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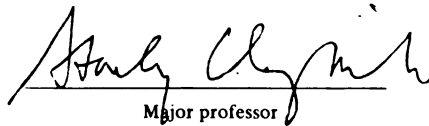
INTEGRATION AND DISINTEGRATION: THE STURMJAHREN
OF THE PROTESTANT REFORMATION AT KITZINGEN, 1522-1528

presented by

David L. Lederer

has been accepted towards fulfillment
of the requirements for

M.A. degree in History


Major professor

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BY

David Lee Lederer

A THESIS

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ABSTRACT

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This study examines the socio-political constitution of Kitzingen in the early sixteenth century, in order to consider the influence of the Reformation on the existing structure. Although a territorial city, Kitzingen retained a good degree of autonomy in the nascent state. The local elite was responsible for initiating religious reforms in its struggle with local Church institutions, but was forced to rely increasingly on the support of the state as arbiter, thereby assisting in the process of regional centralization. The challenge to the Church called the extant social hierarchy into question, straining the ideological basis of local hegemony, and encouraged the commune to voice long-standing grievances, making common cause with the inhabitants of the city's hinterland and, eventually, the rebellious peasants in 1525. Although the revolt failed, it revealed fissures in the internal order of the city, as well as the degree to which the hinterland and the city engaged in social discourse.

5583718

To My Parents:

Bis das si cito das.

ACKNOWLEDGMENTS

This work represents a lengthy process of self-realization. In its course, I have incurred a number of debts for which gratitude needs to be expressed. First, I should like to express appreciation to Dr. Patrick McConeghy for all his kindnesses and support. It was in his seminar (W '87) that I was first introduced not only to the paleography of Early New High German, but also to the Urfehde-Verschreibungen from Kitzingen, which form the basis for much of this study. His constant encouragement and willingness to lend an ear motivated my endeavours and lifted my spirits in many a troubled hour. Pat, I will miss you dearly. To my colleagues at the Institute for Bavarian History in Munich, for granting free reign in the city's gemütlichste library to the "amusing" American, who always seemed to lose something on the summer excursion: "oachkatzelschwoaf!". Many thanks also go to my friends in Oberbayern, especially for the unlimited use of copy machines, greatly facilitating the accumulation of materials: Thanks Peter, thanks Ralph! Finally, and most important, is the inestimable respect and gratefulness I owe to Irene. You corrected me when I was wrong, brought me out of my shell when I was frustrated and provided the humanity this work might have otherwise lacked.

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ABBREVIATIONS

BaStB	Bayerische Staatsbibliothek
CG	Codex Germanicus
fl.	Gulden
KTStA	Kitzingen StadtsArchiv
MSUSpC	Michigan State University Special Collection
Pf.	Pfennig
WLW	Weinbau, Laubordnung und Weinhandel
ZZfZ	Zehnt und Zehntstreitigkeiten, folio Zehntgericht

1. INTRODUCTION: THE SOCIAL HISTORY OF
THE REFORMATION IN URBAN CONTEXT

Kitzingen, today a city with 40,000 residents, is located some seventeen kilometers southeast of Würzburg. In the sixteenth century, it was a territorial city of approximately 3,000 inhabitants, part of the Hohenzollern margraviate of Brandenburg-Ansbach-Kulmbach. Kitzingen was situated on the axis of the east-west land route from Nuremberg to Frankfurt and the Main River. It was one of a series of important bridges traversed along that land route and also acted as a point of transshipment, where manufactured goods from Nuremberg were loaded onto barges and sent northward to the free-imperial city of Schweinfurt, downstream to the episcopal seat at Würzburg, or further east to the fairs at Frankfurt and the Rhine valley beyond.

Nestled in the hilly countryside along the banks of the Main, Kitzingen is part of the famous viticultural region of Lower Franconia, where vineyards yield some of Germany's driest wines, packaged in the distinctive Bocksbeutel flask, so-called because of its resemblance to the scrotum of a goat. Then, as now, Kitzingen and the surrounding villages of its hinterland were major producers of wine, and viticulture formed an integral part of the local economy. The wealthy members of society in late medieval Kitzingen made their fortunes either in the wine trade, or as rentiers of agricultural plots to the local peasantry. For those members of the Peasantry unable to eke a

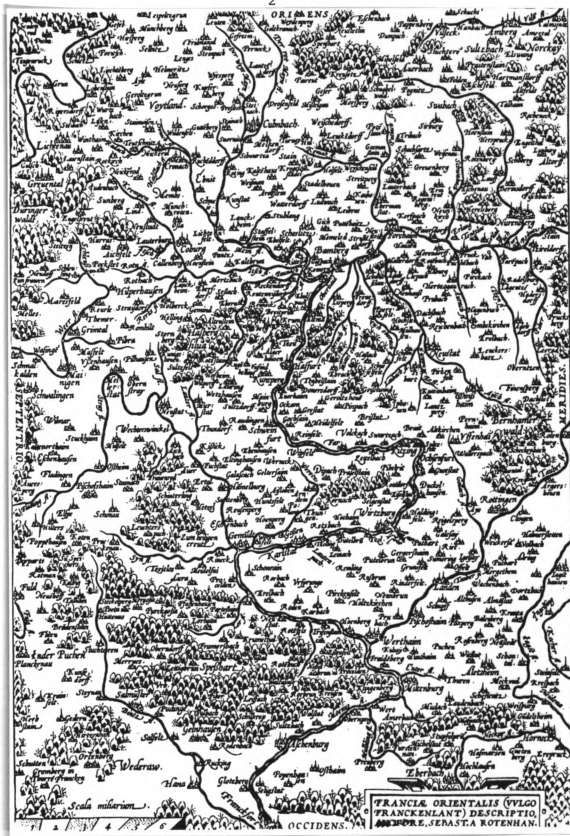


FIGURE 1

FRANCONIA IN THE SIXTEENTH CENTURY

A map by Sebastian A. Rotenhan, BaStB, Mapp XI, 279 zh.

humble existence from agriculture, the viticultural industry offered day wages for several months of the year. Their service inexorably bound the city with its hinterland.

Kitzingen's history is of interest as part of the discourse on the role of German-speaking urban areas in the Protestant Reformation, which has engaged scholars for over a quarter century. The point of departure for contemporary, urban Reformation studies is Bernd Moeller's seminal essay, "Imperial Cities and the Reformation," published in 1962. Moeller demonstrated a strong nexus between the reception of reform theology and the communal drive for autonomy. Correlating religion with constitutional legitimacy, Moeller typologized two cities. The first supported "...the peculiarly 'urban' theology of Zwingli and Bucer..." because of their "...particularly vital communal spirit..." of participatory government through internal guild apparatus.¹ The second, with a history of oligarchy, headed by a closed circle of families (ratsfähige Geschlechter), favored the less radical social content of Luther. Moeller substantiates both the influence of communal tradition on "reformed" theologians and aspects of the new theology which undermined the sacral character of the commune as a miniature corpus christianum (the implication being that the relationship of the individual to the community became secondary to

¹. Moeller, 103. Moeller refers to the theology of Bucer and Zwingli as "reformed", juxtaposing it with that of Luther. ***Author's Note*** - citations make abbreviated reference to full listings provided in a selected bibliography at the close of the work.

the individual's direct relationship to God).² While Moeller achieves an admirable synthesis of religious and sociological studies, Kitzingen provides a litmus test with which to challenge and modify some of his basic tenets.

The primary chronological scope for our inquiry is the initial, tumultuous phase of the Protestant Reformation, falling under the historiographical rubric Sturmjahren. This term was used by Walther Peter Fuchs to indicate that segment of imperial history following the conclusion of the Diet of Worms (1521), through the Peasants' War of 1525 and ending with the Diet of Speyer (1526).³ It attests to the tempestuous, violent and uncertain course of the movement between the imperial ban on Luther's teachings and the uneasy stalemate forced upon Charles V at Speyer, after the Turkish victory at Mohacs in that same year. At the sub-imperial level, we can synchronize the outbreak of the Sturmjahren with defiance of the imperial ban on reformed preaching and identify its terminus with the institution of local church ordinances (Kirchenregimenter), registering telic ossification.⁴ For Kitzingen, these limits encompass the years from 1522⁵, when the city

². Moeller, 73, 75-83.

³. Fuchs, 86-133.

⁴. Blickle, Gemeinde Reformation, 13-14. He intimates that the disaster of the Peasants' War destroyed the Reformation's potential for innovation.

⁵. Rublack considers the conflict over selection of the parish priest to be the initium reformationis in Kitzingen: Demandt & Rublack, 45. The first break with the ban on reform preaching occurred with the council's permission to allow Diepold Berringer, the Bauern of Wöhrd, to hold a sermon on Corpus Christi, 1524. However, the earlier

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council initiated local reforms, until 1528⁶, when Margrave George the Pious institutionalized the territorial Church.

Our case study reveals that ready audiences for Protestant ideas were not restricted to the atmosphere of free-imperial cities.⁷ What Moeller considers a question of legal status might sooner reflect an overlord's power over a specific municipality. Certainly, one must consider the mitigating influence of Kitzingen's political overlord, the margrave, during the reception of the Reformation, but it would be a mistake not to use similar criteria for free-imperial cities. Thomas A. Brady characterizes the social and economic structures of free-imperial and territorial cities as "remarkably similar" and points out that Strasbourg's stance on the issue of reform also entailed policy considerations vis-a-vis its imperial overlord.⁸ Our investigation will always be mindful of city-state relations, without over-emphasizing the theoretical sovereignty of the latter, especially in the political vortex of public and private jurisdiction embodied in the Empire.

date is a more indicative point of departure for reform in the city.

⁶. On March 2-3, 1528, Casimir's successor, George the Pious, clarified his position on the Reformation at a territorial diet held at Ansbach: Krodell, 205; Schornbaum, 14-15.

⁷. Moeller, 68.

⁸. Brady indicates that variations among cities were more likely to result from the degree of integration in local market economies: Turning Swiss, 11-12. In Ruling Class, 275-290, Brady convincingly argues the impact of Charles V's policy of Interim on the reform movement in Strasbourg during the Smalkaldic war.

Kitzingen officially received the Reformation as early as 1522, under the auspices of the town council and with the tacit approval of the margrave.⁹ In this instance, reform was initiated in the absence of any recognizable territorial program, leading us to reconsider the supposed antipathy among the urban patriciate for the movement. Moeller states, "For the most part, however, the magistrates were anything but the motive force behind the Reformation," echoing an earlier commentator, who emphatically insisted "The Reformation was never the work of a town council".¹⁰ Moeller's characterization is far too categorical, especially for the early years of the Reformation.¹¹ Günter Vogler observes that the movement drew support from a wide cross-section of society, among them town councilors, humanists, artisans, journeymen, clergymen, artists, peasants and plebeians.¹² In Kitzingen, contra Moeller, the initiative of the town council was largely responsible for introducing religious reform to the city.

Some of Moeller's general commentary on urban society, particularly its Franconian variant, requires refinement. His circumscription of a "dynamic union of ruling authority and subjects"

9. See above, p. 4, #5 on the initium reformationis in Kitzingen.

10. Moeller, 61-63. The second citation, quoted by Moeller, is found in: Lau, 119.

11. Brady, Turning Swiss, 155.

12. G. Vogler, 323. Vogler's remarks are given within the context of marxist teleology, which views the Reformation as an anti-feudal, early bourgeois revolution. Still, Brady's recognition of the impact of East German historiography on the social study of the Reformation is well warranted: Ruling Class, 1.

applies, in our case, only from the perspective of universal communal antagonisms toward the Church.¹³ In Kitzingen, for example, the Reformation acted as a vehicle to enhance corporate autonomy with theological legitimacy at the expense of church institutions.¹⁴ Steven Ozment identifies a communal impulse against Church abuses and the desire for an "institutionally viable lay piety" as general motives behind reform.¹⁵ Despite that unifying point, Ozment also correctly notes:

The basic conflict on which the Reformation thrived is seen to be one within the cities themselves, in an opposition between lower and middle strata burghers and increasingly plutocratic and oligarchical local governments.¹⁶

Moeller further claims a traditional lack of participatory communal administration in Franconia led to a general sense of apathy for civic affairs "among the people".¹⁷ His theorem of a causal relationship between alienation and apathy is not born out in Kitzingen's legacy of civic unrest. In 1525, the Reformation seemed to

13. Moeller, 68. This concept reflects a theoretically harmonious relationship of estate structure in urban communes, recently criticized by Brady as "romantic": Ruling Class, 19-21.

14. Moeller, 72.

15. Cities, 22. Ozment is convinced that the movement has its origins in a lay desire to be released from the "burden of late medieval religion", i.e. the complexities of canon law which tarnished secular life and removed religion from lay accessibility. His thesis has Weberian parallels.

16. Ozment, Cities, 122.

17. Moeller, 100.

offer the commune an avenue toward corporative enfranchisement, but that aspiration was crushed by the coercive power of the margrave. It was force, and not tradition, which maintained the status quo in Kitzingen.

Given the near universal support for reform in Kitzingen (excluding the institutional Church which felt itself, quite rightfully, existentially threatened), conflict never occurred along the lines of pro- and anti-Reformation parties. Instead, groups tended to unite around socio-political and economic issues. This presents us with a twofold problem. First, what criteria can best be employed in mapping the social topography of this late medieval city? Secondly, what ideological adhesives held together groups comprised of diverse social elements and what was their role during the Sturmjahren?

Perhaps the best way to approach these questions is within the framework of Kitzingen's socio-political constitution. To modern observers, the intricately interwoven patterns of both private and public jurisdiction confronting our counterparts from the late medieval/early modern period is often difficult to fully comprehend. This stems, in part, from the hermeneutic difficulties associated with interpreting the intricate symbology used to inculcate messages of social order, immediate in the realm of daily experience. Therefore, when discussing the constitution of a late medieval city, the systemic assignation of vertical and horizontal social categories should reflect notions embedded in popular consciousness as well as public record.

Loosely, a constitution is a public system of social control that coextensively exists and intermingles with other binding norms, such as interpersonal relationships, kinship, neighborhood, patronage and profession.¹⁸ Whether holographically or orally transmitted, constitutions act as regulators of public behavior and construct a hierarchical framework within which community life unfolds.¹⁹ In the Late Middle Ages, a community functioned (or did not) relative to the extent that an ideological framework inculcated justification for a particular constitutional configuration among its constituents. The success of an ideology, measurable through its cohesive and integrative strength, was embodied in the degree of consensus present in a particular society. The political and social constitution of Kitzingen in the sixteenth century encompassed four major elements: the margraviate, the urban elite, the Church and the commune.

Caution must be exercised, in order to avoid the imposition of any constitutional element of Kitzingen's social structure in a monolithic fashion. They reflect, to a great degree, an idealized social configuration based on estates, as perceived from above, and overlook the intricacies of the heterogeneous components that made up each element of that structure. An estate model is somewhat static, belying the transitional nature of the Reformation era and the arrival of the modern age, each with its concomitant baggage of social and political change. The nascent territorial state, emerging from the Late Middle

18. C.f. Diestelcamp, 49.

19. Bátori & Weyrauch, 219.

Ages, had not yet coalesced in the early sixteenth century. Although the margraves of Brandenburg-Ansbach-Kulmbach strove to endow the state with abstract legitimacy, their relations with the city remained very much at a personal level and their authority was far from absolute. Kitzingen's urban elite, a composite local group comprised of those who ruled and influenced communal life directly, were far more immediate in the municipal realm of daily experience. The decision of the elite to initiate reform in Kitzingen pitted them against the Church in a struggle to expand their local autonomy. Consequently, that challenge against the institution which represented the fundamental, ideological organ of the extant social order was then taken up by the commune, with the cross-purposeful hope of massive social reconstitution. These circumstances drove the elite to ally with territorial forces against the Church as well as against the commune, thereby promoting its dependence on the state.

Urban hegemony in the Late Middle Ages was constantly threatened by forces of social differentiation and disintegration. The essential social adhesive for the constitution at Kitzingen, as in most urban centers of the period, was the common weal (gemeiner Nutz), an integrative ideal fostering concord in the urban environment.²⁰ Corresponding to humanist notions of a respublica, the common weal promoted public welfare over private interest and "united rough legal equality with great social inequality".²¹ The common weal ultimately

²⁰. Rublack, 50-53.

²¹. Brady, Turning Swiss, 24.

derived legitimacy from God as a principle of social action; this derivation was axiomatic and needed no explicit reference.²² As God's will, it was manifest in law and the sacral nature of communal concord, visibly insured by the administration of oaths of loyalty. The internal disturbance of civic tranquility was explained as a tangible cause of natural disasters, such as fires or floods, themselves the embodiment of celestial displeasure.²³ In the social sphere, a general belief among the citizenry in the primary necessity of maintaining the common weal secured a consensus for the extant regime, while simultaneously creating a reciprocal partnership between governed and government. Therefore, abuse of public power was a legitimate complaint against the regime, if it infringed upon local tranquility, the sum of peace and unity.²⁴

Before suggesting the disintegrating effects of the Reformation in Kitzingen, mention should be made of its general implications, particularly in the political sphere. The scholarly community has progressed well beyond a view of the Protestant Reformation as an intellectual movement stemming from Luther's theology. Similarly, our vantage has reached new levels through the inclusion of economic and political factors in our analysis of the Reformation, although a purely determinist stance passes over some important aspects of sixteenth-

²². Rublack, 46-49.

²³. Moeller, 45-47. For a case in point, see Rublack, 28-29, on the 1447 fire at Hall.

²⁴. Brady, Turning Swiss, 23-24; Rublack, 36-41.

century, European cosmology. We need to consider how the relationship of ideology and empirical circumstance manifested itself and to what extent the two interacted, in order to embrace a composite depiction of an actual historical event. This is particularly consequent for the Sturmjahren, when the Reformation still retained the supra-ecclesiastical proportions, attendant in the theology of Luther and Zwingli, Karlstadt and Thomas Müntzer, whose vision of a biblical kingdom on earth is perhaps best known.²⁵ Precisely, it was the juncture of social protest and theology which engendered in the movement a dangerously threatening property, legitimized, as it was, through biblical exegesis. Bringing the extant social order into question through the very means by which it justified its own existence temporarily took ideological control out of the hands of its "lawful" practitioners, with immediate political implications.

The reception of the Reformation at Kitzingen ushered in a hegemonic crisis at several levels. Fused with the common weal, it justified secularization in the struggle of the respublica for autonomy from the supra-regional respublica christiana. This, in turn, promoted a clearer definition of ruler-subject relations through the secularization of the ideological organs of society, which could then be used to legitimize the ruling elite and the territorial state,

²⁵. On the political and social implications of these three reformers, see: Blickle, "Social Protest," 12-17. A fine, recent account of Müntzer's theology of a new world order based on christian equality of believers and individually "bearing the cross" can be found in Hipperdey, 38-84. The traditional thesis of Müntzer as the leader of a grass roots reform movement was first posited in 1947: M.M. Smirin, 218-254.

rigidifying estate structure and increasing autonomy vis-a-vis the Church. However, the fundamental, ideological destabilization of social cohesion during the Sturmjahren heightened the effects of social differentiation in Kitzingen, already manifest in the political unenfranchisement of the commune and the division of the city into neighborhoods which reflected political, social and economic status. In this sense, the course of the Sturmjahren at Kitzingen reveals that influence of evangelist activists represented two trends, one radical, the other conservative. The temporary ideological upheaval provided by the Reformation created a forum for dissent, powerful enough to disrupt internal order.

Through the use of juridical documents, the accounts of chroniclers, contemporary political correspondence and recent historiographical interpretations, we will examine the constitutional and social structure of Kitzingen on the eve of the modern world. This examination attempts to illustrate some of the complexities of that structure and the role of the Protestant Reformation in political and social change. By focussing on the Reformation in Kitzingen, we can examine how the forces of continuity and change were interrelated and the manner in which the movement revealed and blended with existing forces of social change.

II. "A PRINCELY IMPERIAL CITY": KITZINGEN IN THE
MARGRAVIATE OF BRANDENBURG-ANSBACH-KULMBACH

Kitzingen grew around the Benedictine nunnery founded in the eighth century by Hadeloga, a Frankish noblewomen.¹ By the end of the thirteenth century, the civitas, an imperial benefice, had been granted to the county of Hohenlohe. During the course of the fourteenth century, financial difficulties led to the piecemeal sale of Kitzingen to the Bishop of Würzburg. Similar fiscal insolvency encouraged the bishopric to lease the city (together with its juridical apparatus, also considered venal property according to customs of private justice²) to Brandenburg in 1443 for a sum of 39,100 fl., on the conditions that the city continue to render a tribute of 1,000 fl. on the elevation of each new Bishop, and that Würzburg retain the eternal right to reacquire the city on return of the original deposit. That actually occurred in 1629, much to the chagrin of its then evangelical population. During the intervening 186 years between lease and repurchase, Kitzingen was caught up in the margraviate's policy of territorial consolidation.

1. The following summary is based upon: Demandt & Rublack, 9; Kemmeter, Kitzingen, 4-16; Monumenta Boica, 43-46.

2. Knapp, vol. 1, 8.

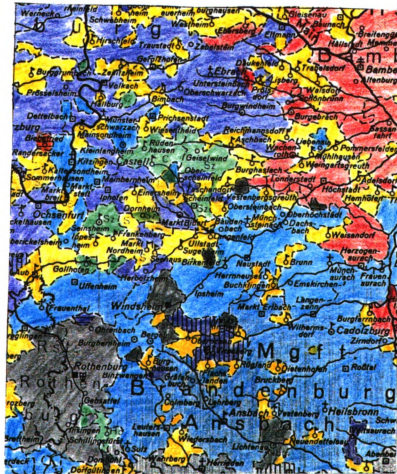


FIGURE 2

LOWER FRANCONIAN HOLDINGS OF THE MARGRAVIATE OF
BRANDENBURG-ANSBACH-KULMBACH CIRCA 1500

- | | |
|--|--|
| - Margraviate | - Free-imperial Knights |
| - Free-imperial Cities | - Knights of St. John |
| - Independent Dukedoms | - Bishopric of Würzburg |
| | - Bishopric of Bamberg |

Source: Spindler & Diepholder, 25.

All of the city's inhabitants were, de jure, subjects of the margrave and were only bound to their diocesan head, the Bishop of Würzburg, by official formality.³ Indeed, by the sixteenth century, even the territorial clergy were required to submit to an oath of loyalty to the margrave. All matters generally referred to ecclesiastical courts, including issues pertaining to faith and marriage, had first to receive consideration by the territorial authorities. The margrave's courts intervened in issues as sensitive as conjugal "separation of bread and table" (divortium a mensa et thoro), imposed marital reconciliation and cases of bigamy.⁴ Such direct interferences in canon law transcended absolutist designs, and originated with the early Germanic practice of establishing a household church (Eigenkirche).⁵ This was the attempt of Germanic rulers in post-Roman Europe to combat the loss of their religious sanctity, innate in pre-Christian, Germanic culture, through the foundation and management of prebends, in order to re-affirm their religious

3. "Ihm allein hat die Stadt gelobt und geschworen und ist ihm mit aller Obrigkeit unterthan, wiewohl sie auch jedem neuerwählten Bischof von Würzburg Erbhuldigung zu thun schuldig. Doch hat gedachter Bischof das wenigste allda weder zu gebieten noch zu verbieten Macht.": Bernbeck, 10.

4. A case of separation occurred in 1523, after a man, previously charged with beating his wife, violated her again, resulting in the abortion their unborn child. He was banished from the city, but she was no longer obligated to cohabit with him and retained possession of their property: MSUSpC, MS1262. For a description of this type of separation, which was not an actual divorce, see: Ozment, Fathers, 80-99; Safely, "Marital Litigation," 71-72. MSUSpC, MS1269 records the case of a businesswoman ordered by the court to reconcile with her husband, with whom she had quarrelled over a debt. In MSUSpC, MS1271, the margrave's court decided a case of bigamy.

5. Krodell, 150, #23.

legitimacy.⁶ The assumption of ecclesiastical functions by the nascent state in the sixteenth century can be interpreted as an extension of this practice.

Relations between the city and the margrave seldom took on aspects of rivalry. Kitzingen, though not an autonomous commune, was renowned as the "princely imperial city", a vague reference to its "privileged status among other princely cities in Franconia".⁷ Events indicate the council was virtually autonomous in internal affairs and, although three territorial operatives resided in the city, these officials seldom interfered in matters of local policy.⁸ Their role mainly entailed peace-keeping to insure the smooth generation of revenues for the margrave's fisc. A steward (Amtmann), selected by the margrave and always of noble descent (der auch ein person vom Adel ist), held the margrave's proxy to protect his interests and rights. As the highest ranking territorial official in Kitzingen, he monitored the other operatives' activities, as well as those of the council. Subordinate to the steward were the marshall (Vogt) and an official designated both

6. Prinz, "Arbeo," 585; Mönchtum, 493-494. The Investiture Controversy can be construed as a result of this policy.

7. "vor anderen Fürstenstädten im Land zu Franken privilegiert ... daß man Kitzingen die fürstliche Reichstadt nennt.": Bernbeck, 13. A discussion of this rather ambiguous statement is found in: Bátori & Weyrauch, 221.

8. The following characterization of the territorial operatives in Kitzingen makes reference to: Bernbeck, 11-14; Bátori & Weyrauch, 221; Demandt & Rublack, 167-168.

exchequer (Castner) and hundredsman (Zentenar).⁹ The marshall's charge was law enforcement. He worked closely with local officials and presided over the city court (Stadtgericht), with corresponding jurisdiction in the neighboring villages of Hoheim and Repperndorf. The exchequer oversaw the orderly flow of taxes to the margrave's coffers. In this capacity, he held jurisdiction in the neighboring towns of Mainstockheim and Willenzheim. However, the exchequer was neither to interfere in local administration nor to perform the duties of a tax collector, unless so commanded by the margrave. His charges also included the protection of local commerce and the dual role as head of the hundred court (Zentgericht), which required him to sit in judgement over all crimes of a particularly heinous nature. The hundredsman was the only local official empowered with the Blutbann, the right to impose capital punishment. Further examination of the hundred court is warranted, as it reveals methods employed in the margrave's policy of territorial consolidation.

The Hundred Court at Kitzingen

✱ -

Kitzingen was the territorial administrative headquarters for its surrounding hinterland of some eighty square kilometers. In place of the conventional Germanic expression (Gau), this district was known as

⁹. Knapp indicates that the office of assistant marshall (Untervogt) also existed, but, as his functions were identical with those of the marshall, it seems plausible that they represent one and the same individual: vol. II, 226.



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a hundred (Zent), signifying Carolingian influence, itself a transmission from the Roman Empire. The term refers to a local military formation of one hundred men, which Tacitus called a Centeni, suggesting Latin etymology.¹⁰ It appears as though Tacitus simply applied Roman military jargon to a rather ad hoc Germanic formation, but the usage stuck, and, by the sixteenth century, Cent and Zent were synonymous.¹¹ Charlemagne ordered the warriors of the Zent to sit in council and hold court on a regular basis, resulting in the nomination of specialized colleges of jurors (Schöffen), usually seven or twelve in number, although Kitzingen's hundred court required fourteen.¹² From the tenth century onward, as the hundred began to lose its military function, it was slowly transformed into a district judicial organ.

"For many reasons, crime is the quintessential activity that draws people together."¹³ In the sixteenth century, the hundred court at Kitzingen had competence over capital offenses committed in the district, and it was the most imminent reminder to the inhabitants that they were administrative subordinates of the territory in the city's hinterland. As per common practice in the Late Middle Ages, the

¹⁰. Tacitus, 272,282.

¹¹. Indeed, the term had many recognizable variants, including Zehnt (homonymous with tithe), Zennt, Cehent, et. al. The hundredsman was alternately referred to as Zentenaar, Centurio, Hundertgraf, and a wide variety of derivatives: Haberkern & Wallach, 671.

¹². Dinklage, "Beiträge," 5-7.

¹³. Weisser, 6.

nobility (who answered only to their peers), the clergy (for which there existed a parallel ecclesiastical court system), and Jews (protected by the territorial sovereign), were all immune from prosecution there, although they could and did appear as plaintiffs.¹⁴ Under ideal conditions, the court was composed of the hundredsman, who presided over hearings, the fourteen jurors, a court clerk (usually the city clerk¹⁵) and the court herald.¹⁶ Two of the jurors represented Kitzingen, while the others came from its hinterland. In the absence of the hundredsman, a designated juror was to preside in his stead. Absent jurors were assessed with a fine. The court met bi-weekly on Mondays, including holidays. At the opening, all present took an oath in the name of the margrave, swearing on the Gospel to uphold honor and the common weal.¹⁷ In this manner, the judicial legitimacy of the state, originating from the Almighty, was identified with common welfare at the district level.

Minor infractions were referred to local courts, including peasant courts in outlying villages and the city court at Kitzingen itself. Territorial centralization encroached upon their jurisdiction when the

14. Knapp, vol. II, 279, 307-318. They were also generally relieved from court duties: Ibid., 327. A rather peculiar oath was administered to Jewish plaintiffs, which seemed to restrict them to prosecution for indebtedness: KTStA, Zzf2, MS333, 7. In 1525, a nobleman brought a rebel before the hundred court for damages to his castle: MSUSpC, MS1264.

15. Knapp, vol. II, 274.

16. Knapp, vol. I, 688-708.

17. KTStA, Zzf2, MS333, 1.

hundred court attained appellate status for all cases referred from local courts or deemed too problematic for their competency. This included private courts, like that of the lords of Castell.¹⁸ The margrave's palace court (Hofgericht) at Onolzbach ranked as the highest court of appeals in the territory and its decisions could only be overturned with difficulty by the Imperial Chamber Court (Reichskammergericht).¹⁹

By 1534, the hundred court at Kitzingen exercised competency in criminal cases over twenty neighboring villages and towns, and in civil cases over fifteen private courts.²⁰ Apart from the valuable revenues generated, the margrave gained legal status by usurping jurisdictional rights from patrimonial courts of the nobility and communal courts. The margraves were simultaneously undermining the authority of ecclesiastical courts in the territory.²¹

The transition of the juridical apparatus from local, private and overlapping systems toward centralization was indicative of a move from medieval to modern institutions, and was symbolically tied to the

18. "was sie an solichem gericht zu schwer bedungt, das weisen sie gein Kitzingen. was dan an solichem gericht gesprochen wurde u. einer, der solichs betreffend, nit gnugig sein wolt, hat er macht, davon gein Onolzbach an das land u. hofgericht zu apelirn": Knapp, vol. II, 302.

19. On the primacy of territorial jurisdiction in the Empire: Diestelkamp, 51-53, 58-64.

20. Knapp, vol. I, 688.

21. See Above, pgs. 16-17.

political policy of state building:

Changes in the criminal justice system occurred within specific political contexts. It is impossible to separate legal procedures from political procedures, because the legal system always becomes a crucial mechanism for reinforcing and extending the ideology of the dominant political power... Theoretically, the courtroom served as an open forum where the guilt or innocence of a particular individual could be established indisputably before his peers. Yet in reality, the courtroom functioned as a form of theatre, with the representative of the central, political power - the magistrate - playing a leading and often histrionic role. The magistrate appeared attired in his robes and surrounded by a variety of assistants all playing deferential and highly circumspect parts in the drama. The judge became the high priest of justice, and the similarity was intended and constantly renewed.²²

This policy had several juridical dimensions. Active legislation, such as the clerical oath of allegiance, was a coercive measure employed against competitors for jurisdiction within the territory. Similarly, treaties were used to combat the presence of exogenous forces in the territory, particularly benefices owing allegiance to other lords. An example of this was the treaty entered into by the margraviate and the princely bishop of Würzburg in 1480, effectively concluding that no hundred court should have jurisdiction within the territory of another, even in cases involving subjects of the other lord.²³

Symbolically, communal jurisdiction within the hundred was

22. Weisser, 23-24.

23. Knapp, vol. II, 689.

challenged by the association of the central administration's courts with symbols of authority. A dramaticization of that association was enacted during the call to court in Kitzingen's surrounding environs. The hundred court herald (Zentknecht) was provided with explicit instructions concerning his physical location during delivery of the ban: in Bibergau, he was to situate himself "under the linden with back turned against the church," or in Dettelbach, "he must stand on the third step of the church, with sword and staff in the right hand and the horses reigns in the other hand".²⁴ In all, five of the eleven locations mentioned in the instructions indicate the herald's close proximity to a church, presumably in an attempt to associate the margrave's jurisdictional legitimacy with objects of local religious sanctity in Kitzingen's hinterland.

Finally, the margrave moved against particularism in his territory through the adoption of a standardized juridical regimen. The legal reformation and reception of Roman law, underway in the Empire since the fifteenth century, culminated in the creation of a standard legal code, the Bambergensis, first published in the Bishopric of Bamberg in 1507. Later modified by imperial councils in the 1520s, it was finally accepted and retitled Carolina by Charles V in 1532. The Carolina served as a basic codex iuris of the Empire until the eighteenth

²⁴. Bibergau - "Unnter der Linden/ den Rucken gegen der kirchen wenden/"; Dettelbach (Tettelbach) - "Uf die dritte kirchstaffell/ mus er stehen/ das shwerd/ und stab/ in der Rechte hand/ Das Pfer an Zugell/ In der anders hand haben/": KTStA, ZZfZ, MS333, 10.

century.²⁵ The margraviate holds the distinction of being the second territory in the Empire, after Bamberg, to incorporate this code into its judicial system, doing so in 1516.²⁶ Standardization challenged the manifold and conflicting versions of legal ordinances based on local custom (Weistümer) that existed throughout the realm, effectively curtailing their theoretical decisiveness through appellate circumvention.

In practice, the situation was much more ambivalent. Parallel judicial structures were permitted by an escape clause in the Carolina, allowing Germanic custom to operate abreast Romanic procedures.²⁷ The territorial legal system provided the last recourse to settle local disputes. Communities could still pressure litigants into compromise, or even withhold evidence if they sensed that the judicial system was an attempt to impose outside controls over them.²⁸ Therefore, the legal jurisdiction of the margraviate only penetrated the daily lives of its subjects when they chose to invoke it or in very serious

25. On the background of that law code, see Radbruch's introduction: Carolina, 5-23.

26. Where it was retitled the Brandenburgica: Franz & Rosler, 64.

27. Carolina, 10, 30. Arnold suggests that Weistümer formed an integral part of territorial legal systems in Franconia: "Dorfweistümer," 857. The composition of the Kitzingen hundred court is, in part, ordained by tradition: Demandt & Rublack, 129-132; Knapp, vol.1, 690-695; KTStA, ZZfZ, MS333, 13.

28. On the role of judicial systems in society: Diestelkamp, 49. Concerning the methods used by communities to settle disputes without recourse to the parallel system of state justice: Lenman & Parker, 28-29. The motive of communal autonomy is posited by: Weisser, 10.



criminal cases deferred to it. The margrave, like the Emperor, held the position of arbiter. In rendering decisions, he was confronted by dual concerns of having to maintain his reputation as defender of the common weal in order to enhance hegemonic integration while still promoting a policy of centralizing differentiation.²⁹ The resultant, comprehensive legal system was a patchwork of traditional Germanic institutions loosely incorporated in revived Roman jurisprudence. It has been suggested that the two traditions influenced each other, and evidence points to the incorporation of elements of local custom into central legal codes by some Franconian territorial states.³⁰ One example of an atavistic Germanic custom sanctioned by the new Romanic legal codes was the Urfehde, which itself illustrates the evolutionary process of the imperial legal system.

Changing Precepts of Justice: the Urfehde

In execution of their office, the hundredsman and the jurors meted out either corporal, honorific, incarceratory or pecuniary punishments, or tendered a conditional release without punishment. In all cases of

²⁹. C.f. Weisser, 25.

³⁰. The influence of the two rival systems on one another is discussed in: Lenman & Parker, 34. Examples of the incorporation of local custom (Weistümer) into regional codes in Franconia are provided by: Arnold, "Dorfweistümer," 587. At Kitzingen, local tradition required the margrave's officials to provide adequate protection to every citizen and allowed the council to order the arrest of any person threatening the common weal with or without the permission of the territorial officers: Demandt & Rublack, 131-132.

release after incarceration and exposure to the inquisitorial process, an oath, the Urfehde, was sworn by the accused. These oaths were recorded in juridical manuscripts, usually containing the stipulations of release and any pecuniary compensation owed by the oath-taker, known as Verschreibungen. According to the Germanic legal tradition of private justice, usually undertaken for the sake of restitution, a Streiturfehde was an oath sworn by parties engaged in a blood feud (Fehde) to cease hostilities and forgo any customary rights of revenge.³¹ By the thirteenth century, civil authorities introduced it into the incarceratory procedure as a juridical device entitled the Hafturfehde. The imperial ban on private feuds in the sixteenth century made the Streiturfehde obsolete, but the Hafturfehde was universally sanctioned in the Romanic legal codes and it remained common until the eighteenth century, when it fell into disuse.³² Although the two have similarities, the Hafturfehde differs fundamentally from its forbearer, indicating a shift from the medieval exaltation of restitutive private justice to modern punitive law, oriented towards promoting social control in the interests of public welfare.³³ The purposes and ideological implications of the Hafturfehde reveal the direction of this transition, and expose some

³¹. Ebel, 13; Haberkern & Wallach, 632; Knapp, vol. II, 689.

³². The Urfehde is mentioned in the following codes: Bambergensis, articles 28, 113, 183, 184, 187, 190, 202; Carolina, articles 20, 108, 157, 158, 161, 164, 176.

³³. The rise of the territorial state is closely associated with the shift from private to public justice: Lenman & Parker, 23, 48; Weisser, 90, 99-100. This legal and political shift has been linked with the broader issue of a transition from feudalism to capitalism: Sellert, 30.

strengths and limitations of the judicial and political apparatus of the nascent territorial state as well.

The initial purpose of the Hafturfehde was linked to its function in the system of imprisonment as an urpheda de non vindicando. Literally, an Urfehde of non-vindication, this oath exonerated authorities after release of the arrestee, declaring that the arrest had been made on "well established grounds".³⁴ Of course, the court insisted that the accused agree to this proviso voluntarily (unbezwungen), although those who refused faced the unpleasant prospects of torture and further incarceration, thereby lessening the efficacy of those oaths and the sincerity the oath-taker. Additionally, according to Germanic custom, incarceration was considered dishonorable. Owing to a prevailing belief that revenge was second nature among human beings (probably justified in view of the long-standing social sanction of revenge as a legitimate means of restoring honor), the Hafturfehde also served as an urpheda de non ulciscendo, an oath to forgo revenge.³⁵ The oath taker was required to forswear revenge in "words or works, counsels or actions".³⁶

The court further protected itself from future litigation by

³⁴. The statement, "auß wolverschulten ursachen", recurs in fourteen of eighteen Urfehde-Verschreibungen from Kitzingen: MSUSpC, MSS1254-1260, 1262, 1263, 1265-1268, 1270.

³⁵. Ebel, 47, 148, 153-154.

³⁶. With minor variations, "nit zu anndernn zuefferen noch zu rechenn/ mit wortenn oder werkenn Rathen oder gethaten", appears in all of the Urfehde-Verschreibungen, except MSUSpC, MSS1258 and 1268.

adding clauses forbidding any appeal, "with or without legal cause, to either ecclesiastical or secular authorities, or through any other means".³⁷ This so-called "submissive clause" opened the door for misuse of inquisitorial procedure and enabled the court to invoke the unlimited use of torture with impunity.³⁸ Of the eighteen Kitzingen Urfehden issued between 1520-1527, the right of appeal was explicitly denied in all but four cases, and only one specifically authorized the accused to undertake appeal through the "legal judicial order".³⁹ Finally, the Hafturfehde required the accused to repay costs for his room and board (Atzung) while a "guest" of the authorities. Other standard fines included 1fl. to the executioner per session of torture, court fees, meals for the inquisitors during interrogation and any restitution (Abtrag) or indemnities (Karung) awarded the plaintiff.⁴⁰ Naturally, since many agreed to these conditions only to minimize their physical suffering, their compliance after release was difficult to guarantee.

An oft-employed variation on the simple Hafturfehde was to add a

37. The statement, "nit zu ändern noch zueffern/... weder mit noch on Recht/ gaistlichenn oder weltlichenn/ noch sonst inn kein ander weiss noch weg/", appears in fifteen of the Kitzingen Urfehde-Verschreibungen: MSUSpC, MSS1254, 1256, 1257, 1260-1263, 1265, 1269, 1271.

38. Ebel, 155.

39. In MSUSpC, MS1264, the defendant was permitted to pursue an appeal through "freuntlich ordenlich rechtens/", while the right to appeal in MSS1255 and 1258 is unclear, and the defendant in MS1270 agrees not to seek recourse outside the district apparatus.

40. On payments to court officials: KTStA, ZZfZ, MS333, 33-34; Knapp, vol. I, 705-706; Bambergensis, 105-109;

banishment clause, thereby fashioning an urpheda de non redeundo, literally, an Urfehde of no return.⁴¹ This was an effective method to dispose of undesirables without having to secure the death penalty. Capital punishment was theoretically applicable for almost any serious crime under the aegis of the resurgent, Roman law codes, which emphasized punitive measures. In reality, however, the death sentence was rare and somewhat problematic in the atmosphere of personal relationships persisting in late medieval towns, and risky as well.⁴² Banishment was considered a display of mercy, even though, for many, it involved the hardship of separation from what must have embodied the cosmological universe.⁴³ Exile could be limited to a number of years or imposed permanently, although supplication might be counted on to meliorate the sentence. Banishment offered the benefit of avoiding high costs for the incarceration of dangerous criminals, particularly in cases of indigence.⁴⁴ Unfortunately, this practice also created virtual armies of wandering criminals, who not only contributed to social disruption, but also could not be monitored for obedience.⁴⁵ This, in turn, lead to a lively contempt for public oaths, which

⁴¹. Ebel, 148.

⁴². For that reason, outsiders seem to have been the primary victims of capital punishment: Lenman & Parker, 14-15.

⁴³. In the face of the severe penalties suggested by the Carolina and other codes, banishment was light indeed: Ebel, 141.

⁴⁴. Banishment also represented a viable alternative to fines in cases of indigence: Weisser, 63-64.

⁴⁵. A total of 12 defendants were banished in 5 cases heard between 1520-1527: MSUSpC, MSS1254, 1256, 1260-1262. Two men fit the description of wandering criminals: MS1260.

threatened the sacral character of the Late Medieval community. One need only recall the threat to social order posed by the refusal of Anabaptists to participate in public oath-taking, in order to imagine how this weakened a fundamental ideological component of society. At the very least, members of that sect were bound by strict ethical guidelines, a restriction not applicable to most wandering criminals.

Another alternative to the costs of imprisonment and the inherent difficulties associated with banishment was the eternal (ewige) Urfehde, releasing defendants into a state of perpetual probation often with little more than a fine as punishment. The conditions of probation were present in the Urfehde-Verschreibung and could be quite specific about the activities to be avoided, as general as to encompass any activity of a criminal nature, or simply limited to the denial of appeal. This type of leniency, especially in cases involving first offenders, was designed to gain respect for the law and even to inform the public, in a concrete manner, what constituted the law through the use of the prisoner as a mouthpiece to friends and neighbors and a symbol in the public spectacle of the criminal justice system.⁴⁶

Compliance with the stipulations of the Urfehde was ostensibly secured in two ways; the use of compurgators and peer pressure. Both illustrate ways in which the Urfehde evolved from a purely medieval

⁴⁶. On the function of the released as a means for the authorities to communicate normative behavior: Boockmann, 92-94. On the spectacle of public justice and messages transmitted through punishment: Weisser, 22-23; c.f. Lenman & Parker on public trials and executions: 14-15.

institution into a Germanic custom molded to fit the changing needs of society. From Late Antiquity until the elimination of the feud, compurgators (Bürger), generally close personal relatives, were required to swear an oath guaranteeing submission by the accused. This had the additional advantage of dissuading other family members from continuing the feud.⁴⁷ In the event that the accused violated the conditions of parole, the compurgators in their entirety were to appear at the gaol within two months time and either return the delinquent or be prepared to fulfill the conditions of his sentence, as well as any penalties attached for breach of oath.⁴⁸ Civic usage of the Urfehde diminished the need for inclusion of family members. Close relatives continued to figure prominently as compurgators at Kitzingen's hundred court in the sixteenth century, but acquaintances intervened more than twice as often on behalf of friends or clients.⁴⁹ This indicates a shift in principles of justice from the private to the public sphere.

By the sixteenth century, the plaintiff also began to appear less prominently in the Urfehde, becoming simply another party to the trial. The offense was no longer a private matter, but had, instead, been perpetrated against society.⁵⁰ And yet, society continued to be

47. Beyerle, 573-574; Ebel, 103.

48. Of seven Urfehde-Verschreibungen with compurgators, five settled on the definite time limit "monatz fristenn den nechsten": MSUSpC, MSS1256, 1257, 1265, 1268, 1270.

49. Of thirty-three compurgators in the Urfehde-Verschreibungen, only nine were relatives.

50. On the diminishing role of the plaintiff and his replacement by society at large: Weisser, 54, 99-100.

represented in concrete, rather than abstract terms. The city council, burgomaster, commune and the margrave now became the focal points of the oath. One might have found himself in the territorial gaol in Kitzingen, or even exiled from the "city", but, in the concrete atmosphere of the medieval "home town", where most of the inhabitants knew each other on sight, the oath itself was sworn to individuals and not abstract units such as the city or the territorial state.⁵¹ The common weal is never expressly mentioned among the other formulae in the Urfehde-Verschreibung from Kitzingen, but the commune (gemeine Stadt) figures prominently as one of the chief agents to which the oath is sworn; that before a court explicitly charged with upholding the common weal.⁵² Symbolically, the oath taker made a personal vow to relatives, friends, neighbors and the agents of power to promote communal welfare. The bonding element was meant, in effect, to be peer pressure.

Hans Sachs recaptures the inherent problems of public reliance on oaths in criminal cases in the humorous Fastnachtsspiel, "Der rosdieb zu Fünssing".⁵³ At the onset of this theatrical piece, the elected

⁵¹. Ebel calls this the concreteness of thought in the Germanic system of communal law: 83. On the personal and concrete impact of messages in Late Medieval towns, see Rublack, 25, 29-30.

⁵². The term gemeine Stadt recurs too frequently to require mention here, but most often as one of the formal components to whom the oath is sworn, e.g. "an irer gnaden jetzigenn und kunfftigenn amptleuten Burgermeister und rathe zu kitzingen allen inwonern burgen und gemeiner Stat daselbst": MSUSpC, MS1254, et.al. On the hundred court and the common weal: see above, 11, 22; Demandt & Rublack, 131.

⁵³. Sachs, 36-50.

officials of Fünssing meet to discuss the disposition of a thief, who had long plagued the village and now awaits execution in the local gaol. Fearful that crowds of curious onlookers would trample crops, the councillors wish to postpone his hanging until after the harvest, but display great concern over the costs of incarceration during the intervening three week period. The officials decide to free the thief, contingent upon his promise to return in time for the hanging. The crafty thief, who had recently robbed valuable items from the council members themselves, readily agrees, in anticipation of fencing his goods at the market in Munich. He does keep his word, returning to steal back his red cap, which he had proffered as a deposit on his oath, and just in time to observe the three councilmen, loudly accusing each other of petty thievery in the wake of their poor judgement. Sachs illuminates several issues here, including the public spectacle of justice, the pecuniary difficulties of incarceration and the manner in which the system of justice was influenced by local considerations.

Consciously, Sachs' work supports the reliance on oaths by having the thief return. It was not a flaw in the legal system, but the ways in which the law was used to circumvent justice for personal advantage that he sought to expose. Subconsciously, Sachs recognized what was, for his contemporaries, a major dilemma: the reliance on public oaths. Theoretically, the law prescribed a harsh penalty for oath breaking: the two fingers on the right hand extended during deposition were to be severed. Presumably, the thief, who had used those fingers while swearing, still retained them at the conclusion of the Sachs' story,

giving him the opportunity to take future oaths.⁵⁴ In reality, numerous oath breakers were actually captured. In all cases of oath breaking in the Kitzingen Urfehden, the accused was re-released under a subsequent oath, without requiring the aforementioned vivisection.⁵⁵ Generally, oath breakers were re-released with as many as five or six previous offenses, until the local authorities saw no other alternative but corporal punishment.⁵⁶

What conclusions can we draw from this discussion concerning the disposition of central authority vis-a-vis local autonomy? Are we dealing here with a developmental process or a state of being? Probably, a little of both. The city and state constitutions had solidified to the degree that each was recognized as a legitimate institution, but their limits had yet to be defined. Both city and state governments operated in tandem to consolidate a region, the state a district and the city its hinterland. Just as the hundred court was a symbol of that cooperation, so too the Urfehde were used to inculcate ideological messages of constitutional legitimacy in their "subjects". The religious foundations of legitimacy were attendant in the oath

54. Sachs, 42. Of the eighteen Urfehde-Verschreibungen, all close by indicating that the accused swore with his fingers raised to God and on the holy Gospel ("mit auferhoben fingern/ zu Gott und auf das hailig Evangelium geschworn"): MSUSpC, MSS1254-1271. On the penalty for oath breakers: Ebel, 152; Bambergensis, 52-53, 96; Carolina, 78, 119.

55. Five of the Urfehde-Verschreibungen deal with oath breakers: MSUSpC, MSS1254, 1261, 1262, 1263, 1256.

56. Ebel notes that sometimes capital punishment seemed the only solution to the problem of returning exiles and oath breakers, but this only after the fifth or sixth infraction!: 157-159.

sworn to God upon the holy scripture and transferred to the receivers of the Urfehde: the council, burgomaster, commune and margraves. Such oaths had the cumulative effect of strengthening temporal authority, while embedding its ideological justification in the model social hierarchy of existing theological precepts.

Alternately, although the weaknesses associated with a quixotic reliance on oaths in criminal proceedings were not apparent to contemporaries like the shoemaker Hans Sachs, this Germanic legal tradition proved increasingly inadequate to deal with the problems of a world approaching modernity. What had served well as an agreement between two private parties in the Middle Ages functioned less smoothly when one was replaced by a public agency in an effort to conform earlier practice to changing economic, political and social conditions. Indeed, the Urfehde can be equated with weakness, as it implied that the authorities were forced to rely on the good will of convicted criminals to sustain public order. By the eighteenth century, it was viewed as a superfluous remnant from a turbulent era, before the position of the authorities had ossified and when they still felt a need to protect themselves from revenge through the use of oaths.⁵⁷ While those in obedience transmitted respect for the law, exiles, who could not be monitored, and oath breakers damaged the legitimacy of the central authorities, thereby calling the extant hierarchy into question. Additionally, the multiplex of oaths required of the Late Medieval person detracted from their individual gravity and promoted

57. Ebel, 152, 160-161.

conflicting loyalties and opportunism.⁵⁸

Finally, the flexibility and overlapping competence of the territorial and local officials testifies to the shifting balance of power between the dichotomous forces of state and community, a further sign of a constitution in evolutionary transition.⁵⁹ One example suffices to illustrate this point. Although the hundredsman presided over the hundred court, sentencing was supposed to be executed under the supervision of the marshall.⁶⁰ Of the eighteen cases from the hundred court examined here, two oaths were administered by the hundredsman, ten by the marshall and five by local officials, one case being indeterminate. This indefinite fluidity of jurisdiction implies a constitutional structure which had not yet clearly compartmentalized administrative functions.⁶¹ Power was still shared with city authorities, even in those areas penetrated by the state, and a great deal of autonomy continued to be delegated to city officials out of necessity and out of habit.⁶²

58. Rublack, 35.

59. The nature of this dichotomy, with emphasis on the political and legal systems, is found in: Lenman & Parker, 48; Dilcher, 116.

60. Demandt & Rublack, 132.

61. Cf. Demandt & Rublack, 10.

62. The city council even possessed the right to defend inhabitants against unlawful arrest by the margrave's operatives: Bernbeck, 14; Demandt & Rublack, 170-171.

III. THE URBAN ELITE

Having considered Kitzingen relative to its position in the territorial superstructure, we shall now focus our attention on the internal social composition of the city itself. Beginning with an analysis of its elite component and their influence on local affairs, we will later note how the city's leaders, through their reception of Protestantism, rejected supra-regional church interference in internal matters. Through reception of the Reformation, the elite sought to bolster their authority over the commune at the expense of church institutions. This conflict, in turn, enhanced the role of the margrave as arbiter in local affairs.

In order to avoid the imposition of a simplistic estate model (oligarchy/subjects) in our effort to delineate the urban elite of Kitzingen, it is necessary to embellish upon the standard criteria by which we measure status in society. Weyrauch suggests that the upper strata of the Late Medieval commune was separated from other social elements by wealth, prestige and authority.¹ Uni-dimensionally, the urban upper strata can be broken down into a three-tiered social hierarchy of status; upper, middle and lower. At Kitzingen, while the parvenu and landed merchants belonged to the upper strata, only those

¹. Bátori & Weyrauch, 210-2138

members with immediate authority and influence over the public sphere achieved middling status, ranking them as elites. The elite included all members of the council, both inner and outer, as well as certain influential members of the community, such as the town clerk, local clergy, the schoolmaster, the city doctor, et. al. Part of the elite, but hierarchically above it, was the "inner circle", which actually manipulated the political machinery of legitimate government and is perhaps most deserved of the nomenclature "oligarchic", with certain reservations.²

Vertical movement within the upper strata, as well as between the upper strata and the rest of the commune was empirically manifest in social mobility. Equity of status did not necessarily entail social, political or economic parity among those at any one level of the hierarchy; individuals exercised greater or lesser influence depending upon their latent potential relative to other members of the same strata and the application of that potential. According to these criteria, many members of the upper strata were excluded from the urban elite and very remote from the inner circle of the elite. Let us examine the social composition of the city's elite in an attempt to delineate it more precisely.

². Bátori & Weyrauch, 223.

Functional Identification of the Urban Elite

The town council consisted of the twenty-four "most prominent and best informed" citizens of the commune and was divided into two chambers, the inner and outer councils, each with twelve members respectively.³ Council members were co-opted for life. Like Nuremberg, the outer council was a proving ground of sorts before election into the inner circle, although some made the leap into the inner council directly and others never progressed beyond the lower assemblage.⁴ However, membership in Kitzingen's outer council carried with it very real political power and responsibilities, whereas at Nuremberg that organ was little more than a ceremonial replacement pool.⁵

Members of both councils, in addition to attending weekly meetings, were assigned other official duties. The inner councillors retained sole prerogative to arbitrate "in all matters important and secret".⁶ The inner council also formed the bench of jurors for the city court (Stadtgericht) that convened once weekly and for special sessions, held four times annually.⁷ Further, a total of fourteen

3. "von 24 Personen der stattlichsten und verständigsten bürger besetzt": Bernbeck, 11-12.

4. Bátori, "Ratsherren," 156; Bátori & Weyrauch, 224, 246-252.

5. On the role of the outer council at Nuremberg: Kunstmann, 122; Scheurl, 787-788, 801-802; Strauss, Nuremberg, 58-59.

6. "bei wichtigen und geheimen Sachen gebraucht": Bernbeck, 12.

7. Demandt & Rublack, 129-130.

offices (Ämter) comprised a municipal bureaucracy.⁸ The two most important, in terms of status, power and authority, were that of mayor (Oberbürgermeister) and the assistant mayor (Unterbürgermeister), both governing for six-month terms. The mayor was elected by the inner council from its membership, while the assistant mayor came from the outer council. A number of the other high level positions were shared by both the inner and outer councils in a journeyman/master relationship, and it seems as though the representative from the outer council generally performed most of the mundane tasks while his partner from the inner council acted in the capacity of an officiator. However, due to their sporadic access to the bureaucratic machinery of government, it is reasonable to include members of the outer council within the limits of the ruling inner circle, albeit only on those occasions when they actively engaged in the political decision-making process.

In addition to councillors, other prominent individuals exerted important political or ideological influences on public life in the commune, through their prestige, authority or influence. The town clerk, whether a councillor or not, attended all council meetings and was privy to the most intimate inner workings of government; he can also be counted among the inner circle.⁹ The city physicians, apothecaries, academicians and certain local clergymen could be said to

⁸. For an ordinal ranking of each office according to status: Bátori & Weyrauch, 231.

⁹. Bátori & Weyrauch, 211.

have achieved associate membership in the elite strata through the prestige and influence awarded them in the community by nature of their occupations.¹⁰ Additionally, in 1430 and 1511, citizen opposition led to the reluctant co-option of first two, then four representatives from the commune to oversee the annual tabulation of the budget. As will be shown, they were accepted into the elite only under the threat of communal violence, and their actual participation in government was greatly restricted by the council. They were pariahs among the elite, and indicate the commune's legal proscription by the elite, as well as the only method open to the commune for political articulation: civil unrest.¹¹

What generalizations can be made concerning the nature and composition of the elite at Kitzingen in the Late Middle Ages? First, owing to short terms of office incumbent to the fourteen bureaucratic positions in Kitzingen's government apparatus (most under one year) and the lability of the outer council's participation in political life, the definition of what constituted the inner circle of the elite at any specific moment was flexible. Second, there was some mobility in the composition of the council through co-option, resulting from the death, retirement, or expulsion of a member. Further, the elite was not simply restricted to an oligarchy of councilmen, but also included individuals of the community who were privy to the economic and

¹⁰. Bátori & Weyrauch, 229.

¹¹. Arnold, 184-186. Note: The role of unrest in Kitzingen is subsequently considered in chap. IV.

political workings of the government, or who had potential to influence the community at large by virtue of their local status or profession. Finally, and perhaps most central to the elite's identity, was its self-image, how it juxtaposed itself with commune, for differentiation imbued the elite strata with ideological hegemony.

Honor among Elites

Wealth was a prime factor behind selection to the council of twenty-four. Socio-economic status helped to symbolize one's ordonnance visibly among the successful merchant-rentiers at Kitzingen. Contemporary perceptions of economic position guided the council in its selection of new members. An analysis of empirical evidence from Kitzingen in the sixteenth century reveals that forty-seven percent of those members for whom data exists figured among the twenty-four wealthiest citizens prior to their co-option.¹² Although economically less endowed citizens, (among them three millers, two tanners, a smith and practitioners of other common trades) sometimes attained membership in the outer council, entrance to the inner council was limited still further, with seventy percent of its sixteenth-century membership belonging to the ranks of the extremely wealthy.¹³ Wealth was surely important, but not the sole consideration in the minds of Kitzingen's elite for choosing its membership.

¹². Bátori & Weyrauch, 282.

¹³. Bátori, "Ratsherren," 155-158; Bátori & Weyrauch, 283-284.

Names of civic notaries attaching their seal to Urfehhd-Verschreibungen appeared within the text of the manuscript affixed with the title "Honorable" (Ehrbar), a mark of civic distinction.¹⁴ The title implied membership within the circle of the elite. Of the six notaries appearing in the manuscripts, three "honorable" citizens were currently members of the council at the time of bearing witness.¹⁵ A fourth was a nobleman; therefore, the civic honorific did not apply.¹⁶ Yet noble intervention was unusual, and owed more to the sensitive nature of this case. It involved another nobleman as a plaintiff against a subject protected by the margrave, necessitating the intervention of peers at this otherwise ignoble court. The final two "honorable" citizens were co-opted into the council several years after performing notarial duties at the hundred court, one having married into the local elite.¹⁷ This indicates that not only

¹⁴. MSUSpC, MSS1254-1271: such references always occur in the closing paragraph of the Urfehhd-Verschreibungen.

¹⁵. 1) Michel Berbing: Bátori & Weyrauch, 334-336; MSUSpC, MSS1265, 1270 - NB* - since these Urfehhd-Verschreibungen are dated 1525 and 1527 respectively, his death correctly falls in 1529, rather than the earlier date listed in Bátori's prosopographical entry. 2) Hans Besserer, also the nunnery's liaison to the council (Klosterschultheiß: for functional description see Demandt & Rublack, 13): Bátori & Weyrauch, 356-358; MSUSpC, MSS1256, 1257, 1259, 1262, 1263. 3) Thomas Huble: Bátori & Weyrauch, 510-513; MSUSpC, MSS1254, 1256, 1257, 1259-1262, 1265, 1268, 1269, 1271.

¹⁶. Cristoff zu Sickershausen von Ehenheim: MSUSpC, MS1264.

¹⁷. 1) Hieronymus Kumpf: Bátori & Weyrauch, 542-543; MSUSpC, MSS1261, 1267-1271 - NB - As Kumpf notarized an Urfehhd-Verschreibung in 1523 (MS1261), the explanation of his entry into the Kitzingen elite after expulsion of the patrician family, Kumpf, from Rothenburg following the 1525 uprising (as per Bátori's prosopographical entry) requires reconsideration. 2) Philipp Seybot: Bátori & Weyrauch, 701-703; MSUSpC, MSS1254, 1255.

councillors, but also official functionaries, such as the notaries, possessed reputable qualities enabling them to be vested with "honorable" status, thus conferring on them tacit membership in the elite strata.

As a means of enhancing reputation, connubial and baptismal affiliations were quite common among members of Kitzingen's leadership strata. They were also useful for offsetting the council's half-hearted consent to avoid co-opting closely related individuals into the that body, another concession brought on by communal unrest in 1511.¹⁸ Officially, dynastic policy was not sanctioned at Kitzingen as in other cities where, in Nuremberg for example, council membership was restricted to a number of established, patrician lineages (ratsfähige Geschlechter).¹⁹ Unofficially, councillors favored their relatives. Relations continued to hold office simultaneously and the council members developed a strategy of intermarriage (fifty-five percent of married councillors had taken the daughter or widow of another councillor as their spouse) and God-parentage (an estimated fifty to sixty percent of the councilors were related in this manner).²⁰ During the turbulent years of the sixteenth and seventeenth centuries, the fortunes of clans waxed and waned, and the elite reconstituted itself constantly, but slowly. Given the essentially stable character

¹⁸. On the nature of that concession: Arnold, "Sozialstruktur," 186. Nevertheless, in 1515, the Berbing family still held three seats on the council: Bátori & Weyrauch, 284.

¹⁹. Kunstmann, 122; Scheurl, 786; Strauss, Nuremberg, 58, 61-62.

²⁰. Bátori & Weyrauch, 235-239, 246-252.

of the council, factionalism does not seem to have been the primary cause of horizontal alliances, as probably was the case in Venice.²¹ Rather, intermarriage was a means to cement the hegemony of the elite as a unit apart. The civic title, "honorable", provided a public pedigree attesting to a person's moral stature.²² The councillors of Kitzingen favored bonding themselves with other "honorable" citizens, and this served to sanction the legitimacy of elite virtues as much as to ensure one's continued inclusion in that group.

Legally, "honorable" status was a component of social differentiation in Kitzingen. It carried with it a certain impunity before the law, implicit in the elite's near monopoly of its enforcement. Research from Zwickau corroborates this suggestion:

...the treatment of both men and women before the law depended chiefly on their class and connections...Councilors and their families were comparatively lightly punished for every sort of transgression. One readily gains the impression that the members of the city council regarded betrayal of their secret proceedings and dealings as the worst crime imaginable, baser than murder. Surely, they would not have admitted this; perhaps they were unaware of it.²³

The councillors of Kitzingen also insisted upon utmost secrecy regarding their governmental affairs. The four communal budgetary overseers, tacitly incorporated into the urban elite after unrest in

21. Chojnacki, 571-600.

22. Brady, Ruling Class, 109-110.

23. Karant-Nun, 35.

1430 and 1511, were bound by oaths requiring strict silence on governmental affairs unto death, which crippled their efficacy by necessitating appeal to either the council itself or the margrave in instances of fiscal discrepancies. Even if the councillors were unaware of the anomaly inherent in their monopoly of the law, they consciously recognized an ethical code which promoted elitist differentiation and group hegemony. H.C. Erik Midelfort recognizes this in the impulse to terminate witchcraft trials when councillors or other local officials became the target of accusation.²⁴ Therefore, it is neither surprising nor uncharacteristic that none of the accused in the Urfehde-Verschreibungen are councillors or members of the urban elite.

Because of the special legal and moral status achieved by incorporation into the elite, it was necessary that candidates meet acceptable standards before they gained entrance. Examination of those wealthy citizens not co-opted in the sixteenth century, despite their economic qualifications, reveals the following grounds for exclusion: two were foreigners, three were refugees from religious persecution, three were women, two came from families already represented on the council, ten had been accused of "deviant" behavior and twenty-three remain indeterminate cases.²⁵ The largest single determinate group consists of the ten deviants. Deviant behavior also led to the dismissal of six members of the political leadership during the

24. Witch Hunting, 121-163, 192.

25. Bátori & Weyrauch, 799-879.

sixteenth century, as certain types of behavior were particularly intolerable even among the elite.

Sexual indiscretions were particularly repugnant to the council, directly threatening the hegemony of a group so closely tied through kinship, marriage and god-parentage, and challenging the very foundations of social harmony.²⁶ In an incident in 1527, Linhart Leiniger, a rentier and vintner who ranked twenty-fourth in Kitzingen, in terms of tax assessments, raped and beat a local widow, Magdalena Frennckin, so severely that she required extensive medical attention.²⁷ Leiniger's local political influence, indicated by the intercession of the territorial steward on his behalf, explains his disregard of two stern judgments against him, and the ultimate diminution of punishment to a light fine, with the added stipulation that he display more kindness toward his wife. Since the law prescribed the death penalty for rape (not to mention penalties he should have accrued for assault and adultery), we are obviously dealing here with an abominable creature of no small importance in the community. However, despite his influence, Leiniger never succeeded in gaining access to the elite.

Political apathy on his part was certainly not a factor. In the

26. Accusations of adultery cost two council members their seats, in cases so infamous that they came to the attention of the margrave himself: Bátori & Weyrauch, 265. On the threat of violence to the community through conjugal misconduct: Bátori & Weyrauch, 260-266; Ruggiero, 76, 156-170; Owen-Hughes, 12-15. On the disintegrating character of sexual offenses among elites: Weisser, 40.

27. Böhm, 134; MSUSpc, MS1270. A judgement for medical expenses of 20fl. was awarded, one third the yearly salary of city physician.

uprising of 1525, Leiniger actively participated in the committee established to run the municipality after popular take-over.²⁸ With the return of the council after the revolt, Leiniger once again found himself outside the ruling elite. His case illustrates that neither wealth, nor local influence was always enough to offset standards of moral fitness by which all potential candidates for council office were judged. Blatant deviation from social norms endangered group hegemony and resulted in ostracism by the elite, who also found it necessary to maintain a modicum of moral integrity in order to legitimize their privileged status. Consequently, the subjective criteria of moral differentiation provoked indignation among the parvenu, who then sought redress to their political unenfranchisement through other than legitimate channels, linking them in common cause with the forces of popular unrest.

Where the Elite go to Eat

No better portrait of Kitzingen's urban elite survives than the guest lists to the annual Martini banquet, hosted by the council on St. Martin's day (11 November) at public expense and marking the end of the fiscal year.²⁹ These rosters read like a veritable "who's who?" of the Kitzingen elite, literally demarcated at this yearly gathering. The

²⁸. Arnold, "Sozialstruktur," 211; Böhm, 45-46. He was never tried for his participation.

²⁹. Weyrauch, 138-140.

approximately 60 guests encompassed two percent of inhabitants of Kitzingen while associated costs amounted to one and one-half percent of the city's annual budget.

Seating arrangements, crucial to a harmonious table setting, reflected the perceived social status of each guest. The head table was reserved for the mayor, influential members of the inner council, the deacon of St. John's, the parish Church, physicians and the territorial officials. Various ecclesiastes, the school headmaster and the remaining members of the inner council usually sat at the second table. Perimeter elements of the local elite, including the four representatives of the commune and younger members of the outer council, found themselves on the periphery, at the sixth table.

The Martini banquet provides a unique illustration of the elite circle at Kitzingen. It enables us to visualize the structure of this strata through the eyes of its contemporary membership, revealing that the urban elite of the Late Middle Ages consisted of more than the political oligarchy. Martini also symbolized the social isolation of the commune and the elite's own perceptions of their differentiation from it. The commune was not merely constitutionally impotent: "Once a year, the elite of Kitzingen gorged themselves at the expense of 'their' city".³⁰

³⁰. Weyrauch, 140.

The Church, the Elite and the Reformation

The Catholic Church formed a third element in the political and social structure at Kitzingen. As such, it was imbued with immunities in the community that conflicted with the jurisdiction of the territorial state and the urban elite. Although the church's institutional representatives can be considered elites in their own right, their status in Kitzingen, like that of the territorial operatives, was tangential rather than endemic to the urban social hierarchy, as they derived sanction from an outside agency. This original differentiation stood in stark contrast to the status awarded locally to the urban elite, inherent in communal structure. Once again, the same contrast existed between the local elite and territorial officials. However, the goals of those two exogenous forces (Church and State) were fundamentally different. As we have seen, the margraves pursued a secular policy of territorial conglomeration in conjunction with the local establishment, and rooted in a similar ideological current, namely, maintenance of the common weal.³¹ The Church, on the other hand, supported a supra-regional strategy of unification under an ecclesiological banner, the respublica christiana, thereby seeking to interpose a foreign authority in the commune's internal affairs without regard for the elite's insistence on a degree of local autonomy.³²

³¹. See above, chap. II, especially pgs. 21, 35-37.

³². On the implications of a similar conflict between Venice and the Church, see: Bouwsma, 1-51.

Church-city tensions in Kitzingen originated with the long-standing struggle between the town council and the Benedictine nunnery over the patronage rights of prebends, the pastorate and jurisdictional competency.³³ Since the city was originally an imperial benefice and the monastery was a full-fledged participant in the imperial estate system, both had recourse in internal disputes to plead their case before the Emperor.³⁴ Additionally, the nunnery could avail itself on the episcopal court at Würzburg and the Holy See at Rome, both empowered to render verdicts with ecclesiastical weaponry. However, in the end, it was the territorial state which proved best able not only to mediate local conflict, but also to enforce its decisions, either through threat of force or political alienation.

The domination of ecclesiastical courts and the treaty with Würzburg resolving overlapping jurisdiction, effectively limited the authority of Church agencies within the territory.³⁵ An earlier treaty, concluded by the bishopric and the margraviate in 1477, temporarily settled a quarrel between the nunnery and the city, delineating the nunnery's rights concerning its forest and market privileges, wine regulations and official appointees (Customs agent, toll master on the Main bridge, etc.).³⁶ Another lengthy dispute ensued concerning the

³³. Details of this struggle are found in Demandt & Rublack, 9-34.

³⁴. Monumenta Boica, 43; Oestreich, 142.

³⁵. See above, pgs. 16-17, 22.

³⁶. Demandt & Rublack, 14.

nunnery's patronage rights over the parish church and the local hospital, which increasingly involved the margrave as arbiter. On the eve of the Reformation, these struggles resulted in absolute gains by the council in economic privileges and patronage rights, the reduced influence of the episcopal court at Würzburg and greater reliance on the territorial lord in the deliberation of internal disputes.

One of the most heated misunderstandings pertained to the cloister's judicial rights of asylum and pardon. In imitation of Matthew 27:15, the abbess was permitted to demand of the council release of any one prisoner yearly. Furthermore, should a fugitive escape to any of the cloister buildings, he was placed in the custody of the abbess and could not be removed. These included the cloister itself and the hospital, which are mentioned in list of the abbess' rights in 1519, as well as the parish church of St. John.³⁷ The latter's stance as a place of sanctuary is indicated in an Urfehde of 1523, which recounts the escape of a prisoner after arrest.³⁸ He managed to flee to St. John's, but gave himself up voluntarily after extorting promises of leniency from the council. The council kept its word, releasing him with a light fine of 1fl., but requiring him to provide seven compurgators, almost one fourth of the total compurgators appearing in all eighteen Urfehde-Verschreibungen. In this case, a criminal was virtually able to hold the council to blackmail, though

37. These rights, published in the original, are found in: Demandt & Rublack, 142-143.

38. MSUSpC, MS 1258.

the unusually heavy requirements for compurgators reflects a contemporary propensity for sophistry, inherent in promises given under duress.³⁹

The intrusion of the abbess upon communal jurisdiction presented the council with many serious incidents, of which this is but one example. In the case of the yearly pardon, the council had no recourse but to grant the abbess' wish. The cloister offered exceptional status to miscreants, potentially damaging the council's ability to render equal judgement to all and secure certain punishment of those disturbing communal tranquility. This challenge to the council's authority was widely recognized and in some cities, when the tocsin was sounded, the citizenry was not only to close the town gates to impede a fleeing criminal, but also to physically block entrance to churches and monasteries.⁴⁰

The council responded to the cloister's juridical undermining of their authority in 1498, entreating Emperor Maximilian I to rescind the abbess' privileges. Indeed, they hoped that a former resident of Kitzingen, currently serving as imperial chancellor, would intervene on their behalf. Their attempts met with success and the Emperor revoked

³⁹. Indeed, it was this type of double-handedness which Sachs sought to expose: see above, p.34. Although Germans tend to refer to this kind of deceptive logic as Bauernschlauheit, it was not limited to the peasantry: see below, pgs. 78, 85.

⁴⁰. Rublack, 29.

the cloister's privileges of asylum and pardon.⁴¹ The abbess, unwilling to surrender her customary rights, remanded the case to the margrave, Frederick V, who nullified the imperial edict and reinstated the abbess' privileges. He further took advantage of the situation by attaching a proviso, restricting the abbess' freedom of employment and granting the margrave effective veto powers. Perhaps this codicil placated the councilmen; now they too could appeal to the margrave with the added assurance that the abbess would consider his judgement binding. Certainly, with the Emperor very far away, the council felt the immediate physical proximity of the margrave's operatives more directly and their symbolic presence strengthened his position concretely. Regardless of motivation, neither party ever appealed beyond the margrave again in this matter, although disputes continued until the mid-sixteenth century.⁴² Once again, internal conflict had abetted the territorial policy of centralization through the tacit agreement of aggrieved parties on the role of the margrave in arbitration.

A second source of Church-city tensions, and that most closely associated with the initium reformationis at Kitzingen, was the struggle over parish administration, exercised in absentia. Because this abuse was particularly blatant, it provided the impetus necessary for the council to enact reforms upon the lines of the Wittenberg

⁴¹. The revocation appears in: Demandt & Rublack, 120-122.

⁴². For example, a case involving the cloister's water rights was deferred to the jurisdiction of the hundred court in 1525: MSUSpC, MS1265.

movement. As it became increasingly apparent that the Bishop of Würzburg was unwilling to cooperate with them, members of the council and the elite took their grievances to the margrave, who proved only too willing to preside over the matter, but remained extremely ambivalent in his statements concerning religious reform, in an attempt to foster good will among all aggrieved parties.

The council expressed several major concerns in this affair. They desired that prebends flowing from the commune be used to insure the pure preaching of God's word and the proper catechization of the parishioners. There was a correlating interest that those receiving prebends not do so in absentia.⁴³ Johann von Wirsberg, the cathedral deacon of Eichstätt, had been selected by the papal curia in 1502 to fill vacancies in the parish at Kitzingen. He was accused by the council of chronic absenteeism and withholding the funds necessary to install a reasonably articulate parish administrator. Additionally, Wirsberg placed one of the most important prebends of the parish church, which entailed the management of several acres of vineyards and a farmhouse, under the control of another administrator in absentia. This "prebend hunter", as he was locally known, concurrently held five stipends in other locales, a blatant violation of canon law. His management siphoned away still more funds from the pool available for the employment of an acceptable parish clergy.⁴⁴

⁴³. Demandt & Rublack, 36-46.

⁴⁴. Demandt & Rublack, 46-50.

The council moved against this situation in 1522. Initiating a quarrel over Wirsberg's direction of the parish in absentia, they addressed themselves to the margrave, Casimir, who intervened on their behalf at Würzburg. Würzburg offered the council two new candidates and, in 1523, Johannes Schenk von Sunau, a former Franciscan monk, was designated parish administrator. It seems likely that the council had been apprised of his theologically reformist tendencies, and Schenk immediately abolished a number of liturgical ceremonies.⁴⁵ When Schenk was removed by Würzburg for reformist activities in 1525, his successor was decided upon through joint negotiations by the council and Würzburg.⁴⁶ The new administrator, Martin Meglin, also actively supported the Reformation in his parish.⁴⁷ Negotiations over parish administration reveal that the council was solely concerned with conditions in the local church which affected public welfare rather than the state of the universal Church, as references to the rights of the Bishop or the curia are conspicuously absent from diplomatic correspondence.⁴⁸ Until the rigidification of the territorial Church in 1528, the council was able to exercise a hitherto unknown degree of autonomy in the selection of its parish head and actively insure the

⁴⁵. A local chronicler, Johann Beringer, commented on his liturgical changes: Demandt & Rublack, 288. Rublack suggests that the council was active in the selection process: Ibid., 45. Böhm refers to Schenk as "the first evangelical parish priest (or, more correctly, parish administrator)": 6. Maurer specifically refers to Schenk as "Lutheran": 517.

⁴⁶. For transcripts of these negotiations: Demandt & Rublack, 233-235.

⁴⁷. On Meglin's activities: Maurer, 517-521.

⁴⁸. Demandt & Rublack, 39.

preaching of the pure Gospel, primary demands of the reform movement in the Sturmjahren.⁴⁹ This autonomy in the selection of religious officials, albeit short-lived, requires a caveat to the total exclusion of clergy from the urban elite. The influence and authority of Schenk and Meglin were, at least partially, endogenously legitimized, and endemic to their status within the community, rather than an outside agency.

A similar method employed by the council to establish autonomy in internal religious affairs was the endowment of a lay preachership in 1517/18.⁵⁰ As the lay preacher owed his status to perceptions of his authority originating from within the commune, he may also be considered a member of the urban elite. Lay preacherships were set up by burghers to integrate religion more effectively into communal life and their use illustrates an acute need exhibited by the pious laity for spiritual guidance. Ozment suggests that there was a direct correlation between lay preachers and Protestant leadership in the community.⁵¹ Concentrating on biblical sermons in the vernacular, the message of the lay preacher was ideologically powerful and more accessible to the laity. In 1522, the preachership in Kitzingen was occupied by Christoph Hofmann, a Wittenberg theology student with ties to the early movement of Luther and Karlstadt in that city. Once

⁴⁹. However, this did not necessarily include participation by the commune: Blickle, Gemeinde Reformation, 93-94.

⁵⁰. Maurer, 521.

⁵¹. Cities, 38-43.

again, whether consciously or intuitively, the council had sided with the forces of reform as a vehicle to enhance their autonomy and ideologically justify the pre-eminence of the local congregation at the expense of the universal Roman Church.

The most empirically significant maneuver of the council was to communalize local prebends and charities, in order to oversee their just distribution and avoid having them funneled off into the pockets of "prebend hunters". This policy was enacted with the close support of the margrave. In 1523, the council was able to gain control of the most important prebends in the parish and, in 1525, all clerical incomes were made taxable.⁵² The monies collected were to provide for the spiritual welfare of the community, paying the salaries of the parish administrator, local deacons and the lay preachership. In addition they were to form the basis of the community chest, set up in 1523.

Kitzingen was among the first cities of the Empire to communalize charitable organs, placing disposal of funds in the hands of a "beggar's" judge.⁵³ It was his responsibility to oversee the granting of relief and to prevent begging in the city, which was forbidden by God. The religious impulse behind the community chest is similar to

⁵². Demandt & Rublack, 49-50, 65.

⁵³. On the role of the beggar's judge and the creation of the community chest at Kitzingen, see: Demandt & Rublack, 51-57.

that given in the Wittenberg city ordinance of 1521, composed by Karlstadt during Luther's seclusion in the Wartburg.⁵⁴ In this regard, the policy followed at Kitzingen is attributable to the work of religious reformers. The emplacement of a community chest in Kitzingen was managed the by private secretary of Margrave Casimir, George Vogler, a vehement supporter of the Protestant movement.⁵⁵ Vogler had been personally won over by Luther in 1521, and he worked closely with another well-known reformer, Freiherr Johann von Schwarzenberg, author of the Bambergensis, to institute religious reform in the margraviate. The local impulse for installation of the community chest at Kitzingen can be traced to the lay preacher, Hofmann.⁵⁶ Presumably, his experience in Wittenberg provided him with the model for its implementation. Additionally, his actions exemplify the manner in which a non-councillor member of the local elite could exert influence over the city, as well as how the desires of the council for autonomy were intermingled in reform theology through the acceptance of Protestant social policies.

54. Simon, 228-229.

55. A biographical sketch of Vogler and his role in the Reformation in the margraviate is found in: Engel, 134-139. The diplomatic correspondence between the council, Vogler and the margrave, including a personal note of thanks to Vogler by the council for his assistance in setting up the community chest, appears in: Demandt & Rublack, 216-219.

56. Krodel, 148.

The Reformation from above

The struggles between the city council and Church institutions demonstrate the willingness of the urban elite to unite itself with the reform movement against the supra-regional strategy of the Church for several reasons. First, it was an abstraction, whose goals conflicted with immediacy of urban norms (the common weal) in the realm of everyday experience. Second, the Church vulgarized secular activities and was arrogantly demeaning to the assiduous burgher. Thirdly, its paternalistic intrusions into the communal autonomy undermined the authority of the local elite. In Kitzingen, the elite was not hostile to religious reform movement. Rather, they were the motivating force behind the institution of reform measures. This is not to say that the Reformation represented a clear break with the past. These measures were the culmination of a long standing drive for the localization of authority and coincided with the interests of the territorial state. Reformation programs influenced the implementation of change and enhanced the territorial dependence of the local elite, who relied increasingly on the intervention of the margrave in their struggle against local Church. For these reasons, the Sturmjahren represent a readjustment of the political superstructure in Kitzingen.

In several cases, clear acceptance of the new religious profession by members of the local elite is ascertainable, but, for most part, confessional preference remains unclear.⁵⁷ Nonetheless, the

⁵⁷. Bátori & Weyrauch, 266-272.

Reformation and its incumbent theological baggage made a definite impression upon the process of secularization in Kitzingen. By utilizing religious reform as the vehicle of social change, the councillors were guided by the example of policies ideologically stamped by Luther and Karlstadt. However, by challenging the religious institution which had ideologically legitimized the extant social order, the flood gates were opened for a torrent of religiously founded theories of social reconstitution. Mindful of this, the elite consciously sought to exclude the commune from involvement in the process of religious reform. When the margrave requested that a public election be held to choose communal representatives to oversee fiscal operation of the community chest, the council protested. To avoid creating an additional forum for the articulation of communal grievances, they recommended that those representatives already elected to oversee the city budget at the annual communal gathering simply be assigned this additional duty, as it appeared to them "neither useful, nor good to congregate the commune too often".⁵⁸ A well-founded fear of communal unrest was also prompting the elite to cultivate closer ties with the territorial state. Their fears were based on a long tradition of popular unrest in Kitzingen and their recognition that the climate of reform might offer an ideological for further agitation. These fears were confirmed by the events of 1525.

58. "dunckt uns auch nicht nutz oder gut sey ein gemein offt Zuuersameln.": Demandt & Rublack, 218. The council felt strong enough about the matter to repeat that request in a subsequent letter to Vogler: Demandt & Rublack, 219.

IV. SOCIAL PROTEST AND THE REFORM OF THE COMMON MAN

Although the politically unenfranchised, non-elite members of society at Kitzingen, were viewed by the ruling strata as encompassing a monolithic group under the heading "subjects" (Untertanen), the commune was actually a composite of identifiable, heterogeneous segments of the population. Its constituency ranged from merchant-rentiers in the upper strata, who had not gained access to the elite circle, down to the commonest day laborers. Legally, members of the commune were politically impotent. The only route of political articulation open to them was civil unrest, rooted in heightened perceptions of social differentiation which, at times, grew strong enough to tax the contractual fibers of communal hegemony and the social consensus. When tensions flared from latent stress points in the social fabric, individual segments, or even the entire heterogeneous group erupted in protest and even violent revolt. The history of Kitzingen is marked by several specific uprisings which, for the members of the elite, were of communal origin. Closer examination reveals that each individual case differed in its social composition, goals, and motivation. By examining incidents of social protest, we can define the components of this socially generalized grouping and analyze both the impulses prompting open unrest and the binding influences which sometimes fused its varied elements together. The

history of unrest at Kitzingen displays elements of continuity, and culminated in the uprising of the commune in 1525.

Early Incidents of Open Unrest

One of the earliest recorded examples of violent unrest in the city was the Armleder uprising of 1336, a regional pogrom directed against the rural and urban Franconian Jewry. The participants, a coalition of peasants, urban lower classes and the lower nobility, savagely united in a massacre of Jewish communities from the Tauber valley to Kitzingen in the north, until they were eventually defeated en route to Würzburg. Headed by the robber knight, Arnold von Uissigheim, who was subsequently beheaded after the movement was crushed, the participants were motivated by indebtedness and anti-semitic religious prejudice, loosely based on a crusade-like, Christian ideology.¹ Lorenz Fries, a sixteenth-century Franconian chronicler, records the events in Kitzingen as follows:

How the Common Man Rebelled against the Jews.

In the aforementioned year [1336]... the common man at Röttingen, Aub, Bad Mergentheim, Uffenheim, Crautheim, and yet other locales rebelled and slew the Jews around them... They then began to move on Kitzingen and, when the citizens

¹. Arnold considers the nexus between an atavistic religious ideology and empirical circumstance resulting from poor agricultural conditions as the motives for the pogrom: "Armledererhebung," 55-60. His inferences to a linear connection between this event and the rising of the Tauber valley army during the Peasants' War of 1525 are quite convincing. A regional proclivity?

and council barred their entry, the common citizenry forcefully took the keys from the citizens to the gates and opened them; thereafter the senseless mob entered the city and slew all the Jews there...²

The council's attempt to spare its Jewish subjects was logically consistent with their policy of exorbitant taxation, which provided enormous assets for the town's coffers. What is telling, however, is Fries' juxtaposing of the "citizens and council" with the "common citizenry", inferring opposition between Kitzingen's elite and the group interchangeably referred to as the "common man", the "common citizenry" and the "senseless mob". It is important to bear in mind that these remarks stem from the hand of an elite, who had experienced the events of 1525 first hand. Viewed from above, the mob was dangerous to public welfare, and commonly believed to be prone to insanity, whereas rulers were "endowed with special wisdom by the creator".³ The "Armleder" uprising also reveals the intimate connection between segments of the commune and its rural hinterland.

A second instance of open unrest took place in 1430. This conflict directly reflected antagonisms between the commune and the ruling elite, related to the most concrete differentiation between the

². "Wie sich der gemain man entbört hat wider die Juden. In dem obbenenten Jare (1336)... entboret sich der gemain man zu Rothingen, Ave, Mergetheim, Uffenheim, Crauthaim und anderen mehr orten und erschlugen die Juden bei inen... Sie zogen sich anfangs uf Kitzingen, und wiewol burger und rathe die nicht einlassen wolten, so namen doch die gemainen burgere den burgeren die schlussel zun thorn mit gewalt und sperten die thore uf; also rückt der unsinig pof in die stat und erschlugen alle Juden daselbst...: Arnold, "Armledererhebung," 47.

³. Rublack, 32, 43-44.

two, the division of Kitzingen into neighborhoods. Sometime around 1428, the inner city had been divided from the outer city by a high wall with a series of towers and a moat, an undertaking in which all members of the commune had been "invited" to participate.⁴ Other parts of the city were guarded by simple fences and trenches, although, much later, stronger defensive works were erected. The five gates leading from the inner city to the outer city and the Main bridge to Etwashausen were closed at night, opening again shortly before dawn, creating the impression of a city within a city. It was a crime to transit to or from the inner city by night, as one visitor discovered in 1526, much to his dismay.⁵ Inside the confines of its walls lived 180 of the "most eminent in the whole citizenry", as if in a "happy, mighty palace".⁶ It was truly a "crass demonstration of the social, economic and political distance between the city's quarters!".⁷

When a fire broke out in the inner city on a night in 1430, a crowd of outer-city dwellers appeared before a gate, requesting permission to join in its extinguishment.⁸ Upon refusal, "they"

4. Arnold, "Sozialstruktur," 177-183.

5. The unfortunate visitor from the nearby town of Kaltensondheim staged an ill-fated break-out attempt while under the influence of alcohol, but he was later released under oath: MSUSpC, MS1268.

6. "wie ein lüstig, gewaltig Schloß neben dem Kloster, hat es bei 180 Bürger, darunter fast die Stattlichsten in der ganzen Bürgerschaft": Bernbeck, 5-6.

7. Bátori & Weyrauch, 241.

8. The council's version of the event can be found in: Arnold, "Sozialstruktur," 205-208.

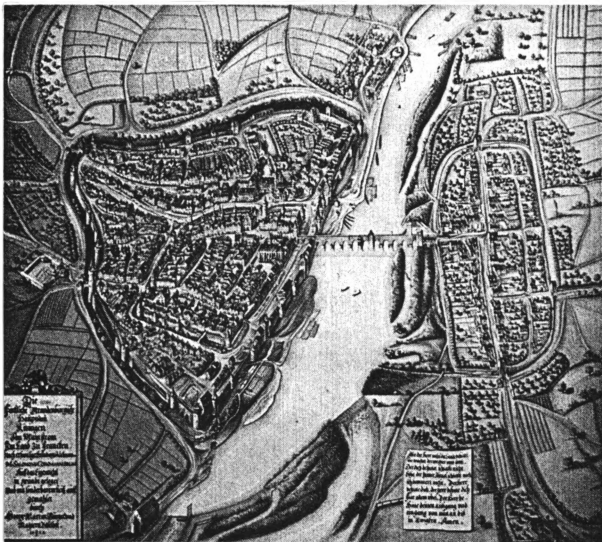


FIGURE 4

KITZINGEN AND ENVIRONS IN 1628

An aquatint by painter Georg Martin. Note that, by this time the outer city was also protected by walls and trenches, although Etwashausen remained devoid of extensive fortifications. The monastery lies in the north-east corner of Kitzingen, across from the northern wall of the inner city, easily identifiable by its inner courtyard. For a detailed description of the layout of the city, see Kemmeter's introduction to Batori & Weyrauch, 18-26.

threatened to force their way in. At this juncture, entrance was granted, whereupon "they" proceeded to open other gates and fell to looting the houses of the wealthy. Eventually, the commune could only be dispersed after the council had agreed to present a series of demands to the city's overlords, at this time the bishop of Würzburg and the margrave jointly. These demands included the co-option by the council of two representatives from the commune to review the municipal fisc, which was accepted under the proviso of secrecy, and permission for members of the commune to carry candles in public processions, accepted with the stipulation that they be devoid of all special markings which might indicate an impulse to form guild organizations.

The tensions between neighborhoods embody perceived differentiation with a sound basis in empirical reality. A breakdown of Kitzingen's sixteenth-century population according to neighborhood (Table 1.) reveals an absolute ratio of 7 : 3 for the two suburbs and the inner city respectively. This compares with crude ratios of 1 : 2, respectively, in terms of wealth and the councilors' place of residence. Socially, the inner city was the hub of the community. Not only was the parish church located within its confines, but it also housed the market, the granary and the city hall, and controlled access to the Main bridge. For inhabitants of the outer city and the transfluvial suburb of Etwashausen, virtually the only public gathering places in their neighborhoods were the taverns in each quarter, which also generated enormous tax revenues for the city fisc. At the same time, the cumulative effects of alcoholic consumption and heated public

debate, for which these institutions provided a primary forum, made the taverns a focal points of civic unrest in the neighborhoods, and another symbol of differentiation in the city.

TABLE 1
COMPARATIVE ANALYSIS OF NEIGHBORHOODS IN KITZINGEN
IN RELATIVE TERMS OF POPULATION, WEALTH AND
PREDOMINANCE ON THE TOWN COUNCIL IN THE
SIXTEENTH CENTURY⁹

	Inner City		Outer City		Etwashausen	
Population (As an absolute ratio)	1.5	:	2.5	:	1	
Wealth (In %, based on liquid assets in 1520)*	61.3%	:	20.2%	:	13.9%	
Domicile of Councilmen (As an absolute ratio)	11.4	:	4	:	1	

* - the 4.2% remainder reflects the category "other".

⁹. Source: Bátori & Weyrauch, 150, 242.

A third recorded incidence of open unrest occurred in 1511. It was provoked by a territorial levy of 800fl. on Kitzingen to help fund the margrave's campaign against Venice, adding substantially to the already high annual fiscal requirements of the overlord.¹⁰ In response, the commune elected a committee of thirty-four members to present grievances to the council and margrave concerning the manner in which taxes were apportioned. The committee was headed by Endres Marckart, a wealthy land owner with no political affiliations.¹¹ Although the course of the uprising is unclear, subsequent negotiations with the margrave, Frederick V, reveal the participants' goals. Their primary aims were twofold. The agitators desired more regulatory input in the budgetary procedures of city government. This was granted, and the number of communal representatives on the city fisc was increased to four, although the restriction of secrecy continued to hamper their effectiveness. Two continued to be co-opted for life by the council, as per the agreement of 1430, while the new members were to be elected annually by communal assembly. Furthermore, communal enfranchisement in political affairs was demanded in the form of elected quartermasters (Viertelmeister) from each neighborhood, who would attend all councillor sessions. Based on the experience of Würzburg, where a similar system of quartermasters had resulted in increased agitation

10. Concerning the budgetary demands on the city: Arnold, "Sozialstruktur," 184-187; Bernbeck, 83-86.

11. A prosopographical characterization of Marckart is found in: Bátori & Weyrauch, 842-843. On his connection to the uprising of 1511, see: Arnold, "Sozialstruktur," 185.

by the commune, this request was denied. The council and margrave concurred that such a system might only lead to further unrest by the commune and it had no precedence in the traditional pattern of government at Kitzingen. Although spatial differentiation had, once again, proved a source of tension, a newer component was conspicuous in demands for broader representation on the council. Evidenced by Marckart's leadership on the committee, the parvenu of the upper strata had, for the first time, visibly attempted to bridge a perceived anomaly in status and make their way into the elite as the elected representatives of the commune.

All three examples of early unrest in Kitzingen display currents of unrest which would reappear in the rebellion of 1525. The sentiments of the elite toward the commune, echoed in Fries' characterization of it as an unruly mob, were shared by the margrave. His decision, subsequent to the uprising of 1511, to continue to restrict communal participation in internal political affairs by blocking the incorporation of quartermasters, reinforced the existing social structure. This gained for the margrave the affinity of the local elite, while, simultaneously confirming their dependence on his support in internal disputes with the commune. A half-hearted concession, granting increased representation to the commune on the fisc, did little to diffuse intra-neighborhood strains on municipal cohesion. Nor did the margrave gratify the ambitions of would-be elites, who felt cheated by their social agglomeration with the masses.



Class Antagonisms? The Strike of 1522

Mass uprisings represent the most visible manifestations of social disintegration in a community. Nevertheless, properties of social discord are also discernable in protests of much smaller proportions. In 1522, seven vintagers were charged by the hundred court with having formed a "secret conspiracy and alliance", illegally pitting themselves "against an ordinance of the honorable council and, thus against the commune and citizenry of Kitzingen".¹² These seven took to the streets and, partially through force, coerced nine other vintagers, later charged with collusion, to join them.¹³ On that day, these sixteen failed to report for work in the vineyards, in violation of the council's decree forbidding unauthorized absences, meeting instead in a tavern.¹⁴ There, according to the official account, they plotted to

12. "Das wir wider eins Erberenn ratz ordnung und also wider gemeine stat und burgerschafft zu kitzingen frevenlich gesetzt und ein heimliche conspirationn und bundtnus ...": MSUSpC, MS1256.

13. "unnd an solichem unserem furnemen nit gesettigt/ sonder ander mer dinstknecht zu kitzingen dahin geraitzt verhutzt/ und zum tail auf der gassenn/ und under der stat thornn angesprochen und bewegt auch zum tail mit gewalt dahin pracht/ daß sie unnd wir an eim arbait tag vonn unser hernn arbait in grosser zal in ein wirtzhaus unbewust unnser hernn zusammen gangenn unnd unsernn hernn auß Irer arbait gedretnn/": MSUSpC, MS1256; "Das wir in die conspiracy und bundtnus so etlich heckers gesellenn/ unnd dinstknecht zu kitzingen wider eins erberenn Ratz ordnung und also wider gemeine stat unnd burgerschafft zu kitzingen furgenommen habenn/ irenn hern außzudreten unnd sie zuzwingen Inenn wider angezaigte eins ratz Ordnung wein in daß veld zugeben etc. gedretnn unnd in Ir zech unnd gesellschaft komen unser zum tail aufgestupft damit wir dann unns denselben Ir bundtnus tailhafftig gemacht darem gehelt unnd bewilligt habenn/": MSUSpC, MS1257.

14. KTStA, WLW, MS335; BaStB, CG 5037, 1,2. The latter document suggests penalizing malingerers with gaol or the insane asylum ("Deßhalben mit dem thurn/ oder Narrenhaus straffen"), a comment on the work ethic of the late medieval burgher.

force their employer to serve them wine during the workday, also contrary to a decree restricting its consumption in the fields.¹⁵ Following the commotion, perhaps heightened by the effects of alcohol, the sixteen were apprehended. The seven instigators were banished for an indefinite period, after having given renewed oaths of loyalty in an Urfehde. The other nine were confined on bread and water for several days and then released, swearing to refrain from further participation in secret organizations.

The exact status of Kitzingen's vintagers in the community is not completely clear. It does appear that most of them came from outside the city, either originating from the city's hinterland or regions beyond, and that they were boarded with local residents during the seasonal employment periods of several months in both the Spring and Fall.¹⁶ Vintagers worked in Kitzingen for day-wages, which were posted before the city hall at the beginning of each season.¹⁷ They numbered about 1,000, making this force of non-indigenous laborers roughly equal

¹⁵. KTStA, WLW, MS335; BaStB, CG 5037, 2.

¹⁶. Of the sixteen involved in the incident of 1522, fifteen originated from outside the city, several coming from the immediate hinterland (Albertshofen, Buchbrunn, Herrsbruck) and others from as distant as Schweinfurt and Weissenburg. The same pattern recurs among their compurgators, many of whom were not residents of the city. The vintagers are specifically referred to as "vineyard workers, residing at Kitzingen" ("alle diser zeit weingart knecht in dinstenn zu kitzingen wonhaft"): MSUSpC, MSS1256, 1257. Regulations stipulating board in addition to wages are found in: KTStA, WLW, MS335; BaStB, CG 5037, 4-5.

¹⁷. "so man yedes Jars Inn der fostenn am Rathaus pflegt anzuschlagen": BaStB, CG 5037, 2.

to one third of the city's normal population.¹⁸ Regulations concerning the conduct of vintagers in the fields indicate that they were engaged in a labor intensive industry conducted on a large scale, rather than merely renting plots, as was the procedure for viticulture in regions of France.¹⁹ This type of viticulture seems to have been endemic to many parts of the Empire, and the migrant population of vintagers, especially from the fourteenth century onwards, took on the proportions of a wage-earning class with volatile social propensities.²⁰

The dissatisfaction displayed by the vintagers in the strike of 1522 stemmed from working conditions, although the given extent of their grievances, i.e. a desire to disobey their employers and local authorities concerning the consumption of wine, was most certainly colored by a desire on the part of the council to downplay the incident. In particular, one could point to their wages as a source of displeasure; while the average wage-laborer in Kitzingen received some 40pf. per day, a vintager earned from 6-30pf., depending on job, sex, age and whether board was provided.²¹ The stirrings of group consciousness are present in the strike, as it manifests a consensus among practitioners of a common profession on a set of grievances,

18. On their numbers, see: Böhm, 16. The population of Kitzingen in the sixteenth century was about 3,000: see above, pg. 1.

19. This is the procedure which DeVries indicates for France in general: 67.

20. Feldbauer gives such indices for vineyard laborers in Austria: 234-243.

21. Arnold, "Bauernkrieg," 18; BaStB, CG 5037, 1,4,5; KTStA, WLW, MS335.

within the framework of an industry for market production undertaken through expropriation of labor.²² In this sense, they were part of a proto-proletarian class, presuming they engaged in agricultural pursuits when not employed in viticulture. Coupled with their status as outsiders, which enhanced a sense of group identity, the migrant vintagers defied integration into the communal ideal of the Late Middle Ages.

Given the poor living conditions and a degree of group-unity which existed among the migrant vintagers of Kitzingen, the council was wary of their necessary, but potentially disruptive cohabitation in the city. Special ordinances, publicly issued each year to control theft, consumption of produce and the fixing of wages, were directed specifically at migrants.²³ A more general ordinance sought to prohibit the festive spirit which reigned among the vintagers en route to and from the fields.²⁴ Shrieking and merry-making was officially condemned as a public disturbance and an insult to God. In the interests of civic tranquility and the common weal, the council saw fit to create an ordinance was to restrain outward displays of group identity and control the potentially dangerous outbursts of the insubordinate mob.

22. Feldbauer detects vague impulses among vintagers to establish guild-like institutions to provide for social welfare, indicating a sense of group/class identity: 242-243. On the process of proletarianization in pre-industrial Europe: Tilly, 1-86.

23. BaStB, CG 5037, 1,2.

24. BaStB, CG 5037, 4,5.

As a group, the vintagers were singled out as a possible catalyst for unrest. As part of a class, they were purposefully associated with their comrades in indigence, the urban poor. This seemingly minor incident in 1522 was an indicator of lower-class antagonisms that did not escape the attention of the urban elite. Just prior to the actual outbreak of revolt in 1525, the council and territorial operatives addressed the following warning to the margrave on 27 March, as unrest spread throughout Franconia:

"...since, at this time, when the vineyard work is at its peak there may be, in our estimate, about one thousand foreign workers here in Kitzingen, and the poor common man generally tends toward the same unrest, therefore, we recommend, that it will be necessary to give no small attention to such strangers and also, in part, to those inhabitants burdened with poverty,"²⁵

The Reformation as Social Protest

On the evening of 17 April, 1525, rumors of an approaching, mounted contingent reached the ears of patrons in a tavern in Etwashausen.²⁶ Alarm spread quickly, first to another tavern in the

²⁵. "... also unser achtens itzo ob tausent frembder arbeiter hier zu K. sein mögen, und der arm gemein mann ob dergleichen aufruren gemeinlich geneigt sein, derhalben bewegen wir, das alhie nit ein klein aufsehen uf solche frembde, auch zum teil auf die inwoner, die mit armut beladen, zu haben not sein wurt,": Böhm, 16.

²⁶. The origin of the rumor is unknown: Böhm, 35-36; Hammer, 145. Arnold indicates that it may have been part of a well-planned conspiracy: "Bauernkrieg," 19-20. Bátori debates this, indicating the

outer city, and, subsequently, to the rest of the city as the tocsin was sounded, calling a muster. In the course of the night, and throughout the next day, the communal forces which had been called to arms managed to procure the keys to the city and were holding the council and territorial officials at bay. The exchequer was arrested and incarcerated in the debtor's prison, while the remaining representatives of the legitimate government were compelled to work with the crowd to avoid bloodshed. The steward accepted the commune's demands, and a committee of fifty, incorporating eight members of the council, as well as six elected quartermasters, two from the inner city, three from the outer city and one from Etwashausen, was set up to oversee the city. The non-elite members of the committee came from the parvenu and individuals of lower-middling economic status, with an average annual tax assessment of around 7fl each.²⁷ The commune, in turn, joined in an oath of renewed loyalty to the margrave and to the newly established committee, which now represented the city in place of the council. The forces of the commune and the status quo then settled into an uneasy truce, occupying their time with the restoration of public order.

The revolt entered a second stage, when the committee discovered they were unable to control the more radical impulses of the commune.

subsequent call to arms may have been undertaken in anticipation of orders from the margrave: "Ratsherren," 150.

²⁷. The figure is based upon the 1521 assessment of forty-four members: Arnold, "Sozialstruktur", 208-214. For examples of annual payments juxtaposed with accumulated wealth, c.f. : Bátori & Weyrauch, 313-879.

In response to their dilemma, the committee called upon Florian Geyer, the leader of the Tauber Valley peasants' army, to come to their aid. The committee's primary concern was to control hotheads in the commune, who advocated sacking the nunnery. Geyer established a "New Order" in the city on the twenty-seventh of April, based upon the articles of the Tauber Valley Army, steeped in principles of evangelic freedom.²⁸ A second committee, reduced in size to twenty-four members and more restricted in terms of wealth, was established. The second committee represented the attainment of elite status by members of the parvenu.²⁹ Having increased their status through participation in the general revolt, this element now revealed its basic conservatism by cooperating with the elite in a policy of retrenchment, and fifty particularly troublesome burghers were dispatched to the peasant army. Still, the "New Order" was unable to dissuade the commune from following its impulse to sack the nunnery, which occurred in mid-May in the most violent, local episode of the revolt. On the seventh of June, Margrave Casimir re-entered the city at the head of two thousand troops from the Swabian League. Despite his promise to spare the lives of all its inhabitants, he had sixty agitators blinded and exiled.

The sack of the Benedictine nunnery offers one instance which can be examined for possible traces of a connection between the communal revolt and Reformation theology. The nunnery was certainly an obstacle

²⁸. The contents of the articles are found in: Lenk, 114.

²⁹. Though not necessarily identical with the most wealthy, non-elite burghers: Bátori, "Ratsherren," 158-160.

to communal autonomy, and yet, it was the committee, comprised of former council members and the parvenu, who strove so hard to protect it, prompted by cues from the margrave and the relatives of the sisters.³⁰ The primary motivation for its sack originated among the city's lower and lower-middle classes, who resented its economic privilege and the burden of taxation it placed on the community in the form of the tithe, wine taxes and its ownership of surrounding woodlands, in addition to the accumulated wealth stored within its confines.³¹ When the sack occurred in May, the mob absconded with a great amount of livestock and produce, part of which was sent to the rebellious peasant army.³² During the pillage, holy relics were profaned and the skull of Hadeloga, the founder and patron of Kitzingen, was bowled about in the street.³³

We can illustrate antagonisms against the cloister on a personal level through the investigation of one member of the commune, who most outspokenly advocated plundering it from the onset of the uprising. This was Hans Mann, owner of a gristmill for the sharpening of weapons and the grinding of powder.³⁴ Mann was granted a contract by the abbess in 1524, to operate his mill along the Erharder creek, which

30. Arnold, "Bauernkrieg," 27.

31. Arnold, "Bauernkrieg," 20-21, 23-24; Demandt & Rublack, 71-72.

32. Arnold, "Bauernkrieg," 27-28.

33. Böhm, 75.

34. Arnold, "Bauernkrieg," 21, 30, 34; Ibid., "Sozialstruktur," 211.

also supplied the nunnery with water.³⁵ In September 1525, Mann was charged with having diverted the cloister's water for his own uses during a drought, as well as having joined with the rebellious peasants, in violation of a territorial order.³⁶ During the revolt, he was part of the first committee, but his lower-middling status and radical views resulted in exclusion from the second. In the first days of the revolt, he participated in the arrest of the exchequer and publicly threatened the council chambers with a ballista. His antipathy for the cloister derives from his resentment of their privileged water rights, as well as his contractual obligations to the abbess.

Resentment toward the nunnery, though it certainly pre-dated the revolt, was never before manifested in the demands of the commune during previous outbreaks of unrest. For this reason, it can readily be associated with a nearly universal impulse among agitators in the Peasants' War, prompted by exorbitant taxation and resulting in the destruction of numerous cloisters and castles throughout Franconia.³⁷ Even Erasmus recognized in the Peasants' War a supra-regional, anti-monastical proclivity, stemming from the cloister's privileged

35. Bernbeck, 92. . . .

36. Böhm, 13-14; MSUSpC, MS1265.

37. An interesting synopsis of the various tithes, taxes and perennial levies inflicted upon subjects, and the mass antipathy for manifold privileges exercised by a myriad of nobles and clergymen in Franconia, is provided by: Endres, 65-70, 75-78.

status.³⁸ Regional grievance lists provide concrete evidence for a connection between the antipathy directed against economic privilege and the Reformation. The articles of the Tauber Valley army state that dues not founded in Holy Scripture shall no longer be paid, that any castles or structures which epitomized the oppression of the common man should be sacked and burned and that both the laity and clergy would, henceforth, be bound by the reformed interpretation of the Gospel.³⁹ A peasants' oath, taken at Dettelsbach in Kitzingen's hinterland at the beginning of May 1525, also stipulated that dues to any lord, whether secular or ecclesiastical, should no longer be rendered.⁴⁰ Although no extant document furnishes a theological foundation for local antagonisms against the nunnery in Kitzingen at the onset of the uprising, circumstantial evidence suggests that a connection between theology and social protest also exist in this instance. Theological

38. Erasmus' comment, from a letter the Willibald Pirckheimer, written in August 1525, is found in: Oberman, 166.

39. "Und mittler Zeit soll man keinem Herrn weder Zins, Zehent, Gult, Handlohn, Hauptrecht oder dergleichen nichts geben, solang bis durch die Hochgelehrten der heiligen, göttlichen, wahren Schrift ein Reformation aufgericht werde, was man geistlicher und weltlicher Oberkeit schuldig sei zu leisten oder nit... Item es sollen auch schedliche Schloß, Wasserheuser und Befestigung, daraus gemeinem Mann bisher hohe, merkliche Beschwerung zugestanden sein, eingebrochen oder ausgebrannt werden, doch darinnen von fremder Hab ist, soll ihnen so ferr sie Bruder sein wöllen und wider gemeine Versammlung nit getan haben, widerfahren, und was fur Geschutzt in sölichen Heusern vorhanden, soll gemeiner Versammlung zugestellt werden...Und beschließich, was die Reformation und Ordnung, so von der Hochgelehrten der Heiligen Schrift, wie obsteht, beschlossen wurd, ausweist, des sollt sich jeder Geistlicher und Weltlicher hinfur gehorsamlich halten.": Lenk, 114.

40. "Ich soll und will, dieweil wir uns in die Versammlung der Bauerschaft getan haben, keinem geistlichen oder weltlichen Fursten kein Zoll, Zins, Steuer oder Zehent nicht geben, bis zu Austrag und Ende der Sachen, und einen Gott, ein Herren zu haben. Das helf mir Gott und das Heilig Evangelium im Namen des Allmechtigen.": Lenk, 122.

justification for the sack of the nunnery can be sought in the work of reform theologians in Kitzingen, prior to the Peasants' War. The men in question are Diepold Berringer, pseudonymously referred to as the Bauern of Wöhrd, and Dr. Andreas Bodenstein, alias Karlstadt.

Berringer was an illiterate, lay preacher who received permission from the council, under popular pressure, to preach in Kitzingen on three occasions in May 1524, until he was ousted by order of the margrave at the end of that same month.⁴¹ He held his last sermon on 29 May, when he preached against idolatry before a crowd estimated at 8,000.⁴² Later that same year, Karlstadt passed through Kitzingen on his way to Rothenburg, tarrying for several days. His influence in the city seems to have been limited, as the residents, apparently aware of his break with Luther over the sacrament of communion, shied from his sermons.⁴³ Still, his actions, especially the dismantling of monastic institutions at Wittenberg in 1522, and his literary works strongly recommending the same course of action as part of religious reform, may have reached segments of society in Kitzingen, either through personal

⁴¹. A general description of his activities are found in: Bernbeck, 93; Demandt & Rublack, 58-60. Correspondence between the margrave and the council concerning Berringer is cited in: Böhm, 125-129.

⁴². The sermon was published later that same year in Nuremberg, under the title, "A sermon on idolatry preached at Kitzingen in Franconia by the peasant who can neither write nor read". Even if we assume that the figure of 8,000, more than twice the population of the city, is somewhat exaggerated, nonetheless, it is clear that the sermon reached a wide audience with great potential influence on the inhabitants of Kitzingen and its hinterland: Demandt & Rublack, 58, #8 & #9.

⁴³. Bernbeck, 93; Böhm, 130; Maurer, 496; Simon, 230.

contact with Karlstadt himself, through the Wittenberg-trained lay preacher, Hofmann, or through the parish priest, Martin Meglin, who possessed a volume of Karlstadt's works.⁴⁴

Although this evidence is circumstantial, it would be anachronistic to insist that this unprecedented incident occurred in a vacuum, outside the currents of reform theology. Even Margrave Casimir claimed that the Peasants' War was initiated by disobedient subjects in his realm, who, either through the misinterpretation of scripture by unlearned preachers, or through the use of the Gospel as a cover for their own selfish gain, challenged the legitimacy of the authorities to collect their rightful dues.⁴⁵ Therefore, on April seventh, 1525, he ordered that a sermon be preached throughout the territory against what he saw as the dangerous misinterpretations of Christian freedom, which caused unrest among the common man.⁴⁶ He also required that any theological literature distributed in the margraviate first be approved by his administration. His primary concern was its political, rather

⁴⁴. On Karlstadt's theology and activities in Wittenberg during Luther's absence: Maurer, 495-502; Simon, 227-230. His definitive work on the dismantling of monastical institutions, Von abtuhung der Bylder/ Und das keyn Betdler unther den Christen seyn soll, is republished in: Simon, 231-279, especially pt. 2. Karlstadt was apparently a personal friend of the territorial exchequer in Kitzingen, Konrad Gutmann: Arnold, "Bauernkrieg," 17. On Hofmann's academic career in Wittenberg: Maurer, 521. A collected volume of Karlstadt's works appears in inventory of books owned by Martin Meglin: Demandt & Rublack, 316, #40.

⁴⁵. Arnold, "Bauernkrieg," 18-19; Böhm, 26; Demandt & Rublack, 72; Krodell, 164-165.

⁴⁶. The text of this sermon, composed by the parish priest of the territorial capital at Ansbach, Johann Rurer, appears in: Böhm, 27-34. A biography of Rurer can be found in: Maurer, 476-480.

than theological content. However, the targets of the revolt at Kitzingen imply that politics and reform theology were closely linked in a communal impulse for social change, based upon principles of religious reform. This religious ideology provided the cohesive bond which made the revolt of 1525 the most powerful incident of social protest in Kitzingen's, indeed, in the Empire's history.

Kitzingen and the Revolt of the Common Man

The question that remains is to what extent the specific events in Kitzingen relate to the course of the Peasants' War in general. Blickle maintains that, in all their manifestations, the uprisings of 1525 were interconnected and represented a revolt of the common man:

The common man was the peasant, the miner, the resident of a territorial town; in the imperial cities he was the townsman ineligible for public office. Insofar as the common man constituted the counterpart of the lord, we should really speak of a rising of the common man. And in view of the social structure of the revolution it is high time to bid farewell to the Peasants' War, or at least to use that word with such discretion that it helps rather than hinders our understanding of the phenomenon of 1525.⁴⁷

If we are to establish that the uprising in Kitzingen was integral to a revolt of the common man, then it is necessary to show that it was a conscious program of social change undertaken by individuals who, though politically unenfranchised, had a vested interest in social

⁴⁷. The Revolution, 124.

reconstitution. That conscious program need not have been written, but merely understood by the participants, and in keeping with the goals of the broader movement. An anonymous chronicler of the history of Nuremberg described the Peasants' War at Kitzingen in the following entry for 1525:

Thereafter, the Margrave Casimir was also in action, and came to Kitzingen, where his peasants were also in revolt. They claimed that they no longer wished to render their lord this and that. Further, they desired free access to water, woods and wildlife and they no longer wished to see their lord in those parts. Therefore, the he ordered some sixty of them to have their eyes put out, so that they could see him no more.⁴⁸

Casimir, and some recent historiographers as well, have inferred that the revolt in Kitzingen stemmed simply from the opportunistic motivation to take advantage of the confusion of the Peasants' War, in order to impose social and economic change along a local agenda, and that the Reformation merely acted as a "iustitiae praetextu"; but, by adopting the gravamina of the Tauber valley army, the uprising linked itself inexorably with a wide ranging program of social and religious reform.⁴⁹ This program justified the revolt along evangelical lines.⁵⁰

48. "Nachdem War Marggraff Kasamias auch auf/ und kam gegen kitzing/ do warren seine pauern auch auf/ und woltenn Irem Herren auch das und Ihennes nit mer geben/ Auch wolt sie das wasser/ den waldt/ und das gewiltdt frei haben/ und wolten Iren Herren nit mer darumb ansehen. Also ließ er Irer sechtzige die augenn außsteckenn und sie also plindt umb kriegen/ damit sie Inn nit mer ansehenn kundenn/": Chronica der Statt Nürnberg, 107.

49. Arnold implies that the outbreak of revolt at Kitzingen was spontaneous and unrelated to the larger conflagration: "Bauernkrieg," 19. Rublack states that the events of the Peasants' War at Kitzingen were in no way related to the Reformation there. And yet, Blickle has clearly shown that, although the Tauber Articles were not the same as

It encompassed secularization and greater enfranchisement in the city, as well as the grievances of the peasantry suggested by the anonymous Nuremberg chronicler. While the two former goals were endemic to the movement at Kitzingen from its beginnings, it remains to be shown whether sympathy for the plight of the peasantry already existed among the urban populace, or was imposed after Geyer established the "New Order", through an alliance which the committee felt compelled to accept, in the face of internal pressure.

Clues are provided by the mass support among the city's lower and lower-middle economic strata for the uprising, estimated at seventy-five percent, and the supply of willing volunteers ready to join the peasants after the alliance was cut.⁵¹ These are indications of the close ties which the commune maintained with Kitzingen's hinterland, augmented through the central authority's policy of juridical integration and sustained by the city's dependence on a migrant-labor supply. Three of the cases from the hundred court at Kitzingen, originating in the wake of the uprising, involved inhabitants of the city's hinterland. Two of the three manuscripts indicate that the

the famous "Twelve Articles", they contained the outline of a program of political reform. By accepting this program, the city became part of a supra-regional rebellion: The Rebellion, 59, 141-143; Gemeinde Reformation, 83-85.

⁵⁰. Arnold suggests that the citizens were called upon to help defend the Gospel from the outbreak of the revolt, although he indicates that this became part of a conscious program only after the intercession of Geyer: "Bauernkrieg," 22, 25-26. Blickle confers: Gemeinde Reformation, 83-84.

⁵¹. Arnold, "Bauernkrieg," 23, 25.

victims were representatives of the margrave.⁵² In both cases, the accused felt confident enough to threaten territorial officials publicly. The existing tumult is implicitly given as the source of dissidence, supporting the suspicion of contemporaries that the revolt fostered a general contempt among the populace for the existing authorities, attaching regional significance to cases that might otherwise been dealt with as matters of local insubordination.

The third case involved a peasant from Bibergau, who participated in the storming and damaging of a local nobleman's castle.⁵³ His death sentence was commuted to an eternal Urfehde by the margrave, even though the nobleman continued to insist upon his execution. This provides us with a clear example of a local peasant in the insurgent forces who participated in an attack on the local privilege. What is significant about this particular case is that the accused was tried on Friday, 2 April 1525, ten days before the outbreak of revolt in Kitzingen and twenty days before the city coupled its revolt with the program of the rebellious peasantry. Therefore, it is reasonable to assume that the accused was motivated by a fundamental questioning of the social order, inherent not only to the movement as a whole, but in Kitzingen's hinterland as well. In keeping with the goals of the peasant forces articles, this action was anti-feudal in character, directed at the privileges of the nobility exercised over wood, water wildlife, and feudal dues. These impulses are related to the

⁵². MSUSpc, MSS1263, 1266.

⁵³. MSUSpc, MS1264.

motivation behind the storm of the cloister in Kitzingen by the lower classes, and their willingness to support the rebellious peasants.

Analysis of the Peasants' revolt at Kitzingen suggests the following conclusions. First, while the parvenu rode the tide of popular unrest in 1525, their intent was to climb into the elite strata on the backs of the lower classes. Upon reaching that level, as part of the first and second committees, the middle and upper class burgers revealed their true colors by joining with the elite against the radical program of the commune. This move is best described as a reaction by the parvenu against their agglomeration with the rank-and-file members of the commune, the common man. However, a revolutionary impulse for genuine social reconstitution did exist among the lower and lower middle strata of the commune. Reformation theology not only provided a catalyst for that impulse, but also a coherent program with which to implement aspirations for social change. Finally, a strong nexus between the motives and actions of the urban lower classes and their rural counterparts suggests that the revolt at Kitzingen had aspects which were at once local and supra-regional in scope. By viewing events of 1525 in this light, the sharp contrast between the communal revolt at Kitzingen and the rising in its rural hinterland blurs.

V. THE END OF THE STURMJAHREN

The failure of the rebellion in June, 1525, marked the end of the commune's chances for realizing their aspirations of fundamental, social reconstitution through the Reformation. Those who remained loyal to the cause of social change based upon religious ideals formed the core of the Franconian Anabaptist movement, which advocated apathetic rejection of defeat through withdrawal from society.¹ As for Kitzingen, Casimir's revenge was swift and brutal. Not only did he have some sixty participants in the revolt blinded, but he also ordered major reparations from the city in excess of 13,000fl., as well as over 1,000fl. in damages to be paid to the cloister.² These sums were raised through general levies on the population over the next several years.

What continued to elude Casimir was a rational policy in regards to the Reformation. The revolt had cost him dearly in terms of the territorial fisc and the disruption it caused for the local economy, contributing to the ultimate failure of his political intrigues at the

1. On the rejection of society by the Anabaptists: Blickle, "Social Protest," 9-12. Concerning the origins of the Anabaptist movement in Franconia: Seebaß, 152-156.

2. Arnold, "Bauernkrieg," 28, 31.

imperial level.³ Casimir failed to realize the potential political support he might have won through a more clearly stated religious policy.⁴ Casimir, although he blamed the revolt on the influence of reformed preachers, did not recognize its mass appeal as a popular movement, with a spiritual dynamic powerful enough to expand throughout Franconia despite his failure to back it.⁵ It was not until after his death in 1527, with the ascension of his brother, George the Pious, that the territorial lord accepted the Reformation as an ally, tailoring it to his own purposes. Blickle considers this step, taken by territorial lords throughout the Empire, the end of the Sturmjahren and the onset of the princely reform from above, which sought to:

...separate social protest from Reformation theology, in order to prevent fundamental structural changes in the political order... This happened in the favor bestowed upon the Wittenberg version of the Reformation, not the Zürich or Strasbourg versions. Zwingli and Bucar pressed for the Christianization of the political order as well, while Luther always accorded the authorities their historical prerogatives: their Christianity was something desirable,

3. Figures confirming the fiscal insolvency of the margraviate at the end of Casimir's reign are given in: Schornbaum, 13. On Casimir's imperial designs: Krodel, 156-157.

4. Krodel bluntly points out, "Casimir's whole attitude clearly reveals that he had not the least understanding of the religious situation in his country,"(150) and "Margrave Casimir does not seem to have understood this appeal from his people (*to usurp the functions of the Roman Church)," (156) as well as "It was Casimir's tragedy that he was ready to act decisively regarding the legal and religious situation in his country, but that he was not ready, or able, to affirm clear religious convictions"(156).

5. Krodel, 160.

not something mandatory.⁶ It is no coincidence that the Zürich Reformation, which initially enjoyed considerable support in Upper Germany, was driven out of the empire and that Strasbourg, with its urban satellites, was forced to assimilate itself along Wittenberg lines. In this way, the Reformation found its manifold original perspectives reduced and politically neutralized.⁷

At a diet held in Ansbach, the territorial capital, on 2-3 March 1528, George proclaimed a clear, regional Church ordinance, guaranteeing the freedom to preach the Gospel purely and openly, albeit within acceptable guidelines.⁸ George also declared himself head of the territorial Church, exercising control over the installment and replacement of all regional Church officials, and the internal affairs of monasteries and prebends. In doing so, he elevated himself to the status of a lay bishop, involving him in a subsequent and lengthy struggle with the three leading ecclesiastes in Franconia, the Bishops of Bamberg, Eichstädt and Würzburg. The Sturmjahren ended with the definitive elimination of local and popular autonomy in regional Church affairs. However, this stormy epoch was merely the prelude to inter-regional wars of religion, culminating in the disaster of 1618-1648.

6. NB* - Here, Blickle refers to Luther's support of secular authority, based prominently upon Romans, 13: 1-5. An informative analysis of Luther's contemplations on authority and the law can be found in G. Strauss, Law, Resistance and the State, 199-239. Also, Blickle's statements on Zwingli and Bucer could be applied to the programs of Karlstadt and the rebellious peasant armies as well: see Laube, 219.

7. Blickle, "Social Protest," 18.

8. On the course of the proceedings: Schornbaum, 14-15.

Kitzingen in the Sturmjahren: Continuity and Change

Although the Reformation brought about fundamental changes in Kitzingen's socio-political constitution by effectively crippling the power of the Roman Church, it also provided an active vocabulary for social discourse on long-standing matters of internal tensions. In this respect, the reception of the Reformation by Kitzingen highlighted pre-existing structures and long term historical processes, and modified them as well through its highly charged theological message. In this specific case, the course of the Sturmjahren was unique in several aspects, but still retained others of supra-regional significance.

This territorial city, one of the earliest recipients of the Protestant movement, challenges the assumption that the Reformation first took hold in free-imperial cities. The Reformation at Kitzingen should not be interpreted as a move towards complete, communal autonomy. Instead, it strengthened the bond between city and territory by sending a message from the urban elite to the margrave, in effect requesting intervention on their behalf against the forces of the Church. That it took so long for the state to reply was more a result of Casimir's failure to take a clear stance on the issue than any other factor. If the advent of reform in Kitzingen coincided with the nascent territorial state's process of consolidation, then it acted as an accelerator rather than a sign of the margrave's initial imposition of a conscious program of reform.

The reception of the Reformation at Kitzingen is of great interest, being a rare instance when a reform movement was wholeheartedly accepted by an established urban elite in the absence of any recognizable pressure from elements of the unenfranchised commune. Popular pressure on the council to allow the lay preacher, Diepold Berringer, to conduct services in the city followed only after the elite had already initiated reforms affecting ceremony, the municipal institutionalization of prebends and the formation of a public charity, the community chest, and a full six years after the creation of a lay preachership in the city by the elite.

The struggle which eventually developed between the urban elite and the commune was not over the initiation of reform, but rather the scope of social reconstitution that the reforms were to envelop. The city presented a united front against Church intervention in favor of rule by the common weal, but the question, resolved in 1525, was how that was to be insured. The urban elite clearly preferred the imposition of the common weal by those fit to rule over the incorporation of the commune, which held dangerous possibilities of mob rule. This promoted a desire among the elite to integrate themselves into the growing system of estates, only beginning to develop among the nascent territorial states of the Empire in the sixteenth century, thereby affixing their allegiance to the margraviate and leading them to consistently oppose communal demands for broadened enfranchisement.

The role of the non-elite upper strata in the events of 1525, and

1511 as well, was twofold. On the one hand, they were willing to utilize the opportunity presented by popular unrest to challenge their exclusion from the elite. On the other, they did not support social reconstitution, but simply wished to have access to the upper echelons of the existing structure and avoid agglomeration with the masses. Having achieved that status in the opening phases of the revolt of 1525 as members of the newly appointed committees, they then joined with the elite in a policy of retrenchment, reacting conservatively to radical demands for the destruction of the nunnery and support of the regional revolt, eventually displaying restrictive tendencies by decreasing the size of the second committee and enacting an ordinance, the "New Order", to reimpose order. The chief desire of the parvenu was to attain status in a society of orders, and perhaps it is their actions that best earn the appellation of opportunism.

Kitzingen lacked a corporate tradition of guild participation, but the corporative ideal was a strong impulse among members of the commune. The lower-middling and lower class inhabitants supported a more radical view of social reconstitution, and hence, a more radical idiom of reform. Their viewpoint was manifest in recourse to collective action in the city's long history of social unrest. In 1525, the impulse for revolt originated from these elements of the commune. It was their pressure which led to the decision to join with the rebellious armies of the regional revolt in the assault on noble and ecclesiastical privilege and they instigated the sack of the nunnery in the city. In the past, the common man supported the

corporative ideal, but lacked an endemic frame of reference (e.g. guild organizations) within which a coherent program of social change could be implemented. 1525 differed from earlier instances of civic unrest, as it was provided with a format within the theological framework of radical reformers and the articles and gravamina of the rebellious peasantry.

The influence of reformers and the demands of the rural revolt on the lower classes in Kitzingen is difficult to gage. The physical presence of reform preachers, such as Berringer and Karlstadt, as well as the iconoclastic and anti-monastical content of their theology certainly provided justification for the attack on Kitzingen's cloister. The lower classes of the city also had a long tradition of close ties with the hinterland. Indeed, late medieval and early modern cities, in general, experienced surplus population growth largely through immigration rather than indigenous reproduction. This type of urban growth has been characterized by one modern historian as "the ruralization of the towns".⁹ Though no clear records concerning the size or rate of immigration for Kitzingen's lower classes is available, we do possess approximations on the number of seasonal, migrant laborers who flocked, en masse, to the city from its hinterland for many months of the year. Annually, the urban and rural lower classes were gathered together, collectively sharing tales of indigence and poor working conditions over spirits in the taverns on the outskirts of

⁹. Lewin discusses this in relation to the Soviet reaction following the depopulation of cities after the Civil War: 17, 211-213, 303.

the municipality, beyond the refuge of the urban elite in the inner city. Their relationship coalesced in the Armleder uprising of 1336 and again during the fateful events of 1525. The greater success of the later was in no small way due to ideological support found in the corporative theology of reformers which gained widespread appeal in the sixteenth century, but traces its roots to the corporative theological movements of the fourteenth and fifteenth centuries.

Whether the elite and the state were aware of the close ties between the urban and rural lower classes remains to be ascertained. Their mutual policy of integrating the hinterland into the central judicial system and the council's fear that vintagers and the urban lower class might support each other in civic unrest¹⁰ seems to indicate that they were. If this is the case, then analysis of late medieval social structure based solely on estates ought to be modified to acknowledge the existence of class-consciousness among contemporaries. This also suggests that more emphasis be placed on class as a serious criterion for the examination of the social topography of the sixteenth century, and less on analysis which draws sharp lines between the urban and rural landscape.

¹⁰. See above, pg. 76.

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