs Begriff,” 265–302; and Martin Dinges’s work on Bordeaux: “Frühneuzeitliche Armenfürsorge,” 5–29. See also Schilling, “Confessional Europe.” Fehler’s study is now published as *Poor Relief and Protestantism*.

4. Laslett, “Family, Kinship,” 156, 166.


7. Gavitt, *Charity and Children*, 192, 204. For some parents, even the abandonment of their child to a foundling home represented only a temporary measure—designed to relieve the family during a “critical life situation.” Nonetheless, given high mortality levels, only a very small percentage of children were eventually reclaimed.


9. On the outward looking features of late Medieval confraternities, see Banker, *Death in the Community*, 57–58.

10. Nicholas Terpstra details the different types of confraternities in central Italy. See *Lay Confraternities*, 38–49.

11. Agulhon, *La sociabilité méridionale*, 173, makes this remark concerning confraternities affiliated with different occupational groups.


15. Banker, *Death*, 59, 64. Flynn, *Sacred Charity*, 16–17, supplies data mainly for the sixteenth century, when Valladolid (population 30,000) boasted “at least 100 confraternities,” and Toledo (population 60,000), 143. In the province of Cuenca, there was one confraternity for every 48 households, and one for each 100 households in
New Castile. There were 75 confraternities in Florence (population 59,000), 68 in Lyon (population 45,000–65,000), 67 in Lübeck (population 25,000 in 1400), and 99 for Hamburg (population 16,000–18,000) on the eve of the Reformation.

16. Vincent, Des charités bien ordonnées, 58–59. She notes that only 13 percent of other deaneries in the diocese had approved confraternities. This finding may stem, however, from the inequality in the record keeping between rural and urban parishes, with the rural parishes producing and preserving fewer of them.

17. The cities include: Nantes, whose population of 12,000 at the end of the fifteenth century contained 30 confraternities, and Dijon, with a similar population and number of confraternities. Ghent, with a population of 64,000 had 40; Florence, whose population shrank two-thirds, from 110,000 to 37,000 in 1440, nonetheless saw the number of confraternities increase from 30 in 1325 to 52 in 1400. See Vincent, Les confréries médiévales, 42–43; and Henderson, Piety and Charity, 39.

18. Terpstra, Lay Confraternities, 83.


22. Little, Liberty, Charity, Fraternity, 71–73.


24. Chiffoleau, La comptabilité de l’au-delà, 277–78. Gender mixing was the norm in Switzerland, according to Binz, “Les confréries,” 247, 250. Banker, Death, 54, 59, 111, studying the Italian confraternity of San Bartolomeo, shows a balanced sex ratio from the 1260s to the early-fourteenth century. Beginning in the early-fourteenth century, however, both “praising” and “discipline” confraternities began to exclude women. Hanawalt, “Keepers of the Lights,” 25, found women in all but five of the 500-odd confraternities whose memberships were summarized in reports of 1389. When clergy members are excluded, women composed approximately 50 percent of the membership of those groups.

25. Vincent, Des charités, 207. She shows that in the Norman confraternities or “charités” that she studied, husbands and wives who joined in couples constituted between 33 and 62 percent of members.

26. Morard, “Une charité bien ordonnée,” 278, shows husbands and wives entering devotional confraternities together. See also Vincent, Les confréries médiévales, 57; and Westlake, The Parish Gilds, 23–24. Dietrich, however, found little evidence of husbands and wives joining the same confraternities. See “Brotherhood,” 132, 163. He shows (p. 193) that there were ties of blood linking together confraternity members but notes that confraternities’ “lines of spiritual kinship cut across the lines of blood kinship” (231).

27. Banker, Death, 149; Terpstra, Lay Confraternities, 116–25, on the newer Observant model of confraternal life and the gradual exclusion of women from it.

29. On the lack of family bonds in new areas of the cities, see also de la Roncière, “Les confréries à Florence,” 305–6. Henderson, *Piety and Charity*, 29, writes of thirteenth-century Florence, notes that those joining penitential confraternities “were recent immigrants who needed to make contact with people outside their professional circle or immediate neighborhood.”


34. Ibid., 40; Little, *Religious Poverty*, 209, mentions the existence of Benedictine-inspired confraternities in the eleventh century and similar types of organizations within Sufi Islam in the twelfth and thirteenth centuries.


37. Cited in Westlake, *The Parish Gilds*, 35. He notes that this clause seems to have been written before the composition of the company’s ordinances in 1377 and was unusual.


40. Ozment, *The Reformation in the Cities*, 84–85. Pullan, *Rich and Poor*, 126, cites the 1543 decree by Venice’s Council of Ten forbidding the city’s elite *Scuole Grandi* from their habits of ostentatious banqueting on the same grounds as Luther—because money could better go to the poor.

41. Wandel, *Always among Us*, 128, 151, notes this central concern in the Zurich case.

42. See Allesandro Caravia’s criticism of these aspects of the “charity” of the Venetian *Scuole Grandi* in the mid-sixteenth century in Pullan, *Rich and Poor*, 117–19.

43. Wandel, *Always among Us*, 132, notes the increasing specificity with which Zurich’s City Council articulated those behaviors expected among recipients of poor relief according to a new Poor Law in 1520 and that “caritas” was to be exercised within the limits of the community defined by a set of norms including “dress, demeanor, [and] behavior” (162).

44. Reinhard shows that one of the primary goals of confessionalization was to create a homogeneous religious community, based on dissidents’ expulsion or emigration. Situations of religious pluralism such as those under discussion here were, therefore, the exception rather than the rule. See “Reformation, Counter-Reformation,” 393.
45. In 1572, the States of Holland and Zeeland made the Reformed faith the privileged but not formally established church of the provinces.

46. Mentzer, “Organizational Endeavour,” 7–17. The author notes, however, that waves of Protestant refugees from centers of warfare overwhelmed the town’s financial resources by the 1580s, resulting in the Church’s increasing reluctance to assist outsiders, even their coreligionists.

47. Parker, The Reformation of Community, 90–96, 116–22. The accommodation between leaders of urban governments and Calvinist churches in Haarlem and Delft lay between these two ends of the spectrum. In Haarlem, Calvinist deacons were allowed to minister to the poor of the congregation without municipal authority interference. In Delft, the government required Calvinist deacons to care for all of the city’s poor, at least until 1614 (van der Vlis, Leven in armoede).

48. Fehler, Poor Relief, 122–30, 164–77. Keeping assistance for the congregation’s poor separate from funds for the rest of the town poor became too difficult to manage, however, so the two funds were merged in 1578.

49. John Bossy, Christianity in the West, 35, discusses this distinction between sins of the spirit and sins of the flesh, the former (including pride, envy, and anger) being particularly destructive of bonds of community.


51. Ibid., 61–63.

52. Martin Ingram makes the same point about the work of the Church courts in England in a slightly later period: “Domestic relations were . . . on the border of public and private morality in this period—matters to be influenced by exhortation but not ordinarily by the exercise of formal discipline.” See Church Courts, 142.


54. Legislation requiring parental consent for marriage was a product of the Reformation in many areas, though the age of majority varied. Estève and Vogler, “La genèse,” 376, imply that the age of majority was twenty-five years for both women and men in the consistories of the Palatinate and Languedoc that they sampled. Safley, “Civic Morality and the Domestic Economy,” 176, notes that men under twenty and women under eighteen in Reformation Basel needed parental permission to marry. Van der Heijden reports that the age of majority for marriage was twenty for women and twenty-five for men in seventeenth-century Rotterdam. See “Secular and Ecclesiastical Marriage Control: Rotterdam, 1550–1700,” 42, fn. 15. Despite the focus of some historians on sexual matters, data for Nîmes at least show that only 7.5 percent of the consistory’s cases there were for violations of sexual morality. As Mentzer notes, a higher proportion of cases involved the sin of dancing. See “Disciplina nervus ecclesiae,” 103–4.


56. Robert M. Kingdon notes that earlier published studies on the consistory of Geneva often focused on exceptional and notorious cases. A more systematic sample yields a portrait of the Geneva Consistory from the 1530s to 1560s as mainly a “compulsory counselling service” (8). See “Calvin and the Family,” 5–18; and Monter, “The
Consistory of Geneva,” 467–84. In contrast, Martin Ingram saw little “counselling” in the English church court setting. See Church Courts, 188.


58. Harrington, Reordering Marriage, 263. Unlike Kingdon, Harrington is more skeptical about the definitive nature of the behavioral changes that consistories were able to effect, noting (though not statistically) that many couples were recidivists, especially those for whom domestic violence was the cause of their original summoning.

59. Ibid., 249–51. Harrington suggests that the aggressiveness of Calvinist consistories has been exaggerated. He cites their hesitancy to intervene into household affairs unless constrained by the need to suppress what were public scandals.

60. Mentzer, "Disciplina nervus ecclesiae," 112.

61. Ibid., 113–14. The author notes, “The sacrament of penance within pre-Reformation and more especially Counter-Reformation Catholic circles was a very private, introspective affair. . . . The confessor assisted each penitent in the identification and correction of an entire range of transgressions. He was as attentive to sins of thought as to those of word and deed. Emendation, moreover, was personal, something to be discreetly worked out between the individual sinner and his or her spiritual advisor. Excommunication was infrequent and public reparation reserved for spectacular situations. . . . Calvinist pastors and elders, seated in the consistory, adopted a different approach. Their attention fastened on public failings of word and deed. Secret sin, though admittedly wrong, did not directly concern them.” See also his reference to a judicial official summoned before the consistory to answer to charges of sexual misconduct. Having gone through one appearance before the consistory, he refused to return for a second, expressing his preference for auricular confession over the pastor's “harsh admonitions” (95). Roper, Holy Household, 64–65, makes the same distinction.


63. Ibid., 17–28. The growing popularity of parliamentary legislation designed to regulate the behavior of the lower orders leads Paul Slack to observe: “All this suggests that the machinery of the poor law was not designed as an economic regulator, but as a moral, social and political one.” See Poverty and Policy, 130.

64. Pettegree, Emden and the Dutch Revolt, 236.


66. Ibid., 385.

67. Mitchison and Leneman, Sexuality and Social Control, 74–75, 203–6, 237. They note, however, that from the 1660s until the latter-eighteenth century, among the ordinary people, two-thirds of men identified as fathers of illegitimate children admitted their paternity quickly and some accompanied the mothers of their children when they were summoned by the kirk session. Ingram, Church Courts, 336, suggests that English ecclesiastical courts believed that “it was not necessarily in the interests of public order to expose leading citizens to shame and humiliation” and sometimes permitted punishments to be paid in cash.