



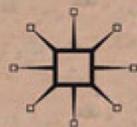
EARLY MODERN HISTORY: SOCIETY AND CULTURE

B. Ann Tlusty

THE MARTIAL
ETHIC IN EARLY
MODERN GERMANY

Civic Duty and the Right of Arms

GENERAL EDITORS: RAB HOUSTON and EDWARD MUIR



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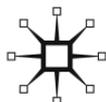
The Martial Ethic in Early Modern Germany

Civic Duty and the Right of Arms

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For Helmut

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Contents

<i>List of Figures and Tables</i>	x
<i>Acknowledgments</i>	xii
<i>List of Abbreviations</i>	xiv
Introduction	1
Armed households	3
The view from the street	5
A culture of weapons	8
1 Keeping the Peace: Household, Citizenship, and Defense	11
Civic obligations	15
The social structure of civic defense	21
Weapons and civic representation	27
Defense systems	31
Military defense and firefighting	32
Police functions	34
Ceremonial duties	35
The night watch	36
The urban soundscape	40
Conclusion	44
2 Duty and Disorder	46
Disinterested citizens and disorderly guards	48
The question of loyalty	50
Guards versus off-duty citizens	53
Conclusion	54
3 Negotiating Armed Power: The Control of Arms and Violence	56
The sanctity of the household	58
Peaceful spaces	60
The open streets	61
Controlling violence	63
Personal injury and manslaughter	68
The weapons ban	70
Guns in the city	76
Gun control in the countryside: The case of Württemberg	81
Conclusion	87

4	The Age of the Sword: Norms of Honor and Fashion	89
	The military code of honor	91
	The rules of fair play	95
	Escalation	102
	The formal duel	105
	Dueling laws and legal practice	110
	Swordplay and the “Good Death”	116
	Fashion and the age of the sword	124
	Conclusion	130
5	Keeping and Bearing Arms: Norms of Status and Gender	133
	Keeping arms: Household arsenals	134
	Resort to arms: Gendered patterns	145
	Citizens, soldiers, and peasants	158
	Conclusion	162
6	In and Out of the Commune: The Social Boundaries of Citizenship	166
	Student culture and town–gown relations	167
	Peasants	171
	“Are you Jews or Landsknechts?”	175
	The Catholic clergy	185
	Conclusion	188
7	Martial Sports and the Technological Challenge	189
	Shooting societies and shooting matches	191
	The rise of shooting as a sport	191
	Discipline and safety at shooting matches	196
	The rules of fair play and reciprocity	197
	Technological shifts and good sportsmanship	199
	Social and gender identity	200
	Military readiness	204
	The politics of sport	206
	Decline and privatization	209
	Sword-fighting	210
	Sword dancing	217
	Conclusion	221
8	Communities in Conflict: Competing Jurisdictions in the Empire	223
	Case study I: Town and country, law and custom:	
	Local defense in a divided village	224
	The backstory and the players	224
	Fall, 1578	226

The aftermath	228
The triumph of custom	231
Case study II: The Swedish rogue and the captain of the guard	232
The backstory and the players	232
Spring, 1633	234
Legal and customary boundaries	237
The aftermath	242
Conclusion	243
9 Citizens versus the State: Household, Community, and Urban Politics	245
A culture of fear	247
Masculine gossip	251
Citizens confront the city	258
Diffusing tension	262
Conclusion	264
10 Conclusion	265
Gender and hierarchy	267
Military theory and the decline of the militia	269
The German example and its context	272
<i>Notes</i>	277
<i>Bibliography</i>	329
<i>Index</i>	358

List of Figures and Tables

Figures

- 4.1 Wound Man. Johan von Parisiis, *Eyn new WundArtzney*, Title Page. Strasbourg, c. 1550. By permission of the Herzog August Bibliothek, Wolfenbüttel 101
- 5.1 Pike-and-Shot formation from Leonhart Fronsberger, *Kriegßbuch Ander Theyl*, 1573, between fol. 63 and 64. By permission of the Herzog August Bibliothek, Wolfenbüttel 136
- 5.2 True Contrafactum about a Brunswick Maiden named Gesche Meiburg. Augsburg, after 1615. HAB 36.13 Aug.2, fol. 885. By permission of the Herzog August Bibliothek, Wolfenbüttel 147
- 5.3 Journeyman and apprentice, c. 1600. Germanisches Nationalmuseum, Inv. HB 2013,4 Kapsel 1056c. By permission of the Germanisches Nationalmuseum 155
- 5.4 Hans Holbein the Younger, Battle scene (detail), c. 1530, Inv. 17243. By permission of the Albertina Museum, Vienna 163
- 6.1 Sebald Beham, Large Kermis (detail), 1535. By permission of the Ashmolean Museum 172
- 6.2 Craftsman and Peasant, c. 1600. Germanisches Nationalmuseum, Inv. HB 2013,2 Kapsel 1056c. By permission of the Germanisches Nationalmuseum 173
- 7.1 Peter Opel, Shooting Match Festivities, c. 1586, BSB-Hss Cod.icon. 399a. By permission of the Bayerische Staatsbibliothek 193
- 7.2 *Pritschenmeister* and Shooting Stand, Zürich, fifteenth century. Zentralbibliothek Zürich, Graphische Sammlung. By permission of the Zentralbibliothek Zürich 194
- 7.3 Race with prostitutes, Augsburg 1570–7, depicting a shooting match from 1470. University Erlangen–Nürnberg, Library, Ms. B 213, fol. 175r. By permission of the University Erlangen–Nürnberg Library 203

7.4	Johann Peter Henkel, sword-fighting school in Nuremberg, Nuremberg 1623. Germanisches Nationalmuseum, Graphische Sammlung, Inv. Nr. HB 25216, Kapsel 1379a. By permission of the Germanisches Nationalmuseum	212
7.5	Sword-fighting school at a shooting match in Zwickau, 1573. Germanisches Nationalmuseum, Inv. K1119 Kapsel 1466a. By permission of the Germanisches Nationalmuseum	213
7.6	Sword dance from Das Nürnbergische Schönbartbuch, sixteenth century. Stadtbibliothek Nürnberg, Graphische Sammlung, Inventar-Nr. HB 3361, Kapsel 1379. By permission of the Germanisches Nationalmuseum	219
7.7	Sword dance in black face, 1578. Zentralbibliothek Zürich, Wickiana, Ms. F 27, Bl. 62v. By permission of the Zentralbibliothek Zürich	220
9.1	Calendar riot in Augsburg, after 1584. StSBA 2° Lw Einblattdrucke nach 1500, 392. By permission of the Staats- und Stadtbibliothek Augsburg	248

Tables

5.1	Percentage of households in Augsburg owning weapons by city quarter in 1610	140
5.2	Percentage of weapons ownership in relation to the age of householders in 1610	141
5.3	Percentage of weapons ownership in Augsburg by city quarter and confession in 1645	141
5.4	Relationship of gender to weapon choice and harm in the sixteenth century (based on records of fines for minor fights)	151
5.5	Relationship of gender to weapon choice and harm in the seventeenth century (based on records of fines for minor fights)	152
5.6	Relationship of weapon to injury in all categories (based on arrest records for weapons incidents)	157
5.7	Resort to arms according to status (based on arrest records for weapons incidents)	160

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Quotations and translations

English translations of quotations from the sources are my own unless otherwise noted. Key phrases and terms that are included in the text (in parentheses after the translations) are wherever possible adapted to reflect standard modern German. Quotations in the notes appear in their original Early New High German form with the following variations: superscript vowels are either converted to modern umlauts or omitted; word endings abbreviated in the original text are expanded in brackets; virgules are replaced by commas; and punctuation is otherwise modified only where necessary for clarity.

List of Abbreviations

ADB	<i>Allgemeine Deutsche Biographie</i>
BHSA	Bayerisches Hauptstaatsarchiv Munich
BSBM	Bayerische Staatsbibliothek Munich
CCC	<i>Constitutio Criminalis Carolina (Charles V, Peinliche Halßgerichts Ordnung)</i>
CDS	<i>Die Chroniken der deutschen Städte vom 14. bis 16. Jahrhundert</i>
DRW	Deutsches Rechts Wörterbuch
DVAF	Deutsches Volksliedarchiv Freiburg
EWA	Evangelisches Wesensarchiv
FGFFSA	Fürstlich und Gräfllich Fugger'sches Familien und Stiftungs-Archiv, Dillingen
FÖSAH	Fürstlich Oettingen-Spielberg'sches Archiv, Harburg
FÖWAH	Fürstlich Oettingen-Wallersteinisches Archiv, Harburg
FÖWBA	Fürstlich Oettingen-Wallersteinsche Bibliothek, Universität Augsburg
HAB	Herzog Augsburg Bibliothek Wolfenbüttel
HDRG	<i>Handwörterbuch zur deutschen Rechtsgeschichte</i>
HSAS	Hauptstaatsarchiv Stuttgart
ISGF	Institut für Stadtgeschichte, Frankfurt am Main
KA	Kriminalakten
RKG	Reichskammergericht
RP	Ratsprotocolle
SB	Strafamt, Strafbücher
SBN	Stadtbibliothek Nuremberg
StAA	Stadtarchiv Augsburg
StAM	Stadtarchiv Mindelheim
StAMM	Stadtarchiv Memmingen
StAN	Stadtarchiv Nuremberg

StANö	Stadtarchiv Nördlingen
StAR	Stadtarchiv Rothenburg ob der Tauber
StAU	Stadtarchiv Ulm
SuSBA	Staats- und Stadtbibliothek Augsburg
UB	Urphedbücher
UBEN	Universitätsbibliothek Erlangen-Nürnberg
UJCS	Universitätsbibliothek Johann Christian Senckenberg, Frankfurt am Main
Urg.	Strafamt, Urgichten

Introduction

In 1601, an artisan in Nördlingen named Hans Schwarz was arrested by the local council because of a weapons violation. The problem was not that Schwarz had kept or used an illicit weapon; rather, his crime was that he did not own a sword. Schwarz was only one of a number of local householders arrested in that year for failing to keep sufficient stores of arms and armor in their homes. The men were given 14 days to “honorably arm themselves.”¹ In other towns, presentation of proper arms was a requirement for marriage.² Throughout Germany during the early modern period, men who failed to keep and bear arms faced fines, imprisonment, banishment, and loss of citizenship. No wonder, then, that the Italian humanist and diplomat Enea Silvio de Piccolomini wrote of his German hosts in 1444 that “every burgher in the guilds has an armory in his house . . . the skill of the citizens in the use of weapons is extraordinary.”³ At the same time, local authorities also regularly curtailed the right of certain men to wear their swords for a great variety of reasons. In 1543, a military officer in Blaubeuren lost his sword for life for attacking an opponent who had already fallen to the ground; in the same year, a baker in Augsburg was disarmed for a year because he stabbed a sword into a door; and in 1551, a peasant in the village of Haberschlacht was condemned to carrying no weapons other than a bread knife with a broken tip as punishment for oath-breaking.⁴ Other reasons for banning men from bearing arms included not only political insubordination but also financial irresponsibility, adultery, theft, idleness and wife-beating. Clearly, the relationship of men to their weapons in early modern Germany was symbolic of something more complicated than mere self-defense.

This book explores the right and the duty of bearing arms in South German towns during the fifteenth through the eighteenth centuries,

and identifies the development of a weapons culture associated with notions of householding, citizenship, and the martial ethic. For hundreds of years before Machiavelli formulated his famous theories on the virtues of citizen soldiers, towns and cities in the German-speaking lands had been depending on their own citizens as the first line of defense. All male heads of household in early modern German cities were required to maintain weapons and to protect their town by serving on guard duty and appearing armed and ready in civic emergencies. This was not a system of select militias, but a demand placed on every male citizen, and in some cases, every male resident. Similar rules were in effect in the countryside, where villagers kept arms to protect their community and their lords. As a result, there were few German households that were not stocked with weapons and few men who walked town streets without a side arm within easy reach.

The early modern debate over the relative merits of civilian militias versus standing armies has received considerable attention from scholars interested primarily in its relevance to the American question. The typical intellectual progression from Machiavelli through James Harrington and Andrew Fletcher to the American constitution, most often explored as a question of legal theory, concentrates on ideas and ideals with limited attention to the defense practices out of which they grew.⁵ The German lands rarely appear as players in this discourse at all, instead providing theoretical grounds for testing theories of “military revolution” and the rise of absolutism that are generally focused on the territorial states. But Machiavelli’s Italy was no anomaly when it came to the civic institutions associated with theories of republicanism.⁶ In fact, to Machiavelli, the German cities represented exemplars of civic freedom and the successful application of militia thinking.⁷ If the Germans did not produce a theorist on the level of Machiavelli or Harrington, this was not because Germans did not relate civic responsibility to virtue, but because this relationship seemed self-evident to townspeople whose civic freedoms and responsibilities grew out of medieval precedents. As argued by Heinz Schilling, Peter Blickle, and others concerned with the German case, civic republicanism and what Blickle calls “communalism” in the Holy Roman Empire can be most fruitfully examined as practice rather than in the realm of formal discourse.⁸

Here, then, we are concerned less with the theory than with the practice of civic duty, and specifically with the effects of making soldiers out of citizens on town life and civic identity. By the sixteenth century, armed civilians fighting on their own were rarely successful in the field, especially when faced with a professional army. But they did serve a variety of functions in the towns, not the least of which was serving

as a check on local power. For historians of early modern Europe, the fact that lasting political change more often grew out of a consensus between authorities and populace than as a result of strictly top-down decisions is by now an accepted paradigm. In the Empire, this process functioned at every level of power relations – citizens in negotiation with local councils, cities in negotiation with territorial princes, princes in negotiation with the Emperor. In every case, the threat of resort to arms was never far from the surface.

Armed households

Most of the works addressing the social history of early modern notions of defense in Germany have focused on the professional soldier, the mercenary who traveled with his regiment or wandered from town to town between assignments. The few studies that examine civic defense systems are institutional in their approach, concentrating on organization rather than the relationship of men to their arms. This lack is surprising given the role played by militia duties in the lives of early modern townsmen. For these men, identification with one's community, gender, religion, status, age group and sense of personal honor were all tied up with the dictates of the martial ethic. Who had the right to bear arms, who was required to do so, who was forbidden or discouraged from using weapons – all these questions were central both to questions of political participation and to social and gender identity.

Early modern townspeople assumed that a relationship existed between the answers to these questions and the political rights and duties conferred by membership in the various domains that made up their community: household, neighborhood, town, state, empire, and eventually, nation. In particular, the link between the weapons required for citizenship and the civic identity of their owners was based on the assumption that male citizens were also householders. Thus both the right and the duty to bear arms were inseparable from the duties of proper householding.

This urban citizenry, made up of armed households, in turn represented the armed power of the state. This fact, even if the role of civilian militias by the early modern period was often more symbolic than military, raises another series of questions, this time about the power relationships that existed between the competing jurisdictions that made up the Holy Roman Empire and the people who lived under their rule. The unique experience of the Empire with its fragmented political structure rested largely on the freedom of the Estates to resist encroachment on their sovereignty by force of arms. This right existed not only

at the highest level (princes against the Emperor) but also at the lowest (individuals against each other).⁹ An armed populace thus represented both individual and collective rights to resist. But in a system in which lines of authority and ties of fidelity were not always clear, the distinction between legal resistance and treason could blur. Citizens and their leaders both struggled with question of whose role it was to call people to arms, who decided when a crisis situation warranted an armed response, whom exactly the duty to arms bound the people to protect, and what happened when loyalties were divided and chains of military command overlapped. Early modern German cities were not democracies or true republics, but oligarchies, with political power normally concentrated in the hands of a few ruling families. Naturally, these rulers along with most political theorists condemned subjects who turned their weapons against their own governments as seditious, rebellious, and disobedient.¹⁰ But this did not equal a blanket condemnation of resort to arms among their populace – indeed, it could not, for to condemn the right of ordinary citizens to defend themselves would lay the groundwork for undercutting the rights of rulers and states to resist intrusion by outside powers.

The classic view of military development associated with theories of “military revolution” ties the decline of civilian defense systems and the corresponding ascent of standing armies, with their expensive new technologies, to the process of state-building. Beginning in the sixteenth century, the new armies required significant investments both for equipment, and for paying and training the full-time, professional soldiers necessary for the conduct of sophisticated battle tactics. These financial needs contributed to the process of political centralization that resulted in the modern state. Civic militias in this story become simply failures, old-fashioned local organizations that disappeared in the face of superior forces. But there were ideals at stake as well as issues of technology and expense. In other contexts, for example in England, the debate between supporters of standing armies and advocates of civilian militias would take the form of a theoretical standoff between royal power and corporate liberties.¹¹ In the Empire, too, as more and more of the fighting power came into the hands of mercenaries over the course of the fifteenth and sixteenth centuries, military theorists lamented a supposed decline of independent martial virtue among the German people: “If one wishes to skirmish with [kitchen maids] in white aprons, then any of them is good enough; but to go into the field, storm fortifications, there they are useless fops,” recorded a 1622 military muster in Saxony.¹² Machiavelli had expressed similar views a century before, complaining

that the tendency of military men to fashion themselves in opposition to civilians, whom they viewed as “effeminate,” was increasing the cultural divide between military and civilian life to the detriment of the common good.¹³ Already by Machiavelli’s day, the wartime role of civilian forces in both Germany and Italy had been reduced to supporting functions at best.¹⁴ And yet, military fashion in the German cities was not in decline at the dawn of the sixteenth century, but on the verge of flowering anew. The centuries that followed represent the high point in the bourgeois culture of the sword.

There is a fundamental disconnect, then, between the theoretical view of the early modern German civic populace as increasingly demilitarized, dominated by economic interests, and subject to ever greater efforts at disciplining and policing on the part of their rulers, and the explosion of martial culture that characterized town culture during this period. Certainly, the cities did eventually decline in political power; the standing armies of the increasingly absolutist territorial states did prevail; and an eventual delineation between military and civilian life did take place. But the republican notion that there was a natural relationship between rights of arms, defense duties, and the civic virtues that bred good citizens did not disappear with the advent of standing armies. For city fathers, giving up on these ideals would have meant abandoning the myth of civic peace, thus their own basis for power. For this reason they struggled to keep their populations armed and ready throughout the political, religious, and social shifts that characterized the sixteenth and seventeenth centuries.

The view from the street

Exploring these questions from the standpoint of the early modern streets rather than on the fields of battle or through the minds of military and political theorists makes sense on several levels. From a comparative perspective, an approach that emphasizes individual duties and rights regarding resort to arms is obvious to scholars in England and America, where the right to bear arms is understood as growing out of the Anglo-American legal tradition. The German experience is also not without relevance to this debate. The states of Europe did not operate in isolation from one another, but exchanged ideas, diplomats, technology, and news. Religious and political activists in England and Germany looked to one another’s experiences for lessons to be learned and polemics that could be transplanted into terms appropriate for home soil. More specifically, Robert von Friedeburg has recently argued that the German legal

construct of self-defense or the right to resist (*Widerstandsrecht*) was a crucial element in the development of English thinking on natural law.¹⁵

By taking a social-historical approach to this question in Germany, we can uncover the functions that militia thinking served not just for the State, but also for its citizens. State-building, too, was a two-way process, which required negotiation and consensus between the authorities who were consolidating power and the populace upon which they depended for taxes and defense. Laws and restrictions could only be effective if they made sense in terms of the prevailing culture. The right of arms could also function as a form of social control from below, as citizens negotiated power relationships between populace and authority by force of arms.

On the level of the individual, resort to arms also had a role in lateral social control, as weapons regularly came into play in cases of interpersonal violence between peers. Individuals as well as their leaders had to weigh their responses in crisis situations. The decision of whether to respond to an attacker with fists, a stick, a sword, or merely a clever verbal comeback could mean the difference between life and death, honor and dishonor, social success or failure. Historians studying these decisions have long since recognized that they can be influenced by gender or status. However, little attention has been paid to the ways in which the state, through its support of the martial ethic, encouraged a particularly violent culture among urban men. Examining the mindset that assumes a connection between weapons and adult manhood renders certain kinds of violence more comprehensible. Civic institutions and social sanctions combined with cultural taboos to shape the behaviors of both sexes through constant correction. These pressures, to put it in Judith Butler's terms, communicated acceptable ways of "doing" gender, in this case emphasizing and legitimizing resort to arms as an appropriate performative act of masculine identity.¹⁶

For early modern men, the culture of arms grew directly out of the male realms associated with householding, sovereignty, autonomy, and the right to resist. Owning, wearing, and using weapons implied mature manhood as well as personal sovereignty and financial solvency. The many early modern images in which a sword or dagger represented the phallus, then, were playing on much more than merely the shape of the blade.¹⁷ Swords and other blades served as both metaphor and mechanism of the related masculine virtues of political agency and social potency, which were also related to sexual power. Because resort to arms was both a social and political act, the topic offers an inroad into the point at which the social and the political converge, in turn providing an opportunity to explore gendered identities in relation to political change.¹⁸

The degree to which social norms encouraged men to live in a constant state of military readiness, making resort to arms a logical response to personal threat, is in turn related to rates of injury and homicide resulting from interpersonal violence. In any altercation, regardless of the gender, status, or nationality of the participants, drawing a weapon constitutes a legal and cultural boundary and implies greater risk. Where weapons are involved, violence is more likely to result in injury or death than is the case with mere fisticuffs. Swords, knives, guns, and other weapons were players in the vast majority of early modern homicides – a fact which, based on statistics on interpersonal violence for the twentieth century, remains very much the case.¹⁹ Thus having a sword ready at hand naturally upped the ante in starting a fight. Historians examining early modern violence, generally seeking their context in Norbert Elias's theory of the "civilizing process," have increasingly begun to call for more nuanced attention to the circumstances under which fights or homicides occurred rather than just counting up bodies. Such factors as the existing relationships between victims and killers, the role of ritual in leading to violent encounters, the motives of the participants, and the use of violence as a form of social control, for example, have only recently drawn the attention of scholars of the early modern period.²⁰

The presence or absence of weapons must also be a consideration in this discussion. Outside of studies of aristocratic duels, weapons most often appear as a category of analysis only where emphasis is on the study of crime. While homicide by duel was officially a crime, it was not the same as a murder, nor was a non-lethal conflict of honor the same as a non-lethal armed robbery. Certainly, the boundary between assault and defense could be unclear, especially in the earlier period covered by this study, and many of the actors examined here were immortalized in the records only because they crossed a legal line that led to their arrest. But the employment of weapons with criminal intent is not my focus here. And although this book is concerned with martial values, and soldiers also appear here as actors, it is not about violence as a military tactic. It is about keeping, bearing, and resorting to arms as daily practice and in response to the dictates of early modern values.

In fact, neither war nor antagonism was necessary for the practice of the martial ethic. Early modern men regularly displayed and used their arms in ways that had nothing to do with violence at all, including as fashion statements, status symbols, or in peaceful sports competitions. As representatives of their community and authority, they bore arms to keep the peace, in which capacity weapons could become ceremonial or patriotic symbols. Examining the peaceful employment of weapons

reminds us that arms were cultural artifacts that had functions both on and off the battlefield.

To address the questions suggested by this approach I have relied on the rich archival sources available in the towns of southern Germany, centering on case studies selected to illuminate the key structures that inform urban martial culture. The greatest level of detail emerges from the outstanding collections in the imperial free cities of Augsburg and Nördlingen; patterns established in these records are then augmented and supported by research on additional imperial and territorial towns and cities (especially Frankfurt am Main, Memmingen, Mindelheim, Nuremberg, and Rothenburg ob der Tauber). These examples are contextualized with a comparative analysis of regulation at the territorial level in order to relate the micro-historical example to the wider German experience, with general conclusions then informed by secondary literature related to other towns and regions of the Holy Roman Empire and the rest of Europe.

The study begins with a description of the martial duties of early modern citizens, first introducing the urban defense system in its ideal form (Chapter 1) and then examining its more problematic reality (Chapter 2). Following this, the related question of the right to bear arms is explored in light of early modern laws governing weapons ownership, use, and abuse in order to clarify the boundaries between rights of arms and legal controls on violence (Chapter 3). The next chapter (Chapter 4) is concerned with cultural rules, concentrating on the performance of the martial ethic as a matter of honor, status, and fashion. This is followed by two chapters that explore patterns of keeping and bearing arms, the first of these (Chapter 5) with particular attention to issues of gender and social rank, and the second (Chapter 6) concentrating on those members of early modern society who were outsiders to the urban commune (students, peasants, Jews, and clergy). The world of martial sports is the subject of the next chapter (Chapter 7). The final two chapters (Chapter 8 and Chapter 9) present micro-historical case studies focusing on the problems inherent in a system that encouraged an identity with arms while assuming obedience to ambiguous lines of authority. Conflicts within and between communities were complicated by overlapping imperial jurisdictions, divided loyalties, and a populace socialized to respond to threat with armed violence.

A culture of weapons

All of these relationships between men and their arms had a profound effect on their masculine and communal identities. The result was the

development of a weapons culture that peaked during the sixteenth and seventeenth centuries. Most townsmen during this period kept and bore weapons of some kind, and some collected large, representational arsenals that underscored their status as free citizens. Certain kinds of weapons were venerated, and society placed great value on the ability of men to use them effectively. In periods of tension, this could have especially dangerous results, as men reacted to general insecurity with outbursts of violence. Violence during this explosive period of European history was frequently linked to fears, which were sometimes exaggerated but are not unfamiliar to us; fear of attack by foreigners, fear of subjugation by a competing religion, fear of public humiliation, fear of tyrannical governmental authority. Although the requirement to keep arms was intended to provide for collective defense, the right to bear them inferred by this duty meant that in practice, men were much more likely to use their weapons against each other – or, even worse in the eyes of the authorities, against representatives of their own government – than to successfully defend their town from outside threats.

It is for this reason that the early modern experiment with civic defense in Germany, as elsewhere, has normally been viewed as ineffective. At best, civilian militias functioned as support troops or temporary defenders of fixed positions; at worst, they served no military function at all.²¹ But such a conclusion assumes that only the military perspective is relevant. For better or for worse, the militia system in Germany successfully strengthened ties of gender, neighborhood, confession, and local patriotism; underscored individual and civic autonomy; and slowed the consolidation of absolutist power. The culture of weapons that resulted also had implications for the subsequent development of notions of masculinity and citizenship.

The paradigm that the centralizing states simply “monopolized” violence among the populace in the interest of order and security or as part of the “civilizing process” oversimplifies the tensions existing between state and citizen. This top-down view persists in spite of the considerable amount of effort to dismantle it invested by social historians in recent decades. By the eighteenth century, the right to bear arms was indeed under attack in the German lands as well as elsewhere, but the process was both slow and subtle. It had become clear to civic and territorial authorities that while the individual right and duty to bear arms could not successfully compete with professional armies as a system of defense, an armed populace could serve as an effective check on local power. This is one reason that the increasingly absolutist governments of Europe came to favor a professional standing army over a civilian militia. In the end, the decline of militia thinking in Germany can be

ascribed less to the failure of citizen defense systems in the field than to their success as armed negotiators in local politics.

Loss of faith in the militia as a military force did not lead to a disarming of the populace. Nor did the initial restrictions on the right to bear arms in the German towns come in the form that we have come to associate with the English case – that is, forbidding portions of the populace to own guns as a matter of security or to establish a government monopoly on power. Rather, the process began in the world of fashion and took the form of sumptuary legislation limiting the public wearing of swords to elite members of society. This was a logical development in a culture in which weapons were not only military tools, but also important symbols of power, status, and individual sovereignty. As the real function of civic defense systems declined, the symbolic value of the weapon as an identifying sign intensified. In the increasingly status-conscious world of German absolutist thinking, the dress sword became a symbol for enforcing social hierarchy. The new rules, however, did not address keeping arms, only bearing swords. Home arsenals were limited only by the interests and disposable incomes of their owners.

Among the lessons of the early modern German experience is the evident conclusion that encouraging individual bellicosity does not lead to peace, nor does it lead to an effective military force. But the culture of honor and violence created by the early modern practice of civic republicanism could not be dismantled simply by passing laws. Rather, it had to be renegotiated in a national context and channeled into a modern military mentality. The socialization of German men to view armed violence as a reasonable means of exerting control, and to see themselves as representatives of government authority, occurred long before the process of militarization associated with the modern period. What this meant to individual citizens shifted in meaning during the eighteenth century. The process of domesticating the populace paralleled the larger process of consolidation of power within the Empire; only with the decline of the cities in the face of rising absolutism was it possible to begin the process of redirecting the martial values of the populace into an obedient national army.

1

Keeping the Peace: Household, Citizenship, and Defense

On an August morning in 1645, Georg Killreitter, a butcher and a citizen of Augsburg, took his horse for a ride outside the city gates. On this particular Sunday, the otherwise innocent activity seemed suspicious, even seditious, to the newly elected members of the city council, for Killreitter's ride had taken place during the annual swearing-in ceremony. On this day each year, all men who had reached the age of majority were expected to appear at one of three squares in the city to take their oath of citizenship and swear allegiance to the Burgomasters and councilmen. Failure to take the oath was not taken lightly by local authorities, who viewed the butcher's absence as an act of defiance. Killreitter was arrested upon his return to the city and questioned about why he would choose to avoid swearing allegiance to his hometown.¹

The ceremony of the "oath-day" (*Schwörtag*) was a standard institution in all free German towns, as well as elsewhere in Europe. Councilmen and Burgomasters were newly appointed each year, and the elaborate ceremonies that marked the passing of power from one government to the next underscored the permanence of civic institutions of government.² The ceremonies were highly ritualized and often festive affairs, heralded by the same alarm bells that also served to call men to arms in times of threat. Typically, the outgoing Burgomaster presided over the ceremony. Once the citizenry had assembled, the civic oath was read aloud, and the citizens then swore collective obedience and fidelity to the community and the incoming government. The promise was not one-sided, for the new councilmen likewise swore an oath of loyalty to the citizens. Processions from council house to church then served to link secular and religious institutions, and thus further emphasized the legitimacy of the new government. This link was also supported by the scheduling of annual oath-days on Sundays or religious holidays.³

The formal procedure itself could apparently be tiresome, for civic oaths were sometimes lengthy, as were the formal rituals attending the passing of power to the new government. Citizens did not always take the ceremony seriously, sometimes making a joke of it, showing up drunk, or avoiding it altogether, as had Killreitter.⁴ Formalities were also dictated by space; in larger cities it was sometimes impossible for all citizens to gather in one spot. In this case oaths might be taken only every few years, or administered in separate groups by neighborhood.⁵ Regardless of the quality of the ceremony, however, the oath itself was taken very seriously by civic authorities. It was the oath that bound citizens to their government and to each other in “loyalty and friendship” (*trew vnd fraintschaft*), the theoretical basis of the civic commune.⁶ The vow of obedience also implied adherence to all civic ordinances and could be recalled if these laws were broken, adding the serious charge of oath-breaking to any other accusations. Magistrates also reminded citizens of their oath before taking witness statements or conducting interrogations during legal proceedings. Male witnesses were regularly sworn in with a reminder of their promise of “duty of citizenship” (*burgerliche pflicht*), whereas the language used for those who were not citizens, including women and Jews, concentrated only on a promise of constancy in the given instance. Female witnesses, for example, might be sworn in “on their honor in lieu of an oath,” and Jews testifying in a Christian court swore by the name of Moses or other Old Testament figures.⁷

Citizenship or full membership in the civic commune, as suggested by these rituals, conferred both political rights and communal responsibilities. The civic oath thus included not only a pledge of obedience to authority, but also expressions of loyalty to the town and its other residents and a promise specifically to protect the community from harm.⁸ The pledge of collective allegiance was made in the interest of maintaining civic peace (*Stadtfrieden*). This medieval concept, which was inherited by the towns of the Holy Roman Empire, implied a fraternal bond that included collective defense and peaceful relations between citizens.⁹

Also implicit in the concept of *Stadtfrieden* were rights of self-defense and household peace (*Hausfrieden*). German law allowed persons of all stations the right to protect themselves, their families, and their communities from threats to life, limb, and property. The right to keep the peace, thus to resist threats and tyranny with force of arms, existed both personally and collectively, extending to the communities and estates of the Empire. The collective protection of the various estates was theoretically the responsibility of their rulers.¹⁰ In order to exercise their right to

protect their subjects, however, rulers naturally required an armed force of some kind. For this, they relied on a combination of professional mercenary soldiers and an armed local citizenry. In the towns, every male citizen was responsible for contributing to this system of defense.

This chapter is concerned with the rules and institutions that governed early modern defense systems, therefore with the duty rather than the right to bear arms. The images of defense roles and duties outlined here are prescriptive, representing an ideal that was not necessarily a reality. Basing defense systems on an ideal of universal martial skills, however, did have the effect of creating associations between civic pride, individual sovereignty, and the bearing of arms.

The debate over the relative merits of professional soldiers versus civilian defense systems occupied numerous early modern theorists, from Machiavelli to James Madison. Machiavelli's argument was not only that citizens made more committed soldiers, but also that an armed populace trained in the art of war would make better citizens. Military virtues, including respect for law and authority, martial courage, and a sense of unity, would naturally translate into civic virtues.¹¹

In Germany, arguments for arming the populace rather than counting on mercenaries were most clearly articulated by military theorists such as Lazarus von Schwendi and Leonhart Fronsberger. Although Schwendi did not accept all of Machiavelli's views uncritically, taking exception in particular to his emphasis on political over religious values, he was clearly influenced early in his career by Machiavelli's linkage of military service with virtue and good citizenship. In matters of war, the German military theorist also apparently concurred with Machiavelli's suggestion that the ends would justify most means.¹² In an unpublished tract (*Denkschrift*) of 1570, which he provided to Maximilian II in his capacity as imperial advisor, Schwendi advocated above all the enlistment of soldiers from local resources, avoiding foreign mercenaries. Schwendi also argued that enlistment with foreign powers should be forbidden entirely. The mercenary system, he believed, destroyed any sense of loyalty and made soldiers into potential mutineers in their own lands.¹³ Machiavelli's argument that civilians defending their own homes and communities would be both better defenders and better citizens is mirrored in Schwendi's recommendation that the knightly orders provide regular military service against the Turks. This, he argued, would not only increase their defensive capabilities, but also reestablish honor, manliness, self-restraint, and military discipline among the nobility, qualities that had suffered through the practice of hiring mercenaries to fight while the nobles concerned themselves with householding.¹⁴

Fronsberger, himself a citizen of Ulm, was also an advocate of home guards, arguing in 1555 that the best soldiers are native countrymen, manly, honorable, and “from their hearts true and well-disposed to their Fatherland.”¹⁵ Fronsberger stressed in particular the value of military training to imbue men with the unity and “friendship” necessary for group action. These virtues would grow naturally, he argued, if the troops received fair and equal treatment under the leadership of virtuous officers.¹⁶ Fronsberger was able to translate his theories of military virtue into an argument for the general good as well in his 1564 tract “In Praise of Self-Interest” (*Von dem Lob deß Eigen Nutzen*). This remarkable piece prefigures the modern economic theories associated with Bernard Mandeville and Adam Smith by placing self-interest at the root of all behavior, including productivity and the pursuit of peace. Thus it is self-interest, Fronsberger argued, that ultimately promotes communal harmony and neighborly love. According to this tract, self-interest was not limited to economic success, but also drove the pursuit of honor and good reputation, placing pressure on people to behave in accordance with communal norms. Although this work is sometimes credited less to Fronsberger himself than to his friend Oswald Gut, a legalist who, according to the book’s preface, presented Fronsberger with his views on the topic and asked him to publish them, the familiar imagery of harmony, unity, and friendship that characterize its arguments are reminiscent of Fronsberger’s military treatises. The martial qualities that Fronsberger saw as the basis for communal loyalty were thus turned into civic virtues, and in terms that also mirrored the ideological basis for ties of guild and neighborhood.¹⁷

Fronsberger based his preference for local recruits, raised from childhood on military values, on Roman and Swiss models.¹⁸ In comparison to men fighting for their own hearth and home, all of these theorists argued, professional soldiers were unreliable allies. Lacking local ties of neighborhood and kinship, chronically underpaid, and characterized by a generally disorderly lifestyle, career soldiers were motivated only by income and booty rather than sharing the interests of the powers they had sworn to serve. This marginalizing stereotype existed not only in the case of landsknechts, whose rootless lifestyle made them particularly suspicious, but was also applied to more stationary mercenaries such as gate and tower guards.¹⁹ There was apparently some truth to these claims, at least where their economic status was concerned. Professional guards regularly petitioned for more income with arguments that their meager pay was not sufficient to feed their families or even to provide warm clothes to protect them during their winter rounds. Their

complaints are borne out by their pay scale; full-time guards earned less than low-level journeymen, and barely twice the pay of household servants.²⁰ Responses to their petitions, too, sometimes suggest that their complaints of poverty had validity. Guards in Nördlingen occasionally received special one-time payments to allow them to buy coats in winter; similarly, city councils in Augsburg and Memmingen were compelled to provide desperate guards with grain and other distributions. Could men working under such conditions be trusted to risk their lives for the town in a real emergency? This question was raised not only by political theorists such as Machiavelli and Schwendi, but also by the guards themselves, whose petitions at times seemed to warn of the dangers of leaving the gates in the hands of men who were tired, cold, hungry, and underappreciated.²¹

To the advocate of civilian defense systems, it was self-evident that those whose personal stake in the community was higher would be quicker to step up to protect the town not only from military attacks, but also from criminal elements, natural disasters, and other threats to stability. Tying the rights of citizenship to the duties of local defense also provided a context for dividing the costs of protecting the town among all of its residents. As we shall see, even some of the very poorest members of the community were burdened with both financial and personal obligations to civic defense. Although most towns also maintained a component of professional guards, primary responsibility for protecting the community, both from outside threats and from internal disorder, rested with local residents.

Civic obligations

In 1584, the barber Jacob Reiter, a resident of Donauwörth, was asked by his authorities if he had taken on citizenship in his new home. “No,” the scribe recording his response wrote, “he lives there free of taxes and standing watch.”²² The reply expresses with simple clarity the two responsibilities associated with early modern citizenship (*Bürgerrecht*) – paying taxes and personally participating in local defense. In their most direct form, taxes also grew out of security requirements, for even the poorest of city residents normally had to pay a minimum head tax, sometimes called “guard money” (*Wachgeld*) in order to support defense needs. Indirect taxes on consumer goods, too, were initially introduced in late-medieval cities for the purpose of building fortifications.²³ These institutions were in place in most German cities at least by the thirteenth century, long before the merits of the civilian militia were

debated by theorists like Machiavelli and Schwendi. The relationship of defense obligations to membership in the civic commune is also demonstrated by the fact that military service to a town, or serving on guard duty during periods of danger, could be a path to gaining citizenship for those not born with the privilege.²⁴

By the end of the Middle Ages, for all but the most elite members of society, the right to be a tax-paying citizen required membership in a guild. From the fourteenth century through the early sixteenth, guard duty was generally assigned according to guild membership, with each guild required to provide a certain number of members per night to stand watch. Obligations for numbers of guards were based on the size and wealth of the guild. Guilds could also be held collectively responsible for ensuring that all of their members were properly armed.²⁵ In some ordinances, specific security duties were assigned based on guild membership. These might be related to possession of guild-related equipment, for example in fifteenth-century Nördlingen, where bathers, fishermen, and bleachers (*Blaichknechte*) had special orders in case of fire to supply the large tubs that were necessary for the practice of their craft. Responsibilities could also be assigned in accordance with the guild members' own interests, rather than communal interests, as for example in the case of winegrowers in Basel whose duties consisted of guarding the vineyards. In Strasbourg, guild foremen also doubled as military captains.²⁶ The fifteenth century also saw the rise of civic armories with their stockpiles of weapons, with both citizenship and guild membership sometimes linked to providing weapons and armor for the armory. The armory both provided a means of arming the poorer members of the citizenry in case of emergencies, and also – perhaps more important – ensured that the government was at least as well-armed as its people.²⁷

Over the course of the sixteenth century, the emphasis in defense ordinances shifted from the guild to the household. Although guilds in some cities continued to contribute collectively to defense efforts,²⁸ primary responsibility for protecting most early modern towns by the later sixteenth century was organized not around guild membership, but households and neighborhoods. The shift was not only practical from an organizational standpoint, since members of the same unit now resided in close proximity—it also represented both a new emphasis on the patriarchal household and an attempt to diffuse the power of the guilds. The gendered norms ushered in with the Reformation refocused attention on household hierarchies, according to Lyndal Roper buttressing the interests of married craftsmen as heads of their

families and workshop labor force.²⁹ Just as the household served as a microcosm of government, with the male head theoretically in the role of a benevolent ruler, the traditional right of household peace within the home mirrored the larger goal of civic peace within the city walls. In like manner, the weapons maintained by armed citizens represented the sovereignty of the householder within his own domain. The power relationship within the household was also a reciprocal one, in which the household patriarch owed the members of his domain protection just as they owed him fidelity and service. Shifting the focus of defense duties away from the guilds and onto the household thus served both a symbolic and a practical purpose. Not only did it underscore the social and political hierarchies that legitimated rule by “town fathers,” it also reduced the power of the guilds, which by the sixteenth century were viewed by many city governments as rivals to centralized power.³⁰

Each household was typically responsible for providing one armed man for rotating shifts of nighttime guard duty, and all male citizens were bound by their oath of citizenship to maintain appropriate weapons and armor and to respond armed and ready in an emergency. Failure to follow up on this promise then became a serious crime, as it could be punished as a breach of oath as well as a matter of disobedience.³¹ Purchase of weapons and armor was also a standard requirement for attaining citizenship for those not born with this status. In Memmingen, a condition for becoming a citizen during the sixteenth and seventeenth centuries was ownership of “a good man’s weapon that can be used in the field,” along with appropriate armor; and in Ulm, acceptance as a citizen during the sixteenth century specifically required purchase of a crossbow.³² Applicants for citizenship in Hamburg and Lübeck during the seventeenth and eighteenth centuries not only had to prove they owned a firearm, but were also tested in the military arts by a local drillmaster.³³ Households were also responsible for paying defense taxes and, when necessary, providing labor for building fortifications, especially earth entrenchments. For these duties, too, householders had to maintain their own equipment in the form of pails and shovels.³⁴ Some ordinances also specifically required householders to provide additional weapons for any grown sons still living at home.³⁵

Theoretically, the household corresponded to the citizen, for marriage and an independent income were requirements for full citizenship. This direct connection between establishing a household and defense duties is underscored most overtly in protocols requiring purchase of proper armaments as a prerequisite for marriage.³⁶ Ordinances stated clearly that no exemptions based on status were to be allowed—in theory at

least, the duties of citizenship applied to nobles and doctors as well as to servants and alms recipients, as long as they were “young and healthy men.”³⁷ Householding widows might also be required to provide for guard duty in the form of either a male servant or relative, or a payment of the night’s wages. In Augsburg, householding widows impoverished enough to be dependent on alms could double up on the requirement, with two widows’ households providing one guard between them.³⁸

Normally, those male householders unable or unwilling to serve themselves could send a representative, who might be another family member or a paid servant. The only requirements were that all guards be honorable, “upright men and not immature youths,”³⁹ and that they appear for duty armed and sober. In particularly dangerous times, which called for an especially responsible and mature watch, decrees sometimes required the head of the household himself to appear for duty rather than sending a younger representative.⁴⁰ Special rules demanding mature guards were also sometimes in effect during festive events, such as during kermis festivals or for guards at the Nördlingen fair.⁴¹ Exemptions from personal participation in regular guard duty initially applied only to clerics and other civic office-holders, although in practice, learned professions such as lawyers, schoolmasters, and apothecaries were sometimes freed of the duty as well.⁴² At the same time, the definition of a “Household” in some towns extended to include buildings which housed institutions, such as schools, hospitals, and cloisters, which also had to provide armed men for defense. A personal exemption for the head of an institutional household did not always mean that the house itself was free of obligations.⁴³

Although all citizens were required to remain armed and ready, specific requirements for weapons and armor varied based on the social and economic status of the household. While ordinary citizens were charged only with maintaining “protective armor or a good man’s arms” for themselves and other members of their household,⁴⁴ privileged members of society had to provide horses and both weapons and support for several armed men.⁴⁵ Even among those of similar social status who faced the same requirements, the quality and type of weapons maintained by each citizen naturally varied widely. Some men had less disposable income than others to invest in weapons, and others chose to spend more on them out of personal interest. On the lower end of the social scale, citizens and town residents who because of youth or poverty were without appropriate arms (poorer journeymen, apprentices, day laborers and servants, for example) might be outfitted by the civic armory in the case of an emergency.⁴⁶ The practical result of

these differences was that men who served side-by-side standing watch or defending the town during emergencies often had very different grades of weapons and armor.

Requirements for armaments naturally changed over the course of the early modern period in order to keep up with changing military tactics and technology. Late medieval ordinances required civilian guards to appear in a nearly complete suit of armor and to carry swords and battle axes along with pole arms.⁴⁷ Types of pole arms were not always designated in the ordinances, although in some cases a shift during the fifteenth century from pikes to halberds is noticeable.⁴⁸ Firearms also begin to appear along with crossbows in defense ordinances as early as the late fourteenth century. Crossbows and guns are both mentioned in many defense ordinances of the fifteenth century, with guns gradually eclipsing crossbows entirely during the sixteenth.⁴⁹ To take Nördlingen as an example, citizens in the fifteenth century were expected to appear in emergencies with one of four standard weapons: a pike, halberd, gun, or crossbow; by the early seventeenth century, crossbows disappeared from the ordinances, with requirements for musketeers to maintain adequate ammunition appearing at least by 1619.⁵⁰ Similarly, Memmingen's defense ordinance of 1552 forbids citizens from loaning or pawning either crossbows or guns, with similar rules in 1636 referring only to firearms.⁵¹ In Hamburg, civic ordinance required all citizens to own firearms by 1626. Interest in halberds also declined during the seventeenth century, as the introduction of military drill increased the efficiency of pike-and-shot formations, so that pikes returned as a standard requirement.⁵²

With the rise in the prevalence of firearms came a corresponding drop in requirements to maintain armor. The same improvements in gunpowder and gun technology that gradually made battlefield armor obsolete also decreased the relevance of wearing armor for city guards. By the sixteenth century, requirements for armor were generally reduced to a breastplate, helmet, and possibly gauntlets, all of which remained useful in a sword fight but had limited value in protecting the wearer against bullets from a musket.⁵³ Members of the Augsburg civilian guard, for example, were ordered in 1533 and again in 1542 to appear only with a breastplate, helmet, and a "good halberd"⁵⁴ or a pike, the purchase and maintenance of which was their own responsibility; an ordinance of 1560 included the additional requirement of a side arm (i.e. a sword). By the later seventeenth century, requirements for Augsburg's guards to wear armor were disappearing from the ordinances entirely.⁵⁵ Similar technological shifts can be seen in Memmingen

during the seventeenth century, where references to maintenance of weapons changed in 1636 from “pole and side arms” to “Muskets, rifles and other weapons.”⁵⁶ Rothenburg’s defense ordinance of 1605 binds the yearly oath of citizenship not only to maintaining weapons and armor, but for those who have firearms, also to keeping them clean, in good repair, and accompanied by sufficient lead and tinder.⁵⁷ In Nuremberg, full-time professional guards were issued muskets along with pikes by the early seventeenth century,⁵⁸ and even the peasants within Rothenburg’s jurisdiction were expected to have a “house firearm” (*Hauß-Gewehr*) in each household of the village.⁵⁹

Ordinances also increasingly stressed the need to practice shooting, with many towns making target practice a requirement for all citizens mustered as musketeers. In the small territorial town of Mindelheim, all young men during the mid-seventeenth century were particularly encouraged to spend their time at the shooting ranges rather than the drinking-houses in the interest of building “good friendship and intimacy among the citizens.”⁶⁰ Mindelheim’s watchmen, however, apparently did not carry guns on duty, which at least one villager saw as cause for ridicule in 1651. The peasant from the nearby village of Kirchdorff caused a disturbance by teasing the citizen guards at Mindelheim’s gates, asking “what kind of guards they are, where are their guns and match cords?”⁶¹

In order to test preparedness, civic authorities occasionally mustered local men and took an inventory of their equipment. Musters might either be unannounced (the so-called blind muster) or take the form of ceremonial military parades. Such parades could be problematic, as cities struggled to strike a balance between demonstrating their power in order to avoid “ridicule and disgrace,” while at the same time maintaining some secrecy about their full defense capabilities. Parades might thus be limited to only a portion of the armed citizenry, who could demonstrate their readiness and represent civic pride and power without revealing military strength.⁶² It was not unusual for military ordinances to include clauses binding responsible officers to secrecy about the contents. At the same time, rulers expressed concerns that if all citizens were not required to appear for the muster, then they might get around the requirement to maintain arms by borrowing weapons from others, a practice regularly forbidden in defense ordinances.⁶³

Along with test musters, city authorities occasionally conducted censuses of all households, recording the number of “weapons-capable” (*waffenfähige*) men residing in each.⁶⁴ These muster lists might also include other information useful for war readiness, for example how

many and what sorts of weapons each household possessed and whether the men residing therein had military experience. During wartime or other periods of crisis, outlying properties and private institutions with obligations to the towns were also assessed, including villages, cloisters, and even hospitals and orphanages.⁶⁵ Inventories generally included only those weapons considered appropriate for military duty; side arms, pikes and halberds, long swords, crossbows, and firearms. Breastplates were also listed, although not surprisingly, armor was beginning to disappear from the inventories of ordinary citizens by the seventeenth century. Where the required armaments were missing, citizens faced reprimands and imprisonment or worse if they failed to comply with the obligations. In short, although the requirements for householders to maintain weapons and armor could change in accordance with technology, or vary depending on individual social and economic status, the bottom line was always the same—to be a citizen and householder also meant to function as an armed defense unit.

The social structure of civic defense

Through the purchase and display of their armaments, men and their communities fashioned themselves as holders of power. Defense organizations perpetrated these values by creating opportunities for hierarchical patterns of participation and exclusion. The symbolic association of weapons with authority and status was a tradition inherited by the towns from feudal precedents.⁶⁶ In the towns, wealthy patricians made up for their lack of noble status not only by amassing impressive collections of elaborate weapons and armor, but also by serving as military officers. Under their leadership, the military organization of town quarters mirrored the social hierarchy of the city at large.

At the top of the military hierarchy was the Captain of the Guard. In the larger towns, the Captain of the Guard was typically a member of the patrician class or a minor noble with military experience.⁶⁷ Under his supervision, households were generally organized in sections or quarters, each under the supervision of officers known variously as “Quarter Captains” (*Viertelhauptleute*) or “Upper Captains” (*Oberhauptleute*).⁶⁸ Quarter Captains were responsible for keeping track of the households in their quarters, ensuring that appropriate representatives appeared for guard duty, and organizing responses to military attacks or other disasters. In larger cities such as Augsburg and Nuremberg, a second level of command was also accorded to neighborhood or “Lane Captains” (*Unter- or Gassenhauptleute*), individually charged with ensuring that the

men in their assigned sector (normally about ten houses) were properly armed and that all defense equipment was in working order.⁶⁹

A detailed look at the social status of officers of the guard is provided by Augsburg's seventeenth-century military musters, which list all of the weapons-capable men of the city along with their rank and trade. In each case, the Quarter Captains are listed with the title *Herr* (Lord), identifying them as members of the privileged patrician or merchant classes. Quarter Captains had to reside in the neighborhood for which they were responsible. This might provide an explanation for the fact that two captains were assigned to each of the wealthier quarters, while only one per neighborhood is listed in the poorer sections of town, regardless of the number of residents. Neighborhood or Lane Captains, who also resided in their assigned neighborhoods, varied in status from patricians in the wealthier parts of town to ordinary craftsmen in poorer quarters. Quarter Captains wishing to leave their positions were in some cases required to recommend a qualified replacement from the neighborhood. Records of such recommendations also provide evidence of the status of the captains, who if not members of the patrician or merchant classes tended to be drawn from the privileged trades (such as artists and goldsmiths).⁷⁰

The relationships between captains and their jurisdictions accentuated not only social hierarchy, but also lateral relationships within individual neighborhoods. As historians now recognize, early modern social networks revolved not only around work, family, and religion, but also neighbors and neighborhoods, which contributed to social stability and identity.⁷¹ Defense organizations could enhance cohesion among neighbors without sacrificing rank and hierarchy. As local organizers of defense and security systems, Lane Captains represented and supported the social inclusion of households within their jurisdiction. Swearing of oaths of citizenship, for example, might be done by neighborhood under the control of the Lane Captain.⁷² In emergencies, it was often at the Lane Captain's house that men gathered to await orders, where extra pole arms from the civic armory might also be stored for distribution to poorer members of the community. Here, too, neighbors played a role; according to one ordinance from 1542, Lane Captains whose rooms were not large enough to accommodate pole arms should keep them close at hand by depositing them in the house of the closest neighbor with sufficient space.⁷³ Although appointed by the council, militia captains enjoyed considerable autonomy in managing their duties. Their success therefore depended upon a degree of cooperation and an expectation of confidence from their neighborhood subordinates.⁷⁴

The primary responsibility for defense, of course, rested with neighborhood residents themselves, all of whom were potentially soldiers, as long as they were considered legally and physically capable of handling a weapon. This classification included healthy, adult citizens and other male residents, and excluded women, clerics, children, and men too advanced in years to use a sword.⁷⁵ In the case of children and old men, whose status was defined only by age, the boundaries of exclusion and inclusion were not always clear. Certainly, rules published in all towns stressed the fact that those appearing for guard duty needed to be adults and not young lads, whose natural heat made them subject to disorderly passions and willfulness.⁷⁶ In Donauwörth, an ordinance issued during the Thirty Years' War, and specifically targeting wealthy citizens, threatened those who sent "ridiculously unsuitable boys and children [to guard], as if it weren't an important thing to do" with fines or imprisonment; in Augsburg, householders were reprimanded for sending boys rather than "upright men."⁷⁷ But what did these ordinances mean by "boys," and at what age did they become "upright men"?

Exactly what age constituted the age of majority is only occasionally specified in early modern texts and legal documents. This is hardly surprising in a world in which many people did not keep track of their exact age. In interrogation records, juveniles as well as adults often reported their age in approximate terms ("around 14 years old," "estimates that he is approximately 60," etc.).⁷⁸ Definitions of "adulthood" could also vary depending on the context, with different ages of majority specified for paying taxes, entering marriage, being held criminally liable or inheriting property.⁷⁹ Some German legal codes seemed to favor 16 as an age of majority, with the responsibility for punishing a boy for swearing, for example, shifting at that point from parent to city council.⁸⁰ Elsewhere, the minimum age noted for entrance into a patrician society, another way of recognizing majority in the civic commune, ranged from 14 to 17. In Nuremberg, young men swore their oath of citizenship beginning at age 15, which in turn bound them to participation in defense actions, whereas in Brunswick, young men were forbidden to stand watch before their eighteenth year.⁸¹

Slightly more clarity was provided in determining the upper boundary of the age scale for defense purposes, although there is evidence that the rules were not always enforced. In Memmingen men were released from responsibility for guard duty during the later seventeenth century at ages ranging from 63 to 65, and in eighteenth-century Kempten, men over 60 were excused from military musters, although guard responsibilities continued to age 65.⁸² Augsburg's military muster of 1645,

which provides a record of all householders regardless of age along with their weapons, includes a separate total of men aged 15 to 60, implying that this age range would be an appropriate measure for military duty. This also seems to be the approximate age range of men pressed into service in Germany's northern provinces.⁸³ In Ulm, defense duties were required from men aged 17–70, although boys of sixteen had to appear for general musters. Ordinances issued in Ulm suggest that the younger boys lived up to their disorderly reputations at these events, showing up drunk, participating in rowdy behavior, and shooting off their guns recklessly and without permission.⁸⁴

Although standing guard was undoubtedly a burden, some men nonetheless resisted being labeled “old men” and giving up their identity as armed citizens. In practice, many men seemed to consider themselves “weapons-capable” for about as long as they were able to hang on to a sword. The men listed in Augsburg as Lane Captains may be taken as a case in point, for these were all men who took an active role in defense activities. While the majority of the captains were mature men between the ages of 40 and 60, more than one gave his age as over 70. As suggested by Alexandra Shepard's work on patterns of age reporting in England, men tended to report their age in round numbers, with those reporting advanced ages of 60 or 70 likely to be somewhat older. This pattern is evident in Augsburg's military muster as well, in which men giving their ages in round numbers outnumbered more exact numbers by three or four to one in the case of men in their 40s and 50s, and five or six to one when they were in their 60s and 70s.⁸⁵

The difficulty that some men had accepting their loss of status due to age is poignantly illustrated in a controversy over a revision to Augsburg's sumptuary legislation in 1735. The new rule forbade members of the merchant class from wearing a sword if they needed a walking stick. The symbolism is clear enough—men who need a stick to stand can hardly be expected to fight with a sword, thus their role as civic defenders is behind them and they are no longer entitled to the status inferred by carrying a weapon. Merchants who were also council members, magistrates or high-ranking military officers were exempt from the rule, however, as were members of the patrician class. Masculine power was thus proscribed not just by age or frailty, but also by rank. In opposing this statute, notary Thomas Gugl recalled the cleverness of Oedipus in answering the riddle of the Sphinx; for a man to walk on three legs in his old age, Gugl reminded the council, is as natural as it is for a baby to crawl on four. The elderly notary's witty

argument fell on deaf ears, however. The members of the council, themselves exempt from the rule, stood by their decision.⁸⁶

Active participation in defense activities was limited not only by age, but also gender. Although householding widows shared the requirement to provide night watchmen and to pay defense taxes, many defense regulations forbade both women and children from direct involvement in defense. The regulations repeatedly warned that women and children were to remain inside their houses and off the streets during civic emergencies. Occasionally, exceptions were made in the case of fire, in which case women and children could also enter the streets to carry water; more often, however, women were supposed to stay in the house even during fires and keep the fire pans burning in order to provide light for the men on the streets.⁸⁷ When a city was being stormed, women could also take an active part in defense without violating rules against leaving the house by attacking the enemy with stones and hot water thrown from the windows.⁸⁸

The clergy were in some ways in a position similar to women when it came to defense. Traditionally, the Catholic Church forbade clergy from bearing arms, for spilling blood was not appropriate to their calling.⁸⁹ From a legal standpoint, clergy prior to the Reformation were members of an estate separate from that of citizens, thus it was also logical that they would be exempt from defense duties just as they were exempt from most taxes, including defense taxes. Clerical exception from military obligations was not universal, however, and where it existed, it was hotly debated during the Reformation, with demands that clergy both pay defense taxes and participate in guard duty appearing as a point of contention in the revolts of 1524–5. In medieval statutes as well as some decrees of the early Reformation, both secular and regular clergy could be considered citizens for the purpose of providing for defense. This could mean serving personally as guards, although more often, clergy simply contributed the cost of paying a man to stand watch, just as a widow would do.⁹⁰ Religious houses after the Reformation also had many of the same responsibilities as households; even if clerics weren't expected to take part in defense activities directly, other members of their household were. This fact was underscored in a dispute involving professors at the Jesuit University of Ingolstadt in 1598, which resulted from an order from Maximilian of Bavaria to the University faculty demanding that they purchase the weapons and armor required of all Ingolstadt residents, and to maintain them in their houses. Representing themselves as clergy and theologians, the University faculty argued in vain that books were not compatible with the sword.⁹¹

The combination of sexual abstinence and lack of arms contributed to views of the medieval cleric as a different kind of man, representing a kind of “third sex” and sometimes even allegorically feminized.⁹² Some sixteenth- and seventeenth-century defense ordinances continued to include clergy along with women, children, and foreigners as one of the categories of people who should stay off the streets entirely during emergencies, the only exception being to fight fires that directly threatened buildings belonging to the religious orders.⁹³ The rules here, however, do not distinguish between Catholic and Protestant clerics, both of whom were normally exempt from defense contributions in any case as civic office-holders.

Jews made up another category of men who were excluded from most defense activities. Like clerics, Jews could be commandeered for military service during the Middle Ages, in person as well as via payment of defense taxes.⁹⁴ Over the course of the twelfth and thirteenth centuries, however, Jews were placed under royal “protection” in most parts of Europe, theoretically losing the rights and duties associated with military service, among them the right of armed resistance.⁹⁵ In practice, Jews certainly continued to guard their own settlements, which with few exceptions were located outside of city walls by 1500, and in the cities they also aided in defense during sieges, in some cases by arming themselves and in others by performing supportive functions such as delivering ammunition and putting out fires.⁹⁶ Defense ordinances in sixteenth-century Friedberg in der Wetterau required Jews along with Christians to maintain arms and stand ready to participate in defense of the town in case of attack, as well as to guard the gates to their own quarter with pikes. In Frankfurt Jews stood watch in their own quarter throughout the early modern period, along with participating in the building of fortifications.⁹⁷ But although Jews had also regularly guarded the streets and gates alongside Christians in many late medieval towns, Jewish contributions to general defense increasingly had to be provided in the form of taxes or contributions. In their initial phase during the thirteenth century, these fees represented only the normal expense of providing a substitute guard, thus did not differ significantly from Christian obligations. Over the course of the centuries that followed, however, the taxes extracted from Jews grew to a level usually much higher than those paid by Christians. The right to “protect” Jews was naturally a lucrative business.⁹⁸

Due to their status as not “weapons capable,” Jews who wore weapons in Christian territory or traveled without an armed escort voided established protection arrangements, theoretically leaving them without legal recourse if attacked. This status they shared during the Middle Ages with

the clergy.⁹⁹ The reality during the early modern period was somewhat different, as will be discussed in later chapters. Nonetheless, like rumors of Jewish male menstruation, constant reference to the need for “protecting” Jews added fuel for accusations that Jewish men did not share the active, masculine characteristics of Christian men. This imposed stereotype then came to serve those who later argued against Jewish emancipation on the basis that Jews were not fit for military service.¹⁰⁰

Rules of inclusion and exclusion in defense systems were driven not only by beliefs about masculine and feminized categories, but also by the assumptions about citizenship and membership in the civic commune expressed by Machiavelli and his followers. Local men were assumed to have a stake in defending their homes and neighborhoods, whereas one could never be sure about the interests of non-citizens and other outsiders, even clergy, whose first allegiance was likely to be to the church rather than the community. Especially during periods of tension, which in the early modern city often grew out of religious differences, cities needed to be certain of the loyalties of their defensive forces. For this reason, not only clergy but all non-residents who were in the city could be excluded from defense activities. Ordinances warned visitors to remain in the inns during emergencies and to stay out of the way of defense actions.¹⁰¹ In international Hamburg, city leaders were challenged by their foreign-language speaking population (primarily Portuguese Jews), who were considered legal residents for tax purposes but were not integrated enough into the community to be trusted as guards. The town defense ordinance addressed the problem by including a special rule requiring all those of “foreign nationality and language” to hire a qualified (presumably German) young man who was not a citizen, for example a visiting journeyman, to stand guard in their place.¹⁰²

These patterns all served to underscore the relationship between military service, masculine identity, and civic honor. By sharing responsibility for the protection of their town, Machiavelli asserted, men would learn masculine virtues like bravery and sacrifice, and would apply the special codes of military honor to their civic lives. At the same time, participation in local defense systems differentiated adult male citizens from women, children, or impotent old men and distinguished them from the potentially traitorous or symbolically feminized categories of cleric or Jew.

Weapons and civic representation

[The Elector] built a great armory hall
Where one can see cannons big and small

More than a few are there to be found,
 Pristine and fine, all around,
 Rapier and sword with gilded hilt,
 The most beautiful and the best ever built.

Thus did Dresden courier Daniel Wintzenberger laud the splendor of his home town's armory and its contents in a poem composed in 1591.¹⁰³ In Augsburg, an armory inventory recorded in 1624 describes artillery pieces not by their caliber or weight, as would become the standard by the end of the century, but by name. One cannon was called "the virgin"; a pair of falcons went by "the noble falcon" and "the noble falcon companion"; others carried the names of the four elements (earth, water, air, and fire) or the signs of the zodiac. Although later inventories included more practical information about the guns, such as their length, weight, and caliber, many retained their fanciful names, and an inventory from 1681 added descriptions of the artwork adorning them, most often civic symbols. Also included were the dates of their construction. The gunsmiths who created these masterpieces—some of which were over a century and a half old by 1681—included marks to identify their craftsmanship.¹⁰⁴

The primary interest of city authorities in assessing weapons reserves and requiring their citizens to maintain arms was undoubtedly defense. Yet, as these descriptions suggest, weapons represented more than merely tools of defense. In all power relationships between men, military or civilian, weapons can serve as an identifying sign. For civic guards, appropriate armaments provided a visual representation of inclusion in the commune and the right to represent authority. This idea was expressed by off-duty city guard Erhardt Ziegler, who became involved in an altercation with the watch in 1594 and, according to his accusers, yelled at them, "You're all desperate rascals, he has never lost a halberd by falling asleep as they had, he is also a servant of our Lords and also has a pike and weapons."¹⁰⁵ Testimony in the case suggests that after Ziegler had found the abandoned halberd lying around, a colleague of the guard who had misplaced it asked him to keep quiet out of fear of reprisal. In another case, a furrier quietly took away a halberd from a drowsing guard, apparently as a joke intended to draw attention to the sleepy watchman's inappropriate behavior.¹⁰⁶ In both of these cases, the loss of the halberd symbolized dereliction of duty.

Halberds and other pole arms (pikes, glaives, partisans, etc.) were not only required equipment for sixteenth-century guards, but they were among the weapons restricted to those on duty only. Naturally, this

was partly for reasons of safety – pole arms were dangerous, and as will be covered in detail elsewhere, men not on duty were also forbidden to walk about with other dangerous items (such as loaded firearms or unsheathed swords). But the pole arms carried by city guards served in particular to make them easily identifiable as representatives of the authorities. This was also true of armor, so that breastplates and helmets, too, were forbidden to all but soldiers and guards currently on duty. One man charged with refusing to cooperate with the city guards claimed that he had no way of knowing that the guards represented authority, “as they had neither breastplate nor pole arm on them.”¹⁰⁷ In other cases, guards justified armed intervention in brawls by noting that taking up arms in response to a noisy incident was the only proper behavior for representatives of the council.¹⁰⁸ The images suggested by these expressions are mirrored in countless works of Renaissance art in which the combination of helmet, breastplate and pole arm invariably identify the men who serve as the arm of the law.

The value of pole arms as icons of power was largely that they were readily visible. Certainly, pike formations were useful in early modern battles, and pole arms could be used in lowered position by guards to block an alley, hold off an adversary at more than a sword’s length, or stop a horse. Halberds were also practical as firefighting tools. But when guards were threatened, they were more likely to draw swords than to depend on pikes or halberds for defense. Pole arms were unwieldy in a fight and of little use against firearms or opponents at close range; rather, their value was largely symbolic. This could also be true of the big guns described with such reverence by the early modern observers noted above. Artillery began to appear in defense ordinances beginning in about the fifteenth century. By the sixteenth, cannons were not only standard equipment in the field and as part of every city’s weapon stockpile, but also peered through the loopholes of watch towers and city gates, as well as arming the church towers that served double-duty as defense bastions in many villages.¹⁰⁹ Strategically placed artillery eventually came to play an important role in town defense systems, especially after the development of angular bastions (fortifications in the *trace italienne* style) that allowed approaching enemies to be caught in cannon crossfire. But the heavy guns also had other, more representational roles that both preceded and accompanied their tour of duty as defensive weapons. Artillery pieces fascinated early modern townspeople as machines, noisemakers, works of art, and especially as symbols of power.

The fascination, perhaps even affection, that some men felt towards these big guns finds a particularly colorful voice in the exuberant

description of an artillery-shooting contest that took place in Nuremberg in August of 1671. The tract, written partly in rhyme, highlights the combination of military display and “merry entertainment” provided by the big guns, which were wheeled to the shooting grounds accompanied by festive companies of pikemen, riflemen, and mounted guards flying colorful banners and accompanied by drummers and trumpeters.¹¹⁰ The anonymous poet’s report that over 200 cannonballs hit their targets during the shoot shows considerable improvement over an artillery contest in the same city 57 years earlier, which went on for days without a single hit. The earlier contest ended tragically when a stone cannonball flew so far over the castle-shaped target that it landed on an innocent passer-by on a nearby city street, killing him on the spot.¹¹¹

While being hit with a cannonball on a public street was certainly unusual, artillery accidents were not. During the early days of experimentation with these technological wonders, exploding cannons and misfired cannonballs were the norm. Nonetheless, the contests continued as celebratory affairs, accompanied by mountains of food and drink and visited by exalted guests. In some cases, they doubled as military musters, with all of the men of the town required to appear fully armed and decked out in their civic armor at the celebrations that opened and closed the contests.¹¹² The sound of the cannons, which could be heard throughout the town and continued for days or even weeks, served as a constant reminder of wartime readiness and civic wealth. From a military standpoint, these events were more successful as displays of power than as practice for war, although the attention paid to the big guns probably also contributed to their technological development. Certainly, the quality and accuracy of artillery greatly improved over the course of the Thirty Years’ War, as is evidenced by the 200 hits recorded in 1671.

But some “weapons” were actually created only for show, having no real practical purpose at all. Early artillery makers were sometimes paid by the pound, encouraging them to produce cannon so large that they were actually worthless. Brunswick’s 180-centner “Lazy Mattie,” built in the fifteenth century, was shot no more than once or twice in over 200 years. Other guns with affectionate names like “Great Greta” (Ghent) and the “Rhinoceros” (Breslau) required 50 horses to move them and even more men to fire them, using cannonballs so large that they could not reach their targets without breaking.¹¹³ The phenomenon was not limited to big guns. Weapons smiths also produced oversized and heavily decorated arrowheads and pole arm blades that were obviously impractical for actual use as weapons, as well as ceremonial armor that would hardly be wasted on the field of battle.¹¹⁴ The fact that decorative

weapons were created for ceremonial use, or even merely for display, rather than for military action is attested to by their tendency to survive and be over-represented in modern museum collections.

Personal armories, too, could take on the character of collections that were more for display than for defense. Both muster lists and probate records reveal that many wealthier citizens maintained impressive personal arsenals. The collection of weapons that Aichstetten citizen Johann Bonnenmayer left behind when he died, which included swords decorated with silver and gold, three pairs of pistols, several guns, and sword belts made of silk and satin was not likely to have been related to his profession as a bursar.¹¹⁵ Some of Augsburg's wealthier citizens kept their own armory rooms, outfitted with finely decorated suits of armor, gilded and jeweled swords and knives, and enough guns and other weapons to outfit a company of soldiers.¹¹⁶ By maintaining collections of weapons that rivaled that of the nobility not only in their numbers, but also in their expense, city patricians expressed both their status as free citizens and their willingness to defend that status against attack. Although sumptuary laws limited the amount of gold and silver allowed on the swords and scabbards worn on the street by merchants and patricians, there was nothing to regulate what they kept in their home arsenal.

The choice not to keep or bear arms was also not without meaning. The role of the weapon as an identifying sign is underscored by the refusal of pacifist groups, such as Anabaptists, to carry them. Anabaptist Martin Schad, interrogated in Augsburg in 1528, expressed this notion when asked how members of his faith recognized one another. One method of identification, Schad said, was that "the brothers should leave their weapons behind so that one could know them by it."¹¹⁷ Here, the reason for going without a weapon was at least as much a means of establishing communal identity as it was a manifestation of a pacifist belief system. For professional soldiers, specific weapons could equal status in more than a symbolic sense, for the assignment of a pay status could depend on the type of weapon each soldier brought with him at the time of entry into service. Thus soldiers could be signed in at a higher pay scale simply by borrowing more expensive weapons.¹¹⁸ Owning and displaying weapons, then, for individuals as well as for towns, was a form of self-fashioning that publicly signified status, identity, and adherence to the martial ethic.

Defense systems

We have seen that participation in local defense was both a duty and a symbol of communal identity, and that this duty included being armed

and ready and standing guard. It is now time to outline exactly what guards did. The duties of both professional and civilian guards can be roughly divided into four areas: Military defense functions; firefighting; police functions; and ceremonial duties. Over the course of the sixteenth century, larger cities began increasingly to employ full-time guards to man the city gates and patrol the streets by day. In some towns craftsmen could sign on part-time as a kind of ready reserve, earning a small weekly income in exchange for one day and night per week of guard duty while standing ready to be called into the field if necessary.¹¹⁹ Additional civilian guards were also hired when a city had reason to fear imminent danger, although this duty, too, was increasingly taken over by professional soldiers as the sixteenth century progressed.¹²⁰ But the night watches, which required greater numbers of personnel, continued to be performed primarily by civilians, usually under the command of professional officers.

The responsibility of the male citizen to support local security extended beyond official guard duties, however. On duty or off, all male citizens and residents were expected not only to appear armed and ready during emergencies, but also to take the initiative at any time to interfere with fights, disarm disorderly persons, and challenge suspicious activities. As members of the civic commune, each citizen and resident had the right and duty to serve as a representative of local authority and provide "civic aid"¹²¹ to control violence. According to one craftsman whose language mirrored numerous ordinances, he had taken it upon himself to enforce peace "in lieu of the Lord Mayor."¹²²

Military defense and firefighting

In defense of the town, both professional and citizen guards were charged first and foremost with being alert for signs of attack and sounding necessary alarms. Ordinances instructed all weapons-capable men to arm themselves at the sound of local alarm bells or cannon and, depending on the political situation, either to run to a designated place of muster or to stay home and await instructions. Gathering spots were normally assigned by quarter, often at a square or market, or occasionally at the home of the Lane or Quarter Captain. In the seventeenth century, especially during wartime, some less well-off residents would have to make a stop at the armory first in order to pick up a borrowed weapon, which would then need to be returned the following day.¹²³ In times of military or political stress, for example during a siege or other "extreme emergency," the entire male population might also be called to stand guard.¹²⁴

Civic ordinances also instructed guards to be alert not only for military attacks, but also for impending storms or other disasters, especially fire. Fires could result from a military attack with fireballs or incendiary bombs,¹²⁵ but more often were simply the result of a badly maintained chimney. Because of the potential devastation that could be visited upon an early modern city by an out-of-control fire, defense ordinances were very detailed on firefighting instructions, which, unlike military actions, could involve every resident in the city, including women and non-residents. Each household was required to maintain individual firefighting equipment in the form of a bucket of water, to be kept near the door.¹²⁶ Public houses, with their large kitchens, parade of strangers, and (in the case of beer houses) brewing fires, posed a particular threat in this regard; thus publicans could be required to maintain "more [water] than the others."¹²⁷

In order to ensure proper preparation for the right kind of disaster, some towns employed a system of colored flags or different rhythms for ringing bells designed to inform residents about the problem. In Nördlingen, for example, a red flag signified fire, whereas in the case of military attack, a yellow flag was flown. In what would be an oddly ironic twist by modern traditions, a white flag hung from Augsburg's central watch tower (called the *Perlachturm*) served as a call to arms due to imminent attack. Elsewhere, citizens prepared their defense based on an established number of cannon shots or strikes of an alarm bell.¹²⁸ Defense ordinances also reflect an increasing interest in artillery beginning in the fifteenth century. Those citizens designated as artillery gunners had special instructions to hurry to the towers where guns were positioned rather than appearing at muster locations.¹²⁹ Regardless of the type of emergency, citizens were expected to appear armed.¹³⁰

Although this study is concerned primarily with civic defense systems, it should be noted that it was not only in the towns that male householders were expected to protect their communities. Village men, too, were required to maintain weapons and armor and to take part in local defense systems. Peasants guarded fields and village perimeters when the community was threatened, and followed the orders of local lords or town authorities to provide their rulers with personal protection. Like townsmen, they also responded to alarm bells and shots, although village alarms sometimes consisted of nothing more than the firing of a musket. In times of general threat, they could also be called upon to take up arms against enemy troops, which was understood throughout the early modern period as a standard duty and not an implication that "civil order had ceased to function," as recently suggested in connection

with Moritz of Hesse's call to his subjects to take up arms in defense of the realm in 1626.¹³¹ Village duties were less regular than those required of townsmen, however, and could depend on capricious decisions by their lords. Lacking walls, villages were naturally more directly dependent on the protection of their seigniorial authorities. Ordinances sometimes reflected the peasants' dependent status. Although civic ordinances normally reminded citizens to appear fully armed regardless of the emergency, for example, the ordinance governing firefighting in the countryside in Württemberg specifically limited peasants to running to the fire only with those weapons and equipment deemed "serviceable for reining in and putting out the fire," but "not with other weapons."¹³²

Police functions

Military attacks and fires were not the only threats to early modern towns. Danger came in many forms. During peacetime, the authorities often expressed greater concern with keeping out potentially disorderly elements such as vagrants, beggars, and idle journeymen than with military attacks. Although the threat posed by such persons was economic rather than military, it was a threat nonetheless, and here "police" and "defense" functions cannot be clearly delineated. Guards were to repulse all such suspicious strangers at the gates or, if they were found within the city, expel them. Extra civilian guards were often called to serve during special events that might attract strangers to the city, such as kermis festivals and fairs, Imperial Diets or other visits by important guests, and carnival celebrations.¹³³

Additional police functions that were performed by both civilian and professional guards included patrolling the streets and detaining and questioning suspicious or disorderly persons; performing visitations of public houses (especially those from which emitted "unseemly offensive shouting," according to an Augsburg ordinance);¹³⁴ intervening in brawls and other altercations; and sounding the horns or bells that regulated the workday and marked tavern closing times. City guards also sometimes served as a kind of morals police, especially during and after the Reformation period. In this role they were charged with controlling improper behavior such as drinking during the sermon, blasphemy, singing slanderous songs, and other activities deemed to be frivolous (sledding, mummary, attending spinning bees, etc.). Naturally, this included illicit sexual behavior, whether in the form of professional prostitution or simply nighttime trysts between unmarried couples.

Since all men were responsible for civic defense, police duties were not limited only to those on duty as guards. As noted, interference in fights

in the interest of civic peace was also the task of any male resident or citizen who happened to witness an altercation. In this role, every citizen had the right to represent the Burgomaster and, by extension, the entire community. Civic ordinances instructed local men both to interfere in fights if guards were not present, and to help the guards in situations that exceeded their capacity to exert control. Although under normal circumstances, off-duty citizens were not supposed to interfere with guards on duty, this restriction did not apply when guards needed help to quiet a disturbance. In Nördlingen, for example, a 1457 ordinance specifically required the “closest neighbors on the street,” along with any passersby who happened to be within hearing range, to run to the city gates to the aid guards if they called for help.¹³⁵ Whether or not guards were present, citizens had the right to apply force if the challenged party failed to respond, “without fear of [being fined for] creating a disturbance.”¹³⁶ In one Memmingen statute, persons interfering in fights in the interest of making peace were specifically allowed to resort to arms only if the participants in the altercation had themselves not drawn weapons, clearly in an attempt to discourage escalation of a duel to an armed brawl. In most cases, however, anything short of manslaughter was considered acceptable to keep the peace.¹³⁷ Once the “order of peace” (*Friedensgebot*) had been made, no matter who initiated it, it had the force of law. Any further altercation then became a breach of an arranged peace and was treated more severely than a spontaneous fight.¹³⁸

Not everything that threatened the city could be controlled with force of arms. More and more as the early modern period progressed, guards and their captains also became responsible for controlling hazards to public health. Disease could spread almost as quickly as fire, and in terms of human life, it was equally destructive. Responding in part to outbreaks of plague that had beleaguered Europe since the fourteenth century, municipal governments became increasingly involved in controlling the movements of persons afflicted with infectious ailments.¹³⁹ Thus neighborhood watches and guards at the city gates also had to watch out for signs of contagions among the populace and arriving travelers, and Lane Captains were responsible for reporting outbreaks of disease to the authorities, a task for which they sometimes received fees from the city.¹⁴⁰ By the eighteenth century, these duties included keeping filth off the streets and controlling biting dogs.¹⁴¹

Ceremonial duties

As agents of the authorities, both civilian and professional guards served a variety of representational functions in addition to providing

security. An armed and well-ordered militia was not only necessary for defense, but also served as a public display of the power, authority, and wealth of the local government. With the organizational shift of the defense unit from guild to household and neighborhood, the militia replaced older, guild- and confraternity-related forms of representation that emphasized corporate rather than civic identity, providing a new emphasis on civic unity. The representative role of an armed citizenry displaying their unity and loyalty became increasingly important as cities competed for status and power with the rising court culture of the territorial princes.¹⁴²

For the citizens, ceremonial duties began at the gates, where it was the responsibility of every guard to keep an eye out not only for approaching threats, but also for distinguished guests whose arrival might demand a proper welcome. Depending on the importance of the guest, ceremonial duties might require the posting of extra guards, or even assembling the entire defense community. When newly-elected Emperor Ferdinand I¹⁴³ visited Augsburg in 1559, the entire armed citizenry, among them a shooting company of 40 or 50 harquebusiers, lined the streets with pole arms and breastplates to greet their sovereign and his entourage. Naturally, powerful rulers entering the city on diplomatic missions, not to be outdone, invariably arrived with an impressively armed entourage of their own. Lesser dignitaries might be met by standard-bearers bringing gifts of wine financed by the city.¹⁴⁴ Guards also blew horns to greet arriving dignitaries as well as to pay tribute to wedding processions, for which they could be honored with a tip.

Although perhaps appearing frivolous compared to the military and police functions more often associated with civic militias, these tasks were taken seriously by city councils whose power and reputation depended on attention to status and diplomacy. Failure to blow a horn or other inattention to people of status could lead to temporary imprisonment or dismissal for “lack of diligence at the watch,” for military readiness represented more than just protection for the town.¹⁴⁵ Guards and armed citizens provided an important component of what in other contexts has been called “civic self-fashioning.”¹⁴⁶

The night watch

Due to the historical reenactments that take place in numerous European towns and restaurants catering to foreign visitors, many of us are used to imagining the “night watchman” as a lone figure, walking through the dark streets with his halberd and lantern and calling

the hours in cleverly rhymed verses. While most night watchmen in early modern Germany would indeed have been outfitted with a halberd and lantern, few would have walked the streets alone, at least in a town of any size. These are only two of many details about the nightly round experienced by countless townsmen in hundreds of communities throughout the Empire that can be gleaned from archival sources. Let us now accompany one of those men on his walk through the dark streets of his home town, imagining the duties, dangers, and sensory experiences he might encounter on his round.

According to Nördlingen and Memmingen ordinances of the seventeenth century, guard duty might come around to each household about once every three weeks or so.¹⁴⁷ As we know, any able-bodied adult male could perform the task, although in periods of tension decrees could request that the household head appear in person.¹⁴⁸ Usually, however, guard duty would be performed by a young member of the household, perhaps the householder's son or one of his journeymen.

Our young man would have received instructions on where to appear from his neighborhood Quarter or Lane Captain or from the city bailiff. Notification allowed little time to prepare, often coming only the day before, or possibly even as late as the morning of the watch. The young guard's duty would begin at or shortly before the evening bell, which rang at 7 or 8 p.m. in winter – well after dark – and at 9 in summer. He would be expected to appear sober and outfitted with the proper equipment, normally a breastplate, a helmet, a sword, and either a pole arm or functioning firearm.¹⁴⁹

Guards on night watch could be assigned to walk the streets, stand guard at the gates and towers, or patrol the battlement walk on the city walls. Because they stood watch in small groups, those who patrolled the streets were often referred to as the “passel watch” (*Scharwacht*), although they might break off into pairs in order to take turns making rounds.¹⁵⁰ The night shift in some cases lasted until the tower guards sounded the horn that heralded the dawn, which could be twelve hours or more in winter. In other cases the guards stood watch only until midnight.

Here it might be useful to pause and consider the possible implications of gathering a group of armed young men together and turning them loose for the night. Naturally, they remained to some extent under the watchful eyes of professional or semi-professional soldiers, in particular their neighborhood captains. Groups of guards were also likely to be mixed in age, with some more mature householders present to rein in the enthusiasm of their younger colleagues. In some cases professional captains received orders to stand guard with the young men for a period

of time in order to establish discipline and ensure that the guards were able to assert their authority over other nightwalkers.¹⁵¹

Despite these measures, many young guards found themselves left to their own devices during their round of watch. And guards were not the only people likely to be on the streets at night. Certainly, a variety of civic ordinances were designed to discourage late-night socializing; innkeepers were supposed to stop serving drinks at the evening bell, for example, and rules were in place against both ritualized nighttime activities (such as Charivari and immodest carnival festivities) and spontaneous sources of disturbance (fighting, singing, yelling, etc.).¹⁵² City gates were also closed and locked at night, stopping traffic to and from the town. But it was not illegal to be outside during the hours of darkness. Our young man would be likely to encounter revelers returning home after weddings or other invitations, either on foot or in sleds or carriages, or groups of men whose drinking or gambling bout had continued in a private home after the pubs had closed. People also left their homes in the night because of medical emergencies, sending servants to fetch a barber surgeon or midwife, or possibly calling to the guards to perform this service.

Most likely to be on the streets after dark were other young men. The cover of night and the absence of authority figures provided an opportunity for both rural and urban young people to test the limits of normal rules of behavior.¹⁵³ According to Norbert Schindler, it was by flaunting social norms in nighttime games and rituals that young men tested and explored their future roles as men. Their antics at times took the form of social protest, even serving as a voice for larger segments of society, for their youth allowed them more leeway in breaking boundaries than would be tolerated from older men. Thus their nighttime frolics were often treated with tolerance or even collusion by the night guards.¹⁵⁴

According to civic statutes, these nightwalkers were all required to make themselves visible by carrying a lantern, for with nothing else to light their way besides an occasional bright moon, the most distinctive feature of the night was darkness. Street lamps that burned all night, initially using oil and eventually gas, were introduced in some cities in the later seventeenth century, but most towns did not have permanent street lamps before the eighteenth century.¹⁵⁵ Until then, vision for watchmen and other nightwalkers normally existed only as far as the reach of the beam of a torch or, much more often, a lantern, which was dimmed by diffusion through the thin horn or skin that served to protect the flame from wind and rain. By exposing the nightwalker

to the scrutiny of the guards, lanterns served as an identifying marker, implying that the bearer of the light had nothing to hide.¹⁵⁶ Naturally, at least one guard in any pair or group also always carried a light.

Since this cover of darkness made virtually everyone suspicious, our guard would likely challenge other people passing on the streets, at least those who were on foot. He would be less likely to question people of status passing in a carriage. Anyone not carrying a lantern would be subject to a fine. Fines or other punishments also awaited those who disturbed the peace by yelling, fighting, damaging property, or engaging in rowdy games such as snowball fights and sledding. In some towns, guards collected fines on the spot, although the more common practice was to instruct the delinquent to appear before a lower court the next day. Drunken or otherwise unmanageable nightwalkers might be detained in the "fool's house" overnight. This was a cage-like apparatus normally located on a public square that subjected its prisoner to public shame. Not surprisingly, some men resisted the attempts of the guards to establish peace. Disputes between those on guard duty and other young men in the streets were common, occasionally crossing the line into fights, which could end badly.¹⁵⁷

Altercations occasionally involved women, too. Of course, women also had a right to pass by on the street if they were returning home from parties, naturally escorted by male family members, or if they had to rush to perform services as midwives or healers. Otherwise, however, the streets at night were no place for honorable women. Our young guard would naturally assume that women walking about at night alone or in pairs were prostitutes and lock them up in the fool's house, so there was no chance of them slipping out of the city before their appearance before the magistrates in the morning.¹⁵⁸

The German night could be cold as well as dark, and this was a chronic problem for both professional and civilian guards. If our guard was lucky, his family or master could provide him with a warm coat and good boots to keep the chill off while he made his nightly rounds, luxuries that many full-time guards had trouble managing on their meager pay. But even a good coat would not suffice for a long shift in the dead of winter. Then, provisions had to be made for a heated room in which to warm up between rounds of watch. Guards might gather in the watch towers at the city gates, or possibly even in private homes arranged by the Quarter Captain. During times of shortage, such as the Thirty Years' War, wood for heating the guard room would be in short supply. Night watchmen who enjoyed the fire too much in such hard times could run into trouble for wasting fuel.¹⁵⁹

Despite these hardships and the many admonishments from the authorities to take duties seriously, there is no doubt that young men also found ways to enjoy themselves during their “passel watch.” Socializing while on duty was inevitable, and took many forms. City councils found it necessary to issue ordinances repeatedly reminding guards on duty to stay out of public houses, stop bringing in wine to share with fellow guards, and cease drinking and gambling in the guard houses. Fights also broke out between guards, in itself a form of socializing. Other decrees warned against entertaining friends and family members in the watch towers, which based on records of arrest was a fairly common problem. In Nördlingen, an exception was made to the rule against entertaining guests for members of the city council, who were allowed to bring their wives up to the top of “Daniel,” the city’s massive watch and bell tower. Presumably the women enjoyed the view.¹⁶⁰

The night watch, then, could be marked by tension, excitement, bitter cold, or, undoubtedly, occasional boredom. But it always involved social contact with other men, whether friendly or antagonistic. Some of these male associates, such as the Quarter Captains, were mature men, trained in military ways and ideally providing a model of maturity and good judgment for their younger comrades. And despite the obvious problems with reining in youthful energies, young men were supposed to learn the lessons of civic virtue from their experience as citizen soldiers. The requirement for men to guard their own towns was understood not only as a duty, but also as a freedom, for it symbolized the autonomy of the city and the free status of its citizens. Both drawing upon this tradition and legitimizing it, supporters of militia theory assumed that the experience of being responsible for the lives, property, and honor of neighbors would build character and dedication to the martial ethic. This ethic involved a sense of communal duty and sacrifice, and fostered a distinctly masculine identity with arms.¹⁶¹

The urban soundscape

Since, in the dark, there is little visual landscape, communication is more dependent on hearing. In the early modern night, both space and time were interpreted largely through sound. Night watchmen blew horns, rang bells, or called out to mark the onset of night, the break of day, and the hours in between. They used acoustic signals to inform field laborers when to leave for work, to alert school children that it was time for lessons, and to signal the time for taverns to close, lanterns to be lit, and, in some towns, weapons to be put away. They called to one

another on their rounds to ensure that all was well, to keep each other awake, and to check up on each other. Guards patrolling the streets were charged with calling up to those manning the city walls or the watch towers, waiting to hear a response before moving on. Night guards also called out or sang songs to mark the hours. Night watchmen's songs played with the themes of the night, warning men to be careful of their fires and to stay away from gambling bouts, and cautioning maidens to stay away from men.¹⁶² The streets, gates, and towers were networked by a rhythm of sound.

Because sounds, smells, and things felt by the touch exist only in the moment and leave no record, historians generally give priority to visual descriptions of past times over experiences of the other senses. Much of this visual description, however, also must be intuited or colored by historical imagination as we deconstruct and reconstruct the meaning infused in texts and images. Like texts, sounds were imbued with cultural significance that was tied up with gendered and local identities. Historians have recently begun to recognize the importance of social sounds to pre-modern life.¹⁶³ For early modern townsmen, social competence required skill in creating the appropriate sound at the appropriate moment, and knowing how to react to sounds produced by others. Although we can no longer hear the results of their efforts, the sources are descriptive enough to allow us to infer the variety and importance of defense-related sounds.

Either too much or too little noise, for example, could lead to problems. Then as now, people expected a degree of peace and quiet, particularly at night, and complained if the noise of the guards kept them awake. The constant calling among guards annoyed some citizens, for example Augsburg's Burgomaster Marx May, who appeared at his window shouting insults at the guards in 1639 for waking him at around 9 p.m. According to the guards, May called them "irresponsible good-for-nothings" and "sluggards," complaining that he had no peace from them night after night and would "rather give up his office as Burgomaster than put up with it." In response, the guards insisted that they had only called out to a passerby "in accordance with military custom," and had not given the councilman cause to call them sluggards.¹⁶⁴

Elsewhere, the oath for citizen guards included a promise to remain as quiet as possible when walking the streets at night, a rule that certainly did not only apply to guards, but to anyone who was outside after the evening bell. Guards were instructed to silence and arrest nightwalkers caught yelling and shouting, beating on drums or other instruments, singing, or otherwise disturbing the peace.¹⁶⁵ Again, it was young men

who were most likely to cause such disturbances, as they took advantage of their anonymity in the dark in order to indulge in youthful expressions of joy, protest, anger, or just excess energy.¹⁶⁶ Singing at night, in particular, drew the attention of the authorities not only because of the disturbance it caused, but also because slanderous songs were a common form for communicating insults and protests. Singing an insulting nighttime serenade under the window of the object of the slander was a standard type of urban charivari, and religious and political protest also made the rounds in the form of song. Young men who burst into song during the night, even those whose motives were merely to court the object of their affection, thank a fellow townsman for lighting their way, or express their enjoyment of a friendly drinking bout, were likely to find themselves under suspicion for more seditious motives.¹⁶⁷

At the same time, townfolk depended on a certain amount of noise during the night in order to feel safe. If people couldn't hear the guards shouting their reassurances, or they had reason to believe that the sound of the alarm bell would be drowned out by other sounds, such as rushing water, then insecurity would result. This was the impetus for complaints by a group of residents of Mindelheim, who complained in 1652 that their proximity to a mill wheel meant that they could not hear the city bells or the striking of the hours, so that they "did not know what's going on or what time it is." To make matters worse, the night watch did not patrol their corner of town regularly. The neighbors were very concerned about their fate should a fire break out during the night.¹⁶⁸ Guards thus felt justified in many of the noises they made, even if they disturbed sleep, for light sleep ensured readiness.¹⁶⁹

Not only at night, but also during the day, the presence of the guards was meant to be heard as well as seen. Along with serving as the eyes of the city, guards created a soundscape particular to their town. Local defense depended on residents recognizing a coded system of specific sounds provided by horns, bells, drums, fifes, and cannon fire. Guards were sometimes dependent on simply having a good set of lungs, for they were trained to be alert for not only for danger, but for any kind of information that needed to be passed on. Specific information about the locations of fires or approaching wagons, which could not always be detailed by the complicated system of signal flags and bell strikes, was simply screamed down from the watch tower. A night watchman with a particularly impressive voice could become an object of admiration.¹⁷⁰

Even from afar, both villagers and townsmen knew the sound of their own bells and guns. Bell towers that doubled as steeples and watch towers called local residents to church services every week, making their

tones when they sounded danger easy to recognize. Like the church towers that housed them, the bells formed a link between communal religious life and collective defense. The keys to the bell tower could also function as a symbol of secular power, being ceremoniously handed over to new leaders along with the city seal and keys to the treasury when the government changed hands.¹⁷¹ But as more and more towns and villages depended on artillery for defense, the big guns also became increasingly important for sounding alarms. Cannon fire was louder than anything that had been experienced by early modern people prior to the invention of firearms, even louder than thunder, and it could be heard at a much greater range than a bell, making it both more practical and more impressive as an alarm system. Artillery sometimes replaced bells in a quite literal sense as well, as bells were melted down during periods of hostility and turned into cannons. While the sound of bells remained important to religious and community life throughout the early modern period and beyond, they would eventually lose their role in calling men to arms.¹⁷²

Sound also enhanced the ceremonial role of city guards, who played drums to announce the reading of important new decrees and blew horns to announce public events, such as weddings and the arrival of dignitaries to the city. When the Emperor left Augsburg after the “armored Diet” (*geharnischter Reichstag*) of 1548, the sounds of horses’ hooves and wagon wheels clattering on the cobblestones was accompanied by the melodic whistles of fifes, played from the council house oriel as the procession passed. The music was provided by the city pipers (*Stadtpeiffer*), who were public officials.¹⁷³ Noisy fireworks were also common accompaniments to elite celebrations, whether political or private, filling the sky with both light and sound as a public display of wealth and power.

The association of loud sounds with important events might explain why firearms became an object of fascination even before they surpassed bows and crossbows as effective weapons.¹⁷⁴ Gunpowder most likely started its life as a party item, and this tradition has continued in the form of the gun, which even today can function as a replacement for fireworks for spontaneous expressions of exuberance. Early modern men fired guns at carnival and New Years’ celebrations, weddings, guild processions, and sometimes just in drunken revelry.¹⁷⁵ The act could be symbolic both as an expression of power, and as a celebration of peace, as clearing the gun harmlessly implied that it was no longer needed for defense. This was the explanation provided by Augsburg citizen Georg Teüringer, who insisted that he had fired a shot from his window after a religious riot in 1584 only to return his gun to a safe state

while at the same time celebrating the return of peace after things had settled down.¹⁷⁶ Guns were not only a new weapons technology, but a new sound technology. In both roles, they were integrated into male social life.

Conclusion

The bearing of arms in early modern Germany was a responsibility clearly associated with householding and membership in the civic or village commune. By taking up arms in defense of a threat, citizens underscored their oath to remain firmly on the side of their town and its leaders. The citizen defense force thus served the city as a form of civic representation and a police and firefighting force. It was also effective in socializing men to exhibit certain values that were understood as virtues, including civic pride and martial skills. The ideal result of such a system would be not only to provide for effective defense, but also to build community and underscore social identities among townsmen, both within neighborhoods and across boundaries of status.

As an organization bound to definitions of citizenship and limited to men, the civilian militia system fostered a distinctly masculine identity with arms. This does not mean that women did not resort to arms in defense of themselves and their communities. In fact, history records some dramatic examples of women who armed themselves and defended their towns during wartime. But these are invariably treated as anomalies, or even legendary metaphors. Broadsheets describing Gesche Meiburg's heroic defense on the wall of Brunswick in 1615, for example, transformed her into a symbol of the city itself, a virgin protecting her honor against the rape of the invaders. In such cases, it was the very fact that women had stepped into men's roles that made them attractive for creating literary allegories.¹⁷⁷

The requirement for citizens to keep and bear arms, then, underscored the association of the free, male citizen with the martial ethic, a system of values that grew out of medieval precedents. The overt goal of arming the male populace and training them to defend their community was always protecting the peace, and it was the communal bond inherent in the legal terms *Stadtfrieden* (civic peace) and *Landfrieden* (public peace) that legitimated the existence of local defense systems. If all men were armed and dedicated to the common good, then all would share in the benefits of their own collective security. Men learned from their teen years to bear and use arms in defense of local laws, and to police their neighbors in the name of civic peace. Their identity with weapons

was strengthened by the constant association of an unarmed state with excluded categories understood as feminine or powerless.

But did the system live up to the goals of militia theorists, providing both effective military defense and creating a civic bond? As a military defense force, the answer seems to be no. If there is one thing upon which military historians writing up to now agree, it is on the overall ineffectiveness of civilian militias in times of war, at least outside of easily defended mountainous regions such as Switzerland and Tyrol.¹⁷⁸ Our goal here, however, is not to judge the effectiveness of a military force, but to investigate the social and cultural results of a system that made households into defense units. This invites a deeper exploration of the theoretical goals of instilling townsmen with civic virtue and communal identity.

Central to these notions of virtue and identity was the martial ethic, and this could also be at odds with its own peaceful objectives, for some men were overly zealous about their identity with arms. Others were less than enthusiastic. Like people in every place and any time, early modern German men were not all cut from the same cloth, and this fact presented the first challenge to the militia model. Historians exploring concepts of community have recently suggested that the extent to which pre-modern society created natural communal bonds has been exaggerated. Communities were not static but fluid constructs. Even if, as David Sabean has suggested, membership in a community implies engagement in “the same argument,” this communal discourse was always characterized by conflict and a constant process of renegotiating power.¹⁷⁹ Our exploration of these conflicts begins with the problems that were inherent in the citizen guard system itself, which is the subject of the next chapter.

2

Duty and Disorder

Just a fifteen-minute walk south of Nördlingen's still-intact city wall is a pleasant wooded park located on a hill known by the locals as Mary's Heights (*Marienhöhe*). The shady lane leading up the hill winds past tennis courts, a garden restaurant, and rustic wooden signs with polite admonitions to visitors to respect the natural beauty of the spot. At the top of the hill and barely visible through the thick foliage is the *Marienhöhe's* most dramatic natural feature, a huge rock formation that juts out of the earth to form a sharp cliff topped with a grassy plateau. Nestled in the side of the steep rock face is a small stone bench, from which an overgrown path leads the visitor to the top of the bluff, about the height of a three-story house. Today, the view from the top of the cliff is blocked by trees and lush vegetation; but the woods are young. During the seventeenth century, when the area was surrounded by cultivated fields and pastures, the top of the cliff would have afforded a stately view of the steeples and rooftops of Nördlingen. Back then, the hill was called Henckelberg, and the grassy plateau on top of the cliff was the site of Nördlingen's gallows.

In late summer of 1601, the violent robber-murderer Michael Traub met his fate on Henckelberg.¹ The notorious young criminal was transported to the site under the watchful eye of Nördlingen's executioner, escorted by a company of local citizen guards and musketeers. An execution prior to the Enlightenment was a public affair, a form of ritual theater that emphasized both retribution and redemption for the "poor sinners" who faced their deaths at the hands of the state.² The public display of weapons served both a symbolic function, emphasizing the power of justice, and a practical one, ensuring that the crowds attending the execution remained orderly. Appearing at executions was a standard duty of citizen guards.³

Those responsible for maintaining order at Michael Traub's execution, however, proved to be less than orderly themselves. Eleven of the musketeers who took part in the ceremony were subsequently arrested for various breaches of duty including failure to wear helmets and showing up drunk. According to the arrest record, one of them, the tailor Blasi Remhardt, was so inebriated that "if good people hadn't been there [to catch him], he would have fallen over the bluff."⁴ During the same month, another group of seven men spent a night in Nördlingen's lockup for failing to obtain proper weapons after having been caught unarmed at an unannounced muster the year before. The men were given fourteen days to properly arm themselves or face charges of disobedience.⁵

This was not the first time that this problem had been documented in Nördlingen. A quarter century earlier in March of 1575, when the great bell that hung in "Daniel," the town watch tower, called the men of Nördlingen to fight a fire, the response of the populace left much to be desired. Most of the citizens, the authorities claimed, didn't fall out to their assigned mustering spots at all, and many of those who did were missing armor or weaponry.⁶ A few months later, another fire revealed that little improvement had been made; not only were citizens lacking weapons and armor, they had been lax about maintaining fire buckets and returning firefighting pumps to their proper places after the last fire.⁷ Another 24 men mustered as musketeers were incarcerated briefly in 1588 for failing to show up for obligatory shooting exercises.⁸ Ordinances issued by the city of Nördlingen in connection with the musters of 1600 and 1615 suggest that keeping their citizens properly armed, outfitted, and trained for military emergencies remained a chronic problem. Many citizens, the council lamented, were not maintaining the guns and armor with which they were charged, instead pawning them to Jews or selling them outright in blatant violation of their civic duty. The ordinances also targeted the common practices of lending weapons to others for appearance at the muster and sending young boys or peasants as substitutes instead of showing up in person.⁹

These concerns were mirrored in decrees and muster ordinances issued in all of the towns under consideration here. As the incidents described above make clear, not all men were enthusiastic about their defense duties. Others, however, were too enthusiastic, regularly crossing the line from ensuring order to bullying their fellow citizens. While military theorists imagined a bond of "unity" and "friendship" growing among their citizens as a result of serving together for the common weal, the demands of early modern manhood could also lead to competition and conflict, on duty or off. Not only were bonds of camaraderie and collective identity

regularly cemented with drink, often a source of disorder in itself, but communal ties of neighborhood, guild, religion, and friendship could also create factions that came into competition with one another. The reality of an armed male populace whose individual interests were often in conflict with their duties and with one another was predestined to undermine the orderly vision of collective urban self-defense.

Disinterested citizens and disorderly guards

The first problem faced by civic leaders was that of convincing their populace that defense duties should be taken seriously. The problem of lax citizen guards and missing armor could be especially worrisome during times of political tension, and it was often a threat from outside that led city authorities to issue renewed warnings to their citizenry to remain armed and ready. Concerns about local defense capabilities naturally peaked during the unstable years of the Thirty Years' War. Fearing the worst, Nördlingen's council made another attempt to crack down on the problem at the outset of hostilities, rounding up around three dozen men who lacked proper equipment and warning them to see that they "honorably arm themselves."¹⁰ Most were given fourteen days to outfit themselves with proper weapons and armor. Soon afterwards, another decree accused many men of skipping their watch and failing to send substitutes; from now on, the authorities declared, night watches had to be carried out by the responsible parties in person, in particular those assigned to guard city walls. Those who were unable to serve, assuming they had a valid reason, should send a suitable guard to take their place, "no less than the widows [do]," a possible attempt to slander the masculine identity of men trying to avoid guard duty.¹¹

Of particular concern was the pawning of weapons; as a relatively valuable commodity that most men regularly carried on their person, swords and daggers made handy markers for gambling and drinking debts.¹² Ordinances thus warned repeatedly that selling, pawning, or gambling away weapons could lead to corrective action. This was even more problematic for cities that shared the cost of the weapons with their populace. According to a 1614 ordinance in Nuremberg, for example, although all men were to purchase and maintain their own "good strong Rapier or [other] side arm," select citizens were issued pikes and muskets by the council. These men were not only warned to hang on to their weapons, but also given specific instructions on proper maintenance. Any necessary replacement or repair would then be at their own expense.¹³

Failure to purchase and maintain weapons properly could have serious consequences for townsmen. Because men who were unwilling or unable to fulfill the requirement to maintain arms and armor were not considered eligible for full citizenship, they could be banned from participating in other traditionally male realms. Single men who were lacking the required weapon could be forbidden to marry or to practice a craft; and married householders could even be put out of the city, and thus removed from their household, until they made the required purchase.¹⁴ In Augsburg, those who were able to show that their failure to maintain a weapon resulted from legitimate poverty were banned from visiting taverns or otherwise drinking socially until they could afford their weapon.¹⁵ The tavern ban was a symbolic punishment that served not only to curtail expenses, but also to underscore a man's failure to behave responsibly by denying him participation in male society. To drink socially, one had to be a man—and to be a man, one had to display the proper equipment.

Drinking, of course, caused problems of its own for civic readiness. It's hardly surprising that groups of men gathering for musters or rounds of guard duty would sometimes turn the occasion into a social event, thus decrees and records of arrest provide much evidence of the problems associated with drinking on duty. Reprimands accused citizen guards not only of showing up for duty drunk, but also of interrupting rounds of watch to drink in pubs, losing their weapons, falling asleep after drinking at their posts, sharing drinks with prisoners, and making parties out of military musters by sending for wine and beer. A group of citizens on the night watch in seventeenth-century Zurich made a pleasant evening of it after coming upon an unguarded cart full of wine barrels waiting at the wine market, one of which they opened and enjoyed using straws.¹⁶ In 1596 in Nördlingen, loden weaver Caspar Siehlin became so drunk at the muster that he went on a rampage with his sword afterwards, stabbing at the guards, his neighbors, and even his wife. Georg Mentzer nearly lost his citizenship in the same year for drinking in Nördlingen's watch tower, and in 1619, Tobiaß Fischer was punished not only for abandoning his post after becoming drunk, but leaving his pole arm behind as he did so. Fischer was only one of a large number of civilian guards arrested in Nördlingen for drunkenness during the crackdown in that year.¹⁷ Once guns became standard equipment for guards, drinking naturally became even more dangerous, as it enhanced the risk of accidental shootings.¹⁸

Poverty and drunkenness were not the only challenges facing civic authorities in their struggle to make soldiers out of citizens, nor were

professional guards necessarily more diligent. Both civilian and professional guards also left their posts to eat, socialize, work, or rest; spent their hours of duty sleeping or gambling; got into fights with one another; or arrived late and left early, assuming they showed up at all.¹⁹ Some citizens simply ignored the requirement entirely. Others claimed that they had not been properly informed, leading the Nördlingen council to issue orders in 1619 requiring messengers to remind the men of their watch duty in person, rather than simply shouting at their house from the street.²⁰ Attempts by city leaders to appeal to civic honor in order to inspire more diligence could even backfire, as men responded to their threats with bravado rather than obedience. According to a lament by Rothenburg authorities in 1623, local men were only mocking their demands to take up arms “as is appropriate for upright citizens,” while those who took their civic duty seriously were subject to ridicule and scorn.²¹

Although such complaints point up problems in the militia system, they are likely aimed at the behavior of a problematic minority rather than the majority of citizens. During the height of the Thirty Years’ War, the occupying Swedish forces, in the name of King Gustavus Adolphus, also issued an ordinance to the citizens of Augsburg warning against disrespect and disobedience on guard duty. At the same time, however, the decree openly praised the majority of citizens for their record of defending their town “willingly and assiduously,” which proved their “devoted affection and fondness for their dear Fatherland” (a patriotic term that was applied to German home towns as easily as it was to the Empire at large).²² The goal of ruling authorities was obviously that all male citizens be armed and ready. Whether or not all members of the commune lived up to this expectation, both admonishing them when they did not and commending them when they did worked to enforce the link between responsible citizenship and military service.

The question of loyalty

The reprimand issued by Gustavus Adolphus’s occupying forces in 1632 probably targeted the Catholic minority among Augsburg’s populace, who would have been more likely than the Lutheran majority to resist orders from the Protestant Swedish officers. Even more problematic than lackadaisical guards and drunkenness on duty were questionable loyalties based on religious or political difference. Neighborhood defense systems rested on an ideal of unified communal identity that assumed loyalty to authority and consensus about the common weal.²³

The corporate identities of the German-speaking population of the Empire, however, were neither static nor clearly delineated. The complicated problem of divided loyalty and layered identity not only was related to a political system plagued by competing lines of authority, but also grew out of interregional networks associated with guilds, confessional loyalties, ties of kinship, and relationships of other kinds. Competing interest groups defined by profession, age, gender, personal rivalries, and many other factors also struggled for power and autonomy within the towns. During the period of religious conflict that characterized the sixteenth and seventeenth centuries, the folly of assuming that communal identity or loyalty followed single lines of authority became increasingly clear.

In periods of tension, special decrees addressed the concerns of the authorities over competing political centers that could undermine defense efforts. One issue that drew attention was the unauthorized ringing of alarm bells, symbolic of a usurping of government power. In the villages, decrees against ringing the bells accompanied rules against subversive communal gatherings in the wake of the Peasants' War of 1524–5.²⁴ Twenty years later in 1546, citizens in Augsburg were admonished about a rumor spreading in the streets that the bell should be rung as a test of loyalties, in order to see how the populace reacted. To the authorities, this was nothing short of mutiny.²⁵ The situation was especially precarious in that year, when the city, as a member of the Protestant Schmalkaldic League, was under the threat of attack by the Emperor's Catholic forces. Naturally, the Lutheran majority in the city was concerned about the loyalties of the Catholic population. When the city was forced to capitulate to Emperor Charles V in 1547, the new era was ushered in with a fire ordinance ordering local men to stay in their houses during emergencies instead of donning their armor and appearing at their assigned posts. The order to stay home would be lifted and re-imposed several times over the course of the next century in accordance with the shifting political climate.²⁶

The Anabaptist movement also provided a basis for concern over local loyalties. Those who followed Anabaptist teachings varied in their attitude towards the sword, some renouncing all violence and others conceding that governments had the right to enforce order with the death penalty if necessary. Most, however, in imitation of Christ, refused to wear or resort to arms themselves, and some also rejected other civic duties, such as taking an oath of loyalty or paying defense taxes.²⁷ When a group of six Anabaptists in Augsburg refused in 1546 to carry a weapon, wear a breastplate, or perform guard duty, they faced arrest and

interrogation for violating their oath of citizenship. Under interrogation, the tailor Hans Jacob explained that although he had “thus far in all ways carried his civic burdens,” his conscience would not allow him to wear weapons or stand guard, which according to his brethren was contrary to God’s word and inappropriate for a Christian.²⁸ This kind of obstinacy did not appear to the authorities as a harmless form of pacifism, but as a subversive attempt to challenge authority and a renouncement of civic identity. Their fears had naturally been fed by the bloody events in Münster during 1534–5; the radical Anabaptist government there had hardly shied away from resort to arms in defense of their community.²⁹ The fact that the pacifist stance articulated by Jacob and his fellows clearly distanced them doctrinally from the Münster Anabaptist Kingdom did little to alleviate the concerns of Augsburg’s authorities. The group was banished from the city, and the incident was followed shortly thereafter by a council decision to remind the populace that their civic oath required them not only to maintain arms and armor, but also to be prepared to use them in defense of their hometown. To civic leaders, pacifism was nothing less than treason.³⁰

Questions of loyalty were always a problem during wartime, when anyone could be a potential sympathizer with a foreign power, or even a spy. Naturally, local citizens regularly resisted the authority of occupying troops, even when they were commanded by legal rulers. Altercations between soldiers and townspeople in garrison towns were a daily occurrence. When such conflicts arose, citizen guards were rarely in a position to protect civilians from marauding soldiers. This not only made guard duty dangerous, but it also exacerbated the problem of divided authority. It was not always clear who was in charge.³¹ The presence of dual chains of military command was problematic even for otherwise friendly relationships, as issues of rank and subordination had to be worked out. During the rank-obsessed phase of the later seventeenth century, great effort was invested just in outlining appropriate forms of greetings between civilian and military guards in order to avoid conflicts of honor.³² Guard duty could also be a burden in wartime, when citizens already overtaxed by economic problems were forced either to interrupt their daily work for extra rounds of guarding or to pay for substitutes. Craftsmen during the stresses of the Thirty Years’ War petitioned regularly for relief from these burdens.³³

All of these factors fed the tendency of local governments to hire professional mercenaries in times of tension rather than depending on local citizens. The presence of foreign troops, in turn, aggravated problems between guards and citizens, undermining theoretical concepts of

“unity” and “friendship.” As we shall see, the question of possible disloyalty did more to ultimately undermine the civilian defense systems of early modern Germany than did the issue of irresponsibility. Both problems, however, served to chip away at the early modern vision of an orderly civilian militia that would serve the common good both in peacetime and in war.

Guards versus off-duty citizens

On a day-to-day basis, the loyalties of citizen guards were often tested simply on the basis of personal relationships. After all, in communities with populations ranging from five to forty thousand, many of those being challenged or arrested by both civilian and professional guards were likely to be friends, acquaintances, or even sworn enemies. Particularly in the case of the night watches, altercations between guards and other men who were peers in both age and status, and who themselves regularly served turns as guards, were common. Since all men were expected to remain vigilant and to take action to keep peace whether they were on guard duty or not, the lines of authority between on-duty guards and off-duty citizens were not always clear. Thus what started out as a police action could easily develop into a personal dispute.

Guards, even those of civilian status, could be especially touchy about insults to their status as on-duty soldiers. When Mindelheim grocer Hans Müller was teased by Christof Lang, a villager from Kirchdorf, for guarding the town gate without a gun, he responded by saying, “here’s weapon enough” and attacking Lang with the flat of his sword.³⁴ In other cases, guards assaulted passersby for teasing them about their lack of readiness or for drowsing on duty.³⁵ Apparently to discourage such incidents, guard ordinances sometimes included clauses specifically requiring guards to be friendly to those passing through the gates and to treat them in an unassuming manner. Rules also legislated against closing an eye to trouble instigated by friends or exempting favorites from fines.³⁶

Likewise, off-duty citizens who were socialized to consider themselves responsible for local defense sometimes had trouble accepting the authority of both civilian and professional guards, responding to their warnings with insults, threats and occasionally violence. According to a group of professional soldiers who came to blows while attempting to arrest three local dyers in November of 1619, the drunken craftsmen had taunted them by saying, “what soldiers, three or four of us could chase off an entire watch if we were armed,” which the soldiers understood as an expression of scorn for their entire regiment.³⁷ Taking away

weapons from guards was a fairly common reaction to an attempted arrest, as was calling for help from others on the street, which often resulted in the gathering of a crowd. Although obligated by civic ordinances to help guards subdue delinquents, citizens responding to such calls were actually more likely to take the side of the offender, helping to disarm the guards or beating them back. In terms of escalation and resort to arms, altercations between on-duty guards and civilian passers-by hardly differed from fights of any other kind.³⁸ Tensions could run especially high during periods of war when foreign troops were quartered in the town. Off-duty soldiers, whose lines of authority came from a separate locus of power, were often particularly resistant to the efforts of civilian guards to enforce order.³⁹ In university towns, clashes between students and guards were also common, and could take on the character of a personal feud.⁴⁰

Not surprisingly, law codes promised harsh treatment for those who resisted guards, threatening them with high fines, incarceration, and even charges of inciting a riot. According to published decrees, guards were also not accountable for injuring or even killing those who resisted them.⁴¹ In fact, however, the authorities usually examined such cases carefully to determine the instigator. Men were hardly above the law just because they were on watch. Unreasonable force applied by guards was taken seriously, as were uncalled-for insults, unprovoked challenges, and unnecessary resort to arms.⁴² Guards in such cases as often faced fines and other punishments as did off-duty citizens.

Conclusion

Naturally, these kinds of problems are overrepresented in the records, which do not trace the days of those who appeared on time, sober, and properly armed for their duty. Arrest records provide many colorful stories of drunk, disorderly, and disloyal guards, but we must not lose sight of the fact that groups of civilian guards walked the streets every night of the week in every town and city in Germany during the early modern period. By far the majority undoubtedly fulfilled their duty without incident. There is also some evidence that, for all their complaints and deficiencies, citizens themselves preferred civilian guard duty to the presence of professional soldiers. Keeping professionals on guard not only cost the citizens money that came in the form of additional taxes, but created tensions as well. Foreign troops could be viewed with suspicion and represented a usurping of local sovereignty.⁴³

Many of the altercations between off-duty civilians and on-duty guards in fact reflect their sense of responsibility for their households and communities and their shared martial identity. Others are expressions of their sense of autonomy. The traditions of "civic freedom" and "civic peace," which obligated all citizens to take up arms in the collective interest of their community and in obedience to authority, also imbued not only the city, but all of its citizens with the right to resist, if necessary by force of arms.⁴⁴ Conflicts often centered on exactly those masculine values that this system was predetermined to instill, including readiness to compete for status and a touchy sense of personal honor. Even socializing, which could include drinking, was necessary for reinforcing the republican values of community and "friendship."

Full membership in the civic commune depended on accepting the demands of the defense role with all of its burdens. In Germany, as elsewhere in Europe, accepting the duty to defend one's community by strength of arms naturally conferred upon the civilian warrior the right to bear them.⁴⁵ But the republican vision of a well-ordered militia was difficult to reconcile with the unstable result of cultivating male martial prowess. The following chapter explores difficulties faced by early modern authorities as they struggled to control their armed populace without relinquishing their own right to resist, or undermining the power of the armed populace that stood behind it.

3

Negotiating Armed Power: The Control of Arms and Violence

Regardless of their effectiveness as a military or police force, a well-armed citizenship was a potent symbol of civic power. At the same time, the association of manhood with weapons was a potential source of disorder. The requirement that men keep and bear arms in defense of their communities outlined in the previous chapters also socialized them to resort to arms in their own defense. Although armed violence was usually illegal, it was often tolerated and could even be encouraged by the authorities under certain circumstances. Late medieval and early modern laws describe a clear hierarchy of offences that underscore shared assumptions about the rights, the responsibilities, and the code of honor that governed violent behavior and resort to arms. This chapter is concerned with the right to bear and use arms for both individual and collective defense, and the circumstances under which these rights could be curtailed.

The term “right of arms” (*Waffenrecht*) did not appear as such in medieval law codes, but scholars of medieval German law agree on its implied existence, at least for those of free status.¹ Medieval and early modern theorists wrote not of rights but of freedoms (*Freiheiten* or *Libertaet*), which could also be understood as privileges accorded certain groups, such as the citizens of a town or members of the merchant class, or even certain spaces, for example the space within the town walls or within a village.² One of the privileges extended to all free men under German law was the freedom to resort to arms. This freedom or privilege applied regardless of social status; only those considered not “free” and thus in need of protection (including women, Jews, and clerics, along with serfs) were theoretically excluded. Among the excluded groups, those who carried arms could lose their rights of protection, leaving themselves open to attack without recourse to the courts.

Because the right was based on free status, not on social rank, it applied to free peasants as well as to knights.³ And even for those who were not free, the threat of losing recourse to the courts did not outweigh the immediate need for protecting one's life. Persons who did not enjoy free status were certainly allowed to keep weapons in their homes, as well as to carry arms when traveling on the open road, and to use them to protect themselves, their families, and their property.

As we shall see, the privilege of bearing arms was occasionally curtailed by local laws during the late Middle Ages and early modern period in the interest of safety, order, and civic peace, although the basic right of free citizens to carry and use weapons was never taken away completely. More often, what has been described as a ban on carrying weapons in the literature was in fact only a situational limitation, for example a ban on walking the streets with concealed weapons, wearing certain kinds of swords, or carrying weapons after dark. In some cases bans on swords applied only to visitors, not to local residents.⁴ General bans on carrying weapons within city walls did exist in the Middle Ages, but laws such as that of thirteenth-century Freiburg, which expressly allowed "all citizens and merchants, poor and rich" to carry "any kind of weapons that they have," including swords, bows, crossbows, and even pikes, were also common.⁵

Of interest to us here in this connection are the shifts in legal theory that attended the fifteenth- and sixteenth-century process of state formation. Centers of power in the complicated patchwork that was the Holy Roman Empire established concentric circles of jurisdiction, each defined by the right to guard peace in their lands, cities, and households (*Landfrieden*, *Stadtfrieden*, and *Hausfrieden*). As historians now recognize, the efforts by princes and ruling oligarchies to consolidate a monopoly on judicial power were in part stimulated by the demands of their populace, who were not only subjects of regulation, but who also served as social regulators themselves. By presenting petitions and turning to the courts as a means to compel private settlements, and through the medium of self-justice, the populace of early modern Germany was complicit in, or even responsible for, the expanding regulatory efforts of the state. Rulers also recognized the need to co-opt existing communal values and social norms in order to pursue their goal of maintaining civic peace. As we have seen, the cooperation of residents in organized defense systems was necessary not only to protect the peace, but also to aid authorities in their own struggle to resist encroachment by outside powers. Rather than cracking down on resort to arms, then, civic authorities actually loosened up on restrictions on carrying and using

weapons during the fifteenth and sixteenth centuries, bringing laws into closer accord with the expectations of the increasingly wealthy burgher classes. As long as armed power remained in the hands of the citizens, a state monopoly on violence was an unrealistic goal. The best rulers could do was to regulate it in accordance with prevailing norms.

This chapter concentrates on prescriptive sources (i.e. laws). Other codes governing behavior and the extent to which laws were enforced will be explored in detail in the chapters that follow. In order to understand the discourse over honor, defense, and resort to arms that occurred between early modern citizens and their governments, however, we must first understand the legal codes that undergirded both sides of the conversation.

The sanctity of the household

In 1543, the baker Jacob Bauer temporarily lost his right to wear a weapon and to walk the streets at night because he attacked a door. Frustrated that his challenge to his adversaries to come out of their house and meet him in the street went unheard, Bauer drew his sword and stabbed it into the front door in a ritual violation of the household.⁷ Bauer did not make any attempt to enter the house. Nonetheless, his gesture crossed an important legal threshold. The guarantee of household peace at every hearth, which protected householders and those who lived under their roofs from being attacked in their own homes, was one of the earliest of civic laws.⁸

Medieval law codes equated protection of the household with self-defense, giving householders the right to injure or kill anyone who crossed the threshold with the intent to harm a member of the household.⁹ The legal term *Heimsuchen* (forcing one's way into a house or crossing the threshold with a weapon in hand) not only violated the sanctity of the household, but also suggested premeditation, as did the related crime of waiting in ambush outside the house (*Verwarten*).¹⁰ Necessary for both these definitions was an assumption of intent to harm. Constructs of rights of privacy were hardly articulated before the eighteenth century, and many early modern doors were left open.¹¹ Protection was therefore provided less by solid doors and bolts than through cultural agreement about the sanctity of household space. The threshold and doorway represented both a real and a symbolic boundary, the function of which was to block all forms of ill will or threats to the household. This was true whether threats came from living enemies or from the spirit world.¹²

Taking the construct of household peace as a starting place, we are thus able to identify a range of symbolic associations that have relevance for norms regarding the resort to arms. The term “challenge” (*Herausforderung*), for example, now understood in the metaphorical sense of any situation that provides a test, originally meant quite literally “demand to come out [of a house or other inside space].” Eventually it developed into the more general but equally confrontational usage of “calling out,” i.e., a challenge to a duel.¹³ Either way, the implication of such a challenge was that failure to respond would be viewed as cowardly. Stabbing knives in thresholds and doors, breaking windows, or stabbing swords through windows or doorways were all understood as symbolic attacks on the honor of the householder in an attempt to call them out, which is why they were treated as intent to harm.¹⁴ Similarly, disturbing the household peace by voice in the form of a loud challenge was sufficient to result in a fine, in some cases falling into the same category as challenging an opponent by drawing a sword or causing personal injury. By contrast, verbal insults made on the open street generally required only an apology. Statutes sometimes also distinguished between calling someone out of their own home, which was the greater affront, and calling someone out of another person’s home, which was seen as less grievous. Punishments could be more severe for attacking a householder in his own home than they were for attacking a servant or guest.¹⁵

The construct of intent to harm was not restricted to attacks on household members, however, but included property crimes. Ideas about the sanctity of the household thus also affected the treatment of thieves, who faced much harsher punishments for breaking and entering than for other forms of theft, for example on the street or at the market. According to Emperor Charles V’s *Peinliche Halsgerichtsordnung* of 1530 (commonly known as the Carolina), it was legal to kill someone found uninvited in your house at night even if your life was not endangered. Eventually this right was extended to allow shooting at thieves caught breaking and entering even after they had left the home, overriding contemporary laws requiring retreat to the wall (i.e. evidence that flight was not possible) in order to claim self-defense.¹⁶

The right of household peace served as a microcosm of the civic peace, emphasizing the rights and duties of the householder as protector of his home, neighborhood and town, and serving as a metaphor for the town’s right to protect itself as well. Because this construct was deeply embedded in the early modern mentality, contemporary literature treated the act of sneaking into a house and killing an unarmed

victim in bed with particular cultural disgust, making it an effective device for painting political enemies in unfavorable colors. Examples of this sort of propaganda can be found, for example, in poems decrying the slaughter of Huguenots in their homes by Catholics during the St. Bartholomew's Day Massacre. Broadsheets designed to inflame sentiments against the assassination of Wallenstein in his bedroom in 1634 also decried the act not only as a "treacherous infamy," but as a violation of "the laws of all peoples."¹⁷ Such stories served both to point a finger at the perpetrators of the crime, and to create an allegory for the violations of conscience committed by religious enemies. By breaching the sanctity of the home and attacking unarmed victims, the reports suggested, the perpetrators of these atrocities revealed the cowardice that made them unfit to serve as a legitimate authority.

Peaceful spaces

Households were not the only spaces protected by a special construct of peace. Similar legal restrictions controlled attacks with weapons in places in which there was an expectation of safety and freedom, such as in churches and guild halls, from which weapons were often banned entirely. Some guild ordinances targeted journeymen in particular, requiring them to leave their weapons outside when attending church or taking part in official meetings of their craft. This was true even of guild meetings for sword smiths.¹⁸ Other guilds allowed weapons to be worn but placed strict controls on exposing them, with fines for violations to be paid to the craft treasury.¹⁹ Weapons were also forbidden during Meistersinger contests, which, like guild meetings, were supposed to be ruled by an atmosphere of trust and brotherhood, making the presence of weapons inappropriate.²⁰

Like guild halls, buildings representing rights of free trade, such as the market buildings in Nördlingen and Kempten, enjoyed the same expectation of peace as private homes. Some outside spaces designated as "privileged" (*gefreit* or freed) also enjoyed a higher expectation of peaceful behavior. These included spaces representing civic authority, for example the areas in front of the courthouse or around the city gates.²¹ Privilege could also rest on special events, such as the yearly fair in Nördlingen, during which the entire town enjoyed the status of "imperial freedom" (*kaiserliche Freyung*).²² Special areas designated privileged in the countryside might include not only churches and courts, but also mills and bathhouses.²³ One early-eighteenth-century village ordinance specifically forbade carrying short weapons that could be

hidden, such as hunting knives, daggers, and small pistols (*Terzerol*), at weddings.²⁴

The open streets

Private and official places were defined in opposition to public and open places, which included city streets, open roads, and public houses. It was in public that men exercised their freedom to bear arms. What could legally be carried on the street, however, shifted over time. In keeping with medieval constructs of civic peace, many cities imposed restrictions on carrying swords and daggers during the late Middle Ages, especially at night. As the weapons culture of the early modern towns reached its peak, and the side arm became a standard fashion statement, these restrictions were relaxed, while newer regulations focused instead on aggressive behavior and on weapons deemed inappropriate for an honorable fight.

Local laws in Nuremberg from the thirteenth to the fifteenth centuries were particularly strict, forbidding residents from carrying swords or other weapons entirely on pain of a fine plus loss of the weapon. Fines were doubled for bringing weapons into public houses, the control of which fell to the innkeepers. Exceptions to these rules applied to public officials and travelers on their way in or out of the city, although they also had to leave their swords behind at their inn when they were moving about the city. Otherwise, only “ordinary bread knives that are not dangerous,” and also not too sharp, were allowed in Nuremberg.²⁵

Valentin Groebner suggests that these rules were not really enforced;²⁶ in any case, Nuremberg’s laws were harsh even by late medieval standards. Many other cities allowed their citizens to carry swords during the fifteenth century. In Augsburg, fourteenth-century laws limiting the length of swords and other blades were loosened for locals in the fifteenth century to apply only to exposed or unusual weapons, even at night. Nördlingen’s restrictions on carrying swords were also limited to non-residents.²⁷ In other cities, weapons were often limited by length rather than type. In fifteenth-century Rothenburg, whose laws seem to have rivaled Nuremberg’s, only knives with blades up to one-quarter ell (around 15 cm or 6 inches) were allowed; elsewhere, maximum allowable weapon lengths seem to have been appropriate for swords, or at least long daggers, rather than knives. Appropriate blade lengths were sometimes inscribed in the walls of a church, council house, or other public building.²⁸

German legal scholars concentrating overwhelmingly on medieval law have made much of these restrictions on carrying weapons in the

towns, giving the impression that such laws persisted until the modern era.²⁹ In fact, by the early sixteenth century, even those few medieval codes that had limited the wearing of swords within city walls were superseded by laws concentrating on behavior—that is, wearing a sword was the norm, but drawing one could result in a fine. This was true not only in the cities, but in the surrounding countryside, including that under Nuremberg’s jurisdiction.³⁰ Although lawmakers loosened restrictions on carrying standard side arms, they continued to make a distinction between acceptable, honorable weapons, which included an “appropriate sword, rapier, or knife,”³¹ and those that were forbidden as “dishonorable” (*unehrlich*), “murder weapons” (*Mordwaffen*), or “dangerous instruments” (*gefährliche Instrumente*). According to the official language of early modern discipline ordinances, swords, daggers, bread knives and javelins were all legal weapons, as long as they remained sheathed. Naturally, craftsmen could also carry tools of their trade about the streets, such as hammers and saws, but these could be redefined as “dangerous instruments” and thus illegal if they were used in a fight or in another manner that appeared threatening. Even a beer mug, if employed in a brawl, fell into this category.³²

Violence was not necessary, however, to cross the line between appropriate and inappropriate use of weapons. Men who walked the streets with weapons that were by definition forbidden or otherwise considered suspicious could expect corrective action. Pikes and halberds, as we have seen, were legal only for those on guard duty. Other illegal weapons included picks, axes, chair legs, wooden or iron clubs, pitchforks, hammers, rocks, maces, and loaded firearms.³³ In Nuremberg, special articles issued in 1564 forbidding shepherd boys and apprentice butchers from carrying butchering knives and other weapons were probably aimed at controlling youthful excess. Although the knives were necessary for the practice of their trades, a series of violent incidents suggested that butcher knives were too dangerous for the young boys to handle.³⁴

Ordinances in some areas also forbade hidden daggers, stilettos, or swords that had been thinned and sharpened to an illegally fine point. Weapons that could be easily hidden, or that were suitable only for stabbing and not for striking, did not seem to be appropriate for the conduct of honorable sword-fighting, thus they were by nature suspicious. Persons carrying such weapons themselves became suspicious, and subject to arrest and interrogation. Sword smiths might also be arrested for making such weapons, or even for letting others use their equipment to this end.³⁵ Fights involving “forbidden” (*verbottene*) or “uncivil” (*unburgerliche*) weapons could be fined at much higher rates

than normal disturbances, especially if injury resulted.³⁶ Even honorable weapons were illegal if they were concealed. Cultural norms demanded that men wear their weapons openly, declaring publicly their willingness to use them.³⁷

As long as a man was not being threatened, his weapon also had to remain sheathed. Exposing a sword would lead to a fine, which could be increased if the bearer made menacing gestures with it. In early sixteenth-century Augsburg, a loosened scabbard that would allow a particularly fast draw was also forbidden.³⁸ Particularly at issue in many ordinances and lists of fines was “striking the stones” (*in die steine hawen*), a ritual gesture that suggested sharpening a blade by striking it along a stone wall, cobblestone street, or other hard surface. Hitting a sword or other blade on a stone would draw an adversary’s attention by making a loud sound and, at night, even creating a shower of sparks, a threatening gesture that implied readiness for a fight.³⁹

Controlling violence

The fact that men were allowed and expected to carry legitimate weapons naturally suggests that they would occasionally use them for reasons not related to civic defense. The freedom and the responsibility to bear arms implied the right to use them to defend oneself. Self-defense is generally understood as a natural right, and it was certainly codified by both medieval and early modern German law. Complicating the situation, however, was the fact that custom made defense of honor equal to defense of self, a principle that also made it into some early modern law codes.⁴⁰ This created a challenge for those attempting to regulate resort to arms. When insults to honor escalated into armed conflict, the requirements of civic peace could come into direct conflict with a citizen’s right of self-defense, also understood as a civic freedom as well as a form of natural law. In order to restrict outbreaks of violence, civic authorities attempted to gain exclusive power over the adjudication of fights by creating a system of both preemptive intervention and subsequent punishment. Because the legal system incorporated many aspects of customary practice, rules designed to control violence also had to respect civic virtues, including the virtue of the martial ethic. Control mechanisms thus did not seek to disassociate men from their identity with weapons. On the contrary; by tying the right to bear arms to responsible male behavior, they actually enhanced that identity.

From the earliest civic law codes, rules were in place to protect civic peace by limiting violence among town residents. Older laws, if not

specifically dealing with manslaughter, primarily targeted the physical damage occurring from violent attacks and provided for compensation to victims who were lamed or seriously injured. Thus distinctions were made between minor and major injuries. Thirteenth-century codes also imposed the penalty of losing a hand for inflicting a bloody wound with a weapon, since resort to arms implied intent to harm. Judicial removal of the right hand or, in some cases, two or three fingers thereof symbolized both the infraction itself (taking weapon in hand in violation of civic peace) and the related violation of the civic oath (which was taken by raising two or three fingers of the right hand). Because a peace settlement was normally sealed with a handshake, therefore also known as “hand peace” (*Handfrieden*), loss of the hand was also standard for peace-breakers.⁴¹ At least by the fourteenth century, laws regulating insults to honor began to appear along with rules against issuing challenges or violating household space for a violent purpose.⁴² By the sixteenth century these laws had proliferated into a comprehensive system of fines and punishments that gave civic authorities jurisdiction over virtually any kind of quarrel. The aim was primarily preventing minor squabbles from escalating into blood feuds. Civic codes were surprisingly consistent about the regulations for settling disputes.

In order to ensure official arbitration of fights, laws required all town and village residents and guests, regardless of gender, to report any altercations in which they were involved to the authorities, whether they turned violent or not. Reports normally had to be made within 24 hours. Publicans also had to report brawls on their premises and barber-surgeons to provide information about wounds resulting from fights.⁴³ Failure to report such an incident could then lead to additional fines, or even to arrest and temporary incarceration, although exceptions to this were naturally made for members of the nobility.⁴⁴

In the case of disagreements confined to an exchange of insults, city councils demanded that a public retraction and apology be made and documented in the mayor's office, creating a public record. Fines then could be lowered or dropped if the parties in the dispute were willing to retract the insults.⁴⁵ Civic authorities knew that such a retraction was necessary to restore the honor of the offended party in the eyes of one's peers, and that failure to obtain satisfaction in such cases could only lead to further altercations.⁴⁶ Records of the required form for public apologies have been maintained in sixteenth-century Augsburg, where the standard text was: “What I said or did against you occurred out of (anger, drunkenness, lack of judgment, etc.). I ask you to forgive me, for I know nothing of you that would suggest anything but that you are an

honorable man."⁴⁷ It is no coincidence that the language in this document assumes that any given exchange of insults would more likely have occurred between men rather than women, since it was the men who were socialized to a culture of violent revenge. Other ordinances specifically referred to fines for "insults that deprive a man of his honor," or list punishable insults exclusively in the masculine form.⁴⁸ In practice, however, the rules applied to women as well as men, and some ordinances did refer to both.⁴⁹

In most cases involving insults, the apology and offering of the hand were sufficient to satisfy the authorities; however, for insults occurring "out of impertinent intent, malice, and contemptuous temper," a fine or a couple days of imprisonment might be added.⁵⁰ Once a retraction had been recorded, a renewal of hostilities would then fall into the category of breaking a sworn peace (*Friedbruch*). An official appearance before the authorities was not necessary for peace to be arranged, since, as outlined in Chapter 1, civic ordinances charged all male residents to interfere in fights and disturbances and make an official "offer of peace" (*Friedbot*). The presence of two or three reputable witnesses to the call for peace was sufficient to overrule claims by brawlers that they did not hear the offer. By the sixteenth century, breaches of peace were more likely to lead only to stiff fines rather than the loss of a hand, although laws still threatened corporal punishment or banishment for multiple infractions.⁵¹ The harsher penalties could then be applied in more grievous cases, for example for wounding an unarmed opponent after peace had been established or refusing to accept the authorities' terms of settlement.⁵² All of these measures were aimed not only at enforcing civic obedience, but also at discouraging lasting animosity that could develop into formal duels or personal vendettas.

Because preventing fights altogether was never a realistic goal, authorities also created differentiated mechanisms aimed at containing disagreements somewhere short of the point at which personal injury would occur. All regulations distinguished between a bloodless scuffle, referred to as a "small" or "dry fight" (*kleiner* or *trockener Frevel*) and a "large" or "blood fight" (*Groß-* or *Blutfrevel*). These distinctions were in place at least by the thirteenth century.⁵³ Late medieval ordinances described "large" fights as those that led to flowing wounds or broken bones, with penalties often including temporary banishments.⁵⁴ Fifteenth-century Memmingen authorities also applied fines for "large" fights in cases of insults serious enough to injure honor.⁵⁵ Later ordinances could be very specific in describing what constituted a "blood fight," which might result from piercing by a weapon, striking with the hand, knocking

down, or even biting.⁵⁶ In some jurisdictions even finer distinctions were made, for example breaking blood fights down into different categories, with higher fines for more serious wounds. Under the jurisdiction of the Benedictine monastery of Elchingen during the sixteenth and seventeenth century, fights were divided into three categories, "small," "middling," and "large."⁵⁷ Augsburg magistrates created similar categories in the early eighteenth century by adding a third category of "simple" quarrel (*einfacher Frevel*). "Simple" quarrels were defined as insults and challenges that did not result in an exchange of blows, including such threatening gestures as shaking of fists, drawing weapons, etc., as opposed to the "small" fight that crossed the line to personal contact (shoving, hitting, scratching, pushing someone to the ground and so on), but still without causing injury. Again, recognition of the requirements of protecting honor are evident in the placing of serious insults to honor into the more expensive "small" category even if physical contact was not made. Other infractions remaining in this category were carrying an exposed weapon about the street and the threatening gesture of "striking the stones."⁵⁸

By the sixteenth century, fights were normally punished with a graduated system of fines, which often theoretically equated to a term of incarceration in a tower (i.e. only those who could not afford to pay a fine spent time in the tower). Fines were higher and more consistent in the larger towns than in small towns or villages, with a two-gulden penalty typical for "small" or "dry" fights between men in the imperial cities of Augsburg and Nördlingen, and fees for more serious fights ranging from four to seven gulden. Any of these might also be doubled, to as much as 14 gulden, if breaking a peace or another aggravating circumstance was involved. Augsburg's "simple" category of insults and threats was fined at one gulden, or half the normal "small" fine. Fines in smaller towns and villages were generally lower and could be erratic.⁵⁹ Normally, the party who initiated hostilities would be responsible for the penalty. Whether or not weapons were involved, who was first to draw, to hit, or to use an insult all could be relevant to establishing fault in the incident. Where fault was deemed to be mutual, a fine might be split between both parties.

The severity of fines assessed for quarrels could depend not only on the seriousness of the fight, but also on where it occurred and who was involved. Higher fines were collected for fights with representatives of the council's police force (such as bailiffs or city guards while on duty) or, as noted above, for brawls occurring in areas designated as privileged.⁶⁰ Injuring a guard during an attempted arrest could be treated

as a form of treason, leading to corporal punishment or banishment. Rewards for information leading to the arrest of slayers of civic guards were also several times higher than those for slayers of civilians. All of these measures emphasized the particular gravity of disregarding persons and places that represented local authority.⁶¹

Conversely, magistrates allowed that some quarrels fell outside of their jurisdiction. Numerous institutions within the towns exercised varying degrees of autonomous authority over their members. Private jurisdiction over minor fights was accorded to members of the privileged classes in their own drinking rooms, for example, as well as to members of shooting societies during shooting matches.⁶² Monasteries and convents also enjoyed private jurisdiction over quarrels within their walls.⁶³ Similar rules were in effect for soldiers, whose private quarrels were left to be addressed by military officers. Local authorities demanded their right of jurisdiction only when soldiers fought with civilians.⁶⁴ Guild masters also enjoyed some rights of jurisdiction over fights occurring in guild halls.⁶⁵ The household, too, fell into the category of a sphere of private authority for its own subjects, giving householders and their wives the right to strike children or servants. The right of household authority also came into play when fights occurred between children. Children's fights therefore rarely resulted in fines, although some decrees required parents to discipline unruly boys in front of a bailiff. Violent juveniles could face more severe consequences if "the violation were so serious that the badness overcomes the age."⁶⁶

Also affecting the fines and punishments levied for fights was the gender of the perpetrator. Typically, brawling women during the sixteenth and seventeenth centuries were fined only at one-half to one-fourth the rate of men, depending on the place and period.⁶⁷ This represents a shift from late medieval ordinances, which did not always make a distinction between men and women in assessing fines for fights, although women could be spared the additional punishment of temporary banishment. These differences reflected primarily an assumption that women were not as culpable for their actions as men, although practical questions may have played a role as well. Banishing a woman alone, for example, would naturally raise moral concerns, and fights between women were less likely than men's fights to result in serious injury or to develop into vendettas.⁶⁸

Although elite members of society enjoyed some autonomy from local laws when in their private drinking rooms, their status did not exempt them from standard treatment for fights if their indiscretions occurred in public. Patricians and merchants had to appear before the

discipline courts and pay their fines like other citizens. The difference, of course, is that a two-gulden fine would hardly have caused hardship for a wealthy citizen, making fighting in some ways a privilege of those who could afford it. As was the case with sumptuary legislation, the ability to pay a fine with impunity could decrease inhibitions against violations. Among those of middling status, the fine could even increase the status to be gained from the conflict, as the willingness and ability to make sacrifices to honor were also masculine virtues. Hans Hag clearly expressed this ethic in 1600 when he challenged a weaver in a public house by slamming two gulden down on the table, an obvious demonstration both of his economic potency, and his determination that no two-gulden fine was going to deter him from an honorable fight.⁶⁹ On the lower end of the scale, offenders who could demonstrate poverty often succeeding in having their fines reduced. Augsburg's carefully maintained records also reveal that journeymen and other poorer members of the community were able to pay their fines off over time at a rate of 15–30 kreutzer (1/4–1/2 gulden) per week.⁷⁰ By combining positive options for settling disputes short of bloodshed with a system of fines that were difficult, but not impossible for ordinary citizens to handle, early modern authorities demonstrated their recognition of and complicity in the dictates of a society of honor.

Personal injury and manslaughter

Fines paid to the authorities were not the only expenses incurred by getting into fights. Where serious personal injury resulted, the offender paid in addition to the fine a monetary award to the injured party in the form of a settlement. Settlements could be arbitrated by the authorities or arranged privately, but always required proof that the victim was satisfied before the case was dismissed. Settlements for injury could include compensation for pain and suffering or loss of work along with medical expenses.⁷¹ Often, a man's existence depended on his ability to settle with injured parties, as failure to make the agreed-upon payment could lead not only to banishment from his town, but also expulsion from his craft or guild, ensuring that he would also find no work elsewhere.⁷²

Naturally, if the victim died in the incident, problems for a brawler escalated, beginning with the expense of the settlement. The legal and moral definition of manslaughter underwent a major shift during the Renaissance with the establishment of differentiated honorable and dishonorable categories. During the Middle Ages, killings were divided

into only two kinds—manslaughter, which was publically announced and left the slayer exposed to vengeance from the victim's family, and murder, which was a secret act without just cause. Any killing short of murder was primarily a civil and religious matter. Punishment thus took the form of ritual penance. If the killing was unplanned, then the ritual might include elaborate, public ceremonies designed to display remorse in the hope of gaining a pardon from the victim's family. Such acts of penance and displays of forgiveness functioned as a kind of reconciliation, which could be sincere, but could also depend on sufficient payments of blood money (*wergild*) from the slayer. Intentional slayers, normally acting on a personal grievance, either reached a private settlement with the victim's family or remained exposed to blood vengeance. For men from honorable families, there was no need to be apologetic about such a killing, especially if it followed from an insult.⁷³

Definitions of manslaughter changed with the codification of law and the greater emphasis on civic peace associated with late medieval towns. Beginning in the fifteenth century, authorities began to recognize dishonorable manslaughter as a separate category of killing, which was not secret, but also was without just cause.⁷⁴ The new definition was not simply a factor of the monopoly over justice claimed by increasingly centralized authority. Rather, as Susanne Pohl has demonstrated in her study of late medieval manslaughter, the shift was largely an acknowledgment of existing categories articulated by participants in homicide trials that are identifiable at least from the fourteenth century. Murder had also undergone a redefinition by this time, coming to include acts of treachery, such as stabbing from behind, or killing only for monetary gain, even if the act was not hidden.⁷⁵

By the early modern period, any manslaughter that was not the result of self-defense had become a crime against the state. According to the Carolina, those who killed out of anger were subject to the death penalty. The fact that defense of honor was listed as equal to life in the same document, however, naturally complicated the picture.⁷⁶ Negotiations also continued to include the claims of relatives, and killers still had to settle with the victim's family, usually with a payment. In the towns, the blood money or private settlement was recorded by the council and bound the recipient not to seek revenge. Only after settling with the family could a slayer seek to restore his social status by paying a fine to the state, and depending on the circumstances, possibly also enduring a period of banishment. Those who failed to pay both the family and the council faced a variety of shaming punishments that might include banishment with loss of all rights of protection and shelter, public

declarations of infamy, and loss of citizenship and guild rights. Families of the victim then had the power to intervene on behalf of the slayer, either out of mercy or because their financial demands had finally been met. In some cases lost citizenship had to be repurchased at an additional expense, although this requirement disappeared during the early sixteenth century.⁷⁷ The monetary penalties claimed by the courts were usually standard for all members of society. Wergild, on the other hand, was a different story, as the value of the deceased, often understood in terms of potential contribution to the family, could depend on his or her status. Because those of higher status were much more likely to be involved in fights with others of similar rank, they were also usually subjected to larger financial obligations to the family.

These opportunities for social and political rehabilitation after a killing applied only in cases of honorable manslaughter, which required just cause. For murder, the death penalty was standard. In between, however, there existed a rather large and sometimes gray area under the legal definition of dishonorable manslaughter, which included categories such as killing an opponent who was unarmed, stabbing someone who was trying to escape, attacking without warning, and so forth. Sorting out the truth of such events was not always easy, especially if there were no witnesses. Torture could be applied only if guilt was apparent, since coming under the hand of the executioner could rob the defendant of honor whether or not he or she were found guilty. If there was a chance that a killing was honorable, the reputation of the slayer had to be preserved.⁷⁸ These regulations reflect the authorities' recognition that limiting violence in the interest of civic order was only possible if personal honor could be protected and feuds and vendettas could be avoided. In a society dependent on a martial identity and defined by civic privilege, no complete state monopoly on violence was possible. The best the rulers and citizens of the early modern city could do was to reach a consensus on how best to manage the various categories of bloodshed.

The weapons ban

Because the right to bear and resort to arms was tied to political freedom, it could be curtailed, either temporarily or permanently, if other expectations of citizenship were not met. Certain rights of use were also limited in varying measure and with shifting emphasis to groups whose status did not afford them the rights of citizens or free men, including peasants in the countryside and those excluded from civic

defense duties in the towns.⁷⁹ German authorities imposed bans on the bearing of arms both for reasons of enforcing peace and for punishment. In either case, the ban had implications for individual identity, sovereignty, and citizenship that went far beyond the simple matter of personal security.

Banning a man from carrying weapons was an honor-related punishment with its roots in Germanic tribal law, originally applied in conjunction with the loss of all political rights. This idea persisted during the Middle Ages. The loss of the right to bear arms could follow from unworthy behavior during a judicial duel, for example, which also meant loss of all offices and loss of honor for life.⁸⁰ Although early modern weapon bans usually did not go that far and were often temporary, such a ban nonetheless carried the taint of shame and implied a loss of male power.

Some confusion has arisen from the designation during the Middle Ages of certain groups, such as Jews and peasants, as not “weapons-capable,” a term that referred to their status as unfree and their assumed unsuitability for military service rather than their right to carry weapons.⁸¹ The problem has been compounded by the previously noted tendency of German legal scholars to collapse sources from the thirteenth to the sixteenth century without distinction, often creating the impression that thirteenth-century laws remained in effect until the modern era.⁸² In particular, much has been made of restrictions on carrying weapons by Jews. In fact, Jews were not forbidden to take up arms, although doing so could violate their terms of protection. As persons whose “peace” was guaranteed by their rulers, Jews, like women and clerics, theoretically enjoyed the same privilege as a space designated peaceful; in other words, attacking a Jew or a cleric was a form of peace-breaking and could be punished accordingly.⁸³ Under the terms of this peace, Jews were normally required to pay for an escort (*Geleit*) while traveling within a given jurisdiction, including a town or a territory. As long as they were under this local protection they were expected to lay aside their arms. Neither late medieval nor early modern laws otherwise restricted them from carrying weapons. Nonetheless, it is also clear that the designation of Jews as not weapons-capable was symbolic of their status as outsiders—people whose interests were not those of the community, thus were suspicious—and was intended as a social stigma.⁸⁴

Laws of protection were no longer in effect for peasants by the fifteenth century. Clerics and women continued to have protected status, which relates to their exemption from defense duties as described in Chapter 1. Early modern legal statutes did not overtly address the

bearing of arms by clergy or women, either within or outside of towns, although canon law certainly did place restrictions on resort to arms by clergy.⁸⁵ Enforcement was then a matter for church courts. The control of resort to arms by women was left to custom and social convention.

There were people, however, whom secular authorities banned from wearing a weapon entirely. Between the fifteenth and the seventeenth centuries, weapons bans developed as a highly symbolic form of punishment that could be imposed permanently or temporarily upon either individuals or groups for a great variety of infractions. What these infractions had in common was that, in the eyes of the authorities, they in some way threatened social or political stability. Legal norms demanded that the behavior of early modern German men, especially householders, shore up rather than threaten the hierarchical jurisdictions of household, community, and higher authority. Actions subversive to any one of these realms represented a breach of civic responsibility.

Particularly symbolic was the official surrender of weapons commonly imposed on participants in political uprisings or attacks on authority, such as followed from the insurrections known collectively as the Peasants' War of 1524–5. Peasant communities throughout Germany whose villagers participated in this event had to surrender their swords, guns, and armor to their lords in a ritual gesture of obedience.⁸⁶ Such bans could also be imposed in cities, as occurred in Frankfurt in 1616, when Emperor Matthias put the entire city under a temporary ban on both bearing arms and drinking in public houses during the period leading up to the execution of the ringleaders of the Fettmilch Uprising. The order both ensured order and functioned as a form of collective judgment.⁸⁷ Weapons bans also regularly attended the changing fortunes of war. During the Thirty Years' War, disarmament could function as kind of confessional harassment, with Catholics and Protestants alternately collecting one another's arms and armor after shifts in power.⁸⁸ In garrison towns local commanders also forbade civilians from carrying weapons, sometimes forcing them to surrender their guns to military authorities.⁸⁹

As a military strategy, requiring group surrender of arms and armor served both to shame the vanquished side and to limit any capacity to retaliate. Military disarmament, however, did not normally equal an individual weapons ban, which was a very different thing both in legal and cultural terms. However humiliating a military defeat might be, it did not reflect on an individual's honor, and men of status who had turned in guns and armor might still wear a dress sword to symbolize their position. Individual weapons bans, on the other hand, invariably

followed from behavior that, in one way or another, was not in keeping with proper citizenship.

An individual weapons ban might apply to all weapons, only to swords over a certain length, or even limit the offender to knives with broken tips. The broken tip not only disarmed the tool, but also publicly shamed the bearer as a man who had forfeited his good name and, as a kind of symbolic impotence, made him incapable of either “use or harm to anyone” (the knife meanwhile retained its own usefulness for cutting bread).⁹⁰ Weapons bans could be general and permanent, stripping a man of all rights to wear a sword for life and thus permanently affecting his honor, or they could be proscribed by place and time, for example applying only for a year or only in a particular town or village. Temporary bans were shaming punishments but did not have a lasting effect on honor.⁹¹

Some individual weapons bans resulted from political or military insubordination. Serving a foreign power could lead to a ban on carrying a sword for life, for example, as could participation in political crimes and uprisings or blatant disrespect for authority. Jeorg Dieterich, a resident of the town of Schopfloch, lost his right to bear any weapon other than a broken bread knife in 1570 for insulting local authorities. The Augsburg council pronounced a similar penalty a century earlier for a city official who had embezzled funds.⁹² Men could lose their right to bear arms for manslaughter as well, which as a form of self-justice usurped the power of local authorities, or for poaching, also normally understood as political disobedience. In the case of punishments recorded for poaching, overt bans of both guns and swords reveal a combination of both practical and symbolic penalties. In some anti-poaching laws these functions were segregated, with only guns to be banned on the first offense as a strictly punitive measure, and the more symbolic and thus more severe ban on carrying swords to be applied only to repeat offenders.⁹³

But treasonous acts such as manslaughter or rebellion were hardly necessary in order to cross the line of responsible behavior. Along with defending their community, the expectations of early modern manhood faced by householders included defending their homes, goods, and families, as well as living an orderly life, earning a viable living, and maintaining an orderly household. Male citizens, as household patriarchs or House Fathers (*Hausväter*), represented their household in the community and represented the city council in their role as civic defenders. In the eyes of city fathers, those who behaved irresponsibly or were incapable of effectively managing a household could also not

be trusted as representatives of government. When men failed to live up to these demands, therefore, their right to bear arms could also be revoked. The weapon in this context became a sign both of individual manhood, and of a man's political role as representative of the city. For townsmen, such bans were generally temporary and were not usually accompanied by a loss of other political rights.⁹⁴ Nonetheless, the ban was a symbolic emasculation that carried the taint of shame and implied a loss of male power.

Temporary bans on carrying weapons were occasionally applied for abuse of the privilege itself, i.e., for getting into fights. The one-year ban on carrying weapons imposed on Augsburg butcher Hans Geiger, who attacked another butcher in the slaughterhouse with both a sword and a knife in 1548 for accusing him of stealing sheep, seems to have followed logically from the crime.⁹⁵ In another incident in the same year, a barber-surgeon lost both his sword and his civic income for a year for first wounding an apprentice baker, and then refusing to bind the wounds he himself had inflicted. The city council's confidence in the surgeon's dedication to his profession was no doubt diminished by his admission that he "didn't want to bind [the victim], he'd rather himself have struck the dirtball on the head."⁹⁶ Laws threatened even those who lived by the sword with weapons bans for violence. Soldiers who were too quick to turn on their own comrades, for example, could be ceremoniously stripped of their weapons before being banned from their regiment.⁹⁷ And in a pre-emptive move aimed at shaming aristocrats in Prussia into settling their disputes of honor peacefully rather than resorting to a duel, Friedrich III's anti-dueling edict of 1688 threatened nobles who refused to apologize after insulting a peer with a ban on carrying a sword.⁹⁸

But the problem leading to a ban on carrying weapons was not always or even usually related to their use. Any failure to live up to the demands of responsible householding could lead to loss of the right to carry a sword. Chronic drunkards, wife-beaters, and financially irresponsible men, who were considered incapable of running an orderly household, could also be banned from carrying weapons, effectively stripping them of their defense role and, symbolically, part of their identity as men and as citizens. Some abusive husbands certainly did use weapons in their attacks on their wives, and even a beating without a weapon might be seen as a threat that could escalate to an armed attack.⁹⁹ But weapon bans can hardly be understood in this context simply as a means of disarming a dangerous person, since they applied only when the person under the ban was outside of the house, and did not restrict the presence of weapons in the home.

Most of the incidents of bad householding leading to a weapons ban did not involve the use of weapons, and many were not related to violence at all. Just as likely to cost a man his sword were accusations of infidelity or financial irresponsibility. Not only did men found guilty of adultery lose their right to wear a weapon, but so could men whose wives were guilty of the same crime, if the husband's behavior seemed to contribute to his wife's disloyalty.¹⁰⁰ And in the case of financial irresponsibility, the assumed relationship between the orderly householder and the martial citizen is made exceedingly clear. Men who appeared to be spending too much time and money gambling and drinking at the expense of the household could lose their right to bear arms, as could men of poverty who refused to wear the required symbol that publicly identified them as an alms recipient. Bad debts, pawning clothing to Jews, idleness and wasteful living could all result in a temporary weapons ban.¹⁰¹ The association of the right to bear arms with financial responsibility applied at the upper end of the social scale as well. Men of status who declared bankruptcy were not only banned from carrying swords and daggers and forbidden to take part in shooting competitions, but also made to walk at the back of funeral and wedding processions, and then to be seated with the women. The symbolism of this should be obvious.¹⁰²

During the mid-sixteenth to early seventeenth centuries, when the weapons ban was at its zenith, virtually any bad behavior could threaten a man's right to wear a sword. Nördlingen journeyman Hans Weiler was punished with a weapons ban of indeterminate length in 1542 for the crime of blasphemy, and in 1585, the Augsburg cloth finisher Matheis Koch was banned from carrying a weapon after relieving himself in another prisoner's food bowl while locked up for drunkenness.¹⁰³ Others lost their right to bear arms for minor theft, resisting arrest, appearing at court drunk, attempted rape, or violating previously imposed bans on social drinking or bearing arms.¹⁰⁴

What the array of bad behaviors that could lead to individual weapons bans tells us is that this sanction can not be understood simply as a means of solving a problem with violence. Rather, just as the right to bear a sword symbolized political freedom and citizenship, the ban was symbolic of a deviation from the ideal masculine role. Typically, weapons bans were accompanied by additional bans on tavern drinking, gambling, and other forms of male sociability. In the cities, the oath taken in such a case might also include a ban on walking the streets "between the horn blows" (i.e., during the hours of darkness).¹⁰⁵ These activities, too, represented both rights of manhood for those who could

handle them, and potential causes of disorder for those who couldn't. And, as we have seen, just as men who failed to live up to their role as citizens were banned from carrying a weapon, those men who failed to maintain a weapon could be banned from participating in other traditionally male realms, including drinking bouts, craft and guild organizations, and even civic life itself.¹⁰⁶

Clearly, banning men from carrying weapons was most effective if they had a close cultural identity with their arms, which explains why the ban on carrying weapons for disorderly householding proliferated during the sixteenth and early seventeenth centuries. Authorities during this period were actively reinforcing this connection at all levels of society. While those regulations threatening weapons bans for unruly soldiers, dueling nobles, and bankrupt merchants remained in place throughout the early modern period, however, judicial weapons bans for commoners eventually began to fade away. This late seventeenth-century shift accompanied attempts by elite groups to establish a monopoly on the sword, which will be considered in the next chapter. As we shall see, decisions by those of higher status to disassociate common townspeople from the sword were not accepted without a struggle. But before moving on to explore how the prescriptive norms explored here related to internalized norms regarding the sword, it is necessary to examine the specific problems presented by firearms, which posed quite a different challenge to early modern lawmakers.

Guns in the city

On a December evening in 1586, Memmingen baker Erhart Fürderer took his wheel-lock musket down from its hook over the chamber door in order to show it off to Jerg Mayr, a local barber-surgeon. Clearly, Fürderer was proud of his new gun. He began to explain to his friend how the new wheel-lock technology worked, letting Mayr hold the musket while he set the flint into the hammer and wound the lock. According to Mayr's testimony, he immediately asked at this point if the gun was loaded, as he had noticed that Fürderer's wife was standing directly in the line of fire. Only after Fürderer assured him that the gun was safe did he release the trigger, producing a spark. Mayr must have been impressed with the weapon, continuing to test the feel of it in his hands and winding the wheel lock again as Fürderer asked his servant to fetch a powder flask that was also hanging on the parlor wall. In getting out of his servant's way, Mayr said, Fürderer bumped into the cocked gun he was holding. Unexpectedly, it went off, with

tragic consequences. The musket released a bullet that passed through the serving boy and then hit the family's maid, killing them both. Under questioning, Fürderer insisted that he himself would not have hung a loaded gun on his parlor wall. But he had recently lent the gun to a miller's apprentice, who later returned it to its place over the door without comment. The gun owner's testimony suggested that in his opinion, the apprentice who returned the gun should have volunteered the information that he had left it loaded. Apparently, no one had bothered to ask.¹⁰⁷

Mayr was so frightened about the possible consequences of this incident that he fled from the town. Although law codes provided immunity from manslaughter charges for those who killed someone accidentally, the exception applied only if the activity that led to the killing was itself not illegal. Certainly, there was nothing illegal about testing the trigger of an unloaded gun, but this could not be said about firing one inside a house. In fact, the Carolina specifically makes use of the case of carelessness with firearms as an example of an accident that should not be entirely excused, although mercy was recommended.¹⁰⁸ As was so often the case in early modern towns and cities, local magistrates were thus left to make their own assessment of how to serve the greatest good.

Because accidental killings with weapons were rare in the sixteenth century, there was precious little legal precedent upon which to base such decisions. While accidents did occasionally happen with halberds and swords, the chances that someone would be severely injured or killed by an accidental stabbing, especially in the absence of any hostility, was slim. Most stabbings officially labeled accidents occurred at regulated fencing matches, which were by nature understood to be dangerous, thus slayers were not held responsible.¹⁰⁹ The growing popularity of firearms presented a new challenge to lawmakers trying to maintain peace and stability in the city. New regulatory efforts were required.

In the towns, most early modern rules associated with firearms focused on preventing accidents caused by carelessness. Guns were a threat to peace not only because stray bullets could be deadly, but also because early modern firearms were fire hazards. Well into the seventeenth century, gunners continued to balance burning match cords with explosive gunpowder. Even the safer wheel lock guns, which entered the scene during the sixteenth century (but did not yet dominate it), presented a safety problem because of the sparks emitted by the lock and their tendency to misfire. Beginning in the fifteenth century,

multiple ordinances were passed all over Germany outlawing the firing of guns within city walls. The laws against carrying loaded firearms already noted were also introduced not only due to the assumption of ill intent, but also for reasons of safety, since loaded guns could and often did fire unexpectedly.

City leaders nonetheless encouraged both ownership and expertise with guns as part of their defense efforts. Their goal was not to limit guns in the city, but to channel enthusiasm for them into environments that were safe and controlled. Shooting was therefore allowed only at designated shooting grounds, normally located outside the walls. Shooters returning from target practice and travelers who arrived in town with loaded firearms were instructed to clear their guns outside the gates before entering the city. Only if they were not of reputable status did they have to leave their guns at the gate.¹¹⁰ In Nördlingen, a 1656 ordinance placed special emphasis on the dangers of letting children play with firearms, and warned parents to control both weapons and powder when children were around. The major concern stressed in this decree was the danger of fire.¹¹¹ In addition, guns were loud, and there were laws in effect to protect people from unwarranted noise as well as from danger, especially at night. Some ordinances expressed concerns over the shock factor of the noise itself, which was considered dangerous to pregnant women and sick people. During wartime, wasting ammunition could also be cause for alarm.¹¹²

At issue in many of these ordinances, which also outlawed rockets and other fireworks, was the custom of firing guns in celebration at festivals, processions and weddings.¹¹³ Shooting out of windows was a common way to express joy at such occasions, which could be especially worrisome if the joy was partly due to drunkenness. Ordinances attempting to control this kind of careless exuberance were responding to real dangers. Journeyman locksmith Bernhart Kleber learned this the hard way as he fired a shot out of his father's house on Shrove Tuesday in 1587, accidentally shooting a serving girl in the chest. Kleber was fortunate that the girl survived.¹¹⁴ In 1634, an eighteen-year-old weaver accidentally killed a man in Augsburg by shooting what he thought was a gun loaded only with powder, but no bullet. The boy defended himself not only by his assertion that he didn't know the gun was fully loaded, but also by claiming that although he knew firing bullets was illegal, he didn't understand the laws to mean that simply firing gunpowder was forbidden, since it was common practice in the city.¹¹⁵ According to Frankfurt decrees, it was standard on such occasions to load guns with paper, sometimes chewed in the nature of a spitball. This could be

dangerous even from a distance, one decree noted, citing not only recent injuries that had resulted from such practices, but worse; one passerby had bled to death when a wad of paper hit him in a major artery.¹¹⁶

People who caused injuries by firing a gun under circumstances that weren't themselves illegal, such as while clearing the weapon outside the city, were held responsible for medical costs, but not for pain and suffering or civic fines.¹¹⁷ Children who fired guns could be excused based on their youth, which was fortunate for Georg Gutbrot, a boy of only around thirteen who tragically shot and killed a serving girl in 1561. The boy explained that he had taken the gun down from its place on the wall, aimed it at the girl, and pulled the trigger only as a joke, intending to scare her. The records in this case do not address the inherent danger in hanging a loaded gun on the wall in a house with children.¹¹⁸

In cases like this and that of Jerg Mayr, it was difficult to determine if the shooter actually broke any laws in accidentally discharging a gun. Such cases were usually treated leniently, particularly since they generally occurred during the day and in the presence of witnesses, so that the accidental nature of the shooting was not in question. When 19-year-old Georg Kleiber aimed a gun he assumed was unloaded at one of several women sitting on a bench in Memmingen in 1698 and, like Gutbrot, pulled the trigger in jest, it was clear to the witnesses, even the bereaved relatives of the victim, that Kleiber had not intended to kill anyone. The journeyman butcher was carrying a gun because he had just finished a turn on watch, and intended only to tease the women, who had been taunting him about his inability to shoot. The victim, a Swiss immigrant employed as a seamstress, died at the scene. "Oh Jesus, what have I done," Kleiber exclaimed, and then, as in the case of Jerg Mayr in the same town twelve years earlier, he fled, seeking asylum in a hospital until the case was settled.

In her analysis of Kleiber's case, Ulinka Rublack makes much of the fact that the terms of the settlement came down to negotiating the value of the victim's life. As a poor seamstress, the victim was not worth much by early modern standards. To make her point that the issue was one of social value rather than legal culpability, Rublack focuses on how little attention was paid to the woman's pain and suffering in the minutes before she died, or of her family's bereavement afterwards. Rublack's argument was that infanticide cases, by comparison, were more emotional in tone.¹¹⁹ This analysis, however, ignores both the question of intent on the part of the killer and the public nature of the crime, both of which provided evidence of an accident. The real mitigating factor

in such incidents was not the fact that the victim was without value, but the recognition that the killing was the unintentional result of an honest mistake.

Such mistakes often came down to simple ignorance about how to handle a particular gun. Not only were guns during the sixteenth and seventeenth centuries generally unreliable and often difficult to load, to fire, and to clear, but they were made individually by gunsmiths each of whom had his own style and skill set. Every gun was different, and mistakes were bound to occur when a weapon was unfamiliar. The young Georg Kleiber, in fact, had borrowed the gun from his neighbor in order to carry out his watch, and thus may have been unfamiliar with the firing mechanism.

Despite the safety hazards presented by unreliable early modern firearms, deadly accidents involving guns were actually quite rare at this stage of history. The lack of an established tradition or set of rules to draw on made decisions more difficult for the authorities, and possibly somewhat arbitrary. Even though firing guns in houses or on the streets was illegal, ordinances and law codes did not directly address either pulling the trigger on firearms assumed to be unloaded, or deaths resulting from accidental discharge. Certainly, Kleiber was careless, and for that he was held responsible. The sum of 60 gulden plus funeral expenses that he ultimately paid the victim's family may not have compensated them for their personal loss, but it was enough to seriously damage Kleiber's financial status and possibly even prevent the butcher's son from someday opening his own shop.¹²⁰ But since Kleiber was carrying the gun legally and did not actually intend to fire it, he was not intentionally in violation of any laws. The authorities in Memmingen recognized that compensation or punishment that completely ruined Kleiber would only have compounded the tragedy.

Accidental shootings that occurred under aggravating circumstances could be handled with more severity. Particular carelessness or drunkenness, for example, might lead to harsher punishment, as could intentional fiddling with a gun mechanism by a gunsmith that made the weapon more dangerous.¹²¹ An especially unusual exception to the normally lenient standard, and one that underscores the potentially arbitrary nature of early modern punishments, was the penalty meted out by the highly disciplinary Swedish military court during their 1632–33 occupation of Augsburg. The Swedes were interested in making a display of their good intentions towards the townsfolk, and especially of their effective Protestant discipline. Under their jurisdiction, a soldier whose carelessness with his gun led to the death of a local girl was condemned

to death by firing squad.¹²² Such cases, however, were unusual, even for the Swedes. The penalty for causing accidental injury or death with a gun was normally restricted to compensation to the victims, and shooters who caused no injuries were charged only a modest fine equivalent to that levied for brawling or other disorderly behavior.¹²³

What this initial look at early gun laws shows us is that restrictions on firearms for early modern townspeople were limited to how guns were handled and whether they were loaded. In the cities, there is no evidence of any attempt to regulate gun ownership. On the contrary—all townsmen were encouraged to own guns and to practice shooting. But safety concerns did require restrictions on walking about town with loaded firearms, and especially on using them as party noisemakers. And as the authorities' comfort level with firearms increased, even these laws were relaxed.¹²⁴ Augsburg and Rothenburg began during the early eighteenth century to publish ordinances encouraging the use of shotguns and pistols to stop "night thieves and burglars," promising amnesty from manslaughter charges to those who killed housebreakers caught in the act. The rule applied even if the home that was broken into was not that of the shooter, meaning that it went beyond standard rules for household peace.¹²⁵ Similarly, in 1723, one village ordinance made an exception to regulations against shooting out of the windows of inns if the shooters were celebrating weddings or the New Year.¹²⁶ This relaxation in the rules may reflect increased confidence in the ability of men to control their firearms as gun technology improved and gun ownership became more widespread.

Gun control in the countryside: The case of Württemberg

Villagers also owned guns, and throughout most of the early modern period were encouraged or required to do so. Defense interests, however, also came into conflict with the concerns of territorial rulers about both poaching and rebellion. Gun controls in towns and villages under centralized territorial control could be stricter and more arbitrary than those imposed by independent urban authorities. But they were also notoriously difficult to enforce. The shifting regulations on gun ownership issued by the Dukes of Württemberg provide a comparative case study in balancing concerns about seditious activity with the need for military readiness in an increasingly centralized state.

Württemberg's territorial defense system (*Landesdefension*) depended on a combination of general requirements for the populace to purchase and maintain arms and an obligation placed on each district to identify

a specific number of trained recruits, similar to England's trained bands, labeled the "selection" (*Auswahl*). Members of the *Auswahl* were to be chosen from among "the very best who are trained and experienced in war, and otherwise the others regarded as honorable, upright, skilled and well esteemed."¹²⁷ According to muster lists, the *Auswahl* in each district was divided into three companies, each with its own officers and drummer. The system did not limit military arms or service only to those selected for the *Auswahl*, however. On the contrary—the Dukes of Württemberg encouraged and at times required all adult men in their territory to purchase and maintain weapons, in some periods making presentation of arms a requirement for marriage. District musters describing the *Auswahl* regularly provided additional lists of all other armed men in the jurisdiction.¹²⁸

As noted above, country protests such as those in 1525–6 provided contexts for disarming peasants, and this was true in Württemberg as elsewhere. Notable in this process is the specific emphasis placed on military weapons. Although territorial rulers initially required all those who had taken part in the uprisings to surrender swords, javelins, and hunting knives along with military equipment, subsequent legislation concentrated on pole arms, armor, guns, and crossbows. In 1526, King Ferdinand¹²⁹ decreed that villagers in Württemberg who had surrendered their arms refrain from purchasing replacement guns and armor, but specifically allowed them to keep side arms, including swords. Only battle swords were forbidden, along with the other military equipment that was emblematic of local authority. This exception underscores the difference between an individual weapons ban, which symbolized loss of personal status, and a military disarmament. The 1526 decree also forbade townspeople as well as villagers in Württemberg from carrying guns while traveling overland, a rule that would dominate later ordinances. The right to carry crossbows and guns also appears as one of the peasant demands negotiated with the Swabian League in 1524.¹³⁰

Most efforts to control guns in the countryside were specifically aimed at poaching. The rulers of Germany, like those in other early modern European states, increasingly came to see the lands under their sovereignty, and the animals that lived there, as personal property. Hunting thus became a noble privilege. Peasants argued for their right to kill game both on the basis of traditional rights of access to field and forest—according to God and the common law, they reasoned in 1524, no one could own a wild animal—and also from the practical standpoint that they needed to kill animals that destroyed their crops.¹³¹ To the lords, unauthorized hunting was not only a form of

theft, but a rebellious act. This was especially true because poachers often received support from local communities and could be celebrated as rebel heroes.¹³²

Illegal hunting was widespread in early modern Germany, and not just among peasants. Townsmen, soldiers, students, lesser nobles, and even clerics challenged the right of the privileged to deny their subjects access to game. Poachers continued to ply their trade not only in order to protect crops and to provide food for their families and neighbors, but also as a means of underscoring their personal sense of status and privilege; as a masculine test of courage and an expression of martial values; and as an intentional protest against the growing power of the centralized state.¹³³ Ordinances often conflated restrictions on poaching with expressions of fear of assassination and rebellion, particularly during periods of political instability. Ulrich, Duke of Württemberg's 1517 decree against carrying guns and crossbows into woods and fields was typical in simultaneously accusing his subjects of poaching, and of "treasonous and murderous plots and mutinies," including plans to murder him personally.¹³⁴

Territorial rulers attempting to control guns in their lands received a show of support from Emperor Charles V in the form of his "Reformation of good Policing" ordinance, issued at the conclusion of the Imperial Diet of Augsburg in 1530. This document is best known for its rejection of the Augsburg Confession and its reaffirmation of the Catholic stance against Martin Luther. But it also represented the first major attempt at gun control in the German lands. Charles's gun clause asked the estates to forbid anyone not specifically under military orders from carrying guns, with exceptions only for organized shooting matches and hunting by landowners. Violators would not only pay fines, which ranged from 5 gulden for a peasant to 12 gulden for members of the privileged classes, but would also forfeit their gun. The regulation was ostensibly aimed at protecting the Emperor's subjects from armed robbers and kidnappers, whose evil deeds were aided by firearms. Like similar laws elsewhere in Europe at this time, the law did not forbid the keeping of guns, only carrying them. It expressly allowed anyone to have a gun in their home for the purpose of defense and expressed support for the "good, honorable society" of the town shooting match.¹³⁵

The imperial ordinance provided a context for Ulrich to reissue his anti-poaching decree in 1535, this time incorporating Charles's more restrictive language. The new law forbade loaded guns anywhere but at established shooting grounds, and required travelers entering Württemberg to leave their guns behind. The ordinance also targeted

automatic firing mechanisms (wheel locks)—at the time a new technology. As we have seen, wheel locks allowed guns to remain in a fire-ready condition, and they had already been outlawed by Emperor Maximilian in 1518.¹³⁶ These rules were reissued three times more before Ulrich's death in 1550. At the Territorial Diet of 1551, however, Ulrich's son and successor Christoph shifted the emphasis back to poaching. To be sure, the new law issued in conjunction with this event continued to express fears about the safety of the monarch and his foresters as well as general concerns about crime. But restrictions on bearing firearms were again limited only to the requirement to stay on the roads and out of fields and forests.¹³⁷

The general trend over the course of the sixteenth and seventeenth centuries, in Württemberg and elsewhere in Europe, was towards increasingly harsh laws against poaching, not against gun ownership per se. By the later sixteenth century, the Duke's ordinances were equating people who walked about with guns in the woods with brigands and armed robbers. Poaching was denounced not only as a crime against the Duke, but also as a moral failure. Hunting by members of the common classes distracted them from their duties and families, encouraged idleness, and represented the first step on the way to a life of crime.¹³⁸ These accusations are remarkably similar to those made by the English crown during the same period as a context for the increasingly rigid Game Laws of the seventeenth century.¹³⁹ Unlike England's famous Game Act of 1671, however, Württemberg's seventeenth-century laws never targeted keeping guns in the home.

Even laws against carrying firearms relaxed during the Thirty Years' War, when peasants needed guns at their sides to defend themselves against marauding soldiers. By the time laws against carrying guns in fields and woods reappeared after the war, dependence on a gun for protection while traveling had become the norm. Subsequent ordinances thus ceased to focus on carrying guns and crossbows and concentrated instead on the act of poaching itself. Laws promised increasingly draconic punishments for repeat offenders. In 1672, Duke Eberhard III threatened those who shot game once with ruinous fines and forbidding of honorable society, and pledged to punish professional poachers with loss of fingers, exposure on the pillory, and banishment or even the death penalty. Poachers who formed bands and attacked foresters faced torture and death on the wheel. Those who supported poachers were also subject to corporal punishment. In 1687, Duke Friedrich Karl¹⁴⁰ added a carrot to the stick, promising bounties of up to 25 gulden for turning in poachers with evidence.¹⁴¹ Additional gun laws in seventeenth-century

Württemberg reveal familiar concerns about safety, in particular attacking the increasingly popular custom of using guns as noisemakers at wedding and New Year celebrations.¹⁴²

The strict penalties imposed for poaching mirror attempts by other territorial rulers to control illegal hunting in their lands, which could also target townspeople. Some laws forbidding men from walking under city gates with loaded guns were clearly aimed at poachers.¹⁴³ But what territorial rulers also had in common was a general lack of willingness to follow the letter of the law in punishing offenders. In fact, poachers rarely faced corporal punishment. Rulers in the German territories were hindered by the lack of cooperation by their subjects, who helped poachers avoid capture and refused to testify against them, and also by their own fear of popular protest. In addition, they regularly faced challenges in the lower courts, where lawyers and magistrates questioned anti-hunting legislation on the basis of common law and possibly even sympathized with the defendants. Poachers usually faced only a fine and the surrender of their hunting guns. Repeat offenders could expect to lose their right to bear swords as well under the terms of a general weapons ban, as noted above. But the honor implications of this sanction would have had less effect in a community sympathetic to the delinquent.¹⁴⁴

After half a century of poaching ordinances that made no specific reference to keeping or carrying guns, anti-gun legislation in Württemberg came to a sudden climax in the early eighteenth century under the rule of Duke Eberhard Ludwig (1692–1733). Eberhard Ludwig was a controversial ruler whose ambitions tended to exceed his political capital. He was also a passionate hunter, so that poaching remained a special concern under his rule, as evidenced by numerous decrees issued during his reign charging rustlers of game with endangering foresters, living riotously, and interfering with both the Duke's income and his "princely enjoyment."¹⁴⁵ But it may well also have been fear of revolt in response to his unpopular tax policies that was at the root of an unusual decree the Duke issued in October of 1709. Eberhard Ludwig in this ruling demanded that all personally owned guns in his territories be confiscated and put into storage in town halls. The guns were then to be handed out to their owners only as needed for shooting practice and guard duty. In an attempt to avoid further proliferation of firearms, the Duke also ordered gunsmiths to stop selling new guns to Württemberg subjects.¹⁴⁶

The problem inherent in this decree, however, is already evident in an exception provided to the rule against new guns for young citizens of the dukedom who were required to purchase firearms as a term of citizenship. Soon afterwards Eberhard Ludwig also made allowances for

taking guns out of storage for maintenance, as well as trying to placate his critics by offering to let subjects keep guns at home if they were willing to remove flintlock firing mechanisms and outfit them with matchlocks, by now an outdated technology. These concessions did nothing to calm the outrage of his notables, who saw his controversial law as an infringement on their own autonomy and petitioned continuously against the new rules. In January of 1710 the notables formally registered an “utmost grievance” (*maximum gravamen*) against Eberhard Ludwig. The arguments presented by Württemberg’s representative body (the *engere Ausschuß*) will be familiar to anyone who has concerned themselves with modern questions of gun ownership. Not only did the law violate rights of personal property and the Duke’s own constitution, but it left his subjects defenseless against the very criminals Eberhard Ludwig was trying to control. If left without guns, an entire village, the committee argued, could be pillaged and plundered by two armed rascals. In addition, villagers had no means by which to protect themselves or their crops from wild animals.

Even worse in the eyes of the estates was the Duke’s implicit expression of mistrust for his own subjects. If poachers and criminals broke the law, the Duke had every right to disarm them. But disarming all of his loyal subjects because of a few bad apples, the representatives pointed out, was both an affront to his people and a violation of natural law. The result would be a loss of support for the Duke. This, combined with the inevitable drop in the quality of defensive weapons and the presumed loss of interest in shooting practice, would leave the Duke himself effectively disarmed.¹⁴⁷ Although Eberhard Ludwig was by now maneuvering to establish a permanent standing army under his own control, this goal would not be achieved during his lifetime; in 1709, he was still dependent on an armed populace to replenish the troops so crucial to his foreign policy ambitions. By the end of 1710, the Duke gave in to the demands of his subjects and lifted the short-lived attempt at severe gun control. The guns were returned to their owners and the ban on flintlocks was abolished.¹⁴⁸ The peasants kept their guns for at least another century, for rules requiring Württemberg’s male subjects to maintain guns and armor in their homes remained in force until 1809.¹⁴⁹

This example illustrates the fundamental contradiction in a system aimed at encouraging its subjects to arm themselves to protect the interest of their rulers, while at the same time trying to render them powerless to challenge authority. Similar mixed messages were evident in earlier ordinances, as decrees forbidding subjects from carrying guns alternated with demands that more guns be purchased for the general

defense and that young men be encouraged to spend their Sundays shooting. If men were to defend their communities, they required effective arms, which by the later seventeenth century meant firearms. Poaching naturally remained a problem among subjects expected to train for war while protecting their crops and families, from animals as well as enemies, in times of peace. German peasants thus came to associate guns with their identities as householders and farmers.

The rights of territorial subjects remained tied to the whim of their rulers to a much greater extent than in the cities, a distinction that would gradually diminish as the territorial states gained in power and the imperial cities went into decline. But the failure of Eberhard Ludwig's attempt at gun control also supports the conclusion that the power of territorial rulers was limited, especially in smaller states such as Württemberg. Territorial subjects in the German-speaking lands resisted absolute power both via the courts, in which they often enjoyed the support of local officials, and by holding out the threat of armed rebellion. Strict laws often represented only a starting point for negotiation, against which rulers could demonstrate grace through a show of clemency.¹⁵⁰ And the threat of rebellion was never far from the surface. As long as territorial rulers depended on their subjects as the first line of their own defense, arms remained in the hands of the people, even if officially only at the pleasure of their lords.

Conclusion

There is no doubt that tension existed between the need for an armed populace for defense, and the authorities' attempts to control and channel violence. When questions regarding the use of weapons in violent incidents arose, however, the right to bear arms, and to use them in defense of honor, person, or property, generally took precedence over the restrictions recorded in ordinances and other prescriptive sources. The exception occurred where men failed to live up to other expectations of male citizenship—weapons were taken away from disorderly householders, takers of alms, bankrupt merchants, and those who turned their weapons against their own government. The right to bear arms was thus less dependent on responsible use of the weapons themselves than on the symbolic association of weapons with male public life. In a related way, it was in public that the right to bear and use arms was most symbolic. Men did not bear arms in their houses, but on the streets, as a public act.

By the seventeenth century, state investment in standing armies was threatening to make civic defense institutions obsolete, but the culture

of arms did not disappear. Even as the tension between individual rights of arms and the needs of the militarizing state grew in intensity, the towns, struggling against their own decline, continued to protect and to promote the martial identity of their citizens. Because keeping their citizens armed and ready was their only defense against the ambitions of territorial rulers, urban rulers had an interest in supporting the association of the martial ethic with honor, status, and virtue. The following chapter explores this relationship.

4

The Age of the Sword: Norms of Honor and Fashion

On an October Saturday in 1582, two master belt-makers from Rothenburg came to words and then to blows while crossing a field on their way to a country market. One of the men, Leonhard Schiller, apparently instigated the fight by teasing and insulting his colleague Hans Neßer's journeyman Simon, who was also present at the scene. In response to Neßer's demand that Schiller leave the boy alone and address his insults to Neßer, Schiller challenged Neßer also to speak what was on his mind, implying that Neßer had a problem with Schiller's reputation. Schiller then took his gun in his hand. According to Schiller's apprentice Wolf Stock, who also witnessed the incident, Neßer countered Schiller's gesture with the accusation, "easy for you, you have a gun, and we don't."¹ Schiller then laid his gun aside and drew his sword in order to face Neßer on equal terms. Neßer could not ignore the challenge. As the two crossed swords, Simon picked up Schiller's loaded gun and fired it in order to clear it and ensure that the fight remained fair. The swordplay went badly for Schiller, who suffered a grievous cut to the abdomen. Afterwards he lay in great pain for two days before dying a pious, Christian death. Multiple witnesses to Schiller's last hours reported that he confessed his sins to a pastor, admitting his own fault in the fight and accepting his pain and suffering as penance for his restless ways. He then forgave his killer and took communion before dying.²

Both the process of escalation leading up to this fight and Schiller's carefully orchestrated deathbed scene are reminiscent of descriptions of the aristocratic duels of the seventeenth and eighteenth centuries. The disagreement started with an exchange of insults, which escalated into a challenge in the form of a gesture. The participants agreed on equal weapons before facing one another, and witnesses then made sure that the fight would be fair. The loser in the duel died well, ensuring both his

own salvation and his killer's pardon. Although this fight occurred spontaneously, rather than following from a formal challenge to meet on the "field of honor," the case reminds us that duels of honor were not limited to upper classes, nor were rules for how they were supposed to be fought and how the loser was supposed to die exclusive to those who lived by the sword.³ Men at all levels of society paid attention to these rules, including the lawmakers who decided the fate of those whose defense of honor led to manslaughter.

We have already examined legal restrictions on violence and resort to arms in early modern society. This chapter is concerned with the relationship between law and custom in adhering to the demands of the martial ethic. What expectations did this ethos place on early modern men? Why was it important to wear a sword or to fight a duel? What were the rules of fair play, and when were they broken? And what was the relationship between these rules and the rule of law?

While there have been numerous studies of aristocratic dueling, historians have only recently begun to pay closer attention to the code of honor that governed violent encounters between townsmen, sometimes termed "popular duels."⁴ This work remains in its infancy, especially for Germany, and does not in any case connect popular swordplay to the existence of a martial ethic among those not belonging to specific groups such as the military, nobility, or academia. Even recent scholarship portrays fights among commoners that followed culturally defined rules as an exception during the seventeenth century, and suggests that they were not recognized by lawmakers as affairs of honor.⁵ But in fact such formalized violence was anything but unusual among early modern German townsmen. Of interest here, then, are the norms of practice in bearing and using weapons in town society. Although occasionally at odds with one another, both law and custom were in alliance with martial culture. And where they diverged, rules of honor regularly triumphed over rules of law, regardless of the status of the parties involved. Violence was sanctioned as a means of exerting social control not only as practiced by the state, but also as applied "from below" in accordance with the unwritten rules of society.

At the same time, both legal procedure and cultural norms shifted in accordance with the social, religious, and political upheavals of the early modern period. These shifts did not occur independently, but in discourse with one another. Deadly duels of honor that were described laconically in the late Middle Ages became elaborately staged theaters during the sixteenth and seventeenth centuries, in which men employed a variety of strategies to distance themselves from responsibility for their actions in

accordance with both legal and religious norms. Attempts by the centralizing institutions of the early modern state to strengthen their control over violence and the courts were thus undermined by their own recognition of the constructive uses of interpersonal violence.⁶ Meanwhile, those at the top of the social scale increasingly worked to establish a monopoly on affairs of honor, labeling common duels as “brawls” and claiming exclusive rights to defense by the sword, a struggle that would persist until the eighteenth century. Only then, as the responsibility for public security moved from the male populace at large into permanent police and military forces, could street justice be successfully criminalized. Support for the martial ethic among the populace did not disappear during the enlightened eighteenth century, but it was redirected, as the institution of the civic militia declined and the sword became increasingly associated with full-time military service.

The military code of honor

In 1529, a citizen of Augsburg named Meckenloher drew vicious taunts from his neighbor Georg Zeindlweber by bragging of his willingness to attack any Jew who defamed the Virgin Mary. “Some fighter you are!” Zeindlweber shouted in anger, grasping the hilt of his sword as he did so. “What Peasant’s War were you in? How many have you killed, you cripple? I’d like to knock you on your back with a stone, some Jew-killer you are. . .!” This verbal attack from a local armory officer against another citizen may have been motivated by a religious dispute, but it took the form of an attempt to humiliate Meckenloher by pointing out his lack of experience as a fighter.⁷ For citizen soldiers like Zeindlweber, demonstrating courage by seeking danger on the battlefield and verifying physical prowess through close combat were the paths to honor, status, and material reward.⁸ Because the requirements of local defense systems socialized all townsmen to identify with the sword, however, it was inevitable that the civilian population would also embrace this ethic. Before examining cultural rules of ordinary townsmen, it would be useful to consider the relationship between the martial ethic that permeated their lives and the special codes of behavior so clearly expressed by professional military men.

The most basic demand placed on soldiers in order to preserve their honor was not to retreat in the face of threat. Regardless of the miseries endured by soldiers on duty, flight during battle or desertion prior to the agreed term of service resulted in accusations of cowardice, which meant dishonor. The most draconic of military regulations threatened

deserters with shaming by a public ritual in which their names would be read aloud, accompanied by drum beats, and declared dishonorable for life. If caught by his regiment, a deserter could then expect the death penalty after a ritual breaking of his sword. In practice, many deserters were guilty only of switching regiments for better pay, for which there was some leniency during the seventeenth century, especially in periods of famine. Allowances were also made for very young recruits.⁹ Men suspected of running away in the face of battle, however, faced defamation and violence not only at the hands of their superiors, but also from vigilantes, who nailed the names of those found to have faked separation papers to the gallows or attacked them and stripped them of their weapons by force. Afterwards they would be banished by civilian authorities.¹⁰ Desertion violated not only a soldier's oath of service, but the universal cultural demand that men stand their ground when threatened by a peer, a masculine virtue that undermined law codes requiring proof of an attempt to escape in order to claim self-defense.¹¹ The heightened sense of personal honor that attended military service was part of the payoff for adhering to this ethic. Military regulations designed to keep soldiers from running away encouraged them to place great emphasis on their reputation and their ability to defend it. Mere rumors of dishonorable behavior of any kind directed at a single soldier then reflected poorly on the entire regiment.¹²

A number of expressions that illustrate this ethic appear in the records of a swordfight that broke out between guardsmen Hans Vogel and Georg Siber at a wedding in 1600. The fight started when Siber, clearly intoxicated, accused Vogel of having moved Siber's coat from the spot where he had laid it in order to dance with the bride. As is often the case, the two soldiers' stories diverge on the point of who first insulted whom, but witnesses agree that at one point Siber presented Vogel with the fairly typical challenge, "if you are a rogue and thief remain seated, but if you're an honorable soldier then come out and defend yourself."¹³ The suggestion that defense of honor is necessary for an "honorable soldier" appears in virtually every case of swordplay between military men.

Of interest in this particular case, however, is the intensity of these guardsmen's sense of military honor even though—or perhaps because—neither actually earned their living by the sword. Vogel, a member of the guards' pipe and drum corps, was attending the wedding not as a guest but as a musician. This no doubt made him even more sensitive to insults such as Siber's reference to the musicians as "frivolous persons" and his comment in a later petition that Vogel should have stuck to the "playing and piping for which he was paid" and not engaged with Vogel,

who was, after all, “an invited guest.”¹⁴ The fact that Siber himself, as a military scribe, earned his pay with the pen rather than the pike allowed Vogel the opportunity to insult him as “no warrior but only a scribe and a bootblack.”¹⁵ It was this insult, Siber said, that led him to call Vogel out with the words, “if [Vogel] doesn’t think I’m a soldier, [he] should go with me into the yard to find out if I’m a soldier or not.”¹⁶ This was also not the first time Vogel had insulted him, Siber noted. Annoyed about Siber’s recent pay raise, the piper had been teasing him incessantly about his status as merely a scribe and no real soldier; all this, Siber added, although he had been teaching one of Vogel’s own children to read and write for an entire year “for a paltry fee.”¹⁷ Siber’s challenge to Vogel was an “honor must” (*Ehren notturfft*).¹⁸

As a result of the pressures placed on military men to prove their worthiness as fighters, they rarely let an opportunity to enhance their reputation pass them by. Soldier identity, even for scribes and pipers, was linked to the sword. Military men of all ranks were therefore quick to react to any insult with a weapon, knowing that they would be chided mercilessly by their comrades if they did not. As Hans Vogel’s wife Maria asserted in her supplication on his behalf, he had to fight “to rescue his manly honor and [prevent] defamation by other soldiers.”¹⁹ Siber, too, noted that Vogel’s constant teasing had led other guardsmen to insist that he knock Vogel in the head “and they would answer for it.”²⁰ The challenge, “if [you] are an honorable soldier [you] must step outside” was standard and could not be ignored.²¹ Soldiers and guards were also sensitive to insults that impinged upon their martial reputation, such as being called drowsy or idle. One innkeeper enraged a guardsman by asking what kind of soldier he could be as he had “never seen a dead man.”²² Such slights were particularly galling when coming from peasants, whom the soldiers held in contempt; likewise, guards reacted angrily when faced with insults that related them to peasants, such as “peasant boy” or “manure loader.”²³ The fact that professional soldiers were more likely to reach for a sword when faced with an insult than members of other vocations made their conflicts more deadly.²⁴ Because of the threat posed by their violent lifestyle, the laws governing military life in some garrison towns forbade soldiers below the rank of officer to carry swords when they were off-duty, or required them to leave their side arms outside whenever they entered a public house. Flaunting these rules then became another way of demonstrating disregard for authority. Such ordinances were rarely enforced in any case.²⁵

The customary rules of military honor also dictated the standards of proper fighting. Few rules existed for fighting enemy troops in early

modern Europe, but codes governing ethical fighting among soldiers on the same side, or between soldiers and civilians who were not officially enemies, could be detailed.²⁶ Military ordinances also threatened harsher punishment for unfair fighting among soldiers than civic ordinances did for civilian brawls. Hitting a man while down, for example, or stabbing at someone rather than striking with the flat of the sword in accordance with the customary rules of fencing could result in corporal punishment even if the fight did not lead to any injury. The aforementioned piper Hans Vogel, accused of causing a wound to Georg Siber by stabbing him with the point of his sword, was asked by his interrogator "if it is honorable and soldierly to stab his comrade in such a way?"²⁷ Elsewhere, expressions of indignation concentrated on the type of weapon rather than its employment, as in the case of a Corporal who was chided by a member of his company for defending himself "not with the sword he had at his side, but with a poker, which is no soldierly weapon."²⁸

Where the Swedes were in command, the demands of strict Protestant discipline made instigating a fight or even drawing a sword against another in the same company a capital offense, officially carrying the death penalty. As was the case with other early modern law codes, however, enforcers of military regulations had a great deal of latitude in deciding whether to apply the letter of these laws or not. Military officers in fact showed little tolerance for desertion, dishonorable killings, or other displays of cowardice among their men, and were also quick to punish any form of insubordination.²⁹ But military custom protected soldiers who fought "decently and fairly"³⁰ from the harshest punishments, even when manslaughter was the result. After all, soldiers were valuable assets, especially those who could handle a sword and would not retreat in the face of a threat. Decisions regarding the fate of violent soldiers were often made with an eye for settling differences and maintaining solidarity among the troops. Officers thus had to be particularly careful not to apply punishments that could taint the honor of their men.³¹ An exaggerated sense of masculine honor was also considered a military virtue, and one that was shared by all ranks.

Historians have identified many elements of this military ethic among certain other groups, but have tended to underestimate its relationship to masculine values among the general populace. Walter Schaufelberger, for example, described a contrast between the town-burgher values associated with hard work and the peaceful pursuit of economic success, and those of the less refined and more physical mountain people in Alpine regions, whose success depended primarily on physical prowess. The physical world of mountain herders, he suggested, led to a more

“warlike” (*kriegerische*) mentality, which had much in common with the codes of knighthood and was partially responsible for the military success of the Swiss through the sixteenth century.³² Of central importance to Schaufelberger’s analysis is the personal code of honor that existed among these Alpine fighters, which he believes was more effective in motivating men to take up arms than political calculation or calls to patriotism.³³ More recently, Roger Manning evaluated the martial culture among the English nobility, identifying a system of military honor that was transferred from the field of battle to the English aristocracy by young gallants who hoped to enhance their reputations by volunteering for military service abroad. The result was identification with the sword and dismissal of the peaceful town and courtier culture of those who stayed home as “effeminate.”³⁴ Similar claims representing adherence to martial values as either a noble privilege, or a local specialty, have been made for Italy, France, and Spain.³⁵

The language of German townsmen at all levels of society, with the exception of the truly impoverished, draws on much of the same vocabulary of martial honor articulated by Alpine herdsmen and English nobles. As we have seen, for early modern German townsmen, the notions of household honor associated with economic success could hardly be separated from the householder’s identity as a free, weapon-bearing citizen. Craftsmen were thus also under immense pressure to “defend [themselves], as an honorable man is entitled.”³⁶ Although instilling townsmen with the values of warriors could lead to disorder, adherents of the burgher ethic also deemed it a necessary step both for the safety and for the reputation of the town. Thus the rules of honor could and normally did take precedence over both worldly and divine law.³⁷ In towns throughout Europe, authorities struggled to maintain a balance between their insistence on order and civic peace, both necessary for economic success, and their support for the martial ethic.

The rules of fair play

For civilian men as well as for soldiers, reputation was built on willingness to stand up in the face of a challenge, no matter what form it took. The goal of any public confrontation between men was to establish one’s superiority over the adversary without resort to an unfair advantage. While fights and brawls may have taken different forms among different social groups, especially in terms of what weapons they used, the cultural rules governing fair fighting in early modern Germany were aligned with a code of honor that is nearly universal, and which, as we

have seen, also formed the basis for many of the laws discussed in the previous chapter.

The fact that there were rules, of course, did not ensure that everyone followed them. If we are to believe the testimony of Leonhart Schiller's apprentice Wolf Stock in the case described at the beginning of this chapter, for example, not only did Hans Neßer deliver the fatal blow after Schiller had already fallen down, but his journeyman Simon followed up by disarming Schiller and hitting him in the head with the hob of his own sword. Neßer and Simon tell an entirely different story, in which Schiller ignored Simon's call for peace, attacked Neßer with his sword before Neßer had a chance to draw, and received his injury standing, in a fair fight. If Simon used force against Schiller after he was down, Neßer maintained, it was only to disarm him because Schiller was still trying to attack.³⁸ We will of course never know which of these accounts is closer to what actually happened in the fields outside Rothenburg on that Saturday in 1582. But one thing these witnesses did agree on was that fights had rules, and breaking those rules was a serious breach of accepted codes of conduct.

Testimonies focusing on violations of the unspoken rules of fair combat illuminate very clearly where the lines were drawn and where they were crossed. In itself, resort to violence was acceptable behavior in the face of an insult or a threat, even necessary to the working out of issues of status and reputation between men.³⁹ In early modern Germany, this also applied to resort to arms. Although drawing a sword was theoretically forbidden by law, notions of both legal guilt and personal conscience normally depended not on who drew first, but how the fight was fought. By the time a young man had reached the age of Wolf Stock (who, to the best of his own knowledge, was going on sixteen),⁴⁰ he was old enough to understand the difference between honorable and dishonorable fighting, and would be expected to act accordingly in a scrap.

To begin with, men expected fair warning before an armed attack. This was the function of the official challenge, whether it came from a noble demanding satisfaction in a formal duel or from an artisan asking a drinking companion to step outside and meet in the street. Surprising an opponent in the dark or attacking him from behind were universally understood as dishonorable acts. If the victim died, the result was murder rather than manslaughter, meaning that the attacker could expect execution or, at best, a lifetime sentence to fighting the Turks on the Hungarian front. The Augsburg council sentenced guardsman Egidius Herman to the latter fate in 1588 for waiting for a fellow soldier

at the door of a quarter in the soldiers' barracks and attacking him with a dagger. Herman had already injured his victim, Christoph Kolder, in a fight in the quarters, during which Kolder suffered dagger cuts to his face. After companions ushered Herman out the door, he became enraged again when he heard Kolder repeatedly proclaiming in a loud voice that Herman had "stabbed him like a rogue."⁴¹ Waiting just outside the door to the quarters, Herman then confronted his adversary as he came out by asking, "how did I stab you?" and then putting truth to Kolderer's words by sinking his blade into Kolderer's chest before he had a chance to draw.⁴² Attacks from behind were also naturally viewed as cowardly, especially with a weapon, as expressed by the authorities condemning an attack with a sword in the village of Pfersee as particularly heinous because it was "without warning, more from behind than to the face."⁴³ Such attacks violated norms against treachery that had been codified since the Middle Ages.⁴⁴

A second assumption was that fights would be fought on equal terms. Although law codes required men who witnessed altercations to intervene to stop the fight or at least to call for peace, this did not mean that they could take sides. A fair fight was fought one on one. Bystanders like Simon who interfered in a brawl were always careful to explain their actions as an attempt to stop the fighting short of tragedy, not to provide one participant with an advantage. More often, witnesses stayed out of the fray entirely in order to protect the integrity of the competition, a code that has also been demonstrated in other parts of Europe.⁴⁵ In accordance with this ethic, there is no evidence that anyone was ever charged for failing to intervene in a brawl, despite laws requiring men to do so.

Equality was required not only in numbers, but also in terms of weaponry and, in some contexts, ability. Both of these assumptions are related to the traditional demand of chivalry that the weak should be protected by the strong. This idea also made its way into medieval and early modern law codes. Although disciplinary violence against women, children, servants and beggars was standard and acceptable practice for householders in early modern society, a swordfight with a person not considered "weapons capable" certainly was not. This would include not only women and children, but also men of the cloth, the insane, the elderly, the ill, and those too poor to be able to afford an equal weapon. The potential degradation a man could expect for armed conflict with a woman is clear in the section of the Carolina dealing with self-defense, which allows that, although it would be most unusual for a man to be able to claim self-defense for killing a woman, it could happen in the

case of a “dreadful” woman if the man were especially “soft.”⁴⁶ For soldiers, engaging women as an opponent was a direct affront to their own honor. Military rules also forbade soldiers from engaging with clergy, children, the sick, or the elderly.⁴⁷ While masters who injured servants by beating them with a whip or a stick might be excused in the interest of good discipline, wounding an unarmed servant with a sword could lead to harsh punishment even for those of the upper social strata.⁴⁸ Early modern townsmen apparently internalized this taboo, as records of such unequal fights are almost non-existent.

Of course, attacking an unarmed adversary with a weapon was always dishonorable, and in a related way, so was continuing an armed attack after the opponent’s weapon had been dropped or broken or after he had been knocked to the ground. The latter case, however, could be problematic in the heat of a swordfight, as anger, fear, and (in many cases) alcohol combined to cloud the judgment of duelists. And although the “never-strike-a-man-who-is-down” rule was clearly part of the shared language of honorable fighting, from a legal standpoint there was little for magistrates to draw on in punishing offenders. Since fighting with swords was illegal to begin with, law codes did not directly address how they were fought. Court authorities were thus left to make decisions based on their own vision of a fair fight. The opinions of spectators describing the details of the fight, including the role of insult as a catalyst, could play the deciding role in such cases. The reputation of the participants could also be relevant. As a result, not all men were held responsible, let alone declared dishonorable, for injuring or killing an opponent after he was down or had lost his weapon.

A rather spectacular example of the problems faced by magistrates in balancing law and custom is provided by a high-society fight that occurred in the house of the mayor of Blaubeuren on New Year’s Eve of 1543. The violence started when the nobleman Burkhardt von Stadion threw a glass of wine in the face of Urban von Weisenhorn, a military officer and officeholder in the service of Duke Ulrich of Württemberg. Both men then drew their swords, shortly after which Burkhardt fell backwards over a table, ending up on the floor. Notwithstanding Burkhardt’s now legally unarmed state, Urban continued the attack, stabbing his adversary while he was down. The act, petitioners and legalists agreed, was “inappropriate, not praiseworthy, unbecoming to an officer, and moreover punishable.”⁴⁹ The injured man’s demand that the offender be dishonored by corporal punishment, however, they did not support. According to legal research conducted by members of the city council of Ulm, whom Duke Ulrich consulted in the case, law

codes allowed for corporal punishment only in cases of manslaughter or peacebreaking. Since Burkhardt survived the attack, manslaughter had not occurred. Under Ulrich's territorial law of 1533, the penalty for breaking a peace was either the loss of the right hand or three fingers thereof;⁵⁰ however, the majority of the witnesses to the fight denied having heard anyone call for peace before the stabbing occurred. Thus the standard requirement that the perpetrator must have heard the call for peace had also not been met. The councilmen of Ulm also made a point of reminding the Duke that, after all, Burkhardt had provoked Urban by throwing the wine at him—in their opinion also an unseemly act—"and the judge in this case, and all observers, might bear in mind, if any one of them should face such a quarrel, if he would not also defend his life, limb, and also his manly honor with all his abilities."⁵¹ In other words, the Duke and his legal council were being asked to consider the case not only as authorities, but also as men of honor.

And it was precisely in this spirit that the case was decided. Although many magistrates tolerated dueling, they did not tolerate unfair fighting. A noble and high-ranking military officer, they concluded, should not under any circumstances have stabbed another man while he was on the ground even after an insult. As this was no military court, corporal punishment was out of the question, but Urban was certainly no longer a man they wished to entertain in their own company. Urban was declared without honor (*ehrlos*), and to symbolize his infamy, he was banned for life from carrying a sword or drinking in the company of other men. Needless to say, his military career came to an abrupt end.⁵²

But a man did not have to be a noble and an officer in order to be held to the standards of honorable fighting. Both witnesses and interrogators at all levels of society regularly expressed disdain for any man who used a weapon against an opponent who had been disarmed or who was already down. As recorded by the court scribe in Nördlingen in the 1591 case of tinker Mathis Örtlin, who seriously injured a man after the victim's sword had broken in two, such behavior "befits no honest man."⁵³ Augsburg guardsman Caspar Aufschlager, who "miserably" wounded an opponent who had lost his sword, faced accusations of harboring rancor and animosity towards his victim and being out of his senses.⁵⁴

Attacking an armed opponent before he had a chance to draw was also a fairly standard basis for accusations of unfair fighting, but was effective only if the attacker was cast as the aggressor in the fight. "He ran towards me with jabs and swings," one soldier complained about his

adversary in 1595, “as a result of which he injured my right hand before I exposed my weapon in defense.”⁵⁵ Conversely, a particularly quick draw as a defensive act could be cause for admiration, as illustrated in the case of an officer identified only as “the *Portugaller*” recorded in 1596. Descriptions by witnesses of what would by our standards be considered a violent assault expressed awe and respect for the tempestuous soldier, who dispatched his attacker with such “instantaneous” speed that he inflicted seven wounds before his unfortunate opponent could get his weapon out of its sheath.⁵⁶ Many of the gestures that preceded fights were designed to display skill with weapons, which could also function as a kind of fair warning.

Also at issue in a swordfight was proper use of the sword. As we have seen in the questioning of Vogel noted above, the rule was to hit with the flat of the sword to establish control, not to stab at the opponent. According to Joachim Meyer, a fencing master writing in 1570, fighting with jabs rather than swings should be shunned by “honorable military folk and other civil Germans,” which he saw as grounds for staying away from fights with rapiers entirely.⁵⁷ Men accused of “stabbing” an adversary in a swordfight generally countered either by denying the charge and insisting that they had, to the best of their ability, fought according to fencing custom, or by claiming that a strike had simply “gone badly.”⁵⁸ Likewise, barber-surgeons, who regularly conducted post-mortem examinations of the victims of swordplay, were careful to distinguish between wounds more likely caused by a stab and those from a strike (see Figure 4.1).⁵⁹ Stabbing was an action associated with unexpected attacks with hidden daggers or stiletos, not honorable swordplay.

A final concern about fair fighting arises in accusations of resort to magic. When the French soldier Theophile d’Amars became embroiled in a fight with several adversaries in an Augsburg inn in 1647, he proved to be such an effective fencer that his interrogators asked him what “secret arts” he had employed against his assailants, for it appeared that both he and his sword were invulnerable to attack. D’Amars replied only that God must have protected him, unless perhaps it was the result of his well-made doublet.⁶⁰ The assumption that a magical “wound blessing” (*Wundsegen*) or “weapon salve” (*Waffensalbe*) would prevent or instantly heal wounds, or make swords or guns more effective in the hands of their owners, was widespread. Soldiers were especially likely to be accused of the practice, so that military commanders sometimes found it necessary to include regulations against wound blessings and weapons magic in their war articles.⁶¹ One of the functions of seconds at aristocratic



Figure 4.1 Wound Man for barber-surgeons illustrating stab wounds, strike wounds, and blunt object injuries

duels in sixteenth-century Italy was to ensure that no charms or magical spells tipped the balance in favor of one swordsman over another. Resort to magic was also disdained among noble duelers in France, for whom spells and charms were the preserve of women and peasants.⁶² Magic after the Reformation was of course illegal regardless of its effects. The potential gravity of an accusation of illegal magic ensured that no defendant admitted resorting to diabolic spells. But in the language of the early modern court, magic emerges as just one of many ways that a dishonorable fighter might gain an unfair advantage.

Escalation

Resort to arms normally followed from a series of ritualized steps that were aimed at shaming an adversary. These might include humiliating insults and accusations, demeaning or threatening gestures, and unarmed violence such as punching or wrestling. At each step, opportunities existed to negotiate reconciliation. The rules that governed the process of escalation did not always follow law. Nonetheless, they were clear to participants. Social convention ensured that men knew where the lines were and crossed them consciously, albeit at times with judgment clouded by rage or drink.

Witnesses played a major role in how disagreements progressed and where lines were drawn. Although witnesses could serve to diffuse volatile situations, they also provided a context for standing one's ground. Insults, gestures, and fights would have had little meaning without an audience. "Men's eyes were made to look, and let them gaze," said the choleric Mercutio as he faced Tybalt in Shakespeare's famous dueling scene, for only in a public theater could contested honor be reclaimed.⁶³ Like seconds in a formal duel, witnesses ensured that fights were fought fairly, and they could also help to mitigate official reaction to the brawl by supporting the actions of the participants at court.

The fact that the participants and witnesses to men's quarrels shared a common language of insult and response ensured that intentions were clearly laid out before an attack took place. At that point, it was possible to consider options for de-escalation, for example by heeding calls for peace from observers, calling for a round of drinks as a sign of conciliation, or simply leaving the scene as a show of disdain for the challenge. Such a retreat was especially acceptable if either party was very drunk, or if the offending party was known to be a chronic troublemaker. Social support for defense of honor did not go so far as to encourage a violent response to every insult.⁶⁴ Of course, the stories of men who

took advantage of opportunities to withdraw from a confrontation rarely made it into the records of the courts; more often, descriptions of attempts to diffuse tension appear as lost opportunities, thwarted by the opponent's renewal of aggression. This qualitative discussion of challenges and reactions is not meant to suggest that peaceful settlements were not possible, or even preferable for most early modern men, but to demonstrate the situations that made violent responses acceptable.

Demonstrating an ability and willingness to shame an adversary with insults was a standard aspect of the early modern code of manhood. Such insults ranged from good-natured teasing to serious defamations, the latter of which were generally aimed at provoking a physical response. Some defaming insults seem to be virtually universal. Calling a man a liar, traitor, or thief were fighting words throughout Europe. In Germany, these insults were most often combined with an accusation of roguery ("he lies like a rogue," "he is a rogue and a thief," etc.). The term rogue (in German *Schelm*), or related words like villain, scoundrel, or rascal were common in Spain, France and in the low countries as well. Accusations of dishonorable birth (calling someone a "whore's son" or equivalent) were also widespread, as were accusations of cowardice.⁶⁵ A particularly German insult that was common at all levels of society was "dog's cunt" (*Hundsfud*), an obscene accusation that combined a sense of sniveling cowardice with effeminacy.⁶⁶ Also invariably a challenge to German honor was the accusation that someone had earned corporal punishment at the hands of the executioner. A tanner in Nördlingen challenged a drinking companion to a swordfight in the street in 1581 because, as witnesses reported, he was "unable to bear" his opponent's suggestion that he had once deserved to be publicly whipped, an outburst that left others of the company "greatly shocked." Similarly, any reference to the gallows invited a violent response.⁶⁷ Men drew upon the common language of insults in order to escalate disputes into affairs of honor. Any basis for a quarrel, even mundane material interest, could thereby be elevated to a matter of personal honor. The original cause of disagreement then became insignificant.⁶⁸

Because early modern German legal codes did recognize injury to honor as equal to physical injury, some even equating honor with life, defense of what Gerd Schwerhoff has termed the "second skin" of honor provided a legal justification for crossing the line to violence.⁶⁹ Even fighters who broke the rules of fair fighting would sometimes find leniency if they were reacting to grave insults. This did not make drawing a weapon or resorting to violence legal, but it did mean that the slanderer could be held responsible for the incident along with the

attacker, for no one expected a serious affront to honor to go unanswered.⁷⁰ Fines and punishments were regularly split evenly between the brawlers in such cases, or even levied entirely on the verbal instigator, who could be held financially responsible for fines incurred by the other party for drawing a weapon or causing injury. The assessment of shared guilt is illustrated in the treatment of a group of craftsmen who came to words and blows in Mindelheim in 1672. According to the complainant in the case, carpenter Caspar Biber, he was enjoying a beer in a local inn when a mason named Hans Renhardt, who was already well into his cups, began to yell insults at him from another table. The drunken mason, Biber claimed, called him a rogue at least eight times and further called out, “the fool should take your honorable name from Nesselwang.”⁷¹ When another man named Schleiffer repeated this insult, apparently targeting Biber’s status as a non-citizen, Biber could not take it any more and knocked Schleiffer over a chair. Biber then took the case to the authorities in order to demand restoration of his honor. As the first to resort to physical violence, Biber was fined for the attack on Schleiffer, but both of his adversaries also spent time in the tower for provoking him with insults. Coming out the worse in a fight was also no defense, as an Augsburg cloth finisher identified only as Weiss discovered in 1591. As the instigator of a brawl with two other men, one of whom left Weiss’s head bleeding from a sword wound and the other of whom broke his arm with a stick, Weiss paid 8 gulden for two “blood fights” even though the only blood shed was apparently his own.⁷²

Even where illegal weapons were involved, those who incited violence with insulting language could be held partly or entirely responsible for a fray. Manslaughterers who provided sufficient evidence that their resort to violence was sufficiently “provoked” were regularly released with light punishments or even with no consequences at all.⁷³ By condoning violent responses to insults, civic authorities were in a sense supporting their own public policies, for they also did not tolerate insults to the city at large, its government or its representatives. Citizens who offended the honor of their city could expect loss of citizenship, and outsiders the loss of their tongue.⁷⁴ The extent to which this value was internalized by town residents was expressed by Memmingen baker Georg Müller in 1652, who claimed that after his neighbor Hans Spaun had repeatedly insulted him as a rogue and a thief, Müller’s own wife threatened no longer to live under the same roof with him unless he defended himself. Müller thus had no choice but to respond to the insults by challenging Spaun to meet him in the street.⁷⁵

Challenges could also take the form of gestures. As noted in the previous chapter, aggressive gestures such as striking a sword on a hard surface (“striking the stones”) or facing an antagonist with a drawn weapon were considered so threatening that they were themselves punishable by fines, even if the challenge did not lead to a fight. But men could express their intent without resorting to punishable offences. Unarmed men, for example in village society, often employed physical harassment to challenge their adversaries to fisticuffs, knocking off an opponent’s hat, pulling on his beard or hair or grabbing him by the collar.⁷⁶ Men dressed with a sword, however, were able to employ more subtle cues. A man needed only to place his hand on the hilt of his sword in order to get the message across. Other common gestures included pulling a sword slightly out of its sheath, pushing back a coat to expose the scabbard, or, for men who were seated, laying the sword on the table.⁷⁷ Removing one’s coat could also serve as a kind of challenge, as reflected in the defense of a student in Freiburg who, according to a fellow, had taken off his coat only “because [he was] warm, but not with the intention of starting anything.”⁷⁸

The objective in all of these ritual forms of challenge, counter-challenge, and escalation was not only to shame the adversary, but also to demonstrate one’s own refusal to retreat. Although peaceful alternatives were possible, those men who could afford the price of a fine also had the option of responding to insults with threats, and to threats with armed violence. In so doing, they could expect their choice to be supported by both peers and the courts. The influential Dutch legalist Jost Damhouder recommended that proof of an inability to escape be required in order to claim self-defense in cases of manslaughter, a standpoint supported by Protestant theologians in Germany as well.⁷⁹ But discourse between brawlers and magistrates reveals no support for the common-law expectation of “retreat to the wall” as a prerequisite for employing violence. Willingness to resort to arms was both an expression of civic identity and an acceptable form of social control.

The formal duel

The power of the martial ethic found its most evident expression in the formal duel. Historians disagree on the origins of the modern duel, in particular regarding degrees of continuity with medieval forms of single combat. Most accounts concur that the institution as aristocratic practice was established in Italy during the sixteenth century and from there spread across Europe, becoming established among the noble

classes of Germany in the second half of the century.⁸⁰ The majority of studies of the duel outside of Italy concentrate primarily on the eighteenth and nineteenth centuries, when the practice was common among status groups identified with the sword; that is, the aristocracy, the military, students, and office-holders. The duel of honor, it is claimed, eventually trickled down to the bourgeois classes who co-opted elite practice.⁸¹

Challenges to this picture begin with lack of clarity about what actually constituted a “duel.” Standard definitions include preceding the fight with a formal challenge, normally in response to an affront to honor; the use of deadly weapons; and fighting according to agreed-upon rules.⁸² Based on this definition, however, the duel was neither particularly aristocratic, nor was it anything new to Germany by the late sixteenth century. Some historians have addressed this problem by distinguishing between the formal duel, which included a waiting period between the challenge and the crossing of swords, and the *rencontre* (*duellum extemporaneum*), a fight that occurs more spontaneously but still includes a formal challenge and agreed-upon rules, such as that between the two belt-makers described at the outset of this chapter.⁸³ The planned duel, generally accepted as the more “civilized” variant and an expression of adherence to the rules of courtly or gentlemanly behavior, is the form generally associated with the aristocracy, although it was prevalent among students and soldiers as well.⁸⁴ All of these groups also engaged in spontaneous swordplay, however, and most studies of the duel also consider the *rencontre* under the same rubric, as long as it was fought by members of these groups.

The trigger for such a fight was invariably an insult to honor, and the outcome was risking either dying or becoming a killer. In the case of pre-arranged duels, the legal result would then be pre-meditated murder. This was a matter of much concern not only to legal theorists, but also to theologians, who distinguished between murder and manslaughter when considering levels of sin. At the same time, failure to defend one’s honor could lead to loss of status and social ostracism. Throughout the early modern period, both authorities and their subjects struggled to balance these conflicting requirements of virtue.

The word *Duell* and its Germanized equivalent *Zweikampf* begin to appear in German court documents and ordinances around the turn of the seventeenth century, but as has been suggested for France, the practice certainly preceded the use of these particular words.⁸⁵ The concept of a challenge and fight to preserve honor is much older, existing in early Germanic literature as the *Holmgang* (a prearranged duel

fought on an uninhabited small island) and during the Middle Ages in the tradition of trial by combat. Both of these rituals served to redress perceived wrongs (whether in the form of an affront to honor, a property dispute, a legal dispute, or a matter of revenge) by fighting a battle, normally to the death. Medieval forms of trial by combat were based on the assumption that God would protect the innocent party, although the notion that God would intervene in a worldly dispute was consistently attacked by the church as a heresy.⁸⁶ By the fifteenth century, the traditional practice of trial by combat had disappeared. But the related practice of settling disputes of honor by facing an opponent in a court-sanctioned battle continued as the judicial duel (*Kampfgericht*). Based on fifteenth- and sixteenth-century descriptions of this practice, about the only thing that distinguished it from the duels of the later sixteenth and seventeenth centuries was the legal sanction.⁸⁷

Historians debate whether or not these customs actually had a direct influence on aristocratic dueling customs. Neither the trial by combat of the early Middle Ages nor the later custom of the judicial duel seem to have been very common practice in any case.⁸⁸ Nonetheless, considerable continuity between the model, if not the practice, of the late medieval judicial swordfight and sixteenth-century swordplay was provided by the tradition of the fencing master (*Fechtmeister*). The colorful and expensive manuscript books (*Fechtbücher*) produced by German sword-fighting masters and their sponsors beginning in the late fourteenth century and flowering in the fifteenth and sixteenth centuries were obviously aimed at a privileged audience, with the traditions of the judicial duel as the focus of many of their illustrations. Their lessons included the basic concepts associated with honorable fighting, and in particular consistently stressed the "chivalric" (*ritterliche*) character of their art. But the masters of the sword themselves came from the burgher classes, and by the sixteenth century, so did most of their students.⁸⁹

Although the art of sword-fighting had a long tradition in Germany, the heavy long swords, pikes, and shields that were standard equipment for the early fencing masters were not practical for carrying around on one's person on a regular basis. During the sixteenth century, with the rise in the small sword or rapier as a fashion accessory, more elegant courtly fencing styles imported from Italy and France increased both the practicality and the deadliness of the duel. German fencing masters initially condemned the new swords both due to their foreign origins and the style of fighting they introduced, which was based on cuts and jabs rather than "manly" swings. But the new style persisted, eventually

relegating long-sword fencing to a kind of sport or martial art. By the later sixteenth century, fencing masters typically provided training in both older and newer sword-fighting styles.⁹⁰

Meanwhile, German court documents show that both the practice of issuing a formal challenge to cross swords and regulations against it were in place at least by the mid-sixteenth century, even before the disappearance of codes describing the court-sanctioned judicial duel. Related laws holding those who instigated a swordfight by insulting another's honor or issuing a challenge responsible for the consequences date back at least to the fourteenth century.⁹¹ The shift in the sixteenth century, in Germany as in Italy, was primarily a change from responding to insults to honor by declaring a perpetual feud (*Fehde*) or vendetta based on collective family vengeance to a more individual response based on personal honor. This is not to suggest that feuds disappeared in Germany with the introduction of the duel; men of status continued to declare feuds at least into the seventeenth century. But as the concept of blood vengeance increasingly became incompatible with the rule of law, feuds declined and duels gained in popularity.⁹² And while feuds were a practice associated with the nobility, the concepts of private justice, revenge, and defense of honor that resulted in duels were hardly limited to the aristocracy.

Complicating the picture even further is the fact that many anti-dueling edicts do not include any form of the word *Duell* anyway, instead combining descriptions obviously referring to formal duels with older and more standard German terms such as fighting (*balgen* or *kämpfen*), brawling (*rauffen*), or challenging (*herausfordern*), all of which also appear in much earlier ordinances. A 1572 edict issued in Electoral Saxony, occasionally cited as the first German anti-dueling ordinance, refers only to the issuing of challenges and insults to honor, both of which had been illegal in city statutes for a century or more. Emperor Matthias's 1617 "Edict against fighting" (*Edict wider das Balgen*), Duke Ernst of Saxony's 1646 law against "challenging and fighting" (*Ausfordern und Balgen*), and Friedrich III's oft-cited edict of 1688 all use *Duell*, *balgen*, *herausfordern* and other such terms interchangeably without any particular legal distinction.⁹³ In short, challenges to honor met with the sword had a long and unbroken tradition in Germany well before the introduction of the word *Duell* or the formal trappings associated with it.

Regardless of its origins, historians of the duel agree that it began to take its modern form during the sixteenth century, and that the practice was standardized by the mixing of peoples and heightened interest in

military fashion occasioned by the Thirty Years' War. A formal challenge followed by a waiting period before meeting at an arranged spot not only protected chance witnesses from unwilling participation in an illegal act, it also gave the challengers a chance to cool off and, if necessary, to sober up, which would mean a more controlled and rational fight. The result was a decreased risk of lethal injuries. The time lag also gave the duelists time to get their affairs in order in preparation for the worst. In its early stages, the goal of a duel was to subdue the opponent, as a show of greater masculine prowess. By the end of the eighteenth century, however, the outcome became irrelevant, as the honor code required only participation in a duel, not necessarily a victory.⁹⁴

The image that most often comes to our modern mind when we hear the word "duel" is that of two men facing each other with pistols. But early modern duels were much more often fought with swords. Early pistols were not very practical either for dueling or for self-defense, since they were heavy to carry, time-consuming to load, and inclined to misfire. Although the wheel lock pistols that were common during the seventeenth and eighteenth centuries could be loaded, wound, and carried in what was supposed to be a firing-ready state, they tended to jam or misfire if left wound too long. Pistols were thus useful for protection on the road while traveling, and were standard gear for cavalry units by the early seventeenth century, but few early modern men carried pistols about on their persons on a regular basis.⁹⁵ Prior the eighteenth century, many men also resisted the use of firearms on the field of honor. Disdaining gunpowder weapons, noblemen in particular clung to the sword as an aristocratic symbol representing the valor of hand-to-hand combat. Those pistol duels that did take place during the seventeenth century were most likely to be fought by military men on horseback, a logical extension of the standard practice of outfitting cavalry with pistols. German treatises against dueling thus begin to mention pistol duels (as "bullet exchange," *Kugelwechselln*) during the seventeenth century, although such fights remained the exception.⁹⁶

Attitudes toward pistols were to change with the eighteenth-century shift in emphasis away from winning the duel to simply participating in it. In the latter case, it was the very fact that pistols were rarely dependable or accurate that eventually made them more attractive to duelists. Unlike a fight with swords, in which the better fencer was likely to prevail, a pistol duel left a great deal more up to fate. This seemed more appropriate for a duel in which the outcome was less important than the participants' willingness to face death. Pistol duels were also less likely to be fatal than duels with swords, so that the fashion shift has

also been interpreted as part of an overall decline in violence between the eighteenth and the nineteenth centuries.⁹⁷ While historians of England and France have identified a related decline in dueling more generally in the late seventeenth and early eighteenth century and a subsequent revival with the rise of the bourgeois duel, the institution of the duel remained more consistently popular in Germany, and the traditions both of dueling and sword-fighting survived longer.⁹⁸

Dueling laws and legal practice

Duels of all kinds were illegal in the German lands throughout the early modern period, as was the case elsewhere in Europe. Military ordinances in Germany's northern provinces threatened officers who issued or accepted challenges, along with their seconds, with demotion, prison, and high fines, whether or not the duel took place. Punishments for common soldiers were even more draconic, including running the gauntlet for harmless duels and the death penalty if they were deadly.⁹⁹ Laws governing civilians were just as harsh, threatening duelists with dishonor, property seizure, and the death penalty. An imperial edict of 1668 promised loss of honor and banishment or worse for issuing challenges, appearing at the field of honor, or serving as a second, and a charge of manslaughter for anyone who killed his opponent in a duel, without regard for his station. University rules threatened students with years of prison for issuing or accepting a challenge. From the standpoint of the church, punishment went even beyond death; Catholic duelists could be excommunicated and both Catholic and Protestant victims refused proper burial in churchyards.¹⁰⁰

Such laws did little to discourage dueling. On the contrary—as the risks involved in the decision to fight a duel increased, the very threat of both worldly and spiritual punishment could actually raise the status of the participants. The greater the danger, the greater the honor to be gained by facing it. Risking both life and soul in defense of honor demonstrated the indifference of the duelist to danger regardless of the power of his adversary; if a man were not even deterred by the fires of hell, his honor must be great indeed.¹⁰¹ The result was derision for those who took their complaints to court as required by law, which was considered unmanly or ignoble. For men of military or aristocratic status, no court could restore honor stolen by an insult; rather, duelists argued, lawsuits led only to division, whereas an honorable duel restored their status as equals.¹⁰² Thus did the noble Albrecht Christoph von Rosenberg accuse his adversary in 1619 of “burdening him unnecessarily with court

proceedings, and not defending his honor with sword in hand as befits a knight."¹⁰³ Among students, the damage to honor resulting from reporting an insult via proper legal channels was so great that, according to the eighteenth-century Göttingen professor Johann David Michaelis, the only possible recourse afterwards was to leave the university. Soldiers faced equally harsh forms of ostracism.¹⁰⁴

Largely for these reasons, there is general agreement in the literature that enforcement of laws against dueling was weak as long as the fight was fair.¹⁰⁵ That elite lawmakers, when judging their peers, would be tolerant of the aristocratic and military code of honor also governing their own lives is logical. But precisely because of this shared cultural code, relaxing the laws also did not seem to be an option. As we have seen, the strict anti-dueling laws increased the risk of danger, thus enhancing the social capital to be gained from the duel; for the same reason, lax laws could actually have forced duelists to find other ways of increasing risk-taking on the field of honor. As officials at the University of Göttingen ultimately concluded, legal tolerance for bloodless duels would only have led students to disdain fights that did not result in injuries. Without sufficient risk, honor could not be restored. The university professors, themselves former students and sympathetic to the dueling ethic, thus felt compelled to pass laws they knew they would not enforce in order to avoid even more bloodshed.¹⁰⁶

One did not have to belong to the same status group, however, in order to share the cultural codes associated with dueling. The sword was hardly limited to nobles, soldiers, or students, and wearing a sword implied willingness to use it. In fact, the overwhelming attention given to aristocratic duels in the literature may have its roots in etymology rather than practice. Early modern sources produced by elite writers were more likely to describe swordfights among commoners as "brawls" or "fights" while reserving the term "duel" for their own supposedly more civilized form of violence. In seventeenth-century Stralsund, for example, only officers were officially charged with dueling, while common soldiers who issued formal challenges were simply accused of "disputes" (*Händel*). Thus soldiers punished for incidents of "violence" that are not otherwise clarified might just as easily reflect the bias of the officers in charge as any significantly different behavior.¹⁰⁷ The German word for a sword strike is also the same as that for a blow with the fist (*Schlag*), so that swordplay among common townsmen regularly appears in punishment records as *Schlägerei* (which in modern German normally refers to a fistfight, but in Early New High German could also mean a swordfight). The historian is thus left in the dark about the

details. Likewise, the language of insult is often less clear in records describing duels among townsmen, blurring the definition of a duel as a point of honor. While cases describing noble and military duels are likely to emphasize the insults to honor that precipitated them, craftsmen's insults to one another are sometimes dismissed in the protocols as "crude language" or summarized by noting only that "they came to words," especially if the fight did not end in serious injury.¹⁰⁸

In fact, the lines dividing "duels" from "brawls" were just as blurry among the elite classes as they were among commoners. Elite men were also prone to spontaneous swordfights, and sometimes also tried to circumvent the strict dueling laws by arranging to meet "by chance" in order to cross swords.¹⁰⁹ At the same time, spontaneous fights breaking out among commoners on the street could also be described by witnesses or court scribes as a "duel."¹¹⁰ As we have seen, most anti-dueling ordinances hardly distinguished between these different classes of swordplay.

The enthusiasm of common soldiers for the duel is acknowledged in Dutch articles of war during the seventeenth century, which threatened enlisted men with the death penalty for dueling. The same articles provided for more lenient punishments for officers in apparent acknowledgment of the claim of rank to higher standards of honor, leading some historians to conclude that commoners were generally treated much more harshly for dueling than officers and aristocrats. Similar claims have been made for England and for the Swedish provinces.¹¹¹ If these rules of status were actually enforced in the case of Dutch, Swedish, or English soldiers, however, there was no such distinction in the German towns. Even if some court authorities did not take the language of insult among craftsmen seriously, this was not true in every instance, and rarely true when military men were involved even if they were of lower rank. More crucially, magistrates virtually never ignored the rules of fair play. As long as the participants in a fight adhered to accepted standards of honor, the fact that dueling was illegal to begin with rarely affected court decisions. Both ordinary soldiers and common craftsmen in such cases could expect a degree of empathy at court.

Magistrates also regularly flouted their own law codes by concentrating not on who was the first to resort to physical violence or to draw a weapon, but on the question of whether the use of a weapon was justified—and here, too, regardless of the brawler's status, defense of honor could be considered as viable an argument as defense of life or limb. The rules of honor applied both in the case of spontaneous fights and to formal duels. In a martial society, proof of valor was developed as a merit,

and this had to apply to life off the battlefield as well as on it. After all, dueling was simply another expression of the martial ethic.

The concern of the authorities with adherence to these traditional norms is particularly well-illustrated in the investigation of an unusual duel that took place in 1657. The special problem in this case was that the participants were unequally armed; one, Georg Mayr, was on foot with a sword, while the other, Stefan Beurle, was mounted with pistols. The situation provided a challenge both to law and custom. As we have seen, the concept of dueling with pistols was fairly new when Stefan Beurle met Georg Mayr on the field of honor in 1657. Both men were mounted escorts in service to the city of Augsburg (*Einspänniger*), and their quarrel was not a new one, but grew out of an old dispute for which they had already appeared before the court and sworn a peace with one another. Mayr complained, however, that Beurle "could not be satisfied with this,"¹¹² but continued to issue his insults. In July of 1657, Mayr decided to settle the matter by challenging Beurle to a duel. Upon meeting at the arranged spot and realizing that they were unequally armed, the two argued and threatened one another with their respective weapons, Mayr insisting that Beurle dismount and face him fairly, and Beurle demanding that the duel be postponed until Mayr had a horse. The tumult finally upset Beurle's horse to the point that it shied, knocking Mayr to the ground. At that moment, Beurle fired a shot in Mayr's direction, later claiming he fired in self-defense against Mayr's attacks with the sword.¹¹³

The council was so concerned with the honor implications of this unprecedented event that they spent months investigating the case, even though neither of the duelists was injured. At issue in the incident, for example, were the questions of whether Mayr had insulted Beurle by saying that he was a "dirty coward" (*Lettfeig*) and better suited to carry a broom stick than a sword; whether Beurle didn't have the right to choose his weapons because Mayr had issued the challenge; and whether Mayr had attacked Beurle with the flat or the sharp side of his blade. Mayr's use of the term "broom stick" was significant, as it not only effeminized Beurle by creating an image of him carrying a woman's work tool, but also recalled shaming punishments traditionally inflicted with rods and birches.¹¹⁴ A local legal expert consulted in the case cited Carpzov and other standard legal codes to determine that Beurle's guilt was mitigated because Mayr had provoked him into firing. In particular, Mayr's words of insult were "injurious to honor and intolerable to a civic servant."¹¹⁵ The fact that the duel itself was illegal to begin with, as well as the direct violation of ordinances against carrying

loaded firearms in the streets and shooting them within the city walls, were all secondary to the investigation and did not figure into the decision of the council in determining punishment.¹¹⁶

This case was unusual in the choice of weapons, but the legal outcome was unexceptional. Even when such duels resulted in a death, the winners rarely faced anything more serious than a temporary period of banishment and a fine, just as was the case with spontaneous fights. Caspar Aufschlager, for example, noted above for killing fellow guardsman Caspar Rauner in a duel after Rauner had lost his sword, suffered only a temporary banishment after his regiment argued in his defense that "Rauner not only grossly injured Aufschlag's honor, but also accused him among other things of not having the manliness or integrity to fight." As a soldier, Aufschlager "could not do less" than to meet the challenge "in defense of his honor, which is equated to life."¹¹⁷

In order to prevent situations such as these, military officers also defied official codes by encouraging formal dueling among their men as preferable to the rencounter. Seventeenth-century military custom required common soldiers faced with a challenge to postpone the inevitable swordfight until the next day, when they could meet at an official fencing ground and fight under the watchful eye of their superior officers. If, after having had a chance to think it over, the participants still wanted to go through with the fight, it would then be more likely to take on the character of a martial sport than a drunken brawl, with less chance of a lethal outcome. And if the worst happened, a duel fought under these circumstances could be defended by witnesses as a military training session, making the death appear accidental and circumventing laws against dueling.¹¹⁸

Although many of the individual cases outlined here involved commoners rather than nobles, officers, or others who could be described as "gentlemen," they also did not concern those from the lower margins of society. In this respect, they differ from the knife-fighters of seventeenth-century Amsterdam described by Pieter Spierenburg, who regularly faced execution for killings resulting from a fair fight. Spierenburg's sample seems to be based primarily on known criminals and others of near-marginal social status, although also stopping short of the truly destitute.¹¹⁹ In the case of town artisans and local guards, however, all of whom had the right to bear a sword, council members took adherence to the rules of fair fighting very seriously—in many cases, even more seriously than their own law codes. The rules of honor regularly trumped rules against escalation to violence.

These standards also did not vary significantly between the middling and the upper strata of the social scale. Commoners were certainly not

treated more harshly than elites for dueling. Unlike the noble officer Urban von Weisenhorn, for example, guardsman Caspar Aufschlager came away from his deadly fight with both his sword and his honor intact. While it is possible that men of rank were simply held to higher standards, the enthusiasm of most witnesses for Aufschlager's behavior, and the general lack of support for Urban's, suggest that status was only part of the picture. All of Aufschlager's peers and nearly all of the witnesses to the scene agreed that he had first done his best to avoid the fight, and then faced it honorably. The fact that the situation quickly deteriorated into a drunken slaughter did not change their opinion. Fewer details are available to explain exactly what caused the fight between Urban and Burkhardt, but studies of elite brawls elsewhere suggest that there is little to separate them from the fights of urban commoners, either in form or in frequency.¹²⁰ The shared standards of civilized brawling were certainly in place by the sixteenth century and point to general agreement on where the lines were drawn between appropriate and inappropriate use of weapons.

The fact that the duel was a form of self-justice, which made it threatening to sovereigns, joined with notions of honor to make it all the more necessary for men of free status. Self-justice was claimed as a privilege by those with a stake in the system. The privilege was enforced by the right of the sword. Markku Peltonen has shown that for proponents of the duel in early modern England, dueling went "hand in hand" with the concept of limited sovereignty, putting it at the center of the debate between constitutional and absolutist government.¹²¹ Stuart Carroll makes a related argument in his study of aristocratic violence in France, claiming that the same kind of blood vengeance that characterized duels played a role in shaping religious violence during the Wars of Religion. Only with the triumph of absolutist rule under Louis XIV could aristocratic violence be militarized and "redeployed" into a professional officer corps.¹²² As we have seen, the German estates understood limitations on rulers in terms of the right to resist (*Widerstandsrecht*), which also embodied the right of resort to arms. This naturally infringed upon the authority of lawmaking bodies, whose decrees repeatedly demanded that men turn to the courts to restore lost honor rather than settling the matter privately.¹²³ But here, too, a conflict of interest was inevitable, as concern with protecting this right was not limited to free citizens claiming the right to self-justice. This goal was also shared by the town leaders responsible for enforcing laws, who themselves struggled to protect their own sovereignty against the growing power of territorial princes. The princes, in turn, maneuvered

to defend their autonomy from the Emperor. Facing death in a duel thus became more than a matter of personal honor. It was an expression of the German ideal of a free citizen and a microcosm of the right of the estates to resist tyranny by force of arms.

Swordplay and the “Good Death”

Widespread tolerance for duels of honor did not mean that taking a life was treated lightly either by duelists or by magistrates. Early modern men were very much aware that facing a sword was always facing death, and that drawing a sword could also mean becoming a killer. It was precisely the gravity of these realities that made the sword so important to masculine identity in pre-modern Europe. As we have seen, the best legal defense for a man accused of injuring or killing an adversary, assuming self-defense could not be proven, was to show that he had adhered to the rules of fair fighting. Whether a duel was planned formally ahead of time, or whether it arose spontaneously out of an argument, it was therefore in the interest of the winner, and usually the witnesses as well, to represent the event as if these rules had been followed. Naturally, family members of victims of swordplay petitioning after the fact were often inclined to paint the opponent in unfavorable terms. But witnesses to duels, even those who were friends of the victim, overwhelmingly supported the dueling ethic. By insisting that both participants had faced the risk of death willingly, piously, and courageously, they ensured that the victor would not face charges of dishonorable manslaughter and protected the honor of both parties.

This careful after-the-fact orchestration of the theater of violence, however, was not only concerned with legal culpability or honor. Over the course of the early modern period, court records provide growing evidence of masculine sensitivity to the significance of taking a life. How did a man deal with losing a comrade, a colleague, a member of his community, even a friend, when he himself was responsible for the killing? How did friends and family members deal with loss of life when the victim, at the moment of death, was also in danger of being a murderer? And how did one prepare for the potential loss of the soul that can follow from the wrong kind of killing or dying?

Throughout the period under consideration, participants in deadly swordplay struggled to balance popular values with both legal norms and religious beliefs. The proper balance of these norms could vary based on time and circumstance. Increasingly over the course of the

sixteenth and seventeenth centuries, both witnesses to deadly duels and participants in them were careful to ensure that victims were represented as having died a “good death,” at least to the extent possible. Duelers themselves also sometimes took steps before the fight to ensure their own good death should they end up on the wrong end of the sword, and afterwards to ensure a good death for their victim. By the seventeenth century, such representations were important both for the dying man and for the comfort of his family.¹²⁴ But evidence of a good death could also enhance the legal chances of the killer of being treated with leniency.

The art of dying well was a way of leaving this life prepared and aware, in humility, patience, and renunciation of the world. Ideally, one died peacefully, in the company of others, and accompanied by prayer. If Catholic, a good death naturally included absolution and the sacrament of extreme unction administered by a priest, although Lutherans, too, found comfort in the presence of clergy and the ritual of communion on their deathbed in order to ensure that they passed in a Godly state. Piety at death also included reconciling with adversaries, which in the case of swordplay victims meant forgiving the very person responsible for one’s death. In addition, the best deaths would involve the passing of advice and property on to the next generation. In short, good dying was a form of taking conscious leave that left the world in order.¹²⁵

Most of the literature belonging to the “art of dying” (*ars moriendi*) genre assumes that the dying person would have time to make these preparations. Sudden or violent death, which robbed the dead of their chance for prayer, penance, and familial arrangements, was naturally viewed as a bad death, even a sign of God’s disfavor.¹²⁶ And yet, there were situations that were fraught with the risk of sudden death that should not, by early modern standards, have incurred divine displeasure. Soldiers going into battle, for example, sometimes for laudable causes, always had to reckon with facing a sudden death without time for preparation. For this reason, some authors of the *ars moriendi* literature specifically addressed soldiers. One of these was Martin Luther, who warned soldiers to face battle with humility and love of God in their hearts rather than levity or thoughts of glory. Luther raised the question in 1526 of whether soldiers could get into heaven at all, since their job was to kill. He concluded that they could, as long as their motives were just and godly, but his instructions also implied that soldiers were in particular danger of a bad death because of their tendency to live immoral lives otherwise. So he suggested that troops facing battle should be particularly careful to avoid sin, instead taking the time to

prepare for death by praying and confessing their sins before the fight as a kind of safeguard.¹²⁷

Early modern traditions surrounding duels also drew on many of the so-called virtues of war. Although duels were universally condemned by moralists and theologians, war was not. Religious authorities spent considerable time justifying biblical battles, such as that between David and Goliath, and clarifying the difference between a just war and a private duel.¹²⁸ To duelists, however, the opportunity to gain honor and reputation by facing death was the same either way, so that preparation for a duel could mirror the steps suggested by Luther for soldiers before a battle. The aim of the participants was not only that both combatants fight an honorable fight, but also that the loser die a laudable death.

To achieve a really good death, the dying man would have to forgive his killer and die peacefully and surrounded by friends. He would have been a good Christian, so everyone could be confident that he was going to heaven. He also would have confessed his sins before passing and preferably received communion, including absolution at the hand of a priest if he were Catholic. Naturally, this all sounds rather idyllic in a real swordfight situation, and it is unlikely that most men had the presence of mind to properly arrange their own death while bleeding to death in the street. But most fights were public affairs; victims were rarely left to die alone. In a tradition similar to that described by Malcolm Gaskill in English murder cases, the “ritual orchestration” of the good death, normally performed by the dying person himself, was often taken over by witnesses on behalf of the victim.¹²⁹ It was the role of male friends to preserve the honor of the deceased by reporting that he had died well and behaved properly, much in the same way that family members or fraternity or guild members preserved the soul of their departed brethren through prayer.¹³⁰ This also provided comfort for the survivors.

But what is also notable in the case of swordfights is that this function was sometimes taken over by the killer. This was one of two standard options slayers generally chose from in depicting their victims—the other was character assassination. Depending on the circumstances of the fight, either of these could be an effective strategy for the winner.

These tactics shifted with time. Subjecting the victim of a deadly fight to character assassination was much more common during the earlier sixteenth century than it would become later. This was related to the general sixteenth-century shift away from a medieval culture that tolerated violence, even deadly violence, as a reasonable response to provocation, and towards a culture of guilt in which men attempted to

distance themselves from acts of spontaneous aggression.¹³¹ Although demeaning the victim remained one possible strategy for those accused of manslaughter throughout the early modern period, by the later sixteenth century efforts to rehabilitate the fallen adversary instead were becoming increasingly common.

A closer look at some examples will illustrate these shifting strategies, beginning with the earlier period: When Oßwald Sattler was killed in a fight among soldiers in a country inn in the district of Göppingen in 1534, witnesses first established that the victim had started the fight by interrupting their drinking bout. The group was happily celebrating the Duke of Württemberg's triumphant return home after his victory at the Battle of Lauffen, which allowed him to implement the Reformation in his lands. The celebrating soldiers were annoyed by Sattler's insistent support for "King and Kaiser" (that is, for the Catholics). After the fight that ended in Sattler's death, the local authority's report to the Duke concluded that the victim in this case was "a drunken rowdy unbearable person who was of no use either to himself or to his children."¹³² Similarly, after taking statement after statement describing the unruly behavior of a victim of swordplay in an Augsburg tavern in 1548, the city council in a note to their own legal council summed up their impression by noting that the killer was "a pious industrious peaceful man" and describing the victim as "a quarrelsome, nasty person."¹³³

By the approach of the seventeenth century, however, such pat descriptions were rarely sufficient to alleviate either the personal or the legal guilt of the slayer. A preferable option by then was to try to have it both ways, painting the loser in the fight as a quarrelsome, nasty person who ultimately died a good, pious death and forgave their killer. Such a scene was narrated by witnesses in the case of the deadly fight near Rothenburg described at the beginning of this chapter. Numerous testimonials described Schiller, the loser in this duel, as a man with a long history of violence. But Schiller was able to accept his great suffering as penance for his sins and to forgive his killer before facing his maker. Such scenes of suffering and acceptance recalled the deaths of saints and martyrs, ensuring that even quarrelsome men would be remembered as having taken their leave with a purified heart.

In some cases, the killer himself took an active part in helping his victim to die well. As in the case of Schiller, Augsburg guardsman Caspar Morhart's defense for killing fellow soldier Ernst Kratzer in a duel in 1642 rested primarily on the fact that Kratzer had started the fight, goading and shaming him relentlessly in front of witnesses, so that he had no choice but to respond to his adversary's drawn sword with his

own. After the fatal wound had been inflicted, however, Morhart was clearly repentant. Witnesses reported that he approached his dying victim and extended his hand, begging him for forgiveness. True to his petulant nature, Kratzer first refused to forgive his opponent. But in appropriate adherence to baroque notions of dying, Morhart continued to plead with Kratzer, the witnesses testified, until he finally gave in and offered Morhart his hand. Through this act the killer both staged a good death for his victim, and demonstrated his own contrition and lack of malice.¹³⁴

Even better than claiming that the adversary had a violent nature, however, was being able to demonstrate that the victim was an otherwise good person who, nonetheless, was entirely at fault for starting the fight. Ideally, the duel would then be fought honorably by both sides, resulting in a fair victory for the better man and a good death for the defeated. The victim thus became a martyr to the honor of both duelers. Depictions of a “good death” by members of the victim’s family have been understood in murder cases to be a means of attacking the slayer—by glorifying the victim, the killer’s act becomes even more heinous. Another view sees these scenes as representative of a specifically Protestant view of obedience to the legal system—the victim is free to forgive the slayer for the sake of his soul, while conceding vengeance to the law.¹³⁵ In the case of honorable swordplay, however, the assurance that the victim had died well and would go to paradise could also work in the slayer’s interest by placating the victim’s family, therefore making them more inclined to agree to a settlement. In many cases, a pardon for the killer could rest on the willingness of the victim’s family to settle with him (that is, to petition on his behalf after receipt of a payment of blood money). Where the man who ended up on the wrong side of the sword was a person of status and good reputation, character assassination alone was unlikely to convince the magistrates to pardon the killer. In that case, the opposite approach could be more effective.

This was the effect of the deathbed description of seventeen-year-old patrician son Ferdinand Zäch, who died of injuries he received in a street fight with the physician Sebastian Nett in 1654. Although claiming to be too drunk to remember the fight, Nett nonetheless confessed willingly to having stabbed the victim with an illegal stiletto when confronted with Zäch’s dramatic deathbed statement. Zäch had reportedly named Nett as the killer and then “excused, forgave, and in effect pardoned” him with his dying breath, also openly renouncing any wish for revenge. According to a supplication from Zäch’s mother, her family had no wish to begrudge the slayer her son’s “heroic” pardon.¹³⁶

In another late sixteenth-century case from Nördlingen, friends and witnesses petitioning on the part of the killer stated that the victim “in a public avowal with mouth and heart forgave and pardoned [the killer] as his good friend, then as now,” afterwards receiving communion and putting his faith and comfort in Jesus Christ before “gently passing away” and leaving this “wretched temporal life” to be with God. In view of the fact that the dying man, as the petitioners pointed out, was already of “well-advanced years,” one would almost think that his killer did him a favor.¹³⁷

Thus far, we have concentrated on duels of the less formal kind; that is, spontaneous fights that resulted in death. Whereas dying in a spontaneous fight has some similarities to dying in battle, it could rob the victim of any opportunity for forethought. Since people did not expect to die a violent death just because they were getting together for drinks, they would not normally have prepared for that eventuality. They were then more dependent on friends and witnesses to reassure their families and the authorities that they had died well than they would be in cases where preparation was possible. From a legal standpoint, spontaneous fights over drinks at least had the advantage that it was easy to argue that the killing was not premeditated. Wrath (*Zorn*) could even serve as a legal defense, equal in some legal codes to a form of diminished capacity.¹³⁸

But wrath was also a cardinal sin, and dying in sin was always dangerous to the soul. This was true for Protestants as well as Catholics, for popular belief in both camps placed a great deal of emphasis on the state of mind at the moment of death in determining salvation.¹³⁹ Ideally, then, death by swordplay would on the one hand have occurred in a state of justifiable wrath, mitigating any legal responsibility, but on the other hand would also have allowed the victim to live long enough to confess and forgive his killer, in turn mitigating his own fall into sin and allowing the winner to perform an act of contrition in asking for his forgiveness.

The demands of the good death become even more problematic in the case of duels planned ahead of time, for here the participants faced the problem of a premeditated killing—both legally and spiritually. Even if such cases were often treated leniently in the courts, duelists still faced the danger that God would not be so forgiving. Taking part in a planned duel from a Christian standpoint was equal both to premeditated murder and to suicide. To God, theologians argued, honor could never be equal to life. So what could men preparing to meet on the field of honor do to protect their souls? How does one die a good, pious death when killed in a state of wrath and in the role of a potential killer?

Of course, one could always hope not to die on the spot, and most did not. Few sword or pistol fights ended in instantaneous death. According to standard rules of dueling, the fight was stopped by witnesses before the worst occurred, at the latest at the first sign of a wound.¹⁴⁰ Even when a duel did turn deadly, victims usually had at least a few hours, if not a few days, during which they could languish, forgive their killer, and confess their sins. Such a scene is described in a funeral sermon delivered by Balthasar Mentzer for the nobleman Johann Hermann von Zerssen, who was mortally wounded in a duel in 1648. According to Mentzer, the injured man spent his final hours repenting his misdeeds, forgiving his killer, and receiving the Eucharist in a scene remarkably similar to that described by friends of the Rothenburg belt-maker Leonhard Schiller 65 years before. Mentzer characterized this opportunity to suffer and repent before dying as a gift from God.

Mentzer's idealized description of Johann Hermann's slow and painful death was intended to serve not only as a source of comfort for relatives of the deceased, but also as a warning to other potential duelers: one could not assume that God would invariably provide such a luxury.¹⁴¹ The only other option, then, was for duelers do their best to prepare ahead of time by confessing their sins and asking God for forgiveness before the fact, preferably complete with clerical administration of the Eucharist. This practice became fashionable at least by the later seventeenth century and continued through the nineteenth. The idea of confessing and taking communion before a duel was not entirely new in the seventeenth century, having been a standard part of the rituals preceding judicial duels of the Middle Ages. Fifteenth-century sword-fighting manuals pictured participants in judicial duels preparing for the battle in the presence of death biers and coffins, which were arranged for them beforehand along with a priest, candles, shrouds, and all the other trappings necessary for a proper Christian death.¹⁴² Even after the Reformation, Protestants as well as Catholics clung to the belief that communion was necessary for reconciliation with God, so that the ritual was not limited to Catholic duelers.¹⁴³ By the eighteenth century, confessing the forthcoming sin and requesting communion prior to a duel in order to ensure a proper death afterwards was a standard element of the dueling ritual for Prussian soldiers, who would also preemptively forgive one another for their impending deaths before the fight started.¹⁴⁴

From a theological standpoint, raising the sword in defense of honor was nothing more than an act of personal revenge. Against this there were more than enough biblical admonishments for polemicists to draw

on, and Protestant theologians in particular were vehemently attacking the idea of preemptive confession by the seventeenth century, making it the subject of sermons and anti-dueling tracts. Anyone actively planning to fight a duel, they argued, came to communion with blood on their hands and murder on their conscience. To Protestant churchmen, such a plan was reminiscent of the much-maligned practice of selling indulgences.¹⁴⁵ Working against these arguments was not only the early modern ethic that made honor equal to life, but also the popular notion of a “good death,” which emphasized the dying person’s state of mind rather than the will of God as the basis for salvation. Duelers could argue that if their intentions were honorable, then their conscience would be clear. After all, if prayer and penance before battle could work for soldiers, as Luther himself had suggested, then it could also work on the field of honor.

But perhaps most interesting about this debate is the fact that the polemic against administering communion prior to duels was not aimed primarily at the duelers; rather, it often targeted priests or pastors. Apparently there were plenty of men of the cloth who shared this popular idea of what a good death on the field of honor should be. For many early modern pastors, any sign of piety, even if not strictly in line with church doctrine, was worth supporting. In addition, like magistrates, pastors often shared the value system of their congregations. The problems faced by clergy in this situation are effectively outlined in Zachaeus Faber’s 1625 tract “Against Single Combat” (*Antimonomachia*). Not only were pastors and priests under pressure to bless men who were in a state of sin, but afterwards, they had to face the dilemma of how to handle the funeral sermon. If the clergyman praised the dead he would incur God’s wrath, and if he preached the victim into hell he would likely face anger and ostracism from friends and neighbors in his parish. Only if the dueling victim died slowly, as in the case of Johann Hermann von Zerssen described above, could the pastor effectively praise the man while simultaneously condemning the duel that killed him.

Theological debates over this issue continued throughout the eighteenth and nineteenth centuries, but seemingly with little effect. Numerous descriptions of famous nineteenth-century duels not only in Germany, but throughout Europe and in the US, depict the practice without comment, judgment, or any suggestion of reluctance on the part of the pastors administering the communion. Preemptive absolution by the nineteenth century appears to have become the standard.¹⁴⁶

These practices developed as a way of protecting the dueling ethic. Authorities often followed the advice of theologians in legislating against

such ideas, but both archival sources and arguments presented by theological tracts suggest that enforcement was rare. Good citizens were good soldiers, and good soldiers were prepared to risk death. The problem of reconciling religious ideas with state interests was one that plagued lawmakers and clergy alike. But it was the early modern man faced with an insult to his honor who confronted the problem most directly. Somehow, he had to balance the risk of losing his honor against the danger of losing both his life and eternal salvation. The evidence suggests that not only duelers and brawlers, but friends, family members, other witnesses, and even many representatives of the church and state did their best to protect the duelers' right to fight for all three.

Fashion and the age of the sword

As we have seen, German men of most social stations adhered to the rules of dueling and dying during the early modern period. But the dueling ethic was unquestionably most persistent at the upper end of the social scale. Aristocrats, students, military officers, and the upper echelons of the bourgeoisie continued to cling to formal dueling rituals until the twentieth century. According to the standard historiography, bourgeois participation in duels began only in the modern era and represented an attempt by the middle classes to assert their rising status by aping noble fashions.¹⁴⁷ In fact, however, those of privileged status had been waging a battle to maintain their separate identity by limiting middle-class access to noble fashion long before the nineteenth century. They won the fight largely through the medium of sumptuary legislation. By the late seventeenth century laws governing dress and fashion began to reflect an attempt by elite groups to reestablish an exclusive identity with the sword.

The sword remained the standard weapon of choice both for spontaneous fights and formal duels throughout the early modern period not only because swords were more practical and more deadly than pistols, but also because of the role of the sword as a socio-political symbol. A sword at a man's side represented his status as a free and honorable citizen. Because the presence of a side arm also implied that the bearer was willing to use it at any time to protect his name, it served as a public marker of a man's honor and reputation. As such, it became an indispensable fashion accessory. This fashion reached its height in Germany during the sixteenth and seventeenth centuries, which for the burgher classes represented the true age of the sword.

This process can be followed graphically by a systematic look at the images collected by historians of fashion. Fashion books depicting

European clothes in general and German fashions in particular show increasing numbers of men wearing swords beginning in the fifteenth century, initially appearing primarily on aristocrats. During the sixteenth century, swords become ubiquitous among the burgher classes as well, and were not uncommon for peasants. This remained the case during the century that followed. Over the course of the eighteenth century, swords declined as fashion accessories among commoners and were eventually replaced by walking sticks, while the sword remained obligatory only for nobles, officials, intellectuals, and military men. Finally, by the nineteenth century swords come to be associated primarily with military service.¹⁴⁸ Of course, such images can afford no more than an impression of how men were represented by artists, and do not provide evidence of how many men actually wore swords. But it is certainly no coincidence that artistic renditions of the burgher fashion of wearing a sword peaked and declined along with the urban militia.

Not everyone welcomed this unrestricted display of masculine virtue. Throughout the early modern period, the noble and patrician classes continued to cling to the image of the sword as a marker of their particular status.¹⁴⁹ As both the fashions and the dueling customs of commoners were increasingly influenced by military culture, elite groups took steps to monopolize the symbols of their rank. There is some evidence during the early sixteenth century, for example, that the length considered appropriate for a man's side arm varied by status, although this regulation, like other attempts to limit carrying swords during this period, was short-lived.¹⁵⁰

The situation began to change, however, during the later seventeenth century. Legislation against commoners wearing swords began to appear in mid century in several towns including Regensburg, Nuremberg, Prague, and Ulm, all of whom issued ordinances attempting to limit the prevailing fashion of wearing a dress sword or rapier (*Degen*) among younger men, specifically journeymen.¹⁵¹ The discussion initially focused on familiar concerns over increasing levels of violence. In 1672, a number of major cities including Augsburg, Regensburg, Strasbourg, Frankfurt, Ulm, and Nuremberg exchanged letters expressing concern over the continued abuse of this weapon by journeymen. In order to create a standard for wandering journeymen, coordination between the towns was crucial, especially (as noted by Regensburg's council in 1697) in the case of the "most distinguished imperial and merchant cities, where the craftsmen are most flourishing."¹⁵² By the end of the century, all of these towns and several others as well had agreed to pass decrees forbidding journeymen from carrying swords at any time. Many

universities followed suit with a series of decrees that also reinvigorated earlier attempts to ban students from wearing side arms.¹⁵³

Although the discussion at this point in time seems primarily concerned with issues of safety, the fact that the rules initially addressed only journeymen was telling, for young townsmen were certainly not the only men guilty of participating in the culture of the duel. By following the controversy in all its forms for the next century, it is possible to identify ulterior motives behind the decision to limit the wearing of swords by certain members of society. In time, the debate about the wearing of swords, which began as an expression of concern over violence, ended up clearly in the realm of fashion, status, and sumptuary legislation. In this respect restrictions on wearing swords differed completely from the sporadic attempts at gun control in the countryside discussed in the previous chapter, which focused on poaching and other crimes. Limits on swords also had little relationship to urban gun controls aimed at preventing accidents. Here we are dealing with the world of symbol. The new rules forbidding journeymen to wear swords were only a first step in a controversy that continued for over a century and ultimately led to the prohibition of the sword to all but the most elite members of society.

Clothing ordinances throughout most of the sixteenth and seventeenth centuries restricted only decorations on weapons, hilts, and sword belts, but did not address the wearing of the sword itself. On the contrary—repeated admonishments that common craftsmen and journeymen should not have golden inlays on their swords or scabbards provide additional evidence that wearing swords among these groups was the standard. Where rules for servants and peasants appear in these ordinances, they address only types of fabrics and metals in general, without specific mention of swords or sword belts.¹⁵⁴

In most areas, the process of taking away the right to bear a sword occurred incrementally from the later seventeenth through the mid eighteenth century. Throughout this period, various professional groups vied for status by associating the right of the sword with their rank and privilege. In 1703, for example, in reaction to recent ducal ban on swords for journeymen, members of the bookbinder's craft in Stuttgart argued for an exception on the basis of their close cooperation with scholars and students. Their argument that they "never abuse such a weapon, as otherwise does occur among some other journeymen" is reminiscent of earlier claims by university officials at Ingolstadt that their students deserved to wear swords because they handled their weapons with less abandon than townsmen. Likewise, bookbinders and

apothecaries in Ulm claimed that they were the equivalent of scholars and came from good families, thus were not the sort to mix with commoners and troublemakers.¹⁵⁵ Even more common was the argument that failure to allow an exception for privileged trades would lead to a drain of talent, since such exceptions were the norm in other towns and territories; as expressed in one Württemberg petition, “young people often see more in such trivialities than in all their temporal fortunes.”¹⁵⁶ Craft masters from privileged trades petitioning in late seventeenth-century Ulm argued that, faced with a choice, their journeyman would rather give up work than give up their freedom to wear a sword. The council ultimately gave in to their request when groups of journeymen actually left the city in protest.¹⁵⁷

The list of trades exempt from anti-sword legislation typically included bookbinders and apothecaries along with barber-surgeons and members of artistic professions such as goldsmiths, artists and clockmakers. Some lists also included musicians.¹⁵⁸ In Nuremberg, a ban passed in 1697 officially applied to all journeymen, but the council admitted that it was their custom to turn a blind eye to members of these privileged trades when they wore their swords for outings, especially in summer time.¹⁵⁹ In Stuttgart, merchants’ valets also claimed the privilege on the basis that their work was equal to that of scribes, who were also exempt from the rule. Their attempt to convince the duke in 1712 that it was unthinkable for them to be made the equal of “cobblers, tailors, and even more lowly journeymen,” however, went unheard.¹⁶⁰ In eighteenth-century Rothenburg, members of the elevated trades could wear swords only after completing their wandering period, while Anton Ulrich, Duke of Brunswick-Wolfenbüttel, forbade journeymen even in the artistic trades from wearing swords in 1711, instead linking the right directly to the establishment of an independent household.¹⁶¹

Although Duke Eberhard Ludwig made no distinction between journeymen and adult craftsmen in his 1712 Württemberg clothing ordinance, he put an additional, more practical twist on the controversy by allowing commoners to wear swords only if they were willing to pay a luxury tax of one and a half gulden per year. This not only complicated the status issue by tying it to economic standing; it also helped to fill the Duke’s depleted tax coffers. But it was only the transparency of his plan that was new. A decade before, Augsburg officials had also involved the local Tax Office in deliberations about fines for commoners who wore swords in obvious recognition of the potential for additional income.¹⁶² By 1735, Augsburg’s sumptuary laws forbade hunting knives along with dress swords not only to journeymen, but also to master craftsmen in all

common trades, although the normal exceptions for the elevated trades remained in place.¹⁶³ The city council in the nearby smaller free imperial city of Memmingen, however, had already limited the sword only to members of the elite Patricians' and Merchants' Societies by 1708, apparently without exception.¹⁶⁴

Gradually, anti-sword legislation made its way even further up the social ladder, eventually reaching the level of merchants and patricians. As early as 1699, a duel between a local patrician and a military officer in Werl provided Elector Friedrich III of Brandenburg-Prussia a context for forbidding swords to members of the patriciate.¹⁶⁵ The Augsburg ordinance of 1735 also created a new distinction among merchants by allowing only those with the status of councilmen to wear swords together with their traditional black coats. Within months of the appearance of this ordinance, 34 members of the Merchants' Society complained that this rule would reduce them to the level of commoners and make them the target of ridicule and mockery. Also at issue was the aforementioned additional ban on wearing a sword together with a walking stick to anyone of less than patrician or councilman status, which seems to have been aimed at stripping swords from those men who were too old to use them. The merchants' petitions were ignored; only those of the highest rank retained the privilege of wearing a sword while tottering on a stick.¹⁶⁶

These odd rules relating swords to other forms of clothing provide hints at the role of a side arm not just as a defensive tool, but also as an identifying sign, or even a status-related "adornment" (*Zierde*), as an Augsburg craftsman put it in 1733. Theologian Ahasver Fritsch identified the problem in 1683 by lamenting the fact that the sword had replaced the cloak as a fashion statement among university students. Quoting "an older professor from a neighboring university," Fritsch wrote: "In my day there were students who went about in coats, but now one sees only a bunch of soldiers."¹⁶⁷ Most likely, Fritsch and his colleague were referring to the long-since defunct custom of wearing clerical garb at university, in the tradition of monks, which would have made a sword seem out of place.¹⁶⁸ In a related guild tradition, craftsmen who left their homes on Sundays or holidays were also expected to wear a coat to identify their status; if this was not possible, however, the same purpose could be served by wearing either an appropriate tool, or a side arm.¹⁶⁹ This could lead to problems for those forbidden locally to wear swords, as the honor of their profession came into conflict with the law. Such was the dilemma faced by Augsburg grocer Samuel Sellenthin on a Sunday morning in 1733 after he accidentally

locked his coat, walking stick, and keys in his shop. Since, Sellenthin explained, no locksmith would wish to be called to work on a Sunday and he did not want to miss the sermon, he felt he had no choice but to wear a sword in place of his coat, an argument that did not protect him from a fine.¹⁷⁰ In Ulm, journeymen argued that rules against wearing swords placed a hardship on them because they could not always afford coats, reducing them on Sundays and holidays to dressing like “the lowliest of tradesmen.”¹⁷¹

A coat on its own could also serve as an important martial symbol. Coats wrapped about the arm were often used as shields during fights with blades, and as we have seen, taking off a coat symbolized readiness to fight. In Altdorf as well as other university towns swords could be worn only in conjunction with coats, a fashion rule designed not only to slow down resort to arms, but also to distinguish civilized citizens and students from common soldiers.¹⁷²

Eventually, rules limiting the wearing of swords did have an effect on university fashion. In Prussia, the sword was forbidden to students who were not of noble status in 1750, and similar decrees appeared in other universities in the years following, an approach that undoubtedly led to greater social division within the student body.¹⁷³ Protests by university officials in Frankfurt that swords were, after all, still being worn by the privileged trades, and that students otherwise had no way of distinguishing themselves from journeymen and “mere schoolboys” fell on deaf ears.¹⁷⁴ Some students of noble status elected to give up the sword voluntarily, however, apparently as a gesture of communal unity with their bourgeois classmates. According to Göttingen Professor Johann David Michaelis, wearing a sword was an exception among the students by the later eighteenth century, with the walking stick as the new fashion statement.¹⁷⁵

Meanwhile, the dueling ethic remained very much in force among all students, regardless of status. Even while passing rules against dueling, universities continued to employ sword-fighting masters to teach students martial arts as part of their general education. Despite university rules requiring sword-fighting instructors to encourage restraint and discipline among their young charges, they were more likely to have the opposite effect, influencing students to adhere to the dueling ethic.¹⁷⁶ In fact, the new rules against wearing swords may even have fed the fashion of formal dueling. With no ready weapon at hand, young men socialized to respond to insults with the point of a sword now had no choice but to issue a formal challenge to meet at a later date. Peer pressure among students to respond to any possible affront to

honor, even if the insult was unintentional, was enormous. The result was a drop in spontaneous swordfights between students and a corresponding rise in the numbers of formal duels.¹⁷⁷ Dueling and swordfighting remained linked to university culture in Germany through the modern era.

These developments illustrate clearly the relationship between the sword as symbol and the increasing attention paid to matters of rank and status during the seventeenth and eighteenth centuries. Limiting the right of resort to arms to the field of honor made it easier for those of higher status to label spontaneous fights as “brawls,” as opposed to the more civilized duel. As we have seen, aristocratic duels in the sixteenth and seventeenth centuries were hardly distinct from swordfights among the common classes. But by refining the rules, favoring expensive pistols rather than swords, and relegating the word *Balgen*, formally synonymous with duel, to the world of tavern and street, the nobility and upper bourgeoisie created greater social distance from common artisans. The process was accompanied by a campaign to disassociate the sword as a fashion statement from those of middling status. By the end of the eighteenth century, military virtue had become the preserve of the aristocracy and professional soldiers, not craftsmen.

Conclusion

The martial requirements of early modern defense systems and the related culture of honor made it impossible for local authorities to strictly enforce laws against settling differences with personal violence. The result was an uneasy balance between requirements for civic peace and the aggressive codes of honor associated with the martial ethic, both of which were understood as virtues. Although stiff fines imposed on fighters and temporary banishment for duelers undoubtedly worked to deter many men from crossing the line to violence, paradoxically they could also make recourse to violence more attractive by enhancing the factors of risk and sacrifice that fed the culture of masculine honor. Within this culture, resort to arms was merely one of many steps in the process of escalation from insult to injury. Because wearing a side arm was a status symbol, a fashion statement, and a public expression of a man’s right to defend his name, swords and other weapons with blades were often ready at hand when fights broke out.

The identity of the burgher class with the sword reached its height during the sixteenth and seventeenth centuries. Although wearing a sword represented the power and freedom associated with respectable

status, it is an oversimplification to view this fashion among commoners as a mere imitation of elite style. Because elite members of society remain the most well-researched, we are inclined to see them as the trend-setters. But the fact that elites and commoners shared values and fashions does not necessarily mean that the commoners were aping elite manners. During the sixteenth and seventeenth centuries, fashion was set by soldiers first, and this included the fashion of the sword.¹⁷⁸ Similarly, in university towns it is possible to identify a process of “trickling up” rather than trickling down, as university students from privileged classes claimed the right to wear swords only in response to the already existing fashion among artisans.¹⁷⁹ Only in the later seventeenth century did elite society begin the long process of establishing a monopoly on the sword.

Because fights with weapons were more dangerous than fisticuffs, embracing a weapons culture increased the risk level of interpersonal violence. It is partly for this reason that the early modern city appears to us to be a comparatively violent society.¹⁸⁰ This did not mean that early modern citizens took violence lightly. Men regularly expressed concern about the potential cost of violence to their own lives, to the lives of their fellow citizens, and to their souls. In opposition to earlier views that portrayed early modern commoners as “insensitive” and characterized by “general brutality,”¹⁸¹ historians now recognize that popular violence also followed rules. Men with a stake in their own reputation struggled to follow the established rules of engagement and response even when tempers flared. And as long as they did so, duelers and brawlers could expect the support of both peers and authorities as they acted on their right to defend their persons, property, and honor. Controlled violent behavior was generally accepted as a reasonable result of socialization to the martial ethic and a useful tool in exerting horizontal social control. As power over the courts centralized, those responsible for making and enforcing the law were challenged by rules that conflicted with their own sense of honor, status, and masculine identity.

The modern duel was the natural conclusion to the combination of these legal and cultural shifts. During the seventeenth century, the martial ethic came into conflict with increasing state control and the hardening social boundaries associated with state-building. As a form of self-justice, dueling provided an opportunity for men of status both to express courage and to reassert their political autonomy. At the same time, labeling elite fights “duels” and embellishing them with elaborate rules while disdaining common fights as “brawls” provided a sharper division between men of differing social rank. It is also no coincidence

that this process paralleled the co-opting of the fashion of the sword by the upper classes. Ultimately, as power was concentrated under increasingly absolutist governments, the martial ethic and the sword that was its symbol became the reserve of aristocrats and professional soldiers.

As we have seen, it is also the case that not everyone in early modern society was fully incorporated into the culture of arms. Whether or not a person chose to carry a sword, a knife, a gun, or no weapon at all was not only a matter of personal taste, but was also related to categories of social identity including age, gender, social status, and ethnicity. The next chapter deals with patterns of arms ownership, the use and abuse of weapons on early modern streets, and the internalization of martial values by townspeople of both sexes.

5

Keeping and Bearing Arms: Norms of Status and Gender

Early modern statutes required householders to keep weapons, and cultural rules defined when and how they should come into play. These two aspects of early modern martial culture were not unrelated. Nor did they affect all members of the community in the same way. This chapter and the next explore the links between keeping and bearing arms and expressions of social identity. Gender, wealth, social status, ethnicity, age, personal taste, and even physical stature all could affect what kinds of weapons householders kept in their homes and how they used them in response to a threat or an insult.

For many men, general encouragement for martial readiness short-circuited the need to weigh the consequences of turning a blade on an adversary. As we have seen, the identification with the sword was at its peak among urban craftsmen during the sixteenth and seventeenth centuries, diminishing in the eighteenth in a process associated with both the decline of the cities and the rise of the gun. The same model did not apply to all early modern social groups, however. The practice of wearing and using swords increased among soldiers even as it declined among the burgher classes. Meanwhile, peasants and city dwellers of meaner status remained most likely to fight with their hands or with sticks and stones. The decision to draw a blade also expressed a distinctly male approach to violence. The decisions of both men and women about what weapons to keep in their homes and when to resort to them for their own protection reflect consensus about the gendered nature of martial values. We now turn to patterns of ownership and use among the various social groups who made up the early modern German city.

Keeping arms: Household arsenals

For early modern German townspeople, the freedom to bear and use arms was inseparable from the civic requirement to maintain weapons at home. Thus our examination begins with a look at the distribution of weapons in early modern households. Military muster lists provide a logical starting point for this task. As noted in Chapter 1, these lists were produced as a means of analyzing readiness for war, and could include weapons counts in villages and other institutions that were under civic control along with the households located within city walls. Muster lists ranged from simple lists of guilds and the numbers of weapons held collectively by their members, which were common in the fifteenth century, to the complete census conducted in Augsburg in 1645 that included details about household size, confession, weapons, horses, and even grain reserves.

The question of to what extent early modern people actually owned weapons, especially firearms, has led to a lively debate among historians examining England and America concerned with the origins and the development of an American gun culture.¹ For these scholars, the difficulty in answering this question lies partly in the incomplete nature of early modern records. The debate about the numbers of guns owned by colonial Americans, for example, has centered largely on a questionable reading of probate records, which can be problematic even when analyzed systematically because of incomplete data or entries that are ambiguous.² For seventeenth-century England, Joyce Malcolm has correctly argued that even records of military musters, the express aim of which was to evaluate military readiness, could yield inaccurate results. Especially during periods of factional religious tension, subjects had good reason to hide weapons they feared might be confiscated. Thus the historian must often turn to descriptive sources, which were also likely to have a political agenda.³ This can just as easily have the opposite effect, leading to overestimates rather than underestimates. A military man describing a revolt, for example, might well have had reasons to exaggerate the number of weapons held by rebels; at the same time, rebels in such a situation would also make an effort to obtain weapons in any way possible, including by seizing them from opponents, which could temporarily inflate their personal arsenals. In addition, census-takers had different styles of recording and sometimes different goals, so that each muster list, and in some cases each section of a list, must be understood as an individual production. While the lists provide a wealth of interesting details about weapons ownership in the early modern city, then, they

do not allow perfectly consistent comparisons. Such records provide only a starting point for exploring the numbers of arms kept under normal circumstances.⁴

What these sources do tell us is that civic authorities constantly worked to ensure that their populations were armed in accordance with the latest in military technology and tactics. During the early seventeenth century, this meant envisioning urban militias in terms of a pike-and-shot (*tercio*) infantry organization, a battlefield technique that required regular, supervised drill by approximately equal numbers of pikemen and musketeers.⁵ The image of neat pike squares envisioned by military theorists (including Machiavelli) and depicted in many of the broadsheets of the Thirty Years' War appealed to prevailing notions of harmony, an ideal battle formation in which the individual is subsumed by the collective in nearly mechanical perfection (see Figure 5.1).⁶ By the latter stages of the war, cities were abandoning this ideal in favor of the more practical goal of simply increasing firepower. Thus guns increased in number and pole arms ceased to be of interest to census-takers. At the same time, ownership of guns and other weapons was also naturally affected by individual circumstances as well as by the shifts in fortune associated with war, such as depopulation, disarmament, shifting loyalties and financial crisis.

In general, most householders from the fifteenth to the seventeenth centuries armed themselves with swords and either a pole arm or a projectile weapon (a crossbow or a gun), although some men had all of these and others had no weapons at all. There is evidence that the choice of whether to be mustered as a pikeman or a gunner could be a personal one.⁷ This was the approach recommended by some military men, among them the influential French military theorist Jean de Billon, whose work was translated into German beginning in the early seventeenth century. Billon believed that military needs were best met by matching men to the weapons most suited not only to their physical stature, but also their personal taste. Pikes, for example, were a poor fit for a "puny little man" or one too young to have a beard. In addition, expertise depended on training, which would be more successful if men were motivated by an interest in their weapon.⁸

Gunpowder weapons began to show up in civic muster lists during the late fourteenth century and caught on quickly, outnumbering crossbows among ordinary citizens by a century later.⁹ In Nördlingen, with a population of around 5300 (1260 households), 80 gunners served side-by-side with 66 crossbowmen in 1445, meaning about one gun per 16 households and one crossbow per 19.¹⁰ In the smaller town of Mindelheim with its approximately 350 households, 38 men were

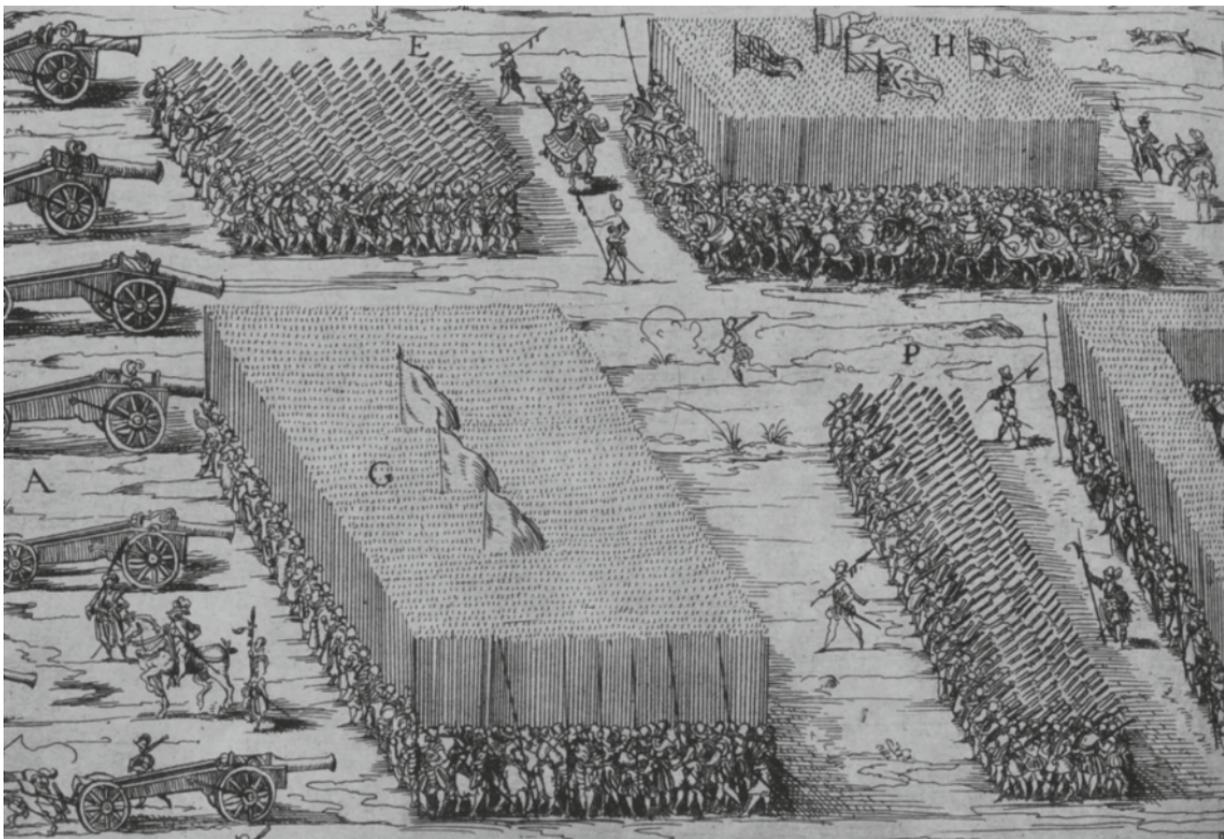


Figure 5.1 Pike-and-Shot formation from Leonhart Fronsberger, *Kriegßbuch Ander Theyl*, 1573

mustered as harquebusiers or hand gunners in 1469, putting a gun in at least every ninth home.¹¹ These numbers logically increased as firearm technology advanced. Nördlingen listed 269 gunners in 1488, which correlates to approximately one gun per 5.5 households. Crossbows also increased in number, but at a lesser rate (132 in 1488, or one per 11 households).¹² A century later in 1581, the city boasted at least 414 musketeers, by which time the population had reached around 7000 (i.e. at least one gunner per four households).¹³ In Gebstattel, the largest village under Rothenburg jurisdiction, gun ownership was even higher, with 35 percent of the 83 households including at least one firearm in 1583; similarly, over 31 percent of village households under Nördlingen's jurisdiction were armed with a firearm in 1615.¹⁴

During the Thirty Years' War, many cities took steps to ensure that both their citizens and their rural subjects were in possession of up-to-date weapons in order to improve their lines of defense. As we have seen, all citizens were supposed to own guns in Hamburg by 1626. The same was true in Frankfurt and in Rostock.¹⁵ In Rothenburg, about half of households (53 percent) listed guns among their weapons at a house-to-house census conducted in 1620, with the other half mustered as pikemen, a relationship appropriate for a standard pike-and-shot formation. The lists for each of Rothenburg's six quarters show some variation in the style of recording, perhaps reflecting personal opinions by different Quarter Captains, thus providing a variety of details to help in interpreting the records. The census-taker in the upper market quarter (*Obermarkt*), for example, listed the pikemen in his quarter as "double-earners" (*Doppelsöldner*), a designation used for soldiers whose duties required greater strength or skill, thus normally earning a higher level of pay. This label supports the suggestion that Rothenburg's defense plans included citizen pike-and-shot formations, since the pikemen in such formations required both more training and greater strength.¹⁶ While the Quarter Captain in Rothenburg's first quarter (*Klingenwach*) recorded the presence of pikes and halberds without comment, in other quarters, halberds are devalued as "only a halberd" or with the annotation "should obtain a pike."¹⁷ It is not surprising to find that Rothenburg's muster list reveals a preference for pikes over halberds as the city prepared for military action. As identifying symbols that were useful for fighting fire, pulling down a rider, or stopping someone at more than a sword's distance away, halberds were appropriate weapons as long as the primary household duty was standing guard. For a combined pike-and-shot formation, however, a halberd was deemed inappropriate. Likewise, those gunners still

in possession of an older hook gun (*Hakenbüchse*) were also admonished. The hook gun, which was longer and heavier than a musket and required a support for firing, no longer met the standard for a mobile and flexible military firearm.¹⁸

A 1618 muster conducted by Rothenburg officials in Gebstättel reveals that a higher percentage of village men were expected to own firearms than those in the city. It is not entirely clear, however, whether the list reflects guns already in the possession of the Gebstättel residents, or only a requirement for purchase. In any case, 79 of the 94 Gebstättel householders, or 84 percent, were mustered as musketeers. This included three householding widows. The remaining fifteen households comprised four carpenters with hammers and side arms, three men with battle swords, and eight with halberds.¹⁹ The decision to arm villagers with guns was a logical result not only of their particular vulnerability to marauding soldiers, but was also likely related to their unsuitability for participation in a pike-and-shot formation both because of their small numbers and due to the drill necessary in order for such an organization to function effectively.

Although householding widows usually shared in the requirements for maintaining weapons and providing guards for local defense, the Rothenburg muster lists provide evidence that their participation may have been taken less seriously than that of male householders. Of the total of 987 Rothenburg households visited in 1620, 133 (13.5 percent) were listed as headed by female householders. Just over half of these (67, or 50.4 percent) reported substandard equipment (defined as halberds rather than pikes, hook guns rather than muskets, or missing components), compared to only 15 percent of male householders. Over 13 percent of women reported owning no arms at all, as opposed to only 1.2 percent of men. Women also remained behind men in gun ownership, at 29 percent compared to 56 percent of men. Although these differences might well be explained on the basis of poverty, as it is reasonable to assume that widows as a group were economically disadvantaged compared to men, it is also possible that there were cultural reasons for tolerating lack of military preparedness in widow households. This impression is enforced by the explanation provided by one widow in the Roderwach quarter that arms were not present in her house because "her son took everything away."²⁰

The weapons counts undertaken in Augsburg in 1610 and 1645 add a different set of variables to this picture of weapons ownership. These lists are unusual for the sheer size of the undertaking, which involved a house-by-house evaluation of five to six thousand households, and for their

rational format, providing spread-sheet like data on the numbers of guns and side arms in each house. In addition, the 1610 list includes information on the age of the householder and numbers of pole arms and armor, while the 1645 list divides householders by confession. Lacking in these lists are specific details on types of guns or other weapons in the household.

The muster of 1610 describes 6395 male heads of household in a city of perhaps 45,000 people.²¹ Of these, 235 include no data at all other than a name and, in some cases, a profession. Most of these can be identified as members of the elite classes (patricians and merchants), who were not subject to visitation.²² In other cases it is likely that the householder was simply absent during the time that the muster was being prepared. This probability is suggested by similar entries in the Rothenburg muster that overtly note “not home” (*nicht daheim*).²³ Concentrating on the 6160 households that recorded some kind of information, then, is likely to produce more relevant data for those below the status of merchant. Among these households, 92 percent record having arms of some kind, nearly all of them (91.6 percent) including a sword. Eleven percent reported owning guns, 46 percent pole arms, and 7.5 percent armor.²⁴

Breaking these groups down by quarter, we see, not surprisingly, that Augsburg’s poorest quarter in the Jakob’s Suburb reflects the lowest percentage of weapons ownership in all categories. However, in both Augsburg and Rothenburg, it is not the wealthiest section of town that records the highest numbers of weapons per household. In Augsburg, the greatest concentrations of arms appear in the so-called “Middle Quarter,” which encompassed most of the thriving artisans’ quarters in the town’s center, with the wealthy Uptown quarter barely beating the average in swords and coming in well below it in guns. Similarly, Rothenburg’s wealthier market center, which was home to city patricians and officials, fell quite a bit below the city average in gun entries. This most likely reflects the exemption of elite members of society from participating in military musters rather than a lack of weapons in these quarters. We know, for example, that Augsburg patrician Raymund Fugger’s personal armory in 1584 included 9 complete sets of armor, at least 20 guns and even more pistols, 36 swords, 23 pole arms and a variety of other military weapons (battle axes, horseman’s hammers, maces, etc.).²⁵ The heirs to Fugger’s household in 1610, however, were not asked to provide information about their weapons inventory. Similarly, a later entry for a military captain includes only the notation “well supplied” in place of numbers under the weapons columns.²⁶ Since persons of middling status with

Table 5.1 Percentage of households in Augsburg owning weapons by city quarter in 1610

	Guns	Swords	Pole arms	Armor
Uptown	9.6	92.5	51.3	7.0
Midtown	21.8	95.6	61.0	19.0
Cathedral quarter	11.6	93.0	50.7	5.4
Jakob's suburb	7.3	88.6	30.3	4.8
Total	11.0	91.6	46.0	7.5

Source: StAA, Schätze 37/II (based on a total of 6,160 householders that include data on weapons ownership).

large weapons collections in other parts of town were included in the count, leaving out the wealthiest citizens might well have skewed overall results for the quarters in which they lived (see Table 5.1).

Augsburg's 1610 muster also lists the age of each householder, giving us a starting point for speculating about generational differences in weapons ownership. Householders under the age of 25 come out slightly ahead in gun ownership compared to those between 25 and 29, which is probably related to personal wealth. Only men of some means would normally have been able to establish their own household at such a young age. A rise in gun ownership is discernable between the ages of 29 and 69, followed by a decline in guns among men in their 70s and 80s. This general trend is also visible in the case of other armaments. Men in their 60s were three to five times more likely to have armor and twice as likely to have pole arms than men in their 20s and 30s. Although side arms were widespread in all categories, peak ownership of swords occurred somewhat younger, among men in their 50s (see Table 5.2).

By the time Augsburg completed its next major weapons inventory in 1645, the city had suffered the worst phases of the war and the picture had changed considerably.²⁷ Again, however, it is necessary to adjust the data to correct for missing information. The 1645 muster does not give an age for each householder, but only notes whether or not there are men in the household between the ages of 15 and 60. About 28 percent of the 4848 households listed (1357) do not include this information. Of these, 739 were householding widows or single women, a category that was missing entirely from the list in 1610. The remaining 618, however, are listed under male names. It seems unlikely that so many households with male heads would not include men between 15 and 60. Since about 98 percent of these households also list no arms or additional information of any kind, it is again possible that at least some of these householders were either away from home when the census was

Table 5.2 Percentage of weapons ownership in relation to the age of householder in 1610

	Guns	Swords	Pole arms	Armor
16–24	6.3	85.0	23.6	2.4
25–9	4.4	89.0	26.3	2.3
30–9	9.9	91.7	36.6	4.8
40–9	11.3	92.4	49.9	7.8
50–9	12.0	92.7	53.8	9.9
60–9	15.9	92.3	61.4	12.4
70–9	10.9	92.4	63.2	10.9
80 and up	7.3	82.6	49.3	4.3

Source: StAA, Schätze 37/II (based on a total of 6160 householders that include data on weapons ownership).

Table 5.3 Percentage of weapons ownership in Augsburg by city quarter and confession in 1645

	Male Householders			Widow Householders		
	Guns	Swords	Total armed	Guns	Swords	Total armed
Catholic						
Ulrich's Quarter	29.5	67.5	69.3	6.9	27.6	27.9
St. Stephan's Quarter	27.0	58.9	60.4	39.0	46.3	56.1
Jakob's Quarter	17.1	59.4	59.9	8.3	23.3	22.2
Total Catholics	24.7	67.1	62.9	19.8	32.1	36.8
Protestant						
Ulrich's Quarter	11.6	32.9	34.5	4.7	11.6	12.8
St. Stephan's Quarter	16.5	36.6	37.9	6.5	18.5	18.5
Jakob's Quarter	5.3	23.4	24.8	0.0	7.4	7.4
Total Protestants	10.1	31.8	30.8	3.3	12.2	12.5
Total	14.4	39.6	40.9	7.4	17.0	18.4

Source: StAA, Schätze 37/I (based on a total of 3491 male households and 435 widow households that include data on weapons ownership).

conducted or otherwise did not participate. This analysis thus concentrates on the 3491 households that provide information about men of weapons-bearing age (women's households will be treated separately). Of these, 1429, or around 41 percent, were armed. About 500 (14 percent of the total) included guns in their weapons inventory, and 1384 (close to 40 percent) had swords. Broken down by confession, 62.9 percent of the Catholic households were armed, nearly 25 percent with guns, while only 30.8 percent of Protestant households were armed, 10 percent with guns. Pole arms and armor are not listed in this inventory (see Table 5.3).

Most notable in this comparison is a rise in gun ownership since the 1610 muster, combined with a sharp drop in numbers of households with swords. The change in gun ownership appears even more striking if we relate the total numbers of guns listed to estimates of the overall population. The 682 guns listed in 1610 equate roughly to one gun per 66 people (including women and children), whereas the 1770 guns listed in 1645, by which time the population had dropped by more than half, equate to about one gun per 11 people.²⁸ To some extent, these developments were logical results of the technology shift that placed greater emphasis on gunpowder weapons, which would have encouraged gun ownership among those who could afford it. Meanwhile, a drop in sword ownership probably also reflects the deteriorating economic situation facing the beleaguered city at this late stage in the war, a trend that affected those of the lower and upper ends of the social scale more than those in the middle.²⁹

But economics alone can not explain the extreme disparity of weapons ownership between Catholics and Protestants, nor does it account for the lack of swords even among those who were not otherwise impoverished. This resulted more directly from politics of war; for in the wake of the Swedish occupation of Augsburg ten years before, imperial forces had disarmed the city's Protestant population. The weapons were taken to the civic armory where, in theory, they could then be redistributed to their owners if the council decided that an armed citizen militia was necessary for defense actions.³⁰ The poorer section of town in the Jakob's Suburb was hit the hardest by both the disarmament and the economic decline. Although Protestant households outnumbered Catholics in all quarters, the ratio of Lutherans to Catholics in the Jakob's quarter in 1645 was nearly three to one, as compared to around two to one in other areas of the city. Only 5 percent of Protestants in this quarter reported having guns in their homes, and around 23 percent swords, compared to 17 percent of Catholics with guns and 59 percent with swords. In other quarters, an average of 14 percent of Protestant households listed guns and 34 percent had swords, while 28 percent of Catholic households kept guns and 62 percent reported swords. The lack of weapons reported by the Lutheran populace in this census is hardly surprising given the arsenal they were forced to relinquish in 1635. Altogether the Augsburg Protestants surrendered 1681 firearms, 2443 side arms, 2374 pole arms and 1531 sets of armor, in addition to a variety of gun parts, pistols, crossbows, battle axes, and daggers. Before the disarmament, then, the Protestants had been in possession of more than one functioning gun for every two of their 3259 men of military age.³¹

By comparison, 3405 Protestant men in 1645 reported owning a total of only 575 firearms (less than one per six men) and 1262 side arms. The combination of wartime inflation and economic stagnation faced by the population during the ten years between 1635 and 1645 would have prevented many citizens from replacing their surrendered arms. Given their past experience with the constantly changing fortunes of war, it is also possible that householders would have been reluctant to reinvest in weapons even if they could afford them. Most troubling for any statistical count, however, is the likelihood that some Protestants who did manage to rearm would have been disinclined to admit to the presence of expensive weapons in their houses during a military muster, even under oath.³²

As was the case in Rothenburg, Augsburg's widows and other female householders maintained fewer weapons on average than did male householders. Widows and single women made up 24 percent of Augsburg's households in 1645, a number considerably higher than the 13.5 percent of households headed by women in Rothenburg 25 years before. This was likely related to the loss of many men in battle or to disease during the most destructive phases of the war. Most of Augsburg's widow households (64 percent) reported no data at all, that is, no additional household members, no weapons, and no grain reserves. Unfortunately, it is again impossible to know how many of these entries reflect an impoverished, single-member household, and how many were simply not home or did not participate in the muster. Wealthy widows, like householding men of similar status, were exempt from providing details about the weapons in their homes. The entry for at least one patrician woman, the widow of a fallen Colonel, includes only the notation "does not wish to report [anything]," and is left at that.³³ Thus here again, the statistical analysis must be limited to the 435 women's households that provide some information.

Of these, 80 (about 18 percent) were armed. Forty-eight of these households (11 percent of the total) had only swords, six (1.4 percent) only guns, and 26 (6 percent) had both. Paralleling findings for the city overall, the widow households in the poorer Jakob's Suburb were the least well-armed, with only 7.4 percent having weapons of any kind. Catholic women also reported a higher rate of arms (nearly 37 percent) than Protestant women (12.5 percent), with the greatest disparity in ownership of guns (19.8 percent to 3.3 percent, respectively).

There are of course questions left unanswered by these lists. Aside from the problem of missing data and the possibility that residents, especially Protestants, may have had reason to hide their weapons, military musters

only record those weapons considered appropriate for military action. Thus they provide no evidence of the presence of hunting knives or the longer daggers regularly carried by early modern men on the streets, which often had blades that rivaled those of swords, and they rarely include pistols as a category of arms. They may also not in every case have included multiple swords or guns in households where only one such weapon was required. It is also not clear that the category "side arm" would in every case have incorporated the lighter dress or small swords that were so much in fashion during the sixteenth and seventeenth centuries, but were less appropriate for use in a battle. A few sporadic muster entries that distinguish between the small sword (*Degen*) and the side arm (*Seitenwehr*) suggest that the required military side arms may have been of a different caliber, of the sort that includes sabers, battle swords, cavalry swords, and other weapons with stronger blades (in German *Schwerter*).³⁴ Elsewhere, however, reference is also made to lighter swords as a category of "side arm."³⁵ In short, muster lists represent only the minimum numbers of weapons owned by private citizens, and cannot be assumed to provide real totals.

To the general picture provided by muster lists, we can add details about individual tastes in weapons ownership and the role of arms as material assets by examining probate records. Of particular interest in this regard are those inventories that describe a room-by-room walkthrough of an early modern household, by means of which we are able to visualize not just what people owned, but how they distributed their possessions throughout the home. Only the wealthiest citizens had a separate room for storing their personal armory, which sometimes doubled as an exhibition room for representative arms and armor. But even people who had their weapons spread about the house often kept them on display, for example hanging a gun on the wall of the central room (*Stube*) or lining swords up in a hall. In other cases, weapons were relegated to bedrooms, storage rooms, or the space under the stairs. Wealthy councilman Georg Pfister, for example, kept two swords, one gun, and armor in his bedroom, but put the rest of his collection of over 40 swords, several guns, nine pikes, and other arms away in storage rooms. Military captain Georg Zwickher preferred to keep his many weapons on display, hanging guns, swords, pole arms and armor on the walls of his palace at Tuchsberg, while butcher's widow Anna Rosenberger left crossbows in the bedrooms and shut pole arms up in a trunk.³⁶ Some persons living in more modest spaces had no room at all to store their required pikes and had to keep them at the home of a neighbor.³⁷ The variety of examples provided by these sources reminds us that, then as now, not only economic status

but also tastes and interests regarding weaponry varied widely from one householder to the next.

A small minority of probate inventories also note the worth of individual possessions. The value of weapons thus assessed naturally fluctuated considerably depending on decorative elements. Particularly detailed is the 1629 inventory of Johann Bonnenmayer, an official from Aichstetten, whose fairly modest collection of six guns, two pairs of pistols, and six side arms was appraised at nearly 50 gulden, or about 3.5 percent of his total estate. Bonnenmayer's swords ranged in value from one and a half gulden for a simple rapier to four gulden for a sword with a gilded hilt. Pole arms were generally less expensive than dress swords, costing between one-third and three-quarters gulden during the sixteenth and seventeenth century, while the price of an ordinary musket was between two and four gulden. This certainly would not have put gun ownership out of reach for an ordinary craftsman with an interest in owning one.³⁸

It is now possible to suggest some tentative conclusions about weapons ownership in early modern Germany. We have seen, for example, that by the later sixteenth century, residents in some villages owned more guns per capita than those in larger cities. It is also clear that widows' households were under less pressure to maintain appropriate arms than households headed by men, although some women certainly did keep weapons in their homes. Mature men of military age were more likely to have arms than the very young or the very old, and economics were undoubtedly a factor, but personal taste played a role as well. Finally, the fact that weapons in the towns were often divided between pikes and guns, even if imperfectly, suggests that defense plans included employment of pike-and-shot tactics, which would have required drilling. The reality of town defense systems never lived up to this attractive vision, either as a battle tactic or a metaphor, and as the Thirty Years' War progressed, the role of pikes in professional armies diminished as well. The rise in gun ownership among townspeople by 1645, despite an overall drop in average wealth and accompanied by a drop in interest in pole arms, suggests that civic defense plans paralleled the technical developments on the battlefield associated with the "Military Revolution."³⁹

Resort to arms: Gendered patterns

It is clear, then, that the majority of early modern German men kept arms in their homes, assuming they were not faced with military disarmament or economic catastrophe. Some households had more weapons

and some less, a difference that was only partly related to economic status. It is now time to see how the presence of weapons in the home translated into their employment during fights. How regularly did men and women resort to arms on a daily basis? Did women in Germany also carry knives or other arms? What kinds of weapons were most likely to come into play when early modern townspeople of either sex felt the need to resort to arms in their own defense? And were these differences related to status, age, or other social identifiers? Central to these questions are the issues of exclusion and inclusion with which we began in Chapter 1. We begin our exploration of how these rules were put into practice with patterns of gender.

Scholars who study violence generally agree that men are more likely to resort to arms than women. As we shall see, this was true in early modern Germany, as it was elsewhere in Europe. This is not to say that women were not capable of using weapons, sometimes in spectacularly violent ways. Murderesses occasionally turned knives on their husbands or other adversaries or, in cases of indirect suicide, on their own or other peoples' children.⁴⁰ Women also used weapons in peaceful pursuits. Some aristocratic women enjoyed hunting and participated in shooting contests, and those of very high rank occasionally bore arms as a symbol of their role as defender of the peace. One is reminded in this context, for example, of the well-known description of Queen Elizabeth in a breastplate, as well as images of eighteenth-century queens such as Catherine II (the Great) of Russia, who liked to dress as an Amazon at court. Both Catherine and Maria Theresa of Austria commissioned equestrian portraits in which they held a raised sword.⁴¹ Some noblewomen were also rumored to have personally fought to defend their homes and even to have fought in duels, and there are a few famous cases of women pretending to be men who lived as soldiers and pirates. Other cross-dressing or transvestite women naturally carried swords as part of their assumed identity.⁴² The highly touted "Maid of Brunswick" Gesche Meiburg, a carpenter's daughter, became a legend in her own time after she reportedly helped to defend her city against attacking troops from atop the city wall in 1615.⁴³

These exceptional cases, however, tell us little about the more average experiences of ordinary townswomen. The case of Gesche Meiburg is illustrative of the general problem encountered when trying to uncover mundane practice through the eye of early modern media. In initial reports of Meiburg's heroism, she is described as standing on the city wall armed only with a battle sword and doing considerable damage to the enemy by throwing stones. As noted in Chapter 1, throwing stones,



Figure 5.2 Gesche Meiburg, Augsburg, after 1615

hot water, or pitch from the windows or city walls was considered an appropriate means for women to aid in defense efforts; only the battle sword seems out of place here. As Meiburg's story was told and retold in a series of chronicles and broadsheets, however, she was refashioned into a new Joan of Arc, rallying her city wearing a war helmet and battle ax: "Armed with gun, mace, and sword, I made of myself a man of war," Meiburg proclaims from a broadsheet printed in far-away Augsburg (see Figure 5.2).⁴⁴ The proud image of the Maid of Brunswick managed to combine a representation of female virtue and virginity, an effective metaphor for the impenetrable city, with the carnivalesque theme of a woman in arms.

Like modern tabloids, early modern broadsheets like those celebrating Gesche Meiburg capitalized on the sensational value of subverting

norms.⁴⁵ But how did the norms of the martial system affect the choices of other women? Did maids and matrons in more commonplace circumstances use weapons, fight duels, and defend their homes and families? As a starting point for considering these questions we will rely on a data set based on 1862 entries from Augsburg's detailed records of fines for fights (*Frevelprotokolle*), divided into two samples, one from the late sixteenth century and one from the late seventeenth. These protocols provide a list of all violent incidents short of manslaughter that were reported to the authorities, in many cases with enough details to determine whether or not a weapon was used, what kind, and by whom.⁴⁶ Thus it is possible to establish how often men and women actually resorted to arms, at least in reported incidents, making a tentative gender comparison possible. This sample is then contextualized with qualitative data gleaned from more serious cases, which provide greater detail.

What these records tell us is that in a spontaneous fight, men and women were both more likely to make choices that reflected socially constructed categories of gender. Men learned to reach for blades, and women did not. This categorical difference creates inconsistencies in how authorities defined what constituted a "weapon" and how women were treated in the courts. As definitions of armed violence broadened to include resort to blunt objects as well as pointed ones, more women appear in the records. Thus what initially appears as a striking differences in the level of violence and use of weapons by women between the sixteenth and seventeenth centuries emerges instead as a shift in how fights were recorded.

Evidence of the way that these gendered categories influenced daily practice begins with the fact that German townswomen, unlike men, did not normally have a blade at hand when a fight broke out, as they rarely carried weapons on their person unless they were traveling overland. Although virtually all travelers, including both town and country women, carried the knives that were necessary for cutting bread and meat while on the road, respectable German women did not wear knives or other blades in town without specific plans to use them.⁴⁷ The few cases I have found of early modern German women drawing knives against rivals generally involved vagrants, prostitutes, soldiers' courtesans, or others of itinerate or marginal status, and even these were very rare. Further complicating the picture is the fact that such women were normally banished immediately upon arrest simply on the basis of their generally suspicious lifestyle, so that few details about the incidents were recorded in the records of punishment.⁴⁸

The fact that women rarely bore arms seems consistent with the generally accepted paradigm that early modern women were less violent than men. Statistically, historians studying incidents of violence during the early modern period, in Germany and elsewhere in Europe, consistently find that women less often crossed the line from verbal abuse to violence than men did, and that they caused less damage when they did so.⁴⁹ In her study of male and female body language during fights in Zurich, Francisca Loetz determined that although women followed established patterns of escalation and resort to violence, much as men did, they differed not only in the degree of violence (less often, less violent), but also in their dependence on weapons as tools of communication. While men regularly utilized knives and swords to threaten, insult, or intimidate rivals, women did not have recourse to similar gestures.⁵⁰ Gerd Schwerhoff in his study of late fifteenth- and early sixteenth-century Cologne established that women perpetrated only 4.4 percent of cases of violent crime, although they made up 25 percent of the victims.⁵¹ In Amsterdam, women made up about 6 to 16 percent of assault cases during the seventeenth and eighteenth centuries, with knives appearing overwhelmingly in the hands of women at the lower end of the social spectrum. Also paradigmatic is the conclusion that female violence was more likely to target other women than men.⁵²

The language of the early modern court certainly supports the thesis that armed personal violence perpetrated by women constituted a deviation from the norm. The tragic case of Susanna Forsterin, who attacked a young weaver named David Hämerlin with a knife in 1654 after he spread rumors that she was a witch, provides evidence of the standard reaction to such cases. Forsterin, unmarried at 45 and scratching out a living with washing and sweeping, fit the standard stereotype for an accusation of witchcraft, making credible her testimony that she understood Hämerlin's accusation as a threat to her life. Upon confronting him, Forsterin was further provoked by the wife of Hämerlin's master, who witnessed the journeyman's insults but only laughed rather than disciplining him, "which [Forsterin] could not put up with."⁵³ In her anger, Forsterin pulled out a knife and sank it so deeply into the boy's stomach that neighbors had trouble pulling it out. Not surprisingly, he died soon afterwards.

The fact that a woman was not expected to be carrying a knife on her person clearly influenced the authorities' suspicion that this attack was pre-meditated. In admitting to having had the knife sharpened a few weeks before the incident, Forsterin explained that she normally used it for cutting meat. The explanation did little to help her cause, as it only

augmented the impression that she would not normally have carried it on her person. The record of Forsterin's execution by beheading further emphasized this anomaly by describing the murder weapon as "a bread knife that she had with her."⁵⁴ Such expressions do not appear in records of men who drew weapons to defend their reputation, as the fact that they might have a knife or sword on their person was understood.

As Forsterin's case illustrates, it would be incorrect to assume that because women were not expected to carry weapons on their persons, they did not use them. But like many other aspects of women's lives, the question is muddled by the ways in which early modern assumptions about appropriate female behavior affect court documentation. To demonstrate this problem, we now turn to our sample of fight protocols. The sixteenth-century records most closely reflect what we might think of as the established stereotype of non-aggressive women: 80 out of the 993 cases, or barely 8 percent of the fights recorded, were between women. Another 114, or 11.5 percent, involved women in fights with men. The remaining 799 of the fights (80.5 percent) were between men. Entries in the records nearly always distinguished between the fight categories outlined in Chapter 2 (simple fisticuffs or wrestling, called "small" or "dry" fights, and those leading to the shedding of blood, called "blood fights"). In this respect, too, the women appear much more peaceful, or at least less likely to inflict damage—only two of the 80 fights between women (that is, about 2.5 percent) were defined as blood fights, compared to 14.4 percent of male fights. In the mixed male/female category, 11.4 percent of the fights were bloody, but every single one of them involved a man bloodying a woman, not the other way around.⁵⁵ An even greater disparity is apparent in the numbers of fights that recorded the use of weapons, which appeared in 13 percent of fights between men (105 out of 799), 3.5 percent of mixed fights (again, in every case men using weapons against women), and in none of the women's fights (see Table 5.4).

This picture of passive, peaceful, and unarmed women, however, changes dramatically in the records of a century later. To begin with, while the number of fights between women and men rises only slightly (to 107 out of 868, or about 12 percent), the category of exclusively female fights jumps from 8 percent to over 18 percent of the total (162 out of 868), leaving exclusively male fights at only 69 percent rather than 80 percent. Bloody fights between women rise from 2.5 percent to over 6 percent, and even more interesting, the number of weapons appearing in fights between women rises from 0 to 9 (or over 5 percent). Meanwhile, in the all-male category, blood fights decline from 14.4 percent to 9.3 percent of the total, while the number of fights involving

Table 5.4 Relationship of gender to weapon choice and harm in the sixteenth century (based on records of fines for minor fights)

	Fights between men			Fights between women			Mixed fights			Total
	Total fights	Fights with injury	% with injury	Total fights	Fights with injury	% with injury	Total fights	Fights with injury	% with injury	
No weapons	694	98	14.1%	80	2	2.5%	110	11	10%	884
Blades	83	12	14.5%	0	0	–	2	0	–	85
Blunt objects	11	4	36.4%	0	0	–	2	2	100%	13
Guns or crossbows	5	0	–	0	0	–	0	0	–	5
Other or unknown	6	1	16.7%	0	0	–	0	0	–	6
Total weapons	105	17	16.2%	0	0	–	0	0	–	105
Total all fights	799	115	14.4%	80	2	2.5%	114	13	11.4%	993

Source: StAA, Strafamt, Zuchtbücher 1584–5.

Table 5.5 Relationship of gender to weapon choice and harm in the seventeenth century (based on records of fines for minor fights)

	Fights between men			Fights between women			Mixed fights			Total
	Total fights	Fights with injury	% with injury	Total fights	Fights with injury	% with injury	Total fights	Fights with injury	% with injury	
No weapons	493	26	5.3%	153	9	5.9%	88	5	5.7%	734
Blades	56	11	19.6%	0	0	–	3	1	33.3%	59
Blunt objects	38	17	44.7%	9	1	11.1%	15	3	20.0%	62
Guns or crossbows	3	0	–	0	0	–	0	0	–	3
Other or unknown	9	2	22.2%	0	0	–	1	0	–	10
Total weapons	106	30	28.3%	9	1	11.1%	19	4	21.0%	134
Total all fights	599	56	9.3%	162	10	6.2%	107	9	8.4%	868

Source: StAA, Strafamt, Zuchtbücher 1669–73.

weapons rises from 13 to over 17 percent. In the mixed category, women are now responsible for bloodying men in nearly a third of the cases (29 percent), and four cases (3.7 percent) record women using weapons against men (see Table 5.5).

At first glance, this evidence might seem to suggest that women had become more violent between 1580 and 1670. This is not entirely impossible—pressure for women to maintain a demure demeanor may have been greater in the post-Reformation period, and have in turn been loosened as a result of the violent experiences of the seventeenth century.⁵⁶ This explanation in itself, however, is unlikely to be the entire story, especially in view of the fact that Bernhard Müller-Wirthmann in his study of village violence came to exactly the opposite conclusion.⁵⁷ The difference more likely reflects changes in the way fights were recorded.

In the first place, the records of the sixteenth century are greater in numbers but also much less detailed, so that weapons that may have come into play would not necessarily have been mentioned in the protocols.⁵⁸ Part of the drop in overall numbers is likely related to a decline in population; however, the drop in population of perhaps 50 percent can not explain a drop in numbers of recorded fights of over 80 percent (from an average of 82 per month during the sixteenth century to 14.5 per month during the seventeenth century).⁵⁹ Rather, much of the change is due to a reduction in attention paid to minor squabbles. During the late sixteenth century, the city's prosperity combined with a high point in concern with order and discipline to create an impressive legal-bureaucratic system of record-keeping. A century later, both the city's bureaucratic staff and the concern of the government with individual morality had declined. The result is that in the seventeenth century, many less serious fights were probably simply not recorded. At the same time, increased professionalization of the legal system led to more detail in the protocols. This combination would to some extent explain the relative rise in the recorded use of weapons in both male and female fight cases.

It is also likely that squabbles between women were simply not taken as seriously as male fights, and thus were less often recorded even during the sixteenth century. This attitude was expressed by at least one knife smith in 1591, who explained his interference in a tavern brawl between women by saying that "he assumed that since it was a matter between women, it was of no importance."⁶⁰ The fact that women's fines for fights were lower than those of men (ranging from a half to a fourth as much, depending on the period and place) may have added support to the notion that women's quarrels weren't worth reporting to the authorities.⁶¹

But more likely at the root of these shifts in the records are the types of weapons involved in fights. Although many fights, especially in the earlier sample, are recorded without any details at all, enough details are recorded in the more complete seventeenth-century protocols to provide an interesting gendered picture of how weapons were used in early modern squabbles. About half of the men in this period, where weapons were identified, were reported as using some kind of sword.⁶² The popularity of the sword in this context is significant, given the ongoing controversy over the use of swords by journeymen discussed in Chapter 4. The debate, however, did not seem to affect attitudes of the council towards the wearing of swords among journeymen (see Figure 5.3). Although men were given standard fines for drawing any weapon without cause, and fined more heavily if their use resulted in personal injury, swords and knives were clearly considered acceptable weapons for an honorable fight, and this was true for journeymen as well as master craftsmen. If a man was sufficiently provoked, for example with defaming words, then drawing a sword was considered a reasonable response and would not result in disciplinary action. Men who reached for less traditional objects, however, could expect to be treated more harshly. The distinction was clarified in a 1681 decree by defining a “forbidden weapon” (*verbotene Wehr*) as that which a defendant “drew out of wickedness, or went out with in premeditation” as opposed to those weapons that people “already without malice have with them for reasons of work, business, and habit when fights occur.”⁶³ Under this definition, drawing a standard side arm was acceptable, whereas grabbing a beer mug in anger to throw at an opponent was not. Weapons that fell into the forbidden category and resulted in an additional fine included stones, craftsmen’s tools, beer mugs and wine glasses, whip handles, axes, clubs, lamps, chairs, butcher knives, stilettos, and a bowling ball. Two cases involving a shoe and a cooking pot escaped this definition, perhaps because no significant injury resulted.

And it is here in the category of “forbidden weapons” that we are able to get a closer look at female violence, for virtually every woman who resorted to a weapon at all used one of these less masculine objects. Like men, women occasionally used sticks, stones, and beer mugs as weapons; but their other choices for purposes of aggression are strikingly inventive. The list includes such objects as a sand bucket, a ladder rung, broom sticks, a sled runner, a coal shuttle and other fireplace tools, and a measuring stick. One woman known as “Raggedy Anna” (*die Lumpfen Anna*) resorted to hitting her opponent with her own walking stick. Another did turn a knife on her adversary, but only after having already tried hitting



Figure 5.3 Journeyman and apprentice, c1600. The journeyman carries a sword, the apprentice does not

her with a mug and a sewing box; the fine she was charged for her use of multiple “forbidden weapons”, unfortunately, does not tell us whether a knife in the hand of a woman held any particular significance.

The final insight to be gained from this bewildering array of objects is that, because the choice of a weapon was clearly related to availability, the character of fights was related to the spaces in which they took place. By far the majority of male fights took place in public houses and

in the streets, where men were very likely to be wearing a sword or other standard side arm, or to be carrying a tool related to their trade; if not, sticks, stones, lanterns, wine glasses and beer mugs were the next logical choice. Among these, stone-throwing resulted in the most negative reactions from peers.⁶⁴ Women's fights, too, were often in the streets; but for women outside the house, weapons were less likely to be available and thus less likely to be involved, with the occasional exception of sticks and stones. When fights originated inside the home, however, any number of domestic objects could be turned against an opponent. As we have seen, men as well as women in such cases were willing to use a pan or a chair in their own defense, if necessary. But because a larger percentage of reported fights between women occurred in domestic settings, women were more likely to use domestic objects to defend themselves. And because these objects, benign in their intended role, became "forbidden weapons" when turned on an opponent, women who used weapons at all were actually twice as likely to be charged with the use of a forbidden weapon than men in the same category.

These differences also shed light on the standard observation that women were less likely to cause serious harm in a physical altercation than were men, which can also be partly explained by the type of weapons they employed. Although in these cases of minor fines, men using blunt objects seem even more likely to draw blood than men reaching for a sword, this does not so much reflect the danger of the weapon as it does the way they were used in the rituals of escalation. Most of the fines collected for drawing swords in this data set were for incidents involving only gestures and threats, not actual attacks. In contrast, a lantern or beer mug would only appear in these records if it were used to hit someone, so the incident of injury is naturally higher. In the more general sample, which concentrates on more serious fights and includes few cases of exposing weapons that were not actually used, weapons with blades (swords, knives, daggers etc.) were about 1.5 times more likely to cause injury than blunt objects and 1.6 times more likely to cause death. In a fight, blades in this period were even more dangerous than guns (see Table 5.6).

Thus although women were certainly capable of armed personal violence, their choice of weapons made them less likely to inflict serious harm than men. They were also more likely to settle their conflicts inside the home. For these reasons, and because both law and convention held women less responsible for their actions, it is quite likely that most women's quarrels escaped reporting. Men surely had nothing to gain by reporting squabbles in their houses to the authorities, which only made them appear to have lost control of the household. This would have

Table 5.6 Relationship of weapon to injury in all categories (based on arrest records for weapons incidents)

	No harm		Injury		Death		Total
	no.	%	no.	%	no.	%	
Blades	107	51%	51	25%	50	24%	208
Blunt objects	24	69%	6	17%	5	14%	35
Guns or crossbows	26	65%	6	15%	8	20%	40*
Other or unknown	6	40%	6	40%	3	20%	15
Total	163		69		64		298

Note: Of these, 5 guns, 4 pistols, and 1 crossbow were actually fired at someone in a fight; none of these cases were fatal. One resulted in injury. 7 of the 8 deaths resulted from accidents and 1 was perpetrated by a mentally ill man under unclear circumstances.

Source: Compilation of arrests for weapons incidents between 1450 and 1750 from all repositories consulted.

been even more the case if they found themselves in direct combat with a woman, which could reflect on their martial honor as well.⁶⁵ Fights between women that did not spill into the streets or result in injuries were liable to go unnoticed.

This point naturally requires us to rethink the passive image of women reflected in the earlier sample, which is less likely to be an accurate portrayal of women’s behavior than it is a reflection of the early modern attitude that women’s fights were insignificant. As the seventeenth century progressed, bureaucratic styles of recording became increasingly detailed and legalistic, and the definition of the “forbidden weapon” was refined. Although the recording of minor squabbles also declined for both sexes, it declined more for men than it did for women. Increased attention to the use of blunt objects as “weapons” meant that, relative to men, women more often found themselves being held responsible for their actions.

These inconsistencies in the way fights were recorded over time also raise questions about studies that view changes in the records as evidence of actual changes in rates of violence. As an example, Müller-Wirthmann’s finding that a greater percentage of fights in the late sixteenth century involved women than was the case a century later may also have less to do with female violence than with court procedure. As Müller-Wirthmann himself notes, the basis for reporting fights to the regional court at Starnberg, the source of his sample, changed significantly during the seventeenth century; fights in the later period were more likely to be brought to court by the authorities for the purpose of disciplinary action, rather than by the participants themselves seeking

a settlement.⁶⁶ This obviously makes a direct statistical comparison problematic; here, too, it's quite possible that many women's squabbles simply escaped public attention.

Regardless of what the sources can or can't tell us about the actual behavior of men or women in fights, the treatment of defendants in these cases underscores the line drawn by early modern society between what was generally considered to be appropriate and inappropriate behavior for both sexes. The fact that, at least for a man, attacking someone with a sword was theoretically less problematic than hitting someone with a stick or a spoon hints at some of the tensions that existed between law and custom in the early modern German town. The evidence suggests a degree of internalization of these norms among townsmen and women. Certainly, women at home had access to knives, and they could easily have grabbed them in a fight. But with the exception of women of marginal status or cases of premeditated murder, they rarely did so.

Citizens, soldiers, and peasants

Nearly all of the armed men who can be identified as to status in the Augsburg sample were either craftsmen or soldiers. In comparing the tendency of these two groups to use a weapon, two patterns become clear. One, soldiers were at least twice as likely to resort to arms as craftsmen, most often drawing a sword.⁶⁷ And two, the number of soldiers appearing in the records dropped dramatically between the two samples compared to the number of craftsmen, most likely a reflection of the greater degree of social segregation between military and civilian men that took place over the course of the seventeenth century. Soldiers fighting among themselves would not have been subject to civilian courts. At the same time, the rate of resort to arms among soldiers rose from 23 percent to 100 percent.⁶⁸ Tradesmen were slightly more likely to draw knives than soldiers, and much more likely to resort to miscellaneous objects such as tools, household objects, sticks or stones. The high rate of use of swords by soldiers is hardly surprising, although anecdotal evidence suggests that a sword was not an obligatory accompaniment for off-duty soldiers and guards.⁶⁹ At the other extreme are those lower on the social scale, including servants, day laborers, carters, messengers, and musicians, who appear during both periods represented by this record set engaging only in fisticuffs, not in armed conflict. The same applies to peasants.

These findings can be further contextualized by statistical analysis of the approximately 300 cases of resort to arms which form the qualitative basis for this study.⁷⁰ Because this list resulted from a targeted search

for cases involving resort to arms among different social groups and settings, it is less representative of typical behavior, instead focusing on unusual violence. But, as Pieter Spierenburg has pointed out, studies of violence must also consider the “uncommon” in order to explore what is historically possible, as the behavior of less well-represented groups can otherwise be subsumed by statistical majorities.⁷¹ And despite the difference in the way that this broader sample was collected, some patterns remain fairly constant. Craftsmen and soldiers throughout the sixteenth and seventeenth century were more likely to draw a sword than any other weapon. The rate of sword use by craftsmen in relation to other weapons remained constant at about 50 percent (59 out of 113), while for soldiers it was somewhat lower than in the Augsburg sample at 40 percent (20 out of 48), accompanied by a corresponding rise in the use of firearms and pole arms. The rate of sword use was even higher among the group that included elites, officials, and students, at around 65 percent (see Table 5.7).⁷² It is noteworthy that precisely these groups (officials and students along with soldiers and artisans) have been identified elsewhere as particularly aggressive in fights.⁷³

When we combine swords with knives, daggers, and other bladed weapons into one category, the incidence of use is remarkably consistent among all categories of townsmen. Craftsmen and soldiers, men of high and low status, and even Jewish and clerical men all used a blade at a rate of three or four to one over all other weapons combined (blunt objects, tools, and projectile weapons). This is also true of the few women and children who appear in this sample. Because these cases all resulted from arrests rather than simply fines, women wielding household objects that caused no damage do not appear, for such incidents did not warrant arrest and interrogation. Nearly all of the women in this group were of marginal status, and all were armed with blades, although none of them had a sword.⁷⁴ Among the five children, four were boys who used blades, while one girl threw stones. The one group that deviates from this norm is that of peasants, less than 30 percent of whom faced each other with a blade.⁷⁵ Although projectile weapons (guns, pistols, and crossbows) appear in the hands of 40 of the men (13.51 percent) in this sample, they remained an unusual choice as a weapon of opportunity in a fight. Only a fourth of these weapons were actually turned on an opponent in a shoot-out or duel. Most of the rest of the gun incidents involved accidental shootings or empty threats, with three cases (7.5 percent of all gun incidents) related to a political protest.

Finally, a brief look at Augsburg’s records of fights during the eighteenth century reveals both another change in the way cases were

Table 5.7 Resort to arms according to status (based on arrest records for weapons incidents)

Status	Blades		Pole arm	Firearm	Crossbow	Blunt object	Other or Unknown	Total
	Swords	Knives, daggers, other						
Cleric	3		1				1	5
Elite	9	1		2				12
Student	1	1						2
Official	6	1		1	1			9
Craftsman	59	24	3	13		12	2	113
Soldier	20	14	4	6		3	1	48
Jew	4	11			1	2	2	20
Child	2	2				1		5
Peasant	2	2		2		6	2	14
Day Laborer	1					1		2
Servant		1		1				2
Marginal	1			1				2
Unknown	17	15		12		6	1	51
Adult women in all categories*		11					2	13

Note: including 4 craftsmen's wives, 1 Jewish woman, 1 soldier's wife, 6 of marginal status and one of unknown status.

Sources: Compilation of arrests for weapons incidents between 1450 and 1750 from all repositories consulted.

presented and a new pattern of weapon use. By this time, records exist only in the case of fights that led to a complaint by one of the parties, usually due to injury. The decline in numbers of fights recorded per month thus continued despite a gradual rise in population, as did the relative rise in the percentage of fights involving women. As a result, although fewer fights were recorded, they tended to be more serious. Over 50 percent of the exclusively male fights now involved weapons, and 36 percent of them were described as bloody; similarly, 27 percent of women's fights involved weapons, and 9 percent of them were bloody. Consistent with the earlier samples is the fact that all of the women's weapons were blunt objects. Particularly interesting, however, are a drop in the use of swords by men of ordinary status, and a corresponding rise in attacks with walking sticks. Swords during the eighteenth century appeared only in the hands of soldiers, patricians, and men belonging to privileged trades, while those in standard trades swung canes.⁷⁶

These patterns support the conclusion that the sword remained a dominant fashion statement for townsmen during the sixteenth and seventeenth centuries, becoming associated with elite and military status only in the course of the eighteenth century. Prior to 1700, most men kept swords, and those who had them invariably wore them while traveling. In the towns, wearing a sword while walking the streets was also certainly normal, although not universal. Resort to arms during a fight certainly remained the exception, occurring only in about 12 to 15 percent of all fight cases. But when weapons did come into play, men of all categories other than marginals and peasants were more likely to reach for a sword than any other weapon. Although craftsmen occasionally also depended on tools of their trade or other objects of opportunity, both legal and cultural norms supported the notion that for a townsman of any status, drawing a sword or other side arm was a more honorable response to a threat than resorting to the use of either a blunt object or a projectile weapon. Firearms were rarely used in fights, more often leaving traces in the records as the result either of accidents, or due to their presence in collective protests of a political nature.

With the hardening of lines of social status associated with the eighteenth century, however, swords were increasingly limited to men of privilege. Since swords and other blades were more likely to cause serious damage than sticks, putting swords in the hands of fewer men meant a reduced tendency to inflict harm, resulting in a lower rate of serious injury and a corresponding drop in recorded incidents of violence. Whether or not this actually reflects a drop in the tendency to resort to violence as a means of working out social conflict, however, must remain

an open question. What is clear is that encouraging a culture of arms leads to a greater likelihood that fights will take a serious turn and result in bodily harm.

Conclusion

Because keeping arms was a military requirement, the arms kept by the majority of townsmen shifted with the requirements of military tactics and technologies. At the heart of the civic defense vision was an ideal based on communal fidelity, a society in which men were elements in a mathematically harmonious pike square, ruling over households that were mini-armories, collected in neighborhoods loyal to their Lane Captains, and making up a town always ready to defend its rulers without question. In reality, the ideal of the urban pike square, possibly inspired by the successes of Swiss pikemen a century before, was not a practical battlefield tactic by the seventeenth century.⁷⁷ And like the pike squares themselves, the republican vision of communal unity also did not hold up in a crisis situation, but proved unstable, disintegrating into hand-to-hand combat among its individual elements (see Figure 5.4).

Many of the men who made up this community, however, were socialized to arms and remained quick to resort to a weapon in defense of their own interests. While keeping arms in one's house represented military readiness, wearing a weapon was a symbol of personal readiness. And although men were not supposed to walk about town carrying military arms, both law and custom permitted the wearing of those arms considered fashionable, which overlapped with military arms in the case of certain kinds of swords. This made resort to arms a reasonable option for early modern men when they felt threatened.

For this reason, it is safe to say that, overall, most adult men in Germany carried weapons at least some of the time, although not all of them did so. The records do include expressions by men who specifically note that they were unarmed when challenged by an opponent, or even that they were not in the habit of wearing a sword at all.⁷⁸ On the other end of the spectrum are statements by men who refused to be seen on the street without a side arm, such as that of a soldier who reportedly said in 1600 that he'd rather have his finger be cut off or be stabbed to death than give up his sword; or of the day laborer Berlin Weber in 1545, who convinced his innkeeper's wife to lend him her husband's rapier just long enough to walk to the weapon smith where his own side arm was being repaired.⁷⁹



Figure 5.4 Hans Holbein the Younger, Battle scene (detail), c. 1530

As these cases also demonstrate, the weapon of choice for townsmen during the sixteenth and seventeenth century was the sword, the iconic nature of which is illustrated by the way it is used by early modern artists. Typically, graphic images depict men of all classes wearing a sword only when they are either outside (as opposed to inside, where they were protected by household peace), or if indoors only where they are characterized as an outsider, an intruder at the hearth, for example in scenes suggesting adultery or other sexual encounters. The sword symbolized both a man's right to protection in the public realm, and his potency, in both the sexual and the metaphoric sense.⁸⁰ By contrast, in spite of the relatively high percentage of households that reported maintaining firearms, general consensus about what was considered honorable and appropriate prevented most men in early modern German towns from walking about the streets with guns on their persons. Carrying a loaded gun was illegal, and unloaded guns obviously had little value as side arms. Rather, carrying a gun or crossbow invariably implied some kind of pre-meditated intent to use it. This would be acceptable for those serving in a military function, heading for a shooting match, or traveling on dangerous roads; and men of privilege also used guns and crossbows for hunting. Under other circumstances, however, carrying a firearm seemed to imply intent to participate in an illegal activity, such as poaching, robbery, murder, or an armed insurrection. With the exception of occasional pistol duels beginning in the seventeenth century, which were invariably planned events, neither firearms nor crossbows appear in ordinary fight cases, nor do early modern artists depict men carrying guns when simply standing on the street. If witnesses occasionally expressed fear of an adversary who "always carries a gun" or who threatened them with a firearm on the open road, the implication was invariably that an attack with a gun would be unfair and thus dishonorable.⁸¹

When patterns of ownership and use of weapons are examined in relation to gender, it also becomes clear that most townspeople of both sexes internalized the gendered values of martial culture and were likely to act upon them when in a crisis situation. When threatened, men reached for blades and women reached for miscellaneous objects.⁸² The relationship of sharp weapons to masculine privilege had been codified during the Middle Ages in laws governing judicial duels; theoretically, women could fight for themselves in such trials, but they were restricted to the use of blunt objects.⁸³ During the early modern period, this standard was based on practice, not law. No laws specifically forbade women from carrying swords or knives. But the fact that women wielding blades presented a challenge to early modern notions

of proper gendered behavior is demonstrated both by the behavior of most women in fights and in their treatment before the courts.⁸⁴ With rare exceptions, women did not internalize the right of armed resistance that attended male martial culture, and as a result, their fights were less likely to lead to serious injury. This in turn made them easier to dismiss as domestic squabbles rather than public disputes of honor. The result is a less complete record of women's conflicts.

For men, resort to arms was acceptable not only to protect one's life, but also as a legitimate form of social control, for armed threats could serve as a means to enforce the peace and thus prevent escalation.⁸⁵ Over the course of the seventeenth century, however, a process of greater segregation between military and civilian identities is evident, along with an increase in dependence on firearms for military defense. This process was accompanied by a decline among commoners in the ritualized violence associated with swordplay. By the eighteenth century the transition is nearly complete. Those at the top of the urban social scale had successfully monopolized the side arm as representative of their status, and those in the middle defended themselves with canes, the new symbol of bourgeois respectability. The age of the sword was over.

6

In and Out of the Commune: The Social Boundaries of Citizenship

Early one morning in January of 1609, an innkeeper in Frankfurt was awakened from his slumbers by an excited guest, who reported that his companions in the public room below were engaged in a violent fight. The group of men had already been well into their cups when the innkeeper decided to go to bed the night before, and now he hurried down the stairs in his night shirt to find one of the men wounded to the bone with a hunting knife (*Weidner*, also in widespread use as a side arm). The men had been gambling late at night and came to blows over an accusation of cheating, which ultimately escalated to a knife fight.¹ A fight over cards and drinks in a public house was, of course, hardly unusual in early modern Germany. The only thing that differentiates this fight from thousands of other seventeenth-century tavern brawls is the fact that it took place in the Judengasse, Frankfurt's Jewish quarter, and the men involved were not Christians but Jews. Even so, it does not seem to have been terribly out of the ordinary. What this fight and others like it illustrate is that despite even very recent assertions to the contrary, Jewish men lacked neither the weapons nor the propensity for violence that triggered a resort to arms.

In order to understand the ways in which rights and duties of citizenship shaped the early modern weapons culture, it is necessary to take a brief comparative look at resort to arms among groups who identified themselves differently from the townspeople explored in the previous chapter. Four such groups will be treated here, albeit briefly: students, peasants, Jews and Catholic clergy. In differing ways, members of these groups interacted with and at times shared the weapons culture of townspeople, although they did not share fully the privileges and duties associated with urban citizenship. The Jewish case in particular highlights the ways in which social and gendered identities among different groups could overlap while remaining distinct. Whether or not these

“outsiders” internalized an exaggerated sense of martial honor or a more moderate approach to the sword depended on a process of socialization occurring both within their group, based on internal values, and through the group’s relationship to the wider community, often characterized by external tensions and frictions.

Student culture and town–gown relations

The university represented a separate center of legislative and judicial power in most university towns that competed with local attempts at social control. The divided authority that resulted undermined efforts by the towns to reign in the high-spirited martial culture of the all-male university population. Students were not normally local citizens, but outsiders, whose loyalties and alliances lay elsewhere, and their sense of distinction was exacerbated by an often elevated social status. Not only did the students’ sense of privilege incline them to disdain local laws, but university officials provided support for their distinct identity by insisting on an exclusive right to jurisdiction over student behavior. Representative of the problem is the argument put forth by the University of Ingolstadt’s Rector and Board in 1628, who responded to complaints about their students not only by citing the successes of the school’s own disciplinary efforts, but with the remarkable defense that if students did occasionally fight in the streets, they were at least more civilized about it than local citizens. Students who presented formal challenges and fought duels before witnesses, these officials argued, presented less danger than participants in drunken brawls; such fights were “to be regarded merely as if two fencers in a public fencing school cross swords for a glass of wine.”² In fact, they claimed, much of the disorder in the streets attributed to the students was actually perpetrated by local journeymen.

German university students had not always enjoyed the support of their officials when it came to their right to bear arms. During the late Middle Ages, most German universities, like universities elsewhere, expected students to mimic clerics in garb and behavior, which included threats of excommunication for bearing arms. Statutes limited arms to those of very high status or required that weapons be turned in to the Rector as long as the student resided at the school. Some universities also forbade students to visit fencing schools. By the end of the fifteenth century, however, such rules had ceased to be enforceable.³ As weapons restrictions for townsmen were increasingly relaxed, and wearing a sword became the norm for guildsmen, students insisted on the same privilege, if necessary

defending it by force. A defender of students' rights at the University of Vienna argued in 1455 that craftsmen were not only walking about openly wearing swords, daggers, and other weapons, but attacking the unarmed students with the blessing of their government, who invariably took the side of the citizens in a dispute. Although these early arguments rested mainly on the need for protection, the relationship of bearing arms to status and reputation is also discernable in student complaints that townsmen made fun of them for going about unarmed, as well as in the previously existing special allowances for young scholars of higher status.⁴ The sword, symbol of civic freedom for townsmen, came to equal "academic freedom" for students. Eventually, the sword became so important a symbol of university life that some schools required students to wear their side arms to lectures and other formal meetings.⁵

This is not to suggest that university officials did not share the concerns of town governments about unregulated violence among students. Early modern students were unruly even by the standards of young men, especially at night. The situation was exacerbated by the students' assumption that their special status and "academic freedoms" set them apart from ordinary townsmen. Attempts to control them could lead to noisy protests. Town-gown relations therefore tended to be strained in all university towns, and this was as true of Ingolstadt as anywhere, despite claims that the university there was an exceptional example of Jesuit discipline.⁶ A fight between students and the night watch in Ingolstadt in June of 1690, for example, ended with groups of students terrorizing town officials, clergy, and citizens for an entire week. Attempts to arrest the ringleaders only made the situation worse. The students responded by gathering night after night armed with swords, canes, and loaded pistols, and smashing in windows, damaging doors, and running through the streets yelling and cursing.⁷ A similar protest took place in Altdorf in 1599. There, too, a group of disgruntled students attacked a house with swords, breaking through windows and doors and making threats against the householder. One of the students arrested as a ringleader in this incident was the young Albrecht von Wallenstein. Only weeks later, Wallenstein again found himself at the center of an altercation with city guards in Altdorf, as students gathered to defend one of their own against arrest for dueling.⁸ These were not the first student riots to take place in the streets of Ingolstadt or Altdorf, nor would they be the last.⁹

University officials claimed the right to discipline their charges without town interference. In attempting to punish disorderly students, however, the schools often faced jurisdictional problems of their own, as high-ranking public officials and members of the nobility brought their

own power to bear in defense of their unruly sons. Letters to the families of violent students were sometimes treated with derision, or even threats to the university. Students of noble status thus felt empowered to ignore behavioral standards. As expressed by one privileged son who had been banished by Ingolstadt's civic authorities in 1666 for fighting in the streets, if it was his wish "as an Imperial Count" and a "Gentleman" to remain in the city, "then no one could refuse him this."¹⁰

Whether or not they were members of noble classes, students, like craftsmen, depended on the honor and status afforded by their communal identity for social success. Relations between students and townsmen therefore could take on the character of competition for status, a zero-sum game in which gains by one group could only be won at the expense of the other. In this atmosphere, individual insults easily escalated into gang fights.¹¹ Repeated pleas from local authorities that students who felt they had suffered injury to honor at the hands of local citizens appeal to the proper authorities rather than addressing their complaint with the point of a sword fell on deaf ears.¹² In periods of particular tension, the civic ordinances requiring townsmen to remain armed and ready to defend their communities against attack could even be invoked against students. In response to the 1599 student riot in Altdorf, civic authorities put their citizens on armed alert in preparation for a national-guard-like action to enforce peace. This was tantamount to declaring the students enemies of the town.¹³

Not all student disorder grew out of town-gown relations. Noisy and sometimes dangerous rituals also accompanied various events associated with university life. Often a target of decrees and warnings was the custom of *pennalisieren* or hazing of new students, a violent rite that involved beatings and humiliation for the incoming young scholars, who were traditionally labeled "foxes."¹⁴ The ritual provided older students with a chance to demonstrate their successful integration into the student body by participating in the realms of manhood as yet denied the younger "foxes," which included drinking, wearing swords, and gathering in the streets for raucous displays of bravado. Particularly during their high point in the seventeenth century, the hazing rituals sometimes got out of hand, leading to riots and bloodshed.¹⁵ Attempts by both town and university authorities to outlaw *pennalisieren* had little effect, as students either ignored the decrees or, as bemoaned in a Nuremberg ordinance from 1638, simply gave the ceremony a new name and continued as before.¹⁶ A series of decrees forbidding students from firing guns or shooting rockets within the town walls suggests that noisy explosions were also part of their celebratory traditions.¹⁷

A final chronic problem among students was their insistence on the right to hunt. Like wearing a sword, hunting was a privilege claimed by both students and university professors as one of their traditional freedoms, whether or not the right was codified by law.¹⁸ To the owners of fields and woods surrounding university towns, however, the definition of this particular entertainment was not hunting, but poaching. As with other weapons-related offenses, attempts by local authorities to control poaching by students were often met with derision and violence. Elector Max Emanuel of Bavaria complained in 1699 that the students of Ingolstadt were not only ignoring long-standing laws against poaching, but were damaging fields, threatening guards, and shooting at the peasants who tried to stop them.¹⁹ In Göttingen, along with disregarding repeated decrees against hunting and related crop damage issued by local authorities, students further annoyed the townspeople by extending their "privilege" to include shooting domestic pigeons. Eventually the town gave up trying to forbid hunting by students and settled for efforts at controlling excessive destruction of game.²⁰ Elsewhere, laws continued to threaten students who violated anti-poaching decrees with confiscation of their guns, but as in the case of other student problems, enforcement was difficult. Two students detained by a forester in 1638, for example, were released after claiming that they were Bohemian counts.²¹ Local guards who tried to prevent students from exiting the gates with guns and dogs were treated with scorn, and university officials often took the side of their charges. In 1657, Ingolstadt's administrators made an attempt to appease the students' expectation for the right to participate in gun sports by constructing a special university shooting grounds. The tactic, however, did little to dissuade them from poaching in the Bavarian countryside.²²

Because of their status as perpetual outsiders, the heightened martial culture among German students did not contribute to town defense systems. Town-gown relations remained too competitive to allow a unified defense community. Although efforts were made to mobilize students in Salzburg and Vienna for civic defense during the Thirty Years' War, the results must have been less than satisfactory. Students who were not disarmed immediately after the danger had passed took advantage of the occasion to create even more havoc with their military armaments.²³

The exclusion of students from most local defense systems, however, quite obviously did not translate into a lack of the right to bear arms. Rather, their social identification as privileged outsiders meant that attempts to dampen student weapons culture generally failed, in some cases having the opposite effect by increasing the status to be gained

from risky forms of aggression and swordplay.²⁴ There is some evidence that this identification with the sword was a particularly German privilege, as German students were granted exceptions from weapons restrictions in Italian and French universities.²⁵ Nonetheless, it is also true that student violence was for the most part constrained. Although wounds resulting from swordplay were worn as a badge of honor, killings among students were in fact very rare.²⁶ Perhaps the arguments of Ingolstadt's University Board in 1628 that their young men's fights were nothing more than sport had some merit.

Peasants

Peasants, too, shared in the martial culture of early modern Germany, even if not to the same extent as townsmen. From the Middle Ages through the early modern period, literary laments representing the views of the nobility described peasant men as ignoring rules of status by behaving like lords, dressing in martial style and carrying swords so long that they "rang out against the heels."²⁷ Sixteenth-century broadsheets satirizing peasant behavior also depict many of them wearing swords and other long side arms at country celebrations such as weddings and kermis festivals. In Sebald Beham's kermis prints, virtually every peasant wears a weapon, some bearing large knives but most with swords or sword-like *Langmesser*,²⁸ and they are also depicted engaging in swordplay (see Figure 6.1).

Naturally, these images have multiple meanings. Both medieval poetry and sixteenth-century satirical prints often had sexual overtones, the sword in this instance taking the place of the penis in hinting at a brutish sexuality among country folk.²⁹ Depictions of peasants with swords most likely exaggerate a practice that had some basis in fact; otherwise, it would not have functioned effectively as humor. On the other end of the scale, prints illustrating peasant uprisings during the sixteenth and seventeenth centuries, in which their arms seem to consist almost entirely of converted farm implements, must also be understood as iconic, not realistic.³⁰ A list of arms confiscated from 113 peasants by officials in Oettingen-Wallerstein in the wake of the hostilities of 1525 reveals that along with their ubiquitous javelins and *Langmesser*, 32 percent of them also had pole arms (pikes or halberds), 16 percent swords, over 10 percent guns, and 24 percent armor.³¹

Peasants' arms during this tense era might not represent the norm, since it's possible that they armed themselves specifically for the insurrection. Nonetheless, it is clear that villagers did keep arms—as



Figure 6.1 Sebald Beham, Large Kermis (detail), 1535

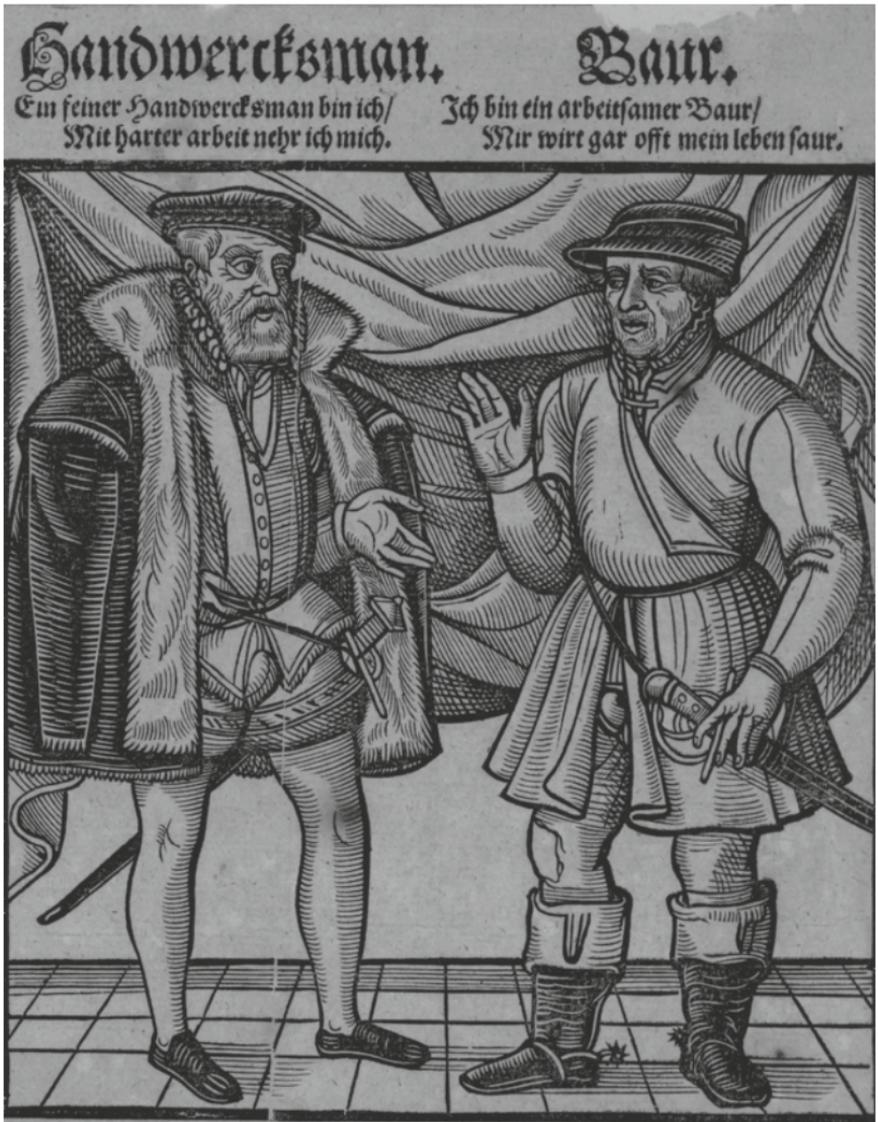


Figure 6.2 Craftsman and Peasant, c. 1600

we have seen, many were required to do so—and also that they wore them when guarding the village, visiting towns on market days, or when traveling (see Figure 6.2).³² In some areas they symbolically wore swords on Sundays or to village assemblies and other official gatherings, including weddings.³³ Like townsmen, traveling peasants appear

in the records drawing swords during fights, lending them to drinking companions, and having them stolen by robbers on the road.³⁴ Peasants had always comprised an important segment of their lords' defense forces, and began to be responsible for arming themselves for this purpose well before 1500. The city of Rothenburg issued orders that the peasants under their jurisdiction arm themselves in 1513, in particular encouraging the purchase of guns and powder. Such requirements were the norm by the seventeenth century.³⁵

The fact that peasants owned and carried weapons is not only reflected in court records and pictorial imagery, but is also made apparent by the existence of weapons restrictions that were placed upon them in certain situations. In response to the waves of revolt during 1524 and 1525, the Memmingen council issued a decree requiring all traveling peasants to leave their swords and other weapons at the gate before entering the town, with the exception of their bread knives.³⁶ Peasants in the village of Buxheim had to remove their weapons to enter church.³⁷ Similarly, a 1506 decree that forbade peasants in the village of Detwang from drawing swords and knives suggests that there was no rule against wearing them.³⁸ Like city dwellers, peasants could also be banned from wearing swords as an individual punishment, as we have seen, for example, in penalties levied against them for poaching and other disorderly behavior.

Although peasants kept weapons and carried them while traveling and guarding as well as on some other occasions, their weapons culture differed from that of urban society. Unlike townsmen, the majority of whom appear to have had a side arm or at least a knife at hand whenever they walked the streets, most peasants probably did not wear weapons when going about their normal business in the village. Illustrative of this difference is a melee that occurred in the village of Oberhausen in 1600, where a group of journeymen paper makers from Augsburg had stopped for a drink at a country inn. On their way home, the paper makers reportedly picked a fight with a village mason, attracting a crowd of villagers. The villagers attacked the journeymen with clubs and a staff, while the journeymen defended themselves with swords.³⁹ This impression is supported not only by the low rate of sword use by peasants compared to other groups noted in the previous chapter, but also by studies of village violence, in which swordplay occurs only rarely if at all.⁴⁰

We have seen that peasants were as likely as townsmen to own guns, at least in those villages that were under the control of the imperial cities. It is not clear that this pattern was universal. To some extent, the freedoms of the city extended beyond the walls to villagers under their

jurisdictions, who shared many of the duties and privileges of their fellow citizens. At the same time, Württemberg musters that included peasant populations certainly provide evidence that many of the Duke's country subjects also owned firearms. Without reliable population figures it is difficult to assess what these lists of guns mean, but it is clear that gun owners in Württemberg far outnumbered membership in the trained bands (*Auswahl*).⁴¹ More research on peasant weapon cultures is needed that considers jurisdictional variation and village norms of behavior. Here it is possible only to conclude that early modern German peasants did keep and bear arms, although as a group they did not resort to them with the same regularity as city dwellers.

“Are you Jews or Landsknechts?”

The use of weapons by Jewish men illustrates with particular clarity the relationship between bearing arms and socio-political identities. It also provides evidence of how this relationship has been subject to misinterpretation. As we have seen, although Jews were theoretically under the protection of Christian authorities, early modern laws did not prohibit them either from keeping arms or from defending themselves when necessary. In fact, as the incident with which this chapter began shows, Jews could behave just as aggressively as Christians when angered and in ways that were just as physical.

Why is the assumption that Jews did not use or bear arms so widespread?⁴² The answer to this question most likely rests not only on confusion about the term “weapons-capable,” as noted in Chapter 3, but also on the unfamiliar way in which cases involving Jews were recorded. Illustrative of this problem is the case of a Jew named Solomon who was charged in 1546 with killing Hieronymus Conrad, a citizen of the small town of Niederstetten (in Rothenburg's jurisdiction). As was common in manslaughter cases, the killing was described quite differently by those seeking retribution for Conrad's death than it was by those arguing on behalf of the defendant. The Rothenburg council recorded the charge by Conrad's family, who were seeking the death penalty, as a “willful, criminal, and deliberate killing”⁴³ (i.e. as dishonorable manslaughter), whereas Solomon's benefactors in Oettingen-Wallerstein claimed that Solomon was “provoked to the slaying under pressure”⁴⁴ (suggesting an act of self-defense).

What sets this case apart from other entries in Rothenburg's so-called Blood Books (*Blutbücher*), which document decisions in capital cases, is the lack of any other details about the killing. We can infer only that

the charge was for manslaughter, not murder, and that the magistrates considering the case could not rule out self-defense as a motive. How and where the killing occurred, whether weapons were involved, how Solomon came to be apprehended, and other details that are usually standard in Blood Book entries do not appear. Instead, the entry concentrates on the financial responsibilities of both parties, and especially on the willingness and ability of the plaintiffs to compensate Solomon “for insult, damage and costs”⁴⁵ should self-defense be proven. Ultimately, Solomon reached a financial settlement with the plaintiffs and was released unharmed. As we have seen, had this been a standard case of manslaughter between Christians, then this decision would suggest that he had acted honorably in the fight, even if he was not entirely without blame. But this was not a standard case, and there is little context for deconstructing the unusually cryptic Blood Book entry. According to a petition from Solomon’s authorities in Oettingen, he had been trespassing in Rothenburg’s jurisdiction at the time of the incident—that is, presumably traveling without the required escort. Yet clearly, his right of self-defense was not therefore in question. Does this mean that Solomon was unarmed when he was attacked? Was he the blameless victim of an anti-Semitic assault, and if so, did he defend himself with a sword, a knife, a weapon of opportunity, or his bare hands? Or was he in fact the instigator in the case? Unfortunately, without additional details or contextualizing information, we are left guessing as to what actually happened between Solomon the Jew and Hieronymus Conrad.

This case illustrates a major problem encountered in examining the relationship of Jews to weapons and violence, which results from the different way in which altercations involving Jews were treated by Christian courts. Jewish communities had jurisdiction over their own members, with fines and punishments normally left to the decision of a Rabbi or other community elders.⁴⁶ Jewish custom and law both prohibited taking quarrels of a personal nature to a Christian court. Jews could even be shunned by their communities for bringing frivolous disputes before the Christians.⁴⁷ Jewish problems not involving capital crimes therefore appeared before Christian courts only when Christians were involved or when the Jews themselves had a political reason or some other advantage to gain from appealing to outside authority. The case described at the beginning of this chapter, for example, was summarized in Frankfurt’s criminal records only because a counterfeit coin was in play during the gambling bout.⁴⁸ The goals of the magistrates investigating such cases were often very different from their aims when pursuing cases involving only Christians. Yet most of what is available

to historians comes to us only through this lens. While the low number of documented cases in which Jews were involved in fights might well suggest a less violent culture among Jews, it also results at least partly from a Jewish court system that left few records.⁴⁹ This doesn't mean, however, that Jews did not carry weapons, or use them.

Certainly they were not forbidden to do so. Few ordinances governing Jews made explicit reference to keeping or bearing arms at all.⁵⁰ A few restrictions forbade Jews from bearing arms in certain situations, notably while under escort. Most jurisdictions within the Empire required Jews visiting on business or passing through the territory to pay for a local escort to accompany them. The armed escort not only provided the "protection" required by their non-weapons-capable status, but also ensured that the Jewish traveler did not deviate from the route necessary to his or her approved business in order to engage in illegal trade. According to an ordinance issued by the margraviate Burgau in 1534, for example, Jews had to leave swords, throwing axes, and other weapons at town gates or at their inn during their stay, but could retrieve them before traveling overland. They were also allowed to carry a bread knife or small dagger while in the territory. Knives were not as such defined as weapons, since they were necessary to all travelers in order to cut bread and meat during meals, but as we have seen, they could and often did become weapons of opportunity when the situation called for it, and this was certainly true among Jews as well as Christians.⁵¹

Whether or not rules against bearing arms while under escort were strictly enforced is unclear. In the case of the Burgau ordinance, violation of the weapons clause meant only a three-gulden fine, and there are no sources to tell us how this was administered.⁵² By the seventeenth century, the numerous cases of traveling Jews who were mistaken for Christians suggests that there was little to distinguish one from another.⁵³ The Counts of Oettingen accused Jews in 1621 of riding through their territory not only wearing flamboyant clothing, but also bearing pistols and muskets along with their swords, in a fashion "appropriate only for Christians, and to a good extent, only for soldiers."⁵⁴ In an attempt to reestablish order, this edict required Jews to return to their traditional Jewish garb and to remain "unarmed" while under escort in Oettingen lands "with the exception of the side arm [i.e., sword], *doch unuerpanteliert*," that is, without the stylish bandoleer that mimicked contemporary military fashion.⁵⁵

The connection of restrictions on Jews wearing pistols with requirements for appropriate identifying dress is significant, and also appears in the 1534 ordinance. This earlier edict links the laying aside of swords

by Jews at their inns to the requirement that they don the yellow ring required in many parts of Europe as an identifying sign. Once Jews were back on the road, however, and no longer under the protection of an escort, they were free both to remove the yellow rings and to wear swords. Allowances for removing identifying signs while traveling or in other dangerous situations were standard during the sixteenth and seventeenth century, since the symbol made Jews vulnerable to harassment and physical attacks.⁵⁶ The intent of ordinances against wearing weapons, then, was as much about avoiding mixed symbols as it was about disarming Jews. As political outsiders who lacked “weapons-capable” status and could not in theory be trusted, Jews needed to be identified while under the protection of the local authorities by wearing special clothing or signs and laying aside their arms. These requirements, in turn, provided a context for charging escort fees in order to keep them safe.

Certainly, both the physical labeling of Jews as outsiders and the curtailment of their right to bear arms while under local jurisdictions were indications of their disadvantaged legal status. Particularly in the towns, where the duty and the right of resort to arms represented individual and collective rights of resistance, forbidding Jews to wear weapons was clearly stigmatizing.⁵⁷ In Frankfurt, the relationship is clarified by laws requiring Christian citizens to protect and defend the Jews in any kind of emergency, and also forbidding Jews to refer to themselves as “citizens.”⁵⁸ Once on the road and without protection, however, Jews needed to defend themselves like anyone else, and their right to do so was not impaired.

Also subject to misinterpretation are the many laws forbidding Jews from accepting weapons and armor from Christians as collateral for loans. To some, these laws are evidence that Jews were not supposed to keep weapons of their own.⁵⁹ In fact, however, this interpretation comes from a lopsided reading of the records, for the equally numerous ordinances forbidding Christians from pawning their weapons to Jews are quite clear about the intent. These rules were designed not so much to keep weapons out of the hands of Jews as to keep the armaments necessary for local defense in the hands of Christian citizens. The same laws forbade citizens from selling their weapons to other Christians or using them as markers for gambling debts; elsewhere, Jews were forbidden not only from taking pole arms and armor, but also fire buckets or other kinds of civic property as collateral from Christian citizens. A late sixteenth-century council decree in Frankfurt also required Jews dealing in pawned weapons to sell them only to local guild masters, a rule that can only be seen as related

to town defense, since Frankfurt's militia organization remained tied to guilds into the seventeenth century. The Frankfurt *Stättigkeit* or residence ordinance of 1616 expressly allowed Jews to trade in swords, guns, and armor taken in hock from non-locals, requiring only that they offer them in sale to the residents and officials of Frankfurt first, at a reasonable price, before selling them to outside powers.⁶⁰

Meanwhile, as the legal status and protection afforded Jews stabilized over the course of the early modern period,⁶¹ successful Jewish traders added dealing in arms to their many economic activities. Along with providing financing and provisions to both imperial and Swedish forces in return for protection, some Jews operated as large-scale weapons dealers. The Frankfurt brothers Samuel and Emanuel Oppenheimer amassed a fortune supplying imperial military forces with ammunition and other military supplies during the late seventeenth and early eighteenth centuries. In the eastern reaches of the Empire, Jewish arms dealers made a name for themselves dealing in muskets, powder, and even artillery.⁶² Jews also produced weapons as gun- and swordsmiths. This trade was successful enough among Frankfurt's Jews to raise the ire of local weapons makers, who were occasionally able to gain the support of the council in their regular efforts to stop the Jews from producing and selling swords, guns, and pole arms. There is no evidence, however, that their attacks constituted anything more significant than normal guild protection practice. The protests of the weapons makers do not differ from those of other craftsmen concerned about encroachment, and in at least one of their petitions, local grocers were also named along with Jews in the complaint. Elsewhere, such clauses are grouped with standard rules against producing clothing and other goods.⁶³

Given the apparent extent of the weapons trade among the Frankfurt Jews, it comes as no surprise that when their settlement was attacked in 1614 as part of the Fettmilch uprising, the residents of *Judengasse* had little trouble getting their hands on weapons to defend themselves. According to Elhanan Helen, a Jewish eyewitness who immortalized the event in the Judeo-German song known as *Megillas Vintz*, they only had to "[run] home to get their pikes and swords."⁶⁴ The Jews managed to hold off the attack on their quarters for several hours before they were overpowered. Rumors even circulated that the Jews had artillery delivered shortly before the attack.⁶⁵

Although there is no evidence that the Frankfurt Jews were actually in a position to defend their settlement with cannons—or, for that matter, even with less imposing firearms—there is support for the fact that they also did not shy away from resort to arms on an individual

basis when threatened. Illustrative is a bloody swordfight that broke out in front of the home of Maier of the house of the Wolf in the Jewish quarter in February of 1676.⁶⁶ The incident occurred as the Jews were celebrating “their Shrovetide” (*ir Faßtnacht*), most likely Purim, which in the seventeenth century included many customs that mirrored those of Christian carnival.⁶⁷ Maier, who had just lost his mother, was at home observing the customary period of mourning with his brother when he was startled by the shattering of his window. The window had been broken by the hilt of a sword carried by Schmel, a servant from the house of the Yellow Rose, who was shoved against the glass during an altercation with three other Jews. The young men, all of whom were dressed in festive costumes and armed with swords, were on their way to the Dance House, located just across the narrow street from Maier’s home. The resulting tumult was witnessed by many neighbors. Either because of the seriousness of the case, or because the men involved were not satisfied with their treatment by Jewish authorities, the charges and counter-charges they brought against each other were ultimately handled by Frankfurt’s *Rechneiamt*, which levied fines in disciplinary cases.⁶⁸ Over the course of the following two months Frankfurt’s Christian authorities interrogated dozens of witnesses in an effort to get to the bottom of the incident.

There is some variation in the way the participants told their stories, but witness statements were consistent in identifying the weapons that came into play. Maier appears to have instigated the armed conflict by running into the street with a spear (*Knebelspiess*) and attacking the first person he came upon, a boy named Hirtz of the Golden Lamb, who happened to be an innocent bystander. Abraham of the White Rose, who witnessed the attack, claimed that he then called for peace, very much in accordance with the civic custom with which we are already familiar. Maier responded by saying that “he [Abraham] is just the right man [for him],” and attacked him with the spear while Abraham defended himself with his sword.⁶⁹ According to Abraham’s version, Maier not only continued the attack after Abraham had dropped and broken his sword, but even stabbed him while he was down, a clear violation of the rules of fair play. Maier countered by claiming that Abraham had exacerbated the trouble with masculine boasting, striking the stones with his sword “so that sparks flew” and challenging the other men to defend themselves against Maier and his brother by saying, “what kind of fellows are you, I ran at least seven of this sort out of the Synagogue yard [with one drawn sword!]”⁷⁰ Other witnesses reported that several men had drawn their side arms; whether they did so in an attempt to

keep the peace or to join the fray depended on who was telling the story. After Abraham returned home bleeding from his wounds, family members had to struggle to hold back his brother Joseph, who was so eager to avenge Abraham that he was screaming and stabbing about with a dagger, "as if he were mad and full of the Devil," so that he also injured one of the women who was trying to calm him down.⁷¹

This incident clearly has many parallels with the fights that were so common among Christian men during this period. Most of the men had been drinking before the fight started, which was likely to decrease inhibitions against violence. Perceived insults, acts of bravado, and threatening gestures escalated quickly into violence, and the fact that swords and other weapons were readily at hand made resort to arms an easy step. Witnesses called for peace, friends intervened, and participants in the fight faced accusations of unfair swordplay. Was this standard behavior for Ashkenazi Jews, or were the Frankfurt Jews an exception, socialized to Christian ways by constant contact with their neighbors? After all, they did receive criticism from at least one local Rabbi for their lack of observance of Jewish law and their assimilation "to the non-Jewish environment," which might have included a propensity for violence.⁷² But there is sufficient data from other regions to support the conclusion that there was nothing particularly unusual about the Frankfurt community when it came to resort to arms. Jews throughout the Empire not only wore swords, guns, and other arms while traveling, but also within the walls of those towns that they inhabited, and they did not refrain from using them in their own defense. In none of these cases is the fact of Jewish possession or bearing of arms in and of itself represented as a problem for the authorities. For Jews as for Christians, weapons became a problem only when they were exposed.⁷³

And, like Christians, Jews also understood weapons as a source of status and a fashion statement. Jews of high rank were more likely to wear swords than those of meaner status, and when not traveling, then most often on holidays or other festive occasions. This impression is supported not only by court records, but also by images produced by Jews, which depict swords on the sides of Jewish men only while on the road and during celebrations, such as the Purim holiday already described.⁷⁴ Poor and vagrant Jews were more likely to use knives in fights, while those of better status carried swords, pistols, and guns. Resort to arms also followed familiar gendered patterns. Among twenty cases of Jewish violence involving weapons identified in Frankfurt's criminal records from the late fifteenth through the early eighteenth centuries, nineteen were perpetrated by men, sixteen of them with a blade of some kind.

The single women who wielded a weapon bloodied her opponent, a young boy, with a piece of wood.⁷⁵

Finally, the lack of a “weapons-capable” status did not prevent Jews from signing on as mercenary soldiers or standing guard, particularly during periods of prolonged war. The Italian Jew Salomon Ricco, who claimed in 1572 to have served as a Landsknecht during the Italian Wars, reported that his comrades “knew well that he was a Jew,” although they called him “the Modenain” rather than Salomon.⁷⁶ Numerous examples of Jews who served as cavalry officers during the sixteenth century and as soldiers and guards during the Thirty Years’ War, including in service to the cities of Frankfurt and Worms, provide evidence that the military profession was not forbidden to them.⁷⁷ By taking up arms to engage in battle, these men were resurrecting a Jewish military tradition that was well-established during the Middle Ages, when Jews not only served as soldiers and guards but led their own forces as knights and supported their lieges in a martial capacity during feuds.⁷⁸ Some also made a name for themselves as professional swordfighters. Among them was the Jewish sword-fighting master Lew, who exerted considerable influence on the fencing techniques popular in the fifteenth and sixteenth centuries.⁷⁹

And yet, I do not wish to suggest that Jews shared entirely the martial culture of early modern Christian men. There were definite differences that have much to say about socialization to violence. For one thing, despite the wealth of evidence that points to regular keeping and bearing arms by early modern Jews in Germany, it is clear that recorded cases of violence between Jews are relatively rare in comparison to cases involving Christians.⁸⁰ A list of early seventeenth-century altercations involving Jews and resulting in fines, which has survived in Frankfurt, documents a total of six fights over a two year period – a per-capita rate that is less than a tenth of that among Christians in a larger city during the same time frame.⁸¹ The rarity of serious cases of violence perpetrated by Jews in Frankfurt’s interrogation records also supports this finding. Again, for reasons already discussed, it is impossible to know how consistent Jewish authorities were in reporting such incidents. Frankfurt’s council, at least, had the impression that violence in the Jewish quarter was under-represented, accusing the community several times during the seventeenth century of keeping the many “rough fights and brawls” that occurred in the quarter to themselves instead of paying the required fines.⁸²

But there are also issues of cultural identity at play. The fact that Jews typically wore swords only when traveling or celebrating is supported

by witness statements describing the Purim fight between Maier of the Wolf and Abraham of the White Rose, who not only noted who had swords drawn, but also who was wearing them but did not draw them. A witness who was also named Maier, from the house of the Donkey, observed for example that although he had not seen the fight, he had seen a group of men passing by on the street “and each had a sword on.”⁸³ Abraham as well described the group on the street as “a number of Jews, some with drawn and others with unexposed swords.”⁸⁴ For a Christian man, wearing a sword during the seventeenth century was so standard that no one ever bothered to point it out unless it came into play. Jewish cultural imagery, on the other hand, was more likely to depict weaponry in a negative light. This occurred for example in illuminated Passover ritual books (*Haggadot*), in which only the impious son who rejected the rituals of Passover was depicted bearing arms and armor.⁸⁵

The language of insult and escalation, too, differed from that reported by Christian men, at least as it was reported in this Christian court. Abraham’s expressions of bravado—striking his sword on the street, boasting of chasing off seven men—certainly seem aimed at giving evidence of his masculine power. But familiar insults to male reputation and corresponding expressions of martial honor do not appear as an impetus to this case of violence. Every one of the participants in this brawl represented his resort to arms as a response to a physical threat. Whether or not insults were exchanged (and we do know from other cases that familiar insults such as thief, whore’s son, traitor, rogue, and “dog’s cunt” were part of the vocabulary of the Frankfurt Jews),⁸⁶ none of these men admitted that a verbal injury was sufficient to move him to violence. Perhaps most telling is the reaction of Hirtz, from the house of the Boxwood Tree, when he saw his neighbors sword-fighting in the street: “Are you Jews or Landsknechts,” he called out, “that you strike each other like that?”⁸⁷

Of course, one must be cautious of reading too much into expressions recorded before Christian authorities. It is impossible to know whether Jews would have told their stories differently among themselves, or even if the statements written here were shaped by the prejudices of Frankfurt’s Christian interrogators.⁸⁸ What the combined evidence does suggest, however, is that although Jews shared with Christians a culture of weapons that viewed them as masculine, as symbols of fashion and status, and as necessary to collective and individual defense, their culture of honor was less dependent on resort to violence, especially armed violence, instead placing greater emphasis on economic success.⁸⁹ As a

group often subject to discrimination before Christian courts, Jews were naturally especially cautious not to instigate violence against Christians. The vast majority of recorded cases of violence between Christians and Jews represent Jews as reacting on the defense.⁹⁰ But manslaughter between Jews was also extremely rare. Even bands of organized Jewish criminals were inclined to avoid violence, specializing in night-time burglaries rather than highway robbery.⁹¹

By the eighteenth century, the image of the unarmed Jew had become entrenched in the popular imagination. At the same time, there seems to have been an increasing cultural divide between those at the upper end of the social scale and the less privileged. In Hamburg, visits to fencing schools —by now an upper-class amusement —were included on a list of popular activities no longer to be attended by Jews on the Sabbath, while early eighteenth-century ordinances in Paderborn began to forbid Jews to carry weapons even while traveling overland.⁹² In the second half of the century this was apparently the norm, as express exceptions were made for court Jews to allow them to carry arms while conducting business. Interesting is that these exceptions increasingly also included permission to wear the dress swords that were by then forbidden even to Christian men of middling status. According to J. Friedrich Battenberg's interpretation, the bearing of dress swords by court Jews was more a ritual representation of the prince's power at court than a symbol of individual rank and power among the Jews, in much the same way that the recently-crowned Emperor Matthias's display of armed protection of Jews in both Frankfurt and Worms 150 years before served to reinforce his political authority. The wearing of dress swords by Jews certainly met with disfavor among Christian courtiers.⁹³ At the other end of the social scale, the arrest of a young itinerate Jew in Frankfurt in 1742, who raised suspicions by wearing a hunting knife, reveals discriminatory practices not present a century earlier. Interrogators demanded to know of the 20-year-old vagrant, whose name was Samuel Meyer, if he didn't know that "it is forbidden to Jews to carry such weapons," a fact about which Meyer claimed ignorance.⁹⁴ The weaponless Jew by this time had become an established trope. Although this popular idea functioned differently at court than it did on the streets of Frankfurt, in both situations it supported anti-Semitic assumptions about the physical inferiority and cowardly nature of Jewish men that would persist into the twentieth century.⁹⁵

These findings support Battenberg's recent suggestion that early modern Jewish culture must be understood in relation both to internal Jewish circumstances and to the greater context of Christian society.⁹⁶

Restrictions on carrying weapons for Jews, imposed by the Christian majority, remained loose during the sixteenth and seventeenth centuries, and then tightened in the eighteenth, in a process that in many ways parallels that for Christian men. None of these restrictions forbade Jewish men to resort to arms when not under escort, nor did they proscribe their right and duty as householders to keep weapons in their homes. But although the Frankfurt Jews were householders and taxpayers, they were denied the right to call themselves “citizens” and to participate in the political life of the city. The legal designations of Jews as not “weapons-capable” referred to this status as perpetual outsiders. It is also likely that the fact that Jews were less likely to resort to violence than lay Christian men fed the assumption in the Christian community that Jews lacked the qualities of civic virtue necessary to collective defense efforts. But images implanted in the Christian imagination did not lessen the reality of the fact that early modern Jewish men were early modern men, and when the situation called for it, they behaved accordingly.

At the same time, recent claims that exemption of Jews from defense duties should be understood as privileges resulting from the Jews’ economic status rather than as limitations, and that these exemptions did not differ significantly from the rights enjoyed by wealthy Christians, are also not supportable.⁹⁷ At least by the fifteenth century, Jews had no choice but to pay both inflated defense taxes and escort fees, regardless of their economic status. Being escorted under arms was also humiliating and reminiscent of captured criminals, implying a state of dishonor. This image naturally worked to intensify the anti-Semitic stereotypes propagated in the Christian community. That Jews were sensitive to this implication is clear in the eighteenth-century relaxation in the rules for court Jews, whose escorts no longer carried the pole arms that symbolized police authority.⁹⁸

The Catholic clergy

Like Jews, Catholic clergy posed a challenge to local authorities because their social and religious identity seemed to be centered outside of the commune. Clerics also shared with Jews the fact that they were subject for discipline to separate authority rather than municipal courts, in this case ecclesiastical courts. Unlike Jews, however, Catholic clergy were normally exempt from urban taxes, including defense taxes, along with other defense duties.

Medieval church law forbade men of the cloth to bear arms or to spill blood. In the Middle Ages, although clergy were theoretically

responsible for sharing defense duties with other citizens, claiming clerical status could serve as a way of avoiding actually standing guard. Because canon law threatened excommunication for carrying weapons, clerics in such cases could normally expect the support of the church against civic interests when disagreements arose.⁹⁹ At the same time, the realities of medieval life made traveling without weapons impractical, meaning that exceptions had to be made for clerics on the road. Traveling clergy thus armed themselves in accordance with their status rather than their vocation. According to one theologian, high-level clergy in particular went about “as heavily armed and armored as knights and squires.”¹⁰⁰ Clergy also kept arms in the towns, occasionally becoming involved in swordfights and other acts of armed violence. Town ordinances subjected clergy only to the same restrictions on bearing arms as applied to other residents—restrictions which, ironically, were sometimes resisted by church authorities on the basis that they were not subject to local authority.¹⁰¹

Clergy carrying weapons was a point of contention in the period preceding and during the Reformation, becoming a target of Catholic reform efforts along with other vices such as drinking, keeping concubines, and wearing inappropriate clothing (including both armor and brightly colored military fashions). Reformers especially criticized the clergy for publicly drinking and fighting in inns and taverns, a problem also addressed in medieval statutes concerned with clerical brawls.¹⁰² Although details of such incidents occur only sporadically, anecdotal evidence certainly suggests that men of the cloth resorted to the use of swords and other weapons when threatened, and even exposed blades on the streets in displays of bravado after bouts of drinking, much like other townsmen.¹⁰³ Clerics also occasionally fought among themselves, but as long as such incidents took place on church property, secular authorities were forbidden to interfere. Thus such incidents rarely entered the public record.¹⁰⁴

During periods of religious tension, resort to arms could also be supported by the church simply as active defense of the faith, which clearly was not in violation of doctrine. According to the Augsburg patrician chronicler Marcus Welser, the theological debates on the eve of the Reformation occasionally led the city’s clergy to resort to armed violence in defense of their views, in readiness for which they replaced their prayer books and rosaries with swords and daggers and wore armor under their clerical robes. In one such dispute, Welser reported, sword fights occurring inside the cathedral itself involved as many as 40 armed clerics and resulted in a number of high-level clergymen being wounded; only

the intervention of the populace who rushed to the scene as word of the tumult spread prevented a real bloodbath.¹⁰⁵ Two centuries later, inspections of churches and cloisters around Augsburg during the Swedish Occupation of 1632–3 revealed impressive stockpiles of guns, pole arms, and armor, a situation that may not have been out of the ordinary. Jurisdictional battles over lines of military command elsewhere in the Empire reveal that ecclesiastical institutions, including cloisters, regularly kept arms for their own protection and also armed the subjects under their jurisdiction in the same way as any other landowner.¹⁰⁶

Individual clergymen also took part in weapons sports, including competing in shooting matches and studying fencing.¹⁰⁷ Master Lecküchner, whose “Art of Knife-fighting” (*Messerfechtkunst*) from 1478 is thought to have influenced the work of fencing aficionado Paul Hector Mair, is known to have been a priest. During a tavern squabble at the village of Pflaumloch in Württemberg 150 years later, a Catholic priest challenged two wandering journeymen locksmiths by calling them *Federfechter* and identifying himself as a *Marxbrüder*, referring to popular schools of sword-fighting. It would of course be tempting to interpret this challenge metaphorically and to assume that the clergyman meant only to challenge the two young locksmiths to a duel of words, had he not asked his adversaries to step outside as he issued the challenge, later backing it up with violence that was very physical. After brawling with the journeymen in the inn, the cleric followed them out of the village and attacked them on the road with a farm implement, wounding one of them fatally.¹⁰⁸

As suggested in a recent article by Jennifer Thibodeaux, such conduct is better understood as expressive of the pressures of masculinity than as simply bad behavior. Catholic reformers, including Ignatius of Loyola, understood the difficulties faced by male clerics and struggled to instill in the clergy a vision of manhood that replaced physical prowess with spiritual strength, representing the fight against the Devil and his temptations as a “manly” calling while rejecting worldly violence.¹⁰⁹ Loyola himself, trained as a soldier, initially struggled with his masculine urge to defend the faith with a sword rather than with words, ultimately setting an example for his followers by having his sword and dagger placed on the altar of Our Lady at the Benedictine abbey of Montserrat and replacing it with a pilgrim’s staff.¹¹⁰ This effort to reform the Catholic clergy by channeling their masculine energy into more spiritual endeavors was only partly successful. Just as the clergy continued to wrestle with their sexuality, their religious identity could not entirely eclipse their socialization to the sword.

Conclusion

The patterns of exclusion and inclusion demonstrated by resort to arms among the groups treated in this chapter highlight the ways in which early modern identities could be layered and contextual. Symbolic associations with arms grew out of a culture that was defined by gender and status more than by citizenship. Universities, Jewish quarters, and the Catholic Church all represented competing centers of authority and identity in the early modern town. As such, they presented a challenge to the assumptions about communal unity that were central to early modern civic values. For this reason, their members were excluded from both citizenship and from defense duties.

This exclusion did not equal a loss of the right to bear arms. But it did mean that the martial ethic instilled into lay Christians was assumed to be inappropriate for Jews and clerics, an assumption that was apparently internalized by most members of all of these groups. Murderous priests and fencing Jews remained the exception to the rule in early modern German society. Although sources for these groups are less plentiful than those available for lay Christians, it is not unreasonable to accept preliminary evidence suggesting that men who were distanced from this martial identity would be, collectively, less violent. Like Jews, peasants were also most often depicted in early modern imagery as wearing swords only when traveling or celebrating, patterns that suggest a lower level of socialization to the sword than urban Christians. At the other end of the scale, students, whose sense of privilege compelled them to demonstrate their superiority over ordinary townsmen, developed an exaggerated sense of martial honor that would persist into the twentieth century.

Under what circumstances a man chose to bear and use arms depended less upon attempts by authorities to exert control over him than it did on the standards of communal and masculine identity that he had internalized. No amount of legislation could dampen the student culture of the sword as long as the communities in which they lived were defined by martial honor. This culture was less prevalent among groups whose identity was more closely aligned with religious pacifism, or who lived outside the city walls. This does not mean that Jews, peasants, and clergy did not share the masculine identity of other men. All of these groups to one extent or another associated the sword with fashion and status, and as individuals, could respond to challenges with martial skill and intent. But as non-citizens who did not participate in local defense systems, they remained on the fringes of the martial ethic.

7

Martial Sports and the Technological Challenge

Participation in the serious activities of guarding and fighting was not the only means by which early modern townsmen came into contact with the dictates of the martial ethic. Weapons had peaceful uses as well. In towns, palaces, and villages throughout Europe during the late medieval and early modern period, men spent leisure time practicing the skills of war in competition with one another at organized shooting and fencing matches. In the German towns, shooting matches were normally hosted by local shooting societies (*Schützengesellschaften*) at permanent shooting grounds, whereas townsmen practiced sword-fighting at temporary fencing “schools” (*Fechtschulen*) offered by traveling masters. What exactly were shooting societies and fencing schools? Who participated in shooting and sword-fighting matches, and what purpose did these competitions serve? And what was the relationship of shooting societies to civic defense systems?

Some historians have suggested that early modern shooting societies were essentially synonymous with defense units, referring to the societies as “companies” or otherwise conflating them with local militias.¹ At the opposite end of the spectrum are the works of some sports historians, including local histories by members of modern German gun clubs, who tend to play down military associations and characterize shooting societies strictly as sports clubs.² Neither of these interpretations is entirely correct. Local governments supported shooting societies and sword-fighting schools largely because they provided training in the martial skills considered appropriate for war, and shooting practice was occasionally made into a regular requirement for a portion of a town’s male population. Shooting societies were not, however, military organizations, nor were they intended to be. Both shooting and sword-fighting were also entertainments, and shooting matches in particular

could and often did have the character of international sporting events, complete with the social and diplomatic functions that we associate with major sport competitions in the modern world. In fact, the rules of good sportsmanship and male sociability could take priority over military effectiveness.

For the towns, shooting clubs and competitions offered more than just a chance to hone the ability of the locals to hit a target. The matches also fostered pride in acquiring and adapting to the latest weapons technology and gave the towns a chance to demonstrate their wealth, power, and good sportsmanship. Hosting a major shooting festival could be a huge undertaking, both in terms of expense and organization. Like modern sports events, the competitions also strengthened communal identity and cultivated local pride, occasionally even creating heroes analogous to modern sports idols. By encouraging ownership of guns and skilled swordplay, martial sports contributed to early modern associations of weapons with masculine values such as physical competence, financial strength, courage, and fair play. Their importance to the cultural and political identity of the town also inevitably infused them with political overtones, which could function positively, as an opportunity for diplomacy, or negatively, leading to disputes and even to feuds.

In the mountainous regions of Tyrol and Switzerland, where travel was dependent on narrow passes that could effectively be defended by a few riflemen, shooting societies were eventually militarized and professionalized, developing during the seventeenth and eighteenth centuries into modern defense organizations. Despite efforts in this direction by some territorial rulers, this development did not take place in other German-speaking lands.³ Declining in importance and size during the seventeenth century, German shooting societies were already taking on the character of modern sports clubs by the eighteenth, with their entertainment value eclipsing military interest entirely. Meanwhile, sword-fighting, which was an artisanal skill in the sixteenth and seventeenth centuries, almost completely disappeared, replaced by the less dangerous and more elite sport of fencing with foils. By the eighteenth century, martial sports competitions in Germany were relegated to the world of entertainment and social clubs (*Vereinsleben*). Universal conscription would ultimately ensure that the art of war could be practiced in other, more serious arenas.

We are used to thinking of the development of military technology as a battlefield issue. Those who debate the relationship of the “military revolution” to the early modern state see shifts in technology primarily

in terms of the problems of state financing for military equipment and professionally trained troops. But weapons used in peaceful competition also allowed experimentation with new technologies, even if the rules of good sportsmanship at times hindered technical innovations. At the same time, weapons sports contributed to the construction of martial and civic identity among the participants by encouraging martial skill, supporting a sense of fair play, fostering community spirit, and reinforcing gender and political identity.

Shooting societies and shooting matches

The rise of shooting as a sport

Shooting societies predated guns, beginning as cross-bowmen's guilds in the twelfth or thirteenth century. From the beginning, they had no direct relationship to military institutions, but were created on the model of religious confraternities or brotherhoods. Like other religious guilds, early shooting societies enjoyed the protection of a patron saint – often St. Sebastian because of his association with arrows – and regularly displayed their piety through religious acts such as staging processions, sponsoring church altars and special masses, donating candles, and so forth.⁴ Despite these pious beginnings, the early societies quickly assimilated much of the ceremonial trappings as well as the vocabulary from the martial culture of the tournament.⁵ Unlike tournament sports, however, which were the preserve of the nobility, shooting guilds from the outset were urban institutions that included both guildsmen and patricians among their members.

Naturally, membership in a shooting guild was by definition limited to those who could afford appropriate weapons. As technological innovations gradually redefined the weapons of choice, from bows and crossbows to firearms, the price of membership in a shooting society rose accordingly. Ultimately, inclusion in the society became a privilege of those with at least a middling socio-economic status. By the fifteenth century, shooting matches with longbows had become a novelty. Crossbow matches continued to take place alongside firearm competitions throughout the seventeenth century, but as they lost their value as a war technology, interest in them declined, particularly on the part of their sponsors.

Crossbow shooters, however, did not go down without a struggle. Dedicated crossbow aficionados reacted to gunpowder technology negatively, initially branding guns as cowardly and lamenting that firearm competitions were “no chivalrous game, but a childish one without

much military discipline."⁶ But firearms fascinated from the beginning, in their early years probably less from any obvious military advantage than due to the attraction of a new and interesting technology. Over the course of the early modern period, guns were increasingly revered, until gun matches also earned the reputation of being "chivalrous" (*ritterlich*), even appropriate for kings and emperors. Shooting matches thus joined other forms of peaceful sports competition in gradually replacing the more dangerous tournaments as favored pastimes among those at court.⁷

By the fifteenth and especially the sixteenth century, both gun and crossbow shooting societies were well-established in all the German towns, leading to a culture of peaceful martial competition that was played out at elaborate shooting matches. Nobles and patricians also hosted shooting matches at their private estates. At their zenith in the sixteenth century, these matches were among the grandest entertainments available to those of common status. Preparations began months before the shoot, with the painting of targets, construction of decorations, and the engagement of pewter-, silver-, and goldsmiths to craft prizes and souvenirs.⁸ The most impressive matches were lauded in verse in richly illustrated pamphlets and chronicles, providing both a literary and a visual record to augment the details provided in the hundreds of shooting competition invitations (*Schützenbriefe*) held in archives throughout Germany.

Representative of an interregional shooting festival was the crossbow match held in Regensburg in 1586 and immortalized by engraver and gunsmith Peter Opel.⁹ Invitations to the competition were sent to 35 cities. The marksmen were welcomed in Regensburg with a variety of entertainments including bowling lanes, jousting and tossing games, food, drink, music, a daily raffle, and the inevitable stand selling lots to win pewter trinkets and souvenirs. A series of tents visible in Opel's engraving of the shooting grounds would have housed visiting teams of common status, while those belonging to the better sort found more suitable quarters in town (see Figure 7.1). Every weekday morning for over two weeks, the match was opened with a procession that wound from the town's elite drinking room to the shooting grounds. The originating location at the drinking room symbolically underscored the sociable aspects of shooting competitions as well as the generosity of the local authorities in providing funds for the match.

Leading the procession was the Paddle-Master (*Pritschenmeister*), a combination jester and disciplinarian whose job included entertaining the crowd with clever rhymes and paddling those who broke minor



Figure 7.1 Peter Opel, Shooting Match Festivities, c. 1586



Figure 7.2 *Pritschenmeister* and Shooting Stand, Zürich, fifteenth century

rules or shot extremely badly with a special paddle called a *Pritsche* (see Figure 7.2).¹⁰ As professional poets and entertainers, Paddle-Masters not only took center stage at larger shooting matches, but also immortalized them afterwards in verse.¹¹ The Paddle-Master was followed by pipers, drummers, and horn players playing “exquisite and laudable music,”¹² followed in turn by town dignitaries, guards and banner-bearers decked out in the town livery of red and white, and dozens of men carrying barrels of wine, also painted in Regensburg’s colors. The music continued throughout the day in the shooting house (*Schützenhaus*), a permanent structure on the shooting grounds that functioned as a pub or cantina for the shooting society between matches, and where participants in the competition also enjoyed food and wine.

On the last day of the match, the winner’s wreath for the all-around best shot was ceremoniously handed over by one of eight beautifully

dressed maidens from the best houses. The wreath at the Regensburg contest went to a shooter from Ulm, who along with seven of his companions was then honored by the maidens with a dance. Finally, a procession arrived made up of 92 boys dressed in red, white, and gold, all sons of local patricians, and each carrying one of the flags that served as secondary prizes. Accompanied by festive guards, the boys received beer, bread, and a coin before presenting the flags to the winners. The merriment then ended with a great banquet.¹³

Opel's description of 1586 concentrates on the games and processions surrounding the shooting match rather than on the participants and their shooting skills, a tendency that was increasing by the late sixteenth century and would eclipse attention to the shooters by the eighteenth. It was not a new phenomenon, however, for descriptions of shooting matches from the fifteenth century onwards made much of the celebratory trappings and trivial entertainments that accompanied them. According to local chronicles, the crossbow match that took place in Augsburg in 1470 was even more elaborate than the Regensburg match, with over 900 gulden in prizes awarded for the 466 shooters alone, and another 57 gulden for the winners of horse races, stone throws, jumping contests, and foot races.¹⁴ At this pre-Reformation match, shooters were not only treated to sweet confections and imported wines, but also to prostitutes, who had a special hut on the shooting grounds.¹⁵ A mixed social crowd in Prague in 1565 also enjoyed bowling and other games along with their target shooting, afterwards dining together on game, fish, and poultry "of the best one could get." Dances, comedy, parades, wrestling matches, and fireworks were all standard fair at early modern shooting festivals.¹⁶

In order to offset the expenses of shooting matches, the secondary entertainments, which naturally came at a price, were open to spectators as well as participants. Both shooters and their audiences bought food, drink, and pewter trinkets, as well as paying to compete for prizes by bowling and gambling, running foot races, taking part in jumping and sword-fighting contests, and buying raffle tickets. The raffle or lottery especially could be a lucrative commercial enterprise. According to Peter Opel's description of the daily raffle at Regensburg, four councilmen and two Paddle-Masters with ceremonial scepters presided over the drawing of the tickets, which was accompanied by lively music. Gamblers paid 6 kreutzer for each ticket, which represented a chance to win one of 244 prizes, the most valuable of them a serving dish worth 100 gulden. Lesser prizes ranged from swords and daggers decorated with silver to items more appropriate for women, such as pairs of

scissors or a woman's belt. Women also were well represented among the lists of winners. By selling a total of 32,290 tickets, the lottery took in 3229 gulden, while the total cost of the prizes was only 1494 gulden. A century before, Augsburg's shooting match lottery of 1470 had turned a profit of 1120 gulden after selling a similar number of tickets (36,464). This income reduced the overall expenses of the shooting match by more than a third.¹⁷

Gambling also took place in other forms, both with and without official sanction. Shooting games that depended almost entirely on chance were a normal diversion at shooting matches, providing the prospect of a prize to those whose equipment or skills did not otherwise put them in the running.¹⁸ Ordinary card and dice games for a limited purse were also legal in the shooting house, as they were in any public house, although both gambling and drinking bouts there were limited to participants in the shoot. But the competitive nature of shooting matches seems to have made them a natural magnet for high-risk gamblers who operated outside of the law. In an attempt to keep the profits from gambling where it belonged, town councils issued repeated warnings against unauthorized high-stakes games.¹⁹

Discipline and safety at shooting matches

Of course, although shooting matches were meant to be fun, it was skill in shooting that mattered most, at least in theory. At the same time, large numbers of men firing projectile weapons in a wine-soaked atmosphere always presented some danger. Despite the festival-like quality of the matches, organizers took both the threat of injury and the importance of martial skills very seriously. The rules attending shooting matches, which appeared in both society ordinances and invitations to the shoots, were designed to promote both safety and fair play. Responsibility for enforcing regulations fell to the Shooting Masters (*Schützenmeister*), who, like guild masters, were elected from among the members of the society. Shooting Masters had a great deal of autonomy in deciding on disciplinary measures at the shooting grounds, not only during competitions, but also when society members came to the grounds for routine practice or even just to gather in the shooting house for a drink. For invitational matches that included non-residents, additional Shooting Masters were appointed from among the guests through a general election in which all of the shooters participated. Typically, leadership was shared by a panel of two local Shooting Masters and five guest Masters, which ensured impartiality in enforcing the rules of the match.

Numerous rules were aimed at avoiding accidental shootings, for example forbidding the gathering of used lead or otherwise entering the line of fire during a match; requiring that marksmen wait for an all-clear signal after targets had been changed to give the target-boy time to get out of the way; prohibiting loading of firearms in the shooting stand, pointing uncleared guns at others, or clearing guns in crowded areas; and so forth. Any of these infractions could lead to either a fine or a paddling. Fire was also a concern wherever there were firearms, so that fines were also imposed for careless handling of matchcords or for bringing burning tinder into the shooting house. The inherent danger posed by early modern firearms is nicely articulated in an Augsburg shooting ordinance from the sixteenth century, which allows an exception to this fine for shooters who enter the drinking room unaware that their clothes are on fire.²⁰ Attention to safety protected participants and spectators and prevented opportunities for friction. At the same time, the rules helped to educate men about the proper handling of firearms.

The rules of fair play and reciprocation

Even more specific rules ensured a level playing field for all shooters. As is the case in any sport, carefully proscribed and standardized rules enhanced the value of winning, much as did the rules of fair play adhered to in fighting discussed in Chapter 4. The rules also provided an opportunity for less experienced marksmen to learn and practice the movements necessary for accurate, controlled shooting. Shooting was to be done standing, for example, without any kind of support. Each shooter had to fire his own gun, and to shoot alone, without help. Shooters also had the right to concentrate while in the stand without interference from spectators or taunting from other men. To ensure that each shooter had an opportunity to properly prepare for the match, invitations also typically described in detail the distance of the shooting stand from the target, the size of the target, the limit placed on the numbers of shots, and so forth. Because no standard existed for units of measure, invitations often included real-size images of the target, as well as lines or even attached pieces of string to demonstrate local standards for measuring distance.²¹

Experience and skill could also provide one man with an advantage over another, which naturally would be rewarded, but was not to be exploited. Each shooter was normally eligible for a first-place prize only once per year. Winners then helped the innkeeper in the shooting house to serve food and wine during subsequent matches, or had to pay

for targets or pay tips to the target-boys in a display of brotherly humility and good will. On the other end of the scale, young boys enjoyed exceptions from some rules, for example being allowed to use a support or get help from an adult to steady their arm, and sometimes even had their own separate matches. Matches just for young boys were especially popular in Switzerland from the early sixteenth century and continued through the early modern period. Boys also took part in parades and other ceremonies at shooting matches. Teaching boys to compete with guns at an early age in a safety-conscious environment, the proponents of civic virtue believed, would both build character and instill future citizens with martial skills.²²

Rules designed to promote fair play not only leveled the playing field and supported the martial ethic, but also helped prevent discord among the shooters, ensuring that shooting matches remained peaceful. Punishment for rowdy behavior such as fighting, exchanging insults, or drawing swords or knives was immediate and could be humiliating. Rather than referring such incidents to the local courts, as would have been the case if they occurred in the streets or in public houses, witnesses to bad behavior at the shooting grounds needed only to inform the acting Shooting Master, who passed judgment on the spot. Shooting Masters received authority from city leaders to levy standard fines for cursing, squabbling, or drawing blades, and also to ban troublemakers or delinquents who refused to pay fines from the shooting grounds entirely. Intentionally aiming a gun or a crossbow at a fellow shooter was considered an especially serious offense, not only due to the danger it posed to life and limb, but even more because such an action violated the atmosphere of brotherhood and mutual respect that shooting competitions were supposed to foster.²³ Shooting Masters thus had the authority to take permanent possession of any gun or crossbow abused in such a way and to ban the perpetrator from the shooting grounds, the weapon then becoming the property of the host society. Only if fights between shooters led to serious injury or death did the Shooting Masters have to refer them to local authorities.²⁴ Such rules were aimed at promoting communal identity among the shooters by playing down social and economic difference and ensuring equal treatment.

Many of the traditions associated with shooting matches also served to reinforce hometown loyalty or "team spirit" among the society members. Parades and processions demonstrated local pride, and prizes, which typically included flags and pairs of pants, were made in the town's colors. Local societies petitioning their councils to sponsor a competition often played upon these sentiments, suggesting that letting

too much time lapse without hosting a match could bring the town into disrepute. Invoking images of the greenery that traditionally decorated the winner's wreath, Shooting Masters warned against letting the local wreath "wilt" (*verdorren*). In order for their home town to bear the fruit of good will among its neighbors, the shooter's wreath must regularly be "refreshed" and made green again, which could only happen with the council's generous support for a new invitation.²⁵

And, also in a manner reminiscent of modern sports culture, early modern reverence for good marksmanship in some cases created sports heroes. With support from sponsors, the best marksmen traveled from match to match, some attaining the status of semi-professional shooters. Since it was traditional practice for the town who took home the wreath to host a match the following year, winners not only found themselves at the center of attention in the prize ceremony and had their names recorded in chronicle entries, but were celebrated again at the home match, sometimes even appearing in commemorative broadsheets.²⁶

Technological shifts and good sportsmanship

Skill and experience could only go so far in providing any shooter with an advantage. Much also depended on the quality of the weapon. With the exception of special invitational matches such as those accompanying weddings, men were only allowed to compete if they had their own weapons, a rule that encouraged the purchase of quality arms and thus supported local defense aims. As a result, the shift from cross-bows to guns as the more popular choice provided a new challenge to the regulation of fair play. Early modern guns did not have interchangeable parts, but were crafted by gunsmiths one at a time, meaning that there could be considerable variation in quality and accuracy. Additional rules thus controlled the guns themselves, forbidding any tinkering that would provide an unfair technological advantage. Individual guns, like individual marksmen, were also limited to only one win per year, which discouraged a shooter whose win was due to an unusually good weapon from passing his firearm on to a friend for the next match. The success of any given shooter was a matter of synergy between the man and his gun.

Accusations of rule violations, which implied cheating, were naturally taken very seriously in a society in which honor could be considered the legal equivalent of life and property. Controversies over disputed winnings could lead to lengthy legal battles and even to feuds. At times, such disputes revolved around the problems of developing technologies. A Memmingen shooter, for example, was disqualified in 1562 for adding a nail to his gun next to the trigger, perhaps intended as a stabilizing

device, and an Augsburg gunsmith was arrested five years later for an early experiment with a firing mechanism using flint.²⁷ Also forbidden were padded bullets or firing multiple projectiles simultaneously.

The major technological controversy of the sixteenth century arose over the invention of the rifled barrel. Rifling puts a spin on the bullet that keeps it from wobbling after leaving the barrel, greatly improving its accuracy. The technology was probably invented during the early sixteenth century, but remained extremely rare for the next hundred years, partly because it was such an expensive process.²⁸ Their high price continued to keep the more accurate weapons out of the reach of most ordinary craftsmen throughout the sixteenth and seventeenth centuries. Although local authorities naturally had an interest in encouraging their shooters to invest in the most accurate guns, in this case their defense goals conflicted with the martial values of respect for fair play and willingness to face competition on an equal footing. Thus city leaders sometimes found themselves in the unusual position of discouraging use of the latest technology in order to promote good sportsmanship, which they also equated with military readiness. Many towns banned rifled guns from shooting matches as a form of unfair advantage.²⁹

Those towns that sacrificed progress in the name of fair play came under fire from local gunsmiths and Shooting Masters, who naturally had an interest in promoting upgraded guns. In Augsburg, petitioners argued in 1574 that resistance to the new technology not only undermined local defense systems, but also damaged the city's reputation in shoots in other towns where the rifled barrels were increasingly becoming the standard. The authorities compromised by allowing special rifle shooting matches in that year, although they remained an exception for the time being; it would be another 20 years before rifles were legal at Augsburg's regular shooting matches.³⁰ Once a town made the decision to allow rifled barrels, the price of equal competition in a shooting match naturally went up, causing the controversy to persist even longer where town populations were less privileged. In the small princely residence of Oettingen, for example, the problem was not solved until 1688, when separate competitions for those with rifled and those with smooth-bored barrels were established.³¹ It is worth a reminder at this point that the expensive rifled barrels did not become standard military equipment until the nineteenth century.

Social and gender identity

Although the rules of any given shooting society or match inevitably promoted social leveling, brotherhood, and fair play, both society

membership and the right of participation in individual matches could be restricted based on wealth, social status, or residency. Not only the rising cost of technologically improved guns, but also the standard entrance fee, which always had to be paid before the contest began, could play a role in determining who could afford to participate in shooting matches. Matches also became increasingly socially segregated as the early modern period progressed.

Shooting matches were of several different types. Most were limited to either crossbows or guns, although double matches including both kinds of competition were possible. Strictly local competitions for a few guildens' worth of prizes that served as training for the local shooting society could occur several times a year, even every weekend during the summer months. Some matches pitted only two neighboring towns against one another in the spirit of friendly rivalry. At the other end of the scale were the large festive matches described above, for which invitations could be sent to dozens of shooting clubs located throughout the empire. Open shoots (*Freischießen*) welcomed all comers, whereas Lord's matches (*Herrenschießen*) limited participation to those of elite status. In Tyrol, only those with at least the status of master craftsmen could belong to a shooting society by the end of the seventeenth century.³² Wealthy gun enthusiasts occasionally held private matches on their noble estates, inviting a closed circle of friends, although even these sometimes included invitations to civic councilmen to bring along a small group of talented marksmen from their local society, apparently without respect to rank.³³ Private shoots could also be a part of a wedding celebration, the one case in which guests might be allowed to shoot with borrowed guns.

Shooting matches in some areas were apparently divided by confession, at least in the later seventeenth century, but this was the exception rather than the rule. In bi-confessional Oettingen, for example, separate Catholic and Protestant shooting societies were formed after the Thirty Years' War, although the confessions had shot side-by-side during the previous century.³⁴ In larger Augsburg, meanwhile, also a bi-confessional city, shooting societies remained mixed throughout the early modern period. Invitations to larger matches also certainly did not discriminate based on confession, although greater segregation is evident at smaller matches, most likely due to regional confessional dominance more than any intentional efforts at religious isolation.³⁵ The general paucity of confessional issues arising in the records suggests that religious dogma usually took a back seat to martial skill.

Large matches in most cases also pit men of very different social status against one another in the spirit of fair competition. Shooting masters in taking their oath swore to preside without distinction over rich and poor, local and visiting marksmen. Rules also ensured that the presiding Shooting Masters came from a mixed social background, and were not dominated by elite members.³⁶ Although lords and nobles were undoubtedly given their due in terms of social respect, their status did not enter into the rules of fair play; for in theory, the only thing that mattered was who was the best shot. In 1580, nobles and craftsmen competed against each other without preference at Wallerstein Castle, and during Prague's match of 1565, Archduke Ferdinand of Austria, son of Emperor Ferdinand I, insisted on competing fairly against any and all comers, "rich or poor," so that "the visiting shooters marveled at his humility."³⁷ At a crossbow match in 1518, Emperor Maximilian was bested by a miller's son from the Swabian village of Gisslingen. And at the halfway mark during Augsburg's double crossbow and harquebus match of 1509, the young Duke of Bavaria Wilhelm IV, as one of fifteen shooters who had not yet managed to hit the target once, took a public paddling from the Paddle-Master apparently with good will, while the top prize for the competition went to a cabinet maker.³⁸

Women, too, were a regular presence at shooting matches, as is evident by their inevitable appearance in images of shooting grounds. Women had joined men in shooting brotherhoods from their inception in the late Middle Ages, although as passive "sisters" rather than active members. As we have seen, they also supported early modern matches by purchasing lottery tickets and playing a central role in ceremonies and dances. Women also occasionally joined in athletic events such as foot races in pre-Reformation matches. A series of manuscript illustrations depicting the double match of 1509 not only portrays races between women of good reputation, but also includes an image of a separate footrace in which men competed with prostitutes (see Figure 7.3). The fact that women's clothing was too restrictive to race without removing most of it no doubt added to the entertainment value.³⁹

Women of status also occasionally enjoyed shooting in private matches. Frankfurt diarist Job Rorbach described a group of patrician women who joined their husbands and sons for some evening target practice on a summer evening in 1496, which may not have been out of the ordinary for women of this rank.⁴⁰ According to English writer Lady Mary Wortley Montagu, who stayed at the Viennese court of Empress Wilhelmina Amalia during the early eighteenth century,

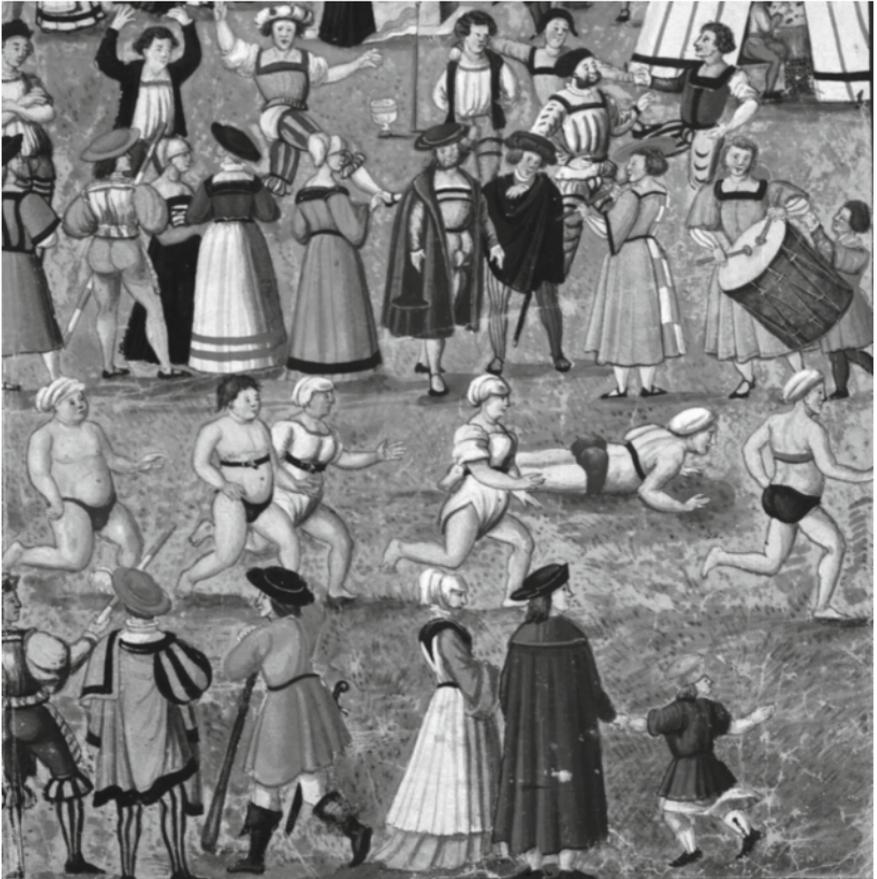


Figure 7.3 Race with prostitutes, Augsburg, c1570–77. The picture, part of an illustrated volume most likely commissioned by *Landsknecht*führer Sebastian Schertlin von Burtenbach, depicts a shooting match that took place in Augsburg a century before (in 1470)

female courtiers there regularly made a game of shooting competitively with “fine light Guns” for the entertainment of the empress, who rewarded the winners with expensive jeweled trinkets.⁴¹ These events, however, belonged strictly to the world of elite amusement. Women did not compete against men in regulation shooting matches, and target-shooting among the burgher classes remained entirely a male preserve. A tongue-in-cheek reference to the male culture of these sociable events is provided in a 1558 invitation to a match in the Franconian village of Wilburgstetten, which requested that each shooter bring with him

“a secret purse without the knowledge of his wife” so that he could join in the gambling bouts and other amusements without provoking anger at home.⁴² This joke, of course, referred to the lighter diversions that accompanied the shoot, not to the shooting match itself. Despite the often fair-like atmosphere of the larger shoots, practice with guns was a serious business, and just as was the case with other defense-related activities, women were supposed to stay out of the way.

Military readiness

Although sometimes segregated according to such variables as social rank, weapon type, or confession, shooting societies were not characterized by a hierarchical, military-style organization, but functioned much more like social clubs. Shooting society rules also did not include any demands on their members for either military or police duties. At times, the rules of fair play even hindered rather than advancing experimentation with new gun technologies. Nonetheless, they were encouraged and financially supported by local authorities partly for their potential contribution to defense training. Their assumed role in building character associated with civic virtue was also indirectly understood as having military value. Both functions were openly stressed in shooting ordinances, which lauded both the importance of well-trained shooters for local defense and the value of competitive shooting for keeping young men occupied and away from idle pursuits.

Civic support for shooting began with grants for the erection and maintenance of permanent shooting grounds, which appeared in most towns during the fifteenth century. Shooting societies also frequently petitioned local councils for donations to cover the cost of prizes, targets, and personnel. In order to encourage regular participation in small, local matches, it was standard practice for city governments regularly to provide cloth for making the pairs of pants traditionally awarded to weekly and seasonal winners. The tradition of competing for pants, doublets, or fabric for making them had its roots in the late Middle Ages, and had become so standard by the sixteenth century that terms such as “pants money” (*Hosengeld*) or “pants cloth” (*Hosentuch*) became shorthand for referring to prize money in general, although the award of actual pants also remained customary.⁴³ In late sixteenth-century Kirchheim, the relationship between competing for prizes and defense readiness was underscored by a rule limiting “shooting for pants” (*um die Hosen schießen*) only to those who maintained an extra supply of powder and lead along with their gun.⁴⁴ Elsewhere, civic funds supplied ammunition along with cloth for pants and other prizes.⁴⁵

Organizationally, however, the shooting societies of the sixteenth and seventeenth centuries overlapped with defense organization only insofar as those men who owned guns and joined shooting societies, most likely because they liked to shoot, would also normally have been mustered as gunners.⁴⁶ But men owned guns for a variety of reasons. As we have seen, some rulers required that all or a portion of their subjects maintain firearms. Thus it was also possible to be mustered as a shooter without belonging to a shooting society or sharing a strong interest in gun sports. For this reason, a number of towns found it necessary to legislate practice shooting for their musketeers. In Nördlingen, a group of 20 men mustered as shooters spent time in the lockup in 1588 for failing to appear at a required shooting match. At least six of them, according to the charges, had not fired a shot during the entire previous year.⁴⁷ Such requirements became increasingly common as the seventeenth century progressed. Nördlingen published additional ordinances demanding that all musketeers take part in at least four shooting matches per year in 1627 and again in 1652, and a similar rule appeared in Rothenburg in 1623.⁴⁸ In Hamburg and Donauwörth, all male citizens were required to own guns and practice shooting two or three times a year by the later seventeenth century.⁴⁹

In other cases, shooting was only encouraged. Rather typically, the rules governing the patrician society in Ulm encouraged its members to engage their young men in the “useful and laudable” military exercises of shooting, riding, and hunting as opposed to idle pursuits such as drinking and gambling. For these men of status, of course, hunting was included as a martial exercise, the exact opposite of the idle pastime it represented for those lower on the social scale.⁵⁰ But similar expressions appear in a Mindelheim council decree of 1651 directed at the general populace, which encouraged shooting practice to build “good friendship and confidence” among the citizens and to keep them away from beer houses and frivolity.⁵¹ Even villagers in the territories of Württemberg, otherwise regularly admonished for the vices associated with poaching, became virtuous when they shot at a target.⁵²

Most directly representational of military power were the artillery shooting matches already described in Chapter 1, which began to appear as novelties in the late sixteenth century and gained in popularity by the eighteenth. Town defense systems depended on artillery gunners, who might logically also need to practice, but obviously could not be expected to own their own cannons. Artillery matches allowed towns to test both their equipment and their gunners while impressing their citizens with an imposing military parade. Undoubtedly, the second of these

was the more important function, especially by the eighteenth century.⁵³ Although artillery shoots could be entertaining and shared some of the characteristics of more standard shooting matches, especially in their early years, by the later seventeenth century they were entirely military affairs, presided over and attended by a hierarchy of officers and lacking additional entertainments.⁵⁴ Thus they do not belong to the category of sports. In fact, the great difference between descriptions of these contests and those of civilian shooting matches only serves to underscore the lack of military authority over early modern shooting societies and their competitions.

The politics of sport

Civic support for gun and crossbow societies also served ends not directly related to defense training. Grants provided by city councils both to subsidize travel to other cities and to host large shooting matches at home cannot be understood simply as military tactics, since it would hardly have been necessary to travel to another town just to sharpen one's shooting skills.⁵⁵ But shooting matches could also serve a political function. Hosting matches provided an opportunity for the cities to display their power, wealth, and civic engagement, and sending shooters to participate in matches in other towns often took the form of informal diplomacy.

The representational aspect of shooting festivals is well documented by the descriptions of lavish foods and entertainments discussed above. Public displays of wealth and hospitality raised the prestige of the host city and created a challenge for guests to reciprocate. In time-honored diplomatic tradition, visiting dignitaries who represented political authority often responded by making generous contributions to the host society or presenting the town with representational gifts, gestures aimed at enhancing friendly relations.⁵⁶ Visiting marksmen who partook of shooting match hospitality were also under pressure to reciprocate by hosting a match of their own, especially if they took home prizes.

Perhaps the most well-known example of representational excess at a shooting match is the story related by Johann Fischart in the narrative poem "The Lucky Ship from Zurich" (*Das glückhafft Schiff von Zürich*), which described the triumphant arrival of a group of 54 citizens from Zurich for a Strasbourg match in 1576 after managing to sail from their home in only 19 hours. In order to prove their feat, the Swiss shooters, dressed in their hometown livery, brought with them a great pot of porridge cooked in Zurich that they managed to keep warm until their arrival in Strasbourg. Fischart, who himself claimed to have attended

the 1576 match, characterized this display of perseverance and masculine skill in the pursuit of friendly intercity competition as an illustration of civic virtue. In fact, the political overtones of the poem (which in its full version includes hints at bitter rivalry as well as expressions of friendship and good neighborly relations) completely eclipse the match itself, which Fischart does not actually describe.⁵⁷

As suggested by Fischart's poem, shooting matches not only helped cement diplomatic ties between friendly states, but also served to diffuse political tension between rivals by allowing them to engage in non-threatening competition while displaying their goodwill through hospitality. Numerous matches were organized specifically with an aim of normalizing relations after periods of tension or as a backdrop for courting allies. An invitation from Augsburg's political elites to Duke Albrecht V of Bavaria for a match organized in his honor in 1567, for example, demonstrated the city's interest in continued stable relations with the surrounding Bavarian countryside after a successfully negotiated border treaty.⁵⁸ Likewise, the Strasbourg match described by Fischart served to emphasize the existing alliance between the two Protestant cities in the face of the growing threat from the Austrian Hapsburgs. It also provided an opportunity for the Swiss to demonstrate their admirable military skills, which included sailing as well as shooting.⁵⁹ In the Confederacy itself, shooting competitions were organized to smooth the resuming of normalized relations after the Old Zurich War (*alter Zürichkrieg*) in 1447; to win allies for St. Gallen in its political struggle against Abbot Ulrich VIII in 1485; and to create the proper atmosphere for the Protestant alliance between St. Gallen and Zürich in 1527.⁶⁰ Shooting festivals planned to accompany events of historical significance, such as a royal wedding, an Imperial Diet, or the crowning of a king also served political and diplomatic ends.⁶¹ Even without overt political aims, inter-regional shooting matches promoted contact and demonstrated stable relations between cities and states throughout the empire. German shooters in the imperial cities regularly competed side-by-side not only with shooting societies from nearby towns, but also with marksmen from Austria, Bohemia, the Netherlands, Switzerland, Tyrol, Hungary, Croatia, and France. To highlight this diversity, special prizes were offered at many large matches to the shooter who had traveled the farthest.⁶² At the end of the day, interregional friendships were cemented via the inevitable communal drinking bout.

Although shooting contests could serve to promote friendly relations between towns, they could also have the opposite effect, themselves providing a context for tension. The very political nature of these events

meant that breaches of custom or disputes over the meaning of shooting ordinances could take on sinister overtones, even leading to feuds. One of the best known of these is the feud declared against Cologne in 1508 by the knight Götz von Berlichingen with the Iron Hand⁶³ in support of the marksman hero Hans Sindelfinger, a tailor from Stuttgart. The trouble had started at a shooting match in Cologne several years before with a controversy over a nobleman accused of having fired two bullets at once. As a non-resident member of the “eleven” (that is, the board of Shooting Masters whose job it was to adjudicate accusations of cheating), Sindelfinger agreed with his colleagues that the accused shooter had shot honestly. A group of 36 marksmen who disagreed with the verdict left the match in protest, each taking their two-gulden entrance fee with them. As a result, the winner’s pot was 72 gulden short. The attempt by local officials to settle the matter by short-changing all winners backfired. The winning marksmen refused to take the reduced winnings, instead remaining in Cologne and running up expenses of 200 more gulden while they waited for a settlement.

Eventually, the group departed only on the condition that the Cologne council send the money to Sindelfinger in Stuttgart, who could then divide it among the winners. Sindelfinger, however, did not receive the money. When a group of shooters who had been in Cologne met up with Sindelfinger again at a shooting match in Strasbourg, they verbally attacked him, accusing him of keeping their winnings. As a result of this attack on his honor, Sindelfinger was ultimately forced out of his trade, after which he signed on as a personal guard at the court of Württemberg. It was through his connections at court that Sindelfinger gained the backing of the knight Götz von Berlichingen, who retaliated by declaring a feud on Cologne and then kidnapping two of the city’s merchants, demanding a 3000 gulden ransom for their release. In 1511, Götz settled for 1000 gulden, 300 of which he passed on to Sindelfinger, who was finally able to restore his reputation.⁶⁴

Although most disputes did not lead to such spectacular confrontations, civic authorities took the reputations of their marksmen seriously, and were often ready to step in on the side of their local hero when controversies over rules arose. Accusations of having an unfair advantage or exaggerating winnings reflected on the honor of the town. Thus a pair of marksmen from Ingolstadt suffered insults and dishonor when they came home with winner’s flags from an Augsburg match in 1554, although their names, apparently by accident, had been left off the published list of winners. The men, who insisted they had won the flags honestly and would “defend them with honor for life,”

were accused instead of having paid cash for them out of “pride and deception” and were banned from their home shooting society.⁶⁵ The shooters gained the support of their city mayor and council to petition Augsburg for proof that they had won their flags honestly. Likewise, when Memmingen citizen Hans Schmid (called Stöcklin) was disqualified after winning a Günzburg match in 1562 because of an anomaly on his gun, he enlisted the support of his local government to petition repeatedly for the return of the ox that had served as first prize. Schmid insisted that his interest lay not in the value of the ox, but only in restoring his good name.⁶⁶ While illuminating the problems that inevitably arise when sporting events take on the character of honor disputes, the correspondence attending these incidents also provide evidence of the careful diplomacy displayed by the cities involved. City authorities displayed great tact in protecting both the honor of local shooters and the political relationships between towns.

Decline and privatization

The age of the great shooting match had already passed by the onset of the Thirty Years' War. Although the war made the need for citizens to own guns and practice shooting clearer than ever, the struggling cities had neither the money to fund shooting matches nor the means to protect their citizens from marauding soldiers during the competition, since the shooting grounds were invariably outside the city walls. The normal amusements attending the larger matches also seemed out of place in these hard times, so that shooting matches came under fire from moralists along with kermis festivals, yearly fairs, and Shrovetide customs, all of which were attacked for being frivolous. The result was a drop rather than a rise in interest in shooting practice. In Nördlingen, where wartime expectations of shooters included competing in a match on a minimum of four Sundays during the summer, the council complained in 1627 that their contributions for prizes were nothing but a waste of money, since so few marksmen were showing up to shoot at scheduled matches.⁶⁷ Local competitions also continued in Augsburg throughout the war, but the increasing tendency towards social segregation fed their decline by limiting membership in societies whose numbers were already dwindling. By the end of the seventeenth century, interest in shooting in Augsburg had so diminished among the patrician and merchant classes that their exclusive society was rarely able to attract more than five or six men to a shoot.⁶⁸ In seventeenth-century Brunswick, the local council took the extraordinary measure of exempting winning marksmen from local taxes in order to encourage

their citizens to continue shooting.⁶⁹ Not surprisingly, archery societies suffered the greatest decline, especially as governments eventually stopped providing financial support for competitions entirely. Crossbow shooting in Augsburg became a private enterprise in 1695 when the city sold the archery shooting grounds just outside the city's west wall to the cross-bow society for 300 gulden. As part of the deal, the society agreed to take over all responsibility for maintaining the grounds and buildings. The gun range outside the city's east wall was privatized half a century later.⁷⁰

This step marked the beginning of a gradual process of privatization and commercialization of larger shooting matches. The decline in official support for shooting societies did nothing to dampen the interest of those who remained dedicated to the sport – it only forced them to become self-sufficient. Monetary support thus increasingly came from sponsors, often innkeepers who provided space and grounds in return for the lucrative business of putting up large numbers of guests and serving drinks and meals. Commercialization was also accompanied by a rise in the play function of the competitions. During the eighteenth century, shooting matches began to take on the character of folk festivals that catered to the general public. The secondary entertainments at these events, which included beer and wine tents, food stands, puppet shows, and trained animal acts along with games, music, and dances, eventually came to overshadow the shooting competitions entirely. Target shooting continued to provide a context, but was no longer the focus of the festivals.⁷¹ Meanwhile, state-sponsored shooting matches moved in the direction of official military training, combining the mandatory target practice with military drill and introducing requirements for standardized firearms.⁷² The result was a sharp division between shooting sports, which pitted individual men and guns against each other in the spirit of competition, and military exercise, in which the individual was subordinated to collective discipline and the audience had disappeared.

Sword-fighting

Although less significant and certainly less elaborate than shooting festivals, sword-fighting schools also enjoyed a heyday during the sixteenth and seventeenth centuries. The art of sword-fighting as a bourgeois sport has its roots in the late Middle Ages as a natural corollary to the rise of civic defense systems and the development of a sword-carrying culture. Although the elaborately illustrated manuscripts that preserved

and passed on the techniques of sword fighters were produced as a form of representational courtly art, the sword masters themselves, as noted in Chapter 4, came primarily from the burgher classes. Like other martial sports, sword-fighting received support from town authorities during this period as a contributor to the military ethic, but it was not per se a military art, nor were sword-fighting schools associated with the military.

Studies of the German sword-fighting tradition normally begin with the techniques of the fourteenth-century sword master Johann Liechtenauer, whose style was preserved in 1389 in an illustrated text attributed to Hanko Döbringer. Liechtenauer's school formed the basis for most of the fencing manuals of the next two centuries, in Italy as well as Germany.⁷³ Influenced by the strong guild culture of the German cities, sword fighters in Germany began by the fifteenth century to organize as guild-like "brotherhoods" in which men studied the sport under the hand of an established master sword-fighter. Like journey-men craftsmen, sword-fighting masters typically spent two to three years traveling both to learn and to teach their art in so-called fencing schools (*Fechtschulen*).

Fencing or sword-fighting schools were not permanent institutions, but public competitions or training sessions offered by a traveling swordsman. The first step for the fencing master was to petition to local authorities for permission to offer his services. Once the petitioner had established his record of training and perhaps demonstrated his skills in a trial, the school would be set up in an open square or, particularly in periods of inclement weather, in the local dance house, the armory, or another large indoor space (see Figure 7.4).⁷⁴ In order to attract attention, the fencing master advertised with notices hung about town. Apparently some teachers were over-zealous in their use of provocative language to encourage local men to fight with swords; at least one late sixteenth-century regulation warned fencers to formulate their advertisements "reasonably" and avoid promoting their schools with posters that were too "fiery."⁷⁵ Participants interested in improving their sword-fighting skills paid a fee for the training, sometimes also competing for prizes. Spectators often paid admission to watch fencing matches as well. Sword-fighting schools were regularly organized to coincide with shooting matches, both to provide additional entertainment and to enhance the opportunities for local men to practice the art of war (see Figure 7.5).⁷⁶

By the later sixteenth century, two major fencing guilds had come to dominate the sword-fighting landscape in Germany. The older of

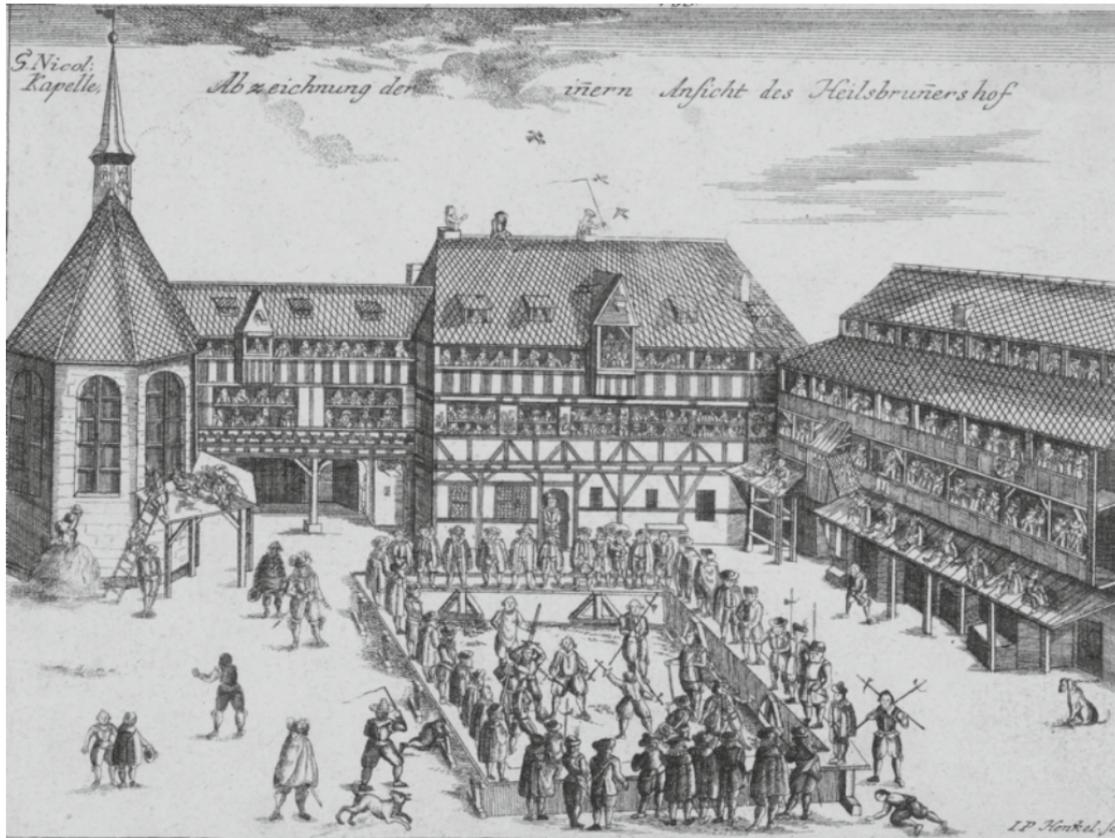


Figure 7.4 Johann Peter Henkel, sword-fighting school in Nuremberg, Nuremberg 1623



Figure 7.5 Sword-fighting school at a shooting match in Zwickau, 1573, depicting various kinds of sword-fighting skills

the organizations was generally known by the sixteenth century as the “Marcus brothers” (*Marxbrüder*) a name that derived from their traditional veneration of Saint Marcus. The *Marxbrüder* were centered in Frankfurt am Main, holding their yearly master’s examinations at Frankfurt’s large annual fair. A rival organization, calling themselves “free fencers” (*Freifechter*) and also known as the “feather fencers” (*Federfechter*), established their own fencing guild during the 1570s around a school that originated in Prague.⁷⁷ Throughout the seventeenth century, masters of these two schools disputed both organizational points and sword-fighting methods, regularly competing with one another to prove the superiority of their respective approaches. At the same time, they also held joint fencing schools and exhibitions, cooperated on requirements for achieving the status of Master Sword-fighter, and shared experts to act as examiners.⁷⁸

At their high point during the sixteenth century, larger sword-fighting competitions had much in common with shooting matches. The fights were heralded with festive parades and displays of weapons, attended by musicians and entertainers, and concluded with hearty drinking bouts.⁷⁹ Larger competitions were sometimes arranged as part of wedding festivities or other celebrations. In the tradition of the late medieval masters whose methods were recorded in lavishly illustrated fencing manuals, expert sportsmen demonstrated their martial skills at these events not only by fighting with swords, but also with pikes, halberds, daggers, and knives. Descriptions of the schools survive as Paddle-Master ballads and other celebratory rhymes.⁸⁰ More modest schools took place fairly regularly, in some years as often as every two to four weeks.⁸¹

Cities allowed and sometimes supported sword-fighting schools because, in theory, fencing was a martial art with military value, and it was also representative of the identification of townsmen with the sword. As regularly argued by fencing masters, the “chivalrous” (*ritterlich*) art of sword-fighting instilled men with all of the virtues of the martial ethic, including courage, strength, and respect for fair play.⁸² For this reason town councils provided space for the training sessions, sometimes also contributing funds to pay the fencing masters and the obligatory guards and musicians, along with other expenses.⁸³

But even at their height, sword-fighting schools did not attract as many participants or spectators as competitions with more technologically advanced weapons; they more often served only as a sideshow to the larger shooting events. Not only were sword sports less popular than shooting contests, but the connection of sword-fighting to military

readiness was not as apparent. As theologian Zachaus Faber reasoned in his tirade against sword-fighting in 1625, the traditional sword-fighting techniques of early modern sword masters actually had little relationship to military tactics – an argument that mirrored similar views by English and French theorists.⁸⁴ Although the German fencing manuals of the later sixteenth and the seventeenth centuries often included chapters on the rapier, reflecting Italian influence, they depended primarily for their techniques on the German long-sword-fighting traditions established by the late medieval masters, especially Liechtenauer. Sword master Joachim Meyer in his popular 1570 text, for example, still described skill with the long sword as the “foundation for all sword-fighting.”⁸⁵ This skill in the late Middle Ages had been practiced as preparation for war, feuding, and judicial dueling, but already by the end of the fifteenth century, the practice session had itself become the goal. What was being described in texts by Meyer, Johannes Lecküchner, Jakob Sutor, Jörg Wilhalm, and other German fencers of the fifteenth through the seventeenth centuries was not so much a military fighting technique as it was a sport.⁸⁶

Teaching sword-fighting was also not very lucrative as a trade. Some fencers, having attained the title of Master of the Sword, joined the ranks of other early modern wandering trades, trying to scrape out a living traveling from town to town teaching their art. The desperate state of some of these traveling teachers is evident in supplications to hold schools submitted in Nördlingen during the sixteenth century, in which burgher sword fighters stress their condition of “great need” or request a charitable contribution should they be asked to move on in order to help them on their way.⁸⁷ Some master fencers in larger cities managed to find permanent employment coordinating sword-fighting schools, although it’s unlikely that the job paid a living wage. A few were lucky enough to find wealthy sponsors who commissioned them to help in the creation of fencing manuals, some of which were also illustrated by well-known artists.⁸⁸ Among the most passionate sponsors of fencing manuals was the Augsburg apparitor (*Ratsdiener*), fencer, and bibliophile Paul Hector Mair, whose goal it was to collect and preserve all of the known sword-fighting techniques practiced up to and during his lifetime. Mair’s love of weapons, books, and costly fencing manuals reached the point of an addiction that ultimately cost him his life, as he could support his expensive habits only by resorting to embezzlement of civic funds.⁸⁹ For his most elaborate masterpiece, a lavishly illustrated two-volume collection of sword-fighting techniques for which Duke Albrecht V of Bavaria paid 800 gulden in 1567, Mair

employed two sword-fighting masters along with the artist Jörg Breu the Younger.⁹⁰ Sponsorship could also come in the form of spectators, as for example when Duke Friedrich Ulrich of Brunswick-Wolfenbüttel was so delighted with the “chivalrous and manly” (*ritterlich vnd manhafft*) display of martial skill provided for his entertainment as part of a civic oath ceremony in 1616 that he honored the six sword fighters with a tip of 120 Reichstaler.⁹¹ Few sword masters could count on this kind of support, however. In most cases, master sword fighters would either pursue a military career or simply continue to practice their original artisanal trade, possibly organizing an occasional sword-fighting school on the side to earn some spare change or joining competitions when another master happened to come to town.⁹²

Contributing to the decline of long-sword-fighting was its character during the sixteenth and seventeenth centuries as a tournament-style sport, meaning that it carried certain risks. Winning generally depended on inflicting a wound on the opponent.⁹³ Occasionally, wounds were fatal, a tragedy typically characterized by participants as an unfortunate turn of fate or even an act of God. As the Paddle-Master Wolfgang Ferber noted after the death of a fencer in Dresden in 1614, in a response tinged both by tragedy and fatalism, “as so often is the case, sorrow joy does chase.”⁹⁴ Fencers in such cases did not normally face punishment, as long as the fight was deemed “honorable” (*redlich*) and in accordance with “fencing custom” (*fechtens brauch*).⁹⁵ Representative is the case made by fencing masters in support of the journeyman furrier Samuel Probst, who dispatched a visiting printer with a blow to the temple during a match in 1595. The fencing masters based their arguments on Probst’s adherence to the rules of fair play. Probst had fought with restraint, the officials testified, and he and his victim had no known animosity for one another prior to the match. Indeed, they had never spoken with one another before. Probst had observed all of the standard rules of the match, using only the flat of the sword and not the point, never rushing at his opponent, and not hitting him with the pommel of the sword or using any other “dishonorable move” (*unredliche Stuckh*) that would be forbidden in a proper fight. In other sources, attacks on the eyes or genitals were also included among unfair tactics.⁹⁶ Bloody incidents that were not fatal were apparently acceptable and, as in modern boxing matches, were simply part of the show, although they were beginning to elicit disgust among elite spectators by the later seventeenth century. Some cities employed groups of barber-surgeons to stand by at fencing matches in order to treat the wounded.⁹⁷

The character of fencing as a blood sport led to a campaign against sword fighters during the seventeenth century, primarily from the side of theologians. Anti-fencing tracts countered the military arguments of sword masters not only by pointing out that swords were no longer useful in war, but also by accusing fencers of fighting for the sake of spectacle and exploiting blood lust for income.⁹⁸ It is no coincidence that this redefinition of the older sword-fighting traditions from “chivalrous” to “barbarian” coincided with the decline in the role of civic defense systems and the subsequent attacks on the wearing of swords by journeymen. As the reputation of the old burgher sport of the long sword faded, it was replaced in university and aristocratic circles by the lighter sport of fencing with foils introduced by the French. In the seventeenth century, fencing masters who taught French methods began to occupy permanent positions at court and university, while traditional sword-fighting schools were reduced to tacky side shows at markets and fairs.⁹⁹ The reputation of the traditional traveling masters of the long sword eventually became so questionable that the German word *fechten* itself came to be associated with begging.¹⁰⁰ The elevation of the foil and the rapier at the expense of the long sword, however, did little to stop the flow of blood in the name of sport. Fencing at German universities remained a violent and bloody exercise into the twentieth century.¹⁰¹

Sword dancing

Also deserving of mention as a celebration of martial culture is the theatrical sport of sword dancing. Like shooting matches and sword-fighting schools, sword dances entered the European scene in the late Middle Ages, enjoyed a high point during the sixteenth and early seventeenth centuries, and then went into a period of decline. Although German nationalists and folklorists of the early twentieth century saw in early modern sword dancing the continuation of an ancient Germanic rite, there is no evidence that the custom existed in anything like its early modern form prior to around the fifteenth century. Rather, as a decidedly urban phenomenon, sword dancing rose and fell with the weapons culture of the early modern cities. During the early years of these martial performances in the fifteenth century, there is some evidence that professional performers from the world of traveling theater occasionally presented sword dances. By the sixteenth century, the dances had clearly become a guild art, performed mainly by journeymen and the sons of local citizens. Participants could also include young men from elite families.¹⁰²

Sword dances varied in style, but nearly all incorporated mock or real fencing matches. Most dances featured a linked-style line dance, with each dancer holding onto the handle of his own weapon and the blade of his neighbor's, and a variety of synchronized steps and gestures that often included jumping or dancing over rows of swords. The dance then climaxed with the formation of platforms or "roses," created by crossed or interlocking blades (see Figure 7.6). Standing upon the roses, a pair of fencers was then raised up to shoulder level, creating stages for theatrical swordplay. The celebration typically ended with a fencing match, which might include all of the participants in the dance.¹⁰³ The martial imagery was enhanced by the presence of armored guards and horsemen and the integration of mock combat moves into the dances.¹⁰⁴

The rhythmic dances provided both visual and auditory entertainment. Dancers often wore bells on their clothes that jingled in time to the recurring sound of striking blades, the rhythms of which were sometimes enhanced by the sound of drums and fifes. The clinking of the blades imitating the sounds of swordplay, clever tricks performed by skilled sword masters, colorful ribbons and garlands in town colors worn by the dancers, and the light of the sun sparkling on polished metal combined to create a celebration of the culture of the sword. In some towns, sword dances were a regular part of Shrovetide festivities, the dancers occasionally appearing in blackface in imitation of exotic "Moorish" dances (see Figure 7.7). Like shooting and fencing matches, sword dances also accompanied weddings or provided entertainment to important visitors, and were regularly planned to coincide with sword-fighting schools; they thus helped to draw attention to the school and increase its entertainment value. The association is further evidenced by the fact that fencing masters often led the dances or performed in the ritual fighting sequences.¹⁰⁵ During the high point of sword dancing, in sixteenth-century Nuremberg, whose cutlers and sword smiths probably presented the most elaborate sword dances in Germany, hundreds of dancers might take part in a single performance. Elsewhere, groups of anywhere from 12 to 42 dancers were more standard.¹⁰⁶

As was the case with other weapons sports, sword dances reached their heyday in the late sixteenth century, dropped off considerably during the Thirty Years' War, and then picked up somewhat afterwards before going into a permanent decline. Unlike shooting matches, however, institutional support for sword dancing was already suffering during the later sixteenth century, partly because of their association



Figure 7.6 Sword dance with swordfighters elevated on “roses” from Das Nürnbergische Schönbartbuch, sixteenth century



Figure 7.7 Sword dance in black face, 1578

with the frivolity of Shrovetide. There might also have been safety concerns, particularly insofar as many of the urban dancers were young boys. When sword dancing reappeared after the war years, participation seems to have been less artisanal and more mixed, with rural elements (peasants and herdsman), miners, and, increasingly, soldiers joining or dominating the festivities.¹⁰⁷ The decline in sword dancing as a journeyman's art thus paralleled the increasingly rigorous attacks on the culture of the sword that arose in elite quarters during the late seventeenth century.

Conclusion

During the sixteenth and early seventeenth centuries, good citizenship was synonymous with an assumption of martial skill. Early modern shooting societies, sword-fighting schools, and sword dances served to socialize boys into martial citizens, and citizens into brotherhoods. Although membership in martial societies could be exclusive, their organization remained internally democratic, resembling the religious confraternities in which they originated rather than a military hierarchy. Most shooting matches, sword-fighting schools, and sword dances were dominated by bourgeois elements, although also attracting those of more elevated status, so that they could serve as social levelers. They were organized as sports and social clubs rather than military organizations, placing greater emphasis on sportsmanship than on military technologies or tactics. Crossbow matches in particular persisted as elite sports long after crossbows had lost their value as military weaponry entirely. Similarly, sword sports had already outlived their military usefulness by the early sixteenth century.

In the eyes of the authorities and the participants, however, martial sports did support military ends. They built character, created bonds of brotherhood between allied cities, and provided an opportunity to display military strength and skill, which could deter enemies and reassure allies. They continued to receive civic support because they served as an expression of the martial ethic and a school of republican values. Gun societies also promoted the presence of guns in the city and, in fits and starts, interest in newer military technology. As has been suggested elsewhere, it is indeed likely that some of the improvements in firearms made during the late medieval and early modern period occurred not because guns were so efficient, but rather in spite of their inefficiency, with an eye for their potential.¹⁰⁸ The sporting aspect of shooting matches reinforced this early modern fascination with guns.

During the eighteenth century, a split is evident between shooting for sport and shooting as a military exercise. As the age of urban militias declined, sport shooting lost its government sponsorship and joined other forms of commercial entertainment culture, finally developing into modern German social clubs (*Vereine*). Meanwhile, the process of military professionalization with its emphasis on drill, uniforms, and disciplined subordination required a different kind of martial training, one that was not reconcilable with the play elements of early modern shooting matches. It is no coincidence, then, that sword-fighting schools, sword-dancing, and the great shooting matches all flourished as entertainments during the age of the sword and waned with the decline of the cities. The replacement of civic-sponsored weapons sports with military exercises eventually subordinated individual martial skill to collective drill and redirected local pride into national identity.

8

Communities in Conflict: Competing Jurisdictions in the Empire

In the politically fragmented Holy Roman Empire, lines of sovereignty were rarely clear. Communities were subject to pressures from competing authorities even in peacetime, and the situation became especially problematic during periods of military conflict, as political power shifted and was redefined in accordance with the fortunes of war. Competition for jurisdiction took many forms – religious, economic, political – any of which could turn town or village institutions into the battlegrounds of territorial authorities.¹ Matters of defense naturally became crucial to these battles, as competing clients attempted to assert their authority over military institutions. In this politically and confessionally charged system, minor quarrels, unfounded rumors, and seemingly insignificant insults could spiral upwards and outwards into inter-territorial disputes, becoming increasingly politicized until they wound up plaguing the Empire’s highest courts for years at a time.

The legal process was complicated in such cases not only by competing centers of authority, who issued conflicting ordinances, but also by the discrepancies that arose between law and custom, either of which could hold equal sway. Then as now, laws were also subject to multiple interpretations. Everyone agreed, in theory, on the right to resist threats to peace and security. But did the ultimate responsibility for defense lie with the threatened individual, institution, or community itself, or with its legal authorities? How much violence was allowed to “keep the peace,” and whose job was it to decide? And if all citizens were theoretically soldiers, was every decision made by a person of authority a military command? When did a public official or military officer represent an institution, and when was he simply a man acting in his own interest?

The combination of confusion over lines of command and competition between law and custom made coordinated defense efforts

impossible. When faced with citizens who had violated defense ordinances in order to uphold village or civic customs, both local and centralized authorities during the early modern period were more likely to uphold tradition than to enforce law. This tendency parallels the process already observed in cases of dueling, in which sensitivity on the part of the authorities for masculine values and the martial ethic eclipsed legal norms. In matters of defense, however, privileging custom over law could prove dangerous to more than individuals, as a disciplined military force naturally depended on clear lines of command.

Two micro-historical case studies are presented here to illustrate the problems inherent in this patchwork system of defense. The first of these began in the late sixteenth century in Gebsattel, a village within the territories controlled by the city of Rothenburg, and the second took place in Nördlingen during the so-called “Swedish” phase of the Thirty Years’ War. Both stories are complicated by a backdrop of confessional tension, but neither centers on issues of religion. Rather, they both invoke traditions that preceded the Reformation. What they show us is that a militia system based on assumptions of harmony, unity, and friendship among its members can hardly succeed in a community divided by competing interests and ruled by multiple commanders.

Case study I: Town and country, law and custom: Local defense in a divided village

The backstory and the players

This brief excursion into village life will examine a case arising from the competing claims to power of the Imperial city of Rothenburg and the Benedictine monastery of Komburg over the village of Gebsattel. The case, which began with a charge of dereliction of guard duty in 1578, resulted from two conflicting sets of rules that governed life in the village – one based on law, and the other on custom. Unable to settle the dispute on their own, villagers referred the case to their respective authorities in Rothenburg and Komburg, leading to an escalation in tensions. From there it made its way to the Imperial Chamber Court (*Reichskammergericht*). Charges and counter-charges continued for nearly two decades.² Of particular interest are the interrogations of dozens of Gebsattel’s residents and others involved in the case, which reveal not only the source of tensions in the village, but also the peasants’ own perceptions of customary and legal authority.

Gebsattel is a small village on the Tauber River about three kilometers south of Rothenburg. The village had been the property of the distant

monastery of Komburg near Schwäbisch Hall (around 70 kilometers away) at least since the twelfth century, but the responsibility for protection of the village (*Schutz und Schirm*) officially passed to nearby Rothenburg in the later fourteenth century as a result of agreements between the city and King Wenzel of Bohemia.³ Thereafter, Gebattel's residents paid Rothenburg a yearly fee of 60 *Malter* "protection oats" (*Schirmhaber*) in return for the protection provided by the city.⁴ Legally, Komburg maintained all seigniorial rights (*Vogtei*), which included authority over offenses appropriate for lower courts (such as fights, insults, minor theft, and standards of weights and measures); while Rothenburg claimed the right to the upper courts (*Fraisch*), described by villagers as jurisdiction over capital crimes such as murder, whoring, robbery, and suicide.

In the late sixteenth century, Gebattel consisted of around 85 households, all of whose residents lived under this divided legal authority. A local ordinance from 1473 bound all villagers to share in responsibility for safety and security in the village, and to submit to the authority of majority decisions by the village community (*Gemeinde*).⁵ At the same time, however, the villagers themselves were personally subject to different Lords. About a dozen or so of the households belonged to Rothenburg subjects; the rest were the property of subjects of Komburg.⁶ The traditional obligations of this sort of vassalage, whether as a free citizen or as a peasant, included paying taxes and providing for local defense. Although the Rothenburg subjects shared fields, mills, and communal interests with the rest of the village, their actions in this case reveal their separate identity with the town, as they asserted the rights of autonomy afforded them as citizens (*Bürger*) of Rothenburg.

As noted in Chapter 1, guard duties were somewhat less regular in the villages than in the towns, but even here, men were expected to maintain weapons and to protect their community in a variety of ways. Peasant men not only guarded village parameters when their community was threatened from the outside, but also watched fields during harvest time, guarded the homes of their lords, honed their skills as riflemen in local shooting companies, and ran to fight fires and storms when alerted by local alarm systems. If the near to total annihilation of countless villages during the Thirty Years' War is any witness, it's unlikely that peasant guards ever actually functioned effectively as a military defense system. Nonetheless, they were certainly useful in keeping their communities safe from isolated threats such as robbers and arsonists.

Although the tiny village of Gebattel had no defensive walls, it was surrounded by a sturdy hedge that was designed to discourage uncontrolled entry either by wild animals or unwelcome human visitors. In addition,

the village church, like many medieval churches, was equipped both with a walled yard that could provide protection in an emergency, and a solid watch tower, complete with embrasures, that afforded a clear view of approaching danger. The tower also housed four light artillery guns.⁷ The populace, too, was armed. As we have seen, over a third owned firearms by 1583. According to the muster list of that year, all 83 male householders in the village were also equipped at least with side arms, and most of them also had pikes, armor, and helmets.⁸

The small community was accessible via six roads, each of which was secured with a gate. During peacetime, the gates, fields, and village itself were normally only guarded on market days, or, as in all villages, during the fall harvest. In the flax fields of Gebstattel, guarding during harvest time primarily meant keeping an eye out for wildfires during the dangerous period when the flax was dried.⁹ In addition, male residents might be called to pull special guard duty when other extraordinary circumstances threatened the village. Komburg and Rothenburg residents of Gebstattel had guarded together during the 1550's, for example, when the renegade soldier Wolf Öffner¹⁰ declared a feud on Rothenburg and was known to be lurking about in the area and setting fires; and they shared watch duties again in 1570 when the baker-turned-landsknecht Hans Stocker declared a feud on the village itself because of a squabble with one of its residents.¹¹ In both of these cases, all of the residents of the village accepted the decisions of their local authorities and stood together to protect their common interests.

Fall, 1578

According to the village's district officer (*Amtmann*), it was due to a similar circumstance that he ordered residents to guard the village gates in the late autumn of 1578. The district officer, an official appointed by the Komburg overlords, gave the order after his house had been broken into; the Dean of Komburg would later claim that "a lot of rotten riff-raff wanted to gather about Gebstattel to break into peoples' houses."¹² Initially, all of the men of the village followed the orders, each dutifully standing his round of watch in accordance with village tradition. But as November progressed and the weather grew increasingly colder, with no sign of any threat, some of the villagers began to question the district officer's orders that they continue their rotating watches. Both Komburg and Rothenburg subjects were unhappy about the duty, but only the Rothenburg citizens believed that they had a legal right to refuse to stand guard – for although the village ordinance of 1473 subordinated all residents of Gebstattel to local authority in matters of defense,¹³

a more recent agreement reached in 1556 seemed to provide conflicting instructions that would supersede the earlier ordinance. In that year, a treaty was signed by representatives of both Rothenburg and Komburg that gave the Rothenburg council direct authority for ordering their citizens in Gebstattel to stand guard. This clause was only one of a number of items settled in the treaty; also addressed were management of the common mills, the treatment of criminals, maintenance of the village gates, and elections of the peasant overseers. The treaty was apparently aimed at diffusing the growing tensions between the two powers, whose relationship was becoming strained as Protestant Rothenburg grew in size and power and sought to increase its hegemony over the surrounding territories. To the Dean of Komburg in his distant monastery, it no doubt appeared that the city would soon engulf this vulnerable village entirely. This would not only mean the potential loss of Catholic souls to the Protestant camp, but also the loss of Gebstattel's lucrative fields of flax, which were an important part of the monastery's income.

Citing this 20-year-old treaty, the minority of Rothenburg citizens in the village ceased appearing for guard duty. In their defense, the Rothenburg council would later claim that no one was able to identify any real enemy, and that the village was not in fact in any danger. The order to stand guard seemed to them to be merely a form of harassment and tyranny on the part of the Komburg-appointed district officer. To the village elders, however, the behavior of the Rothenburg villagers was nothing more than disobedience.

The Komburg subjects responded to what they saw as a violation of village norms by resorting to a local custom that was designed to force disobedient villagers into submission. The Rothenburg citizens would be *vertruncken* (literally, "drunk up"). In accordance with this tradition, the Komburg subjects retired to the local tavern and began to drink rounds at the expense of the defiant Rothenburgers. Custom demanded that the drinking bout continue until those being disciplined appeared and agreed to comply with local orders, or (according to some of the villagers) until a specific sum for each disobedient villager had been consumed; if the tab was not paid within a set period of time, then the drinking would resume. The Komburg villagers in this way managed to put away the unlikely sum of 130 pounds schilling, or around 15–17 gulden, an amount more than sufficient to leave most of the men of the village in no shape to guard anything. The Rothenburg citizens, however, backed by the Rothenburg city council, flatly refused to pay the tab.

The immediate loser in this stand-off was of course the publican, himself a Komburg subject. To recoup his losses, he sent men to the

farms of the disobedient residents to confiscate some of their belongings by force. The Rothenburg property, which included wagons, carts, beds, clothes, and kitchenware, with a total value of around 35 gulden, was held for a while in the tavern as collateral for the debt. When the Rothenburg citizens still refused to redeem their property by paying the tab, their goods were sold, leaving the Rothenburgers to avail themselves of the courts.

After a failed attempt to recover the losses of their citizens by petitioning to Komburg, the Rothenburg council retaliated in December of 1579 by sending a company of 12 riders and dozens of musketeers to execute a collateral operation of their own; this time, 88 gulden worth of clothes and bedding belonging to Komburg subjects was carted off and stored in the Rothenburg spital.¹⁴ The Komburg villagers complained to their lords at the monastery, who finally referred the case to the Imperial Chamber Court in 1580.

The aftermath

As part of the proceedings, a series of interrogations was conducted by the Imperial Chamber Court in 1584 and 1585. Those questioned included around 60 of Gebstattel's older male residents – along with two widows – as well as the village headman (*Schultheiß*), a couple members of the Rothenburg city council, and the captain of the Rothenburg city guard. Rothenburg subsequently filed a counter-charge, leading to the interrogation of an additional 43 of Gebstattel's male residents in 1594. Only those who would have been adults in 1578 were questioned; their ages at the time of the second round of interrogations ranged from about 40 to 75, with the average age at around 60.

The first round of questioning in 1584 took place in Gebstattel itself, where the imperial representative Job Wilhelm Schenckh and his entourage met with the witnesses in the village inn, the *Erbschenkstatt* (lit. “hereditary tavern”), the only permanent licensed pub in the village. This inn was the center of village social and political life. The custom of “drinking up” was not the only form of social control that was practiced here; it was in front of the *Erbschenkstatt* that local offenders were exposed in the stocks or made to wear the “Stone of Shame” that hung on its wall.¹⁵ The innkeeper in 1584, when the interrogations took place, was the Kromburg subject Leonhard Hoffmann, himself a victim of the Rothenburg property seizure; Hoffmann had lost a black cap, a lined doublet, and a “good pair of pants.”¹⁶ The second set of examinations a decade later took place in a public house in Rothenburg, where the witnesses were served lunch.¹⁷ In both interrogations, each of those

questioned was asked as many as 100 questions and counter-questions posed by both parties in the case.

Although the questions asked were many and varied, the major arguments of the two plaintiffs are not difficult to identify. Throughout the interrogation process, and in their petitions to the court as well, Komburg's lawyers consistently phrased their questions to appeal to custom or common law (*gemeines Recht*), with an emphasis on the hundred-year-old village ordinance as a reflection of village relations existing "longer than human memory."¹⁸ Conversely, Rothenburg argued on the basis of the more recent treaty, and especially their status as local protectorate. Thus Rothenburg began its interrogation by asking if Rothenburg was not the legal and seigniorial lord of its citizens in Gepsattel; if all of the people and properties of Gepsattel hadn't been under Rothenburg's protection for 180 years; if it was not true that a specific clause was included in the 1556 treaty giving Rothenburg the right to order its citizens to stand guard; and if the citizens who refused to stand guard weren't therefore simply following the orders of their legal authorities.¹⁹ Other questions were also in this vein.

Komburg's counter-questions were then designed to raise questions about the validity of the treaty to the peasants themselves, and particularly, to question the peasants' ability to understand it: "Was the witness present when the treaty of 1556 was created, or has he heard it read, and does he then have true knowledge and understanding regarding its content?"²⁰ Rothenburg naturally responded with the same strategy in their counter-questions as well: "Does the witness actually know what is in the contract [of 1473]? Has he read it himself, or otherwise heard it read? . . . Does the witness know what seigniorial authority is, and can he describe what is meant by 'an ancient tradition'?"²¹ and so on.

It is perhaps not surprising that some peasants admitted ignorance of such matters. "These things are too complicated for him," day laborer Marx Beer insisted, "he is just concerned with his strenuous and hard work."²² The two widows in particular noted that they could know nothing of ordinances, as they could not attend the village assemblies.²³ But other witnesses were less modest about their knowledge. In responding to the interrogators, these villagers reveal their own interpretations of law and custom, defense and duty, and obedience to authority, as well as illustrating the value placed on memory and the experience of age within the village. Undoubtedly, the language of the record is influenced by the scribe who recorded it. But the diversity of opinions; the variety of details and images of daily life; and the multiplicity of voices revealed in these documents – some of them humble,

some arrogant, others thoughtful or confused – give testimony to the ability of early modern witnesses to find personal expression in the interrogation process.

Some of those questioned in fact provided detailed lists of what they understood the rights and duties of each of the authorities to be, claiming that their knowledge came from “their fathers” or “old men who came before them.”²⁴ More often, issues of legal authority and formal treaties took a backseat in the interrogations to the peasants’ memories. Decisive was not what was recorded in the treaty, or even in the village ordinance; emphasis was placed instead on the precedents that had been set in the customary managing of life in the village, and especially on the peasants’ views of what was necessary for harmonious relations to continue. Particularly to the older residents of the village, the only authority that mattered was that of the village assembly.

The bulk of the interrogations, then, concentrate on village custom and precedence. And in this realm, if either of the plaintiffs in these cases was hoping for an overwhelming show of support from their respective subjects, they must have been disappointed. On the key points regarding village custom in the case of local defense, the villagers were nearly unanimous. All agreed, irrespective of their loyalties, that, until this incident, guard duty had always been shared willingly by all male residents and had never been questioned. Despite Rothenburg’s obvious attempts to suggest otherwise, the villagers of both authorities also agreed that the custom of “drinking up” disobedient villagers was an old tradition, not only in Gebstattel, but in other nearby villages as well. Contrary to the Komburg claim, however, the villagers also seemed to be in agreement on the fact that taking collateral by force was not a local custom. Although records in Rothenburg show that this was not the first action of its kind, none of the peasants would admit to knowledge of a precedent.²⁵ Even those who had themselves been involved in the drinking up and seizing of Rothenburg property expressed having been uncomfortable with it at the time. “Although he should put his own hand over his mouth,” one of the Komburg peasants admitted, “since he himself was there [and took part], but to really tell the truth, he for his part believes that one could have gone easier, and waited for the results of due process, since this was offered.”²⁶ Another expressed his opinion that “no power has the authority to encroach upon the buildings and land of another power’s subjects.”²⁷ Peer pressure, however, had been great at the time. As one participant in the drinking bout put it, “he would often rather be a number of miles away, than involved in such incidents, but one must often do what the majority wants.”²⁸

These men and others testified that they had joined in the disciplinary action only because they feared being ostracized, being punished in the stocks at the *Erbschenkstatt*, or even becoming victims of a “drinking up” ceremony themselves.

How, then, did the situation deteriorate to such a degree that the peasants themselves were uncomfortable with their own actions? In the opinion of a number of the older witnesses, the blame fell on the new generation of Komburg’s district officers. According to one Rothenburg subject, the order to stand guard was based on spite rather than necessity, a form of tyranny on the part of the Komburg representative. Other peasants explained that traditionally, orders to stand guard had come from the peasant overseers, not the district officer. Lately, though, the Komburg officer had begun to infringe on their local traditions in this and in other ways. “If the village had been left to their old laws,” one older resident believed, “then these quarrels would not have arisen.”²⁹ Nearly all of the peasants, Rothenburg and Komburg subjects alike, agreed that relations in the village had been strained only since this incident, or immediately prior to it. The tension between the villagers, then, seems to have been imposed upon them from their respective authorities, and their resentment of this interference was clear.

The triumph of custom

Although the peasants’ descriptions of these events are in many ways the most interesting aspect of this case, we must now leave them behind and try and make sense of this lengthy trial by placing it in the broader context of defense duties. At base is the question of whose job it was to make decisions about protecting the village. Was ordering guard duty a matter for the village assembly, who had the greatest stake in their own security? Or did this right belong to their seigniorial lords, or to the city officially responsible for their protection? And could a defense system function effectively when its participants were subject to competing authorities? In the village of Gebstättel, customary practices worked very well as long as everyone was in agreement. When competing jurisdictions collided, however, custom temporarily lost power and was challenged by the force of legal process. In this context it is important to recognize that this case did not occur in a vacuum, but was only a part of an ongoing struggle for hegemony between Rothenburg and Komburg, itself a microcosm of the wider struggles for power that characterized the Empire at large.

As is so often the case during the post-Reformation period, one suspects that confessional competition must have played a part in this struggle. After all, the dispute is between a Catholic monastery and a Protestant

city, and concerns about the loyalty of guards were always a problem during these years of confessional struggle and religious war. Yet disagreements between these two powers, in this and other cases, rarely address the question of confession directly. And no mention of confession is made anywhere in the thousands of pages of legal documents generated by this case. Whether this is due to the fact that it was irrelevant, or only because the Religious Peace of 1555 prevented the Imperial Chamber Court from taking a confessional stance in their legal process, is not entirely clear. But there does not seem to be any other evidence to suggest that the villagers themselves were particularly divided over religion.

In the end, it was custom, and the weight of the older village ordinance, that appears to have won out. In 1595, the imperial court ordered Rothenburg to return the Kombokurg property and pay for the expenses of the trial, which by this time totaled over 568 gulden.³⁰ Although Rothenburg continued to protest the decision, there is no indication that the Rothenburg citizens or their surviving families were ever reimbursed for the property that was “drunk up.” According to the Imperial Chamber Court, regardless of how inappropriate the seizing of property might have been, Rothenburg did not have the right to interfere in the rights and traditions of Gebtsattel’s residents with a show of force.³¹

Situations like the one in Gebtsattel in 1578 point up the problems inherent in a defense system that depends on its civilian population. The decision of the court was undoubtedly aimed not only at discouraging division in the village community, but also at underscoring the importance of submission to immediate authority in matters of defense; for the issue of competing jurisdictions was only one of any number of excuses that German men came up with over the course of the early modern period to resist defending authorities they did not support. The forms that such non-cooperation took ranged from passive resistance to active defiance; in extreme cases, as we shall see, citizens even turned their weapons against their rulers. It is hardly surprising, then, that the civilian populace would eventually be forced to relinquish both the duty and the collective right of bearing arms in their own defense.

Case study II: The Swedish rogue and the captain of the guard

The backstory and the players

We now turn to a story of war, at the same time shifting our gaze from the countryside back to the town. This series of events began in the imperial city of Nördlingen more than half a century after the incident that

divided the village of Gebstättel. Although occurring in different types of jurisdictions and under very different circumstances, these cases have much in common in pointing up the problems of conflicting jurisdiction in the Empire. The year is now 1633. It is spring, just under a year and a half before the Catholic Emperor's troops, in the decisive Battle of Nördlingen, will route the Swedish forces and leave the Protestant town at the mercy of King Ferdinand III. For now, however, the city is occupied by Swedish troops under the command of Lt. Colonel Johann Wachmeister.³² Although the local citizens and the occupying forces officially share the Protestant faith, the international Swedish troops are foreigners in the city, and their maintenance is expensive. Relations between the locals and their military guests are strained.

For occupied towns, the problem of competing loci of power began the billeting of troops in private households. Depending on the size of the home, troops could be quartered singly, in pairs or small groups, or accompanied by their wives (or courtesans) and children. To most local citizens, the soldiers with their mobile lifestyle, even if they were traveling with their families, carried a taint of suspicion and disorder from the outset. Households without houses, the vagabond-like soldier families were particularly threatening to the metaphor of the orderly household fostered by civic leaders during the post-Reformation period.³³ The power afforded a married head of household in early modern Europe would naturally have led householders to expect to exert some control over single men living under their roof, especially if they were younger men. But many single soldiers were willing to submit to their landlord's right to dominion only if it could be physically enforced. The household ideal could face even greater challenges from soldiers who were older and used to their independence, especially if they were accompanied by families of their own.³⁴ The result was two householders living under one roof, both of them armed and socialized to respond to threats with violence.

The strained relationships that resulted from these dual households not only created a potential catalyst for bloodshed, but also served as a microcosm of the greater forces struggling for hegemony over the town. Like the beleaguered households within its walls, the city as a whole struggled to establish a working balance of power between competing authorities. Torn between two powers and angry at the abuse they faced at the hands of soldiers in their homes, citizens occasionally turned their frustration and their weapons against their own government. One Nördlingen householder who snapped under the pressure of putting up with billeted troops was the beer seller Hans Wagner; after the

interlopers had emptied his storerooms, cost him his business, insulted him, and even thrown chickens at him, he turned to city leaders for help, only to be told that it was his duty to exercise patience. Wagner responded by arming himself with a pole arm, climbing the steps to the top of the city wall, and walking the parapet accompanied by a group of other irate citizens. When he was challenged by the local Captain of the Guard, witnesses said, he responded by saying, "We have no more authorities, we have to watch over ourselves."³⁵ Already challenged by the existence of a second center of power in the city, Nördlingen's council had little tolerance for an additional challenge to their dominion coming from the frustrated innkeeper. The penalty for Wagner's outburst was the loss of his citizenship.

The council had good reason to tread lightly when it came to disputes between citizens and quartered soldiers, for the situation outside Nördlingen's walls was hardly less worrisome. Imperial forces had occupied much of the surrounding territory, and were intent on regaining their former stronghold within the city. The Swedes, under the leadership of the Swedish Chancellor Axel Oxenstierna since the death of Gustavus Adolphus at the Battle of Lützen a year before, were equally determined to hold on to their gains for Protestantism.³⁶ Under these circumstances, any violent incident involving the occupying troops had the potential to take on a dangerously political character. The local authorities, acutely aware of the volatile nature of the situation, had been issuing ordinances throughout the war warning their citizens to stay away from the inns in which soldiers are quartered, to avoid insulting or provoking the soldiers or their families, and especially to keep out of the fights and altercations that regularly broke out among the unruly troops.³⁷

But the Swedish forces were not the only military presence in the city. Like all early modern towns, Nördlingen maintained its own system of soldiers and guards to protect and police the local populace, and required its male populace to stand ready to defend their town in any emergency. Overall responsibility for this local system of defense and peacekeeping rested with Nördlingen's Captain of the Guard, Johann Melchior Welsch. Like two armed housefathers sharing the same hearth, Welsch and Wachmeister both claimed the right of military authority over Nördlingen's citizens.

Spring, 1633

On a Sunday evening in May, 1633, Wachmeister and Welsch were involved in a disturbance in the Golden Jug, one of Nördlingen's better inns. What started as a typical tavern brawl, however, had serious

political overtones, ultimately threatening to take on international importance. Exactly what happened during the period leading up to the fight is unclear, possibly even to the participants, all of whom had been drinking heavily. The following description is based on a comparison of the statements of over 20 witnesses and participants in the episode. The aftermath of this brawl is in any case well recorded.

Events began early in the afternoon, as Captain Welsch was sharing his midday meal with the military Quartermaster in the Golden Star Inn. Their meal was interrupted when a page sent by Lt. Colonel Wachmeister arrived with an invitation for both of them to join him and one of his officers for a drink at Wachmeister's quarters in the Golden Jug. Welsch and the Quartermaster accepted the invitation, and in the tradition of military officers, a hearty drinking bout followed. One pledge of health followed another until, Welsch later testified, "he did such justice to the drink, from glasses to half measures, so that he was made as drunk as he has not experienced in a long time."³⁸ The Quartermaster left the party between three and four in the afternoon, by which time he was already too drunk to sit in his saddle.

Talk among the remaining officers – Welsch, Wachmeister, and the man later referred to by witnesses as "the fat lieutenant"³⁹ – then turned to the business of war. In his testimony after the event, Welsch tried to identify the point at which the atmosphere of the drinking bout changed from friendly to threatening. Was it because he was unable to honor Wachmeister's request to provide horses and billeting for Swedish troops outside of town? This seemed doubtful, as it was hardly within his jurisdiction to make such decisions. To be sure, Welsch had expressed reservations about whether such a request would be approved, but had otherwise referred Wachmeister to the Burgomaster and offered to help in any way he could. More likely, Wachmeister had become hostile as a result of their difference of opinion concerning the Imperial Commander Johann Kratz, Count of Scharffenstein, who at this time was still serving as an artillery General for the Emperor (although he would shortly switch sides and lead Swedish troops as a Field Marshal in the Battle of Nördlingen).⁴⁰ Wachmeister had slandered Kratz as a coward and sluggard, claiming that the Count had refused to meet him in the field before Ingolstadt, in spite of the fact that Kratz commanded a superior number of troops. Welsch, who had served under Kratz at a former phase of his career, defended the honor of the Imperial Colonel, praising him as an upright commander. Welsch was not sure whether or not his response had offended Wachmeister, but it was at this point that the Lt. Colonel and the fat lieutenant began to "plague him dreadfully

with drink"⁴¹ and refused to let him leave or to stop drinking, in spite of his repeated pleas. The drinking bout had turned into a form of confrontation.

Things turned violent at around 7 p.m., by which time Welsch was so drunk that he had already fallen to the floor once. As he was struggling to stay upright, Wachmeister proposed yet another toast, to which Welsch finally refused to "give satisfaction"⁴² – that is, he failed to drink to the Lt. Colonel's words. The greatest disparity between the accounts of the two officers occurs in their description of this final toast. According to Welsch, Wachmeister had offended him by drinking a toast to the health of all whores, and to kissing them, as Welsch in his initial testimony delicately put it, "I don't know where"⁴³; subsequent correspondence identified the point of reference as the backside. Welsch responded by saying that he couldn't drink any more, and furthermore that he had never in his life kissed "an upright fellow" in such a way, so why should he "(*salve venia*) lick [lit. *clean*] such wanton whores?"⁴⁴ Wachmeister for his part denied making the frivolous toast, insisting instead that he became irritated because Welsch drank a toast to the honor of Kratz. This charge suggested that Welsch harbored Imperial sympathies, which could have justified his rival's feelings of hostility.

There was little deviation in testimony regarding the fracas that followed. Whatever the nature of the toast, all witnesses agreed that it was because of a drink that Lt. Colonel Wachmeister attacked Captain Welsch, hitting him in the throat and knocking him to the ground. He then kicked and stomped the Captain brutally and repeatedly, enlisting the aid of a servant to help with the beating and finally calling for his page to bring him a sword. The Captain, too drunk to defend himself, cried out in fear and pain, alarming the innkeeper and others in the house, who began to call for help. When Welsch's page, Jörg Hardtmann, attempted to intervene, he was thrown down the stairs by the "fat lieutenant." The innkeeper later testified that he was certain that Wachmeister intended to murder Welsch.

Outside, it was that time of evening that, according to one of the witnesses, "one [began] to light the lamps."⁴⁵ But it was still light enough for the streets and yards to be full of life. Another of Welsch's servants was there, holding his master's horse while waiting patiently for Welsch to head for home. A number of craftsmen were passing by on various errands, some accompanied by their journeymen; among them was a group of journeymen butchers, possibly making their way to or from a drinking bout of their own. Upon hearing the screams for help, they responded in accordance with local ordinances and their oath of

citizenship – by running to the source of the disturbance in order to keep the peace.

The Nördlingen citizens, whom the authorities would subsequently describe as “mostly young lads,”⁴⁶ entered the tavern and made their way up the stairs to the second floor where the drinking room was located. At the top of the stairs, they were met with the points of swords, wielded by Wachmeister’s lieutenant and others of his entourage. One of Wachmeister’s men pulled a board from the stairs and threw it at the crowd in an attempt to knock them back down the steps. Welsch’s servant had also left his post outside and run into the tavern; upon seeing the captain on the floor bleeding and his colleague Jörg Hardtmann injured at the bottom of the stairs, he returned to his master’s horse, mounted, and rode to notify the guards. Meanwhile, those among the citizens who were not armed were handed halberds and wooden boards by the innkeeper and his servants.

When the city guards arrived, the Swedish officer and his men retreated from their defense position at the head of the stairs, withdrawing into their private quarters. Captain Welsch, who by this time was crying “like a child” and had his finger in his mouth, ordered the citizens to go after the Lt. Colonel and his men and “flatten them;” he would stand for the consequences.⁴⁷ The captain’s servants and other citizens prevented Welsch from taking part in the chase personally, instead bringing him out of the inn and escorting him home. Meanwhile, at least twenty citizens and a number of guards, according to one probably exaggerated estimate over a hundred people, crowded into the dark private rooms of the inn. As the guards tried to lead the Swedish Lt. Colonel through the chaos and out of the inn, the citizens attacked him and his page, knocking them to the ground and beating and stabbing at them until they lay still. “Is the Swedish rogue still alive?”⁴⁸ asked one of the attackers, according to Wachmeister’s testimony. At that point cutler Friderich Hindermach covered the Lt. Colonel with a blanket and sat on him, remanding the assailants to “stop hitting the dead person.”⁴⁹ The guards were then able to clear the inn of civilians and take Wachmeister, who probably owed his life to Hindermach, to the guardhouse for questioning. According to Wachmeister, the verbal insults to his person continued in the guardhouse, “and Swedish rogue was his most worthy title.”⁵⁰

Legal and customary boundaries

This, then, was how the struggle between the two officers started. But there were bound to be consequences. Wachmeister took the case up

the ladder of military command in an effort to obtain satisfaction for what he considered a great injustice done to his person and his honor. Eventually, it reached Oxenstierna himself, who turned it over to a special military commission. It is impossible here to plunge into the copious pages of charges and countercharges, testimonies, queries, and reports that were generated in the aftermath of this tavern brawl; instead, let us stop and consider what exactly we can do with this bit of micro-history. There are a number of possible entries for contextualizing and interpreting this case that are relevant to us here, which together bring into focus the conflicting rules and shifting loyalties confronting the seventeenth-century citizen soldier.

First, there is of course the issue of civic duty, in this case conflicting civic duties. On the one hand, the fight was between two military men, and citizens have been warned again and again to stay out of soldiers' brawls. Provoking military men, ordinances cautioned, could have dire consequences.⁵¹ Nördlingen was not the only city to warn their citizens during this troubled period against insulting soldiers or taking any action against them that could incite "disaster and tumult."⁵² On the other hand, men were still bound by their yearly oath to intervene in fights and enforce peace, and especially to obey the orders of their local Captain of the Guard in times of crisis. Civic ordinances not only stressed the fact that orders from the Captain were not to be ignored, but also that citizens resorting to arms in the interest of protecting the peace could not be charged with an act of violence.⁵³ Naturally, the Nördlingen citizens assumed they were being obedient to these laws, all of which were based on the customary civic codes established at least by the fourteenth century.⁵⁴ The edicts concerning altercations between soldiers, however, were a recent and presumably a temporary wartime measure. Thus the situation blurred the lines between obeying and violating local laws. The local authorities were aware of these contradictions and had little choice but to take a neutral stance which, they hoped, would allow them to protect their citizens without further insulting the angry Swedish officer.

A second question that is worth pursuing concerns the language of honor and status used by those involved in the incident, and the relationship of this to resort to arms. The cutler Hindermach, for example, apparently recognized the dangers inherent in attacking the foreign officer, testifying that as he took it upon himself to sit on Wachmeister, he also warned the other citizens to settle down and to "spare their wives and children, for [Wachmeister] is not a person of meager status."⁵⁵ Wachmeister himself was clearly enraged by the attack on his

person by common craftsmen, and later rebuffed local guards who insisted on proper procedures before allowing him to enter the city with the contention that they were "of too mean a status to hold him up."⁵⁶ Wachmeister was higher in military rank than Welsch, and probably higher in social rank as well, but the local citizens owed Welsch their personal allegiance. This was true not only on military grounds, as he was their guard captain, but also as a result of local socio-political networks, for Welsch belonged to an important Nördlingen family with ties to the city council.⁵⁷ These overlapping lines of authority raise questions about what kind of status takes priority.

Both of these issues are related to a third context, namely the problem of spiraling political escalation. The two individuals involved in this fight both represented greater political bodies, and both had the backing of their respective governments. The initial responses from Oxenstierna and his representatives demanded that Nördlingen arrest and punish those responsible for the attack. Meanwhile, Nördlingen's support for Welsch, and the unwillingness of its government to allow any one individual to become a scapegoat for Wachmeister's wrath, is evident in the multiple copies of the interrogations that have been preserved in this case. In the copy of testimony representing that which was actually sent up to the investigating commission, each admission by a citizen that he may have actually touched the person of Lt. Colonel Wachmeister was carefully stricken from the record. With this act a record of slaps, beatings, insults, and drawn weapons was silenced, leaving only an impression of a confused group action, occurring in the dark, in which no one person clearly could be accused of injuring the Colonel.

Frustrated by the city's failure to punish a perpetrator, Wachmeister ultimately declared a feud – not against Welsch, but against the entire city of Nördlingen and all of its residents. As Wachmeister was a military commander with troops at his command, the city took the threat very seriously indeed. A declaration of feud from a person of power could be equal to a declaration of war.⁵⁸

As always during the age of religious war, political stress becomes complicated by questions of confessional loyalty. Once again, it is tempting to interpret the argument over the Imperial commander Kratz as deriving from religious tension. Yet like most military officers in this age of mercenaries, including Kratz himself, Welsch was clearly not so loyal to one faith that he had a problem switching sides when it served his career. Even more binding, perhaps, than religious confession was the value placed by military men on oaths of allegiance. Once a military officer had sworn allegiance to an officer, passively listening to insults

aimed at their commander without reaction would constitute a breach of loyalty, even if the legal relationship had ended. Thus Welsch's support of Kratz, much like the response of the Nördlingen citizens he commanded, can be explained as an issue of military honor and need not imply secretly harbored Catholic sympathies.

Nonetheless, the apparent treasonous attachment to a commander serving the Catholics provided Wachmeister with justification for his attack. This brings us to a fourth and particularly relevant entry point for this case, namely the relationship between custom and law in the participants' depictions of the events. Here it is necessary to consider a number of boundaries – customary boundaries, legal boundaries, and physical boundaries – and examine ways in which they were crossed or violated. Traditional lines were crossed, for example, when the drinking bout shifted from a series of standard toasts to an offensive challenge, and again when the verbal insults that resulted escalated into fisticuffs, or an attack on the body. As we know, crossing the line from word to deed could be justified if the attack was sufficiently provoked, for example by insults to honor. But another more problematic boundary existed in the form of the body itself.

Not only law, but also custom recognized a difference between blows that did not break the skin, and injuries that caused a flow of blood. Wachmeister was drawing on this tradition when he defended his actions by pointing out that he did not actually use a weapon, and thus did not pierce Welsch's body. The Nördlingen citizens, on the other hand, broke the rules of fair play by attacking him in the dark, in large numbers, and most notably, they pierced him with swords, drawing blood. Wachmeister's claims that he had been stabbed multiple times, having received "several wounds in the head" and "six stabs in his arms and body"⁵⁹ may have been somewhat exaggerated; a barber-surgeon's report described a series of scratches, bumps, and small cuts, with only one stab wound on his arm that might have been dangerous. For their part, the craftsmen involved in the attack defended their actions on the grounds that they became involved only after Wachmeister had called for his sword, apparently with the intention of stabbing Welsch while he was on the ground and unarmed.

The reports of barber-surgeons in such cases provide evidence of the budding interest in empirical evidence that increasingly characterized seventeenth-century legal practice. Although such reports had long been common in cases of murder and manslaughter, by the seventeenth century they are increasingly common in personal injury cases as well. Welsch seemed to be at a disadvantage in this respect, since the

traditional corporal boundaries associated with breaking the skin did not normally take internal injuries into account. Nonetheless, he was able to turn forensic evidence to his advantage by demonstrating that the brutality of Wachmeister's attack warranted an armed defense. His barber-surgeon's observation that Wachmeister's beating had caused blood to issue from his body included the medical note that internal injuries resulting from kicks "are often more dangerous than when one . . . is stabbed."⁶⁰ A legal point of responsibility, then, arose not from the question of who struck the first blow, or who inflicted the most grievous injury, but rather, who first broke the boundary of the body. To Welsch, the presence of blood legitimated his claim that from the standpoint of reason, Wachmeister had initiated the "blood fight" after all.

In making these claims, Wachmeister and Welsch were both representing their actions during this brawl with the rules of honorable combat in mind. Participants in any kind of violent episode, from tavern brawls to epic battles, are likely to attempt to legitimate their own violence while illegitimizing that of the opponent. This includes not only seeking to justify attacking the adversary, but also playing down injuries inflicted and playing up those received. As a result, minor injuries could take on great importance, having the interesting effect of painting the complainants as something less than heroic in facing pain. The image of Welsch on the floor crying with his finger in his mouth was easily matched by Wachmeister's count of six "deadly wounds" to the body that included a scratch on his little finger and three bruises.⁶¹

In continuing this social play, Welsch's description of Wachmeister's obscene toast also provides an appropriate counter-argument to the Swedish officer's assertion that the toast to Kratz was justification for a violent response. In accusing Wachmeister of making a toast to all whores, Welsch was capitalizing on the customary reputation of soldiers as whoremongers. By noting the personal offense he had taken at Wachmeister's rude words and making his refusal to drink to them the catalyst for the attack, the Captain at once represented himself as a disciplined, pious, and presumably Protestant officer and citizen, while simultaneously casting his adversary in the traditional role of the undisciplined roving landsknecht. Despite his own admission of extreme drunkenness, Welsch thus managed to make a distinction between his own identity as an upright citizen-soldier and the common view of mercenaries as hardly more civilized than vagabonds. The disdain of Nördlingen's citizens for soldiers is evident in ordinances issued during the seventeenth century, including one that appeared shortly before this incident, warning against "laughing at" the troops quartered in the town, which could goad the

soldiers into violent reactions.⁶² These expressions reflect the widening cultural gap between professional soldiers and citizens that became increasingly evident during the Thirty Years' War.⁶³

The aftermath

In response to Wachmeister's unremitting complaints, Oxenstierna's representatives continued throughout the summer of 1633 to try to find a perpetrator to blame for the incident. Their efforts proved frustrating. Nördlingen's citizens remained silent about who had actually pierced the Swedish officer's body, and Wachmeister and Welsch both stuck to their stories. In the end, Wachmeister provided the commission with an excuse to drop the charges by breaking some final boundaries that breached the limits of both tradition and law. In mid-August, about three months after the fight, Wachmeister was asked to return to Nördlingen for yet another hearing. At the city gate, he refused to honor the guard's request that he wait until permission for entry to the city had been obtained from the Captain of the Guard, in accordance with local ordinances. Instead, Wachmeister responded that "he cared nothing for their authority or captain . . . they would have enough to do with him,"⁶⁴ and added that "they could kiss him" – again, recorded in rather delicate terms – "on an improper place".⁶⁵ And with that, he crashed the gate, knocking the guard to the ground and forcing open the barricade. The guard at the gate explained his inability to stop the Lt. Colonel by pointing out that he was holding the gate in one hand and his weapon in the other – apparently he had no hand free with which to apply appropriate force. The guard's decision to watch, his weapon hanging impotently from his hand, as the stranger violated his city was undoubtedly the wiser course of action.

This physical violation was soon compounded by a verbal threat of frightening intensity. Upon leaving the hearing a few days later, Wachmeister declared the city to be his enemy, and as a parting shot, stated that should he meet any citizen of Nördlingen outside the city, "he would spare no one from this city, not even a child in the womb."⁶⁶ The fact that he drank a toast to this threat made it into an oath, and thus an official declaration of feud against everyone in the city, women and unborn children included.

The Swedish commission, by now apparently tiring of Wachmeister's tirades, seems to have dropped the case at this point. In a final letter, they declared that they found no fault with the city of Nördlingen "as a true member of the Protestant faith";⁶⁷ and with that, the record of correspondence ceases. Nördlingen's council followed up by writing

to the surrounding authorities, including Ulm, Duke Eberhard of Württemberg, Oxenstierna, and others, in order to ask for protection for their citizens from Wachmeister and his troops.

Ironically, it was only a few months after this incident that Wachmeister's old adversary Kratz joined the Swedish troops in their unsuccessful attempt to defend Nördlingen against Imperial forces. It is not clear whether Wachmeister was involved in this battle, or where he met his end; apparently, he never made good on his threat to injure Nördlingen. Meanwhile, the city continued to publish ordinances against mixing into soldier's brawls. And a possible direct reaction to this incident was a decree issued in June of 1633, just days after the first interrogations, admonishing the civilians assigned to rotating guard duty to stop missing their shifts and to be more attentive in making their rounds. Perhaps the authorities believed that if the persons who had first responded to the captain's screams had been those on official duty, rather than young men who happened to be passing by, the results would have been less volatile.

We are forced in examining this case to shift our attention several times between the micro- and the macro-historical level. This is not only due to its potential for escalation, but also because of the parallels that exist between the individual and the state in confronting a threat. The competing lines of authority that characterized the Empire provided the various jurisdictions with a choice of options for reacting to a crisis; at the same time, the system required extreme caution in choosing among those options, especially during periods of war. Local ordinances put their male citizens in much the same position. "Obedience" was not synonymous with passivity – rather, it could at times require action. Although the maintenance of an armed male populace trained to defend their neighbors was intended to support demands for civic peace, reality could easily put them at odds with this goal. Ordinances certainly advised caution in dealing with soldiers, for example, but this did not eliminate the requirement to use force if necessary to keep the peace. So here too, the actors had choices. Spontaneous action by young men in response to a threat, however, especially if they were armed, was difficult to control and unlikely to be governed by the same sort of caution exercised by leaders of State.

Conclusion

Although the "military revolution" theory posed by Michael Roberts in the 1950s was never accepted uncritically, even recent challenges tend

to focus on the timing of the process, or the relative weight of technology versus state power and organization, rather than questioning the basic connection between the standing army and the state.⁶⁸ But the Holy Roman Empire has always posed a problem for this model. Emphasizing the fragmented nature of power that characterized imperial military organization even in the eighteenth century, Peter Wilson in a recent treatment deconstructed the top-down assumptions inherent in the “military revolution” doctrine and located the crucial role played by the soldiers themselves in shaping military culture.⁶⁹ After all, military power depends on more than just the superiority of available arms. It also requires the compliance of its troops. As the cases presented here and others like them illustrate, changing attitudes about the value of civilian defense systems were also as much a reaction to grass roots action – or in the case of the villagers of Gebstattel, inaction – as to a technology shift or reorganization by centralized absolutist powers.

In conceding to custom, tradition, and local lines of command, sometimes at the expense of their own laws, the authorities acted in these incidents to diffuse violence and shore up local networks. But as long as primary responsibility for defense rested in local hands, coordinated military action by larger powers was impossible. The competing jurisdictions within the Empire led to split loyalties, confusion about lines of military authority, and the courting of rival sponsors in order to solve conflicts. These problems were articulated not only in urban settings, but also in the countryside, where village residents were equally capable of forming political alignments and turning to the courts as a medium of expression. Here we have seen how jurisdictional disputes among competing powers fragmented local defense systems. The following chapter deals with another problem arising from split loyalties and unclear lines of command, namely what happened when citizen soldiers socialized to respond to threat with force of arms believed they needed to defend themselves against their own government.

9

Citizens versus the State: Household, Community, and Urban Politics

In September of 1585, Augsburg citizen Daniel Mader caused a stir at the city gate on his way back into town after enjoying a drink at the shooting grounds. According to witnesses, Mader, a member of Augsburg's prestigious Merchant's Drinking Room Society, confronted the guards at the gate and demanded to know "who had ordered them there, and if they were guarding the Honorable council, or the common citizenry."¹ Not surprisingly, the implication that the citizen guards could have interests in conflict with the council did not sit well with local magistrates. Although Mader claimed to have been too drunk to have any memory of what he actually said to the guards, the questions posed by his interrogators provide evidence of their expectation of respect for civic hierarchy and harmony, as well as their concerns about disloyal guards. "Do the citizens then have a separate guard in the city? Does [Mader] not know that it is the business of the council, in the interest of calm and peace, to assign the guard at their pleasure? Does he also not know that it is in no way the place of the subjects here to impose bounds or order on the authorities?" Because "one tends to tell the truth in wine," the council also expressed concern that Mader's attack on the guards was related to an anti-government conspiracy, possibly centered in the Merchant Society.² "One could well infer from [Mader's] own words that there is a plan to disband the watch, therefore he should explain what pact he has made with others in this matter, and what kind of plot they have hatched with one another."³ In fact, although Mader clung to the drunkenness defense in respect to his behavior at the gate, he did admit to signing a petition that was circulating among members of the Society expressing concern over the current state of religious politics in bi-confessional Augsburg.⁴

The city council's sensitivity in this incident was not without a basis. The image of a city divided against itself painted by Mader's words recalled recent events that had brought the city to the brink of a bloody rebellion. Such events were also hardly unique in the early modern experience. Again and again, the armed subjects of early modern Europe turned their weapons against local governments in order to force negotiation on confessional, political, and social issues.⁵ Until recently, historians examining these uprisings generally understood them as a form of communal resistance to authority, defined primarily in terms of the two sides of the conflict (guild communalism or civic republicanism on the part of the citizens vs. absolutism, oligarchy, or rising capitalism on the part of their rulers). A series of more recent studies with a micro-historical focus has placed greater emphasis on the complexities of competing interest groups within civic society, which can rarely be reduced to two opposing parties.⁶ This leads to a more nuanced examination of political protest.

Still missing in many of these studies, however, are the experiences and interests of the participants as individuals. While appearing to many observers (historians now as well as chroniclers then) as a crowd, a political movement, or a group of rebels, acting collectively and with a common purpose, the individual persons who made up the rabble in the street are rarely so easy to categorize. To those who participated in civic unrest, the line between an illegitimate revolt and a legitimate act of defense was not always obvious. Yet rarely do the members of a "crowd" receive the individual attention accorded to those actors whose deeds attract historians of crime.⁷

In order to listen to at least a few of these voices from the street, then, we now turn back to Augsburg for a case study that illustrates some of the possible effects of making soldiers out of citizens. This is not a story about war, rebellion, or bloodshed; rather, it is concerned with political maneuvering, brinkmanship and concession. At its center is a religious fanatic spreading rumors and fear, and among its primary actors are a group of ordinary male citizens who were willing to believe the worst about their neighbors and their government, and who reacted based on their vision of civic duty. The result was not only the redefinition of confessional tension into religious animosity, but also an early step towards the eventual redefinition of citizens into civilians. Because armed revolts by citizens could provide a context for intervention by the city's overlord – in this case, the Holy Roman Emperor Rudolph II⁸ – the threat coming "from below" could translate directly into a threat "from above."⁹ Either of these dangers could weaken the power of the

city oligarchy, whose response in turn was aimed at gaining tighter control of home defenses.

A culture of fear¹⁰

The events in Augsburg that precipitated Mader's seditious remarks centered on a decision by the city council in June of 1584 to remove the militant preacher Dr. Georg Müller (also Mylius) from his post as superintendent and pastor of St. Anna church and to escort him out of the city. The problem that the city government had with Müller was not only that he was preaching against the new Gregorian calendar, which had been introduced in Augsburg in 1583. It was also that his anti-Catholic sermons were encouraging rumors, exploiting fears, and driving a wedge between Lutherans and Catholics in the city. The association of the calendar with Pope Gregory XIII, along with its official introduction by the Catholic Emperor, was naturally troublesome to many Protestants. After all, if power over time itself was conceded to the Pope, what would come next? The situation was particularly ticklish in Augsburg, where the Protestant majority of the population was already uneasy with the imbalance of power in the Catholic-dominated city council. Müller's inflammatory sermons were further destabilizing a precarious situation.

So the council had decided that Dr. Müller had to go. To avoid causing a scene, they tried to slip him out of town quietly, without warning and in the company of only a few guards. Their plan backfired; citizens loyal to Müller noticed the wagon being escorted by armed guards and intervened, while onlookers ran to spread the news (see Figure 9.1). The rebellious preacher was rushed to safety. Word spread quickly. Soon the council house was under siege by a swarm of armed citizens. Shots were fired in the streets and from the windows of houses; one struck the imperial bailiff (*Reichsstadtvogt*) in the arm. For a moment, the city was paralyzed by fear and chaos.

This episode, as the climax of the calendar struggle (*Kalenderstreit*) in Augsburg, has received considerable attention from historians, who have generally examined it as part of an ascending crisis in confessional relations leading from the Religious Peace of Augsburg to the outbreak of the Thirty Years' War.¹¹ The incident, it is argued, illustrates the sociopolitical nature of the process of confessionalization; the Protestant citizens were not only concerned about their spiritual autonomy, but were also reacting to their belief that they were being politically and economically exploited at the hands of the wealthy Catholic council members.¹²

A close reading of the records produced before, during, and after the uprising of June 1584, however, reveals a situation more complicated than a political response to social and religious pressure. In rushing to arm themselves and hit the streets at the first sign of trouble, Augsburg's Protestant townsmen were responding to their very real fears of a massacre on the level of those that had taken place in Paris and the Netherlands a decade before. They were also living up to their expected role as male citizens and expressing the ethic with which they had been raised.

For Augsburg's male citizens, the threat came in two layers. First, fears were fed by rumors of atrocities that would be visited upon themselves and their faith. As we shall see, these rumors, although probably unfounded, were not only taken seriously by Augsburg's residents but were seen as dangerous or even seditious by city leaders. What might have been understood as "idle gossip" among women or servants took on a political character when it came from the mouths of men of status. These fears were then exacerbated by the belief of many men that their right to self-defense, and thus their personal power and political agency, was being usurped by "outsiders" in the form of professional mercenaries. Thus, it was not only their lives and families that were being threatened, but also their masculine identity. Because early modern men who were ordered to disarm or to stay in their houses were essentially placed in the status of women, children, clerics, and Jews, they naturally reacted by reasserting their position with public displays of bravado. This behavior in turn was viewed by the authorities as political rebellion. The events in Augsburg in 1583-4 take on greater meaning if seen as part of a struggle not just over the balance of power between confessions, but over the relationship of citizens to their communities and their government.

In fact, religious polarization was more an effect of this event than a cause. The unifying effect of collective fear strengthened the ties of solidarity among Protestants and Catholics, while bravado ensured that the members of each group gave voice to their mistrust. Although the violence in this case was effectively contained, the bonds of solidarity that had been created did not dissolve; confessional lines had been more sharply drawn and remained taut. In taking steps first to allay local fears and then to curb the power of its citizens, however, the city council was responding to struggles over civic rights of dominion that predated the Reformation.

To explain the riot of 1584, then, we must move beyond the local and imperial politics that have been the traditional concern of the tellers of this particular story, and add the state of anxiety produced by reports

of confessional bloodbaths in France and the Netherlands. Tales of the “blood wedding” (*Bluthochzeit*) in Paris began making the rounds in Germany immediately after the St. Bartholomew’s Day Massacre (August 24, 1572), describing not only unbelievable cruelty against men, women, and children, but also looting and plundering of Protestants’ homes, libraries, and wine cellars. While most of these accounts were written by Huguenot sympathizers lamenting the horror of the episode and extolling its martyrs, some Catholic reports celebrated it, feeding the belief that the Catholic powers had formed a secret alliance with papal interests in the Empire with a goal of crushing all Protestants.¹³ Subsequent stories of the massacre of thousands of Dutch Protestants in Antwerp during the “Spanish Fury” in early November of 1576 added fuel to the fire, particularly as German troops were reported to have participated in the attack. Prints and engravings, pamphlets, and plays ensured that these events were kept alive in the minds of the German populace.¹⁴

Naturally, news of these frightening events also circulated via sermons, and Dr. Müller certainly did his part to fan the flames of fear from his pulpit in Augsburg. According to his own account, he was first brought before the Augsburg mayors in 1576 for preaching that the Jesuits were primarily to blame for the bloodbath in Paris. These militant Catholics, he claimed, were now working locally as well as internationally, turning the Augsburg authorities against the Lutheran populace even as they encouraged the Emperor to raise his sword against Protestants throughout the Empire. Müller denied that his sermon violated local ordinances against confessional insults. Rather, he maintained, he was simply drawing on the Massacre to illustrate the fact that Christ’s apostles were still subject to persecution and martyrdom, something that could happen at any time, and for which all pious Christians must be prepared.¹⁵ In recounting his tale of fear among the Augsburg populace, Müller referred repeatedly to specters of foreign massacres. The situation was exacerbated by the council’s decision to recruit special troops for extra security during the transition to the new calendar. The presence of foreign mercenaries, referred to in much of the Protestant literature as “Spanish and Dutch soldiers,” increased the anxiety of the populace and gave Müller more ammunition for spreading fear of a “Parisian Wedding” or an “Antwerp Kermis.”¹⁶ In the face of a threat that they perceived as not only spiritual, but also physical and economic, many of Augsburg’s male citizens were preparing well ahead of June 4, 1584 to exercise what they understood as their natural right of self-defense.

The events of 1584 in Augsburg illustrate the problems that arise for citizens socialized to be soldiers when the interests of the community

come into conflict with those of their government. In the best of times, civilian militias could be difficult to control. The problem escalated when the ruling oligarchy was unable to demonstrate unity on a controversial issue. The men who took to the streets that summer were reacting to what they saw as a threat to their lives and an attack on their religious convictions – a danger coming not from outside the city walls, but from sinister forces within the city and even from among their own rulers. This was a particularly volatile situation, as the mounting pressure on heads of households to shore up their collective reputation with masculine action was combined with the justification of religious piety.¹⁷ As the conflict escalated, the city council's own fear that the unstable situation might actually explode into a German-style "Parisian Wedding" led the ruling Catholics and Lutherans to reach an uneasy compromise.

Masculine gossip

The first signs of unrest are identifiable within weeks of the introduction of the new calendar in early 1583. In Augsburg's court records, the change appears without fanfare; Wednesday, 13 February, moves into Thursday, 24 February, with no more explanation than the comment "according to the new style" (*secundum nouum stylum*).¹⁸ If civic leaders were hoping that the "new style" would be equally simple to implement outside of the courtroom, however, they were in for a disappointment. A decree issued on April 16 (new style) and publicized the following day admonished Augsburg's population to ignore irresponsible talk by "hotheads" (*veiwrige Köpff*) and abide by the new calendar.¹⁹ Although it included a warning against resisting the council's authority, the decree was primarily concerned with explaining the decision on practical grounds and reassuring the Protestants that the move was for "civic, political reasons,"²⁰ not for reasons of confessional bias. The adjustment was necessary, the announcement insisted, in order to coordinate markets and political events with the surrounding Catholic territories that had already accepted the new calendar. Otherwise, trade in important foodstuffs might be interrupted and the incomes of local craftsmen adversely affected. Thus the decision was made for the good of Augsburg's citizens.²¹

The 16 April decree provides the first evidence of the authorities' attempts to control the rumors that were already circulating in connection with the new calendar. The council notes specifically that the decision had been coordinated with other Protestant cities, with

the assurance that the purpose of the change was not to interfere with the celebration of Protestant holidays. "Hostile rumors"²² were thus to be accorded no merit, and those who spread "nasty, thoughtless, but unfounded talk"²³ to the contrary were to be held for "agitators and spoilers of the general peace."²⁴ Despite their efforts, city leaders in Augsburg were unable to mollify many of the Protestants. This was true of Protestant patricians within the council itself, as well as throughout the city at large, a situation that would prove particularly problematic as the crisis escalated. Nor was the council able to quell the spread of rumors in the streets.

The first arrest for agitation occurred in early November, when four men were interrogated, two of them under torture, for spreading dangerous rumors. The primary instigator in this case was cabinet-maker Gedeon Mair, who was accused of going about saying that the Duke of Bavaria, the Bishop of Augsburg, both mayors (*Stadtpfleger*), and the "priests' lackeys" (*Pfaffenknechte*) in the council had concluded a pact to "fall upon [the Protestants] in their churches and in their houses, and to kill them all."²⁵ Initially, Gedeon admitted only that he had heard "from the peasants who come here from Bavaria"²⁶ that the plan was to force everyone into one (Catholic) religion, and added that when he passed this information on to two other craftsmen, they responded that "they do not believe that [the council] would have such a thing in mind."²⁷ Gedeon had also heard that the council lords Marx Fugger and Anton Christoph Rehlinger planned to close the craftsmen's shops by force on the Catholic holiday of Saints Simon and Jude,²⁸ but insisted he had paid no heed to the rumor. Like his fellows, he didn't believe that the council was capable of such an act. He did, however, warn his friends not to go about without arms, and he especially told them that "they shouldn't go to the sermon unarmed,"²⁹ so that they would be able to defend themselves if they were attacked while at church. He meant this only "so that if some unrest should break out in the church, they could put it down."³⁰ Gedeon's defensive strategy was actually aimed at highlighting his civic obedience, recalling the ordinances requiring all male citizens to use force when necessary to keep the peace.³¹

Based on Dr. Müller's account of the events of 1584, the rumors Gedeon might have heard were more frightening than the closing of shops. Müller accused the Catholics of intentionally spreading stories – which, he noted, may or may not have been true – that the soldiers guarding the city would be given leave on the holiday to attack the Protestants "and to have an Antwerp Martins night"; the soldiers were so bold, in fact, that when they saw citizens in fine clothes, they would

brag that “those clothes would soon suit them as well.”³² Thus the threat was not only to the Protestant faith but also to shops, households, and even clothing, all symbols associated with the power and autonomy of Augsburg’s citizens. Of particular concern to the authorities in carrying out their interrogations was an expression of this autonomy in the form of an anonymous note posted on and around the council house and on the door to St. Anna. The pasquinade, which was also circulating through the streets, directly threatened the councilmen with harm if they did not heed the warning not to make a papal city out of Augsburg, for the commoners were certainly “strong enough to take action” and would do so if necessary.³³

The author of the note was never identified, but under torture, Gedeon Mair did begin to name additional names. The rumor that the Bishop had made a pact with civic leaders to force the Protestants to convert, he claimed, he had heard from the shoemaker [Christoff]³⁴ Widenmann, who had also said “When the tumult starts, he wants to see to it that he also kicks up a row and kills someone as quick as any other.”³⁵ The gunsmith Würstle had said that “if the [guards] want to shut up their shops, as is being spoken about, then he himself would help stop the authorities and turn them away.”³⁶ From another gunsmith, called Rem, Gedeon had heard something that must have been even more disturbing to the authorities: “That all of those on Smithy Lane have made a pact, that if they try to close the shops, they would defend themselves, for they have weapons and guns in their houses, and some have stockpiled up to 6 or 7 loaded guns in their shops, as well as stones and similar things in the houses.”³⁷ Smithy Lane (*Schmiedgasse*) is located near the city center, just down the hill from the council house and a stone’s throw from the Franciscan gate (*Barfüßer Tor*) that separated the midtown area from the poorer Jakob’s Suburb. The curving medieval street with its tightly-packed rows of timber-framed houses took its name from the smiths who had their homes and shops there, among them the gunsmiths and cutlers who, according to Gedeon Mair, had gathered to gossip about their defense preparations.

Unfortunately for Gedeon, this story provided sufficient grounds for stepping up the severity of the torture, under which his testimony took a shape that shadowed, and perhaps was shaped by, the worst fears of his accusers. Not only the smiths of Smithy Lane but craftsmen throughout an entire quarter had made a pact to defend their homes and shops on the upcoming holiday with whatever force was necessary. Fears had been enflamed, Gedeon claimed, by a locksmith named Eisele, who had gone from house to house to spread news of the danger in an area

stretching from the smiths to the slaughterhouse to Schwabeneck, a lane on the edge of the Bishop's quarter. In other words, the conspiracy was taking shape only blocks from the council house and the wealthy uptown area. "Once they had overcome the guards," Gedeon reported, "then they would fall upon Lord Mayor (*Stadtpfleger*) Rehlinger in his house, and see if he has the power and authority to force this upon the citizens . . . and they also said they would attack Marx Fugger and the other council members in the same way."³⁸

Despite his masculine bluster in the streets, the 60-year-old Gedeon Mair was not a strong man and did not bear the martyrdom of the *strappado* well. Due to his advanced age and weak condition, he was spared further torture. Nonetheless, after the ropes had been removed, he volunteered a final report: "[Christoff] Widenmann also said that when the ruckus began, he wanted to be in the middle of it [as] they attacked the monks and papists and slew them; he also wanted to help to overrun the Jesuits and to tear down and burn their building; and he himself wanted to assist in attacking the council lords and hanging them from the city hall."³⁹ Their fears were not unfounded, he explained, but came from a reputable source. During the Imperial Diet of 1582, while Gedeon was on duty as a night watchman, several members of the guard told him that their captain had recruited them with the promise of enjoying a "Dutch war" in Augsburg. When the trouble started, they'd been told, all they had to do was pick the fanciest of the houses they had been given to guard, and a "good booty" would be theirs.⁴⁰ Christoff Widenmann, the next to be questioned, did not contest Gedeon's story, defending himself only on the grounds that he had spoken out of "thoughtlessness" (*vnbedacht*) and never had any intention of following through on his threats; in a second interrogation, he claimed he was drunk.⁴¹ The locksmith Peter Eisele, accused of talking his neighbors into joining in a defense pact against the authorities, flatly denied any participation in the rumors. As there was no corroborating evidence, Eisele was released, but both Gedeon Mair and Christoff Widenmann were publicly whipped and permanently banished.

Not surprisingly, the rumors reported by Gedeon Mair neither began nor stopped on Smithy Lane. Nor were the responses limited to talk. The uncertainty created by a change in the calendar, which literally amounted to a shift in time at the hands of an untrustworthy source, had now been given a name – the attack would come in the form of foreign troops targeting Protestant homes. Once a fear is named, it can be countered with action.⁴² So, just as Gedeon had suggested, some men were taking concrete steps to protect themselves, their shops, and

their households. Among them was the merchant Daniel Mair, who decided to fight fire with fire by hiring his own mini-militia. Reacting to rumors that the city would be turned over to soldiers and “attacked and plundered during the night” on the upcoming festival of Saints Simon and Jude,⁴³ Daniel engaged five local citizens as household guards, “to protect his house, office and his other possessions . . . so that in the case of an uproar, his property would not be taken by force.”⁴⁴ Daniel paid his men two gulden per week and provided them with food for a night watch. Daniel’s men included a glass maker who was also a fencing master, and a weaver and former soldier named Steffan Mair who went by the nickname *Fresser* (“Glutton”). All of them, he assured the council, were local citizens. Daniel’s guards remained in service to his household only for three weeks that fall; their services would be required again, however, when things heated up again the following spring.

Daniel Mair was not the only member of the privileged classes to take the rumors seriously. Within days of the arrest of Gedeon Mair and Christoff Widenmann, another group of male rumor-mongers and witnesses were arrested and brought before the council for questioning, this time including members of Augsburg’s patrician elite. Remarkable in this case is that it reveals a network of rumor and response that ignores the lines of social hierarchy, apparently beginning at the bottom but managing to spiral upward until it touched Augsburg’s highest social circles. Also notable about the rumors is their distinctly masculine character. The stories spreading like fire through the streets of Augsburg began and ended with matters of concern to men.

Interrogations began at the top. Bernhard Walther, an influential member of Augsburg’s patrician class,⁴⁵ reported that he had been waved over by patrician Carl Reichung while on his way home a few weeks before. Reichung then repeated a rumor that he had heard in the Lord’s Drinking Room regarding a conversation that supposedly took place over dinner between the Catholic patrician and councilman Octavius Fugger and the Protestant Dr. Lucas Stenglin. Both were members of Augsburg’s leading families.⁴⁶ Fugger, according to Walther’s account, asked Stenglin why “[the Protestants] don’t want to accept the new calendar, as it is a political work,”⁴⁷ to which Stenglin replied, “you know well why.”⁴⁸ Fugger then reportedly retorted by threatening that “they will soon be descended upon in their churches and taught to accept the calendar.”⁴⁹ Walther, of course, assured his interrogators that he took no notice of the rumor, noting that he “holds Herr O[ctavius Fugger] for the sort of gentleman who would not talk in such a manner.”⁵⁰ Reichung, when questioned, said that he had heard the rumor

from Wolf Peter while playing cards with him in the drinking room, and he also claimed that he had not believed it, in spite of the fact that he had repeated it to Walther. Wolf Peter in turn reported having heard it from Endres Metz, also in the drinking room, while Endres Metz said that he heard it from Sebastian Rentz, who had been at Metz's house.

With Sebastian Rentz, the rumor begins to move down the social ladder, only slightly at first – Rentz also belonged to one of Augsburg's leading families but was still a youth.⁵¹ His source for the rumor, however, was the servant of his relative Hans Kechler, a young boy named Hans Schwemmer. According to Rentz, Schwemmer had reported Fugger's remark with the explanation that he had heard it directly from Stenglin's servant, Hans Schöbl. The rumor sounded all the more believable because, Rentz noted, Schöbl had added the observation that Dr. Stenglin had appeared "very discouraged" (*gar klainmutig*) when he returned from his dinner with Fugger.⁵²

Stenglin's servant, Hans Schöbl, gave a slightly different version of the account. He had occasion, he pointed out, to accompany his master to many houses, and there was a great deal of talk, all of which saddened the doctor. He had indeed told others that Stenglin had been to Octavius Fugger's house, and had come home in an unhappy mood, afterwards warning others at the table to pray fervently.⁵³ He denied spreading any other rumors. Another servant also testified that Schöbl had said nothing about churches or about Fugger, only that "things were not well" (*es stee nit wol*). As for Dr. Stenglin himself, he not only denied repeating the rumor, but noted that he had never shared a meal with Octavius Fugger. It appeared to the council, then, that the words had been put in Fugger's mouth by the link between Schöbl and Rentz, namely Kechler's servant Hans Schwemmer, who subsequently faced a full interrogation in front of the magistrates.

Schwemmer explained the misunderstanding as follows: While he and Stenglin's servant Hans Schöbl were waiting in the street for their respective masters, their small talk of service and horses eventually turned to the affairs in the city. Schöbl was worried about the fact that people were locking down their houses, and "was concerned that no good would come of it, they [Catholics] might force them [Protestants] to accept the calendar."⁵⁴ Upon returning home, Schwemmer repeated Schöbl's words to his master, the young Hans Kechler, "in confidence."⁵⁵ Kechler's relative Sebastian Rentz was also present and reacted by asking, "What? No good come of it? How should no good come of it?"⁵⁶ To which Schwemmer incautiously replied, "I don't know what he meant, he just said, no good would come of it, I suppose he means that they

will one day be fallen upon in church."⁵⁷ The boy then claimed that Kechler and Rentz warned him not to repeat such words, which he had spoken out of ignorance (*aufß vnverstand*); nonetheless, the patrician son Rentz then repeated Schwemmer's words to others, apparently embellishing them as he did so. Schwemmer claimed that no one had said that the threat had come from Fugger.

It's unlikely that Schwemmer imagined the fear of attacks in church entirely on his own. His words resemble too closely the imagery invoked by Gedeon Mair's testimony. At the same time, however, it is reasonable to suppose that Schwemmer would have been eager to pass on the stories he had heard from other servants. The court scribe described Schwemmer as "a simple-minded person who is not able to support himself," noting also that he was "very fearful and faint of heart."⁵⁸ Rentz had also described him as a "young child" (*jung kind*). An adolescent servant, enjoying a rare moment of undivided attention from his socially superior employers, might have been unable to resist the perception of social approval to be gained by passing on such important information. Theorists researching the functions of rumor and gossip generally agree that a major reason for passing on unsubstantiated information is to raise personal status, especially in the case of those on the lower end of the social scale.⁵⁹ Out of context, the careless words of a serving boy would hardly have been worth the council's attention. More likely than not, such talk would have been dismissed as "gossip" or idle talk (*Geschwätz* or *Klatsch*), belonging to the domain of women, children and servants and thus deemed insignificant. But as soon as Hans Schwemmer's words were taken up by his young masters and passed on, the character of the rumor changed. On the tongues of male citizens of consequence, the same information was accorded the status of *Geschrei*, a word implying defamation or protest that was potentially political in character.⁶⁰

Only when the idle talk had attracted the attention of council members, then, did it become subversive; yet once this happened, everyone in the chain, right down to the very bottom, could be held accountable. Unfortunately for Schwemmer, his warning that the Protestants would be "fallen upon in church"⁶¹ recalled too closely the threatening images of a populace armed against its government described in the torture chamber by Gedeon Mair and Christoph Widenmann. Although testimony certainly allows the conclusion that the patrician sons Hans Kechler and Sebastian Rentz also played a part in stepping up the drama of the rumor, the servant at the bottom of the ladder undoubtedly made a less politically volatile scapegoat; in addition, he easily fit the early

modern stereotype of the gossiping servant who posed a danger to the household.⁶² Little Hans Schwemmer was banished from the city.⁶³

The public whipping and banishment of these troublemakers, however, did not put an end to the rumors. The pattern of this martial gossip was repeated again and again in Augsburg's streets. Fear was countered with bravado, and bravado was shored up with weapons and more talk.⁶⁴ The result was not only the potential for an armed crisis, but also an increased sense of solidarity among Lutherans and a greater cultural divide between the confessions. Volatile rumors gave meaning to the general anxiety experienced by Augsburg's populace and constructed a clearer division and specific perception of "self" and "other," providing male citizens an opportunity to take action. By bearing arms and standing up for their shops, their neighborhoods, and their religion, they were both dealing directly with their fears of being massacred "in the night" and expressing their identity and agency as men and as citizens.⁶⁵

Citizens confront the city

The militant response to the new calendar continued to cause problems throughout the spring of 1584. A particular point of contention was the refusal of Protestant butchers to slaughter for Easter according to the new calendar, leaving Catholics without meat for the holiday; ten butchers were arrested for this infraction.⁶⁶ By June, rumors were circulating that if the Protestants celebrated the upcoming Pentecost holiday by the old calendar, the Catholics would smash their shop doors and windows and force them to open for business.⁶⁷ Local and imperial authorities responded in turn with the recruitment of more special troops to put down any unrest, which complicated the problem even further.⁶⁸

Dr. Müller, meanwhile, continued to preach fear and disobedience, finally leading to the decision by the authorities to remove him from the city. In the decree of banishment, Müller was accused of frightening citizens with warnings of attacks, plundering, robbery, and massacres; elsewhere they charged him with seeking to start a bloodbath.⁶⁹ As noted, the melee that followed has been well documented elsewhere. But what is of interest in this context is that some of Augsburg's citizens thought it necessary not just to protect their pastor, but to protect their household from the authorities. The merchant Daniel Mair had re-hired two of his five men two weeks before, and his was only one of many households that stood armed and ready. During the height of the

confusion in the streets, shots were fired not only from Daniel's house, but also from several others.⁷⁰ The one hit of the day was scored by Daniel's guard Fresser, the former soldier, who wounded the imperial bailiff (whom Müller had maligned as a "German-Spanish soldier") in the arm.⁷¹ That evening, in response to rumors in the streets that houses would be set on fire, Daniel also recalled the other three members of his private militia. This time he raised their pay to two and a half gulden per week in return for standing watch both day and night.⁷²

In invoking the fear of fire, Daniel's explanation played with the notion of obedience versus disobedience; by defending his home against a potential fire, he was protecting not only his family, but the entire city from potential disaster, and at the same time living up to defense ordinances that expected all citizens to be firefighters. Müller, too, had drawn upon the fear of fire in his invective against the hiring of foreign guards. According to his diatribe, citizens had been ordered in October of 1583 to remain in their homes and let the mercenary troops handle emergencies, depriving the local men of their right of communal self-defense. As a result, a fire breaking out during the night went unnoticed, causing the death of seven people.⁷³

In the eyes of the authorities, however, the city guards upon whom these householders had fired were not marauding Spaniards or fire-starters, but their own officially designated representatives. Shooting at them was equivalent to mounting an armed offense against the city leaders personally. Interrogators of the persons arrested in this incident accused them of offending the government's right to control military power. The accused, they insisted, knew that the authorities kept a "strong guard," and that the city's guards were in the streets for the "protection of everyone."⁷⁴ A private defense system was hardly necessary. These accusations were formulated to respond to the householders' fears that additional guards had been hired to use against the Lutheran populace rather than for general security. The householders for their part defended themselves on the basis of their right as housefathers to protect their families, and blamed countless rumors for their overreaction. Daniel Mair testified that the public outcry led him to believe it was necessary to defend his household against "bad, riotous depraved people who would rather plunder than do anything else."⁷⁵ He was also not the only one who had hired armed guards, he noted, and in fact he had asked another householder "how much he pays his people"⁷⁶ before deciding on an appropriate pay scale. According to Daniel and others arrested for firing out of their homes, by the afternoon of the fourth of June, a great many houses were armed to the teeth and waiting for

trouble. A member of mead-seller Wolfgang Bruckhmair's household, who had also shot at the guards from the windows, explained that "earlier there had been all kinds of talk going around that the guards were not to be trusted but had been permitted to loot;"⁷⁷ thus he responded to the threatening posture of the guards outside the house "out of fear" (*auß angst*) and with the intention of protecting the women and children in his house.

The men in the streets, too, defended their martial action in terms of civic obedience and the martial ethic. Tailor and shooting society member Georg Halbritter insisted that his Lane Captain had told him to stand ready, and although he admitted that he had armed himself in response to the rumor (*Geschrei*) that the Protestant pastors were being taken away, he insisted that his actions in no way represented a disavowal of his civic oath. Indeed, he had born "no other arms than a side arm and a hunting rifle as he uses it in the Rosenau [shooting grounds]," weapons that he might have with him on any day that the local shooting society gathered to practice.⁷⁸ Particularly tragic is the case of the incorrigible Georg Teüringer, whose troubles had started with a serious altercation with city guards three years before, for which he had been banished from the city after his oath fingers were chopped off by the executioner. Following a series of pardons, house arrests, fights, and new banishments, Teüringer was in the city illegally in 1583, secretly living with his wife. In the middle of the riot, Teüringer apparently could not resist joining his neighbors "nearly all of whom could be seen in arms and armor," even though, as he testified, he had no idea against whom they had armed themselves.⁷⁹ He therefore went into the street with a loaded firearm, which he subsequently cleared by firing what he called a "peace shot" from his window.⁸⁰ Teüringer's wife's argument that he was only trying to protect his family did little to pacify the authorities. Because of his troublesome record, Teüringer was banished again, this time after losing the rest of his right hand.⁸¹

Georg Teüringer was one of only a few victims that suffered injury as a result of the riot of 1584. In the end, Augsburg was spared the horror of a "Parisian Wedding."⁸² For the council, however, the situation was extremely sensitive. An armed attack on representatives of authority was a serious crime. Even the verbal threats to which some of the defendants admitted could have been grounds for corporal punishment – at the least, such talk was likely to cost the rebel his tongue or his hand, if not his life.⁸³ But punishments in this case had to be dealt out cautiously. For one thing, although the council claimed the right to a monopoly on controlling military power in the city, they also depended

on their armed citizenry to serve as their representatives both in matters of local defense and in carrying out police functions. In a city turned against itself, it was difficult to draw lines between "insurrection" and "defense." In addition, confessional tensions were running high among members of the council as well as in the streets. A harsh reaction to the fear-fed revolt could have split the council, leading to more unrest and possibly to intervention by imperial troops. Thus, council members moved quickly to resolve the crisis, first and foremost by finding a solution to the problem of the new calendar. A citizens' committee (*Bürgerausschuss*) was created with representatives from each of the three estates (patricians, merchants, and commoners) to negotiate a solution. Tension was then diffused by means of a compromise, this time also endorsed by the Protestant minority on the council, which allowed the Lutherans to celebrate the upcoming Pentecost holiday according to the old calendar but required them to follow the new one from then on. Local Lutheran pastors sanctioned the decision from the pulpit the following Sunday and Monday, and the militant Dr. Müller found a new home in Protestant Ulm.

The next step was an attempt to identify the source of the local rumors. In August, a delegation commissioned by the Emperor subjected all of the members of the citizens' committee, starting with those of the illustrious Fugger family, to a closed *inquisitio*. The aim of the imperial commission was to root out seditious elements, especially among those in a position of power, by identifying what it was that the people had to fear and why they had turned against their authorities. All those interrogated were sworn to secrecy.⁸⁴ These records reveal men who, although generally diplomatic in their responses, were outspoken about their critique of confessional politics and the balance of power in the city. To Lutheran council members, the problem lay with the abuse of power by their Catholic colleagues, especially their attempts to meddle in matters of Lutheran religious life. A number of patricians complained that council appointments depended more on family connections than on qualifications; others hinted at general discrimination against Lutherans in the city. Not surprisingly, the Catholics placed the blame primarily on Müller's shenanigans.⁸⁵

When asked what specifically might have moved the people in the streets to rebellion, the representatives who were interrogated suggested that they were not only frightened by rumors of an attack, but also angered by the presence of foreign soldiers in the city. This concern is mirrored in the collective response provided by the delegation of commoners, who stressed their fear of the foreign soldiers as a reason for

escalating tensions and included a return to the “old, customary [citizen] guard”⁸⁶ as one of their requests to the council. Most historians have seen the recruitment of foreign soldiers as a sticking point because of the financial burden it would theoretically impose on the populace. While the expense of maintaining troops in the city was a common source of irritation, there is no evidence that the participants in this uprising were concerned with taxes; quite to the contrary, some were obviously prepared to pay out considerable sums for their own private protection. What these men were reacting to was an infringement on their rights of collective self-defense. By usurping the defense role of local citizens, the soldiers appropriated the citizens’ agency and power and undermined their status as political actors. The character of the city was thus changed from an active body, both in terms of its individual representatives (householders) and as a corporation, to one that was occupied and passive. As we have seen, defense ordinances throughout Germany directed those men who had no place guarding the streets to stay in their homes, thus relegating them to household space. A symbolic redefinition from a role that was active and public to one that was passive and domestic would be seen as emasculating, naturally upping the ante in terms of public displays of bravado in reaction. The recruitment of foreign soldiers, intended as a stabilizing measure, actually had the opposite effect.

Diffusing tension

The spark that flared in Augsburg’s streets threatened to destabilize more than local politics. For even as city leaders struggled to diffuse the situation locally, songs and stories about the events in Augsburg were circulating throughout the Empire, and once again, the fear escalated as the rumors moved from town to village to court. Like the members of Augsburg’s ruling elite, the German Princes found themselves struggling to defend their territories against the “fire” of words that threatened to reduce the Religious Peace to ashes.⁸⁷ Daniel Mair, in protecting his household from an outside threat, became a literal expression of Agrippa’s assertion that “the household is a metaphor for the State.”⁸⁸ By the summer of 1584, not only Augsburg’s craftsmen and merchants, but princes, dukes, and other civic governments were poised to draw their weapons, like any good housefather, in protection of their domains. The extreme sensitivity of the situation forced not only the local council, but also the Emperor to act with caution in punishing the perpetrators. Most of the participants in the uproar were ultimately pardoned, in a number of cases with imperial intercession.⁸⁹

At the same time, local ordinances governing the civilian militia in Augsburg were amended. Only days after the revolt, the city council summoned all of the Quarter and Lane Captains of the city to the council house to inform them of the change: the standard requirement that all male citizens appear armed and ready to defend their city in case of an emergency, which had been part of their annual oath, was struck out of the civic constitution. Instead, only those with “special orders” (*sondere bevelch*) were to appear in the street. All other men were to stay in their houses with their wives and children and await instructions. In addition, the local captains were warned not to call the men in their quarters to arms without specific orders from the council, and to admonish them never again to assemble under arms on their own initiative.⁹⁰ Similar measures had been taken during the volatile years between the Schmalkaldic War and the Peace of Augsburg (the *Interim*), when rumors circulated that there was a plan to sound the alarm bell in the city as a test of the citizens’ loyalties.⁹¹ Although temporary in their initial stages, these decisions were the first steps towards the eventual limiting of defense duties during emergencies to a select militia.⁹² Such incidents strained the Reformation ideal of the household as a bastion of civic defense and challenged the authorities’ control over their populace. As a result, Augsburg’s leaders also took more permanent steps this time, which included increasing the size of their professional military force and expanding the recently-constructed soldiers’ barracks in order to house them, as well as relocating the civic armory from the northwest edge of town to a more secure location in the city center.⁹³ The result was not only a widening gap between the confessions, but also between authority and populace in their access to civic and military power.

The militant Dr. Müller’s role as fearmonger, then, was ultimately effective in furthering Protestant solidarity and reinforcing mistrust of the rival Catholic group. Among the populace, both religions were radicalized by their fear of each other, which temporarily obliterated shared interests.⁹⁴ By invoking the specter of foreign atrocities to construct a local enemy, Müller managed to advance the process of confessionalization as well as to strike a blow to the republican ideals of communal unity and “friendship.” But his ultimate goal of literally turning back the clock failed. The new calendar remained in effect. And despite the creation of an increased sense of group identity among both Catholics and Protestants, the council’s strategies of negotiating a compromise for the moment and tightening their hold on military power for the future were effective in preventing more violence, at least for a time. Relations

between the confessions in Augsburg remained relatively peaceful, even if stained, for a generation following this event.

Conclusion

The specific ingredients that went into the rebellion of 1584 were hardly unique in history: start with an armed male populace socialized to respond to threat with violence, add a hotheaded religious fanatic or two, create a memory of past martyrdom and a rumor of immediate danger, and then find an easily identifiable enemy towards which to point the guns. Bloodshed is the likely result. The calendar uprising in Augsburg was not very bloody, but the fear of a Parisian terror was real and palpable in the streets. This fear, which in its manifestation as a crisis had more to do with protection of life and property than with spiritual matters, ultimately played a role in strengthening, politicizing, and radicalizing religious identity among the populace. Only by turning to the negotiating table and seeking compromise was a greater catastrophe averted.

In responding to a perceived threat with action, the men of Augsburg were living up to the demands of early modern citizenship, which required them to serve as defenders of their families, property, households, and towns. The resort to arms in defense of self and community was one of the most obvious acts in the performance of masculine identity. And as was the case in many such uprisings throughout Europe, the armed insurrection did lead to compromise. In other words, an armed populace could serve as an effective check on state power at least in the short run. But in asserting their masculinity by force of arms, these citizens placed their governors on the defensive. The council thus reacted by forcing them into a less active role, effectively stripping them of a part of their male power. The paradoxical result was a curtailing of civic military strength as city leaders undercut their own theoretical claim to the right of resistance.

The cycle of threat to order followed by steps designed to “domesticate” the male populace would be repeated again and again throughout the early modern period. The events described here led only to a single step in what was to be a slow and complicated process of redefining the role that citizens should have in defending their own communities. Ultimately, it would culminate in a division between military and civilian status and the monopolization of military chains of command by the state.

10

Conclusion

For German townsmen, life during the sixteenth and seventeenth centuries was characterized by a culture of arms. Side arms accompanied men of most ranks on the streets while pikes, guns, and armor were standard components of the household inventory at home. Men were socialized to the martial ethic from all sides – civic institutions, peer pressure, and the courts combined to create and repeatedly confirm masculine identity with blades and guns. In practice, as long as civilian defense systems both comprised and served as a metaphor for the military power of their leaders, the right of arms took priority over the consolidation of violence in the hands of the state. Laws aimed at preventing or containing violence could only be effective if they functioned in accordance with this framework. As Edward Muir has suggested, social rules do not change as a direct result of moralizing or changes in law, but must follow from larger shifts in mentalities.¹ Eventually, civilian and military identities were segregated in a process that began with the professionalization of local defense efforts and ended with a campaign against the fashion of the sword. That the sword was wrested from the sides of merchants and craftsmen through status-based sumptuary legislation is significant, for martial representation, by the eighteenth century, was increasingly dominated by ceremony, parades, uniforms, and attention to the symbols of social rank. For those of ordinary status, universal conscription would eventually ensure that martial honor became a national rather than a personal virtue.

The weapons culture that flourished during the age of the sword was embedded in the layered power structures characterizing the Holy Roman Empire. Socialization to the martial role began at the level of the household, itself a kind of defense unit with its own chain of

command under the governance of the householder. In theory, the community of independent households that made up a neighborhood, a village, or a town also equated to a military unit that represented the power and autonomy of the individual Estates making up the Empire. Rulers naturally understood the civic militia not as a counter to local power, but as an expression of it. To put it in Hobbesian terms, armed citizens embodied the arms of the body politic. As such, they were subject to rule by the head that they had taken an oath to serve and protect.

Tension arose out of the fact that freedom to defend one's community, in the name of authority, also implied freedom to defend oneself. For a householder to hire his own mini-militia in times of threat was a natural extension of the right to resist, which was understood as a natural right not only of states, but also of towns, and by extension, of townspeople. This right included the freedom to keep and bear arms for personal protection. Although territorial lords occasionally experimented with limiting gun ownership among their populace in order to control poaching and limit the potential for rebellion, such efforts were invariably short-lived. Meanwhile, residents of the free cities were generally free to keep whatever arms they deemed necessary, including stockpiles of guns. Few householders actually did so; most lacked both the level of interest and the disposable income to maintain personal arsenals. In fact, even in the countryside, German authorities throughout the early modern period put much more effort into encouraging their people to arm themselves than they did on establishing limits. But this could change during periods of political tension, when common interests were eclipsed by mutual fear. The normal reaction to a show of arms by the populace in such situations was an attempt by local rulers to strengthen their position by gaining greater control over armed power in their jurisdiction.

This problem points out the inherent contradiction in the practice of civic duty in early modern Germany. On the one hand, the requirements of citizenship demanded that men be tough, armed, and loyal to their community, at the same time exercising sovereignty over their households and their own lives. On the other hand, they were increasingly expected to show obedience to authority in a world in which lines of command overlapped, rulers bickered and competed with one another, and the fortunes of war and the dictates of faith forced governments to shift their fealty from one power to another. As rulers struggled to maintain their own autonomy, they shored up rather than discouraging the martial ethic among their populace. Only with the decline of the

cities and the rise of powerful centralized states did the townsmen of Germany finally relinquish their personal identity with the sword.

Gender and hierarchy

The culture of arms propagated during the age of the sword was closely aligned with constructs of honor, gender, and status. The stereotype of the medieval German's "special relationship with warfare," whether being celebrated as a model of martial virtue, examined as a context for twentieth-century war, or dismissed as a meaningless trope, is most often posed in opposition to town life during the early modern period. The touting of the old, traditional concept of martial honor appears in this view as a kind of leftover, a "paradox" that persisted in the face of peaceful burgher values rather than a crucial element of town life. This idea rests partly on the assumption that military prowess must naturally result in centralized military power, which the Holy Roman Emperor was never able to achieve.² Such an approach places too much emphasis on the role of the ruler and not enough on the effect of militarizing the subjects. The long process of centralizing power in the German states was hindered in part by the right of its subjects to resist encroachment by force of arms, a right that existed on every level of government right down to that of the individual householder.

The powerful metaphor of the household, then, did not stand in opposition to early modern military identity, but helped to define it. The commander of the household realm was the family patriarch, whose status rested on his right to rule and his duty to defend. This metaphor was mirrored in the lives of professional military units. Like local defense systems, military companies were also organized on a household model, in which it was understood that women would accompany men into the field and take care of the cooking, washing, sewing, and other supportive tasks necessary to the well-being of the male troops.³ The household model of military life was also emphasized by the tradition of quartering troops during periods of military occupation, when soldiers joined existing households upon whom they depended for support. The notion that the state of military service (*Kriegsstand*) existed in opposition to a state of domesticity or civilian status (*Hausstand* or *bürgerlichen Stand*) was not articulated before the eighteenth century.⁴

This meant that the gendered aspect of military identity prior to the eighteenth century was performed and confirmed not in isolation from women, but in negotiation with them. It also meant that martial identity was linked to household success. Townsmen who were in

control of their finances and their households enjoyed certain social rights, among them the right to bear arms, the right to walk the streets at night, and the right to drink in public houses with other men. These public acts were symbolic of the masculine role as defender and breadwinner and served to reinforce the always vulnerable boundaries between constructs of male and female. Because household peace served as a microcosm of civic peace, failure to govern the home effectively implied a loss of sovereignty, and with it, masculine identity with the sword. Punishments designed to shame those men who came up short as citizens or householders by depriving them of the individual right to bear arms therefore also peaked during the age of the sword. This act of symbolic castration by the state underscored the relationship between wearing swords and the public performance of masculinity.

The culture of arms served not only to strengthen identity boundaries between the sexes, but also between those at the center and those at the periphery of early modern society. The right of arms grew out of inclusion in the community of citizens, which depended partly on assumptions about loyalty. The necessity for mutual trust in a military unit, here translated into an urban defense system, meant that inclusion in and exclusion from full membership in the civic commune created a direct connection between weapons culture and citizenship. The fact that Jews, foreigners, women, and the destitute were excluded from defense duties enhanced opportunities for claims that they could not be trusted. This did not mean that members of these groups could not or did not keep and bear arms, or that they did not use weapons in defense of person and property. But the assumptions and prejudices that influenced early modern courts and record-keepers blur our access to their defense cultures, affecting not only the treatment of the defendants, but also the way in which their stories were recorded. Thus the impressions we glean from the records tell us more about the attitude of civic institutions towards these groups than they tell us about violence among the groups themselves.

Finally, military units have never been democratic, but characterized by hierarchy and a clear chain of command. Similarly organized civilian defense systems also emphasized civic hierarchies. This occurred not only through the system of neighborhood units with their Lane and Quarter Captains, always men of solid social status, but also at the level of economics. In order to enjoy all the rights of citizenship, one had to be able to afford the required arms; and in a complimentary way, household solvency was a requirement for the right to bear them. Even interpersonal violence had a fiscal element, as the ability to pay

fines decreased inhibitions against crossing the line to physical attack. Weapons and violence thus became symbols of both social and economic potency.

As these layered meanings make clear, the right of arms in the European context can not be reduced to something as oversimplified as an “individual” or “collective” right to self-defense, terms that have dominated American constitutional politics in recent years. An American-style attempt to purify the construct to a single value, stripped of its historical trappings, does not provide clarity on early modern expressions of rights of arms, but only muddies the picture further. The freedom to bear arms in early modern Germany rested on a political identity that carried with it assumptions about duties, privileges, and political participation. Duties and freedoms in this mental world did not exist in a vacuum, but were tied to categories of status, religion, gender, ethnicity, and communal loyalty to legal rulers.

Military theory and the decline of the militia

In the fragmented collection of political entities that made up early modern Germany, the relationship of men to their weapons was defined first by culture and practice. What Machiavelli was describing in his famous theory on the virtue of citizen soldiers was not a new and untried concept.⁵ It was the articulation of a martial mentality that developed within an existing system. Only later would it be considered by legal and military theorists.

The practice of civic defense and the martial culture it engendered increased tensions between subjects and their rulers. Military historians have traditionally explained the early modern rise of a standing army in terms of advancing technology; the demands of modern warfare included extensive training and repetitive drill, leading to a need for expensive equipment and large numbers of trained professional soldiers. But the advantage of the centrally controlled standing army wasn't only that it was more efficient. It was also easier to control. Theories of civic defense depended on an assumption of corporate unity that was not attainable as long as political communities were internally divided by conflicting interests. The Holy Roman Empire was characterized by competing jurisdictional authority at all levels. In the towns, civilian hierarchies competed with military chains of command and local councils struggled to control the competing centers of power associated with churches and universities. In the village, divided authorities negotiated conflicts between law and custom. Even in the household, patriarchal

power could be challenged by quartered soldiers, economic strain, or unhappy marriages. It is hardly surprising, then, that these communities of armed citizens would at times come into conflict with the rulers they were bound to defend.

Because of these instabilities, the functions served by participation in local defense contributed more to local identity than they did to military efficiency. Although rarely successful as military units, militias did function very well in a variety of other ways, including as a police force, a ceremonial show of strength and unity, a means of underscoring the corporate identity of neighborhoods and towns, and a way of focusing individual masculine identity on the institution of the household. In particular, the duties and freedoms associated with an armed citizenry led to the linkage of martial culture with notions of civic freedom and local power. A close association of weapons and military service with masculine values and the violent culture of the duel were both part of the natural inheritance of this development.

This nearly universal internalization of the martial values associated with the age of the sword created a male identity with weapons long before the eighteenth-century "social militarization" of Prussia associated with Otto Büsch or the "school of manhood" identified by Ute Frevert as a characteristic of the nineteenth century.⁶ In a recent article, Peter Wilson recast the question of social militarization, understood in part as a force for greater civil obedience, as related to the overall context of social disciplining and control. Wilson's argument suggests that the survival of civilian militias in Germany led as much to a "civilianizing" of the military as a militarization of society.⁷ In other words, encouragement for the martial ethic encouraged men not so much to be soldiers as to become policemen, exerting socially acceptable forms of horizontal social control on their peers. According to Frevert, military virtue by the nineteenth century was defined by a set of standard values that included loyalty, discipline, self-sacrifice, and martial skill. It was the last of these in particular, she argues, that segregated men from women. Universal conscription thus ensured the maintenance of a bond of violence among men, so that their identity with the male gender (and thus their difference from the female) was "marked and fixated" (*markiert und befestigt*) by the construct of fitness for military service.⁸

Frevert's claim, however, that this gendered identity acquired special meaning in the nineteenth century because, in contrast to the pre-modern period, "all men, and not only a small, select caste learned to handle deadly weapons" does not take into account the reality of

early modern civic life.⁹ The challenge of the so-called age of militarization was not to create an identity with arms, but to domesticate and nationalize it. With the decline of civic patriotism and the rise of a national identity, the household-based system of home guards and the communal right to resist upon which it rested no longer made sense. Military identity ceased to be a permanent aspect of life for most men, instead becoming associated with a distinct phase, a rite of passage during which men were segregated from civilians. Households were gradually disarmed and the martial ethic was subsumed by the group identity of modern military institutions.

The process of segregation between civilian and military life had begun by the seventeenth century, during which the same tensions that threatened the lines of the Society of Orders also eroded local household-centered defense systems. The long decline in the military function of the aristocracy had by this time led to increased opportunities for commoners to work their way up through military hierarchies as professional officers. Uncomfortable with blurry lines of status, the upper classes began to define their position more symbolically, passing ordinances restricting the use of swords first to adult householders only; by the eighteenth century, this weapon was allowed only to the most elite members of society, so that swords lost their prominence among the burgher classes. At the same time, responsibility for local defense gradually passed from all male citizens into the hands of professional soldiers, policemen, and firemen. The process was accompanied by a related shift away from violent protest as a means of addressing conflicts between citizens and their governments, and towards applications through legal channels.¹⁰

By the end of the seventeenth century, ordinances governing guards were already beginning to show the marks of a professional military corps, concentrating increasingly on proper stance and appropriate dress. Weapons by this time were also becoming standardized, and eventually were collected in civic armories under the control of urban councils, although maintenance, and sometimes the initial purchase, remained a personal responsibility. The result was a decline in expertise with guns among the general populace, while citizen defense was increasingly concentrated in the hands of select militia companies (*Bürgerkompanien*).¹¹ Although both civilian militias and shooting societies existed throughout the eighteenth century and into the nineteenth, their functions became increasingly social and ceremonial and their membership increasingly limited. Even where civilian guard duty remained a theoretical requirement, more and more citizens avoided personal duty by paying for

replacements, turning military service into a defense tax. General arming of the male population as an active system of defense survived only as a "Swiss specialty."¹²

These developments were likely to be more influential in effecting a decline in interpersonal violence than any laws passed to control it.¹³ As long as the martial ethic was tied to notions of free citizenship and was supported and encouraged by local governments, the aggressive culture of masculine honor was bound to persist. Early modern townsmen who were conditioned to associate the act of walking the streets unarmed with women, clerics, Jews, traitors, and bad householders naturally resisted such efforts in their initial stages. The culture of the sword could no more easily be contained by laws against fighting than the individuals who made up town defense systems could be harnessed into a mathematically perfect pike square.

This system, it is important to reiterate, rested on an association of masculine power with martial skill and prowess, virtues that were initially identified with swords, not guns. Guns were a source of fascination from their earliest inception, both as weapons and as noisemakers, and were certainly considered appropriate for military action. Guns also regularly appeared in civil insurrections and in the hands of armed bandits. But martial competition with guns took place at peaceful shooting matches, not in the streets. Resort to firearms in a fight was viewed as dishonorable. Thus in seeking effective methods to discipline and control their populace that instrumentalized rather than opposed existing honor codes, authorities targeted swords rather than guns, first in temporary weapons bans meant to shame delinquents who undermined patriarchal authority, and later in sumptuary legislation as a means of monopolizing symbols of status.

The German example and its context

Scholars who have examined aristocratic dueling in France, England, and modern Germany agree that where men are socialized to the martial values of aggression, competition, and the right of arms, an increase in violence is likely. We have seen that in early modern Germany, however, identity with arms was not an elite privilege. The requirement to keep and bear arms in defense of local communities was also not specific to the German-speaking lands. A requirement to purchase a weapon as a prerequisite to citizenship existed in much of Europe, although with regional variations. How these militias developed, their relationship to corporate identity, and the circumstances surrounding

their decline have in each case left historical traces that outlived their military role.

In centralized Spain, civic militias closely resembled the German system in terms of organization, but their members served as citizens of the crown as well as the town. In the towns along Spain's southeastern coast, for example, citizens were more likely to defend the coastline against pirates than to guard their own communities.¹⁴ Here, too, the requirement that all citizens keep and bear arms supported a martial identity among commoners. In a recent look at violence in Castile, Rudy Chaulet found that the rates of elites, craftsmen, and peasants who chose a sword in a fight were nearly identical to sword use by the same groups in Germany.¹⁵ As was the case in much of Europe, Spanish militias declined in importance during the seventeenth century with the rise of professional armies, although maintaining many of their ceremonial and representative functions. By the middle of the century, patrician councils in Spanish towns were in effect functioning as representatives of the king rather than positioning themselves as defenders of local power. The only military role left to the civic militia was its exploitation as a context for forcing citizens to enlist into the king's service.¹⁶

Militia duty was apparently more selective in Italy and the Dutch Republic than in most of Germany.¹⁷ In the Republic of Venice, membership was voluntary, and the related freedom to bear arms was also limited among those who chose not to serve. Rulers there depended on the privilege of bearing arms as an incentive to encourage men to sign up for militia service. Not surprisingly, Venetian craftsmen also lacked the political power exerted by German townsmen. On the other hand, at the foot of the Alps in northern Italy, for example in the province of Brescia, a weapons culture appears to have taken root in spite of official restrictions. Like their Tyrolian neighbors, both townsmen and peasants in Brescia carried arms "habitually and universally," apparently without serious sanction, although in this case it violated local laws.¹⁸

In Holland, much like Germany and Spain, many towns required purchase of arms and militia service as a condition of full citizenship and guild membership during the sixteenth and seventeenth centuries, but the relatively small numbers mustered as militia members in the larger towns suggest that this status was more restrictive than that of the German towns considered here. The size of burgher militias in the Netherlands varied greatly. In Amsterdam, only 600 men out of an adult male population of around 15,000 served as civic guards, whereas membership in the citizen militia in Ghent, a city of comparable size,

was more like 3000.¹⁹ Their duties were very much like those in German cities, as were the inherent problems of insufficient armament, drinking on duty, and divided loyalties. According to Paul Knevel, although all able-bodied citizens were theoretically eligible for drafting into service, selectivity was ensured by the fact that militia officers resisted accepting anyone who was not a property owner.²⁰ Dutch militiamen exerted considerable political influence, especially during the revolts of the late sixteenth century, when they sometimes dominated local politics. The reputation gained by the militia in these events, for which they were regarded as heroes and guardians of Dutch independence, resulted in a particularly powerful symbolic association of the militia with civic pride. Self-conscious representation of this sense of prestige found expression among militia officers during the seventeenth century through expensive clothes with bright accents, decorative ceremonial weapons, and the commissioning of the group portraits made famous by Rembrandt, Frans Hals, and other Dutch painters.²¹ The combination of serving in the militia, in itself a symbol of social standing, while also having enough money to pay for a replacement to take over one's duties developed into a particular marker of status. Dutch militiamen thus expressed disdain for paid guards. "Should I receive blows from a sidewalk shitter?" a militia member in Alkmaar responded in 1636 when threatened by an on-duty guard; "that, another man will have to do; we guard and pay for it, and you earn money for it."²²

The English militia model, often viewed as distinctive in the degree to which civilians bore the brunt of military and police duties, actually differed surprisingly little from Dutch and German civic and territorial defense systems. From the Middle Ages onward, English householders kept arms, stood guard, and responded to disturbances in times of trouble just as did those on the continent.²³ Additional requirements for training imposed upon select groups known as the "trained bands" beginning in the sixteenth century also mirrored similar policies in the German territories (the *Auswahl*). What set England apart was its geographic position as an island country, which allowed the crown to depend on the less expensive civilian militias as a first line of defense longer than was the case in Germany, France, or Spain. As continental powers were amassing permanent armies under absolutist rule, English and Scottish theorists used republican and libertarian arguments to defend the militia ideal as a bastion of English liberty.

It was of course the Swiss militia that survived to become an inspiration for modern voices in support of civilian militias over standing armies.²⁴ In reality, no militia system was in a position to respond to

modern war, and the Swiss did not maintain their early modern reputation as warriors into the modern period. The use of civilians for night watchmen in the towns also declined in Switzerland during the late seventeenth and eighteenth centuries much as it did in Germany.²⁵ Nonetheless, as of this writing, all Swiss men must still maintain firearms and practice shooting. At the same time, however, the Swiss survival of the relationship of masculine identity with the sword clearly affected attitudes towards gendered citizenship. It is hardly a coincidence that in Switzerland, where political participation was signified by the "sword hand" (voting by the raising of a sword), women were denied the right to vote until 1971.²⁶

In colonial America, too, the bearing of arms was initially a duty as well as a right, at least for white men. Seventeenth-century laws in the colonies required every household to be armed and every white man to bear arms while traveling. In eighteenth-century Georgia, men even had to carry arms in church. Such laws excluded Native Americans and blacks. Numerous laws forbade Native Americans and black slaves to own firearms entirely, whereas most colonies allowed free blacks to keep and bear arms during the seventeenth century but excluded them from militia service.²⁷ The right to bear arms as it was subsequently codified in the second amendment to the US constitution remains among the most controversial of early modern legacies. Protection from quartering of troops in individual households, which follows in the third amendment, is certainly also the least controversial entry in the Bill of Rights, although the two laws are not unrelated. When these decisions were made, there was still an assumption, based on European precedents, that general participation in defense was the hallmark of a republic. Freedom from forced quartering, a new protection that grew at least in part out of guarantees of private property rights, thus required explicit articulation. The enigmatic second amendment couches the right to bear arms in terms of militia duty, but without an express requirement to serve or a definition of what is meant by a "militia," leaving later constitutional scholars with much room for debate. Perhaps the answer was self-evident to the drafters of the document.

The fact that the weapons culture of the German towns was being redefined and redirected just as rights of arms were being institutionalized both in England and across the Atlantic is not coincidental. The role of an armed citizenry as a check on unbridled government power, seen as a negative effect by the increasingly absolutist rulers of the Empire, was viewed positively by the drafters of the American Bill of Rights and its English antecedent. The German experience may not

have been irrelevant to these decisions. Not only did a connection exist between German constructs of self-defense and English legal theories, but according to Aaron Fogleman, eighteenth-century German immigrants, who tended to vote as a bloc, may have influenced American politics to a much greater extent than their numbers would have dictated.²⁸ My goal here, of course, is not to provide any correction to the Anglo-American model, a task better left to experts in that field, but only to suggest a comparative approach that invites alternative ways of thinking about this issue.

In raising the specter of American politics it is perhaps prudent to reiterate that early modern systems of civic defense, and their attendant freedoms, were based not on principles of democratic individualism, but on an idealistic notion of communal interest and collective identity under oligarchic rule. The problem was that early modern towns, rather than unified corporate bodies, were in fact characterized by competing interest groups whose concerns were often at odds. Identities did not correspond neatly with civic boundaries – rather, lobbies with allied interests took many shapes. The German towns, much like the Holy Roman Empire at large, were made up of competing loci of power that turned against one another and courted outside interests.

German insistence on keeping citizens armed throughout the age of the militia and beyond despite these contradictions grew out of deeply held beliefs that individual and civic independence depended on the right of resistance. The decline of the militia system rested not only on the fact that standing armies were more effective, civilian militias therefore appearing “weak” or “outdated” in comparison; equally important, the self-conscious civic patriotism that the militia system fostered, and the flexible loyalties that it represented, were at cross-purposes with the modern state. The establishment of a national identity required obedience and conformity, represented by standardized equipment and military uniforms. The result of this redefinition was that by the nineteenth century, German men could be domesticated by the state without sacrificing their identity with the sword. While martial identity in America remained linked to civil rights, in Germany it was channeled into a professional military experience. The sense of civic patriotism associated with the right to resist did not disappear entirely from the German political landscape, however, but survived long enough to find articulation by participants in the revolutions of 1848, in particular among citizens of the former free cities.²⁹

Notes

Introduction

1. "sich ehrlich wehren"; StANö, UB 1618–25, 13r–21v.
2. StAM, RP 1617, 87r, 110r, 114r, 117–18v; StAMM, A266/07, 11v–12r.
3. Enea Silvio de Piccolomini would later become Pope Pius II. This illustrative quote was used by David Eltis in 1989 to introduce an analysis suggesting a late medieval decline in civic defense systems; here it is presented as evidence of an increasingly flourishing early modern martial culture. See Eltis, "Towns and Defence," 1.
4. StAA, SB 1543–53, 1v; HSAS, A-44 Urpheden, No. 698b; A 43 Bü 35, 27 February 1545, Urtheil.
5. To mention only a few key examples of a large body of literature: Sher, "Adam Ferguson"; Pocock, *The Machiavellian Moment*; Merkel/Uviller, *The Militia*; the two *Law and History Review* forums "Reconsidering the Second Amendment" (2004 and 2007); and the collected articles in Cornell, *Whose Right to Bear Arms*.
6. Prak, "Individual," 255–7; Meier/Schreiner, "Regimen civitatis," 11–12, 20–1; Zwierlein, *Discorso*, 459.
7. Machiavelli, *Art of War*, 21, 61; idem, *The Prince*, 233–4.
8. Schilling, "Civic Republicanism," 3; Blickle, *From the Communal Reformation*, esp. 1–15; idem, "Kommunalismus"; Prak, "Individual," 255–6.
9. The relationship between the claims of German principalities to independence from authority and the sovereignty of its subject was outlined in the 1950s by Leonard Krieger, *The German Idea of Freedom*, 3–7.
10. Friedeburg, *Self-Defence*, 19.
11. These debates are treated at length in Malcolm, *To Keep and Bear Arms*; Sher, "Adam Ferguson"; Cornell, *Whose Right to Bear Arms*.
12. "Ja wollt man . . . mit Leuten scharmützeln, die weiße Schürzen haben, da soll' sich ein jeder brauchen lassen; aber zu Feld liegen, Festungen bestürmen, da sind sie unbrauchbare Gecken." Quoted in Haendcke, *Deutsche Kultur*, 190.
13. Machiavelli, *The Art of War*, 3.
14. Mallett/Hale, *The Military Organization*, 354, 358–9.
15. Friedeburg, *Self-Defence*, 7–8, 25–34.
16. Butler, "Performative Acts," esp. 525–6.
17. Sørensen, *The Unmanly Man*, 59–60; Lymant, "Die sogenannte Folge," 25–6.
18. Studies of gender are generally plagued by problems of periodization: Shepard, *Meanings*, 6–7.
19. In America, the majority of homicides are committed with guns, and in England with knives: Soriano. "Amnesty Program."
20. Elias, *Über den Prozeß der Zivilisation*; Spierenburg, "Faces of Violence," 701–4; Lacour, "Faces of Violence Revisited," 651–3; Schwerhoff, "Social Control," 226–9; Shepard, *Meanings*, 128–9; Muir, *Mad Blood*.

21. Ehlers, *Die Wehrverfassung*, 117–18, Merkel/Uviller, *The Militia*, 66; Mallett/Hale, *The Military Organization*, 354, 358–9; Zorn, *Augsburg*, 147–8.

1 Keeping the Peace: Household, Citizenship, and Defense

1. StAA, SB 1633–53, 296; Schätze, 13c, Ordnung des Stadtreiments, 32r. Killreitter was released after he insisted that he had not been informed of the ceremony (SB 1633–53, 296).
2. Poeck, *Rituale der Ratswahl*, 314–23.
3. Poeck, *Rituale der Ratswahl*, 22, 61–5, 319–20; Meyer, *Stadtbuch*, 7.
4. Baisch, “Die Verfassung,” 195–7.
5. Bauernfeind, “Bürgerpflicht,” 170; StAA, Schätze 13c, Ordnung des Stadtreiments, 32r.
6. Müller, *Nördlinger Stadtrechte*, 552 (1481).
7. “vff ir trew an Aidts statt”: StANö, KA 1562, Madlene Franzen Neumullerin, Jerg Lentz; see also FÖWAH, III.18.3c–1; Müller, *Aus fünf Jahrhunderten*, 50; SuSBA, 4° Cod.S.87, 2r, Angloben der Weiber in wichtigen sachen. Women’s oaths were only considered binding if sworn in the presence of men: SuSBA, 2° Cod.Aug.247, 6.
8. Baisch, “Verfassung,” 195–7; Dilcher, “Stadtrecht,” 1864–5; StAA, Schätze 13c, Stadtreiment; StANö, R2F1/13 Stadtordnungen 1589; StAMM, A266/04a, 1552; StAR, A361, 11r.
9. Dilcher, “Stadtrecht,” 1864–5; StANö, R2F2/21, Ordnungsbuch 1533–1552, 214r–v, c. 1548; Eibach, “Institutionalisierte Gewalt,” 189–90.
10. A direct heir of medieval public peace (*Landfrieden*). The literature on the right to resist (*Widerstandsrecht*) is vast; for overviews see Dilcher, “Widerstandsrecht”; Missling, “Widerstand und Menschenrechte”; Friedeburg, *Self-Defence*; idem, *Widerstandsrecht*. On Hausfrieden see Kroeschell, “Hausfrieden,” 2022–3.
11. Machiavelli, *Art of War*, 19–25, 243–57; Pocock, *The Machiavellian Moment*, 201–2.
12. Nicklas, *Um Macht*, 40–50; Baillet, “Schwendi,” esp. 188–96.
13. Schwendi, “Diskurs,” 177–80, 204–5.
14. Schwendi’s recommendations of 1570 were not published during his lifetime, but his preference for arming the populace rather than hiring professional mercenaries also appears in his *Kriegsdiskurs* of 1577: Schwendi, “Diskurs,” 175–80; idem, “Kriegsdiskurs,” 192–287; Kluckhohn, “Schwendi,” 382–401.
15. “ihrem Vatterland von hertzen treuw vnnd hold.” Fronsberger, *Fünff Bücher*, 117r.
16. *Ibid.*, 117r–18r; see also idem, *Kriegsbuch* 1:175r, 206r.
17. Fronsberger, *Von dem Lob*, 1v, 184r–v, 24r–8r; Schulze, “Von Geimeinnutz zum Eigennutz,” 606–14; Roodenburg, “Freundschaft.”
18. Fronsberger, *Kriegsbuch*, 1: 206; on articulation of the preference of the Swiss for local citizens over professional guards see Casanova, *Nacht-Leben*, 181–2.
19. Baumann, *Das Söldnerwesen*, 211–13, 221–2.
20. Based on guards in Nördlingen, whose yearly income of around 13–14 gulden in the seventeenth century was less than that earned by journeymen

- even a century before: StANö, R39F4 no. 63, 1606, 1612, 1617; Dirlmeier, *Untersuchungen*, 91–6, 151–60.
21. StANö, R39F4 no. 63, 1548, 1574, 1596, 1609, 1612, 1613, 1617; StAA, *Militaria* 193, 1621–2, 1623; StAMM, A263/05, 1568; Dirlmeier, *Untersuchungen*, 206–12.
 22. “nain, er sitz steur vnd wach frei.” StAA, Urg. Jacob Reiter, 12 November 1584.
 23. Westermann, “Memminger Weinhandel,” 59–60; Dorner, *Die Steuern Nördlingens*, 55; Bauernfeind, “Ungeld,” 1102; Dirlmeier, *Untersuchungen*, 19; Schwennicke, “*Ohne Steuer kein Staat*,” 84–7.
 24. StAM, RP 1652, 29r; Conrad, *Geschichte*, 87; Dilcher, “*Stadtrecht*,” 1863–74; Saur, *Die Wehrverfassung*, 8; Kraus, *Das Militärwesen*, 26. Civilians served in militias in Italy at least from the fifteenth century as well (Mallett/Hale, *The Military Organization*, 75–9).
 25. Saur, *Wehrverfassung*, 9; Uhlig, “*Rüstungssorgen*,” 246–7; Gaedechens, *Hamburgs Bürgerbewaffnung*, 1; Meyer, *Das Stadtbuch*, 301; Müller, *Nördlinger Stadtrechte*, 323, 1522; StANö, R2F2/20, Ordnungsbuch 1502–33, 33v–34r; SuSBA, 4^oAug.1020 Ordnungen I. Abt., 11, 1552 (membership in organized societies was also a requirement of citizenship for patricians and merchants).
 26. Saur, *Wehrverfassung*, 11, 36–7; StANö R2F1/1 Sammelakten, Wachordnung 1457.
 27. Saur, *Wehrverfassung*, 7–8, 79; Mörtzsch, “*Das wehrhafte Freiberg*,” 217; Kaiser, “*Bürgermilitär*,” 170; Neumann, *Das Zeughaus*, 13.
 28. StANö, Stadtkammerrechnungen, 1573, 1622–9; UJCS, Ffm W 112, no. 2, Quartir Ordnung, 1614.
 29. Roper, *The Holy Household*, 3–5; on theories of rural household economies see Sabean, *Property*, 88–101.
 30. Saur, *Wehrverfassung*, 79–80.
 31. Witte, “*Wehrordnung*,” 1192–3; StANö, Ordnungsbuch R2F2/20 1502–33, 33v–4r; StAA, Ratsbuch 20, 1546/1, 33r; StAR, A361 Rathswahl und ordnungs acta, 11r, 1455. In Augsburg in the early sixteenth century, failure to comply with the weapons requirements was punished with payment of 200 stones for construction of the city wall: Haemmerle, “*Ein unbekannter Incunabeleinblattdruck*,” 3–12.
 32. “*ainer guethenn manns wehr, die inn ain veld zuge zebrauchenn*”: StAMM, A266/04a, 1552, 1636; Saur, *Wehrverfassung*, 7–8; Filtzinger, 11; see also Wüst, *Die “gute” Policey*, 415.
 33. Gaedechens, *Hamburgs Bürgerbewaffnung*, 13–14; Heinisch, “*Die Stadt*,” 297; Ehlers, *Die Wehrverfassung*, 116.
 34. Saur, *Wehrverfassung*, 5; StAR A361, 106r; StANö R2F3/6, Ordnungsbuch 1612–40, 249r, 1632.
 35. SuSBA, 2 Aug 10, 83r–v, 28 September 1542.
 36. Witte, “*Wehrordnung*,” 1194; StAM, RP 1617, 87r, 110r, 114r, 117–18v; StAMM, A266/07, 11v–12r.
 37. “*jung vnnd gesundt manns person[en]*.” StAA, Ordnungen und Statuten, K20, 444, Ordnung der Nachtwach, 1540.
 38. StAA, Schätze 16, 56–8.
 39. “*Rechtgeschaffenn mannspersonen vnnd nit jung vngewachsenn leut.*” StAA, Schätze 16, 66; in Brunswick, only those who had reached the age of

- majority and taken their oath of citizenship could guard: HAB, H: L312.4° Helmst. (34), 2v.
40. StANö, R2F3/1, Ordnungsbuch 1553–67, 27r, 1555; see also StANö, R2F3/6, Ordnungsbuch 1612–40, 73v, 1619; StAMM, A266/07, 12c; SuSBA, 4° Aug.1020 Ordnungen I. Abt. No. 9, A2r, 1546.
 41. StAA, Schätze 16, 66, 1541; StANö, R2F3/7, Ordnungsbuch 1641–88, 95v–96r, Wacht in der Meßzeit, 26 May 1651.
 42. HAB H: L382.4° Helmst. (1), Hamburgk Wacht- und Fewr-Ordnung, 18; Heinisch, “Die Stadt,” 291; but see BHSA, RKG R 3451, Dr. jur. Johann Roßbeck, in which the jurist Johann Roßbeck of Ansbach lost his legal battle for exemption from standing guard based on his status in 1573 (thanks to Stephan Breit for this reference).
 43. Thiele, “Die Neuburger Bürgerwehr,” 212–18; Sellert, “Juden,” 1103; StAA, Schätze 37/II (Muster 1610); Geheime Ratsprotokolle 21, 406 (30 October 1688); HSAS, C3, RKG Bü. 1335.
 44. “einer rüstung oder guten manns wehr”; StAMM, Stadtre Regiment 11v.
 45. Saur, *Wehrverfassung*, 13–14; StAA, Ordnungen und Statuten, Kart. 10, 243, B3v.
 46. Conrad, *Geschichte*, 150; StANö, R2F2/21, Ordnungsbuch 1533–52, Kriegsordnung 1538, 103v; SuSBA, 4° Aug.1020 Ordnungen I. Abt., 7, A4v, 1542.
 47. Saur, *Wehrverfassung*, 9–10.
 48. Müller, *Nördlinger Stadtrechte*, 552, 575; R2F1/1 Sammelakten, 1457; Kleinschmidt, “Using the Gun,” 605–9.
 49. Saur, *Die Wehrverfassung*, 10; Mörtzsch, “Das wehrhafte Freiberg,” 217.
 50. Müller, *Nördlinger Stadtrechte*, 552, 575; StANö, R2F3/6, Ordnungsbuch 1612–40, 70r.
 51. StAMM, A266/04a 1552; 1636, 11v; see also Müller, “Waffen,” 49–54. Ekirch’s claim that firearms were standard for guards only in colonial America before the eighteenth century is entirely without basis; Ekirch, *At Day’s Close*, 77.
 52. HAB, H: L382.4° Helmst. (1), 14 (the order was reissued in 1643 and remained in force until 1711, when the requirement was upgraded to flintlocks: see Gaedechens, *Hamburgs Bürgerbewaffnung*, 12); Kleinschmidt, “Using the Gun,” 605–13. On civic pike-and-shot organizations see below, Chapter 5.
 53. Chase, *Firearms*, 60–1.
 54. “gute Hellebarte”: StAA, Ordnungen und Statuten, K3, 123; K20, 416.
 55. The requirement for guards to wear a breastplate and helmet was crossed out of Augsburg’s Stadt Regiment of 1548 at some point in the seventeenth century (StAA, Schätze 13c, 85v–6r) and does not appear in 1684 (Ordnungen und Statuten, K10, 241 Wachtordnung 1684).
 56. “ober vnd vndergewör”; “Musqueten, büxen und anderen Wöhren”; StAMM, A266/07, 11v.
 57. StAR, AA126, 1605.
 58. StAA, Militaria 146 Zeugamt, Nuremberg 1614.
 59. StAR, A164, 1618 (copy from 1786); AA119, 13 June 1727.
 60. “guete freundschaft vnd vertrewlicheit vnder der Burgerschaft”: StAM, RP 1651, 23r; for similar demands in Rothenburg see also StAR, A363, 1623, 149; A364, 1631, 120r.

61. “waß sy für Wächter seyen, woh sy ihr gewöhr vnd Lundten haben”: StAM RP 1651, 38r.
62. “spot vnnd schannd”; StANö R2F2/21, Ordnungsbuch 1533–52, 1538, 107r-v.
63. For example SuSBA 4^o Aug.1020 Ordnungen I. Abt. No. 7, 1542; StAA, EWA 1561 tom. 2, No. 27 5/8a, C3v.
64. The term “weapons-capable” referred to men who were free to bear arms, not those with the ability; the legal implications of this term will be discussed below, Chapter 3.
65. FÖWAH, VI.93.10–1, 1608; StAR, A164. 1618; B392, 1620; StANö, Verzeichnisse der Kriegsvolks; StAA, Geheime Ratsprotokolle no. 8, 256.
66. On feudal precedents for the martial ethic see Manning, *Swordsmen*.
67. Kaiser, “Bürgermilitär,” 170; Kraus, *Das Militärwesen*, 248; on the requirement for experience for captains see also Fronsberger, *Das Kriegßbuch Erster Theil*, Cv.
68. Nuremberg, for example, had eight quarters: Bauernfeind, “Verteidigungswesen,” 1137; Augsburg ranged from three to four, with four to six captains each: StAA, Schätze 37/I, 37/II; SuSBA, 4^oAug.1020 Ordnungen I. Abt., no. 7, A2r; Mindelheim had four quarters with two captains each: StAM, IIG2, 1545; for a discussion of use of the word *Viertel* (quarter) for city sections see Jütte, “Das Stadtviertel.”
69. Also called Rottmeister (squad leaders): SuSBA, 4^o Aug.1020 Ordnungen I. Abt., no. 7, A4r-v; SuSBA, 2 Ink. Einblattdrucke vor 1500 11, Augsburger Wehrordnung 1499; 2 August 10, 1542; Bauernfeind, “Gassenhauptmannschaften,” 323–4; Soliday, *A Community*, 122–3.
70. StAA, Polizeiwesen, Gaßen-Hauptleute, 1632/4; on the privileged status of captains more generally see Gaedechens, *Hamburgs Bürgerbewaffnung*, 16–17.
71. See for example Hoffmann, “Nachbarschaften”; Roeck, “Neighborhoods”; Lis/Soly, “Neighborhood”; Roodenburg, “Freundschaft”; idem, “Naar een etnografie”; Jütte, “Das Stadtviertel.”
72. Kaiser, “Bürgermilitär,” 170.
73. SuSBA, 4^oAug.1020 Ordnungen I. Abt., Ober vnnd Vnnder Hauptleüt Ordnung 1542, A4v.
74. Soliday, *Community in Conflict*, 121–38.
75. Jews are also often relegated to this category in the literature, although the exclusion was not universal, as will be treated in more detail below, Chapter 6.
76. Shepard, *Meanings*, 23–38.
77. “spöttliche vntausame Bueben vnd Khünder [vf die Wacht schickhen] alß wans gleich vmb nichts zue thuen were”: Grohsmann, *Geschichte*, 60–1 (1639); rechtgeschaffenn mannspersonen: StAA, Schätze 16, 66r, 1541; see also Müller, *Nördlinger Stadtrechte*, 224, 1463.
78. StAA Urg. Georg Wideman, 7 June 1595, “bei 14 jaren”; Jacob Michell, 6 September 1595, “eines alters bei 12 Jarn, wiß gleichwol selbst nit”; HSAS, C3, RKG Bü 3599 II, Linhard Flöcks, “schätze sich vngefähr vff 60 Jar alt sein.”
79. James, “The Age of Majority,” 22–33; Boswell, *The Kindness of Strangers*, 33.
80. StAA, EWA 148, no. 172, 1607.

81. Filtzinger, *Ulm*, 25 (age 17 for entrance into patrician society); StAA, EWA 1482, Herrenstube Protokolle, 1649 (14 for entrance into patrician society); Kaiser, "Bürgerpflicht," 170 (over 14 for oath of citizenship in Nuremberg); HAB, H: L382.4° Helmst. (1), 16 (18 for serving on guard duty in Hamburg).
82. StAMM, RP vol. 33 (1667–69), 201; vol. 36 (1674–76), 152 ("Alte erlebte personen sind mit der wacht zu verschonen, vermögende aber müssen sie doch bezallen"); vol. 39 (1680–81), 222; Wüst, *Die "gute" Policey*, 160.
83. StAA, Schätze 37/I; Lorenz, *Das Rad*, 24, 203.
84. Specker, *Die Ulmer Bürgerschaft*, 206.
85. Based on all 6100 reported ages in the military muster of 1645: StAA, Schätze 37/I; Shepard, *Meanings*, 216–20.
86. StAA, Polizeiwesen, Kleiderordnung Degentragen, 1548–1766, August 1735.
87. Müller, *Nördlinger Stadtrechte*, 554; StANö R2F1/1 Sammelakten, Wachordnung c. 1457; StAA, EWA 1561 tom. 2, 1552; SuSBA, 4° Aug.1020 Ordnungen I. Abt. no. 36, 1634 Der Herren Viertel-Hauptleut Ordnung, A5r; no. 37, 1653, Feuer-Ordnung, C1v.
88. HAB, H L382.4° Helmst. (1), Hamburgk Wacht- und Fewr-Ordnung 1626, 45; HAB A: 46.5. Pol (5), A3r; see also HAB, IH 542 Belagerung der Stadt Stralesunth in Pommern Ligende, 1628, which describes old women fighting enemies during a siege with boiling water and pitch.
89. Chambers, *Popes*, 13–14.
90. StAA, Schätze 16, 57r; Straus, *Regensburg*, 89–90; Saur, *Die Wehrverfassung*, 24; Kießling, *Bürgerliche Gesellschaft*, 96–7.
91. Thiele, "Die Neuburger Bürgerwehr," 212–18; BHSA, GL F. 1491, 1 February 1598. A century earlier, Parisian faculty had used the same argument against arming in defense of the crown against the English, apparently with more success. Meiners, "Kurze Geschichte," 278.
92. Murray, "One Flesh"; Roper, *Oedipus*, 43–5; on symbolic associations see Dürr, "die Macht und Gewalt der Priestern," 76–8.
93. StAA, Ordnungen und Statuten, Kart. 10, 243; SuSBA, 4° Aug.1020 Ordnungen I. Abt.no. 36, C3v; 37, C4v; Conrad, *Geschichte*, 149; Freynhagen "Die Wehrmachtsverhältnisse," 51–2.
94. Straus, *Regensburg*, 89–90; Biale, *Power and Powerlessness*, 75–6.
95. Kisch, *Forschungen*, 20–40; Litt, "Juden und Waffen," 83.
96. Magin, "'Waffenrecht,'" 21; Biale, *Power and Powerlessness*, 72–7; Maimon, *Germania Judaica*, 3/2:1622, 1712.
97. Straus, *Regensburg and Augsburg*, 23; Kracauer, *Geschichte*, 1:305, 2:111, 237–8; Gaedechens, *Hamburgs Bürgerbewaffnung*, 11; ISGF, Crim. 1465, Crim. 1844; Litt, "Juden und Waffen," 86; Wenninger, "Von jüdischen Rittern," 63.
98. Wenninger, "Von jüdischen Rittern," 54–67; Altmann, "Studies," 36–9, 47–9, 55–8, 76–7; Müller, *Aus fünf Jahrhunderten*, 42; Maimon, *Germania Judaica*, 3/1:205, 238, 257, 333, 357, 447, 519, 626; 3/2:930, 983, 1185, 1257, 1622, 1712; 3/3:2263.
99. Sellert, "Juden," 457; Planck, "Waffenverbot," 108–9. This does not mean that Jews did not carry weapons, which will be treated in more detail below, Chapter 5.

100. Beusterien, “Jewish Male Menstruation,” esp. 451–2; Gilman, *The Case of Sigmund Freud*, 96–9, 155; Resnick, “Medieval Roots”; Mekel, “Review”; Frevert, *Kasernierte Nation*, 96.
101. SuSBA, 4^o Aug.1020 Ordnungen I. Abt. no. 36, A6r; no. 37, C4v; StAA, EWA 1561 tom. 2 no. 27 5/8a, C3r; HAB, H: L382.4^o Helmst. (1), 46.
102. “frembder Nation und Sprachen”: HAB, H: L382.4^o Helmst. (1), 18.
103. “Desgleichen [Kurfürst August] ein gewaltig Zeughaus erbawt / Gros vnd klein Gschütz man allda schaut / Ist alldo nicht ein geringe anzahl / Alles sauber vnd rein, gantz vberall / Rappir, Schwert mit Guldenen Hefft / Auffes aller zierlichst vnd best”: Weinart, *Topographische Geschichte*, 29–46.
104. “genant die junckfraw, der edel falckh, vnd das edlen falckhen gesellen”; StAA, Militaria 144, 1624; *ibid.*, 1681; totals from the 1681 inventory are reprinted in Kraus, *Das Militärwesen*, 427–45.
105. “Ir syet alle verzweifelte schelmen, er habe noch nie khain hellepartt uff d[er] wach verschlaffen, wi sy, er sy auch meiner Herrn diener, hab auch spiess und wöhren”: StAA, Urg. Leonhart Wolfmüller, 9 November 1594.
106. StAA, SB 1581–87, 189r, 22 May 1586.
107. “dann sie auch weder harnisch, noch lange wehr gehabt”: StAA, Urg. Simprecht Schleich, 25 July 1548.
108. i.e., StAA, Militaria 197, tom. 1, Jörg Hipper, June 1559.
109. Wehrkirchen (fortress churches).
110. Anon., *Beschreibung*.
111. Edelmann, *Schützenwesen*, 73–6.
112. Edelmann, *Schützenwesen*, 69–76; Stetten, *Geschichte* 1:118, 225, 234, 373, 733, 750.
113. “die faule Mette,” “tolle Grete,” “Rinozeros”; Edelmann, *Schützenwesen* 29. Brunswick’s faule Mette’s cannonball weighed 7 centner (350 kilos): HAB, A: 46.5 Pol. (7), Von der Braunschweigischen Huldigung.
114. Kalmár, “Pfeilspitzen,” 218–21; Rambaldi, “Paradewaffen,” 208.
115. HSAS, C3 RKG Bü 423.
116. One household was recorded as in possession of 300 muskets (Büchsen): Kraus, *Das Militärwesen*, 85; see also StAA, Spreng’sches Notariatsarchiv 1576 no. 3 ½; 1577 no. 50 ½; 1584 no. 32; and others (thanks to Bridget Heal for this reference).
117. Apparently, although Anabaptists in Augsburg considered this practice at this time, either they had not yet actually instituted it or Schad did not wish to admit to it (“dann die bruder die wöre hinder sich solten legen, damit man sy bei demselben kennet, aber es sei nit bescheen”); rather they identified themselves only by exchanging the greeting “peace” (frid): StAA, *Literalia*, 1528.
118. Burschel, *Söldner*, 122; Mair, CDS 33, 437.
119. Willax, “Verteidigungswesen,” 212–15; StANö, Militaria, Aid und artickl, 1569; R2F1/1 Sammelakten, c.1525. Craftsmen in Nördlingen received 20 Kreuzer for one day and night of guard duty and 1 Gulden per week if called up for full-time service (*ibid.*).
120. Mair, CDS 33, 29; von Stetten, *Geschichte*, 1:64; StANö, R2F2/21, Ordnungsbuch 1533–52, Wacht vnnder die Thor inn der Empörung Anno 1546, 185r.

121. "bürgerliche Hilfe": StANö, R2F2/21, Ordnungsbuch 1533–52, Gassenvogts Ordnung 1535, 43r.
122. "hab er zeug an statt der herrn Burgermaister frid potten": StAA, Urg. Simprecht Kölin, 13 May 1545; see also SuStBA, 4 Cod.Aug.132 3,1 (1621) 29v, von E.E. Raths wegen fried bieten.
123. For example in StANö, R2F1/13 Stadtordnungen 1589, mit Nachträgen, 1589; R2F3/6, Ordnungsbuch 1612–40, 251r.
124. "in der höchsten Noth": HAB, H: L382.4° Helmst. (1), p. 16.
125. Bauernfeind, "Verteidigungswesen," 1137.
126. StAR, AA126, Wachordnung 1605; StANö, R2F3/7, Ordnungsbuch 1641–88, 45r; StAA, Schätze 16 fol. 66.
127. "mer denn die andern"; StANö, R2F1/1 Sammelakten, 1457.
128. Müller, *Nördlinger Stadtrechte*, 474; StANö, R2F3/1, Ordnungsbuch 1553–67, 87v-92r; R2F3/7 Ordnungsbuch 1641–88, 286r-91v; SuSBA, 4° Aug.1020 Ordnungen I. Abt, no. 6, 1542; StAA, Schätze 16, 58, 6 December 1540; FÖWAH, VI.93.20–21.
129. Müller, *Nördlinger Stadtrechte*, 552–3, 558; StAA, EWA 1561 tom. 2 no. 27 5/8a, A4r.
130. See for example StAA, Militaria 146 Zeugamt, Articulars Brieff vber die auffgerichten vier fändlein, Nuremberg 1614.
131. Friedeburg, *Self-Defence*, 143; for village defense duties see Müller, *Gebstattel*, 245–46; StAR, A-164, Muster-Register 1618; FÖWAH, VI.93.20–21 15–17.c, 1. Wehrordnung, 1521; StANö, Verzeichnisse der Kriegsvolks, Musterungsbücher 1615, 1653; StAR, AA118 Ratsedikte und Verordnungen 1535–1801, 29 September 1721; Wüst, *Die "gute" Policey*, 285–95, 540.
132. "so zu demmung vnd ußleschung des feürs dienlich . . . nit mit andern waffen": HSAS, A38.1 Polizeiwesen, Lands ordnung zu Wirtemberg 1515, A4r.
133. StAA, Ordnungen und Statuten, K20, 431; StANö, R2F3/7, Ordnungsbuch 1641–88, 95v–6r wacht in der Meßzeit, 26 May 1651; 120r–21r, 1652 with renewals to 1713; StAA, Schätze 16 fol. 66, Wach Betreffend; StAM, RP 1616, 36v; Bauernfeind, "Nachtwächter," 727; Müller, *Nördlinger Stadtrechte*, 123–7; *ibid.*, 556–7.
134. "vngebürlich ergerlich geschray": StAA, Schätze ad 36/9; StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54 (1537); see also Wüst, *Die "gute" Policey*, 168.
135. "die nächsten nachburn an der gassen gesessen": StANö, R2F1/1 Sammelakten, 1457; see also StAR, AA126, 1605.
136. "sich auch des frevels nicht besorgen": StAR, AA126, 1605; see also StANö, R2F2/20, Ordnungsbuch 1502–33, 15, 1503.
137. StAMM, A266/07, 1636, 3v, 5v.
138. Breaking peace will be treated below, Chapter 3.
139. Slack, "Responses," 118–21.
140. Hammond, "Inventing the Patient," 134; StANö, Ordnungsbuch 1641–88, 364r, Rats Decret die leydige contagion betr[effend]; StAA, Ordnungen und Statuten, K10, no. 240, 1627. In Memmingen people entering the city had to swear they hadn't been in an infected area in 40 days: StAMM, A263/05, 1680.
141. StAA, Polizeiwesen, Gaßen-Hauptleute, 1778; STAMM, RP 1729–30, 109, 112.

142. Schilling, "Grammatiken," 98–103.
143. r. 1558–64.
144. Schilling, "Grammatiken," 103; Schweinichen, *Denkwürdigkeiten*, 98–9; Montaigne, *Complete Works*, 899; Mair, CDS 32, 475–7.
145. "vnfleissig in der wacht"; StANö, UB 1618–25, 89v, 1625; StAM, RP 1661, 31v.
146. Terpstra, *Civic Self-Fashioning*; Van Orden, *Music, Discipline, and Arms*, 218.
147. StANö, R2F3/7 Ordnungsbuch 1641–1688, 317r–v, 1673; StAMM, A266/07, 1636, 12v.
148. StAMM, A266/07, 1636 12v; HAB, H: L312.4° Helmst. (34), 2r.
149. StAA, Schätze 16, 56r–8v; Gaedechens, *Hamburgs Bürgerbewaffnung*, 7; Casanova, *Nacht-Leben*, 153.
150. StAA, Ordnungen und Statuten, K3 no. 122; Schätze 16, fol. 58; StANö, R2F2/ 22, Ordnungsbuch 1567–87, 177r–80r.
151. StANö, R2F2/21, Ordnungsbuch 1533–52, 36r–7v.
152. Schindler, *Widerspenstige Leute*, 222–7.
153. Koslofsky, *Evening's Empire*, 157–97; Heidrich, "Grenzübergänge," 26–7; Casanova, *Nacht-Leben*, 83–93.
154. Schindler, *Widerspenstige Leute*, 222–45; Roper, *Oedipus*, 115.
155. On the development of street lamps see Rosseaux, *Freiräume*, 60–8; Müller, "Die Einführung," 145; Koslofsky, *Evening's Empire*, 128–51; see also StAA, Polizeiwesen, Strassenbeleuchtung.
156. On lanterns as a "mark of identification" see Schivelbusch, *Disenchanted Night*, 96–7.
157. Schindler, *Widerspenstige Leute*, 223–5; Müller, *Nördlinger Stadtrechte*, 502; Tlusty, *Bacchus*, 85. Altercations involving guards will be handled in more detail in the following chapter.
158. StAA, Urg. Magdalena Lotterin and Anna Stadlmairin, 24 February 1542; SB 96, 43r, 25 February 1542; SB 101, 1581–87, 153r, 19 March 1585.
159. StAA, Ordnungen und Statuten, K20, no. 444, 1540; Militaria 194, 15 November 1633; StANö, R39F4 no. 63, Scharwächter, 8 September 1574; Mauerwächter, 1596, 1609.
160. StAA, Ordnungen und Statuten, K20, no. 444, 1540, 87v–92r, 29 May 1561; StANö, R2F3/1 Ordnungsbuch 1553–67, 87v–92r, 29 May 1561; R2F3/7 Ordnungsbuch 1641–88, 286r–91v, 27 April 1670; UB 1587–92, 133v, 152r; UB 1592–1601, 123v, 229r; UB 1618–25, 18v.
161. Strätz, "Waffenfähigkeit," 1078–9; idem, "Waffenrecht," 1080–83; Cress, "An Armed Community," 22–42.
162. DVAf, BL 2138, Drey schöne neue Lieder; StAA, Schätze 16, 56–8; Ordnungen und Statuten, K3, no. 122, Scharwächtereid 1533; SB 1588–96, 7v and 8r; StANö, R2F3/1, Ordnungsbuch 1553–67, 87v–92r, 1561; R2F3/7, Ordnungsbuch 1641–88, 286r–91v, Der Thurner auf dem Wendelstain, 1670; Ekirch, *Day's Close*, 78–9.
163. My approach to sound was informed by the work of anthropologist Steven Feld: For a recent discussion see Feld and Brenneis, "Doing Anthropology in Sound." For historical treatments see Corbin, *Village Bells*; Hoffer, *Sensory Worlds*; Picker, *Victorian Soundscapes*; Rath, *How Early America Sounded*; Smith, *The Acoustic World*; Smith, *Listening*.

164. “leichtfertige Vögel vnd Bernheüter, er wolte ehe das Burgermaisterambt aufgeben, dann solches zue leiden”; “kriegs gebrauch nach angeruffen”; StAA, Militaria 198, 17–20 October 1639.
165. Müller, *Nördlinger Stadtrechte*, 502, c 1500; StAA, Schätze 16, 31; SuSBA, 4° Aug.1021 Bd 4 Abt. 1, no. 49 A2v; StANö, R2F2/21, Ordnungsbuch 1533–52, 39r; R2F3/1, Ordnungsbuch 1553–67, 169r.
166. Schindler, *Widerspenstige Leute*, 222–31.
167. StAA, Urg. Peter Müller and Matthäus Sporhan, 13 September 1591; Urg. Hans Gugger, 3 May 1585; SB 1588–96, 193r, 14 December 1593; StAM RP 1652, 12v; StANö, KA 1565, Sebastian Herman; Roeck, *Eine Stadt*, 180–81, 668–71; Creasman, “Policing the Word,” 257–307.
168. “weder schlagen noch leüthen hören, . . . vnd also nit wissen, waran sy sein vnd w[as] zeit es ist”; StAM, RP 1652, 7r.
169. Ekirch, *Day’s close*, 78–9.
170. Schindler, *Widerspenstige Leute*, 230.
171. Jäger, CDS 34, 157–8.
172. Smith, *The Acoustic World*, 50; Corbin, *Village Bells*, 3–8.
173. Mair, CDS 32, 91; StAA, Baumeisteramt, 1548.
174. On the debate over bows and guns see Chase, *Firearms*, 73–6.
175. StAA, Anschläge und Dekrete, 1490–1649 Teil 1, no. 13, 1528; SB 1581–87, 232v 3 September 1587; StAR AA119 12 January 1721; *ibid.*, Erneuerte Land- Policy-Ordnung 1723, 14; SuSBA 4° Aug.1021 Bd 4 Abt. 1, no. 61, 4 June 1634.
176. StAA, Urg. Georg Teüringer, 20 June 1584.
177. Rublack, “Metze und Magd”; HAB A: 46.5 Pol (6), Warhaftige vnd gewisse Newe Zeitung, B4r; 36.13 Aug 2, 305r; 885r. Women using weapons in less spectacular ways will be treated below, Chapter 5.
178. See for example Thiele, “Die Neuburger Bürgerwehr”; Ehlers, *Die Wehrverfassung*, 126–8; Stüssi, *Das Schweizer Militärwesen*, 261; Lorenz, *Das Rad*, 198; Merkel/Uviller, *The Militia*, 66. Schannach notes that the success of Tyrolian militia prior to the eighteenth century has been over-rated, although they performed impressively in 1703 and 1809: *Tiroler Landesverteidigung*, 11–12, 410–11.
179. Sabeau, *Power in the Blood*, 29–30; Withington/Shepard, “Introduction,” 3–7.

2 Duty and Disorder

1. StANö, UB 1601–08, 1v–6v; KA, March–August 1601.
2. Stuart, *Defiled Trades*, 172–81.
3. StANö, R2F2/21, Ordnungsbuch 1533–52, 214r–v; Reintges, *Ursprung*, 126–7.
4. “daß er . . . da guete leütt nit darvor gewesen, vber den felsen am henckhelberg zue nechst bei dem hochgericht gar hinab gefallen were”: StANö, UB 1601–08, 1v–4r.
5. *Ibid.*, 4r.
6. StANö, R2F2/22, Ordnungsbuch 1567–87, 70v.
7. *Ibid.*, 62v; 70r–71v.

8. StANö, UB 1587–92, 44r–5r.
9. StANö, Kriegs- Zeug- und Schützen-Amt, Schriften die Musterung der Bürgerschaft betreffend 1460–1663, Muster Ordnung, 1600, 1615.
10. “sich ehrlich wehren”: StANö, UB 1618–25, 13r–21v (19 October 1618–5 May 1619).
11. “wie weniger nit die witfrawen”: R2F3/6, Ordnungen und Decrete 1612–40, 73v; see also StAMM, A 266/04a, Ordnung und Articul (copy of 1636 Regiment Ordnung).
12. This was a common occurrence and is mentioned repeatedly in court records of cases involving drinking incidents: *Thusty, Bacchus*, 193; see also Saur, *Wehrverfassung*, 11; StAMM, A 266/04a, Ordnung vnnnd articull 1552; StAA, Urg. Endris Haindl, 11 March 1594; Urg. Hanns Ettlich and Felix Schweyer, 17 May 1544.
13. “guten starken Rappier, oder seiten wöhr”: StAA, Militaria, 146, IV; in Fulda, weapons were issued to subjects during the 30 Years’ War: Schultze, “Verteilung,” 22.
14. SuSBA, 4 Cod.Aug.40/2.
15. SuSBA, 2°Aug.10, 83r.
16. Casanova, *Nacht-Leben*, 151.
17. SuSBA, 4°Aug.1020 Ordnungen I. Abt., No. 34 (1632), A2v–A2r; StAR, A363, 180r (1626); StAA, Militaria, K10, 241 (1684); StANö, UB 1533–50, 135r (1540); UB 1587–92, 159r (1591); UB 1592–1601, 125r–6r (1596); UB 1618–25, 29r–34v (1619–20), 95v–6r (1625); StAM, RP 1652, 6v; StAMM, A263/05, 13 August 1612, 4 October 1626, 15 May 1586; Heinisch, “Die Stadt,” 297.
18. See for example StAA, Militaria, K12, 5 July 1730.
19. Lorenz, “Schwedisches Militär,” 435–6; StAR, A 363, 180 (1626); StAA, Polizeiwesen, Gassen-Hauptleute 1632–1780, 1665; SuSBA, 4 Aug.1021 Bd 4 Abt. 1, No. 133 (1704); StAMM, A263/05, 4 October. 1626; Grohsmann, *Geschichte*, 60–1. For similar behavior by Dutch militiamen see Knevel, “Onder gewapende burgers,” 47.
20. StANö, R2F3/6 Ordnungsbuch 1612–40, 73v (1619); UB 1618–25, 29r–v (1619).
21. “wie rechtschaffner burgern zuestehtt”: StAR, A363, 149r–50v.
22. “gutwillig vnd vnverdrossen haben gebrauchen lassen / vnd also ihre eyfferige affection vnd zuneigung gegen ihrem lieben Vatterlandt in dem Werck ruhmlich erweisen”: SuSBA, 4°Aug.1020 Ordnungen I. Abt., No. 34, A1v 1632. For application of the term “Fatherland” either to a traditional political entity (including a town) or to the Empire (or “German nation”) see Grimm, *Deutsches Wörterbuch*, 25:29; Ribhegge, *Stadt und Nation*, 28; Friedeburg, *Self-Defence*, 131.
23. Meier/Schreiner, “Regimen civitatis,” 14, 18; Roodenburg, “Freundschaft.”
24. Wüst, *Die “gute” Policey*, 399.
25. StAA, Polizeiwesen, Polizeiordnungen 1492–1775, no. 10 (1546).
26. StAA, Schätze 13c, 33v; SuSBA, 2°Aug. 10, p. 105; see also below, Chapter 9.
27. Clasen, *Anabaptism*, 174–81.
28. “Er habe sich bisher, je vnnnd alweg, inn allen Burgerlich[en] burde[n] gehalten”: StAA, Urg. Hans Jacob et al., 15 July 1546; SB 1543–53, 82r (29 July 1546); *ibid.*, 79r (8 July 1546).
29. Hsia, *Society*, 6–8.

30. StAA, SB 1543–53, 82 (29 July 1546); Ratsbuch 20, 33r; SuSBA, 4°Aug.1020 Ordnungen I. Abt., No. 9.
31. Lorenz, *Das Rad*, 163, 191–202.
32. HAB, M: Gm 4° 1066 (27), Strasbourg 1665; see also UJCS, Ffm W 112 no. 3, p. 5.
33. StAA, Militaria 194.
34. “hie seh er daß Gewöhr”: StAM RP 1651, 38r.
35. StAA, Militaria 198, 19 October–2 November 1619; Militaria 197, 1 June 1559.
36. StAA, Ordnungen und Statuten, K20, no. 417; UJCS, Ffm W 112 no. 3 p. 5; Müller, *Nördlinger Stadtrechte*, 502; Casanova, *Nacht-Leben*, 173–4.
37. “waß soldaten Wan meiner drey od vier weren, vnd wehren hetten, wir woltten ein gantzen wach hinweck schlagen”: StAA, Militaria 198, 19 October–2 November 1619.
38. See for example *ibid.*; StANö, UB 1618–25, 8 September 1619; StAA, SB 1615–32, p. 91; SB 1588–96, 151r; SB 1581–87, 7r–v, 183v; Casanova, *Nacht-Leben*, 175–9.
39. Lorenz, “Schwedisches Militär,” 434; Tlusty, “The Public House,” 141.
40. Krug-Richter, “Von Messern,” 35–6.
41. StAA, Schätze 16, 171r–v; SB 1581–87, 196v; StANö R2F2/21, Ordnungsbuch 1533–52, 43r–v; Müller, *Nördlinger Stadtrechte*, 281.
42. StAA, Urg. Klesat/Klinger, 24 February 1548; Militaria 198 tom. 1, 19 October–2 November 1619; Ratsbuch 20, 1546, 61v, 6 April 1546; StAR, A363, 180r, 1626.
43. For complaints about costs see StAM, RP 1616, 6r; for additional tensions see below, Chapter 9.
44. On individual and collective rights to autonomy, and the conflicts that can arise from them, see Meier/Schreiner, “Regimen civitatis,” 22–3; Schwerhoff, “Die goldene Freiheit,” 110–11.
45. Mallett/Hale, *The Military Organization*, 356–7, 457.

3 Negotiating Armed Power: The Control of Arms and Violence

1. This assumption is clearly expressed as an individual right of free men in the *Sachsenspiegel* (1219–33): Planck, “Waffenverbot,” 102–5; Fehr, “Das Waffenrecht,” 111; Strätz, “Waffenrecht,” 1080.
2. Strätz, “Waffenrecht,” 1082.
3. Strätz, “Waffenrecht,” 1080–1; Planck, “Waffenverbot,” 108–9.
4. His, *Das Strafrecht* 1:68–70; Müller, *Nördlinger Stadtrechte*, 128.
5. “Alle burger unde koufleute, arme unde riche, [die mugen tragen] allerleie gewere, waz si haben”: Mörtzsch, “Das Wehrhafte Freiburg,” 216; see also Künzberg, *Messerbräuche*, 59.
6. Pohl, “Negotiating Honor,” 56, 94–5; Roodenburg, “Social Control”; Dinges, “The Uses of Justice,” 162–3, 172–5; Schwerhoff, “Social Control,” 240–2; Schmidt, “Sozialdisziplinierung?,” 680.
7. StAA, SB 1543–53, 1v; see also *ibid.*, 128v; StAA, Urg. 23 May 1548, Jerg Matsperger.
8. Kroeschell, “Hausfrieden,” 2022–3.

9. Meyer, *Stadtbuch*, 120–1; His, *Das Strafrecht*, 1:204–5.
10. Müller, *Nördlinger Stadtrechte*, 92, 96; StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; Grimm, *Deutsches Wörterbuch* 10:663, 25:2135; Wüst, *Die "gute" Policey*, 67–8, 310; Meyer, *Stadtbuch*, 120–1.
11. Eibach, "Das Haus," 194–9.
12. Kaufmann, "Haustür," 1–2; on the importance of doors, windows, and fences for symbolic public shaming see Eibach, "Das Haus," 204–5.
13. Graser, "Altes im heutigen Deutsch," 193–5.
14. Meyer, *Stadtbuch*, 121; Schwerhoff, "Social Control," 230.
15. HAB H: L312.4° Helmst., Rüge Gerichtsordnung (Saxony) 1646, D1v; SuSBA, 2°Cod.Aug.244, Bürgermeisteramt-Instruktion 1584, 22; Schultheiß, *Satzungsbücher*, 100; Eibach, "Das Haus," 203.
16. StAA, SB 1563–71, 22v; SuSBA, 2° S. 14 No. 300, 1750; CCC, 45r; Damhouder, *Praxis rerum criminalium*, 129v.
17. "meuchelmörderische[n] Schandthat [wider] aller Völcker Recht": Tschopp, "Albrecht von Wallensteins Ende," 35–6; Kingdon, *Myths*, 1–6, 112–24; Spitz, "Imperialism," 78–83.
18. StAA, Zünfte 2, 304r–9v; Zünfte 3, 517r, 702r–4r; Zünfte 5, 16v–17r; Schmid, "Passauer Waffenwesen," 322.
19. StANö, R2F3/7, Ordnungsbuch 1641–88, 443r–v, Gesellenordnung, 1687; in Mindelheim, gun- and locksmiths involved in disturbances had to purchase wax for Mass; StAM, I Fc1, 1619, 1672.
20. Brunner, *Die Schulordnung*, 23.
21. In Nördlingen, the area in front of the courthouse was designated by special symbols (hands) painted on the courthouse walls, with privilege defined as "between the hands" ("zwischen den henden"): StANö, UB 1587–92, 158r; Müller, *Nördlinger Stadtrechte*, 64, 73; Wüst, *Die "gute" Policey*, 145.
22. StANö, KA Martin Gropp, 1522; R2F2/21, Ordnungsbuch 1533–52, 92r–v (1537). Similar rules applied at the Rothenburg fair also: StAR, A842 UB 1501–28, 254r.
23. Wüst, *Die "gute" Policey*, 548.
24. *Ibid.*, 547.
25. "slechte ungeverliche protmesser": Baader, *Nürnberger Polizeiordnungen*, 51.
26. Groebner, "Der verletzte Körper," 169–70; Gerd Schwerhoff came to a similar conclusion for Cologne: Schwerhoff, *Köln*, 269.
27. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; Kießling, *Bürgerliche Gesellschaft*, 94–5; Müller, *Nördlinger Stadtrechte*, 577.
28. StAR, A161, 33r (1450); StAU, Reichstadt 4029 (c. 1500); Grimm, *Deutsches Wörterbuch*, 12:2124; Müller, *Nördlinger Stadtrechte*, 143, 217; Künzberg, *Messerbräuche*, 57; Forrer, "Zum Kapitel der Dolchgraffiti"; Kremmer, *Repertorium*, 112; Schwerhoff, *Köln*, 269.
29. Strätz, "Waffenrecht," 1080–3; His, *Das Strafrecht*, 1:168–74.
30. This shift is notable, although not thematicized, in the series of weapons restrictions noted by His; *Das Strafrecht*, 1:168–74; see also StadtAN, A6, Mandata 1529. Like many such ordinances, the 1529 law is catalogued in the archive as a "ban on wearing arms" (Verbot des Waffentragens), while in fact it addresses only drawing a sword, not wearing one; StadtAN, Register A6.

31. “zimlich Schwerdt, Degen oder Messer”: SuSBA, 2° S. 14 no. 7, 1525. The most common specific term used for a side arm during the early modern period was *Degen*, which by the sixteenth century referred to a dress weapon similar to the English small sword and is sometimes translated interchangeably with *rapier* (although early modern sources occasionally distinguish between the *Degen* and the *Rapier*). I have chosen in most cases to use the general term “sword” for such weapons, in accordance with normal English usage. This term should not be confused with the German word *Schwert*, which usually refers specifically to a heavier battle or long sword.
32. His, *Das Strafrecht*, 1:169–70; StAA, EWA 1482, Herren Stuben, 1663; Polizeiwesen, Zucht- und Polizeiordnungen 54, Zuchtordnung ca. 1735, 100.
33. StAA, Schätze ad 36/3 (1553), 24v, 27v; StAU, Reichsstadt, 4029 (c.1500); SuSBA, 4 Cod.Aug.132 3,1 (1621), 32v–3r. Villagers were subject to similar rules: Wüst, *Die “gute” Policey*, 224, 317.
34. StadtAN, B31, Fünfergericht Nr. 1, 234r–v, 1564. Apprentices did not normally wear weapons (see Chapter 4, Ill. 4).
35. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Zuchtordnung ca. 1735; SuSBA, 4°Aug.1021 Bd. 4 Abt. 1, no. 75, 21 May 1654.
36. StAA, SB 1588–96, 33r, 23 February 1589; Polizeiwesen, Zucht- und Polizeiordnungen 54, 1537, D3r.
37. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; StAM III Fb4, Urteilbuch 2, 41r–2r (1539).
38. SuSBA, 2° S. 14 no. 7 (1525).
39. Grimm, *Deutsches Wörterbuch*, 10:574; StAA, PZSH 1584–5, 25 January 1584 and *passim*; Zuchtbücher 1667–77, 20 December 1668 and *passim*; StANö, UB 1587–92, 127v (1590); also striking the stone with an ax: Lorenz, *Das Rad*, 130.
40. Including the *Carolina*: CCC, 40r.
41. HSAS, A38.1, Landesordnung 1536, C2v; Müller, *Nördlinger Stadtrechte*, 53, 64 (although in the early fifteenth century punishment had been limited to banishment for one year; *ibid.*, 17); SuSBA, 2° Cod.Aug.244, 38; Meyer, *Stadtbuch*, 115–16, 121–2; Kobler, “Hand,” 1927–8 (the punishment was sometimes commuted to loss of the left hand as an act of mercy: *Ibid.*).
42. Meyer, *Stadtbuch*, 114–17; Schultheiß, *Satzungsbücher*, 100; Müller, *Nördlinger Stadtrechte*, 73, 92.
43. SuSBA, 4 Cod.Aug.132 3,1 (1621), 31r; Groebner, “Der verletzte Körper,” 169.
44. *Ibid*; Wüst, *Die “gute” Policey*, 546.
45. Meyer, *Stadtbuch*, 67r–v; StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; Schätze ad 36/3 (Ordnung und Pflicht der Straffherren), 16r, 45v; Schätze ad 36/8, 25; Wüst, *Die “gute” Policey*, 201.
46. For a model of the association of male honor with “public display” in the Mediterranean world, see Gilmore, *Honor and Shame*; on the necessity of the public view for the working out of honor disputes in early modern France, see Dinges, “Weiblichkeit.” The special case of the formal duel will be treated in more detail below, Chapter 5.
47. “Was ich wider Euch geredt oder gehandelt habe, dz ist auß zorn, trunckhenheit, vnverstandt vnd andern beschehen, bitt wollst mirs verzeihen, dann

- ich weiß anderst nichts von euch, als von einem ehrlichen Mann." SuSBA, 4° Cod.S.87, 2r (c. 1600). For other variations see Hofmann, *Geschichte*, 170 (1523); StAA, Schätze ad 36/3 (Ordnung und Pflicht der Straffherren), 45v (1616).
48. "schellt wortten, die dem manne von seinen eeren sagen": StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; see also StAM, III Fb4, Urteil Buch 2, 28r; Wüst, *Die "gute" Policey*, 326; Damhouder, *Praxis rerum criminalium*, 139v.
 49. Meyer, *Stadtbuch*, 67r–v; Wüst, *Die "gute" Policey*, 199–200.
 50. "aus frechem vorsatz, boßhait, vnd schwächlichem gemüeth": StAA, Schätze ad 36/3, 45v.
 51. StAA, Schätze ad 36/3, 20v–21v; Polizeiwesen, Zucht- und Polizeiordnungen 54, 1537, D1v–D2r; Müller, *Nördlinger Stadtrechte*, 92, 95–6; HSAS, A38.1, Landesordnung 1536, 23–4; StAM, III Fb4, Urteil Buch 2, 41r–2r (correspondence from Memmingen to Mindelheim); RP 1652, 39r–40r (which gives evidence of a harsher position in the stocks for habitual brawlers).
 52. StAA, SB 1540–3, 15v; SB 1571–80, 93r; Urg. Michel Graf, 26 August 1540; Urg. Kaspar Petz, 22 April 1545.
 53. Meyer, *Stadtbuch*, 114–15.
 54. Müller, *Nördlinger Stadtrechte*, 17, 53; StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; StAR, A361, Liber Statutorum Civitatis Rotenburgensis (c. 1450), 22r.
 55. StAM, III Fb4, Urteil Buch 2, 19v (correspondence from Memmingen to Mindelheim).
 56. SuSBA, 4°Cod.Aug.132 3,1 (1621), 30v; Wüst, *Die "gute" Policey*, 548 (1723).
 57. Wüst, *Die "gute" Policey*, 326–7 ("kleine," "große," and "mittlere Frevel"); see also *ibid.*, 310–11.
 58. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Zuchtordnung ca. 1735, 97–9.
 59. StANö, UB 1587–92, 116r, 127v, and *passim*; StAA, PZSH 1576–1631, *passim*; in the village of Kirchheim, fines for small and large fights were typically assessed at ½ gulden and 1 gulden, respectively (FGFFSA, 78,1,18 Kirchheim/Amtsrechnung, 25r, 27v); and in Edelstetten, Harthausen, and Mindelheim they ranged from 1 to 3 lb schilling, or about 1/9 to 1/3 gulden, for standard fights (Wüst, *Die "gute" Policey*, 310–11, 548; StAM, RP 1616–17, 9r, 12v, 30r, 42r, 78r, and *passim*; the Mindelheim records show inconsistency).
 60. Fines for fights in a privileged area were 3 ½ times the norm in Augsburg, twice the norm in Kempten, and 3 times the norm in Nördlingen: StAA, Schätze ad 36/3 (1553), 21v–2r; Polizeiwesen, Zucht- und Polizeiordnungen 54, 1537, D2r; SuSBA, 4°Cod.Aug.132 3,1 (1621), 29v–30r; StANö, UB 1587–92, 158r; R2F2/21, Ordnungsbuch 1533–52, 92r–v; Wüst, *Die "gute" Policey*, 145.
 61. StAA, SB 1571–80, 93r; 1581–87, 122v–3r; StANö, R2F2/20, Ordnungsbuch 1502–33, 48v–49r (20 gulden for civilians and 100 for guards).
 62. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Zuchtordnung ca. 1735, 135; SuSBA, 4°Cod.Aug.132 3,1 (1621), 34v; SuSBA, 4° Aug.1021 Bd. 4 Abt. 2, No. 53–4.
 63. SuSBA, 4°Cod.Aug.132 3,1 (1621), 34v–5v.
 64. *Ibid.*, 34v; StAA, Militaria 198, 8 October 1650; Lorenz, *Das Rad*, 147.

65. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, 1538.
66. “es wäre dann der frevel so groß, daß die bößheit das alter ersetzte”: StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Zuchtordnung ca. 1735, 134; StAA, Schätze ad 36/3 (1580), 80; SuSBA, 4°Cod.Aug.132 3,1 (1621), 34v; His, *Das Strafrecht*, 1:61–6; Wüst, *Die “gute” Policy*, 218–19.
67. See for example StAA, 1576–1631, *passim*; Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; Roper, *Oedipus*, 40; Wüst, *Die “gute” Policy*, 550; His, *Deutsches Strafrecht*, 8.
68. An addendum to Augsburg’s police ordinance added in 1569 also excused women from arrest for not reporting altercations: StAA, Schätze ad 36/3, 38r; on fights between women see below, Chapter 5. According to Barbara Krug-Richter, village women who initiated physical fights were fined at higher rate than men in eighteenth-century Westphalia: Krug-Richter, “Schlagende Männer,” 280. This seems to have been an exception: see His, *Deutsches Strafrecht*, 8.
69. StAA, Urg. Leonhart Keppeler, 5 April 1600.
70. StAA, Militaria 197, includes dozens of petitions for lowering fines during the sixteenth and seventeenth centuries, most approved; see also StAA, Zuchtbuch 1667–77, *passim*; StAM, RP 1616–17, 9r, 12v, 30r, 42r, 78r, and *passim*.
71. StAM, III Fb4 Urteil Buch 2, 29v–r, 31r; StAA, Urg. Johannes Wagner, 3 January 1600; Wüst, *Die “gute” Policy*, 327; Hammond, “Inventing the Patient,” 169.
72. StAMM, A 136/03, Balthasar Hägele, 1613.
73. Pohl, “Negotiating Honor,” 1, 20–3, 61–2; Rublack, *The Crimes of Women*, 167; Frauenstädt, *Blutrache*, 118–21.
74. Pohl, “Negotiating Honor,” 23–4.
75. *Ibid.*, 26–7, 50–1.
76. CCC, 40r.
77. Müller, *Nördlinger Stadtrecht*, 64, 96, 281; StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; Ratsbücher 14 (1501–20), 220.
78. Damhouder, *Praxis rerum criminalium*, 65r, 129v; Pohl, “Negotiating Honor,” 217–25.
79. Strätz, “Waffengebrauch,” 1079–80; Altmann, “Studies,” 39.
80. His, *Deutsches Strafrecht*, 93–4; Krägelius, *Duellum*, 57.
81. In fact, the most famous medieval statute denying Jews the right of arms, Henry II’s 1181 Assize of Arms, referred only to the wearing of armor, not to carrying a sword.
82. His, *Das Strafrecht* 1:170; Strätz, “Waffengebrauch,” 1079; *idem*, “Waffenrecht,” 1081; for an example of such a misreading by a modern scholar see Haftlmeier-Seiffert, *Bauerndarstellungen*, 38; and for criticism of this problem see Magin, “Waffenrecht,” 17–19.
83. Planck, “Waffenverbot,” 108–9; see also Altmann, “Studies,” 36.
84. Mix, “Die Judenordnung.” This will be covered in more detail below, Chapter 5.
85. Riedel, *Codex diplomaticus*, 223–4; Deike, *Der Waffendienst*, 43.
86. Pözl, *Geschichte*, 230; HSAS, A44, Urphed No. 94, 95, 852, 858, 865, 1756; FÖWAH, VI.93.20–22.

87. Ulmer, *Turmoil*, 169. The Fettmilch Uprising occurred during 1612–14 and was directed at the Jewish community as well as the patrician elite.
88. StAR, A363, 260r; StAA, Chroniken 32, 2 April 1632; SB 1633–53, 5, 19–20; Von Stetten, *Geschichte* 2:401; Kraus, *Das Militärwesen*, 80.
89. Lorenz, *Das Rad*, 271.
90. “niemand wäder nütz noch schad” (Bern, 1523): Künzberg, *Messerbräuche*, 58; hundreds of weapons bans appear in StAA, SB 1537–1651, *passim*; for other examples see StANö UB 1533–50, 12v, 128v, 130v; UB 1592–1601 120v, and elsewhere; HSAS A44, Urphed 698, 699, 1118, 1226, 1551, 1552, 1565, 1575, 1576, 1588, 1598, 2333, and elsewhere; StAMM, RP 1524–27, 41r, 44r, and elsewhere; StAR, A842 Urpheden und Urgichten 1, 1501–28, 247v.
91. See for example HSAS, A43 Bü 35, 27 February 1545, Urtheil; StANö, UB 1533–50, 152r.
92. HSAS, C3 RKG Bü 3334; A44, Urphed 2333; Grimm, *Deutsches Wörterbuch* 12:2130; on the related penalty of loss of citizenship for serving foreign powers see StANö, R2F3/6 Ordnungsbuch 1612–40, 97r; StAA, Polizeiwesen, Policyordnungen 1492–1775, 1492.
93. StAA, Polizeiwesen, Zucht- und Polizeiordnungen 54, Aynung buch 1472; HSAS, A44, Urphed 44, 65, 70, 72, 74, 1885; Reyscher, *Sammlung*, 4:82–3.
94. Men from villages or small territorial towns were more vulnerable to permanent disarmament. See for example HSAS, A44, Urphed 2332, in which Peter Siber of Schopfloch permanently lost his right to wear a weapon in 1554 due to infidelity and fighting.
95. StAA, Urg. Hans Geiger, 30 January 1548; SB 1543–53, 120v.
96. “er wollte in nit verpinden er hette dem unflat selbst ains vff den kopff geben”: StAA, Urg. Hans Heuserer, 26 July 1548; SB 1543–53, 133v.
97. Boxel, *Anweisung*, E4v.
98. Apparently, lesser personages faced incarceration or banishment: Demeter, *Das Deutsche Offizierkorps*, 125.
99. See for example HSAS A44, Urphed 148, in which a resident of Beistein was given a weapons ban in 1553 for stabbing his wife in the throat.
100. HSAS, A44, Urphed 2409; StAA, SB 1509–26, 85.
101. StAA, SB 1537–1651 *passim*.
102. SuSBA, 4°Aug.1021 Bd. 9, no. 7, 1580; 2° S. 14, no. 94, 1617, 1702; 4°Cod. Aug.132 3,1, Zucht- und Policyordnung 1621, 29r; 2°Aug.324 Bd. 1, no. 347, 1732; 92, StAA, Verbrecher-Buch 1700–1806, 92, 26 October 1706; Schützen-Akten VIII, Artikel und Ordnungen 1540–1832, 3 July 1734; Stadtgericht, Generalia Falliten, Johann Georg Heinzelmann 1732, 1734, 1746.
103. StANö, UB 1533–50, 160v; StAA, SB 1581–7, 158r.
104. HSAS, A44, Urph. 1334, Urph. 1598; Urph. 1759; StANö, UB 1533–50, 144r, and UB 1490–1625 *passim*. StAA, SB, 1509–26, 33r; SB 1533–39, 18v–19r (a merchant and a patrician), 19v; and SB 1509–1631 *passim*.
105. “zwischen hornblasen zeit”: 4°Cod.S.87, Bauordnung 1519 u.a., Mercklich . . . , n.d., seventeenth century; see also StANö, UB 1533–50, 138v.
106. See above, Chapter 2.
107. StAMM, A 134/14, 12–17 December 1586.
108. CCC, 42v–3r.

109. See below, Chapter 6. In one case of a crossbow accident that caused minor injury, the shooter also was not disciplined: StANö, UB 1618–25, 24v–5r.
110. StAA, Schätze ad 36/3, 40v; SuSBA, 4^oCod.Aug.132 3,1 (1621), 36v; StANö, R2F3/6, Ordnungsbuch 1612–40, 190r; R2F3/7 Ordnungsbuch 1641–88, 156r–7r; SuSBA, 4^oAug.1020 Ordnungen I. Abt. no. 34, A3v; 4^oAug.1021 Bd 4 Abt. 1, 64, 69, 98; StAMM, A 266/07, 10v–11r; StAR, AA119 Ratsedikte, 1721; *ibid.*, Erneuerte Land-Policey-Ordnung 1723, 14.
111. SuSBA, 4^oCod.S.87, 4r; StANö, R2F3/7 Ordnungsbuch 1641–88, 156r–7r.
112. SuSBA, 4^oAug.1021 Bd 4 Abt. 1, 61 (1634).
113. SuSBA, 4^oAug.1021 Bd 4 Abt. 1, 69, 73; StAA, SB 1581–87, 232v; Urg. Bernhart Kleber, 2 September 1587; BHSA, GL F. 1491, Nr. 2 Verbot des Schießens und Raketen werfens der Studenten (1607); StAR, AA119, 12 January 1721.
114. StAA, SB 1581–7, 232v; Urg. Bernhart Kleber, 2 September 1587.
115. StAA, SB 1633–53, 95; see also SB 1588–96, 120r.
116. UJCS, Wq 54, Bd. 8, 147.
117. StAA, SB 1581–7, 139v; Militaria 12, 22 April 1687.
118. StAA, SB 1554–62, 36v.
119. Rublack, *Crimes*, 168–70.
120. According to Kleiber's father, his only assets were a 75-gulden inheritance from his mother; *ibid.*, 169.
121. CCC, 42v–3r; StAA, SB 1563–71, 82r.
122. StAA, EWA 53, 26 April 1633.
123. Lorenz, *Das Rad*, 137; in Augsburg fines ranged from 1 to 2 gulden between 1584 and 1684: StAA, SB, PZSH 1584–5, 1667–86.
124. Lorenz, *Das Rad*, 137–8.
125. “nächtliche Diebe und Einbrecher”: SuSBA, 2^o S. 14, nos. 300, 387; StAR, A 366c fol. 89–90.
126. Wüst, *Die “gute Policey,”* 547.
127. “der aller besten so sich der Krieg geübt und gebrucht haben vnd sunst der andern, so fur eerlich, redlich geschickt vnd gut angesehen”: Reyscher, *Sammlung*, 19:12.
128. Reyscher, *Sammlung*, 19:12–13, 16–17, 96–8, 102, 162–3; HSAS, A28a (Muster-Register), Bd M172, M178, M356, M357, M496, M497, M498.
129. Ferdinand I, 1503–64, Archduke of Austria, who ruled Wurttemberg between 1519 and 1534 during the temporary ousting of Duke Ulrich as a result of Ulrich's losses to the Swabian League. Ferdinand became King of Bohemia and Hungary in 1526 (and would succeed his elder brother Carl V as Holy Roman Emperor in 1558).
130. Reyscher, *Sammlung*, 12:62–3; FÖWAH VI.93.20–2, Bauernkrieg; Scott/Scribner, *The German Peasant's War*, 82.
131. Knoll, “Verbrechen,” 72; Schennach, *Jagdrecht*, 101.
132. Knoll, “Verbrechen,” 78; Manning, *Hunters*, 62; Reyscher, *Sammlung*, 4:92–4.
133. Manning, *Hunters*, 136, 194–5; Knoll, “Verbrechen,” 70–2, 77.
134. “verretterische, vnd morderische anschleg vnd meuteryen”: Reyscher, *Sammlung*, 4:48.
135. “guter ehrlicher geselschafft”: StAA, Literalien, Römischer Kaiserlicher majestät Ordnung, 1530; Malcolm, *To Keep and Bear Arms*, 13; Schennach, *Jagdrecht*, 195–6.

136. Härter, *Repertorium* 1:53.
137. Reyscher, *Sammlung*, 4:77, 81–3; 12:81–3, 95–7. Imperial ordinances after 1530 also no longer include restrictions on guns; see Weber, *Die Reichspolizeiordnungen*, 167–271.
138. Reyscher, *Sammlung*, 4:92–4, 166–8; 6:290–1.
139. Manning, *Hunters*, 60–1, 182–3.
140. Regent for the infant Duke Eberhard Ludwig, 1677–93.
141. Reyscher, *Sammlung*, 6:55–7; 168.
142. Reyscher, *Sammlung*, 13:440, 509.
143. FÖWAH, I.3.19–1, Oetingische Landesgesetze no. 23; StAA, SB 1615–32, 540; BHSA, GL F. 1491, no. 6, no. 15.
144. Schennach, *Jagdrecht*, 236–8; Knoll, “Verbrechen,” 75–7; Reyscher, *Sammlung*, 4:92–4.
145. “fürstlichen Lustbarkeiten”: Reyscher, *Sammlung* 6:186; Wilson, *War, State and Society*, 125–7.
146. HSAS, L6 Bü 577, 26 October 1709.
147. HSAS, L6 Bü 577, 21 November 1709.
148. HSAS, L6 Bü 577, 8 December 1710.
149. Frevert, *Kasernierte Nation*, 157. Although Württemberg subjects were disarmed in 1809, rules restricting firearms were loosened again a few years later.
150. Pohl, “Negotiating Honor,” 145–6, 153–6.

4 The Age of the Sword: Norms of Honor and Fashion

1. “du hast gut machen vnd hast zu schießen, wir haben nit zuschießen”: StAR, A1140, 342v.
2. StAR, A1140, 341r–414v.
3. Zunkel. “Ehre,” 40.
4. See for example Spierenburg, “Knife Fighting”; Shepard, *Meanings*, 142–3; Schwerhoff, *Köln*, 312–22; Krug-Richter, “Von Messern,” 35–9; Dinges “Formenwandel,” 178; Tlusty, “Violence;” Brennan, *Public Drinking*, 47–8, 75; Simon-Muschied, “Gewalt und Ehre.”
5. Spierenburg, “Masculinity,” 17; Frevert, “The Taming of the Noble,” 40, 59; see also the evidence provided by scholars making the opposite case in Shepard, *Meanings*, 142–4; Krug-Richter, “Von Messern,” 31; and Brennan, *Public Drinking*, 35, 41–2, 59–63.
6. Dinges, “The Uses of Justice,” 162–5, 169, 174; Schwerhoff, “Social Control,” 236–41.
7. “wol biß ain fechter in welchem pawern krieg bist gewesen, wie vil hast zu tod geschlagen, du krupel, ich wolt dich mit ainen stain werffen, da du alle viere auff kerest, wol bißt ain Juden tödter”: StAA, Urg. Georg Zeindlweber, 21 June 1529. Meckenloher was also in service to the city as a mounted escort or guard: Hanson, *Religious Identity*, 60.
8. Manning, *Swordsmen*, 9.
9. StANö, R2F3/6, 274v; Künzberg, *Deutsches Rechtswörterbuch*, 2:744; Kaiser, “Die Lebenswelt,” 113–14; StAA, Militaria 196, Lucas Lehner, 1–8 June 1623.
10. See for example StAA, Urg. Urban Bendl and Basti Wetzenman, September 1595; Urg. Johannes Mangolt, 28 August 1595; Urg. Andreas Vogel, 16–23

August 1595. Michael Kaiser distinguishes between the seventeenth-century term *auslaufen* and the eighteenth-century *desertieren* as evidence of increased military discipline; in these pre-Thirty-Years'-War cases the term used was *entlaufen*. Kaiser, "Die Lebenswelt," 122–3.

11. Damhouder, *Praxis rerum criminalium*, 128r.
12. See for example StAA, Urg. Hans Priggle, 26 July–8 August 1595; *Militaria* 1, 3–15 March 1565.
13. "Vogel bistu . . . ain Schelm, vnnd Dieb, so bleib sitzen, bistu aber ain redlicher Kriegsman so komb herauß, vnd wöhre dich meiner": StAA, Urg. Hans Vogel, 17 February 1600.
14. "leichtfertigen menschen"; "seinem spil vnd pfeiffen darzue er . . . belohnet worden; ain geladnen gast" (*ibid.*)
15. "kain kriegsman sondern nur ain schreiber vnd stifelshmirber": *Ibid.*, 10 February 1600.
16. "wann er mich fur kain kriegßman halte . . . er solle mit mir in den hof gehen zuerfahren ob ich ain kriegsman sye oder nit": *Ibid.*, 22 February 1600.
17. "ain erbermlichen lohn empfangen": *Ibid.*, 10 February 1600.
18. Siber was seriously wounded in the fight, but eventually recovered, after which the two men split a four-gulden fine for a bloody fight: StAA, SB, PZSH 1599–1600, 27 March 1600.
19. "er sich zuerrettung seiner Mannsehre, vnnd nachred halbenn annderen Kriegsleuth, mit ime schlagenn miessen": StAA, Urg. Hans Vogel, 5 February 1600.
20. "sy wollen soliches selbstn verantworten": *Ibid.*
21. "da er ein redlicher landsknecht sey soll er hinauß geen": StAA, Urg. Caspar Aufschlager 16 August 1591.
22. "waß wir fur Soldaten sein wolten . . . heten wol vnnser lebtag khein toden Man gesehen": StAA, *Militaria* 198, 13 August 1648; see also *ibid.*, 19 October–2 November 1619 ("muoßer"); *Militaria* 197, 1 June 1559 ("ölberger").
23. "peurn pengel," "mislader"; StAA *Militaria* 198, 19 October–2 November 1619; see also *Militaria* 12/II, 20 May 1684; Tlusty, "The Public House," 155.
24. See below, Chapter 5.
25. Lorenz, *Das Rad*, 226, 278, 334–5.
26. StANö, *Militaria*, Fasz. "noch auszuscheiden," 9 May [15]69; SuSBA, 2°Cod. Aug.205a (252), Kriegs Articul de Anno 1649. On lack of laws governing military engagement with the enemy see Asch, "Wo der soldat hinkömbt," 197–300; Lorenz, *Das Rad*, 155, 296–8.
27. "Ob es redlich vnd Landsknechtisch seye, seinen Spiesgesellen allso zustechen?": StAA, Urg. Hans Vogel, 4 February 1600.
28. "er aber hette sich nicht mit dem degen den er an die saiten gehabt, sondern mit einem schürhackhen, welches kein Soldaten gewehr sich ihme wider-setzt": StAA, *Militaria* 12, 20 May 1684.
29. Lorenz, *Das Rad*, 133–7, 327.
30. "aufrecht vnnd redlich": StAA, *Militaria* 198, 23 June 1592.
31. Brüdermann, *Göttinger Studenten*, 277–9. Swedish authorities regularly commuted death penalties to running the gauntlet, which was a cruel

- punishment but not dishonoring for those who survived it: Lorenz, *Das Rad*, 133–4, 139–44.
32. Schaufelberger, *Spurensuche*, 225–42; idem, *Der Wettkampf*, 62–3. Schaufelberger placed peasant farmers in the same category as townsmen.
 33. Schaufelberger, *Spurensuche*, 72–3; Bangerter, “Einleitung,” 12.
 34. Manning, *Swordsmen*, 5, 28–40, 65. On Machiavelli’s related argument that soldiers view civilian culture as effeminate see Milligan, “Masculinity,” 158–61.
 35. Carroll, *Blood and Violence*, 14; Kiernan, *The Duel*, 47, 260; Chaulet, “Royal justice,” 88–9.
 36. As expressed by weaver Balthus Laimer in 1548 (“hab er sich . . . wie aim eerlich mann zusteet weren muessen”): StAA, Urg. Balthus Laimer, 23 July 1548.
 37. Manning, *Swordsmen*, 62, 79, 102; Chaulet, “Royal justice,” 88–9.
 38. StAR, A1140, 341r–4v.
 39. Müller-Wirthmann, “Raufhändel,” 79–111; Dinges, “Die Ehre,” 421; Lorenz, *Das Rad*, 17–18; Shepard, *Meanings*, 140–51; Pohl, “Negotiating Honor,” 17.
 40. StAR, A1140, 341r.
 41. “er hab in gestochen wie ein schelm”: StAA, Urg. Egidius Herman, 25 April, 1588.
 42. “wie hab ich dich gstoehen?”: Ibid.
 43. “vnuerwarnter sach mehr hinderrucks dann vnter aug[en]”: StAA, Urg. Michael Schemp, 21 May 1545; see also the case of brewer’s son Jakob Meyer, who attempted suicide to avoid facing dishonor after stabbing a merchant’s son from behind: StAA, SB 1633–53, 53–4.
 44. Pohl, “Negotiating Honor,” 27.
 45. Krug-Richter, “Von Messern,” 46; see also Spierenburg, “Knife Fighting,” 111–13; Shepard, *Meanings*, 147; Brennan, *Public Drinking*, 47. Frevert’s description of sixteenth- and seventeenth-century duels as group brawls in which seconds participated seems to be based on French and English sources, but this was not actually acceptable behavior in Germany. See Frevert, *Ehrenmänner* 25; idem, “Taming of the Noble,” 40; Kelly, “*That Damn’d Thing*,” 18, 34; Billacois, *The Duel*, 59–68.
 46. “eyn grausam Weib eynen weichen Mann”: CCC, 42v.
 47. Dinges, “Soldatenkörper,” 93–4; HAB 4° Stw 941, Der Römischen Keyserliche Maïestat reformirte vnd gebesserte Polickey Ordnung (Mainz, 1579), 6v.
 48. In 1584, the merchant Caspar Ettinger was temporarily banished and fined 50 Gulden for injuring an unarmed family servant with a sword: StAA, SB 1581–7, 124v, 30 June 1584; compare the benign treatment of weaver Christoff Holtzmann, who was not punished for viciously beating his apprentice although the boy died afterwards: StAA, Urg. Christoff Holtzmann, 8 April 1595; SB 1588–96, 237.
 49. “ongepurliche, onlobliche, on hauptmännische vnd darzu straffwürdige”: HSAS, A 43 Bü 35, 25 December 1544.
 50. Reyscher, *Sammlung*, 12:78, 92–3.
 51. “vnnd der richter diser sachenn, auch all vmbstender erinnert werden möchten, wenn ir jeden ein sollicher hanndel begegnen ob er sich nit auch nach allen seinem vermegen vmb sein Leyb vnnd Lebenn, auch Mannlich Eer weren wurde”: HSAS, A 43 Bü 35, 25 December 1544.

52. HSAS, A 43 Bü 35, 27 February 1545, Urtheil.
53. “welches keinem redlich man gezimbt”: StANö, UB 1587–92, 138v, 7 April 1591.
54. “ellendiglich”: StAA, Urg. Caspar Aufschlager, 16 August 1591.
55. “auf mich mit stich vnd strachen zuegeylet, wie er mich dann in die Rechte Handt verlötzt, ehe vnd dz ich mein wöhr gegen ime entblöst”: StAA, Urg. Hans Priggle, 26 July–8 August 1595.
56. “augenblicklich”: StAA, Militaria, 192, Georg Pfanner, 3 February 1596.
57. “ehrliehen Kriegsleuten / vnd anderen Burgerlichen Teutschen.” Meyer viewed rapier fencing as an imported art, which he taught only so that Germans could defend themselves when necessary against the “foreign” (“Außlendische”) style: Meyer, *Gründliche Beschreibung*, 50r.
58. “seyen im nun seine strach mißlungen”: StAA, Urg. Hans Vogel, 4 February 1600.
59. StAA, Literalien 6–12 June 1536; StANö, KA, Friderich Hindermach et al. 13–22 May 1633. Physicians also distinguished between stab and strike wounds in applying salves to the swords that inflicted them as a way of curing by natural sympathy: see Agricola, *Chirurgia*, 249–57; Bächtold-Stäubli, *Handwörterbuch*, 2:1379–80.
60. “haimbliche khünsten”: StAA, Urg. Theophile D’Amars, 20 August–24 September 1647.
61. FÖWAH, VI.110.3–2; StAA, Urg. Hans Priggle, 26 July–8 August 1595; Bächtold-Stäubli, *Handwörterbuch* 1:902, 2:1379–80, 9:363–4; Liebe, “Waffenbeschwörung;” Forrer, “Waffenzauber;” Zaunick, “Breslauer Waffenbeschwörung.” Concern here was with using magic to prevent injury, not weapons salves applied to swords in order to cure wounds, which, barber-surgeons argued, were neither superstitious nor magical (Agricola, *Chirurgia*, 249–57).
62. Muir, *Mad Blood*, 258; Carroll, *Blood and Violence*, 96–7. Both swords and knives, as symbols of legal, political, and masculine power, also had a natural place in spells of other kinds, and were used in combination with magical words not only to help their owners to find lost objects or to chase away evil spirits, but also to provide protection from enemies: see StAA, SB 1543–53, 29r–v; Künzberg, *Messerbräuche*, 71–6.
63. Romeo and Juliet, Act III, Scene I; Dinges, “Die Ehre,” 421.
64. StAA, Religionsakten, 79 (Kalenderstreitakten), Sebastian Neihart, 4 July 1584; Schwerhoff, “Social Control,” 233; Dinges, “Formenwandel,” 188–9; Loetz, “Zeichen der Männlichkeit,” 271–4; Fuchs, *Um die Ehre*, 326; Tlusty, *Bacchus*, 111–12.
65. Lacour, “Faces of Violence Revisited,” 653; Carroll, *Blood and Violence*, 84–5, 89–90; Muir, *Mad Blood*, 354–7; Spierenburg, “Knife Fighting,” 116; Chaulet, “Royal justice,” 78; Neumann, “Die Schmähung,” 630; Shepard, *Meanings*, 162.
66. Also “Hundsfoth”; Grimm, *Deutsches Wörterbuch*, 4.2:1934; Häberlein, “Tod auf der Herrentube,” 154, 158–60; Tlusty, “Violence,” 16–17; in Spain and France, accusations of homosexuality were more common (Bugger, sodomite, faggot) with a similar effect (Carroll, *Blood and Violence*, 84–5, 89–90; Chaulet, “Royal justice,” 78). For the effectiveness of disparaging manhood with charges of effeminacy see Sørensen, *The Unmanly Man*.

67. “welche red er Aufschlager nicht leiden köndt”; “hart erschrocken”: StANö, KA 1581, Melchior Aufschlager; UB 1578–86, 56v–7r (Aufschlager was banished for seven years for killing a public official in response to these insults); on insults related to the gallows see Grimm, *Deutsches Wörterbuch* 4:1172; Stuart, *Defiled Trades*, 108–10.
68. Schwerhoff, “Social Control,” 234.
69. StAA, StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Zucht vnd Pollicey Ordnung 1537, D3r; CCC, 40r–41r; Damhouder, *Praxis rerum criminalium*, 139v; Schwerhoff, “Social Control,” 233.
70. See also His, *Das Strafrecht*, 1:213–14. In this context, “drawing” could also refer to making a fist, “faust zucken.” StAA, Schützen-Akten VI/I, Streitigkeiten der Schützende 1530–1754, 19 September 1562; Schätze ad 36/3 (1553), 23v; SuSBA, 4^oCod.Aug.132 3,1 (1621), 30r; StANö, KA 1633, Melchir Welsch, *Articuli* (n.d.).
71. “der Narr holle deinen redlichen Nahmen von Nesselwang”: StAM, RP 1672, 5r–v, 12 January
72. StAA, Urg. Georg Seidinger, 1 April 1591.
73. “provociert”: StAA, SB 1633–53, 321 (2 July 1647); *ibid.*, 314–15 (24 October 1646); StAA, Urg. Caspar Morhart, 31 May 1642.
74. StANö, KA Hans Wagner, October–November 1631; Tlusty, *Bacchus*, 97.
75. StAM, RP 1652, 24v.
76. On village behavior see Walz, “Agonale Kommunikation,” 241; Lorenz, *Das Rad*, 278; on similar behavior among English students and townsmen see Shepard, *Meanings*, 145–6.
77. Lorenz, *Das Rad*, 286.
78. “weil warm, . . . zwar nit in meinung, einigen handel anzufangen”: Krug-Richter, “Von Messern,” 48.
79. Damhouder, *Praxis rerum criminalium*, 128r; Freudius, *Gewissens-Fragen*, 110.
80. Muir, *Mad Blood*, 252–62; Kiernan, *The Duel*, 47; Kelly, “That Damn’d Thing,” 11–12; Peltonen, *The Duel*, 5; Brüdermann, *Göttinger Studenten*, 170. Frevert’s claim that duels did not exist in Germany before the seventeenth century is unusual (Frevert, “Duell,” 1166).
81. Kelly, “That Damn’d Thing,” 55; Frevert, *Ehrenmänner*, 178–96.
82. Schulz/Basler, *Deutsches Fremdwörterbuch*, 4:9331; Billacois, *The Duel*, 5.
83. Brüdermann, *Göttinger Studenten*, 195; Krug-Richter, “Von Messern,” 47–50; Frevert includes the presence of “seconds” in her definition: “Taming the Noble,” 39.
84. Peltonen, *The Duel*, 11–13, 195; Lorenz, *Das Rad*, 223–6.
85. The word duel (*Duell*) derives from the Latin *duellum* (war or battle). *Zweikampf* (single combat) was introduced as a Germanization of the word in the seventeenth century. Medieval precedence for the word existed as *einwïc* (single combat). Schulz/Basler, *Deutsches Fremdwörterbuch*, 4:931–34; Kluge, *Etymologisches Wörterbuch*, 219, 1021; Billacois, *The Duel*, 15.
86. Muir, *Mad Blood*, 261; Damhouder, *Praxis rerum criminalium* 78v. Despite official opposition, members of religious orders also turned to trial by combat to settle disputes: Hergenröther/Kaulen, *Kirchenlexikon*, 12:2011–12.
87. Schild, “Zweikampf,” 1842–3.
88. Frevert, *Ehrenmänner*, 19–23; Kelly, “That Damn’d Thing,” 9–11; Peltonen, *The Duel*, 4–13; Schild, “Zweikampf,” 1838–42.

89. Leng, "Fecht- und Ringbücher," 1–5; Lochner, *Die Entwicklungsphasen*, 15; Hils, *Meister Johann Liechtenauers Kunst*, 9–11; StANö, R39 F5 no. 10, Fechtshule 1534–1618.
90. Meyer, *Gründliche Beschreibung*, 50r; Peltonen, *The Duel*, 61–4. Swordfighting sports will be explored in more detail below, Chapter 7.
91. According to Wolfgang Schild, the last ordinance governing officially sanctioned Kampfrecht appeared in 1544: "Zweikampf," 1842. For early sixteenth-century examples of challenges ("Herausforderung") issued in the context of swordplay see StAA, SB 1540–3, 7v; StAA, Urg. Kembli, 27 March 1548; Urg. Heinrich von Gottingen, 16 May 1545. In Nuremberg, rules against calling someone out of a house to meet a challenge and regulating the *Kampfericht* existed in the same fourteenth-century statute: Schultheiß, *Satzungsbücher*, 1:100, 147.
92. Pohl, "Negotiating Honor," 94–5; on Italy see Muir, *Mad Blood*, 252–62.
93. Walter, *Das Duell*, 23–4 (1617, "Duella," "Kämpff," "Balgereyen"); HAB H: L312.4° Helmst. (18) (1646, "Balgen," "Balgereyen," "Duell"); Karl Demeter, *Das Deutsche Offizierkorps*, 124 (1688, "Excesse," "Außforderungen," "Duell," and "Rauff-Händel," elsewhere "Rencontres," "Duelle," "Rauff-Händel" and "Friedens-Stöhrungen"); see also Prokowsky "Die Geschichte," 33–4; Kiernan, *The Duel*, 90; Frevert, *Ehrenmänner*, 23–4.
94. Frevert, "The Taming of the Noble," 58. Duelers in France continued to fight to the death through the seventeenth century: Carroll, *Blood and Violence*, 159.
95. Chase, *Firearms*, 69. None of the 300 cases of violence considered here involved spontaneous firing of a pistol, although soldiers (and their wives) occasionally threatened people with pistols as weapons of opportunity; see for example StAA, Militaria 12/I, 20 May 1684; Lorenz, *Das Rad*, 177.
96. Faber, *Antimonomachia*, B1r; HAB, H: L282.4° Helmst. (9), Edictvm, Wegen des Ausforderens / Raufens / Balgens und Kugel-Wexlens; Freudius, *Gewissens-Fragen*, 89, 106; Manning, *Swordsmen*, 28, 66; Peltonen, *The Duel*, 179; Lorenz, *Das Rad*, 220.
97. Shoemaker, "The Taming of the Duel," 528; Kelly, "That Damn'd Thing," 80, Table 2–4.
98. Spierenburg, "Masculinity," 8; Kiernan, *The Duel*, 94–104; Frevert, *Ehrenmänner*.
99. StAA, Urg. Christof Bilz, 29 August 1699; Lorenz, *Das Rad*, 221–9.
100. Walter, *Das Duell*, 26–7; HAB, H: L 282.4° Helmst. (9), Edictvm, Wegen des Ausforderens / Raufens / Balgens und Kugel-Wexlens; Freudius, *Gewissens-Fragen*, 74–93; Kiernan, *The Duel*, 90, 92, 96, 104; Brüdermann, *Göttinger Studenten*, 175–8.
101. Schwerhoff has made this argument in respect to blasphemy as a means of demonstrating disregard for danger: *Zungen wie Schwerter*, 281.
102. Manning, *Swordsmen*, 81–102, 197; Frevert, "Taming of the Noble," 45–6; Walter, *Das Duell*, 25–6.
103. "vorgeworfen, andere unnötigerweise mit Prozessen zu belästigen und seine Ehre nicht auf ritterliche Weise mit Waffe in der Hand zu verteidigen": HSAS, C3 RKG Bü 2648.
104. Brüdermann, *Göttinger Studenten*, 192. A more clever means of avoiding a duel was to clandestinely leak the details to a person of authority, who

- would then be compelled to stop the fight (ibid.). See also Demeter, *Das deutsche Offizierkorps*, 126–7.
105. Brüdermann, *Göttinger Studenten*, 178–81; Manning, *Swordsmen*, 216, 233; Frevert, *Ehrenmänner*, 33–5; Kelly, “*That Damn’d Thing*,” 17, 46–50, 58–9.
 106. Brüdermann, *Göttinger Studenten*, 203, 211; on injuries as a mark of honor among early modern students see Krug–Richter, “*Von Messern*,” 31–2.
 107. Lorenz, “*Schwedisches Militär*,” 436–7; idem, *Das Rad*, 218–19.
 108. “reckell wortten”: StAA, A 864 1567–9, 179; “mit wortten . . . aneinander kohmen”: StAA, SB 1654–99, 18–19 and *passim*.
 109. Manning, *Swordsmen*, 196–8, 207–8.
 110. StAA, Urg. Caspar Morhart, 31 May 1642; see also Zedler, *Grosses vollständiges Universallexicon*, 44:835.
 111. Manning, *Swordsmen*, 238–9; Spierenburg, “*Masculinity*,” 10–11; Lorenz, *Das Rad*, 218–29; Kelly, “*That Damn’d Thing*,” 51–2.
 112. “könde damit nit zuefriden sein”: StAA, Urg. Stefan Beurle, 14 July 1657–13 April 1658.
 113. Ibid.; StAA, Reichstadt Akten 819, 14 August 1654; Reichstadt Akten 820, 25 July 1657.
 114. Frauenstädt, *Blutrache*, 119; Sørensen, *The Unmanly Man*, 85; Grimm, *Deutsches Wörterbuch*, 1:1616.
 115. “ehrnührige auch keinem solches Stattdiener leydenliche wort”: StAA, Urg. Stefan Beurle, 12 April 1658.
 116. Beurle’s 14–gulden fine represented the legal norm for breaking the peace (7 gulden for words, 14 for act), and Mayr received only a normal two-gulden fine for fighting. StAA, SB 1654–99, 77–8, 13 April 1658. The duel took place at the cathedral yard inside the city.
 117. “Rauner, nit allain ihne auffschlager an seinen Ehren gröblich verlötzt, sondern auch vnnder anderm ihme fürgeworfen haben soll, als were er, auffschlager, der mannlichait Vnnd Redlichait nit sich mit ainem zubalgen”; “kunde . . . weniger nit thun”; “zu errettung seiner Ehren, welche dem Leben vergeicht würdt”: StAA, Urg. Caspar Aufschlager, 16 August 1590; see also the case of tanner Melchior Aufschlager (no known relation to Caspar), below.
 118. StAA, Urg. Caspar Aufschlager, 13 August 1590; StAA, SB 1608–15, 315r.
 119. Spierenburg, “*Masculinity*,” 14.
 120. Häberlein, “*Tod auf der Herrenstube*,” 148–69; Burghartz, *Leib*, 108–11, 116–18, 139–54; Groebner, “*Ratsinteressen*,” 295; on the universality of constructs of personal honor see Fuchs, *Um die Ehre*, 330.
 121. Peltonen, *The Duel*, 193.
 122. Carroll, *Blood and Violence*.
 123. Brüdermann, *Göttinger Studenten*, 170; Manning, *Swordsmen*, 218.
 124. Houlbrooke, “*Introduction*,” 10–11.
 125. Kaiser, “*Zwischen ‘ars moriendi’ und ‘ars mortem evitandi’*,” 329; Beier, “*The Good Death*,” 47–9; Wunderli and Broce, “*The Final Moment*,” 264. There is a great deal of literature on the topic of *ars moriendi*, a bibliography of which can be found in Palmer, “*Ars moriendi*,” 330–4.
 126. Karant-Nunn, *The Reformation of Ritual*, 152; Wollgast, *Zum Tod*, 22–3.
 127. Luther, *Ob Kriegsleute* (1526), 661; Kaiser, “*Zwischen ‘ars moriendi’ und ‘ars mortem evitandi’*,” 330–1.

128. Faber, *Antimonomachia*, G3v–G4v; Pomeranus, *Duell-Tragaedi*, 16–19; Krägelius, *Duellum & Bellum*, 5–6, 49–50; Freudius, *Gewissens-Fragen*, 53; Manning, *Swordsmen*, 233–6.
129. Gaskill, “Reporting Murder,” 25–6.
130. Wilhelm-Schaffer, *Gottes Beamter*, 147–8.
131. Pohl, “Negotiating Honor,” 1–4.
132. “der entleibt ain voller vnruwig vnvertreglicher mensch der weder im selbs noch seinen kinden nutz gwest sy” (Wilhelm von Massenburg, Obervogt zu Göppingen, 19 September 1534): HSAS, A43 Bü 7.
133. “ain fromer arbeitsamer friedlicher man . . . ain hadrischer böser mensch”: StAA, Urg. Balthus Laimer, 23 July 1548.
134. Kratzer actually lived until the next day. StAA, Urg. Caspar Morhart, 31 May 1642.
135. Gaskill, “Reporting Murder,” 27.
136. “verziehen, vergeben, vnd ihne gleichsam pardonirt . . . heroische [pardon]”: StAA SB 1654–99, 7–10, 16 May 1654. Nett was banished but spared corporal punishment.
137. “alls seinem vor vnnd nach wolbekomen freünd, inn öffentlicher bekhanntnus mit mund vnnd hertzen verzigten vnnd vergeben”; “senffgliclich entschlaffen”; “zimlich betagten guetten alters”; “diß zeitlich jemerlich leben”: StANö, KA, Melchior Aufschlager 1581; UB 1578–86, 56v–7r.
138. StAA, Schätze ad 36/3, Ordnung unnd Pflicht der Straffherren, 31 December 1616; Roper, *Oedipus*, 116.
139. Wunderli/Broce, “The Final Moment,” 259–60, 264; Karant-Nunn, *The Reformation of Ritual*, 148–9.
140. Brüdermann, *Göttinger Studenten*, 202–3; Carroll, *Blood and Violence*, 159 (Carroll makes this point specifically regarding German and Italian duels to distinguish them from the French, who normally fought to the death).
141. Mohr, *Der unverhoffte Tod*, 140–8.
142. Schild, “Zweikampf,” 1838, 1842; Krägelius, *Duellum & Bellum*, 56–7; for an example of such a picture in a fencing manual see BSBM, Cod.icon. 394a (Schwaben, 1467), 36r.
143. Karant-Nunn, *The Reformation of Ritual*, 151–3, 167–9.
144. Freytag, *Bilder*, 4:200–1
145. Faber, *Antimonomachia*, D1v–D3r; Pomeranus, *Duell-Tragaedi*, 17, 23–4; Freudius, *Gewissens-Fragen*, 37–41.
146. Including Alexander Hamilton, Pushkin, and Bismarck: Spitzemberg, *Das Tagebuch*, 267–8; Danz, *Universal-Wörterbuch*, 10.
147. Kiernan, *The Duel*, 94–104; Frevert, “The Taming of the Noble,” 48–53.
148. Illustrative works for these impressions are for example Stibbert, *Civil and Military Clothing*; Racinet, *The Historical Encyclopedia of Costumes*; Boucher, *2000 Years of Fashion*; Hottenroth, *Die Kleidung*.
149. Manning, *Swordsmen*, 6–9, 28, 61, 246; Frevert, “The Taming of the Noble,” 40–1.
150. StAA, SB 1533–9, 18v–19r, “kain annder wor, dann der herren maß tragen.”
151. Wissell, *Des Alten Handwerks Recht*, 426–7; StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Degentragen, 2 May 1721 (ref. rule of 1643); Kremmer, *Repertorium*, 8:618, 626.

152. “vornehmsten Reichs vnd Handels Stätten, woselbst die handtwercker am meisten floriern”: StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Degentragen (quote from 27 September 1697); see also StAU, A4030, No. 7, 8.
153. StAA, Geheime RP 16 (1671–4), 271–2, 279, 281–2; StadtAN, A6, 4 September 1683, 6 December 1694; Wissell, *Des Alten Handwerks Recht*, 427–8; on similar rules in Austria see *Codex Austriacus* I:277; II:118; IV:119, 141, 762.
154. Wüst, *Die “gute” Policy*, 502–3; StAA, Policeiwesen, Kleiderordnung Degentragen, 1548–1766, 1582; SuSBA, 4^oAug.1020 Ordnungen I. Abt. no. 41, C1v–C3r; no. 49, 90–1, 98; HAB, H: L312.4^o Helmst. (8), 24–5.
155. “wir solches gewerr niemahls misbrauchen, wie sonst woll von einigen andern handwerksgesellen pflegt zu geschehen”: HSAS, A231 Bü 24, 1702; BHSA, GL F. 1491, no. 3, 1628; on Ulm see StAU, A4030, No. 5 (book-binders), [3] (apothecaries).
156. “junge leüthe auff dergleichen kleinikeiten öffters mehr als all ihr übrige zeitliche fortun sehen”: HSAS, A231 Bü 10, 14 March 1713.
157. StAU, A4030, No. 6, 7, 8; A3694, No. 646.
158. StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Degentragen, Extract auß der Statt Ulmischen Policy-Ordnung; Scheuer, “Das Waffentragen,” 1:67; HSAS, A231 Bü 24, 29 January 1703, 31 May 1703; A 365 L Bü 1, Polizeiordnung 1712, 132r–4r; StAR, AA119, 13 November 1724; StAU, A3694 No. 646, 1687–1700.
159. StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Degentragen, Nürnberg 18 April 1709.
160. “schusters schneiders und noch geringeren handwerckhs burschen”: HSAS, A231 Bü 10, 24 January 1713.
161. HAB, Gn Sammelbd 102 (33); StAR, AA119, 13 November 1724.
162. StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Degentragen.
163. StAA, Policeiwesen, Kleiderordnung Degentragen 1548–1766, Policyordnung 1735, 5, 8.
164. StAMM, RP 1707–8, 117r, 119r.
165. Frevert, “The Taming of the Noble,” 40–1.
166. StAA, Policeiwesen, Kleiderordnung Degentragen 1548–1766, Policy- und Kleyder Ordnung der Stadt Augspurg 1735, 8; and related petitions from 2 August 1735 (Kaufleutestube), 6 August 1735 (Thoma Gugl).
167. “ein alter Professor auf einer benachbahrten Universität”; “Zu meiner zeit hatte man Studenten / die in Mänteln giengen / jetzt aber siehet man fast lauter Soldaten”: Fritsch, *Ohnvorgreifliches Bedencken*, B1v–B2r. In 1683 Fritsch was a chancellor in the principality of Schwarzburg-Rudolstadt.
168. Scheuer, “Das Waffentragen” 1:60.
169. StANö, R2F3/7 Ordnungsbuch 1641–88, Wagner vnd Hueffschmiedt, 214v–r (1653).
170. StAA, Policeiwesen, Zucht- und Polizeiordnungen 54, Samuel Sellenthin, 31 March 1733. In a second petition Sellenthin argued on the basis of poverty and had his fine replaced by a 24-hour lockup (*ibid.*, 9 April 1733).
171. “wie der geringste handwerkhs Kerl”: StAU, A4030, No. 5; see also No. 6, in which a master describes an unsuccessful attempt to induce his journey-men to stay on the job by lending them coats to replace their swords.

172. Krug-Richter, "Von Messern," 47–50; Scheuer, "Das Waffentragen" 1:65; StAA, Polceiwesen, Zucht- und Polizeiornungen 54, Degentragen, Nuremberg, 18 April 1709.
173. Scheuer, "Das Waffentragen" 1:66; idem, "Das Waffentragen" 2:81–3; Brüdermann, *Göttinger Studenten* 197–8.
174. "bloßen Schulern": Scheuer, "Das Waffentragen" 1:67; Haendcke, *Deutsche Kultur*, 248–9.
175. Brüdermann, *Göttinger Studenten*, 197; Scheuer, "Das Waffentragen" 1:65–7.
176. Brüdermann, *Göttinger Studenten*, 183–4; Scheuer, "Das Waffentragen" 1:63.
177. Brüdermann, *Göttinger Studenten*, 195–8, 208–9. Challenges were normally issued by striking the opponent with the walking stick (ibid., 198).
178. Wolters, *Die Verpackung*, 57–100.
179. This process will be covered in more detail below, Chapter 6.
180. Some historians see in early modern homicide rates a level of violence decidedly higher than in modern times; see van Dülmen, *Kultur und Alltag*, 254–5; Stone, "Interpersonal Violence," 32; Ruff, *Violence*, 239–53. Gerd Schwerhoff, however, has shown that such conclusions fail to take into consideration the higher rate of violent crime in modern cities; Schwerhoff, *Köln*, 282–6. The problem of comparison is exacerbated by unreliable records and the fact that many wounds that were deadly during the early modern period, due to bleeding or infection, would not be deadly now, thus homicide rates may not be a reliable measure of aggression: see Chaulet, "Royal Justice," 75–6; Schwerhoff, "Criminalized Violence," 17–18.
181. Muchembled, *Popular Culture*, 31; Elias, *Über den Prozeß der Zivilisation*, 276–7.

5 Keeping and Bearing Arms: Norms of Status and Gender

1. The debate centers mainly on the much maligned work of Michael Bellesiles; see Bellesiles, *Arming America*, and his critics Joyce Malcolm, "Disarming History"; James Lindgren, "Fall from Grace"; and the *William and Mary Quarterly* forum "Historians and Guns." 59/1 (2002), 203–68.
2. For Gloria Main's description of these "maddeningly inconsistent" records see her "Many Things Forgotten," 211–12; for both sides of the debate over Bellesile's controversial use of probate records more generally see Bogus/Malcolm, "Book Review Colloquium" and Wiener, *Historians in Trouble*, 73–93; and for a more constructive approach to probate records and their relative consistency in eighteenth-century Württemberg see Sabeau, *Property*, 187–207.
3. Malcolm, *To Keep and Bear Arms*, 21–2.
4. The numbers considered here reflect only those weapons kept in private households, not weapons stored in civic armories, thus should not be considered evidence of overall military strength.
5. Guthrie, *Battles*, 9–11; Eltis, *The Military Revolution*, 52; Billon, *Die fürnehmste Hauptstück*, 326–7; for specific drill techniques illustrating pike-and-shot formations see Boxel, *Anweisung*, esp. plates 1–18.
6. Zwierlein, *Discorso*, 461–70.

7. See for example StAR, B392, Wehrbesichtigung 1620, 234, where the tailor Georg Uhl is listed as in possession of a pike but with the notation, “would like to be a musketeer” (“möcht gern ein musquetierer sein”); and 243v, Melchior Scheinsberger, who requested permission to replace his gun with a pike. In Hamburg, those with larger houses, including brewers, had to have both guns and pikes: HAB, H: L382.4° Helmst. (1) (1626), 34–5.
8. “kleine[s] Mänlin”: Billon, *Die fürnembste Hauptstück*, 4, 328–9.
9. Kraus, *Das Militärwesen*, 88; Boenheim, *Handbuch*, 445.
10. A census taken in 1459 recorded a population of 5295, equal to about 1260 households (Kießling, *Die Stadt und ihr Land*, 26).
11. STAM II L a1; Kießling, *Die Stadt und ihr Land*, 627.
12. StANö, Verzeichnisse der Kriegsvolks, Rottirung Register, 1488. Kießling estimates the population of Nördlingen in 1491 at about 6150, or about 1462 households: *Die Stadt und Ihr Land*, 26.
13. StANö, KA Melchior Aufschlager, 9 June 1581. All population figures are approximate. The figures used here are based on an assumption of an average of 4.2 persons per household: see Kießling, *Die Stadt und ihr Land*, 26, and the literature there cited; Roeck, *Eine Stadt*, 309. According to Quester’s estimate of 4.9 persons per household, this would equal one gun per 3.5 households (Quester, *Das Rad der Fortuna*, 146).
14. StAR, A164 (1583, copy from 1786); StANö, Verzeichnisse des Kriegsvolks, Musterung 1615; *ibid.*, Specificatio aller Lierhaimischen Vnderthanen vnd Haußgenossen. A cursory examination of Württemberg muster lists suggests a similar pattern (31% of householders with firearms during the late sixteenth century), but it is not clear whether these lists included all men in each district, or only those who were armed, nor is it always apparent whether the subjects were town or village residents. HSAS, A28a Bd M172, M178, M356, M357, M496, M497, M498.
15. Gaedchens, *Hamburgs Bürgerbewaffung*, 13–14; HAB, M: Gm 3920 (1), A1v; UJCS, Ffm W 112 No. 3, Wachtordnung 1621, 7.
16. Guthrie, *Battles*, 9; Billon, *Die fürnembste Hauptstück*, 328–9.
17. “nur ein helleparten, soll einen langen spies schaffen”: StAR, B392, Wehrbesichtigung 1620, 219v, 247r.
18. Boenheim, *Handbuch*; Kraus, *Das Militärwesen*, 87.
19. StAR, A164 (copy from 1786). Nördlingen also ordered all villagers under their jurisdiction to purchase muskets in 1667: StANö, Verzeichnisse des Kriegsvolks, Extract Nördlingischen Rhats protocoll, 23 September 1667.
20. “ihr sohn hab ir alles weg genommen”: StAR, B392, Wehrbesichtigung 1620, 238v.
21. Roeck, *Eine Stadt*, 511.
22. Kraus, *Das Militärwesen*, 84.
23. StAR, B392, Wehrbesichtigung 1620, 213r and *passim*.
24. StAA, Schätze 37/II. Kraus’s figures for 1610 differ from those presented here because he based his evaluation on total numbers of weapons and weapons-capable men, without respect to their distribution by household. Thus his conclusion, for example, that 52.9 percent of weapons-capable men owned pole arms and 10.6 percent owned guns does not take into account those who owned multiple weapons. More accurately put, the total figures show that Augsburg’s citizens as a group owned enough weapons to arm

- 52.9 percent of their men with pole arms and 10.6 percent with guns (Kraus, *Das Militärwesen*, 84).
25. StAA, Spreng'sches Notariatsarchiv 1584, no. 32.
 26. "wol versehen": StAA, Schätze 37/I, Herr Hauptmann Hanns Adam Zech.
 27. A series of additional musters of weapons-capable men were also conducted in 1615, 1619, 1635, and 1637; however, none of these lists include information about arms. Kraus, *Das Militärwesen*, 84; Roeck, *Eine Stadt*, 2:79.
 28. Based on household members reported in the muster the population was just under 20,000 in 1645. The drop in swords is less dramatic if related to the entire population, declining only from one sword for every seven people in 1610 to one for every eight in 1645. This suggests concentration of weapons in the hands of fewer households in 1645 than had been the case in 1610.
 29. Roeck, *Eine Stadt*, 2:948–9.
 30. Stetten, *Geschichte*, 2:401; Kraus, *Das Militärwesen*, 80. Prior to the Swedish Occupation in 1632, the Protestants had been disarmed as well, only to have their guns returned to them a month later as the Catholics were in turn disarmed by the Swedes: Stetten, *Geschichte*, 2:188.
 31. Kraus, *Das Militärwesen*, 86–7. This is still slightly less than the Catholics in 1645, who owned about one gun for every 1.4 men between 15 and 60.
 32. The weapons counts were conducted by oath and reported via Lane Captains: Roeck, *Eine Stadt*, 2:879, StAA, Schätze 37/I.
 33. "Will nichts anzaigen": StAA, Schätze 37/I, Gräfin Otto Heinrich Fuggerin.
 34. StAR, B392, Wehrbesichtigung; AA119 Ratsedikte. On unsuitability of fashionable swords for battle see Manning, *Swordsmen*, 214–15; Boenheim, *Handbook*, 286.
 35. "Degen / und andern dergleichen Seiten-Gewehren": Polizeiwesen, Zucht- und Polizeiordnungen 54, Degentragen, 1709, 1739; StadtAN, A6, 4 September 1683.
 36. HSAS, C3 Bü 418; C3 Bü 3557; C3 Bü 675; StAMM, A 086/07; A 134/14; StAA, Spreng'sches Notariatsarchiv, 1568 no. 38 ½; 1575 no. 77 ½; 1577 no. 16 ¼ (I wish to thank Bridget Heal for bringing my attention to this collection).
 37. SuSBA, 2°Aug.10, 83r.
 38. Schultze, "Verteilung," 22–4; Uhlig, "Rüstungssorgen," 246; HSAS, C3 Bü 425, Q8. Incomes for day laborers and journeymen employed by the city in Nördlingen during the early seventeenth century, for example, ranged from around one to two gulden per week, with master craftsmen earning somewhat more: StANö, R29F4 Schützenmaister, Rechnung; UB 1612–40, 132. Malcolm came to a similar conclusion for seventeenth-century England: *To Keep and Bear Arms*, 83–4.
 39. On the diminishing role of pikes see Tallett, *War*, 27–8.
 40. Indirect suicide or "suicide by proxy" refers to the phenomenon of committing murder, in the early modern period usually of a child, in order to die by execution, thus without relinquishing the hope of salvation as would be the case with direct suicide: Stuart, "Suicide by Proxy," here 431–2. For other female murderers see Kane, "Wives with Knives"; Spierenburg, "How Violent were Women?," 22–5; Rublack, *Crimes*, 227–9.
 41. Alexander, *Gender and Sexuality*, 33; Boehn, *Die Mode*, plate 4.A.3.
 42. Lynn, *Women*, 164–202; Cressy, "Gender Trouble," 458–60; Wheelwright, *Amazons*, 50–2; Poska, "A Married Man," 7–8; Carroll, *Blood and Violence*,

244–5 (Carroll warns that stories of women fighting in duels are unverifiable and should be treated with skepticism).

43. Rublack, “Metze und Magd,” 206–7; see also above, Chapter 1.
44. “Dann ich mit büxen / kolben / Schwerdt / Mich einem Kriegsman gleich gewöhrt”: HAB, 36.13 Aug. 2°, fol. 884, Warhafftige Abcontrafactur / Von einer Braunschweigischen Jungfrauen; HAB, A: 46.5 Pol (6), Warhafftige vnd gewisse Neue Zeitung, B4r; 36.13 Aug. 2°, 305r; 885r; Rublack, “Metze und Magd,” 206.
45. Lynn, *Women*, 164–208.
46. There are 993 entries from between 1584 and 1585 (StAA, PZSH 1584–5) and 868 entries from between 1669 and 1673 (StAA, Zuchtbücher 1667–77). The protocols distinguish between two categories: cases of *Frevel*, which always concern either physical violence (ranging from a slap or a shove to a serious injury) or weapons violations constituting threats to peace (for example drawing a sword or firing a gun in the street); and violations of *Zucht* (offenses against morality, including verbal insults). The entries considered here are complete entries from the former (*Frevel*) category for the given date range.
47. Although the literature provides hints that it was fashionable in seventeenth-century England for upper-class women to wear daggers at their waist as a decorative element, it is not clear how widespread it was or if it extended beyond women of the aristocracy: see Shapiro, “Sex, Gender, and Fashion,” 116, 118–19; Cressy, “Gender Trouble,” 444. I have found no evidence of this practice among German women, although they did wear scissors (often called bar messer or paar messer, knife pairs) on their belts, which have been misinterpreted as knives (see for example Haftlemeier-Seiffert, *Bauerndarstellung*, 132; Grotkamp-Schepers, “Der Körper,” 111–12); for less ambiguous examples of this fashion see Amman, *Frauentrachtenbuch*; Boehn, *Die Mode*, 47; Hottenroth, *Deutsche Volkstrachten*, Tafel 13, 36; SuSBA, 2°Aug.243 no. 13, Kleiderordnung 1582. Grotkamp-Schepers’s description of a large dagger worn by a prostitute in a 1543 scene from the Prodigal Son as an oversized “women’s dagger” (“Damendolch”) is also an unlikely interpretation: the dagger appears to have been taken from the man the prostitutes are in the process of robbing, along with his other clothes. Grotkamp-Schepers, “Der Körper,” 111.
48. StAA, Urg. Anna Mair, 10 September–20 November 1613; SB 1581–7, 99r, 133r–v; Urg. Veronica Gablerin, 10 September 1587; StAMM, A Bd. 43C, Urg. 1615–83, 32r.
49. Spierenburg, “How Violent were Women?”, 1–14; Rublack, *Crimes*, 167; Dinges, “Ehre und Geschlecht,” 145.
50. Loetz, “Zeichen,” 277–83.
51. Schwerhoff, *Köln*, 301–2.
52. Spierenburg, “How Violent were Women?”, 17–20, 26–7.
53. “das hab sie nicht leiden können”: StAA, Urg. Susanna Forsterin, 7–30 July 1654.
54. “ein bey sich gehabtes brotmeßer”: Ibid.
55. As Loetz notes, this does not necessarily mean that women did not hit each other, but they were less likely to cause injury because they simply did not hit as hard as men did. Loetz, “Zeichen,” 281.
56. On the tendency of personal violence to increase during wartime see Lorenz, *Das Rad*, 270–1.

57. Müller-Wirthmann's study of village violence suggests that the resort to physical violence by women was more common during the late sixteenth century than it was during the early eighteenth; see his "Raufhändel," 81–91.
58. See for example StAA, SB, PZSH 1584–5, 12 January 1585 (Wirt im oberen Zwinger), which does not record the use of a weapon although witnesses described a dagger in play.
59. The average number of fights recorded per month during the late sixteenth century was 82, and the average number in the late seventeenth century was 14.5, while Augsburg's population during the late sixteenth century is estimated at around 42–45,000, in 1645 at around 20,000, and by 1700 at around 27,000. Roeck, *Eine Stadt*, 1:302–5, 880; Bromley, *The New Cambridge Modern History*, 884.
60. "hab . . . dafür gehalten, weil es weiber handel gewest, hab es nicht zubedeut, da er sy von einander helf bescheiden": Tlusty, *Bacchus*, 140, 238.
61. Reflecting their lower level of liability; His, *Deutsches Strafrecht*, 8.
62. Of 108 men with weapons, 51 named swords.
63. "gefährlicher weis ergrifen, oder *praemeditate* damit ausgegangen"; "thuns, handthierung, und gewohnheits halber dasselbige, indem sich die schlaghändl erhoben, schon bey sich ohngefähr gebrauchen": SuSBA, 2^aAug.324 Bd. 1, fol. 200, 1681.
64. See for example; StAM, II A1, 7 July 1661, "No honorable fellow, but rogues throw stones" ("khein ehrlicher kherl, sondr Schelmen mit stain werffen").
65. Dinges, "Soldatenkörper," 94; on the general lack of reporting of women's fights see also Lorenz, *Das Rad*, 276.
66. Müller-Wirthmann, "Raufhändel," 106–7.
67. Resort to arms: 12 percent of craftsmen vs. 23 percent of soldiers, 61 percent of whom drew swords; a century later, 6.4 percent of craftsmen to 73 percent of soldiers.
68. Craftsmen remained fairly constant at 580 during the sixteenth century and 611 during the seventeenth, while the number of soldiers dropped from 56 to 11. After 1592 fights between military men that were not serious remained under the jurisdiction of their officers: StAA, Militaria 198, 23 June 1592; *ibid.*, 18 February 1620. On the increasing social isolation of soldiers during the seventeenth century see Tlusty, "The Public House," 142–3, 152–6.
69. Guardsman Caspar Rauner, for example, had to go home to get his sword before facing his adversary on the street: StAA, Urg. Caspar Aufschlager, 16 August 1590. Use of guns and pole arms by either group were too rare to be of statistical significance.
70. The sample includes 266 cases from the imperial cities (Augsburg, Frankfurt, Memmingen, Nördlingen and Rothenburg), 16 from territorial towns (Göppingen, Harburg, Mindelheim, and Ingolstadt), and 16 from villages.
71. Spierenburg, "How Violent were Women?" 10.
72. Blades of unknown type (i.e. those identified by terms such as "stabbing" or "blade" without more detailed description) are included in Table 5.7 under the category "Knives, daggers, other." Since some of these may have been swords, the incident of sword use was actually likely to have been a bit higher than reflected here.

73. Schwerhoff, "Social Control," 227. Schwerhoff also included sailors and carters in this group.
74. On underreporting of female violence that did not lead to death see also Ruff, *Violence*, 125.
75. Fourteen peasants appear in the sample, two with knives and two with swords; the remainder are evenly divided among guns, stones, tools, and clubs, with one unidentified. Among adults, not enough of the cases report the perpetrator's age to make a useful comparison based on age groups.
76. Men with swords included a silversmith, bather, organist, and sculptor, all trades listed as excepted from rules restricting wearing of swords in the city. StAA, Polizeiwesen, Kleiderordnung Degentragen, 1548–1766, 1735; Zuchtbücher 1733–6. On the prevalence of walking sticks as a more respectable weapon than a blade in eighteenth-century Amsterdam see Spierenburg, "Knife Fighting," 109–11.
77. On Swiss pikemen see Schaufelberger, "Zu einer Charakterologie," 50–1.
78. StAA, Urg. Endres Hass, 14 July 1544; Urg. Hans Michels, 20 August 1548; Urg. Georg Oler, 3 January 1550; StANö, KA Michael Sauter, 26 March 1567; KA Hans Georg Hoslein, 20 August 1611; Brunotte/Weber, *Akten des Reichskammergerichts N–R*, 406–7.
79. StAA, Urg. Hans Sueß, 22 February 1600; Urg. Berlin Weber, 27 October 1545. Weber's story may have been an artifice, as he was subsequently charged with failing to return the borrowed sword; nonetheless, his story appeared believable to the innkeeper's wife, who lent him the sword without question.
80. See for example Amman, *Das Ständebuch*; Holländer/Zangs, *Mit Glück und Verstand*, 92; Lymant, "Die sogenannte Folge," 18–19, 31–2, 37–8.
81. "er imer dan ain puchß bei ime tragt": StAA, Urg. Bernhart Loffler, 16 June 1545; StAR, A1140, 342v; HSAS, C3 3354, Vlrich von Rechberg, 1557–8.
82. Gendered weapons choices affected even suicide, for which men were much more likely to use a blade or a gun than women: Lind, *Selbstmord*, 326.
83. Judicial duels between men and women were evened out by placing restrictions on the male fighter's movement, such as forcing him to fight from within a pit in the ground or with an arm tied behind his back. It is not clear if any such duels actually took place. See for example the series of images from Talhoffer's *Fechtbuch*: BSBM, Cod.icon. 394 a (Schwaben, 1467), 122v–6r; see also Strätz, "Waffenrecht," 1082.
84. For expressions of knife-bearing women as unnatural from English literature see Kane, "Wives with Knives."
85. Schwerhoff, "Social Control," 233–6.

6 In and Out of the Commune: The Social Boundaries of Citizenship

1. ISGE, Criminalia No. 607, 25–8 February 1609.
2. "schier nit anderst zuachten ist, allß wann zwen fechter, auf öffentlicher fechtshuel vmb ein glaß wein zusammen gehen": BHSA, GL F. 1491, no. 3, 1628.

3. Hofmann, *Geschichte*, 572–3; HAB H: L312.4° Helmst., 16–17; Scheuer, “Das Waffentragen,” 1:60–62; Meiners, “Kurze Geschichte,” 281–6, 289.
4. Meiners, “Kurze Geschichte,” 284–7.
5. Scheuer, “Das Waffentragen,” 1:61–7; Meiners, “Kurze Geschichte,” 297.
6. Mann, *Wallenstein*, 25.
7. BHSA, GL F. 1491, no. 22.
8. Wallenstein ultimately left the university, probably as a result of his role as a second in the deadly duel. Baader, *Wallenstein*, 17, 19–23.
9. See for example SBN, Will V.296a; Will V.19.2°, Will.5.139.4°; BHSA, GL F. 1491, no. 24.
10. “als ein Reichs Graff,” “als ein Cavallier,” “solches auch ihme niemandt verwöhren kundte:” BHSA, GL F. 1491, no. 20, 1666; no. 16, 1654.
11. Krug-Richter, “Von Messern,” 36–9; Haendcke, *Deutsche Kultur*, 250; Meiners, “Kurze Geschichte,” 286.
12. SBN, Will V. 296a, 296f.
13. Baader, *Wallenstein*, 19.
14. First-year students were labeled “foxes” (“Füchse”) and the hazing ritual often referred to as a “fox baptism” (“Fuchstaufe”) or “fox burning” (“Fuchsbrennen”). Füssel, “Riten,” 4, 21–2.
15. Füssel, “Riten”; SBN, Will.5 160 2°; StAN, A6 1638 Okt. 3.
16. StAN, A6 1638 Okt. 3.
17. Scheuer, “Das Waffentragen,” 1:64; SBN, Will, *Bibliotheca* 5:60–4; BHSA, GL F. 1491, Nr. 2.
18. Knoll, “Verbrechen,” 71.
19. BHSA, GL F. 1491, Nr. 6.
20. Brüdermann, *Göttinger Studenten*, 430–1; for similar problems at Jena, see Scheuer, “Das Waffentragen,” 1:63.
21. Brüdermann, *Göttinger Studenten*, 431; BHSA, GL F. 1491, no. 1, no. 15.
22. BHSA, GL F. 1491, no. 5, no. 6, no. 15.
23. Meiners, “Kurze Geschichte,” 294–5.
24. See above, Chapter 4.
25. Meiners, “Kurze Geschichte,” 293, 298–9.
26. Krug-Richter, “Von Messern,” 31–2.
27. “in die swert ûf den versen klungen” (thirteenth century): Beyschlag, *Die Lieder Neidharts*, 164; see also *ibid.*, 166, 194, 198, 208, 210, 224, 226, 228, 348, 537–41; on restrictions placed on peasants wearing arms during the twelfth and thirteenth centuries see Epperlein, *Bäuerliches Leben*, 171–2, 199–200; on critique of warlike peasants wearing swords and behaving like nobles in the fourteenth and fifteenth centuries see Kalning, *Kriegslehren*, 193–7; Rettelbach, “Lied und Liederbuch,” 301.
28. Literally “long knife,” an inexpensive side arm with a blade similar to a sword or dussack in common use during the sixteenth century.
29. By comparison, Pieter Brughel’s well-known Dutch paintings typically show peasants with exaggerated codpieces but wearing only knives and daggers, rarely swords. On the sword as metaphor for male sex organs see Lymant, “Die sogenannte Folge,” 25–6; Müller, *Schwert und Scheide*, 80–1; on depictions of peasant sexuality see Haftlmeier-Seiffert, *Bauerndarstellungen*, 80–97.
30. Haftlmeier-Seiffert, *Bauerndarstellungen*, 166–7; Stöcklein, “Zum oberösterreichischen Bauernaufstand,” 321–2.

31. The weapons were taken from peasants in the districts of Minder- and Marktoffingen. FÖWAH, VI.93.20–2.
32. StAMM, A Bd. 43C, 62v (1623); Mummenhoff, *Der Handwerker*, 94–5. Broadsheets virtually always depict peasants on the way to market wearing swords; Haftlmeier-Seiffert, *Bauerndarstellungen*, 34, 38; Erhard Schoen, *Wirt oder Gastgeb*, c. 1536.
33. Epperlein, *Bäuerliches Leben*, 171; Hottenroth, *Deutsche Volkstrachten*, Tafel 10; Stolz, *Wehrverfassung*, 53–4.
34. StAMM, A Bd. 43 C, 62v; FÖWAH, VI.110.2–3 (Kriminalia), 1562.
35. Quester, *Das Rad*, 163; on seventeenth-century requirements for peasants to keep arms see also Chapters 1 and 3.
36. StAMM, RP 1524–7, 39r 20 March 1525.
37. Blickle, “Die Dorfgerichtsordnung,” 64.
38. Kraemer, “Das Niedergericht Detwang,” 181.
39. StAA, Policewesen, Zechen und Zehren auf den Dörfern 1566–1738, 22 June–11 July 1600.
40. See for example Müller-Wirthmann, “Raufhändel,” 81; Fuchs, *Um de Ehre*, 142–6; contrary to common assumptions, Tyrolean peasants seem to have been even more poorly armed than the Germans, with only about five percent owning guns, and 15–25 percent armed at all; Schennach, *Tiroler Landesverteidigung*, 246, 270.
41. HSAS, A28a, M172 (Amt Urach, 1553, 360 guns among members of the *Auswahl* and 292 more among the general population), M357 (Amt Backnang, 1583, 168 among members of the *Auswahl* and 115 more among the general population) etc.
42. See for example Strätz, “Waffengebrauch,” 1079–80; Kisch, *Jewry-Law*, 38; Hsia, “Jews before the law,” 226; and Boes’s claim that Frankfurt’s Jews had little or no access to either alcohol or weapons, which is incorrect on both counts, as Jews kept their own pubs as well as their own arms; Boes, “Jews,” 427.
43. “mutterwilligen strefflichen vnnd fursetzlichen entleibung”: StAR, B329, 108r; A840/I, Judenakten, 258r–9r.
44. “betrangter weis . . . zu solchem todtschlag verursacht worden”: StAR, A840/I, Judenakten, 258r.
45. “schmach, scheden vnnd Vncostens halben”: StAR, B329, 109r.
46. In Frankfurt judicial power was in the hands of twelve elected officials (*Baumeister*), two of whom were in office in any given month: Kracauer, *Geschichte* 2:76, 179; Soliday, *A Community*, 177; Treue, “Ratsherren und Rabbiner,” 201; on the various legal options available to Jews see Schlick, “Zur Rolle der reichsstädtischen Gerichtsbarkeiten,” 171–3, 178–9, 182.
47. Finkelstein, *Jewish Self-Government*, 264; Kracauer, *Geschichte* 1:338.
48. Counterfeiting by Jews was a matter of special concern to early modern authorities: Ulbricht, “Criminality,” 53–4.
49. Schlick, “Zur Rolle der reichsstädtischen Gerichtsbarkeiten,” 182.
50. Litt, “Juden und Waffen,” 84–5.
51. Mix, “Die Judenordnung,” 54–5; on knife fights between Jews see for example Maimon, *Germania Judaica*, 3/2:984, 1014; Müller, *Aus fünf Jahrhunderten*, 49; Andernacht, *Regesten*, 1/1:303; 1/2:513.
52. Mix, “Die Judenordnung,” 46.

53. StAA, Urg. Saloman Ricco von Modena, 14 April, 1572; Simon Wendel, 9 September 1585; Isaac Jud, 31 July 1587; El Kanas, 5 August 1675; Battenberg, "... Gleich anderen," 97.
54. "welche allein den Christen gebüren vnd guten theils den Soldaten": FÖWAH, III.18.3b–2.
55. "vnarmirt (außer waß die seit[en] wehren doch vnuerpanteliert anlangt)": Ibid.
56. Kracauer, *Geschichte*, 1:295–6, 303–4; 2:76; Müller, *Aus fünf Jahrhunderten*, 153.
57. Altmann, "Studies," 39; Mix, "Die Judenordnung," 36–7.
58. Jews in Frankfurt had to refer to themselves as "Schutz Angehörige": ISGF, Juden Akten 977, Der Juden zu Frankfurt Stättigkeit und Ordnung 1616, 9, 25; UJCS, Ffm Wq 56 Bd 9, Der Juden zu Franckfurt Stättigkeit und Ordnung 1705, 122r, 127v.
59. Litt, "Juden und Waffen," 85–6.
60. Maimon, *Germania Judaica* Bd. 3/2:1228, Bd. 3/3:1445; Litt, "Juden und Waffen," 85; Halbleib/Worgitzki *Repertorium*, 259; ISGF Juden Akten 977, Der Juden zu Frankfurt Stättigkeit und Ordnung 1616, 16–18; Kracauer, *Geschichte*, 2:27.
61. Hsia, "Jewish Minorities"; Israel, "Central European Jewry."
62. Kracauer, *Geschichte*, 2:110; Buchberger, "Das Leben im Grenzraum," 227, 241–3; Israel, "Central European Jewry," 16–17; Litt, "Juden und Waffen," 91. Jews expelled from Spain were instrumental in introducing firearm technology to Turkey: Biale, *Power and Powerlessness*, 76.
63. Andernacht, *Regesten* 2/2:863, 889–90, Kracauer, *Geschichte*, 2:110, ISGF, Juden Akten 977, Stättigkeit, 16–18; Wenninger, "Von jüdischen Rittern," 68–9.
64. Ulmer, *Turmoil*, 119; the title of the song, in Jewish German *Das Vintz Hans Lied*, refers to Vincent Fettmilch. The *Megillas Vintz* represents the temporary expulsion of Jews from Frankfurt between 1614 and 1616 as a trial imposed on the Jewish community by God, much like the Exodus from Egypt (ibid., 57–9, 197); on authorship, see ibid., 50–1.
65. Litt, "Juden und Waffen," 89–90; ISGF, Judenakten 513, 88.
66. "Wolf" was the name of Maier's house. All of the Jewish houses of Frankfurt by the seventeenth century were named; many of its residents later incorporated the house names as family names.
67. Including, as illustrated by this case, dancing, wearing costumes, and sharing of shrovetide cakes. On labeling of Purim as "Jewish carnival" see Daxelmüller, "Organizational Forms," 40.
68. ISGF, Juden wider Juden, 1. On the Rechneramt see Schlick, "Zur Rolle der reichsstädtischen Gerichtsbarkeit," 173.
69. "er were eb[en] der rechte Man": ISGF, Juden wider Juden, 1.
70. "d[a]z daß feuer herauß gesprungen; was seit ir für kerle, ich hab ir wol 7 für dem schulhof gejagt"; added later in the interrogation, "mit ainem blossen wher" (ibid.).
71. "alß wer er doll vnd voll Teufel" (ibid.). Reports deviated on whether Abraham and Joseph were brothers, or brothers-in-law.
72. Ulmer, *Turmoil*, 50–1n; on assimilation of Christian customs by German Jews see also Daxelmüller, "Organizational Forms," 38–42.
73. Wenninger, "Von jüdischen Rittern," 68–79; Litt, "Juden und Waffen," 87–91; Biale, *Power and Powerlessness*, 72–7.

74. Wenninger, "Von jüdischen Rittern," 75–6.
75. ISGF, *Rechnei vor 1816*, 644, 1624–6; *Criminalia*, 1465, 5263.
76. "Man wuste woll d[a]z er ein Jud war": StAA, Urg. 14 April 1572, Saloman Ricco, who served under Giovanni Falloppio; see also StAA, *Judenakten* 13, Nr. 146, 13 January 1645.
77. Buchberger, "Das Leben im Grenzraum," 227; Litt, "Juden und Waffen," 90–1; Wenninger, "Von jüdischen Rittern," 50–1; Battenberg, "'... Gleich anderen,'" 95.
78. Although it is not always clear whether men designated as "Jew" in the Middle Ages were practicing Jews, or converts to Christianity: Wenninger, "Von jüdischen Rittern," 39–52. On Jews participating in feuds see also *ibid.*, 67–72; Battenberg, "'... Gleich anderen,'" 96.
79. Hils, *Meister Johann Liechtenauers Kunst*, 188–9; Wenninger, "Von Jüdischen Rittern," 52–4; Biale, *Power and Powerlessness*, 72–3.
80. The same conclusion was reached by Ulbricht, "Criminality," 52–3.
81. ISGF, *Rechnei vor 1816*, 644. The fines were divided into the same categories as Christian fights ("small" and "bloody"). This number is still much higher than the five assaults recorded by Boes in a 137-year period, based only on the punishment book (*Strafenbuch*): Boes, "Jews," 426–7. This source, however, presents only a small part of the picture of Frankfurt's crime. *Andernacht* identified 17 recorded cases of violence between Jews in Frankfurt in the years 1460–1519; *Andernacht*, *Regesten*, 1/1:303; 1/2:503, 513, 601, 653, 670, 706, 729; 1/3:737, 809, 812, 820, 867, 869, 1057, 1116.
82. "viel grobe Frevel [und] Schlägerey": ISGF, *Juden Akten* 977, *Stättigkeit*, 22; UJCS, *Ffm Wq* 56 Bd 9, 126v; Treue, "Ratsherren und Rabbiner," 201.
83. "vnd jeder ain wehr angehabt": ISGF, *Juden wider Juden*, 1.
84. "etliche Juden ains tails mit blossen vnd andern vnausgetzogenen wheren": *Ibid.*
85. Biale, *Power and Powerlessness*, 73.
86. "Dieb," "Hurensohn," "Schelm," "Verräter," "Hundsfoth": See for example ISGF, *Criminalia* 60; 2855; 3469; 6532; 7003.
87. "seit ir Juden oder Landtsknecht daß ir ainander also hawet?": ISGF, *Juden wider Juden*, 1.
88. On Jewish strategies for presenting their cases to Christian courts see Burghartz, "Juden—eine Minderheit," 238.
89. On the relationship between honor and economic success among Jews see Battenberg, "Grenzerfahrung," 215. Susanna Burghartz also found that Jews in thirteenth- and fourteenth-century Zurich did bear arms, but were less likely to resort to them than were Christians; see her, "Juden—eine Minderheit," 231–2.
90. Müller, *Aus fünf Jahrhunderten*, 51–2; Lohrmann, "Bemerkungen," 153–7; Ulbricht, "Criminality," 53. See also StAA, *Strafbücher* 1533–99, where among 28 arrests involving Jews, only three cases involved violence, all instigated by Christians against Jews.
91. Ulbricht, "Criminality," 57.
92. Although it is not clear in this period whether the forbidden "Gewehr" refers to all weapons or just firearms, the fact that this rule appears in the context of clothing ordinances, rather than decrees related to firearms, suggests the more general interpretation. See Litt, "Juden und Waffen," 86; Daxelmüller, "Organizational Forms," 40.

93. Battenberg, "...Gleich anderen dero Diener," 98–102; Friedrichs, "Anti-Jewish Politics," 116. Einert's 1737 description of the notorious Jewish robber band associated with court Jew "ferret" Mendel Carbe depicts the bandits with pistols, by then the weapon of choice for robbers of any ethnicity: Einert, *Entdecker Jüdischer Baldober*, frontispiece; Ulbricht, "Criminality," 59.
94. "dergleichen gewehr Juden zu tragen verboten": ISGF, Criminalia, 5455.
95. Mekel, Review of Reuveni.
96. Battenberg, "... Gleich anderen dero Diener," 93–4.
97. See for example Wenninger, "Von jüdischen Rittern," 80–1; Magin, "Waffenrecht," 33.
98. Baer, "Zwischen Vertreibung und Wiederansiedlung," 115.
99. Meiners, "Kurze Geschichte," 267; Howell, "Citizen-clerics," 12.
100. "Sie . . . eben so gepanzert und bewaffnet einher gingen, als Ritter und Knappen": Meiners, "Kurze Geschichte," 267; see also Scheuer, "Das Waffentragen" 1:61; Riedel, *Codex*, 223–4.
101. Kießling, *Bürgerliche Gesellschaft*, 85–6, 94–5.
102. Kroemer, "Die Einführung," 36; Strauss, *Manifestations*, 171; Lentz, *Konflikt*, 102; Meyer, *Stadtbuch*, 118–19.
103. See for example StAA, SB 96a, 157r, 1 August 1549; Urg. Georg Fischer, 9 July 1584; Schätze ad 36/3, 42 (1573); Kießling, *Bürgerliche Gesellschaft*, 94, 307; Kroemer, "Die Einführung," 36; Voges, *Nördlingen*, 25–6; Hanson, *Religious Identity*, 176–7.
104. SuSBA, 4°Cod.Aug.132 3,1 (1621), 35r–6r. Even when clerical violence occurred in public houses or involved lay citizens, discipline was generally left to church authorities: see StAA, Schätze ad 36/3, 42r, Frevel, von etlich priestern, 7 February 1573.
105. Welser, *Chronica*, 150–1.
106. StAA, EWA 52, 16 June 1632; HSAS, C3 no. 1335, 1618–23. French monks during the Wars of Religion hid muskets under their habits during Corpus Christi processions, and sometimes carried them openly in a show of spiritual power: Ferber, *Demonic Possession*, 47; monks carrying guns openly are also depicted in the anonymous 1590 painting "Procession de la Ligue en Place de Greve sortant de l'Arcade de Saint-Jean" (Musée de la Ville de Paris).
107. Reingtes, *Ursprung*, 276.
108. StANö, Kriminalakten, Inquisitio des durch den Pfaffen vnd amptknecht zu Pflaumloch ermordten Vlrich Sechsen, 20 August 1611.
109. Thibodeaux, "Man of the Church"; Strasser, "The First Form," 53, 60.
110. Olin, *Autobiography of St. Ignatius*, 21, 30–2.

7 Martial Sports and the Technological Challenge

1. Hsia, "Civic Militia," 53; Jung, *Körperlust*, 112; Heinisch, "Die Stadt," 297; Mönks, "Beiträge," 11; Braun, *Historische Zielscheiben*, 35. There was apparently some truth to this in the case of Holland, at least by the seventeenth century: Prak, "Burgers onder de wapenen," 6. On confusion among historians about the early modern term "Schützen," which in different contexts could mean a particular type of gunner, a company of musketeers, a shooting society, or all men who could handle a gun, see Schennach, *Tiroler Landesverteidigung*, 261.

2. Dotzauer, *Das Schützenwesen*, 26; on sports historians see also Schaufelberger, *Der Wettkampf*, 87. Theories seeking the roots of shooting societies in ancient rites of spring have long since been discredited; see Reintges, *Ursprung*, 315–24.
3. Stolz, *Wehrverfassung*, 57–8, 68; Schaufelberger, “Krieg und Kriegerum,” 172–3; Schennach, *Tiroler Landesverteidigung*, 267–70.
4. Edelmann, *Schützenwesen*, 2–4; Braun, *Historische Zielscheiben*, 34; Reintges, *Ursprung*, 324–6.
5. That is, jousting (“Stechen”), racing (“Rennen”), risk (“Abenteuer”): Dotzauer, *Das Schützenwesen* 53; Arnade, “Urban Elites,” 46.
6. “kein Ritter-, sondern ein Kinderspiel ohne viel Mannszucht”: Stolz, *Wehrverfassung*, 159.
7. Behringer, “Arena,” 356.
8. Radlkofer, “Die Schützengesellschaften,” 99.
9. Edelmann, *Schützenwesen*, 128–54.
10. The *Pritsche* was made of two or more hinged boards designed to make a loud clap, which could serve to exaggerate the paddling or otherwise draw attention to the Paddle-Master’s antics.
11. Some *Pritschenmeister* made a name for themselves as literary figures: Rupprich, *Die deutsche Literatur*, 2:245–7.
12. “herrlichen löblichem thon.”
13. Edelmann, *Schützenwesen*, 131–44.
14. Müllich, *Chronik*, 230–3; UBEN, Ms B213, 158r–73v.
15. Radlkofer describes provision of a “Huren- und Bubenhütte”: “Die Schützengesellschaften,” 97. “Huren und Buben” in military lingo referred to soldiers’ courtesans (“whores”) and servants (“boys”). Fronsberger, *Kriegsbuch Dritter Theyl*, 82r.
16. “das Best, so mans hatt kunden bekumen”: Edelmann, *Schützenwesen*, 122; Jung, *Körperlust*, 112–17; Freys, *Gedruckte Schützenbriefe*, 8–9.
17. Müllich, *Chronik*, 231–3 (1 Gulden = 60 kreutzer). These city-sponsored gambling matches were the forerunners of later state-sponsored lotteries: Freys, *Gedruckte Schützenbriefe*, 7; Freytag, *Bilder*, 343.
18. Braun, *Historische Zielscheiben*, 102.
19. Due to their location just outside the city walls, shooting grounds could be a popular spot for professional gamblers at any time. Tlusty, “Playing by the Rules,” 25, 27.
20. “Doch wo ainem sein gewand vnwissen prünn vnd also in die hütten gieng, der soll der Straff erlassen sein”: StAA, Schützen-Akten VIII.4, Ordnung 1540; renewed in 1562 and 1570: StAA, Ordnungen und Statuten, K18, no. 391; see also an example of paddling for a safety violation in StAA, SB 1581–7, 232v (3 September 1587).
21. Freys, *Gedruckte Schützenbriefe*.
22. StANö, R2F2/22 Ordnungsbuch 1567–87, 12r–v, 1568; 133v–4v, 1579; Gessler, *Basler Wehr- und Waffenwesen*, 11–12, 18; StAA Ordnungen und Statuten, K18, no. 392, 1579.
23. StAA, S Schützen-Akten VII, Frevel 1551–1804, Jörg Halbritter, 1560–3.
24. *Ibid.*; StAA, Schützen-Akten VIII, Ordnung vnd gesetz, der erbarn gesellschaft des Büchschenschiessens, 11 July 1579.
25. StANö, R29F4 Schützengesellschaften, 6 May 1577; 20 April 1580; Edelmann, *Schützenwesen*, 65; *Festschrift*, 41.

26. Harms, *Deutsche illustrierte Flugblätter*, 7:162.
27. StAMM, A296/02, Hansen Schmid genant Stöcklin; StAA, SB 1563–71, 82r.
28. Boenheim, *Handbuch*, 470–2.
29. Braun, *Historische Zielscheiben*, 38; StAA, Ordnungen und Statuten, K18, no. 391, Ordnung vnd Gesetz der Erbarñ Gesellschaft vonn Zil vnd Birsch Schutzzenn 1562, 1570; Schützen-Akten VIII, Artikel und Ordnungen 1540–1832, 20 March 1574.
30. StAA, Schützen-Akten VIII, Artikel und Ordnungen 1540–1832, 20 March 1574; Radlkofer, “Die Schützengesellschaften,” 128.
31. Diemand, “Zur Geschichte des Schützenwesens,” 11.
32. Thiele, “Das Neuburger Schützenbuch,” 185; Radlkofer, “Die Schützengesellschaften,” 112–13; Stolz, *Wehrverfassung*, 164.
33. StANö, R29F4 Schützengesellschaften, Schützenbriefe 1437–1802, Ansbach 1495.
34. Diemand, “Zur Geschichte des Schützenwesens,” 10. In bi-confessional cities, Catholics and Protestants shared power and were bound by law to tolerate one another’s religious practice.
35. Schaufelberger, *Der Wettkampf*, 38–44; StAA, Schützen-Akten I, Augsburger Schießen 1554–1833; on mixed confessions at matches see also Behringer, “Arena,” 345–6.
36. StANö, R2F3/2, Ayd Buch der Statt Nördlingen 1572; StAA, Schützen-Akten I (Stuttgart, 1560); Schützen-Akten VIII, Püchschützen wahl, 1570–1658.
37. “Er sey Reich oder Arm . . . das sich die frembdten Schützen ob seiner Dienmuet verwundertt haben”: Edlmann, *Schützenwesen*, 122.
38. Radlkofer, “Die Schützengesellschaften,” 105–7, 110; see also Behringer, “Arena,” 345–6.
39. SBN, Ms B213, 175r, 176v–7r; as the early modern period progressed, women’s fashions increasingly restricted physical activity, which both hindered their participation in athletic events and reflected social condemnation of such behavior: See Squire, *Dress*, 54. On prostitutes in foot races see also Schaufelberger, *Der Wettkampf*, 90.
40. Froning, *Frankfurter Chroniken*, 268–9. Thanks to Klaus Wolf for this reference.
41. Montagu, *The Complete Letters*, I: 268–9; for other examples of private women’s shooting matches see Reintges, *Ursprung*, 298–9.
42. “es woll sich auch ein ieder mit einem haimlichen seckele one vorwisen seiner hausfrauen versehen, damit er andere spill vnd kurzweill . . . möge helfen laisten”: StANö, R29F4 Schützengesellschaften, Schützenbriefe 1437–1802, 1558.
43. *Festschrift*, 29–30; Grimm, *Deutsches Wörterbuch*, 10:1839, 26:1725; Thiele, “Das Neuburger Schützenbuch,” 177.
44. Diemand, “Zur Geschichte des Schützenwesens,” 2, 4; Stolz, *Wehrverfassung*, 161.
45. Reintges, *Ursprung*, 252–3.
46. This was also true in Tyrol until 1647: Schennach, *Tiroler Landesverteidigung*, 261–4.
47. StANö, UB 1587–92, 44r–5r; on evidence of gunners who did not belong to shooting societies see for example SuStBA, 2^oAug.10, 83r.

48. StANö, R2F3/6, Ordnungsbuch 1612–40, 179v–80v, R2F3/7, Ordnungsbuch 1641–88, 121v; StAR, A363 149r.
49. Gaedechens, *Hamburgs Bürgerbewaffnung*, 14; Grohsmann, *Geschichte*, 2:60.
50. “nutzliche und löbliche”: Filtzinger, “Ulm,” 25.
51. “guete freundschaft vnd vertrewlicheit”: StAM, RP 1651; for similar expressions elsewhere see Reintges, *Ursprung*, 94. This language mirrors the fifteenth- and sixteenth-century English campaign to encourage practice with the longbow: Hunt, *Governance*, 278–81.
52. Reyscher, *Sammlung*, 13:113.
53. Edelmann, *Schützenwesen*; Radlkofer, “Die Schützengesellschaften,” 118–19.
54. Edelmann, *Schützenwesen*, 69–76; Eimmart/Sandrat. *Beschreibung*.
55. *Festschrift*, 36.
56. Radlkofer, “Die Schützengesellschaften,” 105–6, 114–15.
57. Fischart, *Das glückhafft Schiff*.
58. Radlkofer, “Die Schützengesellschaften,” 115.
59. Hsia, “Civic Militias,” 52.
60. Gessler, *Die Entwicklung*, 14.
61. Radlkofer, “Die Schützengesellschaften,” 94, 110.
62. Gessler, *Die Entwicklung*, 15; Radlkofer, “Die Schützengesellschaften,” 93, 98, 107; *Festschrift*, 38.
63. Ritter Götz von Berlichingen mit der eisernen Hand (1481–1562). Götz was the subject of Goethe’s 1773 play by the same name.
64. Edelmann, *Schützenwesen*, 112–18.
65. “vnser lebenlang mit ehren wellen verthedigen . . . hoffart vnd betrug”: StAA, Schützen-Akten I, 1554.
66. StAMM, A296/02, 1562.
67. StANö, R2F3/6, Ordnungsbuch 1612–40, 179v–80v.
68. *Festschrift*, 44.
69. Sauerbrey, *Die Wehrverfassung*, 101.
70. StAA, Schützen-Akten I, 16 April 1695; *Festschrift*, 44.
71. Rosseaux, *Freiräume*, 160–72.
72. Reyscher, *Sammlung*, 19:487–9; Gaedechens, *Hamburgs Bürgerbewaffnung*, 13–14; Kraus, *Das Militärwesen*, 80–1, 89.
73. Bodemer, “Das Fechtbuch,” 66, 102–9.
74. Lochner, *Die Entwicklungsphasen*, 13–16; Schaufelberger, *Der Wettkampf*, 142; StAA, SB 1588–96, 182r (9 September 1593); FÖWBA, Hs.I.6.2°5.
75. “beschaidenlich,” “hitzig”: SuSBA, 2°Cod.Aug.244, Burgermeisteramt–Instruktion, 1584, 89–90.
76. Wassmannsdorf, *Sechs Fechtschulen*, 2–4.
77. The origin of the name *Federfechter* is not clear. Theories include reference to a feather pen, representative of the many students among the ranks of the *Freifechter*, which was part of their earliest coat of arms (Liebe, “Die Ausgänge,” 134; Wassmannsdorf, *Sechs Fechtschulen*, 8); a deviation from the term *Veiterfechter*, which referred to the organization’s traditional competition for award of the title of Master Fencer on the feast of St. Vitus, patron saint of the cathedral at Prague (Lochner, *Die Entwicklungsphasen* 16); or metaphorical association of the feather with the sword (Lukas, *Geschichte der Körperkultur*, 99).

78. Lochner, *Die Entwicklungsphasen*, 16–18; StANö, R39F5/10, Fechtschuele 1534–1618, c. 1600; Liebe, “Die Ausgänge,” 135.
79. FÖWBA, Hs.I.6.2°5; Wassmannsdorf, *Sechs Fechtschulen*, 9.
80. Wassmannsdorf, *Sechs Fechtschulen*, 13–31.
81. StANö, R39F5/10, Fechtschuele 1534–1618, 1598; Meyer, *Literarische Hausbücher*, 1:435–49.
82. For numerous expressions by sword-fighting masters of the chivalric and military virtues of sword-fighting see StANö, R39F5/10, Fechtschuele 1534–1618.
83. SuStBA, 2°Cod.Aug.246, 53.
84. Faber, *Antimonomachia*, F4r–v; Manning, *Swordsmen*, 214–15.
85. “Ein Fundament alles fechtens”: Hils, *Meister Johann Liechtenauers Kunst*, 137; Leng, “Fecht- und Ringbücher,” 5–6. Meyer’s text went through four editions between 1570 and 1660.
86. Hils, *Meister Johann Liechtenauers Kunst*, 9–11; Bodemer, “Das Fechtbuch,” 320–3. Rapier techniques also provided training for fighting duels.
87. “hohe notdorfft”: StANö R39F5/10, Fechtschuele 1534–1618, Friderich Hexamer, 1587; see also *ibid.* 9 February 1592.
88. Even Albrecht Dürer, himself an avid fencer, produced a series of fencing images, although to what purpose or under whose sponsorship is not clear; possibly they were commissioned by Emperor Maximilian I, although they may have been drawn simply as studies. Bodemer, “Das Fechtbuch,” 161–70.
89. Paul Hector Mair was hanged in 1571.
90. Bodemer, “Das Fechtbuch,” 187–98; BSBM, Cod.icon 393–I, 303r.
91. HAB, A: 46.5.Pol (7), Von der Braunschweigischen Huldigung. One Reichstaler was equal to around 1.2 gulden. The ceremony celebrated the peace settlement that followed the siege of Brunswick, August–November 1615.
92. StANö, R39F5/10, Fechtschuele 1534–1618; Lochner, *Die Entwicklungsphasen*, 15.
93. Lukas, *Geschichte der Körperkultur*, 1:101; Liebe, “Die Ausgänge,” 135.
94. “Also es offtmals ergeht, Daß bey frewd auch ein Leid entsteht”: Wassmannsdorf, *Sechs Fechtschulen*, 31.
95. StAA, SB 1608–15, 315r; SB 1588–96, 258v; Urg. Samuel Probst, 4 December 1595.
96. StAA, Urg. Samuel Probst, 4 December 1595; Lukas, *Geschichte der Körperkultur*, 101.
97. Liebe, “Die Ausgänge,” 136; Lukas, *Geschichte der Körperkultur*, 101.
98. Faber, *Antimonomachia*, F4r–v; Krägelius, *Duellum*, 49–51; Liebe, “Die Ausgänge,” 136.
99. Bodemer, “Das Fechtbuch,” 58; Liebe, “Die Ausgänge,” 136–7.
100. Grimm, *Deutsches Wörterbuch*, 3:1387,1.
101. Fencing to the point of inflicting a wound is a required activity in the so-called fighting fraternities (“schlagende Verbindungen”) even today.
102. Bodmer, “Ein Schwerttanz,” 39; Schaufelberger, *Der Wettkampf*, 107–8; Corrsin, *Sword Dancing*, 10–11, 31–8; Liebe, “Der Schwerttanz,” 253; Bächtold-Stäubli, *Handwörterbuch* 7: 1548–50; Mogk, “Volkstümliche Bräuche,” 147–8. Mogk dates sword dancing from the fourteenth century but does not provide a source (*ibid.*, 148).

103. Corssin, *Sword Dancing*, 43.
104. Weinitz, “Der Schwerttanz,” 143–5.
105. Schaufelberger, *Der Wettkampf*, 107–8; Corssin, *Sword Dancing*, 42–3; Bodmer, “Ein Schwerttanz,” 40–1.
106. Corssin, *Sword Dancing*, 45; Liebe, “Der Schwerttanz,” 254; Weinitz, “Der Schwerttanz,” 144.
107. Corssin, *Sword Dancing*, 50–4; Liebe, “Der Schwerttanz,” 252–3.
108. Chase, *Firearms*, 73.

8 Communities in Conflict: Competing Jurisdictions in the Empire

1. Zürn, ‘*Ir aigen libertet*’, 169–227; Luebke, “Signatures,” 527–30.
2. On the Imperial Chamber Court see Fuchs, “The Supreme Court.”
3. Rothenburg held a lien for the district from King Wenzel which was never redeemed; Jooß, *Kloster Korbung*, 80; Müller, *Gepsattel*, 35.
4. One malter was equal to about 4.1 bushels.
5. HSAS, C3, RKG 3599, Extract aus dem in Anno 1473 zwischen Stiff Chomberg vnd der Statt Rottenburg vff d. Tauber vff gerichtenn vertrag.
6. HSAS, C3, RKG 3599.
7. Müller, *Gepsattel*, 51.
8. *Ibid.*, 245–6; StAR, A164 (1583, copy from 1786).
9. Müller, *Gepsattel*, 46; HSAS, C3, RKG 3599.
10. Wolf Öffner was beheaded in Rothenburg in 1558 for theft and arson; Müller, *Gepsattel*, 468.
11. Hans Unger, a Rothenburg citizen; HSAS, C3, RKG 3599.
12. “viell murbs gesindt vmb gelbsattel samblen wollen, den leuthen in die heuser zu steigen vnd einzuprechen” (unless otherwise noted, all of the details of this case are taken from HSAS, C3, RKG 3599).
13. This ordinance preceded the establishment of the Imperial Chamber Court in 1495; Fuchs, “The Supreme Court,” 9.
14. Müller, *Gepsattel* 47; BHSa, RKG C1610.
15. “Lasterstein,” a heavy stone hung around the necks of delinquents as a public shaming ritual: Grimm, *Deutsches Wörterbuch*, 12:263. The “Erbschenkstatt” still exists in Gepsattel as “Gasthaus zum Lamm”: Müller, *Gepsattel*, 465.
16. “eine gute Hose”: *Ibid.*, 47.
17. One of the peasants, when asked the standard question of whether he had anything to gain or to lose by the outcome of the case, responded that “He has ... nothing from it but a drink and a soup, which God has bestowed upon him this day” (“Er hab ob Gott will nichts darvon, dann einen Trunckh vnd Suppen, welcher ihme Gott auff diesen Tag beschert”).
18. “vber menschen gedenckhenn”: *Ibid.*
19. One response: “He wouldn’t know, as he was not yet alive 180 years before” (“könne er nicht wißen, dieweil er doch nicht vor 180 Jahrn gelebt habe”).
20. “Ob er zeug bey dem vertrag, so Anno 1556 zwischen dem Stiff Chomberg, vnd der Stadt Rottenburg aufgerichtet worden, darbey gewesen, oder habe hörn lesen, vnd also was in demselbigen begriffen, eines gutten wissens vnd verstandt habe?”

21. “Ob zeug aigentlich wisse, wie der vertrag verlautte, dasselbig zuerzehlehn?” “Ob ers selbstn gelesenn, oder sonnstn gehört?” “Ob zeug wisse, waß die vogttheiliche obrigkeit *item* ein vraltt herkommen sei, dasselbig alles zugeschreibenn?”
22. “diese ding seyen ihme zu hoch, . . . er gehe halt eben seiner saurn harten arbeit nach.”
23. On the exclusion of women from village institutions see Sreenivasan, *The Peasants*, 54–7.
24. “er hab es von den alten also gehört”; “hab zeug von seinem Vatter woll gehört”; “er hab solches vonn alttenn mennern, so vor ihm dagewesenn, . . . gehöret” (etc.).
25. For similar cases from the early sixteenth century, including both “drinking up” and seizure of collateral, see StAR, A842, Urphed 1501–28, 115v, 249r.
26. “ob er sich selbstn auff das maul schlagen solle, dieweiln er . . . selbstn darbey geweßen, aber die aigentliche warheit zusagen, so halte er fur sein Person darfür, man hette woll gemächer gethon, vnd deß außtrags Rechtens, dieweiln man sich darzu erpotten, erwartten sollen.”
27. “sey kein herschafft befugt, auff der and[er]n herschafft vnderthanen hoff grund vnnd potten zu greiffen.”
28. “er zeug wolte offt lieber vber etliche meil wegs sein, dann bey solchen handeln, es müße aber offt einer thun, waß der mehrer theil wölle.”
29. “wann man der Gemaind, ihre alte gerechtigkeit gelaßen hette, so weren deren handel viel vnder wegen geblieben.”
30. Müller, *Gebstattel*, 47–8.
31. BHSA, RKG 1610, 19 May 1595.
32. A German in service to the Swedes.
33. Tlusty, “The Public House,” 140–3; Landsteiner/Weigl, “Sonsten finden wir die Sachen sehr übel,” 253, 257–8.
34. A number of examples can be found in Burschel, *Söldner*; Tlusty, “The Public House.”
35. “sie hetten kein Obrigkeit mehr müestn sich selbstn verwachen.” StANö, KA Hans Wagner, Oct–Nov 1631.
36. Friedrichs, *Urban Society*, 29.
37. At least seven such ordinances were published between 1619 and 1633; StANö, R2F3/6, Ordnungsbuch 1612–40.
38. “so were ihme gleichmessig mit dem trunckh, von gläsern zu halb massen, also zu gesprochen . . . also das sie ihne so bezecht gemacht dergleichen ihme lang nie begegnet”: StANö, KA, 1633.
39. “der dickh Leüttenant.” Unless otherwise noted, all of the details of this case are taken from StANö, KA, 1633.
40. Landmann, “Cratz,” 573–5.
41. “ihm mit dem Trunckh schröcklich zugesetzt.”
42. “beschaidt thun.”
43. “waiß nicht wo.”
44. “so hab er sein lebenslang kein rechtschaffen kerl also gekust, was er dann solche leichtfertige s[alve] v[enia] [i.e. ‘if I may’, an apology for the crude reference] huren sauber mach[en] solt?”
45. “alß man die liechter vfgezindt.”
46. “meist junge bursch.”

47. “sie nider schlagen.”
48. “ob der schwedische schelm noch lebete?:
49. “man solte den todt[en] menschen nicht mehr schlagen.”
50. “vndt [ist] schwedischer schelm sein bester titul gwesen.”
51. StANö, R2F3/6 Ordnungsbuch 1612–40, 26 July 1627; 21 February, 7 May 1628; 17 June 1631; 13 August 1632.
52. “vnrat vnnd auffrur”: StAA, Urg. 1548, Hans Erhart; see also similar warnings in StAR, A363 fol. 254, 1634.
53. StANö, R2F1/13 Stadtordnungen; R2F2/20 Ordnungsbuch 1502–33, 15, von Fridpietten.
54. Müller, *Nördlinger Stadtrechte*, 24.
55. “solten ihrer weib vnd kind daran schonen, sey nicht ein gering persohn.”
56. “er ... sey ihme zu gering das er ihn vfhalten solt.”
57. Welsch’s family also had connections to elite families in Augsburg: Reinhard, *Augsburger Eliten*, 914.
58. Stetten, *Geschichte*, 1:187; Zedler, *Universallexicon*, 9:413–14.
59. “etzliche wunden in kopff . . . vndt dariber 6 stich in arm vnd leib” (based on the complaint from the Swedish crown).
60. “so sey es offft gefährlicher als wann einer . . . durchstochen worden were.”
61. “tödtliche wunden.” On legitimation of violence see Kaiser, “‘Excidium Magdeburgense,’” 47–55.
62. “vberlachen”: StANö, R2F3/6 Ordnungsbuch 1612–1640, 180v–2r.
63. Tlusty, “The Public House, 142–3.
64. “darüber er vermelt er frag nichts nach seiner obrigkeit oder hauptmann, . . . sie (die Obrigkeit meinendt) werden noch genueg mit ihm zuthuen haben.”
65. “an vngebührlichen orthen küssen vnd säubern solte”; elsewhere, “solten ihn s[alva] h[onore] weiß nicht wo saubermachen” (“[he] should clean him, with apologies, I don’t know where,” added by a 16-year-old witness).
66. “er wolle niemand von diser statt auch des kinds in Mueter leib nicht verschohnen.”
67. “als einem getreüen mitgliedt des evangelisch[en] wesens.”
68. Roberts, “The Military Revolution”; Parker, “The ‘Military Revolution’”; O’Connell, *Of Arms*, 108–47; Downing, *The Military Revolution*; Chase, *Firearms*, 58–76, 199–202.
69. Wilson, “Military Culture.”

9 Citizens versus the State: Household, Community, and Urban Politics

1. “wer sy daher verordnet, vnd ob sy ein E. Rhat oder gemainer burgerschaft wachen”: StAA, Urg. Daniel Mader, 16 September 1585.
2. “Ob dann die burgerschafft ain sondern wach inn d[er] Statt haben? Ob er nit wiß das der Oberkait gebür, vm ruehe vnd fridens willen die wacht ires gefallens zubestellen? Ob er auch nit wiß, das den vnderthanen mit nichten gezime, hierin der Oberkait maß vnd Ordnung zugeben?”; “man im Wein die warhait pfleg zu sagen”: Ibid.

3. “Man künd aus sollicher seiner aigen red leichtlich abnemen, das man wilens sey, die wacht abzutreiben, darumb soll er anzaigen, was er sich derowegen mit andern verglichen, vnd was für ein anschlag mit einander deß halb vorhanden sein”: Ibid.
4. The Protestant minority among the town’s elites had agreed to appeal to the Emperor if forced into actions “against their conscience” (“wider ir gewissen”): Ibid.
5. The literature on both urban and peasant revolt is extensive, and in general is dominated by theories that attempt to identify a communal or collective identity in the political culture of early modern protesters. For recent surveys see Ruff, *Violence*, 207–15, and the entries under “Social Protest” in Stearns, *Encyclopedia of European Social History*, especially Tilly (“Collective Action,” 189–203), Hanagan (“Urban Crowds,” 217–26), and Richards (“Revolutions,” 227–51). On urban revolts in early modern Germany with relevant literature see Roeck, *Eine Stadt*, 1:138; Friedrichs, “German Town Revolts.” Recent case studies examining urban rebellion as an expression of German civic republicanism are provided by Wolfart, *Religion*; Lau, *Bürgerunruhen*; see also related literature on the Dutch revolt: Marnef, “The Dynamics;” idem, “The Towns;” Grayson, “The Civic Militia.”
6. Decisive were, for example, the work of Otto Brunner, Peter Blickle, Heinz Schilling, and Volker Press; for a summary see Lau, *Bürgerunruhen*, 17–20.
7. The tendency of historians of crime to work in isolation from those examining political rebellions is addressed in Häberlein, *Devianz, Widerstand* (see especially Häberlein, “Einleitung,” 9–32); and Würigler, “Diffamierung,” esp. 317–21, 344–7; the inclination to overlook self-defense as a motive in rebellions is treated by Friedeburg, *Self-Defense*, 9–10.
8. r. 1576–1612.
9. Friedrichs, *The Early Modern City*, 310–11.
10. The phrase “Culture of Fear” is borrowed from sociologist Barry Glassner’s book by the same name (Glassner, *The Culture of Fear*).
11. See for example Mauer, “Kalenderstreit;” Warmbrunn, *Zwei Konfessionen*; Zorn, *Augsburg*, 204–5; Radlkofer, “Die volkstümliche und besonders dichterische Literatur.” Roeck tied confessional concerns to a polarizing economic situation: Roeck, *Eine Stadt*, 1:125–88. The calendar conflict (“Kalenderstreit”) was part of a larger debate over the control of appointments to Lutheran clerical offices (“Vokationstreit”); the best account in English of the relationship between these issues is in Creasman, “Policing the Word,” 257–307.
12. Immenkötter, “Kirche.”
13. Kingdon, *Myths*, 1–6, 112–24; Spitz, “Imperialism,” 78–83; Zwierlein, *Discorso*, 724–34. For a list of works on the Massacre distributed in Germany after 1572 see Schottenloher, *Bibliographie*, 49.
14. Parker, *The Dutch Revolt*, 178; Tanis and Horst, *Images of Discord*, passim. The reports were probably intentionally exaggerated. Estimates range from a few hundred to several thousand deaths: Israel, *The Dutch Republic*, 185; Voet, *Antwerp*, 202–3; Marnef, “The Towns,” 98.
15. Müller, *Augspurgische Händel*, C1r–v. For rules on confessional insults see StAA, Schätze ad 36/8, Zucht- und Polizeordnung 1580; Creasman, “Policing the Word,” 193–5, 203, 253–6.

16. "Parisische Hochzeit," "Antorffische Kirchwey": Müller, *Augsburgische Händel*, F2r–v, G2v. Troops were hired in the fall of 1583 and strengthened by 1000 the following March; Roeck, *Eine Stadt*, 1:129–30.
17. The degree to which traditional rights of self-defense may be extended to religious practice was a question of some debate during the sixteenth century: for treatments see Estes, *Whether the Secular Government has the Right to Wield the Sword*; Böttcher, *Ungehorsam oder Widerstand?*; Cardauns, *Die Lehre vom Widerstandsrecht*; Friedeburg, *Self-Defence*.
18. StAA, SB 1581–87, 13 February 1583.
19. Transcribed in StAA, Chroniken 20, Chronik von Siedeler, 115r–58r.
20. "aus . . . burgerlichen, Polittischen ursachen": Ibid., 156r.
21. "gmainer burgerschafft zu guetem": Ibid., 157r. At this stage, the majority of the Protestant council members also endorsed the change; Immenkötter, "Kirche," 406.
22. "widerwertige[s] geschrei": StAA, Chroniken 20, Chronik von Siedeler, 157v.
23. "böse leichtfertige, doch vngegründte reden": Ibid., 155r.
24. "aufwigler vnd betrüeber gemaines burgerlichen frid wesens": Ibid., 157v.
25. "in d[er] kirchen: vnd die and[er]n in den heusern zu vberfallen, auch alle zu tod zeschlagen": StAA, Urg. Gedeon Mair, 7 November 1583.
26. "von den baus leuthen so vß Bairn herein komen": Ibid. The Bavarian peasants could only have been Catholics.
27. "sy glauben nit, d[a]z sy d[er] gleich[en] furnemen würden": Ibid.
28. October 29.
29. "so solten sy . . . on wehrn nit in die Predig geen": StAA, Urg. Gedeon Mair, 7 November 1583.
30. "damit wann man etwa in den kirch[en] ein rumor anfang, d[a]z sy denselben abstillen khonden": Ibid.
31. See Chapter 1.
32. "vnd eine Antorffische Martinsnacht zuhalten: diese Kleider wurden ihnen bald auch wol anstehen": Müller, *Augsburgische Händel*, M2v.
33. "so wöllen wir von der Gmain starckh gnueg sein und in Werckh thuen": the text is reproduced in Mauer, *Gemain Geschrey*, 178–9.
34. Mistakenly identified by Mair as Jakob Widenmann.
35. "wann der lermen angieng wolt er auch sechen das er sich vmbtumelt, vnd eben sobald einen vmbrecht als d[en] ander[n]": StAA, Urg. Gedeon Mair, 7 November 1583.
36. "wann man inen mit des vogts wach wie man vßgeben die läden wolt zuschlagen, so wolt er selbsten die oberkheit helffen premsen vnd herumb ruecken": Ibid.
37. "das sy sich an d[er] schmidgassen all mit ein ander verbunden, wann man inen die läden zuschlag wellen sy sich wehrn weil sy wehrn vnd puchssen im hauß haben, wie dann mancher 6 in 7 geladne Püchsen im laden, auch stein vnd d[er]gleich[en] in die heuser geordnet haben": Ibid.
38. "wann sy . . . die wach vberwunden hetten, wolten sy dem Herrn Stattpfleger Rechlinger ins Hauß gefallen sein, vnd gesechen haben, ob er macht vnd gewalt hebt die burgerschafft also zuzwingen dises hab er vom Peter Eisele d[en] Remen vnd Würstle gehört, item sy haben sich auch vernemen lassen,

- gleicher gestalt herr Marxen Fugger vnd den anderen Ratspersonen einzu-
fallen”: Ibid.
39. “[Christoff] Widenmann hab auch gesagt wann d[er] lernen angieng, wolt er selbst darumb vnd daran sein, d[a]z man den Münch vnd Pfaffen einfiel sy stürmete vnd zu todt schlieg; Item er wolt helffen, d[a]z man auch den Jesuitem einfiel sy gleichffals stürmete, irn Paw niderriß, vnd verprennete: Item er wolt selbst die H. Stattpfleger vnd Rats Herrn helffen stürmen vnd zum Rathaus heraus henckhen”: Ibid.
 40. “werden sy irs Niderlendisch kriegs alhie ergetzt . . . ein gute peut”: Ibid.
 41. Claiming drunkenness did not serve as a legal defense, but was a common explanation for otherwise indefensible behavior; see *Plusty, Bacchus*, 96–102.
 42. Bouwsma, “Anxiety,” 222; see also Kapferer, *Rumors*, 104, “Group identity is more easily built up through the unanimous designation of a common enemy.”
 43. “bey nechtlicher weil angegriffen vnd geplündert”: Müller, *Augsburgische Händel*, M2v.
 44. “zu bewarung seines hauß, schreibstuben vnd anderer seiner sach . . . damit ime vf solch[en] fall da ein auflauf entstände das seinig nit mit gewalt genommen werd”: StAA, Urg. Daniel Mair, 20 June 1584.
 45. Walther became a member of Augsburg’s Small Council in 1584: see StAA, “Augsburger Ämterbesetzung.”
 46. Octavius Fugger was a member of the Small Council between 1580 and 1600 (ibid.); Lucas Stenglin was a physician from an influential merchant family with many ties to government and was one of the founding fathers of Augsburg’s *Collegium Medicum*.
 47. “warumb sie den newen Calendar weil es ein politisch werkch sey, nit auch anemen”: StAA, Urg. Hans Schwemer, 10 November 1583–20 January 1584.
 48. “ir wissen wol warumb”: Ibid.
 49. “man werd sie in iren kirch[en] bald haimsuechen vnd den calender lerhnen anemen”: Ibid.
 50. “halt auch H. O. für einen sollich herrn, d[a]z er d[er]gleich[en] nit reden werd”: Ibid.
 51. Rentz was identified in the documents as *Junkherr*, a term which in Augsburg meant young lord; Rentz actually belonged to a merchant family with ties to the “Augmentor Society” (“Gesellschaft der Mehrer”). Reinhard, *Augsburger Eliten*, 695–7.
 52. According to communications theorist Susan Coppess Pendleton, rumor credibility is partly tied to an authoritative source: Pendleton, “Rumor Research,” 75–7.
 53. StAA, Urg. Hans Schwemmer, 10 November 1583–20 January 1584.
 54. “trag sorg, es werd nit gut thun, man möchts ein mal lehrnen den calender anemen”: Ibid.
 55. “inn vertrauen”: Ibid.
 56. “Wie? nit gut thun? wie soll es nit gut thun?”: Ibid.
 57. “waiß weder ich nit wie ers maint, er hat halt gesagt, es we[r]d nit gut thun, ich denckh wol, er vermain etwan, sie möchten ein mal inn der kirch vberfallen werden”: Ibid.

58. “ein einfältiger mensch, der sein notturfft nit fürbringen kan, ist darzu gar forchtsam vnd kleinmüetig”: Ibid.
59. Stewart/Strathern, *Witchcraft*, 36–7; Goodman, “Introduction,” 3; Kapferer, *Rumors*, 14.
60. The word *Geschrei* was used to describe rumors related to this incident by the authorities, the defendants, and repeatedly by Müller; on distinctions between *Geschwätz*, *Klatsch*, and *Geschrei*, see Holenstein and Schindler, “Geschwätzgeschichte(n),” esp. 47–51, 69–71; compare to records of seventeenth-century fights in Augsburg, in which women’s fights were often characterized as resulting from *Geschwätz* (i.e. 1 February 1670, 23 August 1670, 27 September 1670, 19 May 1684, 27 May 1684) whereas this word does not appear in protocols of male delinquents during the same period (based on a sample of 723 records of fights between men between 1604 and 1684 from the same records, many of which mention coming to blows over “words” [“von wortten zuestraichen khommen”] but none of which include the term *Geschwätz*). StAA, PZSH 1604–25; RSA 818; Zuchtbücher 1664–84.
61. “inn der kirch vberfallen”: StAA, Urg. Hans Schwemmer, 10 November 1583–20 January 1584.
62. Holenstein and Schindler, “Geschwätzgeschichte(n),” esp. 43.
63. StAA, SB 1581–7, 107r.
64. At least 34 men were questioned in 1583 and 1584 about the passing of rumors, and only one woman; all of those questioned also mentioned other men who were involved, but only one reported passing information to a woman (these numbers reflect only cases involving rumors, not all those arrested in conjunction with the calendar revolt): StAA, Urg. 1583–4; Kalenderstreitakten 26; Kalenderstreitakten, criminalia 1583–9. The process was strikingly similar to the “culture of fear” identified by Glassner as a feature of modern American life; see Glassner, *The Culture of Fear*.
65. That rumors can serve to shore up popular agency is supported by research suggesting that, in providing a challenge to official information sources, they can function as a check on the power of authority; Kapferer, *Rumors*, 14–21, 263.
66. StAA, SB 1581–7, 116r–v, 117v, 119r–v.
67. StAA Urg. Hans Amman, 8 June 1584.
68. During the night of 4–5 June 1584, 200 soldiers were recruited from outside the city, and all of the gates were fortified with artillery: Kaltenbrunner, “Der Augsburger Kalenderstreit,” 522.
69. StAA, Kalenderstreitakten 26.
70. StAA, Urg. Hans Mersperg, 25 June 1584.
71. “Deudschspanischen Kriegsmann”: Müller, *Augsburgische Händel*, J3v.
72. StAA, Urg. Daniel Mair, 20 June 1584.
73. Müller, *Augsburgische Händel*, G3r–v. According to local chronicles, three people were killed in a fire on October 29, 1583: Stetten, *Geschichte*, 1:664.
74. “starckhe wach”: StAA, Urg. Daniel Mair, 20 June 1584; “zu menickhlichs schutz vnd schirm”: Urg. Hans Metsperger, 25 June 1584. See also StAA, Ratsbuch 20:1, 1546, 124v, which forbade citizens to hire their own guards unless they were traveling on civic business.
75. “böse aufrüerische verdorbne leut die lieber blündern als etwas anders thun”: StAA, Urg. Daniel Mair, 20 June 1584.

76. “was er seinen leüt geb”: Ibid.
77. “zuvor allerley reden vmbgangen das der wach nit wol zu getrauen sonder von inen blünderung zulässig sei”: StAA, Urg. Balthasar Streiffer and Hans Metsperger, 25 June–5 July 1584.
78. “andere waffen nit mit sich gehabt als ein seiten wehr vnd bürschbüchss wie ers in der Rosenauw gebrauch”: StAA, Urg. Georg Halbritter, 11 June 1584. The oft-repeated detail that the already well-armed citizens of Augsburg stormed the civic armory for weapons appears itself to fall into the category of rumor, in this case perpetrated by historians. The story probably originated with Kaltenbrunner’s 1880 account (“Der Augsburger Kalenderstreit,” 521). There is no reference to this in any of the interrogations or in the accounts of the event that predate Kaltenbrunner.
79. “schier meniglich . . . in der wehr vnd rüstung sich sehen lassen”: StAA, Urg. Georg Teüringer, 13 June 1583; SB 1571–80, 93r.
80. “frieden schueß”: StAA, Urg. Georg Teüringer, 13 June 1583.
81. Ibid.; StAA, SB 1581–7, 78r, 104r, 116r, 122v–3r. Teüringer would later lose his left hand as well (ibid., 243r).
82. According to the city’s report to the Imperial Commission, only one commoner (not further identified) was killed, and several others in addition to the guard captain were wounded: StAA, Kalenderstreitakten 26, 53r.
83. Punishment records noted that the rebels had forfeited their right to live (Creasman, “Policing the Word,” 264); for an example of loss of tongue for seditious talk in Augsburg see StAA, Urg. Andreas Steiner, 14 May 1544.
84. For a detailed description of these proceedings see Warmbrunn, *Zwei Konfessionen*, 367–9.
85. A number of social and economic concerns also surfaced, particularly targeting the Fugger’s manipulation of civic finances and political power in their own interests; StAA, Kalenderstreitakten, 28, 129r–74v; Warmbrunn, *Zwei Konfessionen*, 369; Roeck, *Eine Stadt*, 1:133–7. The patricians were questioned in more detail regarding the source of the trouble than were the commoners.
86. “alt hergebrachte wacht”: StAA, Kalenderstreitakten 28, 175r–8v (n.d.).
87. “feur, so sich dem lauttern Religion Friden zuwieder anzinden will”: HSAS, A140, Reichsstadt Augsburg, letter from Duke Ludwig of Württemberg to the city of Ulm, 30 May 1584. On songs of the Kalenderstreit see Radlkofer, “Die volkstümliche und besonders dichterische Literatur”; on attempts to suppress calendar songs and stories see Creasman, “Policing the Word,” 257–307.
88. “Das Haus ist ein Bild des Staates”: Nettesheim, *Die Eitelkeit*, 300.
89. See for example StAA, SB 1581–7, 122r, 125v, 126r, 142v. On the practice of issuing general pardons after revolts, see also Würigler, “Diffamierung.”
90. StAA, Schätze 13c, Ordnung des Stadregiments under Carl V, 33r; Militaria 194, 1584. Special decrees to this effect were also issued on 10 and 14 June, 1584: StAA, Kalenderstreitakten 26; Stetten, *Geschichte*, 2:673; SuSBA, 4^oAug.1020 Ordnungen I. Abt. no. 16 (1593), A3r.
91. StAA, Policeiwesen 1, 1546; EWA 1561 tom. 2, Außzug der Newen Ordnung die Vnderhauptleüth betreffend 1552; SuSBA, 2^o S. 14 No. 30, 25 June 1549.
92. See also Willax, “Bürgerausschuß,” 118.

93. The soldiers' quarters in Augsburg was called the *Zwinger* (barbican) due to its location on the city wall; the armory was moved from *Katzenstadel* (near the gate at Wertach Bridge) to the *Kornhaus* (behind St. Moritz church). Tlusty, "The Public House," 143; Roeck, *Eine Stadt*, 1:169–70; Stetten, *Geschichte*, 2:692.
94. For a more recent parallel of this process that also considers the relationship of rumor to masculinity and religious difference, see Das, "Crisis and Representation."

10 Conclusion

1. Muir, *Mad Blood*, 278–9.
2. Scales, "Germen Militiae," 79–82 (quote from 82); Romer, "Kriegerehre," 215.
3. Lynn, *Women*, 7–8, 118–30.
4. Boldt, "Ausnahmestand," 360.
5. Primarily outlined in the first chapter of *The Art of War*.
6. Frevert, "Das Militär."
7. Wilson, "Social Militarization," 22–3, 28–9; Frevert, "Soldaten," 76.
8. Frevert, "Das Militär," 162, 170–2.
9. "alle Männer – und nicht nur eine kleine, auserwählte Kaste – den Umgang mit tödlichen Waffen lernten": *Ibid.*
10. Lau, *Bürgerunruhen*, 251–6.
11. See for example StAA, Geheime Ratsprotokolle no. 17 (1674–7), 256; *ibid.*, no. 21 (1687–9), 418–19; SuSBA, 4^o Aug. 1021 Bd. 5 Abt. 2 2ter Teil, no. 28; Gerteis, *Die deutschen Städte*, 106–7.
12. "Schweizer Spezialität": Stüssi, *Das Schweizer Militärwesen*, 261; Ehlers, *Die Wehrverfassung*, 125. However, even in Switzerland, citizen guards were replaced by professionals during the eighteenth century: Casanova, *Nacht-Leben*, 182–4.
13. Overall rates of violence appear to have declined during the seventeenth and eighteenth centuries: Schwerhoff, "Criminalized Violence," 38.
14. Ibáñez, "Sujets et citoyens," 130–2.
15. 62.5percent of elite fighters, 58.2percent of artisans, and 11percent of peasants in Castile used swords, compared to 65percent, 50percent, and 15percent in Germany, respectively (see Chapter 5). Chaulet, "Royal justice," 88–9, 93.
16. Ibáñez, "Sujets et citoyens," 150–5.
17. About one in fifteen Italian men during the sixteenth century signed up to serve in a militia in return for legal privileges: Zwielerlein, *Discorso*, 472; see also Wilson, "Social Militarization," 38.
18. Mallett/Hale, *The Military Organization*, 356–7; Schilling, "Grammatiken," 95–6.
19. Grayson, "The Civic Militia," 39; Marnef, "The Dynamics," 67. These numbers are for the period between 1560 and 1580. The total population of Amsterdam fluctuated between 27,000 and 66,000 between 1560 and 1600, and in Ghent, between 30,000 and 45,000; Marnef, "The Towns," 85.
20. Knevel, *Burgers in het geweer*, 200, 413–14; *idem*, "Onder gewapende burgers," 47–8.

21. Knevel, *Burgers in het geweer*, 412.
22. “Sou ick van een stoep schijtter slagen krijgen, dat most een ander man doen, wij waken ende geven gelt toe, ende ghy hebt daer gelt van”: *Burgers in het geweer*, 227.
23. Malcolm, *To Keep and Bear Arms*, 1.
24. For example, for Wilhelm Liebknecht, Wilhelm Rüstow, and Jean Jaurès: Jaun, “Die Schweizer Miliz.”
25. Casanova, *Nacht-Leben*, 179–84.
26. In some areas even later: Wanger, “Wehrfähigkeit.” Ammunition in Switzerland is tightly controlled.
27. Malcolm, *To Keep and Bear Arms*, 139–41.
28. Friedeburg, *Self-Defence*, 7–8, 25–34; Fogleman, *Hopeful Journeys*, 147–53.
29. Valentin, *Geschichte*, 1:232–3; Frevert, *Die kasernierte Nation*, 158.

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Index

- Abraham of the house of the White
 Rose, 180–1, 183
absolution, 117–18, 123
academia, 90
 see also professors; universities
academic freedom, 168
adultery, 1, 75, 164
age, 3, 37–8, 51, 62, 67, 79, 92, 96–8,
 142, 228–9, 254
 of householders, 139–41, 145
 of majority, 11, 23
 and militia duty, 23–5, 27, 37, 53
 and resort to arms, 62, 132–3, 146
Aichstetten, 31, 145
alarms (in emergencies), 32–3, 42–3,
 51, 225, 263
Albrecht V, Duke of Bavaria, 207, 215
Alkmaar, 274
alms
 recipients, 18, 75, 87
 see also poverty
Altdorf, 129, 168–9
ambush, 58
America, 2, 5, 134, 269, 275–6
ammunition, 26, 78, 179, 204, 250
Amsterdam, 114, 149, 273
Anabaptists, 31, 51–2
Anton Ulrich (Duke of Brunswick-
 Wolfenbüttel), 127
Antwerp, 250, 252
apothecaries, 18, 127
apprentices, 18, 62, 74, 77, 89, 96, 155
aristocracy, *see* nobility
armories, 16, 18, 22, 27–8, 32, 91,
 142, 171, 211, 263
 personal armories, 1, 8–10, 31, 134,
 139, 144, 162, 266
armory officer, 91
ars moriendi (the art of dying), 117
arsenals, *see* armories
arson, 225
artillery, 27–30, 32–3, 42–3, 179, 205,
 226, 235
 contests, 30, 205–6
artists, 22, 125, 127, 164, 171, 192–3,
 195, 215–16, 274
artwork, 28–9, 171–2, 274
assassination, 60, 83
Aufschlager, Caspar (guard), 99,
 114–15
Augsburg, 1, 8, 15, 18–19, 23, 36, 41,
 51–2, 61, 63–4, 66, 68, 73–5, 78,
 81, 91, 96, 99–100, 104, 113, 119,
 125, 127–8, 147, 158–9, 174, 200,
 215
 armed households in, 18, 31, 134,
 138–44, 187
 armory, 28
 civic oath ceremony in, 11
 defense ordinances in, 33–4, 49–50
 Imperial Diets in, 43, 83
 Religious Peace of (1555), 232, 247,
 262–3
 shooting matches in, 195–7, 200–3,
 207–10
 uprisings in, 43, 186–7, 245–64
 see also Swedish Occupation
Augsburg Confession, 83
Austria, 207
Auswahl (selection), 82, 175, 274
axes, 62, 147
 battle, 19, 139, 142, 147, 154
 throwing, 177
bailiffs, 37, 66–7, 247
bakers, 1, 58, 74, 76, 104, 226
bans
 on carrying swords (general), 126–8
 on carrying weapons (punitive), 1,
 57, 60, 70–6, 82, 85, 99, 174,
 272
 on social drinking, 49, 72, 75–6, 99
banishment, 1, 52, 65, 67–9, 84, 92,
 110, 114, 130, 148, 169, 254, 258,
 260
bankruptcy, 75–6, 87

- barber-surgeons, 15, 38, 64, 74, 76,
100–1, 127, 216, 240–1
- Basel, 16
- bathers, 16
- bathhouses, 60
- Battenberg, J. Friedrich, 184
- Bauer, Jacob (baker), 58
- Bavaria, 170, 207, 252
- beer
mugs, as weapons, 62, 154, 156
sellers, 233
- Beer, Marx (day laborer), 229
- beggars, 34, 97
- Beham, Sebald, 171
- bells, 11, 32–4, 40, 42–3, 47, 51, 218,
263
evening, 37–38, 41
towers, 40
- Benedictine monasteries, *see*
monasteries
- Beurle, Stefan (mounted escort), 113
- Biber, Caspar (carpenter), 104
- Bible, *see* scripture
- bi-confessional cities, 201, 245–64
- billeting, forced, *see* quartering
- Billon, Jean de, 135
- Bishop of Augsburg, 252–3
- biting, 66
dogs, 35
- blasphemy, 34, 75
- Blaubeuren, 1, 98
- bleachers (of cloth), 16
- Blickle, Peter, 2
- blood money, 69, 70, 120
- blood vengeance, 69, 108, 115
- bloodshed, 64–6, 68, 70, 79, 104,
111, 150–3, 156, 161, 164, 169,
216–17, 240–1, 250, 258
by clergy, 25, 185
by women, 150–3, 156, 161, 182
- Bohemia, 207
- Bonnenmayer, Johann (bursar), 31, 145
- bookbinder, 126–7
- bowling, 192, 195
ball, as weapon, 154
- boys, 23–4, 47, 67, 77, 89, 129, 149,
180, 195, 221, 256–8
and weapons, 62, 78–9, 159, 182,
198
as insult, 93
- Brescia, 273
- Breslau, 30
- Breu, Jörg, 216
- broadsheets, 44, 60, 135, 147, 171,
199, 311
- broom sticks, 113, 154
- Bruckhmair, Wolfgang (mead-seller),
260
- Brunswick, 23, 30, 44, 127, 146–7,
209, 216
- Burgau, 177
- Burgomasters, 11, 35, 41, 235
- Büsch, Otto, 270
- butchers, 11, 62, 74, 79–80, 144, 236,
258
- Butler, Judith, 6
- cabinet makers, 202, 252
- calendar, Gregorian, 247–64
- canes, 161, 165, 168
- cannons, *see* artillery
- canon law, 72, 186
- Captain of the Guard, 21, 228,
232–43
- captains
military, 16, 139, 144
lane and quarter, 21–22, 24, 32, 35,
37, 39–40, 137, 162, 254, 260,
263, 268
- carnival, *see* Shrovetide
- Carolina (Emperor Charles V's law
code of 1530), 59, 69, 77, 97
- carpenters, 104, 138, 146
- carriages, 38–9
- Carroll, Stuart, 115
- Castile, 273
- Catholic Church, 25, 188
see also clergy
- Catholics, 26, 50–1, 60, 72, 83, 110,
117–22, 141–3, 186, 227, 233,
240, 247, 249–63
see also clergy, convents,
monasteries
- cavalry, 109, 144, 182
- challenges, to duel or fight, 58–9, 64,
66, 68, 89, 90, 92–3, 95–6, 102–3,
105–6, 108–11, 113–14, 129, 162,
167, 187–8, 240

- Charivari, 38, 42
- Charles V, Holy Roman Emperor, 51, 59, 83
- Chaulet, Rudy, 373
- children, 14, 40, 98, 119, 142, 146, 238, 242, 250, 260, 263
and defense duties, exclusion from, 23, 25–7, 249, 257
and discipline, 67, 97
and firearms, 78–9
of soldiers, 93, 233
using weapons, 159–60
see also boys
- Christoph, Duke of Württemberg, 84
- civilizing process, 7, 9
- clergy, 8, 18, 23, 25–7, 56, 71–2, 83, 97–8, 117, 122–4, 128, 159, 160, 166–8, 185–8, 249, 272
see also monks; priests
- clerics, *see* clergy
- clockmakers, 127
- cloisters, 18, 21, 187
see also convents; monasteries
- cloth finishers, 75, 104
- clothing ordinances, 126–7
- cobblers, 127
- common law, 82, 85, 105, 229
- communalism, 2, 246
- communion, 89, 117–23
- confession, preemptive, 122–3
- confessions, 9, 51, 72, 83, 134, 139, 141, 201, 204, 223–4, 231–2, 239
Augsburg Confession, 83
see also bi-confessional cities, Catholics, clergy, Protestants
- confraternities, 36, 191, 221
- Conrad, Hieronymus, 175–6
- conscription, 190, 265, 270
- constitution
of Augsburg, 263
of the United States, 2, 269, 275
of Württemberg, 86
- contributions, defense, 26
- convents, 67
see also Montserrat, Abbey of
- council house, 11, 43, 60–1, 247, 253–4, 263
- councilmen, 11, 24–5, 99, 114, 128, 195, 201, 247, 253–4, 257, 261
- couriers, 28
- courthouse, *see* council house
- courtiers, 95, 184, 203
- crime, 7, 15, 17, 46, 58–9, 60, 69, 73–5, 79, 84, 86, 114, 126, 149, 175–6, 184–5, 225, 227, 246
see also death penalty; murder; rebellion; theft
- criminals, *see* crime
- Croatia, 207
- crops, 82–3, 86–7
- crossbows, 17, 19, 21, 43, 57, 82–4, 135, 137, 142, 144, 151–2, 157, 159–60, 164, 191–2, 195, 198, 201–2, 206, 210, 221
- cutlers, 218, 237–8, 253–6, 240–2
- d'Amars, Theophile (soldier), 100
- daggers, 48, 61–2, 75, 100, 142, 144, 156, 159–60, 168, 186, 195, 214
- Damhouder, Jost, 105
- dance house, 180, 211
- dancing, 92, 195, 202, 210–11
sword, 217–21
- day laborers, 18, 40, 158, 160, 162, 229
- death penalty, 46–7, 51, 69–70, 84, 92, 94, 110, 112, 150, 175
see also execution
- debts, 48, 75, 178, 228
- defense ordinances, 16–20, 22–55, 65, 224–5, 227, 229–30, 232, 236–8, 242–3, 252, 259, 262–3, 271
- desertion, military, 91–2, 94
- Dieterich, Jeorg (peasant), 73
- Diet
“Armored,” 43
Imperial, 34, 83, 207, 254
Territorial, 84
- disarmament, 72, 82, 135, 142, 145
see also bans, on carrying weapons
- disease, 35, 143
see also illness
- dishonor, 6, 91–2, 94, 103, 110, 185, 208
see also manslaughter, dishonorable
- disturbing the peace, 41, 59, 253
see also noise
- Döbringer, Hanko, 211

- doctors, *see* physicians
- dogs, 35, 170
- dog's cunt (as insult), 103, 183
- domestic violence, 1, 49, 74
- Donauwörth, 15, 23, 205
- doors, 1, 33, 58–9, 76–7, 97, 168, 253, 258
- Dresden, 28, 216
- dress swords, 10, 72, 125, 127, 145, 184
see also rapier; small sword
- drill, military, 17, 19, 135, 138, 145, 210, 222, 269
- drinking, 20, 30, 34, 38, 40, 42, 75, 96, 102–3, 119, 121, 166, 181, 186, 235–41, 268, 274, 287
- on duty, 40, 48–9, 55
- punitive, 227, 230–1
- rooms, 67, 192, 197, 245, 255–6
- at shooting matches, 196, 207, 214
- drums
- drummers, 30, 82, 92, 194
- drumming, 41–43, 92, 218
- drunkenness, 12, 24, 39, 43, 53–4, 64, 74–5, 78, 92, 102, 104, 114–15, 119–20, 167, 186, 235–6, 241, 245, 254
- on duty, 47, 54
- and handling weapons, 80, 196
see also drinking
- duels, 7, 35, 59, 65, 74, 76, 89–91, 96, 98–9, 102, 105–31, 159, 164, 167–8, 187, 224, 270, 272
- judicial, 71, 107–8, 122, 164, 215
- and women, 146, 148
see also trial by combat
- Dutch militia, *see* Holland
- dyers, 53
- Easter, 258
- Eberhard III, Duke of Württemberg, 84
- Eberhard Ludwig, Duke of Württemberg, 85–7, 127, 243
- Eisele, Peter (locksmith), 254
- Elchingen, 66
- Elias, Norbert, 7
- Elizabeth, Queen of England, 146
- embezzling, 73, 215
- emperors, 3–4, 43, 51, 83, 116, 192, 233, 235, 247, 250, 261–2, 267
see also under individual names
- England, 4–6, 10, 24, 82, 84, 95, 110, 112, 115, 118, 134, 215, 272, 274–6
- Ernst, Duke of Saxony, 108
- escorts, for Jews, 26, 71, 176–8, 185
- excommunication, 110, 167, 186
- executions, 46–7, 72, 96, 114, 150
- executioner, 46, 70, 103, 260
see also death penalty
- Faber, Zachaus, 123, 215
- fair play, 90, 95, 112, 180, 190–1, 196–200, 204, 214, 216, 240
- fairs, 18, 34, 60, 209, 214, 217
- famine, 92
see also crops
- farm implements, as weapons, 171, 187
- fashion, 5, 7–8, 10, 61, 107, 109, 124–32, 144, 161–2, 177, 181, 183, 186, 188, 265
- Federfechter*, 187, 214
see also fencing guilds
- fencing, 77, 94, 100, 107–8, 114, 182, 187–90, 210–18
- guilds, 187, 211, 214
- manuals, 107, 211, 214–15
- masters: 100, 107–8, 129, 187, 211, 216–17, 255; Jewish, 182
- schools, 129, 167, 184, 189, 210–17, 221–2
see also sword-fighting
- Ferber, Wolfgang, 216
- Ferdinand I, Holy Roman Emperor, 36, 82, 202
- Ferdinand III, King of Hungary/ Holy Roman Emperor, 233
- Ferdinand, Archduke of Austria, 202
- Fettmilch Uprising, 72, 179
- feuds, 54, 64, 70, 108, 182, 190, 199, 208, 215, 226, 239, 242
- fields, 33, 46, 83–4, 96, 170, 225–7
see also crops
- fifes, 42–43, 218
see also pipers
- fingers, 237, 241

- for taking an oath, 260
- removal of, 64, 84, 99, 162
- firearms, 7, 24, 28–9, 30–31, 49, 89–90, 100, 109, 132–45, 137–45, 147, 151–2, 156–61, 164–5, 179, 181, 187, 253, 260, 264–6, 271–2
- controls on, *see* gun control
- and defense duties, 17, 19–21, 33, 37, 47, 53, 174–5, 226
- as noisemakers, 29, 43–4, 78, 81, 85, 169, 260, 272
- safety, 29, 62, 76–81
- surrender of, 72–3, 171
- see also* artillery, pistols, poaching
- fire, 16, 25–26, 33–35, 42, 47, 77–8, 197, 226, 259
- fighting, 32–34, 44, 47, 51, 137, 178, 225, 271
- for heat, 39–41
- fireworks, 43, 78, 169, 195
- firing squad, 81
- Fischart, Johannes, 206–7
- fishermen, 16
- flags
 - as prizes, shooting matches, 195, 198, 208–9
 - signal, 33, 42
- flax, 226–7
- Fletcher, Andrew, 2
- flintlocks, 86, 200
- Fogleman, Aaron, 276
- foresters, 84–5, 170
- formations, 19, 29, 135–8, 162, 272
- Forsterin, Susanna (washer woman), 149–50
- fortifications, 4, 15, 17, 26, 29
- France, 95, 102–3, 106–7, 110, 115, 171, 207, 250, 272, 274
- Frankfurt am Main, 8, 26, 72, 78–9, 125, 129, 137, 166, 176, 178–85, 202, 214
- freedom, civic, 2, 55–6, 63, 168, 270
- Freiburg, 57, 105
- French Wars of Religion, 115
- Frevert, Ute, 270
- Friedberg in der Wetterau, 26
- Friedeburg, Robert von, 5
- Friedrich III, Elector of Brandenburg-Prussia, 74, 108, 128
- Friedrich Karl, Duke of Württemberg, 84
- Friedrich Ulrich, Duke of Brunswick-Wolfenbüttel, 216
- Fritsch, Ahasver, 128
- Fronsberger, Leonhart, 13–14, 136
- Fugger (family), 261
 - Marx, 252, 254
 - Octavius, 255–7
 - Raymund, 139
- funerals, 75, 80, 122–3
- Fürderer, Erhart (baker), 76–7
- furriers, 28, 216
- gallows, 46, 92, 103
- gambling, 38, 40–41, 48, 50, 75, 166, 176, 178, 195–6, 204–5, 256
- Game Laws, English, 84
- garrison towns, 52, 72, 93
- gates
 - city, 11, 14–15, 20, 26, 29, 32, 34–39, 41, 53, 60, 78, 85, 170, 174, 177, 242, 245
 - village, 226–7
- gauntlet, 19
 - running the, 110
- Gebattel, 137–8, 224–33, 244
- Geiger, Hans (butcher), 74
- gestures, 58, 63, 66, 72, 89, 91, 100, 102, 105, 149, 156, 181, 218
- Ghent, 30, 273
- girls, 79–81, 159
- glass maker, 255
- goldsmiths, 22, 127, 192
- Göttingen, 111, 129, 170
- Götz von Berlichingen (knight), 208
- grain, 15, 134, 143, 225
 - see also* crops
- grocers, 53, 128, 179
- Groeber, Valentin, 61
- Gugl, Thomas (notary), 24
- guilds, 1, 14, 43, 48, 50–1, 60, 67–8, 118, 167, 211, 246, 273
 - and defense duties, 16–17, 36, 134, 178–9
 - halls, 60, 67
 - loss of rights to, 68, 70, 76
 - shooting, 191
 - see also* fencing guilds

- gun
 control, 10, 76–87, 126, 266, 275
 powder, 19, 43, 76–8, 109, 135, 142,
 174, 179, 191, 204
 -smiths, 28, 80, 85, 192, 199, 200,
 253
see also artillery; firearms
- Günzburg, 209
- Gustavus Adolphus, King of Sweden,
 50, 234
- Gut, Oswald, 14
- Gutbrot, Georg (boy), 79
- Haberschlacht, 1
- Hag, Hans, 68
- halberds, 19, 21, 28–9, 36–7, 62, 77,
 137–8, 171, 214, 237
- Halbritter, Georg (tailor), 260
- Hals, Frans, 274
- Hamburg, 17, 19, 27, 137, 184, 205
- Hämmerlin, David, 149
- hammers, as weapons, 62, 138–9
- hands, 64, 100, 105, 120, 230, 242, 275
 hand peace, 64–5,
 removal of, 64–5, 99, 260
- Hardtmann, Jörg (page), 236–7
- Harrington, James, 2
- hazing, *see pennalisieren*
- Helen, Elhanen, 179
- Henckelberg, 46
- herdsmen, 94–5, 221
see also shepherds
- heresy, 107
- Herman, Egidius (guard), 96–7
- Hindermach, Friderich (cutler), 237–8
- Hirtz, of the house of the Golden
 Lamb, 180, 183
- Hobbes, Thomas, 266
- Hoffmann, Leonhard (innkeeper), 228
- Holland, 112, 207, 249–50, 254,
 273–4, 287
- Holmgang*, 106–7
- homicide, 7, 30, 54, 58–60, 67–70,
 78–81, 89–90, 94, 96–8, 110, 114,
 116–23, 171, 175–6
see also manslaughter; murder
- horns, 34, 36–8, 40, 42–43, 75, 194
- horses, 11, 18, 29–30, 43, 109, 113,
 134, 195, 218, 235–7, 256
- hospitality, at shooting matches,
 206–7
- hospitals, 18, 21, 79
- Huguenots, 60, 250
- Hungary, 96, 207
- hunting, 82–5, 127, 146, 164, 170,
 205, 260
see also knives, hunting
- Ignatius of Loyola, 187
- illness, 35, 78, 98, 143
- Imperial Chamber Court, 224, 228,
 232
- imprisonment, *see* incarceration
- incarceration, 1, 21, 23, 36, 54, 64–6
- infamy, 70, 92, 99
see also dishonor
- infanticide, 79
- infidelity, *see* adultery
- Ingolstadt, 25, 126, 167–71, 208, 235
- injury, personal, 7, 54, 58–9, 63–8, 77,
 79, 81, 89, 96–101, 103–4, 109,
 111–13, 116, 120, 130, 151–2,
 154, 156–7, 161, 165, 181, 196,
 198, 237, 239, 240–1, 260
- innkeepers, 33, 38, 61, 64, 93, 162,
 166, 197, 210, 227–8, 236–7
- inns, *see* public houses
- insanity, *see* mental illness
- insults, 54, 59, 63–6, 69, 73–4, 96,
 98–9, 102–06, 108, 110–13, 124,
 129–30, 133, 149, 169, 176, 181,
 183, 198, 208, 223, 225, 250
 confessional, 250
 to guards and soldiers, 41–2, 53, 89,
 92–3, 234, 237–40
- intoxication, *see* drunkenness
- inventories, 20–1, 28, 139–41, 144–5,
 265
- Italy, 2, 5, 95, 102, 105–8, 171, 182,
 211, 215, 273
- Jacob, Hans (tailor), 52
- javelins, 62, 82, 171
- Jesuits, 25, 168, 250, 254
see also Ignatius of Loyola
- Jews, 8, 12, 26–27, 47, 56, 71, 75, 91,
 159–60, 166, 175–85, 188, 249,
 268, 272

- Jews – *continued*
 court, 184–5
 male menstruation, rumors of, 27
 pawning to, 47, 75, 178–9
 protection of, 26–7, 56, 71, 175, 178
 Joseph of the house of the White
 Rose, 181
 journeymen, 15, 18, 27, 34, 37, 60,
 68, 75, 78–9, 89, 96, 149, 154–5,
 167, 174, 187, 211, 216, 221, 236
 forbidden to wear swords, 125–9,
 217
- Kechler, Hans (patrician son), 256
 Kempten, 23, 60
 Kermis festivals, 18, 34, 171–2, 209,
 250
 keys, 43, 129
 kidnapping, 83, 208
 Killreitter, Georg (butcher), 11–12
 Kirchdorf, 20, 53
 Kirchheim, 204
 Kleber, Bernhart (locksmith), 78
 Kleiber, Georg (journeyman butcher),
 79–80
 Knevel, Paul, 274
 knights and knightly orders, 13, 57,
 95, 103, 182, 186, 208
 knives, 7, 31, 59, 61–2, 74, 114, 132,
 154, 156, 158–60, 171, 174,
 176–7, 181, 187, 198, 214
 with broken tips (as penalty), 1, 73
 butcher, 62, 154
 fighting with, 114, 166, 187
 hunting, 61, 82, 127, 144, 166, 184
 women and, 146, 148–50, 154–5,
 164
- Koch, Matheis (cloth finisher), 75
 Kolder, Christoph (guard), 97
 Komburg, 224–32
 see also monasteries, Benedictine
 Kratz, Johann, 235–6, 239–41, 243
 Kratzer, Ernst (guard), 119–20
- lamps, 154, 236
 Lang, Christof (peasant), 53
 lanterns, 36–40, 156
 Lauffen, Battle of, 119
 lawyers, 18, 85, 229
- Lecküchner, Johannes, 187, 215
 Liechtenauer, Johann, 211, 215
 livery, 194, 206
 locksmiths, 78, 129, 187, 253–4
 Loetz, Francisca, 149
 long swords, 21, 107–8, 215–17
 Louis XIV, King of France, 115
 Lübeck, 17
 Luther, Martin, 83, 117–18, 123
 Lutherans, *see* Protestants
 Lützen, Battle of, 235
- maces, 62, 139, 147
 Machiavelli, Nicolo, 2, 4–5, 13, 15–16,
 27, 135, 269
 Mader, Daniel, 245–7
 Madison, James, 13
 magic, 100–2
 magistrates, 12, 24, 39, 66–7, 77, 85,
 98–9, 105, 112, 116, 120, 123,
 176, 245, 256
 maids, 4, 77
 Maier of the house of the Wolf, 180,
 183
 Mair, Daniel (merchant), 252, 258–9,
 262
 Mair, Gedeon (cabinet-maker), 252–4,
 257
 Mair, Paul Hector, 187, 215–6
 Mair, Steffan “Fresser”, 255, 259
 Malcolm, Joyce, 134
 Mandeville, Bernard, 14
 Manning, Roger, 95
 manslaughter, 35, 64, 68–70, 73,
 77–81, 89–90, 94, 96, 99, 104–6,
 110, 116–24, 148, 175–6, 184, 240
 dishonorable, 68–70, 96, 98, 116,
 164, 175
 markets, 32, 49, 59–60, 89, 139, 173,
 217, 226, 251
 Marxbrüder, 187, 214
 see also fencing guilds
 masons, 104, 174
 matchlocks, 86
 Matthias, Holy Roman Emperor, 72,
 108, 184
 Max Emanuel, Elector of Bavaria, 170
 Maximilian II, Holy Roman Emperor,
 13, 84, 202

- Maximilian, Duke/ Elector of Bavaria, 25
- May, Marx (Burgomaster), 41
- Mayr, Georg (mounted escort), 113
- Mayr, Jerg, (barber-surgeon), 76–7, 79
- Meckenloher, Heinrich (mounted escort), 91
- medieval law (German), 2, 19, 25, 56, 58, 61–3, 65, 67, 71, 97, 185–6
- Meiburg, Gesche, 44, 146–7
- Meistersinger, 60
- Memmingen, 8, 15, 17, 19–20, 23, 35, 37, 65, 76–7, 79–80, 104, 128, 174, 199, 209
- mental illness, 97, 157
- Mentzer, Balthasar, 122
- mercenaries, 3–4, 13–14, 52, 182, 239, 241, 249–50, 259
- merchants, 22, 24, 31, 56–7, 67, 76, 87, 125, 128, 139, 208, 255, 258, 261–2, 265
- societies, 128, 209, 245
- Metz, Endres, 256
- Meyer, Joachim (fencing master), 100, 215
- Meyer, Samuel, 184
- Michaelis, Johann David (professor), 111, 129
- midwives, 38–39
- Military Revolution, 2, 4, 145, 190, 243–44
- military tactics, 4, 7, 19, 135, 145, 162, 206, 215, 221
- millers, 77, 202
- mills, 42, 60, 225, 227
- Mindelheim, 8, 20, 42, 53, 104, 134, 205
- miners, 221
- monasteries, 66–7, 224–32
- Benedictine, 66, 187, 224
- monks, 128, 254
- Montagu, Lady Mary Wortley, 202–3
- Montserrat, abbey of, 187
- Morhart, Caspar (guard), 119–20
- Moritz of Hesse, 34
- Muir, Edward, 265
- Müller, Georg (Mylius), 247, 250, 253, 258–63
- Müller, Georg (baker), 104
- Müller, Hans (grocer), 53
- Müller-Wirthmann, Bernhard, 153, 157
- mummery, 34
- Münster, 52
- murder, 7, 46, 59–60, 69–70, 83, 96, 106, 116, 118, 120–21, 123, 146, 158, 164, 188, 225, 236, 240
- music, 43, 192, 194–5, 210
- musicians, 92, 127, 158, 214
- see also* drums; fifes; pipers; singing
- muster, military, 4, 20, 22–24, 30–33, 47, 49, 82, 134–5, 137–40, 142–4, 175, 205, 226
- Native Americans, 275
- natural disasters, 15, 33
- natural law, 6, 63, 86
- Nesselwang, 104
- Neßer, Hans, belt-maker, 89–90, 96
- Netherlands, *see* Holland
- Nett, Sebastian (physician), 120
- Nettesheim, Agrippa von, 262
- New Year, 43, 81, 85, 98
- Niederstetten, 175
- night, 24, 36–42, 47, 57–9, 61, 63, 75, 78, 81, 166, 168, 184, 252, 255, 258, 268
- watch, 16–18, 25, 32, 36–42, 48–9, 53–4, 168, 254, 259, 275, 283
- nobility, 13, 18, 21, 31, 90, 95, 98–9, 167–9, 171, 191–2, 201–2, 208, 217, 271
- and duels, 7, 64, 74, 76, 89, 90, 96, 100, 102, 105–15, 115, 122, 272
- and hunting, 82–3
- and wearing swords, 124–32
- women, 146
- nobles, *see* nobility
- noise, 41–2, 78
- see also* disturbing the peace
- noisemakers, guns as, *see* firearms
- Nördlingen, 1, 8, 15, 46–50, 60–1, 66, 75, 78, 99, 103, 121, 135, 137, 205, 209, 215, 224, 232–43
- Battle of, 235, 243
- defense ordinances in, 16, 18–19, 33, 35, 37, 40
- fair, 18, 60
- Guard Captain in, 232–43

Nördlingen – *continued*

- see also* Swedish occupation
- notables, Württemberg, 86
- notaries, 24
- Nuremberg, 8, 20–21, 23, 30, 48, 61–2, 125, 127, 169, 212, 218
- oaths, 1, 41, 75, 92, 143, 202, 242, 260
 - breaking, 1, 12, 17
 - of citizenship, 11–12, 17, 20, 22–23, 44, 51–2, 64, 216, 236, 260, 263, 266
 - see also* fingers
- Oberhausen, 174
- Oedipus, 24
- Oettingen, 176–77, 200–1
- Oettingen-Wallerstein, 171, 175
- officers, military, 1, 14, 20–2, 24, 32, 50, 67, 82, 91, 93–4, 98–100, 110–2, 114–5, 124, 128, 182, 206, 223, 232–43, 271, 274
- Öffner, Wolf, 226
- Opel, Peter, 192–3, 195
- Oppenheimer, Emanuel and Samuel, 179
- orphanages, 21
- Örtlin, Mathis (tinker), 99
- Oxenstierna, Axel, 234, 238–9, 242–3
- pacifism, 51–2, 188
- paddle-masters, 192, 194–5, 202, 214, 216
- Paderborn, 184
- pants, 228
 - as prizes in shooting matches, 198, 204
- paper makers, 174
- parades, 20, 195, 198, 205, 214, 265
- pardons, 69, 90, 120–1, 260, 262
- Paris, 249–51, 260, 264
- Passover, 183
- patricians, 21–24, 30–31, 67, 120, 125, 128, 139, 143, 161, 186, 191–2, 195, 202, 205, 209, 252, 255–7, 261–2, 273
- pawning, 75
 - of weapons, 19, 47–8, 178
- peace,
 - breaking, 64–6, 71, 99
 - calls for, 35, 65, 96–7, 102, 180–1
 - civic, 5, 12, 17, 35, 44, 55, 57, 59, 61, 63–4, 69, 95, 130, 243, 268
 - household, 12, 17, 59–60, 81, 164, 268
 - see also* Augsburg, Religious Peace of
- peasants, 1–2, 8, 20, 33–34, 42, 47, 53, 56–7, 70–2, 81–4, 86–7, 93, 102, 125–6, 133, 138, 158–61, 166, 170–5, 188, 205, 221, 224–32, 244, 252, 273
- Peasants' War, (1524–25) 25, 51
- Peltonen, Markku, 115
- pennalisieren*, 169
- Pentecost, 258, 261
- Peter, Wolf, 256
- Pfister, Georg (councilman), 144
- Pflaumloch, 187
- phallic imagery, 6, 171
- physicians, 18, 120, 255–6
- Piccolomini, Enea Silvio de, 1
- pikes, 19–21, 26, 28, 30, 48, 57, 62, 93, 107, 144–5, 171, 179, 214, 225, 265
 - pike-and-shot formations, 19, 135–8, 145
- pillory, 84
- pipers, 43, 92–4, 194
 - see also* fifes
- pistols, 31, 61, 81, 139, 142, 144–5, 157, 159, 168, 177, 181
 - duels with, 109, 113–4, 122, 124, 130, 164
- plague, 35
- poaching, 73, 81, 82–7, 126, 164, 170, 174, 205, 266
- Pohl, Susanne, 69
- pole arms, 19–20, 22, 28–30, 36–37, 49, 82, 135, 139–42, 144–5, 159–60, 171, 178–9, 185, 187, 234
 - see also* pikes, halberds
- Pope Gregory XIII, 247
- poverty, 15–16, 18, 22, 49, 68, 75, 79, 95, 97, 138, 142–3
 - among Jews, 181, 184
- Prague, 125, 195, 202, 214
- Protestants, 50, 51, 72, 80, 94, 110, 117, 120–3, 141–3, 201, 207, 227, 231, 233–4, 241–2, 247, 249–63

- see also* bi-confessional cities, clergy,
 Jesuits, theologians
 pregnant women, 78
 priests, 117–18, 122–23, 187–8, 252
 privacy rights, 58
 probate records, 31, 134, 144–5
 Probst, Samuel (furrier), 216
 processions, 11, 36, 43, 75, 78, 191–2,
 195, 198
 professors, university, 25, 111, 128–9,
 170
 property crimes, 39, 59
 property seizure, 227–32
 prostitution, 34, 39, 148, 195, 202–3
 protests, 38, 42, 82–3, 127, 129, 159,
 161, 168, 179, 208, 246, 257, 271
see also rebellion
 Prussia, 74, 122, 128–9
 public health, 35
 public houses, 27, 33–4, 40, 61, 68,
 72, 75, 81, 93, 100, 104, 119, 155,
 166, 174, 177–8, 196, 198, 205,
 228, 268, 234–7, 268
see also innkeepers
 publicans, *see* innkeepers
 Purim, 180–3
- quartering, 54, 97, 233, 235, 241, 267,
 270, 275
 Quartermaster, 235
- Rabbis, 176, 181
 races, 195, 202–3
 raffles, at shooting matches, 192, 195,
 202
 rape, 44, 75
 rapiers, 28, 48, 62, 100, 107, 125, 145,
 162, 215, 217
 Rauner, Caspar (guard), 114–15
 rebellion, 72–3, 81–3, 87, 164, 246,
 249, 261, 264, 266
see also calendar, Fettmilch
 Uprising, Peasants' War, protests
 Reformation, 16, 25, 34, 85, 102, 119,
 122, 134, 153, 186, 195, 202, 224,
 231, 233, 246, 249, 261, 263, 274
 Regensburg, 125, 192, 194–5
 Rehlinger, Anton Christoph
 (councilman), 252
- Reichung, Carl (patrician), 255
 Reiter, Jacob (barber), 15
 Rembrandt, 274
 Remhardt, Blasi (tailor), 47
 rencounter, 106, 114
 Renhardt, Hans (mason), 104
 Rentz, Sebastian (patrician son), 256
 revolt, *see* rebellion
 Ricco, Salomon the Jew (soldier), 182
 rifling, of gun barrels, 200
 right of resistance, 3–4, 6, 12, 26, 55,
 57, 87, 115–16, 165, 178, 223,
 264, 266–7, 271, 276
 rituals, 11–12, 38, 46, 58, 63, 72, 92,
 107, 183–4, 218
 civic oath, 11–12
 of escalation, 7, 102, 105, 124, 156,
 165; *see also* stones, striking
 execution, 46
 religious, 69, 117–18, 122, 183
 shaming, 92
 student, 169
 surrender of arms, 72
 sword dancing, 218–21
see also Shrovetide, trial by combat
 robbers, *see* thieves
 robbery, *see* theft
 Roberts, Michael, 243–4
 Roper, Lyndal, 16–17
 Rorbach, Job, 202
 Rosenberg, Albrecht Christoph von,
 110–11
 Rosenberger, Anna (widow), 144
 Rothenburg, 8, 20, 50, 61, 81, 89, 96,
 119, 122, 127, 137–9, 143, 174–6,
 205, 224–32
 Rublack, Ulinka, 79
 Rudolph II, Holy Roman Emperor,
 246
 rumors, 27, 51, 92, 149, 179, 223,
 246–64
- St. Bartholomew's Day Massacre, 60,
 250
 St. Gallen, 207
 Sabeian, David, 45
 Salzburg, 170
 Sattler, Oßwald, 119
 Saxony, 4, 108

- Schad, Martin, 31
 Schaufelberger, Walter, 94–5
 Schenckh, Job Wilhelm, 228
 Schiller, Leonhart (belt-maker), 89–90,
 96, 119, 122
 Schilling, Heinz, 2
 Schindler, Norbert, 38
 Schmalkaldic League, 51
 Schmalkaldic War, 263
 Schmel of the house of the Yellow
 Rose, 180
 Schmid, Hans, 209
 Schöbl, Hans (servant), 256
 schoolmasters, 18
 schools, 18, 40
 fencing or sword-fighting, *see*
 fencing schools
 see also universities
 Schopfloch, 73
 Schwäbisch Hall, 225
 Schwarz, Hans, 1
 Schwemmer, Hans (servant), 256–8
 Schwendi, Lazarus von, 13, 15–16
 Schwerhoff, Gerd, 103, 149
 scripture, 12, 118, 122
 seamstresses, 79
 seconds, at duels, 100, 102, 110
 self-defense, 6, 12, 48, 59, 63, 69,
 92, 97, 105, 109, 113, 116, 176,
 249–50, 259, 262, 269, 276
 see also right to resist
 self-fashioning, 31
 civic, 36
 self-justice, 57, 73, 115, 131
 Sellenthin, Samuel (grocer), 128–9
 serfs, 56
 sermons, 34, 123, 129, 247, 250, 252
 funeral, 122–3
 servants, 15, 18, 38, 59, 67, 76–9,
 97–8, 126, 158, 160, 180, 236–7,
 249, 256–8
 settlements, for fights and injuries,
 57, 64–5, 68–9, 79, 103, 120, 158,
 176
 Shakespeare, William, 102
 sheep, 74
 Shepard, Alexandra, 24
 shepherds, 62
 shooting grounds, 30, 78, 83, 189,
 192, 194–8, 202, 204, 209, 210,
 245, 260
 university, 170
 shooting
 accidental, 49, 76–81, 159, 197
 at thieves, 59
 celebratory, 78, 81, 159, 169
 matches, 67, 75, 83, 164, 187,
 189–211, 213–4, 217–8, 221–2,
 272
 practice, 20, 47, 78, 81, 85–7, 189,
 196–7, 204–5, 209–10, 275
 societies, 67, 189–210, 221, 260,
 271
 shotguns, 81
 Shrovetide (carnival), 34, 38, 43, 78,
 147, 180, 209, 218, 221
 Siber, Georg (piper), 92–4
 sieges, 26, 32, 247
 Siehlin, Caspar (loden weaver), 49
 Sindelfinger, Hans (tailor), 208
 singing, 34, 38, 41–42, 60
 slaughterhouse, 74
 slaughtering, 258
 slayers, *see* manslaughter
 sledding, sleds, 34, 38–39
 sleeping on guard duty, 28, 49–50
 small sword, 107, 144
 Smith, Adam, 14
 smiths, 30, 192, 253–4
 see also goldsmiths, gunsmiths,
 locksmiths, sword smiths
 social control, 6–7, 90, 105, 131, 165,
 167, 228, 270
 social disciplining, 5, 270
 soldiers, 3–4, 7, 13–14, 29, 31–2, 37,
 80, 83–4, 106, 117–8, 123–4,
 128–9, 137–8, 146, 148, 177, 187,
 209, 221, 226, 232–3, 250, 252,
 255, 259, 261–3, 267–71
 and fights, with each other, 67, 74,
 76, 92–100, 106, 110–14, 119–20,
 122, 158, 234–44; with civilians,
 52–4, 93, 98, 100
 Jews as, 182
 and retreat, 91–2, 94
 and swords, 130–3, 158–62

- see also* desertion, mercenaries,
 quartering
 Solomon the Jew, 175–6
 Spain, 35, 103, 187, 273–4
 Spaun, Hans, 104
 Spierenburg, Pieter, 114, 159
 spinning bees, 34
 sports, martial, 7–8, 108, 114, 170–1,
 187, 189–222
 see also fencing; shooting, matches
 Stadion, Burkhardt von, 98–9, 115
 standing armies, 2, 4–5, 9, 86–7, 244,
 269, 274, 276
 Starnberg, 157
Stättigkeit, Frankfurt, 178
 Stenglin, Lucas, Dr. 255–6
 stigma, 71, 178
 stilettoes, 62, 100, 120, 154
 Stock, Wolf (journeyman belt-maker),
 89, 96
 Stocker, Hans (landsknecht), 226
 stones
 as cannonballs, 30
 Stone of Shame, 228;
 striking the stones, 63, 66, 105, 180
 throwing contest, 195
 as weapons, 25, 62, 91, 133, 146,
 154, 154, 158–9, 253;
 Stralsund, 111
 Strasbourg, 16, 125, 206–8
 street lamps, 38
 students, 8, 54, 83, 105–7, 110–11,
 124, 126, 128–31, 159–60,
 166–71, 188
 Stuttgart, 126–7, 208
 suicide, 121, 225
 indirect, 146
 sumptuary legislation, 10, 24, 31, 68,
 124, 126–7, 265, 272
 see also clothing ordinances,
 fashion
 Sutor, Jakob, 215
 Swabian League, 82
 Swedes, 80–1, 94, 234
 Swedish army, 50, 80–81, 112, 142,
 179, 187, 233–5, 243
 Swedish occupation
 of Augsburg, 80–81, 142, 187
 of Nördlingen, 224, 232–43
 Swedish provinces, 112
 Swiss militia, 14, 95, 162, 272, 274–5,
 278
 Switzerland, 14, 45, 79, 95, 190, 198,
 206–7, 275
 sword-fighting, 19, 62, 89–90, 92,
 100, 106–7, 110–12, 116–17, 119–
 22, 129–30, 165, 171, 174, 181–3,
 187, 189–90, 195, 210, 218
 guilds, *see* fencing
 swordplay, *see* sword-fighting
 sword smiths, 60, 62, 179, 218
 Synagogue, Frankfurt, 180

 tailors, 47, 52, 127, 208, 260
 tanners, 103
 Tauber River, 224
 taverns, *see* public houses
 taxes, 6, 15–17, 23, 25–27, 51, 54, 85,
 127, 185, 209, 225, 262, 272
 indirect (excise), 15
 technology, 4–5, 19, 21, 30, 44, 76,
 81, 84, 86, 135, 137, 142, 162,
 190–2, 199–204, 214, 221, 244,
 269
 Teüringer, Georg, 43–44, 260
 theft, 1, 59, 74–5, 81, 83, 184, 225,
 258
 theologians, 25, 105–6, 118, 121, 123,
 128, 186, 215, 217
 Thibodeaux, Jennifer, 187
 thief, as insult, 92, 103–4, 183
 thieves, 46, 59
 see also theft
 Thirty Years' War, 23, 30, 39, 48, 50,
 52, 72, 84, 109, 135, 137–45, 182,
 201, 209, 218, 224–5, 242, 247.
 threshold, 58–9
 toasting, 235
 tools, as weapons, 62, 154, 156,
 158–9, 161
 torture, 70, 84, 252–4, 257
 tournaments, 191–2, 216
 towers
 prison, 66, 104
 see also watch towers, bell towers
 trained bands, English, 82, 175, 274

- Traub, Michael (murderer), 46–7
 travel, *see* travelers
 travelers, 26, 35, 57, 61, 71, 78, 82–4,
 109, 148, 161, 164, 173–4, 176–8,
 181–2, 184, 186, 188–90, 199,
 275
 traveling marksmen, 199, 206–7
 traveling sword masters, 211, 215,
 217
 treason, 4, 52, 67, 73, 83, 240
 trial by combat, 107, 209
 tribal law, Germanic, 71
 Tuchsberg, 144
 Turks, 13, 96
 Tyrol, 45, 190, 201, 207, 273
- Ulm, 14, 17, 24, 98–9, 125, 127, 129,
 195, 205, 243, 261, 264
 Ulrich VIII, Abbot, 207
 Ulrich, Duke of Württemberg, 83–4,
 98–9
 universities, 25, 54, 110–11, 126,
 128–31, 167–71; *see also*
 academia
 uprising, *see* rebellion
 Urban von Weisenhorn, 98–99, 115
- vagrants, 34, 148, 181, 184
 valets, 127
 vendettas, 65, 67, 70, 108
 Venice, 273
 Vienna, 168, 170
 vineyards, 16
 virtue, 88, 130
 civic, 2, 5, 13–14, 40, 45, 63, 185,
 198, 204, 207, 269
 female, 147
 masculine, 6, 27, 44, 68, 92, 106,
 125
 martial, 4, 13–14, 63, 94, 118, 130,
 214, 265, 267, 270, 272
- Vogel, Hans (military scribe), 92–4,
 100
- Wachmeister, Johann, 233–43
 walking sticks, 24, 125, 128–9, 154,
 161
 see also canes
 Wallenstein, Albrecht von, 60, 168
- walls, city, 34, 37, 41, 44, 48, 56–7,
 146–7, 210, 225, 234
 Walther, Bernhard (patrician), 255
 war, 5, 13, 20–21, 30, 44–5, 52–4, 78,
 82, 87, 115, 118, 134, 147, 182,
 189–91, 211, 215, 217, 223, 232,
 266–7, 269, 275
 see also Thirty Years' War, Peasants'
 War
 watch towers, 29, 33, 37, 39–43, 47,
 49, 226
 weapons-capable (*waffenfähig*), 20, 22,
 24, 26, 32, 71, 175, 177–9, 182,
 185, 281
 weavers, 68, 78, 149, 255
 loden, 49
 Weber, Berlin (day laborer), 162
 weddings, 36, 38, 43, 61, 75, 78, 81,
 85, 92, 171, 173, 199, 201, 207,
 214, 218, 250–1, 160
 Weiler, Hans (journeyman), 75
 Welsch, Johann Melchior, 234–43
 Welser, Marcus, 186
 Wenzel, King of Bohemia, 225
 wergild, *see* blood money
 wheel locks, 76–7, 84, 109
 Widenmann, Christoph (shoemaker),
 253–5, 257
 widows, 18, 25, 48, 138, 140–1,
 143–5, 228–9
 wife-beating, *see* domestic violence
 Wilburgstetten, 203
 Wilhalm, Jörg, 215
 Wilhelm IV, Duke of Bavaria, 202
 Wilhelmina Amalia, Empress of
 Austria, 202–3
 Wilson, Peter, 244, 270
 windows, 25, 41–3, 59, 78, 81, 147,
 168, 180, 247, 258, 260
 wine, 36, 40, 49, 98–9, 167, 194–7,
 210, 245, 250
 wine glasses, as weapons, 154, 156
 winegrowers, 16
 Wintzenberger, Daniel (courier), 28
 women, 12, 23, 25–27, 33, 39–40, 56,
 65, 67, 75, 78–9, 97–8, 102, 133,
 181, 202–4, 242, 249–50, 257,
 267–8, 270, 272, 275
 as householders, 133, 138, 140–3

- and resort to arms, 44, 71–2,
145–65, 182
- and sport shooting, 202–3
- see also* widows
- Worms, 182, 184
- wrestling, 102, 150, 195
- Württemberg, 34, 81–7, 98, 119, 127,
175, 187, 205, 208, 243
- Zäch, Ferdinand (patrician), 120
- Zeindlweber, Georg (armory officer),
91
- Zerssen, Johann Hermann von,
122–3
- Ziegler, Erhardt (guard), 28
- Zurich, 49, 149, 206–7
- Zwickher, Georg, Captain, 144