Introduction

The main question addressed in this research is how the governance of water management developed in Delfland in the sixteenth century, both locally and regionally, and how we can explain the institutional changes that occurred. The research into the development of water management governance in Delfland in the sixteenth century has yielded a number of conclusions on the administrative relations between local and regional water management and managers, on the economic background of local officials, and on residents’ participation in the decision-making process. These findings are explained with reference to the soil condition, the organisation of water management, how land was divided between land-users, the design of the institutions that were responsible for water management, the economic background of shire officials and residents’ participation in decision-making. Conflicts between the shires (ambachten) and the regional water board trustees play a major role in this research, as they provide more insight into how water governance functioned in practice and the nature of the relationship between the different parties.

In addition to the geographical conditions that necessitated the development of an organised system of water management, the actions of polder landholders also had considerable influence on the developments. The division between freehold and leasehold and the amount of land owned (freehold and leasehold) thereby played a key role in shaping attitudes towards water board trustees. Governance arrangements and the participatory culture were also important elements. As regional water management was divided across two layers of governance, namely policy at the regional level and implementation at the local level, landholders were able to make a substantial contribution to developments at the regional administrative level of the dike-reeve and water board trustees. The interrelated factors that affected this can be classified in terms of the geographical, economic and administrative conditions. During the research, I considered geographical developments, which were continuously present in the background, to be a constant. They were manifest in the constantly rising groundwater level and the threat posed by the water encircling the polder. These water-related threats often played a major role in decision-making and thereby contributed to the development of more advanced water management and the increasing professionalisation of water governance. The results of the research into the relations between these different factors and the development of regional water management governance in Delfland are set out below.
Mechanisms of mutual influence

Water management was originally a local matter, for which shire officials were responsible. Due to the rising groundwater level and flooding, it became imperative to establish larger water works that were of regional significance, such as the dikes along the Maas (Maasdijk) and on the border of the Delfland region (landscheidingen), and the outlet sluices to drain surplus water into the Maas. From the end of the thirteenth century, these works were maintained jointly by a number of shires. The Count of Holland was soon appointing water board trustees to supervise their upkeep. These water managers would commission the shires with construction and maintenance tasks. In addition, the shires managed the financing of the works. In the sixteenth century, this form of regional water management was the source of many conflicts between the local and regional administrative levels. The litigation produced by these conflicts also determined the course of the institutionalisation process whereby the governance of the regional water board took shape. This study examines the factors that influenced this process of institutionalisation.

My research shows that the institutionalisation of water management was constantly influenced by forces from above and below, stemming from the various administrative levels. The dominant theme of influence from above on the institutionalisation of water management in Delfland was the ruler’s attempts at centralisation. Until 1500 the ruler played a direct role in this process, after which it was assumed by the central courts. In the sixteenth century, influenced by councillors with legal training, there was a perceptible shift from the pure application of customary law to a new, centralised system of water management. Furthermore, influence from above on regional water management was manifest in the growing practice of recording the actions of administrative bodies, increased supervision of the most important water works and the centralisation of financial management. The result was the formalisation, expansion and professionalisation of regional water management governance.

Influence from below stemmed from the aim of local administrative entities, the shires, to legally establish and strengthen their rights. The aim was to preserve the shires’ existing rights and to promote administrative efficiency. One important goal was to strengthen the shires’ administrative position in relation to water board trustees, and litigation was the most important strategy for achieving this.

What kind of balance existed between the opposing forces: the water board trustees and the shires? With their attempts to centralise water management, water board trustees initially won ground, supported by elites that were active in regional and central posts. Customary law ultimately proved to be the most powerful counter-argument, however, and the trend towards centralisation was ultimately transformed in favour of a decentralised water management system. This led to the greatest institutional change of the century: the establishment of the college van hoofdingelanden, a board that was meant to be composed of major landholders. The board was responsible for curbing the flow of litigation and overseeing the maintenance of administrative status quo. Water board trustees retained their role as regional policymakers and supervisors. The works that they ordered were implemented by ambachtsbewaarders, trustees of the shire responsible for local water management. The college van hoofdingelanden was made up of representatives of central and local governance institutions, meaning that the elite obtained an important place within the governance of regional water management. A new balance thereby emerged in the forces from above and below that played an influential role in the institutionalisation of water management.

At the level of local governance, a number of innovations were made that could be called aspects of the institutionalisation process. Here, too, governance structures were formalised and expanded from the mid-sixteenth century onwards. Examples include the various administrative regulations and expansion of the number of administrative posts. The professionalisation of shire governance was also boosted by the growing practice of
recording the actions of administrative bodies and by limiting decision-making to a small circle of officials.

One particular aspect of institutionalisation at the level of the shire was the creation of the position of molenmeester, the official responsible for the upkeep of the drainage mill. This position was closely connected to the shires, not the water board trustees. It was established in response to the increasing complexity of the hydraulic situation that had been created by the use of drainage mills. Initially, then, the creation of the molenmeesterschap was not linked to the water board trustees’ attempts to centralise, but only later became part of this due to the emergence of the need to achieve greater uniformity in regulations covering the inspection of water works.

Conflicts

The many conflicts that occurred between the regional and local administrative levels in the sixteenth century stemmed from the water board trustees’ attempts to centralise and the shires’ attempts to preserve, expand or strengthen their rights. These conflicts became manifest in various ways: resistance was both active and passive, individual and collective, harmonising and conflictual. One very common form of passive resistance was to ignore the water board trustees’ orders, something that occurred at both the individual and collective levels. Examples include the refusal to carry out water works, to collect taxes, to announce water board regulations and to appear in response to summons. One form of active resistance by individuals was to insult water board trustees and use physical violence. Some of the conflicts were tried by water board trustees as infringements of board regulations. Legal action was also a form of active resistance and took place at both the individual level and, in particular, at the collective level, mainly by one or more shires. The drafting of rules to regulate the division of responsibilities between the two administrative levels by the officials involved can be seen as a harmonising form of active resistance.

The infringements differed significantly per shire in terms of number and intensity. This can be explained with reference to the hydraulic situation and the participatory culture. With regard to the hydraulic situation, the presence of regional water works, their significance and the form of maintenance duty were of overriding importance. As a result, a shire with many regional water works within its jurisdiction received greater attention from water board trustees than a shire that had only local water works. In addition, the intensity of the attention rose with the regional significance of the water works in question. A further factor was whether the regional water works were maintained by individual landholders or by a collective, for example of one or more shires. The reason for this was that when maintenance was an individual duty, landholders were held directly responsible for any work that was deemed insufficient. These landholders thus faced legal action from water board trustees more frequently, and this could influence their attitude towards the water board trustees and the dike-reeve.

Participatory culture

One decisive factor shaping the degree of resistance to regional water managers was the participatory culture, or involvement in governance, within a shire. The more elitist this was – that is, the more it was restricted to a small group – the fewer conflicts there were with the regional administrative level. This confirms existing research, which shows that the elite acted as an important mechanism of social control. Thus in a shire with a strong

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1 Prevenier and Boone, ‘Sociale controle’, 268-293.
elite, conflicts were considerably fewer in number and intensity. In shires lacking a strong elite, landholders, through their resistance to regional water board trustees, exercised substantial influence on the shaping of rules for managing water works, as requests were made for judgements from a higher court, leading to the formalisation of water management governance. To a significant extent, the degree of resistance shown by landholders also determined the degree of success in enforcing the rules.

I examined the participatory culture on the basis of three variables: the *burenraadpleging* (that is, the extent to which inhabitants were involved in decision-making), the frequency with which local official posts were circulated, and the extent of land ownership and leasehold among shire officials. The *burenraadpleging* was a form of joint decision-making within the local jurisdiction. As a result of its abolition, landholders were no longer directly involved in local decision-making, and henceforth, only officials would take decisions. Prior to this, the number of administrative positions had been expanded. This so-called minimisation of the circle of decision-makers provided space for the development of more professional governance structures. Although the *burenraadpleging* was abolished everywhere, abolition occurred at different rates, also depending on the prevailing system of law (*aasdomsrecht* or *schependomsrecht*). After the abolition of the *burenraadpleging*, residents were only involved in decision-making if they had been elected to official posts.

The accessibility of local shire posts was also determined by the frequency with which they were circulated. A high circulation frequency meant that such positions were circulated among a large group of people and that it was rare for the same person to hold multiple positions. At the beginning of the sixteenth century, the circulation frequency was high in the different shires, but it gradually fell for a number of reasons. One particular situation was created by substitution, which occurred when residents who had been elected replaced themselves with a substitute. A number of substitutes did not have agrarian businesses, and in this way were able to hold a certain post multiple times. My hypothesis is that substitution could give an initial impetus to the formation of a new economic and administrative social elite. Again, this contributed to the development of more professional governance structures.

There were clear differences in the character of the participatory culture in each shire. The broadest form of participation was to be found in Maasland, whereas Berkel had the most elitist form. In Maasland, the ‘broad’ participatory culture was manifest in the preservation of the *burenraadpleging* in the sixteenth century, in the even distribution of large and small land ownership and leasehold among local officials, and in the generally high frequency of post circulation, particularly among officials from the general administration. However, there was a slight shift from ‘open’ to ‘broad’; or rather, around 1500, participation was wider than around 1600.

In Monsterambacht, there was a trend in the sixteenth century towards a less open participatory culture, whereby access to local administrative posts was limited to a small group. Among the general officials, this was due to the very low frequency of the circulation of positions, whereas among the trustees of the water boards, this was due to the fact that mainly large landholders were elected to the positions. Increasing elitism was further strengthened by the abolition of the *burenraadpleging*.

In Berkel, increasing elitism was already in process prior to the sixteenth century, with the abolition of the *burenraadpleging*. Regarding the general administration, there was a ‘broad’ participatory culture that was already tending strongly towards an elitist participatory culture at the beginning of the century, both in relation to the amount of land owned and the frequency with which official posts were circulated, and which developed further in this direction in the course of the century. Among *ambachtsbewaarders*, the effect of having a high frequency of post circulation was negated by the fact that for the most part, large landholders were elected to these positions.
Property relations: the division between freehold and leasehold

The frequency with which official positions were circulated was not the only factor determining access to the local administration. In some shires, access to official posts was determined by land ownership and leasehold to a major extent. The research established that in the three shires in question, a considerable part of land was held on lease. Leasehold allowed for a more flexible form of management. Land-use was an important factor in the size of the leasehold. In a shire with a lot of arable farming there was more leasehold than in a shire where peat-digging constituted an important economic activity. In general, the amount of leasehold fell slightly in the three shires during the sixteenth century. In the sixteenth century, there was a considerable strengthening of the category of medium-sized landholding (between five and twenty morgen of land, one morgen being roughly equivalent to two acres). In addition, there was an increase in the number of small landholders, mainly at the cost of holders of extremely large amounts of land (more than forty morgen). Meanwhile, this latter category of very large landholders, together with the large landholders, possessed the largest share of land within the shires.

Most landowners were individuals who lived in the countryside or towns. Those who lived in the countryside had the most land, whilst the amount of urban land ownership fell slightly. There was a dramatic fall in land ownership among religious institutions as a consequence of the sale of confiscated lands by the States of Holland. It is notable that the declining trend had already set in prior to the confiscations. The amount of land owned by the nobility was not great, but it remained stable.

A vital aspect of property relations that had particular significance for water management was that in Delfland since the end of the fifteenth century, the leaseholder, rather than the landowner, had been liable for taxation. This meant that having a say and participating in governance, and in particular the increasing need for this on the part of landholders, were not matters for landowners but, above all, for the land-users, many of whom were both landowners and leaseholders.

Two aspects of landholding among shire officials are of particular importance. They tended to own a considerable amount of land, both freehold and leasehold, although one should add that holding land was not a requirement for such positions; moreover, by the end of the period, holding land was becoming less and less important, particularly for shire officials. This partly confirms the findings of studies on other regions, including those by Soens, Zeischka and Van Tielhof and Van Dam, which show holders of large amounts of land tended to be elected to administrative posts. They refer to the rising cost of water management as a potential explanation for this. In the case of Delfland, there was also an increase in landholding among ambachtsbewaarders in the second half of the sixteenth century. I presume that the explanation for this lies in the financial aspect of water management. At the time of the Revolt in particular, water works suffered heavily from the presence of troops. At the same time, tax collection faced significant obstacles due to the difficulty of accessing various locations and the impoverishment of the rural population, as a result of plundering and inundations in the battle against the Spanish occupying forces. An ambachtsbewaarder who had considerable resources would have been in a position to advance money for the implementation of water works, even if the collection of taxes were not yet complete.

According to Van Bavel, a characteristic element of the development of the rural economy in the early modern period was a concentration of urban land ownership in combination with a concentration of leasehold. My research shows that in the shires in question, town-dwellers did not have an equally strong presence everywhere as landowners. My hypothesis is that in addition to town-dwellers who owned land, there were also town-dwell-

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3 Van Bavel, Transitie, 658-659.
ers engaged in non-agrarian occupations who did not own land. For the countryside, their significance lies largely in relation to the modernising influence that they exercised on administrative reforms, through the institutionalisation of the ‘minimised’ circle of decision-making and the transfer of the residents’ mandate to officials, at the expense of the consultation rights of a wide section of the population.

Rural landholders and the regional water board tribunal

As a final subject, I undertook a detailed study of the jurisdiction of the water board tribunal. In previous centuries, after all, the dike-reeve and the water board trustees had functioned as judicial authorities as well as regional water managers. It is notable that not only conflict resolution before the central courts, but also the pattern found in the charges, can be linked to the participatory culture at shire level. There were many fewer defendants from the more elitist shires than from the less elitist shires with more ‘open’ participatory cultures. To a significant extent, this difference can be attributed to the social function of the elite within a shire and to the position of the ambachtsbewaarder in the shire. In those shires in which the local water management trustee wholly or partly formed part of the shire administration, increasing elitism had a greater constraining effect on resistance to the regional water board trustees, due the value that the latter attached to formalised aspects of local governance, such as the taking of oaths.

Another aspect of the administration of justice that was brought to light in this research was the shift from the presumption of liability from the collective to the individual. Aside from explanations of a practical nature, such as improved administration and worsening geographical conditions, contact between water board trustees and academics, such as jurists and humanists, may have been a significant factor here. It is more difficult to trace whether a similar shift in the presumption of liability also occurred in the general administration of justice, because here it was common practice for individuals to be tried for their own misdeeds, and local governments were not liable for the actions of dysfunctional officials.

Concluding remarks

How does the history of the administrative developments in Delfland relate to that of other regional water boards? Studies by Fockema Andreae and Dekker have shown that the mutual relations between the administrative levels could differ significantly per water board district. The question is thus to what extent this analysis of administrative developments and, in particular, my description of the participatory culture, in which landholding played a major role, can also be applied to research on other water board districts in future. Based on my research results, the hypothesis is that in those places where there were few conflicts in the sixteenth century – fewer than in Delfland, at least – the participatory culture of local governance was more elitist than that of the shires of Delfland. This should, in particular, be apparent from the presence of a strong administrative elite.

Finally, it can be stated that the continuous attempts by regional water board trustees to wrest themselves from the rural landholders by centralising water management often foun- dered due to the strongly decentralising forces emanating from the shires. The numerous conflicts brought about important administrative changes, but the basis of water management remained shared governance by rural landholders and regional water board trustees.

Translation: Vivien Collingwood

4 Fockema Andreae, Rijnland, 182; Dekker, Kromme Rijngebied, 585-639.