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Patronage, Brokerage and Corruption as Symptoms of Incipient State Formation in the Burgundian-Habsburg Netherlands

When duke Charles the Bold died on the battlefield near Nancy on the 5th of January 1477, he left his territories in a deep crisis. His sole heir, Mary “the Rich”, was unexperienced and unmarried, the Burgundian armies had suffered three terrible defeats within nine months, and his subjects had been brought under severe pressure of taxation to support the wars of their prince. Even before any popular revolt came up, the Estates general, assembled in Ghent, presented long lists of grievances. This procedure was absolutely normal in the case of a succession. But this time, the range of the problems raised to the government was extraordinarily wide and their tenor radical. Facing French invasions in Burgundy, Picardy, Artois, the south of Hainault and of Flanders, and insurrections in Liège, Guelders and Luxembourg, the government agreed practically without discussion to all the complaints. Its sole demands were the recognition of the duchess and the mobilisation of an army to defend the territory; both were easily agreed.

The estates of Flanders, Holland, Namur and Brabant received formal “great privileges” or, in the case of Brabant, an extended version of the “Blijde Incomst” (“Joyeuse Entrée”). Moreover, those of Flanders, Brabant and Hainault were the driving forces behind the first privilege conceded to all the principalities of the Netherlands in general, on 11 February 1477. Although an offer for concessions was made to the estates of Luxemburg as well, internal opposition from some of the nobles prevented their effectuation. Similarly, the estates of Hainault managed to present their particular grievances only during the summer of that year, when the French threat had come to a standstill. The Burgundian government got the situation under control again and could afford to simply refuse any further concession. From October 1477 onwards, it even launched attempts to recover items on the demesne receipts which had been given up a few months earlier. The government cared as little as possible to implement any of the concessions.

Nevertheless, the one general privilege and the four conceded to principalities in particular, constitute an important body, expressing views of representatives on the organization and the functioning of the state. It is noteworthy that on this critical mo-

1 1477. Le privilège général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas, Wim P. Blockmans (Hrsg.), (Standen en Landen LXXX, Kortrijk 1985).
ment no serious attempt was made to dismantle the Burgundian state as such. Only a minority of nobles in Luxemburg preferred an alternative dynasty. The overall tendency expressed in the privileges was firmly against state centralisation as it had been harshly pushed forward during the last decades. Overall, 189 out of the 264 articles (72%) express general interests. Many of the themes occur in similar documents in any other European country, viz. the claims of respect of the privileges and customs, the maintenance of the territorial integrity, the refusal of foreign officers and the use of other languages than those of the inhabitants. Even concerns about free trade, and questions of war and taxation can be considered to belong to the normal grievances of representative bodies all over Europe.

But a striking number of articles is devoted to a matter much less common in early constitutional texts. 60 out of the total number of 264 articles (22.7%) concern forms of corruption practised by ducal officers, ranking from the chancellor himself to the humblest collector of tolls. A lot of attention is paid to the gift giving at the yearly nomination by ducal commissioners of the aldermen in the cities and to the practise of farming out all kinds of offices.

It is obvious that all the abovementioned practices are considered as evil, as generating further corruption and as creating new improper burdens for the population. This moral condemnation is important for our subject: the government formally agrees with the subjects in this respect, while we don’t know about any open plead from the official side in its defence.

Since the privileges directly originate from grievances, they refer to real facts that occured during the years immediately preceding 1477. Indeed, the discussions within the representative bodies reveal their earlier actions in the fields in which measures were taken in 1477. These concern most the farming out of offices, the abuses of power by ducal officers who are charging too much the consumers of their services, their absenteeism and the cumulation of offices. Specific attention is paid to the nomination procedures for the local magistrates, most pregnantly in the Flemish privilege, in which it takes the initial 13 out of the 47 articles. With a large amount of details, prescriptions are made to avoid that town officials or their personnel were nominated because of gift giving. This practice is thus not restricted to ducal officers, although the town magistrates were formally designated by ducal commissioners. Their role was to introduce protégés of the duke in the municipal administration, and to keep local clans and factions from having a monopoly of power.

This conflict of interests may have stimulated the tendency towards corruption from the disadvantaged or threatened part of the polity.

In 1464, the Brussels Chambre des Comptes reported about necessary reforms in the financial administration of the duchy of Luxemburg. The prevailing system of farming out the offices is said to have led to three forms of corruption:

a) collectors make lower entries in the accounts of the demesne than they really receive,

2 Alain Derville, Les pots-de-vin dans le dernier tiers du XVe siècle (d’après les comptes de Lille et de Saint-Omer), in: 1477 Le privilège général, 449-469.
b) those officers enjoying a fixed salary “trouvent plusieurs manières et autres accidens qui ne sont à réputer pour émolumens de leurs offices, sans par leurs comptes en faire recepae”,

c) some even create private jurisdictions where they levy taxes on their own behalf...

The report proposes to reward the officers by a proportion of their receipts³.

The documents of practice show us, albeit not always in a very clear way, innumerable examples of what we call corruption, and what was, at least partly, considered as such by the contemporaries. In a neutral way, we can discern five symptoms which are, or can become, partly interrelated.

1. The dukes steadily pushed their relatives and protégés in jobs even without any financial reward for themselves. Instead, they expected political support from their clients. Their bastards – mostly in the case of Philip the Good – were placed on strategic posts like bishop John in Cambrai, bishop David in Utrecht, Raphaël de Mercatell as the abbot of Saint Bavo in Ghent, John as the dean of Aire and of Saint Donatian in Bruges. In the same vein, they introduced their lesser clients in municipal offices and clerical beneficia. These institutions always tended to react against the intrigues used to evade the normal nomination procedures, and vehemently did so again in 1477.

2. It can be regarded as a general phenomenon that princes strengthen their position by gift-giving in the form of wine or more durable advantages⁴. However, when intermediary persons within his realm imitate his behaviour, they weaken the prince’s position in the sense that they create an own clientage to which he has no direct access. He becomes dependent on intermediaries to get implementation of his aims. As far as these persons distribute favours from their own belongings, like the prince, their action can be described as patronage. However, when they use public funds or resources, or their access to persons controlling these, to build up an own clientage, we should consider this as brokerage. Power-brokers act as intermediaries between the central state authorities and the regional and local interest groups. To quote a classic definition by the historical anthropologist Eric Wolf: “brokers ... stand guard over the crucial junctures or synapses of relationships which connect the local system to the larger whole.”⁵ The authority of the monarch thus resides in a pyramid of bilateral personal relationships; this form of penetration is relatively weak and vulnerable, typical of a segmented society and a weak state apparatus⁶.

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⁴ Richard Vaughan, John the Fearless. The growth of Burgundian power (London 1979) 30, 84, 98, 211–212.
3. A third symptom of “corruption” is initiated by those lower in the hierarchy seeking the mediation or direct help by a patron or power broker in order to obtain protection and favour. In anticipation, they display deference and offer gifts in the form of “pots-de-vin”, “gratitudes”, “courtesy” to the patron himself or to those of his servants who may play an intermediary role or simply facilitate the access. This form of “corruption” presupposes the willingness of the higher placed to act as a patron or broker. This person acts as a broker if he does not dispose of his own patrimonium but of that of the state, the Church or a city, or simply of his personal relationships. Only the duke and the great feudal lords could afford patronage with their own resources. The higher nobility mostly combined positions as client toward the monarch, broker towards local communities and patron towards humbler individuals.

4. The venality of ducal offices is a means of fastening and, at least in the beginning, increasing the receipts of a government in need of liquidities. The representative bodies made it clear in 1477, as on many other occasions, that they refused this system of administration because it did not guarantee any quality on the side of the officer. The holder indeed tended to consider his office as an investment which he had to make as fructifying as possible. This meant an increase of the burdens put upon the population and a decrease in the services offered by the administration, while the government got a financial advantage only on the short term.

5. In the fifth place, I discern the action of those appointed either by venality, passive or active patronage or brokerage. In none of these cases, the officer is chosen because of his specific abilities for the job; in the case of venality, the government only expects cash money, in the two other cases only loyalty. The difference between them being the status as an established client or the price paid in the hope of becoming one. It is obvious that their commitment to a particular job is low. In the cases where the officer had to afford preliminary costs, he will try to get as many returns from his investment, as quickly as possible, which makes him particularly intransigent towards the subjects. Moreover, many of the informally appointed officers prefer to follow other destinies and charge their own clients as lieutenants, which enhances the risk of a low qualification and lucrative motivation. The personalisation of office-holding thus always implies the weakening of the efficiency for the subjects, and in almost all cases for the government as well.

Brokerage is most obvious in the clergy, where formal rules of qualification and procedure are strict. One can estimate the number of direct clients of duke Philip the Good up to 32 in top positions like those of bishop, abbot and dean of important and rich abbeys and chapters. Their aim is political in the sense that the dukes try to have their partisans on important seats within their territories.

8 Compare in this respect, the clear statements about the limits of absolutism in 17th and 18th century France through the sale of offices, by Barrington Moore, Social origins of democracy and dictatorship (Harmondsworth 1981) 57–61.
Their ideal is a state church. Moreover, there are fiscal motives as well as the care about the mobilising capacity of the church. During most of the 15th century, the bishop's seat of Tournai, a French enclave, was held by the president of the duke's high council. The popes lent themselves to cooperation, simply for money, or bartering for political and military support. In 1515 Pope Leo X even conceded to appoint no abbots without consulting Charles V.\(^9\)

The dukes traditionally had the right to appoint their protégés in a large number of lower clerical offices. In Holland and Zeeland, half of the canons and a third of the parish priests were involved\(^10\). Still more important were the higher offices like those of dean and provost of chapters, abbots and bishops. In 1448, pope Nicholas V granted Jean Chevrot, bishop of Tournai and president of the duke's high council, the right of nomination in 108 clerical beneficia following the proposal of the duke. The duke regularly recommended to these "creatures" again other protégés. So, at least eight clerical secretaries of the Burgundian and Flemish chancery were offered high prebends during the period 1384-1477, in supplement to their administrative functions and income\(^11\).

The negotiations about subsidies to the government occasioned all types of informal agreements. In this respect, we should mention the memorandum addressed in 1530 by governor general Margaret of Austria to her nephew the emperor; she bluntly declares that it was a custom in Flanders and Brabant that clerical beneficia were offered to relatives of city magistrates to facilitate the negotiations on subsidies\(^12\).

Documents clearly show how far this practice was spread, also in a very different province like Luxemburg. During the twenties of the sixteenth century, the governor general instructed her commissioners to pay visits to local dignitaries in a specific sequence. They had to offer pensions, gifts, pots-de-vin and patronage in order to obtain their assent to the subsidy. In return, gifts were offered to the representatives of the king. One of the most prominent noblemen in the duchy, Salentin d'Isenbourg, was mentioned as a person to be visited by the governmental commissioners in 1526, 1529 and 1531. In return for his assent, he managed to obtain the immunity for his own subjects and the extension of this high jurisdiction to non-residents\(^13\).

These relations were thus reciprocal, personal, direct and asymmetric; since the actors manipulated the public finances, they are to be considered as brokers rather than as patrons. Nevertheless, the practical evidence clearly demonstrates how closely interlinked the conceptually different phenomena of corruption, venality, brokerage and

\(^{11}\) Pierre Cockshaw, Le personnel de la chancellerie de Bourgogne-Flandre sous les ducs de Bourgogne de la maison de Valois (1384–1477) (Standen en Landen LXXIX, Kortrijk 1982) 144–146.
\(^{13}\) Petit, Aides et subsides.
patronage appear and how much they interfere with the functioning of the formal state institutions.

Other fields in which brokerage and venality occur on a large scale, are those of the judicial officers and the collectors of tolls. In exchange for a quick delivery of the expected receipt, the government gave up the control over the just application of judicial sanctions and of duties imposed on the trade. The complaints against the abuses in these matters sounded very bitter because they touched not only the wealth, but also the standards of legitimacy.

It is important to note that the top of the clerical and administrative hierarchies demonstrated all types of "corruption", so that sanctions from above could hardly be expected. Pope Eugenius IV accepted 12,000 ducates from duke Philip the Good for the nomination of John the Fearless’ bastard son to the bishopric of Cambrai. The dukes themselves bribed city officials. Duke John the Fearless used to distribute large quantities of wine to marshal the friendship and political support of the Paris population. He addressed similar gifts to eminent members of the French government in 1412, and to high prelates in the Council of Constance in 1415. Moreover some of these potential clients received money, books, plate and jewels. The highest councillors of Philip the Good accepted huge sums from the king of France in order to favour the peace of Arras in 1435. The Croy family, who occupied eminent functions at court and posts of provincial governor in Hainault, Namur and Luxemburg, continued to play on both sides, at least until 1465. In 1457, a general inquiry on the fortunes of the ducal officers was launched. It revealed wide corruption, but the municipal magistrates preferred to pay themselves off with a subsidy to avoid an investigation in their own jurisdiction. This type of inquiry was quite exceptional because it was used by the Croy faction merely to eliminate their opponents. It nevertheless again proves that sanctions were considered applicable to administrators acting beyond the rules.

The deputy president of the Parliament of Mechlin, maître Jean de la Bouverie, did not refuse a “courtesy” of 400 guilders of the Rhine, offered him by the nobles and towns of Holland and Zealand in 1477. They asked him to fasten the deliverance of the “Great Privilege” for their provinces, which was indeed granted on 14 March. The sum was worth 1,600 working days of a master mason in Bruges at that time. It is crucial to note that, as I mentioned at the beginning of this paper, large parts of this and the contemporaneous privileges were devoted to measures against corruption. It seems cynical that the Estates used corruption to get stipulations against it; in fact, this

15 Richard Vaughan, John the Fearless (see n. 4); Philip the Good. The apogee of Burgundy (London 1970) 99–101, 375–378.
demonstrates that the structural incentives were stronger than a voluntarist approach. Since the government, and especially the dukes and governors general themselves, introduced various forms of corruption, and since they accepted and even stimulated their role as patronas, this model trickled down to lower levels. It also spread horizontally at each level since there was no real check from above. The mechanism was much like that of Gresham's law: the bad drive out the good for the sake of profit. What may then be the circumstances which provoke the introduction and generalization of patronage as it was the case of the Burgundian and Habsburg Netherlands? Crucial for the understanding of patronage and brokerage is the fact that from the 13th to the 16th century the sphere of social relations in the Netherlands was steadily expanding. A series of shifts took place from solidarity groups based on a functional relation (the international trade) to clans on kinship basis (13th century); then to a local identity, underpinned by the membership of a particular corporation; from the end of the 13th century onwards, nationalism on the scale of the principalities emerged both in Brabant and in Flanders, albeit mainly in the exceptional situations of foreign invasion or its threat.

The process of unification of principalities under the dukes of Burgundy shaped still a higher level of agglomeration. They systematically tried to give it a real existence through the creation from 1430 onward of new overall institutions, viz. the Great Council, the duke's council, the central audit-offices, the States General, the Order of the Golden Fleece etc. This institutionalisation implied homogenization of administrative and legal rules, unification, centralisation, depersonalisation. It also resulted in a serious expansion of bureaucracy.

Thus the expansion of the social sphere in which relevant decisions were taken, was accompanied by the introduction of an overall administration which hurt vested interests; those were strongest on the communal (local) basis, but also existent on the basis of the principalities. The existing social ties, on which the political system was based, were valued much higher than the rules and norms imposed by an external dominant force. This domination was physically felt in such cases as the reduction of the Dutch towns in 1425–33, of Bruges in 1436–38, Ghent in 1447–53, Utrecht in 1455–56, Dinant in 1466, Liège in 1466–68, and so on. These urban revolts were symptomatic for the resistance of the largest relatively autonomous bodies against a different political system. From the viewpoint of the government, it was necessary to break down these intermediary powers in a demonstrative way. They were able to mobilise enough resources to challenge the central government in large sections of the territory. If they succeeded in forming a coalition – which happened for a brief while in 1488 they were a serious threat for the government. And indeed, during 1482–85 and 1488–90 the two largest cities of Flanders, Ghent and Bruges, were able to expel archduke and German king Maximilian from real power in most of Flanders. Even the mighty Charles V needed three years to reduce his native town Ghent, again, in 1540.

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18 Paul Rosenfeld, The provincial Governors from the minority of Charles V to the Revolt (Staden en Landen XVII, Leuven 1959) 1–63.
All these conflicts illustrate the deep tension between the older established power structures on the local and regional levels on the one hand, and the new ones, imposed on them by a prince whose power was located in many regions and thus less vulnerable, on the other. The local powers lived in the insecurity of being steadily overruled if not physically threatened by higher, mightier, foreign institutions and persons.

The ever lasting danger of troops devastating the countryside and robbing travellers for instance, could be bought off by a convenient “courtesy” to the captain. The government on the other hand, was well aware of the necessity of making arrangements and of accommodating the local and regional powers to its system.

This insecurity made both sides feel the necessity of having some mediating system, linking the new centralising state and the local and regional power structures. Those were still in control of considerable resources and they were generally considered to be the adequate social systems. It is typical that in 1477, when privileges were easily obtained, all the major cities did so; whereas the general privilege, as the first in its genre, was rather short (20 articles), the regional charters included three to five times as many stipulations, and most of the principalities did not even consider it useful to possess a copy of the general charter. As persons and institutions found themselves in a weak position vis à vis overwhelming central powers, they sought the protection of power brokers. The town of Saint-Omer found it in the person of Antoine de Croy, member of the mighty family of provincial governors and councillors. He was the informant for the town and her protector at court. It was not so much the many “dons et gratuités” that stimulated him to offer his high protection; a mighty man wants to be sure of his own clientage, and derives prestige from the number of his followers. When in 1465 the Croy family nevertheless fell from power, the town found a new protector in the person of the “Grand Bâtard” Antoine de Bourgogne, and later in his son. The city of Lille built up such a relation with her captain Antoine de Lannoy, equally belonging to one of the most important noble families in the Burgundo-Habsburgian state.

The city of Ghent, still the largest in the Netherlands until the end of the 15th century, steadily spent 6 to 14% of her total expenditure on personal gifts and “courtesies”. This item dropped to 1.4% in 1468, as a consequence of severe restrictions imposed by duke Charles the Bold, who endeavoured to rationalise the whole administrative system in his state. By 1500, however, the level of 13% was normal again. It is obvious that the beneficiaries were members of the urban elite itself, and also members of the court and the central administration from whom protective interventions were expected. The presents took the form of real “pots-de-vin”, cloth or cash.

These presents were often offered on specific occasions as a visit, a marriage or a real service. Sometimes, they were provoked by the beneficiary or even by the duke himself. In most cases however, they took an absolutely general and regular shape. General, because all towns and rural administrations used to offer gifts to government offi-
cials. Regular, because some larger cities and districts did not wait for particular circumstances, but were accustomed to offer a yearly pension to senior officers. In the beginning of the 15th century, the Franc of Bruges yearly granted 20 pounds to the ducal secretaries; in the sixties and seventies, the chancellor was yearly offered 300 pounds or even more. The city of Antwerp at that time paid him 600 pounds per annum.

All these sums were registered in the accounts and controlled by the duke's commissioners, who, of course, always were magnificently celebrated during the audit. Nevertheless, they sometimes had to insist on more parsimony, but even then councillors and senior officers of the duke were excluded from any restrictions. The government was equally seeking clients in strategic positions, viz. the clergy and the large cities. It is noteworthy that the great Ghent war of 1447–53 originated from the fury of duke Philip the Good because he had not been able to persuade the large Council of the city to accept a semi-permanent salt tax, although the duke had presented the proposal personally and although he first had privately obtained the consent of the influential deans of the guilds. When informal persuasion did not work, he turned to the use of force. There is proof of bribery of such personalities on similar occasions. In 1426, the duke gave the Ghent upper dean of the guilds, Clais van Hoedeveld, a "present" worth 8,000 daily wages of those he was supposed to have represented in the negotiations over a subsidy. The receipts are dated on the due dates of the tax.

Relying on a system of personal loyalties, the government came in a conflict with its own bureaucratic procedures. The system of recruitment, the social behaviour within the institution, and its external relations are different when it is based on informal personal relations instead of on formal rules. The rules are subordinated to arguments of personal loyalty or personal power. The values of a strict bureaucratic system are undermined by patronage and brokerage.

As the government turned to venality of offices because of financial needs, it already undermined the bureaucratic, rational methods of administration. It did still more so by recruiting on the basis of kinship and clientalism. While these informal personal relations were aimed at reinforcing the state, they weakened its formal institutions. Each of the brokers indeed uses public resources for private goals. Only a constant renewal and strengthening of personal ties through gifts, services and deference keeps the pyramid of relations upright. In a way, this system replaces the feudal hierarchy as an integration mechanism within the state; instead of land, parcels of the state power and state income form the material basis of this "féodalisme d'état".

Barrington Moore noted that "as the rise of feudalism out of the decay of the Roman administrative system shows, this form of self-help which victimizes others is in principle opposed to the workings of a sound bureaucratic system. A bureaucracy to survive must obtain a monopoly on the making of victims and do it according to a rational principle."

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21 Cockshaw, Le personnel, 30–31, 147–150.
22 Vaughan, Philip the Good, 306–310.
23 Blockmans, Volksvertegenwoordiging, 566.
24 Social origins of dictatorship and democracy, 214.
In fact, the Burgundians paid their officials only moderate wages, but supplemented these by all kinds of gifts, as signs of appreciation and for further stimulation. Furthermore, they were aware of the fact that all their officers, from the chancellor to the humblest servant, were receiving gifts from others as well. As power brokers, they indeed were able to fasten services or to influence decisions. This system continued practices familiar in feudalism. Therefore, it was not considered evil to accumulate beneficic, salaries, pensions and seignorial rights; bureaucratic logic might oppose it, but it was still too weakly accepted to impose its norms. Everyday's practical difficulties were more easy to overcome through direct personal relations than by formal procedures. The dyadic, asymmetric personal relations with a specific purpose are common of feudalism, patronage and brokerage. In the case of the former, the ritual and the material basis were more formalised because it was socially accepted as the unchallenged core of the power structure. Patronage and brokerage always operate in the shadow of an official norm, aside which they offer flexible, informal means of government in more complex, monetarised societies. But their sources and pattern were still very traditional.

One can consider the need of informal ties as typical of a transitional phase, in which the expansion of the social networks and the introduction of new systems create insecurity. The process of state formation in the Netherlands of the 15th and 16th centuries is such a case. The state was too weak to implement its self-determined goals, and had to rely on informal systems. Those smoothened the tensions between the local powers and the state and integrated them in the larger system. Such a system normally comes to an end when one of the two opposed sides decisively gets control over the other. In the southern Netherlands it was the central state who stopped the extension of brokerage. New recruitment systems in which the professional training in particular universities and colleges played a more important role than before took its place. In the North it were the urban bourgeoisies who introduced severe calvinist values concerning the public and private life. One should nevertheless keep in mind that two centuries, or eight to ten generations, constitute a long period during which cultural facts can develop a momentum on their own. Today the low value attributed to the state, the preference of informal personal accomodation and arrangements instead of the application of rational rules, are still widespread in today's Belgium, much more than in the Netherlands. The fact that the state of the southern Netherlands remained in foreign hands for a further two and a half centuries, helps to explain the necessity of the central government to appeal again to native power brokers. In the Republic of the United Provinces, on the other hand, clientalism also reappeared during the seventeenth century. It did no longer have, however, the function of integrating local and regional powers in the centralised state, as it was the case during its incipient formation before the Revolt.