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Professional guilds and the history of insurance: a comparative analysis

edited by Philip Hellwege, Berlin, Duncker & Humblot, 2020, 288 pp., €99.90 (hbk), ISBN 978-3428180714

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BOOK REVIEW

Professional guilds and the history of insurance: a comparative analysis, edited by Philip Hellwege, Berlin, Duncker & Humblot, 2020, 288 pp., €99.90 (hbk), ISBN 978-3428180714

Philip Hellwege's edited volume on the history of mutual insurance, or lack thereof, within professional guilds across Europe is already the seventh volume in his *Comparative Studies in the History of Insurance Law*. The series derives from his European Research Council funded project *A Comparative History of Insurance Law in Europe*, in which the development of insurance in its manifold forms is explicitly researched from a comparative perspective.¹ At the time of writing this review, volume fifteen has very recently appeared, testifying to the enormous productivity of Hellwege and his large team.

The chapters in the book are divided geographically, with Hellwege writing an introductory text and the comparative conclusion (alongside a chapter on Germany). In order, the book contains chapters on the Southern Low Countries/Belgium, the Northern Low Countries/The Netherlands, Germany, England, Scandinavia, France, Italy, Spain, Poland and Hungary. In the introduction, Hellwege explains (20) that he had considered various formats for the order of chapters, but in the end decided on this order, without explaining the reasons. This is unfortunate, as indeed multiple options could have been considered. Hellwege, writing from a German perspective, provides a most fascinating historiographical introduction on the link between guild support and (mutual) insurance. He explains that most German authors have seen three roots of insurance: first, marine insurance as the origin of commercial insurance; second, cooperative protection within guilds; and third, state-run insurance schemes developed from the seventeenth century onwards, the latter two as the origin for fire and life insurance. This provides a more sophisticated form of argumentation than the English-language literature, which most often teleologically presents marine insurance as the source of all forms of insurance. The German literature, while also flawed (as Hellwege points out in his chapter on Germany), therefore offers a more nuanced introduction to the problem of guilds and insurance. Why not then start with Germany and move thence to Poland? Hellwege and Jakub Pokoj (in his chapter on Poland) offer most interesting comparisons between the two case studies; moreover, this restructuring would move the contributions on the Low Countries and England deeper into the volume, thereby helping to avoid (however inadvertently) privileging Western over Southern and Central Europe.

¹See for its research agenda: Philip Hellwege, 'A Comparative History of Insurance Law in Europe' (2016) 56 *American Journal of Legal History* 66.

Hellwege, in his introduction, writes that the questions underlying the volume are

- (i) whether it is possible to analyse in terms of insurance the support offered by medieval and early modern professional guilds to members in need and (ii) whether guild support had a lasting impact on the development of modern insurance and insurance law. (9)

Perhaps surprisingly, surveying the case studies, Hellwege answers both questions in the negative, writing that it is impossible to classify support schemes within guilds as insurance for a number of reasons: first, the pay-outs were often small; second, whether support offered by the guilds was often a discretionary decision; third, guilds had various functions, doing many things besides offering help such as training or negotiating market access; fourth, funds were often lacking for paying support; and fifth, support was often also offered to non-members as an act of charity. All authors agree on this point, and therefore, Hellwege can convincingly state that the link between guild support and the development of insurance is often asserted rather than proven (278). As Hellwege states in his conclusion, ‘the legal rules regulating medieval guild support cannot be looked upon as a root of modern insurance law’ (278), although he acknowledges the influence of guild support on the development of modern social security (particularly in Germany). According to Hellwege, forms of mutual support should hence be considered as capacity building, not as a form of insurance (272). Following this conclusion, Hellwege already states in his introduction that the volume contains little law (18–19), which is indeed the case, in strong contrast to the other volumes in the book series. Whilst unfortunate for readers interested merely in law, the editor and authors should be applauded for not falling into the trap of looking for historical links when, in fact, there are none. This edited volume is strongly grounded in historical facts and does what it promises to research.

The individual chapters contain a wealth of information on the various case studies, often also making explicit comparative remarks within the texts. Dirk Heirbaut, for example, cites Sandra Bos to compare guilds in the Southern and Northern Low Countries (25), while Patrick Wallis explicitly compares English guilds to the Dutch guilds (118). Moreover, for those who do not master ten or so languages, the information contained in the chapters, alongside the translations of primary source material, is extraordinarily useful. The chapters by Pokoj on Polish guilds and Balázs Rigó on Hungarian guilds should be mentioned in particular, as they offer a wealth of information on an often neglected part of Europe. The chapter by Pokoj highlights the similarities to the German case, also explicitly teasing out the connections between ‘German’ and ‘Polish’ history. The authors of all the chapters are experts in their respective case studies and therefore have much to offer. Besides the excellent chapters on Poland and Hungary, José Nieto Sánchez and Victoria López Barahona’s chapter on Spain is another

highlight of the volume, convincingly assimilating the Spanish-language literature while offering a comprehensive analysis of Spanish guilds from the sixteenth to the nineteenth centuries. For some reason, Martin Sunnqvist's chapter on Scandinavia is much shorter and less detailed than many of the other chapters, making this an odd one out in the collection: moreover, it aims to look at specific types of insurance rather than at the forms of mutual help that various guilds developed, which contradicts the otherwise convincing conclusions of the volume.

The individual chapters, therefore, offer useful summaries of the existing literature. Moreover, many are well-structured, source-based pieces of writing with comparative elements. Nevertheless, a few points merited further attention in the volume. For example, it would have been useful to have had a bibliography included after every chapter or before the index, as all chapters cite extensively from works in various European languages. Moreover, no proper definition for a guild is given, whilst individual authors often go to painstaking lengths to distinguish between craft guilds, merchants' guilds, confraternities and other organisational forms that can describe the local situation (e.g. the chapters by Pokoj). Although Hellwege briefly points this out in his introduction, the reader is left somewhat in doubt about the volume's scope. In similar fashion, the chapters have different chronological scopes: the chapter on Italy by Marina Gazzini for example focuses solely on the Middle Ages – writing that the Middle Ages were the heyday of guilds in various Italian city-states (166) – whilst other chapters focus more on the early modern period or the nineteenth century. While Hellwege does an admirable job in the conclusion in bringing together insights from the various chapters, this is made somewhat difficult by the editorial decision to leave the authors to choose their own time-period. Finally, one might expect the volume to engage closely with economic history, particularly given the heated debates in recent years over the role of guilds in economic development.² To this reviewer's surprise, this is not the case, even though Hellwege himself notes the poly-functionality of guilds. Of course, the main questions of the volume are different, but one might expect that the (mis-)uses of guild support would offer an excellent angle to contribute to this debate as well.

Notwithstanding some of these shortcomings, the volume is another insightful book in the series edited by Hellwege. Similar to other volumes in the series, this volume fills some major gaps and explicitly takes a comparative perspective on the relationship between mutual support, guilds and the development of insurance. Almost all the individual case studies do a very good job at summarising the existing literature and offer solid analysis of the development of guild

²Sheilagh Ogilvie, *Institutions and European Trade: Merchant Guilds, 1000–1800* (Cambridge University Press 2011); Sheilagh Ogilvie, *The European Guilds: An Economic Analysis* (Princeton University Press 2019); for a counterargument see Maarten Prak and others, 'Access to the Trade: Monopoly and Mobility in European Craft Guilds in the Seventeenth and Eighteenth Centuries' (2020) *54 Journal of Social History* 421.

support on the region in question, with often underrepresented regions (at least in the Anglo-American literature) offering particularly interesting case studies. Even though the chronology is somewhat distorted, Hellwege's comparative conclusions still bring out much to illuminate the broader points of the volume, of which the falsification of the often-asserted link between guild support and the development of insurance is by far the most important one. Whilst there is indeed not too much analysis of the law in this volume, that in itself also teaches us something important about the role of lawyers from the medieval period to the nineteenth century: whereas the development of insurance was a much-discussed topic from the sixteenth century onwards, mutual support schemes in contrast were not. This further strengthens the main conclusion of the volume, but also shows something about the priorities of lawyers across centuries.

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