

# Peace and War, Repression and Liberty: Urban Autonomy and Princely Expansionism in the Medieval Holy Roman Empire \*

## Paz y guerra, represión y libertad: autonomía urbana y expansión principesca en el Sacro Imperio Romano Germánico medieval

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**Resumen:** El Sacro Imperio Romano Germánico se caracteriza, en la Edad Media, por complejas interacciones entre las ciudades y sus aliados y adversarios nobles. Al menos durante un cierto tiempo, en el nivel regional se constata un cierto grado de colaboración entre los miembros urbanos y nobles de las confederaciones con el objetivo de preservar la paz (Landfriedensbünde), la seguridad y el orden público. Sin embargo, por la misma época, algunos príncipes poderosos intentaron, con éxito, restringir la autonomía urbana, logrando llevar adelante una política expansionista y de consolidación de sus propios territorios. Así, en sus relaciones con la nobleza, las ciudades se vieron obligadas a mantener un peligroso equilibrio entre la cooperación y la confrontación. A veces, como evidencian las crónicas, los registros de diversos tipos de asambleas y la correspondencia y obras literarias, el precio a pagar resultó muy elevado, debiendo incluso participar en la represión de algunas revueltas.

**Palabras clave:** Sacro Imperio Romano Germánico, ciudades, ligas, preservación de la paz, príncipes, nobleza.

**Abstract:** The medieval Holy Roman Empire saw complex interactions of towns and their noble partners and enemies. On a regional level, working together in leagues of peace (Landfriedensbünde), urban and noble members co-operated and struggled for the preservation of peace and against the

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general insecurity. But, at the same time, striving to restrict urban autonomy, powerful princes successfully led an expansionist policy and consolidated their territories. Chronicles, documents from assemblies, letters and literary works show that in their relations with nobility, towns were forced to keep a dangerous balance of co-operation and confrontation. Sometimes they had to pay a high price and even had to take part in the repression of revolts.

**Keywords:** Holy Roman Empire; Towns; Preservation of peace; Territorial lords; Nobility.

**Sumario:** 0. Introducción. 1. El Imperio medieval: ¿monstruo o paraíso? 2. Guerras privadas, nobles malhechores y mercaderes. 3. Competencia y cooperación: conservación de la paz, ligas y alianzas. 4. Equilibrios de poder y expansión de los principados. 5. Conclusión.

**Summary:** 0 Introduction. 1. The Medieval Empire: Monster or Paradise? 2. Feuds, Noble Robbers and Merchants. 3. Concurrence and Co-Operation: Preservation of Peace, Leagues and Alliances. 4. Balance of Power and Princely Expansionism. 5. Conclusion.

## 0. INTRODUCTION

As for most other European countries, «peace» and «war», «repression» and «liberty», «urban autonomy» and «princely expansionism» were key words of the political culture of the late medieval Holy Roman Empire. But were there also factors that were ‘typical’ for the Medieval Empire? Very often, researchers see their own country from the viewpoint of their national historiographical traditions. In this article, the case of the medieval Empire will be examined and compared to other countries from a different angle. For someone working especially about medieval France since several years, the constitution of the medieval Empire cannot be seen as so ‘normal’ or ‘naturally given’ as for someone who dedicates his whole work to German history. The permanent contact with other West European historiographies provides new insights. Though it would also be interesting to compare with other central and eastern European regions or Scandinavia, here, for linguistic reasons, comparative side glances have to be restricted to Western Europe. On the level of the international scientific community, in the last decades, the German language is quickly vanishing and therefore, a large part of recent results is still unknown outside the German-speaking countries. So, in order to provide a better basis of understanding for comparative remarks, it is also necessary to summarize some important findings of recent research. The study will examine the following questions:

- Was there a permanent conflict between towns and nobility?
- What were the forms of urban and noble co-operation and what were their limits?
- Why was it impossible for towns to promote an alternative constitutional model for the Empire successfully?

The chronological framework is focussed on the Late Middle Ages, but for the history of the medieval Empire, it makes sense to include the 16<sup>th</sup> century and some comments from authors of the 17<sup>th</sup> century: for the German-speaking parts of the Empire, the Protestant Reformation and the Peace of Westphalia (*Westfälischer Frieden*, 1648) are more important landmarks than the year 1500. Because Charles V (1500-1558) was not only emperor, but also king of Spain, the time of his reign offers interesting possibilities of comparison. At different stages of the following text, there will be some remarks in this sense. The same observation applies to the constant necessity of negotiation implied by the constitutional structure of the medieval Empire. In the future, we would like to broaden such comparisons with the Iberian Peninsula that can be only foreshadowed here by some short hints. In contrast to many previous studies about the relations of towns and noblemen, this study will also refer to literary texts of authors that were directly implied in the conflicts or co-operations of the urban and the noble world of their time. Johannes Rothe (ca. 1360-1434), a chronicler, urban author, cleric and town clerk from Thuringia, was also on good terms with the court of the *Landgrafen*. In his *Ritterspiegel* (Mirror of Knights), he comments on the problem of noble robbers<sup>1</sup>. Later, the turning of the 15<sup>th</sup> and 16<sup>th</sup> centuries was rich in ‘figures of transition’. Charles’ grandfather Emperor Maximilian I (1459-1519), king since 1486, emperor since 1508), who knew how to exploit the ‘new media’ of his time as the printing press, was also labelled the ‘last knight’<sup>2</sup>. Another prominent figure of transition between the Middle Ages and the Early Modern times, Ulrich von Hutten (1488-1523), was a nobleman who personified the contradictions of his time: a knight, but also a humanist writer and *poeta laureatus* with links to the urban intellectual elite. Dreaming of a decisive role for his own social group, the knights, for the political reformation of the Empire, as a poet-soldier, he allied himself to the war entrepreneur Franz von Sickingen. From a comparative point of view, as Hutten had studied in Italy and was in contact with members of the intellectual elite of his time as Erasmus, his remarks about other countries and the relations of towns with noblemen are particularly precious. It is also interesting to match them with similar comments of another humanist author, *poeta laureatus* and ‘politician’, Enea Silvio Piccolomini (1405-1464), the future Pope Pius II (1458-1464). Piccolomini and Hutten wrote theoretical treatises and dialogues about the reformation of the Empire and texts that criticized princely courts<sup>3</sup>. Hutten gives explicit comments about

<sup>1</sup> Naegle, Gisela, «Rothe, Johannes (v.1360-1434)», in Méniel, Bruno (ed.), *Écrivains juristes et juristes écrivains du Moyen Âge au siècle des Lumières*, Paris, Classiques Garnier, 2015, pp. 1097-1103.

<sup>2</sup> See for example: Silver, Larry, *Marketing Maximilian. The Visual Ideology of a Holy Roman Emperor*, Princeton, Princeton University Press, 2008; Müller, Jan-Dirk; Ziegeler, Hans-Joachim (eds.), *Maximilians Ruhmeswerk. Künste und Wissenschaften im Umkreis Kaiser Maximilians I.*, Berlin, de Gruyter, 2015.

<sup>3</sup> Edition of both texts in: Schreiner, Klaus; Wenzel, Ernst (eds.), *Hofkritik im Licht humanistischer Lebens- und Bildungsideale: Enea Silvio Piccolomini, De miseris curialium (1444), Über das Elend*

problems and potential chances of co-operation in the relationship of townspeople and noblemen, and, because he is directly implied in military actions, his case offers a striking example of the complexity of these relations and can provide important elements in answer to our questions. To understand better the framework that limited the possibilities and the room for manoeuvre of the political actors of the time, in a first step, is necessary to have a closer look at the constitutional system of the Medieval Empire.

## 1. THE MEDIEVAL EMPIRE: MONSTER OR PARADISE?

For a long time, historiography often described the medieval Empire as a «monster»<sup>4</sup>. As the following sample of quotations from the 13<sup>th</sup> to the 17<sup>th</sup> century shows, the French historiography, but also some German authors, had difficulties in understanding its particular structure. Even for the French historiography of the 20<sup>th</sup> century, the “Altes Reich” (the late medieval and early modern Empire), that was more similar to the European Union than to the Nation-State or ‘national’ monarchy of the French type, was rather a ‘strange’ neighbour<sup>5</sup> or, according to Christophe Duhamelle, a French expert of early modern Germany, a ‘blind spot’ or a ‘terra incognita’<sup>6</sup>. Pierre Monnet stresses that the evolution of the Empire was not a sign

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*der Hofleute, und Ulrichi de Hutten, Equitis Germani Aula dialogus (1518), Aula eines deutschen Ritters Dialog über den Hof*, Leiden, Brill, 2012.

<sup>4</sup> Wendehorst, Stephan; Westphal, Siegrid, «Das Alte Reich: Monstrum oder Paradies? Eine Einführung», in Wendehorst, Stephan; Westphal, Siegrid (eds.), *Lesebuch Altes Reich*, Munich, Oldenbourg, 2006, pp. 1-7; see also: Schmale, Wolfgang, «Das Reich als Paradies», *ibidem*, pp. 59-66; Wrede, Martin, «Das Alte Reich und das frühmoderne Europa: Der ‘irreguläre Körper’ in der Wahrnehmung der Nachbarn», *ibidem*, pp. 53-58.

<sup>5</sup> See: Carl, Horst, «Landfrieden als Konzept und Realität kollektiver Sicherheit im Heiligen Römischen Reich», in Naegle, Gisela (ed.), *Frieden schaffen und sich verteidigen im Spätmittelalter/Faire la paix et se défendre à la fin du Moyen Âge*, Munich, Oldenbourg, 2012, pp. 121-138: «Sowohl die Konzeption von ‘Verfassungsgeschichte’ als politischer Strukturgeschichte wie auch zentrale Begrifflichkeiten aus dem föderativen Erbe des Alten Reiches sind in der französischen Forschung kaum rezipiert worden». [«Both, the concept of ‘Verfassungsgeschichte’ (constitutional history) and of ‘history of political structures’ (*politische Strukturgeschichte*) and central terminological issues of the federal heritage of the ‘Altes Reich’ were almost not noticed by French historiography», here pp. 122-123 and note 1, translation G.N.J.]

<sup>6</sup> Duhamelle, Christophe, «Das Alte Reich im toten Winkel der französischen Historiographie» [translation: The ‘Altes Reich’ in the blind spot of French historiography], in Schnettger, Matthias (ed.), *Imperium Romanum—Irregulare Corpus – Teutscher Reichs-Staat. Das Alte Reich im Verständnis der Zeitgenossen und der Historiographie*, Mainz, von Zabern, 2002, pp. 207-219, p. 207 (*terra incognita, toter Winkel* [blind spot]); Zwierlein, Cornelia, «Das Imperium im blinden Fleck des Empire: Die Zerstörung des Alten Reiches durch Napoleon 1806», in Roll, Christine; Schnettger, Matthias (eds.), *Epochenjahr 1806? Das Ende des Alten Reichs in zeitgenössischen Perspektiven und Deutungen*, Mainz, von Zabern, 2008, pp. 61-98, particularly p. 62.

of backwardness nor a real *Sonderweg*<sup>7</sup>. The comparison with other European countries as the kingdoms of the Iberian Peninsula support this view.

For Samuel von Pufendorf (1634-1694), an early modern jurist and author of philosophical and *political* treatises, who used this expression (*irregulare aliquod corpus et monstro simile*), it was neither a constitutional monarchy where the rights of the king were limited, nor a confederation or a ‘real’ federal state but something in between (*aliquid inter haec duo fluctans*)<sup>8</sup>. Especially foreign authors strived hard to find an adequate description of its constitutional structure. According to Jean Bodin, not even the emperor was really ‘sovereign’. In his treatise *Les Six livres de la République* (1576), he explained:

«Joint aussi que le titre Imperial n'emporte rien de souverain: [...]. Les Princes Electeurs portent les qualitez de varlets domestiques, comme bouteillers, escuyers, eschansons de l'empereur<sup>9</sup>: neantmoins la majesté de cest empire là ne gist pas en la personne de l'empereur, ains en l'assemblee des estats de l'empire, qui peuvent donner loy à l'empereur, et à chacun Prince en particulier: de sorte que l'empereur n'a puissance de faire edict quelconque, ni la paix, ni la guerre, ni charger les sujets

<sup>7</sup> Monnet, Pierre, «Nation et nations au Moyen Âge: introductions» in Société des historiens médiévistes de l'Enseignement supérieur public (ed.), *Nation et nations au Moyen Âge*, Paris, Publications de la Sorbonne, 2014, pp. 9-34, particularly pp. 26-27.

<sup>8</sup> «§ 9 Nihil ergo aliud restat, quam ut dicamus, Germaniam esse *irregulare aliquod corpus et monstro simile*, siquidem ad regulas scientiae civilis exigatur, quod lapsu temporum per socordem facilitatem Caesarum, ambitionem Principum, turbulentiam Sacerdotum ex regno regulari in tam male concinnatam formam est provolutum, ut neque regnum etiam, limitatum amplius sit, licet exteriora simulacra tale quid prae se ferant, neque exacte corpus aliquod aut systema plurium civitatum foedere nexarum, *sed potius aliquid inter haec duo fluctans...* » (Pufendorf, Samuel, *Die Verfassung des deutschen Reiches* [Latin / German], ed. / translation from Latin by Horst Denzer, Frankfurt am Main, Leipzig, Insel, 1994, pp. 198-199 highlighted parts by G.N.). On this author see also: Carr, Craig L. (ed.), *The Political Writings of Samuel Pufendorf*, translation from Latin by Michael J. Seidler, New York, Oxford University Press, 1994.

<sup>9</sup> This list refers roughly to honorary ceremonial offices of the Prince Electors that were mentioned and described in the Golden Bull (1356) of Emperor Charles IV (arch-chancellor, arch-marshal, arch-seneschal, arch-steward, arch-cupbearer, arch-treasurer). On this text see: Hohensee, Ulrike; Lawo, Mathias; Lindner, Michael; Menzel, Michael; Rader, Olaf B. (eds.), *Die Goldene Bulle. Politik - Wahrnehmung - Rezeption*, 2 vol., Berlin, Akademie-Verlag, 2009; editions: «Goldene Bulle, 1356», Nuremberg, 10 January 1356 and Metz, 25 December 1356, in Weinrich, Lorenz (ed.), *Quellen zur Verfassungsgeschichte des römisch-deutschen Reiches im Spätmittelalter (1250-1500)*, Darmstadt, Wissenschaftliche Buchgesellschaft, 1983, n° 94, p. 315-395; Fritz, Wolfgang D. (ed.), *Monumenta Germaniae Historica, Constitutiones et acta publica imperatorum et regum*, vol. 11: *Dokumente zur Geschichte des Deutschen Reiches und seiner Verfassung 1354-1356*, Weimar, Böhlau, 1978-1992, pp. 535-633. The genesis of this particular group of Prince Electors is subject of a scientific debate: Wolf, Armin, *Die Entstehung des Kurfürstenkollegs 1198-1298*, Idstein, Schulz-Kirchner Verlag, 1998; Begert, Alexander, *Die Entstehung und Entwicklung des Kurkollegs: von den Anfängen bis zum frühen 15. Jahrhundert*, Berlin, Duncker & Humblot, 2010.

de l'empire d'un seul impost, ni passer par dessus l'appel interjetté de lui aux estas<sup>10</sup> »<sup>11</sup>.

This commentary shows the difficulties of a 16<sup>th</sup> century French author to understand the constitutional structure of the Empire. The categories he tried to use were not really appropriate to describe this complicated constitutional reality. Nevertheless, he was right in seeing the difficulties of the emperor to make peace or war and to introduce a general tax on the level of the Empire (Maximilian I tried to do this with his *Gemeiner Pfennig* in 1495). In many respects, the structure of the Medieval Empire was similar to the Iberian Peninsula with its several kingdoms and especially to the Crown of Aragón. So, it is not a surprise that, for Prudencio de Sandoval, the Imperial diets (*Reichstage*) were less 'exotic'. In his history of Charles V (ca. 1603) he compared them to the *Cortes* of Aragon and wrote: «Esta Dieta es como las Cortes de Aragón»<sup>12</sup>. At least for German-speaking authors, the perception of the Empire was not always negative. For Sebastian Münster (1488-1552), the author of a description of Germany (in his *Cosmographia / Kosmographie*, German and Latin version, first published 1544 in Basel) that influenced similar works in France<sup>13</sup>, it was even a paradise<sup>14</sup>. Surrounded by hereditary monarchies, as France, England, the Iberian kingdoms and hereditary principalities as Burgundy and, especially compared to France or England, as an electoral monarchy, for medieval and early modern authors, the medieval Holy Roman Empire was at the same time an object of theoretical debate and a curiosity. But the political landscape of medieval Europe also knew 'mixed' types, as, for example, the kingdom of Bohemia. Bohemia was a part of the medieval Empire, its king was one of the Prince Electors. Bohemia knew royal elections but the

<sup>10</sup> «In addition, the imperial title does not bring with it any sovereignty. [...] The Prince Electors have the quality of household officers as cupbearers, chamberlains and stewards of the emperor: nevertheless, the majesty of this empire lies not in the person of the emperor but in the imperial diets who can promulgate laws for the emperor and in every individual prince. In this way the emperor does not have the power to make whatsoever edicts, nor peace, nor war, nor to charge the subjects of the Empire, not even with a single general tax, and he cannot ignore the appeal against him at the estates». [Translation G. N.].

<sup>11</sup> Bodin, Jean, *Les Six Livres de la République*, ed. Frémont, Christiane; Couzinet, Marie-Dominique; Rochais, Henri, 6 vol., Paris, Fayard, 1986, vol. 1, pp. 253-254.

<sup>12</sup> Sandoval, Prudencio de, *Historia de la vida y hechos del emperador Carlos V*, ed. Seco Serrano, Carlos, 3 vol., Madrid, Atlas, 1955-1956, vol. 3, p. 175.

<sup>13</sup> Naegle, Gisela, «Description de Lyon dans la chronique universelle de Hartmann Schedel (1493)», in Charansonnet, Alexis; Gaulin, Jean-Louis; Mounier, Pascale; Rau, Susanne (eds.), *Lyon, entre Empire et Royaume (843-1601). Textes et documents*, Paris, Classiques Garnier, 2015, pp. 499-503. The work of Münster was widely read. The different German editions (1544-1628) by Petri in Basel were distributed in about 50 000 copies, the Latin version in about 10 000 copies. (Schmale, W., «Das Reich als Paradies», p. 66).

<sup>14</sup> Schmale, W., «Das Reich als Paradies», p. 59.

procedure was not so thoroughly codified as in the Empire<sup>15</sup>. When John ‘the Blind’ of Luxemburg (1296-1346), the son of Emperor Henry VII, became king of Bohemia (1310), it was above all because he had married the Přemyslid heiress. The comparison (and contrast) with France permits a better understanding of the Empire as a system of competing sovereignties and different, coexisting legal entities. This latter trait can be numbered between the elements of continuity in German history: the *Bundesländer* of today still have their own parliaments, elected governments and constitutions. Cultural affairs, the police, etc. enter into the competence of the *Bundesländer*, most of the state officials are employed by them and there is only a relatively small number of officials of the federal state as such. Once more, the medieval *familias de fueros* (which present some similarities with the phenomenon of the *Stadtrechtsfamilien* of the German-speaking parts of the Empire), the different legal and constitutional traditions of the kingdoms of Castile and Aragón, and, in our days, the Spanish autonomous regions and the recent debate about Catalonia, show more parallels with this constitutional system than medieval and today’s France. Compared to these traditions, in the Middle Ages, the French case shows a striking contrast that was also seen by authors of the time: the French king was emperor in his own kingdom<sup>16</sup>, he refused to recognize the superiority of the emperor. Matthew of Paris (†1259) gives a remarkable example of this kind of debate: he states that in 1239, a French assembly had declined the papal offer of the imperial crown for Robert of Artois, the brother of Saint Louis<sup>17</sup>. Probably, if there was such an offer, the real motives to refuse it were rather political but, anyway, in their answer, the French declared that Robert’s position as the brother of the French king was more honourable than the quality as elected emperor. This is certainly an exaggeration. But it holds a kernel of truth: in some way, the emperor was a prince like others, a *primus inter pares*. He depended

<sup>15</sup> Tresp, Uwe, «Gewalt bei böhmischen Königswahlen im späten Mittelalter», in Kintzinger, Martin; Rexroth, Frank; Rogge, Jörg (eds.), *Gewalt und Widerstand in der politischen Kultur des späten Mittelalters*, Ostfildern, Thorbecke, pp.115-143, here pp. 118-123.

<sup>16</sup> Bossuat, André, «La formule ‘Le roi est empereur en son royaume’», *Revue historique de Droit français et étranger*, Serie 4, 1961, vol. 39, pp. 371-381; Ercole, Francesco, «Sulla origine francese e le vicende in Italia della formola ‘rex superiorem non recognoscens est princeps in regno suo’», *Archivio storico italiano*, 1931, vol. 89, pp. 197-238; Calasso, Francesco, «Origini italiane della formola ‘rex in regno suo est imperator’», *Rivista di Storia del Diritto italiano*, 1930, vol. 3, pp. 213-259; Feenstra, Robert, «Jean de Blanot et la formule ‘Rex Franciae in regno suo princeps est’», in Roger Aubenas (ed.), *Études d’histoire du droit canonique dédiées à Gabriel Le Bras*, 2 vol., Paris, 1965, vol. 1, pp. 885-895.

<sup>17</sup> «Nec nos pulsat ambitio; credimus enim, dominum nostrum regem Gallie, quem linea regii sanguinis provexit ad scepra Francorum regenda, excellenciozem esse aliquo imperatore, quem sola provehit electio voluntaria; sufficit domino comiti Roberto fratrem esse tanti regis» (Liebermann, Felix (ed.), «Ex Mathei Parisiensis operibus. Ex cronicis Maioribus», in *Monumenta Germaniae Historica Scriptorum* (MGH SS), vol. 28: *Ex rerum Anglicarum scriptoribus saeculi XIII*, Hannover, Hahn, 1888, pp. 107-389, here p. 181); Moeglin, Jean-Marie, *Deutsch-französische Geschichte*, vol. 2: *Kaisertum und allerchristlichster König 1214-1500*, translation Gaby Sonnabend, Darmstadt, Wissenschaftliche Buchgesellschaft, 2010, p. 316.

heavily on his electors. He had to pay respect to them and to considerate their interests. The case of King Wenzel IV (King of the Romans 1376-1400, †1419) shows that it could get extremely dangerous to disregard them<sup>18</sup>. According to the Prince Electors, he had neglected his duties. He had not sufficiently fostered the interests of the Empire. What was even worse, he had not respected his coronation oath as *Mehrer des Reichs* and lost imperial rights and lands. So, in 1400, these princes deposed him as *rex inutilis*<sup>19</sup>. After his deposition, hoping to recover his office, he searched for allies, and multiplied contacts with towns.

Due to this background, where, compared to other princes, and especially to the Prince Electors, the position of the king and future emperor was not so prominent and safe as in the case of the French king, the constitutional system of the medieval Empire showed several levels of ‘competition’: a competition of the most prominent princely dynasties as the Staufer, the Welfs, the Habsburg, the Wittelsbach and the Luxemburg, that vied for the throne, but also for influence and regional power; a competition of rival princes, other lords and nobility with towns (especially with big economically powerful free and imperial towns), and last, but not least, the competition of rival towns. This tableau was completed by internal competitions of each category of political actors with their peers from the same social group and with members of the clergy (as bishops and archbishops) or ecclesiastical institutions.

The Golden Bull of 1356 established a hierarchy of principalities and exempted the territories of the Prince Electors from the imperial jurisdiction. Only in the case of denial of justice, the subjects of the Prince Electors were permitted to appeal to law courts outside the territories of their prince<sup>20</sup>. Emperor Charles IV even exempted his own kingdom of Bohemia from the jurisdiction of the Empire. Numerous princes and towns also got *privilegia de non evocando et appellando*, so

<sup>18</sup> Kintzinger, Martin, «Wenzel (1376-1400, †1419)», in Schneidmüller, Bernd; Weinfurter, Stefan (eds.), *Die deutschen Herrscher des Mittelalters. Historische Portraits von Heinrich I. bis Maximilian I. (919-1519)*, Beck, Munich, 2003, pp. 433-445; Roscheck, Petra, «König Wenzel IV. – Opfer einer schwarzen Legende und ihrer Strahlkraft», in Thorau, Peter; Pentz, Sabine; Fuchs, Rüdiger (eds.), *Regionen Europas – Europa der Regionen*, Cologne – Weimar, Böhlau, 2003, pp. 207-229.

<sup>19</sup> Deposition of Wenzel: Oberlahnstein, 20 August 1400, in Weizsäcker, Julius (ed.), *Deutsche Reichstagsakten unter König Wenzel, 3. Abtheilung (1397-1400)*, Munich, Oldenbourg, 1877 (*Deutsche Reichstagsakten, Ältere Reihe*, vol. 3), German version: n° 204, pp. 254-260, Latin version: n° 205, pp. 260-264; n° 206 (Latin)-207 (German), pp. 264-266; see also: n° 212-218, pp. 271-278. On depositions of kings in the Holy Roman Empire see: Rexroth, Frank, «Um 1399. Wie man einen König absetzte», in Jussen, Bernhard (ed.), *Die Macht des Königs*, Munich, Beck, 2005, pp. 241-254; Rexroth, Frank, «Tyranen und Taugenichtse. Beobachtungen zur Ritualität europäischer Königsabsetzungen im späten Mittelalter», *Historische Zeitschrift*, 2004, vol. 278, pp. 27-53; Schubert, Ernst, *Königsabsetzung im deutschen Mittelalter: eine Studie zum Werden der Reichsverfassung*, Göttingen, Vandenhoeck & Ruprecht, 2005, pp. 362-436; Dürschner, Kerstin, *Der wacklige Thron. Politische Opposition im Reich von 1378 bis 1438*, Frankfurt am Main, Lang, 2003.

<sup>20</sup> Battenberg, Friedrich, *Die Gerichtsstandsprivilegien der deutschen Kaiser und Könige bis zum Jahre 1451*, 2 vol., Cologne – Vienna, Böhlau, 1983, vol. 1, n° 628 (Goldene Bulle, Nuremberg, January 10, 1356), p. 341.



that the Empire was a complicated mosaic of multiple different law systems and more or less independent jurisdictions<sup>21</sup>.

Under these circumstances, the struggle of the emperors against general insecurity and for the preservation of peace was really difficult. In the medieval Empire there was no monopoly of violence of the State or the emperor. The emperor had no permanent armed forces of his own. He could only count on the stronghold of his own hereditary territories. The latter were not always willing to pay the price for his political ambitions in other parts of the Empire or in foreign countries. So, the Empire was a complicated hierarchical mosaic of diverse authorities that decided on peace and war. The struggle against feuds<sup>22</sup> was a paramount topic of medieval imperial and princely policy<sup>23</sup>. At the same time, for towns, it was an important problem of everyday urban life. All the aforementioned political actors had their own jurisdictions, armed forces and their own 'foreign policies'. The latter remark is also true for 'big' imperial towns.

Hillay Zmora emphasized that «all differences and similarities are overshadowed by one predominant feature which all kinds of feuds had in common: they were ineluctably linked to larger political conflicts [...]. Feuds were a particularly effective instrument of political contestation, and this was taken advantage of both by the feuding parties themselves and those powers which were quick to become involved in them»<sup>24</sup>. Under these circumstances, alliances, negotiations and political treaties were a predominant feature of the political culture of the time. To preserve peace and order, there was a permanent necessity to negotiate, to conclude or extend treaties, agreements, contracts, *Einungen* and other types of alliances. In general, peace unions (*Landfriedenseinungen*) were restricted in time and space, so, when the time limit was reached, all had to be renegotiated and a new treaty had to be concluded. Often these leagues comprised different partners, not only towns, but also princes and nobles or, sometimes the king-

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<sup>21</sup> Eisenhardt, Ulrich, *Die kaiserlichen Privilegia de non appellando*, Cologne –Vienna, Böhlau, 1980; Weitzel, Jürgen, *Der Kampf um die Appellation an das Reichskammergericht*, Cologne – Vienna, Böhlau, 1976.

<sup>22</sup> Reinle, Christine, «Fehde», in Cordes, Albrecht, Lück, Heiner (eds.), *Handwörterbuch zur deutschen Rechtsgeschichte*, 2<sup>nd</sup> ed., 2 vols to date, Berlin, Schmidt, 2008–present, vol. 1, pp. 1515-1525; Jendorff, Alexander; Krieb, Steffen, «Adel im Konflikt: Beobachtungen zu den Austragungsformen der Fehde im Spätmittelalter», *Zeitschrift für Historische Forschung*, 2003, vol. 30, pp. 179-206.

<sup>23</sup> Isenmann, Eberhard, «Weshalb wurde die Fehde im römisch-deutschen Reich seit 1467 reichsgesetzlich verboten? Der Diskurs über Fehde, Friede und Gewaltmonopol im 15. Jahrhundert», in Eulenstein, Julia; Reinle, Christine; Rothmann, Michael (eds.), *Fehde im spätmittelalterlichen Reich. Zwischen adeliger Handlungslogik und territorialer Verdichtung*, Affalterbach, Didymos, 2013, pp. 335-474; Fischer, Mattias G., *Reichsreform und "Ewiger Landfriede": über die Entwicklung des Fehderechts im 15. Jahrhundert bis zum absoluten Fehdeverbot von 1495*, Aalen, Scientia, 2007.

<sup>24</sup> Zmora, Hillay, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440–1567*, Cambridge, Cambridge University Press, 1997, p. 34.

emperor. Therefore, concepts like *pactismo*<sup>25</sup> or, in the domain of legal and institutional evolutions, of «empowering interactions» are very useful to analyse such phenomena. The latter theoretical concept of interactions describes «a specific communicative situation emerging from diverse, but nevertheless reciprocal interests and demands from both the state's representatives and members of local societies. By appealing to state instances and by making use of them, groups or individuals also accepted them as sources of legitimate authority and power»<sup>26</sup>.

The political landscape of the medieval Empire was extremely fragmented. It was not dominated by urban settlements and 94,5% of them had fewer than 2000 inhabitants<sup>27</sup>. Many towns were able to govern themselves, but in most cases they were too little to have real, decisive influence outside their walls. If they wanted to survive and defend effectively their particular interests, small towns and little immediate territories had to co-operate. For towns it could be crucial to form alliances and coalitions against dangerous noble and princely neighbours. Especially on a regional level, *Landfriedensbünde* (regional alliances of peace) and *Städtebünde* (urban leagues) were an important instrument of the preservation of peace. The difficult period of the Grand Interregnum (1250-1273) saw an intense development of them. At this time, even 'foreign' candidates such as Richard of Cornwall (Plantagenet, 1257-1272) and King Alphonso X of Castile (1257-1275, † 1284) vied for the throne. Competition for the imperial office had important consequences for power structures and the political room of manoeuvre of towns. Towns could turn situations of royal or episcopal schism to their advantage. In such times, both candidates searched for allies and were willing to grant new privileges. Towns and urban leagues could also be torn into larger conflicts as the wars of the cities (*Städtekerige*), 1387-1389 and 1449-1450 when towns fought against

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<sup>25</sup> Asenjo González, María, «Concordia, pactos y acuerdos en la sociedad política urbana de la Castilla medieval», in Foronda, François; Carrasco Manchado, Ana Isabel (eds.), *El contrato político en la Corona de Castilla*, Madrid, Dykinson, 2008, pp. 125-157; Fuentes Ganzo, Eduardo, «Pactismo, cortes y hermandades en León y Castilla. Siglos XIII-XV», in ibidem, pp. 415-452; Legaz y Lacambra, Luis; Sobrequés Callicó, Jaume; Vallet de Goytisolo, Juan; Lalinde Abadía, Jesús; García-Gallo, Alfonso; Sánchez Agesta, Luis (eds.), *El pactismo en la Historia de España*, Madrid, Instituto de España, 1980; Montagut i Estragués, Tomàs de, «Pactisme o absolutisme a Catalunya: les grans institucions de govern (XV-XVI)», *Anuario de Estudios Medievales*, 1989, vol. 19, pp. 669-679; Foronda, François; Carrasco Manchado, Ana Isabel (eds.), *Du contrat d'alliance au contrat politique: cultures et sociétés politiques dans la péninsule Ibérique à la fin du Moyen Âge*, Toulouse, CNRS, Université Toulouse-Le Mirail, 2007; Nieto Soria, José Manuel; Vilarroel González, Oscar (eds.), *Pacto y consenso en la cultura política peninsular. Siglos XI al XV*, Madrid, Sílex, 2013.

<sup>26</sup> Holenstein, André, «Introduction: empowering interactions; looking at statebuilding from below», in Blockmans, Wim; Holenstein, André; Mathieu, Jon (eds.), *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300-1500*, Farnham, Ashgate, 2009, pp. 1-31, quotation p. 26.

<sup>27</sup> Isenmann, Eberhard, *Die deutsche Stadt im Spätmittelalter, 1150-1550*, Vienna – Cologne, Böhlau, 2014, pp. 60-62.

territorial princes<sup>28</sup>. In 1449-1450, a local conflict between Nuremberg and the Markgrave Albrecht Achilles from Brandenburg-Ansbach<sup>29</sup>, the first *Markgrafenkrieg* (Margraves's War)<sup>30</sup> evolved into the *süddeutscher Städtekrieg*<sup>31</sup>. But towns were not always great champions of 'democratic' values as liberty and equality. In the Peasants' War (1524-1526), in the same years, when, in Castile took place the revolt of the *Comuneros* (both were repressed by the same ruler, Emperor Charles V / Carlos I), Nuremberg joined the Swabian League in its repression of the revolutionary movement. The medieval conflicts and co-operations produced numerous sources. So, the surviving sources from imperial diets, assemblies of towns (*Städtetage*)<sup>32</sup>, meetings of leagues, letters and reports of urban ambassadors and their instructions<sup>33</sup>, but also literary texts and treatises provide rich material for the study of competition and co-operation of urban and noble rivals and partners.

## 2. FEUDS, NOBLE ROBBERS AND MERCHANTS

Especially in the south and the south-west of the German-speaking parts of the Empire, the territorial structure was extremely fragmented. It was characterized by an impressive number of free and imperial towns which were directly subject to the king-emperor (*Freie Städte, Reichsstädte*). Big cities like Nuremberg, Augsburg or Ulm could maintain their autonomy, but for little towns it was difficult to preserve it. The biggest threat to their autonomy was not the emperor but neighbouring territorial princes who were eager to extend their territories. The financial situation of the emperors was always difficult. So, some of them, particularly, Charles IV, succumbed to the temptation to give

<sup>28</sup> Naegle, Gisela, «Revolts and Wars, Corporations and Leagues. Remembering and Communicating Urban Uprisings in the Medieval Empire», in Firnhaber-Baker, Justine; Schoenaers, Dirk (eds.), *The Routledge History Handbook of Medieval Revolt*, London – New York, Routledge, 2017, pp. 236-264, here pp. 236-237.

<sup>29</sup> On this prince see: Müller, Mario (ed.), *Kurfürst Albrecht Achilles (1414-1486). Kurfürst von Brandenburg – Burggraf von Nürnberg*, Neustadt an der Aisch, Selbstverlag des Historischen Vereins für Mittelfranken, 2014.

<sup>30</sup> Baumbach, Hendrik, «Der erste Markgrafenkrieg (1449/50) als regionale Krise der höchsten Gerichtsbarkeit im spätmittelalterlichen Reich. Die Entwicklung der Landfriedenswahrung und Fehdebeilegung in der Landschaft Franken», *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg*, 2012, vol. 99, pp. 17-80; Kölbel, Richard, «[Der erste Markgrafenkrieg 1449-1453](#)», *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg*, 1978, vol. 65, pp. 91-123.

<sup>31</sup> Schubert, Alexander, *Der Stadt Nutz oder Notdurft? die Reichsstadt Nürnberg und der Städtekrieg von 1388/89*, Husum, Matthiesen, 2003; Zeilinger, Gabriel, *Lebensformen im Krieg. Eine Alltags- und Erfahrungsgeschichte des süddeutschen Städtekrieges 1449/50*, Stuttgart, Steiner, 2007.

<sup>32</sup> Schmidt, Georg, *Der Städtetag in der Reichsverfassung: eine Untersuchung zur korporativen Politik der freien und Reichsstädte in der ersten Hälfte des 16. Jahrhunderts*, Stuttgart, Steiner, 1984.

<sup>33</sup> See for example: Historische Kommission bei der Bayerischen Akademie der Wissenschaften; Schwinges, Rainer C.; Ruser, Konrad (eds.), *Die Urkunden und Akten der oberdeutschen Städtebünde*, 3 vol., Göttingen, Vandenhoeck & Ruprecht, 1979-2005.

imperial towns away as a pawn to princes and other lords<sup>34</sup>. Free cities (*Freie Städte*), who had managed to win a large measure of autonomy from their lord, the (arch-)bishop, could not be used as a pawn by the emperor, but they could lose their status. For example, in Mainz, in 1462, the archbishop re-established his power. In 1484, Regensburg was subjugated by the duke of Bavaria, but due to the intervention of Emperor Frederick III, it was liberated and henceforth regarded as an imperial city<sup>35</sup>. At the end of the Empire, in 1803, when most of the subsisting imperial and free towns were integrated into princely territories, there were still 51 left. 24 of them were situated in today's *Bundesland* of Baden-Württemberg<sup>36</sup>. The same measures also put an end to the existence of the last five villages that were directly subject to the emperor (*Reichsdörfer*). In former times, their number had been around 120. Mostly, they were situated in Franconia, Swabia, in the Rhine Valley, in Alsace and in Westphalia<sup>37</sup>. These were also the regions where we can observe intense forms of co-operation of towns, urban leagues and noblemen, but also a lot of conflicts of towns and nobility. Nevertheless, in the last decades, historiography has increasingly called into question the idea of a permanent struggle of impoverished noble robbers and towns and the terminology of "*Raubritter*" was criticized<sup>38</sup>.

But for medieval authors and imperial and territorial legislation, the security of the roads and the prevention of attacks on merchants were indeed an important issue. If noblemen wanted to keep their rank and status, for social and legal reasons, their possibilities to make their living were limited. For instance,

<sup>34</sup> Landwehr, Götz, *Die Verpfändung der deutschen Reichsstädte im Mittelalter*, Cologne – Graz, Böhlau, 1967.

<sup>35</sup> Johaneck, Peter, «Imperial and Free Towns of the Holy Roman Empire. City-States in Pre-Modern Germany?», in Hansen, Mogens Herman (ed.), *A Comparative Study of Thirty City-State Cultures*, Copenhagen, Reitzel, 2000, pp. 295-319, reprinted in Freitag, Werner; Siekmann, Mechthild (eds.), *Europäische Stadtgeschichte. Ausgewählte Beiträge von Peter Johaneck*, Vienna – Cologne, Böhlau, 2012, pp. 252-288, here p. 256.

<sup>36</sup> Landeszentrale für politische Bildung, Baden-Württemberg (ed.), *Die Reichsstädte*, [Online]: URL: <http://www.landeskunde-baden-wuerttemberg.de/2629.html> [15 July 2017].

<sup>37</sup> Neuhaus, Helmut, *Das Reich in der Frühen Neuzeit*, 2<sup>nd</sup> ed., Munich, Oldenbourg, 2003, p. 38.

<sup>38</sup> Kurt Andermann, «Raubritter», published 9 May 2011, in: *Historisches Lexikon Bayerns*, URL: <<http://www.historisches-lexikon-bayerns.de/Lexikon/Raubritter>> (Online, 16 July 2017); Andermann, Kurt (ed.), '*Raubritter*' oder 'Rechtschaffene vom Adel'? *Aspekte von Politik, Friede und Recht im späten Mittelalter*, Sigmaringen, Thorbecke, 1997; Andermann, Ulrich, *Ritterliche Gewalt und bürgerliche Selbstbehauptung. Untersuchungen zur Kriminalisierung und Bekämpfung des spätmittelalterlichen Raubrittertums am Beispiel norddeutscher Hansestädte*, Frankfurt am Main, Lang, 1991; Graf, Klaus, «Feindbild und Vorbild. Bemerkungen zur städtischen Wahrnehmung des Adels», *Zeitschrift für die Geschichte des Oberrheins* 1993, vol. 141, pp. 121-154; Morsel, Joseph, «'Das sy sich mit der bestenn gewarsamig schicken, das sy durch die widerwertigenn Franckenn nitt nidergeworffen werdenn'. Überlegungen zum sozialen Sinn der Fehdepraxis am Beispiel des spätmittelalterlichen Franken», in Rödel, Dieter; Schneider, Joachim (ed.), *Strukturen der Gesellschaft im Mittelalter – Interdisziplinäre Mediävistik in Würzburg*, Wiesbaden, Ludwig Reichert, 1996, pp. 140-167.

impoverishment was a real problem for the lower strata of Franconian nobility and their counterparts in other central regions of the Empire. Johannes Rothe (ca. 1360-1434), an urban author from Thuringia with good contacts to the court of the *Landgrafen*, tried to find solutions for this dilemma<sup>39</sup>. Rothe was a member of the local clergy, but also town clerk of Eisenach and author of a compilation of its law. In his *Ritterspiegel* (Mirror of Knights), he presents a didactic program for knights and speaks about the devastation caused by feuds.

«These men without virtue belong to this class of bad knights, those who rob and who also commit murder and who have no honour on this earth. [*In deßir bösin ritter ordin / Gehorin di untogintlichin man. / Di do struthin und ouch mordin / Und keyne ere uf erdin han*]<sup>40</sup>.

[...] So they act against the Christian belief / All the time they make widows and orphans / They do not earn their living otherwise than by robbing / And by other dishonest things [*Wan sy sint wedir den cristin gloubin. / Wetwen und weisin si allezcid machin, / Sy nerin sich adirs nicht wan mit roubin / Und mit andirn unerlichin Sachin*],

When they rush to a village / And when they take away the poor people's cattle / And when they take those people's life and possessions / instead of going over the sea<sup>41</sup> [*Wan si vor eyn dorf gerinnen / Und nemen armen luthin er vihi / Und lip und gut en angewinnen, / Di blicher obir meer soldin zcihi*].

Those unwise fools, / they show their courage in this way / And they become 'knights over cow pats'. / They beat the poor through their coats [*Di selbin torchtin geske / Laßin da er manheid beschowin / Und werdin ritter obir kuwedrecke. / Di armen si dorch er ketile howin*]<sup>42</sup>.

Thinking about the problem of impoverished rural noblemen, Rothe explained that there were not enough available offices at courts for all of them. Then, he proposes some licit activities that could enable them to earn their living without losing their status (as raising horses and cattle, producing weapons, etc.)<sup>43</sup>. As other authors, he forbids the exercise of crafts, but he is willing to tolerate a certain implication of noblemen in commercial activities<sup>44</sup>

<sup>39</sup> Naegle, G., «Rothe, Johannes», pp. 1097-1103.

<sup>40</sup> Rothe, Johannes, *Der Ritterspiegel, Edition – Übersetzung* [translation from medieval to modern German] – *Kommentar*, ed. Huber, Christoph; Kalning, Pamela, Berlin, New York, de Gruyter, 2009, pp. 76-77, (translation G.N.).

<sup>41</sup> This is an allusion to the duty of the Christian knight to take part in crusades. (G.N.).

<sup>42</sup> Rothe, Johannes, *Der Ritterspiegel*, pp. 76-77, all translations G.N.

<sup>43</sup> Rothe, Johannes, *Der Ritterspiegel*, pp. 153-155.

<sup>44</sup> «Ab daz nu werdit zcu geringe, / Wi sal her eme danne thu? / Sal her danne eyn hantweg dinge? / Daz geborit eme doch nit zcu! [...] Mit eyne mag her anestehin: / Der etzwaz koufschatz tribit / Und vorlusit darumme nicht sin lehin./ Eyn gudir ritter her wol blibit». (Rothe, Johannes, *Der Ritterspiegel*, pp.152-153). [«And when it (the revenues of the noble) gets insufficient, / What shall he do then? / Shall he exercise a craft? / No, this is not convenient for him! [...] But there is one thing he can do: /

(his ideas go much further than the principles of legal texts like the *Görlitzer Landrecht*)<sup>45</sup>.

At the beginning of the 16<sup>th</sup> century, several texts of the knight, poet and political writer Ulrich von Hutten (1488-1523)<sup>46</sup> referred to the same subject. In a famous letter to his humanist friend, Willibald Pirckheimer (1470-1530), a patrician from Nuremberg, Hutten describes the life of rural noblemen in a castle and the dangers of feuds. He writes that, when he left his castle, he risked being attacked or ransomed (what also represented a high financial risk)<sup>47</sup>. Of course, this is a literary stylization, but it also clings to the reality of the time. In contrast to his other literary works, this letter is often quoted by historians who write about the problem and terminology of “Raubritter” (noble robbers). But other texts of Hutten, especially his dialogues, provide even more interesting debates. The fact that, as other humanist authors, Hutten stages a fictional discussion of real existing persons, brings this much closer to reality than other literary texts. As Enea Silvio Piccolomini, who, in his *Pentologus*, stages a discussion of himself, the future Habsburg emperor Frederick III, his chancellor Kaspar Schlick and the two councillors and bishops Silvester Pflieger and Nicodemo della Scala (an Italian refugee in Germany), in his *Praedones* (1520), Hutten shows us a fictive debate between himself (*Huttenus*), a merchant (*Mercator*) and «Franciscus» (Franz von Sickingen, 1481-1523)<sup>48</sup>. In both texts, the participants discuss about the reformation of the Empire and also refer to Italy (which plays a very important role in Piccolomini’s text). In Hutten’s text, «Mercator», a merchant who works for the Fugger, accuses the knights of disturbing the peace of the Empire and of robbery:

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that he participates a bit in commerce / And if he does so, he does not lose his fiefs, / And so he stays a good knight» (translation: G.N.).

<sup>45</sup> Naegle, G., «Rothe, Johannes», pp. 1100-1101.

<sup>46</sup> Jaumann, Herbert, «Hutten, Ulrich von», in Worstbrock, Franz Josef (ed.), *Deutscher Humanismus 1480-1520, Verfasserlexikon*, Berlin – New York, de Gruyter, 2008, vol. 1, col. 1185-1237.

<sup>47</sup> «... mixta illa periculo et cottidiano metu spes est: nempe siquando egrediar domo, periculum est, in eos ne incidam, quibuscumque illi, quisquis est princeps, negocium sit aut bellum sit, quo me nomine invadant et abripiant; quod si mala mea fortuna contingat, dimidium facile patrimonii admittit in redemptionem; atque ita, unde defensionem speraveram, offensio incumbit». («Ulrichi de Hutten Equitis ad Bilibaldum Pirckheymer», 25 October 1515, in [Hutten, Ulrich von] *Vlrichi Hvteni Equitis Germani Opera*, ed. Böcking, Eduard, 5 vol., Leipzig, Teubner, 1859-1861, vol. 1, N° LXXXX, pp. 195-217, here p. 202).

<sup>48</sup> Scholzen, Reinhard, *Franz von Sickingen. Ein adeliges Leben im Spannungsfeld zwischen Städten und Territorien*, Kaiserlautern, Institut für pfälzische Geschichte und Volkskunde, 1996; Scholzen, Reinhard, «Franz von Sickingen (1481-1523): Fehde als Beruf», *Österreichische militärische Zeitschrift*, 2014, vol. 5, pp. 523-531: <https://www.oemz-online.at/display/ZLJintranet/Franz+von+Sickingen> [Online, 19 July 2017]; Andermann, Kurt; Breul, Wolfgang (eds.), *Franz von Sickingen: Ritter! Tod! Teufel?*, Regensburg, Schnell und Steiner, 2015; Endres, Rudolf, «Sickingen, Franz von», in *Neue Deutsche Biographie* 24 (2010), pp. 313-314 [Online-Version]; URL: <https://www.deutsche-biographie.de/gnd118613898.html#ndbcontent> [19 July 2017].

«Dico etiam nunc, a vestro ordine turbari Germaniam, et ex vobis, etiam solis, praedones esse qui vias obsideant, itinerantes infestent ac publice passim degrassentur, neque te exclusi, quem video equestri praeditum et quenquam animo»<sup>49</sup>.

«Huttenus» defends himself and his social class of knights (*Ritter*) against the merchant's accusation. The three speakers of the text discuss the question, which social class produces the most dangerous robbers: the knights, clergymen, jurists or merchants? For «Franciscus» the most dangerous robbers were big commercial societies. He thought that the Augsburg family of the Fugger<sup>50</sup> was a particularly striking example that illustrated this danger<sup>51</sup>. Nevertheless, he had something in common with them: both supported the election of Emperor Charles V<sup>52</sup>. So, this 'literary' debate allows a more direct insight in the actuality of the time and the controversial debate than most other sources. It should not be dismissed as mere literature or fictional. For their contemporaries, the Fugger's career was absolutely extraordinary and in some way scandalous. Their ancestor, a weaver, came to Augsburg in 1367. Several generations later, his descendants became counts and princes. In 1521, in Augsburg, Jacob Fugger the Rich (†1525) founded the *Fuggerei*, one of the world's first social housing complexes. Surrounded by walls and gates, it is a kind of 'town in the town'. After the destruction of the Second World War, it was reconstructed. It is still run by the family of the Fugger. Today it consists of 67 houses with around 140 flats and serves still its original function<sup>53</sup>. Alexander Berner, an urban officer from Strasbourg, who, in 1531,

<sup>49</sup> Hutten, Ulrich von, «Praedones» (1520), in Hutten, Ulrich von, *Schriften*, ed. Böcking, vol. 4, pp. 363-406, here p. 363.

<sup>50</sup> About this family see: Häberlein, Mark, *Die Fugger (1367-1650)*, Stuttgart, Kohlhammer, 2006; Burkhardt, Johannes (ed.), *Die Fugger und das Reich*, Wiesner, Augsburg, 2008.

<sup>51</sup> «Franciscus: ... sed in malis et perniciosis censeo summe divites illos, qui inita societate monopolium exercent, quorum nequissimi sunt heri tui [those of «Mercator»] Fuccheri: quos, si suffragiis agatur res haec, quorum quemque futurum in Germania bonum virum, etiam vestro de ordine, existimas qui non primos omnium pellendos et extreme relegandos censeat, quod cum perditis nugis impleant patriam hanc, aurum hinc obvertunt exteris immensum, infinitum, mores vero reddunt, quales dixi quod tu 'praedari' non vocas?» (Hutten, Ulrich von, *Praedones* (1520), in: *Schriften*, ed. Böcking, vol. 4, pp. here p. 371); Stollberg-Rilinger, Barbara, «Gut vor Ehre oder Ehre vor Gut? Zur sozialen Distinktion zwischen Adels- und Kaufmannsstand in der Ständeliteratur des frühen Neuzeit», in Burkhardt, Johannes with the collaboration of Nieding, Thomas, Werkstetter, Christine (eds.), *Augsburger Handelshäuser im Wandel des historischen Urteils*, Berlin, Akademie Verlag, 1996, pp. 31-45, here p. 35, note 12.

<sup>52</sup> Scholzen, R., *Franz von Sickingen* (1996), pp.168-171.

<sup>53</sup> Scheller, Benjamin, *Memoria an der Zeitenwende. Die Stiftungen Jakob Fuggers des Reichen vor und während der Reformation (ca.1505-1555)*, Berlin, Akademie-Verlag, 2004; Scheller, Benjamin, «L'honneur du pauvre et l'honneur du marchand. La *Fuggerei*, fondation de Jakob Fugger le Riche à Augsburg», *Histoire urbaine*, 2010, vol. 27, pp. 91-106; Tietz-Strödel, Marion, *Die Fuggerei in Augsburg. Studien zur Entwicklung des sozialen Stiftungsbaus im 15. und 16. Jahrhundert*, Tübingen, Mohr, 1982; Presentation of the present *Fuggerei* by the family foundation of the Fugger: <http://www.fugger.de/home.html> [Online, 17 July 2017].

visited for his hometown other towns to inform himself about their practices of charity, almsgiving, hospitals and the attitude towards beggars, made a very positive comment about this foundation. He mentions 106 little houses that had their own little garden and says that this was one of the best things Fugger had ever done (and that it was much more useful than the expensive marble interior of St. Anna's chapel which was equally founded by him)<sup>54</sup>.

In Hutten's *Praedones* follows an interesting debate about the ascension of families like the Fugger and the Medici. «Mercator» speaks of the ennoblement of the Fugger by Emperor Maximilian. According to him, this was a recognition of their personal value, but for «Franciscus» this was no 'true' nobility<sup>55</sup>. When «Mercator» turns to the Medici («Quaeso te nobilitatem qui adimis Fuccherorum domui, de Leonis Decimi<sup>56</sup> maioribus quid sentis tandem, qui ex mercatoribus facti sunt potentissimi nuper principes?»), «Franciscus» even says: «Idem quod de istis Maximiliani scribis, quos et ipsos reddidit insignitos ille, rectius facturus si cruci adfixisset quosdam»<sup>57</sup>. To the question «Et nobiles non sunt Medici?», «Franciscus» answers: «Nobiles mercatores, ut Fuccheri, generosi vero non sunt»<sup>58</sup>.

Enea Silvio Piccolomini who had been a member of the chancery of Emperor Frederick III and spent more than twenty years in Germany, wrote that the lifestyle of Nuremberg's patricians had provoked envy (*invidia*), particularly because in Germany even very rich members of urban elites from ancient families were not recognized as noblemen<sup>59</sup>. Another author of a reform treatise, the work of the anonymous «Revolutionary of the Oberrhein» (*Oberrheinischer Revolutionär*, treatise ca. 1498-1510) is also very critical of certain commercial practices. For him

<sup>54</sup> Winckelmann, Otto (ed.), *Das Fürsorgewesen der Stadt Straßburg vor und nach der Reformation bis zum Ausgang des 16. Jahrhunderts*, 2 vol. in 1 vol., Leipzig, M. Heinsius Nachfolger 1922, n° 8, Report of Alexander Berner about the legislation and charity institutions (*Armenwesen*) in Nuremberg, Augsburg, Ulm, Memmingen, Isny, Lindau, St. Gallen, Constance, Zurich, Basel, the *Markgrafschaft* Baden, Württemberg, Schwäbisch-Gmünd, Dinkelsbühl and Onolsbach (1531), pp. 266-283, here p. 274 (for more details see: Naegle, Gisela, «Discipline et contrôle, représentation et discours: travailler dans une ville médiévale allemande», in Arizaga Bolumburu, Beatriz; Solórzano Telechea, Jesús Ángel (eds.), *Trabajar en la ciudad medieval europea*, Logroño, Instituto de Estudios Riojanos (forthcoming).

<sup>55</sup> «Franciscus: Ah nobilitas, quam non hastae, non vexilla, non phalerae, neque cicatrices peperunt, sed infamis pecuniarum possessio conciliavit, ut vacuis virtute saltem divitiae opitularentur!» (Hutten, Ulrich von, «Praedones» (1520), in *Schriften*, ed. Böcking, vol. 4, p. 373).

<sup>56</sup> The pope Leon X (Giovanni de' Medici, \*1475-†1521, pope since 1513, son of Lorenzo il Magnifico de' Medici: Simon, Gerhard, «Leo X, Papst (1513-1521)», in *Theologische Realenzyklopädie*, vol. 20, Berlin – New York, 1990, pp. 744-748). Ulrich von Hutten wrote against him and his Bull «Exsurge domini» (1520), he 'dedicated' him a postface: Jaumann, H., «Hutten, Ulrich von», p. 1215.

<sup>57</sup> Hutten, Ulrich von, «Praedones» (1520), in: *Schriften*, ed. Böcking, vol. 4, p. 373.

<sup>58</sup> Hutten, Ulrich von, «Praedones» (1520), in: *Schriften*, ed. Böcking, vol. 4, p. 373.

<sup>59</sup> «... cives [...] ceperunt et in modum nobilitatis vitam agere, invidiam vicinis facere. Nam cives apud Theutones utcunq[ue] divites et antique loco plebis habentur». ([Piccolomini, Enea Silvio], *Eneas Silvius Piccolomini Historia Austriacalis, Teil 2, 2. und 3. Redaktion*, ed. Wagendorfer, Martin, Hannover, Hahn, 2009, p. 774).



usury (*Wucher*) is the greatest robbery («Wer het ie grossern diebstal gehort, so den der wûcher ist?»<sup>60</sup>). He also speaks about knights of his time who rob peasants and who will be eternally cursed for their deeds. In the world, they bring shame upon themselves<sup>61</sup>. As Johannes Rothe, he accuses knights not to discharge their duty to protect widows and orphans but to make them<sup>62</sup>. In Hutten's text, this kind of reproach is formulated by «Mercator». First, «Mercator» names the two main faults of the German nobility: *superbia* and *ignorantia*. Then, he speaks about nobles who start unjust feuds against towns without any real causes. Their deeds inflict severe damages<sup>63</sup>. Ulrich von Hutten criticized the trade with exotic spices, the Fugger family and towns like Venice. But later, a member of his (extended) family, Philipp von Hutten (\*1505), who grew up at the court of Charles V, took part in the South-America enterprises of the important merchant family of the Welser in Venezuela as military commander. He described his impressions in a series of letters (1535-1546)<sup>64</sup>.

Finally, after a long debate, in Ulrich von Huttens's *Praedones* there is a happy end and the three interlocutors part politely in a friendly manner. «Huttenus», believes that in order to save the public order of the Empire, it would get necessary to proceed to action and to take military measures. He expresses the hope of a collaboration of knights and towns<sup>65</sup>. In Hutten's and Sickingen's case, these ideas were no empty words. In 1522, Sickingen took up arms against the archbishop of Trier but was defeated. In the same year, Hutten wrote an appeal to the free and imperial cities of the Empire. According to him, the common enemies of the nobility and the towns were tyrannical princes who

<sup>60</sup> *Der Oberrheinische Revolutionär*, ed. Lauterbach, Klaus H., Hannover, Hahnsche Buchhandlung, 2009 (Monumenta Germaniae Historica, Scriptorum, Staatsschriften des späteren Mittelalters, vol. 9), p. 191.

<sup>61</sup> «...ÿetz so sind etlich ritter, die den pflüg vnd was zû dem pflüg zehort berouben. Do in sÿ erlangen den ewigen flücht vnd schandt in der welt». (*Der Oberrheinische Revolutionär*, ed. Lauterbach, p. 537).

<sup>62</sup> «Es ist kein ritter mer, der well witwen vnd weisen beschirmen, sunder sÿ machen sÿ!» (*Der Oberrheinische Revolutionär*, ed. Lauterbach, p. 228).

<sup>63</sup> «Mercator»: «...inventus etiam est qui bellum indiceret honestae civitati, in qua honorifice satis (ut ipse ferebat) tractatus non esset; ex qua tam nihili ut causa miserae sequebantur statim rapinae, caedes etiam et incendia; neque deerant amici et cognati qui in re mire honesta bellatorem illum ope atque opibus iuarent, et quasi pro patria, pro religione et legibus bellum esset, ita saeviebatur». (Hutten, Ulrich von, «*Praedones*» (1520), in: *Schriften*, ed. Böcking, vol. 4, p. 376).

<sup>64</sup> Schmitt, Eberhard, «Der Beitrag der Hutten-Papiere zur Beurteilung des Venezuela-Unternehmens der Welser-Kompagnie im 16. Jahrhundert», in Burkhardt, Johannes; Niding, Thomas; Werkstetter, Christine (eds.), *Augsburger Handelshäuser im Wandel des historischen Urteils*, Berlin, Akademie Verlag, 1996, pp. 191-209, here pp. 194-200.

<sup>65</sup> «Cum illud veniet tempus autem, hoc agendum nobis arbitror, ut honestissimas Germaniae civitates, dimissis siquae fuerunt prius simultatibus ac inimicitiiis, in rei societatem accipiamus: nam vehementer video ad libertatem erectas eas ac foedae servitutis pudore affici, ut nullum alium ordinem; habent autem vires et pecunia abundant; ut si bello agenda haec sint, ut agentur credo, nervos suppeditare sciant». (Hutten, Ulrich von, «*Praedones*» [1520], in *Schriften*, ed. Böcking, vol. 4, p. 404).

were continuously striving to destroy the liberty of the towns and oppressing the nobility. Thus, it was a common obligation for both groups to save the German nation. Therefore, they had even the obligation to resist and to fight against these unjust authorities:

«So it is necessary for us, to resist / Against all authorities: / Therefore, pious cities, prepare yourself, / And accept the friendship of the nobility / In this way we are able to put up resistance against them [the bad princes, G.N.] / And help the German nation...»<sup>66</sup>.

Finally, Hutten, who was not only implicated in Sickingen's military projects but also a sharp critic of the Roman Catholic Church, and who sympathized with Protestant reformers, had to go into exile and was received by Huldreich Zwingli in today's Switzerland<sup>67</sup>. Franz von Sickingen was well-known as a leader of the Rhenish-Swabian knights who, influenced by the ideas of the Reformation, but also in their own interest, propagated the secularization of church property. At the beginning, Franz von Sickingen stood in the service of Emperor Maximilian I. When he did not respect the general *Landfrieden* (*Ewiger Landfriede*, 1495) promulgated by Maximilian and lead numerous feuds against cities as Worms, he was outlawed (*geächtet*) by the emperor. (In 1514 he took part in an internal conflict of citizens of Worms and episcopal officers and declared the feud against this city. He also attacked a merchant ship, but tried to keep good relations with Strasbourg)<sup>68</sup>. In the service of the French king, he helped to conquer the imperial city of Metz for France. Later, he entered again in the service of Maximilian and the Habsburg family. His actions against Trier generated a strong coalition of resistance. So, in 1523, Sickingen had to retire to his castle of Nanstein. He was defeated, severely wounded and died there. As some other knights of his time, he was a successful war entrepreneur and, at times, even the emperor needed his services. The armed mercenaries of such people could represent a serious threat. In 1519, when Duke Ulrich von Württemberg (1487-1550)<sup>69</sup> had conquered the imperial city of Reutlingen, Sickingen acted on behalf of the Empire. Nevertheless, Frankfurt refused to let his men enter into its walls<sup>70</sup>.

<sup>66</sup> «Drümb wider zstreben ist vns not /Entgegen aller oberkeit: / Drümb, frome stet, euch macht bereit, / Vnd nempt des adels freuntschaft an, / So mag man diesen widerstan / Vnd helffen deutscher nation» (Hutten, Ulrich von, «Vormanunge an die freien vnd reich stet deutscher nation» (1422), in *Schriften*, ed. Böcking, vol. 3, pp. 527-537, quotation p. 537) [translation G.N.].

<sup>67</sup> Jaumann, H., «Hutten, Ulrich von», pp. 1195-1196. See also above note 56.

<sup>68</sup> Scholzen, R., *Franz von Sickingen* (1996), pp. 55-63.

<sup>69</sup> This Duke had also murdered Hans von Hutten, a relative of Ulrich von Hutten. The latter wrote five speeches against this duke. (Jaumann, H., «Hutten, Ulrich von», p. 1189).

<sup>70</sup> Scholzen, R., *Franz von Sickingen* (1996), pp. 144-149.

Sometimes, towns also hired the services of such noble war entrepreneurs and of mercenaries to protect themselves against other noblemen. In 1332, Hildesheim concluded a 20-year treaty with ten knights and their squires. In 1368, Lübeck hired the services of Rabodo Wale and twenty-four *armigeros* and twenty-four other men (for six months). In the same year, these mercenaries were completed by nine other *stipendarii* and a total of 104 *armigeros*<sup>71</sup>. It could even happen that ancient dangerous enemies were hired to protect the towns. One of the reproaches of the *Markgraf* Albrecht Achilles against Nuremberg was that the city employed one of his own noble adversaries, Konrad von Heideck, who also collaborated with the town in mining projects. In the long run, several generations of his family were in the service of Nuremberg<sup>72</sup>. This last example shows that the relations of towns and noblemen were a complex mixture of concurrence and co-operation.

### 3. CONCURRENCE AND CO-OPERATION: PRESERVATION OF PEACE, LEAGUES AND ALLIANCES

In the Middle Ages, we can find several other examples of collaborations between towns and noblemen. The medieval Empire saw a great variety of different leagues and alliances. The Great Interregnum led to the formation of the urban league of the Rhine region (1254-1257). In February 1254, Worms concluded an alliance with Mainz, a *confederatio pacis et concordie*, which was joined by Oppenheim in April. In July the alliance was extended, it turned into an alliance of towns, noblemen and clergy from all over the Rhine region, that held its first regular meeting in Worms in October<sup>73</sup>. Its aims were the preservation of peace, and the security of the roads, the abolishment of unjustified tolls and the protection of trade. It claimed to act for the general peace, the honour of God, the Church and the Empire, the ‘present’ King Wilhelm of Holland, the common good and all rich and poor people<sup>74</sup>. It is significant that the ‘present’ king is mentioned after the Empire. The ideological background was religious ideas (similar to the ideas of the

<sup>71</sup> Andermann, U., *Ritterliche Gewalt*, Hildesheim (p. 192); Lübeck (p. 194).

<sup>72</sup> Kümper, Hiram, «Albrecht Achilles und das Hochstift Eichstett», in Müller, Mario (ed.), *Kurfürst Albrecht Achilles (1414-1486). Kurfürst von Brandenburg, Burggraf von Nürnberg*, Ansbach, Selbstverlag des Historischen Vereins für Mittelfranken, 2014, pp. 463-485, here pp. 466-468.

<sup>73</sup> Bönnen, Gerald, «Die Blütezeit des hohen Mittelalters: Von Bischof Burchard zum Rheinischen Bund (1000-1254)», in Idem (ed.), *Geschichte der Stadt Worms*, 2<sup>nd</sup> edition, Darmstadt, Wissenschaftliche Buchgesellschaft, 2015, pp. 133-192, here p. 175; edition and English translation of sources: Bachrach, David S. (ed. and trans.), *The Histories of a Medieval German City, Worms c.1000–1300. Translation and Commentary*, Farnham, Ashgate, 2014.

<sup>74</sup> *Monumenta Germaniae Historica, Constitutiones*, vol. 2, ed. Weiland, Ludwig, Hannover, Hahn, 1896, [hereafter: MGH Const] Nr. 428/II, Nr. 428/II, pp. 581-583, here pp. 581-582.

movement of the Peace of God [*Gottesfriedensbewegung*]) and those of the movement of *Landfrieden*<sup>75</sup>.

The abbot Hermann of Niederaltaich, who compared this alliance to the Lombard Leagues, thought it could have been an important instrument of peace. He stressed that one of the most powerful local princes, the *Pfalzgraf* (Count Palatine of the Rhine) Louis, Duke of Bavaria from the Wittelsbach family, took part in it: *fedus societas laudabilis iniiit cum civitatibus supradictis*<sup>76</sup>. Recent research also underlines the mixed composition of this league. For their assembly of June 1255, the documents of the league speak of a meeting of «nunciis dominorum ac civitatum confederatarum»<sup>77</sup>. In 1256, the league had more than 30 princely and more than 60 urban members<sup>78</sup>. It carried out its most successful military actions in the region of the Rhine Valley (*Mittelrhein*), for example in 1254 against a toll castle of the noble family of Bolanden in Ingelheim and, in 1255, against the lords (*Herren*) of Rietburg an der Haardt the kidnappers of Queen Elizabeth, the wife of King Wilhelm von Holland (1255), but, after the double royal election of 1257, the members of the alliance were unable to come to an agreement and to recognize the same candidate. The tension between urban and princely members grew. They had different interests in the field of toll regulation and the question whether subjects of local lords could settle down as town citizens or not. So, the Rhenish League fell to parts in only two years and the towns reinstated their former policy of smaller regional alliances. Thus, in 1293 Worms, Mainz and Speyer concluded a triple alliance<sup>79</sup>.

From the point of view of medieval emperors, leagues were a double-edged sword. They could help them to keep peace and reinforce security but they could also represent a serious threat to their own power. In their legislation the emperors tried to find an adequate solution. They permitted the conclusion of leagues for the preservation of peace but prohibited them if they were directed against the emperor, as the article 15 *De conspirationibus* of the Golden Bull (1356) of Emperor Charles IV. This text prohibits

«detestandas preterea et sacris legibus reprobatas conspirationes et conventiculas seu colligationes illicitas in civitatibus et extra vel intra civitatem et civitatem, inter

<sup>75</sup> Bönner, G., «Die Blütezeit», p. 175.

<sup>76</sup> Kreutz, Bernhard, «Königtum – Fürsten – Städtebünde: Die Außenbeziehungen der Stadt Worms im Spätmittelalter», in Bönner, Gerald (ed.), *Geschichte der Stadt Worms*, 2<sup>nd</sup> edition, Darmstadt, Wissenschaftliche Buchgesellschaft, 2015, pp. 180-192, here p. 181.

<sup>77</sup> MGH Const II, Nr. 428/III, p. 583-584 (29 June 1255).

<sup>78</sup> See Kreutz, Bernhard, «Rheinische Städtebünde (13./14. Jahrhundert)», in *Historisches Lexikon Bayerns*: [https://www.historisches-lexikon-bayerns.de/Lexikon/Städtebünde\\_\(Mittelalter/Frühe\\_Neuzeit\)](https://www.historisches-lexikon-bayerns.de/Lexikon/Städtebünde_(Mittelalter/Frühe_Neuzeit)) [17 July 2017]; Kreutz, Bernhard, *Städtebünde und Städtetage am Mittelrhein im 13. und 14. Jahrhundert*, Trier, Kliomedia, 2005; Bönner, Gerald, «Der Rheinische Bund von 1254/56: Voraussetzungen, Wirkungsweise, Nachleben», in Felten, Franz J. (ed.), *Städtebünde – Städtetage im Wandel der Geschichte*, Stuttgart, Steiner, 2006, pp. 13-35.

<sup>79</sup> Kreutz, B., «Königtum - Fürsten» (2015), pp. 181-182.

personam et personam sive inter personam et civitatem pretextu parentele seu receptionis in cives vel alterius cuiuscumque coloris, coniurationes insuper et confederationes et pacta necnon et consuetudinem circa huiusmodi introductam»<sup>80</sup>.

If such leagues were allowed by the lord of a town or the king himself, and when they were aimed at the preservation of peace, they were permitted. So, these dispositions present similarities to the Castilian interdictions of secret assemblies, conspiracies and ‘dangerous’ leagues, for example by King Alphonso X and the kings John I (1390) and Henry III (1393). As in the Empire, Henry III allowed leagues that were concluded for the sake of peace<sup>81</sup>.

In the 14<sup>th</sup> century the Rhine region saw several *Landfrieden*. After the double election of 1314, the cathedral towns of the *Mittelrhein* region chose the party of Louis IV. In 1317, King Louis was able to unite his supporters (p. ex. Mainz, Worms, Speyer, Oppenheim) in a *Landfrieden*-union. Some years later, in 1327, another alliance, the ‘Big League’ (*Großer Bund*) united the urban leagues<sup>82</sup> of the Lake Constance and of the Rhine Valley, which had eleven urban and one noble member. Once again, it did not last for a long time, and so in 1332, the Rhenish towns joined the regional *Landfrieden* of King Louis IV that was regularly renewed until 1348. After the death of Louis, the towns chose to support the future Emperor Charles IV<sup>83</sup>.

Leagues of peace (*Landfriedensbünde*)<sup>84</sup> existed in several parts of the Empire. In general, as in the aforementioned examples, they were concluded for a limited period of time and had to be renewed after the fixed term. Their participants tried to limit their risks. Often, they were not willing to subscribe heavy engagements if their partners were too far away<sup>85</sup>. This was an important reason why very often, ‘big’ leagues fell apart quickly. An Augsburg chronicler, Burkhard Zink († ca.

<sup>80</sup> «Die Goldene Bulle vom 10. Januar und 25. Dezember 1356», in: *Monumenta Germaniae Historica, Constitutiones et acta publica imperatorum et regum*, vol. 11, pp. 535-633, here p. 600. On the comparison with similar prohibitions in Castile see: Naegle, Gisela; Solórzano Telechea, Jesús Ángel, «Geschlechter und Zünfte, *principales* und *común*. Städtische Konflikte in Kastilien und dem spätmittelalterlichen Reich», *Zeitschrift für Historische Forschung*, 2014, vol. 41/4, pp. 561-618, here pp. 563-565.

<sup>81</sup> On the comparison with similar prohibitions in Castile and for more details see: Naegle, G.; Solórzano Telechea, J. Á., «Geschlechter und Zünfte», pp. 563-565.

<sup>82</sup> On urban leagues, see: Distler, Eva-Marie, *Städtebünde im deutschen Spätmittelalter. Eine rechtshistorische Untersuchung zu Begriff, Verfassung und Funktion*, Frankfurt am Main, Klostermann, 2006.

<sup>83</sup> Kreuzt, B., «Königtum - Fürsten», p. 185.

<sup>84</sup> Buschmann, Arno; Wadle, Elmar (eds.), *Landfrieden*, Paderborn, Munich, Schöningh, 2002; Wadle, Elmar, *Landfrieden, Strafe, Recht*, Berlin, Duncker & Humblot, 2001; Carl, H., «Landfrieden als Konzept», pp. 121-138. For the evolution of the 15<sup>th</sup> century see: Isenmann, E., «Weshalb wurde die Fehde...», and Fischer, M. G., *Reichsreform und "Ewiger Landfriede"*.

<sup>85</sup> Schmid, Regula, «Vorbehalt und Hilfskreis. Grenzsetzungen in kommunalen Bündnissen des Spätmittelalters», in Hitzbleck, Kerstin; Hübner, Klara (eds.), *Die Grenzen des Netzwerks 1200-1600*, Ostfildern, Thorbecke, 2014, pp. 175-95.

1474/75) complained bitterly about the lack of interurban solidarity. He wrote that in the past, several towns had concluded alliances with different partners: Ulm and Nördlingen with Duke Louis of Bavaria, Augsburg with Duke Albrecht from Munich; Ravensburg and Schaffhausen with the Swiss Confederation. So their rivalry was so strong that they begrudged the other's wealth and honours. The lucky bystanders of these disputes were the nobles and, according to Zink, the towns got an easy prey for their enemies<sup>86</sup>. Towns were careful to avoid being torn in conflicts that were not their own. The town law of Frankfurt am Main contains several dispositions in that sense. A citizen who took part in 'foreign' feuds would lose his status<sup>87</sup>. Frankfurt declined any help or responsibility for conflicts of new citizens that had started before they acquired this status<sup>88</sup>.

Towns had to pay attention to keep good relations with the surrounding lords. At the very end of the Middle Ages, the Swabian League (1488-1534)<sup>89</sup> was a successful example of a rather long-lasting league of 'mixed' social composition. With the foundation of this alliance, Emperor Frederick III (1440-1493) resumed the policy of his royal predecessors. In 1488 he managed to bring together the small lords and imperial towns of Swabia and the noble societies of *Sankt Jörgenschild*. They promised to recognize the *Landfrieden* of Frankfurt of 1486. Initially, they united to do so for eight years<sup>90</sup>. In the following years, this league attracted powerful members: Tyrol, Württemberg, the archbishops of Trier and Mainz, the margraves of Franconia and Baden. Since 1490 the future Emperor Maximilian (as lord of Tyrol) and the Prince Elector Berthold von Henneberg were members. The Swabian League was renewed in 1496, 1500, 1512 and 1523. Each time there was a certain fluctuation of its members. In its final period (1523-1534), the league united all important territories of the southern and south-western parts of the Empire (*Oberdeutschland*)<sup>91</sup>. Since 1500, the league was organized in the form of three «benches» (*Bänke*): princes, noblemen and towns. Its mandatory mediation and its own law court contributed to its success. Likewise, its military actions against its external opponents were also successful: for example against the Wittelsbacher (1492), against Duke Ulrich von Württemberg (1519) or against Franconian

<sup>86</sup> «...jede stat hat sich verpunden zu dem herrn, der ir gefallen hat. Also ist das reich alles zertrent und von ainander kommen und mugen ainander weder helfen noch ratten und gunnt aneinander weder eren noch guets, das ist des adels gelächter». (Zink, Burkhard, *Chronik*, in Hegel, Carl (ed.), *Die Chroniken der deutschen Städte*, vol. 5: *Augsburg*: vol. 2, Leipzig: Hirzel, 1866, reprint: Göttingen, Vandenhoeck & Ruprecht, 1966, p. 231); Meyer, Carla, *Die Stadt als Thema. Nürnbergs Entdeckung in Texten um 1500*, Ostfildern, Thorbecke, 2009, p. 365 (with further explanations).

<sup>87</sup> Wolf, Armin (ed.), *Die Gesetze der Stadt Frankfurt am Main*, Frankfurt am Main, Kramer, 1969, A 46, p. 108.

<sup>88</sup> Wolf, A. (ed.), *Die Gesetze der Stadt Frankfurt*, A 60, pp. 170-171.

<sup>89</sup> For the history of this league see: Carl, Horst, *Der Schwäbische Bund 1488-1534. Landfrieden und Genossenschaft im Übergang vom Spätmittelalter zur Reformation*, Leinfelden-Echterdingen; DRW, 2000.

<sup>90</sup> Carl, H., «Landfrieden als Konzept», pp. 126-127.

<sup>91</sup> Carl, H., «Landfrieden als Konzept», map «Bundesstände 1523–1534», p. 138.

Knights (1523). But when it got necessary to persecute nobles, due to ties of social solidarity, family bonds or friendship, these matters were treated in a dilatory manner by the other noble members of the league. So from an urban viewpoint, especially its victory over rebellious peasants in the Peasants' War (*Bauernkrieg*, 1525<sup>92</sup>) was ambiguous. As members of the league, towns like Nuremberg took part in the repression.

#### 4. BALANCE OF POWER AND PRINCELY EXPANSIONISM

As these last examples have shown, the power equilibrium of the medieval Empire was fragile. Philippe de Commines compares it with other countries, especially with Italy, and writes that in Germany there was always an opposition between Austria and Bavaria and that in Bavaria, there were internal conflicts. Austria fought against the Swiss. He also mentions the struggles of the dukes of Geldern against those of Jülich and of the Hanseatic league against the kings of Denmark<sup>93</sup>.

The last-mentioned conflict is particularly interesting because in this case an organization that consisted predominantly of towns entered into war with the Danish king. In the 1350s and early 1360s, the Danish King Waldemar IV (\*ca. 1321-†1375), had recovered and (re)conquered territories (Schonen, Gotland etc.). This expansion was contrary to the interests of the Hanseatic League<sup>94</sup>. In this context, the fate of the mayor (*Bürgermeister*) of Lübeck, Johan Wittenborch, is particularly interesting. Wittenborch, a patrician, who was chief commander of the Hanseatic fleet for this military operation in the region of the Öresund<sup>95</sup>, had to assume the responsibility for a severe defeat of the towns in the first war with the Danish King Waldemar in 1362. Apparently, there were not many lives lost, but the material damage was considerable. The Danes won twelve *coggones* and war material and they took numerous prisoners as the whole contingent of forty armed men from Kiel. The financial consequences of this defeat were disastrous. The towns were much more successful in the second war against Waldemar. This time,

<sup>92</sup> Overview of the activities of this league in: Carl, H., *Der Schwäbische Bund*, pp. 431-496; for the Peasant's War see: Blickle, Peter, *Die Revolution von 1525*, 4<sup>th</sup> ed., Munich, Oldenbourg, 2004; Blickle, Peter, *Der Bauernkrieg. Die Revolution des Gemeinen Mannes*, 3<sup>rd</sup> ed., Munich, Beck, 2006.

<sup>93</sup> «Pour Almaine, vous avez, et de tout temps, la maison d'Autriche et de Bavière contraires; et en particulier ceulx de Baviere, l'ung contre l'autre; et la maison d'Autriche contre les Suysses. [...] Maint autre telle parcialité y a en ceste Almaine, comme ceulx de Cleves contre ceulx de Gueldres; les ducz de Gueldres contre les ducz de Julliers; ces Oustrelins, qui sont situéz tant avant en ce Nort, contre les rois [de] Danemarche». (Commines, Philippe de, *Mémoires*, ed. Blanchard, Joël, 2 vol., Geneva, Droz, 2007, vol. 1, pp. 401-402).

<sup>94</sup> Riis, Thomas, «Waldemar IV.» [\*ca. 1321-†1375], in *Lexikon des Mittelalters*, vol. 8, Stuttgart, Weimar, J. B. Metzler, 1999, col. 1949-1950; Skyum-Nielsen, Niels, «König Waldemar IV. Atterdag von Dänemark. Persönlichkeit und Politik», *Hansische Geschichtsblätter*, 1984, vol. 104, pp. 5-20.

<sup>95</sup> Dollinger, Philippe, *Die Hanse*, 6<sup>th</sup> entirely actualized edition by Henn, Volker; Jörn, Nils, Stuttgart, Alfred Kröner Verlag, 2012, pp. 220-222.

they achieved important political, military and economic advantages as the freedom of their commerce in Schonen and the guarantee of their former rights. But even after the Peace of Stralsund (1470)<sup>96</sup> they still suffered from the after-effects of this ancient defeat<sup>97</sup>. In 1362, Wittenborch was arrested by Lübeck and executed in 1363. As other towns in similar cases, Lübeck tried to keep secret the exact charges against Wittenborch whereas his friends tried to bring his case before the *Hansetag*. Apparently, the accusation was not primarily founded on the military defeat<sup>98</sup>.

His case is in some way similar to the fate of Heinrich Toppler, the mayor of the small town of Rothenburg in Franconia. The case of Toppler, who died in prison in 1408, is linked with the political career of King Wenzel IV. Toppler was accused of several financial misdeeds and of trying to establish a tyrannical regime in Rothenburg. As in other similar cases, the details are not known and in a letter to King Rupert<sup>99</sup>, the town Council's answers to certain questions are evasive. Most of the facts are known by later chronicles. As other mayors who had a similar fate, Toppler was rich, the richest man in 'his' town. He was a social climber who came from a recent family who had shown his wealth ostentatiously. His lifestyle got closer and closer to that of the nobility: he had bought seigneurial properties and build for himself a fortified house in the Tauber Valley. Toppler had been mayor for several times and carried out diplomatic missions in the service of 'his' town. As Wittenborch had done for the Hanseatic League in the North, he had exercised important commando functions for the Swabian League of his time<sup>100</sup>, a big regional league for the preservation of the peace and the security of roads. In the years before his death, Toppler had had contact with the deposed King Wenzel in Prague. Maybe Rothenburg searched for a scapegoat for its military defeat of 1408. In this year, after conflicts with a powerful local prince, the *Burggraf* of Nuremberg from the dynasty of (Hohen-)Zollern, Rothenburg had to accept a truce. Compared with Nuremberg (1,500 km<sup>2</sup>) or Ulm (830 km<sup>2</sup>), Rothenburg had a small territory of ca. 400 km<sup>2</sup><sup>101</sup>. Exterior mediators tried to preserve a certain equilibrium of

<sup>96</sup> Wriedt, Klaus, «Stralsund, Friede von», in *Lexikon des Mittelalters*, vol. 8, Stuttgart – Weimar, J. B. Metzler, 1999, col. 211; Dollinger, Philippe, «Die Bedeutung des Stralsunder Friedens in der Geschichte der Hanse», in *Hansische Geschichtsblätter*, 1970, vol. 88, pp. 148-161; Brandt, Ahasver von, «Der Stralsunder Friede. Verhandlungsablauf und Vertragswerk 1369-1376», *ibidem*, pp. 123-147.

<sup>97</sup> Stefke, Gerald, «Der Lübecker Bürgermeister Johan Wittenborch, hingerichtet 1363», *Hansische Geschichtsblätter*, 2008, vol. 126, pp. 1-144, here p. 5.

<sup>98</sup> Stefke, G., «Der Lübecker Bürgermeister», pp. 12-14.

<sup>99</sup> Auge, Oliver; Spiess, Karl-Heinz, «Ruprecht (1400-1410)», in Schneidmüller, Bernd; Weinfurter, Stefan (eds.), *Die deutschen Herrscher des Mittelalters. Historische Portraits von Heinrich I. bis Maximilian I. (919-1519)*, Beck, Munich, 2003, pp. 446-461.

<sup>100</sup> This league it is not the same as the Swabian League of 1488-1523 (G.N.).

<sup>101</sup> Wunder, Gerhard, «Reichsstädte als Landesherrn», in Meynen, Emil (ed.), *Zentralität als Problem der mittelalterlichen Stadtgeschichtsforschung*, Cologne – Vienna, Böhlau, 1979, pp. 79-91, here p. 79; comparison with Spanish cities: Diago Hernando, Máximo, «The Territorial Politics of the Spanish Towns from the Middle Ages to the Beginning of the Nineteenth Century», in Pauly,



power in Franconia. So the town was forced to destroy its castles but they stayed in its possession<sup>102</sup>.

Rothenburg, Nuremberg and other towns lead wars and feuds to preserve their autonomy. The towns were not only victims. They used the same means of warfare as their noble enemies, and the surrounding countryside suffered by severe destruction from both sides. The number of feuds of towns could be impressive. Sometimes the outcome of feuds is not known, especially when they ended without any formal written documents. According to the study of Elsbet Orth, in the 45 years between 1381 and 1425, the imperial city of Frankfurt am Main, was implicated in 229 feuds, maybe even fifteen more<sup>103</sup>. The rhythm and the frequency of feuds were strongly influenced by the membership of Frankfurt in the regional urban league. At least 73 feuds (maybe eleven more) took place in the years 1381-1388. At first, from the point of view of the towns, this league had clearly positive effects<sup>104</sup>. Things changed in the course of the first war of the cities (*Städtekrieg*). After a severe military defeat of the Rhenish towns at Worms in November 1388, Frankfurt had not only to fight against the Count Palatine Rupert the Younger but also against his helpers Ulrich von Hanau and Johann, Walter and Frank von Kronberg who were supported by ca. 200 other people who declared feuds against Frankfurt. In February 1389, Frankfurt decided to attack Kronberg and raised armed men in its walls. It was defeated in Eschborn. Ca. 40-100 soldiers were killed in action. 620 citizens and mercenaries were made prisoners. The financial charges were heavy. In five years Frankfurt had to pay 73 000 *Gulden* and its part of 60 000 *Gulden* of the reparations for the actions of the Rhenish towns and additional money for damages caused in the surroundings<sup>105</sup>. Between 1389 and 1407, in contrast to the former period, Frankfurt used mercenaries for leading its feuds<sup>106</sup>.

Ca. 1415 the towns of Mainz, Speyer and Frankfurt made a proposition to King Sigismund: because he had recognized that the *Landfrieden* had not been really effective, they wanted to renew their own league under the direction of the king who should send them a permanent deputy<sup>107</sup>. Who were the adversaries of Frankfurt? Between 1381 and 1425, only five feuds were declared by counts (*Grafen*) or lords (*Herren*). For almost 15 years, three of them, the counts Alf von Nassau-Diez, Gerhard von Sayn and Reinhard von Westerburg formed a kind of coalition against Frankfurt and helped each other. Most of the adversaries were

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Michel; Scheutz, Martin (eds.), *Cities and their Spaces*, Cologne – Weimar, Böhlau, 2014, pp. 217-233, here p. 220.

<sup>102</sup> Schnurrer, Ludwig, *Rothenburg im Mittelalter*, Verlag des Vereins Alt-Rothenburg, Rothenburg ob der Tauber, 1997, pp. 43-46.

<sup>103</sup> Orth, Elsbet, *Die Fehden der Reichsstadt Frankfurt am Main im Spätmittelalter. Fehderecht und Fehdepraxis im 14. und 15. Jahrhundert*, Wiesbaden, Steiner, 1973, p. 163.

<sup>104</sup> Orth, E., *Die Fehden*, p. 164.

<sup>105</sup> Orth, E., *Die Fehden*, p. 165.

<sup>106</sup> Orth, E., *Die Fehden*, p. 167.

<sup>107</sup> Orth, E., *Die Fehden*, p. 164.

knights or esquires (*Ritter und Edelknechte*). They came from 108 families that belonged to the category of knights<sup>108</sup>.

In many ways, the evolution of towns in the Northern parts of the Empire was different. For them, the emperor was literally spoken far away. But they also had to face princely expansionism and were confronted with similar problems. In 1363 the Hanseatic town of Bremen concluded a *Landfrieden* with Archbishop Albert II of Bremen and the counts of Hoya that forbade the construction of new fortifications in their respective possessions and established a common commission for mediation with eight members. It shows a clear advantage of the archbishop who obtained four seats whereas each one of the two other partners, the counts and Bremen, only got two<sup>109</sup>. As this case from the North demonstrates, the comparison of mechanisms of conflict management in the different parts of the Medieval Empire still merits further investigation.

## 5. CONCLUSION

The aforementioned examples show complicated interactions of towns and their noble partners and enemies. So, the first question: “Was there a permanent conflict between towns and nobility?” can be answered with, “no, not always”. Certainly, there were conflicts and even wars, but, depending on the regional situation, and especially, when there was a third, ‘external’ enemy or a dangerous neighbour, both sides could sometimes strongly depend on each other and even get allies. As to the problem of noble robbers and violence, former enemies were sometimes neutralized when they entered the service of a town and contributed to its military protection.

In answer to the second question, “What were the forms of urban co-operation with noblemen and what were their limits?” we saw that, on a regional level, working together in leagues of peace (*Landfriedensbinde*), urban and noble members co-operated and struggled for the preservation of peace and against the general insecurity. Nevertheless, their interests were often very different, if not opposed. Some literary texts as Ulrich von Hutten’s *Praedones* (1520) give interesting insights in the debate, the arguments and hopes of towns and knights of his time. As in this case, literary texts that stage real persons as literary characters can give precious information. This observation applies particularly to humanist dialogues which take the form of a controversial debate. From a comparative point of view, the texts of authors with ‘international’ experience are particularly interesting –as is shown by Hutten’s comparison of the Fugger and the Medici as social climbers of merchant origin.

<sup>108</sup> Orth, E., *Die Fehden*, pp. 171-172.

<sup>109</sup> Dirks, Florian, *Konfliktaustragung im norddeutschen Raum des 14. und 15. Jahrhunderts*, V&R Unipress, 2015, p. 258.

As for the first two, the answer to the third question: “Why was it impossible for towns to promote an alternative constitutional model for the Empire successfully?” has to take into account constitutional, social and regional factors. Above all, the members of leagues tried to limit their financial and military risk. Geographically widespread leagues often fell apart quickly. At the same time, striving to restrict urban autonomy, powerful princes successfully lead an expansionist policy and consolidated their territories. In spite of this contradiction, sometimes, when they were willing to take part in a collective system of security, leagues for the preservation of peace were more viable and durable as the Swabian League of 1488-1534. On the other side, towns had to pay a high price for this successful collaboration and they took even part in the repression of revolts. Nevertheless, in the long run, such organizations turned out to be a valuable laboratory of cooperative forms of security management, conflict regulation and consensual forms of the exercise of power<sup>110</sup>. So, even if such leagues and alliances did not develop into a confederation of the Swiss type, they contributed to the stabilization of the complicated mosaic of territories, towns and lords of the Medieval Empire. The interests of the towns and their partners were too divergent to form a strong durable political coalition or an alternative government. In political and social respect, in the medieval Empire, princes and nobility were still the dominant factor. Most towns were too small to play an important political role and could not compete with powerful territorial princes. Free and imperial towns took part in imperial diets, but, in social respect and rank, they were considered as inferior to princes and other lords and their political weight stayed relatively weak<sup>111</sup>.

In the Holy Roman Empire, Castile and Aragon, at least periods of dynastic crises characterized by a vacuum of the royal power saw the development of leagues and *hermandades*<sup>112</sup>. First results have already shown that the time of the struggle of the Catholic Kings for power, that implied a closer relation with

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<sup>110</sup> Schneidmüller, Bernd, “Rule by consensus: Forms and Concepts of Political Order in the European Middle Ages”, *The Medieval History Journal*, 2013, vol. 16/2, pp. 449-471 [abbreviated version / translation of: Idem, «Konsensuale Herrschaft. Ein Essay über Formen und Konzepte politischer Ordnung im Mittelalter», in Heinig, Paul-Joachim; Jahns, Sigrid; Schmidt, Hans-Joachim; Schwinges, Rainer Christoph; Wefers, Sabine (eds.), *Reich, Regionen und Europa in Mittelalter und Neuzeit, Festschrift für Peter Moraw*, Berlin, Duncker & Humblot, 2000, pp. 53-87; Schneidmüller, Bernd, «Verantwortung aus Breite und Tiefe. Verschränkte Herrschaft im 13. Jahrhundert», in Auge, Oliver (ed.), *König, Reich und Fürsten im Mittelalter*, Stuttgart, Steiner, 2017, pp. 115-148.

<sup>111</sup> Isenmann, Eberhard, «Die Städte auf den Reichstagen im ausgehenden Mittelalter», in Moraw, Peter (ed.), *Deutscher Königshof, Hoftag und Reichstag im späten Mittelalter*, Stuttgart, Thorbecke, 2002, pp. 547-577, particularly pp. 553-556, 577.

<sup>112</sup> Diago Hernando, Máximo, «Die politische Rolle der Städtebünde im spätmittelalterlichen Kastilien (13.-16. Jahrhundert). Selbstverteidigung, Herrschaftsstabilisierung und Friedenssicherung», in Naegle, Gisela (ed.), *Frieden schaffen und sich verteidigen im Spätmittelalter/Faire la paix et se défendre à la fin du Moyen Âge*, Munich, Oldenbourg, 2012, pp. 139-159; Gisela Naegle, «Einleitung», in ibidem, pp. 9-48, here pp. 31-39.

important towns of the kingdom and urban middle classes, can fruitfully be compared with similar phenomena in the medieval Empire, particularly in times of double elections. As for the power struggles of urban nobles / patricians against “common people” and craftsmen, in the 1470s, in both countries there were successful law suits in which the respective king(s) intervened in favour of craft corporations (in Germany) or *cofradías* (in Cantabrian port towns). For example, during the reigns of Emperor Frederick III and the Catholic Kings, such urban law suits aimed to increase the political participation of common people and were brought before the *Königliches Kammergericht* [Court of the Royal Chamber] and in Castile, before the *Cancillería* of Valladolid<sup>113</sup>. In the reign of Emperor Charles V (Carlos I in Castile), insurrections, the Peasant’s War and the Comeneros, occurred in the Empire and in Castile. In both countries, the urban and peasant rebels were defeated, and, in both cases, a part of the towns chose the side of the repression. So, a deeper comparison of urban, royal-imperial and princely politics in the medieval and early modern Empire and the kingdoms of the Iberian Peninsula could offer interesting new insights into power management and cultures of negotiation<sup>114</sup>.

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<sup>113</sup> For more details see: Naegle, G.; Solórzano Telechea, J. Á., «Geschlechter und Zünfte», pp. 561-618.

<sup>114</sup> For the comparison of the comeneros with insurrections in Austrian-Habsburg possessions see: Pelizaesus, Ludolf, *Dynamik der Macht. Städtischer Widerstand und Konfliktbewältigung im Reich Karls V.*, Münster, Aschendorff, 2007, (examples of Zamora, Salamanca, Jaén, Úbeda, Baeza, compared to Hall / Tyrol, Belfort / Sundgau, Freiburg im Breisgau, Villingen / Black Forest, Laufenburg, Rheinfelden, Waldshut (particularly 1516-1530), here p. 1-2.

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