

Policing a Society at War: Governmental Social Control in Regensburg before and during the Town War (1381–1389)*

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This study investigates how the council of the Free City of Regensburg reacted to and tried to cope with the challenges posed by the so-called Town War (1387–1389) to everyday life in a late medieval city. One hundred and forty-one ordinances (*Ratsverordnungen*) issued by the Regensburg council between 1381 and 1389 are surveyed, investigating how the councillors sought to regulate human interaction in a city threatened by war, how they tried to implement their regulatory measures and which means they used to encourage the urban population to comply with their precepts. Furthermore, the study explores the Town War's effects on the council's standing and authority, and elucidates the delicate political negotiations necessary to legitimize the surveyed regulations. Overall, the paper sheds light on the Town War as a crisis during which governmental social control accelerated, thus contributing to long-term processes of late medieval *Herrschaftsverdichtung*.

Keywords: Late Middle Ages. Bavaria. Regensburg. Cultural History of War. Social Control.

Introduction

Two years after Regensburg, the only Free City on Bavarian soil, had rejected an initial invitation to join the Swabian Town League in 1379, the councillors – faced with increasing pressure from the dukes of Bavaria, who threatened the city's traditional independence from the House of Wittelsbach – decided to accept a renewed invitation and join the then rapidly growing League.¹ With this act, Regensburg became part of an extensive system of alliances that, at the peak of its expansion, reached from the Rhine across Switzerland to Franconia and Bavaria, uniting more than 50 Imperial Cities, and – despite its name – a large number of South German nobles.² After years of diplomatic manoeuvring, the disputes between the members of this alliance and their opponents from the high nobility eventually culminated in open hostilities, known as the “Town War” of 1387–1389.³ Unlike many of its allies, Regensburg was directly affected by the fighting: between September and November 1388, the Bavarian dukes' armies laid

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1 Bayerisches Hauptstaatsarchiv (hereinafter BayHStA), Reichsstadt Regensburg Urkunden, no. 2363 and no. 2364 (September 2, 1381) (edited RUSER, *Urkunden und Akten III*, part 2, pp. 1452–1454, no. 1578–1580). On the history of these events see: GEMEINER, *Chronik II*, 191–192, 196–202. ENGELKE, *Regensburg*, 125–126.

2 The classic synopsis is VISCHER, *Schwäbischer Städtebund*. More recently: HOLTZ, *Reichsstädte*, 33–128. KREUTZ, *Städtebünde*, 211–376. HARDY, *Associative Culture*, 181–189.

3 An old overview of the history of events in: WÜRDINGER, *Städtekrieg*. More recently: STRAUB, *Bayern*, 230–232. SCHNEIDER, *Gründe*. SCHUBERT, *Der Stadt Nutz*, together with the recent works of Stefanie Rüther, for instance: RÜTHER, *Papierkriege*. RÜTHER, *Bündnisfall*. A revaluation and reinterpretation of the events now in: HARDY, *Associative Culture*, 189–197.

siege to the city.⁴ On 13 November 1388 the defenders launched a successful attack on the enemy camp, gaining the League's only significant open battle victory against the party of the princes and prompting the Wittelsbachs to lift the siege.⁵ However, the city had effectively been abandoned by its allies and had overexerted itself. On 4 May 1389 Regensburg officially withdrew from the Town League and concluded a peace agreement with the Wittelsbach dukes.⁶ With Nuremberg's simultaneous withdrawal, this heralded the League's ensuing political defeat in the so-called *Cheb Landfrieden*.⁷ Although Regensburg avoided any major destruction, the Town War scarred the city deeply, both politically and economically.⁸

In this article I take the ordinances (*Ratsverordnungen*) enacted by the Regensburg council in the years before, during and immediately after the Town War to investigate how a late medieval German town council reacted to and tried to cope with a crisis by policing the everyday life of its subjects. I am not primarily interested here in the military dimension of the conflict, but rather in shedding light on one aspect of what has famously been called the late medieval *Herrschaftsverdichtung*, i.e. the tightening of the governmental grip on the population.⁹ As is well known, crises such as wars were essential in catalysing and accelerating these processes. Regensburg's involvement in the Town War therefore offers a promising case study by which to shed light on one of the prominent drivers of *Herrschaftsverdichtung* – the gradual tightening of "social control" during the Late Middle Ages and the Early Modern Period. Here, this concept is understood as a complex, multidirectional process involving various actors from across urban society. However, the article's main focus is on "governmental social control", i.e. on the councillors' ex officio attempts at controlling their subjects' behaviour by issuing and implementing voluntaristic norms, which – from their point of view – aimed at preserving and improving the common weal.¹⁰ In what follows, I look at how exactly the Regensburg councillors sought to regulate human interaction in a city threatened by war, how they implemented these measures and which means they used to encourage the urban population to comply with their regulations. Furthermore, since control of this type naturally contributed to stabilizing the power of those exercising it, I also

4 ENGELKE, *Regensburg*, 125, based on BayHStA, Reichsstadt Regensburg Literalien, no. 371, fol. 92r–93r (edited in KURSCHTEL, *Stadtrechtbuch*, pp. 255–256, no. 249) and BayHStA, Reichsstadt Regensburg Literalien, no. 297, fol. 1r (edited in: ENGELKE, *Stadtbuch*, pp. 145–146, no. 6).

5 A portrayal of the battle in: GEMEINER, *Chronik II*, 252–253, based on BayHStA, Reichsstadt Regensburg Literalien, no. 371, fol. 92v–93r.

6 BayHStA, Reichsstadt Regensburg Urkunden, no. 2860 (edited RUSER, *Urkunden und Akten III*, part 3, pp. 2658–2659, no. 2743; cf. as well *ibid.* pp. 2659–2660, no. 2735). On the background for Regensburg's decision see: BayHStA, Reichsstadt Regensburg Literalien, no. 371, fol. 93r (edited in: KURSCHTEL, *Stadtrechtbuch*, pp. 256, no. 250). KEARNEY, *Burger Factions*, 287–290. ENGELKE, *Regensburg*, 126.

7 ANGERMEIER, *Königtum*, 287–297. HOLTZ, *Reichsstädte*, 119–128. SCHUBERT, *Der Stadt Nutz*, 193–200. HARDY, *Associative Culture*, 194–196.

8 ENGELKE, *Regensburg*, 112, 126–128. FISCHER, *Regensburger Hochfinanz*, *passim*, especially at 287–288.

9 Cf. the seminal work by: MORAW, *Von offener Verfassung*.

10 The definition of "governmental social control" presented here is based on SCHWERHOFF, *Zungen*, 181. It differs from the somewhat narrower scholarly concept of "social disciplining", insofar as I do not presume that the measures discussed in this article emanate from conscious long-term attempts by the Regensburg councillors at disciplining and educating their subjects. Instead, they are rather short-term reactions to the events of the war. On the various argumentative uses of the "common weal" as justification for urban politics cf., e.g., HARRY, *Constructing*, or several of the contributions in: LECUPPRE-DESJARDIN – VAN BRUAENE, *De Bono Communi*.

explore the Town War's effects on the council's standing and authority within the city and thereby elucidate who was able to exercise social control in late fourteenth-century Regensburg.

Regensburg's administration at the end of the fourteenth century

Late medieval Regensburg, with its approximately 12,000 inhabitants, looked back on an urban tradition unbroken since antiquity that set the city apart from the rest of Bavaria in practically every aspect of ecclesiastical, economic, social and constitutional history.¹¹ An independent city council is first documented in the middle of the thirteenth century.¹² This council was formed of sixteen councillors, a peculiarity within the Austro-Bavarian urban landscape, which probably derived from the equally unusual division of the walled-in town into eight so-called *Wachten* (literally "guard districts") instead of the customary quarters. The council's rights and duties comprised the usual wide range of matters, from directing the city's foreign policy to maintaining the peace, collecting taxes, regulating the local economy, exercising justice and conserving the public buildings, including the famous Stone Bridge across the Danube. Despite certain fluctuations – especially during the period we are interested in – the Regensburg council was dominated by the city's traditional merchant elite, excluding artisans from power as much as social climbers from the ranks of the merchants, unless they managed to form bonds with the established families.¹³

As in other German towns, a second representative body complemented the council. In Regensburg, this "outer council" was called the "Commune" (*Gemeine*) or – since it had 45 members – "the Forty-five" (*Fünfundvierziger*).¹⁴ The Forty-five emerged in the 1330s when, as a result of a civic revolt, the Regensburg council had to cede certain rights of control to the city's artisans. From then, this governing body was responsible for electing, advising and, to a certain degree, supervising the council.¹⁵ The latter was supposed to consult with the Forty-five on all important matters of the city's administration, and the top positions in municipal government were split between the two bodies.¹⁶ Despite this theoretical division of power, by the end of the fourteenth century the Forty-five no longer represented a second, independent political voice within the city; this is evident, for instance, from the fact that the Forty-

11 SCHMID, *Regensburg*, 122–123.

12 On the city council in the Late Middle Ages see: SCHMID, *Regensburg*, 125–128. RITSCHER, *Entwicklung*, part 1, 68–123. KROPAČ – BOTZEM, *Verfassung*, 101.

13 The composition of the council in the war years was studied in depth by: KEARNEY, *Burgher Factions*. ENGELKE, *Stadtbuch*, 521–524 and the annexed list of officials. FISCHER, *Regensburger Hochfinanz*, 75–77.

14 See: RITSCHER, *Entwicklung*, part 1, 123–126. SCHMID, *Regensburg*, 126–127. KROPAČ – BOTZEM, *Verfassung*, 101. RICHARD, *Regensburger Stadtrat*, 10. The terms "Commune" and "Forty-five" evolved over time and gradually changed their respective meanings, sometimes denoting the same, sometimes two different institutional bodies. During the period of investigation, both terms were synonymous and referred to the "outer council" and not, for example, to the *Bürgergemeinde* (community of free citizens), see: ENGELKE, *Stadtbuch*, 521; for an example of the synonymous use of "Commune" and "Forty-five" cf. *ibid.*, pp. 245–246, no. 393. In what follows, I use the term "Forty-five" to prevent any confusion of this government body with the *Bürgergemeinde* as a whole.

15 On the election procedure see: RICHARD, *Regensburger Stadtrat*, 9–10.

16 ENGELKE, *Stadtbuch*, 522 made the important observation that at the end of the fourteenth century the post of Treasurer (*Kämmerer*) was always filled by a member of the council, whereas the post of Magistrate (*Schultheiß*) was a prerogative of the Forty-five.

five only met at the council's behest.¹⁷ Even though there is evidence from the time of the Town War that indicates rifts among the councillors and the Forty-five,¹⁸ the interpretation of Milo Kearney, which saw the Forty-five as an oppositional outlet for "general opinion in the town",¹⁹ seems to have been superseded now by the research of Thomas Engelke and Olivier Richard. As both have shown independently, the Forty-five were no actual political counterweight to the council at the time of the Town War, but rather an ancillary institution, due to the intertwining of personnel between the two bodies.²⁰ If there were indeed frictions within the city's ruling elite during the war, the fault lines seem to have run across, not between, the two governing bodies.

A third collective body that needs mentioning here is the so-called *Hanse*.²¹ Headed by a "count" (*Hansgraf*) from the ranks of the merchant elite, this institution oversaw trade and commerce within the city and administered major public buildings such as the Danube harbour. Income from houses owned by the *Hanse*, fines collected for infringements of the market regulations and rents generated by the lease of public facilities such as the weighing house provided it with an economic base that was independent from other sources of municipal income. Presumably, it was this economic power that re-strengthened the *Hanse*'s position within the city's administration precisely at the time of the Town War, after it had been in decline for a century or two.²²

To study how Regensburg's authorities exercised social control during the Town War, we must also consider the roles of the city's most important municipal offices. As far as our topic is concerned, these were the mayor (*Bürgermeister*), the treasurer (*Kämmerer*) and the so-called *Wachtmeister*, or captains, of each of the city's eight districts. The highest ranking of these officials was the mayor, who – unlike in other Bavarian and Austrian towns – was no burgher but a salaried nobleman from the region.²³ The Regensburg mayor functioned primarily as a military captain, who also represented the city in its dealings with the surrounding lords and princes. The leading figure in internal city politics was the treasurer, whose authority rested on the administration of the city treasure.²⁴ This was an annually rotating office filled by a burgher elected from the ranks of the then active councillors. Together with the council, the treasurer essentially ran the city, which made him the most powerful of the city's officials in effect, though not in name. Finally, the eight *Wachtmeister* formed the backbone of the mid-level administration, serving as the council's executives for each of the city districts.²⁵ They usually came from respected families and sometimes simultaneously held a seat on the council or among the Forty-five. We do not know how they were selected, but it seems likely they were appointed by the council. Like the quarter-captains in other German towns, they were responsible for collecting taxes and arbitrating neighbourly

17 SCHMID, *Regensburg*, 127.

18 See below, note 92 and 97.

19 KEARNEY, *Burgher factions*, 282–283, quote at 283.

20 ENGELKE, *Stadtbuch*, 521–524. RICHARD, *Regensburger Stadtrat*, 10.

21 See: LÖSSL, *Regensburger Hansgrafenamt*. RITSCHER, *Entwicklung*, part 2, 8–21. SCHMID, *Regensburg*, 137–138. The latest extensive work on this topic, SCHOTTER, *Regensburger Hansgrafenamt*, provides nothing new.

22 Further detail below, note 99.

23 See: RITSCHER, *Entwicklung*, part 1, 35–67. SCHMID, *Regensburg*, 123–124. KROPAČ – BOTZEM, *Verfassung*, 100.

24 See: RITSCHER, *Entwicklung*, part 2, 41–51. KROPAČ – BOTZEM, *Verfassung*, 100.

25 See: RITSCHER, *Entwicklung*, part 2, 28–40. SCHMID, *Regensburg*, 144–145.

disputes, especially with regard to construction regulations. In addition, they fulfilled key public security and defence functions, which I discuss in more detail below.²⁶

The Regensburg “Yellow Book” as a source for studying social control

The so-called “Regensburg Yellow Book” (*Gelbes Stadtbuch*) is an exceptional source for studying social control in a late medieval town.²⁷ In 1993, Thomas Engelke published an exemplary critical edition of the manuscript, on which I draw for the following brief presentation.²⁸ The extant volume – named after the colour of its late medieval leather cover – encompasses 137 folios, which contain 905 individual texts written between 1370 and 1419. The length of the entries ranges from single-line notes to copies of charters that are several pages long. The editor distinguishes three different phases of registration, which saw the manuscript change function, from a working-manual used by the town clerk for keeping brief minutes of the day-to-day business of the chancery to hand, to an official municipal register used for systematically documenting the verdicts, ordinances and laws enacted by the city council.²⁹ Due to the manuscript’s gradual evolution and its original miscellaneous character the entries cover many different aspects of life both inside and outside the city walls: foreign and defence policy, crime and the administration of justice, the city’s institutions and officials, public finances, and the life of the Jewish community.³⁰

On a structural level, a large proportion of the texts take the form of ordinances enacted by the Regensburg council. These decrees either dealt with individual cases (Engelke calls these *Ratsentscheidungen*) or established new, general and permanent laws for the entire urban population (Engelke calls these *Ratsordnungen*). Together, these two types of texts constitute the – numerically – fourth-largest body of texts preserved in the “Yellow Book”.³¹ Many of them aimed at policing and regulating the everyday life of the city’s population. For the purpose of analysing governmental social control, this corpus can be further augmented by other text types, such as minutes concerning offences against the aforementioned ordinances, verdicts pronounced by the councillors and records documenting their arbitration in inner-urban conflict.

The “Yellow Book” also provides specific information on how the urban society functioned at a time of war: chronologically, most of its entries date from the years between 1385 and 1395, i.e. the time of the Town War and its immediate aftermath.³² It was during this period that the aforementioned structural transformation of the volume from a working tool into an official compendium assembling the city’s customs and laws took place. The military struggle and its side-effects thus thoroughly inform

26 See below, note 120.

27 The manuscript is preserved today at the Bavarian State Archives in Munich under the call number BayHStA, Reichsstadt Regensburg Literalien, no. 297. A digital representation of the manuscript is now available at: <https://bavarikon.de/object/bav:GDA-OBJ-00000BAV80043803> [17 September 2022].

28 ENGELKE, *Stadtbuch*. For an in-depth description and analysis of the manuscript and its composition see *ibid.*, 29–61.

29 ENGELKE, *Stadtbuch*, 63–98.

30 On the typologization of the material see: ENGELKE, *Stadtbuch*, 63–64 and the statistics *ibid.*, 497.

31 See the statistics: ENGELKE, *Stadtbuch*, 497. However, see on the methodological pitfalls of such statistical evaluations: *ibid.*, 64 and 497.

32 See: ENGELKE, *Stadtbuch*, 94–98 and the statistics *ibid.*, 498.

the manuscript, prompting Engelke to characterize it as a prime source “for studying how an urban society responds to a crisis such as the Town War”.³³

Social control in wartime: What was regulated?

In the following analysis, I leave aside ordinances that focus predominantly on military matters and issues of urban defence, even though an argument could be made for their inclusion in a discussion of late medieval social control. Instead, I look closely at all entries from the years 1381 to 1389 that sought to police the life and behaviour of the Regensburg population during the (pending) war, or that inform us about problems the council confronted when attempting to do so. These “emergency decrees”³⁴ can be roughly grouped into four subject matters, and I examine each of these in turn.

Food supply

The question of the city’s food supply is one of the most prominent topics in the “Yellow Book” as a whole. It comes as no surprise that this is also true for the time of the Town War. The sheer number of entries concerning this subject in one way or another makes them stand out in comparison to any other topic, with the exception of the city’s defence.³⁵ The thematic range of the ordinances grouped here under the heading “food supply” is quite broad, though. First, we have export bans on foodstuffs such as grain, rye, seeds, bread, salt and wine, and rulings demanding that such goods be brought in from the hinterland to the walled town.³⁶ These restrictions were clearly part of the council’s strategic preparations for the war: the councillors were already passing rulings controlling the movement of these goods well before the outbreak of open hostilities. In August 1386, for instance, they prohibited the sale of oats to anyone who did not keep horses, i.e. a strategically important resource for the pending war.³⁷ The council also actively sought to avoid favouritism: the export bans on food and other merchandise and the stockpiling orders were valid for all unequivocally, “so that one is treated like the other”.³⁸ This also included the city’s numerous religious institutions.³⁹ In essence, this first group of ordinances therefore served two main objectives: first and foremost, they were an attempt to guarantee the provisioning of the city with basic foodstuffs, and secondly they aimed to prevent damage to civic property located outside the city walls.

33 ENGELKE, *Stadtbuch*, 104.

34 The evocative term “Notstandsgesetzgebung” is used by: ENGELKE, *Stadtbuch*, *passim*, e.g. at 108.

35 Of 394 entries dating from the period between 1381 and 1389, 66 concern military matters, 44 the city’s food supply. Only some of these texts are ordinances issued by the council, though. Among the 141 ordinances examined here in more detail, 33 predominantly deal with military matters, while 30 are primarily concerned with the city’s food supply.

36 ENGELKE, *Stadtbuch*, pp. 257–258, no. 431–432; p. 266, no. 454; pp. 422–423, no. 742–744; p. 445, no. 819–820. (For practical reasons, the notes here and hereinafter refer only to the page and number in Engelke’s source edition, not to the original manuscript.)

37 ENGELKE, *Stadtbuch*, p. 224, no. 306. On this particular ordinance cf. also below, note 114.

38 ENGELKE, *Stadtbuch*, pp. 257–258, no. 431, at p. 257: “*das einem als gleich geschech als dem andern*”. The ordinance was renewed in *ibid.*, p. 258, no. 432.

39 ENGELKE, *Stadtbuch*, p. 423, no. 743.

A second group of ordinances strove to ensure what would today be called food safety.⁴⁰ These provisions regulated the quality of the food sold in the city and were not specific to the time of the Town War.⁴¹ However, a third group of ordinances is more relevant to the functioning of social control: ordinances stipulating maximum prices for basic foodstuffs, such as cereal, bread and lard, and beverages, especially wine.⁴² In the same vein, a specific ruling in 1389 banned the city's gate guards from buying victuals directly from the peasants they inspected upon entering the city: the guards had instead to purchase their groceries in the marketplace like everybody else.⁴³ Likewise, prices for board and lodging for allied soldiers quartering in the city were regulated sometime in 1388 to prevent shrewd businessmen from taking advantage of the situation and, in the process, raising consumer prices in general.⁴⁴

These market and price regulations were crucial in stabilizing the council's power during the war. Naturally, the councillors derived a lot of their authority from their capability of ensuring the wellbeing of their subjects. Already in times of peace they were thus weary of civil unrest caused by food shortages or rising prices.⁴⁵ In wartime, though, problems in this area could be even more detrimental and risk losing the city. The "Yellow Book" ordinances make it clear that the city fathers were very much aware of this danger; for instance, an ordinance enacted on 1 July 1388 explicitly decreed that an earlier maximum price regulation for wine was to remain in effect to prevent sedition among the city's less well-to-do.⁴⁶ Naturally, statements of this type require critical reading.⁴⁷ We cannot be sure that this assertion did not actually serve to mask the fact that the wine-consuming elite of the city benefited more from a price cap than the poor, who consumed less and cheaper wine. Nevertheless, I think that under the extraordinary circumstances of the war, regulations of this type aimed primarily at forestalling potential food riots. This interpretation is also supported by the fact that the only two other food price caps in the "Yellow Book" which explicitly claim relief of the poor as their motivation concern bread and cereal for pig feeding.⁴⁸ The particular significance of affordable food for the inhabitants of a beleaguered town also explains why the Regensburg council occasionally had selected members of the *Bürgergemeinde* confirm ordinances concerned with the food supply – in particular decrees concerning wine-selling – by oath.⁴⁹

40 ENGELKE, *Stadtbuch*, p. 221, no. 294–295; p. 240, no. 364 and no. 367–368; pp. 294–295, no. 547; p. 449, no. 834; pp. 456–457, no. 855–858.

41 See in general: DIRLMEIER, *Lebensmittel- und Vorsorgepolitik*, 150–151.

42 Foodstuffs: ENGELKE, *Stadtbuch*, p. 266, no. 456; p. 419, no. 735; p. 445, no. 820. Wine: *ibid.*, p. 214, no. 268; pp. 226–227, no. 312; pp. 257–259, no. 431 and no. 433–434; pp. 278–279, no. 487–488. The council of Nuremberg pursued a very similar policy during the Second Town War of 1449/50, cf. ZEILINGER, *Lebensformen*, 75–76, 137–138.

43 ENGELKE, *Stadtbuch*, p. 266, no. 455.

44 ENGELKE, *Stadtbuch*, p. 248, no. 401. Similar regulations were enacted, for instance, on the occasion of royal sojourns in the city, cf.: BECKMANN, *Deutsche Reichstagsakten*, Vol. XI, p. 487, no. 255 (c. August 21, 1434).

45 See in general: DIRLMEIER, *Lebensmittel- und Vorsorgepolitik*, 149–150. JÖRG, *Überlegungen*, 313–317. ZEILINGER, *Lebensformen*, 74.

46 ENGELKE, *Stadtbuch*, pp. 258–259, no. 434, here p. 259: "daz man di armen niht vmbtreib".

47 Cf. the research on discourses of "common weal" quoted above, note 10.

48 ENGELKE, *Stadtbuch*, p. 419, no. 735 and p. 445, no. 820.

49 See below, note 105.

If we finally look at the history of Regensburg in general, the numerous ordinances from the war years on who was allowed to sell wine and at what price take on additional significance. Many of the councillors were themselves personally engaged in wine growing and trading.⁵⁰ Moreover, selling and serving wine had been a bone of contention between the burghers and the inhabitants of the city's many religious institutions for decades. The latter claimed exemption from import taxes on wine grown on their own estates and from the *Ungeld*, an excise tax on wine consumption levied by the commune.⁵¹ The recurring bans on buying wine from clerics that were issued during the Town War therefore not only protected Regensburg's wine-producing burghers from unwanted competition but also brought money into the city's distressed coffers.⁵²

Individual mobility

Restricting – or at least controlling – people's freedom of movement was another crucial aspect of medieval urban defence, as well as a means of policing people's behaviour. Naturally, Regensburg's authorities engaged heavily in such restrictions during the Town War. As was common practice in other towns threatened by war, we can surmise that, in general, strangers were only reluctantly admitted into the city. When the military threat peaked in 1388, the council furthermore implemented a rigid regime of access controls. Only messengers and suppliers delivering foodstuff were to be permitted inside the city gates.⁵³ The latter had to procure themselves with so-called *politén*, which were to be shown to the guards upon entrance and departure.⁵⁴ These passes were issued by a councillor, who had been entrusted with the newly created office of *Politenmeister*.⁵⁵ To obtain them, the petitioner had to bring forth a witness from the city, who confirmed that they were going to sell to or buy from the petitioner, or had already done so. The inhabitants of Regensburg themselves were also subject to the same system: they were altogether forbidden from leaving the city without official permission under an ordinance that explicitly applied to both sexes and included "priests, monks, and nuns" and their servants.⁵⁶

These restrictions on traffic into and out of the city were complemented by decrees regulating people's movement within the city. In November 1388, the whereabouts of a newly hired master gunner were noted in the "Yellow Book".⁵⁷ Earlier that same year, the councillors banned everyone from going to the Jewish cemetery.⁵⁸ At the height

50 FISCHER, *Regensburger Hochfinanz*, 76–77.

51 MANKE, *Kampf*, 68–74, 104–108, 114–152. FISCHER, *Regensburger Hochfinanz*, 123–124.

52 See: ENGELKE, *Stadtbuch*, pp. 226–227, no. 312; p. 279, no. 488. *Ibid.*, p. 214, no. 268 explicitly forbade the selling of new cider until the councillors had sold all wine from the publicly owned vineyards in nearby Donaustauf. Dirlmeier identifies such fiscal considerations as a primary factor for governmental intervention in the food sector in general, DIRLMEIER, *Lebensmittel- und Vorsorgepolitik*, 149.

53 ENGELKE, *Stadtbuch*, p. 444, no. 818; p. 447, no. 824.

54 In his glossary, Engelke translates "polite" as "Passierschein". On similar systems in other towns cf., e.g., SCHUBERT, *Der Stadt Nutz*, 110, 112. ZEILINGER, *Lebensformen*, 122, 124. KAAR, *Wirtschaft*, 178–182. PLASSMANN, *Stadt*, 137. On the emergence of identity cards in the Late Middle Ages more generally GROEBNER, *Schein der Person*, 124–130.

55 On the establishment of new municipal offices during the war see below, note 107.

56 ENGELKE, *Stadtbuch*, p. 256, no. 430; p. 444, no. 818; p. 447, no. 824. Quote at p. 447.

57 ENGELKE, *Stadtbuch*, p. 154, no. 23.

58 ENGELKE, *Stadtbuch*, p. 440, no. 810.

of the military crisis the council also issued nocturnal curfews.⁵⁹ These curfews most probably applied to the city's population as a whole;⁶⁰ however, special mention was made of strangers staying at one of the city's inns and of musicians who wandered the streets at night with fiddles and pipes. This mistrust of travelling folk and strangers is a well-known characteristic of medieval – and later – urban societies distressed by war.⁶¹ Strangers, who were not tied to the *Bürgergemeinde* by oath, were perceived as undependable and a security risk. Furthermore, they threatened to complicate the city's provisioning in the event of a siege. In Regensburg, this fear led to bans on beggars entering houses,⁶² calls for the denunciation of "idle folk",⁶³ and eventually the expulsion of minstrels, musicians and all foreign clerics and nuns under pain of expropriation and arrest.⁶⁴

Maintaining common decency

The ordinance banishing travelling folk and musicians could also be subsumed under a third category of rulings: those designed to police morals and common decency in the beleaguered city. Thomas Engelke demonstrated how criminal law tightened in Regensburg during and after the Town War, even though the councillors strategically showed mercy towards able-bodied men, whom they needed to defend the city.⁶⁵ In addition, the town fathers fought against what they perceived as unchristian behaviour and moral misdemeanour.⁶⁶ It is striking that verdicts concerning fornication and adultery were recorded in the "Yellow Book" exclusively during the war years, despite the fact that these offences were undoubtedly not specific to this period.⁶⁷ These findings are especially remarkable if one takes into account that the distribution of justice by the city council was temporarily suspended during the war⁶⁸ and that indecency offences generally seem to have been only rarely prosecuted in Regensburg before the year 1410.⁶⁹ Gambling bans were also repeatedly renewed, and the abovementioned decree banning people from entering the Jewish cemetery was issued, as well as a further ordinance concerning Jewish moneylending to indebted artisans.⁷⁰

The councillors viewed such rulings on matters of common decency as an integral part of their preparations for the city's defence. This is evident, for instance, from an ordinance from 1388, which explicitly links a nocturnal curfew aimed at travellers and other strangers with a ban on the excessive display of wealth in the form of luxurious

59 ENGELKE, *Stadtbuch*, p. 243, no. 385; p. 244, no. 390; pp. 442–444, no. 816.

60 ENGELKE, *Stadtbuch*, 244: "Item mein herren habent verpoten, daz des nahts nieman vf der strazze gen sol."

61 See, e.g., JÖRG, *Überlegungen*, 327. SCHUBERT, *Der Stadt Nutz*, 112–113. ZEILINGER, *Lebensformen*, 78–79. KAAR, *Wirtschaft*, 239–250. PLASSMANN, *Stadt*, 136–139.

62 ENGELKE, *Stadtbuch*, p. 247, no. 397.

63 ENGELKE, *Stadtbuch*, pp. 442–444, no. 816, here p. 443. On this particular ordinance cf. as well below, at note 126.

64 ENGELKE, *Stadtbuch*, p. 247, no. 397; p. 447, no. 825. The latter ordinance was evidently executed, see *ibid.*, pp. 439–440, no. 806.

65 ENGELKE, *Stadtbuch*, 107–108, 110.

66 On the theological background cf., for instance: SCHWERHOFF, *Zungen*, 190–195.

67 ENGELKE, *Stadtbuch*, p. 239, no. 362; p. 252, no. 413; p. 255, no. 424.

68 ENGELKE, *Stadtbuch*, p. 256, no. 427.

69 WERNICKE, *Von Schlagen, Schmähnen und Unendlichkeit*, 390, 395.

70 See above, note 58 and ENGELKE, *Stadtbuch*, p. 241, no. 373. On gambling see further detail below, note 76.

clothing or jewellery (*tännt*) for both clerics and laymen.⁷¹ Another example comes from an ordinance detailing fire regulations: amidst the very practical procedures to be followed in the event of a fire, the councillors also prohibited women from gathering at the site of the blaze.⁷² Offenders were to lose their cloak and veil, which would be sold off for the benefit of those who had caught them.⁷³ Implicitly, the councillors imputed here that women were susceptible to sensation-seeking at the expense of the common good – a morally questionable behaviour that entailed a very specific defamatory penalty not seen elsewhere in the “Yellow Book”.⁷⁴

Another numerous collection of war-related social restrictions aimed at policing morally reproachable behaviour: closing time regulations and the abovementioned gambling bans.⁷⁵ On 24 May 1387, for instance, the council renewed an older ordinance, declaring that “nobody should allow people to gather [in their inn] after closing time, nor let them gamble there, nor sell or deliver wine to them”.⁷⁶ The timing of this decree is significant: during the very same session the council appointed the first so-called “inquirer” (*Frager*), a newly created municipal office, which was supposed to replace the treasurer as the head of the city’s administration. This new office was probably established as a result of a protracted power struggle among the councillors.⁷⁷ It is thus no coincidence that the elect’s first official act was to enact the said ordinance. Bans on nocturnal gatherings and gambling were predominantly intended to maintain peace and order within the city and to prevent violence among the urban population, as the threat of war loomed large. However, control of the city’s inns also helped to keep dissatisfaction with the council’s policy in check.⁷⁸ Besides these political aspects, though, this type of regulation also had a clear moral quality, demonstrating how the Regensburg authorities’ grip on their subjects’ private lives tightened during the war. This grip further institutionalized in the wake of the military crisis, when the restrictions concerning closing time and gambling were not abandoned, but rather time and again renewed.⁷⁹

71 ENGELKE, *Stadtbuch*, p. 243, no. 385: “Jtem mein herren habent verpoten als tännt, daz nieman im tännt ge heimlich oder offenlich, weder pfaff noch lay, oder man wils fur schedlich haben. Ez verbieten auch mein herren, daz dhein wirt sein gest, ez seyn läster oder ander gestt, nach pirlgoken, weder mit liecht noch an liecht, vf der strazz gen noch auz seinem haus gen lazz vntz des morgens als man daz erist laüt, oder man wils vahen vnd fur schedlich haben.”

72 For a detailed discussion of this ordinance see below, note 120.

73 ENGELKE, *Stadtbuch*, pp. 442–444, no. 816, at p. 443: “Jtem ez verpieten auch mein herren, daz dhein fraw zu dhainem fewr lauf. Wo man sy vint, do sol man yn mantel vnd steir nemen vnd dy vertrinkhen.”

74 On similar regulations against bystanders from other towns see: FOUQUET, *Bauen*, 403–404. HEUSINGER, *Zunft*, 160.

75 For examples from Nuremberg see: ZEILINGER, *Lebensformen*, 78–79.

76 ENGELKE, *Stadtbuch*, p. 234, no. 330: “Jtem mein herren vnd die XLV sind bi dem ersten frager [...] des ernstlich vberin worden vnd verpieten als nahtsitzzen, daz nieman nach pirlgoken sitzzen noch spiln lazz, noch daheinen wein nyman in daz haus geb, der sitzzen well, bi LX dn.” An exception was made, however, for overnight guests. A similar ban from September 1381 is recorded *ibid.*, pp. 206–207, no. 232.

77 KEARNEY, *Burger Factions*, 283–284. However, see as well the critical remarks in: ENGELKE, *Stadtbuch*, p. 106, note 414 and p. 110, note 451. On the establishment of new municipal offices during the war see also below, note 107.

78 On inns as focal points of civic unrest cf., e.g., KÜMIN, *Wirtshaus*, 84. RÜTHER, *Predigtstuhl*, 158, 163. HEUSINGER, *Zunft*, 99–102, 141–142.

79 ENGELKE, *Stadtbuch*, pp. 225–226, no. 311; pp. 228–232, no. 316 and no. 320–324; p. 298, no. 559; p. 305, no. 584; pp. 349–351, no. 652. Prosecution of illegal gambling *ibid.*, p. 272, no. 470.

Confederations of the citizenry

Finally, another interesting phenomenon of social control documented in the “Yellow Book” are what Engelke calls *Schwurgemeinschaften*, i.e. confederations of the Regensburg citizenry in the form of public oaths. The “Yellow Book” records three such oaths administered by the town fathers during the Town War (in July 1386, December 1387 and February 1389).⁸⁰ The written documentation of these pledges gives a good impression of the councillors’ shifting priorities during the course of the war. In summer 1386, open hostilities had not yet begun, yet the councillors already made an oath “together with all of their honourable burghers” promising mutual loyalty and obedience to a recently appointed commission, which was to assess what each burgher would have to contribute to furnish the city’s military forces.⁸¹ The entry documenting this confederation is rather short and only gives the text of the oath and the composition of the commission. In late 1387, when open conflict was clearly imminent, the councillors and the Forty-five once again took a pledge of mutual assistance, expanded by an oath of secrecy on matters of strategic importance discussed in the council sessions.⁸² This time, the scribe meticulously reported the names of those who took the oath and of those absent at the time. The missing oaths were recovered later, as can be inferred from interlinear and marginal additions noting who had – or had not – later taken the pledge.⁸³ In February 1389, when the city was obviously already struggling heavily with the effects of the war, the councillors compelled their fellow burghers to take yet another oath of allegiance, this time obliging those swearing to share the public debt and to remain in the city for ten years after the war had ended.⁸⁴ It is no coincidence that this confederation is documented in even more detail than the previous one. Unlike in 1386, the scribe recorded the names of all individuals who took the oath, not only the councillors; this amounted to no fewer than 326 names, most probably representing all adult men who held full citizenship of Regensburg at the time. The names are grouped into paragraphs, which presumably represent urban neighbourhoods, providing a hint at how the oaths were likely obtained. In contrast to the list from 1387 there is no mention of subsequently recovered pledges. However, the scribe did add marginal notes on individuals who had failed – or perhaps refused – to make the pledge.

It is well known that the sworn confederation (“*coniuratio*”) of free burghers was one of the constituting elements of the medieval European town. In many towns this confederation was regularly re-enacted in so-called *Schwörtage*, where officials and burghers publicly swore to uphold the city’s constitution.⁸⁵ The sections of the “Yellow Book” dating from the 1390s and the 1400s contain a number of such oaths of office.⁸⁶ Research has shown that these pledges were not static and could be adapted to political needs.⁸⁷ It is therefore no surprise that oaths of allegiance were imposed on urban communities during wartime; Gabriel Zeilinger has shown, for instance, how

80 See the discussion in: ENGELKE, *Stadtbuch*, 105–106. RÜTHER, *Papierkriege*, 40–41.

81 ENGELKE, *Stadtbuch*, pp. 223–224, no. 305, quote at p. 223. On such commissions see also below, note 107.

82 ENGELKE, *Stadtbuch*, pp. 244–245, no. 392.

83 Several names bear the marginal note “*fecit*”. Others are marked with “*non*”.

84 ENGELKE, *Stadtbuch*, pp. 262–264, no. 447.

85 On oaths as stabilizing agents in premodern societies see generally: HOLENSTEIN, *Rituale*.

86 See, for instance: ENGELKE, *Stadtbuch*, pp. 303–304, no. 580–581.

87 See, for instance: GROEBNER, *Parameter*, 137–138.

the Nuremberg councillors requested pledges of obedience from specific sections of the population suspected of potential disloyalty, namely foreigners and the city's Jews, during the so-called Second Town War.⁸⁸ The Regensburg confederations of 1386 and 1389, though, are special insofar as they show the councillors systematically asking the entirety of their fellow burghers to commit to their policy. The confederations were a way of building and publicly demonstrating consensus. At the same time, they also were a means of social control, publicly exposing anyone who refused to fully support the council's policy and registering their names in the official records.

Negotiating social control: Who had the authority to regulate?

The confederations recorded in the "Yellow Book" draw attention to traces of possible dissent within the urban community: not all burghers swore the oaths of allegiance required of them by the council, and not everyone was enthusiastic about fulfilling guard duties or seeing their countryside estates ravaged.⁸⁹ Furthermore, some of the ordinances enacting unpopular measures, such as trade bans, rather conspicuously insist that the measures apply to all burghers regardless of their position and status, implying that there had been evasion attempts.⁹⁰ On at least one occasion the council even expelled persons from the city under pain of death due to "seditious speech".⁹¹ Milo Kearney and Thomas Engelke have also noted signs of possible rifts among the councillors and the Forty-five.⁹² Kearney has even suggested that, during the war, the council temporarily lost part of its usually firm grip on the city's population.⁹³ This raises questions about how the councillors attempted to legitimize the regulatory measures we have discussed and how they sought to bolster their authority against potential resistance.

Following Kearney's pioneering study, Engelke already pointed out 30 years ago that the extraordinary burden imposed on the city by the Town War forced the council to seek help from outside the hitherto largely self-contained council-elite.⁹⁴ Faced with the dangers – and costs – of the war, the councillors were compelled to temporarily grant certain rights of control to representatives of the most affluent burghers outside the council in return for their financial contribution. The "Yellow Book" records a few phenomena fairly characteristic of such negotiation processes. For example, the council decreed the establishment of a municipal archive some time in 1388. At the same time, provisions were made for the safekeeping of the city's seal.⁹⁵ In relation to the latter, an

88 ZEILINGER, *Lebensformen*, 78. Similar measures had already been taken in 1388, see: SCHUBERT, *Der Stadt Nutz*, 110–111.

89 ENGELKE, *Stadtbuch*, p. 249, no. 403; p. 256, no. 429; p. 444, no. 817.

90 See above, note 38. See also: ENGELKE, *Stadtbuch*, p. 242, no. 376, emphasizing an equal obligation upon all burghers to contribute financially to an upcoming campaign.

91 ENGELKE, *Stadtbuch*, p. 246, no. 396. This case is rather atypical, though, as the expelled were a pair of siblings from the noble Sattelbogger family, who lived in religious institutions situated within the city walls that were technically outside the council's jurisdiction. Agitators from the ranks of the burghers were usually sentenced to prison, see: WERNICKE, *Von Schlagen, Schmähnen und Unendlichkeit*, 397–398.

92 KEARNEY, *Burger Factions*, 279, 287–292. ENGELKE, *Stadtbuch*, p. 111, note 452. Cf. above, note 77.

93 KEARNEY, *Burger Factions*, 284–286.

94 ENGELKE, *Stadtbuch*, 111–112. KEARNEY, though, located the starting point of this process earlier and claimed that Regensburg's accession to the Town League can already be attributed to a shift in the composition of the council's personnel.

95 ENGELKE, *Stadtbuch*, p. 241, no. 374–375.

intervention was made against unilateral borrowing in the name of the city (presumably by the treasurer). The ordinance in question decrees that contracts about the sale of municipal annuities were invalid unless they had been publicly sealed during a session of the council.⁹⁶ As I noted earlier, the office of treasurer was even – albeit briefly – abolished during the crisis and replaced by the newly established post of inquirer.⁹⁷

Engelke also postulated that both the Forty-Five and, even more so, the *Hanse* gained political weight at the expense of the council during the fifteenth century due to the repercussions of the Town War.⁹⁸ The beginnings of this development can already be observed in the period under investigation. The *Hanse*, for instance, was involved in reorganizing the city's revenues immediately after Regensburg had retired from the hostilities.⁹⁹ It ceded part of its revenues to the council for the "wellbeing of the city", and it seems reasonable to assume that it demanded closer control of the council's expenditures in return. It is therefore certainly no coincidence that the decree, which records the *Hanse's* transfer of part of its income to the councillors, also orders that a book of expenditures be set up by the council and kept under special supervision.¹⁰⁰ Meanwhile, the Forty-Five co-authored a number of the ordinances we have already discussed above, primarily those related to the city's food supply.¹⁰¹ But is the fact that the Forty-five co-authored a number of the decrees dealing with the particularly sensitive problem of the city's food supply indeed a sign of this body's increased political weight? Not necessarily. In my view, it seems possible that the councillors merely preferred to call for the additional authority of the city's second governing body when issuing potentially unpopular ordinances such as export bans and food price caps. Knowing that these decrees would threaten the economic interests of the city's merchants and the even more vital food-producing trades, the councillors presumably sought extra legitimacy by demonstratively soliciting the backing of the Forty-five. This interpretation is supported by the fact that the council also consulted the Forty-five when making drastic – and certainly not too popular – military decisions, such as the strategic dismantling of houses.¹⁰²

Interestingly, though, the Forty-five are not the only co-authors of the ordinances recorded in the "Yellow Book": there are also occasional mentions of the *Bürgergemeinde* in this capacity, a body that is otherwise almost completely without mention in the "Yellow Book". The burghers appear, for instance, in the abovementioned fire regulation of 1389. According to the scribe the councillors had agreed with "their

96 ENGELKE, *Stadtbuch*, 241: "Nota daz man daz grozz sigel besunder leg vnd furb[a]z vmb dhein leipting sigel, dann in offem rat." More regulations concerning the particularly sensitive topic of annuities *ibid.*, no. 372.

97 See above, note 77. Characteristically, this first inquirer was a particularly rich merchant, who had not held any municipal offices before, see: ENGELKE, *Stadtbuch*, p. 112, note 453.

98 ENGELKE, *Stadtbuch*, 112.

99 ENGELKE, *Stadtbuch*, pp. 272–273, no. 471–472.

100 ENGELKE, *Stadtbuch*, 273.

101 ENGELKE, *Stadtbuch*, p. 221, no. 294–295; p. 224, no. 306–307; pp. 258–259, no. 432–434; p. 259, no. 436; p. 266, no. 456; pp. 278–279, no. 487; pp. 444–445, no. 819–820. *Ibid.*, p. 234, no. 330; p. 419, no. 735 and pp. 422–423, no. 742–744 were issued in the name of the council, the Forty-five, and an additional authority such as the mayor or the inquirer. In contrast, ordinances restricting individual mobility and maintaining common decency tended to be issued by the council alone.

102 See, e.g., ENGELKE, *Stadtbuch*, pp. 259–260, no. 435 and no. 439.

honourable burghers” on the measures prescribed by this ordinance.¹⁰³ Significantly, the *Bürgergemeinde* also appears twice in ordinances concerning the selling and serving of wine. In autumn 1386, the council allegedly came to an agreement with no less than 150 burghers “both poor and rich” to ban the serving of certain types of wine.¹⁰⁴ Two years later, 82 burghers, who are mentioned by name, took an oath to observe another decree concerning an upper cap on the price of wine.¹⁰⁵ This again poses the question of whether these occurrences are a sign of an increase in the political involvement of larger parts of the *Bürgergemeinde*, as Kearney and Engelke have suggested. Once more I am inclined to be rather cautious. In my view, the council sought the burghers’ backing for these ordinances for the same reasons as they sought the backing of the Forty-five for other ordinances: the more substantial a public backing they obtained from the urban community for a decree, the less room there was for dissenters. As we saw in the case of the confederations of the citizenry recorded in the “Yellow Book”, written documentation of burghers’ oaths also increased social pressure to comply with the sworn decrees and to defend them if necessary. Furthermore, frictions within the council could have resulted in an increased desire to have any controversial measures backed-up by the Forty-five or by representatives of the urban population. I am not suggesting here that the populace of Regensburg had no say at all in political decisions. There surely were groups such as the middle-class craftsmen who were able to set conditions for their public consent, to voice complaints and to influence the execution of the “emergency decrees” discussed here. Indeed, in the final section of this paper we will meet burghers who were involved in the implementation of governmental social control without holding municipal offices.¹⁰⁶ Nonetheless, in light of what has been said above – notably with regard to the confederations of the citizenry – I think that the presence of common burghers in the said ordinances is probably less a sign of a particularly consensus-oriented wartime policy than simply an additional means by which the Regensburg council attempted to stabilize and enforce its authority.

Implementing the ordinances: How to exercise social control on the ground

In this final section of the paper, I examine what we can learn from the ordinances discussed above about the practical implementation of social control in a late medieval town in general. This approach is undoubtedly limited: ordinances are normative texts, and do not necessarily reflect actual practice. Nevertheless, these decrees provide a valuable insight, given that other more directly legal texts – namely the verdicts pronounced by the Regensburg council that are preserved in the “Yellow Book” – barely contain any information about the practical implementation of social control.

The ordinances show that the practical enforcement of the war-related “emergency decrees” rested mainly on the shoulders of ad-hoc appointed special commissions,

103 ENGELKE, *Stadtbuch*, pp. 442–444, no. 816, at p. 442: “Jtem es pieten mein herren ernstleich vnd sein aüch dez vberain worden mit sambt iren erbergen purgern [...]”

104 ENGELKE, *Stadtbuch*, pp. 226–227, no. 312, at p. 226: “Jtem es sind mein herren vom rat mit sambt iren erbern burgern, wol I ½ C armer vnd reicher, vberain worden [...]”

105 ENGELKE, *Stadtbuch*, pp. 257–258, no. 431. It is worth noting that the *Hansgraf* was among those who took the oath. On such oaths see also above, note 80 and following.

106 See below, note 125. On the participation of common burghers in late medieval urban politics, see recently, e.g., EERSELS – HAEMERS, *Words*.

who complemented the city's regular hierarchy during the war.¹⁰⁷ Over the years, the Regensburg council experimented with various extraordinary offices, such as the abovementioned inquirer,¹⁰⁸ the *Politenmeister*¹⁰⁹ and a six – or subsequently four – member war council.¹¹⁰ Its aim in establishing these offices was probably to ensure rapid decision-making and an efficient chain of command. However, these newly established extraordinary offices and special commissions were conspicuously unstable. The council probably made a conscious effort to avoid overstraining the incumbents of these special offices, although it is also conceivable that the councillors were wary of giving too much military and financial power to a small circle of individuals and preferred therefore to uphold at least the illusion of collective leadership.¹¹¹ At any rate, it is evident that over the years a small group of experts emerged, who rotated in the war-related extraordinary offices.¹¹²

Apart from these specific war committees, the councillors also gave conspicuous attention to the oversight of the food supply. This resulted in further special commissions being established, including committees for meat inspection,¹¹³ for oat rationing¹¹⁴ and for overseeing the wine price cap.¹¹⁵ Meat inspection was entrusted to specialists from the butchers' guild, a practice that remained in use after the war.¹¹⁶ The commissions responsible for supervising oat trade and wine prices each consisted of two councillors and two representatives of the Forty-five; this once again highlights the councillors' efforts to balance power and responsibilities between the city's two principal governing bodies.¹¹⁷

To implement their disciplinary measures on the ground, the councillors also had recourse to attendants who were paid by the city and bound by the council's instructions. During the Town War, however, these attendants are mentioned only sporadically in the "Yellow Book", mostly as guarding the city's walls and patrolling its streets after nightfall.¹¹⁸ Another municipal office seems to have been much more important in terms of disciplinary enforcement: the *Wachtmeister*.¹¹⁹ This is evident from the

107 On similar arrangements in other towns cf., e.g., SCHUBERT, *Der Stadt Nutz*, 107–109; ZEILINGER, *Lebensformen*, 53–55; PLASSMANN, *Stadt*, 55–57.

108 See above, note 77.

109 See above, note 54.

110 ENGELKE, *Stadtbuch*, pp. 245–246, no. 393; pp. 256–257, no. 430; pp. 426–428, no. 758 and no. 760.

111 Cf. the observations of PLASSMANN, *Stadt*, 34 and 50–57 on war and political leadership in medieval Cologne.

112 Thomas Sitauer appears to have been one such military expert among the councillors. After administering various regular and special military offices during the Town War, he remained in charge of settling accounts with the city's mercenaries after the war; see: ENGELKE, *Stadtbuch*, p. 302, no. 577.

113 ENGELKE, *Stadtbuch*, pp. 456–457, no. 855–857.

114 ENGELKE, *Stadtbuch*, p. 224, no. 306.

115 ENGELKE, *Stadtbuch*, pp. 278–279, no. 487.

116 ENGELKE, *Stadtbuch*, pp. 356–357, no. 661; p. 446, no. 823.

117 On these efforts see as well above, note 102.

118 See, for instance: ENGELKE, *Stadtbuch*, pp. 442–444, no. 816 at p. 443. For more detail see: Archive of the Historical Society of the Upper Palatinate and Regensburg (HVOR), R.RI 51 (*Ausgabenverzeichnis der Turmwächter und Torhüter zu Regensburg*).

119 See above, note 25.

lengthy fire regulation from 1389 mentioned earlier.¹²⁰ Fire protection was one of the *Wachtmeisters'* principal duties.¹²¹ However, the decree in question not only detailed the chain of command in case of fire and stipulated which guild was required to furnish which gear in the event; it also sheds light on various other functions the *Wachtmeister* performed during the war on behalf of the council: they published the councillors' instructions at local assemblies (*wachtting*), mustered the burghers' armament and fined those who were insufficiently prepared, manned the towers and walls in the sections of the city walls assigned to their respective districts, and organized night watches. Finally, they were explicitly required to supervise the comings and goings and the loyalty of their districts' inhabitants.¹²²

I will return to this point shortly, since it deserves closer attention; in the meantime, it is interesting to note that it was not only officials – like the councillors, the municipal attendants and the *Wachtmeister* – who played a part in policing the urban population's behaviour. As I said earlier, common burghers who did not hold municipal offices are also recorded as responsible for implementing the measures prescribed by the council. The decrees on closing-time regulations and gambling bans, for instance, indicate that it was the innkeepers' task to implement these ordinances in their taverns and that they were accountable for their guests' compliance with the rules.¹²³ The fire regulation of 1389 went a step further: not only did it prescribe that every householder must furnish their house with a proper lock to ensure control over who entered and left their house.¹²⁴ It also required "that every [householder] knows who rents or lives in their house, where the residents get their money from and what their profession is".¹²⁵ Should a head of household learn of people "who are useless to the city" he should report them immediately to the local *Wachtmeister* and to the council.¹²⁶ This amounts to an obligation of disclosure and denunciation, and similar obligations are present in other ordinances as well. For instance, the 1388 decree on wine prices, discussed earlier, explicitly demanded that the 82 burghers who signed an oath on the said decree report any violation of it to the council.¹²⁷ The implementation of social control in war-time Regensburg therefore did not rest exclusively on the shoulders of the city's officials but involved – more or less voluntarily – much wider circles of the urban population.

120 ENGELKE, *Stadtbuch*, pp. 442–444, no. 816. See also above, note 72. Nuremberg issued a similar fire regulation during the Second Town War, see: ZEILINGER, *Lebensformen*, 80–81.

121 On fire fighting in late medieval German towns in general cf. the survey in FOUQUET, *Bauen*, 400–414.

122 See in more detail below, note 126.

123 ENGELKE, *Stadtbuch*, pp. 206–207, no. 232. See as well the form of oath *ibid.*, p. 298, no. 559. On innkeepers as "brokers" between early-modern authorities and local communities KÜMIN, *Wirtshaus*, 84–85.

124 ENGELKE, *Stadtbuch*, 443: "Item so sol ein yeder hawswirt sein haws versliessen mit einem guten slosse, daz er wisse, wer aus vnd ein gee."

125 ENGELKE, *Stadtbuch*, 442–443: "daz ieder man wizz wen er halt oder wer er sey oder welherley zerüng er pfleg oder waz sein t vñ sey".

126 ENGELKE, *Stadtbuch*, 443: "Oder ob yeman erfür laüt, dy der stat nicht nütze waren, daz sol er meinen herren vnd dem wachmaister ze stünd sagen."

127 See above, note 104.

Conclusion

In this article I have examined texts from the “Regensburg Yellow Book” that inform us about the Town War of 1387–1389 as a crisis during which the Regensburg council intensified its grip on various aspects of its subjects’ behaviour. Within a broad understanding of “social control” I have discussed several different types of ordinances issued by the councillors during the war in their efforts to police human interaction in the beleaguered city. I have examined evidence of how these “emergency decrees” were practically implemented, both by the city’s officials and by members of the common burgher population. In addition, I have detailed the delicate political negotiations necessary to legitimize the surveyed regulations and to encourage the burghers’ compliance. One way of ensuring this compliance and forestalling possible dissent was to enact public oaths; the Regensburg council used this approach extensively, most notably in the large confederations of the citizenry. Some of the measures imposed, such as nocturnal curfews, gambling bans, the expulsion of strangers and the persecution of moral misdemeanour, had a substantial impact on the everyday life of the Regensburg population. However, it is clear from the texts examined that seemingly less drastic interventions by the council, such as price caps, also required extra backing by additional authorities, such as the Forty-five or representatives from the *Bürgergemeinde*. This shows that although the Regensburg council seems to have been quite successful in maintaining and even tightening control over its subjects during the Town War, this military crisis unsettled the established balance of power between the councillors, the Forty-five, the *Hanse* and the *Bürgergemeinde*.

Further studies should thus look beyond the war years to shed light on the medium-term effects of the Town War and to further test Engelke’s hypotheses on the development of the relationship between the various stakeholders of urban politics. For instance, several crafts codes issued by the council in the 1390s and 1400s¹²⁸ – seemingly at least partly against the guilds’ wishes – could indicate a continued tightening of governmental social control in the wake of the Town War that was already noted with regard to closing time restrictions and gambling bans.¹²⁹ This raises the question of whether the council’s attempts at further increasing social control contradict or rather support Engelke’s claim that the councillors lost part of their traditional authority over the fifteenth century to the advantage of the city’s other representative bodies. Furthermore, the wartime “emergency decrees” discussed in this article should also be contrasted with ordinances issued in connection with other extraordinary events, such as royal or princely sojourns in the city,¹³⁰ or the two large chivalric tournaments held in Regensburg in 1393 and 1408.¹³¹ Such contributions will help to further clarify whether the regulations studied in this paper were really mere short-term reactions to the events of the war, or whether the Town War also – or even primarily – reinforced and accelerated pre-existing, long-term tendencies of late medieval *Herrschaftsverdichtung* through governmental social control.

128 ENGELKE, *Stadtbuch*, pp. 358–360, no. 668–672; pp. 382–384, no. 688–689 and pp. 385–386, no. 692.

129 See above, note 79.

130 See the example above, note 44.

131 ENGELKE, *Stadtbuch*, pp. 363–368, no. 674–678 and pp. 375–378, no. 682–683. On the former see the extensive survey by: SEIFERT, *Turnier*, who nevertheless barely touches upon our subject.

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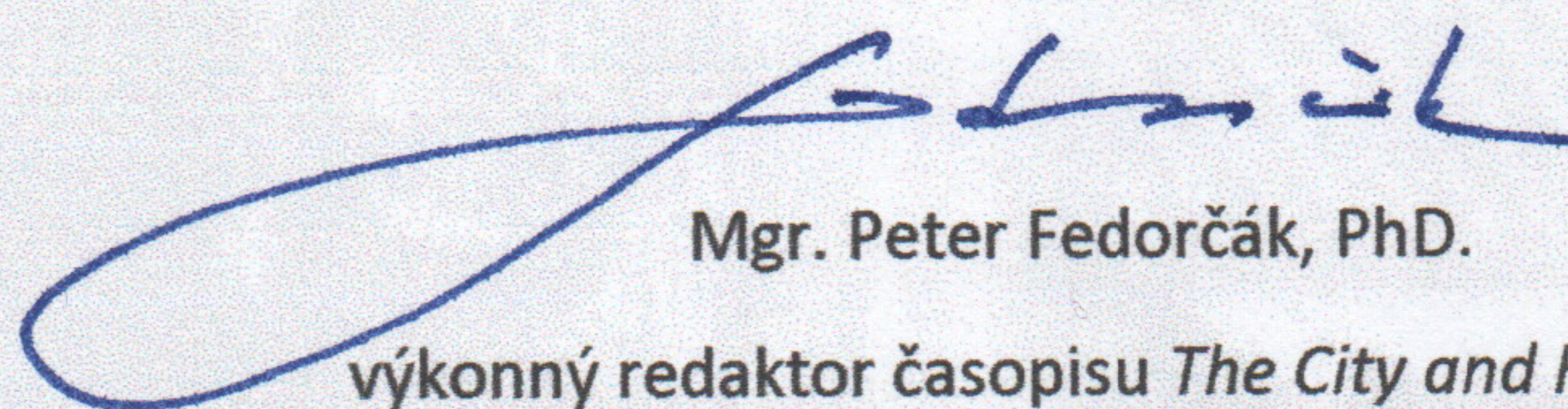
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