

Guilds, Guild Unions, Guild Courts in Transylvanian Saxon Towns in the Sixteenth Century

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Abstract. Under the auspices of the *Universitas*, the common self-governing body of the Transylvanian Saxon towns and seats, the guilds' statutes were revised between 1539 and 1582: obsolete rules were abolished, and new ones were introduced where they had not existed before. According to the literature, this process marked a turning point in the relationship between the municipal authorities and the guilds, insofar as the town councils intervened in the guilds' internal affairs, particularly in their powers to judge misconduct and disciplinary offences. But even before the new regulations, the guilds' powers were limited to settling disputes between members at a lower instance, and even when they formed unions for common defence or drew up common statutes, they enjoyed no greater autonomy. The paper provides an overview of the activities of the guild courts, with case studies. It seeks to show the powers the guilds had in disciplinary matters and how these changed with the growing power of local government and the use of public authority. It argues that the authorities' intervention in the guilds' powers was not so much a restriction as a clarification of their entitlements, while ensuring that arising cases were appropriately dealt with, and that normative regulation played an important role in this process, defining the various facts and circumstances and transferring offences such as bodily harm, counterfeiting, and fraud to ordinary courts. At the same time, the guilds retained their power to deal with minor disputes between craftsmen, insults, and moral offences; under the pressure of the Reformation and the spread of Protestant morality, their disciplinary powers were greatly extended.

Keywords: guilds, guild court, guild statutes, town council, offences, social discipline, Transylvanian Saxon towns

The organisation of the Transylvanian guilds underwent fundamental changes in the sixteenth century. Between 1539 and 1582, the city authorities revised the statutes of all the guilds in order to correct them, with the result that the guilds, one after the other, abolished the old “statutes and bad, useless or superfluous regulations” and “left unchanged those that were good and useful.”¹ The preamble was written

1 *Comerț și meșteșuguri*, 306 (doc. 107), and other.

in the same way for all the guilds, and was subsequently included in all the new statutes without any change. This process, according to historians, marked a turning point in the relationship between guilds and local government, as the town council intervened in guild affairs, particularly in their powers to adjudicate on misconduct and disciplinary offences. Monica Vlaicu, for example, is of the opinion that the new rules had the effect of transferring some offences to the guilds, and others to the authorities.² Mária Pakucs argues that the revision of the statutes was an attempt by the town authorities to deprive the guilds of the right to punish certain offences that had previously been settled between craftsmen.³ Maria Crăciun, capturing the stakes of the policy of disciplining urban communities, speaks of the town administration's gradual control over the guilds, whereby, in the context of the reform of morals, duties related to the punitive system were distributed among lay institutions.⁴ She thus qualifies her views with findings in the previous literature, in particular with Konrad Gündisch's argument that the 'impulse for discipline' came from within the community.⁵ Although these views seem to be supported by the sources—for example, Pakucs points out that the measures taken by the governing authorities to establish good order and discipline in the town were put into practice⁶—the idea that extending the town administration's powers in matters of social discipline led to a transfer of the right to impose fines from the medieval guilds to the authorities,⁷ in the sense of a suppression of the guilds' rights, needs to be supplemented.

The guilds also reacted strongly to changes in the rule. The goldsmiths, for example, took note of the new guild rules of 25 July 1539 and addressed a petition to the leaders of the *Universitas*, the common representative and governing body of the Transylvanian Saxon communities (University of the Saxons): "This is our request and appeal to your honourable office to allow the guild to judge us and to amend this [the new rules] in accordance with the content of the old guild charter."⁸ The goldsmiths' suit challenged certain articles of the guild's constitution, particularly those the town officials enacted to restrict the guild's right to take action against its members and punish them for disciplinary offences.

At first sight, the extent to which the towns' (alleged) interference affected the guilds' own judicial prerogatives seems easy to decide by simply comparing the

2 *Comerț și meșteșuguri*, 10.

3 Pakucs, "Gute Ordnung," 194.

4 Crăciun, "Prețul păcatului," 15–56.

5 Crăciun, "Prețul păcatului," 21.

6 Pakucs, "Gute Ordnung," 175–206.

7 Crăciun, "Prețul păcatului," 52–53.

8 *Comerț și meșteșuguri*, 335 (doc. 114).

articles of the guilds' statutes before and after the revision. However, the problem is more complex and methodologically more challenging, because several guilds did not register their statutes until after 1539. It is difficult to determine the extent to which the revision limited the guild's disciplinary powers for multiple reasons. Firstly, because we know little or nothing about guild courts and their position in relation to the city's political authorities (the mayor, the judge, and the town council) before the changes in the law starting from 1539.

Sources are laconic and fragmentary and are only suitable for studying a limited number of issues, mainly the normative context (guilds' internal rules). Only from the second half of the sixteenth century is concrete information available on the functioning of guild courts and the application of punishments in the guilds. It is also from this period that we can date the political authorities' efforts to impose social discipline on the townspeople and to reduce undesirable behaviour.⁹ The guilds also adopted many of the rules of public order, which, as Mária Pakucs points out, were designed to regulate "a wide range of fears and goals" of early modern societies, such as the "observance of the divine word, attendance at church services, marriages, obsessive prohibition of disruptive games, and prostitution."¹⁰

A detailed analysis of the guilds' rules on offences (not least the statutes of the numerous journeymen's brotherhoods) and the ways in which their powers to impose fines evolved would go far beyond the scope of a simple study. In what follows, the perspective from which we can examine the relationship between guilds and the authorities is narrowed down. The aim is not to question the direction and meaning of social disciplinary measures, but rather to trace the socio-professional circumstances that determined the organisation of craftsmen into guilds in the sixteenth century. The research is based on different types of sources, reflecting how the guilds' own jurisdiction functioned and was positioned in relation to the town's ordinary courts, what disciplinary abuses were sanctioned by the guilds, even in a complementary way to the town authorities, and how these were integrated into the measures taken to maintain public order. A comparative analysis of the source material of the guilds (the guilds' statutes and books and registers of fines imposed by the guilds) and the records of measures taken by the authorities to maintain order and discipline in the city (lists of penalties imposed for breaches of orders and measures to maintain public order) shows that, for a long time, the guilds continued to play an essential role in disciplining society. Moreover, in a Protestant society, the system of punitive measures to control moral and sexual offences would have been incomplete without the support of the community and its specific institutions.

9 Derzsi, "A városi statútumok," 224.

10 Pakucs-Willcocks, "Sibiul în veacul al XVI-lea," 63–82.

Most of what we know about guilds in the fifteenth and sixteenth centuries comes from normative sources.¹¹ The statutory regulations refer to various situations in which the guild had the power to take disciplinary action and punish those who broke the rules. There are few sources confirming the application of the rules, and relatively few guild registers were kept with specific data on fines imposed during the period under consideration. As the registers were used to record fines imposed on craftsmen (whether or not the amount was paid), very often the act or offence for which the fine was imposed is not indicated; only the name of the person punished and the amount of the fine to be paid are noted. However, the records of punishments are the primary source for the empirical analysis of the guilds' disciplinary life. Further information is provided by various documents from the city council (decrees on various aspects of city administration, including fines for breaches of public order, court decisions on disputes between guilds, or lawsuits between craftsmen and the guild), which shed light on the guilds' position in relation to the city's governing authorities.

The guild's honour

The guilds had disciplinary powers and, according to their own statutes, were entitled to sanction their members for misconduct. What constituted a disciplinary offence obviously depended on a number of economic and socio-professional factors. Generally speaking, it was understood as related to work and work organisation, consisting of the failure to comply with the conditions for the production and processing of craft products, the purchase of raw materials, and (especially in the late Middle Ages) the neglect of the social and charitable activities required in connection with the religious role of the guilds (burial of fellow guild members, religious services, care for craftsmen in case of illness, assistance to the families of deceased craftsmen, etc.).¹² Non-observance of the rules violated the corporate principle of medieval associations and their underlying values, which included respect and honesty towards the guild, as well as obedience to the hierarchy of guild masters. As economic and cultural needs expanded, leading to the grouping of craftsmen into guilds, they became increasingly rigid in their desire to establish internal rules, which were more common in the fifteenth century. These included the early requirement of 'legitimate' descent (born in wedlock),¹³ the payment of an initiation

11 As far as sources are concerned, we see the same situation in large urban centres, e.g., Cologne, an imperial city in Germany, see: Schwerhoff, *Köln im Kreuzverhör*, 68.

12 See, among others, the statute of the Goldsmiths' Guild in Sibiu from 1494, cp. *Comerț și meșteșuguri*, 213 (doc. 78).

13 For example, the Statutes of the Furriers in Brașov, dating from 1424, stipulate that "no foreigner

fee, and the offering of a feast on joining the guild,¹⁴ then the regular price of membership dues, and the requirement to demonstrate professional competence.¹⁵ In the Transylvanian Saxon centres, town councils, and guilds were so united in enforcing the condition of origin that sometimes the ruler had to interfere to get local authorities and guilds to allow foreigners to work.¹⁶ As the sixteenth century progressed, the guilds made it increasingly difficult to join. The preconditions were getting more stringent: the journeyman's years were extended, the guilds demanded a substantial sum of money for admission, asked craftsmen to produce masterpieces that were sometimes unnecessarily complicated or costly,¹⁷ and if they failed, the guild would impose heavy fines.¹⁸ Having no other way to practice their craft and sell their wares in the marketplace, craftsmen, whatever their trade, all followed the rules. Those who worked outside the guilds were considered unskilled and vagrants, making their work unsustainable, while the guilds enjoyed the town council's support.¹⁹ The more powerful and wealthy guilds could obtain privileges from the rulers; they benefited

may enter the guild unless he brings a letter certifying that he was born in lawful wedlock, not out of wedlock." *Documente de breaslă*, 26 (doc. 2).

14 See Article 2 of the same statute. *Documente de breaslă*, 26 (doc. 2).

15 See, among others, the Statute of the Goldsmiths' Guild of Sibiu (1494), of the Archers of Braşov (1505). *Comerţ şi meşteşuguri*, 213 (doc. 78); *Documente de breaslă*, 83 (doc. 34). Other examples of the conditions of entry into the guilds, also established by the craftsmen of Cluj, see at: Gündisch, "...natürlichen Geboten," 25.

16 For example, King Sigismund's letter of 3 July 1428 from Kovin, in which he orders the guilds of Braşov to accept into their ranks the craftsmen who settle in the town and to allow both foreigners and citizens to work there. The king also empowered the judges and jurors to intervene by force and punish anyone who settled in the town against his orders. *Documente de breaslă*, 35 (doc. 4).

17 The Statutes of the Sibiu Goldsmiths' Guild of 1494 stipulated that whoever wishes to join the guild had to make the work of a craftsman, namely "a chalice and a gold ring with one or two stones and a pocket spoon." The Statutes of the Guilds' Union of 1561 already required "a vessel [...], a seal, a shield, a helmet and a ring," warning the member that "for every piece he does not make, he will pay two florins as a fine." *Comerţ şi meşteşuguri*, 214 (doc. 78); *Documente de breaslă*, 257 (doc. 133).

18 One of the first guild statutes to stipulate a fine for poor workmanship was that of the Archers of Braşov, from 1505: "Anyone who does not carry out the work properly shall pay two guldens." *Documente de breaslă*, 84 (doc. 34).

19 In this regard, see the provision in the statute of the Guild of Painters, Carpenters, and Glaziers of Sibiu, dated 9 June 1520, namely "If anyone of another profession is found practicing our trade as written above, he shall be tried and punished." *Comerţ şi meşteşuguri*, 266 (doc. 94). The town council also supported the guilds in defending their interests regarding purchasing raw materials or their market position. See in particular Articles 1–6, 11–14 and 16. of the Statute of the Guild of Weavers, confirmed by the town council of Sibiu on 9 November 1487. *Comerţ şi meşteşuguri*, 183 (doc. 69).

from the right to keep other trades out of their market. Members of the more prestigious guilds were elected to the town council,²⁰ where they presumably represented the craftsmen's interests. Even if artisans did not gain a permanent position in the city government,²¹ their participation in the local administration was instrumental in spreading the moral values that prevailed among them. The guilds played an active role in the defence of the city, providing guards, weapons, and food supplies stored in the towers, maintaining the walls and roads,²² thereby giving craftsmen a sense of responsibility for running the community.

The guild's affairs would be discussed at the craftsmen's assembly. Only craftsmen were considered full members; journeymen and apprentices had no say. A meeting was held in the guild house, if there was one, or in the guild steward's house. The guild steward and older craftsmen sat at the head of the meeting. The guild steward was in charge of the box of privileges and valuables and the guild treasury. Guilds had a seal and other symbolic accessories. Membership also meant cultivating an attitude of respect for the "honesty of the trade,"²³ loyalty, and obedience.²⁴ The concept of 'honour' was not defined very precisely, and there is no trace of any attempt at its clarification. The concept extended from the correct practice of the profession to a wide range of socio-professional relationships, and meant respect for the order of the guild, i.e., the internal rules laid down in the statutes. Following a predetermined order of establishing liability and applying sanctions, the guilds took repressive measures to punish those who violated their honour. They were free to settle disputes between craftsmen or between craftsmen and journeymen, unless the nature of the work required the city authorities' intervention and support. In accordance with the town council's laws, orders, and regulations, the assemblies also decided on minor offences: swearing and blasphemy, insults, minor violence, petty theft and damage to property, fraud and cheating. The guilds' punitive powers consisted of warnings and fines (disciplinary and pecuniary), and extended to the

20 Gündisch, "Patriciatul orășenesc," 147–89; Schneider, "Die Zünfte und ihre Bedeutung," 352–53.

21 Crăciun, "Prețul păcatului," 20.

22 Gündisch, "...natürlichen Geboten," 26–27; Schneider, "Die Zünfte und ihre Bedeutung," 350. See also the inventory of weapons in the towers defended by the various guilds in Sibiu, from 1492, 1493; also the provisions of the Statute of the Guild of Goldsmiths in Sibiu, from 1494: "Each craftsman must help guard the tower himself or through reliable servants and skilled mates, and not through apprentices. As the need arises, so will his punishment be." *Comerț și meșteșuguri*, 198 (doc. 74), 206 (doc. 75), 216 (doc. 78).

23 See, among others, the term in the Statutes of the Goldsmiths' Guild in Sibiu in 1494. *Comerț și meșteșuguri*, 216 (doc. 78).

24 Crăciun, "Prețul păcatului," 22.

confiscation of goods produced fraudulently or negligently, the reduction or even withdrawal of wages, and probably even corporal punishment—although the latter form of sanction was not yet included in the statutes.²⁵ The harshest punishment was expulsion from the guild. Such a decision was taken at the guild meeting, in front of the craftsmen, and the expelled person was considered a cheater, with serious consequences for his future fate (‘a social death’, as Maria Crăciun put it).²⁶ As far as possible, the guilds tried to ensure that their decisions were not subject to control by the authorities.²⁷

Naturally, the extent to which a particular guild was free to exercise its disciplinary prerogative depended on its position in relation to local government structures and the power of the town council. Since the appearance of the Transylvanian guilds (and here we refer primarily to the guilds in Saxon towns), they seem to have had a close link with the town administration. The relatively late appearance in Saxon towns of the institution of the *centumvirs* (the council of the town community’s broad representation), an institution in which craftsmen could be more easily represented than in the town council,²⁸ probably facilitated less pronounced control of the power of the magistrate (town council). The guilds sought to have their statutes confirmed by the townships, so that with the exception of a few larger guilds that managed to win the favour of the country’s sovereign, most guilds had their own statutes, reinforced by local councils.²⁹ For their part, the city authorities guaranteed compliance with the rules laid down by the guilds. In order to defend their position against outsiders or merchants, the guilds formed unions, and from the late fifteenth century several guilds drew up common statutes.³⁰ By their very nature, the guild unions relied on the alliance of the towns and the territories they administered, i.e., the University of the Saxons, the highest decision-making instance in the craft world, apart from the ruler.³¹

25 In the sixteenth century, the statutes of guilds and brotherhoods did not provide for corporal punishment for any offense. Later, however, beatings were included as a form of discipline; see the Statutes of the Tailors’ Guild of 20 April 1691: Franz Zimmermann, “Das Register der Johannes-Bruderschaft,” 420.

26 Crăciun, “Prețul păcatului,” 23.

27 An argument for this can be found in the case of the imperial town Cologne, cp.: Schwerhoff, *Köln im Kreuzverhör*, 66.

28 Crăciun, “Prețul păcatului,” 20.

29 Müller, *Stühle und Distrikte*, 110.

30 One of the first guilds to draw up common statutes and have them approved by the town council of Sibiu was the Weavers’ Guild (1487). *Comerț și meșteșuguri*, 183 (doc. 69).

31 *Comerț și meșteșuguri*, 10.

The guilds' own jurisdiction

Suppose we want to find out what powers the guilds had in disciplinary matters, or how these changed in the context of an increasingly powerful city government and the exercise of local public authority. In this case, we need to scrutinise how the framework within which the guilds-imposed sanctions for their members' disciplinary offences and the guild court functioned. What were these courts' judicial competences, and what powers did they have to impose sanctions?³²

Guild statutes contain little information about their jurisdiction. In most cases they just list the offences that the guilds punished, with very little detail about the preliminary investigation or the sanction imposed and its enforcement. For this reason, our analysis is based on incomplete data and cannot be used for drawing general conclusions, but only as a framework for discussion. As the number of guild protocols increases, more and more information on judicial activity becomes available. In the archives of the Braşov guilds, for example, there are four letters from the beginning of the sixteenth century that shed light on this subject. The letters addressed to the goldsmiths of Braşov were written by master goldsmiths from two Hungarian towns, Bács (Bač, now in Serbia) and Szeged (dated 9 and 14 February 1512, and 2 and 26 August 1512).³³ In these letters, the senders replied to their colleagues in Braşov to settle a dispute that had arisen between the guild and a craftsman called Christopher, who had been accused of theft by Gallus and Jacobus from Sibiu, both journeymen of the master Ludovicus.³⁴ Since we are not familiar with the letters the goldsmiths of Braşov sent to the guilds of Bač and Szeged, we can only infer what happened in Braşov from the answers given by the goldsmiths of the two Hungarian towns. Although we do not know the facts on which Christopher was indicted in Braşov, it is likely that the accusations against him were also related to his past sins, already during his years of wandering in Bač and Szeged, and then during his work as a craftsman in the Szeged guild. It seems that our craftsman got into trouble for the first time in Bač, where he—then a journeyman of a goldsmith named Blasius—left his master's house under unclear circumstances, secretly and surreptitiously, taking with him “a certain amount of silver and a buckle.”³⁵ After settling in Szeged, Christopher again ran into trouble. He was already

32 The German terms *Zunftgerichte* and *Zunftgerichtsbarkeit* refer to an institution that is difficult to translate to English. It means a particular jurisdiction of the guilds, which fulfilled the role of a lower instance, with prerogatives to deal with specific cases determined by the status of the person and/or the fact, and with powers to enforce fines. For more information, see, among others: Neuburg, *Zunftgerichtsbarkeit*. For a critical approach to the German term, see *inter alia*: Schwerhoff, *Köln im Kreuzverhör*, 66.

33 *Documente de breaslă*, 101 (doc. 44), 103 (doc. 45), 106 (doc. 49), 108 (doc. 50).

34 See more in: Crăciun, “Preţul păcatului,” 35–37, 39–41.

35 *Documente de breaslă*, 107 (doc. 49).

a member of the guild when he was again accused of having previously induced the goldsmith Johannes Nemeth's journeyman to steal "some silverware, a certain amount of silver, and a piece of metal," and of having spent the money he received after selling the stolen goods ("he drank it and shot at the target with his arrow").³⁶ Accused of aiding and abetting theft, the guild banned Christopher from the craft.³⁷ While investigating his case, the guild also discovered what he had done in Bač, and in order to clarify the matter, they sent him to Bač to resolve his business there first. As our craftsman did not solve anything in Bač, let alone in Szeged, he was banned from practicing his craft as a 'dabbler'.³⁸ Apparently, after his expulsion from the guild in Szeged, Christopher went to Braşov, where, as we have seen, his bad reputation soon caught up with him (the second letter from Bač reports that, at the request of the craftsman Blasius, the goldsmiths of Bač wrote to their colleagues in Braşov to inform them of the accusations against Christopher). It is not clear from the letters whether our craftsman was guilty of any wrongdoing in Braşov, but it is not impossible that his bad reputation was enough for the guild to investigate his case. As the charge against him was serious (theft), he was forbidden to practice his trade in Braşov until the situation was clarified. In order to clear his name, our craftsman went first to Bač, then to Szeged.³⁹ Accompanied by a craftsman from the Braşov guild, the goldsmith Anthonius, he first reconciled with his former craftsman, Blasius of Bač (they reached an agreement on his claims)—which he did before the town council—and about which (including his acquittal on the theft charge) he received as evidence from the guild there a letter sealed with the stamp of the town council (magistrate) of Bač, which he was able to use in his defence.⁴⁰ To strengthen the agreement between the parties, the town council of Bač also established a bond of 40 guildens between them, according to which they would not start any further disputes in the given case. After paying this sum in Bač, Christopher went with Anthonius to Szeged, where he again managed to clear himself of the accusations

36 *Documente de breaslă*, 109 (doc. 50).

37 In the second letter from Szeged (dated 26 August), the accusation against Christopher is clearly formulated: he is accused of "telling him [the journeyman] and urging him to commit this theft." The guild in Szeged also decided to punish Christopher's two journeymen who were working for him at the time, because they stayed with him even though they knew about his guilt and the guild's previous investigation. *Documente de breaslă*, 109 (doc. 50).

38 *Documente de breaslă*, 109 (doc. 50).

39 To understand the procedure, we can look at a later regulation of the Braşov Weavers' Guild of 1560, which clarifies the procedure in cases like Christopher's; the article reads as follows: "If any words [insulting] are spoken to a craftsman against his honour, and he fails to clear this defamation before the law, he shall be forbidden to practice his craft, unless he first apologises sufficiently and graciously, with the help of pious men, to defend his honour." *Documente de breaslă*, 250 (doc. 130).

40 It is the letter issued in Bač on 9 February 1512. *Documente de breaslă*, 101 (doc. 44).

against him, swearing in the presence of the craftsmen that he knew nothing of the theft committed by his colleague and that he was not responsible for the theft in question. The goldsmiths of Szeged also wrote a letter in support of our craftsman.⁴¹ We can only guess what happened after this date. It seems that, on his return to Braşov, Christopher did not present the letters of acquittal to the guild stewards, but continued the quarrel with the goldsmith Ludovic's journeymen—a circumstance reflected by the fact that the Braşov guild, at their request, sent a letter to the goldsmiths of Bač and Szeged asking for clarification of what had happened there in February.⁴² It is not easy to understand why Christopher did not present these letters to Braşov. For some unknown reason, he kept 'in his pocket' the evidence that could have cleared him of the charges against him, and thus the penalty of expulsion from the guild.⁴³ He did this despite the fact that the person who had accompanied him to Bač and Szeged in February, who had interceded on his behalf and defended him, the craftsman Anthonius, had since died (the letter of the Goldsmiths' Guild of Bač dated 2 August 1512 speaks of the deceased Anthonius). There is some evidence of this in an order of King Vladislav II of 19 March 1513, issued in Buda and addressed to the town council and the goldsmiths' guild of Braşov, in which the king ordered the addressees to restore the craftsman Christopher "to his former position, place, and honour" in the guild.⁴⁴ The king's mandate refers to the two letters of acquittal issued in Christopher's favour. Despite the king's relatively late intervention in the events of the spring and summer of 1512, it cannot be ruled out that, probably not trusting the decision of the guild or the town council, Christopher asked the king for protection.

Beyond the personal fate of the craftsman Christopher, and the lengthy presentation of his story, we need to clarify some aspects of the guilds' disciplinary procedure in similar cases, which answers our question about the power relations between guilds and city authorities. The letters of the goldsmiths of Bač and Szeged shed some light on the guilds' investigative procedures and their jurisdiction. Even if we learn very little about what exactly happened in Braşov—all we know is what we read in the replies—the information gathered from these letters outlines a framework within which we can discuss issues of guild jurisdiction in general. The information provided by the letters shows that two types of justice were applied to the dispute. Christopher's acquittal in Bač took place in the presence of the local craftsmen ("all the craftsmen gathered for this task"),⁴⁵ but before the town council, the reconciliation was arbitrated by a town juror, also a goldsmith, the craftsman

41 The letter of 14 February 1512 from Szeged. *Documente de breaslă*, 103 (doc. 45).

42 This is clear from the letters of the goldsmiths of Bač and Szeged, dated 2 and 26 August.

43 *Documente de breaslă*, 108 (doc. 50).

44 *Documente de breaslă*, 115 (doc. 54).

45 *Documente de breaslă*, 106 (doc. 49).

Georgius “as judge”.⁴⁶ The presence of Georgius was necessary because the ordinary judge of Bač was actually Blasius, the goldsmith in whose favour the reconciliation took place. Therefore, the substitute judge presided over the case according to custom. The formal elements of a civil case are evident from the proceedings before the town council of Bač: the case was constituted, a deadline was set for the examination of witnesses,⁴⁷ and the court acted as an arbitrator and set the bond to a value of forty guldens, which was the usual procedure in libel cases.⁴⁸ In Szeged, however, Christopher’s case was heard in the guild house, in the craftsmen’s assembly: there is no evidence that the town’s jurors were present. Through the intervention of Anthonius, the craftsman from Braşov, the goldsmiths of Szeged took up Christopher’s case again⁴⁹ and accepted the arguments in his defence. When Christopher offered to exonerate himself on oath, the assembly of goldsmiths ordered him to do so in order to clear him of the charge.⁵⁰ They gave Christopher a letter of acquittal with the seal of the guild.

46 *Documente de breaslă*, 101 (doc. 44).

47 Christopher demanded that his accusers address him personally, “as in a trial”. Master Blasius, who was not ready to give an answer so quickly and start a trial against Christopher, asked for time, and the judge, “according to the custom of the city of Bač, set a time for the parties to agree, until the time of the second mass on the following day, so that the trial and the respective answers could begin,” cp. *Documente de breaslă*, 101 (doc. 44). “Christopherus, as the defendant and culprit, wishing to come to an agreement and reconciliation with his master Blasius through good mediators and mentors,” agreed with him and paid him the sum of eight guldens. *Documente de breaslă*, 107, doc. 49.

48 The bond (*Band* in German) was set when the courts wanted to close a case. In the practice of the Transylvanian Saxon judiciary, a smaller amount was paid, usually twenty or even ten guldens. *Das Gerichtsbuch*, 7 (doc. 16), 17 (doc. 47), 36 (doc. 113), 48 (doc. 155), etc.

49 That the procedure of the Szeged craftsmen was not a formal one is evident from the second letter of the guild; the goldsmiths expressed their dissatisfaction with the way the assembly was convened, referring to Anthonius’ role in the matter as follows: “The craftsman Anthonius asked us to accept the invitation of your honours [of Braşov] and to meet in the guild house [...], and if the master Anthonius the goldsmith had not asked us in the name of your honours, we would not have held an assembly in the guild house.” *Documente de breaslă*, 108 (doc. 50).

50 The oath was the usual form of evidence in legal proceedings and had been used since ancient times to settle disputes; it was given to strengthen the affirmation or denial in the trial by invoking the name of God. See: Blazovich, *Városok*, 173. For the forms of the oath and the procedure for taking the oath, see later the relevant articles of the Transylvanian Saxon Book of Law (*Statuta iurium municipalium Saxonum in Transylvania*), cp. *Das Eigen-Landrecht der Siebenbürger Sachsen*, I. 9. 1–3, 4 and 6. Although the form of the oath is not specified in our example (voluntary, offered, or required), we assume that it was an oath offered by the judges (it was decided by the judge when deciding whether the plaintiff or defendant should take it); as for Christopher’s willingness to take the oath, the guild assembly decided that “it is sufficient to exculpate [himself] only with his own oath.” *Documente de breaslă*, 109 (doc. 50).

Thus, according to the above, two bodies were competent to acquit an accused person: the town council (*civitas*) of Bač⁵¹ and the guild assembly of Szeged,⁵² both of which could order the swearing of the oath of acquittal. Since the oath was perhaps the most frequently used instrument for settling disputes, the example of Szeged shows that, at the beginning of the sixteenth century, the guilds as well as the elected arbitrators, would still use the procedure. Only from the second third of the sixteenth century was this jurisdiction regulated, when the city authorities restricted the rights of the lower courts (*Niedergerichte*), including the right to administer oaths.⁵³ Continuing with the examples of Bač and Szeged, we can see that in both situations of the establishment of the judicial forum—with or without the presence of the members of the town council—the decision taken during the proceedings had the same force, and the royal order did not treat the two letters of exemption differently. From these sources, we do not know what kind of privileges the guild of Braşov had. However, the person of the goldsmith Anthonius provides a basis for certain assumptions. In the statutes of the Braşov goldsmiths' guild of 24 January 1511, approved by the town council and less than a year before Christopher's trial, Anthonius is mentioned among the city senators (members of the town council).⁵⁴ His role in mediating Christopher's case is probably not coincidental; he may have represented not only the guild but also the town council.

The text of the regulation is rather vague when it comes to the guilds' disciplinary powers. The statutes do not define what constitutes an offence, and it is often unclear which specific acts are covered by the respective provisions. For example, the statutes of the Sibiu Tailors' Guild of 1485 state that "anyone who breaks the rules" should be punished.⁵⁵ The rules only refer in general terms to the role of guilds in imposing sanctions. The statutes of the Sibiu Tinsmiths' Guild from around 1500 read as follows: "If a craftsman does something against his trade, let the craftsmen punish him; if his fault is greater, let the punishment be severe; if his fault is not so great, let the craftsmen judge him."⁵⁶ The reference here to harsher punishment—although the text does not specify the competent forum in such cases—quite obviously refers to the ordinary court (town judge). It limits the guild's powers to minor matters. Concerning the right to impose sanctions, the statutes only rarely set a limit on the value of the dispute up to which the guild was empowered to intervene

51 *Documente de breaslă*, 101 (doc. 44).

52 At that time (from the middle of the fifteenth century), Szeged had the status of a royal free city. See: Blazovich, *Városok*, 117.

53 Derzsi, *Delict și pedeapsă*, 128.

54 *Documente de breaslă*, 93 (doc. 40).

55 *Documente de breaslă*, 168 (doc. 66).

56 *Documente de breaslă*, 230 (doc. 81).

(for example, in 1562, the Barbers' Guild Union set this amount at one florin,⁵⁷ which was also the limit imposed on village judges in the area administered by the town of Braşov in 1572).⁵⁸ The guilds expected the town council to come to their aid in the application of sanctions, as stated, for example, in the Statute of the Sibiu Tailors' Guild of 1485:

“If a person does not want to receive the punishment he deserves and for which he is to blame, we will call upon the mayor, the judges, and the burghers to help us punish him with the support of our lords, according to the custom of our guild [...]. We therefore ask you, honourable mayor, judges, and burghers, to help us maintain of our guild's custom as we have understood it until now.”

Then they added about the custom that “we have it from our parents.”⁵⁹ In 1505, the Braşov Archers' Guild made the same decision when it stipulated that:

“If any person does not respect all these articles, the craftsmen will inform the judge, who will punish him according to his guilt.”⁶⁰

Concerning a variety of issues, the guilds turned to the judges and the town council to prevent outsiders from practising their trade or to defend their market position.⁶¹ Several documents relating to the guilds' legal affairs refer to such situations. However, intervention by the local authorities was not routine, as the University of the Saxons was often called upon to decide such cases. For example, on 25 November 1536, in the case of the Union of the Guild of Harness Makers against the Merchants of Transylvania and the Harness Makers of Braşov, concerning the restriction of the right of sale, the University of the Saxons ruled as follows:

“We, the mayor, the judges, and the elders of the city of Sibiu, of the Seven and Two Saxon Seats in Transylvania and of the cities of Braşov and Bistriţa [...] we earnestly order you, the royal judges and the officials of the seats above and cities [...],⁶² if you are asked by the craftsmen of the Guild of Harness Makers [...] you are bound and obliged to punish all who disregard this decision with the confiscation and loss of these goods and to punish them as well as the merchants; by the authority granted to us we

57 *Documente de breaslă*, 398 (doc. 138).

58 Derzsi, *Delict și pedeapsă*, 128; Müller, *Stühle und Distrikte*, 44.

59 *Comerț și meșteșuguri*, 168 (doc. 66).

60 *Documente de breaslă*, 85 (doc. 34).

61 In this regard, see the article of the Guild of Painters, Carpenters, and Glaziers of 8 June 1520 in Sibiu, namely “If anyone of another trade is found to be practicing our trade [...], he shall be judged and punished.” *Comerț și meșteșuguri*, 264 (doc. 94).

62 Sibiu, Sighișoara, Mediaș, Bistrița și Cluj.

add that our decision will be made known and proclaimed at the market to be held in Mediaș on the day of Saint Margaret and the following days.”⁶³

There are also examples of situations in which the king intervened at the guilds’ request to settle conflicts that had arisen over the non-observance of trading privileges.⁶⁴

The guilds’ jurisdiction was therefore limited to a lower level. The guilds’ authority extended to the entire guild. This included not only the craftsmen with full rights but also journeymen and apprentices. From the early sixteenth century, we can assume that guild authority must have extended beyond a guild’s local powers in a town. In 1505, for example, the Transylvanian Furriers decided that anyone who broke the guild’s rules should be punished by “honest craftsmen from all over the country.”⁶⁵ This example is not a general one, however, as it was not usual for craftsmen to appeal to a body made up of members of guilds of the same craft, regardless of where they were based, and guild unions did not act as arbitrators. If a dispute between craftsmen could no longer be settled by the guild, either because the nature of the conflict exceeded the powers of a lower forum or because the guild’s members appealed to the town council against a decision of the guild steward, the case was settled by the ordinary procedure (judge, town council, and University of the Saxons).⁶⁶ Even in cases where craftsmen of the same trade from different towns

63 *Comerț și meșteșuguri*, 292 (doc. 102); *Documente de breaslă*, 160 (doc. 79).

64 In this context, see the order of King Ferdinand of Vienna of 31 October 1554 to the Bishop and Voivode of Transylvania to settle the differences between the craftsmen of the Seven Saxon Seats and Brașov regarding the sale of their products. *Documente de breaslă*, 216 (doc. 112).

65 “[...] if any person violates these decisions, we will not regard him, and we will not support him [...] and a punishment will be decided for him by honest craftsmen from all over the country who do not know it beforehand.” (*Documente de breaslă*, 82, Doc. 33.) A statute of the Furriers’ Guild Union, adopted in 1555, contains similar provisions: “Whoever makes improper products shall be punished according to the decision of the guild, and if bad products are found at the annual fairs, then the [furriers’] masters from all parts shall inspect them and [the producers] shall be punished for such products.” (*Documente de breaslă*, 227, doc. 119.) A copy of the 1555 statutes of the furriers’ guild has also been preserved in Sibiu, with slight differences in the text: “Poor work shall be punished as the masters of the entire guild see fit, and if poor work is found at fairs, they shall inspect it from all sides and have the power to mete out punishment.” *Comerț și meșteșuguri*, 367 (doc. 126).

66 On the way of appeal to settle disputes between guilds, see the decision of King Louis II of 24 March 1520 (Buda) on the trial between shoemakers and leather workers from Sibiu, Bistrița, Brașov, and Cluj concerning the processing of leather: “This case, after having been decided first by the judges and senators of the said cities of Bistrița, then by the town council of Sibiu (*per consulatum Cibiniensem*), and finally by the mayors, judges, senators, and seniors of the Seven Saxon Seats in the Transylvanian parts of our kingdom, was brought to our Majesty by way of appeal (*per viam appellationis*).” *Comerț și meșteșuguri*, 132 (doc. 65).

assembled (by drawing up a standard set of rules), the guild of the town where the offence had been committed was entitled to settle the dispute.⁶⁷

From the court documents that survive from this period, we can deduce that throughout the period, the town council acted as arbiter in disputes between the guilds; craftsmen and journeymen or apprentices had the right to complain to the magistrate (town council). However, these documents must be interpreted with some reserve; most of them relate to cases that came before the town council, and very few refer to the guilds' own jurisdiction.

The great regulation of the guild statutes and the guilds' power to impose sanctions

Sources make it difficult to determine the guilds' judicial powers and the extent to which the municipality restricted them during the period. There was no clear definition of what constituted an offence in general, no dividing line between felonies and misdemeanours, and no legal rules because the interpretation of facts depended on various economic and socio-political factors. The vagueness of the report was accentuated by the fact that legal thinking and practice at the time structured felonies and other offences in terms of punishments rather than the actual acts.⁶⁸ Thus, a distinction was made between an act that was severely punished (the most severe being death) and one that was less severely punished. With regard to the system of offences or the forum competent to decide on the sanction, we can see more where there is a reference to the body authorised to collect fines (court, town council, or assembly of the province). According to the judicial practice of the time, fines collected from the sanctioned persons belonged to the instance that dealt with the case. If the nature of the case required the presence of a higher official to supervise the proceedings (in person or by his delegate), his share of the fine was usually two-thirds, leaving one-third for the first forum. The way the fine was divided between

67 In 1560, for example, the joint decisions of the Weavers' Guilds of Braşov and Sibiu read as follows: "We have agreed among ourselves that, from now on, no craftsman in our midst will violate these regulations, neither the most important nor the least important article. If it is sufficiently proven [an offence], this guild [of Braşov] will give as a fine to the guild and to the craftsmen of Sibiu, or if the higher authorities should not allow us to give such a fine, then to our town court, whenever it happens, twenty florins, and then demand and take this fine with good right from the guilty one. On the other hand, if a craftsman from Sibiu violates this, then this guild should give [as a fine] twenty florins to the craftsmen from Braşov, or if the authorities should not allow them to give such a fine, then to the court of Sibiu, whenever [it happens], and then to demand and take these twenty florins as good from the offender." *Documente de breaslă*, 253 (doc. 131).

68 Cp. *Das Eigen-Landrecht*, IV.1.1.

the guilds and the municipal authorities also gives indicates the jurisdiction of particular instances.

The first question that naturally arises in connection with the general regulation (revision) of all the statutes of the guilds—the ‘great regulation,’ as Gustav Seivert calls it⁶⁹—probably concerns the reason for the procedure. Why did the authorities intervene in the guilds’ rulemaking, why at this time, and why between 1539 and 1582? These are not unrelated to the milestones of the religious and political establishment of the Transylvanian Saxons (the building of the institutional system after 1536, and the consolidation of the legal and ecclesiastical conditions thereafter),⁷⁰ which also involved the guilds as an inseparable unit in the process of juridical and clerical cohesion (Political and Clerical University of the Saxons). It was during this period that most guild unions were formed, and comprehensive guild statutes were drawn up, which were then valid throughout Transylvania within a given trade.⁷¹

The second question concerns the modifications introduced by the general regulations. What was this process, how did it affect the subsequent legal powers of the guilds, and what regulations were implemented by the guilds, involving the municipal authorities? Under the supervision of the University of the Saxons, in the spirit of legal reform,⁷² the guilds’ outdated rules were revised and rationalised, new statutes were introduced where none had existed before, and a model was created to which all subsequent additions were to be adapted. Between the summer of 1539 and 1582,⁷³ many guilds received new statutes.

Comparing the statutory articles with the restrictions introduced after 1539, we see that they contain five articles common to all the guilds. These are as follows:

1. It made the admission of craftsmen, journeymen, and apprentices to the guilds dependent on their legal origin and forbade non-Christians and those born out of wedlock to join the guilds. This provision did not restrict the guilds’ previous

69 “*grosse Regulation*”. Seivert, *Hermannstädter Lokal-Statuten*, 25.

70 Among the various legal acts, we mention only two representative implementations confirmed by the monarch: the official document of the German Church in Transylvania, the *Formula Pii Consensus* (1572), and the legal codification *Das Eigen-Landrecht der Siebenbürger Sachsen* (1583). On this subject, see in particular Wien, *Crossing Borders*, 198, and the introduction by Adolf Laufs in: *Das Eigen-Landrecht*, V–XX.

71 *Comerț și meșteșuguri*, 403, 406, 413, 414.

72 The preamble to the new statutes (the same text in each statute) refers to the fact that the city authorities “sought the wise counsel of all Germans.”

73 Gustav Seivert and Monica Vlaicu set 1582 as the later limit of the general regulations, while Mária Pakucs puts it at 1540. Seivert, *Hermannstädter Lokal-Statuten*, 25; *Comerț și meșteșuguri*, 10; Pakucs, “Gute Ordnung,” 193.

powers (this was common practice even before 1539),⁷⁴ and the restriction on political national origin remained an internal matter for the guilds.⁷⁵ It should be noted that even the admission of members of guilds considered to be of ‘dishonest’ origin remained an internal matter of the craft at that time. For example, at the beginning of the 1560s, the goldsmiths’ guild in Sibiu refused admission to the sons of barbers on the grounds that the father’s trade, that of a barber, was a dishonourable profession. Only when the Sibiu (and Bistrița) Town Council had consulted several imperial cities (Augsburg, Nuremberg and Vienna, as well as Stettin) on the matter, did the situation change. Then, also as a result of this exchange of letters, on 29 November 1562, the University of the Saxons granted the guild of barbers and surgeons its first status.⁷⁶

2. It limits the guilds’ powers to arbitrate in the affairs of their members, setting out that: “Words and other things shall be punished according to the custom of the guild, as they were, but no one shall judge any beating, blood, or violence without the court’s knowledge and will, under penalty of a silver mark.” Therefore, acts resulting in bodily harm will be referred to the ordinary court.
3. It stipulates that anyone who prevents a member of the guild from “complaining to the magistrates about prejudice” should be fined a silver mark by the town council.
4. It states that: “There should be no agreements or arrangements in the guilds about work or buying and selling, but in each guild the rightful master should

74 The restriction on nationality appears early in the text of guild rules, for example, the statute of the Sibiu Guild of Locksmiths and Blacksmiths from 1518 states that “No Hungarian apprentice can be admitted to learn the trade”; and the statute of the Sibiu Guild of Glovemakers in 1523 states that “No apprentice can be admitted to any craftsman if he is Hungarian.” *Comerț și meșteșuguri*, 262 (doc. 93), 283 (99).

75 In 1543, the town council of Brașov decided that “anyone who has learnt a trade in Székelyland, Wallachia, Moldavia or elsewhere outside the guild is forbidden to practice his trade and may not be admitted to the guild or otherwise work at his trade with us.” (*Documente de breaslă*, 192, doc. 93.) Then, in 1546, the authorities in Sibiu forbade Hungarians in general to hold inheritances in the Saxon lands, including their entry into the Saxon guilds. Cp. *Hermannstadt und Siebenbürgen*, 222. A dispute arose between the Sibiu and Cluj goldsmiths because the guild in Sibiu refused to accept the journeymen from Cluj, although they had been trained in their workshops; a long legal battle ensued in 1575–1576, which the Cluj goldsmiths finally won. (*Documente de breaslă*, 453, doc. 157). In 1589, the town council of Sibiu also imposed restrictions on the rights of foreigners. For documents relating to the case, see: *Corpus Statutorum*, 542–48. It also enforced the restriction of origin in the market towns. The statute of the Codlea Weavers of 1557, confirmed by the magistrate of Brașov, states that if a craftsman does not inform the guild steward that he has a journeyman whose father or mother is of Székely origin, he will be sentenced to “*Landtgür*” (a fine to be paid to the province, *Land*). *Documente de breaslă*, 232 (doc. 123).

76 Derzsi, *Delict și pedeapsă*, 67–68.

deal with the people as he can or wants to. Any [guild] that does otherwise will be fined one silver mark by the court.”

5. Limits the guild's scope of action by stating that “no other statute or regulation shall be made or passed within the guild without the magistrates' knowledge and will,” punishable by a fine of twenty marks.

What are the common points repeated in each new statute? We see that only two aspects were changed: the transfer of claims for bodily injury to ordinary courts (town judges) and the authorities' intervention in defence of free competition (prohibition of price fixing and collusion). In all other respects, there were only formal changes to what was already established: guild statutes had already been confirmed by town councils before 1539 and did not restrict the freedom of guild members to appeal to the magistrate (town council) in the event of abusive guild practices.

In addition to these common points, there are new provisions concerning the profile of the trade in several situations where the autonomy of the guilds is called into question. Since it is impossible to list all the places where the articles of the guilds' statutes were amended, we propose to follow the example of the goldsmiths' guilds, which enjoyed great prestige and whose statutes were in force before and after the revision. There is also data on how the craftsmen reacted to the regularisation of the rules for goldsmiths only. What is known is the reaction of the Sibiu Goldsmiths' Guild to the statutes of the Union of the Goldsmiths' Guilds in 1539. Of the statutes of the goldsmiths from the Saxon towns, those of the guild in Sibiu from 1494, those in Braşov from 1511, then the new statutes of the Union of the Goldsmiths from 1539, the articles adopted by the goldsmiths in Braşov, Sighişoara, Bistriţa, and Sibiu from 1559 and the Statutes of the Guild Union from 1561 have been preserved.⁷⁷ A comparison of these rules shows that the list of offences under the control of the goldsmiths' guilds was unchanged between 1494 and 1561. The Statutes of the Goldsmiths of 1494 cover almost the entire range of acts and offences related to the working of gold and silver, from negligence to fraud, as well as acts classified as penal matters (buying stolen ecclesiastical objects and blowing brass with gold). The more recent statutes do not abolish any of these punishments but only add some provisions concerning the establishment of the facts (purchase of gold cut from florins, blowing counterfeit florins with gold: 1511, and concealment of gilded works: 1561) or specify the circumstances of the commission of the offence, the subjective aspect of the offence (for example, purchase outside or inside the guild of church treasures, objects of worship, or other suspect silver objects “secretly and knowingly”: 1561).

As far as derogations are concerned, only on two points do the revised statutes of the guild of 1539 introduce new rules: they impose the obligation to mark

⁷⁷ *Comerţ şi meşteşuguri*, 213 (doc. 78: 1494), 329 (doc. 113: 1539); *Documente de breaslă*, 93 (doc. 40: 1511), 247 (doc. 129: 1559), 257 (doc. 133: 1561).

products with their own sign—this provision is one of those contested by the request of the goldsmiths of Sibiu⁷⁸—and they establish sanctions for cheating with weights (the use of two types of weights: 1539, then 1561). With regard to these articles, the intervention of the town council was probably secondary, since they were provisions of general application for the entire country (this was probably one of the reasons why the goldsmiths' request for the statutes of 1561 actually repeated the provisions of 1539). Looking only at the list of offences in the goldsmiths' statute, the 1539 revision of the guilds' statute made no significant changes to the distinction between offences, and there was little visible interference by the authorities in the guilds' affairs in this respect. Apart from a further increase in the value of the fines, the only change was in the proportion of fines that went to the authorities, which is probably why the goldsmiths challenged the new rules. One might therefore think that as the proportion of fines going to the authorities increases, so does their power to sanction wrongdoing. Since the wording of the articles on this point remains unclear, it is necessary to see where the question of the division of the fine between the authorities and the guilds arises. The goldsmiths' demands revolve around the issue of confiscating products that have been 'viciously' processed or obtained by fraud, with the goldsmiths of Sibiu arguing for fines to be imposed by the guild without the involvement of the authorities.⁷⁹ The dilemma of whether to confiscate something 'defective and improper' or something 'punishable' was probably no coincidence and did not concern only goldsmiths. It was not just a question of the quality of a product,

78 The goldsmiths demanded that the obligation to mark objects with the proper guild sign should only apply to objects worth more than half a silver mark. Cp. Requests of the goldsmiths' guild to amend the statutes of their guild, after 25 July 1539, Sibiu (*Comerț și meșteșuguri*, 334, doc. 114). In 1570, the goldsmiths of all the provinces inhabited by the Saxons, on the basis of a decree of the sovereign, determined the quality of the processed silver, the preservation of the colour of the silver, and required the marking of the wrought objects with their own sign. *Comerț și meșteșuguri*, 413 (doc. 145).

79 "In this article, we find it difficult that the judges should be the punishers, whereas the old guild letter says that every four weeks the guild leader should go [to inspection], and the silver which they do not find according to the needle test should be taken, whether worked or unworked, gilded or ungilded, and brought into the guild, and he who made it should spoil it himself in the guild"—as the goldsmiths claim. (*Comerț și meșteșuguri*, 335, doc. 114). As for the guilds' right to impose fines for offences, the goldsmiths actually objected on two points: in controlling the working of silver and in punishing anyone who whitewashed a gilded artefact, demanding that the craftsmen "be the only ones in the guild entitled to inflict punishment" (art. 6 and 7). However, the guild's statutes of 1561 reiterated the rules of 1539 and made no mention of the fine of fifteen florins for silver worked under fifteen *lottones*. The threat of such a high fine was, moreover, quite unusual, which is why the goldsmiths of Sibiu were offended by it and reacted as follows: "We will gladly work the silver as we used to work it, i.e., with the mark of 15 *lottones*, and we ask your lordships that in other towns of this province they work in the same way." *Comerț și meșteșuguri*, 335 (doc. 114).

but also of a system of sanctioning and confiscation. In order to protect the quality of the product in accordance with the guild's requirements, its internal rules empowered the guild to impose sanctions and confiscate the product, thus preventing anything 'defective and improper' from entering the market and damaging the guild's reputation. However, 'punishable' acts included, as the case may be, even more serious offences, ranging from violations of rights and rules, such as the illegal, illicit, or clandestine acquisition of raw materials or violations of commercial freedoms,⁸⁰ to more serious facts such as fraud and counterfeiting. In the case of the goldsmiths, these were extremely grave,⁸¹ with far-reaching consequences that went beyond the guild's immediate interests. Naturally, these situations were not within the guilds' jurisdiction or their sole responsibility. In several instances, we see that the question of confiscating 'punishable goods' was not clear to contemporaries either;⁸² it seems that even officials were not sure of the procedure to follow (either because they did not include the acts in question among those punishable by judges or town councils, as in the case of several types of fraud, or because they only began to investigate after the guild had already confiscated the goods).⁸³

80 In this regard, we refer to the complaint filed by the town council of Braşov before to the Seven Saxon Seats in the dispute between the Braşov Furriers' Guild and the butcher Martinus Onsch, dated 22 November 1570. According to the complaint, the butcher had raw lamb pelts in stock, the right to purchase which, according to a privileged letter, belonged to the Braşov furriers. Although the butcher had previously agreed the sale with the furriers, he sold the pelts to a Székely. The furriers chased the Székely, caught him at the town gate, and took the pelts as their own. The butcher, who had to pay the Székely for the damage he had caused him (he had given the pelts to the Székely in exchange for some oxen), was left with the loss and demanded justice from the town council. The Braşov Council decided in favour of the butcher. Not satisfied with this decision, the furriers appealed to the University of the Saxons. The latter decided the case in favour of the furriers and condemned the butcher to lose the pelts because he had illegally sold them to the Székely. *Documente de breaslă*, 305 (doc. 155).

81 Here we recall that a provision established by the statute of the Braşov Goldsmiths' Guild in 1511, namely that "the craftsmen shall have the power to spoil, and mark forged florins," contradicts what we say. (*Documente de breaslă*, 94, doc. 40). However, we consider it unlikely that the craftsmen practiced this rule themselves or for a long time. Violation of the sovereign's financial monopoly constituted high treason and as such was punishable by death by beheading. See the Decree I of King Matthias of 1462: "On Cases of High Treason": *A magyar jogtörténet forrásai*, 177.

82 For example, in 1559, in order to solve the conflict between the tailors of Braşov and the tailors of the Seven and Two Seats, as well as the tailors of Bistriţa and Cluj, regarding the punishment, the University of the Saxons decided that "the tailors should confiscate the works liable to punishment and not the judges, as had been done in the case of other guilds." *Documente de breaslă*, 246 (doc. 128).

83 At the beginning of the sixteenth century, guilds still had the power to investigate fraud, as the statutes of the Locksmiths' Guild show. The old guild rules of 1518 left it to the craftsmen to

Property obtained by fraud or by the violation of certain commercial rights was confiscated by the guild, usually in the presence of the authorities. Guild statutes also contain such rules. For example, the statutes of the Wool Weavers' Guild (from Sibiu, Sighișoara, Mediaș, Bistrița, and Sebeș), dated 30 November 1536, explicitly state that adulterated linen and yarn must be confiscated in its entirety by the authority of the judges and magistrates present in the markets.⁸⁴ We can see the practice in such cases and how the fine was divided between the authorities and the guilds in a trial before the University of the Saxons between the Tailors' Guild of Brașov and a tailor of the same guild, Gregorius Placz, on 8 December 1567.⁸⁵ Gregorius Placz was accused of selling two women's cloaks that had been "falsified and fraudulently made."⁸⁶ He was expelled from the guild and handed over to the court to be punished for his actions.⁸⁷ After it had been proved that the products in question had been "badly made, forged, and produced" and sold by the accused "against the general order and the statutes of the entire guild of tailors,"⁸⁸ the instance (the University of the Saxons) pronounced the following sentence:

"The defendant is ordered to pay the guild the usual fine, i.e., one florin. As this case was not settled within the guild, but was referred to the judges, two thirds of the value of the two coats must go to the judges, and the third part to the guild as a fine."⁸⁹

confiscate the work and punish the guilty one. ("If a craftsman fakes his work and is caught, the work shall be taken from him and brought to the guild steward and punished as the craftsmen see just." cp. Statute of the Guild of Locksmiths and Blacksmiths of Sibiu of 20 August 1518), and the Guild Statute of 1540 left the judgment of counterfeit work to the court ("if a person counterfeits the work, the court shall punish him, and take away the counterfeit work"), cp. Article 7 of the Statute of the Guild of Locksmiths of 24 November 1540). *Comerț și meșteșuguri*, 261 (doc. 93), 344 (118).

84 "[...] the judges themselves and the other officials, when they are called upon, are obliged to take care and to supervise, through their servants, the buying and selling of linen and yarn, both counterfeit and not counterfeit." *Documente de breaslă*, 164 (doc. 80).

85 *Documente de breaslă*, 282 (doc. 144).

86 The complaint of the tailors states the fact in detail, namely: "by these coats some of the post was taken away, and the place was repaired and covered with canvas." *Documente de breaslă*, 282 (doc. 144).

87 As the case was appealed to the University of the Saxons, we assume that the tailors' guild did not accept the first instance ruling in Brașov.

88 Surprisingly, the question of whether the craftsman Gregorius Placz was aware that he was selling counterfeit goods was not raised.

89 It also ruled that "Gregorius Placz should apologise to the Guild, with kind and good words, for his wrongdoing, and the Guild, for their part [...], should welcome him back to their ranks." *Documente de breaslă*, 282 (doc. 144).

Another case that sheds light on the question of the powers of the confiscation is a court document from 1561.⁹⁰ It states that at the annual market in Rupea, on Palm Sunday in 1561, the tailors from Sighișoara confiscated from the tailors from Brașov “some clothes that were forbidden to be brought and displayed for sale, claiming that they had letters and privileges from the royal majesty to do them [confiscations],” with the permission of the judges in Rupea. The tailors of Brașov complained to the Council of Rupea and asked to be shown these privileges. On the day of the trial,⁹¹ the Council examined the case ‘by means of the law’ and pronounced the following sentence: “The full fine should be given to the judges [of Rupea], and absolutely nothing to the tailors.”⁹² The tailors from Sighișoara considered this decision unjust and appealed to the court in Sibiu.⁹³ This instance did not question the authority of the privileged letter. It recognised the right of Sighișoara guild to confiscate the goods to the detriment of the judges in Rupea.⁹⁴ The court’s decision, signed on 7 May, contains what we believe to be a necessary clarification that will become the rule in all similar cases. The judgment reads as follows:

“But as the tailors could not take the clothes without the power of the judges, it was decided that, where improper goods were found and confiscated, two-thirds should go to the judges and one-third to the tailors. But anything found to be counterfeit had to be given to the court in its entirety.”⁹⁵

Although this judgment of the Court of Appeal still establishes the sanctioning jurisdiction of the courts according to the nature of the object (to be confiscated), it also makes a distinction according to the nature of the act by transferring the ‘counterfeited work’ to the court. Counterfeiting therefore falls within the jurisdiction of the courts. The judgment in this case was codified by the University of the Saxons in the form of a statute.⁹⁶

90 *Documente de breaslă*, 255 (doc. 132). For the judgment of the University of the Saxons in this case, see: *Documente de breaslă*, 262 (doc. 134).

91 “Which was the Monday before St George’s Day.” *Documente de breaslă*, 255 (doc. 132).

92 Dated at Rupea, 21 April 1561.

93 The letter of appeal is addressed to the mayors, judges, and senators of Sibiu and the Seven and Two Saxon Seats.

94 According to this decision, which at the time was expected from a fair trial, i.e., a decision that would satisfy both sides, the court in Sibiu decided that half of the value of the confiscated goods should be returned to the tailors in Brașov, on the grounds that the persons in question could prove that they were unaware of the freedoms of the tailors in Sighișoara and that it was they who had first violated these rights.

95 *Documente de breaslă*, 262 (doc. 134).

96 “In the year 1561, on the third day of Philippi and Jacobi. Because of the punishment. If, for

Without being able to give an exhaustive account of the subject here, it is probably not premature to note, on the basis of the examples given, that the intervention of the authorities was felt not so much in limiting the prerogatives of the guilds in terms of sanctioning certain punishable acts, but rather in classifying the facts, distinguishing between petty (minor) and serious (major) offences. In this approach the legislation itself played an important role, regulating the facts and circumstances of their commission in ever greater detail. What the general regulations, which began in 1539, brought about in terms of a more professional discussion of issues was in fact the transfer to the ordinary courts the acts qualified as delicts, such as bodily harm (1539), counterfeiting, and fraud (1561). Minor disputes between craftsmen, insults, and moral offences remained within the guilds' jurisdiction. In addition, under the pressure of the Reformation, which contributed to the spread of Protestant morality, the guilds' disciplinary powers were considerably extended.

The guilds' disciplinary powers

As analysed above, guild statutes are notable for their numerous rules on misconduct and sanctions. Over time, the number and content of disciplinary provisions increased. This observation is even more pertinent if we extend it to the statutes of journeymen's brotherhoods, which, given the corporate nature of these associations, developed the whole range of disciplinary rules.⁹⁷ How the craftsmen's position on disciplinary matters changed in the context of the adoption of Reformation ideas is a sufficiently explored subject in the academic literature; therefore, we do not wish to revisit it here.⁹⁸ We intend to identify those rules which, following the adoption

example, the fraud is committed in the guild, it shall be taken away by the will of the court, so that the court shall have the second part and the guild the third part [of the fine]. If the fraud is committed in relation to work, the court will take the entire fine." SJSAN MA PUS 206 115. See also: *Hermannstadt und Siebenbürgen*, 66.

97 The statutes of guilds and journeymen's brotherhoods do not differ as regards the main objectives of disciplinary measures. We therefore see no reason to treat the prerogatives of the two types of association separately. On the basis of a few data—an analysis of the power relations between guilds and brotherhoods in the pre-modern period is sorely lacking—we can see that the journeymen's brotherhoods in this period were somewhat dependent on the guilds. For example, their statutes had to be approved by the guilds ("the journeymen shall not make any other regulations or impose any other fines in the brotherhood without the knowledge and will of the guild.", cp. *Statutes of the Brotherhood of the Wool Weavers of Cisnădie*, 1561), we also find cases where the articles of the Brotherhood of Weavers were included in the guild statutes ("Punishments that the Brotherhood of Journeymen will henceforth impose," cp. *Statutes of the Brotherhood of the Wool Weavers of Cisnădie*, 1561). *Comerț și meșteșuguri*, 389 (doc. 137).

98 First of all, we refer to the already mentioned study by Maria Crăciun: "Prețul păcatului."

of local or regional ordinances, were also incorporated into the guilds' statutes. The authorities' increasing exercise of public power naturally made an impact on the guilds, which were also bound by the laws and regulations.⁹⁹

At the level of the guilds' statutes, there are specific rules and regulations, or those implemented in practice throughout the country, relating to setting prices and salaries, standardising measures and weights, food safety, the fight against certain serious offences (theft, adultery, and counterfeiting), but also rules on public order and morality (prohibitions on adultery, gambling, wandering in the streets at night, etc.). Obviously, we also find rules of ecclesiastical polity.¹⁰⁰ The origin of these rules is rarely mentioned; nor do we know whether or to what extent the authorities encouraged the guilds to adopt them.¹⁰¹ Guild statutes sometimes contain a clear reference to a rule (orders, mandates, decisions, decrees, etc.) to be applied within

99 On the subject of the guilds' compliance with the rules laid down by the authorities, see, for example, the decision of the University of the Saxons of 11 January 1557 on the observance of the prices fixed for crafts: "All the guilds shall observe the letters granted to them by the sovereigns of the country and the articles decided in the Diet of Cluj on the day of St. Catherine in 1556." To the prayer of the Saxons addressed to Queen Isabella in Alba Iulia on 19 February 1557, the Queen replied as follows: "The limitation of the prices of handicrafts and the decision of the Diet must be respected. The authorities of all cities and market towns must see to it that the craftsmen are satisfied and buy what they need within the fixed limits [...]." *Documente de breaslă*, 229 (doc. 121), 231 (doc. 122).

100 Thus, the brotherhoods of journeymen established punishments for various situations related to church discipline regarding attendance at church services (see, among others, the preamble of the statute given to the journeymen of the Barbers' Guild of Bistrița: "For the benefit, honour and unity of our cities, and for the sake of every pious servant who comes to us, but for the reasons that some of them have been and will be so negligent in going to church to hear and learn the word of God, so that a good order may be kept between our descendants and us, in love and unity," cp. Statute of the Journeymen's Brotherhood of the Bistrița Barbers' Guild from the year 1580), Catechism ("Whoever does not attend religious teaching without good reason shall pay three denarii each time": Statute of the Brotherhood of Wool Weavers of Cisnădie, 1561) and in the general disciplinary measures for the behaviour of journeymen ("Anyone who does not stand up in the name of Jesus in church shall pay two *denarii*. Any journeyman who sleeps in the pew in church shall pay three *denarii*. Item, whoever speaks in the church during the sermon shall pay three *denarii* each time he does so," cp. Statute of the Brotherhood of the Wool Weavers of Cisnădie, 1561), or for failing to comply with other obligations of the Brotherhood ("finally, the youngest ones must sweep the pews of the church every eight days, and those who fail to do so shall be fined. d. 10", cp. Statute of the Brotherhood of the Bistrița Barbers' Guild from 1580). SJCJAN POB I 4754; *Comerț și meșteșuguri*, 389 (doc. 137).

101 For example, the preamble to the Statutes of the Brașov Masons' Guild, dated 1570, mentions that the rules drawn up by the masons and submitted to the town council for confirmation and transcription in the form of a privilege, were partly retained "word for word, but partly reformulated" by the senators "for various reasons." *Documente de breaslă*, 198 (doc. 152).

the guild.¹⁰² In other cases, a guild's adoption of a rule drawn up at the state level can only be inferred by analogy (e.g., the first Statute of the Barbers' Guild, approved by Queen Isabella in 1550,¹⁰³ threatened to expel from the guild any craftsman "who is found guilty of adultery, theft or any other illegal act" or "leaves his wife to whom he has taken an oath,"¹⁰⁴ a provision which reproduces the main points of the criminal law adopted by the Transylvanian Diet of Târgu-Mureş in 1549).¹⁰⁵

The extent to which these provisions were applied *ad litteram* still raises a number of questions. However, this is not the place to discuss them. Suffice it to say that the adoption of disciplinary rules by guilds was, by and large, part of the dynamic of municipal (and, in a broader context, state) law. As the severity of the authorities' repression of deviant public mores increased,¹⁰⁶ so did the guilds' willingness to sanction undesirable behaviour. Like the authorities¹⁰⁷ or even the Church,¹⁰⁸ the guilds provided punishments for truancy and loitering, drunkenness and carelessness of any kind, nocturnal revelry and gambling, and debauchery. There is a broad temporal correlation between the application of disciplinary measures taken by the authorities to maintain order in the city (according to Mária Pakucs, the legitimacy of the town council as a disciplinary authority was established in 1581)¹⁰⁹ and the appearance of a variety of disciplinary themes in the text of guild statutes.

102 See, for example, Article 14 of the Statute of the Blacksmiths' Guild of 17 November 1540 (*Comerţ şi meşteşuguri*, 341, doc. 117); article 20 of the Statute of the Coopers' Guild of Sibiu and all Transylvania, 23 January 1572 (*Comerţ şi meşteşuguri*, 421, doc. 148).

103 The statute was drawn up at the request of the barbers from Sibiu, Braşov, Bistriţa, Sighişoara and Mediaş. *Documente de breaslă*, 202 (doc. 103).

104 Articles 8 and 9 of the Statute. *Documente de breaslă*, 203 (doc. 103).

105 The decisions of the Diet of Târgu-Mureş in 1549 (April–May) have not been preserved, but an overview of the main points is recorded in the minutes of the University of the Saxons (*Decretum Dominorum Trium Nationum Regni Transsilvaniae in comicyss Wassarhelien ad diem festum Thomae martiris indicty, Anno Domini 1549*). The law stipulates that thieves, gold counterfeiters, murderers, adulterers, arsonists, and polygamists will be punished with loss of property. SJSAN MA PUS 206 58–60. See also: *Hermannstadt und Siebenbürgen*, 112. For information on the Diet of Târgu Mureş in 1549, see: *Erdélyi Országgyűlési Emlékek*, 248. It is probably no coincidence that the barbers were among the first to adopt such regulations; as they did not have a guild, they were placed under the protection of the town council by Queen Isabella (see the first article of the guild statutes of 1550: the appointed leaders of the guild "shall give all obedience to the magistrate, to respect the fidelity due to him and to watch over the practice of this craft"). *Documente de breaslă*, 204 (doc. 103).

106 Pakucs, "Sibiul în veacul al XVI-lea," 68.

107 The Saxon University banned gambling in the market towns and villages (1551), a decision that became general in 1557 and was reissued shortly afterwards in 1558. Seivert, *Akten und Daten*, 47–48 (doc. 40); *Corpus Statutorum*, 525.

108 Schuler von Libloy, *Siebenbürgische Rechtsgeschichte*, 232–37.

109 Pakucs, "Gute Ordnung," 196.

It is also no coincidence that sources on journeymen's brotherhoods suddenly reappear at this time.¹¹⁰ From the second half of the sixteenth century, the brotherhoods became more dependent on the guilds than before. Guilds required journeymen and apprentices to behave in a respectable manner (both towards the master's house and towards the guild),¹¹¹ and masters also took responsibility for their actions before the authorities.¹¹² During this period, apprentice brotherhoods developed statutes almost exclusively in the field of behavioural discipline. In the spirit of the late medieval confraternities, members of the brotherhoods were no strangers to the cultivation of loyalty and obedience towards their superiors and, more generally, towards the community to which they belonged. The new spirit of the age only extended this vision of order to the wider society. Apprentices, like guild masters, would henceforth belong not only to a limited order of the guild community, but also to that of the city; public order and guild order, in terms of the measures taken to establish and maintain them, were, in fact, analogous concepts. It is noteworthy that the brotherhoods, having served the prevailing moral patterns of society, did not take urgent measures to improve the economic situation of the journeymen.

A comparative analysis of the sources, in particular the guilds' registers of fines and those imposed by the mayor,¹¹³ suggests that the guilds exercised their disciplinary prerogatives in a complementary manner to the authorities.¹¹⁴ Like the

110 Some of these include Statutes for the Journeymen established by the Union of the Pewterers' Guild (1561), Statutes of the Brotherhood of the Journeymen of Wool Weavers from Cisnădie (1561), The Brotherhood of the Goldsmiths' Guild (Sibiu) establishes fines for improper behaviour at banquets (1575), The Journeymen of the Weavers' Guild (Sibiu) establish the Statutes of their Brotherhood (1577), Statutes of the Barbers' Journeymen from Bistrița (1580). *Documente de breaslă*, 264 (doc. 136); *Comerț și meșteșuguri*, 387 (doc. 137), 442 (doc. 155), 461 (doc. 158); SJCJAN POB I. 4754.

111 See, for example, Article 6 of the Regulations and Ordinances for Millers of the *Statuta der Mülner Czech, 1577, Bistritz*, which explains how every miller is to behave in the presence of the Masters of the Honourable Millers and elsewhere: SJCJAN POB I. 4157, f. 8. Then the Rules of the Guild of Shoemakers of Sibiu for the Journeymen (1556–1599); Statutes of the Wool Weavers' Brotherhood of 1561 from Cisnădie; the Statutes of the Transylvanian Leather Guild of 1569; the Statute of the Transylvanian Leather Guild of 1569, cp. *Comerț și meșteșuguri*, 404 (doc. 141), 370 (doc. 128), 388 (doc. 137), 404 (doc. 141).

112 For example, according to an entry in the account book of the town of Sibiu from 1567, concerning the income of the mayor Simon Miles from fines, on 17 February, a certain Thomas Schlosser paid a fine of forty *denarii* for having caught his servant and two companions playing cards at the house of Colman Schlosser. Cp. *Percepta civitatis Cibiniensis sub consulum domini Simonis Miles ad Annum Domini 1567*: SJSAN MOS SC 86, f. 46.

113 For information on public order measures taken by the authorities, night patrols and fines imposed on offenders, see: Pakucs, "Sibiul în veacul al XVI-lea," 68.

114 The overlapping of disciplinary powers between the town council and other institutions, the Church, and the guilds, is also pointed out by Mária Pakucs, "Gute Ordnung," 198.

authorities, the guilds sanctioned members (craftsmen, journeymen, and apprentices alike) guilty of misconduct and breaches of disciplinary rules. This is reflected not only in the wording of the statutes¹¹⁵ but also in the application of sanctions.¹¹⁶ They also introduced stricter measures to deal with criminal practices: guild members whom a judge accused or found guilty of a more serious offence were banned from working in the guild,¹¹⁷ and those acquitted by the court had to regain their

115 Statutes of the Weavers' Brotherhood of Sibiu, 1577 (*Comerț și meșteșuguri*, 460, doc. 158); Article 7 of the Rules of the Honourable Millers' Guild of Königsboden, Belonging to the Royal Town of Nösen [Bistrița], 1577. The same act prescribes the same conduct for journeymen, albeit with a harsher punishment: "Any servant who is disobedient and gets into a quarrel with another loses his guild." (SJCJAN POB I. 4157, f. 3, 12). See also the Statute of the Tailors' Guild (1485): "Any journeyman who dishonours or disgraces his master's house will receive no honour or support from us." Or the Decisions of the Craftsmen of the Union of the Leather Guilds for the Journeymen (27 April 1523): "Whoever disgraces the house of his master shall be deprived of his trade." *Comerț și meșteșuguri*, 171 (doc. 66), 282 (doc. 98).

116 In the register of the Shoemakers' Guild (Sibiu), for example, we find that in 1584, they punished their members with a fine (one florin) for working on feast days; also for gambling; on another occasion, they punished Michel Fryst for playing cards. Cp. Book of the Shoemakers' Guild, 1555–1847 (SJSAN CB B 6–9 121, f. 169). Looking at the records of fines, we can see that guild members paid fines for various offences, some of which were not covered by the statutes. Thus, for example, craftsmen were fined for not respecting the limit on the number of journeymen (if they kept three journeymen instead of two, they had to pay a fine of one florin), or for employing a journeyman who also work for other craftsmen (one florin), for employing women (one florin), for being late or not attending guild meetings, for spoiling the craftsman's work (for each sample they paid fines of one to two florins), for not paying funeral contributions, for beating up another craftsman's journeyman (one florin), for disobeying the decisions of the guild leaders, for discrediting the reputation of the guild (one florin), for reporting a matter to the court without the guild leader's knowledge (one florin), for neglecting the duty of guarding the towers because of drunkenness. Then the craftsmen were fined for cheating (e.g. a certain Pitter Grossen, a goldsmith from Sibiu, pays a fine of four florins to the guild in 1593 for selling a used buckle as new), for using the craftsman's sign in the guild in an improper manner (one florin). Cp. Book of the Goldsmiths' Guild, 1589–1701 (SJSAN ARB 445, f. 6–18). The shoemakers were also fined for gambling, drinking with strangers, insulting each other, swearing, working on feast days, or refusing to work when called upon: cp. Register of the Shoemakers' Guild, 1555–1847 (SJSAN CB B 6–9 121, 165–69). Payment was usually due within four weeks, with fines doubled for non-payment. Sometimes the fined would pay only half the amount; if they could not, they would provide a guarantor. It was not uncommon for a craftsman to accumulate debts, even as high as twelve florins, or to be fined several times. In 1591, for example, a certain Joseph Goldschmitt from Sibiu paid for almost all kinds of misconduct: he neglected the work of the craftsmen, he did not comply with the regulations concerning the quality of the worked silver, then he came late or did not attend the meetings, and in 1593, we see him among those fined for disobedience and instigating quarrels (SJSAN ARB 445, f. 6–18).

117 "Any master found guilty of stealing or other unlawful acts shall have no honour with us. And no servant shall serve him, or if he does, that servant shall have no guild with us." Cp. Rules of

rights before the guild.¹¹⁸ Changes in this regard were to come later; in 1632 the University of the Saxons decided that guilds and neighbourhoods could no longer punish their members if they had already been fined by an ordinary judge.¹¹⁹

At the end of the sixteenth century, city officials still saw traditional forms of social organisation as a means of fulfilling their role as public authorities. The authorities relied on guilds (including journeymen's brotherhoods) and neighbourhoods to exercise power in the area of public order. For example, in matters of public health, i.e., the control of the sale of food (e.g., meat) on the market, in 1570 the city authorities empowered the guilds (butchers) to organise food inspections. They did not appoint an inspector *ex officio*. Nevertheless, officials held responsible the guild stewards (and the inspectors appointed by the guild) for failing to carry out their duties.¹²⁰ Given the narrow scope of the measures taken to protect public order and morality, the authorities preferred to rely primarily on the social organisations (community, family, etc.) to which the offender belonged. In 1581, for example, the mayor, judges, and jurors of Sibiu issued an ordinance for the protection of juveniles, with the promising title "Order of Discipline and Good Behaviour and Punishment of all Journeymen, Students, and Servants."¹²¹ After listing the usual prohibitions (drunkenness, swearing, harassment, walking the streets at night, brandishing knives, and gambling), it empowered the journeymen's steward to impose punishment if a journeyman broke the rules, as well as the school rector if the law-breakers were students, leaving only the merchant's youth directly subject to the authority of the judges.

Needless to say, it would take more than the examples presented here to describe in detail the complex processes involved in the development of the guilds'

the Honourable Millers' Guild of Königsboden, Belonging to the Royal Town of Nösen (SJCJAN BOB I. 4157, f. 3). According to the rules of the Journeymen of the Barber's Craft (1580): "Any journeyman caught stealing or committing adultery will be expelled from the craft." SJCJAN POB I. 4754, f. 1v.

118 See articles 6 and 8 of the Statutes of the Transylvanian Guild of Barbers, granted by the University of the Saxons on 29 November 1562 (*Comerț și meșteșuguri*, 397–98, doc. 138; 439, doc. 154). See also the entry in the records of the Magistrate of Sibiu, according to which the University of the Saxons forgave Zaharia Zabó for all his previous sins and proposed to the Cloth Makers that he be restored to his former rights, taking responsibility for the damage he had caused. *Inventarul protocoalelor*, 34.

119 *Hermannstadt und Siebenbürgen*, 222.

120 See Article 6 of the Statutes of the Butchers' Guild, confirmed by the University of the Saxons on 29 November 1570: *Documente de breaslă*, 310 (doc. 157).

121 *Pollicey und Zuchtordnung vnd Straffen allerley hantwerkßknechten vnd studenten auch kauffknechten ihn der Hermannstadt*. Zimmermann, "Das Register der Johannes-Bruderschaft," 415–16; Pakucs, "Sibiul în veacul al XVI-lea," 67.

power to impose fines, as research into this topic requires the empirical analysis of existing sources, especially guild books.

Conclusions

As far as the guilds' own jurisdiction is concerned, there is no clear evidence from the sixteenth century that they operated freely from the town council. We have assumed that the guilds were closely dependent on the town council from the outset. In Transylvanian Saxon towns, the institution of a large council, also known as the council of hundreds, which included the craftsmen and could have brought the town government under effective community control, appeared relatively late. The prestige of the town council thus remained intact, at least as far as its legislative and judicial powers were concerned. The guilds formed guild unions for greater representation, but these had no disciplinary powers. Between 1539 and 1582, the organisation of the Saxon town guilds underwent significant changes. The local and provincial governments revised the rules of individual guilds and brought them into line with the provisions of the existing municipal regulations. Historians see this intervention as a turning point in the power relations between the guilds and the city council, limiting the guilds' right to decide on disciplinary offences committed by their own craftsmen. However, a comparative analysis of the guild statutes shows that the new situation did not, or not primarily, lead to a change in the limitation of the guilds' disciplinary prerogatives. Instead, the guilds' actual jurisdiction was limited only when the nature of the case required a more specialised legal assessment of the facts in the ordinary courts. For example, offences such as bodily harm, counterfeiting, and fraud were transferred to the ordinary courts. As with other lower forums and structures, the guilds will retain the power to sanction disciplinary misconduct by persons under their authority. The guilds will apply sanctions in all areas of good order and discipline which are punishable by law and municipal regulations, including those of the Church. The authorities relied on the traditional organisations of society (including guilds and brotherhoods) to enforce measures to curb undesirable behaviour, disorder, and moral transgressions.

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